

INTERNATIONAL WHALING COMMISSION

44th ANNUAL MEETING

Glasgow, UK, 29 June - 3 July 1992

VERBATIM RECORD

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44TH ANNUAL MEETING

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**INTERNATIONAL WHALING COMMISSION : 44TH ANNUAL MEETING
29 JUNE - 3 JULY 1992, GLASGOW, UK**

**OPENING PLENARY SESSION
Monday 29 June 1992 : 10.00 am**

Chairman

May I call the meeting to order please. Commissioners, delegations, observers, ladies and gentlemen, we are honoured today with the presence of the Minister of Agriculture, Fisheries and Food for the United Kingdom, the Right Honourable John Gummer to whom I express on behalf of the Commission our gratitude for the invitation and the opportunity to celebrate this event in one of the finest Victorian cities in Britain, and a very dynamic one. I feel that our meeting this time is special in the way that it's taking place in the year in which most environmental issues have been reviewed worldwide, and also because this 44th Annual Meeting will be dealing with substantial issues which could settle or mar the future of our organisation. These are responsibilities and endeavours which should be resolved based in a common language of co-operation and co-operative work, among the interest of all parties here present. This spirit of co-operation I embarked last year when I was elected Chairman and it should prevail. Really it's up to us and therefore I should point out that if we are not able to solve our differences together with the aim of co-operation we will be abdicating this unique opportunity which the history of the Commission is now offering. In the past there have been problems, differences and even disputes, but I think we have been able to solve them and also to learn. Today we have experience at hand as well as an outstanding Scientific Committee which is providing advice on these issues, which as I mentioned before will define the future of our organisation. Our past experience and especially our developments will undoubtedly impact other areas of wildlife and fisheries management in the world. We have to face these with pride and responsibility, without rush but also without unnecessary delays. We have, I think, here today a common goal which is the achievement of the Commission objectives. Let us have respect and understanding for each other's interests and let us work together for this reward. Saying this today June 29th, I now officially declare open the 44th Annual Meeting of the IWC. Thank you. I have much pleasure now, Minister, to invite you to give the address of welcome.

Mr Gummer

Mr Chairman, Commissioners, delegates and observers ...

On behalf of Her Majesty's Government, may I welcome you all to this, the 44th meeting of the International Whaling Commission - and in particular to Scotland and the City of Glasgow. It's already true, I'm sure from what you, Mr President, have said, that you recognise that this city itself - one of the most ancient and proudest cities in the United Kingdom - has undergone a rejuvenation so that in its Victorian splendour it has a very remarkable technological heart and I hope that the Commission will make sure that it spends as much time here outside to see what has been achieved, particularly over recent years, in this great city. It is a great privilege for me to be able to open your meeting as I did in Bournemouth some four years ago.

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Over those years which have intervened there has been an increasing interest worldwide in the Commission's efforts to protect and conserve the world's whale stocks. That interest is expressed keenly by the public, the media and, of course, Contracting Parties themselves.

The Commission has come far in the past 46 years. But many of us remain concerned that, in its work on the conservation of whale stocks and the regulation of whaling, the Commission has frequently acted with measures which have proved to be too late - or simply too feeble - to prevent serious overhunting of the great whale stocks. The exploitation has been ruthless and reckless. We know this to be true. Until about 30 years ago, we ourselves in Britain were a major whaling nation. It gives us no pleasure whatever to recall our own part in this sad chapter. On the other hand, that history has made us determined to learn from past mistakes. And we have resolved never to risk repeating those mistakes.

Faced with uncertainties about whale stocks - the damage inflicted upon them, doubts about their abundance and distribution, and serious concerns about the effectiveness of conservation measures - the Commission rightly agreed to a moratorium on all commercial whaling. This came fully into effect in the 1985/86 season. We pressed hard for that moratorium. In our view, it has created an essential breathing space to allow the IWC to take a thorough and hard look at whale stocks; and to develop new and far safer procedures for their future conservation and management. This process is beginning to take shape.

But one of the lessons we have learnt from past efforts is that these essential tasks just cannot be rushed. Seen in the context of the long history of man's exploitation of whales, the moratorium is a novel, very recent and almost entirely unassessed development. It took a number of years to get the moratorium established and accepted. This means, I believe, that the Commission has to move with quite exceptional caution before even considering lifting it. Now some, Mr President, claim that the terms 'stewardship' and 'heritage' are overworked concepts. We do not. It is very clear - not least in the discussions at the Earth Summit - that all our governments accept that this planet and its resources must be left in better shape for our children than we found them. This generation is on trial. Man, the only predator capable of reason, stands accused of mindlessly endangering the whole natural order. Like our fathers before us, we have ceased to use resources and instead exploited them. That exploitation has turned all too often into rape. Yet this world was not given us to force our will upon it. We were created not as masters of the universe but as preferential shareholders. Our privileged position - our strength, intelligence, inventiveness - has given us the duty to preserve, and the power to destroy. We who have raided and ravaged our natural resources cannot trust ourselves too much or too far when at last we begin to learn the stupendous folly of our ways. None of us here can deny that we all too readily revert to old habits. We who so few years ago seemed set on destroying whole species of whales forever must realise that the world will not allow us to risk a return to the barbarity of the past.

And it is the world's business. Whales are an international - not a national - resource. A million or more have been killed this century in Antarctica alone. In a bloody and systematic way, nearly all of the great whale stocks have been hunted down to depleted or even seriously endangered levels. The minke whale might be looked upon as the last in the line. Thankfully - and the moratorium has played its part in this - the stocks of minke whales have so far been generally spared.

Against this history and this background, I firmly believe that the burden of proof for lifting the moratorium and the protection it gives to what is now left of our great whale stocks must rest with those who say they want to continue to exploit them.

Nations who do not shrink from telling others unpalatable environmental truths must not expect to be taken seriously if they then fail to meet their own international responsibilities.

We in Britain are keen supporters of the International Whaling Commission. We know it has had its past failures. Yet the Commission is widely recognised internationally as the body best placed to deliver agreed systems for the conservation and protection of whales. Whalers, non-whalers and ex-whalers must continue to work together as you, Mr President, have said, and maintain the momentum of the Commission's work and the more precautionary approach it is at last taking.

I have spoken about the moratorium and have tried to set it briefly in its historical context. But let me be specific about what we hope will emerge this week. I have to say that we in the United Kingdom cannot and will not even contemplate any lifting of the moratorium on commercial whaling unless we can be satisfied on a number of crucial points.

First - and this should go without saying - we have to be fully satisfied that whale stocks are at healthy levels.

Second, the Commission's history of regulating the catches of whales - first through the Blue Whale Unit and then the New Management Procedure - has created little confidence. We must be assured that the revised management procedures are robust; comprehensive; defensible; and above all prudent. Moreover, we firmly do not see the RMP as merely a piece of theoretical modelling. We value the complex and difficult work of the Scientific Committee to which you, Mr President, have referred. Those calculations are vital. But mathematics are only a step on the way to better and more cautious management. That

management scheme must also involve proper and effective inspection, enforcement, and monitoring arrangements which are agreed all round and which command full international respect.

Nothing would do our Commission less good than to decide on what was theoretically acceptable, remarkably efficient, but not actually enforced.

Finally, we have long been concerned in this country about the humaneness of the methods used to kill whales, which many people regard as particularly sentient animals. My predecessors have spoken to you about this since the late 1970s when they themselves opened earlier Commission meetings held in this country. We are very concerned about present methods of killing whales, and must insist upon improvements as a precondition of any lifting of the moratorium. We await with keen interest and concern the Commission's consideration of the studies of the special Workshop.

Mr Chairman, I would like to say a few final words about the two specific items on your crowded agenda. You will be considering a proposal for a circumpolar whale sanctuary in the Antarctic. The concept of whale sanctuaries is by no means new to the Commission, though this proposal is more radical and more extensive. Its proposers seek the guidance of the Scientific Committee on some particularly complex questions. We also have relevant and related concerns about indicators of environmental degradation in the Antarctic, and hence questions about what these might mean for whale stocks and their habitats. As the IWC will know, the United Kingdom has long taken a leading role in Antarctic affairs - from early exploration, through scientific research, our support for Antarctic treaties, and most recently our discoveries about ozone depletion. We are much interested in these issues and, using our acknowledged scientific expertise, we hope to be able to contribute in those fora - such as SCAR (the Scientific Committee on Antarctic Research) and CCAMLR (the Convention on the Conservation of Antarctic Marine Living Resources) to which the Commission may need to turn to for expert advice. Participants in the IWC will be aware of the widespread welcome given to the proposal for a whale sanctuary. They will therefore want to bear this very much in mind when considering the proposal. We acknowledge that it will require patience and understanding from all concerned. For my part, I certainly find it an interesting, inventive and challenging proposition.

Finally, Mr Chairman, I return to a point which has long been of interest and concern to the United Kingdom. Throughout the debates within the Commission about competence for small cetaceans, we have not wavered from the view that the IWC is competent - both legally, technically and scientifically. That competence leads to need to play a major role in the protection of small cetaceans. We recognise also the role of the new regional agreements - for example under the Bonn Convention - which we hope will draw on the expertise and scientific knowledge on whales available through the IWC. In our view, the protection of all cetaceans needs to be looked at in the round. The history of the exploitation and overhunting of the great whales shows all too clearly the pressures on one stock leads to depletion and, in turn, pressures on the next. We can't ignore this. It's part of our history. And, you know, the thing that perhaps depresses me most is those who say well we've had a moratorium for a bit and things are not quite as bad as they were so why don't we start making them worse again. What we have to say instead is we are beginning to make the moratorium work and we've got to look at some of the other things which it has in part led to. And one of those is a pressure upon the small cetaceans which is increasing and needs to be diminished.

That is why we have supported international moves in the United Nations, and within the European Community, to reduce incidental catches of dolphins and porpoises. We greatly applaud the courageous and correct steps taken to phase down or phase out large scale, pelagic drift netting in the Pacific.

And we in the United Kingdom have phased out drift netting which didn't have any of the objections which were true in the Pacific but which might lead others to be less tough than they would otherwise have been by using that as a kind of example. That has been hard to our fishermen. It's been something which many have not understood but which we have had to do because we were determined that no-one should use us as an excuse for not protecting the small cetaceans in the Pacific and elsewhere. And there are other cetacean species which are under severe attack too. Progress must be made to protect them, whether the fisheries are direct or indirect. This is the more important now that the moratorium means that some whalers have redoubled their efforts towards the unprotected stocks of small cetaceans.

Mr Chairman, you have a substantial work programme ahead and some serious issues to face. Your welcome to Glasgow is a warm one. To all represented here, may I wish you the most successful of meetings. May I hope that you will return to your own countries with good memories of this great city in Scotland and may I give you my best wishes for a good outcome to your difficult deliberations.

[Applause]

Chairman

Thank you, Minister, for your words, on behalf of the Commission, for making clear the position that your country will have in this Annual Meeting. You touch upon the critical issues we have to face this week and I am very sure, Sir, by the end of this week we will have better solutions and we will achieve the objectives of this Commission. I thank you also for your wishes and for the warm welcome that you gave us all, Thank you so much.

I will now adjourn the meeting in order to escort the Minister, so the meeting is adjourned for a few minutes.

[Short adjournment]

Chairman

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I would like to resume the meeting. Our next item in our Agenda is the Opening Statements. The normal practice is to accept the statements of the delegations in written form, but it has also been customary to give the opportunity to the new members who joined the Commission if they wish to speak at this time, so the floor is open for the new members if they so wish - no. We also have a request from the Norwegian delegation to present at this time the position of their Government so I will give the floor to Norway please.

Norway

Thank you very much, Mr Chairman. About an hour and 22 minutes ago the Prime Minister of Norway gave a press conference in Oslo, in which she announced that the Norwegian Government has decided that Norway will resume commercial harvesting of minke whales on a sound scientific and sustainable basis in the 1993 season. I will take the liberty, with your permission Mr Chairman, to read out the Press Release that was issued in Oslo at the same time, called *Norway's position on harvesting of minke whales and Norway's relations with the International Whaling Commission*.

"The Government has decided that Norway will resume commercial harvesting of minke whales on a sound scientific and sustainable basis in the 1993 season. The Scientific Committee of the International Whaling Commission has now prepared a proposal regarding Revised Management Procedure, which if adopted by the IWC will make it possible to establish quotas for the harvesting of minke whales next year.

The Norwegian delegation to the IWC Annual Meeting which begins in Glasgow today will focus its efforts on working to ensure the adoption of a satisfactory management procedure for minke whale stocks which will provide acceptable quotas for Norway in the 1993 season. In the event that the IWC does not adopt the necessary decisions Norway will, in accordance with proposals made by the IWC Scientific Committee, establish the quota for commercial harvesting of minke whales in 1993. Recent research has demonstrated that the 1985 IWC classification of minke whales as a protected stock is not warranted. Norway made reservations both with regards to this classification as well as to the 1982 moratorium. The Scientific Committee of the IWC has only a few days ago reached a unanimous assessment that estimates in northeastern minke whale stock to be 86,700 animals. The harvesting of stock of this size on a sound scientific and sustainable basis is fully justified.

The Government's decision is in keeping with the measures adopted at the UN Conference on Environment and Development (UNCED) in Rio which established that 'the objective of achieving conservation and sustainable use shall also apply to all marine living resources including marine mammals'." End quote. I thank you, Mr Chairman.

Chairman

Thank you, Norway. We can move now to the next Agenda Item which are Arrangements for the Meeting. I will call the Secretary of the Commission to give us the information. Dr Gambell, please.

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Secretary

Thank you, Mr Chairman. All delegates will have received basic information sheets to indicate how the practical arrangements for the meeting are organised this year. Our primary contact with you is through the pigeonholes in the Ante-Room at the entrance to this room and if we receive documents for distribution or any personal correspondence in the form of letters or faxes they will be passed to you through those pigeonholes. If you require any assistance in preparing material for the meeting the Secretariat Office is on the floor above this one in the Arran Suite. In fact, immediately above this meeting room. If you go to the receptionist on duty there she will be able to direct you to wherever you need the practical assistance you are looking for. I would say that we do ask you not to leave any bags or briefcases unattended, either in the meeting room or in the corridors or other areas of the hotel. Please do not leave any of your bags lying about. The timetable for the meeting is at your own discretion but we have arranged for tea and coffee breaks at 10.30 and 3.30 and the rest of the meeting timetable will obviously depend on your own agenda, but I should say that there are receptions arranged tonight being given by the Government of the United Kingdom and tomorrow by the City of Glasgow. The venues for these, and you will receive invitations, are a little away from the hotel and so we have arranged for buses to transport everybody to those receptions. This evening the buses will leave from 6 o'clock outside the hotel and I will give a reminder at the end of this afternoon's session, but the buses will leave from 6 o'clock and will wait at the venue for the return journey to bring you back here. I think that is all I need to say at this time, Mr Chairman. If there are any questions that delegates have, please make the contact through the Secretariat Office and we are here to assist you in every way possible in connection with the meeting. Thank you.

Chairman

Thank you, Dr Gambell. I will now adjourn the meeting for coffee break and I intend to start at 11 sharp with the rest of the Agenda. The meeting is adjourned.

Secretary

Can I just ask the members of the Press to leave during this interval. Thank you.

[Coffee break]

Chairman

Can I call the meeting to order please? Let's continue with our work this morning. We have Agenda Item 4 Adoption of the Agenda. You have received the Provisional Agenda and it is customary in the Commission to have circulated 60 days in advance. Are there any comments on the Agenda? Japan.

4

Japan

Thank you, Mr Chairman. With regard to the Item 4 of the Agenda our delegation has thoroughly reviewed and we would like to have under 11 an inclusion of 11.1.4 North Pacific minke whales. Mr Chairman, after the Scientific Committee reports to the Commission I would like to propose the implementation of RMP on the North Pacific minke whale stock. Further on, Mr Chairman, Item 12 Indian Ocean Sanctuary proposed by Seychelles on IWC/44/20 - proposal for the amendment of Schedule paragraph 7. This infringes upon the Rule of Procedure J Order of Business allowing 60 days in advance of the submission of the proposal and therefore it should be removed from the Agenda. Mr Chairman, with regard to Item 12.2 - the proposal by France for a Southern Ocean sanctuary. We have stated our position in full in the letter presented on 23 April 1992. However, I like to reiterate that this proposal would make a sanctuary of all of the whale species in the whole of the Antarctic area and therefore I think this objective is counter to the spirit of the International Convention for the Regulation of Whaling and also the spirit and objective embodied in the sustainable development clause in UNCED. Therefore it also counters all of the energies and efforts catered by the IWC Scientific Committee members to achieve the Comprehensive Assessment and the completion of a revised management procedure. Where the 760,000 minke whales abide we cannot ignore this scientific fact and therefore I think it is an inappropriate agenda item and request a deletion. Thank you.

Chairman

Thank you, Japan. Let me just clarify. Part of your proposal, and maybe there was a translation problem, was referred initially as North Atlantic minke. The second part we hear about the same proposal was North Pacific minke, so can you clarify which ones you want to annex on Agenda Item 11.1.4?

Japan

Agenda Item 11.1.4 is North Pacific. Excuse me.

Chairman

Thank you. Now, regarding the second comment you made on Agenda Item 12, 12.1 and 12.2, I will not open the floor for further discussion of these. I will rule that these Agenda Items were received in due time in accordance with the Rule of Procedure. They are part of our Agenda and I will rule now that they will be discussed and debated during the meeting. Are there any other comments? Thank you. Can I open the floor for the suggestion of Japan on adding to our Agenda on the other stocks the North Pacific minke? It seems everybody is in agreement. Then we will discuss that in due time. Then we have adopted our Agenda and I will instruct the Technical Committee to work with Agenda Items 10, 11 and 12. In accordance with my schedule for this meeting I think tomorrow we will have a short plenary in the morning and then will reconvene as the Technical Committee to start the discussions on Agenda Items 10, 11 and 12 in Technical Committee.

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We can move to the next Agenda Item 5 Appointments of Committees. I will ask the Secretary of the Commission to give us the background information.

Secretary

Mr Chairman, the normal procedures in this Commission are that delegates are polled to see if they wish to be represented on the Technical Committee which will meet during this week and it has become customary because, effectively, it is a Committee of the whole, rather than poll everyone to ask if any delegation wishes not to be on the Technical Committee. In other words we ask for removals rather than direct nominations. If that is a satisfactory procedure this year may I ask that you pose that question, Mr Chairman?

Chairman

I think that will save some time. Are there any comments? Denmark - sorry, Iceland.

Iceland

I would like to point out that Iceland will accept to be in the Technical Committee only for this day. Thank you.

Chairman

Thank you, Iceland.

Secretary

Thank you, Mr Chairman. The other Committee for which we need to have nominations is the Scientific Committee which will meet, or will certainly be engaged in work by correspondence, through the coming year. So I would like to poll the Commissioners to ensure that we know which governments wish to have scientists working in the Scientific Committee through the coming year and if there are any changes from our existing list, to ask those delegations to give me the names and the addresses of the scientists so that we can maintain contact. Those names and addresses after the meeting, please. So I will poll the Commission for representation in the Scientific Committee.

Australia - yes; Brazil - yes; Chile - yes; People's Republic of China - no; Denmark - yes; Dominica - no; Finland - no; France - yes; Germany - yes; Mr Chairman, for the record I will call Iceland.

Iceland

Thank you. I think I don't actually have to give any reply now on this. You will understand our position. Thank you very much.

Secretary

Thank you, Mr Chairman. I note the position. Ireland - no; Japan - yes; Republic of Korea - yes; Mexico - yes; Monaco - no; Netherlands - yes; New Zealand - yes; Norway - yes; Oman - no; Russian Federation - yes; I'm not sure - is St Kitts and Nevis here?

St Kitts and Nevis

Yes, it is here. The answer is no.

Secretary

Thank you. St Lucia - yes; St Vincent and The Grenadines - yes; Seychelles - yes; South Africa - no; Spain - yes; Sweden - yes; Switzerland - yes; UK - yes; USA - yes. Thank you, Mr Chairman.

Chairman

Thank you, Secretary. That disposes of Agenda Item 5. We can move now to Agenda Item 6 Revision of the Schedule. The report of the Working Group is document IWC/44/14. I will ask the Chair of this Working Group, the distinguished Commissioner from Brazil, Mara Goes, to present this report please.

6

Chairman of Working Group on Revision of the Schedule

Thank you, Mr Chairman. Mr Chairman, our Working Group met on 24 June and there were 16 delegations from Contracting Parties present and 5 NGOs as observers. Our terms of reference, Mr Chairman, can be found right at the beginning of our report. The document we worked on was prepared by the Secretariat, in particular by the Secretary of the Commission, and we were very fortunate to be able to count on his experience for preparing such a document. Our main task, Mr Chairman, was to identify areas in our now ten year old Schedule, that is our Schedule that has not been fundamentally changed over the last ten years, to identify areas which ought to be changed or put in order and modernised. In our terms of reference, Mr Chairman, we interpreted our terms of reference as allowing us to review material available until the last Annual Meeting, that is the version of the Schedule on which we based our work was the 1991 version. We at all minutes faced the temptation of coming up with new suggestions for introduction to the Schedule. However, we consider that these suggestions were welcome and were very good insights for future modifications. However, we could not at that moment work on them because they had not yet passed by the Commission. In this category of information, Mr Chairman, we had of course some very valuable information from the Scientific Committee's meeting which had just finished a few days before and you can read about that on Page 2, the first two paragraphs.

6.1

Based on the new draft presented to us by the Secretary we went over the chapters he proposed which were of the number of 11 compared to the 6 which are now in the current version of the Schedule. You can read chapter by chapter the areas we have identified for updating and the problems we faced to start our work. Most of these problems relate to the fact that the Schedule, of course, incorporates decisions not only from this Commission but from all Working Groups and the Scientific Committee, and that we need guidance from one and every body in this Commission. There was, however, under Chapter 2, quite an interesting issue that came up and that is that our Secretary proposed that the whole structure of the Schedule be modified and start off from the premise that the taking of baleen and toothed whales is prohibited and follow with exceptions to that general prohibition. This, of course, was something new to everyone present and it was very much discussed. At the end of the meeting, Mr Chairman, we had not yet arrived at a conclusion and this is one of the points we submit to this Commission for guidance.

We could not do much under Chapter 3 because, of course, we are awaiting the catch formula of the RMP and related matters. The same has to say as to Chapter 4 and Chapter 5. Chapter 6, of course, we needed the results of the Workshop on Humane Killing and of the Working Group which only met after we did. We now could possibly have more material for redrafting Chapter 6 Method of Capture. We could not do much under Chapter 7 or 8 - especially 8 - because in that Chapter we really need technical expertise which had not yet been conveyed to us. Again under Chapter 9 we could only discuss and identify items which have to be reviewed by this Commission, especially the current system of national inspection and in which items this system of national inspection should be submitted to international supervision and to what degree and what kind of scheme should be set up, whether the old scheme should be continued or something completely new should be built up. Under Chapter 10, Mr Chairman, of course, we were very dependent on the Scientific Committee's work. Although they had already advanced some information to use it was not enough yet to be able to redraft this important Chapter on the information required. Again

we were again in the hands of this Commission under Chapter 11 Aboriginal Subsistence Whaling because of the need whenever deemed appropriate to start the review of the aboriginal subsistence management regime.

Mr Chairman, we could not start drafting (if you go to Number 7), so under this item we are asking the Commission for still some more definitions and guidance. However, our main request for guidance can be found under Part 8 of our report which is the end of Page 3 and the beginning of Page 4. We, of course, ask for general guidance on the continuation of the work and for four specific items which we hope encompass our main concerns during the work. My final reminder to the Commission is that, of course, although we wouldn't want to set it down in our report, another important item for decision is whether this Working Group is supposed to continue to work or not.

I hope the work we did in this day, Mr Chairman, can be useful for this Commission and I thank all the delegations who worked with me. Thank you.

Chairman

Thank you, Brazil, first for chairing this group and also for your presentation this morning. I will open the floor for comments or questions from the report of the Working Group on Revision of the Schedule. Are there any comments? Japan.

Japan

Thank you, Mr Chairman. Before I start my intervention I have to ask you, Mr Chairman, a great portion of my intervention would have to be made in reference to the Scientific Committee Report and Scientific Committee Report has not been officially presented to this Commission, and therefore how should I go about with the reference to the Scientific Committee Report?

Chairman

I think, Japan, you will have the chance later on during the week when we review the Report from the Scientific Committee to come back to this point which is touching some of the Schedule points you probably are concerned. At this time I will ask the delegations to concentrate on the report as has been presented by the distinguished Commissioner from Brazil and to have any comments or questions only on this report. Thank you. USA.

USA

Thank you, Mr Chairman. The US supports the recommendations of the Working Group and, like you, commends the excellent work of the Chair in overseeing this Group. We recognise that a number of important issues must be addressed by the Commission before specific recommendations can be considered. As the Chair of the Working Group noted, the Working Group did invite the Commission to address the approach proposed in Chapter 2 of the working document considered by the Working Group which in essence says that the taking of whales is prohibited except where noted. This approach captures the operation and the Schedule as it exists today under the moratorium on commercial whaling and, while the US can support this approach, we also understand the concerns other delegations may have and recognise that more work must be done on this, but the approach itself I think has considerable merit. Finally we note our intention to propose that a new Working Group be established specifically to address concerns regarding the Observation and Inspection schemes as well as issues of data collection, verification which may arise in the context of the implementation of the RMP. Additionally, other Chapters of the Schedule may warrant further study and work by this or other working groups. Therefore, Mr Chairman, I would like to propose that Item 6.2 Action Arising be held open at this time. Thank you, Sir.

Chairman

Thank you, USA. Any other comments? Denmark.

Denmark

Thank you, Mr Chairman. Just to allow me a very brief remark concerning our attitude. We feel that naturally the starting point should be the acceptance of the principle of sustainable use when possible and then add on restrictions and prohibitions as adopted by this Commission. The special question of small cetaceans are mentioned and I think you are all aware of our attitude to that and let me then end by saying that we naturally would accept further discussion in the next year of this group if that's the wish of the Commission. Thank you.

Chairman

Thank you, Denmark. Any other comments? Spain.

Spain

Thank you, Mr Chairman. I like first to thank the Secretary and Brazil for their excellent work that they have done, but the Spanish delegation, Mr Chairman, would like to keep its reserve, the reserve it has put in the Working Group relating to Chapter 2 Applications because we have very serious doubts. If this specification is consistent with our constitutional arrangements - that's to say, Mr Chairman, we are prohibiting in general the activity which refers to a range of species which include as well in this range, this wide range of species, many species of the small cetaceans and, as you know, Mr Chairman, we have also some doubts if this Convention could deal with this small cetaceans. We are very open, Mr Chairman, to consider all those things and it's not an opposition to this specification, it's just reservation until we will have the opportunity of studying more seriously this specification of Chapter 2 Applications and to consider the legal implication is has because in our system, Mr Chairman, when we want to prohibit something we regulate that thing or we prohibit that thing and this does not preclude that we have prohibiting all any other range of indefinite things. We have these kind of doubts, Mr Chairman, and that's why we would like to keep our reserve for the moment. I will be very happy to give a wider explanation to the Commission later on during this meeting. Thank you, Mr Chairman.

Chairman

Thank you, Spain. Your reservation has been noted already in our records and we have the suggestion of the US for the continuation of this group or another group as well as the suggestions to refrain from dealing with Agenda Item 6.2 which is Action Arising, this point. Can I have some comments on this proposal? Can I take then that the ... Sorry, Australia.

Australia

No, simply in agreement, Mr Chairman.

Chairman

Then, Norway.

Norway

Yes, Mr Chairman. I would also say that my delegation is completely in agreement that we postpone the consideration of 6.2 until a later stage. Thank you.

Chairman

Thank you. I think this is agreement of all Commissioners here then we'll postpone this 6.2 to another time. Any other comment on this report? If not, we can move on to the next Agenda Item which is Humane Killing. It seems none, then please move to Agenda Item 7 Humane Killing. We have the report of the Working Group, it's the document IWC/44/18. I will ask the distinguished Commissioner from the Netherlands, von der Assen, to present this report please.

7

Chairman of the Humane Killing Working Group

Thank you, Mr Chairman. Mr Chairman, the report of the Working Group can be found in document IWC/44/18. It has an Annex containing an extract of the report of the Workshop on Whale Killing Methods which was held from 20-22 June. I've been informed by the Secretary that the full report of the Workshop should also be appended to the report of the Working Group in order to make it an official document of the Commission and I trust it will meet with the approval of the members of the Working Group if it is decided now to append the report of the Workshop to the report of the Working Group. I understand it has been reproduced by the Secretariat and it will be distributed, or has already been distributed, through the pigeonholes.

7.1

A list of participants of the Working Group can be found in Appendix 1 on Page 12 and 13. In Appendix 3 you will see (Appendix 3 is on Page 15) that the Working Group in addition to the report of the Workshop received four papers dealing respectively with the introduction of the detonating grenade harpoon in Greenland, hunting efficiency and recovery methods developed and employed by native Alaskans in the subsistence hunt of the bowhead whale, the proposal for a working definition of humane killing of whales

by Japan, and a second proposal for a working definition of humane killing of whales by New Zealand. In Appendix 2 on Page 14 you will find the Agenda of the Working Group and the terms of reference. I note that some governments supported last year the addition of the words 'and other whaling activities' to the original terms of reference and that other governments have opposed such an addition.

Before discussing the report of the Workshop, the Working Group dealt with a point of order raised by the Norwegian delegation concerning the confidentiality of the Workshop report. It also dealt with a suggestion by Japan to discuss the possibilities of restricting the number of observers. As to the first point it was explained by the Chairman that the rules of confidentiality had apparently been broken and this was a regrettable incident and the attention of everybody was drawn to the rules pertaining to the confidentiality of reports and request was made to respect these. As to the second point raised by the Japanese delegation, it was decided that that point really had a wider application and should not be further discussed or decided at the meeting of this Working Group.

- 7.1.1 Now, obviously, the main item of discussion was the report of the Workshop. The Chairman of the Workshop gave an explanation of the report in a presentation in which he indicated that there remained many gaps in the knowledge as it relates to the humane killing of great sea mammals. The report consisted really of two parts - the first part being of a highly technical nature which gave rise to some discussion and comment. The second part consisted of the series of points by the Workshop called 'Advice and Recommendations to the Commission and/or the member governments'. The discussions in our Working Group concentrated on these points of advice and/or recommendation. After rather lengthy discussions which you will find adequately reflected in the report, it was eventually decided to pass on the ten points proposed by the Workshop to the Commission and, where applicable, through the Commission to the member governments for further action. You will note in our report that on most if not all points some member governments have committed themselves to action in future years. In addition to the points raised by the Workshop, an extra point 11 was added on the proposal of the United Kingdom and it encourages the Commission both to review progress regularly in the areas mentioned by the Workshop, seeking data and papers, and to consider holding further Workshops.
- 7.1.2 The Working Group, after having dealt with the report of the Workshop, then went on to discuss the paper submitted by Denmark on the introduction of the detonating grenade harpoon in Greenland. The Working Group heard the explanation given by the Danish delegation and accepted that with gratitude and decided to pass it on to the Commission. On the Alaskan bowhead operation, the United States presented
- 7.1.3 a report or document on the hunting efficiency and recovery methods developed and employed by the Alaskans in the subsistence hunt of the bowhead whale. The presentation by the United States gave rise to one comment and it was decided that this document would also be passed on as information to the Commission.
- 7.1.4 Under Agenda Item 9 Other Matters there was a brief discussion of a point that had been raised earlier during the meeting which dealt with the definition of humane killing. It was noted that the Working Group, like the Workshop earlier on, had conducted its discussions on the basis of the 1980 definition. At the same time it was noted that there had been proposals for changing this definition but it was eventually decided that it would not be useful to try to decide on the new definition at this stage. Instead it was decided to recommend to the Commission that further work on the question of a definition be taken up if and to the extent the Commission decides is desirable in the context of the other items that were passed on to the Commission for future action.

I think that this presentation probably highlights the main points of discussion, Mr Chairman. I would like to end my presentation by expressing thanks to all the participants for their generally good behaviour and I would also like very much to thank the Rapporteur, Miss Pam Eiser of the Australian delegation, for the excellent job she has performed in putting together this report. I can assure you that it was not an easy task and you will agree when you have attended that meeting. Thank you.

Chairman

Thank you, Netherlands. I also thank you deeply for your involvement in this Working Group and chairing this and for the presentation. Let me get first agreement from the floor on the distribution of the Workshop report. Can I take that this is an agreement that we have to circulate this paper to everybody, to make it available? It seems so. Thank you. Then let's open the floor for comments or questions on the

report of the Humane Killing Working Group. Any questions?

Japan

Thank you, Mr Chairman. I first of all like to express our appreciation to the Working Group Chairman for having done a very excellent job. What is humane or inhumane of an animal is to be determined by the individuals in each individual way of thinking. However, in IWC in order to shorten the death time of the whales various attempts have been made from various technological and scientific aspects. As a result we have come to the completion of the development of the use of explosive harpoon which was determined to be the most humane way of killing whales, and therefore in commercial whaling operations all of the catches are made with the use of explosive harpoons. In particular the minke whales are small whales and therefore we once wondered if it would really be humane or would it be dangerous to use explosive harpoons. However, with the development of the penthrite explosive harpoon which was developed in 1983 by the effort of the Japanese technological team - we know that in some cases of the killing of the wildlife the death time is sometimes very often more than ten minutes - we have been able to shorten the killing time and death time of the whales down to two minutes. With the epoch-making progress and in the 35th IWC Annual Meeting in 1983 this development was reported and the successful result was praised highly by majority of the member nations including USA, UK, Australia and New Zealand and I am very pleased to note that this technology has been transferred to Norway, Iceland, Greenland and Alaska. However, in the recent years the Japanese position has never been changed since then, that this matter of humane killing of the whales has been resolved and finalised in that 1983 stage. However, in recent years I note that there are certain opinions in the world that killing method of the whales is inhumane. However, we haven't changed our view that the penthrite explosive harpoon is the shortest and the most humane method to use for killing the whales.

In consideration of the limited financial resources of IWC and effective distribution of that resource I don't think it is appropriate to further spending the effort and energy on this matter unnecessarily. We know that from June 20-22 the Workshop on Whale Killing Methods was held here in Glasgow and this Workshop presented 11 items of advice. Although the Japanese position has not been changed with regard to the belief that it is outside of the competence of the IWC we do not hesitate to listen to the experts including veterinarians and continue cooperation on this matter.

I would like to refer to the 11 items of advice made in this Working Group. Page 11, Item 7, fourth paragraph from the last, has the collection and provision of information on the time to death from the research we are conducting in Antarctic. We shall endeavour to cooperate with this item. With regard to the number 11 on Page 8, the last two paragraphs after the big italics 'Next Steps', Japan is in opinion that the humane killing method should be treated with Working Group; that would be sufficient and I would not require a further Workshop.

Mr Chairman, on Page 4 of the Working Group report you would note that Japan proposed a new definition of the humane killing, that is the italic writing on fourth paragraph, and in response the Working Group had some other original definitions countering the Japanese proposal and I would like to draw your attention to the second last paragraph of this Page 4 in which New Zealand said 'New Zealand expressed the view that this draft is flexible, allows for future improvement in technology and reinforces the recommendations of the Workshop' and then it added that 'this definition does not address human safety or utilisation of the whale as it considers these as secondary concerns which improved killing techniques would address'. This kind of concept ignoring the risk faced by the operators and human beings cannot be allowed and cannot be permitted from our principle. We regard the principle of the respect to the human life is the most important. Thank you, Mr Chairman.

Chairman

Thank you, Japan. Any other comment? UK.

UK

Thank you, Mr Chairman. Perhaps I could start as the Japanese delegation did by expressing our very grateful thanks to the Chairman of the Working Group, Commissioner von der Assen, and saying also that we were very grateful too for the excellent Chairmanship of Professor Sir Richard Harrison of the Workshop. You will know, Mr Chairman, that the UK is very interested, indeed very concerned, about the humane killing aspects in whaling. We pressed for this Workshop and we believe that it has achieved some

good results with some ideas for further progress which we do want to see followed up. Equally I have to say, Mr Chairman, that there were some disappointments. It was very disappointing to have so little data on the humane killing methods in pelagic whaling in the Antarctic since 1983/84 season. The data we now have in that area and in that form of whaling is now nearly nine years old. We understand during our discussions that some data has been collected and we hope very much that the Japanese will be able to provide this data so it can be analysed and looked at. But there was, I think, a disappointment too in our delegation about our inability to reach a suitable definition - and a more modern definition - of humane killing. I quite appreciate the points that have been made by Japan, and I have said this previously, about the risk to humans and of course the risk to meat quality from their point of view. Our approach I think, Mr Chairman, is to focus primarily on the risk to the whale of being hit and the humaneness of killing whales that way.

Having said that there were some disappointments I have to say there are also some serious concerns. The data we were presented with did show that the times to death, whilst showing some improvement in the use of the penthrite grenade over the cold harpoon which we have long campaigned against, are still very disturbing. We are disturbed also about electric lancing as a secondary method of killing whales that are not killed quickly through the use of the penthrite grenade. We have serious concerns too about rifle fire as a primary means of killing cetaceans. Lastly, we do have serious concerns about the pilot whale hunt fisheries, both the methods which have been used and the point at which pilot whales are struck. We noticed during our discussions - and I think this was common to all delegates taking part during the Workshops and in the Group itself - that there was a distinct lack of knowledge about the way in which whales die. We are still not sure how the penthrite grenade kills whales. Is it by shock or is it by blast? We still have insufficient knowledge of the neurophysiology of cetaceans to understand pain perception and pain pathways. In the lack of this knowledge on which more progress must be made, we are very keen to strike the principle that the benefit of the doubt is given to the whale primarily. We do want to make progress, we want to keep up the momentum which is why we have pressed for further working groups, further workshops as necessary. Mr Chairman, I hope we do not close this item at plenary session and I hope we can come back to it later during the week. Can I also say we are very happy indeed that the full text of the Working Group - sorry, the Workshop - report is circulated for all to see. Thank you very much indeed.

Chairman

Thank you, UK. Australia, Japan and I wonder if the US requests the floor? No, OK. Then I have Australia, Japan, Denmark, New Zealand and Germany. Australia has the floor.

Australia

Thank you, Mr Chairman. Mr Chairman, we would also like to add our thanks to the Chairman of the Working Group for producing such a useful report and I think also our thanks to the United Kingdom for the suggestion last year which came to the reality of the Workshop beforehand because I think that has been a particularly useful exercise and while, like the United Kingdom, we understand some of the concerns of Japan as just outlined by the Commissioner, we do have also other views. As summarised by the Workshop Chairman the Workshop and the Working Group has come up with some advice that the Working Group will have to turn into recommendations in essence, I think, directed to specific governments if it is to have any effect. In broad terms we think it relates to getting analyses of existing information presented to the Commission so that it has as much information as possible on what has occurred in operations in the past. Of particular concern, as already mentioned by my UK colleague, is the lack of analyses from more recent Antarctic minke whaling.

Secondly, conclusions that further development of the penthrite grenade itself may make some difference in reducing the incidence of longer times to death that arise from failure to explode or other malfunctions but that reduction of the unacceptable high proportion of whales in which there are long times to death will depend on tighter controls over when attempts are made to harpoon the animals and improvements in technology and techniques to give a more accurate delivery. The use of electric lances as secondary killing techniques also needs to be reviewed with a careful reassessment made of any available information. The Workshop has made it quite plain that the use of rifles to kill unsecured cetaceans, possible in a number of hunts, is not an acceptable technique and simply should not be continued. A conclusion that can be drawn from the Workshop is that killing of whales is often not humane. We view such conclusions most seriously, as indeed I identify in my opening statement. There is no suggestion that additional whales should be

taken under any arrangements to test further the methods currently used. There is a clear message that where whales small, large or intermediate are killed in operations under the control of member governments under Scientific Permit or aboriginal subsistence provisions, those operations should be permitted only under a regulatory framework in which the ideal applies of killing methods which cause death without pain, stress or distress perceptible to that animal. A necessary component of that is that methods used will render the animals insensible instantaneously.

The advice on collection of information and material relating to the efficacy of killing techniques too should not be regarded as an incentive to kill whales to obtain information. It should simply be a component as far as possible of any kills that are authorised by member governments. In that way information will be gathered that will allow the processes begun at the Workshop, which we think were a valuable start, to continue with an improved information base in the future. It's that information base that the Commission, we think, needs.

Finally, Mr Chairman, I should make it crystal clear that, despite various comments in reports, that any taking of wildlife in my country is governed by quite stringent laws and codes of practice which are designed to make incidents of cruelty zero. Thank you, Mr Chairman.

Chairman

Thank you, Australia. Japan.

Japan

Thank you, Mr Chairman. I like to make a comment in response to the intervention made by the colleague from UK and Australia. In their intervention I note that they are concerned with the use of electric lance in the Japanese operation. As it is noted in the report of the Workshop the data United Kingdom used at the Workshop to assess the time to death by the use of electric lance as a secondary means was pointed out by Dr Hayashi who was the supplier of that data, that data was from 1980 when the operation was still using cold harpoon and also he had the experimentally designed use of electric lance to collect the data for particular instances and therefore that is not relevant to the present time data using the electric lance as a secondary means. I like to draw the attention of the floor that when we say two minutes is a death time that is including sometimes using the secondary means of electric lance. In particular, after the introduction of the penthrate grenade the frequency of having to use the electric lance in operations has decreased drastically. I have one question to the distinguished Commissioner for Australia. With regard to the killing of the wildlife in your country, I heard that you are the authority to issue the permit of the killing of kangaroos. I believe that you have the specification of the equipment and weaponry used. Are you also taking the death time of several million animals in each instance?

Chairman

Thank you, Japan. I have in my list Denmark, New Zealand and Germany. Denmark has the floor.

Denmark

Thank you, Mr Chairman. Just one brief remark and one clarification. Naturally I heard my UK colleague express concerns about the pilot whaling in the Faroe Islands and I would just like to say that I don't think that this concern is expressed specifically in the report of the Humane Killing Working Group. And then to make it all clear naturally we are perfectly willing to exchange information in a workshop on these matters and we are willing to cooperate in scientific research what we are talking about small cetaceans, but it is our opinion that management advice should not be given by IWC on small cetaceans. I think I said that earlier. Thank you.

Chairman

Thank you, Denmark. New Zealand.

New Zealand

Thank you, Mr Chairman. The Commissioners for United Kingdom and Australia have already covered many of the points that I wished to raise so I'll limit myself to a summary of our concerns. First, however, the question of how one perceives 'humane' has been raised at the beginning of this and I think we do have to recognised that this is a changing concept - that what was considered to be humane at some time in the past isn't necessarily considered to be humane today and I'd simply recall that in this country, and I've no doubt in this city where we are meeting, at one point in the past small children were sent up chimneys to

doubt in this city where we are meeting, at one point in the past small children were sent up chimneys to clean them. That would be regarded as a distinctly inhumane activity today and we do have to see it in a context of the time. We do recognise that improvements have been made in this area. The penthrite grenade was an improvement on the cold harpoon and I think we do see this as part of a continuing process. We should really seek to improve the whaling technology to take advantage of developments in other areas which may well have spin-offs here, but we also share a concern at the use of the electric lance and that has been covered by others. We would also welcome more data on this aspect as it relates to the Southern Ocean minke from the mid-80s on, and I think the Commissioner for Japan has said some data would be provided, and I think that would be very helpful to the work of this Commission and that therefore this work should continue. The question has been raised of the wording of the report where it suggests that it has been suggested by one delegation that New Zealand places human safety somehow below the interest of the humane killing of whales. That, of course, is a complete nonsense and if there is misunderstanding of that passage I think it probably relates around the adjective 'secondary' and I would simply state that New Zealand didn't consider that in formulating a strict definition of humane killing one needed to bring in other factors, although one recognised that improved killing techniques would in their own right improve the human safety factor. Thank you very much, Mr Chairman.

Chairman

Thank you, New Zealand. Germany has the floor.

Germany

Thank you, Mr Chairman. Germany has great interest in all aspects relating to humane killing. It is very important to apply the best methods available with the aim that whales being killed should not suffer. I welcome the progress that has been achieved and that has been described in the report of the Workshop on Humane Killing. In my view IWC has full competence for dealing with humane killing. I would like to support the UK proposal that the Commission should review progress in this area regularly. Thank you, Mr Chairman.

Chairman

Thank you, Germany. Australia asked for the floor.

Australia

Thank you, Mr Chairman. I'm well aware that this sort of debate is one which could turn into a glasshouse where it's unwise to throw any stones and I must say I am encouraged by the spirit and level of debate that we've had thus far. I must respond to a question I think raised, asked of me, by the Commissioner for Japan with respect to kangaroos. I would be quite happy to provide, perhaps to the Secretariat during the course of the next year for circulation to member governments, the codes of practice that I alluded to in my statements so that in the spirit of the discussion that took place in the Workshop where there was some effort sought to be comparative in our examination of this question could be fully carried out, so I'm more than willing to make that information available, as I say, through the Secretariat to all Contracting Parties. Thank you, Mr Chairman.

Chairman

Thank you, Australia. Are there any other comments on the report of the Humane Killing? Nothing on 7.1.2 Greenland whaling? No more comments? 7.1.3 Alaskan bowhead whaling? Any other matter related to this report of the Humane Killing? No? I will leave open as was suggested by the distinguished representative of the UK the action arising. First because he proposed this and I think was agreed by all the Commissioners, and second because some of the Commissioners will not have the chance yet to receive the Report of the Workshop. The Secretary will give you some news on the status of this report. Secretary.

Secretary

Mr Chairman, I understand that about 200 copies of the Workshop Report have already been collected by delegates to the meeting. Not that they were distributed in the pigeonholes but that that number of copies have been picked up from the IWC Secretariat. If any delegate does not have a copy and wishes to have one, a member of the Secretariat staff will be outside the meeting room when you leave at the end of this session with further supplies and so you are asked to take one if you are still lacking a copy. I don't feel inclined to run another 300 copies off when 200 already are in distribution somewhere.

Chairman

Thank you, Secretary. Then we will come back to this Action Arising and 7.2 at a later stage. Let's use the minutes that we still have before the lunch break to start the review of the Report of the Infractions Sub-committee. The reason I'm jumping from 8 to 9 in our Agenda is because the Socio-economic Implications and Small-type Whaling report just is being distributed and I will come back this afternoon or a later time for this review. So let's use the minutes that we have in reviewing the Infractions Report and I will ask the Chairman of this group from the US, Kevin Chu, to present this report please. This is the paper IWC/44/7. It has a summary of infractions which is document 44/6 as well.

Chairman of the Infractions Sub-committee

Thank you, Mr Chairman. The Sub-committee on Infractions met on Saturday and the report of that Sub-committee, as you have mentioned, is IWC/44/7. The terms of reference of the Sub-committee are to consider matters and documents relating to the International Observer Scheme and infractions insofar as they involve monitoring of compliance with the Schedule and penalties for infractions thereof. 9
9.1

In a Circular Communication dated 5 May 1992 the USA noted that in light of the progress made to date on the revised management procedures and in anticipation of the adoption of changes in the Schedule to implement these procedures, the United States wishes to discuss the adequacy of the current inspection and observation scheme as well as the adequacy of the information required under Section VI of the Schedule. The Sub-committee had an extensive discussion as to whether or not to include this item on the agenda. Some delegations considered the issue to be both vital and relevant to the Sub-committee and other delegations believed that the appropriate place for discussion of this subject was in the Technical Committee or at the Commission level. Despite these reservations it was agreed that the matter could be left on the agenda.

The Sub-committee examined the reports of the aboriginal subsistence catches and infractions for the 1991 season and that is presented to the Commission in the document IWC/44/6. It was noted that no commercial whaling took place in 1991 and in response to a question from the UK, Denmark advised that the press report of 1991 of the capture of a humpback whale in Greenland related to a whale entangled in pound nets. 9.1.1

We also examined infractions from previous years. Peru indicated that it would try to, or the Secretariat reported that Peru indicated it would try to, obtain information about a previous infraction and forward it to the Commission as soon as possible. And Denmark provided information on the humpback whale taken in the Maniitsoq municipality in 1990.

Despite our concerns as to whether the Sub-committee could actually discuss a review of the observation and inspection system, we actually spent most of our time discussing this point. We reached no firm conclusions, Mr Chairman, and we have no recommendations to make to the Commission. Nevertheless it was, I think, a very useful and constructive discussion and I think it may facilitate further discussion in this Commission if I summarise the discussion on this point briefly. The question broadly focussed on two different issues. The first was a question of principle, namely whether there should be any linkage between the Commission's decision on the catch limit algorithm and its decisions regarding observation and inspection. Several delegations expressed the view that the Revised Management Procedure or catch limit algorithm formed a part of a package which is not just a way to calculate catches but also included standards of data and requirements for supervision and control. These delegations considered supervision and control to be a vital corollary of the Revised Management Procedure, not just on practical grounds but also politically, and that they must be reviewed before setting new quotas on commercial whaling. Only if monitoring was seen as in effect an open process would the Revised Management Procedure package be seen as credible. 9.1.2

Other delegations were strongly opposed to now introducing the idea of a linkage between the setting of catch limits and the issues of supervision and control. Those delegations considered that the purpose of the Revised Management Procedure was to replace the current management procedure as given in paragraph 10 of the Schedule, and Norway explicitly stated that its view was that up to now the Revised Management Procedure had been understood as a procedure for calculating catch limits and it had strong reservations against introducing additional elements at this stage when the Revised Management Procedure was about to be implemented, and saw this exercise as a further threat to the IWC. They

considered that while questions concerning supervision and control were important, they were quite separate and need not necessarily be considered in advance of the implementation of the Revised Management Procedure. They further noted that a framework for national and international inspection is already in existence. Iceland also agreed with Norway and noted that the observation and inspection scheme had been functioning satisfactorily.

The second issue that was discussed really was one of procedure and, irrespective of their views on the question of principle, most delegations expressed a willingness to consider the issues of supervision and control but there was no agreement as to the best form for such deliberations. Japan expressed the view that it is inappropriate to discuss this item under the infractions heading because this item involved the expertise of other committees and because it would negatively prejudice the future surveillance scheme. The US proposed the establishment of a Working Group which might address some of the issues raised in the paper it had submitted which is TC/44/Inf.5 if one wants to look it up. In particular it suggested that examining observer and inspection schemes evolved in other organisations might be helpful and it pointed out that there would be overlap with issues concerning data standards and the implementation of the catch limit algorithm which would require some input from the Scientific Committee and that all of these would be of interest to the Revision of the Schedule Working Group. Norway welcomed the discussion on matters relating to supervision and control but emphasised that this should not take place in the context of the Revised Management Procedure and urged that further work proceed on the basis of relevant Law of the Sea Conventions and this was supported by Iceland.

In summary there was general agreement that it is appropriate for the Commission to consider this matter, including the existing regulations and whether it would be appropriate to modernise them, but the Sub-committee did not make any specific recommendations to the Commission and Norway expressly reserved its position on the terms of reference of a Working Group should the Commission decide that one was required.

The Sub-committee also reviewed the Checklist of Information Required or Requested under Section VI of the Schedule. The requirements from Denmark and the USA are contained in the report of the meeting. We also reviewed the submission of national laws and regulations and in that discussion the Secretariat informed us that Ireland had created a cetacean sanctuary in its waters and Chile informed the Secretariat that it had signed Protocol II of the Convention to the Prohibition of Fishing with Long Driftnets in the South Pacific. And New Zealand welcomed Chile's action as an example for other countries eligible to support the Convention or its Protocols to follow.

The UK presented a paper describing a large piece of whale blubber that washed ashore in the Falkland Islands in October 1991. Photographs of the blubber in November 1991 have been made widely available. It was thought that this blubber is most likely from a finback whale although there were no samples which have been analysed to confirm this. The UK undertook some investigations to find out the circumstances leading to the blubber being washed ashore and reported that unfortunately these have now come to a halt. It stated that this area is regularly patrolled and that the matter serves to highlight the need for surveillance and that there is still cause for concern over whaling by non-Contracting Parties.

In accordance to past practice for this Sub-committee the report was adopted by correspondence, Mr Chairman, and that concludes my report. But may I close by thanking Greg Donovan from the Secretariat for his thorough preparation and support and the Rapporteur, Kevin Stokes, for what I think was a remarkably clear distillation of a very complex discussion. Thank you, Mr Chairman.

Chairman

Thank you, Mr Chu, for reporting and also for chairing this group and I also thank the two Rapporteurs that you mentioned.

I open now the floor for discussions hoping they will finish with this soon and we can go for a lunch break. Is there any comment? USA.

USA

Mr Chairman, the United States has made its view clear that the Observer Inspection Scheme of the IWC warrants a review and amendment and, as we've pointed out before and continue to point out in the discussion of the sub-committee, there are many elements that must be considered particularly in light of the progress made on the RMP.

Now whether or not you wish to consider inspection, supervision, control in these matters as part of the RMP or whether you think the RMP is only the catch limit algorithm that people have been working on, I think is a matter of semantics. The point is that before quotas can be allowed under any RMP the IWC must be certain that all other elements of this revised management protocol or revised management scheme - call it what you will - are in place (and this includes supervision, control, inspection as discussed here), data availability, assessment and a number of other such issues.

I think this an important point to make, particularly with respect to the announcement we have just heard from Norway today about their intention to continue - or to recommence, I should say - commercial whaling, presumably under Revised Management Procedure guidelines. For these reasons, Mr Chairman, it seems to me that, until the Commission has decided on a course of action to accomplish this objective (not the objective of the RMP, but the objective of inspections, observations and these kind of things) we would at the least like to keep this Agenda Item open for further action at this meeting. Thank you, Sir.

Chairman

Thank you, USA, for your proposal. Are there any comments? Chile.

Chile

Thank you, Mr Chairman, I just would like to stress again, as I did in the Working Group, that Chile's signing of Protocol II to the Wellington Convention is a demonstration of our commitment to the proper conservation of marine living resources, based on scientific evidence. I would like this statement to be reflected in the report. Thank you.

Chairman

Thank you, Chile. Japan.

Japan

Thank you, Mr Chairman. I first of all would like to express my appreciation to Mr Chu as an excellent Chairman of that sub-committee, and all the people who did a very good job on the reporting.

We also think that the observers scheme or inspection system is a very important matter, and I think it requires further examination and I agree to it. And I also support the idea of setting up a Working Group, for the data collection, observers scheme and inspection system, to be further developed. However, this Working Group in our opinion, should not be ruled under the Infractions Sub-committee but rather should be looked after by the Revision of the Schedule Working Group.

The distinguished Commissioner for the USA intervened with the opinion that RMP should expand on the existing system, and I do not agree with that. We are in opinion that linkage of observers system or inspection scheme or whatever should not be made to RMP. It should be separated from RMP. Thank you, Mr Chairman.

Chairman

Thank you, Japan. Any other comments? UK, then the Netherlands. UK has the floor.

UK

Thank you, Mr Chairman. I would also like to thank Dr Chu for his excellent report, and associate myself very closely indeed with the comments of the United States. I think whether we call the RMP as the catch algorithm alone, or the catch algorithm plus more, there is certainly no doubt in our minds that a key issue that the IWC must face, is to make sure that all the elements of inspection are properly in place as a support to the revised management schemes. This means, as the United States has said, proper supervision, control, inspection and enforcement arrangements. I think the delegates would have heard that that particular consideration amongst other essential pre-conditions came out very clearly in my

Minister's speech this morning. We must have a system which is transparent and credible and, most of all, effective, and we'd be very happy to take part in a Working Group, under whichever form of the Schedule or the Infractions Committee the Commission decides. Thank you very much, Mr Chairman.

Chairman

Thank you, UK. Netherlands.

Netherlands

Thank you, Mr Chairman. I would like to associate myself with the views expressed why the United States and United Kingdom Commissioners, on the necessity of having in place an agreed system of inspection and control, before we can start talking about lifting of the moratorium. This is a condition that we have expressed time and again in the past and I think it is a good opportunity to draw the attention of the meeting to the necessity of this again, and I should like to add that in my opinion this Commission should not be pressured into hasty action that might result in imperfect schemes, just by the fact that we have been confronted with what effectively is a *fait accompli*. Thank you.

Chairman

Thank you, Netherlands. Switzerland asked for the floor.

Switzerland

Thank you, Mr Chairman. This is just a short note to say that Switzerland would like to associate itself with the remarks made by the distinguished delegations from the US, UK and especially from the Netherlands. We also think it is very important and a crucial issue that an international clear transparent inspection scheme is installed before we can lift any moratorium.

Chairman

Thank you. Germany.

Germany

Thank you, Mr Chairman. I would like also to associate myself with the views expressed by the UK and the USA. Thank you.

Chairman

Thank you. Norway.

Norway

Thank you, Mr Chairman. First of all I would like to thank Kevin Chu for having performed an excellent job as the Chairman of this sub-committee, and also thank him for faithfully having reflected in his introduction our position, which is reflected in the report of the Infractions Sub-committee report. Now, here I don't think I need to prolong the debate by reiterating what Mr Chu has already said about our point of view of the RMP and the linkage of any additional elements to the RMP. I think the point here now, is that we also definitely support the suggestion made by the distinguished Commissioner of the United States, and supported by several other Commissioners here, that we should in fact establish a Working Group to look upon all these monitoring, enforcement, inspection, control matters, and we would certainly like to go along with that, and we would participate in such a Working Group very actively.

Now with the remark just made by my distinguished Dutch colleague about being presented with a *fait accompli*. I think he referred to my statement this morning, but let me assure him and other Commissioners that Norway - the Norwegian Government - has taken a decision in principle, but that does not mean that we are not prepared and willing to enter into discussions with any other delegation on how to proceed and to proceed in a way that is consistent with the provisions of the 1946 International Whaling Convention, which is actually what is the basis for the work of this Commission. I thank you, Mr Chairman.

Chairman

Thank you, Norway. New Zealand.

New Zealand

Thank you, Mr Chairman. I would simply recall that, since we first started discussing an RMP to replace NMP, New Zealand has made it very clear that in its view before a final decision could be taken on the RMP, adequate arrangements covering reporting (which may indeed be included in the RMP), monitoring and compliance would need to be agreed by this Commission. I think there is a tendency emerging to explore this further and in the form of a Working Group or in some other way, and could I just take the opportunity to mention to the Commission that where there are any intersessional meetings - whether Working Groups or otherwise - they pose very considerable problems for distant countries like New Zealand (and we're distant from almost everything) and also small countries with limited resources if they're held sort of half way through the year. We do find that we have a much greater ability to participate when these groups are held for example immediately preceding the Annual Meetings, and since the object is to get presumably the widest possible participation, I hope that could be born in mind. Thank you.

Chairman

Thank you, New Zealand. I have Sweden.

Sweden

Thank you, Mr Chairman. We would also like to join those who have supported the proposal by the United States to continue the development of the data and inspection and reporting system, and we think it's a good idea to hold a Working Group Meeting on this. We also take note of the fact that the Revised Management Procedure as now developed, is a method of management that works on a minimum of the information to be put into the procedure, but the information that is needed must be as precise as possible, and we therefore think that it's very important that the issue is now discussed or further reviewed so that we are sure that the information we put into this management procedure is correct as possible.

We are also aware of the fact that as far as inspection and observation is concerned there is quite a substantial amount of development in other organisations which we could fully draw upon in developing our system for this organisation, and we do not foresee that this would be tremendously lengthy work to review the system for observation and inspection, and if it would be acceptable to other delegations we would strongly support holding an intersessional meeting to try and resolve this issue. Thank you.

Chairman

Thank you. I have two more speakers and I think I will close the debate at this point of these two delegations since it has been requested by the US to leave the action arising on this point open for a later discussion. So I will give the floor first to Australia then to Iceland.

Australia

Thank you, Mr Chairman. I won't take much of the Commission's time. Simply to reiterate Australia's support for the stand expressed by primarily the UK and USA and supported by a number of other Commissioners. I was particularly encouraged to hear the intervention from my Norwegian colleague perhaps giving some further expansion on his earlier announcement. We too would support the concept that this is a matter does need consideration. We have the same geographical problem as New Zealand. We're slightly bigger but nonetheless it would be nice if such a meeting could be held either in conjunction with the Annual Meeting or at least in a location which is 180° from here and somewhat further south. I'd also like to make a brief point at this time that this issue also should encompass arrangements for sightings surveys and other sorts of international cooperation and I think if we're going to establish an intersessional group - there seems to be a move towards that - that could usefully form part of the work that that group would have. Thank you, Mr Chairman.

Chairman

Yes, thank you, Australia. Your suggestion is noted for a venue I will take.

Australia

We have lots of nice seaside places.

Chairman

Iceland please.

Iceland

Yes, Mr Chairman. While I agree with our colleagues from Australia and New Zealand, one of the difficulties facing the Commission is that this is between them on the one hand and, for instance, Iceland on the other. But in fact on this point on the Agenda, our views - and particularly on the linkage between the RMP and the rules discussed here (academic though they may be for Iceland at this stage) - have been adequately reflected in the report and in Mr Chu's introduction so I need not take any more time here. Thank you, Chairman.

Chairman

Thank you, Iceland. Then we'll come back to Action Arising - 9.2 - at a later stage and I will tell you what our order of business for this afternoon. I will come back after the lunch break if you agree and we'll pick up Agenda Item 8 Socio-economic Implications if the report is available and if you agree. If not, I propose we'll concentrate the whole afternoon on the financial report. That will be from Agenda Item 20 to 23. This will give us an idea of the proposed budget of the Commission and it will help for some of these discussions which are pending in the Action Arising from the previous Agenda Items. I will before closing the work tonight open Agenda Item 25 which is Any Other Business. I am being requested by one delegation to take the floor just before the closing of the work to make a statement and I agreed to do that. But that Agenda Item will also be open till the end of the meeting, so just to give the opportunity to one delegation to make some comments. Is there any agreement on this proposed order of business for the afternoon or any other suggestions? OK, thank you. Then we'll reconvene the meeting at 2 o'clock. Is that enough time? I think so. 2.15. OK.

[Lunch break]

Chairman

Good afternoon. May I call the meeting to order please? I shall seek some advice from the floor. The delegations are prepared to review the report of the Socio-economic Implications and Small-type Whaling or if they wish to proceed with the financial report. Are there any wishes, any desires on these options? Are people ready for Agenda Item 8? OK, then we'll proceed this way and I will ask first to the Chairman of the Socio-economic Implications and Small-type Whaling to present the report to the plenary. Dr Lemche.

Chairman of Socio-economic Implications and Small-type Whaling Working Group

8 Thank you, Mr Chairman. You will find the report of our Committee in document IWC/44/16 which was
8.1 distributed during the lunch hour. We had substantive submissions from Japan and from Norway and starting with Japan under Point 6 on the first page the Commissioner for Japan urged the Working Group and the Technical Committee to take responsibility for assessing the material placed before them. Given the rigorous efforts made by Japan to provide all possible information regarding the small-type coastal whaling since 1986 and the advice by the Finance and Administration Committee earlier this week calling for greater economy in Commission activities, he stated that Japan is proposing a course of action to be recommended by the Working Group which he hopes will be agreed to in the spirit of reconciliation and compromise. Japan gave a general introduction to the Working Group on the case it has been making for Japanese small-type coastal whaling. Over the years Japan has provided the Working Group with 24 reports based on social, scientific and anthropological research supporting the conclusion that Japanese small-type whaling has a character distinct from other forms of whaling such as large-type or pelagic whaling. Reports have also been tabled regarding the distress caused by the moratorium in the small-type whaling communities in the remote coastal areas. Japan has repeatedly asked the Commission for an emergency quota to alleviate distress in these communities.

I will try to summarise the summary of some of the documents further down. Going down to the middle of Page 2, documents IWC/44/SEST2, 4 and 5 were presented in an integrated manner. Small-type whaling in Japan is a small-scale limited access fishery involving four coastal communities and seven to nine boats. The harvest level between 1951 and 1986 has been stable at approximately 350 whales a year. Most minke whales are taken within 30 miles from the shore, averaging 20 miles. The majority of hunts result in a single whale being landed. In document SEST8 a quantified assessment of cultural needs was carried out. It was done in 1990 in part of the Ayukawa food culture area. Mr Chairman, I do have to insert a few lines which has dropped out of this final report compared to the report we did agree upon. That occurs on Page 3 in the first big paragraph starting with 'A very extensive distribution'. If you go down to five lines from

the bottom and take the whole sentence, something is missing here. I will read the whole sentence: 'Even under present restricted supply conditions whaling towns continue to allocate a portion of their whalemeat supply to local inns so that an important part of the distinctive local identity of the community can be preserved in the region.'

With respect to the next document SEST3 it was prepared in response to a question from the United States raised in previous meetings regarding the ratio of the whalemeat consumed within the whaling community versus that going out from it in relation to the different grades of the meat.

In document SEST6 - that document was presented by Professor Brian Moeran, University of London, who spoke as co-author and Chairman of an international study group which met in Taiji, Japan in January this year. On the basis of research conducted in a number of coastal fishing and whaling societies the study group concluded that a clear distinction exists between small-type whaling and large-type industrial or commercial whaling. This distinction is to be found firstly in technology and resources. Small-type whaling generally uses small multiple vessels operating out of small remote communities over short distances during regulated hunting seasons. The second distinction found had to do with personal organisation. The vessels are owner-operated while crews, flensers and secondary processors are local people recruited through family or personal connections. The third distinction found had to do with distribution patterns. Products are distributed through both cash and non-cash channels at both local and regional levels. The fourth distinction found has to do with local cultural practices. Whales are important to diet, rituals, ceremonies and beliefs connected with handing down of traditional knowledge. And the fifth distinction found versus large-type or industrial whaling had to do with the community identity.

In a discussion of this submission and this discussion also took into account the Norwegian submission which you will find under Agenda Item 7, in the discussion some delegations agreed that the documents contained a useful description of distinctive attributes of a certain type of whaling. Other delegations believed that the description did not adequately distinguish these whaling operations from other types of whaling.

With respect to the submissions from Norway, Norway presented a document called SEST1 in which the results were presented of an international study on the importance of minke whaling to the coastal culture in Norway. A number of issues are discussed in the report such as the technology of minke whaling, the required knowledge involved and the transmission thereof in time and space, the whalers' perception of the whaling issue and their present efforts to mobilise in order to defend their way of life. The presentation emphasised four major points. First, small cetaceans have been hunted in Norway for millennia and when new and more efficient technologies were made available those technologies to catch minke whales spread throughout coastal Norway in a few years. The second point made was that this rapid diffusion of technology can only be understood when minke whaling is seen in an ecological context. Norwegian minke whalers are also fishermen and their whaling boats are also fishing boats. The third point made is that the management units in minke whaling are built around households. Rather than maximising profit the households seek to maximise household viability and a way of life. The fourth point made in the Norwegian study was that it emphasised that whalers are, due to repeated harassment, losing confidence in their own culture and in their own future. Loss of income and loss of confidence in the future are both contributing to the present depopulation of remote communities in Norway. To the whalers it is ironic that they for political reasons are forced to give up a well-regulated sustainable fishery to a life in a congested city. They ask themselves whether this is the enlightened environmental policy the world so desperately needs. Norway stated that it believes this document SEST1 convincingly makes the case for the need to resume small-type whaling to satisfy the needs of coastal communities and that the Working Group and Commission should take action on this matter. Several delegations expressed support for these conclusions and their observations made in the report. The Commissioner for Norway in a strong statement said that Norway no longer accepts what she perceives as cultural imperialism imposed by the majority of the members of the IWC on the local communities of the nation and peoples who want to exercise their sovereign cultural right to be different.

Under Agenda Item 8, Mr Chairman, Other Matters, the Working Group expressed appreciation for the documentation referred to in the above items provided by Japan and Norway. Furthermore Japan presented two working papers to the Working Group for its consideration and the text of those working papers is found in Annex A. I think it is nice to have this Annex in order to understand the following

discussion. The first working paper, Working Paper 1, was a proposal for a definition of small-type whaling. It was noted that this term is already defined in paragraph 1 of the Schedule but the problems relating to the possible interference between the two descriptions were left for later solution. Japan explained that a proposal at this stage was being offered as an interim working definition. At a later stage Japan intends to propose inclusion of this provision in the Schedule. In response to an enquiry Japan explained the use of the term 'locally centralised distribution' as referring to local distribution networks and distinguished from national networks associated with larger type whaling and noted that this was explained more fully in a paper presented two years ago. Some delegations expressed concerns regarding the proposed definition, for example that it did not refer to generally recognised commercial aspects of small-type whaling but it was noted that small-type whaling contained non-commercial as well as commercial aspects. Other delegations noted their support for the proposed definition. One delegation wondered whether the purpose of the proposing definition for small-type coastal whaling was to differentiate it from aboriginal subsistence whaling and commercial whaling. If so, that delegation asked whether a management procedure separate and apart from procedures governing aboriginal subsistence and commercial whaling were being proposed for the determination of catch quotas. Japan responded that the purpose of the proposed definition was not to prevent application of the Revised Management Procedure to small-type whaling when the Revised Management Procedure is implemented but to provide support for granting of an interim quota until catch limits are established under the Revised Management Procedure. In conclusion with respect to this Working Paper, Working Paper 1, the Working Group did not agree on the appropriateness of adopting the proposed working definition at this time. There was agreement, however, to discuss this matter further at any future meeting of the Working Group.

With respect to the second Working Paper submitted by Japan, Working Paper Number 2, also to be found in Annex A, Japan responded to an enquiry regarding paragraph 5 that Japan would be seeking an interim quota this year to cover the 1993 minke whale harvest. Norway also expects a quota for the 1993 season to be set at this Annual Meeting. Some delegations expressed the view that no changes to the moratorium should be considered until the Revised Management Procedure is implemented. Other delegations expressed general support for the recommendations proposed by Japan considering that the New Management Procedure remained in effect until replaced by the Revised Management Procedure and therefore provided sufficient basis for the proposal. Questions with respect to the interpretation and meaning of paragraph 3 of that Working Paper 2 were also raised. *Inter alia* the United States asked whether the reference to local consumption implied there would be no export of minke whale meat. Japan replied that the hardship of small-type whaling communities had been fully explained and no surplus would exist for export. The conclusion of the discussion of this Working Paper 2, Mr Chairman, was that there was no general agreement on that working paper as a whole. Regarding the establishing of an interim quota taking into consideration the specific nature of small-type whaling described in SEST6 some delegations supported the proposal contained in the document, others did not.

The recommendations, Mr Chairman, made by our Working Group are the five which you will find on Page 6 in our report. They are pretty much the same as those we made last year that the Working Group be continued, that documentation be reviewed and revised between meetings, and that members wishing to submit new material for consideration of the Working Group should notify the Secretary and submit abstracts of the papers by 1 December this year. And then Number 4, if abstracts are received the Secretary will arrange to convene an additional meeting in the week before next year's Annual Meeting. And finally, Mr Chairman, in order to provide ample time for governments to read that material such documents should be not only submitted to the Secretariat by 31 March for immediate distribution to governments participating in this year's Working Group, but in addition governments producing such documents should also send them directly to the Commissioners of those governments participating in the Working Group to be received by 31 March 1993.

Mr Chairman, if you allow me as Chairman of the Working Group to make a short remark, I would say that taking into account the extensive documentation provided, I think it would be useful if the Commission could indicate which kind of further studies could advance our work under this Agenda Item if any. Thank you, Mr Chairman.

Chairman

Thank you, Mr Lemche, for the presentation as well as Chairing this Group in such an efficient way. May I ask the floor if there are any questions or comments? Japan.

Japan

Thank you, Mr Chairman. First of all I would like to express my sincere appreciation to Mr Lemche, who performed an excellent Chairmanship at this Working Group as well as those Rapporteurs and other members of the Working Group who assisted the Chairman so excellently.

Japan has been presenting to the Commission numerous papers through this Working Group, papers reporting the researches providing information regarding the situation surrounding the Small Type Coastal Whaling of Japan. As many as twenty seven different research papers have been presented to the Working Group, and those are tabled in IWC/40/23, and even before the tabling of those which are listed in that Table we have submitted TC/38/AS2 and IWC/39/AS25. All those papers have explained that Japanese Small Type Coastal Whaling is a small scale whaling which has a distinct characteristics, based on the importance historically, socially, culturally and mentally and economically satisfying the need of the community engaged in those whaling.

Since the establishment of this Working Group Japan has been endeavouring at its best to give all the information possible in response to the question posed to Japan by the members of the Working Group. As many as twenty seven research papers have been presented and those are social-scientifically the highest level. However, some of those papers have been already published to the public domain through the European or American scientific journals and by the publishers to the ordinary bookstores. In spite of those we are very disappointed to know that there have been no understanding of the core problem presented there, some delegates have agreed at this Working Group this year that small-type whaling is a stable limited access fishery in its closeness and integrity with the regional social-economic and culture factors, very important as a function of the sustenance of the local community and these conclusions can be drawn sufficiently from those documents already presented.

Further long we have sufficiently given explanations to the Working Group and to the Commission that the distress caused by the zero catch limit by IWC is very severe and no longer endurable, distress of those people who are living in those whaling Communities.

We believe that the time has now passed to keep eluding the responsibilities of the IWC as a responsible organisation for whaling, we should respect each other and should try to resolve objectively and intelligently the special problem of the human needs, and I think this is a time now that we exercise those responsibilities.

The Government of Japan and Japanese people, think that it might be difficult for the Western people to fully understand the Japanese culture tradition, and therefore that was the reason why we have endured to this moment. However, it has come to our limit, we have been presented for the past six years since 1986 all this information that were required to acquire your understanding, and if we could not wait any longer then we expect you to give us a mature knowledgeable answer on our very humble request, we have given enough information and research material to draw a conclusion here. As it has been noted in the Working Group that the Japanese small-type coastal whaling has this special characteristics containing elements common to aboriginal subsistence whaling and other non-Commercial whaling as well as the commercial whaling and therefore it cannot be ruled out by the simple framework of the commercial whaling.

We have been placed in a most afflicted condition with those people suffering from the zero catch limit socially, economically and the regional difficulty is its up to its limit. In order to alleviate this afflictions and the stress of the people concerned, we are asking the emergency relief quota of minke whales of fifty minke whales as the symbolic quota for the sake of these communities. This number fifty minke whales out of 25,000 minke whales as estimated by the Comprehensive Assessment of the Scientific Committee last year, of the North Pacific minke whales, the fifty whales would not give any adverse effect to that estimated population.

The conservation of the natural resources and sustainable utilisation is a principle now being excepted by all global governmental organisations and it has been confirmed that the earth summit in Rio de Janeiro earlier this year, I hope this Commission will reflect this principle at this time. Thank you, Mr Chairman.

Chairman

Thank you, Japan. Iceland.

Iceland

Yes, Thank you, Chairman. Mr Chairman, over the past years the Government of Iceland has consistently supported the efforts of Japan to alleviate distress in the remote coastal areas of Japan. This situation has been eloquently described in the Working Group by the delegation of Japan. Mr Chairman, in 1990, I had the honour of accompanying former Minister of Fisheries Asgrimsson on an official visit to Japan, and there we visited one of the communities, and I have therefore first hand knowledge of the problems involved. We would urge the Commission to address this question on humanitarian grounds and adopt a proposal of Japan for an emergency quota of fifty whales, which are well within the reproductive capacity of the stock. Thank you, Chairman.

Chairman

Thank you, Iceland. Any other comments? Norway.

Norway

Thank you, Mr Chairman. I would also like to support the very modest request made by Japan for the Commission to accept - let me say as a sign of goodwill on the part of the Commission towards the whaling nations - of this symbolic quota of 50 minke whales out of total stock of 25,000. Thank you.

Chairman

Thank you, Norway. Netherlands.

Netherlands

Mr Chairman, we have addressed this issue before at earlier meetings and I would like to repeat that the Netherlands certainly appreciates that the present situation is causing problems in certain communities in Japan and we would again like to express appreciation of the documentation that Japan has provided on this problem. We'd like to commend Japan for its efforts to localise the consumption of whale meat resulting from small-type operations. However, we think that the efforts that Japan has made don't really solve our problem because in our view we are essentially talking about operations that cannot be distinguished in any valid way from commercial operations and that is why I think that it is inescapable that before the Commission could approve of a quota such as requested by Japan the Commission would have to decide to make an exemption to the commercial moratorium, which my country would not be prepared to do. I think that that is a responsible attitude which is upheld by the UNCED meeting. Thank you.

Chairman

Thank you, Netherlands. St Vincent.

St Vincent and The Grenadines

Thank you, Mr Chairman. Mr Chairman, we continue to support this request by Japan which has been made not only for human but also for scientific reasons. Thank you.

Chairman

Thank you. Any other comments? Australia.

Australia

Yes, Mr Chairman. I'd like to associate myself with the comments made by the Commissioner for the Netherlands. I think it very neatly encompasses our view. Thank you, Mr Chairman.

Chairman

Thank you Australia. The Russian Federation.

Russian Federation

Thank you, Mr Chairman. The documents presented by Japan through the course of the discussions on this matter in the Working Group give a very rich material to make an assessment of all the sides of the matter discussed. Considering those materials it is obvious what great importance do the small-type whaling have for the local communities in Japan and also give us the information about the distribution

and use of the possible catch. We see good humanitarian grounds to support the proposal of Japan adopting quite a modest quota as an emergency relief measure, endangering in no way the work aimed at preserving the whales worldwide or endangering the whale stocks in the area. Thank you.

Chairman

Thank you. United States.

USA

The United States would like to associate with the comments made by the Commissioner from the Netherlands. Thank you.

Chairman

Thank you. New Zealand.

New Zealand

Thank you, Mr Chairman. New Zealand also would like to associate itself with the comments from the Netherlands and Australia and the United States.

Chairman

Thank you. United Kingdom.

UK

Thank you, Mr Chairman. The United Kingdom is in the same position as the Netherlands and the others that have spoken in a similar vein. Thank you.

Chairman

Thank you. Denmark.

Denmark

Thank you, Mr Chairman. The Danish view is that the amount of cash involved in the operation is of less significance than the mere scale of it and it is our hope as we expressed last year also that the IWC, after negotiations, would reach an agreement on an *ad hoc* solution allowing limited whaling activities for such populations which have a tradition for whaling dating back from before the Second World War on a limited scale. Thank you, Mr Chairman.

Chairman

Thank you, Denmark. Germany.

Germany

Thank you, Mr Chairman. I would like to support the view expressed by the Netherlands. Thank you.

Chairman

Thank you. France.

France

Mr Chairman, yes we share the views expressed by the Netherlands as such for small-type whaling is in fact small-type commercial whaling and it belongs to that part of the debate. Thank you.

Chairman

Thank you, France. Well, we have a proposal that has been supported and we have some other views. I will ask if the floor will be willing to postpone the action arising on this Agenda Item for another time. We have to consider there is some information relating to this petition in the Scientific Committee report and it was also proposed by Japan this morning when we were adopting our Agenda to include the North Pacific minke in the discussions of the Agenda Item 11. So I wonder if we can then proceed in this way and delay the action arising on this proposal for a later time. Can I get an agreement? St Lucia.

St Lucia

Mr Chairman, I would like to make my statement on this issue if you please. Mr Chairman, for the past six years that I've been associated with this IWC I have heard myriads of reports on small-type whaling, its clear characteristics as it relates to other forms of whaling. These reports have come from scientists, sociologists, ecologists, anthropologists, not only from Japan but from the United States, from the United Kingdom, from Canada, from Iceland, from Denmark, from Norway. It is very clear that this small-type whaling we are talking about is a whaling enterprise which has characteristics, certain elements of commercial whaling, certain elements of non-commercial whaling and certain elements of subsistence whaling. This is what makes it clear and distinct in character. To indicate that because it has elements of commercial whaling we must not consider it is indeed unfortunate because when I read the many scientific papers on aboriginal subsistence whaling I note from very IWC papers that in some situations in subsistence whaling a clear 40% of the product of this whaling goes through commercial channels. In some cases it's as high as 80% and it is also known that the artifacts of many of these whales are used in commerce, so to say that there is no commercial aspect in subsistence whaling is not so. It is very clearly written in many of the scientific reports. I have checked with scientists of all different nationalities here and it is very clear to me - and it has been clear for some time - that the quota that has been asked for by Japan will by no way adversely affect the population of the whales under consideration. I think if we reflect very carefully on the statement by the Honourable Minister of Agriculture this morning he made the very clear point that we must be satisfied that the stock would not be adversely affected, sustainability would not be adversely affected, by the take. And this is what I am judging my statements on, plus what I've heard over the last six years. I therefore feel that the points made by Japan are very crisp, very clear, they relate not only to the facts of science but to the human needs, to the cultural needs, the historical content, the nutritional needs, the socio-economic needs of the people of the villages under consideration.

And, Mr Chairman, I would like to refer my distinguished Commissioners to the International Convention on the Regulation of Whaling. Just one or two small points. One, it is that the Convention makes reference to the number of whales which may be captured without endangering these natural resources. It refers to catches without causing widespread economic and nutritional distress - which is a point the Japanese are making. It refers to a proper conservation of whale stocks and thus make possible the orderly development of the whaling industry. It refers to encourage, recommend or if necessary organise studies and investigations relating to whalers and whaling. And finally, Mr Chairman, it refers to the consideration that the interests of the consumers of whale products and the whaling industry be taken into consideration. These are the fundamental areas enshrined in the text of the International Convention for the Regulation of Whaling. Therefore, Mr Chairman, from a scientific point of view, after due analysis of the many studies done by international bodies, bearing in mind the commercial, subsistence and non-commercial aspects which makes it distinct from other types, and bearing in mind a modicum of commercialisation even within subsistence whaling, bearing in mind the human elements, the cultural needs, and the facts of our Convention, these are the facts which make me think the way I do and which make me support the Japanese in their quest this time after so many studies well behind us. Thank you, Mr Chairman.

Chairman

Thank you, St Lucia. Can I get some feedback from the floor on the proposal the Chair made that we defer the action arising for a later time? It seems so. Then we can move now to what I proposed before the lunch break which is Agenda Item 20 which deals with the financial statements and budget estimates. We have the report, several reports, and I will ask the Chairman of the Finance and Administration Committee, Dr William Evans from the US, to introduce this report please.

Chairman of Finance and Administration Committee

20 Thank you very much, Mr Chairman. The Finance and Administration Committee met at 0900 hours on 25 June 1992 and, as asked by the Chairman of the Commission, I convened and chaired the meeting. Mr Ralph Palmer of the UK was appointed as the Rapporteur. The Committee had a request for an NGO to attend and observe the meeting. The Committee agreed to permit the attendance of observers during the discussion of items which were of a non-sensitive nature - in this case Items 21 and 22 of the plenary agenda. The name and organisation of that person is listed in Appendix 1 under List of Participants.

20.1 The Agenda was adopted and the first item of business was 20.1 Review of the Provisional Financial Statement 1991/92. The Committee reviewed the Provisional Financial Statement for financial year 91/92 given in document IWC/44/8. The income from recovered arrears of contributions, interest on late

contributions and observer fees would exceed budgeted income and the overall surplus for the year was now being assessed at £69,000. A break-out of this is in Appendix 4.

There was concern that the Secretariat had made some adjustments to Staff Assessments without reference to the Commission. The Secretary deployed a detailed and fuller explanation of the change which had been made to restore the previous relativities with the UK Income Tax, the latter having been significantly reduced in the last two years to the disadvantage of IWC staff. It also advised that only permanent staff were entitled to severance pay and that the actual rate of inflation experienced in the UK had been around 4½%.

The Secretariat summarised the current position on arrears, reported that the Government of Oman had not yet paid the arrears due on the late payments of the last two years and consequently had lost the right to vote. The Committee welcomed, however, the news that the Commonwealth of Dominica had decided to rejoin the Commission and the USA confirmed that necessary formalities had been completed. A contribution and arrears totalling £25,656 had been received from the Commonwealth of Dominica. Argentina had submitted a proposal to pay off its arrears by instalments and requested restoration of voting rights. The Committee decided to refer these requests to the meeting of the Commissioners which they had on Sunday 28 June. The recommendations - the Committee recommends that the Commission approve the Provisional Financial Statement for 1991/92 (Appendix 4). It also recommends that any future change to Staff Assessments receive prior approval of the Commission. I will stop at this time, Mr Chairman, for comments from the Commission.

Chairman

Thank you, Dr Evans. Are there any comments or questions? It seems none. Then can I take that we endorse these recommendations? Thank you. Would you continue please, Dr Evans.

Chairman of Finance and Administration Committee

Thank you, Mr Chairman. Item 20.2 Consideration of the Estimated Basic Budget for 1992/93 - the Secretariat presented the Estimated Budget which is given in document IWC/44/8. The realisable contribution from Contracting Governments were those needed to balance the budget after taking account of income from other sources. As in previous years no provision had been made for budget arrears and related interest. Estimates for sales and bank interest were again actually very cautious. On the expenditure side the Secretariat explained that in certain areas increases could not necessarily be geared to prevailing levels of inflation. For example, the budget for salaries and pensions needed to include allowances for incremental progressions. The provision for severance pay represented the sum required to achieve the maximum liability level. It was also considered prudent to make a further contribution to the General Fund in pursuance of the aim to achieve a reserve of 50% operating costs. The Secretariat pointed out that Provisional Budget would have to be reassessed in light of advice from the Scientific Committee concerning expenditures that were planned for research. The Secretariat was congratulated for a clear presentation and, as in future years, to include details of the percentage changes in income and expenditure items from year to year in order to assist the Committee's deliberations.

20.2

A number of delegations were concerned that in the present climate of economic stringency and commitments to zero real growth in budgets of Intergovernmental Organisations, member contributions for 1992/93 should not exceed 5% which is tied to the UK inflation rate, a figure in line with the general rate of inflation. After further discussions the Secretariat was instructed to produce a revised budget taking account of this ceiling together with the Committee's deliberations concerning expenditures on scientific research, observers' fees and the length of the meeting.

The Chairman of the Scientific Committee, Dr Hammond, reported that the Committee had identified three specific areas of expenditure. They wanted to appoint a database manager at a cost of £40,000; the IWC/IDCR Southern Hemisphere Minke Whale cruise at £45,000; and other research into Southern Hemisphere baleen whales related to the work of the Comprehensive Assessment of stocks at £16,000 for a total of £101,000. The Secretariat pointed out that an allowance also had to be made for £21,500 to cover the cost of the Invited Participants to the Scientific Committee and the overall total of £122,500 should be substituted for that of the £86,000 previously shown in the budget that was sent out 60 days prior to the meeting. The Chairman of the Scientific Committee stated that provision for Invited Participants shared equal priority with Items 1 and 2. Several of the delegations were very anxious that the Commission's

decision on Scientific Committee activities and its funding should be taken together. This would overcome any of the problems that may arise from work programmes from coming years being finalised after the budget. To assist the Commission it was proposed that the additional research activities recommended by the Scientific Committee identified in Item 3 should be presented in the form of a supplementary item in the future. Such supplementary items should include details of the titles of the projects, the names of the institutions and authors involved in the research. Some delegations proposed that also in the future expenditures on Scientific Committee activities on small cetaceans should be itemised separately. However, other delegations considered this to be impractical in view of the integrated nature of the Scientific Committee. On a separate point raised by Mexico the Secretariat confirmed that only voluntary external financial sources are used to cover the costs of separate publications on small cetaceans.

- 20.3 The Secretariat advised that the proposed rate of £430 for NGOs and £860 for Non-Member Governments and Intergovernmental Organisations represented increases equivalent to increased costs to member governments in the proposed budget. The overall estimate of £32,700 was calculated based on 60 NGO observers and 8 from Non-Member Governments. Certain members drew attention to the discrepancy between the two rates and suggested a uniform rate at a level higher than that current proposed for NGOs. After some discussion general consensus was that the fees for observers from Non-Member Governments and Intergovernmental Organisations should be held constant at £800 while the fees for NGO observers should be increased by the inflation factor of 5% to £420 for the 1992/93 financial year. This arrangement would be subject to yearly review.

The Committee took note of the Secretariat's paper IWC/44/17 dealing with the financial implications of reducing the length of the Commission's Annual and associated meetings. The Chairman of the Scientific Committee advised that their projected workload might be undertaken in 12 rather than 14 days but no provision had been made for work on the implementation of the RMP for any species additional to those already addressed or on assessments for new species and areas. If this work were to be called for it would require a 14 day meeting including a 3 day workshop, but not with full Secretariat support. Referring to the proposals considered under Item 21 the Secretariat thought it would be realistic for the Commission to meet over 4 days but not to reduce the time allowed for Working Groups and Sub-committees. The Committee recommends that the Commission consider for financial reasons shortening the 1993 Scientific Committee meeting by two days unless the Commission assigns the Scientific Committee new tasks, that it also considers shortening the Commission meeting by one day. Such changes would save the Commission up to £18,000. These potential savings are reflected in the revised budget presented in Appendix 5. The Secretariat presented a revised budget as requested which would result in no increase in members' contributions by means of the following changes.

Salaries - non-replacements of one staff member on expiration of a short-term contract, the work to be subsumed within the new post for data manager recommended by the Scientific Committee for a saving of £22,100. Annual Meeting shortening - savings of £18,000. Other meetings deleted - if intersessional meetings are proposed they will have to be funded as a supplementary item as £22,000. Printing and copying - deleting provisions for contributions towards Special Issues would be a £5,000 saving. Research - omit the provision for the unsolicited research proposals for the Southern Hemisphere baleen whales which would be a total saving of £21,500. £45,000 database manager would be £40,000 which would be £106,500 savings of £17,000. Enhancement of the reserves would be cut in half. The results of this revised budget are shown in detail in Appendix 5.

A delegation requested greater transparency in the future on the composition of the expenditures on sponsored publications and their funding. The Committee recommends that the revised budget at Appendix 5 be approved as the minimum at which the Commission's and the Secretariat's activities could be maintained. It draws the attention of the Commission to the possible need for additional funding to be provided if it is decided that there should be intersessional meetings or a decision is taken to fund additional research on Southern Hemisphere baleen whale stocks. A provisional estimate of the contributions to be requested from member governments as a result of this budget is attached as Appendix 6. Mr Chairman, that is the report for the revised budget for 1992/93. Thank you.

Chairman

Thank you, Dr Evans. Are there any questions on 20.2 Estimated Basic Budget for 1992/93? Spain.

Spain

Thank you, Mr Chairman. I'd like to ask through you, Mr Chairman, if it was possible, why the Chairman of the Scientific Committee gives the same priority to Invited Participants as he gives to Items 1 and 2 of the scientific research activities for the Scientific Committee? That's to say, the same priority to Invited Participants as the appointment for database manager and for the cruise of minke in the Southern Hemisphere. I'd like to draw the attention of delegates to the wording at the bottom of Page 2 which says 'In order of priority these were' - so we have a first priority which is appointment of data manager and second priority and the Invited Participants are given the same priority as the first and second one. Personally, Mr Chairman, I don't think the Invited Participants should be given the same priority as the appointment of a database manager or the cruise. I would like as well, Mr Chairman, to know how this £21,500 are spent in these invitations. Thank you, Mr Chairman.

Chairman

Thank you, Spain. Dr Hammond, Chairman of the Scientific Committee, please.

Chairman of Scientific Committee

Thank you, Mr Chairman. Firstly, the Committee did not discuss the item of Invited Participants in terms of putting priority on our research needs for the coming year. This is an item that carries on from year to year and the Committee has always considered this to be of high priority. I would point out that in recent years the Committee has become increasingly dependent upon the input from these Invited Participants and if we had not had them I think we would not be in the position that we are today. Thank you.

Chairman

Thank you. That's all your concerns, Spain? Spain.

Spain

Thank you, Mr Chairman. If we should make attempts to arrive to this £80,000 previously shown pounds I would say, Mr Chairman, that our delegation would prefer to delete this £21,500 over shortening any other programmes. Thank you, Mr Chairman.

Chairman

Thank you, Spain. Australia.

Australia

Thank you, Mr Chairman. Mr Chairman, while I hear what my colleague from Spain is saying, it does seem to me, as Dr Hammond himself said just previously, that the item for Invited Participants has been particularly important in recent years in getting the Commission to the stage which it now is. There's no doubt that the role of the Invited Participants has been a particularly important one and one that Australia endorses. I in the actual Committee made a point of asking the Chairman of the Scientific Committee essentially what his bottom line was and his bottom line essentially is what we're considering. I think, Chairman, when we have a Scientific Committee set up to provide us with the best possible scientific advice, unless we have real grounds for concern I think we are honour bound to take that advice and try and build it in to the budget. Having said all that, I would also like to underline that through the work of the Chairman of this Committee and the work of the Secretariat I believe that the base budget that's now provided in these papers is exactly that - it is a very base budget which is well within the bounds that were requested by the Committee, and will enable us if necessary to add a few additional items without exceeding that somewhat magic 5%. So, Mr Chairman, I believe that Invited Participants should remain at the level at which they are indicated in this budget. Thank you, Mr Chairman.

Chairman

Thank you, Australia. Any other view? Japan.

Japan

Thank you, Mr Chairman. I would like to support the view expressed by the Chairman of the Scientific Committee and also supported by the distinguished delegate of United Kingdom - sorry, Australia - that Invited Participants have a very important role and without their help the development of the Revised Management Procedure would not be possible. So I think the Invited Participants should be maintained in the work of the Commission. And then in this context I think the scientists of each member country should

contribute also to the work of the Scientific Committee and maybe one way to solve this problem is that Spain will send more scientists to the work of the Scientific Committee. Thank you, Mr Chairman.

Chairman

Thank you, Japan. Spain.

Spain

Thank you, Mr Chairman. Well as I see there is a consensus in maintaining these Invited Participants' due importance. I am not against them for this quantity maintained here but what I hope is these Invited Participants are not maintained all their lives by us, the Commission, and just as we have to complete this work of the Revised Management Procedure. Thank you, Mr Chairman.

Chairman

Thank you, Spain, for this spirit of cooperation. We will note in our report your concerns. Mexico.

Mexico

Thank you very much, Mr President. After the message we have heard from our distinguished colleague from Spain we like to recall that the petition we made in the Committee in order that those countries which nationals are considered very important experts in the matters of this Commission should maybe receive more financial support from their governments in order to attend all these needs of the Commission. Thank you very much, Mr Chairman.

Chairman

Thank you, Mexico. Any other comment? Can I ask the floor if we are endorsing the recommendation which is almost at the bottom of Page 3? Norway.

Norway

Thank you, Mr Chairman. Isn't it a little bit premature to decide that yet because we should actually wait until we have discussed and considered the Scientific Committee report? So instead of now approving this recommendation and then come back with any additional items as a financial implication of the consideration of the Scientific Committee report. I would suggest that we leave this in abeyance until we have considered the Scientific Committee report. Thank you.

Chairman

Thank you, Norway. Then let's look to the recommendation which is on Page 4 which is really proposing a minimum base for the Commission to maintain their activities. Can we agree on this minimum now, or you prefer to deal with this later? Australia.

Australia

Mr Chairman, I think there is value in the Commission agreeing at this time if it wishes, if it's in agreement with the data provided by the Committee, that we agree with this base level budget. As the Commissioner for Norway has pointed out, there may well be further additions which we receive when we consider the Scientific Committee's report, but I think in that case the Committee can and indeed should consider the financial implications as well as the scientific implications of each proposal we see. And in that sense each one of those is a module add-on. I'm sure the Secretariat will be able to tell us what I think we really want to know which is what we'll actually be paying next year quite quickly, given the approval now, at this stage of the meeting, of this base budget. So I would strongly advocate, Mr Chairman, that we proceed along that line unless delegates are uneasy with any of the individual items within it. Thank you, Mr Chairman.

Chairman

Thank you, Australia. Any other views? I think then we all agree that this is the basic budget and we all accept this and we can continue then. Dr Evans, please.

Chairman of Finance and Administration Committee

Thank you, Mr Chairman. I do want to bring up a point to remind the Commissioners that the base budget that is presented on Page 4 and the recommendation for it which is placed in Appendix 6 is dependent upon the shortening of the meetings, and so that is a part of some of the cuts were made and it just is a reminder. Item 20.3 Consideration of Advance Budget Estimates for 1993/94 - this was reworked in light of

changes that were made to the budget of 1992/93 in Appendix 5 and we just would like to call your attention to that. With your permission, Mr Chairman, I would like to go on to Item 21 Proposed Reorganisation of the Annual Meeting. 21

Chairman
Please go ahead.

Chairman of Finance and Administration Committee

Thank you, Mr Chairman. 21.1 Intersessional Activity - the Secretary introduced a paper IWC/44/15 REV which encompassed four proposals for changes in the organisation and conduct of the Annual Meeting, and again these were done for purposes of cost saving. One: focussing the work of the Technical Committee on Agenda Items 11 and 12 which is the Comprehensive Assessment, RMP and whale sanctuaries; two: producing a verbatim report instead of a formal report for the proceedings of the Technical Committee; producing the Scientific Committee report in advance of the opening day of the plenary session so that the Commissioners would have more time to go over the details within that report; provide for sound relay of the Technical Committee proceedings for the Press. The general consensus was that the proposal put forward by the Secretariat should be acted upon on a trial basis at the 44th Annual Meeting subject to agreement at the Commissioners' meeting. A number of delegations emphasised the importance of providing two levels of debate on very important agenda items such as 11 and 12 in order to assist non-native English speakers and to allow time for informal discussions and reflections after debate in the Technical Committee. The United States had some problems as far as being able to support instituting any changes to take place in the 1992 meeting. The Committee favoured the production of a formal but more concise report if the work of the Technical Committee was limited to Items 11 and 12. The Secretariat advised that, following the Commission's request last year, special arrangements had been made to enable the report of the Scientific Committee to be available four days in advance of the Commission meeting. Delegations were concerned that the report should not be publicly available before the opening day of the plenary session and the Chairman of the Commission agreed that the Secretariat should be authorised to make the report available to Commissioners, named official delegates and members of the Scientific Committee only, provided it remained confidential and carried a statement of confidentiality until 10am on 29 June. It was noted that the Press already had access to sound relay of the Commission itself. Some delegations favoured extending these arrangements to the Technical Committee, although others preferred to move with less haste. It was suggested that for this year the sound relay of the Technical Committee should be introduced on a trial basis. 21.1

Item 21.2 Action Arising - the Committee noted that the final decision on these matters would be taken by the Commissioners. 21.3 Amendment of the Rules of Procedure - it was agreed that action on considering amendments to the Rules of Procedure for both the Technical and Scientific Committees and the terms of reference of sub-committees and working groups should be deferred until the 45th session in order that account be taken of the experience gained from the trials proposed this year. Thank you, Mr Chairman. 21.2
21.3

Chairman
Thank you, Dr Evans. Are there any comments to this part of the report? It seems none. Then can I take that we have agreement on the four points, specially Number 2 and Number 4 as it was decided in our Commissioners' meeting? St Lucia.

St Lucia

Mr Chairman, I recall that there was no consensus to the sound relay of the Technical Committee proceedings for the Press. You asked about 4. My delegation had expressed reservations, or rather my delegation is expressing reservations, as to the sound relay of Technical Committee proceedings to the Press.

Chairman

It's my impression that we agreed yesterday that for this meeting will not be any sound relay of the Technical Committee discussions to the Press and I would just get it into the record of the plenary that this is the agreement that the Commission wants at this time. It seems so. Thank you. Could you move on, Dr Evans, please?

Chairman of Finance and Administration Committee

Thank you, Mr Chairman. Before moving on to the 22 Date and Place of the Annual Meetings, it was brought to my attention after we had finished the report on the Finance and Administration Committee that an item had come up that was explained to me by the Secretariat which could have possible financial implications and we were not able to include it in the report. I would like to at this time, with your permission and through you, Mr Chairman, to ask the Secretariat to define that item. Thank you.

Chairman
Secretary.

Secretary

Mr Chairman, a problem which arose in the sub-committees which met after the Finance and Administration Committee held its meeting was that we were very nearly swamped by applications from Non-governmental Organisation observers to attend those sub-committees. I would like to ask the Commission if they would agree that NGOs when they are invited to attend the Annual Meeting would also indicate at the time of their acceptance if they wished to sit in on any of the Working Groups or Sub-committees in the preceding week. We already require governments to tell us when they're coming to a meeting in order that we can provide enough chairs and tables. We don't ask the NGOs to do that and it created a very real problem when we had 105 people in the room that was not designed for that number of people, and I would like to, in a sense, put the NGOs on the same footing as the member governments that they give us due warning in advance of arrival that they wish to attend a meeting. I would suggest that in order to overcome the problem of the rules, the practice, governing their attendance that I accept their request dependent upon final agreement at the start of each appropriate session. Presently we require that for the NGOs, there are no objections to any of them attending, and I think we can find a form of words that indicates that they are going to be admitted subject to a final decision at the start of each appropriate meeting. I hope that will resolve the immediate problem, Mr Chairman.

Chairman
Thank you, Secretary. Norway.

Norway

Thank you, Mr Chairman. I think the question that Dr Gambell just raised would be a suitable subject for discussion at the informal Commissioners' meeting because here we are raising again a question that some of us discussed at our whole lunch hour - that is the observers' fees. Now, if they are going to be normally invited also to be present in the week preceding the Annual Meeting, well, that raises that question again. And I would not want to pursue it here. I would think that is a matter that could more appropriately be dealt with in a Commissioners' meeting. Thank you.

Chairman

Thank you, Norway. Any other view? It seems none. Let's break now for afternoon coffee or tea and we will come back to continue with this report, Agenda Item 22, and then we will keep in mind the proposal by the Commissioner from Norway to deal with this item in a private Commissioners' meeting. By the way, I should let you know that tomorrow morning, instead of the plenary session, I'm being requested by several delegations and the Vice Chairman of the Commission to have a small private Commissioners' meeting with the participation of Dr Kirkwood and Dr Hammond before we go into Technical Committee to discuss very substantial scientific issues and technical issues related to Comprehensive Assessment and RMP. So tomorrow morning the plenary will not start, we will just at 9 o'clock we'll be in Commissioners' meeting. We have an informal discussion with the two leaders in this field, the Chairman of the Scientific Committee and Dr Kirkwood and then perhaps there we can take this proposal by the Norwegian Commissioner on this item. So let's break now for lunch - sorry, for tea. I have a really short lunch myself. And reconvene at four o'clock. There is an announcement by the Secretary before.

Secretary

Just to explain about the coffee, Mr Chairman. We have an honesty box there to try and recoup some of the costs and it says £1 per session - that means as much as you can drink at one go. It's not £1 a cup, it's £1 per session. Thank you.

[Coffee break]

Chairman

Let's start. Let's continue. Dr Evans, if you can introduce the next part of your report, please.

Chairman of Finance and Administration Committee

Thank you, Mr Chairman. 22 is Date and Place of Annual Meetings. Under 22.1 45th Annual Meeting in 1993 I'm pleased to say that Japan has confirmed that it would be willing to host the next meeting of the Commission between 10 and 14 May 1993 and the associated meetings of the Scientific and other Committees. Japan has also confirmed that it would meet the additional costs incurred in holding such meetings. The venue has still to be decided and would be resolved in the Autumn and the Committee warmly received the offer. Thank you, Mr Chairman.

22

22.1

Chairman

Thank you, Dr Evans. Any comments? Japan, please.

Japan

Thank you, Mr Chairman. It is our great pleasure to be able to host the 45th Annual Meeting for the IWC. I hope that this opportunity would afford us to gain more understanding of our position. Thank you.

Chairman

Thank you, Japan. We thank you for the invitation. Is any comments? We get approve for this and so it is decided and we thank the Government of Japan for this kind invitation to have the 45th Annual Meeting in Japan. Next item, Dr Evans, please.

Chairman of Finance and Administration Committee

Thank you, Mr Chairman. 22.2 46th Annual Meeting in 1994. We were pleased to note that Mexico indicated that it hoped to be able to issue an invitation to host the meeting in 1994 and, of course, the date and location to be on advisement. On behalf of all the delegates the Chairman expressed his considerable appreciation to Mexico for their very kind offer for considering the possibility of hosting the meeting in 1994. Thank you, Mr Chairman.

22.2

Chairman

Thank you, Dr Evans. Any comments? Mexico.

Mexico

Mr Chairman, I would like just to confirm that the authorities are still reaching the point of making a final decision on this matter and the situation is the same as stated in this paragraph. But this delegation will inform the Commission and delegates as soon as possible that this decision is reached. Thank you very much, Mr Chairman.

Chairman

Thank you, Mexico. We're looking forward to meet there in one place and Glasgow is training us very well. Can we move to the other items in your report, Dr Evans, please?

Chairman of Finance and Administration Committee

Thank you, Mr Chairman. We have three other items. One, Invited Participants to the Scientific Committee, Any Other Business and Adoption of the Report. Under the Invited Participants to the Scientific Committee the Secretariat circulated a list of Invited Participants for 1992. It was noted that the number of Invited Participants had risen by three to 11 over the list circulated 60 days in advance according to the decision by the Commission. The Chairman of the Scientific Committee explained that the first list issued in April had been revised in light of information which had become available subsequently. The additional three had their own costs of participation apart from a contribution towards the travel and subsistence for one scientist who resided in the UK. He also advised that Invited Participants were appointed in consultation with the Chairmen of the relevant Sub-committees of the Scientific Committee and the Secretariat on the basis of their knowledge or expertise in areas of special significance to the work of the Commission. His Committee was increasingly reliant on advice from experts who were not nominated by member governments to be members of the Scientific Committee. Mexico requested that in future the list circulated by the Secretary 60 days in advance included the name of the institution of the scientists invited. Thank you, Mr Chairman.

Chairman

Thank you, Dr Evans. Any comments? It seems none. Can you move to the next point in your report?

Chairman of Finance and Administration Committee

Thank you, Mr Chairman. Under Any Other Business, during the discussion on the budget for the 1992/93 under the plenary Agenda Item 20.2, the delegate for St Vincent and The Grenadines advised that his country had taken one humpback whale during the current year and that under the new formulation for members' contributions was required to increase its rate of subscription by two shares, some £10,000 or 66%. He considered this anomalous given an overall catch limit of three whales. The Committee returned to this matter under its Agenda Item 7 when St Vincent and The Grenadines submitted a proposal which is attached at Appendix 7. The Committee considered that it would be appropriate for this matter to be addressed by the meeting of Commissioners. Thank you, Mr Chairman.

Chairman

Thank you, Dr Evans. Invite some comments on this point? St Vincent.

St Vincent and The Grenadines

Thank you, Mr Chairman. Mr Chairman, my Government would at least expect me to put this matter on the record of the Commission and we will only need a few minutes of your valuable time to do that. We are the only government affected in this way and our position may well have escaped the notice of many Commissioners if we hadn't brought it up. We have not only pointed out the problem but we have tried to come up with some proposal for dealing with it. We had, of course, first brought it up last year and a change was made by the Commission which improved the situation and for which my Government again records its thanks. We, of course, recognise that every organisation has to have rules applicable equally to all members but sometimes the application can result in a situation which is not equitable. For instance, no allowance is made for size of quota or catch in calculating contributions although this varies considerably from three, say, in our case to as much as 170 I understand. We have also questioned the rationale for allocating shares at all for aboriginal subsistence whaling in particular which is not profitable. So to repeat, by taking one whale out of a quota of three my Government now pays £10,000 more or 66%. Finally, of course, the figures in our proposal are provisional as payments are still coming in which would probably result in that figure of £1,000 per government in all probability being reduced by more than half. Thank you, Chairman.

Chairman

Thank you. Any other comment? St Lucia.

St Lucia

Mr Chairman, I would like to support St Vincent on the principle of its presentation. It is an anomalous situation and I think in all international organisations the thrust and the spirit of members is to make sure that no one member is disadvantaged. And so I think we ought to seek to find a more equitable way in dealing with this anomalous situation. Thank you, Mr Chairman.

Chairman

Thank you, St Lucia. Mexico.

Mexico

Thank you very much, Mr Chairman. We come to this demand of St Vincent and The Grenadines because our delegation realises that the question that is facing this small country with economical restraints is obviously not fair. On the other side we, not being a whaling nation, are standing for a conservationist policy but in the balance of these two matters our delegation would like to make a call for the Commission to take consideration of this exceptional matter that was due for an exceptional action, one. And maybe try to find some exceptional treatment in respect to the financial problems of this country and not necessarily going into changes of things, systems, administrative or financial systems that we have already discussed, but mainly trying to find an individual exceptional solution for this country. That's the thought of my delegation. Thank you very much, Mr Chairman.

Chairman

Thank you, Mexico. Any other comment? St Kitts, please.

St Kitts and Nevis

Mr Chairman, the present method of contribution is clearly anomalous with regard to this particular matter. St Kitts and Nevis therefore would like to support St Vincent and The Grenadines in its efforts to find a more equitable calculation of contributions. Thank you.

Chairman

Thank you. Norway.

Norway

Thank you, Mr Chairman. I would also like to state on behalf of my delegation that under the circumstances we find the proposal from St Vincent and The Grenadines a reasonable proposal that we are prepared to support and we would hope that we could actually reach a consensus on this question. Thank you.

Chairman

Thank you, Norway. Dominica.

Dominica

Mr Chairman, Dominica would like to register its support for the position of St Vincent and The Grenadines. Thank you.

Chairman

Thank you. Japan.

Japan

Mr Chairman, we would like also support the proposal made by St Vincent, seconded by many delegations. Thank you, Mr Chairman.

Chairman

Thank you. Iceland.

Iceland

So would Iceland. Thank you.

Chairman

Thank you. Australia.

Australia

Thank you, Mr Chairman. Mr Chairman, although we have considerable sympathy for the financial problems that St Vincent and The Grenadines appear to have, nonetheless this Commission last year agreed in a sense to treat St Vincent and The Grenadines as a special case last year, largely on the argument from the Commissioner that the likelihood of any activity in their aboriginal whaling was zero. Indeed, I was happy to be part of a consensus that agreed to the renewal of the aboriginal quota on much the same grounds, that is that it wasn't really going to be taken. I find it therefore very difficult this year, Mr Chairman, to be presented with an argument that having now taken it we should now reverse what we did last year. I'm afraid that Australia at least is not really prepared to go along with this proposal. Thank you, Mr Chairman.

Chairman

Thank you, Australia. I have New Zealand.

New Zealand

Thank you, Mr Chairman. I too would recall that the adjustment was made last year to meet St Vincent's position then and I had really hoped that the scale of assessments which was forged after a great deal of debate and compromise and which is only coming into force for the first time could be allowed to subsist

for a while before we seek to amend it because I think that's the import of what is being proposed. And if we open up the scale of assessments we'll have another five years of happy debate on the subject before we arrive at another scale. But if St Vincent wishes to pursue the matter I wonder whether, as is often the case in these matters as it affects individual countries, it mightn't be more appropriate to consider it in the meeting of Commissioners to be held tomorrow morning which I think would be a more appropriate forum. Thank you.

Chairman

Thank you, New Zealand. That's a very good approach. Thank you for the proposal. St Vincent.

St Vincent and The Grenadines

Yes, Mr Chairman, thank you again. Only to comment on one thing said by the distinguished Commissioner for Australia. I don't really recall at the time that I requested a quota for my country stating that I requested a quota but the Commission was to understand that we would not make any use of it. I don't recall that at all. In other words that I would have requested three whales but the Commission was to understand that none would be taken. I don't recall that, but I definitely welcome the suggestion from the Commissioner from New Zealand. Thank you.

Chairman

Thank you. Spain.

Spain

Thank you, Mr Chairman. We have heard the support of many delegations for the proposal of St Vincent, but I understand that this support is for the exceptional case of not charging St Vincent with this additional £10,000 and not the proposal which has been distributed in Appendix 7 because in this proposal, Mr Chairman, it's been suggested that there be no allocation of shares for aboriginal subsistence whaling. This I'm not at all prepared to accept. I would like to say also before going to the Commissioners' meeting to discuss this, Mr Chairman, that last year Spain suggested a formula which consisted in allocating a percentage of the total budget of the Commission to the whaling activities so that if this percentage was for instance 20% - I don't remember - this 20% should be shared by all whaling members proportionally to the intensity of their whaling activity, in which case this one whale of St Vincent and The Grenadines would not mean £10,000 but much less than that, Mr Chairman. This proposal for Spain was not shared by the majority of delegations and we adopted another system. I have to suggest you, Mr Chairman, that we should stick to the system we have agreed but anyway I would be prepared to discuss in the Commissioners' meeting this new exception but the exception has to be very clear, what happens this year with this contribution and not with the proposal which is in Appendix 7. And for ending, Mr Chairman, if you allow me, I have to say that if we are here now, Mr Chairman, it's because there is whaling activity, Mr Chairman. Thank you.

Chairman

Thank you. USA.

USA

Mr Chairman, the United States would like to associate itself with the position articulated by Australia and New Zealand. We are sympathetic with the effect that being a whaling nation has on the contribution of St Vincent and The Grenadines. The fact is, however, that St Vincent and The Grenadines is a whaling nation and it could easily lower its contribution by not whaling. I would like to point out that the arrangement whereby whaling nations make higher contributions than non-whaling nations is a long-standing arrangement. The US supports that arrangement even though our contribution would be reduced if the Commission adopts the proposal by St Vincent and The Grenadines. Thank you.

Chairman

Thank you, USA. Any other comment? If not I think we should deal with the problem by the suggestion by the distinguished Commissioner from New Zealand which is also reflected in the Finance and Administration and perhaps tomorrow morning we can agree and reach a consensus on the St Vincent request. If that's the desire of the Commissioners then we will deal with this tomorrow in the Commissioners' meeting as well as the point raised by Norway besides the management class that we're going to receive. Thank you. We'll do. Then we're in a position to adopt the report of the Finance and

Administration Committee report. Are there any views before we adopt this report? We approve a basic budget for the next year in the understanding we are still pending on the discussions of other items that may increase or not this budget, but I think we are in a position now that we can adopt the report of the Finance and Administration which is our Agenda Item 23. It seems so, thank you. 23

Then I propose we can use the half an hour that we have maybe dealing with some other agenda items which are not too difficult. We can move to Agenda Item 15. May I ask the Chairman of the Scientific Committee to introduce this report from these other organisations please? It's in your report on Page 2. 15

Chairman of the Scientific Committee

Thank you, Mr Chairman. As you say, this is recorded under the report of the Scientific Committee on Page 2 and 3. We received a report of the IWC observer who attended the Annual Statutory Meeting of ICES. Also under this item we had some discussion about the proposal for a workshop to address issues of multispecies interactions with special reference to whales in the North Atlantic and the Committee agreed that interested scientists in the Committee should consult informally during the year with scientists from ICES on this matter with a view to presenting revised proposals next year. Under Item 15.1.2 CCAMLR again we received a report of the IWC observer. We had also received a request from the Convenor of the CCAMLR on Ecosystem Monitoring Programmes for advice on sources of available data of various kinds. And we recognised that a comprehensive response to this would involve completion of many studies being undertaken or proposed. But we did think that it would be feasible for information on minke whales to be available within a timescale of about one or two years, possibly for review at an interactive workshop that had been proposed by CCAMLR and we noted that it might be appropriate to propose that this workshop be a joint CCAMLR/IWC workshop. And we drew CCAMLR's attention to various sources of data that were available that might help them in their request. Under Item 15.1.3 CITES we received a report of the IWC observer. Of relevance here is the fact that ICES is reviewing and revising its criteria for inclusion of species in its Appendices and there were certain aspects of this which were of interest to the Committee and the Commission in the context of developing a revised aboriginal whaling management procedure. This is particularly with respect to minimum effective population size. And we agreed that the Secretariat should inform the CITES Secretariat of the Committee's interest in obtaining relevant documentation. Under 15.1.4 we received the report of the IWC observer at the North Atlantic Committee then under Item 15.2 we received some information on the Convention for the Conservation of Migratory Species of Wild Animals and also received some comments from the advisor from UNEP. Thank you, Mr Chairman. 15.1

Chairman

Thank you, Dr Hammond. Are there any questions? Australia.

Australia

Mr Chairman, this is not a question but I have to make a humble correction. In the observer's report on CITES which was prepared by an Australian observer, in the second line it states that it was held in Tokyo whereas of course it was held in Kyoto. I assume that the observer did actually go to Kyoto.

Chairman

Thank you. Any other comment or question? It seems none. We have received two invitations. I will ask the Secretary to inform you about these and to find proper representation for these meetings. Mr Secretary.

Secretary

Mr Chairman, you will see from the annotations to the IWC Agenda that we have already received an invitation to be represented by an observer at the meeting of ICES to be held in September/October. I have also just received an invitation from FAO for the IWC to be represented in a Technical Consultation on High Seas Fishing to be held in Rome in September of this year and we are asked to prepare a paper of not more than five pages in length focussing on topics germane to high seas issues under consideration. I would be interested to know if there is any IWC member intending to go to that Rome consultation and the Secretariat, I think, can prepare a suitable document from existing documentation. And then the third invitation is one from the Indian Ocean Marine Affairs Cooperation. This is to note that there is the Eighth Meeting of its Standing Committee being held in Sri Lanka in October and I think this may have special relevance when we have our discussion on the Indian Ocean sanctuary because IOMAC has passed a draft Resolution requesting that the Indian Ocean sanctuary be a sanctuary for all time. And again I 15.2

would be pleased to receive information on someone who could represent the IWC at that meeting. So we have these three invitations already, Mr Chairman, from ICES, from FAO and from IOMAC and it would help me considerably to have some offers of representation.

Chairman

Thank you. Are there any volunteers for these meetings or any Commissioners which in their working agenda they have already participation or potential participation for these meetings? It seems that nobody is willing to go to these meetings so we will just carry on the work in the normal way that the Secretary does and if there's any change of mind or anybody is appointed these meetings who wants to be representing the Commission we'll deal by correspondence with the Secretary.

Well, that disposes of Agenda Item 15. I think we can also use the time properly if we move to Agenda Item 18 and I would ask the Secretary to introduce the paper 44/12. Japan.

Japan

Thank you, Mr Chairman. Of regard to the Item 15 I would like to note that the Scientific Committee of the IWC regards that the data of IDCR and data of the Japanese research take is very useful for the study on the Antarctic ecosystem to be done by CCAMLR, and also I would like to hope that NAMCO will make a good contribution to the study of marine mammals. Thank you, Mr Chairman.

Chairman

Thank you, Japan. Let's move then to Agenda Item 18 Register of Whaling Vessels, please. Dr Gambell.

Secretary

18

Mr Chairman, I direct the attention of delegates to IWC/44/12. The Commission has for many years asked the Secretariat to provide the Register of Whaling Vessels and this is an Eighth Edition. A number of recent presentations under this Agenda Item have been updatings of the Seventh Edition, so we have brought this all together now in an Eighth Edition and the consultant who undertakes this work has produced the listing as you have it. There are a number of comments on Pages I and II concerning the completeness of the information and other relevant matters and a request that any amendments or changes, corrections or other information which is relevant should be provided three months prior to the next Annual Meeting. The next Annual Meeting is planned rather earlier than usual and so I hope that we might have the information in the month of March next year, no February is three months - the end of February next year so that there is adequate time for checking the records against Lloyd's registers and other official sources of that kind. So we present this Seventh Register of Whaling Vessels to the Commission, Mr Chairman.

Chairman

Thank you. Any comments? No. Norway.

Norway

Thank you, Mr Chairman. I am just referring to the paper document 44/12, paragraph 2.1 and I can just confirm that it continues to be our policy not to give the information about our vessels because of the terrorist threats or possible terrorist actions against those vessels. Thank you.

Chairman

Thank you, Norway. Japan.

Japan

Thank you, Mr Chairman. My delegation would like also to reiterate our policy not to register our whaling vessels because of the incident which happened that the whaling vessel was sunk by somebody. Thank you, Mr Chairman.

Chairman

Thank you, Japan. Iceland.

Iceland

Iceland is opposed to forwarding information about Icelandic whaling vessels and small-type whaling boats. I see now on Page 7 in this paper on page head that all the Icelandic vessels are registered here and verified by May 1992. Can I have an explanation on this? Thank you.

Chairman

Thank you, Iceland. Secretary.

Secretary

Mr Chairman, these records are derived from publicly available records in the registers of shipping.

Chairman

Thank you. Denmark.

Denmark

Thank you, Mr Chairman. Some years ago Denmark asked for the acceptance of the Commission that due to the very large number of small vessels in Greenland we're dealing with here that we should only deliver this revision every third year and I would just like to ask whether this procedure could be continued. Thank you, Mr Chairman.

Chairman

Thank you, Denmark. Any other comment? Well, that disposes of Agenda Item 18 and, as I announced earlier today, I will open Agenda Item 25 to give the opportunity to a Commissioner of Iceland to make a statement and this Agenda Item will remain open to the last day of the meeting. Iceland.

Iceland

Yes, thank you, Mr Chairman. Mr Chairman, this meeting this afternoon will be the last meeting which Iceland will attend as a member of the International Whaling Commission. I would therefore prevail upon the patience of the Commission and use this opportunity, this last opportunity as it were, to set out some of our thoughts at this turning point in Iceland's relations with the Commission. Many of you will recall that at the end of our meeting last year in Reykjavik I set out some of the considerations which led our delegation to recommend to the Government of Iceland withdrawal from the Commission. Subsequently the Government appointed a committee to study this recommendation and the committee endorsed this recommendation on the basis of a study of the many factors involved - legal, commercial and political. Subsequently the Government, following consultations with the Foreign Affairs Committee of the Althing, decided that Iceland would withdraw from the Commission. So you see, this decision was not taken casually - on the contrary, only after thorough consideration at the highest levels in Iceland.

Mr Chairman, in your statement this morning you said that the Commission had in the past despite difficulties succeeded in solving the problems it had encountered. Well, this in fact is true only on a very preliminary analysis and in recent years the Commission has failed to reach solutions acceptable to Iceland. We have in earlier meetings traced these failures to certain structural deficiencies such as the limited time available at Annual Meetings for any real negotiations. But more generally we have experienced in our efforts, for example, to complete in a timely fashion the Comprehensive Assessment or to carry out scientific research or to adopt quotas on the basis of existing management rules, a level of disrespect of the Commission for the rules under which it should work, and disregard of the scientific advice of its own Scientific Committee. We thus concluded that the Commission was fundamentally flawed and were not convinced that a change in attitude could be expected. This situation prevailed despite the best will of the majority of the members of the Commission and for that reason we had earlier expressed regret at having to take this step.

Mr Chairman, many opening statements by Commissioners referred to the important crossroads we have reached this year in the field of the environment. I would thus like to put our decision in the context of Iceland's general concern for the environment. I am proud of the role Iceland has played in international fora on environmental questions. I have just returned from the Rio conference where we emphasised proposals to safeguard marine environments with, I submit, considerable success. As a country overwhelmingly dependent on the exploitation of the living resources of the oceans such questions are essential for our survival. We were thus encouraged by endorsement by the Rio conference of the principle

of sustainable utilisation of marine living resources. Mr Chairman, for a country such as Iceland it is necessary to be a participant in nature, not merely an observer. The Commission, we fear, is working on antiquated assumptions, out of touch with contemporary environmental trends.

Well, Mr Chairman, you would be surprised, perhaps, if in parting we were to wish the Commission well in its further work. Indeed, under the theories we have advanced in the past, the best long-term result might in fact be the demise of the International Whaling Commission. But perhaps equally good would be a viable organisation with a limited scope of activities, taking rational decisions based on scientific advice and the principle of sustainable development. Iceland, after today, will no longer be in a position to affect the direction the Commission might take. The choice is yours.

Mr Chairman, I would not like to conclude my remarks without expressing the thanks of the Government of Iceland for the splendid working relationship we have enjoyed with Dr Ray Gambell and the other members of the IWC Secretariat. And finally, on a personal note, I would on this occasion recall with pleasure the friendly relations I and other members of the Icelandic delegation have enjoyed with other participants in these meetings, past and present, during the last seven Annual Meetings, both with those who have shared and supported our views and with those with whom we have disagreed. Thank you, Mr Chairman.

Chairman

Thank you, Iceland. I will say it from the Chair and personally I wish you were in a different situation, giving us an opening statement and not a farewell speech. I respect your decision as much as all the Commissioners in this organisation, but I say personally that I regret it because we're losing a member country which always participated with an open mind and with a clear position. I also thank Iceland for your participation all these years and I have the hope to see you some day coming back to the Commission. Thank you.

Before I close the meeting tonight I will ask the Secretary to give you some information on the events of tonight and also the order of business that we will have tomorrow. Secretary.

Secretary

Mr Chairman, I understand that invitations for the reception tonight are in the pigeonholes and they are needed for you to gain entrance into the Kelvingrove complex, so please look in your pigeonhole and get your invitation and don't forget your security pass as well. This is the reception by the UK Government in the Kelvingrove Art Gallery and Museum. Buses will leave from the hotel front door starting at 6 o'clock and I think there will be adequate space made for you to get out of the door. The buses will return at 8 o'clock at the conclusion of the reception, so please remember your invitation and your security pass. And I'm also asked to advise that delegates are - I don't know how to put it - are allowed to bring their legitimate partner with them. I think you understand what I mean.

Concerning tomorrow morning's activities, Mr Chairman, it seems to me that the agenda for the Commissioners' meeting has expanded somewhat since the first indications and I would propose that Commissioners meet at 9 o'clock in the Carradale Room which is the small committee room on this floor to discuss or to have the teach-in on Revised Management Procedure and to discuss the other items which have been raised; that we have coffee at the same time at 10.30 and that we resume the main session at 11.00. But I'm not quite clear - are we meeting in plenary or in Technical Committee tomorrow morning?

Chairman

My intention is that we will resume as the Technical Committee tomorrow and that Technical Committee will start their work on Agenda Items 10, 11 and 12. The meeting is resumed till tomorrow at 11.00.

END OF FIRST PLENARY SESSION

SECOND PLENARY SESSION
Wednesday 1 July 1992: 11.50am

Chairman

We will resume in this session the work of the plenary. I will open the discussion on the Agenda Item 14 14
Second International Decade of Cetacean Research. I will invite now the Chairman of the Scientific
Committee, Dr Hammond, to present the report of the Scientific Committee on this issue, please.

Chairman of the Scientific Committee

Thank you, Mr Chairman. This is covered in the Scientific Committee report on Page 40. We reviewed the 14.1
results from projects from 1991/92, in particular the results from the IDCR Southern Hemisphere minke
whale cruise. The analysis is not yet complete but it was expected that it would be during the year. There
were also reports from three other projects which the Commission had given funding in the past. These
were all concerned with humpback whales and we received the reports but did not have time to discuss
them, but I would note that the results from the projects all will have relevance to our Comprehensive
Assessment of Southern Hemisphere baleen whales, in which we propose to concentrate on humpbacks
next year. When we reviewed proposals for the coming year, 92/93, the main item was the Southern
Hemisphere minke cruise again, and the Committee noted with appreciation that the Government of
Japan had once again allocated resources and vessels for such a cruise, and the details of this are given in an
annex to our report. It was proposed that the cruise be carried out in the western part of Area III in the
Antarctic. Given the Committee's current interests, Mr Chairman, in southern baleen whales other than
minke, the Committee recommends that every opportunity should be taken to take individual
identification photographs and biopsy samples from humpback, blue and right whales during this cruise.

We also discussed some other unsolicited research proposals and again, Mr Chairman, these were all to do
with baleen whales in the Southern Hemisphere. Two of the projects are continuations of projects that the
Commission funded last year and the third one was a new one. We recommended that all these projects
receive funding but, as you will know from the report of the Finance Committee, the baseline set by the
Commission does not include funding for these proposals. I would suggest, Mr Chairman, that if that
stands and the Commission does not fund these proposals that perhaps the Commission could endorse
these proposals as being valuable research whilst being unable to finance them.

Finally, Mr Chairman, concerning the disposition of photo-identification photographs and biopsy
specimens from previous IDCR cruises, we noted that, given our Comprehensive Assessment of Southern
Hemisphere baleen whales which is under way, these data were very important and we agreed that the
Secretariat should continue to try and obtain copies of the photographs that have been taken on previous
cruises. We also agreed that institutions wishing to use these data should submit research proposals to the
Committee which would then be considered under our normal guidelines. Thank you, Mr Chairman.

Chairman

Thank you, Dr Hammond. Are there any questions or comments to this report? Japan.

Japan

Thank you, Mr Chairman. Once I was a member of the Scientific Committee and during the time of my
membership I recall there was a very critical situation as to whether the IDCR should be continued and I
have a very special affectionate attachment to this programme due to this very interesting experience. In
1984 I recall that methodology for the analysis of the data acquired from IDCR had not been established
and therefore there were certain radical anti-whaling members within the Committee proposed that this
would be discontinued. However, the Scientific Committee had a very prudent decision to continue on this
programme and I'm very pleased to note that it has been a very successful programme. The IDCR
programme has been going on since 1978/79 under the guidance and planning by the IWC Scientific
Committee and with the cooperation of the multinational government scientists and we are going to have
the fifteenth year of the research cruise in the Antarctic. This research has always been conducted and
planned based on the methodology and the theory which is the most advanced of this kind in the world and
utilising the best available research technique and therefore I believe this is one of the most valuable and
important and of the highest level scientific asset that the IWC possesses at the moment. Without this
research it would have been difficult to complete the Comprehensive Assessment of the Southern
Hemisphere minke whale and also the Southern Hemisphere baleen whales Comprehensive Assessment

which is now undertaken by the Scientific Committee. The cruise proposed for the next season is the cruise and research in the principal area which have not been covered by the past researchers and therefore Japan strongly supports the proposal by the Scientific Committee for this programme and I like to add that since 1978/79 season Japan has been offering, providing the vessels and crews and all other necessary logistics requirements which would be equivalent of a million pounds per year and we do have the same intention this year. With this established technique and methodology now obtained from the experience of the IDCR Southern Hemisphere researches I hope the Scientific Committee will expand the researches and application of those methodologies to other whale species in other areas of the world. Thank you, Mr Chairman.

Chairman

- 14.2 Thank you, Japan. Any other comment? It seems none. Can we move now to 14.2 Action Arising on this issue please? We have two proposals by the Scientific Committee on Page 41. Is the Commission willing to endorse this? It seems so. Thank you. We also have the suggestion by the Chairman of the Scientific Committee that the projects identified in this section of the report should be endorsed by this Commission as a valuable research to be carried on, but with not funding from this Commission. Can I take that this is agreeable too? It seems so. Thank you. We have completed this Agenda Item 14.

- 17 We can move now to Agenda Item 17 Commission's Competence to Set Catch Limits for Baird's Beaked Whales in the North Pacific. I think at this stage it would be pertinent to ask the Chairman of the Scientific Committee to report on the section of the Scientific Committee report on small cetaceans which is linked to these discussions of Agenda Item 17. Chairman.

Chairman of the Scientific Committee

Thank you, Mr Chairman. The Scientific Committee did not discuss this issue at all during its meeting. I'm unclear whether you wish me to present briefly the report of the Small Cetaceans Sub-committee at this point. I understand that's normally done under the Agenda Item in which the report of the Scientific Committee is adopted, but I'm quite happy to do that now if you so desire. Thank you.

Chairman

Japan.

Japan

Thank you, Mr Chairman. What Dr Hammond has just said is correct because it is a matter of a philosophical issue and the competence of the Commission has never been referred to the comments by the Scientific Committee. Never in the past in my experience the Commission asked the opinion of the Scientific Committee on this matter.

Chairman

Thank you, Japan. I should probably rephrase my question correctly to the Scientific Committee. I was not requesting their advice in a political issue, I was just trying to find - since this is linked to the competence of the Commission to deal with the small cetaceans - some scientific background for our discussions for the whole issue on Agenda Item 17. Well, I will refrain now. I will rule that we'll just stick to Agenda Item 17 and start the discussions without the background material from the Scientific Committee. Japan.

Japan

- 17.1 Thank you, Mr Chairman. Since I have just started my comment on this matter I just like to continue. This matter was first taken up by the former Commissioner for the Netherlands who was a legal expert and this Agenda Item has been staying in the Agenda ever since that time. In other words, in consideration of how it came into the Agenda Item, this could be summarised that IWC Nomenclature which is adopted at the time of the IWC Convention's establishment in the Final Act, has the competence to the cetacean species other than those listed in Nomenclature and so the matter of Baird's beaked whale is to be discussed within this context of Nomenclature. The International Convention for the Regulation of Whaling on onset had the objectives to play a role of somewhat international cartel for the production of the whale oil of the whaling nations using the large whale species. This is clear from the very history of IWC using the BWU in earlier years. And therefore the Japanese delegation considers that those listed in Nomenclature are the species that were of interest of those Contracting Governments of those days when the Convention was contracted and therefore the IWC has no competence over the species other than those listed in

Nomenclature. In fact we look around global distribution of those unlisted cetaceans. There are numerous species, as many as 66 species and more than 200 local stocks. In consideration of the fact that there are 140 coastal states around the world and the IWC only has 39 Contracting Governments and if we exempt Switzerland from that there are only 38 nations in IWC. IWC has a basic problem of tackling the job to manage those numerous species and stocks and therefore Japan is in a view that the management of the small cetaceans should be left to the coastal states or the regional fisheries agencies. Given the above, I am very pleased to note that the North Atlantic nations are now united in NAMMCO to control and manage these species and they are going to start their operation in August and I sincerely hope this will be a very successful organisation. Likewise in West Pacific area, Japan is considering an establishment of the similar organisation as NAMMCO to manage the unlisted whale species and I hope in other areas of the world the regional agencies will be considering the management of those unlisted small cetaceans. Thank you, Mr Chairman.

Chairman

Thank you, Japan. US.

USA

Thank you, Mr Chairman. I remind the Commissioners that way back at the 31st Annual Meeting in London in 1979 the IWC determined to seek legal advice from the various Contracting Governments as to whether the taking of small cetaceans could be regulated under the IWC. And this issue arose, as you may remember, as a result of the Scientific Committee's recommendation that white whales and narwhals be listed under the Schedule to the Convention. It's our view that nothing in the meaning of the use of the term 'whale' or the text of the Convention explicitly limits the Convention's jurisdiction to large cetaceans and, on the contrary, the broad language of the Preamble and the very subject of the articles of the Convention indicate and attempt to provide comprehensive management of cetaceans. I would further point out that in recent years, certainly, Commission practice supports that conclusion. I would also point out that the Law of the Sea Convention in a sense reaffirms the competence of the IWC with respect to all cetaceans, both small and large. Mr Chairman, competence of the IWC is not at issue here. I agree with the Japanese Commissioner that our resources may be at issue, our resources may be in question, but I believe our competence is not. What we have done in recent years, through the Scientific Committee, is to look at various species of small cetaceans one at a time, bit by bit, and we as the Commission have reviewed the work of the Scientific Committee on small cetaceans and made our comments and our recommendations, and I think that's what we should do at this time, Mr Chairman. Thank you.

Chairman

Thank you, USA. New Zealand.

New Zealand

Mr Chairman, I simply wish to touch on the point that the United States Commissioner has already covered and that is the continuing reference and debate that goes on about the Nomenclature. And simply to state once more that it has no legal or other basis and cannot be accepted as a restriction on the competence of this Commission. As everybody knows, it was simply a document prepared by the Secretariat to give alternative names for species of whales that were under discussion then and where different delegations were using different names. It was never formally adopted. It was accepted as a guide to the names, no more. It was not included in the Convention or the Schedule which are the only legal documents that govern our conduct in this organisation and I am surprised that in 1992 we still have references to a document which has no standing whatsoever. Thank you, Sir.

Chairman

Thank you, New Zealand. Brazil.

Brazil

Thank you, Mr Chairman. Mr Chairman, the Brazilian delegation has a position which is by now known here in the Technical Committee. We do not believe that the Commission is at present competent to tackle the issue of small cetaceans. We do recognise, however, that the issue has been tackled in the last years in the Scientific Committee and that has happened under the terms of a Resolution drawn up in 1980 which allowed us to work and to go on working. The reasons for not recognising the competence at this moment are well known - they are the legal reasons. They also have something to do with the 1946 Table

of Nomenclature in that, although it is not an official document (and I agree with the Commissioner from New Zealand on that), but it reflects very well the intentions of the people who drafted the 1946 agreement at that time. As the 1946 agreement still stands as it was drafted, possibly the intentions behind it should also stand. Having said that, Mr Chairman, the Brazilian delegation is one of the delegations here most committed to overcome our differences on this subject because we do believe that small cetaceans need protection and action. In that sense we see that in future we should devise a way of doing something. We have been saying that for the last two years, and this way of doing things should mainly bring trust to the delegations here, should prove to delegations who oppose inclusion of small cetaceans in the management regime of the IWC, should prove the good intentions of those who are wanting to include small cetaceans. We hope to go on working on this, Mr Chairman, but for the time being this is our position. Thank you.

Chairman

Thank you. Mexico.

Mexico

Thank you very much, Mr Chairman. My delegation wants to point out a very important aspect which we are dealing now. Our mandate is very clear. The Commission was created in order to deal with the problem of extinction of very specific kind of whales and baleens on the worldwide and universal concern. That's the reason that explains the existence of a Nomenclature that has guided the works of this Commission and this has helped to bring most of whales and baleens out of dangers of extinction and even recovering them. The Commission is very clear in these subjects of its works. That's why it has been for twelve years that the legal opinion is still in the same basis and the advice still after twelve years is of not including small cetaceans in the works of the Commission. Mexico is a country clearly compromised with the efforts to avoid and stop immediately any menace of extinction of any marine or even non-marine species. Our good faith could be demonstrated for many factors that I wouldn't like to mention in detail, but I can state to this Commission and its members that we will keep this good faith in the protection of - if you want to say - all kind of animals in danger of extinction and we'll go on with the efforts and the possibilities we have. And we will promote and we will denounce when abuses are committed against any species. We'll use this Commission only to refer to those animals who are clearly covered and we'll use other fora or we'll use other methods to deal with some other type of marine animals in danger of extinction. We are certain from observation, scientific general opinion, that small cetaceans are a different problem to that of the big cetaceans. The concern is more regional, the concern sometimes not even regional, sometimes it is the concern of one country who, like our case, has to have the responsibility of taking into care one species that is only found on its coast, on its shores, or maybe share by two or three countries. That's why we will keep our intention to promote the regional cooperation and in that order we are open to give our expertise for countries asking for these experiences. There is another consideration. We think that the works of this Commission are very important, they are paramount for us. This has been a concern of years of the international community. Unfortunately, this Commission is not a very universal represented organ. Unfortunately, we represent only maybe one-fourth of the countries that could be concerned with the baleens and the whales, and Mexico's opinion is that we try to make efforts not to politicise but try to open ourselves and try to promote the participation of more countries. We need really to be the institution on which we can join the most of the countries of the community, and especially those countries who have coasts and also we like to appeal for more scientific, technical cooperation between all those. That's all I want to say now. Thank you very much, Mr Chairman.

Chairman

Thank you, Mexico. Chile.

Chile

Thank you, Mr Chairman. I am surprised really to see that we are starting again with the very discussions which took place last year and which appears in the report in more than four pages of debate, and I think by now the opinions of different delegations are well known on this very complicated situation which encompassed legal, political and institutional matters. I think it is an anomaly - I said this last year - that under the change of title of an item of the agenda we are really discussing the most important, well, not the most but one of the most important issues about the Commission's competence. And I see reading the report that there were some conversations last year to see some practical way of overcoming this most unproductive discussion and to see whether after UNCED we can find a pragmatic approach which will avoid long discussions which will not serve any purpose, I think. Thank you very much.

Chairman

Thank you. I have the following speakers: UK, St Vincent, the Netherlands and Denmark. I give the floor to UK.

UK

Thank you, Mr Chairman. We are worried about this story. It's been dragging on for a depressingly long time and I would certainly like to associate my delegation with the views expressed by the United States and New Zealand. We in the United Kingdom see no problems whatever over the question of legal competence, either in terms of the Law of the Sea Convention or indeed the founding text of the International Whaling Commission, that is the Convention and the Schedule. It's worth noting, of course, that the Commission has certainly taken steps on other cetaceans, small cetaceans. Baird's beaked whale is a very large cetacean indeed. Now I appreciate that some delegations do take a rather different view on the competence but I must urge that we make progress. We've got to keep this item on the Agenda and find practical steps for management of Baird's beaked whale in the North Pacific. It's our understanding that the present catch levels are a worryingly high percentage of the existing population as recently estimated and my Minister, you will recall, has expressed concerns in his opening speech to this conference this week about the relationship between large cetaceans and small cetaceans. We do, of course, recognise that there are regional organisations dealing with small cetaceans and they have their role to play. We also want the IWC to maintain its umbrella role in that process. But whichever way we deal with this we must find a way forward and the long discussions have got to be brought to proper fruition. Thank you very much, Mr Chairman.

Chairman

Thank you, UK. I give the floor to St Vincent.

St Vincent and The Grenadines

Thank you, Mr Chairman. Mr Chairman, we sympathise with the sentiments of the Commissioner from Chile about repetition and lack of production in the Commission but it seems from year to year to be inevitable and so we therefore join in and repeat our position on the question of competence for dealing with small cetaceans which we don't think applies and we would go on to the question of resources, the practical question of the resources of the Commission as far as carrying out this work - whether in Scientific Committee or by way of time taken with Resolutions - is concerned. We were certainly dismayed to find that the Scientific Committee could not complete its work on the RMP which we regard as central to the work of the Commission, yet it did complete its work on small cetaceans, and I'm advised that this occupied as much as 10% of the time of the Scientific Committee. So it would, of course, bear out what we have been saying all along on this matter. We are concerned, therefore, about this tendency for small cetaceans over time to acquire more and more priority in the Commission, priority which we consider to be wrong and misplaced. Thank you.

Chairman

Thank you. The Netherlands please.

Netherlands

Thank you, Mr Chairman. We know that this Agenda Item is phrased the way it is to provide us with an opportunity to discuss the Commission's competence with regard to small cetaceans in general. I concur with the views expressed that that shouldn't necessarily mean that we repeat all the arguments that we've used in the past and do again all the discussions that we've had on this item. The view of the Netherlands with regard to the competence is well known. It is that in principle the Commission has competence with regard to all cetaceans and I do not intend to repeat the various reasons that have brought us to that view, although they are rather simple in fact. Anyway, I would like to say that we support the continuation of the Scientific Committee's work on small cetaceans and we also welcome the intention expressed by the distinguished Commissioner for Brazil, as one representative of countries that have legal difficulties in this respect, to cooperate with other countries within this Commission in order to promote effective measures for the conservation of small cetaceans. We think that that is very important that we start achieving something in this field. Thank you very much.

Chairman

Thank you, Netherlands. Denmark.

Denmark

Thank you, Mr Chairman. Two remarks. I may not be totally in agreement in my UK colleague's interpretation of what was Brazil's intention, but I would like to say that we would like to associate ourselves with the statement made by Brazil. Thank you.

Chairman

Thank you. Norway.

Norway

Thank you, Mr Chairman. It probably comes as no big surprise to members of this Commission that Norway would like to associate itself with the views of the Japanese delegation with regard to the competence of the IWC concerning small cetaceans. IWC has competence with regard to those species which are specifically listed in the Schedule. With regard to other species we should, in the absence of other existing or relevant management bodies, first and foremost be guided by the principles of the UN Convention on the Law of the Sea. Now, in the Article 65 of the Law of the Sea Convention it's specifically mentioned that states shall cooperate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organisations for the conservation, management and study. I repeat, organisations in plural, which means that the IWC is certainly not seen as a monopolist organisation in this context. The principles are referred to in the Law of the Sea Convention have been confirmed in other contexts including the UNCED document from the Rio conference, the various parts of Chapter 17 of the Agenda 21 of the UNCED. Mr Chairman, I noticed that Japan made a reference to the NAMMCO as an example of such organisations that should be the right context of cooperation between countries and I can confirm that the NAMMCO - of which Norway is a founding member - is in place as an appropriate organisation for cooperation on an international regional level within the management of marine mammals in the North Atlantic. Although NAMMCO's scope is not limited to small cetaceans only but concerns marine mammals in a general sense, it is certainly a very relevant example of the kind of organisations that Japan mentioned and I would also like to thank Japan for their wishes of success in the future operations of NAMMCO. Thank you, Mr Chairman.

Chairman

Thank you, Norway. Australia please.

Australia

Thank you, Mr Chairman. Mr Chairman, I won't take the time of the plenary. Simply to say that we would fully associate ourselves with the very clear exposition of view given by the United Kingdom. Thank you, Mr Chairman.

Chairman

Thank you. Sweden.

Sweden

Thank you, Mr Chairman. For the record I would just like to restate the position of my country that the IWC has competence to manage all whales as practicable, and like the Netherlands we welcome the statement by Brazil that we should make a serious effort to try and resolve the issues around this problem, and we would be most supportive of any proposal to start work in that way. Thank you.

Chairman

Thank you. Switzerland.

Switzerland

Thank you, Mr Chairman. We are still convinced that the wording 'all whales' in the Preamble of the Convention means all cetaceans and therefore also small species, smaller species, are well in the competence of this party. Therefore we would like to associate ourselves strongly with the words made the delegation from the United Kingdom. Thank you.

Chairman

Thank you. Germany.

Germany

Thank you, Mr Chairman. I also want to associate myself with the view expressed by UK. Thank you.

Chairman

Thank you. Ireland.

Ireland

Thank you, Chairman. I would like to associate myself with the view that the IWC has competence for all cetaceans. Thank you.

Chairman

Thank you. People's Republic of China.

People's Republic of China

So, Mr Chairman, thank you. So I make some comment on the small cetacean animals. The Chinese Government also shows concern for the decline of the small cetacean animals so we also want to strengthen the management of the small cetacean animals. So consider fact that the most cetacean animals are distributed within 200 Economic Zones of the coastal countries, also distributed in large areas. So the management of small cetaceans should need the national cooperation but the management power for cetacean animals lie in the sovereign government, the national government, the member government. So we think the IWC can provide some guidelines for management of the small cetacean animals but the management of the small cetacean animals lie in the legal government of the sovereign government so that's our viewpoint. Thank you, Mr Chairman.

Chairman

Thank you. Oman.

Oman

Thank you, Mr Chairman. We concur with the views of the distinguished Commissioner for United Kingdom and we feel that this issue be kept within the Agenda and try to find a solution even if it's going to take long hours or days. Thank you, Sir.

Chairman

Thank you, Oman. St Lucia.

St Lucia

Thank you, Mr Chairman. I understand that there are some 66 species of small cetaceans, probably less or more, I'm not *au courant* on this. If we seek to get deeply involved in small cetaceans this would require a considerable amount of work considering our very limited budget and personnel. In the Organisation of Eastern Caribbean States we do have a Fisheries Desk where we harmonise our legislation in dealing with small cetaceans and there are all sorts of factors to be considered in dealing with all these species. There's the question of directed catch, incidental catch, etc. But, Mr Chairman, when I read the report of the Subcommittee on Small Cetaceans - 8. Any Other Business; 8.2 Take of small cetaceans 1991 - I am struck by this sentence: "Progress Reports from Iceland, Republic of Korea, Mexico, Norway, Spain, UK, contained no information on takes of small cetaceans. Some IWC member countries including the coastal nations of Argentina, Brazil, Denmark, France, Seychelles and the Russian Federation, did not submit national Progress Reports to the Scientific Committee", etc etc. These are not my words, I'm reading from a document. It makes me wonder, Mr Chairman - is it that the amount of work involved in getting these reports in? It is very clear that - I stand corrected - that we are really trying to chew too much. There are fundamental areas involving whales, whalers and whaling which are directed and enshrined in our Convention which I should think we should give priority. Nevertheless, I should say that my country will give support to any organisation or institution that would require information on our cetacean catch. And indeed we can do with some further financial support and assistance in doing the work of our regional institutions. Thank you very much.

Chairman

Thank you. I think I will close the debate at this point except there is any delegation wants to make their statement for the record at this time? It seems none. We have here again several opinions in favour and against. Therefore I don't think the Commission is ready now to get to the next Agenda Item which is Action Arising, although we have a proposal by Oman to keep this in the Agenda for next meeting or another time he said. So I will adjourn now the Commission's meeting for a lunch break. I would leave the Agenda Item Action Arising open, 17.2. We will come back to this in another time, maybe tomorrow, and I propose we'll reconvene quarter to three. That will give you two hours' lunch break, and perhaps this afternoon we can review some bits and parts of the Scientific Committee report which are pending and are not directly related to the other Agenda Items which are still on there. Are there any comments or announcements, Mr Secretary? Dr Gambell? Then I will adjourn the meeting to quarter to three.

[Lunch break]

Chairman

16

May I call the meeting to order please? There are two items this afternoon which I would like to cover. One is Agenda Item 16 - will be not the adoption of the Scientific Committee report but I will ask the Scientific Committee to present the parts which are not related to the Agenda Items which still are open. There are quite a few items in this report that we can cover this afternoon and perhaps we will move then to Agenda Item 24 which is the 43rd Annual Report. So let's start with the Scientific Committee report and I will ask the Chairman to introduce parts of this report which are not related directly to the main issues that we still have to consider. Dr Hammond.

Chairman of the Scientific Committee

Thank you, Mr Chairman. There are several items, most of them fairly small, that we should draw to your attention. The first one is on Page 1 of our report under 4.2 National Progress Reports on Research. You will see here at the bottom of the page there's a recommendation: "The Committee reaffirmed its view of the importance of Progress Reports and again recommends that the Commission urges member nations to provide them following the approved guidelines." Thank you.

Chairman

Thank you. Any comments? It seems none. Can we endorse this recommendation? Thank you. Next please.

Chairman of the Scientific Committee

Thank you, Mr Chairman. On Page 23 there are a couple of items under our Comprehensive Assessment Methodology section. The first one of these concerns our work on population assessment models. I won't go into any details on this but we did have a Working Group this year which in fact has been set up again for work during the year and for next year's meeting. At this year's meeting we discussed a number of different approaches for population assessment modelling. We also discussed the validation of computer programs that the Committee has used in running assessments - the so-called HITTER/FITTER models. Based on our discussions, Mr Chairman, the Committee recommends that the developers of these programs create a common subroutine and document both the computer code and the algebraic specification before further validation of the programs implementing the population assessment models is undertaken. And we also set ourselves some priorities for future work which are laid out in our Agenda Item 11 which you already covered. Thank you.

Chairman

Thank you, Dr Hammond. Any comments? Can I take that the Commission is endorsing this recommendation of the Scientific Committee on Page 24? It seems so. Thank you. Next item please.

Chairman of the Scientific Committee

Thank you, Mr Chairman. The next item on this page, Item 10.2 MSY Rates, the Committee had a convened Working Group to develop draft terms of reference and a draft agenda for a meeting which we intend to hold in our Annual Meeting next year. The Committee reviewed these drafts and agreed upon them as terms of reference and proposed agenda and we intend to devote part of our work next year to a discussion of this. Thank you.

Chairman

Thank you. Is there any comment? No? So we agree to those priorities, so let's go to the next item please.

Chairman of the Scientific Committee

Thank you. Item 10.3 Implications for whale management of interspecific interactions. We had some discussions on this item, mainly centring on our draft proposal for a possible workshop in the North Atlantic covering this issue. We didn't make any recommendations on that but we did note that the Sub-committee on Southern Hemisphere Baleen Whales had recommended that a comprehensive review of the food and feeding habits of Southern Hemisphere baleen whales should be undertaken and the Committee endorsed this recommendation, noting that the work might be carried out by Japanese scientists, but if not then it might be appropriate at a later stage to consider putting the study out to contract. Thank you.

Chairman

Thank you. Any comments? No. We note then this endorsement. Thank you. Next item.

Chairman of the Scientific Committee

If we can move now, Mr Chairman, to Item 17 on Page 47 where we outline the data processing and computing needs for the coming year you will see under this item a recommendation for the appointment of a permanent database manager to the Secretariat and this has been discussed by the Finance and Administration Committee. I think that's all under this item, Mr Chairman.

Chairman

Thank you, Dr Hammond. Any comments? We already endorsed this recommendation so we can move on to the next part of your report please.

Chairman of the Scientific Committee

Mr Chairman, I am leaving the item on small cetaceans till last, so I would now draw your attention to our Item 23 on Page 48 in which we adopted our report but we did wish to draw to the attention of the Commission the fact that this meeting had been very hard and we'd worked very long hours and we believe that the agenda we set ourselves was unrealistic, and that the workload had been unacceptably high. And we wish to draw this to the attention of the Commission. I think this is especially relevant, Mr Chairman, considering discussions that have taken place in the last couple of days about the work that the Scientific Committee would need to address in terms of giving us clear indications of what your priorities are. Thank you.

Chairman

Thank you. Any comments? We just heard some concerns of the Chairman of the Scientific Committee requesting some clear indications on priorities and also the view of the Scientific Committee that they have a tremendous amount of work. Are there any comments or any specific advice at this time from any of the Commissioners? No? Well, do your best as usual. Thank you.

Can we then move to any other Agenda Item in your report, any other point that you have, or if you want to go now with small cetaceans go ahead please.

Chairman of the Scientific Committee

Yes, thank you, Mr Chairman. The only other item in our report that we have not discussed in this Commission meeting is Item 16 Small Cetaceans on Page 42. I'll just present this very briefly. The priority items considered by the Small Cetaceans Sub-committee this year were white whales, narwhals and Japanese drive fisheries. We made some recommendations and offered some advice under each of these items. For white whales these recommendations and advice is on Page 43. For narwhals our recommendations and advice is on Page 44, and for the dolphin stocks harvested by the Japanese drive fisheries we made some recommendations and offered advice on Page 45. We also had some new information on other stocks and made some recommendations on harbour porpoise at the top of Page 46 and we made some recommendations on concern about poorly documented takes of small cetaceans at the bottom of Page 46. We also discussed priority topics for future meetings of the Small Cetaceans Sub-committee and agreed that this would be decided by the Chairman of the Scientific Committee in consultation with the Chairman of the Sub-committee on Small Cetaceans. Thank you.

Chairman

Thank you. Are there any comments? Denmark.

Denmark

Thank you, Mr Chairman. With reference to page number 46 I would just like to say that Denmark notes with interest that the Scientific Committee has accepted that the best estimate of the pilot whale population in the Northeast Atlantic is 778,000 whales and we would just like to take this opportunity to thank the Scientific Committee for this work. Thank you.

Chairman

Thank you, Denmark. Chile.

Chile

Thank you, Mr Chairman. This delegation would refer briefly to the recommendation in Page 46 and 47. The Chilean delegation wishes to express that it has taken note with interest the Scientific Committee's recommendation in order to give priority to a review of the abundance and exploitation of small cetaceans in South American coastal waters with a special reference to the fishery of small cetaceans for bait in Chile. The basis of this recommendation is the fact that, as it is stated in the report, the problem is one of the most poorly understood small cetaceans issue recorded by the Committee. The Chilean delegation expresses its will to give its cooperation and assistance for the studies to be undertaken. These studies will help in the implementation and enforcement of already existing Chilean laws and regulation within its jurisdictional waters. The position of principle in this matter has been expressed by the Chilean delegation many times. This is a matter of internal national jurisdiction. The Chilean Government would gladly receive scientific and technical assistance from the international community for the monitoring and control of the situation about which there is very little scientific data as it is stated in the Sub-committee's report. We take note also that a project to this end has been prepared by the Cetacean Specialist Group of IUCN and we expect them in due course.

Chairman

Thank you, Chile. Are there any general comments before we go on to the recommendations? I will prefer it to go in the recommendations page by page because they are quite different. So any general comments on the report? Australia.

Australia

Thank you, Mr Chairman. The Australian delegation would like to say that it has noted the remarks just made by the Chilean Commissioner with interest and encouragement. Thank you, Mr Chairman.

Chairman

Thank you. Japan.

Japan

Thank you, Mr Chairman. Japan is in the position as I have stated in the morning session, that IWC does not have competence over the small cetaceans including Baird's beaked whales and other dolphins. However, we have been respecting the Resolution adopted by the IWC in 1980 and therefore we have been giving as much data as possible with regard to the catches of small cetaceans and other information relating to the stock status of these species, and farther on we have been sending the specialist on small cetacean researches to the Scientific Committee and join in the discussion rigorously. Mr Chairman, I think we have to recognise this very fact. Among the 37 member nations of IWC 16 nations are sending scientists to the Scientific Committee and 14 nations are submitting Progress Reports on their researches to the Scientific Committee. Amongst those 14 nations that are submitting Progress Reports only 8 had catch data of any species including the small cetaceans. Therefore, Mr Chairman, I would like to ask all the member nations through you that when we are discussing about the small cetaceans at this Commission, please recall what your country has done in the way of research or data submission.

Mr Chairman, so far as we are concerned those countries which have diligently and seriously collecting the data and submitting those to the Scientific Committee are the objects of criticism and those only 8 countries as I have mentioned before. It is quite unfair in consideration of other many countries that do not submit data on small cetaceans and therefore my position is very difficult and it might not give any

incentive of further collection or submission of the data if this persists. However, the recommendations given in the Scientific Committee report have been taken very seriously by Japan and therefore we will continue to cooperate with the collection of data and as a nation responsible for the management we would endeavour to enhance our management scheme. Thank you, Mr Chairman.

Chairman

Thank you, Japan. Mexico.

Mexico

Thank you very much, Mr Chairman. My delegation would like to state, as can be seen in Annex O for minority statements of the report of the Scientific Committee, that it maintains its position that has been stated before as well as this morning, wishing that its position will be supported by the wisdom of this Commission. Nevertheless, as we have underlined before, there is need to resolve the legal controversies and the definitions of principle under which the Commission might deal with all cetaceans. Therefore we want to remark our reservation to any recommendation derived from the Small Cetacean group which for us are undoubtedly and inappropriately extending the Commission's responsibilities. That's all. Thank you very much, Mr Chairman.

Chairman

Thank you, Mexico. Any other comments? Well, noting the reserves and the comments presented by some delegations, I would like to review the recommendations on Page 43 and to ask if there are further comments on those? Those are related to belugas - to white whales. Denmark.

Denmark

Thank you, Mr Chairman. I just like to say that Denmark has taken notice of the advice on a little below the middle of Page 43 from the Scientific Committee. Thank you.

Chairman

Thank you. Any other comment? No. We can move then to the recommendations which are related to the narwhals which are on Page 44. Any comments? It seems none. We can move then to the block of recommendations on Page 45. Any further comments besides the one expressed by Japan? It seems none. Then we can move to Information on Other Stocks. There are recommendations on Page 46. Brazil.

Brazil

Thank you, Mr Chairman. Just for clarification, Mr Chairman, and I'm referring to the recommendations in part 16.4.5 - the first recommendations says "Therefore the Committee recommends a complete review of this problem". Now the sentence before that already talked about one problem which of course referred to the sentence before that. I am just wondering if the Chairman of the Scientific Committee could clarify. Is the Committee recommending a complete review of the poor documentation or of the crab fishery, or the use of small cetaceans in the crab fishery? It's not quite clear. That would be my first question. I further would like to ask - I do understand the second recommendation, there's no doubt about that. Now, the third recommendation where it says that a scheme for recording of incidental takes be established in countries where such schemes do not exist. Do I understand that this is a worldwide recommendation and, if so, is that for all countries, member countries of the IWC? And further, do I understand that a scheme already exists or that there are guidelines for recording incidental takes and do I further understand that incidental takes are now being followed by the Scientific Committee as one of the areas of its competence? I think I've given you enough questions, Mr Chairman. Thank you.

Chairman

Thank you, Brazil. Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Thank you, Mr Chairman. I am regarding the first question. It was not the intent of the Scientific Committee to review the crab fishery *per se*, but merely the problem of incidental takes or the use of the small cetaceans as bait in that crab fishery. It is the small cetacean issue that we are concerned with, not the fishery itself. Concerning the second question, I think that's a good point. The Scientific Committee would recommend that this be done worldwide but, of course, we recognise that the Commission really only has competence to recommend to its member states, but nevertheless this is a problem that extends

beyond the membership of the Commission. Thank you.

Chairman

Thank you. Any other question? Then we can move to the Priority Topics for Future Meetings which is the last part of this item, on Page 47. Any comments? No. Well, that concludes the Small Cetaceans section and I think that concludes the part of the Scientific Committee report with which we can deal. I'm sorry - New Zealand.

New Zealand

Thank you, Mr Chairman. Mr Chairman, this item doesn't have an Action Arising sub-item for obvious reasons but in fact we would hope that this item could be not concluded at this stage but that we might have the opportunity to continue tomorrow because there will be some Resolutions that various delegations would like to submit and we've had rather a compressed week so far and they're perhaps a little later than they should be, but if you could see your way clear to keep the item open we would appreciate it.

Chairman

Let me just clarify, New Zealand. You're asking to keep this section of the report of the Scientific Committee open?

New Zealand

Well, we want to have a sort of Action Arising in the form of an opportunity to consider Resolutions.

Chairman

Yes. That's what I'm asking clarification. I make question specifically to the Priority Topics for Future Meetings as suggested on Page 47 and I was about to close the issue when you asked for the floor and then your suggestion is that we keep the Adoption of the Report of the Scientific Committee open till tomorrow, if I understood you well.

New Zealand

Sir, I'm not sure how best to phrase it. I want an opportunity for the Commission to consider some draft Resolutions related to small cetaceans and if you could - whichever way that is best achieved I would leave to your discretion.

Chairman

Yes, I think we can deal with those Resolutions in Agenda Item 17.2 which is Action Arising on Commission's competence, if you agree.

New Zealand

Yes, I didn't envisage that they would be related to Baird's beaked whale but I don't mind as long as it's considered to be an appropriate procedure.

Chairman

While seeking the advice from Dr Gambell and following your request we will keep it open then, Agenda Item 16, and we will be able to make the Resolutions before we close this Agenda Item tomorrow. OK. Any other comments? The other Agenda Item that we have time and space for will be 24 43rd Annual Report. I will ask Dr Gambell to introduce this please.

Secretary

Thank you, Mr Chairman. It is usual at the Annual Meeting to present a draft of the Annual Report for the preceding year and so I present document IWC/44/11. This records the Commission's activities through the year between the last Annual Meeting and this one and, inevitably, we have to make adjustments to final statements, figures and so on because the data on things like the catches and the infractions are only available to us a matter of a few days before the document is circulated and we do have to check all of the information there. So I present this document as a draft and I look for any amendments or corrections of any kind so that the version which is finally published in the Annual Report of the Commission is as correct as it can be. Thank you.

Chairman

Thank you. Any comments? Of course you will have the opportunity to make any changes by writing later also. It seems none. Well, that concludes this session of the plenary work. We have to wait for the Report of the Technical Committee in order to review in the Commission the other Agenda Items and of course we have to go back to most of the items for Action Arising. So I will adjourn now the meeting. The idea for order of business tomorrow is to review Scientific Permits which is Agenda Item 13, that also will conclude the presentation of the Scientific Committee report. It will give us the opportunity to adopt the report and clear that Agenda Item from our work. Then we will review the report of the Technical Committee on Agenda Items 10, 11 and 12. We'll be able then to adopt the report of the Technical Committee and to finalise our work. That's the plan for tomorrow. Of course an alternative will be to start with the Technical Committee instead of plenary adopting the report and then later to be presented to the plenary. Chairman of the Technical Committee.

Chairman of the Technical Committee

Mr Chairman, having glanced - and I mean glanced - at the draft report that the Secretary has provided me with, I don't believe that there's a great deal of correction or emendation that needs to be made to this report. I would therefore expect it should be distributed early this evening in boxes for delegations to review and, if that's the case and if we keep our timing, I would suggest we actually open with that item tomorrow morning. If for some reason we can't get it in sufficient time delegates may want to hold the item over a little until they've had time to review it. But I suggest, unless the Secretary violently disagrees, that we plan on opening perhaps with the Technical Committee tomorrow morning to receive the report and go from there.

Chairman

Thank you. It seems like a very sensible way. Are there any comments on this other business proposals for tomorrow? No? Then we'll start tomorrow at 9 o'clock with Technical Committee and review the Technical Committee report and then we'll carry on in plenary till we finish. Thank you. That's all for tonight. There is an announcement.

Secretary

Just one final point to make clear. The report has been handed to the Chairman of the Technical Committee. When he has made minor - I hope minor - corrections we will be able to run it off straight away so it will go into the pigeonholes quite soon, within the next hour or so I hope. But the pigeonholes will be left open and accessible until 10 o'clock tonight. The pigeonholes are available for putting documents in and for delegates to receive the documents there until 10 o'clock tonight. Thank you.

Chairman

The meeting is adjourned.

END OF SECOND PLENARY SESSION

THIRD PLENARY SESSION
Thursday 2 July 1992: 11.00am

Chairman

We will start this plenary session giving first an announcement and for that I will give the floor to Argentina. Argentina.

Argentina

Thank you, Mr Chairman. During the last three or four years we have had some difficulties and we were not able to participate fully as members in the Commission so the Government decided this year to honour its obligations under the Treaty and then, due to some question of arrears we had, we proposed a schedule of payment which has been accepted by the Commission. I am happy to announce that the first payment has been incorporated in the Commission's account today in Cambridge. That means that we are working on a proper basis and we want to express the commitment of my Government to work as hard as we did it in the last decade. Thank you, Sir.

Chairman

- 13 Thank you, Argentina. Let's start our work this morning with Agenda Item 13 Scientific Permits. I will ask the Chairman of the Scientific Committee to introduce this part of his report. Dr Hammond.

Chairman of the Scientific Committee

- 13.1 Thank you, Mr Chairman. Our report on Scientific Permits is on Page 31 of the Scientific Committee report. It's in two sections. Firstly a review of research results, based on existing Scientific Permits, and then a review of new or revised Scientific Permit proposals. I will on your instruction, Mr Chairman, run through firstly briefly the review of research results. The first item we had to discuss was the Japanese Scientific Permit. This is an ongoing programme that has now been in operation for five years. Some changes have been made in response to comments from the Committee in previous years. In 1991/92 the research took place from December to March. A total of 616 primary sightings and 478 secondary sightings were made of all whales. A total of 288 animals were taken and, Mr Chairman, in our meeting results from the overall programme were given in a series of papers presented to the meeting. Unfortunately we had insufficient time to discuss these in any detail. Previous Scientific Permits from Norway had resulted in a total of 51 minke whales being taken between 1988 and 1990 under a Norwegian pilot study programme. There was some new information, the results of these studies available at the meeting, which was presented and we had a short discussion on this, Mr Chairman. Thank you.

Chairman

Thank you. Are there any questions to this information from the Scientific Committee report? Any comments? It seems none. Will you continue please?

Chairman of the Scientific Committee

Thank you, Mr Chairman. Moving over onto Page 32 the Review of New or Revised Scientific Permit Proposals. We discussed the continuation of the Japanese programme, noted that we had discussed this extensively before and draw the Commission's attention to those discussions which are not repeated in our report. The population estimate for Area V where the research is to be carried out is 294,610 minke whales. The planned sample size will be 300 whales $\pm 10\%$ and the programme has been slightly revised to take into account some of the comments made by the Committee last year. Mr Chairman, there were a number of comments made by individual members which I will not go into details of but I'm happy to answer questions on, of course. After these discussions our Japanese colleagues thanked the Committee for the positive and constructive comments received and noted that these would be reviewed in further consideration of the programme. Thank you.

Chairman

Thank you. I will invite again any comments or questions. Japan.

Japan

Mr Chairman, we have just heard the Scientific Committee Chairman, Dr Hammond, reporting to the plenary. Japan has been conducting the national research since 1987/88 season under Article VIII of the Convention including two years two years of feasibility studies and this year we have reported the fifth

round of the research programme. I am feeling a great pleasure and pride that after many improvements made on the original programme a lot of understanding has been gained by the members of the Scientific Committee and I think we are now able to receive so much appreciation from the Scientific Committee. After the depletion of the larger species of whales, based on the analysis of the IDCR assessment cruise by Scientific Committee, we know that the population is estimated for the minke whales to be 760,000 in the Antarctic. However, in order to effectively manage that particular stock we have to know the internal structure of that population, including natural mortality coefficient and recruitment rate and which direction the population is moving in at present and future and elucidate the population status in detail. And therefore we have been conducting this programme.

As you know, Japan has been submitting to the IWC data concerning those biological parameters and information regarding the internal structure of the minke whale stock in Antarctic even through the years of the commercial whaling in the past and, as you might recall, some scientists at the Scientific Committee those days said that these data acquired from the commercial whaling had biases because of the selectivity in catch towards the larger whales, and the operational grounds are biased for the convenience of the commerciality of the whaling, and the influence by the segregation of the whales in the population, and therefore those data obtained through the commercial operations were not worth being used for the assessment. And therefore, as you know, this has become one of the factors of the justification for the moratorium. When moratorium was adopted and implemented Japan took this as a real opportunity to conduct unbiased random sampling in order to eliminate and resolve the problems inherent to the data acquired from the commercial whaling and therefore we established the scientific programme and after two years of feasibility study since 1989/1990 we have been conducting the major main part of the research programme. At the present time we are still accumulating data necessary for the estimation of natural mortality and other biological parameters which are the important objectives of the research programme, but even up to date results show that it is clear that minke whales in Antarctic has the segregation by sex and age and a number of other very useful interesting scientific knowledge has been obtained for the management of the minke whale stock in Antarctic through our research programme.

About the Japanese research programme - in the very beginning some people made unreasonable allegations that it is a commercial whaling in disguise. However, thanks to the very serious and diligent research efforts by our scientists, we have been able to acquire a very high level of scientific knowledge and scientific information and therefore a number of comments have been made in Scientific Committee in appreciation of these knowledge and information acquired from our research programme. This is obvious when you read the Scientific Committee report. In the forthcoming next season Japan will take into account of all the constructive comments given at the Scientific Committee and make the effort to improve and implement our research programme and studies on Antarctic minke whales, and thereby contribute to the activities of IWC. I also note that every year the Commission adopts the Resolution to have Japan reconsider the scientific programme, very persistently repeatedly every year. I don't think these Resolutions are appropriate and therefore I strongly hope that this year it will not be repeated. Thank you, Mr Chairman.

Chairman

Thank you, Japan. Any other comment? It seems none. Then we can continue. Dr Hammond.

Chairman of the Scientific Committee

Thank you, Mr Chairman. We had a new Scientific Permit proposal from Norway to discuss. Given the context of this proposal the Committee first discussed the multispecies model, MULTSPEC. This is a model used for the management of capelin and includes minke whales in its structure. I won't go into details, Mr Chairman, but we had a presentation and a discussion of that model and several comments were made by members and we had available also comments from scientists associated with ICES, and these are included in an Annex to our report. After that, Mr Chairman, we discussed the proposal in detail. It was introduced by our Norwegian colleagues. The proposal was to evaluate the ecological importance of minke whales in the North Atlantic. It had been slightly modified from one provided to the Committee last year as an information document. The proposers noted that the 1992 catch proposed of 110 minke whales was due to be taken soon after the Commission meeting and that 99 whales of the 136 which are planned for 1993 would be taken before and during the next Scientific Committee and Commission meetings. The main objective of the research is to provide information on minke whale feeding ecology based on whale stomach sampling and concurrent estimates of prey availability and changes in energetic status of the

species in certain key areas of the northeastern Atlantic during the period March to October. And it's intended that this research will provide a better basis for the incorporation of minke whales into the multispecies model, MULTSPEC. It's also intended that it will provide other information of relevance to the management of whales as well as their surrounding biotic and abiotic environment. The proposal details that there will be random sampling of whales and that it will require the taking of 110 animals from the northeastern stock of North Atlantic minke whales during July and August in 1992 and 136 animals during the period April to October in each of the following two years.

Mr Chairman, we had considerable discussion on this. Most of the comments following the proposer's summary under each of our headings in the report are made by individual members. Again, I don't propose to go into those in detail. I'll just highlight certain aspects I believe should be drawn to the attention of the Commission at this stage. The Committee noted that the research was not intended to address management questions or contribute towards the Comprehensive Assessment. Nevertheless, the proposers believed that the research programme did address critically important research needs in the context of the multispecies model, MULTSPEC, and also in the wider context of general feeding ecology in the Barents Sea ecosystem. And then we had some discussion about that point, Mr Chairman. Under Methodology, after the presentation by the proposers, the Committee had a discussion about some specifics of the methodology, also about the estimated sample sizes required and about the question of whether the lethal research proposed could be replaced by non-lethal research. There were a variety of views, Mr Chairman, in the Committee, ranging from that that non-lethal techniques could not replace these lethal ones to the view that a combination of both techniques represented the most comprehensive approach, to the view that the research could be better undertaken by non-lethal techniques. The proposers noted the value of complementing the data collected from the sampling whales with data obtained using non-lethal techniques and noted that such techniques would be increasingly used after the baseline data had been obtained from the three year sampling programme. Concerning the effects of catches on the stock, Mr Chairman, the proposers informed the Committee that, should catch limits be established for this area under the RMP, this would be taken into account in that, if the catch limit were higher than the proposed Scientific Permit catch, then only the difference would be available for commercial whaling operations. Should the catch limit be less than the proposed Permit catch then the full Permit catch would be taken, but then no commercial whaling would then be allowed under the RMP. And they emphasised that no Permit catches beyond 1994 were envisaged at this stage. Mr Chairman, the Committee noted the new population estimate for the area in question of 86,700 minke whales and the Committee believed that the take of 382 whales over the three year period would have little effect on the status of the stock. However, we repeated our belief made in previous years that the effect of a small take for a short period would always be negligible. Thank you, Mr Chairman.

Chairman

Thank you, Dr Hammond. Any comments? Questions? It seems none. Then before you proceed I will ask the distinguished Commissioner from the Russian Federation to clarify its position on the ... We have a statement regarding the statement we maybe interpret as a request for a scientific proposal. The Russian Federation please.

Russian Federation

Thank you, Mr Chairman. The document under the heading *Russian programme for research of whales in the Sea of Okhotsk* received by fax by the Secretariat of the International Whaling Commission with no covering letter was discussed at the Scientific Committee on the assumption that it had been officially submitted by the Government of Russia. We regret that the discussion was held in the absence of Russian representatives. I would like also to express thanks to our colleagues for the trouble to comment on this document. However, the document was not the official proposal of the Russian Government and therefore should not be regarded as a subject for discussion at this Annual Meeting of the International Whaling Commission. We wish also to draw the attention of the IWC to the fact that our country responded to scientific criticism expressed by the Scientific Committee regarding the programme submitted at the previous annual session of the IWC by not issuing a Science Permit. The Russian Federation assures the International Whaling Commission of its great respect to the scientific expertise of the IWC and fully supports the strengthening of the role of the IWC in the coordination of research activity. We also welcome and support the contributions that other countries make to this work, essential for establishing a safe and rational mechanism of management of whale stocks. Thank you.

Chairman

Thank you. Well, since this proposal has been withdrawn, we're probably ready now to move into the next Agenda Item. USA.

USA

Thank you, Mr Chairman. I'd like to express, certainly on behalf of the US delegation and I believe on behalf of many other delegations also, the clarification provided by the Russian delegation that their research programme will not proceed. Thank you, Sir.

Chairman

Thank you, US. Let's then move to Action Arising. We have two proposals, Japan and Norway. Australia.

Australia

Chairman, thank you. I would certainly associate Australia with those comments from the United States, but I wish to make an intervention with respect to moving to the next item Action Arising. Although there are, in fact, Resolutions on the floor I believe it may be possible - as I know we all feel desirable - for some possibility for a consensus to be developed on these Resolutions, or maybe on at least some of them. So I would suggest, Mr Chairman, if the meeting were agreeable, that we leave this item till a later time in the meeting, either today or tomorrow, with the possibility that we might be able to achieve a consensus on one or more of the Resolutions. Thank you, Mr Chairman.

Chairman

Thank you, Australia. Any comments to this proposal to refer this to a later stage? Netherlands.

Netherlands

I would like to support that proposal, Mr Chairman.

Chairman

It seems that everybody agrees. Then we'll leave the Action Arising on this issue also open. Well then, let's move to Agenda Item 16 which is the formal adoption of the report of the Scientific Committee which has been presented at different stages. Are there any final comments before we adopt this report of the Scientific Committee? It seems none. Then I will comment first to thank the Chairman of the Scientific Committee and to extend my recognition for your work to all the Chairmen of the Sub-committees and the Convenors. I applaud your hard work during the last two weeks. Thank you, Dr Hammond. Yes, USA.

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USA

Mr Chairman, just a moment of clarification. I understand that the Scientific Committee report has been completed, the discussion of it therefore, but I believe - at least I would hope - that under Item 25 Any Other Business it would be possible to take up any Resolutions that have not yet been discussed resulting from the report of the Scientific Committee. Just to seek clarification, Mr Chairman.

Chairman

Yes, we will adopt at this stage formally the report of the Scientific Committee and I think your suggestion is a very sensible one. We can go back to any Resolutions regarding small cetaceans in Agenda Item 25 if I get some support for that from the floor. It seems so. Thank you. We'll proceed in this way then. Then we can move now to Agenda Item 7 Humane Killing. We have here all the information I think at this stage to finalise with 7.2 which is Action Arising on this issue, so the floor is open for comments. During the discussions of this issue two days ago there was a suggestion by the Chairman of the Working Group and it's in the report of the endorsement and adoption of eleven recommendations. Can I get some comments on that? UK.

7.2

UK

Thank you, Mr Chairman. Perhaps I could draw delegates' attention to paper IWC/44/28 which is a Resolution on humane killing sponsored by those countries you will see at the head of that paper. Its purpose is quite simple, Mr Chairman. It is to make sure that the Commission fully recognises and resolves to accept the eleven point action plan which is appended to the Resolution as the basis of further advice to members of the IWC. In my view we've had some excellent contributions, some very good discussions indeed, both in the Humane Killing Workshop chaired by Professor Sir Richard Harrison and a

very good and detailed discussion also in the Humane Killing Working Group which followed it. This Resolution is designed to keep up the momentum which certainly my delegation - and I'm sure I speak for all others who are sponsoring this Resolution - want to see. There are a number of issues during our discussions and they concern matters such as the use of the electric lance, the question of using rifle fire as a primary means of killing whales, on which there was a lot of detailed discussion and much concern. We realise also that we're a long way short yet of finding an acceptable definition for the humane killing of whales. So to sum up, Mr Chairman, we would certainly like to make sure the Commission recognises this work in a rather more public way through a Resolution and that it agrees the action plan and can make plans accordingly to address the issues raised in that action plan. Mr Chairman, I don't think I need say more. We've had a very long and detailed discussion on all of this and I hope that this Resolution which is purely facilitative, will take matters forward in the way we described. Thank you very much.

Chairman

Thank you, UK. Switzerland.

Switzerland

Thank you, Mr Chairman. Any modern hunting laws, we think, include regulations on the weaponry used and on hunting methods. Thus the Swiss hunting regulations, for instance, forbid the use of traps including leghold traps. Also the stunning and killing of animals in slaughterhouses is in our country regulated by several articles in the animal welfare legislation as well as by guidelines published by the Federal Veterinary Office. We think that the aspect of humane killing is also of great importance in any whaling activity and would like therefore to be added to the list of co-sponsors to this Resolution.

Chairman

Thank you. Any other comment? New Zealand.

New Zealand

Mr Chairman, New Zealand is a co-sponsor and wishes to support the United Kingdom in its submission of this Resolution. Just very briefly, we regretted that at the Workshop there was not more and up-to-date information on killing methods from countries engaged in whaling and we hope we could get more data in the future, and as the other principal point we were shocked - if I can use the expression - by the electric lance detail that emerged in it, and we think that further consideration needs to be given to that particular form of killing method. Thank you, Sir.

Chairman

Thank you. Denmark.

Denmark

Thank you, Mr Chairman. We can accept this Resolution with a reservation concerning the competence on small cetaceans as expressed, among other places, in the report for the Humane Killing Working Group. Thank you.

Chairman

Thank you, Denmark. Australia.

Australia

Thank you, Mr Chairman. The Australian delegation can support this Resolution as a means of carrying forward this issue. It is, as I remarked in my intervention earlier in the week under this item, an issue of very considerable concern in my country and we believe that the outcome of this Resolution will in fact assist consideration of that item. So we're happy also to be a co-sponsor. Thank you, Mr Chairman.

Chairman

Thank you. Finland.

Finland

Thank you, Mr Chairman. Finland would like to be listed as a co-sponsor of this Resolution. Thank you.

Chairman

Thank you, Finland. Spain.

Spain

Thank you, Chairman. We can also support this Resolution.

Chairman

Thank you. Mexico.

Mexico

Thank you, Mr Chairman. We would also be agreed to support this Resolution.

Chairman

Thank you. Any other view? Then ... Japan.

Japan

Mr Chairman, we very much agree to the respect for the life of wildlife and any animals, domesticated or farmed animals, and the killing of those living creatures should be as humane as possible. This Resolution has no problem except for Part 9 because it is a copy of the recommendation given by the Working Group. Because of the principle of the Japanese Government about this part of the recommendation by the Working Group that this is outside the competence of the Commission we have to reserve our position with regard to Number 9. In other words, beluga and narwhal are outside of the competence of the Commission. Just one other point I would like to make, Mr Chairman, is that from the Working Group report we know that the Workshop has exhausted all these information and knowledge exchanges and therefore I think Working Group should seriously examine this matter in the following year but there's no need to continue on Workshop. Therefore we have to reserve our position with regard to Number 11.

Chairman

Thank you, Japan. Norway.

Norway

Thank you, Mr Chairman. I would also like to express that the Norwegian delegation can support this draft Resolution and I just like to emphasise that with regard to the operative paragraph 3 - there it's stated that the Commission accepts the eleven point action plan as the basis for advice to members. That is exactly as we also read it. We accept it as a basis for advice. I thank you, Mr Chairman.

Chairman

Thank you, Norway. USA.

USA

Thank you, Mr Chairman. As a co-sponsor of this Resolution we associate ourselves with the remarks made by the UK delegation. I only wish to point out that, as was done in the Workshop, the work we have done in our country on the penthrate grenade and a further note that we expect to continue to do further work in this area. Thank you, Sir.

Chairman

Thank you, USA. Any other view? Well, noting your comments and reservations to some of the points, we will then accept this Resolution. We'll note your reservations in the report. It seems so. Thank you. Japan.

Japan

Mr Chairman, please note that with the reservation by Japan on Item 9 and 11 we support this Resolution.

Chairman

Yes, and also the reservation of Denmark. Yes, that will be reflected in the report. This reservation has been noted. Any other comment before I close this Agenda Item? Mexico.

Mexico

Thank you, Mr Chairman. We would like to present also reservation as relation as Denmark has done with its own proposal. Thank you very much, Mr Chairman.

Chairman

Thank you. So let me clarify. Mexico's supporting the Resolution with the reservation which is in regard to small cetaceans? Yes, thank you. Brazil.

Brazil

Thank you, Mr Chairman. We would just like to say that, although we are not technically involved in the works done by the Workshop, one could not contribute on a technical basis, we are co-sponsoring this Resolution because we do support the ideals and aims behind it. Thank you.

Chairman

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Thank you, Brazil. Any other comment? Well, that concludes with this Agenda Item. I'm wondering if we can start the discussion at this stage of Agenda Item 12 or is any major concerns to proceed in this way? We will not finalise this before lunch break, but at least we can advance in some of this work. Is any problems to this suggestion? Well, let's start then with Agenda Item 12. Technically we will have to have the Technical Committee report as revised in order to review this item, but I wonder if we can start at this stage with the discussions. Can I get some guidance from the Chairman of the Technical Committee?

Chairman of the Technical Committee

Thank you, Chairman. As I recall, certainly for Item 12.1 Indian Ocean Sanctuary, there were no changes requested of that item and I would certainly believe we could have some discussion at least on that and indeed maybe on also 12.2. The changes that were effectively made were rather minimal and, as I said in the case of 12.1, none. So I would certainly urge that we open our discussion on that now. Thank you, Chairman.

Chairman

OK. Any views? France.

France

Yes, thank you, Mr Chairman. On 12.1 on the Indian Ocean that's no problem, but as far as 12.2 is concerned I would request for a delaying until the beginning of the afternoon or if before I like to know, but I thought that was organised like that and I wouldn't like to have it in advance now.

Chairman

Thank you. Japan.

Japan

Mr Chairman, a point of clarification. Are we now talking about Indian Ocean sanctuary?

Chairman

No, I'm asking to the floor what they want to do. The suggestion is to start Agenda Item 12 as a whole, going step by step. The first step will be to deal with the Indian Ocean sanctuary. Australia has supported this idea and is urging that we go this way. France has some reservations but I interpret their reservations with Agenda Item 12.2 which is the French proposal. So I have to have some support from the floor. Do you want to deal now with 12.1 Indian Ocean Sanctuary? Do you want to stop now, receive the Technical Committee report, read it over lunch and come back this afternoon? What do you want? Norway.

Norway

Thank you, Mr Chairman. I for one would very much support you in what you want to do now, and that is to save us from sitting here in the afternoon to have a very long afternoon that will probably last from three to midnight unless we now start in the way that you have suggested. And I can see no difficulty in addressing Item 12.1 without having received the Technical Committee report. And is it here already? OK, fine, all the better.

Chairman

Let's take a Solomonical approach. Let's adjourn the meeting for five minutes so you can get your copy of the Technical Committee report as amended then we'll have the piece of paper in front of us. It didn't have any changes from the draft report but if you want to have it in front, OK. And then we will continue with Agenda 12.1 till lunch break and this afternoon, in order to accommodate French request, we will come back to 12.2 Action Arising on the French proposal. So ... UK.

UK

Thank you, Mr Chairman. I think this is a point of procedure and order rather than substance. We seem to have apparently drawn a line underneath the humane killing item and are now moving on to discuss the merits of whether we will talk about sanctuaries. I just want to be clear, Mr Chairman, that we have a Resolution relating to the pilot whale hunt which is proposed by the Governments of France, Germany, Monaco, Netherlands, New Zealand, Switzerland and ourselves. You will find it in document IWC/44/29 Rev. I want to be quite clear that we have an opportunity to come back and talk about this Resolution and that it is not the case that this item is closed completely. I'm sorry I couldn't make this point earlier. I was trying desperately to catch your eye. Thank you, Mr Chairman.

Chairman

Well, I'm sorry you didn't catch my eye. I was surprised nobody was talking on 29 Revised before I closed the issue. So while we don't deal with this again in our Agenda Item 25 because I closed the point. I said is any other comments before I close Agenda Item 7? Nobody asked for the floor. Probably you didn't catch my eye but my English is not that bad. So the only solution I offer is that we deal with this Resolution along with the other two dealing with the small cetaceans in 25 Other Items. Is that agreeable? I see some nods. We'll do that way. Then I will adjourn the meeting for five minutes so you get the copy of the Technical Committee report. We'll come back till lunch break for 12.1 Indian Ocean Action Arising. The meeting is adjourned.

[Short adjournment]

Chairman

We will resume our work in plenary. Secretary.

Secretary

Mr Chairman, if I can just explain about the report of the Technical Committee, IWC/44/5 which you have received, in my haste to get this document out - which must be breaking new ground for a Commission meeting to have a final version - I forgot that there had been an agreement that the Chairman of the Scientific Committee would produce some revised language right at the beginning of the report in consultation with our Japanese colleagues. That revised wording has been distributed as IWC/44/5 Cor (for correction) so there is the one sheet to replace the second paragraph under the Item 11.1.1. Thank you.

Chairman

Thank you. May I ask the Chairman of the Technical Committee to introduce Agenda Item 12.1 Indian Ocean Sanctuary from your report. 12.1

Chairman of the Technical Committee

Thank you, Chairman. I will be quite brief with this because the Technical Committee has met over the last couple of days and considered Items 10, 11 and 12. It considered first of all Item 11 which was Comprehensive Assessment of Whale Stocks and had a detailed and full discussion of those items. There were a number of views expressed and these are clearly reflected in the report. It then considered Item 10 Aboriginal Subsistence Whaling. It heard the report from the Sub-committee and adopted it ...

Chairman

Excuse me. We're in Agenda Item 12 in plenary so please introduce the pertinent part of your report which is on Page 9.

Chairman of the Technical Committee

I'm sorry, Chairman, I thought you wanted me to do the whole lot and get it out the way. I won't repeat that when we come back to it. For Item 12 Whale Sanctuaries, Item 12.1, the Technical Committee had a discussion on this matter. Seychelles introduced its proposal and there was a discussion. Basically in the Technical Committee there was a different series of views expressed with some quite strongly in favour of Seychelles' proposal, others having reservations in varying degrees, and I'm afraid that the Technical Committee's conclusion was that it should simply transmit these somewhat divergent positions to this plenary meeting to try and gain some further resolution. Thank you, Chairman.

Chairman

Thank you. Any comments? Japan.

Japan

Thank you, Mr Chairman. Japan has expressed its view earlier in Technical Committee but I have to repeat the very important part of it. The Seychelles proposal for Indian Ocean sanctuary to be indefinite has been put forward and submitted to the Commission without observing the rules for 60 days in advance of the meeting. That is the Rules of Procedure J. It's the violation of the Rule of Procedure J and therefore, whether or not this item should be discussed here and examined by the Commission, I think there is a big question. I would like to ask the Chairman to give the ruling on this matter now.

Chairman

Japan, we discussed this at least two times before we reached this stage. I ruled then when we adopted the Agenda the first day of the meeting that we will be discussing this issue and debating this issue. So that was a rule from the Chair. Japan.

Japan

In that case, Mr Chairman, we are disregarding J of the Rules of Procedure and it is going to be a precedent? Is it happening again in this Commission? This is a very serious matter and therefore I'm repeating this question.

Chairman

No, it's not a precedent. My ruling was based on an annotation which was circulated in due time and is that the Government of Seychelles has indicated there will be a proposal for a Schedule amendment to renew the Indian Ocean sanctuary. Therefore, based on this, I rule when we adopt the Agenda there will be discussion and debate in this issue as a normal procedure. Is not a precedent because is not an exception. Japan.

Japan

In fact this proposal came into the Commission on 16 June this year at 8.51pm and without reading this could this annotation be possible?

Chairman

Japan, continue please.

Japan

This annotation simply says Schedule paragraph 7 "Establishment of Indian Ocean Sanctuary came into effect in October 1979. Its duration was extended for a further three years in 1989" and then goes on to say "Government of Seychelles has indicated, has indicated, that there would be a proposal for a Schedule amendment to renew the Indian Ocean Sanctuary." Just this indication without submission of the paper. In your opinion, is this sufficient grounds for adoption?

Chairman

I will shorten the discussions between us. If you want to apply Rule of Procedure C on Page 12 I'm willing to give you that opportunity, of course. I ruled when we adopt the Agenda that we will be discussing this issue. I don't want to go back and explain again to this plenary why I ruled that. I said there's an indication in the draft Agenda and if you want to challenge my ruling we can proceed in accordance with Rule C. Seychelles.

Seychelles

Thank you, Mr Chairman. Mr Chairman, we would like to follow your view that the proposal by Seychelles should be discussed. We believe that we have followed the procedures and, if I may, I would like the opportunity to respond to some comments made in the Technical Committee. Some delegations have commented on the lack of scientific research in the Indian Ocean since the sanctuary was first established.

Chairman

Wait a second. Just let me find out from Japan if he wants to challenge my ruling or if he's agreeing in the spirit of cooperation before you go. Japan.

Japan

Thank you, Mr Chairman. I have made enough statement and my claim against this adoption and then you made your ruling, so I'll cooperate with your ruling. Thank you.

Chairman

I deeply appreciate that, Japan. Then let's give the floor back to Seychelles. Thank you. Thank you both.

Seychelles

Thank you, Sir. As I was saying, there has been some criticism of the fact that there is a lack of scientific research in the Indian Ocean. I feel such criticism must be taken seriously but I would also like to point out that before the sanctuary was established there was even less research on cetaceans in the area. Statements that the sanctuary has actually inhibited research are therefore quite unfounded. In fact, as has been documented, several countries on the perimeter of the sanctuary and island states within it have been slowly increasing their ability to study whales. And the people and visitors to their countries certainly maintain their interest in these creatures. But with the exception of our friends to the southeast and southwest the capacities and resources of these countries are understandably very very limited and will continue to be so for some years to come. Nevertheless, we shall try to continue to do our best. Mr Chairman, the view of my Government is that if the IWC establishes a sanctuary, or indeed any regional activity, it becomes the collective responsibility of all members, not merely those coastal to that region to ensure that necessary research and monitoring is conducted. That is true for the Indian Ocean, as it will be for a Southern Ocean sanctuary if, as we hope, one is eventually established.

Mr Chairman, I feel it is necessary to say once again that the Indian Ocean sanctuary was not proposed originally primarily as a zone for the conduct of scientific research, nor has our view of it changed. It was established in 1979 as a regulatory measure in accordance with the provisions of the 1946 Convention. Such measures have to take into consideration such scientific knowledge as exists. Unfortunately such knowledge is still sadly lacking, despite the interest by whalers in the Indian Ocean region for the past 200 years. The President of the Republic of Seychelles has recounted several times when he was growing up sperm whales were a not uncommon sight off the coast of our main island of Mahé. In the post-World War Two years they were picked off by pelagic whaling expeditions on their passages to and from the Antarctic. The literature describes how those whalers from Northern Hemisphere countries also used the whales in the region for target practice, the gunners getting their eyes in ready for the big kills further south. Some of you may say that that sort of thing does not happen now. There is a moratorium and, if the sanctuary ever had a purpose, it has served that purpose. You may also say that in the future there will be good safe rules fully enforced which will ensure the future abundance of whales, even if commercial hunting is resumed. That may be so, but we have a rather different view. We think that some areas, and especially breeding areas, should not be subject to the vagaries of annual and always temporary catch quotas - even zero catch quotas. We think there must be some parts of the ocean where whales are protected, allowed to maintain and reconstruct the social order and, where they are depleted, to recover fully, and that is a long process.

Lastly, Mr Chairman, I would like to say something about the minke whales in our region. When my Government first proposed the Indian Ocean sanctuary we and our neighbours had in mind a sanctuary which extended down to the southern feeding grounds. It was thought that the minke whales that breed in the tropical Indian Ocean fed mainly in the Indian Ocean sector of the Antarctic and we wanted to follow good ecological and management principles by protecting at least some populations over their entire life range. That idea did not at the time attract sufficient support in this Commission and a compromise was reached excluding the Antarctic sector. Still little is known about the biology of the southern minke

whales. We think some of them breed in the Indian Ocean but we don't know exactly where. We think these animals feed in the southern latitudes of the sector but we also know now that during their summer foraging they wander far and wide, including outside the Indian Ocean sector. Minke whales seem to be both homebodies and wanderers. If some populations of minke whales are to be protected then such protection needs to extend over wide zones in the Antarctic. In the Comprehensive Assessments carried out recently by the Scientific Committee it has been assumed as a first approximation that each of the six so-called management Areas in the Southern Hemisphere contain a separate stock of whales. These assessments showed that the minke whales had been already depleted in the Indian Ocean sector more than elsewhere. That was expected because that sector was for a number of years the prime target for whalers when Antarctic minke whaling started 20 years ago. We believe these whales should be allowed to recover. Perhaps they will recover even if whaling in the sector were to be reopened under the proposed new rules. They would recover much faster if whaling did not resume there, but in any case we believe that their breeding grounds must be protected for many years to come and perhaps even for all time as the IOMAC Resolution proposed. Thank you, Mr Chairman.

Chairman

Thank you, Seychelles. Any other comment? Australia has the floor.

Australia

Thank you, Mr Chairman. I obviously wasn't switched on. I should make it perfectly clear at the outset, because I think some people are not clear, that Australia is in fact an Indian Ocean state. The fact that most of our people exist in the southeast of the continent and take their holidays in Pacific islands does not detract from the fact that our longest extension of coastline in fact fronts the Indian Ocean, thus we have a particular and special interest in the Indian Ocean sanctuary and have had since its inception. I understand that a lot of discussion has gone on concerning the levels of research which are carried out and I'll return to that in a moment, but I would make a general comment which I have to put in terms of sanctuaries in general and that is that clearly sanctuaries in a variety of forms will provide a range of additional management strategies for conservation of cetacean stocks. I think it's assumed that, if we have a Revised Management Procedure and associated paraphernalia in place, that there would be no reason for sanctuaries. Just as on land we have national parks and nature reserves and, hopefully, wise use of the rest of the surrounding landscape and countryside, in the marine environment we equally need protected areas of various sorts, shapes and sizes. We believe that the Indian Ocean sanctuary has fulfilled a useful role in that protection purpose and my colleague from the Seychelles has discussed some of those items in his intervention.

But returning to the question of research, such sanctuaries would provide the opportunity for research, and indeed have done. I think it is probably true that not as much research has been carried out in the Indian Ocean sanctuary as could have been. But I would submit that in fact not as much research anywhere has been carried out as could have been. It's a question of resources and allocation of resources. But, since we're discussing it, I'd like to put on record that Australia has in fact conducted consistently a number of research programmes in the Indian Ocean sanctuary and related to the Indian Ocean sanctuary, relating to aerial surveys and photo-identification of humpback whales off WA, aerial surveys of southern right whales, a pilot study for the design of aerial survey of sperm whales, the study of incidental catch of small cetaceans in a gillnet fishery which extended into the Indian Ocean area, data collection by various museums on strandings of cetaceans as part of our national database for cetacean strandings, recordings of incidental sightings of cetaceans, distribution, behaviour and social organisation studies of the bottlenose dolphins in Shark Bay in Western Australia - which incidentally is now a World Heritage Area - and the use of recorded humpback whale songs to assess the degree of separation between stocks in western and eastern Australia. Some of those projects are finished, some are continuing, new are envisaged. We wish to increase, we wish to continue our research interest and activity in the Indian Ocean. Moreover, we wish to do it not just as Australia but we wish to do it in cooperation with other countries who are coastal states, whether or not members of IWC in the Indian Ocean framework. We believe that the success of the Indian Ocean sanctuary is an important initiative for conservation values generally and cetaceans in particular and is a focus of possible regional cooperation. Our attitude is that a sanctuary established by the IWC is an area in which whaling is prohibited, but under the terms of the Convention the sanctuary concept is limited to the prohibition of whaling and does not entail restriction of shipping or other uses of the sea or seabed.

Mr Chairman, I've outlined our views on the protected nature of the area and I've outlined some of the activities we are doing and wish to continue. I would simply say that Australia's view is that the Indian Ocean sanctuary should be continued. We note, however, the intervention of the United States of America in some discussion in the Technical Committee that perhaps it might be appropriate if we are considering - and I hope we do - renewal of the Indian Ocean sanctuary that it in fact be for a time limit, and I would not be unhappy with that as a consensus position if that can be achieved. It, however, would certainly be our view that it should be for all time, as with Seychelles. Nonetheless, if it will help, we will certainly entertain discussions along those lines. It is also Australia's view that it would be valuable to continue the Indian Ocean sanctuary southwards into Antarctic waters but, again, I don't wish to dwell on that at this meeting because we have already had discussions and I hope will have further discussions and clarifications on what we would do with the Antarctic sanctuary which might make that proposal redundant. However, I feel it important to put on record at this time that as a very minimum we believe that the Indian Ocean sanctuary should be renewed, renewed for not less than ten years and hopefully extended southwards. Thank you, Mr Chairman.

Chairman

Thank you, Australia. Any other comment? US.

USA

Mr Chairman, thank you. We appreciate Australia's view on the question of both the extension southward and the extension of time. Given the fact that we will be discussing soon the question of an Antarctic sanctuary we do believe it is not appropriate at this time to discuss any movement south of the Indian Ocean sanctuary. Sooner or later we will know what will be the bounds of an Antarctic sanctuary and it seems to me that that would be the proper time to talk about the southern bounds of the Indian Ocean sanctuary. As to the question of having the sanctuary continue in perpetuity, I also believe that this Indian Ocean sanctuary will continue indefinitely but, given the really limited number of members of the Indian Ocean countries who are part of the IWC and given the rapidly changing world that we all live in, I do believe there is some merit in at least reviewing the status of an Indian Ocean sanctuary every ten years and so I would suggest, Sir, that we have somehow or other in the amendment something to the effect that - if I can read from the last line of Appendix B where the Indian Ocean sanctuary is discussed - that this prohibition will be reviewed by the Commission in such date - something to that effect. Thank you, Sir.

Chairman

Thank you, USA. Well, we have a proposal by the Seychelles which is being supported by Australia suggesting that a time limit should be perhaps applied. This has been also support by the USA. Is any other comments? Switzerland.

Switzerland

Thank you, Mr Chairman. We also would like to associate ourselves with the two delegations.

Chairman

Thank you. France.

France

Yes, thank you, Mr Chairman. I think the arguments put to us by Seychelles and Australia are eloquent enough and I'm not going to repeat them again. It seems to us very important that this whale sanctuary be continued as long as possible so we do support the proposal to continue it. Thank you.

Chairman

Thank you. Japan then Germany.

Japan

Thank you very much, Mr Chairman. I will be very brief because I have been repeatedly saying there are questionable factors about the establishment of the Indian Ocean sanctuary to start with. The protection of one species which is whales in the certain area of the large ocean will set the imbalance of the ecosystem of all the species living in that region. We have to consider the rational utilisation of the marine species including fishes and whales and therefore I think we have to consider whether it is appropriate for IWC to set the sanctuary for the whales alone, and without considering the effects to the other fisheries. Mr

Chairman, I agree with the USA proposing that for the time being this Indian Ocean sanctuary should be for another ten years and not to extend any further down in the south. Those amendments are acceptable. However, I note that distinguished Commissioner for Australia has lined up all these very notable research programmes conducted by that country but that is only limited to the coast of the western side of Australia. I would like to see all the coastal states doing same sort of extensive researches so that the sanctuary will really bear fruit in scientific research. And furthermore I would like to add these researches would have to be on the basis of the ecosystem, not only on whales, so that human beings can make the rational sustainable utilisation of those marine resources. Thank you, Mr Chairman.

Chairman

Thank you, Japan. Germany.

Germany

Thank you, Mr Chairman. I would like to express the German view that the sanctuary in the Indian Ocean should be continued and I would like to join the explanations given by the Australian delegation. Concerning the extension of the sanctuary I think that it should be not extended to the south, at least at the given time. Thank you.

Chairman

Thank you, Germany. Brazil.

Brazil

Thank you, Mr Chairman. Mr Chairman, one of the main concerns of the Brazilian delegation is recovery of whales from previous heavy whaling and in that sense we think the continuation for a further ten years of the Indian Ocean sanctuary would be a valuable management tool in this direction. We therefore fully support the proposal by the Seychelles delegation. Thank you.

Chairman

Thank you, Brazil. I have Denmark, Sweden, Spain and New Zealand. I give the floor to Denmark.

Denmark

Thank you, Mr Chairman. Denmark will support a prolongation of this sanctuary. As to the question of the period, we'll be able to join the majority whether you will prefer ten years or twenty years or no time limit, we'll go along with all these things. And I agree with my German colleague and others that at present you should not extend it geographically southwards. Thank you.

Chairman

Thank you. Sweden.

Sweden

Thank you, Mr Chairman. We will also like to support the continuation of the Indian Ocean sanctuary and like Denmark we would be happy to have it for an unlimited time but if it is the consensus of the meeting to make a time limit we could accept that as well. Like several other speakers we feel that it is a bit premature to extend the Indian Ocean sanctuary southwards and we would like to keep the outline as present. Thank you.

Chairman

Thank you. Spain.

Spain

Thank you, Chairman. We can also support the extension. I think that, however, the basis for a sanctuary is to guarantee the most effective protection for whales but it should be yearly reviewed and the sense will follow that this efficiency and this effectiveness of protection is being guaranteed. In that sense I think we can support fully the extension for the ten years of the sanctuary. Thank you.

Chairman

Thank you. New Zealand.

New Zealand

Thank you, Mr Chairman. I think I heard a suggestion that we should be considering wider forms of sanctuary and I just thought I should for once in my life refer to the competence of the Commission and say that we can only here deal, of course, with whale sanctuaries. The New Zealand delegation strongly supports the extension in time of the Indian Ocean sanctuary and we've heard various suggestions. For us an indefinite extension would be perfectly acceptable but if ten years is preferred then we can certainly accept that. We agree with the intention of the sponsors not to pursue the proposal to extend the territorial definition southwards but perhaps that's an item that we could in a sense keep in front of us and come back to at a future date if it seemed appropriate. Thank you, Sir.

Chairman

Thank you, New Zealand. Ireland asked for the floor.

Ireland

Thank you, Chairman. I believe it is good practice in the management of any form of wildlife to set aside protected areas or sanctuaries where that species cannot be exploited. We would therefore support the proposal. Thank you, Chairman.

Chairman

Thank you. Finland.

Finland

Thank you, Mr Chairman. Very shortly, we also support the continuation of the Indian Ocean sanctuary in its present size for the ten years period. Thank you.

Chairman

Thank you. Norway.

Norway

Thank you, Mr Chairman. As I stated in the Technical Committee yesterday, we are not in principle against sanctuaries but in this case now we see no scientific valid reasons nor any research advantages in prolonging this sanctuary, so we would then in general go along with the view that was expressed a while ago by the Commissioner of Japan. Thank you.

Chairman

Thank you. Oman.

Oman

Thank you, Mr Chairman. A ten years extension will ensure the protection of the whales within the Indian Ocean sanctuary but the geographical extension may be premature now. Therefore we support the Resolution by the Seychelles for the indefinite extension and preferably ten years. Thank you, Sir.

Chairman

Thank you. I have Oman - sorry, People's Republic of China.

People's Republic of China

So the Chinese Government support extension of ten years for the Indian Ocean sanctuary but during the ten years the Indian Ocean countries should provide more information of the preservation and of the whales, of the whale resources stock improvement. Thank you, Mr Chairman.

Chairman

Thank you. UK.

UK

Thank you, Mr Chairman. Very briefly - we'd like to compliment the Seychelles delegation for their keen interest in extending this sanctuary and we do support their work. Therefore we'd be very happy indeed for this sanctuary to be extended. In recognition of links there are between timing of duration as well as the extent of this sanctuary and in relation to what other work on the circumpolar sanctuary which is being

discussed in this Commission, we are reasonably relaxed over both issues. A preference for an indefinite extension but we'd be quite happy for a ten year extension for the time being. Thank you, Mr Chairman.

Chairman

Thank you, UK. Netherlands.

Netherlands

Thank you, Mr Chairman. I would like to associate the views of the Netherlands delegation with those of the previous speaker and others who have spoken in the same vein. Thank you.

Chairman

Thank you. St Lucia.

St Lucia

Mr Chairman, my delegation would like to support the Indian Ocean sanctuary extension but subject to consultation with the many countries that are not members of the IWC. I think this was mentioned by Australia. I think it's very important. You don't just put a sanctuary and expect all and sundry to just abide by it. There must be consultation. There are many organisations and institutions dealing in this area with the fisheries and I would say within that ten year period I would like to encourage this type of consultation and I go one stage further. I would like to know whether in the ten years of this past sanctuary whether there has been any attempt to have dialogue with the other countries and other organisations controlling fisheries in that area. This question may be answered later. Thank you, Mr Chairman.

Chairman

Thank you, St Lucia. Mexico.

Mexico

Thank you very much, Mr Chairman. My delegation would like to set its position in this matter of sanctuaries. We do agree that this continuation of the sanctuary but in order to really achieve the important outcome we think it certain that the concerned countries, the coastal countries, participate directly because, as St Lucia said, being a small Commission in terms of composition of countries, we think that it's vital for any sanctuary to consult the sovereign countries that are dealing with these seas and also that the projects be harmonised and supported economically by the countries who promote these sanctuaries and try to achieve scientific outcome that will make these sanctuaries worth it. That's all I have to say. Thank you very much, Mr President.

Chairman

St Vincent.

St Vincent and The Grenadines

Thank you, Mr Chairman. Just to support the proposal in the terms expressed by St Lucia and Mexico.

Chairman

Thank you. Any other comment? Monaco.

Monaco

Monaco supports, largely along the lines as expressed by the delegate from Mexico.

Chairman

Thank you. I think noting the comments, the questions raised for instance by Norway on the scientific research, we have a consensus on the extension of this sanctuary for ten years at the same present size. What we have to agree now will be the wording on the Schedule. It will be ten years from 24 October? Australia.

Australia

Mr Chairman, I have a form of words that might help us get through that. I assume that if we look at the paper IWC/44/20 which dealt with this item, item 1 there suggested that the penultimate sentence of the existing clause read "This prohibition applies irrespective of such catch limits" etc. We assume that that is

fine in terms of the discussion. And then point 2, we would substitute the following words - not delete, but replace the last sentence by "This prohibition shall be reviewed by the Commission at its Annual Meeting in 2002."

Chairman

Thank you, Australia. Any comments? USA.

USA

That's satisfactory to us, Sir.

Chairman

Can I take it that's agreeable to everybody? Can we adopt the proposed words by Australia and supported by the US? Thank you. Well, that dispose of Agenda Item 12.1 and action arising on that. I propose that we break now for lunch. St Lucia.

St Lucia

I posed a question. I think Australia may wish to reply. It's the question of the past ten years. Has there been any review of the countries round the Indian Ocean as to this sanctuary?

Chairman

Australia.

Australia

Well, I will make a brief reply but I'm quite happy to have a bilateral discussion with the Commissioner from St Lucia in more detail. But basically of course, as my colleague from New Zealand remarked, we are dealing with something that's got IWC competence and is an IWC issue and therefore primarily relates to IWC members. Nonetheless, I should point out that the IOMAC organisation which covers all the Indian Ocean coastal states was in fact supportive of extending this sanctuary concept on an indefinite basis, so there is certainly a spirit of interest and enthusiasm in the sanctuary but it has to be said that many of those countries have economies which are not conducive to supporting large-scale research programmes. Nonetheless, as I said in my intervention, we would hope over the next decade to have informal bilateral and multilateral discussions where appropriate to try and advance research in all forms, but particularly relating to cetacean research. Thank you, Chairman.

Chairman

Thank you for answering. I propose we break now for lunch. We will reconvene at 2.15 - 14 hours 15 minutes. That's enough time? Do you need some more time? 2.30. 2.30 and then we'll finish this Agenda Item with the French proposal as was requested by France to be discussed after lunch. 2.30 then, the Commission will resume. The meeting is adjourned now.

[Lunch break]

Chairman

Can I call the meeting to order please? Let's continue now with Agenda 12.2 Proposal by the Government of France. May I ask the Chairman of the Technical Committee to introduce this part of the report please?

Chairman of the Technical Committee

Thank you, Chairman. I'm sorry, I'm still shuffling my papers here. The Technical Committee considered the proposal by the Government of France for a sanctuary in the Southern Hemisphere and had, I think, a very good discussion and quite a detailed discussion on the issues. It was recognised that there are a range of matters concerned with the proposal which involve considerations of the scientific aspects of the proposal together with administrative and legal aspects of the proposal, and recognised also that there are a number of other international organisations with legitimate concerns in the region that should be given an opportunity to have input into the proposal. France themselves proposed that a full debate of the proposal should take place at the next Annual Meeting. We had some discussion on whether an intersessional working group might need to be established if the Scientific Committee and the Commission could handle the issues by meetings held immediately prior to the next meeting, but in summary the Technical Committee believed that it would be valuable to consider the proposal again next year because of

12.2

some apprehension on the full application implications. I think, Mr Chairman, there was insufficient overall discussion to allow us to make a decision in full in Technical Committee and therefore those views were passed on to this plenary by Technical Committee. Thank you, Mr Chairman.

Chairman

Thank you. Are there any comments? Japan.

Japan

Thank you, Mr Chairman. The International Convention for the Regulation of Whaling was a epoch-making and historic Convention with the objective of conservation and rational utilisation of the whale stocks. This proposal, however, does not conform to the spirit and objectives of the Convention and it runs counter to the purpose of the completion of Revised Management Procedure soon to be completed. It also runs counter to the principle adopted by UNCED earlier this year in Brazil for the sustainable utilisation of the living resources and further along in this line we find it that there is no conclusion as to what is the most desirable ecosystem, and this has been discussed at the CCAMLR. About the whale stocks in Antarctic Ocean we know that, as a result of the Comprehensive Assessment undertaken by the Scientific Committee in 1990 on the minke whale stocks in the Antarctic, that there are 760,000 minke whales, and also we have found out that there are only 700 blue whales left in that Ocean. Because of the earlier depletion of the larger whale species and increase of the minke whales after that and increase of crabeater seals, there are quite a strong view held by a number of scientists that the recovery of those depleted large whale species have been delayed. In addition, in those areas where those whale species do migrate there are influences by the migrating whale species to the other marine living resources such as fish. I think the nations in the Southern Hemisphere would be fitted to understand that this establishment of sanctuary would have a great bearing with the management of the fisheries and the utilisation of other marine species.

Because of those reasons I have stated before I do not think that establishment of the sanctuary such as it is would resolve problems concerning the management of the fisheries and the whaling problem from the scientific point of view, and I have a concern - very strong concern - that IWC is now seen to attempt a political solution to those problems. Japan, after all other great whaling nations of the past, departed from the Antarctic Ocean, took on initiative to conduct scientific researches to monitor ecosystem in that part of the Ocean. Japan, having taken this responsible position, is very much interested and concerned as to what sort of scientific research is being proposed with taking full advantage of this established sanctuary, if it was established. Mr Chairman, the Antarctic Ocean is the most productive part of the ocean in the world and without sustainable utilisation of the marine resources in that area I am very much concerned that this area would be made a black hole for the rational utilisation, like in the case of the Indian Ocean. Perhaps in a long-range view it might be an interesting project to set up the research project in the sanctuary. However, at the present time when we are facing with the imminent completion of the Revised Management Procedure I wonder if it is of any use to spare too much of our valuable time that Scientific Committee of the IWC has on this matter.

Chairman

Thank you, Japan. Any other view? New Zealand.

New Zealand

Thank you, Mr Chairman. New Zealand, of course, supports the proposal to establish a sanctuary and it supports the Resolution which seeks to ensure consideration at the next session. It has heard suggestions that because in the past various whaling nations have, in effect, cut the arm off the Antarctic ecosystem we should now proceed to restore the balance by cutting off a leg. So far as we're concerned the proper course would be to allow Nature to pursue its healing course and that's why we support it. Thank you.

Chairman

Thank you. France.

France

Thank you, Mr Chairman. We won't take too much of some precious time now. At that stage I just wanted to state that the works of the Scientific Committee have shown that this matter was considered as very important the establishment of this sanctuary in the southern waters and that there was a need for some

complement in terms of study. France has a strong will to complete that and to come to a decision at the next meeting of the International Whaling Commission on the basis of the above mentioned complementary works. One must know that in France the French Government and the Prime Minister are personally very involved and will look after with great care to the proceeding of this preparation for next year's meeting. Our Government has seized other governments in order to come to a sharing of our preoccupation and, if I may give an extract of the letter that has been to them, I would quote, trying to translate it directly so please don't worry if it's not perfect in wording: "France has proposed as an agenda point of the next session of the Whaling Commission the creation of a sanctuary for always south of the 40th degree of South latitude. The aim of the proposal is to ensure the protection of all whale species in their feeding grounds which is a complement and not a contradiction to other measures taken somewhere else in their reproduction grounds. This sanctuary will contribute to restoration of marine ecosystem in the Antarctic." And then we request the participation and the co-sponsoring of as many countries as possible for next year's session. I will stop here for the moment. I suppose we can come to the Resolution 44/27 when coming to point 12.3. Is that right, Mr Chairman? Thank you.

Chairman

Any other comment? Spain.

Spain

Thank you, Chairman. Spain considers that sanctuaries are a very valid and useful instrument of protection. However, as mentioned during the discussions in the technical level there is a need to have proper scientific evaluation and assessment of the efficiency and effectiveness of the measure. As well it's necessary to count with the contributions of other bodies that in one way or another are directly or indirectly related with the conservation or can contribute to a better protection and conservation of whales. In this sense we feel that the Resolution 44/27 has met with the observations made during the Committee's work and we would like to be considered co-sponsors of that Resolution. Thank you, Mr Chairman.

Chairman

Thank you. I will invite comments on the Agenda Item where we are now which is the proposal by the Government of France and I've already listened some supports on some of the Resolutions which is the next step, so I will give the floor now to Australia.

Australia

Thank you, Mr Chairman. Australia is very supportive indeed of the proposal made by the Government of France. We note that the Government of France has suggested that the proposal be considered in full at next year's meeting, pending the additional advice which comes from a variety of other sources, and we believe that to be a very important part of developing a proposal for the Southern Ocean sanctuary which is acceptable to all parties and has the maximum amount of not only scientific but also administrative and legal input. We are keenly supportive, as I mentioned in my remarks on the Indian Ocean sanctuary, of the concept of sanctuaries. We don't believe that they necessarily need be seen as inflexible. They have a number of roles to do with the protection of species as well as the encouragement of a variety of scientific research. We believe that the proposal, if supported, would lend itself to the development of a long-term monitoring proposal and we think that's something that should be considered as the proposal eventuates. But for now, Mr Chairman, I'll confine my comments to those. Thank you.

Chairman

Thank you. St Lucia.

St Lucia

Thank you, Mr Chairman. I just wish to ask the French Commissioner - the document that she read from which indicated that the proposal was of high priority. I read the scientific report on Page 27, Item 12.2. It says very clearly "The proposal would be discussed by the Committee but not as a high priority item." In saying this I'm not saying whether it is or it isn't, you know. It would appear some of us read different documents.

Chairman

Thank you, St Lucia. I will deal the opportunity to France to respond before I give the floor to the other delegations. France.

France

Yes, Mr Chairman. What I stated was that it was a high priority for the French Government. I was not quoting a document - the document you may deal with now is 44/27 Rev, the Resolution - but it's not mentioned of high priority in the document as such. I was just saying and repeating that for the French Government, and the Prime Minister in particular, that's very important to deal with this matter and prepare it carefully with as many countries as possible for next year's session. Anyway you are all friendly invited to join our efforts. Thank you.

Chairman

OK, let's give the floor to St Lucia so we can finalise this.

St Lucia

Yes, on the same matter, I distinctly heard that she said that the Scientific Committee considered it to be high priority. I totally and completely respect the thoughts and ideas of the Government of France but this is what I heard.

Chairman

Thank you. Netherlands.

Netherlands

Thank you, Mr Chairman. In the Technical Committee we welcomed the French proposal and stated that in our opinion it deserves further consideration. We also proposed in Technical Committee that other relevant bodies be given an opportunity to comment on the proposal and we think that this point has been adequately covered in the draft Resolution, 44/27, which consequently we would be happy to support. Thank you.

Chairman

Thank you. Mexico.

Mexico

Thank you very much, Mr President. My delegation sympathises with the preoccupation of the French Republic with this environmental aspect in the South Pacific and has some opinions about this proposal. We see it as a very ambitious project, at least from a geographical point of view - it's enormous piece of earth that we're considering. We are pleased to hear that there is going to be some scientific data to put into this proposition so that there is a background that will justify all this enormous work. Nevertheless we understand if there is not at present a scientific enough justification. We understand it could be based on a precautionary basis but from that point of view we must remember that have an almost general moratorium on whaling and for that reason, Mr Chairman, we really believe that there must be something of more concretion to be added to this proposal. We couldn't think of such a project without a mention of a research component, a programme agreement, that makes that this project carries something of an outcome of some value for this effort. On the other hand, we think that we must need, as we insist in all these marine sanctuaries, that we need first the approval and support of the coastal countries who have the responsibility of dealing with these waters or who are neighbours to these waters. Also we have another observation which is of financial character. We sympathise with proposals which not only bring ideas but also they put some real support, economical support, some propositions maybe for to distribute in the area for the research, for the programmes, and we were very keen on that. Instead, maybe, we find that maybe the Commission would have to support this project by maybe financing some intersessional group or a sub-committee and I think sincerely, Mr Chairman, that all this very welcome idea must have a lot more of support and before being accepted we have to think seriously on the benefits, on more of the benefits, of ideas that could go with it so that we really arrive into something and that it doesn't mean just a burden financially of our works. That's all I have to say now. Thank you very much, Mr Chairman.

Chairman

Thank you. Seychelles.

Seychelles

Thank you, Mr Chairman. Very briefly, we support the French proposal and draft Resolution IWC/44/27 Rev but we'd like to consider that document IWC/44/19 should be annexed to this Resolution to clarify it. We suggest that is done by adding a few words to the second 'Whereas' on the Resolution, just after IWC/44/19 ...

Chairman

Seychelles, which document are you referring us please?

Seychelles

IWC/44/27 Revised.

Chairman

We're not discussing this, we're just receiving comments on the proposal by the Government of France. We're not in Action Arising yet, we're in 12.2.

Seychelles

I beg your pardon, Mr Chairman.

Chairman

You have the chance to go back to this in a few more minutes. Norway.

Norway

Thank you, Mr Chairman. Our basic position with regard to the French proposal was initially that we would go against the French proposal because we thought that that, if adopted, would undermine the Revised Management Procedure. Now I realise that that might be a rather hypothetical question because I would think that if now, let's say next year, the French proposal is adopted - then for ten years to have a sanctuary - then this proposal would come up again in 2003 to be renewed. It would certainly not affect the RMP because that would still not be adopted. Thank you, Mr President.

Chairman

Thank you, Norway. St Vincent.

St Vincent and The Grenadines

Thank you, Mr Chairman. I also wasn't sure, Mr Chairman, whether we were on Resolution 27. I gather we are not, so I'll confine my remark to one of support for what was said by the delegate of Mexico with respect to the financial aspect of this. Thank you.

Chairman

Thank you. Brazil.

Brazil

Thank you, Mr Chairman. We welcome the proposal made by France. We think that in view of the very heavy whaling that happened in this world area it is long-time due that some management tool is applied to it. We also welcome France's proposal to leave this over to next year for a full decision. In the meantime we think it should receive the fullest attention of all member countries of the IWC and, of course, that the coastal states can make up their mind and can read it better, can get more used to it, and we hope that in a year's time it will be adopted. Thank you.

Chairman

Thank you, Brazil. Chile.

Chile

Thank you, Mr Chairman. As stated during the Technical Committee debate, Chile received with much interest the proposal from France and is very happy with the position we have now. There is great agreement on that - to have a Resolution, to postpone it for next year. Of course, in due course, the Chilean delegation will raise the matters which are referring to the coastal states jurisdiction in an area which in the case of Chile is very large indeed. Thank you very much.

Chairman

Thank you. Any other comment? Argentina.

Argentina

Thank you, Mr Chairman. First of all my country also sympathises with the idea of the sanctuary in the Antarctica. I would point out that I have some reservations on some ideas in the document in the proposal of the Government of France, IWC/44/19, paragraph 44. I just mention that for records. The second point will be that of course as coastal states that will be included its jurisdictional waters in a large extent and the opportunity we will like to be members of any intersessional group - whatever it is - to flag our case there. And about the general statement we would like to make it very clearly that whatever is decided here it can't be used as a precedent or as a leading case in some other fora which deals with living marine resources. To take it as a sort of arrogation or derogation of rights of coastal states as they are embodied in the Law of the Sea Convention. That is to be very clear that in this organisation we accept this including jurisdictional waters but that cannot be used later in some other fora as a sort of arrogation of rights and the Law of the Sea Convention. That's our preliminary comments. Thank you.

Chairman

Thank you. Ireland.

Ireland

Thank you, Chairman. Ireland welcomes the French proposal and considers it should be developed further to enable the Commission to take a decision next year. Thank you.

Chairman

Thank you. Germany.

Germany

Thank you, Mr Chairman. I've already stated in the Technical Committee that Germany is sympathetic to the French proposal and I hope that we will get good advice on this proposal as soon as possible. Thank you.

Chairman

Thank you. UK.

UK

Thank you, Mr Chairman. Again we have set out our views on this proposal in the Technical Committee and, as I reminded delegates there, the Minister in opening this session described this proposal as interesting, challenging and inventive. We believe that the French delegation has taken the right decision in seeking detailed further study. We are keen that that should progress as quickly as possible and we are keen also that other bodies who have a full part to play in the analytical work ahead can be drawn in. It's obvious that the Scientific Committee and others will need some particularly sharp and well-focussed guidelines for carrying this work forward quickly. We have also mentioned the role that can be played by SCAR and CCAMLR. We're keen and we hope this proposal goes ahead. Thank you, Mr Chairman.

Chairman

Thank you. People's Republic of China.

People's Republic of China

So, we think the French proposal has a lot of important aspects so it covers lots of important aspects like the scientific management, the resources, also these scientific assessments and resources. So we think the French proposal needs further deliberation, needs further scientific assessment to improve the necessities of establishment such a sanctuary in that ocean, so we also agree with the proposal will be discussed in next year's Scientific Committee for further discussion and consideration. Thank you, Mr Chairman.

Chairman

USA.

USA

Thank you, Mr Chairman. We also made our points known in the Technical Committee. We welcome the proposal and we're prepared as a co-sponsor, of course, to support the Resolution that will be forthcoming. We particularly note, as others have, the importance to reach out to discuss this proposal for a sanctuary for whales with other organisations who are involved in these regions such as CCAMLR, SCAR, perhaps the Intergovernmental Oceanographic Commission, and others. Because there are a lot of others involved in this area and I think one should not underestimate the amount of work that will need to be done before we address this issue at our next meeting in May. For example, I note that the area described by CCAMLR - or their jurisdiction if you will - the latitude of CCAMLR varies with longitude. That is, it varies a bit depending upon what part of the Antarctic Ocean you are in, and that is based primarily upon the variability in the Antarctic Ocean itself - that is the Antarctic Ocean current - and all of the whales, or almost all of the whales that we are interested in, of course, are confined within the Antarctic Convergence and the area to the south. So it may be, as one works towards the future, that one will find that one will not need or want, I should say, a sanctuary with a constant latitude as a function of longitude. I use that only as one example, Mr Chairman. If I think of the amount of work that needs to be done before this is brought before us at our next meeting, and therefore I welcome in particular the suggestion that one establishes a working group at an intersessional meeting to get on with this task. Thank you, Sir.

Chairman

Thank you. St Lucia.

St Lucia

Thank you, Mr Chairman. I presume it is necessary for St Lucia once again to go on the record as supporting the French for, if I may echo the UK, taking the right decision to withhold this proposal for the time being for there is need for more time for consultation, both within various governments and appropriate treaty organisations, so we support the French decision wholeheartedly. Thank you very much.

Chairman

Thank you. Sweden.

Sweden

Thank you, Mr Chairman. Just to reiterate my position on this issue which we stated in the Technical Committee, that we welcome the French proposal as it brings forward two important issues, the first one being sanctuaries as a management tool and the second one being environmental threats in the Antarctic area. And we look forward to continued discussion on the French proposal after seeking the advice of the appropriate Antarctic area international bodies. Thank you.

Chairman

Thank you. Any last comment? No. Well, taking in consideration some of the words expressed by some delegations, it seems from the Chair that everybody agrees, with the exception of two, that it will be valuable to consider this proposal in a more mature form, more complete, especially considering the suggestions by most of the delegations which I'm sure the French Commissioner has listed already to improve this, to be presented next year further discussions. So I will close the debate now on this and I propose we move into Action Arising on this issue. So the floor is open for Action Arising on 12.3 on the French proposal. France.

12.3

France

Yes, thank you, Mr Chairman. As it has been already mentioned by some of the countries speaking to point 12.2 there is in front of you a Resolution 44/27 Rev which is the conclusion derived from what has been said in 12.2 so that the item the sanctuary for the southern waters will be fully considered and completed at the 45th Meeting and, if I may add, that the proposal document IWC/44/19 should be attached to the Resolution so that it's complete for everybody to have it because the Resolution is related to the proposal. I don't think I need to say much about it for it's a short Resolution that is saying what we have said, that the work, the scientific work and coordination and so on has to be continued and completed so that in 1993 there will be a full discussion and a full preparation for this item where we wish there will be a successful end. Thank you.

Chairman

Thank you, France. St Vincent.

St Vincent and The Grenadines

Thank you, Mr Chairman. Mr Chairman, I think that before we can discuss this Resolution intelligently we should have some comment from the Chairman of the Scientific Committee about it with particular reference to the 'Requests' paragraphs.

Chairman

Thank you. Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Thank you, Mr Chairman. I'm not sure what I can say at this stage except perhaps to note that with regards to the first 'Requests' paragraph in terms of liaison with other international organisations, in the experience of the Committee this has tended to take considerable time, so I'm not sure whether very much will come from liaison with these organisations quickly unless matters are set up to ensure that they do happen quickly. Regarding the second 'Requests' paragraph, of course the Committee will endeavour to do whatever the Commission wishes but I would reiterate something I said before and that is we would need very clear guidance from the Commission as to the priority that this should be given compared with our other work. I'll leave it there for the moment. Thank you, Mr Chairman.

Chairman

Thank you. Australia.

Australia

Thank you, Chairman. Australia's pleased to co-sponsor this Resolution and I've already made a number of general comments under previous Agenda Items. We are firmly of the view that this proposal should be given the maximum chance for full discussion and hopefully eventual adoption, but at any event we want to make sure that it does. I particularly want to draw the attention of the Commission to the second operative paragraph which is, in effect, an instruction to the Secretariat to arrange an intersessional study group to provide guidance to the Scientific and Technical Committee on this issue. We believe it is particularly important - and indeed the question raised by the Commissioner for St Vincent and The Grenadines bears very much on this - we believe it is particularly important that the Scientific Committee be given maximum notice and a complete framework of discussion that it is asked to do and not simply asked to discuss what is a very broad proposal. We believe also, as I've mentioned, that there are administrative and legal matters of equal substance that need to be discussed and discussed with the organisations such as CCAMLR, SCAR and so on. Mr Chairman, my Government would in fact be prepared to offer to host such an intersessional study group, although by 'host' I don't mean completely fund, and I say that because clearly there will be some cost implications in this. I believe the Commission should have that firmly in its mind when it makes that decision. There may be some particular experts that one wants to invite to such a study group. I must say, from our point of view, we would see this not as a large group of people but a relatively small group of experts, particularly in Southern Ocean matters from countries that are interested in the Southern Ocean. And I put it in that way because I would hope that if such a thing is adopted by the Commission, that all countries who have interests in the Southern Ocean - even though they may have spoken against or not particularly in favour of the proposal itself - make every effort to attend because I do believe this is something that we should give the most earnest consideration to and everybody should have their chance to say. So my final comment, Mr Chairman, is once again to repeat an offer that we are more than happy for once to actually offer to host something. Location not yet decided but possibly Hobart since that is in fact the place where the CCAMLR Secretariat is also located and there could be value in having such conjunction. Thank you, Mr Chairman.

Chairman

Thank you, Australia, and thank you also for the offering to host the meeting. Unfortunately you are not ready to provide funds even for a small group, as you said, but we thank you for the offer. Argentina.

Argentina

Thank you, Mr Chairman. First of all I would like to support the Australian Commissioner where he says the importance of an intersessional study group - the administrative and legal implications it has - and I

would suggest that for the moment that this group is going to be convened. To have for that group the considerations that both Scientific Committee of CCAMLR and SCAR can be provided for that also the working group would have his ideas and his opinions on that. Well, I'm a little bit ... I would like to seek clarification in that third operative paragraph which refers after 'other relevant organisations'. I would like to ask for you to the Chairman of the Scientific Committee which other organisations he was thinking about, or France. Thank you.

Chairman

Yes, I will deal the questions to the proposal to the country which is proposing this. I don't think that's a question for the Chairman of the Scientific Committee, so I think some other countries and co-sponsors will be able to solve your question. Any comments? US.

USA

Mr Chairman, one obvious international organisation that should be considered as 'other relevant organisations' is the Intergovernmental Oceanographic Commission of UNESCO.

Chairman

Thank you. Any other comment? Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Thank you, Mr Chairman. On reflection I would like to add something else. With regards to the second to last paragraph, the second 'Requests' paragraph, as it's written now the Scientific Committee should provide comprehensive answers to the questions in IWC/44/19. Now, we did try and address this in our Committee although our report has not been extensively discussed in Technical Committee or here. It might be useful for me to draw attention to Commissioners that there were several members in the Committee who thought that the proposal provided insufficient information for a review, and in response to this our French colleague replied that he noted that the questions posed were not intended to limit discussion and that if there were more important scientific questions then these could be formulated and considered, and I would just point out that it may not be particularly useful for us just to answer these questions but maybe a broader aspect, and that's something that the intersessional study group could consider. Thank you.

Chairman

Thank you. Let me just ask to the Secretary something that might steer this a little bit. This intersessional study group has not been allocated in a prospect for the financial year budget. It will have obviously economic implications. Can you clarify this, Dr Gambell?

Secretary

Thank you, Mr Chairman. As I look at this proposal I see three elements which could have financial implications for the Commission's budget which has been established as a baseline budget. The intersessional meeting would have some costs associated over and above the facilities provided by our host to cover the attendance of members of the Secretariat and perhaps also what in the Scientific Committee are called Invited Participants, that is individuals who we think would make major contributions but who might not be sent or funded by their own governments. Now it is very difficult to know at this stage whether there will be such people and how many they might be and where they're coming from, and so I would offer only a very broad approach to how much the costs could be for that intersessional meeting as far as the Commission is concerned. There are also two other elements of a financial character in that the request to the Scientific Committee to structure its agenda for next year suggests that this is something in addition to the work programme and agenda which the Scientific Committee has agreed can be fitted within a shortened time frame that has been funded, and we would need to ask the Chairman of the Scientific Committee whether more time needs to be added on for next year's Scientific Committee meeting which also has a financial implication. And then, thirdly, the working group of the Technical Committee in the last paragraph is an additional meeting to the suite of meetings which normally precede the Annual Meeting of the Commission and that also would require an extra day to be added to the meeting length at the 45th Annual Meeting which also has financial implications. I can give you figures for all of those elements but I think there needs to be discussion first of all of what the Commission might be letting itself in for so that these are judgments made in the state of knowledge rather than of the ignorance which I feel at the moment. Thank you.

Chairman

Thank you. St Vincent.

St Vincent and The Grenadines

Yes, Mr Chairman. If you'll excuse me, you'll have my extra ten thousand pounds to help with that.

Chairman

St Lucia.

St Lucia

I take it we are discussing the Resolution, right? Yes. In the light of what I read as being expressed by the Scientific Committee, it says that they did not believe that they addressed (that is, the French proposal) the important scientific issues concerning the proposal. That's what was written by the scientists. In the light of this I'm wondering whether we could strengthen the 'Requests' portion of the Resolution so that comprehensive answers to the questions in IWC/44/19 can be proposed. After IWC/44/19 to add 'as well as others which need to be addressed'. So the Resolution then would be more open because we do not want next year that only those questions we addressed as well as others because after we consult with other organisations they may wish to address other questions. In other words, not restrict us just to the questions which the scientists say did not address the important scientific issues. I'm trying to help in enriching the Resolution, Mr Chairman.

Chairman

Yes, thank you, St Lucia. I think you pointed out something the Chairman of the Scientific Committee just expressed. It's also in the Scientific Committee report that besides these questions that for them there were in a way difficult to deal with and the scientific content of this, there have to be some other questions that were also some of the comments when we were dealing with this before coming to Action Arising. So I wonder if somebody can support this amendment made by St Lucia? Japan.

Japan

Thank you, Mr Chairman. I support St Lucia's amendment.

Chairman

Thank you. Switzerland.

Switzerland

Thank you, Mr Chairman. We also can support this amendment.

Chairman

Thank you. So we have an amended Resolution proposed by St Lucia. Does everybody have the exact wording? Any delegation wishes those to be repeated? Australia.

Australia

I don't think I need it repeated, Mr Chairman. I'm not averse to supporting it with the proviso that it seems to me to be a little open-ended and one of the difficulties clearly this year was that there was insufficient opportunity and insufficient clarity and focus in this whole discussion and, while I understand and am very sympathetic to what my colleague from St Lucia is aiming at, I wonder if he would be able to come up with something that is a bit more specific. Having said all that I am not convinced that the Scientific Committee is the area where we need to be particularly concerned about allocating too much time. I think if we have an intersessional study group and a working group those two events, I believe, will allow for the fullest most likely discussions. But I would be quite happy to take further advice from the Chairman of the Scientific Committee if he has a different view. Thank you, Mr Chairman.

Chairman

Thank you. Dr Hammond, any views? What would be more helpful for you?

Chairman of the Scientific Committee

Thank you, Chairman. In our discussions this year I limited discussion of this item to one two-hour session but it was quite clear it could have gone on for much longer. Unless the Commission gives us very specific instructions about exactly what it wants us to discuss and come up with, I think I would envisage we would have a similar length or longer discussion in a future meeting. Perhaps it would be possible for the intersessional study group to formulate a set of questions which it wishes the Scientific Committee to address rather than limit it to the ones already in the French proposal. I think that might be useful. Thank you.

Chairman

Yes, that's a very useful suggestion. I see several nods. OK, well then, if we're ready to accept this by consensus we are also accepting by consensus the financial implications. I want to be sure of that. Japan, then Norway. Point of order.

St Lucia

Did you say it's been accepted by consensus with my recommended change?

Chairman

Right. Japan.

Japan

Thank you, Mr Chairman. We are not yet in a position to accept this. We have several comments to make if you're going to accept it, I mean as a consensus. Before joining the consensus we have several points to make. Do you want to hear?

Chairman

Yes.

Japan

I hope my intervention will not be a waste of time. First, first Preamble. I would like to insert some words after 'Whereas International Convention for the Regulation of Whaling provides' before 'for adoption of the regulation fixing open sea' provides for the orderly development of the whaling industry ...

Chairman

Just hold for a second, Japan. Are you going to make comment or are you going to amend the ...?

Japan

Amend.

Chairman

Then that's a different subject, OK?

Japan

That's why I'm asking you.

Chairman

OK. The formal Resolution proposed by Australia has been already amended by St Lucia with support of two delegations and it was the opinion of the Chair from here that everybody agrees with that. Now, you're saying you do not agree with that and you would like to amend the latest version which is the St Lucia version, right? OK. Then I propose we break now for tea and you bring to me a written version which you can read in the microphone so it will be easy for the Chair and the Secretary to follow you. OK? So we will reconvene the meeting at 4 o'clock. Thank you.

[Tea break]

Chairman

Let's continue now. We're on the Resolution 27 Revised. We have the original Resolution which has been amended by St Lucia adding some words in the second 'Requests'. The floor was asked by Japan in order to introduce some more amendments and also by Seychelles. I think I will give the floor first to Seychelles because their amendments are quite simple. They're also not in the operative paragraphs and I think won't raise too many problems for the delegations. So can I give the floor to Seychelles to introduce the proposed amendment please?

Seychelles

Thank you, Mr Chairman. Like you just stated the amendment is very simple. We suggest that the supporting document of the French Government IWC/44/19 is annexed to the Resolution document IWC/44/27 Revised, simply for the purpose of clarification. The way we suggest this is by the inclusion of four words. If you look at the Resolution at the second 'Whereas' and after the reference IWC/44/19, we propose the inclusion of the words 'annexed to this Resolution'. Thank you, Mr Chairman.

Chairman

Thank you, Seychelles. Any comments or reactions to this proposal? Second? Monaco? Thank you, then we can adopt this amended version. Now I promised the floor to Japan which kindly provided for me changes that he will be referring to and I will ask Japan to go slowly because there are quite a few in the 'Whereas' and also in the operative paragraphs, so Japan please.

Japan

Thank you, Mr Chairman. I have several changes and new insertions to be made if Japan is going to join this consensus and concerning the first sentence, first 'Whereas', as I mentioned the International Convention for the Regulation of Whaling provides' - after 'provides' I would like to insert following: 'for orderly development of whaling industry and' and the sentence reads 'Whereas International Convention for Regulation of Whaling provides for orderly development of whaling industry and for adoption of regulation of fixing open and closed water including a designation of sanctuary area'.

Chairman

OK. Any comments to these proposed words? Australia.

Australia

Thank you, Mr Chairman. For clarification I think there should be the words in Article V at the start. In other words, 'Whereas the International Convention for the Regulation of Whaling provides in Article V for the adoption of regulations fixing open and closed waters' - that would seem to satisfy the problem.

Chairman

Thank you. Do you agree with that suggestion, Japan? Japan.

Japan

Thank you, Mr Chairman. What I have quoted, I think it's from a Preamble, right? I mean I understand that the current wording is coming from Article V so I have no objection to quote specifically Article V but my proposal of an insertion should just stand as it is.

Chairman

Thank you. Any other comment? Netherlands.

Netherlands

Yes, Mr Chairman, I think the Japanese proposal might give rise to other proposals that would eventually lead to the whole Preamble of the Convention being repeated in the Preamble to this Resolution and I think that's not really what we want. I would therefore support the Australian proposal which makes it clear that we're only talking about sanctuaries here and which refers to the Article of the Convention that specifically deals with the possibility of sanctuaries. Thank you.

Chairman

Well, I thought that was going to be the easy one. Given that in consideration, what I will propose now is that some members from the Japanese delegation and some members from the proposed Resolution here get together and agree as much as possible on the single piece of paper, because that was the easy one really. New Zealand.

New Zealand

Mr Chairman, as one of the co-sponsors I would find it very difficult to engage in a discussion of that nature. Here we have a draft Resolution that's focussing on one particular subject. It's proposed now to introduce into it matters affecting the Convention as a whole and if you mention one you have to mention others as been referred to earlier, so I would think it appropriate that we just concentrate on the specific issue and I think the suggestion by the Commissioner for Australia to tie it to Article V to make it clear that we're not restating the objectives of the International Whaling Commission but rather looking at one part of its activities would to my mind be appropriate. Thank you.

Chairman

Thank you, New Zealand. I know, I share your concerns, but I also feel sympathy for the problems of language with the Japanese delegation. I think we can accomplish a lot if we're willing to work together more often. What I'm really asking you and other members of this Resolution is to get together to find out a wording at least not in the operative paragraphs but something that will accommodate some of Japan's concerns. If the feeling of the floor is that there's no way that fourteen countries here are not willing to do it then we're in real trouble. Honestly. We don't really ask you for dropping this Resolution or change something - just to give the chance to the Japanese delegation because they do have some language problems - to get together and find out what their concerns are, but if the people is not really for that, OK, let's then force the issue in the normal way. Australia.

Australia

Chairman, if there really are concerns as you expressed it over problems of language, then I agree with your suggestion that in fact we should try and find some form of accommodation, but equally I'm conscious of the comments made by the Commissioner for New Zealand. I had suggested that 'in Article V' be added or be used added to the existing thing, to take account of the fact that - and I suspect it was slightly imprecisely worded in the first place - to suggest that it is only focussing on that. The problem would be, I think, that it's very easy to open it up then and add in a whole range of other things. I'm attracted to your idea that we should try and work things out but I also wonder how far we'd be able to get. If you feel that there is enough discussion left on the agenda this afternoon that we could set this aside to meet, I would certainly be prepared to have a look perhaps with some other co-sponsors at some of the suggestions that the Japanese delegation may have with regard to wording to see if we can reach an accommodation, but some of the substantive suggestions that I believe the Japanese delegation have, I'm afraid would be unacceptable to us, and I suspect to some of the other co-sponsors as well. So I'm really in your hands. I don't want to be difficult but neither do I think we should necessarily prolong any agony.

Chairman

Yes, well, there's another way to deal with this. It will be to proceed with the initial Resolution 27 Revised that has been amended by St Lucia and Seychelles and then see if we get an approval from the Commission and give the opportunity to Japan to make any statement that they want for the record and we can carry on. That's the alternative way to deal with this. What will be your preference, Japan?

Japan

Thank you, Mr Chairman. Yes, we are entirely at your hand, but I also appreciate what Australian Commissioner made. I mean it's clear that we don't want to prolong the debate but what we have to express is that we would sincerely like to join the consensus if our concerns are taken care of and his intervention that was previously made was that he's willing to talk with us rather not to prolong this open meeting but between us within some involvement with other co-sponsors. I think that is the way that we can proceed, but if you think it's also a waste of time it's entirely at your hand that we, as you mentioned, that rather that original twenty-seven division we have pressed for a vote and you can give us some opportunity to oppose it. I mean either way. But certainly that we would like to try our best.

Chairman

Well, when I accept the Chair last year I said I would try to be more fair to all delegations and the only way to really be fair in international affairs is to try to reach consensus, so I will drop the discussion of this item now. I'll give you time to get together with Australia and whoever else wants to join from the co-sponsors, and try to agree on a text that you express your willingness to go in the consensus. So this Agenda Item will remain open till tomorrow probably and we can move now to whatever other Resolution is on the floor on this Agenda Item. Argentina.

Argentina

Thank you, Chairman. Before you leave aside this item I just got instruction from home to co-sponsor the Resolution also. Thank you.

Chairman

Thank you. OK. New Zealand.

New Zealand

Just before you adjourn the discussion, I had a point that related to the statement not made by a delegation but by the Secretary and would you prefer me to defer it until tomorrow?

Chairman

Well, I think if we can get some idea of the economic implication at this time it would be beneficial. If you prefer to deal with this tomorrow, like I said you know, given the time to Japan and others to get together so we can come back at your preference.

New Zealand

Well, I had a very small point. You could dispose of it now if you wished, and that was simply that I think the Secretary explained in his perception the intersessional study group would include Invited Participants etc and that would, of course, increase the cost. I haven't really discussed this with other co-sponsors but I must say that in my perception this was to be a study group composed of representatives of governments and I didn't really envisage Invited Participants who would, of course, come in at the Scientific Committee level and make their contribution, but I hadn't really envisaged myself that this would take place at the study group level, so maybe we could return to the subject tomorrow when other delegations have had a chance to think about it. Thank you.

Chairman

Yes, we can come back to that too, but I will also ask the Secretary to give us some idea of the economic implication of this decision. That will help us for our thinking tonight.

Secretary

Thank you, Mr Chairman. Just to give you some rough estimates. I've had the chance to consult with one or two people during the interval and, as I understand the situation, I would estimate that the cost for the intersessional study group to the Commission would be £8,000. Nobody has actually said how long the meeting is, you see, and so this is on the basis of information received. I would say that for the working group to be held in the week before the Commission meeting, that will be £4,000, and for the Scientific Committee which would need another day added to its meeting length next year, that would be £5,000. So my estimate on that basis is £17,000 for this activity.

Chairman

Thank you. Mexico.

Mexico

Thank you very much, Mr Chairman. As I referred in the previous point 12.2, my delegation is preoccupied of this expense that the figure we have now, and as I refer before I would appeal for those governments who are proposing this important story to come in a voluntary contribution in order to help us. That's all I have to say. Thank you very much, Mr Chairman.

Chairman

Thank you. St Vincent.

St Vincent and The Grenadines

Thank you, Mr Chairman. Believe me, I'm not going to offer to contribute, but I certainly support what has just been said by Mexico. Thank you.

Chairman

Thank you. Any other comment? Well, we'll come back tomorrow to the Resolution 27 Revised as amended by St Lucia and Seychelles, hoping that we'll get a final draft agreed to all delegations and we can accept this by consensus. Any other item in Action Arising regarding whale sanctuaries? UK.

UK

Thank you, Mr Chairman. I'd like some guidance from you as to whether, under this item, we might deal with a proposal we have already put forward. It's in IWC/44/26 Revision and it deals with the need for research on the environment and whale stocks in the Antarctic region. You will recall, Mr Chairman, that I spoke at some length in the Technical Committee expounding our concerns on matters such as environmental degradation, ozone layer, increased penetration of UV into the water column and the impact that this could have on phytoplankton and marine algae. The proposal is fairly straightforward. It's simply that the Commission should decide that the Scientific Committee establish a permanent Agenda Item to address the impact of environmental changes on whale stocks. Could I also explain in case delegates are a bit confused by the last sections of the operative part of this Resolution, which mentions whale sanctuaries. Now, at the time we drafted this, we were unsure as to whether there would be a French proposal and in precisely what terms on whale sanctuaries, so that is the reason why that wording appears. It's not principally to do with whale sanctuaries, it's principally to do with research on the environment and whale stocks. I would like to suggest, Mr Chairman, just a couple of changes. This has gone through one revised version already, but if you'll allow me I'll explain those now if that's helpful.

Chairman

Please continue.

UK

The two changes are that we would like the second 'Whereas', starting with the word 'Recognising', the whole of that sentence to be moved around so it appears underneath the 'Whereas' starting with the word 'Aware'. It's simply a question of order and tidiness and there's no significance in that change. Shall I repeat that?

Chairman

Yes, please.

UK

It means that the third introductory sentence 'Recognising the ecological sensitivity of the Antarctic region and its particular importance as the largest single feeding area for Southern Hemisphere whales', that sentence would appear after the sentence beginning 'Aware of the guidelines for establishing' etc. There's one other small change, Mr Chairman. That is that the word 'climate' in the paragraph which begins 'Noting the recognition given to the precautionary principle by UNCED' and the line underneath that has the word 'climate'. Strictly speaking, that word ought to be 'atmospheric' so as to encompass ozone depletion and ozone layer changes. The word 'atmospheric' I think is rather better than 'climate' which might imply simply weather. With those introductory remarks and again recalling my discussion with delegates in the Technical Committee yesterday, which I was very pleased to see brought forward a lot of support, I would like to formally propose this Resolution which has the support already of Finland, France, Germany, Ireland, Monaco, New Zealand, Sweden and Switzerland. Thank you very much.

Chairman

Thank you, UK. Any comments on the proposed changes by the UK? Australia.

Australia

Thank you, Mr Chairman. We would agree with those changes and we would also like to co-sponsor it. Thank you, Mr Chairman.

Chairman
Argentina.

Argentina

Thank you, Mr Chairman. We also would like to co-sponsor this Resolution but we do have some difficulties with the wording, not only to this one but also I would like to refer to operative paragraph two. It says that the Scientific Committee should conduct, etc etc. There it refers to the effects of global environmental change so we are mixing here climate change, extra radiation and global change which in the last six months are going through this complicated issues in some other fora. For the sake of everybody we have no difficulties. I just say that for the record my delegation would prefer to be very specific and to use here the same word we use in the Convention of Climate Change in the Agenda 21 for extra radiation due to ozone depletion and if you want to include global change, let's do it, because the three, perhaps from a scientific point of view, are all interrelated but on little basis nowadays they have separate chapters, so if the Commission would like to go ahead with this, no troubles. We will follow and just for the record we put our small preoccupation. Thank you.

Chairman

Thank you, Argentina. Could you be specific on the words you want to add.

Argentina

Yes, Sir, but I have had some talks with other delegation who said, well, all the other co-sponsors will have difficulties or not, so I prefer not to, I rule out ...

Chairman

OK. So in other words you don't want to amend the Resolution as has been proposed by the UK. You just want to note in the report that you have some concerns with the wording? OK.

Argentina

I mean, if you want I can propose my amendments but as I was told that it would be rather difficult for everybody to accept them - or at least to start considering them - I prefer to go ahead and leave aside my preoccupation.

Chairman

Do what you want. Don't worry what they say.

Argentina

Well, it was a gentleman's agreement, so ... OK. If you allow me, it will be in the paragraph ...

Chairman

You want some time to think about it?

Argentina

No, no. I don't have it written. Where it says 'Noting the recognition given to the precautionary approach by UNCED' etc etc, if we said 'Needs to improve our understanding of the effects of climate change' ...

Chairman

That has been proposed by the UK, to use 'atmospheric'. That's your problem, OK.

Argentina

I would like to go back to 'climate change' and add 'and the extra ultraviolet radiation due to depletion of the ozone layer on marine ecosystems' because 'climate change' as one specific framework meanwhile extra radiation due to ozone depletion has another and both are separate.

Chairman

Let's be sure that everybody has all the words that you want. Can you repeat it slowly please?

Argentina

Yes. After 'climate change' we will add 'and of extra ultraviolet radiation due the ozone layer depletion on marine ecosystems'.

Chairman

OK. Australia.

Australia

Yes, Mr Chairman. I wonder if I can try and complicate the issue by suggesting yet a further change but one which hopefully may actually simplify it. My Argentinian colleague quite rightly pointed out global environmental change in ii) of the operative paragraph. It seems to me that it would take care of both the UK's concerns, both the Argentine concerns and indeed the fact that we've suggested that this be a permanent Agenda Item so that all kinds of global changes that aren't yet manifest but may become manifest can be looked after if we substitute 'global environmental change' rather than 'climate' or 'atmospheric' or any of the other versions. So we just substitute 'global environmental change' in the 'Noting' paragraph.

Chairman

Norway.

Norway

Mr Chairman, I would like at this stage of our discussion of this draft Resolution to draw the attention of my fellow Commissioners to the, I think it's almost the last page, of the report of the Scientific Committee. It's on Page 48. It's under point 22 Other Business. The last sentence of that Chapter 22 states, and I quote "The Committee requests that, given its heavy workload as noted under Item 23, Commissioners exercise restraint when placing additional items on the Committee's agenda." That is an advice that I have taken note of and I would recommend that other Commissioners do likewise. That was my first point. The second point is that when we look at this draft Resolution we have the operative paragraph one that the Scientific Committee establish a permanent Agenda Item to address the impact of environmental changes upon whale stocks. Well, is this now going to be a priority item? And then we have the operative paragraph four, that the Scientific Committee should consider the question of establishing whale sanctuaries in the Southern Ocean in the light of this work. Well, we are now really giving the Scientific Committee new tasks if we were to adopt this. And I think if you look at this, I mean the whole operative paragraph, I think I would end my intervention by quoting a very well known German phrase, "Man mehrt die Absicht". Thank you, Mr Chairman.

Chairman

Thank you, Norway. Let's, before we go onto the operative paragraphs, let's try to get some solution to these proposed words by Argentina, UK and the wisdom of Australia. Japan asked for the floor and ...

St Lucia

Point of order.

Chairman

Point of order.

St Lucia

I heard some German language which I don't understand. Would you please ...?

Chairman

Norway.

Norway

Well, freely translated it means "One can see the intention behind".

St Lucia

Thank you very much.

Chairman

OK. Japan. Please make your comments on this 'Noting the recognition' paragraph then if it's not in that we will give you the time later for another ...

Japan

Thank you. I think that's a general comment rather than specific because this is, you know, for our understanding. It's a matter of a general nature, I mean, this is not something ... Can I ...?

Chairman

Speak.

Japan

I mean, first of all, I don't think we discussed this matter anything at all, or if there is, maybe a few, but my understanding is that we didn't discuss. I mean this matter is not discussed at the Scientific Committee. This is not raised. And also we are talking here about global environmental changes. This is nothing to do with whales, and I'm wondering whether I'm attending the IWC or IPCC or UNCED Preparatory Meeting or whatever it is. I mean, environmental degradation and climate change I think is outside of the terms of reference of the IWC, and I couldn't agree if, I mean, this matter is a terms of reference of the IWC. We cannot agree that such an expansion of the IWC's work, and of course if it's come the bit of the specifics, in this proposal it says 'Southern Hemisphere whales'. Why? On the whole and environmental degradation is always related to Southern Hemisphere. This is something which we cannot understand. You have another Arctic ozone and recently some scientists detected in the middle of the United States, and when's it's come to the area, I mean ocean pollution, what is the most polluted area? It's North Sea. Why it's Antarctica always? I think this is entirely irrelevant and we cannot accept, I mean we cannot understand this. This is something we have to pay more prudence and think about whether this is appropriate Resolution or not. I mean, having said so I have a specific problem about specifics in the particularly operative paragraph number one. I agree with Norwegian Ambassador. We don't think we have to have a permanent future of the Agenda Item on this discussion and number four, why we have to have overlapping function in this Resolution also about Antarctic Southern Ocean sanctuary here. We are already talking about 27 Revision. Thank you.

Chairman

Thank you. Let me give you perspective from the Chair. When this Resolution was presented to me I thought it would be dealing with the Agenda Item which we are now - it deals with whale sanctuaries. And indeed in some of the paragraphs it touches the problem of whale sanctuaries and guidelines, but it's your decision. If you feel that this is out of order, that it's not in the agenda, we can decide it now. On the other hand, if we feel that this is something we should discuss because it will be beneficial for the International Whaling Commission, then we will discuss it. We have the Resolution. I explicitly asked some of the people involved to present this when we deal with whale sanctuaries because I thought that was the spirit of this Resolution to help, to give some guidelines for whale sanctuaries, but if people think it's not in accordance with this meeting we can discuss that right now. So I give the floor to UK.

UK

Thank you, Mr Chairman. I wonder if I could respond to at least some of those points. First there's the question of the permanent Agenda Item. It seems to me that rates of change in the global environment may be taking place at a slower rate of progress even than this Commission, but that's an issue for debate. When I mentioned earlier in my introductory remarks that we had tied this to whale sanctuaries, I explained the reasons for that. If it were helpful to delegates I could simply produce a new text, having discussed this with my co-sponsors, which takes out the reference to whale sanctuaries. I was really quite clear in saying that those wordings appeared because we did not have at that stage a proposal on whale sanctuaries. Dealing with the distinguished delegate from Norway's point about costs, it would be my view that the purpose of the Resolution is to make this a permanent Agenda Item so that when there are significant changes in the global environment which need to be looked at because of their impact on whale stocks, then this could be done as a permanent reminder to the Committee. We're not seeking that the Committee should go out and conduct its own research on this issue at all. In relation to costs, I think that point would be dealt with. We are merely making this an Agenda Item, we are not planning a major research programme. We are very much in your hands, Mr Chairman. If you would like to take further discussion on the concepts involved here we would be happy to look at some small parts of the wording if

that's helpful to delegates, but I hope the purpose of this is clear and it follows on very precisely, in my view, from our discussions in the Technical Committee where I remember the Chairman of the Technical Committee asked us to be much more precise about what steps needed to be done, and that we have tried. Thank you very much.

Chairman

Thank you, UK. France.

France

Yes, Mr Chairman. On hearing you, Mr Chairman, on the last time you spoke you mentioned the possibility of postponing the discussion again and you really weren't for postponing the discussion of this Resolution. We still have to finalise on paragraph 6 whether we say 'climate', 'atmospheric' or ultraviolet something but that's not difficult to serve, I would say, but I think it's really part of our agenda and this Resolution is, apart from these detailed points in paragraph 6, ready for a consensus adoption I would think. So how couldn't we try to come to an end on the proposal? How could you suggest it would be out of the agenda? That was a bit strange. Thank you.

Chairman

It's something will come with the job. I said that because there were some concerns expressed. OK. It does concern the same value that other views in my mind. So that's what I said. You want to discuss this? I need some advice from the floor. So far the UK has expressed why that was introduced on the Agenda Item 12. That's why I agreed to present it, but it has been some concerns expressed, so I am in your hands. Let's work together. You want to discuss it? I want to see some nods. You want to vote that we're going to discuss this? Let's vote for. There's many ways we can achieve that but let's make a decision. New Zealand.

New Zealand

Thank you, Mr Chairman. Well, as a co-sponsor I certainly would not wish to see the proposal withdrawn if that is the alternative, and I thought we were making some progress and indeed the United Kingdom Commissioner was making some suggestions which might indeed help certain difficulties on the part of other delegations, so I would hope we could proceed and see if we can't come to a happy arrangement. Thank you.

Chairman

Thank you. Any other view? Well, I take the people ... Argentina.

Argentina

Thank you, Chairman. I fully subscribe with the Commissioner from the UK said and if you allow me to give some other indication to the Commissioner of Japan who said why the South, I mean you can go there and you can prove damage, actual damage, due to the ozone depletion and the extra radiation. So from the point of view of whales there it would be very useful to assess how that damage can be in the whale stock on the first hand. On the second one I'm not going to be so naive or sophisticated to say that these issues of climate change plus radiation etc are in fashion, or *à la page*, but the Commission wants to start a reasonable work on this and can profit from the experience of some other institutions which have been working on this and even can get involved in some other research projects which are going on, so I think it's a good opportunity for the Commission to jump on the train what's going on. Thank you.

Chairman

Thank you. Are there some support, some reasons? Then that's agreeable to everybody, noting the comments from Japan. Let's go back to the wording on the paragraph starting with 'Noting'. There was an intention from Australia to get agreement between UK and Argentina and I seek those two delegations if they agree with the Australian proposal? Argentina.

Argentina

Yes, Sir, I've said that I would prefer to have very specific wording but then for everybody to accept it I go along. There's no problem. Then the Scientific Committee will make the differences in the moment. Thank you.

Chairman

OK. Secretary, please.

Secretary

Mr Chairman, since I am the one who has to transmit this document, can I be sure that the change now proposed - or changes now proposed - are twofold. One is to move the third paragraph to follow the fourth. The second is to change in the second 'Noting' paragraph the word 'climate' to 'global environmental'. Those are the only two changes I've understood and I stress that last word.

Chairman

Any comments? Well it seems we agree with that. Let's go now to the questions raised by Norway which are dealing with the operative paragraphs. This is something we want as a permanent agenda? Is the Commission prepared to advise the Secretary to raise the budget in order to accommodate that? Those are the implications of these papers. Australia.

Australia

Mr Chairman, I heard with interest and in the bilingual presentation from the distinguished Commissioner from Norway his concerns. However, it does seem to me that the intention of this, and certainly my understanding of the intention of this, is if we have a permanent Agenda Item it's to make sure that the Scientific Committee is brought up to date on a regular basis and reviews on a regular basis these matters. I personally wouldn't see that this is likely to involve a substantial amount of time. What I think this is saying is, however, there is an important issue which seems to be around that there is gathering evidence for, that we would like our Scientific Committee to keep their finger on the pulse, as it were, which is why it is in fact connected with their specific interest in cetaceans. And I personally don't have any problem with that. I don't believe it should take a long time and I believe that I would be happy for that intention to be - in other words we're not suggesting that the Scientific Committee spend most of its days on this and none of its days on anything else. We're really suggesting that this be added as a regular review item. Over the years, if the problems get as bad as some people suggest, it may be that it will have to take more time but let's hope not. Thank you, Mr Chairman.

Chairman

I will ask the Secretary to speak to that and then New Zealand.

Secretary

Just to point out, Mr Chairman, that it is the position in the Scientific Committee that, whilst there are possibly a number of items on its agenda, those items are only discussed if there is documentation on which the discussion can be based and therefore it seems to me that keeping an item on the agenda permanently is the mark, but it's only when information is provided in documentary form that the Scientific Committee would need actually to spend time and therefore perhaps incur costs. But that is something that can be treated with as it arises.

Chairman

Thank you. New Zealand.

New Zealand

Thank you, Mr Chairman. I think we are well on the way to resolving this problem so I won't speak at any length, but if maybe the word 'permanent' raises problems for some people and I would agree with Australia that what we are seeking is to establish an item on the agenda and that to my mind means an ongoing or regular item on the agenda which would simply provide the opportunity to have the matter considered if there were matters to be considered, and it has no more significance than that. Thank you.

Chairman

Thank you. Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Thank you, Mr Chairman. My first point was the one that Dr Gambell made, but I have a second point. Under operative paragraph three the Scientific Committee should develop practical means to address the questions. This is something that would not normally be dealt with, I think, as simply when documentation

arose. It is something that we would specifically be asked to address so I think that's something rather different. Thank you.

Chairman

Thank you. Sweden.

Sweden

Thank you, Mr Chairman. Just to support what has been said by the previous speakers. What we are sketching in this Resolution is a very wide field of problems and it is not at least the intention of my Government that this becomes the main issue on the agenda of the Scientific Committee. As has been previously stated, there are a number of organisations who deal with many of these problems that relate to environmental changes in the Antarctic area. The only intent is to have this as a point for review on a regular basis, so if the word 'permanent' poses a problem here I wouldn't hesitate to change that to, say, 'regular' or something to that extent. Thank you.

Chairman

Thank you. Norway.

Norway

Thank you, Mr Chairman. I must say I'm really very grateful for the clarification on this first operative paragraph that has been given first by the distinguished Commissioner from Australia and then seconded. And, if I may say so, by the Commissioners of New Zealand and Sweden. And with that understanding that was outlined by the Commissioner of Australia I'm prepared to go along with the adoption of this draft Resolution because I'll understand that the time normally spent by the Scientific Committee on this item, then, would probably be comparable to the time that this Commission every year spends on Item 18 Register of Whaling Vessels which is about five minutes. Thank you, Mr Chairman.

Chairman

Thank you. Germany.

Germany

Thank you, Mr Chairman. Taking account of all these interventions I think it should be possible first to delete this permanent agenda in operative paragraph one and then I think because of the intervention of the Chairman of the Scientific Committee we could delete this third operative paragraph. And then I think we could even delete the fourth operative paragraph because this has been dealt with in another Resolution.

Chairman

Thank you, Germany. Japan.

Japan

Thank you very much. I'm pleased to support what the German delegation said. This is the first time I hope it'll happen in later stages too, but coming back to number one, I think that we still have a difficulty because as a matter of the philosophy ... I mean, again, people talk about ozone layer and environmental changes here exactly we are dealing with impact of the environmental changes on the whale stocks, but why, why, I mean environmental change specifically in whale stocks? Why, why other areas? I mean, as you can see in the title, why Antarctica only? I mean this is very irrelevant. This is a sort of the kind of work that targeting a scapegoat or what? I couldn't understand, I mean this thing that the delegate of Argentina mentioned, there is a certain evidence that Antarctic area is contaminated relatively as opposed to other area but I don't see any reason. I hope that you can, you know, furnish really convincing reason. In that regard I definitely would like to see if you are going to put forward this proposal, I'd like to see entire deletion - although I'm causing some procedural problem - but I'd like to come back because it's important. I'd like to see entire deletion of Antarctic region, entire deletion of the Southern Hemisphere whales, whatever is discriminatory relating to the Antarctic and Southern Hemisphere whales, and certainly I agree with, you know, number four is deleted and so if we would delete Southern Hemisphere whales in the Antarctic region we don't have to specifically touch upon the regional organisation of CCAMLR and SCAR. We have to rather, you know, mention about maybe UNCED and UNEP and FAO at the global basis. I think, again, would like to appeal to other delegations to come to the kind of sense, what how you

say, I mean reason of understanding what we have to deal with please. I would like to just address that difficulty.

Chairman

Thank you. USA.

Japan

Thank you, Mr Chairman. I would like to associate myself with the suggestion of the German delegation that we change in operative paragraph one, change the word 'permanent' to 'regular' and I believe for the reasons suggested by others that we could delete operative paragraphs three and four. Thank you, Sir.

Chairman

Thank you. Australia.

Australia

Thank you, Mr Chairman. I wanted to try and respond to the questions raised by the delegate for Japan because I think they are important questions and I think there are real answers to them. Whether I can convince the delegate I'm not sure. Let me try. It seems to me that the question of expanding it, as I think he's suggesting, is one with which I would not be averse but we do then run into the problem of beginning to look like overloading the Scientific Committee, and I don't think that's the intention. Quite simply, although ozone depletion problems are now regarded as being both Northern and Southern Hemispheres, the problem was originally identified in the Southern Hemisphere, there are more data there than there are. The Southern Hemisphere has a certain global ocean area which is different from the situation in the Northern Hemisphere and, frankly, it seems a good place to start. It may well be that from that start, as other evidence builds up, one would want to expand this, but I think it would be - if we had produced a Resolution which suggested that we do this on a global basis which might be the sensible thing - we might well have had rather more criticism. So my point is that I believe this is the right way to go. It's a start. I understand what the Japanese delegation is saying and hope that they are now a little more at ease. Thank you, Mr Chairman.

Chairman

Thank you. Japan.

Japan

Mr Chairman, just my comment about whole of the debate that have taken place here, I think has been rather wasteful to spend so much time on this kind of discussion. I think here we are now jeopardising the credibility of the scientific competence of the International Whaling Commission. When I heard about the French proposal in the first place I thought, well, some of the serious scientists might start to depart from IWC and this very discussion we have been having here I think is even farther alludes in the way of our credibility to the world, and I think we should really be concerned about this.

Mr Chairman, in this very modern world we have advent of expertise in different areas of the science such as problems in environmental degradation in the Antarctic and global changes can be dealt with by IPCC and CCAMLR. The food chain in Antarctic such as phytoplankton to zooplankton and up higher to the cetaceans can be very properly dealt with by the CCAMLR, and I propose that all of these problems can be dealt with by CCAMLR and thereby we can just move this question to relation to the Antarctic whales to the task of CCAMLR. Mr Chairman, CCAMLR has in its competence can deal with and address the problems of whales and whaling in the Antarctic and therefore I have been thinking of entrusting CCAMLR with this task. Thank you, Mr Chairman.

Chairman

Thank you. Any comments to that proposal by Japan? No. Let me get this clear that everybody agrees with the proposal by Germany to delete iv. It seems so. That everybody agrees to changing the word 'permanent' by 'regular' as suggest by some delegations? Should we also delete iii as was suggest by Germany? UK.

UK

Thank you, Mr Chairman. I think we have a preference for keeping iii if at all possible because, as that sub-paragraph says, we do want the Scientific Committee - if it sees problems from a review of the current state of the global environment and its changes - we do want that Committee to, as the wording says, develop practical means of addressing the questions raised by these exchanges. The exchanges refers back, of course, to the contacts it will be having with CCAMLR and SCAR, so I think this is a fairly active part of the proposal and our preference would be to keep that, although we're perfectly happy to delete all references to whale sanctuaries, both in the operative part of the text and perhaps even above, and I made that offer at the introduction of this proposal. Thank you, Mr Chairman.

Chairman

Thank you. New Zealand.

New Zealand

Thank you. We share the views expressed by the United Kingdom Commissioner in that paragraph iv we would accept deletion but iii seems to us to be necessary because under ii we may hear the Scientific Committee may receive information of relevance to whale stocks and the question is, what does it do about that information of relevance to whale stocks? So we really do need to have the Scientific Committee do something and this asks that it should develop practical means to address, perhaps not the question but perhaps any questions because they may not be questions, but if there are questions it should be able to address any questions raised by the exchanges. Thank you.

Chairman

Thank you for those ideas. OK, I take we accept this Resolution by consensus, noting the comments by the Japanese delegation. I see some nods, thank you. Let me repeat this because there's some distractions. We are approving this Resolution as amended or reorganised by the UK, amended by Australia and later amended by Germany and others on the operative paragraphs and we will note the comments by Japan in our report. Thank you.

I will propose that we work a little bit hard tonight since many of the points that I was expecting to finalise today are still open. UK.

UK

I'm sorry, Mr Chairman. I don't want to delay things. We've had a good discussion on this particular Resolution, but I confess I'm still left, as one of the proposers, in a slight state of confusion about what the text will look like. Would it be helpful if we could see a final text and maybe just have a last look tomorrow in a very formal sense, having agreed it now in principle?

Chairman

The changes, I think, are quite simple in a way and they have been discussed thoroughly. I can ask the Secretary to give you what will be the final version. Right now I would like to close this item. Secretary.

Secretary

Mr Chairman, there are four changes. The third paragraph 'Recognising the ecological sensitivity' is put after the following paragraph 'Aware of the guidelines'. The second 'Noting' paragraph has 'climate' replaced by 'global environmental'. In the 'Commission decides' first paragraph 'permanent' is replaced by 'regular'. And the fourth paragraph is deleted.

Chairman

That's OK, United Kingdom? United Kingdom.

UK

Excellent. Thank you very much.

Chairman

Thank you. Then we'll come back tomorrow to finalise whale sanctuaries under 27 Revised version that was supposed to be worked out between some of the proposers and the Japanese delegation. OK, we can move to - I would like to go in order now to pick up some of the Agenda Items which still are open. We

6.2 have to make decisions on Action Arising on Agenda Item 6.2 Revision of the Schedule. When we discussed this in plenary there were some concerns, some opinions, some comments on the approach of Chapter 2 of the paper produced by Dr Gambell and there were some concerns also with the changes in the Schedule that might be related to small cetaceans, inspections, observer schemes, etc. At that time some delegations mentioned they probably will be able to have a package of Resolutions or a package of Schedule amendments but I haven't seen anything in writing yet. So I think we may deal with this, if you're ready now? US.

USA

Yes, Mr Chairman. I was one of the delegations, or maybe the delegate, who asked for this to be left open because there was some concern during our discussions that something might come up that would require amendment to the Schedule. I think it's quite clear that nothing has come up at this meeting that will require amendment to the Schedule so therefore I believe it could be closed at this time. Thank you, Sir.

Chairman

Thank you, US. Any other comments? Well, we'll proceed then this way, then we can go to Agenda Item 8.2. Denmark.

Denmark

Thank you, Mr Chairman. I would only point to the fact that in the Working Group on the Revision of Schedule that we stressed very much that this be a pure quantification exercise and would not in itself entail any changes. And as to the approach to Chapter 2, we could suggest that the Secretariat prepares two versions - one as it stands now and one in the old-fashioned way where we state that everything which is not prohibited is allowed. Thank you, Mr Chairman.

Chairman

Thank you. I'm interpreting what you say and you want to refer this to the next Annual Meeting and to have the two versions? Denmark.

Denmark

Well, Mr Chairman, we agree with you that it should be deferred to the next Annual Meeting and in the preparation for that the Secretariat would be asked to make two versions, one which states that there are certain things prohibited explicitly and one which apparently is preferred by the Secretariat to state it as it is stated now. Thank you, Mr Chairman.

Chairman

Thank you, Denmark. For the record this meeting, are we agreeing to the recommendations from this Working Group which were on Page 3? In other words, if you review the report of the Working Group which is document 44/14, on Page 3 and over the page on Page 4 ... Brazil.

Brazil

Thank you, Mr Chairman. It is exactly what I was wanting to bring up, Mr Chairman, that having chaired this Working Group, the whole group did not want to prejudge what the Commission was going to decide and possibly the most important decision to be taken is to be found in the first sentence under Item 8, that is to decide on the continuation of the work. Mr Chairman, it seems to me that very many Working Groups are being set up, so I think it is very important for the Commission to decide how many we're going to have next year and I'm open-minded on the continuation of this Working Group, but I do think it has to be decided. Thank you.

Chairman

Any other comment? Are we endorsing these recommendations? It seems so. I also want to make expressly our thanks which is reflected in this report to the Secretary for his contribution. And now I have to deal with the proposal by Denmark. He wants to have two draft papers for next year. Are any comments? OK, then I think everybody has agreed with the proposal by Denmark. We'll request this work to the Secretary once more.

Secretary

Mr Chairman, I do as you tell me, but it easier if you tell me what to do. What I did in preparing the document that was considered by the Schedule Working Group was to change as little as possible the existing text other than to introduce a concept which I thought was helpful and which I had called a permissive approach, that is one where you defined what could be done within determined limits and you then only had the paragraphs that needed to apply to what you were really doing, that all irrelevant and redundant material was deleted. It's unclear to me now whether you want me to just tidy up what was done or whether you want me to develop that process still further to remove the clearly redundant materials which are obviously there. I'm quite happy to improve the text as I see it but I don't want to do that if I'm going against the philosophy which the Commission wishes to follow, and so a little guidance on that would be helpful. Let me give you a simple illustration. The way in which the Schedule has been built up over the years is that it often speaks quite separately about the regulations, essentially the same regulations, for factory ship operations, for land station operations and for small-type whaling operations. It would be very much tidier just to have a single paragraph talking about whaling operations instead of three separate ideas. It's that kind of thing, I think, which could rather easily be an improvement but I don't want to do that by falling into the hole that I fell into with Chapter 2 because it's very easy to change quite unintentionally matters which are of deep significance in the Commission when you think that you're just tidying something up rather nicely, and so I would like to have guidance from the Commission on exactly what I should do.

Chairman

Thank you. Netherlands.

Netherlands

Thank you, Mr Chairman. I would propose that the Secretary is given the power to develop new language along the lines that he suggests and, of course, this Commission will subsequently have a careful look at the consequences of this tidying-up exercise and will make necessary changes when it has considered these. But I think, for myself, I would be perfectly happy if the Secretary would take on this task of tidying up the text as he has meant. Thank you.

Chairman

Thank you for your suggestion. New Zealand.

New Zealand

Thank you, Mr Chairman. I think we are in a little quandary at this late hour because I think it's very difficult to give this sort of advice, but it occurs to me that when governments respond to the invitation to provide during the intersessional period technical and legal information etc, maybe they could advise the Secretary on their preferred approach to this and the Secretary could take this into account in doing his own work. Thank you.

Chairman

Thank you. Any other comment? Then, Denmark, if I've interpreted you correctly, what you want is two approaches to Chapter 2, that's what you request, right?

Denmark

Our preference would be, of course, that this being a pure quantification exercise, of course, our preference would be that things as they stand now, namely that you only mention what is prohibited but if other people might want it the other way I think it would be most practical if both approaches were used alternatively, that you provide us with the two alternatives to the next Annual Meeting. Thank you, Mr Chairman.

Chairman

Thank you for your suggestions. We see the light across the tunnel now. OK, that disposes with Agenda Item 6 if there's no any other comment. Let's move to Action Arising in 8.2. During the discussion of this our attention was directed to five recommendations which are in the report of the Working Group on Page 6. This is document 44/16. Any comments on these recommendations? Can I take that we endorse these recommendations? Japan.

8.2

Japan

Thank you, Mr Chairman. I like to endorse those recommendations. Mr Chairman, for many years Government of Japan has presented many reports detailing the distinctive small-scale and sustainable nature of small-type coastal whaling operations in small coastal communities. We have also detailed the socio-economic distress in these whaling communities as a result of the zero catch limit that came into effect in 1988. I'm not going to repeat any of the information again here to the Commission but merely state that as a result of the large amount of questioning and answering we received statements of sympathy and understanding of this situation from a number of Commissioners and for this we are very appreciative. This year we seek a negotiated *ad hoc* solution to this problem. The problem will not diminish, it will get worse the longer we wait. There are no reasonable grounds for further delay as we are speaking of an abundant stock from which we seek a safe sustainable quota. However, I repeat, it is not a regular quota that we seek now, but a negotiated *ad hoc* solution that all sides can agree to at this meeting. I would appreciate your serious consideration on this matter. Thank you, Mr Chairman.

Chairman

Thank you, Japan. Any comments? Let's deal first with the recommendations from the Working Group report. I take we agree on those, we endorse those, we adopt those? Thank you. Now, we have a request for some small-type whaling allocation quota raised by Japan. I wonder, Japan, if you want some action arising on that issue right now or you're willing to deal with that when we talk about other stocks on Agenda Item 11 North Pacific minke whales that you introduce in our agenda?

Japan

Thank you, Mr Chairman. If possible, and with your permission, I would very much like to have this matter discussed at the Commissioners' meeting then bring back the result of that Commissioners' meeting to the plenary and decide here.

Chairman

We can do that, no problem. We will finalise with Agenda Item 8 Action Arising and you will have the opportunity at the Commissioners' meeting to bring the result of that reunion on Item 11 when we deal with North Pacific. So that will give me the chance to clear one more Agenda Item. Thank you.

- 9.2 Let's move to Action Arising in Agenda Item 9 Infractions. There were some discussions on the inspection and observers schemes that may need revision of the Schedule provisions. There was also some concerns on reporting, monitoring and the minimum data standards. Any comments? There was also a request in this group to leave it open for the package so if it's not direct decisions we can close Action Arising here with no action. It seems so at this time. OK, thank you.

- 17.2 I will seek now advice from the floor if you want to continue for another half-an-hour we can start discussions of the Technical Committee on Agenda Item 10 and see how far we can go. It seems so. OK, then I ask the Chairman of the ... Well, let's give time to the Chairman of the Technical Committee. Maybe we can try to close 17.2 Action Arising on Commission's Competence to Set Catch Limits for Baird's Beaked Whales. Brazil.

Brazil

Mr Chairman, this item is very much related to 16 Action Arising. You've caught me by surprise now and I don't know how we could do this one without 16, but maybe I could have some other opinions. I would be willing to go on although I do feel that it's very much related to 16. Thank you.

Chairman

16 Action Arising which was the formal adoption of the report of the Scientific Committee has been closed since early this morning and we agree that the Resolutions related to small cetaceans will be presented in Agenda Item 25, so if it's not any Action Arising at this point on Agenda Item 17 we can close it. Brazil.

Brazil

No, Mr Chairman. What I was meaning - you're quite right, 16 was closed because everything has been transferred to 25, so what I did mean was 25. I'm in your hands, Mr Chairman. I would, of course, prefer to link it to 25 but I can also go on if you give me a minute.

Chairman

Are you concerned with the Resolutions on the small cetaceans?

Brazil

Yes, with the Resolutions and, of course, with the competence item which is linked to them, so I do see the two items quite linked.

Chairman

So do you have any proposal? Do you want to delay this or could you give me some help to ...? To help you out I have to understand exactly what your problem is.

Brazil

Mr Chairman, yes, I would like this Item 17 to be taken immediately before Item 25. That would be the ideal. Thank you, Sir.

Chairman

OK, Brazil. Then let's go then to the Technical Committee report and let's go back to Agenda Item 10 10
Aboriginal Subsistence Whaling. Chairman of the Technical Committee.

Chairman of the Technical Committee

Thank you, Mr Chairman. I do apologise but you have gone on rather longer after the tea break than I was able to accommodate you for. The Technical Committee discussed the report from the Sub-committee and this was introduced by the Chairman, Dr Burne from the UK. There are a number of recommendations which the Sub-committee had made in its report which the Technical Committee wished to transmit through to this plenary session. The main item of discussion in the Technical Committee in fact took place under 10.3 on Action Arising when Denmark indicated that the catch limits for the West Greenland fin 10.2
whales is 21 set for one year and for east coast minke whales 12 for each of the years 1990, 91 and 92. It proposed no changes in these changes but suggested that they should both be set for the two years 93 and 94 so that all the aboriginal subsistence whaling catch limits could be reviewed together in 94. That latter point was agreed by consensus for recommendation to this group to discuss. 10.3

The Russian Federation indicated that there were technical reasons for not providing information on its catches and subsistence needs due to internal reorganisation but its request for the catch was unchanged from previous years.

The Technical Committee agreed to transmit concerns over the terms of reference to this group as well. Mr Chairman, I don't wish to add any more to that. We had a good discussion of that item and I think the matter should now be looked at by this group. Thank you, Mr Chairman.

Chairman

Thank you. Any comments? No comments. Could you continue please? I'm sorry - Switzerland.

Switzerland

Thank you, Mr Chairman. Just a question to the Danish delegation. As I remember last year when we were discussing this issue, there was a question if animals struck by rifle shots would also be considered as going into this quota. I would like to have some more information about that and I would also like to know if still there is whale hunting with rifles in Greenland.

Chairman

Thank you. Brazil.

Brazil

It's on another point, Mr Chairman.

Chairman

OK then, let's ask Denmark to respond. Denmark.

Denmark

Thank you, Mr Chairman. If I have understood my Swiss colleague's question correctly, then I can't give you a simple answer because the rules are different. When we are talking about the minke whales catch limit for three years on the west coast it includes struck and lost. It is a number of 315 in total for the three-year period. When we are talking about the west coast fin whale we do not use rifle naturally. As to the east coast, naturally rifles is used but the number of whales is very limited compared with the stock and is very often not used due to ice conditions and all that things, and that's the reason why the east coast proposed no changes in the figures. Thank you.

Chairman

Thank you. Brazil.

Brazil

Thank you, Mr Chairman. My reference to this would be found in the report of the Aboriginal Subsistence Whaling Sub-committee which is document IWC/44/13 on Page 2 and it refers to a request by the Scientific Committee that this Commission define or review the objectives for the management procedure for aboriginal subsistence whaling. Mr Chairman, if you do have a look at Page 2 of the report I'm mentioning you will see that there are possibly two positions here. Brazil on one side agreed or supported the view of the Scientific Committee that this was something to be done as soon as possible in order to allow work to start on a revised aboriginal subsistence whaling scheme. However, there were other delegations who even questioned whether such an exercise could be useful, so I do think we are here facing something that needs definition from this Commission. I would again repeat that Brazil would favour that this redefinition be done as soon as possible.

There was also, Mr Chairman - if you would go to Page 6 of this report and under Other Business - a problem, not a problem but a suggestion by Brazil to widen the terms of reference of the Aboriginal Subsistence Whaling Sub-committee should it be confirmed that matters concerning aboriginal whaling would no longer filter through the Technical Committee. In that case the Brazilian proposal was that the Sub-committee should also prepare the request of quotas for submission to the Commission. Thank you, Sir.

Chairman

Thank you, Brazil. Any comments on these issues raised by Brazil? No? Denmark.

Denmark

Yes, to the last point at least, I agree that it might be a good idea to add something to the terms of reference now the Aboriginal Subsistence Whaling group is analysing whether a whaling activity is aboriginal whaling or not, and it discusses the needs and all that things, and under the circumstances that we decide not to have the Technical Committee to discuss the report from the Aboriginal Subsistence group then it was proposed to amend these terms of reference and, as I described it in the Technical Committee, said why I preferred two years that was to have that debate to be set - so to say - at the next Annual Meeting. I have no precise wording but something like that you add to the terms of reference and may recommend or shall, I don't know how we do that, may recommend catch limits for aboriginal subsistence whaling, or something. I think that's what is my intention and I guess it is also my Brazilian colleague's intention for the purpose of having at least one primary discussion and then a debate in the plenary and not going directly to the plenary without any preliminary discussions about catch limits. Thank you.

Chairman

Thank you. Mexico.

Mexico

Thank you very much, Mr Chairman. My delegation would like to associate itself to the declarations just made by the Brazilian delegate and also we'd like to state at this stage in reference to Bering-Chukchi-Beaufort Seas, we appeal to the authorities in charge of this surveillance that dealing with an endangered species they try to give and get - as was asked - more research on the abundance. In spite of problems that could be dealt by weather or some others. Thank you very much, Mr Chairman.

Chairman

Thank you, Mexico. US.

USA

Mr Chairman, we agree that, if the Technical Committee should ever be completely dissolved as has been suggested, that there will be a problem about where the aboriginal quotas are to be calculated and resolved, but there are some problems with letting the Aboriginal Sub-committee do the work alone. As we pointed out in the Sub-committee, the needs necessary to determine catch limits including needs assessment - that comes from the Aboriginal Sub-committee; the status of stocks comes from the Scientific Committee; the humane killing information comes from the Humane Killing Sub-committee; and data on efficiency from the Infractions Sub-committee. So that, as long as there continues to be a Technical Committee, Sir, we think really the bringing together of that information should be done there. Thank you.

Chairman

Thank you. So that will solve some of the problems, Brazil, if we conclude that the Aboriginal Subsistence Whaling should report to the Technical Committee next year? Brazil.

Brazil

Thank you, Mr Chairman. Yes. You will recall, Mr Chairman, that this year was not foreseen to report to the Technical Committee and it did so and I thank the delegates who supported me in that at the request of this delegation. But I would be happy that it continue to filter through the Technical Committee. I think that's fine. Thank you.

Chairman

Thank you. Then we proceed in that way. Australia.

Australia

Yes, Mr Chairman. Just a brief comment. It seemed to me that the way in which we operated this year which was to determine very early on in the plenary which items should be remitted to the Technical Committee was a very useful way of handling the issue, and from year to year it may be, as the Commissioner for the United States of America has said, that there may be other reports or parts of other reports that Committees have prepared that should be considered by the Technical Committee. My suggestion is that we continue to proceed in the way which we established this year which is very early in the plenary session an Agenda Item should be 'Matters to be referred to the Technical Committee', and it may be that having considered that Agenda Item the Technical Committee might then meet immediately. Certainly my experience this year would suggest that that would be a good way to go and allow everybody to make the decisions at the time. Thank you, Mr Chairman.

Chairman

Thank you, Australia. Should we also endorse the recommendations or the other recommendations from Page 2 of this report 44/13 which is recommended that the management scheme for aboriginal subsistence whaling should be reviewed by the Scientific Committee? This is basically the same wording of the recommendation of the Technical Committee report on Page 7. Shall we endorse those recommendations? Brazil.

Brazil

Thank you, Sir. Yes, I do endorse that the Scientific Committee should review the management regime for aboriginal whaling. However, maybe we could, through you Sir, ask for the help of the Chairman of the Scientific Committee because possibly I did not understand well their message, but what I did understand from their message was that it was of very much practically of little use to ask them to work on it if we the Commission had not here decided on the objectives, the three objectives Mr Chairman, that stand on the first page of the report of the Aboriginal Subsistence Whaling Committee. I do understand, Sir, that today - or at this 44th Meeting - we are pressed for time (and we are possibly late to start now going over that). However, my feeling is that - but I stand to be corrected by the Chairman of the Scientific Committee - that whatever time they spend on it would be more useful if before that we had here at this Commission revised, redefined, rediscussed the objectives of the management scheme for aboriginal whaling. Thank you, Sir.

Chairman

Thank you. Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Thank you, Mr Chairman. Yes, I would agree with the Commissioner from Brazil. We discussed this a couple of years ago and have been putting forward the same view since then to the Commission and it's in our report again this year that we really need some advice on objectives before we can do very much more. We did say in our report this year that, if specific advice were received from the Commission, we would give priority on our agenda next year to this topic, but I would say that I don't see much point in doing that unless we get advice. Thank you.

Chairman

Thank you. Mexico, is in this point.

Mexico

Thank you very much, Mr Chairman. I would just like again to associate myself with Brazil and hoping this time she won't change her advice. Thank you very much, Mr Chairman.

Chairman

Thank you. If we don't give any specific advice then the Scientific Committee won't do anything. If we do some specific advice then we can move the wheel a little bit, so US.

USA

I think it's quite clear that the Commission is not in a position to give that advice this evening, but perhaps next year or some time the Aboriginal Sub-committee could come to make an effort to provide that advice to the Commission which then could be forwarded to the Scientific Committee, Sir. Maybe that could be done next year.

Chairman

Thank you. If that's the way the Commission wants to proceed? Brazil.

Brazil

Thank you, Mr Chairman. I would agree with the Commissioner of the US that we really are not ready to do that this meeting, but I would possibly ask that among the annotations of the agenda items for next meeting that be stated that we are to review the objectives of the Aboriginal Subsistence Whaling Sub-committee for guidance of the Scientific Committee. Thank you.

Chairman

Yes, and also we can invite people to send suggestions for these objectives during the year. OK? Thank you. Any other comments? Chairman of the Technical Committee. No? Can we move then to Action Arising? There was a consensus for the recommendations in the report of the Technical Committee on Page 8, some quotas for fin whales and minke whales. That's also agreeable in this Commission's meeting? It seems so. Thank you. Anything else on aboriginal subsistence whaling before I close? US.

USA

Thank you, Mr Chairman. Two points, one of which has to do with the instructions that we are going to give back to the Aboriginal Sub-committee. If we go into the language that was reported, it says the Sub-committee also proposed that the development of new objectives be considered. We think the term 'development' probably should be in those instructions. The second point I would like to make which is no action required this year but essentially to bring to the attention of the Commission that at the Aboriginal Sub-committee meeting the United States did submit a document IWC/44/AS2 which documents the village of Little Diomedé whaling history and quantifies its cultural and subsistence needs. Little Diomedé is a tenth whaling community which has been overlooked in the previous study of aboriginal subsistence needs because of its isolation, lack of data and lack of contact with the Alaskan Eskimo Whaling Commission. The present study rectifies that past oversight and, based upon methodology previously accepted by the Commission for quantifying need, identifies an aboriginal subsistence need of one bowhead whale for Little Diomedé. As noted in the Sub-committee report, I wish to stress that the United States is not, I repeat not, seeking a change in the Schedule at this time. However, the US does request that the

Commission recognise and endorse the aboriginal subsistence need of one bowhead whale for Little Diomedes when we bring this up in two years. Thank you, Sir.

Chairman

Thank you. We'll note your comment. Any other view before I close this Agenda Item? Spain.

Spain

Thank you, Chairman. I think that our position on this question was raised during the Technical Committee in the sense that, since there was no modification of the Schedule, this was an internal problem, a question of distribution. As far as recognising a new one, I think this would have to be looked at more profoundly in the future. Thank you.

Chairman

Thank you. Any other comment? Denmark.

Denmark

Yes, I have just listened to the remarks from the United States concerning the need in Little Diomedes and naturally that need, in our opinion, could be supported. Thank you, Mr Chairman.

Chairman

Thank you. USA.

USA

Mr Chairman, there's no need to continue the debate on this issue at this time because it is an issue that will be resolved and needs to be resolved in 94 when our question of quotas comes up again, but we do want to make the record clear that we do not agree with the delegate from Spain that this can be done by internal allocation of quotas presently allowed. Thank you.

Chairman

Thank you. I agree with the need to extend the debate but also it should be fair to everybody want to express any comment at this time before I close it. OK, that disposes of this Agenda Item. And I think I will stop here tonight. We have still a lot of work to cover tomorrow. We have to go back to 12.2 and agree on a final Resolution, the 27 Revised 2. We have Agenda Item 11 as a whole which is a very substantial item. We still have Scientific Permits, Action Arising. We have 19 which is the formal adoption of the report of the Technical Committee. It has been requested that 17.2 be finalised before 20.5 - excuse me, of 25. And we also have two financial points which are 20.5 and 22.2 still open. So we will resume tomorrow at 9 o'clock and we'll try to finalise around lunchtime. US.

USA

Mr Chairman, do you have at this time an order in which you plan to take up the business? Will we start, for example, with Item 11 and move to Item 12 and then move down the list?

Chairman

Yes, my idea is to keep now in order and just finalise in that way. So we will start with 11 tomorrow at 9. I'll adjourn the meeting now. Sorry - Japan.

Japan

Mr Chairman, just like to reconfirm that 8.2 is still open.

Chairman

No, I asked you specifically that if you want to deal with the request quota for the small-type whaling you were able to do it before I closed the item or tomorrow when we will be with Agenda Item 11.4 Other Stocks. And 11.1.4 Other Stocks when dealing with the North Pacific minke which was added to our agenda by your delegation.

Japan

And, Mr Chairman, you are going to open the Commissioners' meeting as we proposed?

Chairman

Well, I would like to have the Commissioners' meeting now because we have a lot of work to do tomorrow in this plenary, so I will convene a Commissioners' meeting in ... What time is convenient? Five minutes, ten minutes? OK, then we'll meet in the Commissioners' meeting room in ten minutes.

END OF THIRD PLENARY SESSION

FOURTH PLENARY SESSION

Friday 3 July 1992: 9.00am

Chairman

Let's start this morning with the Agenda Item 11 Comprehensive Assessment of Whale Stocks and I ask the Chairman of the Technical Committee to introduce this part of his report. 11

11.1

Chairman of the Technical Committee

Thank you, Mr Chairman. I'll start with introducing part 11.1.1 which is Revised Management Procedure. 11.1.1
The report of the Technical Committee contains quite a number of recommendations from the Scientific Committee which were transmitted directly to this plenary for further consideration. It seems to me, Mr Chairman, that most of those recommendations are non-controversial and I would recommend that the Commission also adopt those recommendations. There are a number of points I would make briefly. Firstly, on Page 2 of the report under the paragraph slightly below the middle of the page, Phaseout Rule, there was some discussion in Technical Committee and also on Scientific Committee on what would be the appropriate period between five and ten years to allow before invoking a phaseout of catches. Technical Committee was really unable also to resolve that issue, although I must say on reflection myself I would think that a figure of six years might, in fact, be acceptable to the Commission by consensus, and I would make that as a recommendation at this point.

Moving to Page 3, perhaps the most critical of the discussions was advice on the incorporation of the RMP into the Schedule. There was a wide discussion in Technical Committee on this issue and some delegations believed clearly that it was time to adopt Annex H immediately and endorsed the annotation but how it was to be incorporated into the Schedule presented some problems, and there was a suggestion that a Working Group might be a method to do this. A number of delegations distinguished between the catch limit algorithm and other elements of a total package of a revised procedure which would include provisions of data, verification, inspection and observer schemes. There appeared an underlying broad acceptance of the RMP but a quite wide divergence of views on the next steps. While that's relative unsatisfactory, I think, Chairman, that's the best the Technical Committee can do for the Commission. Would you like me to stop at this point?

Chairman

Yes, thank you. Are there any comments at this stage? It seems none. Do we adopt these recommendations? Japan.

Japan

Thank you, Mr Chairman. Concerning the survey interval period, can I ask you to explain again? I mean our concern of more than the six years is incorporated or not? And, second of all, we have the position that we would like to stress again that RMP - it's completion is very critical importance and, although we admit that other aspects such as minimum data standards and observers should be immediately initiated for necessary work to its completion, but we are in the position to relinquish the completion of the RMP in such other aspect. And can I get clarification for the first part?

Chairman

Yes, thank you, Japan. Chairman.

Chairman of the Technical Committee

Thank you, Chairman. As I reported, the Technical Committee had a discussion on that issue and appeared at the time to vacillate also between five and ten years, but on reflection and looking at my notes again, and indeed talking to a number of Commissioners, it seemed to me that six years was a position that perhaps the Commission might be able to reach consensus on. Chairman, on the suggestion of adopting the recommendations, I note that there is a Resolution on the RMP itself that we will have to consider perhaps under 11.3, and I wonder if it wouldn't be more sensible to consider adoption of the recommendations - perhaps what one might call the remaining recommendations - after the discussion of that RMP Resolution under Item 11.3.

Chairman

Any comments to this suggestion, how to proceed with the adoption of these recommendations and also the Resolution? I see some agreement. We'll do this way then. Can you continue, then, Australia please?

Chairman of the Technical Committee

- 11.1.1.2 Thank you. Item 11.1.2 which was Southern Hemisphere Baleen Whales - there are a number of recommendations there which had a little but rather limited discussion in Technical Committee. In terms of future work the Scientific Committee adopted a priority list of items for data coding. It recommended that the Secretary be asked to seek from national groups and individual researchers listings of the nature and extent of data. In the Committee we note that Japan requested the Scientific Committee to complete all its business on assessments within the period indicated and also recommended that information on incidental sightings should be included in national Progress Reports. I think that's all I need to say, Chairman.

Chairman

Thank you. Any comments or questions? No? Can we endorse the recommendation then? The only agreement we really have to get here is there's two views on Medium areas. Japan expressed that 30° was better than ten and there is options there that we have to get agreement on. Any comments? OK, then we adopt the recommendations on Page 4. Will you continue please?

Chairman of the Technical Committee

- 11.1.1.3 Thank you, Chairman. 11.1.3 North Atlantic Baleen Whales - again there was discussion of the recommendations from the Scientific Committee, quite briefly I think. The results from the implementation simulation trials - the Scientific Committee had received extensive results on these trials only in the final hours of its meeting and it was not possible to review them in detail. It agreed the only conclusion that could be reached in the time available was that implementation of the RMP would be possible on a Small area basis for both North Atlantic and Southern Hemisphere minke whales. Further consideration of the trial results, in addition to the results of the two trials originally specified but not completed, was necessary. So I think that's a particularly important point that the Technical Committee noted. In Committee, Japan received confirmation from the Chairman of the Scientific Committee that North Atlantic and Southern Hemisphere minke whale trials can now be implemented on a Small area basis and Japan requested that catch limits be calculated. Discussion then brought out the views that calculating catch limits is different from setting them and that the Commission needs to formally adopt the catch limit algorithm before it could be used in determining catch levels. Only when Annex H is published in the Schedule did it become the official Commission procedure. There were, of course, a number of different views as a result of that and I indicate that that question should now be discussed by this Commission. With regard to North Atlantic fin whales, there are some recommendations from the Scientific Committee which were transmitted onwards and also for North Atlantic sei whales. So, Chairman, there is the item that we need to discuss that I raised just now. That was the point primarily raised by Japan. Thank you, Chairman.

Chairman

Thank you. Japan.

Japan

Thank you, Mr Chairman. Yes, we have to again repeat our request to get the calculation done for the initial five-year catch limit because we believe that it can be done at the current accomplishment of RMP because it's completed, and we believe that this completion with the exact catch limit of five-year initial catch be very important to finalise every aspect of the works which has been requested for years to be finalised. And also, again, this request be specified for the time, I mean, this request should be answered, replied, by specific time period. I don't believe it takes a time. I think if computer runs it will be finalised pretty short hours, but of course there is any other constraints still we need specific time period such our request be answered before us.

And, second of all, we also believe that catch cascading could be fully incorporated, although for the moment Small basis is confirmed to the basis for calculating a catch limit. But scientific evidence which was approved by Scientific Committee definitely support catch cascading not only Southern Hemisphere but also North Atlantic minke trials, so this work of implementation by catch cascading should be also

initiated with approval of the Commission within exact and specified time framework possibly at intersessional meeting, and results should be reported back as soon as possible. And definitely this work should be done prior to our next Annual Meeting. Thank you.

Chairman

Thank you. Any other comments? Norway.

Norway

Thank you, Mr Chairman. I would just like to say that the views of the Norwegian Government has been duly reflected in the report of the Technical Committee so I do not need to reiterate again. Thank you.

Chairman

Thank you. USA.

USA

Mr Chairman, only in comment to the Japanese request, I believe the position of the US Government is reflected in the draft Resolution which we will consider in due time. Thank you, Sir.

Chairman

Thank you. Any other comment? Well, we'll wait for the presentation of the Resolution on Action Arising, but let's try to get an agreement on the recommendations which are in the Technical Committee report now. Any comments? OK, I take this as approved. Then we can continue. Chairman of the Technical Committee please.

Chairman of the Technical Committee

Thank you, Chairman. Moving to 11.1.4 Other Stocks - there was brief discussion on North Pacific minke whales and North Pacific Bryde's whales. Japan, in the discussion on North Pacific minke whales, requested an intersessional meeting of the Scientific Committee to look at that stock. That suggestion was supported by Norway but clearly needs further discussion in the Commission. On North Pacific Bryde's whales, the Scientific Committee noted that Japan will provide an updated status report on the available data and there was a recommendation that information on data available in those countries be provided to next year's meeting, and that was supported by the Technical Committee. So there is some discussion on the request for an intersessional meeting under North Pacific minke whales. Thank you, Mr Chairman.

11.1.4

Chairman

Thank you. Any comments? Japan.

Japan

Thank you, Mr Chairman. I repeat to request the recommendation made by the Technical Committee under this item.

Chairman

Thank you. Any other view? Can I then take that we agree on this intersessional meeting as request by Japan? It seems so. Then can we approve also the other recommendation regarding North Pacific Bryde's whales? Australia.

Australia

Chairman, if I can put my Australian hat on. With respect to the intersessional meeting, I don't believe we have a costing of that and, before certainly I would be prepared to support that fully I'd like to know what the cost implications are. Is it possible to have any indication of that before we actually move to that?

Secretary

It's difficult to give a cost without knowing precisely where the meeting might be held. Is there an offer for a government to host this meeting? And I would need to consult with the Chairman of the Scientific Committee to have an estimate of the time that would be required for an intersessional meeting for the North Pacific minke whales. I think that's what the meeting is for, North Pacific minke whales.

Chairman

Any comments that may help to solve Australia's question? Sweden.

Sweden

Thank you, Mr Chairman. I cannot solve the question but I would just like to join the statement in saying that I really would like to see the cost implications before making such a decision. Thank you.

Chairman

Thank you. Australia.

Australia

Chairman, may I suggest that - although I'm sure you won't think this is particularly tidy - that we actually leave this item for consideration after morning tea so that the Secretary has time to reflect and other delegations have time to reflect on the implications. It seems to me that it's difficult to do this quite on the run at the moment. Thank you, Mr Chairman.

Chairman

Well, I think we have experience for some intersessional meetings. There have been some intersessional meetings for many years. It's just a matter of get maybe a kind invitation that will provide the Secretary with a frame giving the country involved and the costs, and usually intersessional meetings are no longer than three days. I'm really reluctant to leave more Agenda Items open at this stage as our last day, except there is a strong indication from the floor that that's the way you want to proceed. New Zealand.

New Zealand

I would just like to support Australia. There is no recommendation from the Committee to this effect and, if there is a proposal, now then I think we'd like a bit more time to consider it.

Chairman

OK. Any other view? Chairman of the Scientific Committee requests the floor.

Chairman of the Scientific Committee

If you're going to leave it till later, Mr Chairman, then I don't need to say anything.

Chairman

OK, we'll come back to this then. Can you continue then with the ... Wait a second. Let me get at least approval on the other recommendation here which is on the North Pacific Bryde's whales. Is the Commission agreeing on this recommendation from the Technical Committee? It seems so, thank you.

Chairman of the Technical Committee

- 11.1.5 Thank you, Chairman. Item 11.1.5 Future Work Plans - the Scientific Committee did identify to the Technical Committee the work it needed to do during the coming year. It also noted that, if the Commission wished more subjects to be discussed, further time and therefore further cost would need to be added to this meeting. In Technical Committee Norway pointed to North Atlantic fin whales as the next case for implementation of the RMP and the catch limit algorithm on the grounds that the order of the Comprehensive Assessment gives the order for the RMP implementation. That view was supported by Japan who also spoke in favour of completion of Comprehensive Assessment and implementation of the RMP for North Pacific minke whales and Comprehensive Assessment of North Pacific Bryde's whales. It confirmed that it will provide all the necessary data for completion of the work in 1994. Again, there's no clear recommendation from the Technical Committee. That was simply the result of some discussion and again the Commission will need to consider whether it wants to do anything with that particular piece of discussion. Thank you, Mr Chairman.

Chairman

Thank you. Any comments? Japan.

Japan

Thank you, Mr Chairman. Japan wished to ask Chairman to ask the floor to make it a recommendation.

Chairman

Thank you, Japan. Any views? We have a request to make this a recommendation for this Commission. US.

USA

Mr Chairman, just a clarification. What is the recommendation that's being recommended?

Chairman

Well, it's on Page 6 of the Technical Committee report - the second paragraph under 11.1.5. It's talking about North Atlantic fin whales as the next case for implementation of the RMP, and North Pacific minke whales.

Chairman of the Technical Committee

Chairman, just to add clarification. It seems to me that the actual recommendation - or a recommendation - which is unambiguous would be that the North Atlantic fin whale is the next case for implementation of the RMP and catch limit algorithm. The further comments by Japan, I think, supported that but also reflect back to their previous requests under 11.1.4 which we have just decided to leave for a short while.

Chairman

That's correct. Can we adopt then this? Do you want to go back again also when you have some ideas of the cost? No? Then can I take we adopting this as suggest by Japan? New Zealand.

New Zealand

I'm a bit confused at this stage, Mr Chairman. I'm not quite sure of the significance of what's proposed. Are we talking now about the implementation of the RMP? In which case, seeing we haven't adopted it, it seems to me to be premature to be discussing the implementation.

Chairman

The way I interpreted the suggestions in the Technical Committee report and the suggestion by Japan is, if it's adopted, the next case will be the North Atlantic fin whales. Is that correct, Japan? Now, if it's adopted, the next case for implementation will be North Atlantic fin whales. Comments? Australia.

Australia

Chairman, I think maybe the confusion is that this is in fact under the item Future Work Plans for the Scientific Committee and what the implication of this is that we're asking the Commission, would ask the Scientific Committee to look at this at its next meeting. Now, perhaps the Chairman of the Scientific Committee could shed full light on this for the Commission so that we're all quite clear what we're doing, that we're not implementing anything but asking the Scientific Committee to look at this.

Chairman

Let me just go one step back. Let's ask Japan again to stress clearly if my interpretation was correct? Then I give the floor. Please speak to the microphone.

Japan

Thank you, Mr Chairman. The interpretation you have just stated now is correct.

Chairman

So, if the RMP is adopted, Japan is suggesting that should be implemented the North Atlantic fin whales and that will be a direct advice to the Scientific Committee to carry on this work. Chairman of Scientific Committee.

Chairman of the Scientific Committee

Thank you, Mr Chairman. Perhaps some of the confusion here is that, when the Scientific Committee talks about implementation, what we mean is setting up a series of implementation simulation trials which would allow us to reach a decision and provide advice to the Commission on how the RMP should be implemented. If the Commission wishes the Scientific Committee to work towards that end then we can do that, but I would draw your attention to a statement we made in our report which was that implementation to more than one species/region combination should not normally be attempted at one meeting. Another

point is that we have envisaged that implementation for a new species/region would normally take two sessions with work being done intersessionally. So I think the implications of what's being discussed here is rather a lot of work for the Scientific Committee, and I'm not sure this can be accomplished in the timeframe that Commissioners are envisaging. Thank you.

Chairman

Thank you. I'm trying to help the Scientific Committee getting clear advice but I'm not succeeding. Any other comment? Well, what shall we do? It's been expressed in the Scientific Committee report that they can do North Atlantic fin whales and to test and to try the RMP procedures. That will satisfy Japan's request perhaps? Japan.

Japan

Thank you, Mr Chairman. Listening to what Dr Hammond mentioned that, although we said it's after adoption but since it takes a long time it might be a lot better naturally considering enormous amount of time to finalise this procedure of the implementation of the RMP. Simulation trial of the implementation be specified and start as soon as possible, that is I mean the implication, and the task or the request that we might consider, I mean, not necessarily waiting adoption because RMP is completed, at least a small basis and just go forward to apply it to the North Pacific minke whale from as early as possible. That is I so understood. Is that acceptable?

Chairman

Normally the Scientific Committee will review the fin whales but you're requesting also an intersessional meeting for North Pacific which hasn't been solved yet, so I'm wondering if you will agree that the Scientific Committee do their normal load of work which will be touching on North Atlantic fin whales, and then we can come back later to find out what's going to happen with this request on intersessional meeting for the North Pacific minke. That's agreeable to you?

Japan

Yes, of course. I mean it should be prioritised and in the due course of considering the workload of the Scientific Committee it should be decided so it's agreeable definitely, and again we have to register our strong intention that this matter be fully considered. Thank you.

Chairman

Thank you. Can we move to the next Agenda Item?

Chairman of the Technical Committee

- 11.2 We can move very quickly, Mr Chairman, because the next item was Review of Schedule Paragraph 10(e) and Other Relevant Paragraphs which was referred direct to this plenary.

Chairman

Thanks for the help. Any comments? No comments? No action? OK, let's go on please.

Chairman of the Technical Committee

- 11.3 Item 11.3 Action Arising - Technical Committee agreed to endorse all the recommendations from the Scientific Committee other than those where discussion had indicated a lack of consensus which were therefore passed to this plenary for further consideration. As I noted earlier, I understand that there is a Resolution to consider under this item and, depending on the fate of that particular Resolution, we should then return, I think, to all those other recommendations and pick them up *en masse*. Thank you, Chairman.

Chairman

OK, that's a good suggestion. Can I ask who's prepared to introduce the Resolution? Then let's move to Action Arising in our agenda. Australia.

Australia

Chairman, if I can put the Australian hat back on again. I would like to introduce the Resolution on the Revised Management System as we have preferred to entitle it, which is paper IWC/44/22 Revised. This is somewhat difficult to introduce but I'll do my best. The Australian view, as is well known, is simply that in

fact there should be no more commercial whaling as we've said on numerous occasions, and I will reconfirm now. But, that said, we are also a working member of IWC and understand that its work must go on while we seek to try to persuade others to our view. Accordingly, and recognising the great efforts made by the Scientific Committee, Australia is prepared to co-sponsor this Resolution which seeks to advance the work of the Scientific Committee and the Commission in developing the Revised Management Scheme. I have to repeat that we hope nations will eventually realise that commercial whaling is not a sensible activity and there would not be a need ever to implement such a scheme, but if all else fails we also seek to ensure that the valuable work of the Scientific Committee is conscientiously taken up so that a high level of security is afforded to exploited cetacean populations. With those views I now am able to suggest the Commission considers this Resolution and hopefully adopts it. It takes into account very completely the work of the Scientific Committee, but also wishes to emphasise that there a number of other additional items beside the catch limit algorithm which we and other co-sponsors believe are important, indeed essential to be completed before any Revised Management Scheme could in fact be agreed upon. Thank you, Mr Chairman.

Chairman
Sweden.

Sweden
Thank you, Mr Chairman. We would just like to co-sponsor this Resolution. Thank you.

Chairman
Switzerland.

Switzerland
Thank you, Mr Chairman. We associate ourselves with words expressed by the Commissioner from Australia and would like to add some of our own. Last year this Commission accepted a Resolution to the effect that the C procedure should be the only core procedure for the development of the catch limit algorithm in a concept of the RMP. The Commission requested that some further elements be considered which were designed to make the catch limit algorithm even safer. The Scientific Committee has in the past year and at a Special Meeting undertaken great efforts to accomplish this task and has informed us that, indeed, it was completed. I want to bring to your attention that on Page 7 of its report the Committee recommends - anonymously I presume - that the Commission adopts the draft specification for the calculation of catch limits in a Revised Management Procedure for baleen whales contained in Annex H, that the Commission endorses the attached annotations. Mr Chairman, this delegation is instructed to base its decisions on the findings and the recommendations of the Scientific Committee. Therefore we think that this catch limit algorithm contained in Annex H, which is in fact the result of much scientific efforts and years of hard work, should be now accepted. We consider it to be a central element of the management scheme and think it should be nailed down now as it is. This also to avoid any further intentions to modify this algorithm as has been stated verbally and in writing at this meeting, modifications which in our opinion would make the algorithm less safe. We consider the catch limit algorithm as such to be one element for the management scheme. Other elements have to be developed until the management scheme is completed as elements are mentioned in the Resolution. We have been told that they can be developed within a reasonable time and hope, indeed, that they are given first priority consideration by the Scientific Committee. Thank you.

Chairman
Thank you. The Netherlands.

Netherlands
Thank you, Mr Chairman. It is the view of the Netherlands that an important part of the work to which this Commission had committed itself in the past has now been completed. We are satisfied that the catch limit algorithm as it now lies before us meets our criteria in that, as a basis for calculation of catch limits within a Revised Management Scheme, it contains sufficient safeguards to ensure the long-term survival of whale stocks. It also ensures that currently abundant populations are not significantly reduced and that depleted populations are able to recover as soon as possible. However, as we have clearly stated in the past, my Government firmly believes that commercial whaling can only be considered when other conditions have also been fulfilled, namely that the Comprehensive Assessment of relevant whale stocks

has produced sufficient data on stock identity, stock size and reproduction and that effective rules have been adopted concerning the provision of data, stock monitoring and inspection. We think that these points have adequately been covered in the Resolution now before us. An additional point that had been touched upon by the Scientific Committee in relation to catches under Scientific Permits has also been taken up in this revised version of the Resolution and it makes it clear that before we implement a Revised Management Scheme we also need to make arrangements for ensuring that the total catches from any whaling operations over time remain within the limits set under the Revised Management Scheme. To sum up, Mr Chairman. We think that we have made important progress towards a responsible solution of the problems that gave rise to the moratorium decision ten years ago. We also think that the Resolution makes it clear that, pending the adoption of a Revised Management Scheme, there should be no commercial whaling, indeed there should be no implementation of the catch limit algorithm. So this Resolution cannot be interpreted in any way as justifying any whaling activities within or without this Commission until the other elements of a Revised Management Scheme are in place. On this basis we are prepared to support this Resolution. Thank you, Mr Chairman.

Chairman

Thank you. USA.

USA

Thank you, Mr Chairman. We would also like to associate ourselves with the comments made by Australia and the Netherlands. Approval of this Revised Management Scheme should not be taken to imply that the United States favours the resumption of commercial whaling. We do not. But if one or more nations should, in the future, resume commercial whaling with or without IWC approval the United States wishes to ensure that such whaling is conducted under the conservative guidelines carefully designed by the IWC Scientific Committee and contained in this Resolution. Under no circumstances, however, will the United States condone a resumption of commercial whaling not authorised by the IWC. Thank you, Mr Chairman.

Chairman

Thank you. New Zealand.

New Zealand

Thank you, Mr Chairman. My Government's position on this item is well known. We abstained last year on the Resolution but I would like to restate my Government's position on the Resolution and on the broad policy involved, if I may, and I'll do it as briefly as possible. In my earlier intervention in the Technical Committee I referred to our concerns over some of the technical components of the catch limit algorithm. Here in the plenary we have the opportunity to make some broader comments on the Revised Management Procedure and on our approach. Could I just as an aside try to place this discussion in a rather larger setting by saying that I don't think we get a very good press in this organisation and the reasons are pretty obvious. We as government representatives leave our normal work where we are wrestling with 1992 problems and meet at the Commission where we are transported back to 1946 by being required to operate under a Convention frozen in a timewarp reflecting the attitudes of nearly half a century ago, before in fact many people in this room were born. But the public in New Zealand, and I believe in a number of other countries at least, judges our decisions in terms of 1992 attitudes and finds many of them inexplicable. There's a gulf of incomprehension and many of us feel uncomfortable. That discomfort will increase if, instead of moving into the future with whale watching and other benign uses of whales, we head back into the murky past and resume killing them. In reflecting on where we are today I have to point out that we have not complied with the requirement in paragraph 10(e) of the Schedule and that we have not completed a comprehensive assessment of the effects of the moratorium decision on whale stocks which was to form the basis for the review of the zero catch decision. After centuries of exploitation we have had a brief pause of just over four years from the commercial hunting of whales. The pressure is now on to end the moratorium and get it all fixed up without delay. We believe that it can't be done quite that way.

The RMP has still not been tested on realistic data. It doesn't take adequate account of multispecies concerns and its ability to deal with changes in the environment is, to say the least, uncertain. In fact the uncertainties in virtually every area are enormous. Many of these may be unavoidable but they are there and we must recognise them. The system looks to me like an inverted pyramid resting on a slender base of

historical catch data and population abundance estimates and spilling out catch limits at the top. If the inputs are wrong, and some of the abundance estimates for example have varied wildly in the past, the whole process is flawed. Figures are bandied about, for instance the estimate that there are 760,000 minke whales in the Southern Ocean, as if they were real figures instead of being the best estimate. Computer printouts look so authoritative. And we don't know whether the population in the Southern Ocean is stable or increasing or decreasing. As Oliver Cromwell, then Lord Protector of England said to the British Parliament in the quaint language of those days several hundred years ago, "I beseech thee, gentlemen, by the bowels of Christ to consider the possibility that ye may be wrong". I think that's good advice today.

Two aspects of the RMP concern New Zealand particularly and they are both key elements. At the last Annual Meeting Commissioners in their wisdom, or perhaps without fully appreciating all the implications in some cases, set a stock protection level of 54% of the unexploited level of a stock and a target or tuning level of 72% of the stock's carrying capacity or pre-exploitation size. The protection level now provided of 54% is 10% below the level set in the NMP which itself turned out to be completely inadequate as a protection for whales. It's a sobering thought. The main problem for New Zealand, however, lies with the target or tuning level of 72%. Although this is a fairly arbitrary figure without much scientific justification, it frankly looks not too bad when put against the depleted state of most of the stocks. The stock that really gets hit by it is the minke whales in the Southern Ocean who get managed down until their numbers reach 72% level. This deliberate depletion of an existing stock is totally unacceptable to New Zealand. It was for this reason that we abstained on last year's Resolution on the Revised Management Procedure. Quite apart from the principle involved, we do not believe that nearly enough is known about the impact of such an action on the stock in the complex and delicate Antarctic environment and fear that permanent damage may result. I can only conclude that the Revised Management Procedure has been stretched to the limit to accommodate the management aims of achieving the highest continuing yield from the stocks and stability of catch limits. It would have been prudent, I believe, if the Commission had applied the precautionary policy or principle more fully by setting higher target and protection levels for an initial period of, say, ten to fifteen years, thus giving the opportunity to assess further the operation and the effects of the procedure on the stocks in the real world as distinct from the computer world.

It has been proposed by some delegations that the Commission should at this session adopt the entire Revised Management Procedure, despite the fact that important parts of it have still to be put in place. The general attitude is "trust me, I know what I'm doing." It reminds me of a popular television programme in New Zealand some years ago. When the detective who played the lead spoke those words you knew within minutes he and his friends would be tied up and prisoner or the roof would fall in or some other catastrophe would take place. Frankly, I wouldn't buy an entirely new model of a car straight off the assembly line if it hadn't been tested, it had no warranties and no guarantee that it actually worked. This new model management procedure may prove to be very good but we need to allow whatever time is necessary to get it right. Until our concerns are taken care of we really have no choice but to continue to abstain on this item. We will, however, look forward to returning to this item at the next meeting in Japan and will continue with the search for a solution. Thank you.

Chairman

Thank you, New Zealand. United Kingdom.

UK

Thank you, Mr Chairman. I'll try and be brief. The draft Resolution proposed by Australia, Finland, Germany, Switzerland and the US seeks to secure the Commission's agreement that future catch levels of baleen whales should be on the basis of the catch limit algorithm as at Annex H in the Scientific Committee report. This proposal sets out some but, in the firm view of the United Kingdom, not all the other elements which should be in place before quotas can be calculated and before paragraph 10 of the Schedule can be altered and the present moratorium on commercial whaling lifted. Despite some encouraging progress this week in mapping out the Commission's future work on other elements of the Revised Management Scheme, this work has not in fact started. An absolutely essential area for the United Kingdom is the question of progress on humane killing. My Minister's views are very clear and he set them out at the beginning of this meeting. This aspect of the RMP has no place whatever in this text. Mr Chairman, Norway's decision at the beginning of this week has been a blow to us and to the many other signatories by Commissioners on the joint statement. It's pretty clear that Norway now seems intent on going ahead with commercial whaling for minke whales next summer. NAMMCO comes into effect next

week, I understand, which many of us are concerned about as a potential rival organisation to this body. There's been suggestions that the catch limit algorithm might be used, further tuned, perhaps leading to larger catches. This does seem also to be the implication of things which have been said here in this Commission during the week and from other proposals on the table now. We do believe it would be right at this important juncture of the Commission's work just to pause and to think. New work is being commissioned. There are other new ideas on the table such as the circumpolar whale sanctuary and our proposals for environmental threat assessment. Accordingly, Mr Chairman, we do feel at this juncture that we shall have to abstain on this proposal if it's pressed to a vote. Thank you very much.

Chairman

Thank you. Norway.

Norway

Thank you, Mr Chairman. I just like to ask you first, would it be in order for me now to introduce the amendment that we have submitted, Japan and Norway?

Chairman

Yes.

Norway

OK, thank you. Well, I'll be very brief. Our amendment to the draft Resolution that appears in IWC/44/22 is contained in IWC/44/31 and I think this amendment, the four/five amendments, are very self-explanatory I should say, and I think the implications of the amendments are very clear. I think that was implicit in the statement we just heard from the distinguished Commissioner from the United Kingdom. But we have also - in order to facilitate consideration of the Commission of our amendment - seen fit to issue an information document in addendum to IWC/44/31 where you could see how the Resolution would look in its totality if our amendments were to be adopted. Now, I think that will do as an introduction of our amendment but I would also like to comment a little bit on what we are now actually doing. When we came here this week, or rather late last week, we thought that we would be talking about the implementation of a Revised Management Procedure. We are now faced with a new concept - it's called the Revised Management System or the Revised Management Scheme. After having listened very carefully to the speakers that have preceded me, especially the Commissioner from Australia and the Commissioner from the Netherlands, I would think that the more appropriate name for this new system would be the Revised Manipulation Scheme. Thank you.

Chairman

Thank you, Norway. Japan asked for the floor.

Japan

Thank you, Mr Chairman. The distinguished colleague from Norway has left not much more for me to say. However, I looked through this Resolution proposed by Australia, Finland, Germany, Switzerland, the USA and I note that there are many very remarkable suggestions. As I have used the reference to a model car the other day this looks like General Motors is trying to push forward with a new model car. Looking at this new model car nobody knows when the tests will be done and when it is going to be put on the market and, besides that, there are too many options put on the car so that the car becomes too heavy and cannot move. The proposal by Norway and Japan is only modification to that Resolution 44/22, only we have put the date of the completion of the test and date to put it into the market and reduced the options to the extent that it is just sufficient. Thank you.

Chairman

Thank you, Japan. The list of the speakers which I have is Seychelles, Ireland, Germany, Spain and United States. I give the floor to Seychelles.

Seychelles

Thank you, Mr Chairman. I also will try and be very brief. Seychelles does not feel that we can support this Resolution in its present form. Our principal concern is that the rules for calculating catch limits are not in conformity with the Resolution we adopted last year that - and I quote - "catch limits shall only be greater than zero in cases when the stock is determined to be above 54% ...

Chairman
Point of order.

Norway
Is it allowed to film?

Secretary
Please will you leave the room. Leave the room.

Norway
Thank you.

Chairman
Sorry about this. The Secretary will take care of. Let's continue. Seychelles, please continue.

Seychelles
Yes, Sir, if I may start from the beginning. We do not feel we can support this Resolution in its present form. Our principal concern is that the rules for calculating catch limits are not in conformity with the Resolution we adopted last year that - and I quote - "catch limits shall only be greater than zero in cases when the stock is determined to be above 54% of its unexploited level". At its Special Meeting in Copenhagen the Scientific Committee concluded that, when the catch limit algorithm was applied to single stocks, catches would be taken from stocks that were below the 54% protection level. Some suggestions were made as to how the rules might be tightened to eliminate such inadvertent catches from depleted stocks but the Committee instead said that such catches would usually be small and so would not slow down the recovery of depleted stocks very much. That may be so. If the likely applications of the rules would always be to single stock cases we might have been prepared to accept such a departure from last year's decision but we have not been advised by the Committee what might happen in the real multistock cases. The Committee has not presented us with any comparable results for those cases. In fact, it does not seem even to have calculated them. The specification of the rules was completed before the results of multistock trials were examined by the Committee. They have still not been examined by the Committee but it has been pointed out to us that those results contain some rather disturbing indications that all is not yet well and that depleted stocks could sometimes be prevented from recovering even to the protection level in a hundred years. Until these matters are more closely examined we wish to withhold our final judgment of the proposed rules. It seems to us that such features strengthen our belief that the rules should only be adopted if they are to be implemented eventually in strict accordance with the 1991 Resolution and if they are reinforced with other regulatory measures such as sanctuaries. Thus we shall abstain on any vote for this Resolution and hope that the correct application of any rules can be more precisely specified next year while at the same time we give serious consideration to any proposals for additional sanctuaries. Thank you, Mr Chairman.

Chairman
Let me go back where we are. We have a Resolution which has been amended by Norway and Japan and I have a list of the speakers that probably would like to make reference to the original Resolution. I think probably it will be easier if we just go step by step. In order to do that we have then to discuss the amendments made by Norway supported by Japan. US.

USA
Thank you, Mr Chairman. I would like to address the amendment made by Norway and seconded by Japan and ask whether or not it would be possible, well - let me start by saying that, as one of the co-sponsors of the original Resolution, we find the amendments suggested by Norway and Japan as unacceptable. It was with great difficulty that those of us who are sponsoring this present Resolution worked hard to find the degree of consensus that we were able to do in this Resolution. And what I ask as a ruling from the Chair is whether or not, if we are to vote these amendments, can we vote the amendments as a block, therefore having one vote on the amendments? Perhaps one could therefore vote, if you will, on IWC/44/31 which is essentially the Resolution which has adopted all of the amendments in them, if you will, so that we can put the amendments to one side and get on with the discussion of the original Resolution?

Chairman

Thank you for those suggestions. Norway.

Norway

Thank you, Mr Chairman. Well, I'd certainly like to accommodate my American colleague so that is no problem for us to have our amendments voted *en bloc*. That's perfectly OK. Thank you.

Chairman

Thank you. Now can I give the floor to the delegations who wishes to speak on this item and requested the floor before? I have Ireland, Germany, Spain and St Vincent. Any of these delegations are wishing to speak at this time on the amendments and the procedures that have been suggest by US and support by Norway? No? St Vincent.

St Vincent and The Grenadines

Thank you, Mr Chairman. Mr Chairman, am I understanding that we are debating the amendment and the original Resolution together?

Chairman

No, the amendments.

St Vincent and The Grenadines

We debate the amendments now?

Chairman

Right.

St Vincent and The Grenadines

That is what I didn't understand at first so that is what I would speak to.

Chairman

OK, go ahead.

St Vincent and The Grenadines

Mr Chairman, the first priority of my delegation in this Commission is the implementation of the Revised Management Procedure and we think that the Norwegian amendment better facilitates this because of the time limit involved and we therefore support that amendment. Thank you.

Chairman

Thank you. Any other comment? St Lucia.

St Lucia

Mr Chairman, in all scientific endeavours what researchers and policy makers need to do is to set a timeframe. This is the logical way in dealing with any policy - in science, in government, etc. And so I think setting a timeframe is always a useful thing. Now, whether it is at the 45th Annual Meeting or the 46th or 47th, the idea is to set a timeframe and the trained scientists, and when you are making contributions to an organisation you wish to know when things are likely to happen, and it is in this frame of mind that I would support any Resolution which has a timeframe. We cannot keep pumping money into an organisation, into a system, without knowing where we are going and the likelihood of reaching there. Thank you, Mr Chairman.

Chairman

Thank you. Any other comment? Monaco.

Monaco

Thank you, Mr Chairman. Whilst I can see the logic of the idea of a timeframe, I think one should discuss what time. Is it one year, six weeks? Because the implications of the time limit now are that, if all these things are done or not done, then commercial whaling is free to start. So therefore to put the timeframe just for one year is asking a little bit too much.

Chairman

Thank you, Monaco. Well, I have been request to put this amend version into vote by block. Mexico.

Mexico

Thank you, Mr Chairman. I'm having a general declaration. I don't know if you want me to say it or ...?

Chairman

I would prefer that all explanations of vote were given after the vote.

Mexico

OK, thank you, Mr Chairman.

Chairman

I will call the Secretary to call for the vote as suggest by US.

Secretary

Mr Chairman, the proposal before this plenary session of the Whaling Commission is the document numbered IWC/44/31 which comprised the amendments to the earlier Resolution. We are voting on these amendments to the first Resolution and in this plenary session a simple majority of those governments voting is sufficient to carry the amendment. We are voting on IWC/44/31 as an amendment to the first proposal given in IWC/44/22. A simple majority will carry that amendment and I should explain that we will follow the customary procedure in this Commission of starting the roll alphabetically and moving forward one position if there are any subsequent votes, so that different countries have an opportunity to start.

So, I call the roll on IWC/44/31, the amendment, starting with Argentina - abstain; Australia - no; Brazil - no; Chile - abstain; People's Republic of China - abstain; Denmark - abstain; Dominica - yes; Finland - no; France - no; Germany - no; Ireland - no; Japan - yes; Republic of Korea - abstain; Mexico - abstain; Monaco - no; Netherlands - no; New Zealand - no; Norway - yes; Russian Federation - abstain; St Kitts and Nevis - absent; St Lucia - yes; St Vincent and The Grenadines - yes; Seychelles - no; South Africa - no; Spain - no; Sweden - no; Switzerland - no; UK - no; USA - no.

Mr Chairman, there were five votes in favour, sixteen against, with seven abstentions, and so that amendment fails. We now return to the substantive initial Resolution.

Chairman

Yes, I will open the floor now for explanation of votes. Mexico requests the floor.

Mexico

Thank you, Mr Chairman. My delegation in its decision wants to point once more that in this matter its aims are the same as in the past. Our decision on moving or staying in one position is fundamentally based on the scientific basis that we collect from the body of this Commission and which we have decided to give the mandate and to which we put our efforts to collaborate which is the Scientific Committee in conjunction with the other members of the organisation. Maybe we are less bound by political guidance, maybe because we have the moral strength of never being a whaling nation and which in our plans for productivity, train of consumption, we are not planning to be. When we received the proposal IWC/44/22 Revised with the explicit announcement that the objective of the co-sponsors was final end to whaling, we couldn't understand that in some point 3 there is clear existence of some sort of whaling of some other qualities. Maybe we need to start considering the revision of the whole exercise. We have already pushed in the way that we need to revise our whole legal frame, our Convention needs to be put into date. In this point our delegation, as always has said before, would go along with any consensus. Maybe being this total - and I say total, absolute - ban of whaling specially beginning with those endangered species. In that sense we could ask some countries with possibilities to start thinking of some structural changes for some of the populations so that if we as countries decide at some stage once and forever to end whaling, have it ended in any circumstance. But not being apparently the case, the only reality we face now is the change of this organisation in something different but a universal forum of governments. That then was what behind our decision to abstain. Thank you very much, Mr Chairman.

Chairman
Denmark.

Denmark

Thank you, Mr Chairman. I will be very brief and say that some of the intentions in the amendment proposed by Norway and Japan we have sympathy with, but we have concern about mainly the point number 3, that is request to investigate other tuning levels because it's the opinion of my Government that Denmark accepts the tuning level of 0.72. Thank you, Mr Chairman.

Chairman

Thank you. Any other explanation? It seems none. Then we have the Resolution 22 Revised and there were some delegations requesting the floor before the amendments. They wish to speak to that now. I'll give the floor to Ireland.

Ireland

Thank you, Chairman. I would like to express some reservations on this Resolution. Last year the Commission asked the Scientific Committee to advise on the risk that whaling could be inadvertently allowed where stock levels were significantly below the protection level of 54%. I note from the Scientific Committee report that in certain cases, particularly for lower MSYR values, the probability of whaling occurring before the population reached 54% is high. I already consider the level of 54% to be low, so I couldn't accept a situation where there's a high probability of that being breached. Secondly, the new concept introduced of catch cascading - I understand that this will almost always increase catch limits. In the light of past experience of stock depletions and of the general uncertainty attached to all estimates on which the CLA is based, I believe we should be adopting the most conservative position. Accordingly I would be opposed to the catch cascading element. Finally, I'm concerned that any form of acceptance of the CLA by the Commission might provide encouragement or justification to any member who would consider taking action before the complete Revised Management Scheme is approved. So Ireland will be abstaining on this Resolution. Thank you, Chairman.

Chairman

Thank you. Germany.

Germany

Thank you, Mr Chairman. Germany is prepared to follow the advice of the Scientific Committee on the catch limit algorithm, being the main scientific component of the development of RMPs. At the same time I want to make it very clear that a lot of other conditions formulated in this proposed Resolution have to be fulfilled before RMPs can be accepted and implemented. Thank you.

Chairman

Thank you. Spain.

Spain

Thank you, Mr Chairman. I will be very brief since other delegations have already expressed the arguments supporting this Resolution, especially Australia, the Netherlands and just the last intervention by Germany. In this context Spain is in a position to support this Resolution and I would like to finish, Chairman, just by saying that I'm sure that the model car that we might be thinking of building is certainly not going to be a hearse. Thank you.

Chairman

Thank you. Any other comment? France.

France

Yes, thank you, Mr Chairman. The RMP is apparently an up-to-date conceptual tool which integrates most of the recent concepts including mathematical techniques of great sophistication and that is quite a remarkable tool. However, as was pointed out when discussing our proposal on the whale sanctuary, it's as dangerous to base management on the only use of one tool. Thus France is not admitting on the management of other animal species where you have both management and conservation areas, whatever

the value of the species may have - I mean economic or heritage value. I wouldn't repeat what Seychelles made more eloquently than we did. For the French Government it's of the utmost importance to diversify these management measures so that we have a global strategy. The mere RMP, despite its high technicity, could not provide an answer to this preoccupation. That's why, if there were to be a vote, we would abstain at this stage, waiting for a more global approach. Thank you, Mr Chairman.

Chairman

Thank you. That's a good question. This Resolution has been many delegations speaking in favour, some are explaining they have some concerns, and obviously there's going to be some delegations against. So how we going to proceed with this Resolution now? Are there any suggestions from the floor?

Australia

Vote.

Chairman

I need to have that on record, so I need a delegation ... Australia.

Australia

Mr Chairman, I think we should now proceed to a vote on this Resolution. Thank you, Mr Chairman.

Chairman

Thank you. That helps. Secretary could you conduct the vote on this 22 Revised Resolution?

Secretary

Mr Chairman, we are now turning to the substantive Resolution IWC/44/22 Revised - Resolution on the Revised Management System. This requires a simple majority to be adopted by this plenary session. We are voting on IWC/44/22 Revised and a simple majority is sufficient to carry the adoption.

The roll starts at Australia - yes; Brazil - abstain; Chile - yes; People's Republic of China - yes; Denmark - yes; Dominica - abstain; Finland - yes; France - abstain; Germany - yes; Ireland - abstain; Japan - abstain; Republic of Korea - abstain; Mexico - abstain; Monaco - yes; Netherlands - yes; New Zealand - abstain; Norway - no; Russian Federation - yes; St Lucia - yes; St Vincent and The Grenadines - yes; Seychelles - abstain; South Africa - yes; Spain - yes; Sweden - yes; Switzerland - yes; UK - abstain; USA - yes; Argentina - abstain.

Mr Chairman, there were 16 votes in favour, 1 against and 11 abstentions, and so that Resolution is adopted.

Chairman

Japan.

Japan

Thank you, Mr Chairman. I like to explain why we voted in this way. Mr Chairman, this Resolution 44/22 Revised is very much a result of hard work by very serious thinkers amongst the like-minded nations in the midst of the anti-whaling opinions. We evaluate that effort by those serious thinkers and we think that this is better than having nothing. Thank you very much.

Chairman

Thank you. Brazil.

Brazil

Thank you, Mr Chairman. Mr Chairman, we also very much value the work put in by the Scientific Committee and by the thinkers just referred to by the Japanese delegation. We really think they have done us all a splendid job. However, in my delegation and in my Government, there are still doubts as to where we now stand. May we - of course, other delegations have explained these doubts - we would like to add to them that we think this week we are under special pressure due to events which have been happening since the first day of our meeting and we think that this pressure possibly does not give us enough distance to really make a decision in this way. Thank you, Sir.

Chairman

Thank you. Denmark.

Denmark

Thank you, Mr Chairman. Denmark voted in favour of this draft Resolution which now is a Resolution and we welcome this first step towards the end of years of discussions concerning revised management procedures and the like. I just like to express that in the last part of the Resolution you, so to speak, have added on some problems you want to deal with. We respect, naturally, that it is necessary to discuss and modernise problems of control and inspection and that things, but in our opinion this should not cause any unnecessary delay in the further implementation of the RMP. Thank you.

Chairman

Thank you. St Vincent.

St Vincent and The Grenadines

Mr Chairman, just to explain that while we are still not satisfied with the timeframe, that we nevertheless feel that the passage of this Resolution is a step forward and that is why we supported it.

Chairman

Thank you. Sweden.

Sweden

Thank you very much, Mr Chairman. With the Resolution IWC/44/22 Rev we have now taken another important step towards completing a new Revised Management Scheme for commercial whaling. We would like to commend the excellent work of the Scientific Committee in finalising the main scientific components of the Revised Management Procedure and we are also pleased that we now can decide upon the specifications for the calculations of the catch limits. It's the opinion of Sweden that the adoption of this Resolution means that the Commission now has followed the recommendation of the Scientific Committee from its meeting this year. Operative paragraph four of the Resolution highlights other important issues that need to be resolved and are a prerequisite before a decision can be taken to resume commercial whaling and lift the moratorium. I would also like to take this opportunity to stress that the process towards completing the Revised Management Scheme must continue to secure that safe rules for whaling be put in place. We would therefore like to propose that the further necessary work on observation and inspection be dealt with at an intersessional meeting before next year's meeting, if that is acceptable to the members of the Commission. We are, however, not in a position to offer to host such a meeting. Finally, Mr Chairman, I would like to stress that we take it for granted that the rules of whaling which are now under development by the Commission will be followed and respected by all countries and that all aspects of these rules, as outlined in Resolution IWC/44/22 Rev, be resolved by the Commission before commercial whaling resumes. Thank you, Mr Chairman.

Chairman

Thank you. Last explanation of vote is Chile.

Chile

Thank you, Mr Chairman. This delegation will be very brief. Previous delegations have spoken about their appreciation of the work of the Scientific Committee and the work put by the co-sponsors of this Resolution to have a way forward for the Commission. It has been a difficult decision for this small delegation to take but we consider that our affirmative vote should be taken because it shows a way in a long process and that the Commission should continue on a scientific basis as before. Thank you.

Chairman

Thank you. We'll adjourn the meeting now for a tea break then we'll come back to finalise Agenda Item 11. We have the request by Japan on the intersessional meeting - it's still pending - and there was also proposed by Sweden now to have another intersessional meeting. So we will resume our work at 11 o'clock sharp. The meeting is adjourned.

[Tea break]

Chairman

It's 11.05 and I asked the people to be back at 11 sharp, so let's start. It's the last day - they can miss some of these parts. OK, we break for tea break and we were supposed to get some information from the Secretary on the costs, implications of intersessional meetings. We have the one request by Japan. There was also the discussions, explanations, a suggest intersessional group by Sweden, and I think we also have to make clear advice to the Scientific Committee on the kind of work that we want them to perform. There has been a suggestion of priorities for North Atlantic fin whales but there's also been a suggestion for North Pacific minke whales. This can be one or the another or should be the two? They should be carried out in parallel or should be carry out separate? This is the kind of advice the Scientific Committee's asking and those are the kind of suggestions that I will expect from the floor. So the floor is open for comments, or the Secretary would like to inform on the costs? No. Japan.

Japan

Thank you, Mr Chairman. Yes, we understand that intersessional meeting cannot be easily here agreed upon because of cost implication and some works to be foreseen. However, I'd like to - before we come to the deliberation - I'd like to hear how the Chairman of the Scientific Committee thinks about concerning how to proceed, particularly North Pacific minke implementation and trial are concerned.

Chairman

Yes, we have to wait for the Chairman of the Scientific Committee to solve your question so in the meantime I will give the floor to New Zealand and I will give you the opportunity to raise your question again. New Zealand.

New Zealand

Mr Chairman, I was just asking if you'd be good enough to clarify for me how many intersessional meetings we are currently considering. I'm not sure whether how much is work to be assigned to the Scientific Committee and how much involves separate meetings - if you wouldn't mind repeating that I would be grateful.

Chairman

Yes, we have the request by Japan to have one intersessional meeting to review North Pacific minkes. There was a decision of the floor that we will discuss this after the tea break, considering some economic implications. But during the explanations of votes the Commissioner from Sweden suggested another intersessional meeting to review items related to management and the other issues that were referred in the Resolution that was approved. So we're really talking about two intersessional meetings. But, regarding the North Pacific minkes from the Technical Committee report, you see there is also a suggestion for fin whales work which was explained by the Chairman of the Scientific Committee will be carried on as a normal activity. But we have to give them some advice on priorities. Are we going to go for the intersessional meetings on North Pacific minkes? Will that prevail them to do their normal work as planned for them or not? Australia.

Australia

Thank you, Mr Chairman. I must say that I have concerns that any intersessional meetings of the Scientific Committee next year, given that it will be a foreshortened working year, are not likely to be practical. The next meeting of the Scientific Committee will, in fact, be in April which is certainly much earlier than usual. Thus I think it's going to be difficult to find time for any intersessional meetings and I think this also refers to the possibility for an intersessional meeting for the sanctuary which I now understand is also not being considered - which would allow all members who wish to take part to do so - so the time constraints, I think, that we're going to work under next year are not likely to provide opportunities for these intersessional meetings. What we need to do is make quite sure that the timetable for the Scientific Committee is ample to allow them to do the work which we're now going to decide to set them. Thank you, Mr Chairman.

Chairman

Thank you. There was also the opinion of the Government of Japan that maybe the intersessional meeting was too difficult and they raise a question through the Chairman of the Scientific Committee, so I'll ask Japan to raise the question again. Japan.

Japan

Yes, Sir. Thank you very much, Mr Chairman. Yes, Sir, first - since this involves the work of the Scientific Committee I'd like to hear the views from the Chairman of the Scientific Committee, Dr Hammond, how much days or works are needed for specification of implementation trial and then may accordingly be necessary, and before that we have to review the biological papers and in that regard I'd like to see how much the workload and how he thinks the best way to proceed to accommodate our concerns. Thank you.

Chairman

Thank you. Dr Hammond.

Chairman of the Scientific Committee

Thank you, Mr Chairman. Yes, my view is that, if there were an intersessional meeting to discuss the first stage of implementation for the North Pacific minke, even if that meeting were five days long I would have concerns that the initial phase of that implementation - that is specifying the trials, making sure they were right - may not be able to be completed in that time. This is not because there's five days of actual work for the Committee but because of the iterative process which needs to be undertaken. If I may, Mr Chairman, I would suggest, if the Commission does want to set in train implementation for North Pacific minke whales, then a better option might be to get the Scientific Committee to ensure that as much preparatory work be done before the next Annual Meeting and then to have a two or three day addition to the Annual Meeting of the Scientific Committee to set this process going. There would then be the rest of the Annual Meeting for this iterative process to proceed during. Thank you.

Chairman

Thank you. That's a good suggestion to extend your days in three days to accommodate this requirement, but also to be sure that the previous work - and I'm interpreting this as trials and computer runs - will be developed before this Annual Meeting. That will solve your concerns, Japan?

Japan

Thank you very much, Mr Chairman. It clarifies answers to our concern. However, of course, I don't believe we can finish this job as what is specified in the Scientific Committee's report in terms of finalising the implementation in two sessions of the Annual Meeting, so even if - although I'm not asserting too much, I mean, sticking too much - but if intersessional meeting could be held by any chance some days be specified for the initial specification of the trials and following works of that, then such result would be, I mean, handed in for the further elaboration of the discussion at the Annual Meeting to be held in the next April. That could be also kind of timetable which could more take our concern into consideration, but certainly we are not, you know, sticking to that point because of the various concerns and we can say that what Dr Hammond suggested could be also satisfactory at this point consideration which we can associate, although if not, I mean, even though it is not perfectly OK. Thank you.

Chairman

Well, let me be sure that you understand. There has been some concerns on the timeframe for this intersessional meeting besides other problems, so the only solution that is most likely to accommodate your needs is extending the work of the Scientific Committee in three days to take your request for implementation trials and computer runs on North Pacific minke and at this stage I think that's the only possible solution without really jeopardising or getting into more detailed debate and pushing for this intersessional meeting. And that will also give the Scientific Committee a clear advice on what to do. It will solve both problems. Norway.

Norway

Thank you, Mr Chairman. If it's not possible to get sufficient support for an intersessional meeting, Norway would like to support the proposal made by the Chairman of the Scientific Committee. But I would like to remind you that - to be quite clear on this issue, 11.1.5, and the related 11.1.4 - that even without any intersessional meeting the Scientific Committee needs clear instruction from the Commission as to which species and stocks for which implementation trials should be carried out, either none or North Pacific minke whales or North Atlantic minke whales or both, and if both, in which order, and of course any intersessional meetings also. So it's not clear to me how far the decisions have been made now, but I would like the Chairman to sum up before we close this Agenda Item, the answer to these questions. Thank you, Mr Chairman.

Chairman

Yes, you're absolutely right. We just trying to seek advice from the Commission on which priorities we're going to advise the Scientific Committee to take. We have a proposal for North Pacific, we also have a proposal for North Atlantic fin whales. This can be done in parallel, this can be decided if we just want to do one or if we just have to face that we only can do one, but I cannot take the decision. I'm seeking advice from the floor. Or if you want me to make the decision ... Australia.

Australia

Yes, Mr Chairman, we want you to make the decision, but I wonder if I can perhaps assist by saying that it would seem to me that the order of work for the Scientific Committee should proceed in an orderly manner following the Comprehensive Assessment order, and my understanding of that is that North Atlantic fin whales would certainly be the major item for next meeting. I'm unclear about what room for other activities there would be, but presumably in terms of the discussion that we've heard, there is a suggestion that North Pacific minke whales should be next in line, as it were. I'd appreciate a bit further clarification, but my understanding is that North Atlantic fin whales is the agreed number one priority for the Scientific Committee and if we're going to give them some extra days then those days should be used perhaps on North Pacific minke whales.

Chairman

Thank you. Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Thank you, Mr Chairman. Perhaps I can try and clarify this. In the Finance and Administration Committee it was agreed that the Annual Meeting of the Scientific Committee should be shortened to twelve days and I made the point in that Committee that, if the Commission wished us to consider the first step for implementation for any species/region combination, we would need additional days on the meeting. In our report we state quite clearly that we do not believe it is now the Committee's decision on which stocks/regions should be implemented. It's the Commission's decision, so we're entirely in your hands as to which area and species you wish us to consider next. Finally, Mr Chairman, I would point out that I believe it would be absolutely impossible for us to consider more than one implementation at the next Annual Meeting. Thank you.

Chairman

Thank you for clarifying that we have to decide for what has been expressed by Australia as orderly way following the Comprehensive Assessment. USA.

USA

Mr Chairman, I gather the suggestion has been perhaps between the North Pacific minke and the North Atlantic fin whale as to which should be next. Given the fact that Iceland has dropped out of the IWC, it seems to me there should be little reason to start with the North Atlantic fin whale. Therefore, by default, it would seem to me that one might start with the North Pacific minke. While I have the floor, Mr Chairman, I would also like to note that my country is not very enthusiastic about the suggestion of Sweden that there be an intersessional meeting with respect to dealing with the management items listed in our Resolution that was just passed - IWC/44/22. We recognise, as indicated in that Resolution, that this work needs to be done. We might have been more sympathetic for such an intersessional meeting if the events of Monday this week had not happened. Thank you, Sir.

Chairman

Thank you. Switzerland.

Switzerland

Thank you, Mr Chairman. We would like to associate ourselves with the views by the delegation from the USA just now.

Chairman

Japan.

Japan

Thank you, Mr Chairman. Yes, Sir, we have significant concern about also the North Atlantic fin whale and we definitely as the first thought both area and species should be put together as a priority work. However, listening to the comment of Scientific Committee Chairman views that it's physically impossible to carry on both, and it's really not easy to say but considering our small-type whalers necessity and urgency that we have to appeal that North Pacific minke whale be as a first priority and then, in a timely fashion, North Atlantic fin will be followed. Thank you.

Chairman

Yes, that order, OK. We got it. Netherlands asked for the floor.

Netherlands

Yes, we wish to support the United States position both on the priority of the work of the Scientific Committee and the desirability of an intersessional meeting. Thank you.

Chairman

Now, can I take that as general agreement? Norway.

Norway

Thank you, Mr Chairman. I would just like to express that our delegation is grateful to Sweden for having suggested, proposed, an intersessional meeting to deal with what has been called the management issues because we think that, if we should be able to make any progress or, I should say, substantive progress in this field, an intersessional meeting is certainly called for. Thank you.

Chairman

Thank you. Any other comment? Then if I so mark that this was request by Norway, the priority was given to North Pacific minke and still ... New Zealand.

New Zealand

Yes, Mr Chairman, we would agree with the United States' assessment that in current circumstances the North Pacific minke should assume the top priority and also that we share their views about the lack of desirability of an intersessional meeting, and could I simply reiterate the views expressed earlier that intersessional meetings present very considerable problems to distant and small countries and tend to be attended by representatives of large and near countries, and so as much possible work should be done around the time of the Annual Meeting or just before it. Thank you.

Chairman

Thank you. Any other view? Sweden.

Sweden

Thank you, Mr Chairman. We note the reluctance of some delegations to support the idea of an intersessional meeting on observation and inspection and I might suggest an alternative solution if that could be more acceptable, that we ask the Secretariat to seek information from other international organisations on their solutions to this issue and that this information be transmitted in writing to the Commissioners before next year's meeting for comments, so that we have a basis for discussion at next year's meeting on the issue of observation and inspection. Thank you.

Chairman

Thank you. Republic of Korea please.

Republic of Korea

Thank you, Mr Chairman. My delegation support the Japanese proposal. Thank you.

Chairman

Thank you. Japan.

Japan

Thank you, Mr Chairman. Concerning Swedish proposal, I don't think Sweden should withdraw his proposal, just to stick to his point, because we think it has a relevance as the Norwegian delegation said, that we really stick to the point and, you know, having an intersessional meeting on the inspection and observance we certainly would like to support it. Thank you.

Chairman

Well, let's finish first the North Pacific minkes as has been agreed by everybody. We probably will seek some advice from the Chairman of the Scientific Committee on the number of days that it will may require so the Secretary can forecast the cost implications or whatever adjustments to the finance. And now we have the proposal originally by Sweden then suggested by some delegations that this is probably not the best time to have this, and an alternative suggestion by Sweden of how to proceed without an intersessional meeting, but Japan and Norway, their concerns that this has some merit. So can I get some conclusions on that so I can close this Agenda Item? Australia.

Australia

Thank you, Chairman. Just to reiterate my comments that I made earlier that we feel, because of the foreshortened year, that there's unlikely to be time to do anything, and I'm quite grateful for Sweden's revised suggestion which seems to me an eminently sensible way of trying to expedite the process without the need for an intersessional meeting. Thank you, Mr Chairman.

Chairman

Thank you. Can then I take that we agree on this, so there won't be any intersessional meetings for these matters? Thank you.

Secretary

Mr Chairman, the budget which you have adopted on the recommendation of the Finance and Administration Committee was a bare bones budget for the Annual Meeting sequence of activities and I'm just a little concerned that we haven't actually budgeted for enough days for next year's meeting. As I understand it, the Scientific Committee needs two or three days - three days - for this extra work and we deleted two days' budget in the Finance Committee, so I would suggest that we put back enough money to run three more days of the Scientific Committee. I'm also concerned that the Annual Meeting itself was cut back by one day and, in the light of this year's experience, I wonder if that is still a wise move. If there is to be no intersessional activity there needs, I think, to be more time at the Annual Meeting for the discussions that need to take place and, whilst I'm not in a position to make the proposal, I would perhaps suggest that we put back the one day that was deleted from the Annual Meeting sequence. Thirdly, I'm unclear to what extent the working groups which meet immediately before the Annual Meeting might need more time as well. We have not yet, I think, totally finished the discussions on the possible activities but it seems to me that an extra day in that sequence might also be desirable and I would very much like to have instruction from this meeting and agreement on the necessary budget. I can give you figures immediately if you just say how many days are involved, because there is a real danger that we shall go away from here without enough money budgeted for next year's meeting. Thank you.

Chairman

Thank you. Any questions or comments? Japan.

Japan

Thank you, Mr Chairman. I think there are quite a number of requests for the additional meetings and there are some requests for the intersessional as well as the meeting to be held just before the Annual Meeting, and I think we do have quite a big financial implications. I would like to know how much would be involved for the intersessional and the meetings just before Annual Meeting as sort of consideration to be taken into account by Government of Japan to perhaps allocate some more assistance to the meetings just before the Annual Meeting.

Chairman

Thank you. Secretary.

Secretary

Mr Chairman, three days extra on the Scientific Committee, one day extra on working groups prior to the Annual Meeting, and restoration of the fifth day to the Annual Meeting, I estimate adds £27,000 to the budget. I cannot respond on the intersessional question because, if it was to discuss North Pacific minke whales, that seems to be an unreasonable proposal in the light of the comments from the Chairman of the Scientific Committee. There is so much computing time needed that we would really be talking about a ten day meeting probably, which I don't think is a costable process.

Chairman

Japan.

Japan

Thank you, Mr Chairman. As I have said before, I would like to refer this matter to the Government of Japan to consider the assistance to these additional part of the meeting. However, we are not certain as yet how much of these additional costs should be borne by the Government of Japan, but we shall be very positively thinking towards it.

Chairman

Thank you. Dr Gambell.

Secretary

If I may just make it clear, Mr Chairman, that when the Commission adopted its bare bones budget, that was on the basis that the total contributions required from Contracting Governments was unchanged from last year and in the Finance and Administration Committee there were expressions of concern if the budget went over 5% or the equivalent of the inflation rate, so it would seem to me that the estimate I have given of £27,000 is still well within that 5% limit. Five percent is actually £37,000, so governments could go away with a much lesser figure which I haven't yet calculated, but you're still well within the 5% ceiling. Thank you.

Chairman

Thank you. Mexico.

Mexico

Thank you very much, Mr Chairman. I like to point out that my delegation as you know the intergovernmental fora as well as in this one, which is to express its consternation for the spread of intersessional meetings and working groups, extra days for committees. We would like to tell our colleagues that our Government is deeply involved in a very strict process of savings and economic restraint and for that reason we cannot compromise ourselves or support any whatsoever increase in volume, especially since we have already agreed on a concrete budget. That's why this delegation will intervene in any proposal for a special extra work that is out of the budget already considered. Thank you very much, Mr Chairman.

Chairman

Thank you, Mexico. St Vincent.

St Vincent and The Grenadines

Thank you, Mr Chairman. Mr Chairman, we will of course also be getting a breakdown of these figures, £27,000 and so on, and I notice other proposals that I dare say will come up later which will require more funding, and of course we don't all pay equal amounts in here so we would at least - I know it's late in the day and I myself have a plane to catch later on - but I would like to tell my Government when I go back home, one of the first things they'll be asking me is how much more money we have to pay. I'll only add the comment that it seems to be all very well in the Commission to be adding and adding and adding work to the Scientific Committee which it appears to me is just not practical. In the first place, from the point of view of the work that the Committee is able to do and there is absolutely no direction given to the Scientific Committee in respect of priority. It's all very well to say do this, do that and do the other, but what guidelines are we giving the Scientific Committee on a matter of priority? As far as my Government is concerned, let me state, number one is the Revised Management Procedure and all the rest follows, and small cetaceans are nowhere at all in the priority. Thank you, Sir.

Chairman
Thank you. Germany.

Germany
Thank you, Mr Chairman. In the context of evaluation of the proposal concerning a sanctuary in the Antarctic, the Secretary presented a figure of £17,000 additional cost and now in the context of Comprehensive Assessment and RMPs we were given a figure of £27,000. I would like to know whether the £17,000 are included in that figure. Thank you.

Chairman
Thank you, Germany.

Secretary
Yes, Mr Chairman, the £17,000 which I suggested for the activity related to the sanctuary included a meeting which appears now not to be in place, that is the special intersessional activity, and that element is therefore removed, but it does include the one day extra for the working group. Let me make it absolutely plain how I calculated these figures. They are figures given to the Finance and Administration Committee, that, approximately, the Scientific Committee costs £5,000 a day, the working groups cost £4,000 and the Commission costs £8,000. So I was saying, three days for the Scientific Committee times five is £15,000, one day for working groups times four and one day of Commission is £8,000. And that was how the figure was developed. So the £17,000 is included, in the sense of any of it still remaining, within the £27,000. It's not added on.

Chairman
Thank you. Any other comment? Well, we have some suggestions for the Scientific Committee, we appoint some priorities as will have some cost implications, we have some comments and reservations on these cost implications, so what shall we do now? Suggestions? Can I get a general agreement on the money regardless of the two comments from St Vincent and Mexico? Well, we have to get a clear indication from you, you are willing to pay the work which you are appointing as necessary, and this is the last day of the meeting. I was trying to get by lunchtime our business, but can it be lunchtime Mexican time which is three o'clock and probably not? US.

USA
Mr Chairman, I perhaps like other Commissioners at this point am a bit confused. I was under the impression that, with the reduction or the lack of an intersessional working committee with respect to the Antarctic sanctuary which I see is not in the proposal that we will be discussing next, that with respect to the North Pacific minke whale which will be part of the regular job of the Scientific Committee when it meets, the fact that we will not have an intersessional working group of the kind that Sweden proposed and has now taken off the table, that the budget that our Secretary, Mr Gambell, has proposed - or has available to him - will be adequate to do the things that have been requested. If I am wrong on that, I need to have that explained and be made somewhat more specific as to what is the lack of funds. Thank you, Sir.

Chairman
Well, I will ask the Secretary to explain this again to clear all doubts, but the work proposed to the Scientific Committee is an additional work that will require therefore additional time and we will have to provide them with additional money. Secretary.

Secretary
You've said it.

Chairman
So that's the question. We want this work to be done, we have to pay for, and I have some concerns from the floor on this. Germany.

Germany
Thank you, Mr Chairman. I would like to associate myself with the remarks just made by the USA. I think it is quite in order now to accept a budget on the lines expressed by the Secretary that we could add some thousand pounds in order to cover the things that are necessary I think in this IWC. Thank you.

Chairman

Thank you. Japan.

Japan

Thank you, Mr Chairman. Concerning working group £4,000 - I don't think it is necessary because what we have agreed upon to our understanding is that, you know, Scientific Committee try to elaborate and to concentrate, to discuss on the scientific basis and we don't have to take into consideration other factors than scientific views, and in that regard we can perhaps save this working group not having it, and save £4,000 coming up £23,000 I guess. Thank you.

Chairman

Australia.

Australia

Mr Chairman, just to clarify - I have had some informal discussions with the Secretary where I've expressed the view that it might well be possible to produce a timetable where we actually have working groups running in parallel. The consequence of that would be, of course, that if governments wish to be at both working groups they would, in fact, have to send sufficient representatives or else send schizophrenics. However, I don't believe we've finalised those discussions at this stage and what I would be more comfortable with, frankly, is accepting that we may need another working group and that we should agree to a figure which might be £4,000 in total more. What we cannot do is allow the Secretariat to go away with less money than we may end up needing. We may next year, however, find we've got a slight surplus which is always a pleasant surprise, and I would encourage the Commission to go along those lines. Thank you, Mr Chairman.

Chairman

Thank you. Mexico.

Mexico

Thank you very much, Mr Chairman. I agree with the Australian delegate in the wisdom of this arrangement of the delegations in order to accommodate to their wishes, but on the other hand I must confess that I'm not prepared to just put money from my Government on the table as ideas and spending propositions come up, so my position is very firm and maybe we would be in the need to reserve in proportion to our payments and another idea that I would add to this of Australia is, as we saw in the previous meetings before this 44th session, that maybe work of one day could be in principle cut to half a day or even less. I think that delegations who are very keen in having some extra work, they should put the funds voluntarily in order to accomplish their objectives and not put a permanent strain on delegations who have very difficult problems in order to decide about money that we can't really dispose as if it was in their position. So that's all I want to say now. Thank you very much, Mr Chairman.

Chairman

Thank you. Brazil.

Brazil

Thank you, Mr Chairman. Mr Chairman, Brazil is a large country. It is not the most affluent, however. Now, having said that, I think we have a Secretary who manages our finances so carefully and in financially such a sound manner that I really think that if he is asking us to put on £27,000 - and that's what I understand now is in discussion - having in mind that the Finance Committee had foreseen an increase of up to £37,000 so he is in fact proposing an increase lower than the one the Finance Committee had foreseen to be possible, because that is the way they were working. They brought the budget down to the bare minimum in order to be able to add necessary items here in the Commission. Now our Secretary is proposing to add less than Finance Committee had foreseen, so I really can only support our Secretary in this and in that sense support Australia, but for one aspect of their intervention and that is that we have parallel meetings and working groups. I think we have really been overworked this meeting and I think we should not do that. It would be very difficult for a delegation like mine to work in parallel. What I do think is that we should support the suggestion made by our Secretary and get on with our work, Mr Chairman. It is not a big sum of money. You could divide it under ourselves at something like a thousand pounds for each country, I think. Even Brazil can manage. Thank you, Sir.

Chairman

Thank you. Oman.

Oman

Thank you, Mr Chairman. Mr Chairman, I would like to associate the views expressed by the distinguished Commissioner from Mexico. But if it's absolutely necessary, we can digest the proposed budget of £27,000 Sterling. However, the Commissioner from Japan expressed that there is a possibility of maybe cutting a day which is about £4,000. It is quite a budget if you consider the situation at present. Mr Chairman, in the past I was not present at the Finance Committee, but I find that we are faced with big burdens, specially for small country like Oman and others, paying our annually contribution. It's a big burden, so we try to save as much as possible but still be within the deliberation of the IWC. That is my point, Mr Chairman. Thank you.

Chairman

Thank you. Sweden.

Sweden

Thank you, Mr Chairman. We would like to support the statement made by Brazil. I think it is quite in order to accept the £27,000 which has now been put forward as the increase as it is well within the +5% which we had agreed upon in the Finance and Administration Committee. And I would like to call the attention to the fact that, in real terms, we are cutting costs of the work of the IWC as we are below the inflation level even with this extra £27,000. Thank you.

Chairman

Thank you. Spain.

Spain

Thank you, Chairman. I would like to support also the Brazilian proposal, otherwise I think that we will have no need for an intersessional group because we will continue on until next year.

Chairman

Thank you. OK, well that seems that everybody is in agreement with that and we'll note the reservations expressed by Mexico. Any other action arising before I close Agenda Item 11? Japan, it's your intention to pursue your catch quota allocation at this Agenda Item or ...? Japan.

Japan

Thank you, Mr Chairman. This matter, I think, should be more appropriate to be taken up under Agenda Item 25 Any Other Matter. Thank you.

Chairman

Thank you, Japan. OK, that dispose of Agenda Item 11. Let's move quick to 12 - 12.2. We were yesterday discussing the Resolution 27 Revised. I asked some delegations which are proposing this to work with the Japanese side. There was no agreement and then therefore we have to get some action arising on this Resolution 27 Revised. Any comments? The Resolution initially was amended by St Lucia and then also there was a slightly amendment by Seychelles and, I think, there is a paper which has been circulated fresh this morning. Any comments? Japan. You asked for the floor, Japan?

12.3

Japan

No, not yet.

Chairman

No. Australia.

Australia

Thank you, Mr Chairman. This revised Resolution is revised in a variety of relatively small ways but the main way in which it has been revised and which there seems general agreement on is that we should not have the intersessional study group, I think was the terminology in the first Resolution. I personally, and I

suspect my Government, will still be concerned that we may not make sufficient headway on getting the information together and collating it all and we are, in fact, in essence imposing yet more work on the Secretariat in terms of the second operative paragraph 'Invites members to submit questions and comments for consideration by the Scientific Committee'. I'm quite prepared to make a sort of unconditional offer, Mr Chairman, that Australia will provide somebody to work for a short time with the Secretariat to help that compilation, to ensure that that work is completed satisfactorily, so that the right sort of questions and frameworks are asked. It may not be necessary but, if it is, then we wish to show our intentions as several delegates have before suggested in a very real way by trying to make that sort of contribution. Thank you, Mr Chairman.

Chairman

Thank you. And thank you for providing this extra help. Any other comment? Can I take that we approve this Resolution by consensus then? Japan.

Japan

Thank you, Mr Chairman. We appreciate that some of the concern it's incorporated. However, it's not to fully satisfy our views and I'd like to express the views still we have a concern and one point is the operative paragraph one which begins, it says 'Resolves to give full consideration at its 45th Annual Meeting'. We don't believe it's practically possible. This involves the tasks and duties with significant amount and I don't think it's possible to give full consideration. Thereby we ask to delete the 'full' and still remains it. That is one point, and we really appreciate second operative paragraph was changed from previous one to hold study group and this now changed into 'members to submit questions and comment' and such. And also we like to express appreciation to modify the third sentence to accommodate our opinion that we have to rather hear from CCAMLR instead of Scientific Committee of the CCAMLR, and also fourth paragraph is really, I mean, accommodate our concern, I mean, what we have asked to Scientific Committee is not simply to answer the question already put forward in the original French proposal, IWC/44/19, but what we are going to request is rather a more broader senses and not limited to just document 19. This is certainly we would like to reiterate our appreciation and finally this is most difficult point that we have to elaborate it to talk with the drafter of this Resolution that we think that French proposal was postponed because at this Scientific Committee, I mean, our Annual Meeting concerned, Scientific Committee could not reply, could not furnish the scientific advice because of the lack of the information and lack of the ...

[Break in recording]

... we believe is that, looking at all preceding operative paragraphs, we have to restrain ourselves to limit our discussion for purely scientific basis. I think that that consideration is legitimate rather than broaden our discussion for another aspect such as legal etc etc. This should be taken care of at the later stages, perhaps for after the 46th Annual Meeting. In that regard we don't see any reason to have a working group of the Technical Committee prior to our 45th Annual Meeting but again we think it's necessary to concentrate our energy and human resources to discuss this sanctuary matter from a scientific viewpoint, then we can proceed. But at this point we think that it's really important to use our energy to the scientific discussion.

Chairman

Thank you, Japan. We will note your comments. They will be also recorded in the verbatim record so they will be easy to catch them all, but I have to get a clear indication from you. Do you really want to make an amendment of this 27 Revised 2, or not? Japan.

Japan

Thank you, Mr Chairman. Of course, if it's possible to amend it, particularly, I mean, a specific amendment is the deletion of the final operative paragraph, but, I mean, apparently since we dedicated our effort already to try to come to the conclusion, but this is outcome of our discussion so I don't see it's possible to amend it. This is my understanding. Perhaps you can ask ...?

Chairman

No, that's perfectly clear, Japan, and I'm glad you've taken this step. You tried to negotiate this, this text as I asked you yesterday, and both give your best efforts but were not achieved, but I don't think we have to go into an exercise to amend these reports so if you agree, your comments will be noted in our final report and then we can proceed to Action Arising and make a decision on this 27 Revised 2 which will be endorsed by the Commission, noting Japan's comments. St Lucia and St Vincent asked for the floor. St Vincent.

St Vincent and The Grenadines

Yes, thank you, Mr Chairman. We would normally not have any problem with this but we note the timeframe is in this Resolution and it was not in the one on the RMP. So insofar as that suggests that this has a higher priority, we certainly would not support that and therefore reserve our position.

Chairman

Thank you. St Lucia.

St Lucia

Yes, Mr Chairman. On the same subject, I addressed fellow Commissioners earlier on the importance of timeframe and it was shot down, didn't think it was necessary for the RMP, and there you have it, it's in this. I would support it if the timeframe is removed so that you will have equal status or comparable status as the RMP.

Chairman

Any comments? Australia.

Australia

Chairman, I hear what's said, and perhaps the language that's in the Resolution is not quite clear. My understanding certainly is that this would be accorded equal priority, not higher priority or lower priority, but equal priority. These are seen as combinatory things and it may be that the way in which it's expressed makes it look as though it's an express train. I think everybody was very responsive to the way that the Government of France suggested it should be spoken about in full consideration at next year's meeting and we were happy to support that. We believe it should be given consideration there, but undoubtedly a lot of issues will be raised along the line. 'Given full consideration' doesn't necessarily mean that we will get full resolution although I personally would hope that we would. So I hope that puts at rest the views that have just been expressed. Thank you, Mr Chairman.

Chairman

Thank you. USA.

USA

Yes, Mr Chairman, I'd like to associate myself with the views just expressed by Australia. As one of the principal sponsors of the RMP Resolution it certainly was not the position of my Government or any of the sponsors of that Resolution that the efforts with respect to the RMP would be given less priority than what has been referred to in the sanctuary. Perhaps because the RMP and all of its efforts have been on the agenda, reported upon, progress been made year after year, it did not seem necessary to indicate that we would expect to hear from the Scientific Committee and others on this matter at the next meeting of the Commission. Thank you, Sir.

Chairman

Thank you. Can then I proceed by adopting this, noting your comments St Lucia and St Vincent? Thank you. Japan.

Japan

Yes, Sir, could you just address Japan's association for St Vincent and St Lucia please?

Chairman

Any other comment? Russian Federation.

Russian Federation

Thank you, Mr Chairman. I would like to propose to add a small paragraph to the Resolution after the fourth paragraph of the second revision of it. I mean the paragraph beginning with the words 'Whereas the Government of France has proposed' and so forth. To have after this paragraph the paragraph reading 'Whereas the Contracting Governments did not have sufficient time to give full consideration to all aspects of the proposal IWC/44/19'. Thank you.

Chairman

Thank you. You are amending this revised version. Is there any support for this amendment? I don't see anyone. No? Is any seconder for this? Japan.

Japan

We second.

Chairman

Seconded by Japan. Then can we agree in incorporating this or, if there is silence then I have to interpret that we have to vote on this amendment? Can I get some indications from the floor please? It's adopted then with the amendment proposed by the Russian Federation, seconded by Japan. Could you repeat it at normal speed? Just to be sure we have it clear in the verbatim record.

Russian Federation

Yes. 'Whereas the Contracting Governments did not have sufficient time to give full consideration to all aspects of the proposal IWC/44/19'.

Chairman

Now could you repeat it at dictation speed please?

Russian Federation

'Whereas the Contracting Governments did not have sufficient time to give full consideration to all aspects of the proposal IWC/44/19'.

Chairman

Thank you. Well, that disposes of Agenda Item 12 Whale Sanctuaries except there is any other comment before I close this. Russian Federation.

Russian Federation

Thank you, Mr Chairman. We would like to co-sponsor this Resolution.

Chairman

You amended the Resolution and it was supported by Japan so you are in.

Russian Federation

With amendment made?

Chairman

- 13.2 Yes. Let's move to Scientific Permits, Agenda Item 13. We have to make decisions action arising. There was two scientific permits considered by the Scientific Committee, the Japan and Norway. There are two Resolutions. I open the floor. United States.

USA

Mr Chairman, I'd like to address IWC/44/23 Rev2, the Resolution on Special Permit Catches by Japan in the Southern Ocean and I will let the Commissioners find their copy of that because I wish to note a minor amendment. On behalf of the sponsors of this Resolution, Australia, Germany and Switzerland as well as the United States, I wish to call your attention to the last paragraph in this Resolution which starts 'Invites the Government of Japan' and I would wish to add the words 'Invites the Government of Japan to continue to' and then add 'reconsider and' and then continue 'improve the proposed research under special permit in 1992/93 in the light of the above'. That is, we are adding the words 'reconsider and' so it reads 'Invites the Government of Japan to continue to reconsider and improve the proposed research' etc etc. This has

the acceptance of the co-sponsors, Australia, Germany, Switzerland as well as that of the United States, Mr Chairman.

Chairman
Thank you.

Switzerland

Thank you, Mr Chairman. Mr Chairman, I would like that the following statement be reflected in the minutes of this meeting.

Chairman

Wait a minute, Switzerland. Let me get ... the proposal was original present by Australia, Germany, Switzerland, United States. It has been amended at this time by United States. Let me get some support first. Some seconder of this revised version? Australia? OK, thank you. Then Switzerland please.

Switzerland

OK, Mr Chairman. I would like that the following statement be reflected in the minutes of this meeting. Switzerland would like to make special reference to the paragraph two in the preambulatory part. Referring to Resolution accepted by this Commission two years ago, through which Contracting Governments are encouraged to base their research programmes to the maximum extent possible on non-lethal methods. Switzerland considers that Japan has made considerable progress in this area. Our co-sponsorship to the Resolution on the table should be regarded as an encouragement to Japan for further efforts in this field. Thank you, Mr Chairman.

Chairman

Thank you. Germany asked for the floor.

Germany

Thank you, Mr Chairman. The German understanding of the word 'reconsider' that has just been inserted is that Japan should not only reconsider its programme in order to improve it, that the aim of reconsidering the research undertaken by Japan should only be to possibly abstain or refrain from this programme. Thank you.

Chairman

Thank you. I have Australia, Sweden, UK and the Netherlands.

Australia

Thank you, Mr Chairman. Although Australia has co-sponsored this Resolution, I associate myself fully with the last two comments. I also have to say that it does not really embody the level of disapproval that we feel is appropriate for the Japanese research programme. However, in the interests of consensus which will save time at the Commission, we have against our otherwise strong feelings on the matter agreed to the incorporation of somewhat weaker language in the Resolution. We can still go along with the Resolution as Switzerland mentioned giving maximum emphasis to the second prefatory paragraph, because it still makes clear the Commission finds that the Japanese research programme is not in full accordance with the Commission's guidelines set out in the 1986 and 1987 Resolutions. We also urge that activities should be very carefully considered in the light of the special concerns of the Antarctic Treaty parties and the special nature of the Antarctic region. Thank you, Mr Chairman.

Chairman

Thank you. Sweden.

Sweden

Thank you, Mr Chairman. We would like to co-sponsor this Resolution and also to associate ourselves with the views expressed by the previous speakers, specifically Switzerland. Thank you.

Chairman

UK.

UK

Thank you, Mr Chairman. I'd like to agree with a number of remarks of previous Commissioners, particularly the Commissioner for Australia. I think the UK views on scientific permits and catches are very clear. We are extremely reluctant even to consider lethal means of research and we do need to be strongly convinced that non-lethal methods are impossible in promoting research programmes. We would be the first to admit that Japan has responded to a number of scientific concerns in the development of their long-standing programme. Our essential problem is whether research is carried out at all rather than the precise details of the science. For these reasons we felt we couldn't sponsor this Resolution and I wanted to make clear on the record our attitude towards scientific whaling programmes of these kinds. Thank you, Mr Chairman.

Chairman

Thank you. The Netherlands.

Netherlands

Mr Chairman, in our opinion the term 'reconsider' should also be related to question of whether a permit should be issued at all. If it is the intention of the Resolution to ask Japan to reconsider the issuance of permits for research takes that do not fully satisfy the criteria that are mentioned in the second last paragraph of the Resolution, we can go along with this Resolution. Thank you.

Chairman

Thank you. New Zealand.

New Zealand

Thank you, Mr Chairman. I don't whether we're going to vote on this or not but I just wish to record our view that we have a reservation over the word 'improve' because it's capable of different interpretations and from New Zealand's point of view we would certainly hope that Japan would improve its research by switching to non-lethal research operations. Thank you.

Chairman

Thank you. Any other comments? Japan.

Japan

Thank you, Mr Chairman. Japan has taken the real opportunity given by the moratorium while absence of the commercial whaling. We have taken up the research programme in order to obtain the data unbiased from the various inherent characteristics of data from the commercial whaling and by random sampling we have been conducting this research since 1989/1990 the main programme has been conducted after the two years of the feasibility study prior to that. We have been pursuing the principal objectives of the research which is the accumulation of data necessary for the estimation of natural mortality coefficient and throughout our research we have identified the very useful knowledge and information that minke whales do segregate by sex and age and other very useful information for the management of the minke whale population and also other general interesting scientific knowledge. About the Japanese research programme, thanks to the very diligent and serious efforts by our scientists and all related to this planning, we have obtained significant progress and scientific results which have been appreciated by many of the Scientific Committee members, which is obvious in the report of the Scientific Committee. In addition I have had many opportunities with some of the fellow Commissioners in person to let me explain the usefulness and significance of the Japanese research programme and I am pleased to note that these comments made by myself have been received with high evaluation. With these progresses made and appreciation given to us I am very regretful to note that the comments made by the Commissioner for Germany and a few others that the word 'reconsider' implies 'to refrain from issuing' the permit. For the next season we shall take into account all the constructive comments made by the Scientific Committee and we would develop our research and thereby contribute to the activities of the IWC. Thank you, Mr Chairman.

Chairman

Thank you, Japan. St Lucia.

St Lucia

Thank you, Mr Chairman. I find some of the commentary made about Japan's research rather strange, Mr Chairman. I have read the Scientific Report and I note the comments made by various scientists and, indeed, by the Committee as a whole. From what I read, Japanese research has contributed to stock identity, MSYR, whale management and interspecific interaction and several other aspects. One may say that it does not fully comply in the sense that some areas are left out, but I think it's grossly unfair, it's grossly unfair that such statements should be made. I can see one could encourage a nation and its national research scientists to continue to improve, yes, but to suggest that it is of no use and it should be stopped, I think it's wrong. And I must go by what I read by the scientists and I must congratulate Japan and encourage them to continue as we should encourage all national research organisations to continue for the benefit of science and the benefit of man and, indeed, the benefit of the whales. Thank you, Mr Chairman.

Chairman

Thank you, St Lucia. Any other comment? USA.

USA

Mr Chairman, in light of the comments, I suggest that this Resolution as amended be adopted by consensus.

Chairman

Thank you, USA. Can I take that is agreeable to everybody? We'll note the comments by Japan. St Lucia? It seems so. New Zealand.

New Zealand

I'm sorry, you are recording the comments made, presumably, by other delegations?

Chairman

Of course. OK, then we can move to the next Resolution - action arising on the Norwegian proposal for special permits. The floor is ... New Zealand.

New Zealand

Thank you, Mr Chairman. I should like to introduce the Resolution appearing in document IWC/44/24 on the Norwegian proposal for special permits which has been co-sponsored by Australia, France, Germany, Netherlands, New Zealand, Switzerland, United Kingdom and the United States. The reasons behind this Resolution have, I think, been fairly cogently explained in the comments by the Chairman of the Scientific Committee when presenting the report of that Committee. He set them out, I thought, in some detail but, if I could recall, the proposers of the research programme to be undertaken by Norway acknowledge on Page 34 of the Scientific Committee report that the main objective is to provide a better basis for the incorporation of minke whales into the multispecies model being developed for the northeastern Atlantic area. According to the comments attributed to a Norwegian scientist on Page 33 of the Scientific Committee report, the primary aim of that model is to assess the spawning stock of capelin in the area with the forecasting of the growth of cod stocks a secondary aim. It's clear, therefore, that the research programme is primarily designed to assist with the development of a fisheries stock assessment model and not to address a question or questions which should be answered to conduct the Comprehensive Assessment or to meet other critically important research needs. Nor does the proposed research paper appear to be structured to contribute information essential for the rational management of the minke whale stock. I note, Mr Chairman, that the Scientific Committee on Page 35 of its report drew the same conclusions. Furthermore I note that a number of scientists questioned whether the taking of 382 minke whales would be of much practical assistance in developing the MULTSPEC model. One major criticism was that the animals in the lower trophic and, in particular, krill were probably of far greater significance to the dynamics of the ecosystem system than minke whales, yet little progress has been made in the sampling and assessment of the importance of krill. Another criticism was that the large number of assumed values for important components of the MULTSPEC model would swamp any improvements which the programme might provide in the way of better estimates of the parameters for minke whales. Despite these critical comments from the Scientific Committee, however, it appears that Norway proposes to proceed with its research programme. My delegation regrets that an inappropriate programme should be proposed for whaling under special permit and for that reason New Zealand is co-sponsoring the Resolution before you. Thank you, Sir.

Chairman

Thank you. UK.

UK

Thank you, Mr Chairman. I'd like to associate myself fully with the comments of the New Zealand Commissioner. We recognise the plan set out by Norway for scientific permits has been developed carefully and has been described carefully. The aims of the work are stated well, too, but where we do have a serious difficulty is in connecting the aims of the proposal with the overall objectives of Norwegian multispecies modelling as typified by the MULTSPEC program. The really important point of concern here is whether or not this proposal actually addresses so-called critical research needs. Now, a number of members of the Scientific Committee have judged that the inclusion of minke whales in the MULTSPEC multispecies fisheries model would contribute little more than fine tuning of fisheries management and may contribute very little indeed to our direct understanding of whale management. We notice that there was a suggestion in the Scientific Committee report that a workshop could be set up to look at multispecies fisheries such as cod, capelin and herring in the Barents Sea and whether or not whales were likely to be an important factor to be taken into account. Perhaps we ought to await the results of those studies before reaching a conclusion on the relationship between whales and multispecies marine fisheries research. Because of these concerns we strongly support the Resolution calling Norway to reconsider its programme. Thank you, Mr Chairman.

Chairman

Thank you. Any other comment? Norway.

Norway

Thank you, Mr Chairman. For reasons that should be well known by my distinguished fellow Commissioners, Norway cannot accept the draft Resolution contained in document IWC/44/24. But, since this draft Resolution has been submitted, I am obliged to explain why this Resolution is unacceptable to my delegation. The sponsors of the Resolution quote parts of Article VIII of the International Whaling Convention in the first preambular paragraph, but the most important part, the very key words of Article VIII, have been conveniently overlooked - or omitted if you will - by the sponsors. Article VIII of the Convention states 'Notwithstanding anything contained in this Convention' and so on. Mr Chairman, I repeat the first words of Article VIII - 'Notwithstanding anything contained' ... This word 'anything' in this context means that Article VIII has a very special significance in this Convention. What Article VIII says is, in fact, that with regard to scientific research whaling this very Article takes precedence over any other Article in the Convention or in the Schedule. Article VIII cannot legally be changed unless the text of the Convention itself is amended and, as you are aware, there is no amendment provision in the Convention.

Furthermore, I would like to emphasise one salient legal point. The Schedule forms an integral part of the Convention and the Schedule may be, as it has in fact been on many occasions, been amended. But no amendment of the Schedule could be legally adopted if such an amendment were to change the content of Article VIII. The authority of the Commission to amend the provisions of the Schedule is exhaustively specified in Article V. Consequently, the right of any Contracting Government to grant to any of its nationals a special permit authorising that national to kill, take and treat whales for purposes of scientific research subject to such restriction as to number and subject to such other condition as the Contracting Government thinks fit. And then, Mr Chairman, I'd like to read slowly the following words: 'and the killing, taking and treating of whales in accordance with the provisions of this Article shall be exempt', I repeat, 'exempt from the operation of this Convention'. In other words, the rights of a government to take whales for scientific purposes is absolute and indisputable. I submit, Mr Chairman, that any scholar of public international law would concur with this legal interpretation of Article VIII of the Convention. That should, in my opinion, be plain sailing, as it were, and in this context I would say that that should indeed be plain whaling. Thank you, Mr Chairman.

Chairman

Thank you, Norway. Any other comment? Yes, Norway.

Norway

Well, I forgot to say one thing, Mr Chairman. I would, of course, ask that this Resolution be put to the vote.

Chairman

Thank you. Any support for this proposal by Norway? Japan.

Japan

I support the Norwegians' proposal for a vote. The Norwegian research programme is aimed at the management of the ecosystem fisheries and this is the subject matter that we should tackle as the most important challenge to our tasks and when you say ecosystem approach, we cannot implement this approach without taking the species in question. I would praise the courage shown by Norway to launch upon this very ambitious research and I praise their scientists' great effort to establish this research programme. This research programme has been very carefully built, based on the past knowledge and the result of the preliminary research programme already implemented and it covers the very wide range of the studies from low producers to high producers within ecosystem and this kind of research cannot obtain its objective without takes of these species. Any research proposals to be reviewed by the Scientific Committee would receive various comments from the Committee and therefore I hope the Norwegian authorities would take into account of the constructive part of the comments given by the Scientific Committee and we wish them very well for their very good results. Thank you, Mr Chairman.

Chairman

Thank you, Japan. So the requests for a vote, we have the support for that. May I call the Secretary to conduct the voting please?

Secretary

Mr Chairman, we have before us the Resolution on Norwegian proposal for special permits contained in IWC/44/24. This proposal requires a simple majority to be adopted by this plenary session, so the proposal is IWC/44/24, the Resolution on the Norwegian proposal for special permits.

In accordance with our sliding start, we begin with Brazil - yes; Chile - yes; People's Republic of China - abstain; Denmark - abstain; Dominica - abstain; Finland - yes; France - yes; Germany - yes; Ireland - yes; Japan - no; Republic of Korea - abstain; Mexico - abstain; Monaco - yes; Netherlands - yes; New Zealand - yes; Norway - no; Russian Federation - no; St Lucia - no; St Vincent and The Grenadines - no; Seychelles - abstain; South Africa - yes; Spain - yes; Sweden - yes; Switzerland - yes; UK - yes; USA - yes; Argentina - yes; Australia - yes.

Mr Chairman, there were 17 votes in favour, 5 against, with 6 abstentions, so that Resolution is adopted.

Chairman

Thank you. Any explanation of votes? No. Well, that disposes of the Agenda Item. We have just a few more to cover. I had been requested by some delegates, they have to catch trains and planes early this afternoon, so I will request now to the plenary if you want to continue a little bit more so we can finalise of work. It seems so. Thank you. We can now adopt the report of the Technical Committee which is Agenda Item 19. Any comments? Australia.

19

Australia

Mr Chairman, I propose this report be adopted.

Chairman

Any other comment? It's agreed and in adopting the report I thank the Chairman of the Technical Committee for a very expedite work and a crispy and short report. We can move to two items on the Agenda - Item 20.5 Action Arising which deals with financial statements and budget estimates. Any comments? It was agreed before when we discussed the Comprehensive Assessment to adopt - not too substantial - but some more finance requirements to accommodate some of the priorities that we decide for the Scientific Committee, so that has been adopted, so if there's no other comments I will close this Agenda Item now. It seems so. Then we can move to the other Action Arising on 22.2. Any comments? Again we have set some priorities that will be reflected in the organisation of the Annual Meeting. Sorry,

20.5

21.2 it's a misprint here we're just catching. That is 21.2 - the Action Arising has a misprint, it says 22. We all agree on the kind of meeting we want for next year and the length of days and the priorities for those? Thank you.

Then the only thing I have left is Any Other Business. We have to deal there with several Resolutions and then we have some requests from Japan and also some information from the Government of Canada which is an observer member of this Commission. So we'll open now the floor for Brazil.

Brazil

Thank you, Mr Chairman. I wonder if we could still take the 17.2, Sir.

Chairman

Well, 17.2 was referred to 25 Any Other Business yesterday. Brazil.

Brazil

Sir, I had requested yesterday that point 17.2 be taken exactly before 25. There are no sub-items in it.

Chairman

Yes, you requested we leave this open and ...

[Break in recording]

... Resolutions dealing with small cetaceans that it all can be accommodated in 25. So at this stage I can agree with you if you want to make any reference to 17.2 Action Arising there. It doesn't matter. Go ahead.

Brazil

17.2 Thank you, Mr Chairman. Under Agenda Item 17.2 I would like to draw your attention to document IWC/44/35 which contains a proposal by Brazil which most delegations here will have heard before. Last year, Mr Chairman, we presented informally the idea that on the item of small cetaceans this Commission should somehow organise itself in a way to allow all delegations to participate in the effort of protecting small cetaceans without problems to their national positions. This would, of course, require special effort from everyone involved. We were not asking, and we continue not asking, for a standstill on the matter. We don't think a standstill from any of the sides in this matter is helpful. We had the impression last year that many delegations felt like we did, that this was an issue we could progress on. However, Mr Chairman, because I have now presented it in writing, in a way this means that I have felt that unfortunately not enough progress has been made from last meeting. I now present a formal proposal for the establishment of a working group to be convened prior to the 45th Annual Meeting to consider a mechanism to address small cetaceans in the IWC.

The suggested terms of reference are very broad and they just stand there for additions or amendments, but suggested terms of reference are to initiate discussions aiming at a framework under which the IWC could address the issue of small cetaceans without prejudice to the different positions held by member states, and also to set up an interim arrangement for dealing with the issue until the completion of the framework. Mr Chairman, we think this need is ever more urgent. When we near the Agenda Item under which small cetaceans are to be dealt with in our Commission, we feel that delegations are not at ease and that confrontation takes place instead of cooperation and all this in the detriment of the very animals that we all want to conserve. We appreciate that many delegations have shared this feeling with us. We specially appreciate those delegations that have worked with us and have supported us in this effort and we also appreciate that language in the Resolutions this year has improved considerably. However, language is not all in the Resolutions. We are concerned about the objectives of these Resolutions. We have a feeling that sometimes it is necessary to call attention, to make propaganda of some things. However, we are concerned that there seems to be nothing deeper and underlying in them looking at long-term solutions. We feel, on the other hand, that many coastal states here are ready - and indeed are in need - of the expertise the Commission could offer. However, this goodwill of most coastal states is sometimes responded by texts which really infringe on their national interests and which are not at all helpful.

My proposal, Mr Chairman, is on the table and just to explain it a bit further - we do not foresee in it at all debate on legal positions. We think that that would be a waste of time. We think that, of course, all of us know our legal positions or national positions or whatever. What we have to do is now identify areas in which negotiation can proceed. We are already working in a framework which is a Resolution from 1980 and we are willing to progress on that. We think that public opinion is now asking us to go further than that. However, we would like to go further the whole Commission, not only just part of it, and certainly not against some coastal states. So we are not proposing a standstill at all, we're proposing evolution. We do understand that delegations have to move in all senses. Should this proposal be agreeable to the Commission we would also propose that, for our works to speed up - and we do not see the need for very long debates on this - maybe the Secretariat could draw up a list of areas in which there is already agreement in dealing with small cetaceans. We could go over that and see how this area could be expanded. Thank you, Mr Chairman.

Chairman

Thank you. We have the proposal by Brazil. Can I get some support before I open the floor for comments? Australia. Argentina. Spain. OK, I will open the floor for comments. Mexico.

Mexico

Thank you very much, Mr Chairman. I just have a small remark I want to address to Brazil and tell this delegation how we appreciate the work. We gave to this delegate wording in which it's addressed that even though the prejudice to different positions, they try to find a very diplomatic way in which introducing some matter which is not the concern of this Commission, but even though we really appreciate this obvious work proper of ????. We see this proposition - it's something positive. Even though we have just to commence on it, the obvious one is that, well, we still think that the matter is not of the sphere of this Commission but this approach, of course, make us see it in a different perspective. And the other one is that, as I stated before, we are not very keen in the spreading out of working groups and we know it could be dealt in a very short time, but we still consider that we must take in consideration that for the next session we have an overloaded work and delegations have said that they don't have enough time to consider all matters with the care they need to. So my delegation's opinion would be to see if necessary to work on this item for the next meeting or postpone it for the 46th one and we will be very pleased to discuss it in our own country. Thank you very much, Mr Chairman.

Chairman

Thank you. Spain.

Spain

Thank you, Chairman. Spain is willing to support this proposal by Brazil and feels that it will be addressing, I think, an important issue in a practical manner which would be a change, and to try to then find a solution for it. Perhaps in the way of avoiding an overload for next year, comments could be made on it through the year to the Secretariat and distributed and it could be taken care of perhaps either within plenary or within Commissioners' meetings during next year's session. I don't know if there is a real necessity to have a working group or this could be put in into one of the first days where perhaps the workload for the Commissioners is less than towards the end of the session. Thank you.

Chairman

Thank you. Netherlands.

Netherlands

Mr Chairman, the Dutch delegation feels that this proposal by the delegation of Brazil will advance the practical steps that this Commission may take towards the conservation of small cetaceans and we therefore think it's a good proposal and we wish to support it. Thank you.

Chairman

Thank you. Japan.

Japan

Thank you, Mr Chairman. We have no doubt that the Brazilian proposal, 44/35, was based on goodwill and good intentions. However, this touches upon the principle that we have been discussing over the years

about the competence of the IWC to ever attempt to manage the small cetaceans which are as many as 66 species in more than 200 stocks and only a few countries of those coastal states containing these stocks are members of the IWC. I have to reiterate that of the 140 coastal states we only have 37 member nations against those 140 coastal states that contain the stocks of small cetaceans and of 37 member nations of IWC only 16 nations are sending scientists to the Scientific Committee, and of those 16 nations represented in Scientific Committee and our 37 nations of IWC, only 14 are presenting Progress Report. With the matter related to the catch of the small cetaceans only 8 nations are submitting to the IWC any records. Unfortunately I haven't heard that the Netherlands nor Brazil have submitted data on small cetaceans to the Commission and I note the comments made by the Mexican colleague about the conference on the small cetaceans. However, in consideration of all that, I think IWC has still incapable of dealing with all the small cetaceans matters in this forum and therefore if Brazil would like to ask all the countries including those outside of IWC to establish something like this working group proposed in this Resolution, Japan would not hesitate to join in that forum. And therefore, Mr Chairman, I think like NAMMCO in which the North Atlantic countries are very rigorously participating for the improvement of the management of all species, Japan is now considering the establishment of something similar in west North Pacific area. I think it will be a very useful thing if Brazil calls upon the participation of various other countries outside of IWC, like ????, and then establish a regional organisation around mid-Atlantic. Thank you, Mr Chairman.

Chairman

Thank you, Japan. The list of speakers which I have is Chile, United States, Ireland, Argentina and New Zealand. Brazil, do you want to respond now?

Brazil

Thank you, Mr Chairman. No, I would just like to tell Mr Shima that I agree with him that this year unfortunately Brazil, for the first time in many years, could not present its Progress Report. Last year, however, our Progress Report did contain data on small cetaceans. This year, Mr Chairman, it so happened that the author of our Progress Report, who is present at this meeting, seems to have only got half through and at that time it was time to go to Rio to the UNCED and it is unfortunate that he couldn't finish it. We hope he will be able to finish it for next year. As to Mr Shima's second proposal that we should convene a much larger group to talk about small cetaceans, of course that would be the ideal. However, my proposal has to do with the confrontation that takes place in this organisation every year and that's why my proposal is on this table here. Thank you, Sir.

Chairman

Thank you. Chile.

Chile

Thank you, Mr Chairman. Certainly the Chilean delegation has seen with much interest the Brazilian proposal and supports, of course, any aims of finalising - if it is ever possible - this issue which is always in front of us. We consider that the Japanese delegation has raised a few of the many questions which are on basic facts and on legal considerations which would seem to be necessary to take into account for some special arrangement for dealing with this issue. In this sense, and in order to be positive, maybe we should request at this stage a basic working document where all the facts and the relevant precedents in the Commission - which I think are very important - are gathered together and at the same time all this information which now we know exists about the proceedings under regional organisations because, of course, the Whaling Commission would have to take these actions into account. Thank you very much.

Chairman

Thank you. United States.

USA

Thank you, Mr Chairman. I wish to congratulate the Commissioner of Brazil for her suggestion and I strongly support it. It seems to me, as I'm sure it seems to many of us, that small cetaceans are a very important issue. It's also quite clear that the IWC has addressed through its Scientific Committee the problems of small cetaceans for some time. It is equally clear that, when it comes to the question of competence of the IWC, that we have a debate each year where we sort of talk past each other in meetings such as this. Finally, I note that the Commissioner of Japan has raised a number of very important and

relevant issues. Having said all that, it does seem to me that there is merit in doing as Brazil is suggesting, of putting together a small working group with the frames of reference she has suggested, where we put to one side without prejudice the different positions held by member states. Addressing that issue will have to be taken up by the IWC at some time. I think that's quite clear, at least it's quite clear to me. However, in the meantime, it does seem to me that we ought to try to find a way to deal with the issue of small cetaceans in the best way we can. Therefore, I strongly support the suggestion of Brazil that we put together a working group to see what we can do on this very important issue. Thank you, Sir.

Chairman

Thank you. Ireland.

Ireland

Thank you, Chairman. I think the proposal by Brazil is a very reasonable and practical proposal which I would hope would lead to increased cooperation and better functioning of this organisation, and I would strongly support it. Thank you, Chairman.

Chairman

Thank you. Argentina.

Argentina

Thank you, Mr Chairman. Of course we also support the proposal from Brazil and most of what I was going to say has been said by the previous speakers, but I want to highlight the idea of having a working group in which everything can be discussed and it's supposed that we can find a way out till a final decision for the competence of the Commission will be work out. It's a very useful proposal anyway to tackle this issue with less passion as usual. Thank you.

Chairman

Thank you. New Zealand.

New Zealand

Thank you, Mr Chairman. I share very much the views expressed by the United States. I certainly admire the courage of the Commissioner of Brazil in tackling head on - well, not head on, but tackling - a problem that has really taken up a lot of our time and hasn't improved the negotiating atmosphere in this Commission for many years. And the approach, which is a very pragmatic one, is, I think, the right way to go and we would therefore like to support it. Thank you.

Chairman

Thank you. Norway.

Norway

Thank you, Mr Chairman. In order to expedite our proceedings and save time I will limit myself just to associate our delegation with the general views expressed on this issue by the distinguished Commissioner of Japan. Thank you.

Chairman

Thank you. Sweden.

Sweden

Thank you, Mr Chairman. We would also like to support the proposal by Brazil in noting that we try and seek a practical solution to what is to some delegations a legal problem, and that we through this can improve the situation for the small cetaceans around the world. Thank you.

Chairman

Thank you. United Kingdom.

UK

Thank you, Mr Chairman. I would like to associate myself with the comments of the US Commissioner. It's very evident from our discussions for many years in the Commission that the problems of small

cetaceans are in many cases very serious. I think it's important that we set aside our concerns about the competence issue and incidentally, as we've made clear, the United Kingdom has no difficulty on this, and start some practical work, and this looks like a good way of starting that. Thank you.

Chairman

Thank you. Any other comment? St Vincent.

St Vincent and The Grenadines

Yes, thank you, Mr Chairman. We would certainly agree with the good intentions of the Brazilian Commissioner in bringing this forward. I notice there have been a lot of interventions and there's been no comment made on any possible additional costs, by which I take it that there is none. Thank you, Sir.

Chairman

Thank you. Any other view? Then, noting the comments, I take that we agree on this Resolution? Mexico.

Mexico

Thank you, Mr Chairman. In my intervention maybe I wasn't very clear. I appreciated the work made by the Brazilian delegate but we still think that this is not a matter to be dealt in this Commission. So we couldn't be of the advice of adding ourselves to the consensus. Thank you very much, Mr Chairman.

Chairman

So we'll note your reservation on the report on the adoption of this Resolution by Brazil. Republic of Korea.

Republic of Korea

Thank you, Mr Chairman. My delegation would like to inform the Commission that my Government is making a report for collecting possible information of incidental take of small cetaceans as well as of incidental sightings from our fishermen, fisheries research and extension service members. This too addresses the IWC's decision on small cetaceans. I believe that the conservation of small cetaceans is important but there would exist a vast and complicated problems inherent to each nation compared to that of large cetaceans. Therefore I have the view that the competence to manage small cetaceans in the coastal waters not listed in the Table 3 of the Schedule should be given to the regional body with which each nation in the region could cooperate in the study and the management. Thank you.

Chairman

Thank you. We will note that statement in our report. Then we will proceed by adopting this, noting the reservation of Mexico and the comment from Korea and the others, of course. Then that dispose of Agenda Item 17.2 as was requested by Brazil to leave it open. We can move to the last Agenda Item which is 25 Any Other Business and we have several Resolutions dealing with small cetaceans. The floor is open for comments. We have Resolutions 25 Revised, 29 Revised, 33, 34. New Zealand.

New Zealand

On the assumption, Mr Chairman, that this would be an appropriate time to introduce the Resolution contained in IWC/44/25 Revised, could I first say that Ireland has asked to be added to the list of co-sponsors and there was one word which had, in fact, been changed in the draft but didn't quite get through to the revision, and that is in operative paragraph two where it invites the Scientific Committee to continue to ... Would you delete the word 'investigate' and write the word 'consider'? It's a very minor change and I'm sure that won't cause any problems to my co-sponsors, but it was in the earlier text and somehow it didn't get through.

In a way, Mr Chairman, this Resolution is the successor to the Resolutions in the two previous years which attempted in fact to take the path now being pointed out to us by the Commissioner of Brazil. And for those who weren't at the two previous Commission meetings, I just recall that in 1990 New Zealand and a number of co-sponsors introduced what was intended to be a non-controversial Resolution addressing the problem of small cetaceans under serious threat. The aim was to set aside for this purpose the different legal views over competence and sovereign rights and follow a strictly practical approach which recognised a need and sought to meet it. Since we were not trying to prove legal points, we all agreed, I think, not to

use the existence of these Resolutions - of which this is the successor - as an argument in favour of competence or the lack of it, nor does this work prejudice, in our view, in any way the work of the Scientific Committee in relation to, for example, the Revised Management Procedure, since it's dealt with in the Scientific Committee in a sub-committee which has been in existence for many years and which is attended by specialist scientists who generally are of a different species from the RMP experts. The equivalent Resolution was adopted by consensus in 1990 and the follow-up in 1991, which involved reporting to UNCED, was also adopted by consensus. I would very much hope we could follow the same procedure again this year.

This Resolution picks up the points brought in the Science Committee's report and gives a broad direction for the future. It seeks to take action in a way that should not offend the sensitivities of any government, whether a member of this organisation or not. Turning to the text of the Resolution itself, you will see that the operative part extends an invitation to governments, it does not call on them or require them, it simply seeks their cooperation. The text is, I think, self-explanatory but perhaps I could note in relation to operative paragraph five which is on the other side, that the intergovernmental organisations we have in mind in that paragraph to be contacted would include the Convention of Migratory Species which is taking useful initiatives in developing regional agreements on the conservation of small cetaceans. We hope the IWC will be able to form close links with this and similar organisations through the exchange of information etc. This concludes my introduction and I commend the Resolution for your consideration. Thank you, Sir.

Chairman

Thank you. Australia.

Australia

Thank you, Chairman. I'm pleased the Commissioner for New Zealand in the conclusion of his remarks mentioned the Bonn Convention, that's the Convention on Migratory Species, because I feel that in fact it would be helpful to have the Resolution actually recognise that - and indeed a couple of other particularly important groups - quite specifically and I do have a couple of amendments which, if they're agreeable, could perhaps be adopted immediately. If I may read them out - there should be an extra preambular paragraph which probably would be in about position 4 which would read - and I have this written down which I can provide to the Secretary, so I'll go at normal speed - 'Aware of the progress being made within the framework of the UN Convention on Migratory Species to develop regional agreements for the conservation of small cetaceans'. The purpose of that is simply to highlight that particular activity. And then in the operative paragraphs we put, immediately under the existing operative paragraph one, another 'Invites' paragraph which would read 'Invites the Secretariats of ICES, Agreements for the conservation of small cetaceans negotiated under Article 4 of the Convention on Migratory Species, and other relevant organisations, to exchange information with the Secretary of the IWC'. The purpose of those two paragraphs is really, as I said, to put the Convention on Migratory Species actually in this Resolution and tie it in what I certainly feel is an appropriate way. I haven't yet got clarification as to whether all the co-sponsors of this Resolution would agree to that, but I hope they would. Thank you, Mr Chairman.

Chairman

Well, let's find out first. I'm assuming the slight correction made by New Zealand was agreed by everybody by changing 'investigate' to 'consider'. That seems so. Then we have two amendments proposed by Australia which were read at normal speed and I wonder if everybody has all the words. Does any delegation wish Australia to repeat this at dictating speed? It seems none. Then can I get some feel from the floor? I got some support for this amend version by Australia? Sweden.

Sweden

Thank you, Mr Chairman. We would like to second that proposal. Thank you.

Chairman

Thank you. New Zealand.

New Zealand

Thank you. I can only speak for myself, for my delegation, at this stage but it does seek simply to amplify and give a little more detail on a point I had already raised and certainly causes no problems to me. Thank you. Germany.

Germany

I also want to second the amendments proposed by Australia. Thank you.

Chairman

OK, thank you. Chile.

Chile

Mr Chairman, you mentioned the fact but we would like to have the text written.

Chairman

Yes, the Secretary will, because we have the text now here, he will read it at dictating speed.

Secretary

Mr Chairman, the extra preambular paragraph suggested to go in as the new fourth paragraph is 'Aware of the progress being made within the framework of the UN Convention on Migratory Species to develop regional agreements for the conservation of small cetaceans'. There is also a new paragraph in the section under 'Invites'. It will be a second 'Invite' - 'Invites the Secretariats of ICES, Agreements for the conservation of small cetaceans negotiated under Article 4 of the Convention on Migratory Species, and other relevant organisations, to exchange information with the Secretary of the IWC'.

Chairman

Thank you. Switzerland.

Switzerland

Thank you, Mr Chairman. We can support this amendment.

Chairman

Thank you. Spain.

Spain

Thank you, Chairman. We can accept the amendments and I would like to take the advantage now to perhaps make a slightly longer statement in that way. It could cover this Resolution and the other two on small cetaceans and save some time. We have supported before, and we've seen broad support in this floor, for the proposal made by the delegation of Brazil to find a practical solution on this question and it hinges upon, among other things, the respect for the positions of the different states in this issue. Within this context these Resolutions will not prejudice our positions on competence and, together with the fact, I think, which is also being put forward on this floor, that it is important that work on small cetaceans be done in consonance with the priorities and the work of this IWC and within its budget framework. I think also within its workload. We did see in the Scientific Report at the end that the workload had been unacceptably high and we feel that it should not be overloaded unless, of course, what we would have to do would be to put the Scientific Committee on the payroll and have it on a permanent basis working for us. Within that, I said before, within these two conditions or these comments we can support the different Resolutions put forward on the table. Thank you.

Chairman

Thank you, Spain. Mexico.

Mexico

Thank you very much, Mr Chairman. I like to take this opportunity not to take your time or that of the delegates more than what is reasonable to in our works, but it seems that the matter requires a considerable amount of interest for many delegations who have taken enormous time to try to bring into the Commission this matter that we still legally don't consider as binding our works. Even so, for this interest which we share - not in the Commission but we generally share - and in order to facilitate the

Scientific Committee's work that has been mentioned will be a hard and overloaded work, if this Commission decides to go on another division of objectives, my delegation has prepared a paper, IWC/44/32, that I'd like to read to you in order to come to with all the information of the example of which we are dealing with in general with marine species including small cetaceans, and in the other intention we are open to contribute to all delegations and with the Scientific Committee with all our experience that as previously we stated we think should be dealt on national or regional basis, being that the characteristic of small cetaceans. So in order as the document says to set a few essential facts, the Mexican delegation ...

Chairman

Mexico - just one second. Let me see if we can approve something that will save us some time. I understand you want to read a document which has been circulated for the record of this meeting?

Mexico

Yes.

Chairman

So I think it probably will be saving time if I get an agreement by all the Commissioners that the text will be part of the report, your entire text will be part of the report ... If I get an agreement by the Commissioners that the entire document will be part of the Chairman's Report then we can save some time now. However, the other alternative if he wants part of this paper to be summarised in the Chairman's Report then I will have to give you the time to read the whole statement. Mexico.

Mexico

Thank you very much, Mr Chairman. Yes, we agree that we include this paper as you said except if some delegation is interested of following all this work that we have done in the small cetaceans.

Chairman

Thank you. Can I get some advice from the floor? Brazil.

Brazil

Thank you, Mr Chairman. I'm sorry, maybe I'm coming in at the wrong point. I would like to address the Resolution IWC/44/25 Rev. Am I in order?

Chairman

Yes.

Brazil

Thank you, Sir. Mr Chairman, it is a good Resolution we have before us. I'm not quite sure about the implications of the amendments proposed by Australia - I still would have to think them out. They must be all right, there's no reason not to think so. This Resolution however, Mr Chairman, is something we would like to get to and we would have like to have gotten to today. With the exercise proposed by Brazil under Agenda Item 17.2 already done because I am sure, and I know, that there are - in spite of all the care that has been taken in this Resolution - still some implications for some delegations here. Now this doesn't mean that the language in this Resolution necessarily has to change. Not at all. It means that on both sides, possibly those delegations that still see difficulties in a Resolution like this, also should have left their standstill point and those that are drafting have drafted this with so much care could also be aware of other implications. I just wanted to give you an idea of this. As to the Brazilian position, Mr Chairman, we could accept this Resolution in anticipation of what we hope to arrive. However, the ones that will follow it we would now in the spirit of cooperation like to reserve our position on, not as to question of content at all but just question the procedure. We think the Resolutions that are to follow this one could only be presented in this Commission after we have settled the matter which I proposed to you under 17.2. Thank you, Sir.

Chairman

Thank you, Brazil. We take your point. Your reservation has been recorded. Let's finalise first with the Resolution which we have at hand and then I go back to the problem of Mexico. Any other comments on this Resolution? No? Then I was asking for advice from the floor on the problem of Mexico. Japan. It's on the Resolution I hope?

Japan

Yes. Thank you very much, Mr Chairman. We have to be short and make clear that small cetacean matter is outside of the IWC, thereby we oppose.

Chairman

Thank you. That was short and clear. Chile.

Chile

Well, Mr Chairman, the Chilean delegation does not want to block in any way the proceedings at this late hour, but I don't know which is going to be, but if this Resolution is accepted by consensus we want to express and to put on record that we have some strong reservations about the wording which may have implications about competence of the coastal states.

Chairman

Thank you. We note your reservation too. Norway.

Norway

Mr Chairman, I think that it's very unlikely - or, I would say, procedurally incorrect - to adopt or pass any Resolution by consensus with several delegations expressing strong reservations. I think procedurally then we should have a vote. But I think we're all a little tired now. Could I suggest as a point of order that we take a short lunch break?

Chairman

I've been request by some delegation they have to go back this afternoon, take planes, take trains, to try to finalise. I asked this before so I really am at your hands. You want to make a short break we can make a short break and then come back, maybe half an hour is enough? France.

France

Thank you, Mr Chairman. I'm afraid if we are going to make a break it's not going to be a short one because it's lunchtime so if we really want to force ourselves to finish quickly - because there are planes and trains to catch - I suppose we should be then reasonable enough and stay in the room until it's finished and then we will hurry and will finish it quicker than if we make a break and then we will be out for an hour or an hour and a half or two hours. So it's just a matter of managing time but if you really got requests from some delegations in order for them to be ready, then we shouldn't make a break. I'm sorry.

Chairman

Well, one suggestion that I have is we're going to be dealing with several Resolutions on the small cetaceans. We will save time if some delegations can make general statements on the Resolutions as has been expressed by some. Then we'll have to repeat those every time we go into a Resolution decision. I'm inclined to continue to work as long as we can in order to accommodate all the needs that were requested before. There were some reservations expressed on this and, of course, as a procedural way you're right correct, Norway. This is nothing we can approve by noting only the reservations, so we have to maybe vote all of these Resolutions unless there is some other alternative view on how to proceed. I have to also come back to the question raised by Mexico which, in order to accommodate our time constraints, is willing to not read the whole statement but is requesting that this will appear as it has been circulated in the document in the full report of the Chairman. Now, let me get some advice on this. US.

USA

Mr Chairman, I suspect that the problems with the three Resolutions having to do with small cetaceans, the one presented by New Zealand and the two that will be presented later, one on striped dolphins and the other on narwhals - that there is probably no objections by any of the delegates to the information that's in these Resolutions but there are objections by many delegates with respect to the so-called legal issue or competence issue. It may be as quick and as simple simply to run through the votes one after the other on these three Resolutions rather than talk around the issue. Thank you, Sir.

Chairman

Thank you. Germany.

Germany

Thank you, Mr Chairman. Before going to a vote I would like to say that Germany would like to be a co-sponsor of the Resolution on white whales and narwhals. Thank you.

Chairman

Norway.

Norway

Mr Chairman, I totally agree with what the US Commissioner just stated. Let's vote on all these Resolutions and then we speed up our work.

Chairman

OK. Then to speed up these procedures I shall ask the proposers and co-sponsors at least to introduce the documents before we go into a vote of those. Australia.

Australia

Mr Chairman, you've been struggling desperately to try and get some response to Mexico's request and keep being subsumed by other things. I would like to make a definitive proposal which perhaps people could nod their heads to, that we do agree that the Mexican statement as circulated should be an annex of your document. Having said that, I would then like immediately to introduce IWC/44/33 if delegates also nod their heads.

Chairman

Let me see the nods for the Mexican request. Thank you. Mexico.

Mexico

I just want to thank very quickly as well our friend from Australia for this statement. Thank you very much, Mr Chairman.

Chairman

OK. Now Australia, could you introduce the Resolution?

Australia

Thank you, Chairman. I would like to introduce this Resolution IWC/44/33 for adoption by the Commission. My remarks here went on to say 'I hope by consensus' but clearly that's not to be the case. In its consideration of the issue, the Scientific Committee did draw attention to the advice from the Small Cetaceans Sub-committee where there was concern over continuing declines in this fishery, part of a mixed-species fishery. The Small Cetaceans Sub-committee had available to it a great deal of information presented by the Japanese Government, and all of us recognise and appreciate the effort involved and the willingness with which that material was made available. The intent of the proposed Resolution is to recognise the concerns expressed over this fishery and to invite the Japanese Government to undertake a number of actions. As drafted there is a recognition in the paragraph immediately preceding the invitation that recognises the different views that there are in this Commission on this issue of IWC competence for small cetaceans. I therefore put the proposal forward for voting. Thank you, Mr Chairman.

Chairman

Thank you. Netherlands.

Netherlands

Mr Chairman, I would like to introduce the other Resolution IWC/44/34 on the directed takes of white whales and narwhals. This Resolution deals with two species of small whales that have been hunted for hundreds of years in all parts of their range. Even though there is a long tradition of directed takes of these animals, the information on catches and population sizes has been difficult to obtain in the remote areas where these species are found. The Scientific Committee of the IWC has discussed problems related to various stocks of white whales and narwhals for a number of years. A certain amount of information has been collected but additional work is clearly needed. For this purpose the Resolution in its operative part basically invites the relevant states to continue to work individually or jointly on research concerning such

things as stock identity, life history, hunting methods and ecology and submit the resulting information to the Scientific Committee. In addition the Resolution recommends that all states having beluga or narwhal populations in their waters continue their efforts to document mortality resulting from human activities and other data that are needed for the proper management of these species. The Resolution contains a specific invitation to the Government of the United States to submit results of planned surveys in Northern Sound, Bristol Bay and Cook Inlet to the Scientific Committee as they become available. Finally, like in the other Resolutions, there is a paragraph requesting that ... No, I'm sorry, there's no corresponding paragraph in the other Resolutions, I think. Anyway, in this one there's a paragraph requesting the Secretary to transmit the text of this Resolution to the Government of Canada requesting their cooperation with this Commission specifically with regard to conservation and research of white whales and narwhals. The Resolution is, like the other Resolutions, put forward noting the differences of views among member states with respect to the competence of the IWC with regard to small cetaceans. This point is covered in the last preambular paragraph of the Resolution.

May I finally propose a small correction of the fifth preambular paragraph to reflect with more precision what is in the report of the Canada/Greenland Joint Commission. If you take the fifth paragraph of IWC/44/34, I would propose the addition of the following words after, in the second line, after 'Commission on conservation and management of narwhal and beluga that' - and then add the following words: 'the available data suggest that'. So that line would then read 'The Commission on the conservation and management of narwhal and beluga that the available data suggest that the present harvest of etc etc.

Chairman

Any problems with this suggest wording? Sweden.

Sweden

Thank you, Mr Chairman. Not specifically to that - we would like to sponsor this Resolution also. Thank you.

Chairman

As amended? OK. Any other comment? Japan.

Japan

Thank you, Mr Chairman. I would have to repeat here again about general principle that IWC has no competence over the small cetaceans. Japan understands that among those co-sponsors of these various Resolutions in connection with the small cetaceans Finland, France, the Netherlands, the United Kingdom and Switzerland have not submitted the report on the catches or any information with regard to small cetaceans for this year's Scientific Committee. I understand that the United Kingdom has submitted a written form of information. We fully appreciate and everybody would agree that there is a very hard work involved in statistics and this should be given enough attention and effort by the sovereign nations. If those nations do not submit the statistics or any data format and propose those Resolutions, that would hamper the courage and will of the nations that have been submitting diligently and seriously necessary data and also trying to further the efforts of the statistics. We oppose to all these Resolutions on the ground that this is very unfair to those nations that have been submitting necessary data continuously and try to further the efforts in future.

I just like to touch upon the matter of the striped dolphins. In Japanese coastal waters the estimate by the Japanese scientists is a population of 47,000. However, in offshore farther along in the ocean there is estimated to be 650,000 of that species. The mixing conditions is not clear because sometimes oceanographical conditions bring those offshore animals to the inshore area. What we require is the correct statistics and we are going back to the archives of the fourteenth century when there is a massive stranding of this species on the shores near the presently Tokyo (ancient Edo) and what we believe is the correct statistics is basis for the assessment of any kind and we are intending to further our investigation and researches on these species and I would say that, having a play with those Resolutions, this is not really productive for the collection of the statistics in a diligent and serious way and therefore I oppose to all these Resolutions.

Chairman

Thank you, Japan. Denmark.

Denmark

Thank you, Mr Chairman. A few words to all three Resolutions - 25, 33 and 34. I just want to briefly repeat the Danish policy which is that we have no objections to scientific cooperation and working with the Scientific Committee of the IWC in the matter of small cetaceans - we've always supported that - but that we cannot accept any kind of management advice on the small cetaceans. So this is going to dictate the attitude we take toward those three. Also I want to point out, specifically with the number 34, that of course Greenland is mentioned in that proposal for Resolution, prominently, and the first thing that may strike you when you see the problems of Greenland is that there is not always completely flattering, I want to point out that the reason why Greenland has this prominence here is because Greenland is among the few countries that has really done some work on this and therefore is capable of documenting many of the problems. So this thing has two sides to it. As far as 25 goes, we will support it under the understanding that we are supporting scientific collaboration and not taking management advice from the IWC. The same goes for 34. Thirty-three we cannot support because it is clearly a management advice that is being forwarded through this proposed Resolution. Thank you, Mr Chairman.

Chairman

Thank you. Netherlands.

Netherlands

Thank you, Mr Chairman. Just to briefly come back to the comments of the Japanese Commissioner. I think that he doesn't need to worry about the reports of the Netherlands. We have been submitting these for the last six years and we will certainly do the same this year. I can already tell him now that the report will show that the directed takes in the Netherlands have been zero. Thank you.

Chairman

USA.

USA

Thank you, Mr Chairman. The US plans to vote positive on all three of these Resolutions and I do take note of the fact that has been made by others, the preambular paragraph which says 'Whereas the Commission is aware of the difference in views' etc - I hope that this goes a long way to putting aside the different political views of different governments on this issue. I would also like to note a certain amount of sympathy for the Japanese delegation who have indeed been very diligent in providing information over the years with respect to small cetaceans in their waters and I will also call on all other nations who are members of the IWC to be as diligent as Japan has been - and as some other nations have been - in presenting this information to the Scientific Committee of the IWC. Thank you, Sir.

Chairman

Thank you. United Kingdom.

UK

Thank you, Mr Chairman. I'd like to respond also the comments made in particular about the UK by the distinguished delegate of Japan. It is simply to assure him that we have no directed fisheries on small cetaceans in the United Kingdom. There are occasionally very small incidental catches. These are highly limited and we have a new reporting scheme which came into place in March of this year operated by our Sea Fisheries Inspectorate. We would be delighted to provide all the information that arises from this and I hope he's assured by that comment. Thank you.

Chairman

Thank you. Mexico.

Mexico

Thank you very much, Mr Chairman. Just some other of statement. My delegation wishes to express that we'll systematically oppose any Resolution on which the Commission not only exceeds its mandate addressing itself on matters out of its jurisdiction, but specially when the Commission pretends to dictate ways of behaviour to sovereign countries on these matters, by which we'd like to state that even though it's voted or not we want to bring out our reserve in all these instructions to governments in this matter. Thank you very much, Mr Chairman.

Chairman

Thank you. Any other comment? Then we're at the stage where we're ready to proceed, Secretary, with the vote please? Sorry - Japan.

Japan

In response to the comments made by the Commissioners for the Netherlands and the UK, I just have to make this comment before we go into the vote. Your countries have the fisheries, don't you? And the incidental takes have been occurring in those fisheries in the past but we haven't had those data in the past years? Since you have the expertise on the studies of pollution, the pollution giving the detriment effect to the dolphin population is quite obvious and I hope you would cooperate with the IWC, giving the result of your studies on the pollution and its effects to the small cetaceans.

Chairman

Thank you. Any comment? Secretary, please.

Secretary

Mr Chairman, we have three Resolutions before us to be voted on one after the other. We start with IWC/44/25 Rev which has been amended by the addition of two paragraphs, one in the preambular section and one in the operative section and those texts have been read out and are part of the amended version of IWC/44/25 Rev. This is a Resolution concerning small cetaceans. It requires a simple majority to be adopted within this plenary session. IWC/44/25 Revised and the amendments.

The roll starts at Chile - abstain; People's Republic of China - abstain; Denmark - yes; Dominica - no; Finland - yes; France - yes; Germany - yes; Ireland - yes; Japan - no; Republic of Korea - abstain; Mexico - no; Monaco - absent; Netherlands - yes; New Zealand - yes; Norway - no; Russian Federation - abstain; St Kitts and Nevis - sorry, they're absent; St Lucia - no; St Vincent and The Grenadines - no; Seychelles - yes; South Africa - yes; Spain - yes; Sweden - yes; Switzerland - yes; UK - yes; USA - yes; Argentina - abstain; Australia - yes; Brazil - abstain.

Mr Chairman, there were 15 votes in favour, 6 against, with 6 abstentions, and so that amended Resolution is adopted.

We pass on now to the document IWC/44/33. IWC/44/33 concerning the directed take of striped dolphins in drive fisheries. This again requires a simple majority within this plenary session to be approved. IWC/44/33 on the take of striped dolphins in drive fisheries.

The roll starts at People's Republic of China - abstain; Denmark - abstain; Dominica - abstain; Finland - yes; France - yes; Germany - yes; Ireland - yes; Japan - no; Republic of Korea - abstain; Mexico - no; Monaco - sorry, they're absent; Netherlands - yes; New Zealand - yes; Norway - no; Russian Federation - abstain; St Lucia - no; St Vincent and The Grenadines - no; Seychelles - yes; South Africa - yes; Spain - yes; Sweden - yes; Switzerland - yes; UK - yes; USA - yes; Argentina - abstain; Australia - yes; Brazil - abstain; Chile - abstain.

Mr Chairman, there were 14 votes in favour, 5 against, with 8 abstentions, so that Resolution also is adopted.

The third Resolution is in document IWC/44/34. IWC/44/34. This concerns the directed takes of white whales and narwhals and has been amended by the addition of some small text in the fifth 'Whereas' paragraph. IWC/44/34 as amended with that small addition on the directed takes of white whales and narwhals. A simple majority is sufficient for the adoption of this Resolution in the plenary session.

The roll starts at Denmark - yes; Dominica - abstain; Finland - yes; France - yes; Germany - yes; Ireland - yes; Japan - no; Republic of Korea - abstain; Mexico - no; Netherlands - yes; New Zealand - yes; Norway - no; Russian Federation - abstain; St Lucia - no; St Vincent and The Grenadines - no; Seychelles - yes; South Africa - yes; Spain - yes; Sweden - yes; Switzerland - yes; UK - yes; USA - yes; Argentina - abstain; Australia - yes; Brazil - abstain; Chile - abstain; People's Republic of China - abstain.

Mr Chairman, there were 15 votes in favour, 5 against, with 7 abstentions, so that Resolution also is adopted.

Chairman

Thank you. Let's push a little bit more. We have one more Resolution on this Agenda Item, it's 29 Revised. I open the floor for comments. UK.

UK

Thank you, Mr Chairman. Can I briefly introduce this Resolution on the killing of pilot whales and say at the beginning that there is a small error in the Latin terminology in the heading of this Resolution. Perhaps we could ask the Secretary to correct that. The second Latin word should be *melas*. Mr Chairman, this Resolution arises out of a long history of concern in this Commission about the drive fishery. It arises also out of the various studies from the Humane Killing Workshops and groups in the past, the Humane Killing Workshop and Humane Killing Working Group at this meeting. Mr Chairman, at the 38th Meeting - I beg your pardon, in the 38th Report of the Commission - concern was expressed by the Commissioners about the Faroese pilot whale fishery and the Commission adopted a proposal by the Netherlands in Technical Committee which was agreed to by Denmark. The operative provisions of that Resolution are extracted and appear, as you will see, in the first 'Whereas'. Further, Mr Chairman, in the Chairman's Report of the 39th Meeting, the UK supported by the Netherlands proposed the following form of words: 'With reference to the statement on the pilot whale hunt in the Faroese Islands which was made at the 38th Annual Meeting of the IWC, and noting that no reports of progress have been submitted on this matter since that meeting, the Danish Government is urged to fulfil its commitment of 1986 before the next Annual Meeting.' That formulation was generally acceptable to the Technical Committee and, in particular, Denmark accepted the wording and stood by the commitment.

Mr Chairman, this Resolution invites the Danish Government to let the IWC know about the measures currently used for killing pilot whales and ask them also to contribute to the action programme which the Commission agreed in its Resolution in humane killing at this meeting. Now, I know that this is a difficult issue and I know that in Denmark there are sensitivities about the competence issue in relation to small cetaceans. I know also that there are internal sensitivities about the legal relationship between the Government of Denmark and the Faroese authorities. But, Mr Chairman, I have to say, our concern is about the sensitivity of the methods used in this fishery. In the context of the IWC's concerns and the length of time that this issue has dragged on, I have to admit that this proposal is the very mildest proposal that we could formulate in the circumstances of this hunt, which many of us find very distressing indeed. We do hope the Danish Government, as they mentioned in an earlier intervention this morning, will do their utmost to let us know precisely what is happening in this fishery. I hope that this Resolution will command widespread support. Thank you very much.

Chairman

Denmark.

Denmark

Thank you, Mr Chairman. A number of nations here present, or members, are opposed to the IWC dealing with the humane killing methods at all. Others again are opposed to the IWC dealing with the small cetaceans at all. Then again there are others who are minded to treat both these issues and it's to this latter category of course that we want to address a few remarks to this proposal. The first paragraph beginning 'Recalling', now this issue was fully addressed in the IWC/40 in Auckland in 1988 after which this point was taken off the agenda. Denmark at the time explained in Auckland - I remember, I was there - explained in no uncertain terms that the resumption of this kind of discussion is unacceptable. It dates back to 1986, the Malmö meeting where the question was raised. In 1987 at Bournemouth the question was addressed, and then again in 1988 in Auckland as a final follow-up, and we stressed at the time that, given the concerns raised, we thought we would do the IWC the courtesy of making an exception to the Danish policy which is unaltered, that this matter does not belong in the IWC. And so we did the other members the courtesy of answering these questions and then we said, now this matter is finished now. This does not, of course, mean that the information that anybody wants about the Faroe Islands is not available. Of course it's available. We live in an information society. And any information about this is freely and generously handed out by us, bilaterally, to any nation at any time that wants documentation about what's going on. I think that this information belongs also.

Then, the second paragraph that begins 'Welcoming the establishment of a Faroese Whaling Committee'. I don't know what kind of research went into this but the Faroese Whaling Committee in 1986 was a Committee that lasted three months and which was a small advisory committee that was made to advise the Fisheries Minister of the Faroe Islands who was preparing the 1986 legislation at the time. This has absolutely no relevance here.

The third paragraph 'Noting that the subject of killing methods' etc warranted discussion in the 1992 Humane Killing Workshop last week. Certainly it did. We all agreed to the establishment of this Workshop and we participated and all whale killing methods were addressed. We see to our surprise that this precise instance of whale killing methods now is being highlighted. All whale killing methods were dealt with a week ago and therefore also the killing methods used in the Faroe Islands. It would have been nice, though, since this only happened a week ago and the Workshop is fresh in our memory, those of us who took part of it - it would have been nice if the conclusion of the discussions concerning the Faroese pilot whale also was included in the text here. In that case the text would have read 'In the 1992 Humane Killing Workshop, concluding in a recognition of the fact that the existing Faroese practice was the most humane possible under the circumstances'. This was concluded inasmuch as we had in the Workshop a discussion of how to use the knife in killing the whale on the beach and the invited expert, Dr Geraci, and the United States veterinarian, Dr Ridgway, both confirmed that the existing Faroese practice is the one that represents the best killing method under the circumstances. Now this is not being mentioned here.

As far as the operative paragraph goes, operative paragraph number one, the Danish Government is invited to inform the Commission of the measures currently used for the killing of pilot whales. But the Commission has been informed the day before yesterday about these measures in the report from the Working Group based on the report from the Workshop, and all the documents are here. We tabled all this information last week and it was handed out to everybody the day before yesterday, so what is this about? That Denmark is being singled out to ... of course, we can go home and send you all that report which is here. The Commission has been informed. And also what is not being taken into account here - we heard that the British Commissioner said that he understands the sensibilities about the legal relationship. Yes, Denmark experiences a constitutional impediment in this matter, and this we have explained year after year when this comes up. Now, the Whaling Convention was entered by Denmark in 1946 when both Greenland ...

[Break in recording]

... sovereignty over their living resources. In 1979 the same thing happened for Greenland. Now these matters are anchored on Greenland soil and Faroese soil and Denmark cannot command Faroes and Greenland to forward this information here. Greenland and Faroe Islands are at any times ready to table any information to any government that's interested, bilaterally. But the Danish Government is not in a position to on their behalf table the information here. We have explained that many times and we notice that in the Resolutions number 24, 25 and 35 express respect of this fact has been mentioned. It's mentioned that 'we acknowledge that different attitudes exist'. Now this paper shows disrespect of this fact and we want to protest against that. We cannot accept that. So we want to repeat that all information desired can be obtained, bilaterally if you so wish, but this wish cannot be complied with in this sense here. As far as operative number two goes, 'Contribute to the action programme agreed by the Commission' - the Danish Government is invited here to contribute to the action programme agreed. Well, we all heard the Danish Commissioner day before yesterday, in commenting on this report from the Workshop and the Working Group on Humane Killing, that we subscribe to that action programme. Why should Denmark be singled out here and invited to confirm what they said yesterday? Or should we ask everybody else who subscribes to the action programme to also announce publicly that, yes, they do subscribe? This entire Resolution is completely unacceptable to Denmark and we want a vote and we want it to be voted down. Thank you, Mr Chairman.

Chairman

Thank you, Denmark. Any other comment? Norway.

Norway

Mr Chairman, I think the Danish representative has made a good case against this Commission adopting this Resolution. First of all, it's a matter of principle. We are here dealing again with small cetaceans. But, as the Danish representative just explained, does the Commission really want Denmark to confirm what the Danish Commissioner told the Commission the day before yesterday? I would say that this is very close to a direct insult to the Danish Government's credibility, so I can fully understand that Denmark cannot accept this Resolution and, when it's put to a vote, we will also vote against it. Thank you, Mr Chairman.

Chairman

Thank you. New Zealand.

New Zealand

Thank you, Mr Chairman. I simply wanted to make one or two comments on the activity that is covered by this Resolution which flows from the humane killing item on our Agenda. And that was simply to say that we have a certain experience of pilot whales in New Zealand. In my country mass strandings of pilot whales take place regrettably quite often and invariably the members of the public turn out in large numbers to assist the whales to return to the sea, often at considerable risk and inconvenience to themselves. They find it very difficult to understand the action that is taken in the Faroe Islands in respect of the *grind*. In New Zealand however, despite the best efforts of rescuers, stranded pilot whales have to be destroyed. In such circumstances the standard procedure is to shoot the whales with a single bullet. This is a quick and relatively humane way of killing pilot whales and we just wonder whether something can't be done by the authorities to improve the methods employed in the Faroese hunt. Besides the stress caused to the whales in the drive, the use of the gaff and the knife, and the method of killing, are in the view of my delegation unnecessarily cruel. We realise that they may represent the continuation of a long tradition but we would really hope that further thought would be given to this and that more humane killing techniques would be adopted and we would hope that the Danish Government would take this matter up with the Faroese authorities. Thank you.

Chairman

Thank you. Japan.

Japan

Mr Chairman, I'd like to repeat clearly that whether killing is humane or not is not to be judged by this Commission. Not waiting for the comments by New Zealand Commissioner, we can say that the killing is a very serious and respectful conduct. I have been attending this Commission over many many years and I recall when this problem was taken up by the Commission for the first time in the past by the United Kingdom. I was not able to watch with the sanity the unbearable seriousness also diligence and effort by the Faroese to respond to the question posed by the UK and the Commission that time, and I think this problem has already been resolved by the Commission. I note that from media your Prime Minister of UK, Mr Major, responded in the Parliament that the fox hunting using dogs would be left to the individual taste, and I think that should be reflected in the solution of this problem. Thank you, Mr Chairman.

Chairman

Thank you, Japan. Netherlands.

Netherlands

Yes, Mr Chairman, I note that the Government of Denmark has informed this Commission in the past of the measures being taken at the Faroese to control the killing of pilot whales and it is my understanding that the intention of this Resolution is to ask the Danish Government in a rather friendly manner - I note the word 'Invites' - to keep the Commission informed of any relevant developments. I think that this request is quite in order and also in the light of my country's former involvement in the discussions on this subject, I wish to strongly support this Resolution. Thank you.

Chairman

Thank you. Mexico.

Mexico

Thank you, Mr Chairman. I want to apologise with some members of the Commission in the order that I must present my delegation wouldn't participate in pointing out and condemning any country on matters out of the legal frame of this Commission. Thank you very much, Mr Chairman.

Chairman

Thank you. Any other comment? Then we should proceed to the vote. Dr Gambell please.

Secretary

Mr Chairman, we are concerned with the document IWC/44/29, Resolution on the killing of pilot whales. IWC/44/29 which requires a simple majority in this plenary session to be adopted. IWC/44/29 - Resolution on the killing of pilot whales.

The roll starts at Dominica - abstain; Finland - yes; France - yes; Germany - yes; Ireland - abstain; Japan - no; Republic of Korea - abstain; Mexico - no; Netherlands - yes; New Zealand - yes; Norway - no; Russian Federation - no; St Lucia - no; St Vincent and The Grenadines - no; Seychelles - yes; South Africa - abstain; Spain - abstain; Sweden - yes; Switzerland - yes; UK - yes; USA - yes; Argentina - abstain; Australia - yes; Brazil - abstain; Chile - no; People's Republic of China - abstain; Denmark - no.

Mr Chairman, there were 11 votes in favour, 8 against, with 8 abstentions, and so that Resolution is adopted.

Chairman

Australia.

Australia

Thank you, Mr Chairman. I would like just to explain my vote. I voted in favour of this Resolution because of the humane killing aspects to it and because of the late hour I wasn't going to try and sort out the procedural points, but I do want to place on record that I understand very clearly what the Danish delegation said about the undertaking that had already been given in respect of Item 2 of the Resolution, and I regret that there wasn't really time, because of our rush, to present a perhaps slightly different Resolution. Thank you, Mr Chairman.

Chairman

Thank you. Explanation of votes? Sweden.

Sweden

Thank you very much, Mr Chairman. I also feel compelled to offer an explanation of vote on this issue. Like Australia, it's the point of humane killing that is the reason why we have voted yes for this Resolution and I would like to stress that we only see this Resolution as an invitation to consider improving the killing methods as much as is possible, and to keep the Commission informed on progress made. We note the conclusions in the report of the Workshop on Humane Killing that this is the at present best killing method available for this hunt, and we fully respect and we really do not wish to create any constitutional problems for Denmark. We hope that the Danish authorities could convey this message in the Resolution to the proper Faroese authorities. Thank you very much.

Chairman

Thank you. Ireland.

Ireland

Thank you, Chairman. I also would like to explain my vote. In general I would be in sympathy with the spirit of the Resolution but, in view of the comments of the Danish delegation, I withheld my support. Thank you, Chairman.

Chairman

Thank you. Any other explanation of vote? US.

USA

Yes, Mr Chairman, I'd like to associate myself with the comments of Australia.

Chairman

Thank you. Brazil.

Brazil

I would like to associate myself with the comments by Ireland. Thank you.

Chairman

Thank you. Spain.

Spain

Thank you, Chairman. I'd like to associate myself as well with the comments by Ireland.

Chairman

Thank you. Argentina.

Argentina

I also have in mind the words of the Commissioner for Ireland.

Chairman

Thank you. Finland.

Finland

Mr Chairman, I would like to associate myself with those words presented by Sweden.

Chairman

Thank you. Germany.

Germany

Thank you, Mr Chairman. I also want to associate myself with the comments made by Sweden.

Chairman

Thank you. Any other comment? We have two more points to deal before we can close the meeting. One is related to the Japanese request for an allocation of quota, so I will ask Japan if he's pursuing this any more or not?

Japan

Thank you, Mr Chairman. Since we are running overtime, therefore I shall be very brief. Since this request has been made over the time and time again since 1988, but I just like to repeat this very much of a core point. The Japanese small-type coastal whaling has been found to contain the aspects of non-commercial rather like aboriginal subsistence whaling and commercial whaling also, but thereby it could not be simply treated within the framework of commercial whaling. In terms of socio-cultural integrity with the regional area the four local communities of Japanese small-type coastal whaling has been experiencing a great deal of distress. I hereby request the Commission for an interim relief allocation of 50 minke whales to help alleviate the distress of these four communities. The stock size of the North Pacific minke whales from which the takes would be made is estimated to be 25,000 by the Comprehensive Assessment conducted by the IWC Scientific Committee in 1990 for which about 200 takes can be made without harm to the population. Thank you, Mr Chairman.

Chairman

Thank you, Japan. Any comments? US.

USA

Mr Chairman, I would just like to reiterate the US position on this request which is that the US Government cannot accede to any request of the nature such as Japan is making until we have in place the Revised Management System which is outlined in some detail in IWC/44/22 which we passed earlier this afternoon. Thank you, Sir.

Chairman

Thank you. St Vincent.

St Vincent and The Grenadines

Thank you, Mr Chairman. Mr Chairman, we recognise that every organisation has to have rules and categories to regulate its proceedings, but it's often recognised that none of these categories are perfect, and so just to say that there are aspects of commercial whaling in the Japanese-type whaling that we are considering now in our view is not sufficient, because there is overlap between commercial and subsistence whaling. This should be recognised and the human factors involved should be taken into consideration to make an exception in this case, and so we support the proposal.

Chairman

Thank you. Any other comment? Norway.

Norway

Thank you, Mr Chairman. Just very briefly to say that we also associate ourselves with the points of view just expressed by St Vincent. Thank you.

Chairman

Thank you. So we have a request proposal and support. Any other view? Shall we proceed then to the vote? Russian Federation.

Russian Federation

Thank you, Mr Chairman. I just want to state for the record that we see this matter in connection with the request from Japan not as a matter concerning introduction of the concept of small-type whaling into the Convention - which we oppose - but as a humanitarian relief emergency matter.

Chairman

Yes, I will take comments on the proposal, but if it's going to be an explanation of votes - I see some people requesting the floor - I would prefer they explain their vote after the vote. So People's Republic of China wants to take the floor now?

People's Republic of China

Yes, Mr Chairman, so we show our sympathy and deep understanding of the sufferings and difficulties of Japanese small coastal-type whalers since the implementation of the moratorium. The Chinese Government will reconfirm our position on the wildlife and the whales, that our policy is actual protection and the sustainable utilisation of the natural resources. So reconsidering the fact that the Scientific Committee has conducted the Comprehensive Assessment of minke whales in that areas, the minke whale resources is very good with a population of 25,000. The harvesting of a small number of minke whale will not cause adverse effect of this stocks, so we are in favour of granting some relieving quotas for Japanese people. So we hope the IWC Commission and IWC Scientific Committee will quickly implement RMP as soon as possible and under guideline of RMP some catch limit will be allocated to Japanese. At the same time the strict international supervision will also be exercised and attention also be given to the change of the minke whale stock is from time to time. Thank you, Mr Chairman.

Chairman

Thank you. Netherlands.

Netherlands

Thank you, Mr Chairman. I've stated it before but I think for the record I should repeat here that, in the opinion of the Dutch delegation - that has, by the way, an appreciation of the problems that have arisen in the small communities in Japan concerned - that this problem can only be resolved in the framework of the

Revised Management Scheme and not at this time, so we are not in a position to support the Japanese proposal. Thank you.

Chairman

Thank you. Switzerland.

Switzerland

Thank you, Mr Chairman. We would like to associate ourselves with the words expressed by the Netherlands just now. Thank you.

Chairman

Thank you. Germany.

Germany

Thank you, Mr Chairman. I also want to support the view expressed by the Netherlands.

Chairman

Thank you. If there is no more comments we can proceed to the vote? Secretary, you conduct the vote please.

Secretary

Mr Chairman, we have before us a proposal from Japan, seconded by St Vincent and The Grenadines, for a catch limit of 50 minke whales from the North Pacific. I think this would have to be regarded as an amendment to the Schedule, since there is at the moment a zero catch limit, and therefore this would require a three-quarters majority of those voting to be adopted.

Chairman

Australia.

Australia

Mr Chairman, I don't wish to be pestiferous or challenge the Secretary's much greater knowledge of things than my own, but I had understood we were discussing a particularly special request - an interim relief allocation - which does not bear on, in my view, the Schedule. I'd appreciate your ruling on that matter.

Chairman

Yes, I will rule that we're not really amending the Schedule, we're just voting on an *ad hoc* solution that was requested by Japan on allocation of quota. That's clear to everybody? Yes. OK.

Secretary

Thank you, Mr Chairman, then we are voting in this plenary by simple majority for an *ad hoc* quota of 50 minke whales from the North Pacific. The vote is on an *ad hoc* figure of 50 minke whales for a catch quota from the North Pacific.

The roll starts at Finland - no; France - no; Germany - no; Ireland - no; Japan - yes; Republic of Korea - abstain; Mexico - abstain; Netherlands - no; New Zealand - no; Norway - yes; Russian Federation - yes; St Lucia - yes; St Vincent and The Grenadines - yes; Seychelles - no; South Africa - abstain; Spain - no; Sweden - no; Switzerland - no; UK - no; USA - no; Argentina - no; Australia - no; Brazil - no; Chile - abstain; People's Republic of China - yes; Denmark - abstain; Dominica - yes.

Mr Chairman, there were 7 votes in favour and 15 against, with 5 abstentions, and so that proposal fails.

Chairman

I open the floor for comments on the votes. Explanations? Denmark.

Denmark

Thank you, Mr Chairman. Just to repeat what I have said earlier that we now have the result and Denmark regrets that it has not been possible to agree in this forum to a solution to the problem facing Japan here. Thank you.

Chairman

Thank you. Any other comment? Well, the last issue that I have in the Agenda is some information that was provided by the observer from the Government of Canada. I will ask the Secretary to read this document.

Secretary

Mr Chairman, a question arose in the Aboriginal Subsistence Whaling Sub-committee relating to the bowhead reported to be caught and landed by Canada and we are told by the Canadian observer to this meeting that one bowhead whale was landed at Shingle Point in the Canadian Arctic on September 4th 1991. The observer can confirm, as requested by the USA, that the Government of Canada will make available the biological information. In response to questions from New Zealand and Australia concerning continuation of the hunt, the observer can inform you that the Canadian Constitution guarantees the rights of aboriginal peoples to hunt and fish for subsistence purposes, but that no decisions have been made concerning the future hunting of bowhead whales. There has not been a request for a licence to hunt in 1992.

Chairman

Thank you. Any comments? US.

USA

Mr Chairman, we appreciate the information provided by the Government of Canada on this matter, and we also note that no requests have been made for the taking of an additional bowhead this year, but we would urge the Government of Canada to reconsider its position of not being a member of the IWC. If the Eskimo tribes for which, as I understand, Canada does not have complete control under the new constitutional relationships, are going to continue to take an occasional bowhead whale, we urgently suggest that Canada rejoin the IWC. Thank you.

Chairman

Thank you. Any other view? Japan.

Japan

Thank you, Mr Chairman. There are a number of IWC non-member nations outside of this Commission that are conducting whaling besides Canada. In consideration of this, Canada has been very faithful and diligent and serious in submission of the data, although they are not the member of this Commission, and I highly evaluate their efforts in hope that this would continue.

Chairman

Thank you. Is any other item before I close the meeting? Norway.

Norway

Thank you, Mr Chairman. Mr Chairman, distinguished Commissioners - on the opening day of this Annual Meeting Iceland withdrew from the IWC. Today, on the closing day of the meeting, it is the assessment of the Norwegian delegation that the IWC is further away from the actual implementation of the Revised Management Procedure than at the end of last year's Annual Meeting. We came to Glasgow with the sincere hope that the IWC would in fact, in accordance with the relevant conclusion of the Scientific Committee, adopt and implement the RMP for the North Atlantic and Southern Hemisphere minke whale stocks this year. This did not happen. Instead, the RMP concept has now been expanded. The concept of Revised Management Scheme has been introduced. RMS encompasses, *inter alia*, the killing methods for whales. The Right Honourable Mr John Gummer, in his opening address to us last Monday, expressed concern - and I quote: 'about the humaneness of the methods used to kill whales'. Unquote. It is the considered view of the Norwegian Government that the methods to be used in the Norwegian minke whale hunt compare favourably with methods used in the hunting of large terrestrial animals, especially with the methods used in the hunting of red deer. Mr Chairman, Norway maintains that all marine living resources must be managed on a sound scientific and sustainable basis. This fundamental principle was endorsed by the world community in Rio de Janeiro last month in Principle 2 of the Rio Declaration.

With regard to the Revised Management Procedure, we have actually believed that the majority of the IWC was honest and sincere when we were told in the past that we had to be patient and wait for the advice of the Scientific Committee. We have been patient. But we realise now that *The Times* of London in its editorial 'How Not to Save Whales' last Tuesday accurately sums up the situation we are faced with. When a newspaper, *inter alia*, states - and I quote: 'Iceland and Norway are entitled to accuse the anti-whaling majority of nations in the International Whaling Commission of changing the rules halfway through the game'. Unquote. Consequently, Mr Chairman, and distinguished fellow Commissioners, the question that we in Norway will have to ask ourselves - and give an answer to after careful consideration, careful consideration - is the following. Should Norway continue to be a Contracting Government to the International Convention for the Regulation of Whaling? I thank you, Mr Chairman.

Chairman

Thank you, Norway. Japan.

Japan

Thank you, Mr Chairman. Mr Chairman, distinguished fellow Commissioners, ladies and gentlemen - whilst the 44th Annual Meeting is soon to adjourn I want to remind you of the objective of the International Whaling Commission. That is the conservation and rational utilisation of whale resources. The way the Commission is now run, however, seems surprisingly unfair with political biases, preoccupations and emotion of certain countries, counting excessively heavily. For instance, although the Scientific Committee has made a recommendation to adopt the Revised Management Procedure, the Commission has been trying to delay intentionally its adoption by starting to demand new additional requirements on minimum data standards, an observer scheme, and so forth, thus effectively stopping to set an initial catch limit for the Southern Hemisphere minke whales which should lead to the resumption of whaling. Although the Scientific Committee has agreed the population of minke whales estimated as big as 760,000 animals justifies the lifting of moratorium, the Commission has so far refused to set a catch quota. As you know, Japan has submitted to IWC as many as 24 academic papers on the socio-economic aspect of the small-type coastal whaling. The interim relief quota for 50 animals of minke whales requested by Japan would have a negligible negative on the estimated sustainable resources of 25,000 minke whales in the North Pacific according to the Scientific Committee, and yet IWC has refused to approve it for political and emotional reasons.

In addition, the Commission is now even trying to ban the catch of small cetaceans as well which are out of competence of International Whaling Commission without adequate scientific evidence. This would directly hit one of the most sensitive issues for a certain small group of fishermen in Japan. The blow would be fatal and therefore inevitable. Thus, we cannot but conclude that IWC has already ceased to function normally, its primary objective being neglected. If the scientific discussion based on scientific evidence is not sufficiently respected and instead the political biases and preoccupations are determining factor for the policies and resolutions of International Whaling Commission. Iceland's withdrawal and Norway's announcement to resume commercial whaling reflect the unfortunate situation. Thus, Japan sympathises with them. We wish both countries to remain active in this Commission. On the other hand we strongly urge that all member countries IWC respect seriously and sincerely its original roles and responsibilities. It has been highly regarded that Japan has made all efforts for effective scientific researches and protection of whale resources within the framework of IWC. Japan's efforts and contributions would be, however, of no use if such unfair practices as today's persist. The anger of Japanese fishermen would get strong and rightly drive Japanese policy makers to reconsider their partnership with IWC member countries.

If the moratorium continues to be expanded over one species of whales after another, as well as other smaller cetaceans, before the ban of small-type coastal whaling is even partially lifted it would be then extremely difficult for the administrative government to expect financial and personnel resources to continue to be allocated by the Diet as in the past. We are afraid that Diet members request for Japan's withdrawal from International Whaling Commission may get a momentum if Japanese fishermen are unreasonably hard hit through International Whaling Commission excessive and insensitive disciplining. It should be noted again that the sympathy toward Iceland is understandably high among the Japanese Diet members. We have contributed to, and wish to contribute continuously, to sound management by IWC, the evidence of which is seen in our official invitation to Japan of the 45th Annual Meeting. In conclusion we strongly argue to recall and respect the primary objective of IWC, that is achieve the balance between

the conservation and rational utilisation of whale resources and to try to run it in such a fair, sincere, mutually respectful way as Iceland and Norway are once again willing to work cooperatively within the framework of IWC. We sincerely wish IWC rationally and survival. Thank you, Mr Chairman, and fellow Commissioners, and ladies and gentlemen.

Chairman

Thank you, Japan. US.

USA

Thank you, Mr Chairman. It's been a long day and it's been a long week and I do not wish to prolong this debate, but I would only make one point with respect to the comments made by the Norwegian Commissioner, the Japanese Commissioner, my good friends. And only note that I believe that the items that they are concerned about in IWC/44/22 in paragraph four, namely the so-called additions to the Revised Management Scheme, are not new requirements. These have been requirements, perhaps not as explicitly stated as they've been stated in this Resolution, but these have been requirements, understandings, that would have to be part of any Revised Management Scheme and Procedure once the catch limit algorithm was in place. Thank you, Sir.

Chairman

Thank you, US. Any other delegation wish to make a final comment? Australia.

Australia

A grand final comment, Mr Chairman. I wish to fully concur with the remarks made by the US Commissioner and point out that, in fact, in 1990 I used the term Revised Management Scheme and detailed those items which now appear, or appeared, in the Resolution which was passed earlier today. Thank you, Mr Chairman.

Chairman

Thank you. If there's no any other comments I will make a final remark before I close the meeting. First I should thank you for bearing with me without any lunch on an empty stomach, in a cold room, on a cold day, in a cold environment, and in a very cold meeting. I talked to you before in the Commissioners' meeting about the way I think we are behaving. I tried to encourage communication. I tried to encourage negotiations. I tried to encourage understanding. But I'm afraid I'm failing in that and if I fail, you fail. It's not up to me but it's up to us what we want from this International Whaling Commission to evolve. As we are evolving, perhaps in some aspects we're evolving real fast, but maybe our legal frame is not evolving that fast and we are unable to accommodate new interests, new positions, evolved positions with our past history. I will hope next year in Japan we will find a warmer environment and more communication. I will also hope you will have a very safe journey back to your house and in the coming months we will remember this end session of this Annual Meeting and will bring in mind next year, I will say not a positive action but a more open spirit. I will finalise this meeting - thank you deeply the Secretary and I will ask you help me with an applause to thank the Secretariat which is working along the meetings quietly all the time, all the time that we need. So we'll applaud the Secretariat and I hope this will warm us up for next year, and thank you for your cooperation.

[Applause]

Chairman

Japan.

Japan

Thank you very much, Mr Chairman. I'm sorry that I have to speak again just once more. Mr Chairman, I have been deeply impressed with your patience trying to achieve the consensus throughout the meeting. In the middle of the divergence of the opinions in the Commission it was a remarkable job that you have done in consideration of the difficulty that we are encountering in this situation. I'm sure our fellow Commissioners would certainly agree that your unsurpassed leadership and the wonderful Secretariat headed by Dr Ray Gambell would be highly appreciated, and we are warmly welcoming you in Japan next year.

Chairman

Thank you, Japan. Now I close the 44th Annual Meeting of the International Whaling Commission.

[Applause]