

**INTERNATIONAL WHALING COMMISSION**

**48th ANNUAL MEETING**

**Aberdeen, UK, 24 - 28 June 1996**

**VERBATIM RECORD**

**The Red House  
135 Station Road  
Histon  
Cambridge CB4 4NP**

**October 1996**



**VERBATIM RECORD  
48TH ANNUAL MEETING**

**Index**

<b>AGENDA</b>	<b>PAGE</b>
Item 1 <b>OPENING STATEMENTS</b>	1
Item 2. <b>ARRANGEMENTS FOR THE MEETING</b>	1
Item 3. <b>ADOPTION OF AGENDA</b>	2
Item 4. <b>HUMANE KILLING</b>	33
Item 4.1    Schedule amendment on the electric lance	33
Item 4.2    Other matters	35
Item 4.3    Action arising	132
Item 5. <b>SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING</b>	35
Item 5.1    New information submitted	36
Item 5.2    Japanese proposal for Schedule amendment	36
Item 5.3    Action arising	106, 143
Item 6. <b>WHALEWATCHING</b>	3
Item 6.1    Report of the Scientific Committee	3
Item 6.2    Development of guidelines	5
Item 6.3    Action arising	139
Item 7. <b>ADOPTION OF REPORT OF THE TECHNICAL COMMITTEE</b>	36
Item 8. <b>INFRACTIONS, 1995 SEASON</b>	104
Item 8.1    Report of the Infractions Sub-committee	104
Item 8.1.1    Infractions reports from Contracting Governments	104
Item 8.1.2    Reports from Contracting Governments on the sources of and trade in whale meat and products	104
Item 8.1.3    Stockpiles of whale meat	104
Item 8.1.4    Other matters	105
Item 8.2    Action arising	148
Item 9. <b>MECHANISM TO ADDRESS SMALL CETACEANS IN THE COMMISSION</b>	37
Item 9.1    Topics for consideration by the Scientific Committee in 1997, 1998 and 1999	37
Item 9.2    Other matters	41
Item 9.3    Action arising	151
Item 10. <b>ABORIGINAL SUBSISTENCE WHALING</b>	3, 6
Item 10.1    Report of the Aboriginal Subsistence Whaling Sub-committee	6
Item 10.2    Aboriginal subsistence whaling scheme	7
Item 10.2.1    Report of the Scientific Committee	7
Item 10.2.2    Action arising	8
Item 10.3    Review of aboriginal subsistence whaling catch limits	6, 9
Item 10.3.1.1    Bering-Chukchi-Beaufort Seas stock of bowhead whales	9
Item 10.3.1.2    North Pacific eastern stock of gray whales	21
Item 10.3.1.3    North Atlantic humpback whales	29

<b>AGENDA</b>	<b>PAGE</b>
Item 10.3.2 Request for a catch of 5 bowhead (Greenland) whales by the Russian Federation	6, 11
Item 10.3.3 Request for catch of 5 gray whales by the USA	6, 23, 140
Item 10.3.4 Action arising	6,16,29,154
Item 11. <b>COMPREHENSIVE ASSESSMENT OF WHALE STOCKS</b>	47
Item 11.1       Revised Management Procedure	47
Item 11.1.1     Report of the Scientific Committee	47
Item 11.1.2     Action arising	48
Item 11.2       Southern Hemisphere baleen whales	48
Item 11.2.1     Report of the Scientific Committee	48
Item 11.2.2     Action arising	52
Item 11.3       North Pacific minke whales	52
Item 11.3.1     Report of the Scientific Committee	52
Item 11.3.2     Action arising	53
Item 11.4       North Atlantic minke whales	53
Item 11.4.1     Report of the Scientific Committee	53
Item 11.4.2     Action arising	160
Item 11.5       Southern Hemisphere minke whales	57
Item 11.5.1     Report of the Scientific Committee	57
Item 11.5.2     Action arising	58
Item 11.6       North Pacific bryde's whales	58
Item 11.6.1     Report of the Scientific Committee	58
Item 11.6.2     Action arising	59
Item 11.7       Other stocks	60
Item 11.8       Future work plans	60
Item 11.8.1     Report of the Scientific Committee	60
Item 11.8.2     Action arising	60
Item 12. <b>REVISED MANAGEMENT SCHEME</b>	61
Item 12.1       Report of the Working Group on Supervision and Control	61
Item 12.2       Report of the Working Group on Abundance Surveys and Implementation of the RMS	68
Item 12.4       Action arising	168
Item 13. <b>SOUTHERN OCEAN SANCTUARY</b>	73
Item 13.1       Report of the Scientific Committee	73
Item 13.2       Commission's input to the Scientific Committee with respect to the objectives of the sanctuary	74
Item 13.3       Legal issues	75
Item 13.4       Other matters	81
Item 13.5       Action arising	83
Item 14. <b>SCIENTIFIC PERMITS</b>	83
Item 14.1       Report of the Scientific Committee	83
Item 14.2       Action arising	84, 172
Item 15. <b>SCIENTIFIC RESEARCH</b>	88
Item 15.1       Research proposals	88
Item 15.1.1     Report of the Scientific Committee	88
Item 15.1.2     Action arising	88
Item 15.2       Conservation of whale stocks	88
Item 15.2.1     Report of the Scientific Committee	88
Item 15.2.2     Mechanisms to finance research programme	91
Item 15.2.3     Action arising	91
Item 15.3       Research on the environment and whale stocks	92

<b>AGENDA</b>	<b>PAGE</b>	<b>PAGE</b>
Item 15.3.1	Report of the Scientific Committee	92
Item 15.3.2	Action arising	176
Item 16.	THE RESPONSIBILITY OF IWC FOR THE CONSERVATION AND SUSTAINABLE USE OF WHALE RESOURCES	111
Item 17.	CO-OPERATION WITH OTHER ORGANISATIONS	111
Item 17.1	Observers' Reports	111
Item 17.2	FAO/Japan International Conference on Sustainable Contribution of Fisheries to Food Security (Kyoto Conference)	113
Item 17.3	Other	115
Item 17.4	Action arising	116
Item 18.	ADOPTION OF REPORT OF THE SCIENTIFIC COMMITTEE	42, 166
Item 19.	FINANCIAL STATEMENTS AND BUDGET ESTIMATES	116
Item 19.1	Review of provisional financial statement, 1995/96	117
Item 19.2	Consideration of estimated basic budgets, 1996/97 and 1997/98	117
Item 20.	RESEARCH FUND ACCOUNTABILITY	120
Item 21.	INVITED PARTICIPANTS TO THE SCIENTIFIC COMMITTEE	120, 122
Item 22.	SMALL CETACEANS VOLUNTARY FUND	121
Item 23.	GUIDELINES FOR ACCEPTANCE OF FUNDS FROM NGOS	121
Item 24.	AMENDMENT OF THE RULES OF PROCEDURE OF THE SCIENTIFIC COMMITTEE	123
Item 25.	USE OF OTHER LANGUAGES	124
Item 26.	NON-GOVERNMENTAL ORGANISATION OBSERVERS	125
Item 27.	ACCESS OF THE PRESS TO THE PLENARY AND TECHNICAL COMMITTEE MEETINGS	125
Item 28.	IWC HEADQUARTERS BUILDING	128
Item 29.	DATE AND PLACE OF ANNUAL MEETINGS	129, 188
Item 29.1	49th Annual Meeting, 1997	129
Item 29.2	50th Annual Meeting, 1998	129
Item 30.	ADOPTION OF REPORT OF FINANCE AND ADMINISTRATION COMMITTEE	130
Item 31.	WHALING ACTIVITIES BY NON-MEMBER STATES	130, 184
Item 32.	ANNUAL REPORT 1995-96	131



**INTERNATIONAL WHALING COMMISSION: 48TH ANNUAL MEETING  
24-28 JUNE 1996, ABERDEEN, UK**

**OPENING PLENARY SESSION  
Monday 24 June 1996**

**Chairman**

Ladies and Gentlemen, I wonder if I can ask you please to take your seats. I am actually speaking to you from behind this bank of cameras which you are probably able to see. At some point I hope to be able to see you. This is the first time the press have ever taken a hint!

Commissioners, delegates, observers, I should like to move to open this 48th Meeting of the International Whaling Commission. As there was no offer from a host country to host this particular meeting we are as our rules require meeting at the seat of the Commission which is of course the United Kingdom.

We have a very full agenda over the next four days but I believe the meetings that have taken place in the last week have prepared us to go through the discussion quickly and efficiently and hopefully make some progress on the key issues which are before us.

We have a number of new Commissioners and I would like to welcome them. From Antigua and Barbuda, Mr. Daven Joseph, from Brazil, Mr. Fortuna, from Chile, Mr. Ruiz-Tagle, from Grenada, Mr. Baptiste, from Oman, Mr. Am-Busaidi and from Spain, Mr. Dominguez. Welcome to the Commission and I hope you are able to enjoy the next few days as much as those of us who are by now quite familiar with the Commission. The purpose of this session this afternoon is simply to, following my welcoming remarks, identify the opening statements which by tradition are distributed on paper and you will have received them and may indeed continue to receive them for the next day and I welcome those opening statements that have previously been distributed.

The second part of the agenda is to ask the Secretary to detail for us the arrangements for this particular meeting and I will now ask him to take us through those. Secretary please.

**Secretary**

Thank you Mr. Chairman. The main plenary sessions of this 48th Annual Meeting will all take place in this meeting room which is called Hall B. If there are any small meetings they can be held in the Small Committee Room, Number 2, just to the left outside and that is the room in which the Commissioners will meet when they have their meetings. The plan is that there will be meetings of the Commissioners at 9.00 on Wednesday, Thursday and possibly Friday morning for a very short time so all the rest of the delegates are asked to be here soon after 9.00 ready to start the main plenary session sometime before 9.30 on those last three days. Tomorrow we start at 9.00 and the days following sometime after 9.00 except for the Commissioners. The Secretariat is down the corridor on the right as you go out of the main hall and that is where we would ask you to make contact with us for anything to do with the running and organisation of the conference. If you have documents to submit, hand them in there or any other matters connected with the Commission's activities.

If we need to contact or communicate with you we will normally do that through the pigeonholes in the centre section of this hall. Each delegation has named pigeonholes for their delegates and each observer organisation has a pigeonhole as well. So our means of communication is through those pigeonholes.

The press have got a separate press room with a sound and picture relay of this hall and if you wish to communicate with the press then that is the place to do it - in the press room. We will try and encourage the press not to infringe in this room once this opening session has been completed so that we may not be too much interrupted.

You should all have received an invitation to a Civic Reception tonight. The Lord Provost and Council of the City of Aberdeen are pleased to welcome all the delegates and observers to this meeting and they are hosting a reception in the Beach Ballroom from 7.30 until 9.00. If you have not received a invitation and

think you should have one please ask at the IWC Secretariat. If you have received one and do not wish to go we would be glad to have your invitation back so that we can pass them on to those who haven't got them. The number of invitations is rather limited and so we do want to share them out as equitable as possible.

You will also have had details of the buses to collect you from your hotels or from this Conference Centre to get you to the Beach Ballroom for 7.30 and there will be buses leaving at 9.00 to take you home if you want to go home. There are also buses due to leave at 5.30 from this Conference Centre to the various hotels which are being used by the delegates. Buses will pick you up in the morning also.

There are a variety of other social events planned for the remaining evenings of this week. All the details of those will be put into your pigeonholes or otherwise communicated to you. If you have any problems please go to my Secretariat who will attempt to sort them out for you and I hope you find that everything runs as smoothly as we would wish. Thank you.

#### **Chairman**

Thank you Secretary. If there are any issues of particular concern then I suggest that Commissioners or delegates or observers take them up with the Secretariat.

3. What I propose to do now is to consider Agenda Item 3 which is the adoption of the agenda and then I will be adjourning the plenary until 9.00 tomorrow morning. But the plenary will turn itself immediately into the Technical Committee under the Chairmanship of the Vice Chair to consider its Report and hopefully confirm its Report and after that the Aboriginal Subsistence Working Group will reconvene in the smaller Committee Room in order to consider its Report so that hopefully by the end of the afternoon we will have confirmed Reports for all of the Working Groups and Committees that met in the previous week.

I would now like to move to Agenda Item 3 - Adoption of the Agenda. You have paper IWC/48/2 which is the Provisional Annotated Agenda. May I ask if there any comments or questions on the Agenda or may we take it that the Agenda as presented can be adopted as the framework with which we will move forward. It seems that that is in order. I would like to advise that in an informal meeting of the Commissioners we looked at the consideration of how we would take the agenda items and it was agreed that we would start tomorrow morning with agenda item 10 and we will then move to agenda item 4 and then on in numerical order. Having said that I would remind Commissioners and delegates that it is often practice within the Commission for discussion on an item to take place but Action Arising to be deferred if there are needs for further consultations or there is need for development of Resolutions. But that is at the moment what our proceedings are going to be and we will start, as I said, with agenda item 10 when we reconvene at 9.00 tomorrow morning.

I would now like to ask the press to please leave this room.

I wonder if the press could actually pick up their tripods and cameras and leave rather than simply look as if they are going to.

While you are so doing, I am now closing this initial opening ceremony and adjourn the plenary until 9.00 tomorrow morning and invite the Vice-Chairman, the Commissioner for Ireland, to take the Chair and reopen the Technical Committee. Vice-Chairman please.

**END OF OPENING PLENARY SESSION**



## SECOND PLENARY SESSION

Tuesday 25 June 1996

### Chairman

Commissioners, delegates, I would like to try and get underway as soon as possible and I apologise for our slightly late start - you will all hear why in a moment. But I would like to advise that the Technical Committee Report is now available - your boxes and I quote "have been stuffed" and because you will need that can I suggest that without turning it into a rugby scrum if delegates would like to go out very quickly now and get your copy of the Technical Committee Report and I will open the plenary in a couple of minutes time. Thank you.

Commissioners, delegates, welcome to the resumed plenary. Again apologies for a late start but over the next two or three minutes you will understand why. We were, as I said yesterday when we adopted the agenda, to start the business with agenda item 10 and I would now like to ask the Chair of the Aboriginal Subsistence Sub-Committee, the Commissioner for New Zealand, to make some comments on agenda item 10. New Zealand please. 10.

### New Zealand

Thank you Mr. Chairman. Those of you who have a chance to read the final Report of the Aboriginal Subsistence Sub-Committee may have noted that on page 4 under agenda item 7.1 the opening paragraph which was included in the original draft we approved yesterday has completely dropped out. I have made arrangements with Mr. Donovan to have that paragraph re-printed and it should be available within the next 15-20 minutes. Obviously, however, it would be inappropriate to proceed to deal with the Report until that text is available and if you Sir are in a position to move briefly to another item we should then be in a position to revert to the matter in due course.

### Chairman

Thank you New Zealand. I take your advice on that. What I would like to do if Commissioners are in agreement is in fact and hence my advice that you got the Technical Committee Report to deal with an item on the Technical Committee and then revert immediately to agenda item 10. My proposal is that we actually deal with our agenda item 6 - whalewatching which was covered in the Technical Committee. Is there any objection to us dealing with business in that way? Russian Federation. 6.

### Russian Federation

Thank you Mr. Chairman. We would like you just to repeat the procedure you intend to follow. Thank you.

### Chairman

Russian Federation I am quite happy to repeat the procedure. My proposal is that as we do not yet have a complete report for the Aboriginal Subsistence Sub-Committee we will not start with agenda item 10 because I don't believe it's value in us sitting around. I propose to take agenda item 6 - Whalewatching which has been dealt with in the Technical Committee as a means of occupying the time to get the Report from the Sub-Committee completed. Are you happy with that? Thank you Russian Federation. Can I now call on the Vice-Chair, who chaired the Technical Committee, to introduce that part of the Technical Committee Report which deals with our agenda item 6. Ireland please.

### Ireland

Thank you Chairman. We are on page 1 of the Technical Committee Report, Item 6.1. Report of the Scientific Committee. The Chairman of the Scientific Committee presented the Committee's Report on the work on this item this year and I will be quite brief Chairman, I won't repeat everything that's in the Report. 6.1

The Committee noted that there is at present no direct statement from the Commission as to what its objectives may be in developing guidelines for the management of whalewatching. The Scientific Committee recommended that the Commission consider the following proposed objectives as the basis for further consideration of issues relating to the management of whalewatching. Item 1 ensuring that whalewatching does not significantly increase the risk to the survival or ecological functioning of local populations or species or their environment and therefore in the short term that whalewatching does not result in significant adverse change in population dynamics such as birth or mortality rates or impede normal

patterns of habitat use or activity including feeding, resting and reproduction. And secondly, the development and maintenance of viable and responsible whalewatching activities.

The Technical Committee recommended these objectives to the Commission. I will stop there Chairman to see if there are any comments?

**Chairman**

Thank you Ireland. Are there any comments on those recommendations by the Technical Committee? If not, can I assume that the Commission would be prepared to adopt those? It seems so, carry on please.

**Ireland**

Thank you Chairman. The Committee also considered proposed general rules of encounter and this year it agreed that detailed rules should be developed on a case by case basis. The Committee agreed that the following three general principles should be taken into account as more detailed case specific rules are developed. (1) Manage the development of whalewatching to minimise the risk of adverse impacts; (2) design, maintain and upgrade platforms to minimise the risk of adverse effects on cetaceans including disturbance from noise; and (3) allow cetaceans to control the nature and duration of interactions.

The Technical Committee recommended these principles to the Commission.

**Chairman**

Thank you. Are there any comments? Again unless there is a view to the opposite I would suggest seeing that these issues have been aired we might adopt those principles. Vice-Chair would you continue please.

**Ireland**

Thank you Chairman. The Committee then considered the question of further work. The Scientific Committee identified the following priority areas for further work for consideration at the 1997 and subsequent meetings. (a) A more detailed review of the approach distances, effort and activity, effort and activity limitations in place in existing operations for a range of species and information on the basis for such controls; (b) an assessment of current studies of the effects of different approach distances and platforms; (c) a review of the quantitative methods used to assess the short-term reactions of cetaceans and the basis for judgements of adverse effects; (d) comparative studies on direct approaches, distances and other controls which may be required in areas important for feeding, resting and reproduction. The Committee also requested that the Commission indicates whether it considers that any other subjects required the Committee's attention. There were some views expressed on this question of further work which might be discussed. Thank you Chairman.

**Chairman**

Thank you. We have then from the Technical Committee, or the Scientific Committee via the Technical Committee discussion, some further work identified and as would be normal I think we need as a Commission to decide whether that is an appropriate activity for our Scientific Committee to carry on. Are there any comments? Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, concerning these plans for future work. We are not clear what kind of future work would be done in accordance with the recommendations by the Scientific Committee. Probably it would be useful to ensure better understanding by our delegation to request either the Chairman of the Scientific Committee or the Secretary to give details on future work and the possible financial and administrative implications. Thank you.

**Chairman**

Thank you Russian Federation. The Chair of the Scientific Committee has indicated that he is, I am not sure happy, but he's prepared to respond to your question. I am not sure whether you can advise on the financial aspect but I will ask the Secretary about that. Chair of the Scientific Committee if you can just comment on the impact of these activities on your Committee's work please.

**Scientific Committee Chairman**

Thank you Mr. Chairman. As with many similar types of things we would be dependent on members of the Scientific Committee to go away in the intersessional period and produce scientific papers on the subjects that have been identified here. In terms of its impact on our work it would be in the annual meeting next

year we would then take the time to discuss and consider these results presented to us and recommend to you, the Commission, a way forward from there so I would say there is a relatively minor impact on our work from this. Thank you.

**Chairman**

Thank you Chair of the Scientific Committee. I have asked the Secretary informally about the financial implications and the response was that there really is no major financial implication. This would be part of a normal work pattern of the Scientific Committee. Russian Federation do you want to come back on this?

**Russian Federation**

Thank you Mr. Chairman. I would like to thank the Chairman of the Scientific Committee for these clarifications. Now we understand that the future work would be done mainly at the Scientific Committee and there would be no major financial implications for the member governments. Thank you.

**Chairman**

Thank you Russian Federation. Ireland, are there any further observations or comments on this issue that you wish to make from your Report?

**Ireland**

The only other item Chairman was that Spain announced that it had adopted new regulations for whalewatching.

**Chairman**

Thank you. Well thank you for that report from the Technical Committee. It was obviously a useful discussion both in that Committee and I note with pleasure the commendations from the Technical Committee to the Scientific Committee for the work it has done. Our agenda item 6.2 talks about development of guidelines and some of this has been touched on in the Technical Committee Report. We actually have a paper IWC/48/12 which is headed "Responses on Guidelines to Regulate Whalewatching". It's a grey sheet produced with some information which was responded from the UK to the Secretariat and I note that in the Report of the Technical Committee there is a suggestion from the Netherlands that perhaps we should keep Action Arising open on this issue. Now can I seek clarification or discussion from any delegations under this item "Development of Guidelines" please. Perhaps particularly the UK and the Netherlands might wish to make comments? Netherlands please.

6.2

**Netherlands**

Thank you Mr. Chairman. The Netherlands has in the past advocated the further development of work on the subject of whalewatching in the Commission and in the Scientific Committee. We think this is important because we consider whalewatching as a form of non-lethal and sustainable use of whales which locally could serve as an alternative for lethal use of whales perhaps. But otherwise wherever it occurs we think that it will have to be well regulated. We recognise that this is a responsibility of the coastal states concerned but we are very glad that the Scientific Committee has now provided us with some principles and objectives which could in our view serve very well as a basis for the elaboration, the development of national rules for the control of whalewatching operations. In light of this we thought that it would be useful if we could so to speak enshrine those objectives and principles that have been developed into a Resolution so as to give them some more weight and to be able to wave a document, a sort of decision of the Commission, to the outside world which the countries concerned can use for their own activities. We are working on a Resolution as I have said in the Technical Committee and we hope to have that distributed shortly so I would ask you if we can keep the item Action Arising open until we have a chance to distribute that document. Thank you.

**Chairman**

Thank you. UK do you wish to add anything or make any further comment? UK please.

**UK**

Thank you Chairman. No, I concur with what the Netherlands delegation has just said.

**Chairman**

Thank you. Are there any further comments then on agenda item 6.2? In which case I think we can say that item is closed. We will keep item 6.3 Action Arising open. Japan.

## Japan

Thank you Mr. Chairman. I just want you to record our statement which we made in the Technical Committee relating to this issue - that's only three elements - that is the issue of competence of the IWC on this issue, the need for balancing the interest of whalewatching industry with other economic activities including fishing and our delegation's view that most of the work we should have undertaken has been completed. Thank you.

## Chairman

Thank you Japan. I have just clarified with the Secretary where the amended piece of the Aboriginal Subsistence Whaling Sub-Committee, IWC/48/13 is. I am told it is currently being stuffed so I think we have a new terminology this year. Because it in fact represents only one aspect or one page of this issue which we might in fact, since it was done last by the Committee, I think that we might actually leave it and perhaps if I could ask the Chair of the Aboriginal Subsistence Whaling Sub-Committee if he is now in a position to start introducing the Report and we will do it section by section and by the time you reach that bit hopefully everybody will have received their stuffed copies. New Zealand would you like to go please.

## New Zealand

Thank you Mr. Chairman. I gather that Murphy's law has been in full force and that once we had a problem it became more than one problem with photocopiers breaking down and everything else but I gather copies are now available. Mr. Chairman, the Aboriginal Subsistence Whaling Sub-Committee met on Saturday 22 June. It approved its Report last evening and I will simply summarise the essential aspects of that Report leaving aside the procedural matters numbers 1-5.

The first substantive matter considered by the Committee was item 6 - the review of aboriginal subsistence catch limits and there it dealt with four substantive matters. The first was the Report of the Scientific Committee and there I would just simply note that the Committee's substantive advice on three stocks will be presented formally to the Commission in plenary. Mr. Chairman, moving on to item 6.2 - request for a catch of 5 bowhead Greenland whales by the Russian Federation. The Russian Federation presented a request for a annual catch of five bowhead Greenland whales to meet the needs of the indigenous people of the Chukotski Autonomous Region and that application was set out in IWC/48/23. The methods used to take the whales would be the same as those already used by the same people to take gray whales. There was some discussion on the application and in the course of which several delegations expressed their support for it. However, at the conclusion of that discussion as the request involves a Schedule amendment requiring a vote, the matter was referred to this plenary accordingly.

Moving on Mr. Chairman to item 6.3 - a request for a catch of 5 gray whales by the United States. The USA presented a request for a catch of 5 gray whales by the Makah tribe. It outlined the history of Makah whaling although the taking of gray whales in the late 1800s had led to suspension of whaling since 1926, it noted the continuance of aspects of the whaling tradition within the tribe since that time. It emphasised the strong community and tribal aspects of the whaling proposal. In addition, representatives of the Makah in the USA delegation outlined the importance of whaling to their culture and supplemented this with an audio visual presentation. The United States indicated that it wished whaling to be conducted under the auspices of this Commission and an agreement between the United States government and the Makah would prevent commercial whaling. It was stated that no conservation issues arose and the proposal was characterised as falling within the requirements for an aboriginal subsistence quota.

Mr. Chairman, there followed a lengthy discussion involving not only the USA but fifteen other delegations. It is summarised in the Report and I do not propose to go through that in any detail. At the conclusion of the discussion the United States said that it believed that its proposal met the IWC criteria, thanked countries who had supported its application and offered to answer any further questions individually or in other fora and I believe some material is now in front of the Commission in that regard. Again, Mr. Chairman, as this request involved a request for a Schedule amendment requiring a formal vote, the issue was referred to this plenary for final determination.

The third request Mr. Chairman under item 6.4 was from St. Vincent and the Grenadines. It was for a catch of 2 humpback whales each season for the 1996/7 and 1998/9 seasons. It was reported that no whales had been taken in the 1995/6 season although one had been struck and lost. I notice Mr. Chairman that in the Report that it has somehow become stuck and lost. No whales had been taken for the last three years. There again followed some discussion which is summarised in the Report with a number of countries expressing

support for the application. In this particular case Mr. Chairman, the Sub-committee invites the plenary to consider a Schedule amendment whereby Schedule paragraph 13(4) would be amended to the period 1996/97 and 1998/89 and Mr. Chairman, we do note that the footnote to the current paragraph 13(4) requiring an annual review of the quota should be retained.

Now Mr. Chairman, I haven't yet seen the actual text of the next section but perhaps I should just pause there.

**Chairman**

Yes, thank you. The section is available. I wonder if delegations who have not got the amended page would now like very quickly to go and get it. Perhaps if one from each delegation could collect we could minimise the scrumage. Meanwhile could I ask if there are any particular questions of the Report presented by the Chair so far. I imagine in fact this should be unlikely given the lengthy discussion that took place and what I imagine will be a fairly lengthy discussion we will have again this morning but if there are any questions of detail? It seems not. We will just pause for a few moments until everyone has the replacement page and then we will go forward so that we have at least digested the Report in full. Chairman.

**New Zealand**

Mr. Chairman, I mentioned Murphy's law a moment ago and it's still in full force. In fact the version of the opening paragraph that has now been printed is not the one that was actually approved by the Committee yesterday and I therefore suggest that delegations should read it with a little bit of care to ensure that they are comfortable with its content. I am actually comfortable with what it said. It is basically a different formulation of what was said but I feel bound to tell the Commission that that is actually the position now. It is only the opening paragraph.

**Chairman**

Thank you New Zealand. I guess with a Chair with a name like McLay and a rapporteur with a name like Donovan, Murphy's law is almost certain to be applied. I will give members of the Commission one minute to read carefully the first paragraph of 7.1 and then return to New Zealand for the presentation.

New Zealand would you like to take the final part of your Report?

**New Zealand**

Thank you Mr. Chairman. Dealing with item 7.1, the Committee received a Report presented by the Chairman of the Scientific Committee and by Mr. Greg Donovan reporting on the continuation of work begun last year to draw up an aboriginal subsistence whaling procedure which is given different names in different parts of the Report and indeed in the discussion as well. Mr. Donovan noted that the Scientific Committee had addressed the issue of need and sought guidance from the Commission on this and other issues. The discussion focused first on establishing procedures to provide feedback to the Scientific Committee and secondly on specific guidance on the type of need envelope that might be considered.

10.2

10.2.1

Mr. Chairman, in the discussion that followed with one exception there was general support for moving forward in the development of such a scheme but several delegations also expressed their support for the existing management plan. At the conclusion of the discussion Mr. Donovan noted that the differences in the objectives for an aboriginal scheme and the RMP meant that it wasn't possible to use an identical set of statistics for both programmes. He noted that from the Committee's perspective, that's the Scientific Committee's perspective, it had completed its work on the RMP and that this had been adopted by the Commission although the Commission itself had not yet completed work on the RMS. The Scientific Committee had indicated last year that it was ready to commence work on the development of an aboriginal programme. The Committee would be considering the current aboriginal whaling scheme and variance of the RMP in its work. However, it will not be limiting itself to those particular options. Mr. Chairman, there were no other matters discussed of substance discussed by the Committee other than by the adoption of its Report last evening.

**Chairman**

Thank you Chairman. Well thank you for the detailed work that your sub-committee has done covering the whole range of items that we have to deal with under agenda item 10. In fact, of course, they were done in perhaps the reverse order to the way our agenda is constructed and I would propose that we actually now revert to the way our agenda flows and try and work through it. The presentation you have made in the

10.2.2

Report of the Committee we will obviously want to draw on in our discussions so I would now like to, unless there are any general questions with respect to this Report, I see none, I would now like to move to our discussion in this Commission of aboriginal subsistence whaling scheme - agenda item 10.2. You have just heard the discussions, report of the discussions that took place in the sub-committee which should mean that we can have perhaps a quite focused discussion on this issue. Agenda item 10.2.1 is the Report of the Scientific Committee. Again we have just heard some of the discussion of that but can I ask if the Chairman of the Scientific Committee has anything more he would wish to add for the benefit of Commissioners? He is shaking his head. Can I ask if any delegation wishes to address any questions of detail to the Chairman of the Scientific Committee on those aspects? No, in that case we could then look at any Action Arising that might be considered by the Commission out of this activity both in the Scientific Committee and the matters discussed by the sub-committee. Can I ask if any delegation has any observations or proposals they wish to make?

Well, if there are no questions of details can I assume that the Commission is happy to endorse the Scientific Committee's plans for its continuing work on this issue?

The Secretary reminds me that that work plan includes a pre-meeting before the Scientific Committee next year of the particular working group and that this has been included in the budgetary framework. Russian Federation please.

#### **Russian Federation**

Thank you Mr. Chairman. Indeed Mr. Chairman, the Secretary has just reminded us that there is an intersessional workshop planned on this issue and the group to be convened before the next meeting and we already expressed our doubts during the Aboriginal Subsistence Sub-committee as to the usefulness of this group. Bearing in mind the financial implications for the member governments and we still have these doubts. We are not totally sure that the work to be done by this workshop would be cost effective. We feel that there is a trend in the budgetary expenses of the Commission and the trend is for the increase of these expenses. Last year we already had some reservations for the record budget which was adopted last year. This year we are going to increase these expenses so we are not favouring additional expenses for this workshop or in any case these expenses should be minimised as much as possible so that the additional financial and administrative burden on the member government should be as little as possible. Thank you Mr. Chairman.

#### **Chairman**

Thank you Russian Federation. I should point out although we will obviously be considering this in some detail when we come to look at the Finance and Administration Committee's Report that it is my understanding that for next year and for the year after indeed because of the way we are having to deal with the issue we have planned for a zero growth budget. We are not planning for increasing budgets. I note your comments but I see no other opposition and while I note that the Russian Federation is not particularly supportive I am assuming that you would not be totally uncomfortable given that the rest of the Commission seems to be interested in pursuing this line to allow for that work to continue. Russian Federation.

#### **Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, we are not greatly opposed to the possibility of the continuation of the work but we are opposed to the increase in financial expenses for the member governments especially for the Government of the Russian Federation. You understand that we are talking on behalf of our government and so our government is not willing to increase its spending or it is willing at least to minimise them. Mr. Chairman, we assume that the work can be continued but I understand that we would discuss the financial implications of this particular project as with other projects when we would discuss the budgetary programmes and we would like to come back and to discuss in detail the financial implications of these projects. Thank you Mr. Chairman.

#### **Chairman**

Thank you Russian Federation. I think the position we are now in is that there is no particular problem in the Scientific Committee proceeding with its work plan on this issue subject to further and final discussion on the budget for next year. Are you happy with my formulation? Thank you Russian Federation. Scientific Committee Chairman please.

**Scientific Committee Chairman**

Thank you Chairman. If that particular subject is added in then I have one other item I would like to remind the Commission about regarding the continuation of this work. One of the aspects of this work that the Scientific Committee found to be particularly important was regular flow of communication with Commissioners and representatives of native groups and that was one of the things that we were hoping to take place in conjunction with the work of a standing working group that we have set up in the Scientific Committee to advance this work. We suggested in the sub-committee that it would be appropriate for the Commission to consider ways for this to happen and perhaps at minimum at this point Mr. Chairman we can suggest that this standing working group can correspond initially with Commissioners from countries with aboriginal subsistence fisheries on an informal basis and proceed from there for the following years to see how that works.

**Chairman**

That seems a very practical sensible way to proceed. I see no problem with that so thank you for that suggestion and lets proceed in that way.

Now Commissioners and delegates let me explain how I would like to proceed with the discussion of agenda item 10.3. We have in fact 10.3.1 which deals with the Report of the Scientific Committee for three particular stocks and then under 10.3.2 we have a request for a catch dealing with one of those stocks and then under 10.3.3 a request for a catch dealing with another stocks and then 10.3.4 any action arising. In order to keep our focus on the issues what I would propose is that we have first the presentation from the Scientific Committee under 10.3.1.1 which is the Bering-Chukchi-Beaufort Sea stock of bowhead whales and then move straight to 10.3.2 to discuss the actual request. That way I think we will keep the flow of information in our brains and obviously it will follow seriatim. Are Commissioners and delegates happy in dealing with it in this way. It seems so. Chairman of the Scientific Committee then could I ask you to deal with 10.3.1 please. Thank you.

10.3

**Scientific Committee Chairman**

Thank you Chairman. I would like to draw your attention to our Report which is IWC/48/4 starting on page 36. The Scientific Committee received a number of papers on important aspects of the assessment methods that we use and have used in the past for this stock. I will discuss the implications of those in a minute, I won't bore you with the details of Borel's paradox and Bayesian synthesis and the Backwards and Forwards Variants. You can find those details if you are interested on pages 36 and 37. We also had an interesting paper that for the first time attempted to estimate adult survival of bowhead whales from this stock and the point estimate from that was .986, rather high but consistent with estimates that we have used in our assessments in the past. The Committee recommends that the photo-identification library be worked on to help further this work and cutting down to the bottom here Mr. Chairman, the current best estimate for this stock is 8,200 with 95% confidence levels of 7,200-9,400. In our management advice Mr. Chairman, some members expressed serious concerns about the 1994 implementation of this Bayesian synthesis stock assessment method but it was noted that other assessment approached had contributed to the management advice given at the 1994 meeting and so we agreed to continue that advice but there are some implications that will be taken account of when we reassess that advice in a couple of years time. The Committee noted that the implication of the requested take of 5 whales in the Chukotski region depended upon stock structure. In previous years the Scientific Committee has assumed that all whales in the Bering-Chukchi-Beaufort region consist of a single stock. The Committee noted that no information on stock structure in this area is available and encouraged the collection of such data.

10.3.1.1

The Scientific Committee had previously determined that under a scenario of removal of 75 animals annually the population would continue to increase albeit at a very low level of 1.46% annually and it was also noted that a new abundance estimate and the revised estimate of rate of increase are both somewhat higher than previously and therefore the Committee recommends that a major reassessment be undertaken in 1998.

Mr. Chairman, there a few words about other stocks of bowhead whales. I can put these in here or later on at your discretion.

**Chairman**

I think Chairman that if you can actually put them in here they might not be quite so germane but let's deal with the whole issue so we have a full view please.

#### **Scientific Committee Chairman**

Thank you. We had some information on the Okhotsk Sea stock of bowhead whales. Forty animals were estimated from observations from both air and on the water including a couple of cow-calf pairs. The Committee recommends that because this stock is one of the most endangered baleen whale stocks in the world, research on this stock should continue and that a means for establishment a monitoring programme should be investigated.

Regarding other stocks of bowhead whales Mr. Chairman. The Committee remains very concerned about the status and small size of other Arctic populations of bowhead whales. The Davis Strait and Hudson Bay stocks are conservatively estimated at 450 whales. The Spitsbergen stock may now only number in tens of animals. Thank you Mr. Chairman.

#### **Chairman**

Thank you Chairman of the Scientific Committee for that Report. I note that your Report contains two recommendations which deal with forthcoming work. May I assume that the Commission will support in cooperation of those recommendations in the Scientific Committee's work programme assuming of course that the work is within the agreed financial bounds. It seems so. Are there then any questions of detail for the Scientific Committee? I have Norway and then Japan. Norway.

#### **Norway**

Thank you Mr. Chairman. I was very interested to hear the comments of the Chairman of the Scientific Committee and I have really a question to both the Chairman of the Scientific Committee and the Russian delegation. I apologise now that I am slightly moving over to the next point as well but I think it is very relevant to mix these two. I noted that the Chairman of the Scientific Committee said that on a question of stock structure, it is important to get information, and it says in the Report of the Committee that no information on stock structure in this area is available and encouraged a collection of such data. My question is on the subsistence quota which the Russian delegation is asking for 5 bowheads and whether arrangements could be made between the Russian Federation and the Scientific Committee so that samples could be taken from those whales and thereby also benefiting the work of the Scientific Committee in establishing the stock structure in the area. I think that issue would be very important for us when we come to the next point on the agenda. Thank you Mr. Chairman.

#### **Chairman**

Thank you Norway. With your indulgence I will ask Japan to make its intervention and then return to the Russian Federation perhaps to try and get a response to your direct question. Japan please.

#### **Japan**

Thank you very much Chairman. I would like to take this opportunity to pay respect to the distinguished and great work done by the Scientific Committee and my question concerns the ecology of the bowhead in the Arctic which I think is relevant to the question raised by Norway as well. I think that the Russian request for the take is Greenland whale and that I assume is to be from the Spitsbergen stock. A long time ago the Yankee whalers had harvested the Bering Sea stock and the Sea of Okhotsk stock which almost became extinct, but in recent years in the Sea of Okhotsk, bowheads seem to be returning to the area so my question is about the likely migration of the bowheads from the Arctic Sea to the south, for example, to the south to the Sea of Okhotsk and so forth. Is that migration likely? The second question is maybe the bowhead in the western part of the Arctic may be migrating down south to the Atlantic and another question is that what is their behaviour pattern during the winter season. Thank you.

#### **Chairman**

Thank you Japan. Before I pass them over to the Chair of the Scientific Committee for any comment on those questions or answers can I ask if there are any further questions that any delegation wishes to raise on this issue with the Chair of the Scientific Committee? No it seems not. Chair of the Scientific Committee are you ready? Thank you.

#### **Scientific Committee Chairman**

Thank you Chairman. The first issue I believe had to do with the nomenclature. In some of the documents this has been called the Greenland whale, that I think is one of the older common names and it may lead to the confusion that this bowhead stock from the Bering-Chukchi-Beaufort Sea area was somehow connected



with the Spitsbergen stocks which as far as we know is not, there don't seem to be any open pathways for migration for most of the year through the northwest passage so I don't think that is a large concern.

In terms of the Okhotsk Sea stock, as far as we know there is no connection or movements between that stock and this Bering-Chukchi-Beaufort Sea stock so those should be considered entirely separately in your deliberations here today Mr. Chairman. I hope those comment are helpful.

**Chairman**

Thank you Chair of the Scientific Committee. Does anyone wish to come back for any further clarification? No, in that case Russian Federation there was an issue raised by Norway concerning the provision of material for the Scientific Committee as I understand it. Are you in a position to be able to respond to the issue raised by Norway? Russian Federation please.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman you know the principle position of the Russian Federation which is in favour of the scientific research in every possible level and form so of course the Government of the Russian Federation would encourage the scientific research including the research which would be made in respect of the Greenland/bowhead whales to be taken off the northeast coast off the Russian Federation this year. I may also cite a fruitful cooperation which is now being undertaken between the native populations of the Chukotski Autonomous district and some neighbouring territories for the purpose of the scientific research of this particular species. Mr. Chairman, I presume that during the taking of bowhead whales which we hope would be allocated soon by the Commission, every possible measure would be taken in order to encourage and develop scientific research. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. I think if there are no further questions of a scientific nature we could move directly to agenda item 10.3.2 which is a consideration in the broader terms of the request for a catch of 5 bowhead (Greenland) whales by the Russian Federation and perhaps Russian Federation of I could ask you to introduce this item please.

10.3.2

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman indeed we are now going to consider the request by the Government of the Russian Federation for the allocation of a quota of 5 Greenland bowhead whales for the benefit of the native populations of the Chukotski Autonomous district.

This request was formulated in a note sent by the Embassy of the Russian Federation in London to the Secretariat and is reproduced in the document IWC/48/23. I hope that all the Commissioners are in possession of this document so there is no use to say it in each and every element of the request and the explanation given in this document for this request. Just one note Mr. Chairman which we feel would be pertinent for the consideration of this Commission at this stage concerns page 3 of the document. The first paragraph on this page and the first sentence in which a reference is made to some taking of Greenland whales in 1972 and 1975. This was already discussed at the Scientific Committee and it reveals that this is a mistake of interpretation. The idea which was expressed in Russian and not correctly translated into English is that at that time the native populations were seeking to have a quota for this quantity of whales in this region but unfortunately they were not given the possibility to get this quota. So with this correction Mr. Chairman I think the explanation of the quota would be considered by the Commissioners as sufficient ground for the granting of this quota for the native populations of Chukotski.

In our document Mr. Chairman to which I would like to refer since this document is known to other Commissioners now. This is the document of the Scientific Committee SC/48/AS22, although it doesn't concern the bowhead whales but in this document there are some references to the methods used for taking of whales and some Commissioners wrongly understand that this procedure would be used for the bowhead whaling if this quota is allocated for the Russian Federation by the Commission today.

There are some mistakes in that particular document Mr. Chairman beginning with operation time, the quantity of ammunition used and so on. The document should be understood as describing the whole operation of particular vessels, for instance the time covers the whole time from when the vessel leaves the port up to the time when the vessel comes back to the port, so the whole time the vessel has been at sea and this period of time is registered by appropriate Russian officials which are Russian Border Guards.

The second element that is effected by this use means that this appropriate amount of ammunition was allowed on board a vessel, this is also required under the Russian legislation that the Russian Border Guards allow appropriate amount of ammunition to be stockpiled on a boat, a vessel which leaves the port.

So it is not the quantity of ammunition used to kill one whale as such but this is the quantity of ammunition allowed on a border vessel which leaves the port and there is also a mistake with the reference of automatic gun, Kalaschnikov type gun. In accordance with Russian legislation the use of this ammunition, the use of these weapons which are military weapons, is prohibited for civilians. Only naval and army forces are allowed the use of these particular weapons so this solves the mistake instead of this automatic gun, Kalaschnikov, they have a rifle which is SKF rifle is used for these purposes.

Mr. Chairman, we would also like to draw your attention to the fact that among the whales taken by the Russian Federation this year only 1 was drowned meaning that the efficiency of the aboriginal whaling in the Russian Federation is almost 100%. We are sure that the same efficiency would be characteristic for the bowhead whaling on the basis of a quota to be allocated by the Commission for the benefit of the native populations of the Chukotski Autonomous district.

Mr. Chairman, we have on our delegation a representation of the native populations of Chukotski peninsula, this is Mr. Etylin, who is Vice-President of the Association of Indigenous Peoples of the North Siberian Forest of the Russian Federation. With your permission Sir, we would like that he be given an opportunity to address the Commission on this issue. Thank you.

**Chairman**

Russian Federation, I have no problem with that request. I suggest that if he is ready he could make his presentation now? Is that possible to make his presentation now?

**Russian Federation**

I am sorry, I haven't heard you.

**Chairman**

If you put your microphone on!

I have no problem with the request and I suggest he makes his presentation now. Thank you.

**Russian Federation**

Mr. Chairman, the members of the International Whaling Commission, are certainly, well aware of the nutrition, value of the whale meat. Its biological importance for the indigenous population of Russia's Chukotski Autonomous district is well aware of its importance of whaling for the native culture. As representative of the native populations of Chukotski I would like to draw attention to certain aspects important for understanding our needs concerning Greenland bowhead whaling starting in 1996.

1. Archaeologic and oceanographic research has shown that Chukotka indigenous whaling has existed for two thousand years. Unfortunately Greenland bowhead whaling was stopping against the will of the Chukchi people in 1960 and as a result the indigenous population was deprived of this important source of nutrition.

2. The introduction of market relations in Russia has resulted in the situation whereby the native economics of the north was left on self reliance. Deprived of traditional government non-market support they were entitled to adapt to the new economic conditions which in the last five years the traditional native (ranges), reindeer, marine mammal catch, fur hunting, fishing suffered a mild decline with the resulting poverty and human degradation. Along with other social and economic problems this is jeopardising the very existence of the indigenous peoples of Chukotka.

3. (Granting) for a quota for the indigenous population of Chukotka is also regarded in connection with the disastrous situation in reindeer meat surplus. Until recently reindeer had been the main meat source for the natives. Nevertheless, due to the number of the resource of the reindeer stock has in 1990-91 and 1996 dropped from 80,000 to 43,000 in the native settlement area and from 405,000 to 208,000 in Chukotka as a whole. Reindeer meat consumption has been respectively cut by half and this shortage can only be effectively filled with whale meat. The local press of Chukotka reveals cases when lone mothers are feeding their children with animal fodder.

4. Compared to the gray whale, the Greenland bowhead whale is characterised with much calmer behaviour. This is important for Chukchi hunters because after the prolonged freeze in traditional whaling they have to regain skills, train their young generation and purchase their hunting equipment, tools and catch instruments as well as to master safe hunting techniques.

5. Chukotka indigenous peoples, Chukchis and eskimos, have traditionally used whale bone of bowhead whales for making sledge runners, for ritual purposes etc. Only bowhead whales process all as such whale bone so bowhead whale catch would also help restoring this ancient aboriginal tradition.

6. At present establishing market economic council with restoring old or but for forgotten traditions and customs of Chukotka coastal peoples. In this context whaling is apparently the most effective and real tool for restoring and maintaining community-based activities which you need the old and the new generations for aborigines in common efforts. This will help reclaim their spirit of mutual support in the harsh Arctic environment, and allow all these peoples to retain their unique identity and preserve the circumpolar civilisation and traditional subsistence.

7. The demographic situation in native areas of the Chukotka, Uelenski, Chukotski, Providensky, region, count is as follows. The population of Chukotski Autonomous District as of January 1996 is 90,000 inhabitants. Of them 17 or 19 percent are aboriginals living mainly in 14 villages. Out of 8 there are 7,000 aboriginals, almost one half of the total indigenous population of Chukotka, 44.5 per cent. For them whale meat has become an additional nutrition factor.

Mr. Chairman, today the Commission have to make a very important and serious decision by granting Chukotka indigenous population a quota for bowhead whales you will preserve the human nations of Chukotka, preserve their unique culture and customs. Let us follow (polar star of .....), show you their badge. Thank you Mr. Chairman.

**Chairman**

Thank you. Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, some additional comments that probably would be useful for the Commissioners in considering our request.

There may be questions asked why the additional request, while the quota for gray whales is not utilised completely by the Russian Federation, as it appears that only 85 whales were taken this year compared to our quota of 140. The response will not be so simple as one may imagine.

First of all Mr. Chairman, we have to acknowledge that the crisis in these territories of the Russian Federation is so deep that some years ago the whaling activities were to be stopped completely and with the introduction of new market regulations, new market economy, in the Russian Federation, the whaling activities had to be resumed on the basis of the principle of self reliance by the villages themselves.

Before, as you know, whaling was conducted mainly by means allocated by the central government, meaning the special appropriate whaling vessels in this area and so on. Today, the communities, the villages of the native populations have to rely on their own forces and have to resume their traditional activities including whaling. This is why it is not possible when you are resuming something from scratch to have 100 per cent efficiency immediately and that is why you may observe that the whaling in these areas of the Russian Federation is in constant increase but so far the whole quota, albeit it to be impossible to take the whole quota in these areas. The second factor Mr. Chairman which is to be taken into account is the nature of gray whales. It is impossible to rely on gray whales as the sole source of nutrition for these populations because of the character of, I mean aces and other chemical components, which are not suitable for human consumption in the event when these gray whales are considered to remain the sole source of nutrition for the populations. There should be some kind of supplement and the supplementary factor which can be used today is this bowhead whaling.

Another comment that I feel necessary to be made today is that of course we are not willing to make the whaling for bowhead whales by Chukotska populations detrimental to other native populations in other countries. We are talking about an additional quota to be taken from the stock of the bowhead whales.

We will make sure that the whales to be taken will go totally for the purpose of human consumption unlike gray whales. Gray whale hunting, the product of which goes also for fur farming which is also a basis for the economy in this region, for the Chukchi population, the meat of bowhead whales will go 100 per cent for human consumption by Chukchi populations. I think these comments might be useful for other Commissioners when considering the request by the Russian Federation for the quota of bowhead whales for the benefit of Chukotka populations and we hope Mr. Chairman that this request which entails a necessity for the amendment in the Schedule and we propose a draft amendment for these purposes which you may find in the document IWC/48/26 would be approved. We hope that it would be approved by the Commission by consensus now. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. Well we have had detailed presentations on the scientific basis and the other more broader aspects over the last half hour or so. It is actually slightly past the time when we would normally break for coffee, I propose we break now for a coffee pause but you are not allowed to have the full half hour because of the late start. I intend to resume the plenary for discussion on this item at 11.00 promptly please. The session is now adjourned.

[COFFEE BREAK]

**Chairman**

I undertook to start at 11.00 and it is 11.00, in fact it's gone 11.00 and I feel the only way people will understand that I am going to start on time is if I start on time. We have had detailed presentations from the Scientific Committee and from the Russian Federation about this particular item and I remind you that we are dealing item 10.3.2 which is the request for a catch of 5 bowhead (Greenland) whales by the Russian Federation. May I ask if any delegation wishes to make any observations or comments on either the scientific or the broader information that has been provided to us? I see Sweden. Sweden you have the floor.

**Sweden**

Thank you Mr. Chairman. I note that in the Working Group, the UK asked about what methods would be used to take the whales if the request by the Russian Federation was approved and the answer was that it would be the same method as already used by the Chukotka people to take gray whales. I also noticed that the distinguished Russian delegate indicated some cooperation with other groups in relation to the possible take of bowheads and my question then to the Russian delegation would be first, what are the present methods referred to and secondly, is the indicated cooperation aiming at introducing better and more efficient killing methods? Thank you Mr. Chairman.

**Chairman**

Thank you Sweden. If the Russian Federation is in agreement we might store up at any points and come back to a consolidated response. Are there any other questions or observations from any other delegations. Switzerland please you have the floor.

**Switzerland**

Thank you Mr. Chairman. Mr. Chairman, I come back to an issue I already raised when we were discussing this matter earlier. It is known that an amount of whale meat caught by the aboriginal people in Siberia is used as food in fox farms. Our Government considers this commercial use of whale meat not in accordance with the concept of aboriginal subsistence whaling. We would like to know from the Russian delegation how big the amount of meat that is used in fox farms is right now and if it is a substantial amount we would like to know if it is really necessary to catch another five whales of another species and if it would not be possible to reduce the amount of meat used in fox farms to use this meat as nutrition for humans. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. Are there any further questions or observations? Japan please.

**Japan**

Thank you Chairman. Japan has consistently and has always supported the aboriginal whaling because we have placed importance upon the humane and human element. During the former Soviet Union times, the former Soviet Union Government used the 750 ton level big catcher boat for the operation of this aboriginal

whaling and they caught about 170 animals per annum and then as to whether that was really a full-fledged so called aboriginal whaling, we had some concern or scepticism, however we still supported the aboriginal whaling because it is very important, because it protects the human livelihood, the lives of the people and their food.

However, recently the former Soviet Government vessel, over 750 ton class, the catcher boat is no longer to be used and now I understand it has been shifted to the people of the Chukotski, the aboriginal people, that they are now in charge of taking these whales on their own and which I think is very important because to secure your own food to live on is very important because the residents there would be in charge of procuring their own food.

Last year they had a quota of 140 whales and they harvested 80 so they have remaining quota of 60 and I think from scientific and resources standpoint I think the status of the stock is healthy which has almost returned to the original level or the level at the beginning of this century and it seems to be increasing at the annual rate of about 3% or 6%. However, I think there could be a little concern about the status of the bowhead itself if the harvest is targeted to bowhead and so maybe it is important for the Russian Government to first emphasize the harvest of the gray whale before they would try to target the bowhead.

The United States also allow its indigenous people to harvest bowheads and Canada which is outside this framework allows their indigenous people to harvest one or two bowheads I understand and so I think it is very appropriate for the indigenous people of the countries concerned to work together and cooperate together to try to make sometimes some concessions with each other to control their take of bowheads.

I also understand that next year the plan is to try and review the stock status of bowheads and so I would really appreciate the scientific efforts to try and fully understand the status of the stock of bowheads, to identify whether the bowhead quota could be increased or decreased and so on and so forth and I am looking forward to the scientific effort in that regard. Thank you very much.

**Chairman**

Thank you Japan. Are there further questions or comments for the Russian Federation? Austria are you waving your flag? Yes, please Austria.

**Austria**

I only have a short question to the Russian Federation. Is food which is mentioned on page 3 point 5, last paragraph, likely to include a commercial aspect? We would like to know how you can ensure that no trade will take place. Thank you.

**Chairman**

Thank you Austria. Netherlands please.

**Netherlands**

I take it Mr. Chairman that we have now entered the stage of final discussions on this particular request for the take of 5 bowhead whales. If that is the case I would like to make a statement.

**Chairman**

At the moment people are raising questions. I have no problem with you making a statement but perhaps we might wait for statement until after the questions.

**Netherlands**

Alright, you were soliciting questions and comments but I would be happy to wait making a statement until we have dealt with the questions. Thank you.

**Chairman**

Thank you. You will be first in the queue. Are there any other questions? No, in that case Russian Federation would you like to respond to the questions that have been raised and then we might have more general discussions. Thank you. Russian Federation please.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, there were certain questions asked on how whale products are to be used if this quota is allocated. As we already stated, the whale products of these 5 bowhead whales

would be used for human consumption exclusively. There will be no commercial use of these whale products. There will be no use for fox farming. For fox farming only the products of gray whales are used, normally blubber and some other components.

As to the precise figure, how important the fox farming is in this area. I may refer to the document which was submitted at the 46th Annual Meeting in which all the figures concerning the use of the products of gray whales were referred to. The situation remains as it was described in that document. However, as it was stated by the representative of the native population of Chukotka, the economy of this region is in decline and this includes also this branch of economy which is fox farming. Among 11 villages, 4 villages had to close their fox farms which was due to severe economic conditions in which these populations are to survive now. They have to rely on their own forces and try to survive in new conditions of market economy and this is a tremendous hardship for these populations and they are not always successful in overcoming these difficulties and this is reflected and this may affect that several farms had to be closed since there is no more financial or economic ground for the continuation of these activities.

As to the methods used Mr. Chairman. Indeed, the method to be used is more or less the same as is used for gray whales right now. The whaling activities are undertaken on the basis of small boats, a larger catcher which was used previously is no more available and there would be, at least for the coming months, no direct assistance from the central government so the native populations of Chukotka peninsula would have to rely on their own forces meaning that they would have to use small whaling boats which would depart from their villages and come back the same day.

The question was about the efficiency of these kind of operations and how to increase the efficiency of these operations. I had already stated Mr. Chairman that we believe that the efficiency of the Russian whaling is probably the highest possible at least compared to the whaling conducted by some other nations. In the document that I cited previously it is clear that among 85 struck animals, 84 were landed and only one was lost so the efficiency of the operations is almost optimal.

I believe Mr. Chairman I try to answer the questions asked and together with our presentation create a picture which we feel is sufficient to understand the needs of the native populations of Chukotka and the necessity to grant them this quota now. Thank you Mr. Chairman.

#### **Chairman**

10.3.4

Thank you Russian Federation. Unless there are any further follow-up questions I would now like to take us into that part of 10.3.4 - Action Arising - which would deal with this particular request from the Russian Federation. It has been drawn to your attention the actual proposal is in sheet IWC/48/26 so that is now what we are addressing, and the Netherlands had indicated that it certainly wanted to make comment or statement with respect to this, so I would now invite the Netherlands to take the floor. Other delegations who may wish to make comments please indicate with your country name plates and I will make a list. Netherlands please.

#### **Netherlands**

Thank you Mr. Chairman. Mr. Chairman, in the sub-committee meeting we have expressed concern at the ever increasing numbers of whales that are being taken for various purposes, aboriginal subsistence whaling being one of them. While we recognise that this category of whaling merits special consideration, I remain concerned about the proposal to take a quota of 5 bowhead whales from the Bering-Chukchi-Beaufort stock.

In this respect I think that it is important to note that the bowhead is an endangered species and that with regard to the Bering-Chukchi-Beaufort stock, the Scientific Committee had indicated that there is no information on stock structure and that for that reason the implication of the requested take of 5 whales in the Chukotka region remains uncertain.

Furthermore, there is the question of the actual need of the Chukchi people for whale meat. I note that from the information provided for us by the Russian Federation which is contained in document IWC/48/23, the Greenland bowhead whale is mentioned as one of the perspective sources of food along with walrus, seal and gray whale meat. In view of the substantially under utilised quota of gray whales we keep having doubts about whether it is really necessary to grant an additional quota of bowhead whales to accommodate the subsistence need of the Chukchi people.

Furthermore, there is the question of struck-and-lost rate. In the information provided and in the discussion so far it has remained totally unclear what number of bowheads might be struck and as a result be killed or wounded in the process of landing the 5 whales requested.

So to sum up Mr. Chairman, the discussion so far, I think, has certainly been useful for clearing up some of the items and issues concerned but in the final analyses we are not convinced that it is really necessary to grant the requested quota of bowhead whales. Thank you.

**Chairman**

Thank you Netherlands. St. Vincent and the Grenadines you asked for the floor.

**St. Vincent & the Grenadines**

Thank you Mr. Chairman. Just to register our support for the Russian request.

**Chairman**

Thank you St. Vincent and the Grenadines. Australia you asked for the floor.

**Australia**

Thank you Mr. Chairman. The Australian delegation has a number of concerns very similar to those expressed by the Netherlands delegation. We recognise that the Chukotka people are already engaged in an aboriginal subsistence operation with a quota of gray whales authorised under paragraph 13(b) of the Schedule to the Convention. We have some concerns about commercial aspects of this existing operation which do seem to be somewhat inconsistent with the Commission's definition of aboriginal subsistence whaling but putting those to one side, the existing quota that has been authorised has not been fully utilised in recent years and this raises questions in our minds as to the extent of the real need of the Chukotka people. The evidence presented by the Russian Federation has not in our view convinced us that there is a clearly demonstrated subsistence need for a further quota to be authorised at this time. Thank you Chairman.

**Chairman**

Thank you Australia. United Kingdom.

**United Kingdom**

Thank you Chairman. I think at a later date in our proceedings I may want to make a general comment about the United Kingdom's approach to aboriginal subsistence whaling but at the moment I would like to confine myself to one comment which I think is particularly relevant to this request. At the Technical Committee I asked about reports that were in the press and in documentation provided to the Scientific Committee about the killing methods used within the Russian aboriginal hunt and I was very grateful for the reassurance that I received from the Russian delegation and this is recorded in the Technical Committee Report. I would, however, urge the Russian Federation and, indeed, all others with aboriginal subsistence hunts to do the utmost to ensure that everything possible is done to improve the humaneness of aboriginal whaling and to reduce struck-and-lost rates. I would like also to record on this point that I very much agree with the comment made by the Swedish delegation in the Technical Committee when we were discussing humane killing issues. Thank you Chairman.

**Chairman**

Thank you United Kingdom. Mexico please.

**Mexico**

Thank you Mr. Chairman. For reasons very similar to those outlined by the Netherlands and Australian delegations we too are not convinced of the necessity of granting this request by the Russian Federation. Particularly we would like to point to the under utilised quota already granted to this particular aboriginal group for gray whales as well as our preoccupation with the ever increasing requests that are coming before the Commission for additional authorisations of aboriginal subsistence whaling. We very much agree with both the Netherlands and Australia on this. Thank you.

**Chairman**

Thank you. New Zealand please.

**New Zealand**

Mr. Chairman I also would like to reserve to a later stage the right to make some more general comments on New Zealand's approach to aboriginal subsistence quotas but in the meantime would simply content myself with agreeing with and adopting the arguments already made by the Netherlands, Australia and Mexico.

**Chairman**

Thank you. Norway you asked for the floor please.

**Norway**

Thank you Mr. Chairman. I am perhaps a bit surprised to hear the comments about the necessity of the Russian request. I think I would like to associate myself with the comments of the Danish delegation in the Technical Committee who outlined particularly that the necessity was the strongest driving force behind the Russian request and I share that view.

We have also discussed both in the Technical Committee and here the sustainability of the stock in question and for us we were very glad to hear the agreement of the Russian delegation to cooperation in taking samples in order to be able to determine whether we are talking about a separate stock or part of a larger stock.

We have also listened with great interest to the discussion on the killing methods which are very important in this area and we understand that the Russian authorities will take this issue very seriously. We have, in our bi-lateral talks also with the Russian delegation, got the impression that there are possibilities of further development in cooperation with others of the present methods.

By and large I would say that we have got satisfactory information on those matters which we find very crucial when we begin to decide our stand on the Russian request. We have therefore come to the conclusion that we think the Russian request is legitimate and we will support it. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. I have now Denmark. Perhaps you can now associate your remarks with Norway having done the other way round. Thank you.

**Denmark**

Yes, Mr. Chairman your guessing is not quite wrong as stated a few minutes ago from our distinguished colleague from Norway. I will take this opportunity to repeat our statement in the aboriginal subsistence sub-committee and we are supporting this request not least due to the obvious subsistence needs. Thank you.

**Chairman**

Thank you Denmark. France please.

**France**

Thank you Mr. Chairman. We have considered carefully the request from Russia and we are, as France, very open to the need and to the requests of the aboriginal communities. We think, though, that there are still some problems with the information which has been given to us recently and we think that particularly the bowhead stocks in the Arctic region are not in very good shape and that we should very carefully see balance in some ways what is possible as far as aboriginal subsistence whaling is concerned. We think that for the time being this request should be completed by some other information. We think as well, considering what was said this morning, and in the Scientific Committee, that there is a link between this request and the request to get gray whales. We would like to get more information and more confirmation about the whaling of gray whales. We think that maybe the right thing to do would be to postpone the request to next year in order to discuss both requests at the same time. Thank you Mr. Chairman.

**Chairman**

Thank you France. United States.

**USA**

Mr. Chairman we would like to associate ourselves with Denmark and others who have supported this request. We support the Russian request and we are convinced by the needs statement. We feel that this proposal fits fully within the rules and guidelines of the IWC. I need to make one comment on the Japanese intervention. Japan suggested that there is already a quota on bowheads from which Canadian natives may



take one or two whales and that Russian natives could do the same. The United States does not agree with that interpretation. The existing quota as agreed to by the IWC is based on the documented need of the Alaska eskimos, a very carefully documented need I might add. Any other native take of whales must first demonstrate need from that stock. Thank you.

**Chairman**

Thank you. Germany please.

**Germany**

Thank you Mr. Chairman. I am grateful to the Russian delegation for the explanation given on needs. On the other hand I still have some doubts about the real needs taking especially the problem or the fact that the quota for gray whales is so highly under utilised. It could be helpful first I think to see further development in utilisation or the gray whale quota. I would like to associate myself with the remarks made by France. Thank you.

**Chairman**

Thank you Germany. I have in order now Monaco, Chile and Japan. I see Republic of Korea and Austria also indicating. I feel inclined to close the list at that point unless any other delegation wishes to make an intervention. People's Republic China - OK. So the next intervention is from Monaco followed by Chile please. Monaco.

**Monaco**

Thank you Mr. Chairman. Well in general Monaco looks very favourable to aboriginal whaling requests but this request by the Russian Federation leaves us uneasy however and I would say our concerns are overall similar to those expressed by the Netherlands delegation. Our reservations are largely focused upon the endangered status of the bowhead stock and we note that in particular on that scientific community is largely uncertain about the current abundance and density of the stock and as noted in the Scientific Committee Report the implications of the requested take of 5 bowhead whales depend largely upon stock structure which is largely unknown at this point.

Furthermore, we noted the under utilisation by the Chukotka people of the existing quota of gray whales which are far less vulnerable according to abundance estimates. In case of doubt we rather advocate the precautionary principle and we feel that this request would be better deferred until a full scientific assessment of the stock has been carried out. Thank you Mr. Chairman.

**Chairman**

Thank you. I now have Chile followed by Japan.

**Chile**

Thank you Mr. Chairman. I would like to say that although we look with sympathy in general with the aboriginal subsistence whaling, in this case we will not support the request made by the Republic of Russia. We also look with sympathy at the situation of the Chukotka people but, anyhow, although we would like to repeat the arguments that have been expressed before, especially by the Netherlands, I would like to say that we have the feeling they have really an important quota nowadays. Part of it has not yet been completely utilised although we understand the reasons given by the Russian Republic. We really are not sure of the need of this increasing of the quota.

Another argument of this, especially special sensibility for this, is the situation of the bowhead whales This species has not yet fully recovered so we think we have to be especially careful about it. Many times the distinguished Commissioner of Russia mentioned the economic situation, the market economy and all the transformations his country has suffered in past times to explain on one hand the need of this additional quota and on the other the fact that the gray whale quota has not been fully utilised. In that sense, being a moment of change, perhaps it would be a good idea to expect the situation to get more stabilised, and to put this request in the future. Thank you very much etc.

**Chairman**

Thank you Chile. I now have Japan to be followed by the Republic of Korea. Japan please.

**Japan**

Thank you Chairman. I would just to get respond to the intervention by the US delegate. As I understand it, the United States is not prepared to share their quota with the Russians then of course we are now prepared to support the Russian proposal so we are in favour of the Russian proposal. There has been mention of the humane killing aspect to this subject and then we are now talking about the situation in the Arctic circle, in the Arctic region, and the United States for example has a high level of expertise on this subject of humane killing so I think it will be very appropriate and a good idea that the Americans would transfers this knowledge and know how about humane killing to the Russians or aboriginals concerned in the future while we are still allowing the aboriginals to continue their activities.

**Chairman**

Thank you Japan. I now have Republic of Korea to be followed by Austria. Republic of Korea please.

**Republic of Korea**

Thank you Mr. Chairman. As previous several distinguished delegations, the Korean delegation wants to support the request of the Russian Federation for the indigenous people. Thank you.

**Chairman**

Thank you Republic of Korea. I now have Austria and then the last speaker on my list is People's Republic of China but Austria please you have the floor.

**Austria**

Thank you Mr. Chairman. Austria would like to take up the idea by Monaco with the precautionary approach which is a very important principle for Austria and we share the idea of France and Germany that more information is needed, clarification is sought in the case of the catches and due to under utilisation we would like to do a general statement later on. Thank you.

**Chairman**

Thank you Austria. I now have People's Republic of China please.

**People's Republic of China**

Thank you Mr. Chairman. We also think there is not enough information to be available and we also are concerned about the resources level, whether it would permit such a quota, but we think such a request is in accord with the definition of aboriginal subsistence whaling and the IWC. So generally we agree such a request. Thank you.

**Chairman**

Thank you and Brazil has just got the under the line. Brazil please.

**Brazil**

Thank you Chairman. The Brazilian delegation believes that more precise data should be given by the Russian delegation and we encourage the proposal made by France which said that the decision should be postponed until the next year. Thank you.

**Chairman**

Thank you. Well it's quite clear from here that some very carefully worded language has been used in many interventions. I believe there is scope for some further discussions without the formal framework of the Commission and I would rather see that actually happen over the next 24 hours or so perhaps. Russian Federation would you be comfortable with such an approach, taking up some of the issues that have been in the general statement with a view to trying to arrive at a consensus position within the Commission?

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman in principle the position of the Russian Federation has always been in favour of consensus decisions to be taken in this Commission so we would also endeavour to reach a consensus on this particular issue as well. However, Mr. Chairman, we were a bit surprised by several statements which were made here right now concerning the request for additional information without specifying what kind of information is needed. Just like the distinguished Commissioner for France stated that we are in need of some other information full stop. Working on these assumptions and on this basis it will be rather difficult for the Russian Federation to provide this, some other information if we are not aware of what kind of information is needed for the distinguished Commissioner of France. Naturally Mr.

Chairman I have to stress that the suggestion made by the distinguished Commissioner for France that we report the decision for the next session is out of the question since we are talking about the granting of quota for 1996 and it appears that the next year would be 1997 and it would be rather late for taking such a decision. With all this Mr. Chairman we are still open for further consultations with interested Commissioners bearing in mind that probably we can work out a consensus decision which would be a granting of quota for the benefit of the Chukotka populations. Thank you.

**Chairman**

Thank you Russian Federation. I thank you for your approach there. What I would strongly encourage please is that delegations, who as I have said, have used fairly careful language in their interventions, undertake some discussions with the Russian Federation and vice versa of course in order to see if we cannot accommodate an agreed approach. If we cannot, then of course we can always vote on the issue but it seems to me that it would be preferable and that there is scope within people's positions to allow for some further informal discussion. France was asking for the floor but I hope that France you are prepared to just take my suggestion or do you want to press a particular point at this stage? France.

**France**

Thank you Mr. Chairman. No, as the distinguished delegate of Russia asked us to be more precise about the information we would like to have in the end before taking a decision and again this is not to say that we are against what has been proposed by the Russian Federation. I think that we need on some specific issues some more information. It's on the strikes for instance because there is only a request about the number of whales to be taken but we need some more information about the strikes as usual in this field. Secondly we have been pretty worried about what is in page 36-38 of the Report of our Scientific Committee and we would like to know some more information about the situation of the stocks in the various Arctic seas. It is among others, those kind of questions we would like to get some more information because we think the request from the Russian Federation is interesting but it is not fully documented so this is the kind of things we would like to get from the Russian Federation. I thank you.

**Chairman**

Thank you France. Well as I say what I would now wish to encourage is that those delegations who have raised specific, I would perhaps use the phrase "areas of unease" about the request please engage in discussion with the delegation of the Russian Federation with a view to try and resolve those areas of unease and consequently I will still keep this item open for visitation further in the agenda. Unless there are any other observations at this point I would now proceed to move to our next agenda item. No it seems not. Thank you.

We now return to agenda item 10.3 and this now deals with agenda item 10.3.1.2 - North Pacific eastern stock of gray whales and we are dealing here with the Report of the Scientific Committee so could I ask the Chair of the Scientific Committee to please present his report to us. Dr. Reilly.

10.3.1.2

**Scientific Committee Chairman**

Thank you Chairman. I draw your attention to our Report IWC/48/4, page 38, over page 39 and a little bit on page 40 following that where our discussions on gray whales are recorded regarding the eastern stock, North Pacific gray whales. We received a report of gray whales wintering in Laguna San Ignacio. This was important in reference to matters arising relating to a proposed salt works construction in that lagoon that was drawn to our attention last year Mr. Chairman by the delegation of Mexico.

This preliminary study was compared to some information available from the late 1970s and early 1980s and it was found that the number of single whales was similar to the 1978 estimate but somewhat lower than the 1982 estimate. It was also noted that fewer cow and calf pairs were counted in 1996 than the early 1980s. However, there have been no similar studies in the other breeding lagoons and areas so it was not known if this pattern of decline has been repeated elsewhere or if it was a local phenomenon related to re-distribution in the winter range.

We also received a report of northbound calf counts past the point in central California. This was reporting the third of three years so far of studies. There was a pattern of a high estimate, a low estimate and then a high estimate, high being similar to reports from 1980 and 1981 and this indicated to us that we still have some things to learn about the recruitment of gray whales Mr. Chairman and we are hoping to continue this series for another couple of years to see if this pattern continues.

We had some papers reporting on various aspects of abundance estimation from the southbound migration which is the standard methodology used for abundance estimates for this stock. A preliminary estimate for the 1995/96 migration was given as 22,571.

We received some papers using, to our form anyway, newer Bayesian methods both looking at assessment methods and population dynamics of the stock. There are some preliminary results described on the bottom of page 38 and over to page 39.

Skipping down to our management advice here, after some discussion the Committee considered there is no need for changing our earlier management advice and in particular it was agreed that the take of 5 extra whales would have no significant impact given our previous advice on this. The rationale for retaining the current management advice is given on page 39, over on the right hand side. The Committee recommends that a detailed assessment of the current status of California gray whales and of the management advice should be made in 1997 and the Committee encourages continued research in the breeding lagoons.

That's all on that particular stock Mr. Chairman. I can continue on as I did with bowheads to the other stock, Okhotsk Sea stock, if you like or I can pause for discussion.

**Chairman**

No I think it would be useful just to carry on and complete although perhaps it's not so relevant to this discussion but let's do that because there are a couple of recommendations there so please ...

**Scientific Committee Chairman**

Thank you. We received a paper summarising observations on the Okhotsk/Korean stock of gray whales and their feeding grounds northeast of Sakhalin Island. This study reported 38 individuals were photographed during 1994 and 1995 but no population estimate was attempted, the data not yet being sufficient for that.

We were informed that there are major oil and gas reserves in the study area and that a large multi-national project to exploit these reserves is about to start. The Committee felt that a management plan and long term monitoring programme were therefore needed.

It was noted that habitat degradation was occurring along the migration corridor of this population and the Committee noted this stock was identified as one that may be particularly vulnerable to the effects of climate change primarily due to its low abundance. However, the oil and gas development was considered to be the most immediate and pressing concern.

Now we come to recommendations Mr. Chairman. The Committee recommends that because this is one of the most endangered baleen whale stocks in the world, research on this stock should continue, and that means for establishing a monitoring programme should be investigated. The Committee further recommends that the Commission arrange to bring scientists together from countries with an interest in or within the range of these whales, to identify the research and measures required to maximise the chances of this stock recovering. Thank you Chairman.

**Chairman**

Thank you. Are there questions for the Chairman of the Scientific Committee on his presentation and the Report? Japan please.

**Japan**

Thank you very much for a detailed and good quality presentation by the Chairman of the Scientific Committee. I have one question. The Scientific Committee recommends that the annual harvest of 145 animals is sustainable [pause in tape].

**Chairman**

Do you want to reply?

**Scientific Committee Chairman**

Thank you Chairman. Yes, the last time that the Committee provided detailed management advice it was in terms of a take of 179 animals from this stock and so it was considered that 140 or 145 being well below this

number would certainly be within the guidelines of the advice that we provided earlier. Thank you Chairman.

**Chairman**

Thank you. Any further questions? Seems not. There are three recommendations included in that part of the Scientific Committee Report and the Chairman's presentation. Is the Commission prepared to accept those recommendations? They of course deal with the on-going work of the Committee. It seems so.

In that case I suggest we move to agenda item 10.3.3 which is request for catch of 5 gray whales by the USA. USA would you like to introduce this item please.

10.3.3

**USA**

Thank you Chairman. As we explained in the Aboriginal Subsistence Sub-committee, the United States is requesting an aboriginal subsistence whaling quota of up to 5 gray whales per year for the period of 1997-2000 for the Makah Indian Tribe of northwest Washington State. The Makah Indian Tribe has a tradition of subsistence whaling that is at least 1,500 years old. The tribe now wishes to continue the active whaling tradition that has been central to their culture for many centuries. This is part of the tribe's cultural renaissance as contemporary Makah people are actively involved in efforts to assert pride in their culture and in Makah identity. Marcy Parker, a member of the Tribal Council will now talk about this cultural renaissance.

**Makah Tribe**

My name is Marcy Parker and I am a member of the Makah tribe and I am also an elected official of the Makah Tribal Council, the legal government of the Makah tribe. The Makah Tribal Council has sent me here to represent them through this IWC process. My Makah tribe operates on a institutional democracy and our tribal voters will determine their elected officials. I take pride in knowing that I am the descendent of two proud whaling families. Whales are the central focus of our culture today as they have been since the beginning of time. The Makah tribe is asking for a quota of up to 5 gray whales annually so that our people can restore our Makah traditions. Whales are important in our songs, dances and ceremonies as well as to the structure of our family and our Makah tribe. Whales provide us with food for our bodies, bones for our tools and implements and spirits for our soul. Even though we haven't hunted the whales on our ocean in 70 years we have hunted the whales in our hearts and in our minds. In the old days the whale made a decision to give himself properly to a prepared crew, we hope that you support our request and again allow the whale to give us this choice. Thank you.

**USA**

Thank you Marcy. One major part of cultural revitalisation for the Makah Indian Tribe is their interest in whaling. The United States firmly believes that all whaling should be regulated by the IWC. The Makah proposal fits fully within the IWC established category of aboriginal subsistence whaling. The whaling will be done by an indigenous people for local consumption. It will not be a commercial hunt. The tribe has signed an agreement with the United States that ensures that the edible parts will not be sold or traded. I would also like to point out that the Scientific Committee has said that the proposed hunt has no conservation implications. The gray whale stock has recovered despite a long-standing aboriginal subsistence harvest quota of up to 179 animals per year. An additional take of 5 animals with a maximum of 10 strikes by the Makah Indian tribe will not prevent the stock from continuing to grow. At this meeting delegates have asked for clarification of several issues. A paper IWC/48/28 has been provided that summarises this points from the statement of needs. Therefore, we respectively ask all IWC members to support the desire of the Makah tribe to exercise their non-commercial aboriginal subsistence whaling right. There is a proposal in the boxes, IWC/48/29, that proposes a Schedule change that reflects our request. Thank you.

**Chairman**

Thank you United States. First of all, are there any questions? If there are no questions, then I now invite statements or comments on the proposal. Denmark please.

**Denmark**

Thank you Mr. Chairman. As previously stated by Denmark, we are fully convinced about the very impressive documentation from the United States and we fully support that request.

**Chairman**

Thank you Denmark. I now have St. Vincent please.

**St. Vincent and the Grenadines**

Thank you Chairman. Just to reaffirm our support for this request by the United States as I have already stated in the Committee.

**Chairman**

Thank you. I now have Norway followed by the Russian Federation. Norway please.

**Norway**

Thank you Mr. Chairman. When we dealt with this matter in the Sub-committee on aboriginal subsistence whaling, I stated that Norway expressed support for local cultures and that was one of the reasons why we were sympathetic to the American request. We also drew attention to what is said in the Scientific Committee about the sustainability of the stock in question. We received assurances from the American delegation that the hunting methods, the killing methods, would be studied and developed further and I feel that we, therefore, have no problems with the growing ahead and supporting the US on this request. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. I now have the Russian Federation to be followed by Grenada. Russian Federation please.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman the Russian Federation believes that the request made by the United States concerning the aboriginal quota for the Makah tribe is fully consistent with all the provisions of the IWC Convention and subsequent regulations, that is why the Russian Federation considers it necessary to support this request. Thank you Mr. Chairman.

**Chairman**

There may be some problem with some sound so if people can speak as close to the microphone as possible I'm told by the Secretary. I don't think it's a joke that the amplifier is breaking down and we are having a replacement brought up tomorrow. Meanwhile if you can talk as close to the microphone as possible it might help. I now have Grenada followed by Australia.

**Grenada**

Mr. Chairman, the Grenadine delegation fully support the Makah tribe in their request for 5 gray whales. We stated our support in the Sub-committee, we hereby reconfirm that support Mr. Chairman. Thank you.

**Chairman**

Thank you. I now have Australia to be followed by Japan. Australia please.

**Australia**

Thank you Mr. Chairman. Australia has, as we stated in the discussions in the Working Group, sympathy with those communities which in common with some in Australia are seeking to strengthen or re-establish important cultural activities. We recognise the significant long-term benefits that such activities may bring in community well-being. Australia is nevertheless concerned that with no recent nutritional requirement for whale products in this community, there is no clearly demonstrated evidence of a subsistence need. In our view the proposal cannot be considered to meet the definitions and criteria which have been established by this Commission for aboriginal subsistence whaling. Thank you Mr. Chairman.

**Chairman**

Thank you Australia. I now have Japan to be followed by the Republic of Korea. Japan please.

**Japan**

The Australian delegate mentioned that they support the life of the aborigines in their country and taking that into account as well we support the American proposal. Thank you.

**Chairman**

Thank you. I now have the Republic of Korea followed by Spain. Republic of Korea please.

**Republic of Korea**

Thank you Mr. Chairman. The Korean delegation wants to support the request of the United States for 5 gray whales. My delegation feels the Makah request fits under the aboriginal subsistence whaling. We also believe that the IWC should support for the needs and the requests of indigenous people. Therefore my delegation fully supports the Makah request. Thank you.

**Chairman**

Thank you Republic of Korea. I now have Spain and I don't have a further speaker unless ..... I have France so Spain to be followed by France.

**Spain**

Thank you Mr. Chairman. The Spanish delegation shares the sympathies and also the difficulties expressed by the Australian delegation. Thank you.

**Chairman**

Thank you Spain. I now have France to be followed by Monaco.

**France**

Thank you Mr. Chairman. We have a lot of sympathy for the request from aboriginal communities and especially from those of the Makah. We think that the proposal we have on our table is very well documented and we thank the Government of the United States for all the information they have provided to us answering to special requests. We have noticed it is clearly for local consumption that this request has been set and so as far as there will be no commercial whaling of what will be hunted we think that we can fully support the Makah proposal.

We want also to say to Mrs. Marcy Parker, and to take advantage of her presence here as leader of the local community, that our Commission has been in the past pre-occupied by some question, which is not related to their present request, but which is related to some salmon fishing activities by the Makah Indians and especially the utilisation of set nets which has bad influences on harbour porpoises in this part of the North Atlantic. It was recalled in one of our documents in 1994, International Whaling Committee Special Issue No. 15 - page 427 and following, and we would like just to send a message, to take the opportunity of the presence of the local authorities, to send a message to try and improve the situation as far as the protection of the harbour porpoise is concerned in this part of the North Atlantic. I thank you Mr. Chairman.

**Chairman**

Thank you France for that multi-purpose intervention if I can put it that way. I now have Monaco to be followed by St. Lucia. Monaco please.

**Monaco**

Thank you Mr. Chairman. According to the policy that we support of the reconciliation between the conservation of the species and at no sociologic return of the aboriginal people we support the American proposal thanks to the background of information we have and also we hope that the Makah people return to a better future. Thank you.

**Chairman**

Thank you Monaco. Back to the future. St. Lucia to be followed by Chile please.

**St. Lucia**

Thank you Mr. Chairman. Purely to support the request from the United States for the cultural revival, cultural renaissance of the tribe and to indicate as well that support and respect for indigenous people is a fundamental facet of the United Nations and the organisation of American States to organisations that my country plays an active part in. The tribal people do not need any sympathy from us, what they need is an understanding of their needs and they are the ones to determine their needs and we have full respect for them and their needs and so we support the request. Thank you.

**Chairman**

Thank you. I now have Chile followed by People's Republic of China. Chile please.

### **Chile**

Thank you Mr. Chairman. I would like to add our voice to thank the American delegation for all the complete information they have given to us and also to express our sympathies also to the Makah people in their request. Anyhow we cannot proceed without expressing doubts that many people here know very well and these doubts are referred to the fact that we are not sure this requirement fulfils the request made by the International Whaling Commission to approve an aboriginal subsistence whaling. We refer specifically to two points, the continuity of traditional dependence of whaling, we all know that there has been 70 years gap - we really believe and we know that there is a cultural dependence and relation of the Makah people with the whales but, as we describe the continuity tradition of dependence, well here it is not clearly, on the other hand it is not clear, about the nutritional subsistence need. The same we would say about the methods of killing, things that have passed so many times between the last operation they made with whaling so we really have doubts on this request. Thank you Mr. Chairman.

### **Chairman**

Thank you Chile. I now have People's Republic of China to be followed by New Zealand. People's Republic of China please.

### **People's Republic of China**

Thank you Mr. Chairman. First of all we appreciate the United States delegation for supplying so much information and so many papers and in particular IWC/48/28. This paper answers some questions we have asked in the Working Group. Generally we think from the resources or from the Scientific Committee, we have no objection with such a request. We can fully support it but we should fully follow the regulation of IWC. We compare the information supplied by the US and provisions of the definition. We share the view expressed by the distinguished Commissioner from Chile about the nutritional subsistence. Perhaps I can draw your attention in IWC/48/28, the first page, in the second paragraph from the bottom, there we can see each member will get approximately 44 pounds a year or less than one pound a week so this is a problem for us. That means one pound of whale meat means a subsistence dependence. In the second, we think the key issue in the definition is continuity in practice for the traditional dependence on whaling. We have no objection, even we can support amending such a definition, in particular the elements ..... in this definition, just like the subsistence continuity or even odd elements not included in such a definition such as commercial elements. We have such ideas for the next Annual Meeting, we can have such approach to review such a definition to meet the Makah tribe, such like this, their request before amendments of such a definition where there is difficulty to support such a request. Either way, according to the Chinese Domestic Law, any whaling operation is violation of the criminal law except the Chinese Government has said the aboriginal whaling and scientific whaling and the IWC. Thank you Sir.

### **Chairman**

Thank you people's Republic of China. I now have New Zealand followed by Sweden. New Zealand please.

### **New Zealand**

Mr. Chairman, New Zealand is a multi-cultural society with its own indigenous people and therefore it sympathises very strongly with communities that seek to revitalise their indigenous cultures. However, Mr. Chairman, we are concerned that the proposal that is before us does not come within the requirements for an aboriginal subsistence quota particularly we do not see an ongoing nutritional requirement, the point that has just been made by the People's Republic of China and therefore we share those concerns and we share and adopt the concerns that have previously been expressed by Australia and Spain.

### **Chairman**

Thank you New Zealand. Next on my list is Sweden to be followed by Oman. Sweden please.

### **Sweden**

Thank you Mr. Chairman. Sweden shares both the concerns and the sympathy expressed by all the previous speakers. To us, however, there are two quite important issues here and the first one is that that is absolutely no uncertainty about the stock and sustainability of the use of this stock and secondly we appreciate the transparency of the suggested operation and especially the clear indication by the US to achieve the most humane hunt possible. Thank you Mr. Chairman.



**Chairman**

Thank you Sweden. The next on my list is Oman to be followed by Mexico. Oman please.

**Oman**

Thank you Mr. Chairman. Understanding the needs of the Makah people for nutritional and tradition activities also recognising the clearness of the document presented I have a concern in terms of the killing of the whales. The Makah have stopped hunting whales for 70 years. It means that they have a new generation of hunt experience, people. I am wondering how will they be able to hunt a whale if they have no experience and how long it takes them without jeopardising the humane killing of whales. Thank you very much Mr. Chairman.

**Chairman**

Thank you Oman. I now have Mexico to be followed by the Netherlands which is the last on my list. May I close the list now? No I can't, I've got Austria and Ireland and that's it. Now Mexico please.

**Mexico**

Thank you Chairman. We sympathise with the request of the group of indigenous peoples and we have made a very serious effort within our own delegation and within our government to examine the request on its merits without excluding any *a priori* information from that analysis. We take note, of course, of the fact that the population which is a population that Mexico is particularly concerned with because it is a population that migrates, as you all well know, annually to and from Mexico, is not on the endangered species list and that the Scientific Committee has said that there would be no appreciable scientific impact on the stock.

At the same time, we do have serious difficulties with the second of the requirements that the Convention and the IWC put forward for aboriginal whaling and that is the issue of continued subsistence. We share the various concerns that have been made on the nutritional aspect. I would add to that that the distinguished Commissioner from the People's Republic of China has just made, the fact that from the sample of Makah who have actually expressed a point of view on the resumption of whaling activities, that is a very small percentage of the total number of people involved in the tribe, it would seem that the nutritional needs are not of primary concern to the members of the tribe because they, in general, did not take a particular interest in expressing their opinion on this.

We also took note during the course of the debate at the Committee level here last week that there is no unanimity within the tribe itself on this issue and that there are members of the tribe at least who do not feel that they are able to accompany others in the request to the IWC.

Finally, I cannot help but again mention that we are preoccupied on the Mexican side with the proliferation of requests that are coming before the Commission for aboriginal quotas. We feel that as in other cases, this threatens to become a method by which certain communities and certain members of the Commission are in one way or another coming to try obtain quotas under the generalised moratorium that exists on commercial whaling.

For all those reasons, Mr. Chairman, and after having very carefully examined the issue, the Mexican delegation shares the concerns which have been expressed by others and would not be able to support the request by the United States. Thank you.

**Chairman**

Thank you. I have the Netherlands to be followed by Austria. Netherlands

**Netherlands**

Thank you Mr. Chairman. In the Aboriginal Subsistence Sub-committee, the Netherlands was one of the delegations which raised a number of questions related to the definition of aboriginal subsistence whaling and the alleged need of the Makah tribe versus the mere existence of the cultural heritage and also the nature of the Makah tradition, commercial versus subsistence. We appreciate the additional information that has been provided by the United States orally and in writing regarding the various questions raised and although we have sympathy for the efforts of the native peoples anywhere to revive a culture which is in danger of decline, we think we have to weigh this against the need for overall restraint of marine mammals in general and whales in particular. And with regard to this request by the United States, Mr. Chairman, our

conclusion of everything that we have heard is basically the same as on the request of the Russian Federation and for an additional bowhead quota in that we are not convinced that it is really necessary to grant this quota in order to accommodate the nutritional or cultural requirements of the native people concerned. Thank you.

**Chairman**

Thank you Netherlands. The last two speakers are Austria first and then Ireland. Austria please.

**Austria**

Thank you Mr. Chairman. Austria would like to give a short statement. Austria has sympathy and concerns at the same time regarding the general question of indigenous people so we seek a clear base for our decision. For example, do you ..... the Russian Federation have stated that they need supplementary food. The Convention itself gives no definition of subsistence whaling or subsistence need. The only point of reference is local consumption. Further criteria were drawn up in the 1994 Resolution which mentioned that it aims to ensure no risk of extinction to individual stocks, to enable aboriginal people to harvest whales perpetuity at levels appropriate to the cultural and nutritional requirements, and to maintain the status of stocks at or above the level giving the highest net recruitment and so on. In the light of the Report of the Scientific Committee too which asks for a scheme which enables the IWC to take decisions in a clear transparent and objective manner, we have the feeling that clear criteria have to be formulated, adopted and applied before taking a decision on this matter. Thank you.

**Chairman**

Thank you, Ireland please.

**Ireland**

Thank you Mr. Chairman. First I would like to compliment the US on a very detailed, and I must say, a very open and transparent presentation which attempted to deal fairly with both sides of this question.

Ireland is normally very supportive of aboriginal subsistence whaling but I have a number of concerns in this case which have been listed by other delegations so I won't repeat them. My conclusion is that this application is not strictly in accordance with the criteria set down. To agree in those circumstances would create a very undesirable precedent for the Commission so can I propose Chairman that we defer a decision on this matter until next year and perhaps re-examine our criteria, look at how we deal with issues such as breaks in cultural tradition and perhaps there are many other issues in relation to aboriginal whaling which need to be looked at and come back with a redefined set of criteria? Thank you Chairman.

**Chairman**

Thank you Ireland. Well you can propose that at 12.29 but I think it is a suitable point for us to break. Before we do though I would like to in essence sum up where I think we are, not doing anything particularly on that very last proposal from Ireland except to leave it in the air.

As with the previous discussion, it is quite clear from interventions that there is some support and there is some unease. My proposal is then again there should be some discussion between the delegation of the United States and those delegations that have expressed various aspects of unease in an effort to try and reach some accommodation on this matter. Again, I am impressed by the form of words that are used and the language that is used and I believe that at this point there is opportunity for further discussion which should be being taken unless the delegation from the United States wishes to counter that. My proposal would be to ask them to engaged in some further bi- or semi-lateral discussion and return to a further consideration of this item a little later in the week. US please you have the floor.

**USA**

Mr. Chairman, we appreciate the discussion that has taken place and the comments of support and we understand the points of concern and we have addressed these and we would be certainly willing to continue to discuss with the delegations the points of concern. But I must Mr. Chairman, make note of one comment from the Commissioner from Mexico. He commented that he was concerned that there were some people in the tribe who disagree with the decision. I make, just as a comment, Mr. Chairman, I wonder how many decisions in his own Government are made that are completely unanimous. The Makah tribal Council has used an established process in procedure and in fact has a treaty right with the United States. They have held a vote which showed overwhelming support for that whale hunt. This is the first time in the tribe's

history that a vote has ever been held regarding an established treaty right. Some tribal members refused to vote because they felt that a vote on a treaty right was not appropriate. But the point is that the tribe has an established process, that procedure is followed, there isn't a unanimous opinion but there never is a unanimous opinion on important issues and I had to make that point because it is an important one that has not been discussed otherwise. Thank you Mr. Chairman

**Chairman**

Thank you United States. I am sure that any Government works in exactly the same way. The world, unfortunately is filled with human beings. I therefore propose that following the very extensive discussion we have had this morning on both of these issues I would encourage the maximum amount of consultation. Clearly both proposals will want to be, if we are able to agree consensus approach, voted on. I would imagine that would have to happen later on in the week but I would be very pleased to keep these items open for as long as is necessary to try and reach an appropriate consensus and I would propose that we would monitor that through our informal Commissioner's meetings which start from tomorrow morning.

Unless there are any further items under this particular agenda item 10, I would propose to adjourn any further discussion under it until we are ready to resume and now adjourn this session for lunch resuming at 14.00. I see no objections so we are adjourned.

[LUNCH BREAK]

**Chairman**

Commissioners, delegates, we will resume our business. Again I feel that education is needed here when I said I am going to start at 2.00, I am, and I welcome those of you who are here promptly. We left agenda item 10 hanging this morning and there is yet one further piece of business that we need to address under that issue. There is information in the Report of the Scientific Committee which is noted under 10.3.1.3 on North Atlantic humpback whales. This is, however, unexceptional, so I don't propose we need any further review of that but you will note that in the Report of the Aboriginal Subsistence Sub-committee, their item 6.4, they considered a request by St. Vincent and the Grenadines for a catch of 2 humpback whales for each season etc. The Chair this morning pointed out that the discussion there meant that the aboriginal subsistence Sub-committee would invite this Plenary to consider a Schedule amendment. What I would now suggest we do is, I would like to ask the Commissioner from St. Vincent and the Grenadines to make a short presentation along the lines that he made to the Sub-committee and then we can consider the issue in full in this Commission. St. Vincent and the Grenadines, are you happy? Thank you.

10.3.1.3

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. Mr. Chairman, I refer first to the Report of the Aboriginal Subsistence Sub-committee which concluded that the Committee would invite the plenary to consider a Schedule amendment whereby paragraph 13(4) would be amended to cover the period 1996/97 to 1998/99. The relevant part of the Scientific Committee's Report was quoted in the Aboriginal Subsistence Sub-committee meeting repeating the scientific advice of past years, that a take of 3 whales per year would not harm this stock of humpbacks. Also reported at Committee stage was a development that a second boat went out this year with a second aspiring harpooner with the comment that he has never struck a whale before and it is hard to say if he will succeed in taking over the operation when the old harpooner stops going out. However, the interest does indicate that the people of the island continue to maintain their tradition and this represents a revised cultural needs statement in the terms used in the Commission. In response to the request for documentation of the Bequia operation, I refer to document IWC/46/AS5, which contains an analysis of the situation including information on its history. Over the years a small fishery has not attracted the interest of scientists to the point where publications were made on it. Also the Government has not felt it necessary to pay a consultant to do such a study. It would in any case be better for any study not to be commissioned by the Government in the interests of objectivity. Fortunately we now have another more ample treatment of the fishery done quite independently in a new booklet entitled "Blows Man Blows" by Natalie Ward who spent a lot of time in Bequia, usually the whole of several past whaling seasons. She also brought her expertise as a scientist to bear on her on the spot experience of the situation and is well qualified therefore to produce the document that she has.

10.3.4

My Government recommends her booklet to the Commission and we have presented a copy to the Secretariat with information on how copies may be obtained. The origins and development of whaling on the island are well set out leading up to the present situation. The cultural context is therefore well

documented. Importantly, the booklet also documents that whale meat is sold on the island at about US\$1:90 per pound, less than the price of fish. The exchange of money, however, does not provide more than a subsistence basis for the fishery. In this regard I quote from page 33 of the booklet as follows: "as in times past the marketing of whale products provides hard cash that is in short supply. The income from whaling affords a modest subsistence of the whalers and their families. Whaling, however, is not always profitable for the owner. At times earnings from the sale of the oil and meat barely cover the cost of replacement gear and maintenance on the boats".

In these circumstances, Mr. Chairman, my government continues to support the desire of the people of one of our islands to continue their tradition, albeit on such a small scale, even though no whales have been taken in the last three years and despite its uncertain future and we so advise the Commission. To do otherwise would be to create public protest of a kind which would be unnecessary and unhelpful to anybody.

The Commission is also reminded that we reduced our own quota from 3 to 2 on the last occasion although the Scientific Committee continues to support a quota of 3. The Schedule would therefore be amended to read, and I quote, "For the seasons 1996/97 to 1998/99 the taking of 2 humpback whales each season is permitted by Bequians of St. Vincent and the Grenadines but only when the meat and products of such sales are to be used exclusively for local consumption in St. Vincent and the Grenadines". A change therefore only of the particular years quoted with the footnote at the bottom of the page stating that "Each year this figure will be reviewed and, if necessary, amended on the basis of the advice of the Scientific Committee. Thank you very much Mr. Chairman.

#### **Chairman**

Thank you St. Vincent and the Grenadines. This is, I think, is probably more straightforward than the two previous issues - at least I hope it is. Can I ask for comments and observations on this request please. Australia indicates it would like the floor. Are there any other delegations who would like to take the floor at this stage. Japan. So Australia followed by Japan please.

#### **Australia**

Thank you Mr. Chairman. Perhaps I should preface this comment by indicating that we have no objection to the proposed Schedule amendment given the statement by the Commissioner from St. Vincent and the Grenadines that no whales have been taken in three years. There maybe a temptation for the Commission, to use a colloquialism "let this one through to the keeper", and not to examine it seriously. However, there has been a new development this year. In the past we have been led to believe that this particular aboriginal subsistence operation was being phased out slowly, indeed we had been given to understand that the operation involved a single whaler who, to be polite, was getting on in years, and that no young people were interested in continuing the tradition. That's the statement that appears in the record of the thirty-seventh annual meeting. This year, however, we are advised the old whaler has been joined by a second boat with a young aspiring harpooner and whilst he hasn't as yet struck a whale or killed a whale this does seem to somewhat change the position and suggest to us that the operation may require somewhat more serious consideration if the operation is to continue beyond the retirement of the old whaler who we have heard about for quite some years. In our view, the Commission should perhaps examine the nature of this operation a little more closely, particularly the method used for killing whales, and the possibility, given that whales have been struck and lost, of specifying a strike limit in addition to the catch limit. Thank you Mr. Chairman.

#### **Chairman**

Thank you Australia. I would wonder how long it would be before Euro '96 got a mention in the Commission and it's slightly odd that Australia appears to be the first one that has mentioned it. I now have Japan to be followed by Grenada please.

#### **Japan**

Thank you Chairman. I have personally had the opportunity to visit the Bequia, the local site, and I have observed the rather difficult lifestyle there sometimes faced with poverty and now the young generation person is about to succeed this old harpooner for the sake of their future and I think that is really a good thing for them to try and maintain their tradition so I would like to express my full and wholehearted support to his proposal.

**Chairman**

Thank you Japan. I now have Grenada to be followed by the Netherlands. Grenada please.

**Grenada**

Thank you Mr. Chairman. First I must say that I take strong objections to the comments by the Australian Commissioner. We, in the Caribbean, we take our culture and our tradition very seriously. Maybe the old harpooner lacked the modern facilities to catch the whales but that doesn't necessarily mean that the tradition and the culture shouldn't continue. Mr. Chairman, on the advice of the Sub-committee granting permission to St. Vincent to take their two harpoon whales would not further deplete the stock, I think St. Vincent should be allowed to continue in their tradition and culture. Thank you Mr. Chairman.

**Chairman**

Thank you. I now have the Netherlands to be followed by New Zealand. The Netherlands please.

**Netherlands**

Thank you Chairman. I would just like to associate myself with the views expressed by the Commissioner of Australia. Thank you.

**Chairman**

Thank you Netherlands. New Zealand and then Antigua and Barbuda. New Zealand please.

**New Zealand**

Mr. Chairman, I have in front of me extracts from the 1987/88 and 89 Annual Reports of the Commission and in each case Sir it is made very clear that this quota was originally granted on the understanding that a phase out of whaling in St. Vincent and the Grenadines would take place naturally when the old harpooner, who I understand is now 72, ceases his activities. Let me say in response to the last intervention that there is no criticism of any culture in making that comment, it is simply drawing on the clearly agreed parameters within which this quota was agreed originally and has been extended even since and therefore like Australia and the Netherlands, and I am sure one or two others, we are concerned to learn that a second harpooner is now being trained to carry on the tradition. We reiterate our understanding of the current quota applies to the old harpooner only and that any new activity would need to be subject to a new request to the IWC with a new needs statement. Thank you Mr. Chairman.

**Chairman**

Thank you New Zealand. I now call on Antigua and Barbuda and then Mexico please. Antigua please.

**Antigua and Barbuda**

Thank you Mr. Chairman. I wish to make my comment based on first hand experience, given that I have lived in St. Vincent and the Grenadines for the better part of 10 years, and realising the cultural tradition with regards to whaling in that country, and would like to give my support to the request of the people of St. Vincent and the Grenadines, especially the Bequians, who have been experiencing situations of hardship over the years and their consideration that whaling is still a very important part of their culture and tradition and would therefore like to support that request for St. Vincent and the Grenadines to be considered with regards to the request that they are making today Sir. Thank you.

**Chairman**

Thank you Antigua and Barbuda. Mexico and then Denmark please.

**Mexico**

Thank you Mr. Chairman. We also sympathise with the request by St. Vincent and the Grenadines. We understand their position but although we are not going to oppose a consensus at all we would like to stress our concern. We would like to reiterate that in the absence of the RMS implementation and the aboriginal subsistence whaling scheme such activities shouldn't take place. We also share the views expressed by New Zealand, Australia and the Netherlands. Thank you Sir.

**Chairman**

Thank you, Now Denmark and then France. Can I, before calling on Denmark, please ask if any other country wishes to indicate any radically different position? USA went up and down like a lead balloonist. Would you like to say something US? I think you would, I will add you to my list.

**USA**

My apologies Chairman. I missed your comment while discussing something with one of my delegation members. Putting it simply we support the views of those who are in support of the proposal by St. Vincent and the Grenadines. Thank you.

**Chairman**

Thank you US. I'm sorry Denmark please would you now take the floor.

**Denmark**

Yes, like other speakers, we also support the request. Thank you.

**Chairman**

Thank you. France please.

**France**

Thank you Mr. Chairman. We are not going to oppose the consensus, if there is going to be a consensus on this issue. We still have doubts if this request from St. Vincent and the Grenadines fits into the rules we have set as the International Whaling Commission as far as aboriginal subsistence whaling is concerned.

First we think that the people of St. Vincent and the Grenadines are not really aborigines so it is not an aboriginal community which is concerned. It's a country, a pretty developed country, which is requesting this kind of quota. Secondly, apparently for the past three years, we have not had any news of this quota so clearly the cultural need and nutritional need is not that important, it encouraged people to use this quota and in this regard I want to associate myself to what Australia has said, supported by the Netherlands. So, I think, that in this circumstance, we are pretty far from the rules we have set up for this kind of aboriginal subsistence whaling. Again, considering the friendship between France and St. Vincent and the Grenadines, we are certainly going to make difficulties on this topic but we have some doubts and we want to express them officially. Thank you.

**Chairman**

Thank you France. I have, and the list is closed, but I still have Norway, Chile and St. Lucia and then I think St. Vincent was asking for the floor again. I had closed the list Russian Federation, do you simply wish to indicate support? Thank you, we will note that. Norway please

**Norway**

Thank you. Chairman. I shall be very brief because I would like to repeat what I said in the Technical Committee that Norway supports St. Vincent and the Grenadines and add that we wish both the old and the new harpooner well. Thank you.

**Chairman**

Thank you Norway. Now Chile and then St. Lucia. Chile please.

**Chile**

Thank you Mr. Chairman. We also want to ..... to any consensus on this matter and I as I have said before, several times already, we have sympathy for all aboriginal subsistence whaling but again in this case we share the concerns expressed by various delegations referring to several specific aspects of this request. Thank you Mr. Chairman.

**Chairman**

Thank you Chile. St. Lucia please.

**St. Lucia**

Thank you Mr. Chairman. Purely to support St. Vincent on the request, without any pre-conditions whatsoever, the questions as to the rules of the game and the IWC provisions, this have been adequately debated sometime ago and we do not need to get into it again. I think we should let the old man keep on whaling and die in peace. Whether he is succeeded or not is another matter which we can take up at another time but let him keep on whaling and let him go to the sea that is calling and so I support St. Vincent wholeheartedly without any pre-conditions. Thank you.

**Chairman**

Thank you St. Lucia. St. Vincent did you require a sort of last word please?

**St. Vincent and the Grenadines**

Yes, thank you Mr. Chairman. Just to say that in response to the intervention by New Zealand and that is not our understanding. When we say phase out naturally we doesn't refer to a person, it refers to the operation. It is always interesting to leave home and come to an international organisation to be instructed as to what we are and that is a reference to the intervention by my good friend from France. He may not know that the indigenous people of those islands are the Caribs and that there is a very strong strain of Carib blood in those islands, in particular, on the island of Bequia. Thank you.

**Chairman**

Thank you. It seems to the Chairman that this is slightly clearer than the issues we were debating this morning in that most who have spoken, including those who have expressed in one form or another some reservation, which of course will be reflected fully in the verbatim record, and shortly in the Chairman's Report, that there is a consensus to change the Schedule in the way that is alluded to in section 6.4, the last paragraph, of the Report of the Aboriginal Subsistence Sub-Committee. Unless I see any indication to the contrary, I believe we can now accept that Schedule change. I see no indications to the contrary. Accepted. Thank you.

That concludes all we can do at the moment on agenda item 10 but I reiterate once more the need for as full and as positive interactions as possible for the two outstanding requests which hopefully can be resolved in a manner similar to that we have just handled. But if not then they can be voted upon, if so desired, and I will leave those open until I am advised by either of the proponents, that is the United States or the Russian Federation, that they are ready and interested in having the proposal further considered by the Plenary.

That being so, we will now revert to the order, the natural order as it were, which will no doubt soon fall into chaos as is our usual mode of operation and revert to the Technical Committee. We did out of order this morning agenda item 6 of the Technical Committee Report but I now would like to go back to consider it in order. That is our agenda item 4 - Humane Killing and there are of course annotations to our agenda, more importantly this issue has been considered by the Technical Committee and I now call upon the Chair of the Technical Committee. I have just looked up and seen to my horror that the Chair of the Technical Committee's chair is empty. I knew there was going to be a problem!

4.

This will be irregular but since the Chair is not yet here but we have a very clear report that was adopted just yesterday, I propose we actually take the report as written and assume that it has been efficiently and effectively presented by the Chair of the Technical Committee with whom I will have words later in the day and move to actual substantive discussion of this item. In fact, I note that the main matters that were discussed were driven by some information presented by New Zealand and the United Kingdom and I wonder if, and I see New Zealand raising its flag, so my question is answered. New Zealand would you like to open the discussion please?

**New Zealand**

Mr. Chairman, in the debate that took place within the Technical Committee, there were several interventions from delegations who expressed hope that there might be a possibility of achieving some agreement on these issues, the issues that are addressed particularly by the Schedule amendment, the draft Schedule amendment, without the issue actually having to be dealt with as a formal Schedule amendment.

4.1

I think it is fair to say Sir, and I am avoiding the merits of the issue here entirely, it's fair to say there has been some discussion between the various interested delegations on this and without raising the hopes of the meeting in any particular way, we believe that those discussions should continue for a little time yet. In those circumstances, rather than force various delegations to drive themselves into a particular position at this stage, it might be better to defer this item perhaps to at least to tomorrow, maybe until Thursday or I sense that Thursday is starting to become somewhat committed, to see whether in fact something less than a Schedule amendment, in the nature of an agreement, might be possible. I am avoiding the merits of the issue entirely at this stage, we have discussed this within my delegation and the delegation of Japan and there has also been broad agreement with the UK delegation as well.

### **Chairman**

Thank you New Zealand. I am certainly encouraged to hear something of what you said. The prospect of an early night today only to spend all day on Thursday and all night on Thursday is not necessarily encouraging though but perhaps it will all be solved. I wonder whether taking fully into account what you have said, whether none the less delegations may wish to make general observations in this Plenary on the clear understanding that we are not going to be taking any final decision clearly this afternoon from what you have just said. I see that Japan has asked for the floor so I will give the floor now to Japan and then see how best to proceed from there on. Japan please.

### **Japan**

Thank you Mr. Chairman. We always welcome frank discussion and reach any agreements if it is possible and we hope so. We don't want to repeat the discussion, we already discussed that at a lengthy level so it is not my intention for this intervention to touch on those points. Nonetheless, to be frank with you Mr. Chairman, the approach people tackle this issue, sometime changed, naturally on the trend of the discussion. We have now seen the new paper IWC/48/31 and the New Zealand delegation would like to defer the discussion further, that is alright but I think we would like to make ourselves known at this stage without inviting any intervention because this is our problem that we ... I think that it is better for us to state in the general remark, in light of the some new developments. Can I proceed Mr. Chairman?

In odd papers, the delegations of New Zealand and the UK, claim that the electric lance is ineffective based on the data obtained from dead whales and several hypotheses. We firmly believe contrarily that the electric lance remains to be most effective secondary killing method currently implementable to shorten the killing time. Our belief is based on the experiments and hard data contained in the field from more than 1,000 samples. Some argue that time to death is just one aspect for considering the humaneness. We do not disagree, at the same time, however, we have serious doubts whether or not we can discuss other aspects based on objective and scientific criteria. Many of which are still in the stage of research. Therefore, to shorten the time to death as much as possible should remain the goal at which all of us can aim on a commonly agreed yard stick. Another principle we should adhere to, is that we should question whether or not it is fair and justified for only whalers to put in a position to demonstrate humaneness in the operation in the more stringent standard than other hunters for terrestrial animals will be. Isn't so doing what we call the double standard which should be dismissed.

Having said that Mr. Chairman, we, while maintaining our firm believe that use of the electric lance is still the most effective secondary killing method, do not exclude the possibility to look to other methods. We noted that in the discussion so far that many delegations encouraged the use of rifles. My delegation now announces that Japan is ready to undertake from the 1996 season the feasibility study, although of a limited scale, in the field for the purpose of assessing the effectiveness of the rifle assuming that we are not faced with a situation beyond our control such as unavailability of trained riflemen. We will report on these odds as appropriate at the next Annual Meeting.

At this moment, however, as I explained before we cannot be optimistic about any promising results because it is quite a new experience for us. Japan cannot too much reiterate that we would undertake this feasibility study strictly on a voluntary basis. In the past, almost every year, Japan has been harassed by various Resolutions submitted and adopted in the Commission meeting despite our forward looking attitude to our legislation. They are agonising to us and signs of distrust directed to us and we appeal such things not to be repeated. Any Resolution at this time is counter-productive to our determination on the feasibility study.

Finally, as to the proposed Schedule amendments which seeks to phase out the electric lance used within the three-year period, I have to say we will not be able to accept it. The point is not how soon we should abolish the use of the electric lance but whether or not it is effective so in that the proposal has the same characteristic as the original Schedule amendment proposal seeking an outright prohibition and we are looking for fruitful discussion within the twenty-four hours. Thank you very much.

### **Chairman**

Thank you very much Japan for that intervention and your announcement as it were. Taking into account what you have just said, even taking into account also the caveats of what you have just said, and taking into account of what New Zealand has said, it seems to me most sensible that we should allow time for this discussion to mature and, if necessary, return to a more detailed consideration of it at some later point in the week unless any other delegation wishes to make an intervention at this point on this issue I would propose



to leave that item open and therefore any Action Arising on that item will remain open until a later point in our meeting. Are people content with that? France.

**France**

Thank you Mr. Chairman. I'm not very clear with the procedure you are proposing, that is to say we will have a discussion in the future, not only the action to be taken, but also the discussion itself is postponed for a while. I don't see why it is useful to postpone the discussion when we can start in the Plenary to have the discussion this afternoon but I'm ready to wait for one or two days but I think there is a need not only to have action on any kind of Resolution or Schedule amendment but also to have an exchange of views on that topic. Thank you.

**Chairman**

Yes, I am sorry France. Probably because I am chewing gum I wasn't as clear as I should have been. That is exactly my intention but I believe that the force of the New Zealand statement earlier was that it might be helpful for people to participate in some further informal discussion so that they might not say anything in Plenary which they might then have to change as it were in a subsequent time and I think that is a very sensible way to proceed. Knowing that we are going to have to return to the whole issue we can then move forward. I should also observe that the Technical Committee Report itself has a rather full account of the previous discussion and I hope that any fresh discussion in the Commission could then be informed by that. In that case we will hold over item 4.1 and any Action Arising from it.

Item 4.2 says "other matters". Are there other matters that are required to be raised under this issue? It seems not. In that case we can set aside item 4 to return to hopefully not too much later in the meeting. I am now relieved to see that the vice-chair has resumed his seat and can guide as through the other items the Technical Committee discussed which was their item 3 and our item 5. One day we will get a way to sort all this out. Socio-Economic Implications and Small-Type Whaling. Ireland would you like to introduce that part of your Report please.

4.2

**Ireland**

Thank you Chairman. Sorry I missed the last item. Urgent phone call, ET ring home - parliamentary debate tomorrow.

Item 5 - Socio-Economic Implications and Small-Type Whaling. Japan presented a paper summarising previous discussions. It emphasised the importance of minke whaling as economic, social and cultural elements in the four community whaling coastal communities. These communities are now in decline because of the moratorium on commercial whaling. Japan presented much documentation and this is the ninth year that it has asked for an interim relief allocation. Previously this had been denied because of the commercial aspects in the operation which were now eliminated by its action plan for community-based whaling. It noted that the Scientific Committee did not think that a catch of 50 minke whales would cause any harm to the stock. No delegation seemed to be prepared to change their position Chairman. Those that supported Japan's request for Schedule amendments recognised the constructive approach taken by Japan and sought to alleviate the hardship caused to the communities. Those opposed to the proposal identified concerns about commercial aspects of the question, control of illegal trade, mixing of products with those from bycatches and directed catches of other species, and worries that this would lead to further requests in future years. The legal position that only two types of whaling are recognised in the Schedule, commercial and aboriginal-subsistence, was also mentioned as well as the view that the proposed non-commercial use should be in the Schedule. Japan stated in response to questions that its request is in addition to a Special Permit Catch of 100 minke whales in the North Pacific which will not increase. There will be no mixing of products with those from other cetacean catches under the Action Plan and this will be enforced by the Government of Japan. Japan further raised the question of the lack of commerciality, stating that the community-based whaling carried no commercial aspect with no profit by Japan's definition. However, others take different views. As you can see Chairman, the Technical Committee reaches no consensus on the issue and we just forward the differing views to the Plenary. Thank you Chairman.

5.

**Chairman**

Thank you Ireland. Well I think we have to examine this issue again in the Plenary. Note that under item 5 there is item 5.1 - new information submitted; item 5.2 - Japanese proposal for a Schedule amendment. I wonder if Japan wishes to make any comments at this moment on the matter? Japan you have the floor.

**Japan**

5.1 Thank you Mr. Chairman. This time we have submitted a compilation of the papers we have had submitted in the past compiling more than 30 documents. To be frank, since we work so hard to try and eliminate commerciality and define the needs for culture we just wonder how much we have to work. That is the very reason, instead of presenting new papers, which is at this time is completely difficult but rather to present as a significance of our work so far. So under that agenda item there is new information submitted.

Mr. Chairman please just give me one minute please.

Mr. Chairman, sorry we spent much time. This is all I have to say on agenda item 5.1 - new information submitted. Thank you.

**Chairman**

Thank you Japan. We note that. Is there any question that you want to raise with respect to 5.2 - the proposal for Schedule amendment at this time?

**Japan**

5.2 Thank you Mr. Chairman. Yes, we have put forward already our proposal for the Schedule amendment to materialise interim relief quota and our proposals. Specific language is already submitted and provided before us and it was written on page 9 of our document IWC/48/2. It is in page 9, 5.2, the language itself is exactly identical except that "season" in the second line from the bottom. So the entire proposal would be "Notwithstanding the provision of paragraph 10, the taking of 50 minke whales from the Okhotsk Sea - West Pacific stock of the North Pacific in the 1996 season is permitted in order to alleviate the hardship in the community-based whaling communities" and I have to inform through Mr. Chairman to the floor that as we did last year, we are going to submit a Resolution because this current formulation of Schedule amendment specifies on the allocation from particular stocks, it does not specify the allocation should be exclusively for the community-based whaling communities and that does not specify the whale product should be distributed in such a way that is stipulated in the action plan that was distributed and recognised as a constructive element in last year's Resolutions. Therefore, we are going to distribute the Resolution today for the further discussion and consideration and decision for the Plenary session if we continue to think that such taking of a decision on this matter would be appropriate. Thank you.

**Chairman**

Thank you Japan for that introduction. My understanding from what you have said then is that it would be probably to advantageous for the Plenary to wait until you have circulated your Resolution so that we can actually focus the discussion on that rather than the generalities that have already been discussed in the Technical Committee. So again I think we have to let this agenda item, which would really be agenda item 5.3 - Action Arising slip until a little later. Are Commissioners and delegates happy with that? I don't think we can make any further useful discussion this afternoon. That seems so. Japan please.

**Japan**

Thank you very much Chairman. Japan is pleased to acknowledge your guidance as you summarised. However, depending upon the outcome we would like to at a later stage, if necessary, ask one step further to follow-up according to the outcome of our consideration on the proposal of the Schedule amendment.

**Chairman**

Yes, thank you Japan. My understanding from what you were saying is that you were hoping to have some discussions on a Resolution and following that we can have a discussion in Plenary and whatever the outcome you, I understand, are still wishing to move some form of Resolution under Action Arising so we will keep that open and hope that it is a Resolution that can be accommodated with minimum discussion. Thank you.

7. Now, the report of the Infractions Sub-committee is being placed in the pigeonholes again at the moment so I am inclined also to leave that. You can collect that and review that over tea which would then take us on to agenda item 9. Actually the Secretary points out that there is essentially a procedural item which we might be able to do away with very quickly which is agenda item 7 - the adoption of the Report of the Technical Committee. I think, although we have taken it in bite size chunks, we have actually heard it all and the Vice-Chair nods so can I have an indication that this Plenary adopts the Report of the Technical Committee? It seems so. Thank you.

As I was saying, we will pass over agenda item 8 and come back to it a little later this afternoon after tea but that would take us now to agenda item 9 which is Mechanism to Address Small Cetaceans in the Commission. You have, besides the annotation, you also have document IWC/48/20, which deals with this issue and which contains a number of replies from both member and non-member states and there is also some part of the Scientific Committee's Report which deals with this issue and that is essentially covered under 9.1. I wonder if the Chairman of the Scientific Committee wants to make any comments at this stage? Dr. Reilly.

9.

**Scientific Committee Chairman**

Thank you Chairman. Just for a point of clarification, under this item you would to receive just our discussions on priority topics for the future and not the rest of our discussions on small cetaceans. Is this correct?

**Chairman**

That is correct yes.

**Scientific Committee Chairman**

And if you like I can tell you our proposal for the coming year at this point then.

On page 54 of the Scientific Committee Report, you will see at the bottom of the page, a table 4 and in that table you will see reflected the priority topics as agreed last year for 1997/98, that is agreed by the Commission Mr. Chairman, and then at the bottom of the table you will see our proposal for the priority topics for the 1999 meeting. First of all a global review of the genus *Tursiops* - bottlenosed dolphins, the rationale for that would be that there is now available a large amount of new research results on this genus. The second priority topic would be a global review of the genus *Lissodelphis*, the rationale being the availability of new research results, for example from the former North Pacific highseas driftnet fishery. The Committee recognised the desirability of involving coastal and range states in its work on these topics. It agreed to encourage such participation through the relevant sub-committee convener in conjunction with the Secretariat. Thank you Chairman.

9.1

**Chairman**

Thank you. Are there comments from delegations on this issue, on the work that has been just presented by Dr. Reilly and also on the document IWC/28/20? Denmark please

**Denmark**

Thank you Mr. Chairman. With reference to document IWC/48/20, among other things this document suggests that the Commission should confirm the topics for review in 1997/98 including a global review of white whales and narwhals. You may be well aware of the Danish position on IWC competence with respect to small cetaceans. With respect to white whales and narwhals in Greenland waters, we refer to the work going on in the joint Greenland/Canada Commission on the conservation and management of these stocks and as the Greenlandic resources naturally are limited, then with respect to scientific research Greenland has decided to give priority to the work in the scientific working group under the said Commission, that is the joint Greenland/Canada Commission. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark. Mexico please.

**Mexico**

Thank you Mr. Chairman. I have several comments to make on this issue. I will refer to the Report by the Scientific Committee especially and, of course, to the Opening Statement of Mexico.

First of all, I would like to reiterate that Mexico still maintains the position that any expansion of the IWC mandate to include small cetaceans is not possible until such a time as the revision of the Convention has been undertaken as we stressed in the Opening Statement.

We welcome the recommendation by the Scientific Committee recognising the severability of involving coastal and range states in its work on this topic. We think that this is a real important issue. As you may recall Mr. Chairman, last year the Commission decided to approve the Scientific Committee Sub-committee work programme for 1997/99 only on a provisional basis. The reason for that was the difference of opinions within the Commission on the competence of the IWC on small cetaceans and the concerns raised by several

delegations, including Mexico, about the continued work of the Scientific Committee Sub-committee without reaching a previous agreement on the competence of the IWC in the issue. Now, in page 54 of the Scientific Committee Report, it is stressed in point 16.6 - priority topics for 97, 98 and 99 meeting, it is said that in the absence of specific instructions from the Commission, the Committee proposed the topics and so on and so forth. It is the opinion of this delegation that we need to agree specific instructions for the Committee and especially when taking decisions on priority and working programmes for the Sub-committee. In these circumstances, this delegation would like to put forward some suggestions which could form part of those specific instructions. We will refer to only three of them.

(1) To reiterate the importance of involving local agencies, governments and scientists when researchers are developing research in specific coastal states as stressed in the Scientific Committee Report.

(2) To recognise those countries which have contributed to the work of the Sub-committee on a voluntary basis and;

(3) to reiterate the Scientific Committee not to adopt recommendations or decisions on management issues.

Thank you Mr. Chairman.

#### **Chairman**

Thank you Mexico, are there any other observations? United Kingdom please.

#### **United Kingdom**

Thank you Chairman. We very much welcome this paper IWC/48/20 and also the Report of the Scientific Committee. It seems to my delegation the process that we set in train last year seems to have worked quite well. I think the responses to the Secretariat circular were perhaps a little bit disappointing but perhaps when other countries get used to the process we may find that they may take a more active interest. My delegation continues to think that it is very important to involve range states in research into small cetaceans and that we should continue the process that we agreed last year which I think involves confirming the Scientific Committee's recommendations for 1997 and 1998 and asking the Secretary to seek views on the 1999 proposals so that we can confirm them next year. As far as I can remember that is the procedure we agreed and I think it is the point that we should adopt. Thank you Chairman.

#### **Chairman**

Thank you United Kingdom. Russian Federation you ask for the floor.

#### **Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, we remember the discussion we had at the last meeting and all the various points of view expressed on these issues and having in mind the document IWC/48/20, we see in Appendix 1 a multitude of states which requests were addressed by the Secretariat and knowing how little response was made to this request we tend to begin thinking that this is a reflection of a real interest of particular states towards the work undertaken by the Commission. You know Mr. Chairman, at the United Nations Straddling Fish Stock, Highly Migratory Fish Stock Conference, there was a new notion introduced in the international law, a notion of real interest on which should be based actions of the states. So, this real interest is lacking it seems to us, at least on the part of the states to which we addressed our invitation for cooperation.

It seems Mr. Chairman that probably we should modify our invitation in order to make it more attractive for these states or probably to review the whole process and to ask ourselves whether we are totally right in going along this road. But, Mr. Chairman, after all these general statements, we would like to comment on particular provisions of this document and especially the plan of work for the coming years. We have in mind, especially 1998, and both topics which are proposed for these such purposes.

The first topic concerning Arctic species was the subject of consideration of states, members of the programme on the consideration of Arctic flora and fauna. This is a programme which is undertaken by Arctic states, Arctic nations, and at the last Annual Meeting of the Commission we referred to this body which we see to be competent to discuss and to take decisions of these matters. The meeting of Arctic states, of the representatives of Arctic states, in this programme took place in Moscow last September and there was no approval of the initiative taken by the IWC concerning these particular species.

As to the Russian Federation in whose waters, I mean exclusive economic zone, territorial seas, this is a range of these species. The Russian Federation is determined to continue scientific research and to share the results with scientific research with the international scientific community as appropriate. But again, Mr. Chairman, I repeat that as to the international cooperation, we still consider that the forum of Arctic states is the most competent to discuss these issues.

As to the second programme, Mr. Chairman, which is the review of the species *Tursiops*. It appears that there is at least one state which we don't find on the list in Appendix 1, and this state is the Georgian Republic and, as far as we know, this particular species are more or less abundant in the territorial sea and exclusive economic zone of this state and it's a pity that this particular state has not been contacted. You know Mr. Chairman that this state is a member of the Commonwealth of Independent States and the Russian Federation has certain obligations towards this organisation concerning the cooperation in respect of international matters of mutual interest. So we would favour that this particular state be consulted on the issue before the Commission takes any decision on this matter. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. Are there any other observations, comments? US please.

**USA**

Thank you Chairman. As the UK indicated, we also believe that a good start has been made in implementing the agreed procedure last year. Certainly the selection process for topics is quite transparent, advance notification to range states and other interested states has been given. I think the plan of the Scientific Committee is reasonable and looking at the topics for 1997 and 1998 we would comment on one of them. The United States is also a range state regarding white whales and we could certainly agree to a scientific initiative on this species for 1998 and in all we would be in a position to adopt the programme of the Scientific Committee as proposed for 1997 and 1998. Thank you Chairman.

**Chairman**

Thank you. Norway please.

**Norway**

Thank you Mr. Chairman. In order to gain thorough understanding of the status of marine mammal populations and their role in the marine ecosystem we feel that detailed research is required on such aspects as distribution, stock identity, reproductive parameters and feeding ecology. It is our view that the cooperation between countries in research is both necessary and an efficient approach to improve our knowledge of marine mammals. Norwegian scientists do indeed participate in a number of international whale projects within the framework of the IWC and NAMMCO which recently has taken up the research on narwhal. We also cooperate with scientists in the framework of the ASCOBANS. Norway supports the priority of topics which has been proposed for review by the Scientific Committee in 1997 and 1998 and we are interested in contributing to the work and this is, of course, without prejudice to the IWC mandate in respect of the management to small cetaceans. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. There are no further observations or comments on this issue. Sorry there are, Netherlands please.

**Netherlands**

Thank you Chairman. It is well known that the Netherlands attaches great importance to research on and conservation of small cetaceans, many of which are threatened by a variety of species, of threats. Therefore we welcome the proposals for further work as are contained in document IWC/48/20 and I note that in this respect that for 1997 the Scientific Committee is planning, among other things, a review of small cetaceans in coastal waters of Africa and in connection with this it may be relevant to remind member states of the existence of a special fund for work on small cetaceans which this Commission established last year and to which we have made a contribution especially for the purpose of enabling scientists from countries that cannot afford to send scientists at their own expense to participate in meetings such as this. Thank you Chairman.

**Chairman**

Thank you Netherlands. South Africa please.

### **South Africa**

Thank you Mr. Chairman. I am not one to have a lengthy intervention but simply to say that it is welcomed by my delegation to see that there are some research initiatives around the coast of Africa. As you may know, Mr. Chairman, dolphins in our waters are fully protected and we would be very keen to see increased research on those resources so that we also gain a better understanding of our local resources. Thank you Mr. Chairman.

### **Chairman**

Thank you. Well if there are no further observations or comments it would seem that the proposals that ... sorry Japan you wanted to comment.

### **Japan**

Thank you Mr. Chairman. Japan's position on small cetaceans is identical with some of the previous speakers such as Denmark and Mexico in that we think that this matter is outside of the terms of reference. Particularly when it comes to the management, the IWC should not, particularly the Scientific Committee should not give any management advice which we consider is inside the national sovereign right and we also have a concern that recent expansion of the works of the Scientific Committee on small cetaceans. I think although we have hesitantly recognised and approved these priority topics but we would like to urge through this Commission to the Scientific Committee that we should be and they should be considering the area of the priority which we believe large cetaceans, large whales, for its comprehensive assessment and sustainable use and management for these species would be high priority and small cetacean study is less and lower priority as far as Japan's understanding is concerned.

Touching upon the scientific details, nevertheless, we are pleased to see that some development was foreseen on stock identification and the reproduction and migration and stock population by analysing carcasses collected through bycatch and stranding that would mean that analysis using the entire carcass is more than useful and informative and powerful than the studies being conducted by other known lethal way of conducting research. Thank you Mr. Chairman.

### **Chairman**

Thank you Japan for those additional observations. I don't think I'm going to change my summing up greatly though, thank you, except to say that clearly there are a number of the members of the Commission that preserve very carefully their position on the approach of this Commission to small cetaceans. I detect a general agreement to continue this exercise bearing in mind the specific comments that have been made by some members concerning other parties to contact and that I haven't heard any lack of support for the programme that has been proposed by the Scientific Committee and unless somebody wishes to come in now ..... Russian Federation.

### **Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, there was a lack of support on behalf of the Russian Federation for a particular programme scheduled for 1998. This concerns the research in Arctic waters for the species such as the white whale - this is programme (a) and there is an obvious lack of support from our side. Thank you Mr. Chairman.

### **Chairman**

Thank you Russian Federation. I was actually going to go on, and I will now go on, but your specific objection is now noted but what I was, however, going to say was that my interpretation was that some members had pointed out that there were other organisations that might be involved in these sort of activities as well. It simply means, I think, that the Scientific Committee, through the Secretariat, needs to be in full contact with other organisations that might be doing any research which is related to the efforts of the Scientific Committee but Russian Federation your specific objection is noted but I don't see any general support for not proceeding with that item. Do you want to suggest particular action on that or can we simply note that you object to that particular activity? Russian Federation.

### **Russian Federation**

Thank you Mr. Chairman.. Mr. Chairman, I understand that it's important to adopt certain guidelines for the coming year and I presume that at the next Annual Meeting we will have the opportunity to ponder over the programme for the year 1998. So we don't want to be an obstacle on the road to consensus here. So, probably we can agree, all of us, that we have a programme of work for the Scientific Committee for the

coming year and we would review the topics for discussion to be undertaken in 1998 at the next Annual Meeting. Thank you Mr. Chairman.

**Chairman**

Thank you for your constructive suggestion on the road to consensus. I think that's a perfect proper way to proceed because almost certainly in the twelve months intervening, in fact rather more than twelve months will intervene, we will probably have further information and be able to make more informed decisions. I particularly noted your observations about other organisations, as I mentioned, and I think that is something that should be explored.

Sorry, the Secretary was just consulting with me on some minor points there.

Essentially that deals with 9.1. 9.2 is labelled other matters, I assume in case there are any. Hopefully, no one has any other matters. I think not. Oh - Mexico.

**Mexico**

I am sorry Mr. Chairman. I'm not sure if it is the right moment to introduce the paper submitted by Mexico. It's 25 or do you prefer to wait?

**Chairman**

Yes please, you are exactly right, it is the right moment.

**Mexico**

Thank you Mr. Chairman. It's paper IWC/48/25 submitted by Mexico, of course - recovery strategy for the vaquita. 9.2

As the Commission is fully aware, the vaquita is an endangered species of great importance for Mexico and it's endangered status is of utmost concern to the country and the international conservation community at large and that is why Mexico wishes to share the following information.

The management plan for the Biosphere Reserve of the Upper Gulf of California and the Colorado Delta was published and released in December 1995. A copy of that management plan will be distributed among Commissioners during this meeting and it was also officially submitted at the Scientific Committee this year.

Reaffirming its commitment to the protection of the environment and conservation of natural resources, Mexico is willing to put forward its best effort to achieve the recovery of this unique endemic marine mammal. As an important step to accomplish this goal, Mexico announced today its decision to develop a Recovery Plan for vaquita.

In order to prepare the plan Mexico will establish and adopt an *ad hoc* advisory group. To conform this group, the Mexico Government is integrating a list of highly qualified scientists from international and scientific organisations, including some members of the IWC Scientific Committee. Although we don't recognise the IWC competence on small cetaceans we do recognise that some of the best expertise is to be found among members of the Scientific Committee of the IWC. The mandate of the group will be to offer guidance on specific research lines to identify main mortality factors at the population level and to propose to Mexico scientific elements to develop an appropriate Recovery Plan that will establish a specific strategy for the recovery of the vaquita.

Without prejudice to Mexico's well-known position regarding IWC competence, which I already have stressed on my previous intervention, the Mexican Government will inform the Commission as appropriate, as well as to other international organisations, on the progress of this initiative.

The Government of Mexico will request the Chairman of the Scientific Committee to suggest a list of recognised experts in the fields, and I would like to make a correction, it will be among other fields, natural history, bycatch estimates, conservation biology, acoustic surveys, population dynamics and abundance estimates for eventual inclusion in the Advisory Group. Thank you Mr. Chairman.

**Chairman**

Thank you Mexico for introducing that particular item. I am sure members will be interested to hear of the recovery plan strategy that you have and be encouraged by it indeed. Are there any other matters that

anybody wishes to raise under 9.2? In which case I think we have probably concluded agenda item 9. It seems so. United Kingdom.

**United Kingdom**

Thank you Chairman. Could we hold 9.3 open - we have a Resolution in mind which we will be circulating later.

**Chairman**

Well United Kingdom, you don't surprise me, but I hope it is just one Resolution. We will keep open item 9.3.

Fine, we are beginning to make a little more progress. It's not quite 3.30 but I propose to break now for tea and we will resume immediately after tea at 16.00, exactly, dealing with agenda item 8 - infractions and you should have by now in your pigeonholes the report of the meeting that that group had and you can digest that over tea. Meanwhile I now adjourn until 16.00. Thank you.

[TEA BREAK]

**Chairman**

Delegates, I would like to resume our business. Now, in discussion with the Secretary over tea, I would like to suggest that we will deal with the issues before us now in the following way. There are still a number of issues concerned with small cetacean matters which appear in the Report of the Scientific Committee. These would normally come up in, as it were a grab bag of items not covered by anything else under agenda item 18, but because we have just been speaking about small cetacean matters and the work programme for the Scientific Committee, I think it is useful to try and deal with those, and as it were, rule that off.

At that point, I think we run out of things that we can usefully and logically do today so I would propose at that point to adjourn the Plenary - it will immediately turn into, for those who wish to stay, the Infractions Sub-committee and the Chair will come up and work through the Report and hopefully you can adopt that Report which can then be finalised and put into pigeonholes for tomorrow. It will also allow a little more time for the negotiating and discussions that clearly need to take place following our discussion this morning and earlier this afternoon.

Then tomorrow, so that you can all be well prepared in your minds as to what we are going to do, or try and do I should say, I would like to deal with, in the morning items 11 and 12 and then move to agenda item 13, 14 and possibly 15 in the afternoon, but we will start ploughing through from, as it were, agenda item 11.

There is a further complication in the sense that the Chair of the Working Group on Supervision and Control has to leave by noon so we will need to be expeditious in our work in the morning to ensure that he is able to return to his homeland.

Having sketched out then what I hope is a programme that will enable us to work in the most efficient way, I would now like to ask the Chairman of the Scientific Committee to take us through his Committee's Report

**Scientific Committee Chairman**

18.

Thank you Chairman. I draw your attention to the Scientific Committee's Report beginning on page 48 and carrying on for a good number of pages through to page 54. This year, Mr. Chairman, our small cetacean items addressed were the following: consideration of criteria for assessing the status of harbour porpoise populations; consideration of the methodology to assess the magnitude of bycatches for harbour porpoise populations; a global review of the genus *Lagenorhynchus*; a review of other miscellaneous presented information on small cetaceans and then progress on previous years recommendations that have been made.

I will give you a few words for each of those subjects and then answer questions Mr. Chairman.

The first of those are consideration of criteria for assessing the status of harbour porpoise populations. First of all the Committee stressed, and I would like to stress Mr. Chairman, that in addressing this topic there was no intention to discuss issues of management but rather to restrict discussion to the assessment of harbour porpoise populations in the North Atlantic. This was agreed last year Mr. Chairman by the Committee, it was explicitly on our work plan. The Committee considered presentation of an example approach, one that was used to assess the status of marine mammal populations in the United States, this is called the PBR



approach or potential biological removal. It uses information on abundance, bycatch and population growth rates to estimate this parameter, this PBR level. There was quite a bit of discussion in the Committee about whether or not this particular approach was appropriate for use for North Atlantic harbour porpoise and at the end of the discussion there was no consensus on this particular method and so it was not applied during the meeting.

The Committee briefly reviewed other available information on abundance and magnitude of bycatch of harbour porpoises in several areas in the North Atlantic and this is a follow-up of work that had been done the previous year and in each of four areas for which data were available, that is the Gulf of Maine, Kiel Bight, Celtic Shelf and the southern North Sea. Estimates of known bycatch were greater than 2.5% of the best estimate of abundance, levels that the Committee agreed may not be sustainable.

Moving on to the next item, the consideration of methods to assess the magnitude of bycatches for harbour porpoises. The Committee agreed to review new information of the methodology used to estimate bycatch of harbour porpoises, recognising that other organisations, such as ICES and ASCOBANS, were undertaking similar reviews. They recognised that there was two independent measures involved, that is the bycatch rate and measures of total fishing effort which you find on page 49 and over to page 50, some of the details of our discussion on those matters. There are some recommendations in this section Mr. Chairman at the bottom of page 50 you will find a recommendation that the assessment of the potential marine mammal bycatch made for new fisheries using independent, should be using independent observers, before such fisheries are developed commercially and in addition the Committee recommends that whatever estimates of harbour porpoise bycatch rates exist from observer programmes, member states should provide relevant data on fishing effort to allow estimation of total bycatch.

The Committee received several recent studies of harbour porpoise bycatches in the North Atlantic, including studies from Sweden, Gulf of Maine and Germany.

Moving on quickly Mr. Chairman to our global review of the genus *Lagenorhynchus*. The six *Lagenorhynchus* dolphins were considered under the topics of taxonomy, distribution, stock identity, migrations, abundance, directed and incidental takes, status, life history and ecology. You will see on page 50 a couple of paragraphs on taxonomy regarding the Pacific white-sided dolphin, the Committee noted that this species is widespread and abundant and an estimation 49,000 to 89,000 were killed in driftnet fisheries from 1978-1990, but recent takes have been much lower. No current concerns were noted with regard to the status of this species.

Regarding Atlantic white-sided dolphins, the only area where substantial numbers of Atlantic white-sided dolphins are known to be taken on a regular basis is in the Faroe Islands. In 1994 a catch of 258 was reported and this catch has varied between zero and 603 in the years from 1983 to 1990. In US waters the average annual estimated bycatch in the Gulf of Maine groundfish gillnet fisheries was 102.

And then there is a recommendation relating to this species recognising that a large amount of specimen material is available in both Europe and North America, it was felt that useful insights about this abundant, but little known species could be obtained. The Committee recommends that available samples be analysed as soon as practicable.

The Committee noted that it would be valuable for better and up to date information on directed and incidental takes of this species in Canada, Iceland and the Faroe Islands. In this regard, it also noted that publication of any results from the NASS surveys would be welcome.

The next species, the white-beaked dolphin, are regularly hunted with rifles in northern Newfoundland and Labrador. The annual landed catch was crudely estimated as 366 dolphins in the early 1980s, and the mortality rate from this hunt could well be above 10%. There is little evidence of incidental catch of this species in the western North Atlantic, but better information on the bycatch of *Lagenorhynchus* dolphins in Canada, Iceland, Norway and other range states is needed.

Regarding Dusky dolphins, large numbers of this species (from the low thousands to 17,500) have been taken annually in gillnets and by harpooning in Peru since the early 1980s. We were informed that a law published in April 1996 declared seven species of small cetaceans, including the dusky dolphin, to be protected in Peruvian waters. The Scientific Committee recognised and wished to reiterate the long-standing

need for assessment surveys of small cetaceans in the fishing grounds off Peru. Substantial bycatches of dusky dolphins have occurred in mid-water shrimp trawls off Patagonia and approximately 50-150 dusky dolphins were killed annually in gillnets off New Zealand in the period 1984-88 but the take has apparent declined since the 1980s due to changed fishing practices.

The next species, Peale's dolphin, have been taken by harpoon for crab bait in both Chile and Argentina in recent years and their abundance has simultaneously fallen. Nevertheless, the crab fishery has now almost collapsed in many areas and dolphin mortality is assumed to have dropped as a result.

The last species in this group that we reviewed was the hourglass dolphin and no information on its status was available but as far as we are aware it is not subjected to any significant takes.

We also had information presented on some other species including white whales, vaquita and then some gillnet fishery mortalities in the UK and Irish waters. Regarding white whales, we had data provided by the Alaska Beluga Whale Committee. I know there was a median count of 388 of these animals. The most recent estimates of removals was 72 animals in 1995 which represents 6-9% of the stock.

Regarding the vaquita, the Committee reviewed recent information on the vaquita and noted that no mortality occurred in 122 observed gillnet hauls in the Upper Gulf of California in December 1995 although it was not possible to estimate what proportion of total fishing effort this represented. Recent sightings of the species in the delta of the Colorado River and observations of anadromous and estuarine prey in the stomachs of vaquita suggest that this information may be a critical habitat for this highly endangered small cetacean.

I would like to note that the Scientific Committee received the management plan of the Biosphere Reserve in the upper Gulf of California. This was something we had requested in the past Mr. Chairman. We wish to record our gratitude for the Government of Mexico presenting this to us. Several members of the Committee expressed continuing concern over the vulnerability of the species and the Committee therefore reiterates its deep concern and again recommends immediate action be taken to eliminate bycatches of vaquita in all fisheries in the upper Gulf of California.

There are then some miscellaneous items on the gillnet fishery mortalities with a recommendation here having to do with southern Brazil in the reporting of mortalities there Mr. Chairman. Then some items on eastern tropical Pacific dolphins recording a decrease in mortality in 1995 to 3,274 dolphins and we received results of some experiments for bycatch reduction measures as well, an acoustic alarm experiment in northern Washington waters and then another set of experiments of acoustic alarms or pingers off the northeast coast of the US. Results were not clear to all members of the Committee and they did agree that more work was needed and would be welcomed.

There are some other small items on page 53, Mr. Chairman, but other than progress on previous years recommendations as shown on pages 53 and 54, I think that completes my initial report on this. Thank you.

#### **Chairman**

Thank you Dr. Reilly. It's obvious the Committee did some very useful work on this. Are there any observations or comments? I note that you have drawn attention to a number of recommendations on pages 50, 51 and 52 which I imagine it would be helpful for the Commission to either agree or disagree. Russian Federation please.

#### **Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, concerning the recommendations drawn by the Scientific Committee. We would like to seek, probably from the Chairman of the Scientific Committee, several clarifications. That is the recommendation that is on page 50 concerning the use of independent observers. From what we heard from the Chairman of the Scientific Committee, the Scientific Committee was not intending to produce management decisions or advice as such but still as we read this particular recommendation, which is on page 50, we feel that the placement of observers will tend to become a management decision or management advice as such and moreover we understand that this would entail some financial implications to member governments. Probably we just don't understand properly the ideas expressed by the Scientific Committee but our initial reaction would be to qualify it as management advice which might entail some financial implications to the member governments. The same would go Mr.

Chairman to the recommendation on page 52 concerning this vaquita species but our question would tend to clarify to whom this recommendation is addressed. Normally we understand that the Scientific Committee produces recommendations for the Commission but here we have a recommendation, if its to the Commission for immediate action to be taken. Can we understand that the Commission may take immediate action on this issue or probably the Scientific Committee has some other purpose when formulating this recommendation. So some clarification from the Chairman of the Scientific Committee would be helpful to our delegation. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. Reilly do you want to respond to that?

**Scientific Committee Chairman**

Thank you Chairman. Regarding the first item, the independent observers that are discussed and recommendation page 50. The business of the Scientific Committee includes estimating sources of mortality and in this particular instance in order to do an accurate job, an effective job, of estimating mortality, there were certain processes identified that impinged on our abilities to do that and we needed to obtain data from observers on fishing boats in order to succeed in this. We discussed, among other things, potential for observer effects and other things related to this getting accurate or otherwise data from fisheries. We did not use the word management and did not intend to in this regard. We were simply stating from a scientific point of view that these issues appeared to affect the accuracy of data and they were of concern to us strictly within that framework.

The second point regarding the vaquita. The recommendation on page 52 was not for the Commission to take action but suggesting that the Commission pick up that recommendation and pass it on. Thank you Chairman.

**Chairman**

Thank you Dr. Reilly. I wonder in the case of these recommendations whether bearing mind the points that have drawn to our attention by the Russian Federation that perhaps it would be more appropriate for the Commission to note these recommendations of the Scientific Committee and they will then just appear in that form and so on rather than adopting them as it were. I see the Russian Federation agrees. Is that acceptable Mexico? Any problem with that suggestion? You are shaking your head, there is no problem with the suggestion? Good. Thank you. I am not sure what that means, I hope it is polite! In that case I think we have arrived at a way of dealing with that and again thank the Scientific Committee for their efforts in this regard and the Chairman for his presentation.

I think delegates we have now reached probably the end of material we can usefully deal with this afternoon. The Secretary has some announcements that he wishes to make before I finally close the session. Secretary please.

**Secretary**

Mr. Chairman, just to remind delegates and observers of the transport arrangements this evening for the UK reception. You should all have received the formal invitation card for the reception at the Elphinstone Hall. The buses will leave from here at 6.00 onwards, there will be a sort of relay of them picking up the bodies as they emerge from the door. The reception is from 6.30 - 8.00 and buses will be available from 8.00 to return to the Conference Centre here, or rather to the Quality Hotel, and to the other hotels in the usual way; so the buses leave from here at 6.30 and will pick up the delegates from 8.00 to return them. That's for the UK reception tonight. Please have your invitation card with you and wear your identification pass for and at the reception. Thank you.

**Chairman**

Thank you Dr. Gambell. United Kingdom.

**United Kingdom**

Thank you Chairman. Could I just make one announcement which I made yesterday at the Commissioners' Meeting but I think it might be helpful if everyone heard it. The invitations suggest that your host tonight will be Mr. Baldry who is our Fisheries Minister. Unfortunately he has to be in Parliament tonight and his place is being taken by our Parliamentary Secretary, Tim Boswell, who is also a member of Parliament.

**Chairman**

Thank you United Kingdom. Well delegates I think we have actually made, although we don't seem to have decided very much, if anything, we have in fact, if you look back over the day, made quite a lot of progress and there is the opportunity now between now and 6.00 to make, I hope, a lot more progress on some of the overhanging issues. I now propose to adjourn the Plenary session until sometime after 9.00 tomorrow morning because remember Commissioners will meet in the small room at 9.00 just to review the business. Hopefully we would be no longer than 9.30 but other members of delegations may wish to be here in attendance as it were from shortly after 9.00 onwards.

As we announced before, all those who were involved in the Infractions Sub-committee Meeting, if you would like to remain behind to review your report, Mr. Chu from the US will take this Chair when I adjourn the session and after a couple of minutes the Infractions Sub-committee will review their Report. So we are now adjourned until just after 9.00 tomorrow morning. Thank you.

**END OF SECOND PLENARY SESSION**

**THIRD PLENARY SESSION**  
**Wednesday 26 June 1996**

**Chairman**

Commissioners, delegates, I would like to resume our proceedings. We have quite a full day today, although we accomplished a great deal yesterday, we still have a number of items for Action Arising left open and so we need to make as much progress as possible dealing with items today.

My proposal, in brief, is to deal with items 11 through 15 today and I will continue meeting this afternoon until we have finished 15. That's a sort of bribe and threat combined. I understand that even though we may deal substantively with those items there may still be Action Arising on some of them to be left open and I am quite happy with that because I suspect that by Friday we may, in fact, be dealing with a whole lot of Action Arising items which may well be a convenient way of dealing with it.

So without further ado, I would like to begin with item 11 on our agenda which is the Comprehensive Assessment of whale stocks and we have a number of sub-items there. Each one of which we need to hear the Report of the Scientific Committee and determine if there is Action Arising and so I will deal with them in those blocks and hopefully despatch 11 as quickly as possible.

11.

I would now like to call on the Chairman of the Scientific Committee if he is ready, and I think he is, to start taking us through the decisions, actions and discussions of the Scientific Committee. Dr. Reilly would you like to start with 11.1 - the Revised Management Procedure. Thank you.

11.1

**Scientific Committee Chairman**

Thank you Chairman.. You will find on pages 10, 11 and 12 of our Report some rather minor bits of business that we attended to this year. In this regard we had first of all estimation of process error, I will tell you what that is in just a moment. We had some discussion of the survey database and software. We discussed presentation of trials results including combination trials, guidelines for data collection and analysis of specifically operational data. I will now give you just a few comments on each of those to let you know what we discussed and what we concluded.

11.1.1

In regards to process error, the Committee previously used this term to refer to additional variants in a time series of estimates over and above that estimated from individual surveys. The Committee concluded that to obtain the best estimate of additional variants from the full series of IWC/IDCR surveys, these are the Southern Hemisphere minke whale surveys, Mr. Chairman, abundance estimates needed to be calculated as longitudinal resolutions which do not always coincide with half-Areas. There is a Recommendation here Mr. Chairman. The Committee recommends that, prior to the 1997 meeting, abundance estimates be generated from both passing and IO survey mode survey data at three longitudinal resolutions given there and that additional variance be estimated at each resolution.

I will just keep moving through all of these Mr. Chairman and take questions at the end I think.

Our discussions regarding the survey database and survey found on page 10 and 11. I reported on some aspects of this to the Finance and Administration Committee. The so called DESS data estimation software system carried out under contract to the IWC standardises line-transect survey data storage and provides powerful data manipulation and estimation facilities for abundance estimation by linking the database functions to some other programmes that are public and fairly well known. The outstanding data issues are given on page 11 there at the top left. This database and estimation software system has not been transferred to the Secretariat, Mr. Chairman. It was done at this meeting. We discussed access to the system and it was agreed that it should be open to accredited members of the Scientific Committee and that will happen within about three months when some pending items listed there are taken care of.

Matters requiring work for completion of the current system are summarised at the bottom of page 11 and one item there, in particular, gave the contractors a particular amount of difficulty and this had to do with the North Atlantic sightings surveys data from 1989 - the Icelandic portion. A recommendation at the top of page 11 on the right Mr. Chairman is that we recommend the Secretariat and developers liaise with the

relevant Icelandic scientist to accomplish sorting out the difficulties, shall we say, given in detail on that page.

We discussed other databases and datasets that could be added including databases on gray and bowhead whale stocks subject to aboriginal subsistence whaling, for which very different methodologies were used to estimate abundance. After some discussion the Committee recommends that at this time data entered into database systems should be limited to those collected before and after the IDCR/IWC cruises in the Southern Hemisphere and those from the Japanese and IDCR dedicated surveys conducted in the Southern Hemisphere between 1978/79 and 1982/83. This is to attempt to complete our data availability for the Southern Ocean, Mr. Chairman, and we note that accomplishing this task will have significant financial implications as I pointed out to the Finance and Administration Sub-committee. The Committee agreed that entering these data into the database was a higher priority than incorporating new abundance estimation software which was part of what we were looking at in terms of a proposal this year.

In our review of methods for estimating abundance under this item we addressed three main areas: mean school size, estimation of abundance by Small Area, and methodology for two-platform data. You can find the details of that on pages 11 and 12, Mr. Chairman.

We considered future Committee work on abundance estimation including the Report of an *Ad hoc* Working Group on evaluating the performance of abundance estimators and this is given as Annex L to our Report. This Group addressed the question of identifying estimation methods that would be candidates for adding to this database estimation system in the future. They stressed the importance of testing estimators using both simulated data and real data. The Committee agreed that this topic needed further discussion and establishing an intersessional correspondence group to report to us at next year's meeting.

Our brief discussions on the presentation of trial results including combination trials are given on page 12 as are our discussions on guidelines for data collection and analysis-operational data. There is a recommendation arising from this section so I will try and give you a little bit of information leading up to that recommendation. The Committee thanked one of its members for responding to the request last year to submit a proposal on the subject of time budgets and agreed that it was timely to propose changes to Table 1 and 2 in the Schedule, and proposed that to the Commission Mr. Chairman. The Committee agreed that the appropriate mechanism for this was to amend the Guidelines for Data Collection and Analysis under the RMS for those things other than that required for direct input into the *Catch Limit Algorithm*.

The Committee considered draft revisions to these tables and prepared those during the course of its meeting and you will find those in Annex M to our Report and the Committee recommends this daily record sheet given in Annex M be included in the Guidelines for Data Collection and Analysis under the RMS and that the Commission adopts the revised Daily Record Sheet when it considers revision to the Schedule in this respect.

I will pause there Mr. Chairman.

#### **Chairman**

11.1.2 Thank you. I note that there are a number of recommendations which the Commission should consider endorsing or not as it wishes. May I ask if there are any questions of the Chair of the Scientific Committee on this particular agenda item? I see none. In which case can I ask if the Commission is comfortable with adopting those recommendations? It seems so. That would take us now to 11.2 - Southern Hemisphere baleen whales. Dr. Reilly would you like to lead us through that item. I believe we now have to move through the Scientific Committee's Report though.

#### **Scientific Committee Chairman**

11.2 Thank you Chairman. Under your item 11.2 we have issues coming under item 9.3 of our agenda and these things are found on pages 25 and following in IWC/48/4.

11.2.1 The first species that we considered under this item of your agenda was Southern Hemisphere humpback whales. Last year we identified a number of short-term assessment items that needed to be completed and we reviewed progress on these items on pages 25 and 26. With respect to the coding of catch and marking data we noted a number of coding and validation projects had been completed but that as yet relatively little

progress had been made with the coding of marking data. The Committee agreed that revised Soviet and *Olympic Challenger* catches should be incorporated into the IWC database.

We next looked at the progress of biopsy samples for genetic analyses. The Committee welcomed the additional sampling effort reported to it this year but again recommends, as last year, that intensified sampling is required in Areas II and III. The Committee noted that there had been problems in transferring samples obtained during the IWC/IDCR minke whale assessment cruises to analytical laboratories. Another recommendation coming up here Mr. Chairman. The Committee recommends that the Secretary make further approaches for CITES clearance stressing the international importance of the work and requests member nations of the IWC to assist in the process. We also stress the need for more sampling from breeding grounds and migratory corridors to assist in elucidating stock mixing on the feeding grounds.

The Committee then turned its attention to progress on photo-identification projects and in this regard the Committee recommends the establishment of a centralised directory to be administered by the Secretariat in a centralised Antarctic catalogue. The creation and curation of this should be put out to contract by the IWC. However, at this stage there is insufficient information to formulate the terms of the contract and as I reported to the Finance and Administration Committee, the Scientific Committee recommends that the person should be appointed and funded to carry out a number of tasks and report back to the Committee next year so that a request for proposals to maintain the catalogue can be issued.

A number of other issues were considered under this item and you can see these on page 26.

Having reviewed the short-term work we then turned our attention to progress in long-term assessment work, again for humpback whales, where we looked at issues regarding historical catch data and abundance estimates. A number of preliminary estimates were reviewed as you can see on pages 25 and 26.

Although too few whales for abundance estimation had been seen on a 50 day cruise in the southern Indian Ocean, the Committee recommends that the identification photographs obtained during that cruise be incorporated into the Antarctic catalogue I mentioned just a moment ago.

The Committee also noted that a third set of IWC/IDCR Circumpolar Surveys had begun since the last estimates of humpback whale abundance had been made and the Committee strongly recommends that previous estimates of abundance should be updated.

We then considered what work was needed to be completed before a full assessment can take place. The main obstacle to the use of previous approaches for assessments for these animals was the absence of an agreed catch series and we made comments and reports on this in the last number of years Mr. Chairman. In the interim it was thought to be useful to set priorities amongst the different stocks and most members agreed that Areas IV and V were natural choices as priority stocks for assessment. The Committee also agreed that assessments should be based on breeding rather than feeding stock and noted that for progress to be made certain work would have to be undertaken and that a key factor in the catch series to be used was the revised Soviet catch data. Three scientists said that they would try and obtain as much detailed information on the humpback whale catch locations as possible before the next Annual Meeting. The Committee welcomed this initiative and expressed its gratitude for the effort already made to preserve the true whaling data.

A number of other items were reviewed as you can see on the right hand column of page 27. The Committee then turned its attention to the question of catch history revision and in particular considered the newly published book entitled *Materials on Whaling by Soviet Antarctic Whaling Fleets 1947-1972*. This book documented the revised Soviet catches that had been obtained from original sources. A statement on behalf of the Russian Federation is included under item 7 of the Report of the Sub-committee of Southern Hemisphere Baleen Whales, Mr. Chairman. The Committee expressed its sincere appreciation to the scientists involved in this work for this efforts in collating these very important data and hoped that they would be able to continue their work in the coming year. The Committee also considered a reviewed of Southern Hemisphere catches by the *Olympic Challenger* during 1950/51 through 1955/56 based on unpublished notes by contemporaries. There were considerable discrepancies between blue, fin and humpback whale catches previously reported and now available. The Committee expressed its appreciation for this work which is now effectively complete.

Given the limitations of time, the Committee accepted a compilation of information on the main features of relevant documents concerning other species of Southern Hemisphere whales apart from minke whales and for those who are interested you can find this in Annex E, item 8, of our Report. I'll pause there Mr. Chairman.

**Chairman**

Thank you Dr. Reilly. Again may I ask if there are any questions of detail? Russian Federation please.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, concerning the issue of historical catch and other data, catch data revision and other matters. We would like to ask the Chairman of the Scientific Committee some more details on future work in this respect, as it was considered by the Committee. We have, in the Report, several hopes expressed by the Committee that the work would be continued or the scientists in question would be able to continue their work and so on but we don't find any recommendation of the Scientific Committee concerning the continuation of this work with possible financial and other implications to the Commission. Shall I understand the lack of recommendation to this effect as that the Commission would not have to pay anything from its budget to finance this future work which may be undertaken by scientists who are not scientists representing the Contracting Governments. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. Dr. Reilly are you able to comment on that?

**Scientific Committee Chairman**

Thank you Chairman. On one aspect of that I am able to comment. The lack of a bold face recommendation doesn't necessarily lead to financial implications in my view of things. However, the only financial implications that would likely result from this would be invited participant funding and not any other additional funds from the Commission as far as I am aware and as far as I have heard from discussions in the Committee. Thank you.

**Chairman**

Thank you. Russian Federation is that satisfactory or do you want a supplementary question? Russian Federation.

**Russian Federation**

Thank you Mr. Chairman and also thank you to the Chairman of the Scientific Committee. Just to be clear, we understand and this is the understanding at this meeting of the Commission, that there would be no budgetary expenses of the Commission for the purpose of financing this particular project of catch revision history of Soviet whaling data and so on. Just to be clear on this particular item. The only possible expenditure may be associated with invited participants. Thank you Mr. Chairman.

**Chairman**

I think you have repeated accurately what I heard the Chairman of the Scientific Committee say unless the Secretary is going to advise me otherwise I think that is the position. Is that it? For the next two years in fact as the Secretary says. Is that satisfactory?

**Russian Federation**

Thank you Mr. Chairman, this is satisfactory but I'm hesitant whether we can make a statement on the substance of the issue right now or you would continue with the questions to the Chairman of the Scientific Committee. Thank you.

**Chairman**

Well, may I ask if there are any other questions on the matters just presented by the Chair of the Scientific Committee? It seems not. Russian Federation do I understand you want to follow up please.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman you will remember that the issue of the catch data, revised catch data, including Soviet whaling data, was a matter discussed at the last Annual Meeting and this was linked to the work being done by the Scientific Committee. This year, again, we find in the Report of the Scientific Committee several paragraphs dealing with this problem. After the last Annual Meeting of the Commission, this problem was considered and studied by appropriate Russian authorities and we have to report that the



data submitted by independent experts to the Scientific Committee has not found confirmation as a result of the work which was undertaken by competent Russian authorities on this matter. So, Mr. Chairman, the data to be used in the assessment work, or any other kinds of work to be done, should be the data officially submitted by the Russian government to this effect to the Commission. And, Mr. Chairman, we were surprised when reading the Report of the Scientific Committee that the Scientific Committee hasn't agreed to incorporate the views of the official representative of the scientist nominated by the Russian Government to the Scientific Committee, to incorporate its view in the Report of the Scientific Committee, in the main body of this Report, and just to have a reference to some particular Annex to this Report. This shows, in our view, that the discussion at the Scientific Committee and the consideration in general of this matter there lacks impartially and this is a matter of concern for the Government of the Russian Federation and we will have to consider the results achieved at the Scientific Committee in light of this concern. Thank you Mr. Chairman,

**Chairman**

Thank you Russian Federation. With respect to one point you raised in your intervention, my understanding would be that the Report of the Scientific Committee is the totality of the documentation that we received in three separate tranches. I think it's not true, perhaps, to say entirely that because it is not in this first bit, it is not as relevant as the material that's in the other bits. I understand, I think, what you are trying to say but my understanding would be that the Commission would accept, if it does adopt the Scientific Committee's Report, the whole. Perhaps the particular point that you are concerned about was not earlier enough in the Report, maybe that's what you are saying, but my understanding would be that it is none the less included in the Report. I don't know whether the Chairman of the Scientific Committee or the Secretary wishes to make a comment on that? The Secretary agrees with me. Russian Federation.

**Russian Federation**

Mr. Chairman, probably it wouldn't be useful to draw the attention of the Commission to this particular subject but we know the results of the discussion of the Scientific Committee and why the statement of the Russian representative was not included in this particular portion of the Report of the Scientific Committee. So, if we didn't know why this wasn't done probably we wouldn't have drawn the attention of the Commission to this particular question but that was done and we are not satisfied with the turn of events in the Scientific Committee on this issue. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. The point you have made will, of course, be in the record. The Report of the Scientific Committee I think says clearly that "on behalf of the Contracting Party, a statement concerning use of official statistics be included in the Sub-committee's Report". I think that has actually happened and as I say that forms part of the whole, but none the less your comments will be recorded in the Report and it will be quite clear what was intended. Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. We agree with your conclusions on this item and just a minor comment or indication of our intentions further this week when we will discuss the agenda item concerning the document of the Report of the Scientific Committee. We probably would present several proposals for the consideration of the Commission. Thank you Mr. Chairman.

**Chairman**

Thank you for the announcement of the possibility of the presentation of some proposals, perhaps I could encourage you to make sure that they are discussed as widely as possible so that we do not have, as it were, a culled discussion on proposals in any sense of the word. Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. I am assure you Sir that we will try and make known our views and we have the impression that we have already raised this issue, although outside the official framework of our Commission, but in our conversations and consultations with all the Commissioners here. Thank you Sir.

**Chairman**

Thank you Russian Federation. Chair of the Scientific Committee.

**Scientific Committee Chairman**

Thank you Chairman. The previous discussion, I think, required a couple of points of clarification. There appears to be a misunderstanding on at least one issue. The statement by the scientist from the Russian delegation appeared attached to the Sub-committee Report because that was where the Russian scientist requested it to appear. When we reviewed the Report in Plenary there was no request for it to be put in Plenary or we would have put it there so it would have been in the full Report if any request had been made for that to happen. It did not happen and so that is what the record reflects. Thank you.

**Chairman**

11.2.2 Thank you. I think that simply clarifies the previous conversation. Now there were no further questions but there were some recommendations. May I take it that the Commission is prepared to adopt those recommendations? Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman could I ask you to be more specific on what recommendations you are asking the Commission to express their opinions. Thank you Sir.

**Chairman**

Just the set of recommendations that were included in the section which was just presented to us. What I am trying to do is, as we go through the Scientific Committee's Report, there are a number of recommendations which largely deal with ongoing matters for the Scientific Committee and, as we did just now with the Revised Management Procedure section, I am asking if the recommendations which the Chair of the Scientific Committee highlighted on his way through be so treated as well and I intend to do that with each section. Do you have a problem with that Russian Federation?

**Russian Federation**

Thank you Mr. Chairman. I understand that we are talking only about those recommendations which begin with words recommends in bold characters, only these set of recommendations. Thank you Sir.

**Chairman**

11.3 Thank you. With that clarification, that's decided. 11.3 is North Pacific minke whales. Chair of the Scientific Committee please.

**Scientific Committee Chairman**

11.3.1 Thank you Chairman. The report of our discussions and work on this are found in pages 13 and forward of our IWC/48/4. Most of our work here was done by an intersessional Working Group on Implementation Simulation Trials. This Group met over 6 days immediately prior to the meeting of our Committee. Its aims were to review new information relevant to these implementation simulation trials for North Pacific minke whales and to revise the existing specifications for these trials that had been developed at an earlier meeting of a similar Group. The Report of this intersessional meeting is given in Annex J of our Report. The greatest part of the Group's time was taken up by detailed discussion of sub-stock structure. The Group agreed that the available data and information were generally inconsistent with their being sub-stocks to the east of Japan characterised by different levels of latitudinal migration.

In light of these discussions, the original *Implementation Simulation Trials* for North Pacific minke whales were revised and this is reflected in Appendix 5 of Annex J. The most important changes made were the time step used in modelling whale migration has been shortened from two months to one, and sub-stock structure has been dropped, and what we call our catch mixing matrices which reflect spatial and temporal changes in stock distribution, these things are now made age- and sex-structured.

In noting the discussion of sub-stocks in Annex K, the Committee agreed that it was important to consider the general question of management units, and specifically questions associated with the conservation of the range of a species that may have habitat components to its migration.

Here is a recommendation to the Commission Mr. Chairman. The Committee recommends that the Secretariat carry out computations of implementation simulation trials that are listed in Appendix 5 of Annex J and that this be done intersessionally.

The Committee appointed an intersessional Steering Group to review the results of these initial trials by correspondence. The Committee noted that the RMP specifications, as presently drafted, do not envisage

temporal constraints within a season on catch limits for small areas although the specification for the trials I have just mentioned do include such restrictions. The Committee agreed that should the results of the trials proposed indicate satisfactory performance it would be appropriate to give considerations to amending the RMP specifications at some future time.

The Committee had before it some information on future survey plans but did not have sufficient time to fully review survey designs that were presented to us. However, the Committee did provide general advice and comments about the design presented and that can be found on page 14.

Thank you Chairman.

**Chairman**

Thank you. Are there any questions to the Chair of the Scientific Committee on North Pacific minke whales as presented? It seems not. The recommendation alluded to at the bottom of page 13, is the Commission happy to adopt that? Fine. Then that takes us to 11.4 - North Atlantic minke whales. Chairman of the Scientific Committee.

11.3.2  
11.4

**Scientific Committee Chairman**

Thank you Chairman. The Report of our extensive work and discussions on this are found on pages 14 on through to at least 22. We had an Abundance Estimation Working Group established last year after the failure of the Scientific Committee to agree on acceptable estimate of abundance for the northeast Atlantic minke whale stocks. This Working Group was established with a fairly specific developed work plan given in our Report in the reference shown on page 14 but with general term of reference to maximise the probably of the Scientific Committee would be able to agree on a estimate at its next Annual Meeting, being the one we have just completed. This Group did a considerable amount of work, Mr. Chairman, and I am going to go through in the next few minutes in somewhat more detailed description of that work than I would normally would have so if you would bear with me for just a couple of minutes now.

11.4.1

The multi-national Working Group was comprised of biologists and statisticians with extensive experience in the conduct and analysis of line transect surveys. The work plan included two intersessional meetings and an extensive set of identified tasks and working papers which needed to be completed. The identified work included analyses and verification of survey and experimental data that had been collected in 1988-1990, the survey conducted during the summer of 1995 and the specifics of the hazard probability method as it had been developed for the analyses of these specific datasets.

As agreed in the work plan, this Working Group has extensive intersessional communication using electronic mail for the automatic distribution of correspondence to all members. For example, over 250 messages were exchanged. This Group completed to their satisfaction all specific tasks identified in its terms of reference. They produced 41 scientific working papers, met twice for about a week each time. produced an agreed Report as a record of its work over the year. This Report documents the Working Group's consensus on acceptable estimates of abundance of northeast Atlantic minke whales.

The Abundance Estimation Working Group reviewed the sighting survey plans of the Institute of Marine Research in Bergen and provided advice on details of the data collection procedure prior to the 1995 survey. Four members of the Working Group participated in the 1995 Norwegian Independent Line Transect Survey and summary reports from seven survey participants describing their experiences and were presented to the Working Group. The potential problems raised in these things were considered and addressed by the Working Group and after going through that, the Working Group agreed that the data were acceptable for use in estimating minke whale abundance. The hazard rate estimation procedure as applied to the northeastern Atlantic minke whale survey data is complex and comprises a large number of components. Responses to concerns raised at last year's Committee meeting resulted in substantial new developments in methodology and this increased the work load of the Working Group, Mr. Chairman, but they managed to finish it in any event.

At its January meeting the Working Group concluded there was nothing in principle to prevent the adoption of abundance estimates based on procedures as agreed. The specific methodology and analytic issues for which the Working Group developed agreed approaches with respect to analysis of the 1988-90 and 1995 data are listed on page 15 on the right hand column there. There are 15 specific issues Mr. Chairman.

The extensive documentation of the data, the analytical methods and the software implementation were reviewed by the Working Group and the Working Group concluded that they were sufficient.

They undertook extensive review, testing and comparison of the automated procedures that had been developed for the classification of surfacings from independent observer teams in terms of whether they were duplicates and an important component of the identified intersessional work was the testing of the procedure with simulated data. The Working Group agreed on a small set of simulation tests to be conducted for verification given limitations imposed by the computing time requirements of the software developed by the Norwegian Computing Centre. In addition, more extensive simulation testing of the general performance of the methods was conducted with less computationally intensive implementation software developed by one of the Group members. Based on the results of these simulation tests, the Working Group agreed that they constituted confirmation of satisfactory estimation performance in the context of analyses of the 1988/89 and 1995 data.

It is worth noting that the implementation of the abundance estimation procedure assumed no whale movement but that after considering this the Working Group agreed that while additional research in this area was needed an estimate that did not account for whale movement would be acceptable.

At the Working Group's April meeting, working papers were presented and reviewed which detailed the application of the hazard probability method to the two sets of survey data for the northeastern Atlantic minke whales. The diagnostic and descriptive statistics presented were based on the set developed by the Working Group and which it had agreed were sufficient for evaluating the adequacy of the fit. The Working Group concluded that the diagnostics demonstrated an adequate fit to the data. However, it did note some lack of fit of the estimated hazard probability model for the Bernoulli success data. They concluded that the overall effect of this lack of fit on the estimates of abundance in terms of possible bias were first of unknown direction and second what they call second order which I think you can read to mean minor.

The Working Group also agreed on specific and implementation details of the method for calculating the variance for these abundance estimates and based on its careful examination of the hazard probability method and approach, the Working Group agreed that the application of the procedure as described in its Report and the supporting working papers as acceptable for estimating the abundance of northeast Atlantic minke whales for the 1988-90 and 1995 data. The application of the method resulted in estimates of 67,531 for the 1988-90 data and 118,299 whales for the 1995 data.

The Working Group agreed that the data collection and analyses methods on which these methods these estimates are based are a substantial advance on previously used methods for North Atlantic minke whales. Nonetheless, as is always the case, the method could be further improved for use on northeast Atlantic minke whales and elsewhere and during the course of its work and discussions they identified a number of areas that they felt warranted further investigation. Those are given on page 17.

The leader of the Working Group, Tom Polacheck, at the end of this long and difficult year's work, thanked all the members of the Working Group for their long hours of hard work and effort and from his perspective he noted that the Report of the Working Group represented a truly collaborative and co-operative effort. All members of the Working Group were active participants throughout the process making substantial contributions to the actual analyses and contributing to at least one of the 41 papers presented. These contributions were combined and synthesised into the final Report and estimates of abundance.

The discussion of this item in the Scientific Committee was dominated by consideration of a working paper submitted by one of the members of the Group and that working paper is reproduced as Annex N1 of our Report. The contents of the working paper can be separated into two general concerns. (1) The way in which the Working Group had conducted its business and (2) scientific questions about the conclusion the Working Group had reached.

I draw your attention, Mr. Chairman, to the Report of our discussion on the workings of the Group on page 17 and 18. I have to comment that this was perhaps the single most difficult discussion that I have had to preside over in my three years in the Chair. I don't wish to re-open it and recount it here Mr. Chairman. So I will point it to the attention of those interested and they can read through it.

Regarding the scientific aspects that were raised. There were four issues in there and those are given on page 18 in the right-hand column. We had a rather extensive series of discussions on this going through a number of our plenary sessions and at the end, Mr. Chairman, I can tell you that as shown on page 21 of our Report, the Committee agreed that the estimates of abundance given in our document SC/41/NA1 are adequate for use in the RMP. I want to stress at this point Mr. Chairman that this was a consensus agreement, this was not a majority and minority view situation, there was full consensus on this from the Committee. However, the Committee also agreed that some analyses should be carried out during the coming year and completed by next year's meeting and these are listed on page 21.

We set up an intersessional correspondence group to address these issues and report back to us next year. We also received plans for future surveys but as in the North Pacific we did not have sufficient time to fully review the designs that were given to us. We did, however, have general advice and comments about the design presented and this is shown in pages 21 and 22 of our Report. There is a recommendation in there on page 22 for a further consideration to be given to survey design in light of the series of points. I draw this to the attention of the proposer and we made some suggestions about survey protocol and data collection.

Finally, Mr. Chairman, the Committee encourages individual members to submit comments and suggestions relative to the design and conduct of this particular survey to the Institute of Marine Research in Bergen and in particular scientists who participated in the 1995 survey and in the review of the analyses. Thank you Chairman.

#### **Chairman**

Thank you Chairman of the Scientific Committee. Obviously a very great deal of work has gone into that. My understanding from what you have just presented is that there is an agreement from the Scientific Committee on the estimates of abundance together with a view that some further analysis should be carried out during the coming year and there is also a recommendation that you've made. Are there any questions of clarification from the Chair of the Scientific Committee on this issue? New Zealand.

#### **New Zealand**

Thank you Mr. Chairman. As the Chair of the Scientific Committee has noted last year the Committee agreed that there was no valid population estimate for northeast Atlantic minke whales and New Zealand therefore appreciates the considerable effort that has gone into the preparation of this year's abundance estimate. However, Sir, we do note that over the past six years we have now seen four ways of analysing the data from three different cruises and while more work has certainly gone into production of this particular estimate than any previous attempt, we do wonder what might emerge from future efforts.

I'd like to seek some information, Mr. Chairman, from the Chairman of the Scientific Committee about certain aspects of the report on this matter. First, the hazard rate estimation procedure approach used in the analysis of the 1995 research cruise data is complex and it comprises a large number of components. Clearly, therefore, it is essential that the model used to compute this procedure and the software that operates the calculations used in the model are reliable. I note that in that regard, Mr. Chairman, that on page 16 of the report that only, and I am quoting "a small set of simulation tests were conducted for verification given limitations imposed by the computing time requirements of the software developed by the Norwegian Computing Centre, the NCC". Mr. Chairman, I would like to ask the Chairman of the Scientific Committee how many simulation tests were conducted, was the number of tests limited by the requirement to press ahead with developing an abundance estimate in time to meet the deadlines of this year's Scientific Committee meeting and, of course, this meeting. I ask that question, Mr. Chairman, because I note again on page 16 that the report states, and I quote, "more extensive simulation testing of the general performance of the methods was conducted with the less computationally intensive implementation developed by Cooke". I would like to ask whether that means that there were in effect two models, one that relied heavily on computer analyses and one that was simpler. If that is the case, how was it possible for extensive simulation testing of one model to validate the other.

The third thing, Mr. Chairman. I note again on page 16 of the report that it warns that the observer reports of the directions in which whales swim need to be interpreted with caution and that there seems to be a particular difficulty with the interpretation of whale behaviour when they are within 400 meters of a vessel. The AEWG concluded that the effect of this lack of fit on the data were of, and I quote, "second order". I wonder if Dr. Reilly could explain this qualification?

Finally, Mr. Chairman, my delegation fully supports the proposals on page 21 that have been referred to by the Chairman, for analyses to be completed by the time of next year's meeting and we particularly look forward to receiving further information on that material at that time.

**Chairman**

Thank you New Zealand. Chair of the Scientific Committee, are you able to shed any light on this questions?

**Scientific Committee Chairman**

Thank you Chairman. The Committee considered these things in great detail and discussed them at some length in the Plenary session of our meeting and this is reported in pages 18 and 19 of IWC/48/4 Mr. Chairman. Without re-opening all the details of the debate from within the Scientific Committee which I don't think would be appropriate here. I can only say at the end of the discussion the entire Committee was satisfied that this had been dealt with in a way that was sufficient and satisfactory to allow agreement on the abundance estimates for the use that we agreed to which was for use in the RMP. There were a number of details mentioned just now but I think that rather than go into all of those details, Mr. Chairman, I think the, as we say in the US, the bottom line is that the Committee considered these carefully and concluded that the situation was handled in a satisfactory way.

**Chairman**

Thank you. You might want to take up some of the more detailed issues in a bi-lateral way with the Commissioner from New Zealand to ensure that he's fully satisfied on that but I understand what you saying that we have a Scientific Committee to deal with these things. Netherlands please.

**Netherlands**

Thank you Chairman. At this stage I would like to note that the Scientific Committee has done a considerable amount of work, that it has made much progress in resolving the issues that the Scientific Committee identified last year. We commend the Scientific Committee and, in particular, the Abundance Estimation Working Group for their work. We note also that the Committee agreed that further analyses should be completed by next year and that that work consists of additional *inter alia* additional simulation tests and work on reconciliation of differences between comparable estimates obtained. At this point I would simply like to note these agreements and indicate that I would like to make some further observations at a later stage. However, I would like to ask the Chairman of the Scientific Committee for confirmation of our understanding that the robustness trials of the RMP that have been carried out in the past have included tests of hypothetical cases where the abundance estimates were 50% higher than the real abundance. Thank you.

**Chairman**

Thank you. Chair of the Scientific Committee.

**Scientific Committee Chairman**

Thank you Mr. Chairman. I would agree with all the comments made by the Commission from the Netherlands, I think they are consistent with my understanding of the situation. Thank you.

**Chairman**

Denmark please.

**Denmark**

Thank you Mr. Chairman. Denmark would like to commend Norway with a well planned, well conducted and well reported study of the abundance of northeast Atlantic minke whales. We are particularly pleased to note that Norway, during all phases of this study, followed guidelines and requirements as outlined in Annex K of the Report of the Scientific Committee. After the study plans had been received by the Scientific Committee, these large scale surveys were conducted with participation of highly reputed foreign expertise. The analysis of survey data involved action participation of several foreign scientists, experts in the field of abundance surveys. We are therefore not surprised to learn that the Scientific Committee, after a thorough evaluation of the survey results, found that the abundance estimate resulting from the Norwegian 1995 survey met the standards set by the IWC and are adequate for use in the RMP. As also expressed by the Scientific Committee, a perfect estimate is not an achievable scientific goal. Following the formal remarks let me add that some simulation trials to further validate the Norwegian abundance estimate may still be run.

Denmark notes that Norway is prepared to undertake such further analysis in a spirit of international cooperation. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark. Are there any other questions? Mexico please.

**Mexico**

Thank you Mr. Chairman. I would just like to stress that this delegation would like to associate itself with the intervention made by the Commissioner from the Netherlands when recognising the work of the Scientific Committee in this issue. Thank you Sir.

**Chairman**

Thank you. United States please.

**USA**

Thank you Chairman. My delegation would like to join others who are congratulating the Scientific Committee for its hard work in this area. My delegation further notes that the agreements regarding the estimate of abundance and the other points on page 21 are consensus statements. Finally, Mr. Chairman, just to note that my delegation and several others have some non-scientific issues that concern them relating to Norway's commercial whaling on this stock. We would like to return to these at some stage and I therefore request that Action Arising be left open on this item. Thank you.

**Chairman**

Thank you. Japan please.

**Japan**

Thank you Mr. Chairman. Our delegation fully associates with the statement of the Danish delegation and the Scientific Committee, its job is very appreciated because the job, as structure to achieve the objective of the Convention, which is conserving and management of whale stocks and we fully appreciate the work of the Scientific Committee. Thank you.

**Chairman**

Thank you. Are there any further questions? Clarifications? If not, the Commission can note the estimate of abundance that is a consensus agreement as we understand it. Note also that some further analyses will be carried out and I assume that there is no problem with the recommendation which appears on page 22? It seems not. I also note the point made by at least one delegation that they would wish to keep Action Arising open perhaps for other issues on discussion of this stock so 11.4.2 will remain open until such time as I am advised that I can close it. I would now like to move to 11.5 - Southern Hemisphere minke whales. Chairman of the Scientific Committee please.

11.5

**Scientific Committee Chairman**

Thank you Chairman. We considered Southern Hemisphere minke whales under three items of our agenda. The first of these really concerns questions of the implementation of the RMP for Southern Hemisphere minke whales and you could find this on page 14 of our Report.

11.5.1

The Committee noted the discussion within the Commission last year regarding the implementation of the RMP. A number of countries believed that adoption of the Sanctuary precluded the adoption of the RMP in the area, at least for the time being. They considered that the Committee should not consider Southern Hemisphere minke whales in this context unless advised to do so by the Commission.

Japan had opposed this majority view because of its objection to the Sanctuary and the advanced state of the Committee's work on minke whales. That was the sum total of our brief discussion on the matter Mr. Chairman.

Moving onto the second part of our Report which discussed Southern Hemisphere minke whales under our item 9.2 on page 24. This considers minke whale assessment cruises. The Committee briefly reviewed the results of last year's assessment cruise and a platform of opportunity study carried out in Area IV. Much of the discussion, however, focused on the future of Southern Hemisphere cruises held under the auspices of

the IWC. I've already reported on the discussion of this item to the Finance and Administration Committee which you can see a summary of what was a quite extensive discussion on the right hand side of page 24 and continuing over to page 25.

A number of recommendations arose out of these discussions. The first of these concerns, a general broadening of scope of the cruises in the short- and particularly the long-term. As you can see, we recommended that the survey time be allocated in part to blue whale work on the surveys related to our Southern Ocean large whale study which has a long name which escaped me at the moment but the shorthand notation for it is the blue whale cruises.

The second is that we recommend that the Antarctic and blue whale cruises both be designated at part of a new IWC Southern Ocean and ecosystem research programme. The emphasis on environment research and cetaceans will increase as work on these matters is developed by the standing Working Group on those issues that I will talk about later on your agenda under item under item 15.3. There are a number of other cruises related recommendations and you can see those on the left-hand side of page 25.

The final item concerning Southern Hemisphere minke whales revolved around discussions of a 1997 review of Antarctic assessment cruise abundance estimates. As you can see under item 9.2.3 of our Report on page 25, a small group has drawn up a comprehensive list of specific items for the review of abundance to be undertaken at the 1997 meeting and you can find this in Appendix 6 of Annex E to our Report. Thank you Chairman.

**Chairman**

11.5.2 Thank you Chairman of the Scientific Committee for that nice crisp presentation. Are there any questions or comments on the matters reported? If there are no questions or comments can I take it that the Committee is also content with the recommendations made by the Scientific Committee? Seems so. In that case we can move to 11.6 - North Pacific Bryde's whales. Chairman of the Scientific Committee please.

Sorry, before we do that, Japan you asked for the floor.

**Japan**

Thank you Mr. Chairman. Yes, we fully agree with what the Scientific Committee Chairman explained to us and we agree also the recommendation described in various parts of the Report which the Chairman explained. However, we would like to point out one thing concerning the implementation of the RMP trials. As it is written in this Report, Japan filed objection because we do strongly believe that the Southern Ocean sanctuary is without any scientific justification and we, at this time, also believe strongly that implementation should be conducted for the sustainable and limited use of the southern minke whales which is the most abundant and robust stock all over the world and we would like, for the record, to address once again that since Japan filed objection we strongly believe that, and urge, the Scientific Committee to conduct implementation trial and small area which is currently designated at 10° should be revised, taking due consideration of the result of the JARPA survey, which proved that minke whales which migrate in Areas IV and V is one stock which means that the unit of the one stock is far bigger than 10°, it could be 60 or 70 or 100°. This comment should be noted through your intelligence.

**Chairman**

11.6 It will so be. Thank you Japan. In that case can we now proceed to 11.6 - North Pacific Bryde's Whales. Chairman of the Scientific Committee please. Yes, I know it's almost time for coffee but this should be a short item please. Scientific Committee Chairman

**Scientific Committee Chairman**

11.6.1 Thank you Chairman. Yes, this will be a short item. Our discussions and work on this item are found on pages 28 and forward of our Report, IWC/48/4. This year the Committee completed the Comprehensive Assessment process for North Pacific Bryde's whales which began last year and this year they considered catch data, species and stock ID distribution and migration, biological parameters and abundance and trends. You can find the details of their discussions on pages 28 and 29.

Last year, the Committee endorsed the abundance estimate for the North Pacific Bryde's whale for use in *Implementation Simulation Trials*. An improved estimate of abundance in the western North Pacific which



we refer to as stock division b, and you can see this in the figure at the top of page 30, was received and that estimate is 25,640. The Committee considered that this estimate required further evaluation Mr. Chairman. They went on to address briefly ecosystem and habitat considerations and then on to assessment and management advice. It was agreed that sufficient information was in hand to attempt an assessment of Bryde's whales in stock division b, carrying out the calculations for a series of maximum sustainable yield rates to determine depletion in terms of the mature female component of the population. Some concern was expressed about the reliability of catch statistics and, after discussion, it was agreed that the assessment would include sensitivity analysis of the robustness of the abundance estimate to changes in catch-data input. The assessment was carried out in a standard manner following the example provided by the comprehensive assessments of minke whales carried out by the Committee in recent years and the results of this work are given in Appendix 2 of Annex G.

Although there is, as yet, no accepted level for MSYR, this maximum sustainable yield rate, it was agreed that 1% is a reasonable lower bound and given this, under the most conservative of the options considered, the mature female component of the population is at approximately 51% of its pre-exploitation level. No other management advice was provided.

It was noted that there remains concern about the validity of the geographical boundaries for this stock, and the sub-committee recommends, Mr. Chairman, that sensitivity trials using various positions of the stock boundaries, especially to the south, be carried out during RMP *Implementation Simulation Trials*. It also recommends that any new available information on catches or their possible bounds be reviewed and the adequacy of the unreported catch factor be re-examined before the trials are carried out.

The Committee recommends development of RMP *Implementation Simulation Trials* for this stock, Mr. Chairman, and just to make clear the Committee's work position on this, we are ready to do this but we will wait until instructed to do this by the Commission. This is the way we have handled the past minke whales cases. So we are putting the Commission on notice that we are ready to proceed but we will not proceed until instructed to do so.

We had a request for classification for this stock under the RMP and a somewhat slight difference of opinion about whether or not that we should still be dealing with the NMP stock classifications which are in the Schedule given that the RMP was adopted by the Commission. The Secretary gave his view on that, I concurred with that, and the discussion of those issues is given at the bottom of the left column on page 31 and the Committee agreed to forward this matter to the attention of the Commission. Thank you Chairman.

#### **Chairman**

Thank you. It's now twenty to eleven, I would like to break for coffee, resuming at 11.00 with questions and consideration of the recommendations so please be back at 11.00 promptly. Thank you.

[COFFEE BREAK]

#### **Chairman**

Delegates, this meeting is resumed. We broke for coffee just after the presentation in detail on item 11.6.1 - Scientific Committee's report on North Pacific Bryde's whales. There are a number of recommendations, three recommendations in fact, from the Scientific Committee. May I ask if there are any questions to the Chair of the Scientific Committee on this particular item, this particular stock? No questions to the Chairman of the Scientific Committee? May I take it then that we can adopt these recommendations on page 31. Russian Federation please.

11.6.2

#### **Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, we don't have any questions, as you stated, to the Chairman of the Scientific Committee, but we are not ready to adopt all the recommendations submitted by the Scientific Committee. You will have noticed Sir that the report again references to the past Soviet whaling data and, as you know, our position on this issue which was stated several minutes ago, we would not concur with the recommendations of the Scientific Committee, in so far as this question is concerned. We feel that the second of the recommendations on page 31, especially its second half, begins with a reference to the adequacy of unreported catch factor. This is not the one that we can support so we are ready to support all the recommendations of the Scientific Committee except the second half of the second recommendation.

This part we suggest be deleted from the recommendations to be adopted by the Commission. Thank you Sir.

**Chairman**

Thank you Russian Federation. I understood from an earlier intervention from you this morning that you will wish to return to some other issues during the discussion of the adoption of the Scientific Committee's Report as a whole. I suggest what we do is adopt for simplicity recommendations one and three as it were and leave recommendation two in its entirety until that point and then make a decision. Everybody else comfortable with that? It seems so. The Secretary, I hope, is noting the slight complexity we have now entered into but that seems the neatest way to deal with it. Thank you. That takes us to 11.7 - other stocks. Chairman of the Scientific Committee.

**Scientific Committee Chairman**

11.7 Thank you Chairman. I'm happy to say this is the easiest item yet to report on since we had no information on other stocks. Thank you.

**Chairman**

11.8 Thank you. That's what I call a good item. Now can you then take us straight to item 11.8 - future work plans please.

**Scientific Committee Chairman**

11.8.1 Thank you Chairman. Very briefly, the Committee had a number of suggestions for future work under the comprehensive assessment. These can be found on pages 31 and 32 of our Report. The five proposals put forward were as follows: proposal to undertake the comprehensive assessment of North Atlantic humpback whales; the second, a re-examination of North Atlantic fin whales particularly in the context of aboriginal subsistence whaling; the third, a world-wide comparative assessment of right whales with a proposal for a workshop in early 1998; the fourth item, an assessment of pygmy blue whales, perhaps including true blue whales and the fifth, an assessment of sperm whales.

There was no clear consensus within the Committee on which of these might be given higher priority so we simply forward the items next year recognising that none of the species or stocks proposed were appropriate for assessment at the 1997 meeting and also that the work of the Committee involves a number of topics outside the Comprehensive Assessment and I will return to that general matter when we discuss our overall priorities for work later in your agenda. Thank you Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Are there comments on these proposals? I assume they are built into the budgetary framework? Russian Federation.

**Russian Federation**

11.8.2 Thank you Mr. Chairman. Mr. Chairman, just a point of clarification. I understand there is no action taken on the recommendations of the Scientific Committee since we don't have any recommendations submitted by the Scientific Committee. Am I right Sir? Thank you.

**Chairman**

Well, if the Commission is happy we will note these future work plans. It has been drawn to my attention that in the previous item at the top of page 31 we were asked by the Scientific Committee to decide whether we would wish the Scientific Committee to concentrate its efforts in the limited time available etc. Does anybody want to comment on that or does the Commission want to endorse what the Scientific Committee is noting there. This is the last paragraph, first column on page 31, and then top of page 32. Are there any comments on that? Seems agreed, thank you.

Chairman of the Scientific Committee are there any other items you wish to draw to our attention under item 11? Excellent. I think that Commissioners, we are in the situation now that we have completed substantively much of agenda item 11. We still have 11.4.2 open, the action arising under North Atlantic minke whales and we still have to tidy up in the context of the approval of, or the adoption of the whole recommendation of the Scientific Committee, the second of the three recommendations on page 31 under 11.6.2.

With those exceptions, I think we can now leave agenda item 11 to one side and move to agenda item 12 - the Revised Management Scheme and as delegates will know there were two Working Groups which spent some time working in advance of this meeting. The first on Supervision and Control and the second on Abundance Surveys and Implementation of the RMS. I propose to deal with them in order and in sequence. 12.1 is the Report of the Working Group on Supervision and Control and I would like to ask the Chair of that Working Group, Mr. Lemche from the Danish delegation, if he would now make his presentation.

12.

#### Denmark

Thank you Mr. Chairman. I refer you to the two documents, one is IWC/48/14 and the other is a one-page document IWC/48/14 Supplement. In our work I will start by reporting on our discussions under point six - inspection and observer schemes. The Chair referred to the reports from the previous meetings of the Working Group in May 1994, January 1995 and last year in Dublin. To the Chairman there was a paradox evident in the work of this Working Group. The easier, cheaper and more practicable the supervision and control regime to be implemented, the more the Commission would disapprove of the type of whaling activity to be regulated thereby, and vice versa. With all the elements now on the table, the Chair underlined the need to narrow down differences and seek grounds for possible consensus. To this end, he introduced five questions to be considered for discussion, namely (a) with respect to technologies, whether delegations could agree to apply technologies only that are available, tried out and used as at present. Secondly, it will be the legal basis, whether delegations could agree to work on a common legal basis only. The next question with respect to the IWC competence, whether delegations could agree to deal only with issues undisputedly within the competence of the IWC. The fourth question goes on the making double sure problem. Whether delegations could agree to employ more measure only to secure one aim and hence avoid making sure several times over; and lastly the question of easing of control measures. Whether the delegations could agree to ease control measures if a system whereby the quotas calculated by RMP be reduced by a number, for example, 10 animals were established, to avoid overshooting the quotas.

12.1

Several delegations agreed with the Chairman's analysis of the paradoxical character of the Working Group's work. Some delegations held the view that general principles for supervision and control should be established before differentiating between different types of whaling and start to outline different schemes. One delegation stated that the control and supervision systems for whaling might be more severe than control of other forms of fisheries, but the systems should not go beyond common international law.

Then we went, Mr. Chairman, through the five questions and with respect to technologies first. There was agreement, on the bottom of page 3, that the technologies used in the development of supervision and control systems would be technologies presently known and implementable.

With respect to DNA in particular, there was agreement that DNA testing is a well established and widely used technology. Some delegations thought it could be used to identify whale species, whale stocks and individual whales and hence would be useful to identify whale meat in order to prevent illegal trade in whale meat and to prevent illegal whaling. Other delegations agreed that DNA testing was sufficiently developed to identify whale species but opposed the application of such testing in a supervision and control scheme.

We had some discussion, further, on future technologies in the following paragraphs and with respect to satellite monitoring, several delegations mentioned that this was a means widely employed in fisheries surveillance to improve control and our Secretary informed the Working group that according to his information the technology used in surveillance of normal fisheries operations would be easy to adapt to whaling operations. Satellite monitoring covered a wide range of information on all possible actions of the vessels.

One delegation questioned which body should receive and be responsible for the information gathered by such means, the IWC Secretariat or national authorities. The question also related to coverage of costs.

Turning to page 4, Mr. Chairman, we discussed the question on the legal basis and some delegations felt hesitant to develop rules resting on a common legal basis. There would be various opinions of legal questions.

One delegation stated that only measures legal under the Convention and within the frame of the RMS could be considered. Another delegation agreed with this statement, but considered that there would be disagreement as to what measures would be legally appropriate.

The next question with respect to IWC competence went along similar lines. Several delegations felt that there would be disagreement as to what measures would be solely within the competence of the IWC. They would therefore not prejudge the status of future measures.

With respect to making double sure. Some delegations could not endorse the Chairman's assumption that one could avoid reiterations, it should be reiterations and not redundancies, when making measures. reiterations might secure transparency. Such measures would have to be evaluated on a case by case basis.

One delegation felt that in practical life one would not need to make doubly sure. The aim would be to try to avoid establishing redundant measures.

Finally, with respect to the question of easing of control measures. Some delegations held the view that this issue should be dealt with in the Working Group on Abundance Surveys and in other IWC fora. They felt that quotas must be set according to RMP. Control mechanisms could not be eased. The need for strict management would be especially important where more than one nation utilised the same stock in the same area.

One delegation stated that the IWC should not create a system which would imply that fraudulent methods would be acceptable. The IWC should establish an inspection and control system sufficiently severe to ensure that quotas would be respected and not overshot.

Another delegation reminded the Working Group that incorrect reporting and bycatches were taken unto consideration and calculated into the RMP.

Another delegation felt that the proposal might have some merit to ease IWC's work to establish inspection and control mechanisms for some types of whaling.

We then, Mr. Chairman, went on to discuss the documents before us. The United Kingdom presented a document called "Suggested Guidelines for Collection Data on Humane Killing of Whales" emphasizing that the guidelines would have to be discussed by experts. In its view such guidelines should in principle be included in the supervision and control programme, and it was seeking acceptance of that principle.

Some delegations agreed that collection of *inter alia* such data would be useful to the Commission, and that observers should be responsible for collecting them.

Some delegations noted that the issue of humane killing was dealt with in other fora of the IWC, lastly in the Humane Killing Workshop at the last Annual Meeting.

One delegation could not accept the inclusion of humane killing in the supervision and control programme. It had reservations as to the presentation in the paper of discussions in other fora, and found it difficult to accept any obligation to collect data on humane killing.

Turning to page 5, the Chairman noted that the Working Group worked under the IWC Resolution 1994-5 which did not cover this issue. Consequently, the discussion would have to be referred to the Technical Committee or the Commission.

Some delegations referred to the NAMMCO Control Scheme presented as a common inspection scheme for minke whaling. They queried whether the NAMMCO scheme would be an infringement on IWC competence. One delegation referred to the difficulties of arriving at a common inspection control scheme under the auspices of IWC. The NAMMCO countries felt the need to harmonise their different control schemes and had developed a common scheme. The NAMMCO control scheme might be of use in further work of the IWC to establish a supervision and control programme.

In this delegation's view, the competence of the IWC for management of minke whales was not an issue and remained unchanged.

One delegation held the view that IWC was the main, but not the only body, to manage whales. Member countries should be able to regulate their activities while waiting for the outcome of the IWC work in this field.

Another delegation stated that the IWC is the only international body with competence to manage whales.

Then, Mr. Chairman, we went through the headlines from our last meeting and I refer you to last year's report, IWC/47/15. The Chairman referred to the difference in use stated in previous meetings concerning the possibility of transferring enforcement powers to the international observer. It was clear that some delegations had strongly objected to giving observer's such powers. After some discussion, the Chairman concluded that there seemed to be agreement in the Working Group that enforcement powers are entrusted in the flag state which may execute its duties in the manner it deems appropriate. Hence, it would be the responsibility of the flag state to decide how to deal with enforcement powers in cases where only international observers were on board. The Chairman also concluded that new positions or points of view, compared to previous meetings of the Working Group, had not emerged during discussion.

One delegation proposed, in an effort to bring the Working Group's work forward, to address the general principles for surveillance and control of whaling activities. The work could then progress to differentiate between different types of whaling based upon these general principles. It was agreed that the Chairman, with the aid of the Secretary, would compile a list of the general generic principles of which there seems to be consensus and here, Mr. Chairman, I refer you to the other document IWC/48/14 Supplement. I undertook this task and, together with the Secretary, developed this list of general generic principle of which there seems to be consensus. I must underline, Mr. Chairman, that this is a minimum list. I could easily imagine delegations who would like to add on either at the bottom of the list or add on at on each individual sentence but I think there is a consensus that at least what is in this document should be in a future scheme.

Going back to the Report, Mr. Chairman, point 6.2 at the bottom of page 5. There was general agreement in the Dublin meeting that there was no necessity to maintain a register of whaling vessels for inspection and control although it might be useful in other areas such as whaling by non-IWC member states. Several delegations stated that there was a need to maintain the register in order to have a list of vessels engaged in the legitimate operations in order to identify pirate whaling vessels as well as whaling by non-IWC whaling countries. The register would be needed for implementation of a supervision and control scheme under the RMS. The list could be kept confidential to address some members concern about possible attacks by extremists on whaling vessels. Such a confidentiality should not prevent Contracting Governments from access to the list.

Some delegations reiterated that their view that information on vessels could not be given and queried whether it would be possible to keep such information confidential.

With respect to item 7 of our agenda Mr. Chairman - draft text for Schedule amendments. It was clear that there is at present no proposals of text on the table and the Working Group concluded that since it had not reached any final conclusion on many of the matters discussed and, that very little common ground seemed to exist, it was not in a position to prepare any proposals for amendment of the Schedule.

With respect to point 9 - Action Arising. We concluded that since the Working Group works on the basis of a consensus and there was not much common ground within the group, the issues had to be presented to the Plenary for discussion at Commission level.

Finally, Mr. Chairman, I would like to thank the Rapporteur, through the Norwegian delegation, and I would like to thank the Secretary for assisting me with developing the list of principles of which there seems to be consensus.

Mr. Chairman, may I add a personal comment. It is my feeling after four meetings in this Working Group, that it is my impression that the Working Group is unable to make further progress. This issue is now a matter for the Commission. Thank you.

#### **Chairman**

Thank you Chairman of the Working Group. I know you have put in very considerable personal effort to this and I would like, on behalf of the Commission, to thank you for those efforts which, as you have just noted, up to now have not yet borne fruit and I know also that you may have to leave soon so I wanted to issue those thanks in case we were still talking, it is probably inevitable that we are still talking, when you have to leave.

Now, can I also thank you for the Supplement which you have produced which I think at least provides some focus for discussion and open this item to the floor for any delegations who might wish to make any observations on this Working Group Report. Japan please.

#### **Japan**

Thank you Mr. Chairman. Like you said, our delegation fully appreciates the always hardiest efforts by Mr. Lemche towards our work so far undertaken. He was quite right that, despite our repeated exchange of view, we could not agree any substantive issues except probably a sheet of paper that the Chairman just referred to as the Chairman's list of generic principles.

We have so much work to do if we are serious about completing the work. The only area, in the view of our delegation, remains to be settled for the implementation of the RMS. As to how for us to proceed in the future, frankly speaking, our delegation is somewhat lost, but nonetheless, we would like to reaffirm our readiness to pursue our further efforts on the basis of the Chairman's list of generic principles and we will commit our future good faith, as we did before. Thank you.

#### **Chairman**

Thank you Japan. Norway please.

#### **Norway**

Thank you Mr. Chairman. Yes, I understand very much the pessimism of the Chairman of the Working Group in trying to further this issue. I think that it's a deplorable fact that we have not been able to agree on a suitable supervision and control scheme for the whaling operations taking place.

My delegation have offered several proposals in this way. We put out our first proposal for, or at, the Kyoto meeting in 1993, and improved on that and made another proposal, a fully fledged scheme, which was discussed at the Mexico meeting. We tried to take into account comments and that, and had further discussion on that scheme at the Reine meeting, and we even tried in Dublin last year and then I think I've gone to four meetings to see if we could continue on that basis. Unfortunately that proposal came to a final death during the Dublin meeting.

We, therefore, found ourselves, at this year's meeting in a situation where we did not have a text to start from. I think its recognised in the Report here that the members of the NAMMCO countries had asked the NAMMCO Secretariat to send to the IWC a scheme on inspection and control which the NAMMCO countries had prepared earlier this year. We felt that this scheme had very interesting elements which also should be of interest to the IWC when discussing schemes for the future. I think now we are in the situation we find ourselves and that was really the reason why the proposal to start on a list of general issues is a way of going further because its not possible to give up the work to try to find an inspection scheme. That is the last element remaining before we can adopt the RMS and insert it into the Schedule and start giving catch quotas under the IWC auspices. I'm at a bit of a loss what to suggest as far as procedure is concerned and I am looking to you Mr. Chairman to perhaps come up with some ideas. I will say, though, in general, that the paper here from the Chairman of the Working Group I think is a very good basis for at least giving us a new start because we need that and I must say that if it can be on the points here, and my delegation can, I really don't know where we are going from here. Thank you Mr. Chairman.

#### **Chairman**

Thank you Norway. Further comments? Netherlands please.

#### **Netherlands**

Thank you Chairman. I have noted, with some concern, the conclusion of the Working Group, that on the issue of supervision and control, very little common ground seems to exist and it was therefore not in a position to prepare any proposals for amendment to the Schedule. I realise, of course, that this is a particularly difficult issue on which there are bound to be differences of opinion on the nature of the control measures, the technologies involved, the measure of transparency, the question of costs and so on.

I would simply wish to note that, at this stage, the Netherlands is committed to contributing in a bonafide way to the completion of the Revised Management Scheme of which the observation and inspection scheme is perhaps the most important outstanding issue. It seems to us that one of the problems in achieving progress in that at this meeting we did not have the advantage of basing our discussions on a sufficiently

detailed set of criteria and perhaps details of an inspection and observation scheme of which, as I said, there are bound to be many differences of opinion, and we might not be able to reach agreement on all those various details in one meeting, but I still think it is necessary if we are to continue the discussion on this subject, and I think we must, to have in front of us a sufficiently detailed proposal for a scheme. It seems to me that, as there are, especially in fishery agreements, a number of inspection measures, schemes, that are operating satisfactorily under these Conventions, that we might be able to draw up a proposal for an inspection and observation scheme that could be discussed or could be, for which the other schemes that I was hinting at, could be used as an example. So I am wondering, Mr. Chairman, if it would be possible that during the coming year, perhaps a small group or a large group, I don't really mind, of countries that are interested in developing rules for inspection and observation, would work on a document that would have, as its basis, the generic principles listed in the document that the Chairman has presented to us which seems to be a consensus and which would then be put forward to any Working Group, that we might decide as a Commission later on, would be created to finalise the outstanding work for the completion of the Revised Management System. Perhaps the Secretariat could act as a coordinator in this respect, while I don't know who should take the first step, I would at this moment just indicate that the Netherlands would certainly like to be involved in this kind of work. Thank you.

**Chairman**

Thank you Netherlands for those suggestions and observations. Russian Federation please.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman we are grateful for the Chairman of the Working Group for his presentation of the Report and for the description of the real situation which prevails within this Working Group. We totally concur with the conclusions drawn by the Chairman which is that the Working Group is unable to come to any conclusions as a result of its work and from our point of view it seems to us that it is unnecessary to continue this Working Group for the coming year since this would be just a waste of financial administration and human effort and we are against the waste of any efforts in this Commission Mr. Chairman.

So, it seems to us, that the Working Group, although it has not fulfilled its mandate, but has completed its work, and there is no use to reconvene this Working Group in future.

Of course, Mr. Chairman, any Contracting Government or any group of Contracting Governments may elaborate in a kind of guidelines proposals for consideration of the Commission at the next Annual Meeting and if this is done, of course, I'm sure, that the Commission would consider any kind of proposal which is pertinent for discussion at this Commission.

However, Mr. Chairman, we feel that this topic of supervision and control should be addressed in the light of the recent developments in the law of the sea and we refer first of all to the agreement adopted last year at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. We feel that this is revolutionary document which presented a totally new outlook towards these problems including the problems of control of fisheries activities on the high seas. The Russian Federation signed that Agreement and recently we initiated the procedures with a view to ratifying this Agreement and the Russian Government is determined to base its future actions in this respect on the provisions of this agreement and we would appeal to other Contracting Governments to do the same. It is our position that the New York Agreement should be the basis for all the organisations with interests in fisheries when defining the scope of the activities on these issues. That's why Mr. Chairman, if we look at the provisions of the New York Agreement on boarding and inspection, we probably would feel that there is sufficient ground for future activities by member governments and it's not necessary to incorporate these provision in our Convention since the UN Agreement would be fulfilled by the states which would ratify it so the only thing which is necessary to be done by the Contracting Governments is just to ratify the UN Agreement, the New York Agreement.

Mr. Chairman, it appears to us, although the questions of supervision and control are of most importance for the Commission and for proper fulfilment of a advice management system we think that for the time being there is sufficient ground in existing international law for the Contracting Government to behave properly on the high seas. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. Denmark please.

**Denmark**

Thank you Mr. Chairman. I agree that we have had a very lengthy debate through many years on this matter. I have participated in all the major meetings, not only the more informal discussions in Mexico I didn't participate in. I am a little sorry that we have not made further progress as Denmark feels very strongly and I refer to our Opening Statement that we need to complete these deliberations as soon as possible and especially as we in Denmark feel a priority need to a greater reasonable and necessary and also sustainable solutions for small-type whaling activities or coastal activities whatever you call it.

How do we then go on? I am a little hesitant to start, so to say, from the beginning where we started several years ago. I have an idea that we could make progress if we identified, or at least try to identify, the likely very limited number of, and also in itself, very limited extensions of commercial whaling activities which maybe permitted in the foreseeable future by the IWC. I think we are aware that we are talking about a very limited number of activities and then after having identified what is our so to say, in quotations, problem and then create a supervision and control system covering such activities. If in 20 or 50 years some other things may develop then naturally you will always be in a position where you could have meant such rules. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark. US please.

**USA**

Thank you Chairman. Well, my delegation's observations on this is that the Reine meeting was frankly the first opportunity for delegations to discuss and debate supervision and control in any detail. Many delegations put ideas on the table at that time, many ideas, and frankly what we saw in Dublin was virtually no positive reaction to those ideas, so at this stage of our proceedings I am somewhat reluctant to go along with the idea of a drafting group as a way to make progress and I stress that we did put numerous ideas on the table and I see no accommodation to any of those ideas. Thank you.

**Chairman**

Thank you US. United Kingdom has asked for the floor and then does any other delegation wish for the floor on this? New Zealand I see you and Mexico. I hope these are fresh, crisp and novel observations that we are about to hear because I propose to close the list after ... Japan do you wish to return? OK - after Japan returning and then go onto our second report because I'm conscious that people are actually talking about an issue which in a case encompasses both reports. I see People's Republic of China also wants to join the fray so United Kingdom please.

**United Kingdom**

Thank you Chairman. I will attempt to be short and crisp. The first point is crisp enough and I agree very much with the points made by the United States.

The second point really, I think, bears out what you have just said because it does concern the relationship between this work and the work that is covered in the next agenda item. We have been participating in this work on the inspection and observation scheme, we have done so on a constructive basis. We too have made numerous suggestions and, like the United States, really haven't received responses for those suggestions. I think one thing that we have found frustrating is what is seen as a rather artificial distinction between this part of our work and the other side of our work, the arrangements that are needed to ensure that any catches over time are kept within the RMS, because I think that if you are developing an inspection and observation scheme it is essential to have some agreement on what you are controlling as well as how you are controlling it, and dealing with the two issues in separate Working Groups does not tend to encourage progress. I think whatever we do, I would strongly support those who think it is time to end the existence of a Working Group dedicated exclusively to inspection and observation. We need to look more broadly at all the aspects of the RMS which remain to be completed. Thank you Chairman.

**Chairman**

Thank you United Kingdom. New Zealand please.



**New Zealand**

Mr. Chairman, in accordance with your injunction to be short and crisp, New Zealand agrees entirely with the United States and the United Kingdom. I have a quick question. Can you clarify or can the Chairman of the Sub-committee clarify the status of document IWC/48/14 Supplement, that's the Chairman's list of general generic principles of which I assume there seems to be consensus?

**Chairman**

Now New Zealand, I know you are a lawyer, so I will be very careful here. What exactly are you asking?

**New Zealand**

Mr. Chairman, the document has been circulated, what is its status? Does it represent simply the Chairman's views or is it to be incorporated into the Report? What are we to do with it, what is it intended that we might do with it?

**Chairman**

I think the Secretary is desperately trying to prevent me from saying anything which I might then regret by the sound of it so he is going to respond.

**Secretary**

Mr. Chairman. The document was numbered as it is at my instigation because in the report numbered 48/14 there is a reference to a request for the Chairman of that Working Group to produce a list. This list seemed to be a loose piece of paper and I thought it best to tie it in some way to the report by which it was derived and so I called it 48.14 Supplement. It is the sole responsibility of the Chairman of that Group, it has not been seen by the Group and it is offered as a contribution to this Plenary as its first sight. It is the Chairman's contribution in response to the request from the Working Group and it is his solely.

**Chairman**

Thank you, that's exactly what I would have said and I see that the Chairman is smiling also so that's good and I think that as he indicated I think on the way through that he was asked to do and did but it's his. Mexico were you sort of saying yes or no? You'd like to - right.

**Mexico**

Thank you Mr. Chairman. I will try to be brief as you requested. I think that we can all agree on the importance of having a regime on supervision and control because with the special linkage with the RMS. I share the views expressed by the US, UK and New Zealand but I'm not clear how we are going to proceed and I haven't seen or heard any proposal except for killing the Working Group but we need to do something not just killing the Group. We need to go ahead and I would love to propose something but I am not able right now but I hope someone is able to produce a new way of procedure before just killing the issue and not finding another way forward. Thank you Sir.

**Chairman**

Thank you Mexico. I am sure if it is killed it will be done humanely. Japan you asked for the floor again please.

**Japan**

One point about the Russian Federation delegations' comment about the applicability of certain provisions of the UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks to what we are thinking of. If I did not misunderstand, the scheme which we agreed in New York has a certain new scheme for flag states' responsibility in the enforcement. The question arises whether or not we can implement that within the IWC. If not, either we have to devise a Convention or we wait until all the members to the IWC ratify that new Convention and that simply did not make me think that it is realistic. Whether or not we would like to incorporate certain good things which, in that new agreement, to our scheme is completely under issue, we can't do that. But, if we have to wait, the ultimate of our work and subject that work to the other international document, whether or not that document would be ratified by those existing members, just make the situation complicated and beyond our control. If I misunderstood the statement of our Russian friends, I am sorry, but I interpreted it that way. What we are thinking of now is how effective supervision control we can do for implementation of RMS within the legal framework of existing Convention. Thank you very much.

**Chairman**

Thank you Japan. People's Republic of China you asked for the floor again.

**People's Republic of China**

Thank you Mr. Chairman. Before giving the comments I would like to clarify a question with the Secretariat. I would like to know, this document, Supplement, should be an integrate part of 14?

**Secretary**

No, Mr. Chairman, it is numbered with the document 14 merely as a way of trying to keep it together with the Report of the Working Group from which it started. It has no connection with it at all other than being on the same subject and I thought I was being helpful by putting the two things together. I'm sorry.

**Chairman**

Denmark you are asking for the floor. I had closed the list, may I ask if this is for clarification? Yes, please go ahead then.

**Denmark**

Thank you Mr. Chairman and excuse me, it's just for clarification. It was mentioned by, as far as I remember, Mexico, that there has been no proposals as to how to go on. I just reminded you that I made the proposal that we might agree to start by identifying which activities we foresee and then upon that to create a system. Thank you Mr. Chairman.

**Chairman**

Yes, thank you Denmark. I think there are now a number of, if I may put it, threads hanging in the air and I want to leave them hanging because I now want to actually move to the next item under agenda item 12 to receive the Report of that Committee where no doubt we will have another series of threads and who knows we may be able to weave a garment by the time we come to the end of the agenda item. Can I now move to ask the Netherlands, who was Chair of the second Working Group, to take us through the document please. Netherlands.

**Netherlands**

12.2 Thank you Mr. Chairman. Mr. Chairman you will remember that at last year's meeting we had a discussion about the organisation of the remaining work for the completion of the RMS and this resulted in a decision to continue the Working Group on Inspection and Control and to have a separate Working Group to take up the issues mentioned in the 1994 Resolution on the RMS, paragraphs 2 and 3. These were, first, the further elaboration of the guidelines for conducting vessels surveys and analysing data within the Revised Management Scheme as endorsed by the Commission to ensure adequate levels of international collaboration in the survey design conduct and analysis. And, second, arrangements to ensure that the total catches over time are within the limits set under the Revised Management Scheme.

In addition, the Resolution on Surveys, adopted last year, called for this Working Group to consider, first, a requirement that all surveys planned after the adoption of that Resolution and analyses of data from new or past surveys intended to provide estimates of abundance shall be conducted under the oversight of the IWC Scientific Committee; and, second, to consider the principle that any surveys planned after last year's meeting, that are not conducted under the oversight of the Scientific Committee, or that do not adequately follow the guidelines including any amendments or elaborations of the guidelines as might be agreed by the Scientific Committee and endorsed by the Commission, shall not be used in the implementation of the RMP.

Finally, the Working Group was also instructed to discuss the draft Resolution which was held over from last year on reporting bycatches of whales.

The Working Group noted, with gratitude, that on several of the issues entrusted to it, the Scientific Committee at its meeting this year, had had extensive discussion, especially on the revision of the guidelines for surveys, and had been able to come forward with unanimous recommendations.

In reviewing the guidelines, the Scientific Committee stressed that their main purpose is to aid the process of obtaining estimates of abundance for use in the catch limit algorithm by, first, stating the requirements of the RMS in this respect which are contained in section 2 of Annex K of the Scientific Committee's Report and, second, by providing guidance on methods of conducting surveys and analysing data, in particular, as

adopted by the Scientific Committee in recent years which are contained in sections 3 to 6 of Annex K of the Scientific Committee Report. So what you find in Annex K of that Report is partly compulsory and partly guidance. Therefore, the title of Annex K was amended so as to make that distinction clear.

On the precise meaning of the term oversight, the Scientific Committee came to the following conclusions: it recommended that the level of oversight it provide be directly linked to the methodology used in the survey. Accordingly for surveys that the Committee determines are to use standard methodology, oversight by the Scientific Committee need only be at a level sufficient to ensure that the standard methods are adequately followed. This may involve participation in cruise planning meetings, the survey itself and the post cruise meeting. If, however, the Committee determines that the survey involves novel aspects of survey design, conduct or analysis, it will determine a plan to facilitate the work necessary to obtain an abundance estimate in a timely fashion.

With respect to the requirement in last year's Resolution that scientists nominated by governments to participate in surveys shall be of a different nationality than that of the parties carrying out the survey. The principle which had been questioned by the Commissioner for Japan in his letter to the Chairman of the Scientific Committee of 13 May of this year. The Scientific Committee recorded its strong belief that from the perspective of scientific oversight, any representative or representatives of the Committee should be chosen on the basis of scientific competence and relevant experience not nationality.

In the Working Group there was general agreement that the Scientific Committee had developed acceptable revisions to the guidelines document as was called for in the 1994 Resolution. With regard to the proposed requirement to provide four months notice to the Scientific Committee before undertaking a survey, it was pointed out by the Chairman of the Scientific Committee, that four months was considered the minimum period and that longer notice would be preferable. Normally the review of a survey plan would be carried out at a Annual Meeting. Another important clarification was that the Scientific Committee itself, and not the party carrying out the survey, would determine whether the methodology to be used in the survey was standard or not.

Several delegations expressed concern at the fact that, according to the Scientific Committee's recommendation, the oversight of survey planning is only of an advisory nature and that prior approval of survey plans by the Scientific Committee was not required. However, it was pointed out by the Scientific Committee Chairman that if a country failed to follow the advice of the Scientific Committee, it was unlikely that the estimate based on the revised survey would then be accepted by the Scientific Committee.

So far for the surveys, on the second issue taken up by the Working Group, that is the question of total catches over time. There was some discussion about the nature of the problem and in this respect the Chairman of the Scientific Committee pointed out that the catch limit algorithm fully accounts for all human induced mortalities and that as a consequence the catch limits produced by the RMP, in principle, covered all such mortalities.

On the matter of data requirements to ensure that the Scientific Committee received all the information it needs to make sure that overall catch limits are not exceeded. There was general agreement in the Working Group on the principle of reporting all known human induced mortalities through the use of national progress reports. As to the need to also consider whale catches by non-IWC members, the Secretary pointed out that he had proposed that the Secretariat worked with a international body coordinated by the Food and Agriculture Organisation that collects all known statistics regarding fisheries.

It was also noted that the RMP trials allowed for significant under-reporting of catches in the historical catch series but assumed that the actual catches were taken once the management period has begun. The Scientific Committee's discussion in 1993 of data requirements for the RMP included the section on how avoidance of exceeding catch limits might be achieved and this is given in Appendix 3 to our Report.

While there was general agreement in the Working Group about the need to take account of all human induced mortalities, and it was acknowledged that in fact the CLA takes care of this. There was a rather lengthy discussion about the consequences of all this for the catch limits resulting from the application of the RMP. You will find this on page 5 of our Report.

One delegation pointed out that it is impossible to account for all mortalities ahead of time when setting quotas. It noted examples of many unintentional cases of incidental whale catches by several different member states. That same delegation noted also that, if all mortalities should be accounted for when establishing quotas, this principle should hold for aboriginal subsistence quotas as well as commercial ones. It also cautioned against punishing whalers by reducing their quotas due to incidental mortalities rather than punishing the fishermen who cause these incidental mortalities.

Several delegations expressed the opinion that while the quota represents a safe removal level, all of the whales that can be removed cannot only be allocated to commercial whaling, if in reality other types of removal exist in addition to commercial whaling such as incidental mortalities, research whaling and aboriginal subsistence whaling.

These delegations believed that while it may be impossible to predict incidental mortalities and account for such removals when establishing catch limits, other sources of human induced mortality, notably catches for research purposes and aboriginal catches may be known in advance and should be taken into account at the outset. These delegations expressed the view that this shortcoming must be addressed by an appropriate provision in the RMS.

Mr. Chairman, with regard to the draft Resolution on reporting bycatches, it was pointed out by one of the sponsors that the current guidelines for national progress reports only recommend that bycatch data for small cetaceans be reported to the Commission and that there was no provision for reporting bycatches of larger whales. This issue had also been considered by the Scientific Committee and the Committee had recommended that national progress reports include information on incidental mortality for all whales. It was noted that the level of detail specified for such information in the Report of the Scientific Committee was adequate for stocks not considered in the context of the RMP. However, for stocks that are considered under the RMP, the Scientific Committee has specified that a much greater level of detail is required.

When the Working Group eventually came to its agenda item - Action Arising, there was some further discussion about both the requirements and guidelines for surveys and the matter of reporting bycatches. With regard to the surveys, it was eventually unanimously agreed by the Working Group to endorse the Scientific Committee's recommendations that the Commission adopt the revised requirements and guidelines as given in Annex K of its Report IWC/48/4.

With regard to agenda item 7, it was further agreed to endorse the Scientific Committee's recommendations concerning the contents of annual national progress reports which can be found in the Scientific Committee's Report under item 11.2, and as implementation of these recommendations would require amendment to the suggested revised guidelines contained in the Report of the International Whaling Commission 39, page 130, the Working Group recommends that the Commission request the Scientific Committee to revise those guidelines accordingly at its next meeting.

Mr. Chairman, this concludes the Report of the Working Group on Abundance Surveys and Implementation of the RMS. I would like to thank all the participants in the Working Group for their constructive contributions and I would also like to say a special word of thanks to our Rapporteur, Erica Keen, who was prepared to give up several precious hours of sleep in order to produce a report which I hope everybody can now more or less understand.

I might add, Mr. Chairman, that the Working Group did not discuss the question of the organisation of future work needed to complete the RMS which, of course, also includes the supervision and control issue and in fact several delegations have already pointed at this. In this regard, I note that last year it was agreed to limit the life of this Working Group to this year only and that at this meeting the Commission should, on the basis of the Reports of both the Working Group on Supervision and Control and this Working Group take the decision as to how to proceed with the remaining work. Thank you Mr. Chairman.

#### **Chairman**

Thank you Netherlands for that presentation and for your work in chairing that particular Working Group. I note that it drew on some of the work of the Scientific Committee and that the chair of the Scientific Committee was actually present at your Working Group. Can I just ask him if he wants to add anything at this stage? Simply, fine. Now can I open the floor then for questions and/or observations to the chair of this particular Working Group. USA please.

## **USA**

Thank you Chairman. We find it pleasing that we are making some progress of the RMP or RMS. We see here that there is agreement, that the Scientific Committee has been responsive and our instructions that it undertake some further work and they have done that and brought it to completion and the Working Group recommends adopting that. My delegation agrees with that. It seems to us that we need to adopt Annex K in some more formal way to accept it as part of the RMS, that's one thought. We also believe it's useful to continue the work on the RMS. You have just had the discussion of Supervision and Control and we believe we can continue to make progress there as well as on the other elements of the RMS that remain to be completed. We would further note that at the present time we have two groups, two Working Groups dealing with elements of the RMS and we believe that it would be more efficient for our operations to combine those two efforts. We are also aware that several delegations agree with our points of view so as regards Annex K and these other points I've been addressing, I suggest that we return to them at a later stage and keep Action Arising open. That's one point.

The second point I would make is the second action on page 6 dealing with bycatch really is not an element of the RMS. We believe that the way forward on that is for the Commission to request the Scientific Committee to revise the pertinent guidelines and that our report merely reflect that instruction to the Scientific Committee as is given there and that would be our way of handling that Chairman or suggesting how to handle that Chairman. Thank you.

## **Chairman**

Thank you USA. I think that's a very helpful intervention. Mexico please.

## **Mexico**

Thank you Mr. Chairman. I would like to thank the US delegation for its proposal of merging the two Working Groups and I think we will support that proposal. Thank you Sir.

## **Chairman**

Thank you. Russian Federation please.

## **Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, it appears that this Working Group was probably the most efficient during the current Annual Meeting and it has produced good results and the participants of the Working Group achieved a common understanding on the recommendations to be submitted by the Commission and we are delighted by this positive achievement and we support the results of this Working Group and the recommendations submitted by them. Thank you.

## **Chairman**

Thank you Russian Federation. If there are no other observations at the moment ..... Japan please.

## **Japan**

Thank you Mr. Chairman. Japan is pleased to see that progress is made in this Working Group and we are further pleased to see that under the section of Action Arising, recommendations are achieved and agreement is achieved and we are fully supportive of those.

However, we would like to also stress several concerns that were already mentioned in the Working Groups. The first one is the sovereign right of member nations, research, although we are pleased to have any input from this organisation and to accommodate international cooperation, but right to conduct research is exclusively fall within the right of sovereign right so that we are not in a position, in any circumstances, to accept international observers as requirement, international scientist as requirement, or of obligations. That position should be made clear.

The second point is that, having continuous amendments to the RMS, particularly for guidelines for conducting surveys and data analysis, we have year after year lots of requirements and conditions attached for conducting surveys and data analysis. We strongly believe this involves, this produces lots of cost implications for the country who must exercise research activity to produce the data to be used for calculating and setting up the quota for the future commercial sustainable whaling activities. It means that those research activities could be only, and exclusively, place a burden to the particular countries who must exercise research and could not be exercised by the country who can not provide adequate human resources

and finance. That means that whaling activities could be possible in the future for the country who can accommodate those requirements considering the kind of fairness and equality and equitable treatment among western member nations. I don't think this further requirement to be attached to conducting survey and to complete the RMS which could be a condition to the future whaling activity is a good one so we would like to stress the point.

Sadly and lastly as a matter of principle we are making an effort to finalise the RMS to lift the moratorium whereby we hope as a natural consequence that we are in the future directing for the sustainable use of the whale resources so that our work currently being conducting for the completion of RMS, namely further modification of the guideline for conducting survey and observer scheme, are to that direction. However, some nations, looking at, and reading opening statements, clearly mention that in no circumstances do not agree with the resumption of commercial whaling. Some governments clearly state, concluded that, there are wider reasons for opposing commercial whaling and it meets no place in nutritional economy and social needs. It is strongly opposed by the vast majority of the particular country's citizens. So we find sort of inconsistency of our work, if our work is conducted by those nations who never allow sustainable use of the whale resources. I think this is the point to which we attach great concern and found inconsistency. Thank you.

**Chairman**

Thank you Japan. I now have Norway. You asked for the floor.

**Norway**

Thank you Mr. Chairman. I would like to also thank the Chairman for his Report from the Working Group which, of course, is very complicated and I think the Report bears witness on that.

I took the floor because I must say I have a reserve, at least for the time being, on the proposal to merge the Inspection Group and this Working Group. First, let me say that I agree with the USA that we need to adopt Annex K, and I suppose we are coming back to that. My concern is really that if there are any outstanding questions on the RMS, I think if we shall have any meaningful discussion of that in the Commission we need the advice from the Scientific Committee. My proposal would be that we get the advice from the Scientific Committee, otherwise I feel that we perhaps are going a bit in circles and it might take quite a lot of time to clarify the various issues and I am really concerned that might lead to a further delay in working out the inspection scheme, and the overall result would be that we again go several years before we made any sort of progress on the RMS. I'm very concerned about that so, as I said, I would have a reserve on that proposal.

**Chairman**

Thank you Norway. We have now a sort of range of comments and concerns that have been put on the table but I think we actually have had some good discussion and the Reports of the two Working Groups have provided us with some useful perspective. I am assuming that under 12.3 - other matters, there are no other matters? It is hard to see how there could be but it's the Secretary being thorough. 12.4 is Action Arising which is really what we are now focusing on and several delegations have skirted around. It's my view that we are unable to make a decision of any sensible sort by continuing to circle around in the way in which we have been. I would like to ask whether or not it is possible for us perhaps to look at a Resolution over the next couple of days to focus on how we might actually take this work forward. I note that perhaps Denmark, Netherlands, USA and possible Norway might be a group of countries who could put their heads together that could produce hopefully a relatively simple Resolution that could crystallise out the main points that have raised by delegations and chart a possible way forward. I put that forward from the Chair as a means of trying to move forward. I'm obviously not excluding anybody but they were particularly forceful suggestions that came from those delegations. Japan you are asking for the floor and then I think the US was semi indication. Yes. Japan and then US please.

**Japan**

Thank you Chairman. Although we didn't intervene in response to the proposal put forward by the US and the UK, we have significant concern because it is also the matter which relates greatly to us so our delegation would like to also participate as a member to the Group for formulating a Resolution or whatever.

**Chairman**

Yes, thank you Japan. I stress again, I wasn't being exclusive, I was just trying to pinpoint those who had been, perhaps in retrospect now, in their own minds rather more forthcoming than they wanted to be, but I actually have to have a nucleus of people to work and obviously it should consult widely because implicit in what I am saying is that I would hope this would be a Resolution that would receive wide acceptance. US please, you ask for the floor.

**USA**

Thank you Chair. Yes, I think that's a useful suggestion from the Chair and we would be willing to work with that Group. We have almost completed a draft text for consideration by those members and should be able, I hope, rap up our consultations rapidly so that your work will be facilitated. Thank you.

**Chairman**

Music to my ears, and I'm sure to all our ears and I just hope that the Japanese delegation is similarly attracted musically. It's alright Japan, the US have said that they have already some progress on developing something so you should be able to be involved fairly quickly in discussion. I think in that case we can conclude our discussion unless anybody had anything more at this stage on item 12 leaving 12.4 open as is becoming inevitable which means immediately after the resumption of the afternoon session at 14.00 we will open item 13 on the Southern Ocean Sanctuary with the Report from the Scientific Committee. I now adjourn the session until 14.00 for lunch. Thank you.

[LUNCH]

**Chairman**

Commissioners, delegates, I would like to try now and resume our business for the afternoon. We start our business this afternoon with agenda item 13 which deals with a variety of matters connected with the Southern Ocean Sanctuary. Item 13.1 concerns the considerations by the Scientific Committee of this issue in response to views last year that the Scientific Committee should continue to examine the question of research. Can I ask the Chair of the Scientific Committee if he can let us know the results of those deliberations please. Dr. Reilly.

13.

**Scientific Committee Chairman**

Thank you Chairman. The Report of our discussions on whale sanctuaries is found on page 55 of our Report. This includes also a small item, Mr. Chairman, on the Indian Ocean Sanctuary which I will attempt to wedge in here because it doesn't fit anywhere else appropriately.

13.1

The first item that we received in this regard was a study entitled "The necessity of Employing Lethal Methods in the Study of Whale Resources" and this study reviewed the use of non-lethal and lethal techniques in whale research. The paper was discussed briefly and reference was made to earlier considerations of this subjects in the Scientific Committee, largely in the context of discussions of scientific permit research. We have reference to discussions from 1992, 1993 and 1994. It's clear that there is wide range of views over the relative merits of lethal and non-lethal research techniques in the Committee.

Moving onto matters relating to the Southern Ocean Sanctuary. We received reports from acoustic and sightings work carried out on Australian ice-breakers undertaking physical and biological surveys in the waters of east Antarctica. We also note that in the Australian Progress Report there is information on the first year of the National Implementation Programme for the Southern Ocean Sanctuary. Some overlap of content there which involves platform work on platforms of opportunity.

We were also informed that Germany was incorporating a cetacean component into a krill/fish/squid survey to be carried out off the Antarctic Peninsula.

The Committee welcomed the research and noted the potential value of integrated studies that included cetacean surveys and oceanographic/primary production surveys. Acoustic surveys seem to the Committee to be particularly suitable for these kinds of Platform of Opportunity studies.

The Committee noted that last year it had requested some advice from the Commission with respect to commonly-agreed objectives for the Sanctuary in the context of a recommendation from a Commission Working Group in 1995. The Commission made no comment on this last year and the Committee draws the attention of the Commission to this.

In the last item we had a report of one survey of cetaceans in the Indian Ocean Sanctuary that also took advantage of the so-called Platform of Opportunity which was a world-ocean circulation experiment cruise to that area and concludes our business on Sanctuaries this year Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Are there any observations, questions or comments? Japan.

**Japan**

Thank you Mr. Chairman. Yes, the Southern Ocean Sanctuary is the one which was created at the decision of Commission in 1994 at Puerto Vallarta and after that, as you are fully aware, we filed an objection because we strongly believe this decision is unscientific and consider that its contrary to the provision which we agreed as a Contracting Government, and we believe that there were several scientific arguments put forward during the course of the discussion prior to the decision being made, among which we believe one of the important questions which is outstanding is what is the objective of sanctuaries?

As we see, in the Report of the Scientific Committee this year, in page 55 in the third paragraph on the right-hand side column, that the Committee would like to draw the attention of the Commission as to what the objective of sanctuary is. So I think we have to diligently seek and give clear guidance to the Scientific Committee for their further work to define what the sanctuary. In our view, sanctuary is one of the management tools to materialise, to allow, sustainable use of the whale resources in the adjacent area or the other areas, and an entire ban of the Southern Ocean Sanctuary is not appropriate so that we have to ask at this time for the Scientific Committee to specify what would be the objective of this.

Concerning the further scientific point that we also would like the Commission to give guidance and instruction to have advice from the Scientific Committee on the one recommendation which was discussed at the Norfolk Working Group Meeting which is the east-west movement of minke whales because we strongly believe that having particularly the outcome of the research result conducted by Japanese Antarctic Survey, which we call JARPA, the minke whale is widely migrating and healthy.

The third point of my concern is that we do not yet specify what kind of research is necessary in Antarctica. We have plenty of Resolutions as the intention of the Commission is that we need further research on the climate change and effects of the climate change on the cetaceans. Those are highlighted in past years in Resolutions and this should be addressed in this category too and even admitting, as a hypothesis, that the sanctuary is established, as it is, we have to also think about what would be appropriate monitoring systems, research and monitoring. I think the importance of which is also stressed in the Opening Statement of the Australian delegation so I hope the Australian Government concur with the stressing of the importance of those two aspects.

Concerning the lethal versus non-lethal research. We think non-lethal research is very much limited to produce the volume of the samples and the effectiveness of, and efficient source, to be provided for the important scientific research and analysis and the physical difficulty to collect non-lethal sampling should also be addressed. Lethal research is to efforts well structured based upon scientific careful consideration, could address to obtain very important information such as genetic, parasite and pollution information that could lead to much comprehensive stock identity, stock distribution problems and also this could be used also to deal with the problem of pollution and climate changes which may, and will, affect undetected other form of metabolism malfunction among other collectors so we think that research is of fundamental importance although we do not deny other countries who provided IDCR in the past which may be enveloped with SOWER - Southern Ocean Whale Ecosystem Research. We are also pleased to cooperate in the area of non-lethal research, however, we would like to stress the importance of the former too so these are my comments at this point. Thank you Mr. Chairman.

**Chairman**

13.2 Thank you Japan. I think what we have actually done is that you have moved us nicely also into agenda item 13.2 which is probably not so separate from 13.1 and while Japan has been making its intervention I noticed that we have filled up a little so can I repeat my request. If there are any specific questions of the Chair of the Scientific Committee or any observations on the Report of the Scientific Committee, or indeed some of the remarks that have just been made by the Japanese delegation, which were focused in part on the statement in the Scientific Committee's Report on page 55 with respect to the fact that, so far, this



Commission has not made any comment on advice with respect to commonly agreed objectives, research objectives, for the Sanctuary, and the Scientific Committee drew our attention to the fact that we have been relatively silent.

Now I seek questions, comments, observations, ways forward and I do note that as the Japanese delegation's intervention mentioned, that some opening statements from member states clearly alluded to views about research activities that were intended in the Sanctuary.

There is a question I think as to what focus the Commission feels we should be putting on this. The only conclusion the Chair can draw is that you have all had very good lunches. There is absolutely no response. It's very difficult to sum up a vacuum. The only thing I can conclude, apart from the remarks from the Japanese delegation, and apart from the notes that are contained in some member states' opening statements, this Commission does not wish to change the position it had last year in terms of defining further objectives. I don't think the Scientific Committee will find this overly helpful, maybe they won't find it unhelpful either. Well I'm not going to draw anymore teeth so I will move on.

The next item is 13.3 which deals with legal issues and I refer you to the annotated agenda. Last year we received two legal opinions which arrived at rather different conclusions on the legality of our decision to establish the Southern Ocean Sanctuary. Japan, at that stage, had introduced a draft Resolution which sought to clarify the issue by requesting the Secretary to refer the matter to relevant international legal institutions. The debate was closed again, as delegates may recall, by a procedural motion and in accordance with the way in which it was done, I ruled that the issue must remain on the agenda which is why it is.

13.3

So we are now discussing item, 13.3. - Legal Issues. I note that there have been a number of papers produced, IWC/48/27, IWC/48/34 and IWC/48/33. I don't believe there are any other papers that we have before us dealing with this issue. As those were prepared by, or submitted by the Government of Japan, I wonder if Japan wants to open the debate. I see it does. Japan you have the floor please.

#### Japan

Thank you Mr. Chairman. Yes, you are correct that all three documents relating to this subject were submitted by Japan. I represent each of these three and present it in its entirety maybe in ten minutes or so.

The first document, IWC/48/27, is an executive summary of the International Legal Workshop held in Tokyo in January this year hosted by the Institute of Cetacean Research under the auspices of the Government of Japan.

The Workshop transpired useful legal opinions in relation to the activities of the International Whaling Commission. The list of participants and papers contributed is attached on their explicit authorisation.

We have found that the opinions expressed at the Workshop useful as information to the Commission. Therefore, the executive summary of the International Legal Workshop has been written by the Chairman of the Workshop, Professor Robert Friedheim, Director at the Institute of International Relations, University of Southern California, for submission to this meeting which is duly endorsed by my Government.

As you may have noticed, the issue they tackled is not limited to the Southern Ocean Sanctuary but included other issues that are listed on page 2. They were: (a) What are the rights and duties of states under the Convention and subsequent binding legal acts of the organisation? What are the powers of an intergovernmental organisation to impose rights and duties upon its members? (2) What is the legal status of the moratorium on the taking of whales? Does the IWC have the right to extend it indefinitely? (3) What is the legal status of the Southern Ocean Sanctuary?

Mr. Chairman, this is rather the product of what we call, intellectual exercise. What is very interesting, we found, was related to the discussion of the Southern Ocean Sanctuary which appears from page 6. Almost all participants opined that establishment of the Southern Ocean Sanctuary which was adopted in 1994 was in conflict with the Convention. I will not go into the details further but we have brought a limited number of the whole report and we have only three copies available so those who would be interested please approach our delegation. This is a kind of pamphlet of blue colour.

The next document, IWC/48/33, relates more to your summary, Mr. Chairman, of what had happened at the last session last year and that is an analysis of legal aspects of the Commission's designation of the Southern Ocean Sanctuary. It's written by Professor William Burke of the School of Law, of the University of Washington. Although Professor Burke is now in Aberdeen, he will not be able to present his own paper for himself to this Commission because he doesn't currently have the right to participate under the Rules of Procedure.

I personally do not feel very confident in ably presenting the summary of his paper. The best way is to ask you and all participants to read it but I will try to my best efforts to summarise certain points in his paper.

As you said Mr. Chairman, last year, we introduced a paper by the same author, that is IWC/47/38, and in that he examined the legality of the Commission's action in designating the Southern Ocean Sanctuary. He concluded that it actually did not conform with a purpose and principles of the International Convention of the Regulation of Whaling. It also did not conform to the requirements for Schedule amendments specified in article 5(b) of the Convention.

As you said Mr. Chairman, last year, the UK delegates submitted a paper to the Commission written by Professor Birnie, IWC/47/41, which said that the majority votes of the Commission was determinative and reflected an acceptable voluntary adjustment in the interpretation of the terms of the Convention which conformed to the Vienna Treaty. Professor Birnie also pointed out that the Convention contained no mechanism for dispute settlements.

This year, we are submitting to the Commission by Professor Burke, which responds to Professor Birnie in detail, and reinforces his conclusion that the Commission's adoption of the Southern Ocean Sanctuary was in excess of the Commission's authority and violation of the treaty.

Professor Burke pointed out that absence of a dispute mechanism does not permit the Commission either to ignore the rights of signatory nations or refuse to seek guidance from other competent parties.

In response to principles of interpretations cited by Professor Birnie, Professor Burke stated that the Vienna Treaty makes it very clear that the purpose of an international agreement is of foremost importance and the greatest legal weight and authority should be given to the plain meaning of the text.

In interpreting the Convention, in accordance with its objective and purpose, as detailed in the Vienna Convention, Professor Burke stated that unmistakable thrust of this aggregate of objective and purposes is to allow for a sustainable harvest of whales when such a harvest can be taken. This is the overriding goal of the Convention. The Southern Ocean Sanctuary prevents any harvesting of stocks within its boundaries by the device of applying the same prohibition on harvest to all stocks irrespective of their level of abundance although under the RMP some stocks can be harvested sustainably.

The Southern Ocean Sanctuary which prevents the harvest of abundant stocks contradicts the objectives and purposes of the Convention. The designation of a Sanctuary under such circumstances also is in violation of Article 5 of the same reason. Professor Burke also noted that evolutionary approach as claimed by Professor Birnie can only be adopted with the consent of all the parties to the agreement. A majority vote is not enough to establish an evolutionary change in the purpose in terms of the treaty. Article 5(b) establishes the condition that must be met in order to make a Schedule amendment. Its terms are mandatory not discretionally, as evidence the word "shall" and "shall not". In particular, when the Commission is required to base all the Schedule amendments on scientific finding it cannot ignore this requirement. However, far from providing scientific finding to support its action, the Commission deliberately chose to proceed without them we noted.

A review and judgement are due on whether the decision to adopt a Southern Ocean Sanctuary complies with applicable provisions of the Convention. Members and others can then determine their future action in light of the conclusions of such a review.

Mr. Chairman, the third and last paper, IWC/48/34, is submitted to represent the opinions of the Government of Japan and the legality of the Southern Ocean Sanctuary. The key points are two. The first is the change in the objective of the Convention based solely on majority interpretation should not be permitted and clear and formal revision to the Convention will be required for this end. Otherwise, a serious problem would

arise because those states that are in opposition would not be able to escape from the binding obligation of the Convention except by withdrawing from it.

Second, in our view establishment of the Southern Ocean Sanctuary is not in conformity with the Convention in that it conflicts with the basic objectives of the Convention and that it violates at least one of the requirements of Article 5 that is it shall be based on scientific findings.

We submitted those documents in anticipation of I'd say a viable discussion. Mr. Chairman, as we have observed, there seems to be lack of discussion on this subject and we deplore that because we have already registered that we will discuss that this year. Thank you very much.

**Chairman**

Thank you Japan for providing these documents and for your helpful introduction of the three of them together. They clearly add to the information that we had available for us last year. Now may I ask for comments and or questions? I see Chile. Chile please.

**Chile**

Thank you Mr. Chairman. Well, our delegation co-sponsored the Resolution that approved the Sanctuary some years ago so we want to express our strong rejection of the objections that the Japanese delegation carried out about the legality or the scientific basis which lies beyond of this decision.

Let me tell you, Mr. Chairman, that the Sanctuary was first discussed in the meeting of 1992. Since then there was plenty of time for all of us, all the parties involved on it, to see, to study and to reflect about all the legal, scientific and practical elements of the Sanctuary. Indeed, I should say that it surprised our delegation to see this matter again on the agenda this year.

If we take into consideration that only two years ago this issue was discussed and the Southern Ocean Sanctuary was decided, its creation was decided, by twenty-three votes against one and some abstentions, to see this discussion followed up is really surprising. We have read, and we thank the Japanese delegation for the legal documents it has provided for us. We respect their value but we also have to see that we also have many of our countries legal specialists which differ completely with the opinions that are expressed in that document. We strongly believe that the legality of the Sanctuary was decided two years ago, at the moment it was decided its creation. For that, Mr. Chairman, we think that, in our view, if there is any party of the Commission that feels the need for a reversion of the rule adopted, the step to follow should be to present an amendment to the Schedule. That's the only way according to the Convention that amendment to the Schedule can be changed provided, of course, that its approved by the quarter parts of the majority. That would be all for now. Thank you Mr. Chairman.

**Chairman**

Thank you Chile. Mexico you asked for the floor please.

**Mexico**

Thank you Mr. Chairman. We see at least two different issues in these three different papers. I would like to deal first with the easier one and then go to the other.

The first is the paper 27 about the rights and duties of parties under the ICRW which is a subject this delegation will be pleased to discuss with the Japanese delegation and others at an appropriate time but not now - this is not an issue to be raised now and not in this agenda item.

Then I go to the other issue. As proponent of the procedural motion or suggester of the procedural motion last year to close this item during the Dublin IWC meeting, we feel rather uncomfortable to see this agenda item again and to have this discussion again. We said at the time, that it will be a negative precedent, the only discussion of this issue to question the legality of an issue of an decision taken by this Commission and we still believe that this should be avoided and not create a bad precedent.

We share the view just expressed by Chile that the only way to proceed, if the Japanese delegation really believes that is the way to do it, is to try and present a proposal for amendment of the Schedule, but not to question the legality of the decision taken by this Commission. Thank you Mr. Chairman.

**Chairman**

Thank you. Australia you asked for the floor please.

**Australia**

Thank you Mr. Chairman. Merely to say that this delegation strongly supports the views expressed by the delegation from Chile.

**Chairman**

Thank you. United Kingdom you asked for the floor.

**United Kingdom**

Thank you Chairman. Yes, I would like, very strongly, to support the views that have just been expressed by Chile, Mexico and Australia. I would also like to comment briefly on Professor Burke's paper because it criticises, and is a commentary on a legal opinion provided by a member of my delegation last year.

Chairman, when we debated this issue last year, I said at the time that I had some difficulties with the timing of the circulation of Professor Burke's legal opinion and, I went on to say that I assume Professor Burke didn't write it yesterday and it was circulated to the delegations after this agenda item had been started, and I'm glad that Professor Burke is making some progress because this year it was circulated the day before the agenda item was discussed. Even so, it is a lengthy and reasonably detailed piece of work and I do assume that Professor Burke didn't actually complete it yesterday. I think it would have facilitated discussion if it had been available a bit earlier. I think it would also have been courteous to Professor Birnie to allow her some opportunity to see his criticisms of her work. She was, in fact, in Aberdeen last week and so she could have very easily have commented on it but as I understand it she was not given the opportunity.

Given these circumstances, my delegation really finds it impossible to take any account of this. We have to rely on the legal advice we have already received from our own lawyers and that is quite firm and, as I said, it wholly supports the views put forward by Chile. There is a way open for Japan to change the status of the Sanctuary, if it believes that its arguments will convince the majority of Commissioners, and that is to put forward a Schedule amendment. The fact that Japan has not done so suggests, I think, that it does not have a great deal of confidence in these arguments. Thank you Chairman.

**Chairman**

Thank you United Kingdom. One minor change perhaps to what you were saying. It's the Commission will change the Schedule amendment and not necessarily a member, a mistake obviously. I now have Norway followed by New Zealand please.

**Norway**

Thank you Mr. Chairman. When the Commission considered this issue last year I underlined that in the view of the Norwegian delegation the Convention requirements for Sanctuaries are to be based on scientific findings and we noted that the Sanctuary decision was not, in fact, proposed on scientific reasons. That really was the reason why we did not participate in the vote on that issue. This is still our position Mr. Chairman. We have studied, or read, the legal papers which have been circulated with great interest. I will, however, refrain from commenting on them and perhaps return to them later. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. New Zealand and then Spain.

**New Zealand**

Mr. Chairman, New Zealand associates itself very strongly with the remarks made by Chile, Mexico, Australia and the United Kingdom and I simply wish to add two further points. The first, the time for raising the arguments that have been presented today, both verbally and in the written documentation, was the time when the Sanctuary proposal was being developed and adopted. It was Japan's prerogative if it thought the resulting decision to have been illegal to make a formal objection to the Sanctuary but it chose only to object to the application of that Sanctuary to a specific species of whale, the southern minke. From this, Mr. Chairman, it must be inferred that Japan considered that the Sanctuary otherwise satisfied the requirements of the Convention and in those circumstances it is now quite simply too late to challenge the legality of that decision.

Mr. Chairman, secondly, I have always noted and respected the view of the Japanese delegation to these meetings when it has been a very strong advocate of adherence to the letter to the International Convention for the Regulation of Whaling. I therefore find it very significant that in its submissions on this issue, including the material that has been provided, at no time has it quoted the legal basis from within the Convention for the action that it now seeks from this Commission and that quite simply, Mr. Chairman, is because the 1946 Convention contains no dispute clause, no provision for referring disputes arising from the activities or involving interpretation of the Convention or its Schedule to any outside or arbitral body and consequently, Mr. Chairman, this is the body that makes the decision of these matters as it did in 1994 and if anybody wishes to reverse that decision, or to challenge it in any way, the proper course of action is to move a Schedule amendment and invite the Commission to make a decision accordingly and in those circumstances, Mr. Chairman, we would not support any such move.

Last year, a decision was made to adjourn the debate without any further discussion and there was some criticism of that at the time. I'm quite happy to see the matter debated substantively on the legal issues and then disposed of, hopefully, by the rejection of the request.

**Chairman**

Thank you New Zealand. Spain to be followed by the US please.

**Spain**

Thank you Mr. Chairman. Being one of the active delegations in the promotion of the Sanctuary, we fully support the comments made by the Chilean delegation and especially in a sense that the decision on the legality of the Sanctuary was taken at the same time as the establishment of the Sanctuary. Thank you Mr. Chairman.

**Chairman**

Thank you Spain. The US to be followed by France please. US you have the floor.

**USA**

Thank you Chairman. The US joins with other delegations who are associating themselves with the views expressed by Chile. It is our specific belief that all of the legal, technical and scientific issues were properly weighed before the vote establishing the Southern Ocean Sanctuary was taken. Thank you.

**Chairman**

Thank you US. France and then Brazil. France please.

**France**

Thank you Mr. Chairman. Just to associate my delegation to the views expressed by previous speakers, especially Mexico and New Zealand. We think that there is no need to go on that issue which has been carefully seen and discussed in the past and that we would just want to recall that the French delegation think that Article 5, paragraph 1.3 of the Convention is fully authorising us to designate Sanctuary areas. In so doing, we are just applying the preambular part of our Convention, which is precisely saying what I call paragraph 3 of the preamble, considering that the history of whaling has seen overfishing of one area after another, and of one species of whale after another, to such a degree that it is essential to protect all species of whales from further overfishing by adopting the Southern Ocean Sanctuary - we were very precise on that. We have the aim of protecting all species of whales from further overfishing in that area and considering this simple, legal fact we think that there is no way we can contest the legality of the adoption of the Sanctuary by the Schedule amendment two years ago. Thank you Mr. Chairman.

**Chairman**

Thank you France. Brazil and then Austria. Brazil please.

**Brazil**

Thank you Chairman. It is only to say that Brazil wants to support the views that have been expressed by Chile, Mexico, New Zealand and the UK. I would like to stress that the points that have been raised by Chile are very consistent and would deserve more attention in the future discussions on this issue. Thank you.

**Chairman**

Thank you Brazil. Austria and then St. Vincent and the Grenadines. Austria please.

**Austria**

Thank you Mr. Chairman. Austria wants to associated itself with the other previous speaker, with Chile and the other previous speakers. We feel that the IWC designated the Southern Ocean Sanctuary area in accordance with Article V, paragraph 1, of the International Convention for the Regulation of Whaling which provides that the IWC may amend the Schedule by adopting regulations, fixing open and closed waters including Sanctuary areas. The amendment has been decided upon with the sufficient majority and in full compliance with the procedural rules embedded in the Convention. In Austria's view also in accordance with the object and purpose of the Convention which have to be interpreted in the light of the latest developments with regard to high priority attached to conservation of endangered whale stocks by the contracting parties. Thank you Mr. Chairman.

**Chairman**

Thank you Austria. St. Vincent and the Grenadines and then Germany. St. Vincent and the Grenadines please.

**St. Vincent & the Grenadines**

Thank you very much Mr. Chairman. Mr. Chairman, St. Vincent and the Grenadines abstained on the Sanctuary vote for much the same reasons as were advanced by the Norwegian delegation a while ago. We continued to be concerned that there appears to be no proper mechanism within the IWC to resolve legal questions. Even what we are doing here now, Mr. Chairman, considering advice from different lawyers would not be any solution to that problem. Lawyers give two kinds of opinions, Mr. Chairman, depending on who their clients are and the same lawyer can give the opposite advice when he changes his client. We therefore need some mechanism that introduces an element of objectivity into our deliberations because as things now stand all we have is that the majority can do as it likes and there is no recourse to anyone objecting on legal grounds. It cannot be sufficient for this Commission to continue on that basis that the majority is always right on legal matters. Thank you.

**Chairman**

Thank you St. Vincent and the Grenadines. Germany and then Oman please. Germany.

**Germany**

Thank you Mr. Chairman. I would like to associate myself with previous speakers who have defended the decision taken by this organisation by big majority to establish the Southern Ocean Sanctuary. Thank you.

**Chairman**

Thank you Germany. Oman and then Monaco. Oman please.

**Oman**

Thank you Mr. Chairman. We associate ourselves with the opinions stated by Chile and the others supporting it. Thank you Mr. Chairman.

**Chairman**

Thank you. Monaco and then the Netherlands. Monaco please.

**Monaco**

Thank you Mr. Chairman. Monaco delegation associate to the Chile declaration and we think that we must take special account to the New Zealand contribution of the debate. Thank you Mr. Chairman.

**Chairman**

Thank you. Netherlands please.

**Netherlands**

Thank you Chairman. We would like to associate ourselves with the views expressed by Chile and New Zealand and various other countries. Thank you.

**Chairman**

Thank you. Republic of Korea please.

**Republic of Korea**

Thank you Mr. Chairman. My delegation clearly indicated the need of the Sanctuary through my Opening Statement, where the resources that are declined seriously. My delegation knows the whale resources in the Antarctic area are in low level except the minke whales. Thank you Chairman.

**Chairman**

Thank you Republic of Korea. Grenada.

**Grenada**

Mr. Chairman, my delegation wishes to associate itself with the sentiment as expressed by the St. Vincent delegation.

**Chairman**

Thank you. Are there any further delegations that wish to express views? South Africa.

**South Africa**

Thank you Mr. Chairman. Also only to associate myself with the many views that have been expressed and also to indicate our support for the existence of the moratorium. Thank you.

**Chairman**

Thank you. Well, it's clear that there is an overwhelming view that the decisions that were previously taken were taken in accordance within the constraints imposed on us by the Convention. The delegate and Commissioner for St. Vincent and the Grenadines made a pointed statement about the way in which legal opinions come and may perhaps metamorphose and I think we would all be aware of that. Nonetheless, these legal opinions have been provided and those that were provided last year that produced different views I think simply continue to enrich our views and our understanding of where we are. I think the Commissioner for St. Vincent and the Grenadines also made an important point, however, that we should be looking to the future for some of these activities and I'm sure that is something that the Commission as a whole and Commissioners will want to keep in mind. Nonetheless, I find it difficult to see from this seat that there is anything particular more that we can do unless, of course, there is a Resolution of any sort that anyone wishes to submit with respect to these legal issues, but I might ask the Japanese delegation if they would like to make any summary remarks before I decide what I then need to do. Japan please.

**Japan**

Thank you Mr. Chairman for your careful summary. Of course our intention is not to impose our idea on others. What we thought important was for our view to be heard. We know we are a minority but if those minority have sincerity probably the majority would have at least give the view of those minority to be heard. Maybe that's a fundamental lesson. So we hope that the Commission can give the opportunity that our view would be continued to be heard and listen to the opinion of others in the future. Thank you.

**Chairman**

Thank you Japan for those comments. I am assuming that 13.4 - other matters, that there are no other matters. Australia.

13.4

**Australia**

Thank you Mr Chairman. There is another matter that I would like to raise here on behalf of the Valdivia Group. I raise it here because it didn't fit neatly into any of the three earlier parts of this agenda item that impinged somewhat on each of them. The Valdivia Group has a statement to make. This will be printed and distributed to each of the delegations but I would like to take the opportunity if I might now to read that statement for the record.

**Chairman**

Australia if it is brief you may and perhaps you might explain what and who the Valdivia Group are because I am sure they know but not everybody else may. Thank you.

**Australia**

Thank you Mr. Chairman. The statement starts with that information and I will be brief.

The current membership of the Group is Argentina, Australia, Chile, New Zealand, South Africa and Uruguay. The International Whaling Commission member countries of the Valdivia Group met and consulted during the 48th Meeting of the IWC in Aberdeen with Brazil attending as an observer.

The Valdivia Group was established in March 1995 in Valdivia, Chile, to foster exchange and cooperation on environmental and related scientific matters among Southern Hemisphere nations.

The Group reaffirmed that the creation of a Southern Ocean Whale Sanctuary was a significant step towards the conservation of whales. The Group expressed strong and ongoing support for the Sanctuary. During their consultations at IWC/48, the Group placed particular emphasis on the importance of developing a coordinated programme of research aimed at monitoring and management of whales and their environment within the Sanctuary.

Member countries have initiated research on whales from the Sanctuary area and encourage other countries to participate in the development and implementation of these research programmes. The Group agreed on the value on a proposal to hold a meeting well before IWC/49 to facilitate coordination and research.

It noted the recommendation of the Scientific Committee to hold a Workshop on southern right whales, a species of particular interest, and welcomed an offer by Australia to host this Workshop. The Group warmly welcomes the decision of the Scientific Committee to form a Working Group on Climate Change and Cetaceans as a further positive development.

The Group also believes that the Sanctuary will assist the recovery of depleted populations including those species of whales which form the basis of valuable whalewatching activities in coastal waters adjacent to the Sanctuary.

While the Group continues to deplore the use of lethal research in the scientific take in the Southern Ocean we fully support non-lethal research in the Sanctuary.

The Group notes that the contribution that has been made through the IWC sightings surveys in the Sanctuary and welcomes the change in its focus to a broader ecosystem approach. The Government of Brazil has associated itself with this statement in addition to the Valdivia Group. Thank you Mr. Chairman.

**Chairman**

Thank you Australia presumably speaking on behalf of those other member states. Japan please.

**Japan**

Thank you Mr. Chairman. We listen with interest on the intervention made by Australia. We appreciate further cooperation mechanism to address the importance of the Southern Ocean Sanctuary where you proceed for with increasing monitoring and research activity and we would like to welcome, although its a bit overlapping and duplication such as with CCAMLR and Southern GLOBEC, but nevertheless I think your effort to cooperate with the IWC and the Scientific Committee of the IWC could sound a nice one.

However, I would request if its possible for all member countries or countries serving as a Secretariat for that particular group, to provide a list of the research activities and of objectives and magnitude and duration and maybe the result of the research activities and monitoring activities to the IWC as well as to the Scientific Committee thereby we can look at what kind of contribution, what level of the contribution, this organisation or group of members, countries of this kind, are doing. Thank you.

**Chairman**

Thank you Japan for that useful and positive statement. France has asked for the floor I think. France please.

**France**

Thank you Mr. Chairman. As a country from the Southern Hemisphere, France wants to associated itself with the statement made by Australia on behalf of the Valdivia Group. Thank you.



**Chairman**

Thank you France. Well I think that was a sort of useful, positive end perhaps to our debate on item 13. I would exhort all members who are considering research programmes, monitoring programmes, in the Southern Ocean Sanctuary to ensure that the Scientific Committee is fully aware of their plans as Japan has noted and to ensure that through that process their contacts with all other potential interested member states is maximised. It is quite clear that there are significant benefits to be gained by joint research in this particular area. I am now assuming that there is no, at this stage, further action under 13.5 and if that's the case I think we can actually close item 13 - one item of our agenda.

13.5

In that case I can move to item 14 which is Scientific Permits and the first sub-item of 14 is 14.1 - Report of the Scientific Committee. Chairman of the Scientific Committee do you have any contribution under this item? Please.

14.

**Scientific Committee Chairman**

Thank you Chairman. The Scientific Editor to my right has pointed out that by good fortune your item 14 corresponds to our item 14 and so we are in sync. This begins on page 40 of our Report.

14.1

The first thing we discussed was the Commission's Resolution 1995-9 from last year and how that might affect our work on this topic. In addition to taking into account the three general areas identified in the Resolution, we agreed to also consider the provisions of paragraph 30 of the Schedule in our evaluation of permits. That had been our past practice Mr. Chairman and we felt it was somewhat ambiguous as to how this Resolution in the Schedule instructions should be handled so we simply followed all of them.

We also had a brief discussion, once again, of the relative merits of lethal versus non-lethal techniques and one member of the Committee made a particular comment on one aspect of the Resolution and that's recorded in our Report.

We then turned to a consideration of a general question that has caused the Committee difficulties when considering research permit proposals in the past and that's namely how best to provide advice on the effect on stocks of scientific permit catches. Under this item we returned to some suggestions that had been made last year and considered some new ideas.

A Working Group was established that made some progress as you can see on page 41 of our Report but no final conclusion on this issue was reached. The Committee agreed to consider this matter again at next year's meeting and encourage members to submit documentation presenting further proposals.

Our review of existing permit proposals begins on page 41 of our Report and the first one we considered was the Japanese Southern Hemisphere Programme. As we had agreed last year, initial discussions of papers arising out of special permit catches took place in the relevant Sub-committees and this was done in order to allow more thorough consideration of those papers than we had found possible in our Plenary sessions.

The Committee received at least seven primary papers arising out of the Southern Hemisphere programme and you can see our discussion of those papers on pages 41 and 42.

Last year the Committee recommended that an intersessional meeting should be held in order to allow an extensive review of the programme known as JARPA. This did not take place following discussions in the Commission last year and I have already reported on this to the Finance and Administration Committee, we have again put this forward as part of our proposed work plan.

We then turned our attention to the results of the Japanese North Pacific programme. Over ten papers were considered in the Working Group on North Pacific minke whale trials which took place before our meeting Mr. Chairman and you can see our discussion of those papers on pages 42 through 45. The results from those papers were used to develop the trials I discussed earlier under item 11 of your agenda.

Our next task was to review proposals for the coming year and our discussion on this begins on page 45 of our Report. Japan presented the 1996/97 Research Plan for the Japanese Whale Research Programme under Special Permit in the Antarctic. Although this is largely a continuation of the programme that has been discussed previously by the Committee, the extension of the research area to the west last year will be repeated for the second area, that is into Area VI. For the same reasons as the past, that is to try to clarify

problems in stocks structure that have come to light in previous years. Further details are given in the second full paragraph under our item 14.4.1 and that's on our page 45.

A number of comments were made by individual members of the Committee on the proposal and you can see those on the bottom of page 45 and on to page 46.

The Committee agreed that information provided on the number, sex, size, stock of the animals to be taken had been specified to the extent possible. It also noted that the opportunities for participation in research programme were adequate as in previous years.

With respect to the question of the effect of catches on the stocks, the proposal had referred to an analysis that had suggested the proposed catches will have no adverse effects on the stocks. However, the Committee itself referred to the general discussion of how it might provide such advice as I reported to you just a few minutes ago.

With respect to additional items referred to it under the Resolution, the Committee recalled that it had discussed essentially the same programme for a number of years now and referred to its decision to hold an intersessional meeting to review the overall programme and it believes this is the most appropriate form to discuss the long term research programme.

The Committee then turned its attention to the Japanese proposal for the North Pacific and you can see our brief discussion in the middle of page 46 of our Report.

Japan described the continuation of a programme to elucidate the stock structure of minke whales in the northwestern North Pacific. A catch of 100 minke whales has been proposed, although the sampling area has moved further towards the coast. It anticipated to adverse effects on the stocks. The minke whale feeding ecology study is an additional research objective to those that we have considered in the past.

In discussions the Committee noted the similarity of this programme to those it has previously reviewed and had no additional comments to those it had made in previous years. The Committee refers the Commission to those more detailed discussions.

Finally, the Scientific Committee considered a proposal from Norway. Our discussion on this is given on pages 46 and 47 of our Report. On the day after the discussion the Committee was informed that this proposal had been withdrawn. Thank you Chairman.

#### **Chairman**

Thank you Chairman of the Scientific Committee. Are there questions of this Report from the Scientific Committee? No it seems not. Are there comments? No it seems not either. We will then move to item 14.2 - Action Arising. Is there any Action Arising or ..... Netherlands please.

14.2

#### **Netherlands**

Well, on the previous item Mr. Chairman, if I may. I would just like to note that the Scientific Committee has discussed the criteria for providing advice on the effect on stocks of scientific permit catches and I would like to state here that we endorse the conclusion of some members in the Scientific Committee that the Revised Management Procedure could form the basis for this in order to provide a fully tested framework to evaluate potential long-term effects on the stock. Thank you.

#### **Chairman**

Thank you Netherlands. Your comment is noted. Australia were you asking for the floor.

#### **Australia**

Yes, thank you Chairman. In relation to item 14.2, some consideration is being given to drafting of a Resolution on Scientific Permits so I would ask that that issue be kept open.

#### **Chairman**

I note that and I hope there will be wide consultation on such Resolutions and we will keep 14.2 open. Any further comment? US please.

**USA**

Thank you Chair. My delegation still notes that the proposed review of the Japanese research programme which is operating in the Antarctic Sanctuary has not been undertaken. My delegation would therefore call upon Japan to at least refrain from undertaking their new proposed research element until that review is completed. We would also urge them to adhere to the spirit of the, and intent of the, Sanctuary which sentiment was expressed in our Resolution last year by the Commission. Thank you.

**Chairman**

Thank you US. I have France and then New Zealand. France please.

**France**

Thank you Mr. Chairman. This is a question addressed to the Chairman of the Scientific Committee. What is in its programme of research regarding the Arctic region? You remember, of course, the debate we had on that issue last year, and we convey to the Scientific Committee the need to focus part of its work on this issue, the research in the Arctic region in close cooperation with other organisations dealing with that issue. So I would like to know if our Chairman is able to give us some update on that question.

**Chairman**

All your Chairman will say at the moment is that I think it is item 15.3 so we will come to that at our next agenda item.

I had New Zealand asking for the floor.

**New Zealand**

Mr. Chairman, New Zealand endorses the comments made by the United States.

**Chairman**

Thank you and Japan had asked for the floor and then Norway. Japan please.

**Japan**

Thank you Mr. Chairman. The Australian delegation stated that they are going to create a Resolution but we would like to introduce our paper titled IWC/48/36. It's some comments on the past IWC Resolutions and this is our comment because every year the similar Resolution is drafted and voted and adopted but some kind of legal consideration is necessary before creating such Resolutions so we would like to introduce this one if I am in order?

**Chairman**

I think you probably are but can I just ask Norway if the comment it wanted to make is sensible to make before we take consideration of this paper or are you happy to wait until afterwards?

**Norway**

Thank you Mr. Chairman. It's a very short intervention so I think, if I'm allowed, I will make it now. I would just like to remind the US and New Zealand that the reason that the review has not been undertaken is that this Commission, in its meeting last year, did not give the intersessional meetings sufficiently high priority and I hope it would be possible to have that intersessional meeting during the coming year.

**Chairman**

Thank you Norway for that comment. Japan, I think that now is a clear field, as it were, for you to introduce your paper IWC/48/36. Japan you have the floor please.

**Japan**

Thank you Chairman. This paper is the legal analysis of the Resolution on whaling under special permit last year and that is number 1995-9, the Resolution. The reason to present this paper here is to avoid similar mistakes of the Commission this year because some people allege that accumulation of the opinion to ignore Article VIII could have some meaning simply because this is an expression of the majority view of the Commission. Japan as a signatory nation of ICRW never accept this interpretation as the Article VIII is ignored year after year, the failure of the, in compliance of the ICRW repeated under, is piling up under, the situation of the Commission is getting worse and worse, so I would like to explain some reasons.

Under the Resolution of last year at the meeting, by itself, that stated arrangements have direct conflict with Article VIII and therefore we should treat this particular Resolution in order to avoid a potential infringement of other legally binding provisions of the Convention and its Schedule. This Convention has not only conflict with the Article VIII but also it has conflict with the Report of the Scientific Committee. The Scientific Committee last year did not entirely deny the effectiveness of the lethal research but the preamble of last year's Resolution say that lethal research is not necessary and this erroneous preamble could lead the Commission debate in some difficult situation. So whether this preamble could have misled the Commissioners, debate before the voting and so this is my second point

My third point is the Resolution last year also has a conflict with the Schedule of the Convention because one operative paragraph stated that scientific research intended to assist comprehensive assessment shall be undertaken by non-lethal means, but exactly the opposite recommendation was made in 1987 stipulating that the research address question or questions that should be answered in order to conduct the comprehensive assessment. So last year, without any scientific argument, this criteria was altered and so it is extremely difficult so find a good faith interpretation and also the Contracting Governments, if acting as recommended in 1995, may face a danger that action might violate the conditions stipulated in paragraph 10(e) because paragraph 10(e) stipulated that this provision will be kept under review based on the best scientific advice.

Also, one other programme is this recommendation recommend to comply with section 3 of the Schedule, even in the research under Article VIII, but the provision of section 3 of the Schedule are not applicable to the research under special permit under Article VIII and this recommendation violates the right of Contracting Governments. So, again finally, I would like to underline that the same kind of those mistakes should be avoided this year or in the future because piling up the same kind of mistake would harm the credibility of the Commission.

I want to briefly respond to the comments made by the Netherlands. The distinguished delegation of the Netherlands endorsed the comments made by some member of the Scientific Committee but in the Scientific Committee there are some other members saying totally different things so some other member was majorities so I don't see any validity of the comment made by the Netherlands. Thank you Mr. Chairman.

#### **Chairman**

Thank you Japan for this paper and your explanations. I am sure that any parties who are developing Resolutions will take note of what you have introduced and hopefully use it in the best way that they feel appropriate in framing their Resolutions and I am sure that if there are issues of debate there will be bilateral discussions with you on those issues of debate. Australia you are twitching your sign does this indicate you want the floor?

#### **Australia**

I was really waiting for you to conclude your remarks Mr. Chairman but I did want to make a short intervention if I could. We have had a fairly lengthy debate on a different legal issue this afternoon and there was quite a cogent remark from the Commissioner for St. Vincent and the Grenadines, I think it was, on legal opinions. I am sure, as you suggested, that those considering a Resolution on this issue will take note of the Japanese position but we all have our own legal views.

#### **Chairman**

Thank you. United Kingdom please.

#### **United Kingdom**

Thank you Chairman. Well I would like to make a few comments on this paper. This Resolution was, in fact, introduced last year by the United Kingdom and it was overwhelmingly supported, I think 23 countries voted in favour of it. There are just a couple of observations I would like to make about the Japanese paper and the remarks we have just heard. In the first place, I think it is clear that this Resolution does not conflict in any way with Article VIII because Article VIII confers sovereign rights and we all appreciate that those cannot be removed by a Resolution. Nevertheless, the Commission is entirely within its rights to make recommendations to contracting parties as to how they might exercise those rights and this is what I think this Resolution does so I don't see any conflict there.

The second point, really the development of modern scientific techniques and the whereas clause. I think that it is important to read the whole of that provision which is talking about obtaining the information that

is needed for initial implementation of the Revised Management Procedure for a particular whale stock. That wording was chosen with care after detailed discussions with a large number of scientists from the Scientific Committee and as I understand it, and I think the Chairman of the Scientific Committee will contradict me if I'm wrong, initial implementation of the RMP can be done with a relatively broad knowledge of stocks which can be obtained by non-lethal means. It may well be true that if you were using lethal means you could obtain more precise knowledge but that precise knowledge is not essential for initial implementation of the RMP even though it might come in useful later on. I think that the whereas clause is there to provide the reasoning for the operative paragraph which recommends that scientific research intended to assist the comprehensive assessment of whale stocks and the implementation of the RMP shall be undertaken by non-lethal means. It provides justification for it and that is justification which was clearly accepted by the overwhelming majority of contracting parties.

Finally, Chairman, I think you can hardly argue that there is a conflict between this and the previous Resolutions. It is quite clear from the Resolution that it is replacing the previous Resolutions. The Commission took a view in 1986 and 1987 and it has now changed its mind and it has given different instructions to the Scientific Committee that it is entitled to do. What I don't think the Scientific Committee is entitled to do is what the Japanese delegation suggested it should do in the Scientific Committee Report which was basically to ignore this Resolution because it conflicted with the earlier Resolution which it replaced. Thank you Chairman.

**Chairman**

Thank you United Kingdom. I am sure that in the development of any further Resolution this year there will be reference to good sense in discussion drawing on all of our wisdom I trust. Does anybody else wish to make any observations on this issue. Japan please.

**Japan**

Thank you Mr. Chairman. Yes, the first point is not to relate to the debate being currently held, rather its response and followed by distinguished delegate from Norway that it's Japan's intention, as was so last year, that we are pleased to have the JARPA review although we consider, even though this is written clearly in the document, this is on a voluntary basis because this is research under Article VIII. We are very much pleased to do so and this would be done prior to next year and the reason for the postponement of last year's review was not because Japan didn't want to but that was the decision made by the Commission for financial reasons, officially, I don't know, the reason behind (.....?) which I get as information which I couldn't say here.

Secondly, this is related to the response made by the UK. The UK frequently touched upon the implementation of the RMS and importance of the, you know, safety implementation of the RMS. I am confused to listen to, again, reading the opening statements, your comment is conflict of what you have said and I further would like to seek your answer if you can provide us the useful sufficient information for say implementing comprehensive assessment including stock identity and stock distribution and what so ever as well as what is requested by this Commission and if source information shall be obtained to the non-lethal means we would like to exactly know what would be the research design to be executed in a realistic manner and realistic time framework to response to the question raised by the Scientific Committee as well as the Commission and finally, you pointed that because of the conflict of the Resolution, last year's Resolution be placed, previous Resolution of 1986 and 1987 for me it sounds very strange and inconsistent. The Convention has never changed since 1946 whereas Resolution has changed. I see if the Resolution has changed this must inconsistent, maybe a previous one could be interpreted into inconsistent or current one could be inconsistent with the Convention itself. In my interpretation of course the later is right. Thank you.

**Chairman**

Thank you Japan. I don't really what to open up the topic for discussion although I am sure it would be interesting. I think I would only make the observation that Resolutions, because of their nature, are likely to be mutable from time to time and that in a sense is one of the ways of which we have internal governments but you have raised some points that you might need, with your delegation, to discuss with the UK delegation to gain some clarification.

Once again I would exhort that if we are to have consideration of a Resolution under item 14.2, that if it is to be a new Resolution, that it be developed as widely as possible although I would understand that under item 14.2 it is unlikely to be in any sense a consensus type of Resolution.

I am ready for a cup of tea and I'm sure everybody else is, so unless anybody wants to continue with item 14 I propose we now leave the item and adjourn for tea, resume at 15.00, when we will start with item 15 and US you are asking for the floor?

**USA**

Yes Chairman. I just beg your indulgence, on Saturday at the Aboriginal Subsistence Sub-committee, the US had a very ..... [end of tape].

[TEA BREAK]

**Chairman**

15. Delegates I would like to resume the plenary it being a little after 16.00. We will commence our business now with agenda item 15 which is scientific research. There are a number of items to be considered here.  
15.1 15.1 deals with research proposals and under this item the Scientific Committee will report on future research activities which it believes our attention should be drawn and that we should support so I now hand over to the chair of the Scientific Committee. No I don't hand over, yes I do hand over. I wish people would nod and shake, to explain to us about 15.1. Dr. Reilly please.

**Scientific Committee Chairman**

15.1.1 Thank you Chairman. The Scientific Committee presented its results under this item to the Finance and Administration Sub-Committee and I assume that you will have received that through their Report. I can make any clarifying statements or answer any questions that Commissioners would like to point in my direction.

**Chairman**

15.1.2 Thank you. You are quite right and perhaps in the past we might have done 15 after we would have done the other one. Can I ask if there is any delegation that has any specific questions that they would wish to raise with those items which might be dealt with here? No, in which case we will deal with them if we have to and I hope we don't under the Report of the Finance and Admin Committee. That then takes us on to 15.2 which is conservation of whale stocks. 15.2.1 - Report of the Scientific Committee there please.

**Scientific Committee Chairman**

15.2.1 Thank you Chairman. From the notes to your agenda Mr. Chairman it seems that this is the place for us to report to you on our discussions on our so-called research programme for large baleen whales which at present is directed towards research on blue whales and you will find our discussion on this item beginning on page 22 of our Report IWC/48/4.

The first topic we considered concerned progress with acoustic studies. Last year the Committee had encouraged further research and development leading towards incorporation of acoustic techniques into Southern Ocean blue whale surveys. The Committee welcomed the report of a feasibility study combining visual and acoustic survey techniques that was undertaken off California. The Committee considered a number of questions relating to the advantages and disadvantages of acoustic and visual surveys as you can see on our page 22.

We now have a recommendation for you Mr. Chairman. The Committee recommends that developmental work should continue together with work to develop a theoretical and practical framework for combined visual acoustic assessment surveys.

The Committee then went on to consider the Report of the Japan IWC Blue Whale Cruise and this is item 9.1.2 of our Report. As proposed last year, the cruise was conducted to the south of Australia as a joint venture between Japan and the IWC with cooperation from Australia and the USA. Its main aim was to obtain scientific information relevant to developing shipboard identification methods for separating the so called true and pygmy blue whales. Research techniques used included skin biopsy, photo-identification, photogrammetry and acoustics. The cruise was successful in meeting the primary objective of locating concentrations of blue whales but the number of biopsy samples obtained was low and photogrammetry proved difficult Mr. Chairman. Most blue whales were tentatively identified as pygmy blue whales.

Recordings probably from pygmy blue whales were obtained. There is a need for more acoustic recordings of blue whales from high latitudes for comparative reasons.

The Committee received the results of genetic analyses including some involving biopsy material from the cruise that had been provided in response to last year's recommendation that genetic types be established for true and pygmy blue whales. The Committee noted the need to collect further blue whale samples and include these particularly from true blue whales sampled on recent minke whale assessment cruises.

The Committee was advised that the later samples were being forwarded to Japan, or from Japan to the La Jolla laboratory of the United States National Marine Fisheries Service via the Secretariat, but that there had been difficulties in obtaining the necessary UK CITES permit and here comes another recommendation Mr. Chairman. The Committee recommends that passage of the samples through the UK be given high priority to permit analysis as soon as possible and request that IWC member nations try to facilitate this.

In its discussion of the genetic analysis, the Committee noted that the Japanese and US groups currently working on blue whale samples will compare the results of their analyses. The Committee also agreed that further samples from a wide range of regions were needed. Approximately 12-20 samples would be required from each local population.

The Committee noted that some progress had been made in response to last year's recommendations concerning the establishment of genetic types but that the results, so far, indicate that blue whale taxonomy may well be more complex than previously thought.

The Committee made a number of research recommendations as you can see on the left hand side of page 23 of our Report. This includes a recommendation concerning the IWC Southern Ocean Whale Ecosystem Research Programme in the Antarctic that I have discussed under an earlier agenda item.

The Committee then went to discuss future work as you can see at the top of page 24 of our Report. This largely centred on a proposal for a second blue whale research cruise and I have already reported on aspects of this to the Finance and Administration Committee.

The Scientific Committee welcomed the very generous offer of Japan to provide two vessels and logistic support for the cruise. A number of research recommendations for the cruise and its planning meeting were made and these are detailed in Appendix 2 of our Annex E.

The Commission's attention is drawn to the fact that after discussions under our item 9.2.2, the cruise in 1996/97 will take place off Madagascar.

The Committee notes that the full cooperation of the relevant coastal states is essential and it requests that relevant governments and the Secretary provide assistance in obtaining any necessary permits to enter the EEZs of coastal states and facilitate the conduct of the cruise. Thank you Chairman.

**Chairman**

Thank you Dr. Reilly. Are there any questions on that Report as presented? There are a number of recommendations proposed. Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman I am reading the Recommendation on page 23 which is to the left side. The Recommendation that passage of the samples through the UK be given high priority and request that IWC member nations try to facilitate this. I don't understand really how member nations, including ours, could facilitate this passage through the territory of the UK. So, probably certain modification to this Recommendation is needed before the Commission would be in a position to adopt this. I don't know how other member nations could take actions in the territory of the UK. Thank you.

**Chairman**

I am sure there are mechanisms but I don't think they are envisaged by the Scientific Committee. United Kingdom I wonder if I could ask if you have any comments you wish to make on this particular point? Is this unfair to spring on you?

**United Kingdom**

Yes Chairman. I can comment in a moment.

**Chairman**

Well I think that the point raised by the Russian Federation is absolutely right. I'm not sure myself in fact what the full code that's contained in that Recommendation is. It might be necessary, perhaps, for the Secretary to talk to the UK about this. United Kingdom.

**United Kingdom**

Sorry Chairman, I was sighted. I have no difficulty with the Recommendation and I will certainly do what I can to facilitate things but obviously I can't commit my authorities because I don't know precisely what the problem is. I have no difficulty with the Scientific Committee making that sort of Recommendation and, if possible, we will do what we can to help.

**Chairman**

Yes, thank you UK. The Secretary has explained to me that it is in essence asking the Commission to urge the UK/CITES authorities to ensure that samples, these samples, can be transmitted through the UK. It may be that the wording is a little vague but that is on the understanding that, that is the intent and the United Kingdom Commissioner has indicated that he understands that that is the intent. Can I accept that or is the Commission prepared to adopt the Recommendations including that one, given the additional statements that I, the UK Commissioner and the Secretary have made? Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, probably for better understanding of this Recommendation we may change the last line and delete the reference to member nations and insert the reference to the UK Government. Thank you.

**Chairman**

One of the problems, of course, Russian Federation, is that we can't actually change the Report of the Scientific Committee. Unless you insist, I would prefer that we use a different formulation than that we note this Recommendation and understand that it means and so on. Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, for the time being, we are not changing the Report of the Scientific Committee but we are here to approve some Recommendations of the Scientific Committee and it doesn't mean that we have to approve the Recommendations as they are formulated by the Scientific Committee. We may change these Recommendations since this is the decision of the Commission itself. Thank you Mr. Chairman

**Chairman**

I think, as the Secretary has just explained, what will appear is the Recommendation as amended by my comments and the comments of the United Kingdom Commissioner. Is that clear Russian Federation? In essence it's taking your point.

**Russian Federation**

Thank you Mr. Chairman. It's a good expression, in essence, but what would be the form of this Recommendation, and by the form I understand, what would be the wording which would be reflected in the Report of the Commission. Thank you.

**Chairman**

Well to make it absolutely simple, can I propose that the Commission accept that we urge the United Kingdom CITES authorities to give high priority to passage of samples through the UK. Is that satisfactory to you Russian Federation? So that's how it will appear, my formulation. Seems that there is no problem with that. Thank you.

May I understand also that the other Recommendations are agreed? Thank you.

Chairman of the Scientific Committee is there anything else you wish to add to this item at this stage?



The next sub-item is 15.2.2 which is Mechanisms to Finance a Research Programme and I was just clarifying with the Secretary whether this was something that should be considered under the Finance and Admin umbrella item but he points out that that is not the case because this is, as it were, separately financed research. I wonder if I might ask the Secretary just to give a brief explanation for the benefit of delegates as to exactly what the current status is with the finance for this item. Secretary.

15.2.2

**Secretary**

Mr. Chairman, the Commissioners will recall that when this programme of research was brought before the Commission, there was the need for a budget to finance it and the Commission decided rather than taking it out of the regular budget, that the money necessary would be drawn from the Commission's reserves on the understanding that Contracting Governments would make voluntary contributions to replace that withdrawal. In fact only one government, Australia, made a voluntary contribution and so the reserves have been depleted by the outstanding balance. Now, the Commission decided that it would do this trying to find a mechanism to finance this particular research programme and its possible, of course, that the Commission may now choose to finance the programme through the regular budget as has happened for the future programme. But essentially we are looking to try and make up the deficit from the first round of activity and if the Commission can come up with a mechanism to reinstate our reserves that would be a good thing.

**Secretary**

Thank you. Are there any comments or observations on what the Secretary has said? Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, we would like to thank also the Secretary for these explanations but frankly speaking we cannot understand the point raised by the Secretary since his preoccupation hasn't been translated into concrete figures. Shall we have some additional financial burden for member governments or what shall we do, in fact, in order to solve the problems created right now. Thank you.

**Chairman**

Thank you. I think the Secretary is trying to look up the concrete figures. I don't know whether the Chairman of the Finance and Administration Committee has any comments that he would wish to make but since this is the second time I have sprung something cold he probably doesn't. Did you discuss this at any length in your Committee? United Kingdom please.

**United Kingdom**

Thank you Chairman. Well, we noted the situation. I think the agreement last year was that failing contributions from member governments it would be funded from the reserves. The reserves are pretty ample and I think that's where it is being funded from. I think the Secretary, I hope, will confirm that. It doesn't, I think have implications for the budget which we are proposing should be adopted and which we will be discussing later on at this meeting.

**Chairman**

Thank you UK. I think that they are the words we need to hear that it doesn't have implications because I think that is what the Russian Federation is seeking to ensure. Are you satisfied with that Russian Federation because I can't see because Brazil is sitting down. Are you comfortable with that explanation Russian Federation?

**Russian Federation**

Thank you Mr. Chairman. Unless the Secretary produces some concrete figures we would be satisfied with this explanation. Thank you Mr. Chairman.

**Chairman**

Thank you. Then I'm not sure whether there is any Action Arising under 15.2.3 that we need to consider especially. Japan please.

15.2.3

**Japan**

Thank you Mr. Chairman. This is not Action Arising but we would like to make a general statement. Am I in order?

**Chairman**

Yes, please.

## **Japan**

Thank you Mr. Chairman. We welcome the initiatives of the Scientific Committee to sincerely respond to the Resolution two years ago which asked the Commission to consider research on large baleen whales in the Southern Hemisphere. Our delegation hopes that the research to be conducted this coming year to successfully achieve progress to contribute to the recovery of large baleen whales, particularly true blue whales and our government has a plan as previous years to fully support this research both logistically and financially and we continue to provide the research vessels and the necessary equipment. Thank you Mr. Chairman.

## **Chairman**

15.3 Thank you Japan. If there are no further observations or comments we might move to 15.3 - Research on the Environment and Whale Stocks. The first sub-item concerns the Report of the Scientific Committee. Dr. Reilly please.

## **Scientific Committee Chairman**

15.3.1 Thank you Mr. Chairman. I draw your attention to the Scientific Committee Report, item 6 beginning on page 5 and also to a separate sheet IWC/48/4 Addition that was distributed a couple of days ago that includes some text items were inadvertently left out of the printing that was distributed and two of those items are directly relevant to our discussions just now.

The three items I would like to report on under this heading are, first, the Report of the Workshop that the Scientific Committee convened on Climate Change and Cetaceans. The second on Arctic issues and the third on Mexican salt works proposal and possible effects on gray whales.

The Workshop on Climate Change and Cetaceans was held in Kahuku, Hawaii from 25-30 March of this year and this was preceded by a two-day symposium. A feature of the meeting was that it brought together Scientific Committee members and scientists from appropriate disciplines not normally represented in the Committee.

By way of background, in 1993 the Commission had stated that the Scientific Committee should and I quote "give priority to research on the effects of environmental changes in cetaceans in order to provide the best scientific advice for the Commission to determine appropriate response strategies to these new challenges".

The Committee agreed that its initial work on this issue would include the holding of two workshops: one on chemical pollution and cetaceans that was held last year and the one on climate change that is discussed here.

The main tasks of the Workshop were taken to be to determine which predicted climate changes could impact cetacean populations, and with that likelihood would they do so; what would be the likely consequences of such change given current knowledge and what research would improve understanding of the consequences of climate change on cetaceans?

Before addressing these questions, the Workshop considered the results of the recently completed report of the Intergovernmental Panel on Climate Change, IPCC, through the rest of our Report, their second assessment of climate change.

On page 5 and 6 of our Report we have a summary of various relevant parts of the IPCC Report under a number of sub-headings, temperature, sea level rise, pollutants, stability, sea ice, zonal differences, just to highlight some, not necessarily representative, items found from the IPCC Report. For example, Mr. Chairman, under temperature, IPCC predicts that global average temperature is expected to increase by 1-3.5°C by the year 2100. The changes in oceanographic conditions will lag behind changes in the continents perhaps by about ten years. Global Circulation Models predict that greenhouse gas induced warming will be the greatest at high northern latitudes.

Under sea level rise, for example, we were informed that their prediction is for a rise of 15-95cm by the year 2100 and we also note that the direct effects of sea temperature changes will be most important at the limit of thermal tolerance.

So skipping over the details of the rest of the IPCC predictions and going on to our discussions of other effects which is on page 7 of our Report. It is noted that the interplay between global climate change,

chemical pollution and pathogens was considered while most impacts can be expected to shift existing pollution to new areas, some climate-reduced perturbations will result in a general intensification of pollution problems. Associated impacts on cetaceans would be expected to be most significant in populations living near highly populated coastal areas and/or where wetlands are lost.

Separate appraisal of the impacts of environment changes may not be sufficient to evaluate cetacean responses. Noting the potential significance of mass mortalities and emergent diseases to population dynamics and their potential role as integrators of global changes, the Committee should consider holding a workshop on this theme at some point in the future Mr. Chairman.

The IPCC Report suggested that over-fishing and diverse human stressed on the environment will probably continue to outweigh climate change impacts for several decades.

The Workshop went on to discuss key species. They identified a number of cetacean species and stocks that could be of particular concern in the context of conservation and management if predicted climate change occurred and this was based on three factors: low abundance; life history characteristics or restricted range. There is a list of those species given near the bottom of page 7 Mr. Chairman. All northern right whale populations, eastern Arctic and Okhotsk Sea bowheads, western gray whales, most blue whale populations, white whales, narwhals, river dolphins, Black Sea dolphins and the vaquita.

It was also noted that all species and populations subject to exploitation are of special management interest to the IWC.

The Workshop also developed a list of species for different criteria that is particularly suitable as subjects of research on the effects of climate change and there is a list given there.

The Workshop recognised given the uncertainties in modelling climate change at a suitable scale and this modelling effects on biological processes, at present it is not possible to model in a predictive manner the effects of climate change on cetacean populations, this is a relatively important point Mr. Chairman. Despite this, the Workshop believed that the available evidence is sufficient to warrant some general concern for cetaceans.

The Workshop developed a list of factors to be borne in mind when assessing potential research programmes.

They stressed the major difficulties in reaching the long-term goal of being able to usefully predict the effects of climate change on cetaceans, given the complexities of the physical and biological processes involved. It is clear that if any progress is to be made in describing and understanding pathways such as those illustrated in our Fig.1 on page 7, Mr. Chairman, that this must be varied out within the context of a multidisciplinary, multinational focused programme of research that concentrates on those species and areas where there is most chance of success. Here comes a Recommendation, Mr. Chairman, the Workshop and therefore the Committee that adopted it strongly recommends that the Committee and the Commission consider ways to facilitate the development and execution of such research and there are more detailed recommendations on some examples of that coming up in a few minutes.

They then went on to discuss accommodation of IWC interests in the framework of existing programmes. It was noted that it is essential to continue to strengthen and forge links with other relevant international organisations. In particular, it is important that, where possible, the IWC becomes involved in the planning stages of cooperative programmes. It was noted that its not sufficient merely to ask that cetacean sightings be recorded, that the IWC should consider developing and distributing advice on standard data collection and methodology and, where appropriate, encourage the placement of trained observers on existing surveys, taking into account the spatial and temporal aspects of the sampling.

Another Recommendation coming Mr. Chairman. The Workshop noted that the particular relevance of the work of CCAMLR and Southern Ocean GLOBEC to its work. It recommended that joint CCAMLR-IWC and GLOBEC-IWC working groups be established to consider collaborative work in the Southern Ocean.

As an aside Mr. Chairman, I would like to note that we have been invited from both of those organisations to join with them in forming such groups. Similarly the Workshop notes the value of the SCAR/IPIS which is Scientific Committee of Antarctic Research, Antarctic Pack-Ice Seals Programme, which is investigating

the role of other marine mammals in the Antarctic and the Workshop recommended that the Secretary contact SCAR with a view to establishing formal IWC/SCAR links.

The Workshop recommended that IPCC, as I mentioned earlier, be contacted about the possibility of IWC input into the next series of their reports.

It also recommended continued contact with such organisations as I've mentioned above and request that they be sent copies of the Report of the Workshop.

Many member nations of the IWC are carrying out related work under national research programmes. It was recommended that member governments make known the interests of the IWC in such work and recommended that they consider contacting the IWC with a view to adding cetacean components where appropriate. The need to consult the IWC for advice on standard data collection and analytical methodology is again stressed.

The next part of the Report, Mr. Chairman, is on implications for the work of the Scientific Committee. There were a number of suggestions made here so that the impetus generated by the Report of this Workshop and recommendations should not be lost and the first of these are given on page 8 at the bottom of the left and over the top of the right columns. They go on that the Committee invites scientists with relevant expertise to its regular meetings and member nations include such experts on their national delegations. The holding of a future Workshop to review progress of some kind. That a mechanism should be developed to synthesise results of the various topics included in the overall examination of effects of environmental change on cetaceans and in particular the results of the two Workshops held so far. And lastly, that consideration should be given to collection of samples and associated data from any directed takes of cetaceans under IWC regulations.

The Workshop put forward a couple of rather general recommendations under the sub-topic of management recommendations with the following introductory statements.

Current attempts to predict the effects of climate change on cetaceans are severely limited by the inherent uncertainties in the Global Circulation Models and other models, the mismatch of scales, the lack of knowledge of biological responses of both cetaceans and their prey and the lack of suitable models of how cetaceans interact with their environment and data for several of the many stages of the predictive process.

However, the Workshop believes that the uncertainty about the effects of climatic change implicit throughout its deliberations makes it possible to suggest broad management actions that the Commission might urge its member governments to take. There are two of these and the first is the Workshop and then the Committee picking this up recommends that the IWC urges its member nations to abide by the provisions of the UN Protocol on Substances that Deplete the Ozone Layer. The second is the Workshop and the Committee therefore recommend that the IWC urges its member governments to join international efforts to reduce greenhouse gas emissions.

In discussions of this Report in the Scientific Committee this year, we noted that the Workshop had recognised that in order to predict the effects of climate change on cetaceans, the physical and biological processes affecting the temporal and spatial patterns of cetacean distribution and abundance must first be established. The Committee agreed to the following objectives in that context.

I will read these objectives out Mr. Chairman.

The first is to define how changes in the physical and biological environment influence cetacean species in terms of distributions, abundance and stock structure, extent and timing of migrations and fitness or so-called condition factors.

The second is to define the spatial and temporal scales of variability in the ocean that are most important to cetacean species.

The third is to determine which oceanographic processes in the marine ecosystem best explain interannual or longer-term changes in the geographic and temporal variability in cetacean distribution and abundance.

The fourth is somewhat of a side benefit that would arise from these general lines of enquiry and that would be to reduce the variance in estimating trends of cetacean distribution and abundance by quantifying the amount of variability in sighting surveys related to environmental variability.

The Committee recognised that there are numerous lines of research which could be pursued to try and meet these rather general objectives. The following two broad approaches were proposed:

The first is an ecosystems approach which examines physical-biological processes related to the availability to cetacean prey. These are the approaches taken by CCAMLR and the Southern Ocean GLOBEC programmes.

The second approach would be investigation of the power of time series of various data types on cetacean populations to detect the effects of environmental changes on their population dynamics and this requires concurrent time series of both environmental data and cetacean population parameters.

The first approach could be accomplished through IWC collaboration with international, extant marine ecosystem programmes such as the Southern Ocean GLOBEC and CCAMLR programmes.

The second, investigating the power of time series relies on, first, a more retrospective analysis of existing time series on cetacean distributions, timing of migrations, fitness indices and physical data sets of similar temporal and spatial resolution.

The Committee supported the initiative represented by the Workshop on Climate Change and agreed to establish a Standing Working Group to work intersessionally to oversee and facilitate the examination of effects of environmental change on cetaceans. The Standing Working Group might meet, normally at a Annual Meeting, should the Convenor and the Chairman of the Committee deem that sufficient progress had been made to warrant this.

The Committee welcomes the thorough report of the Workshop and fully endorsed the recommendations therein.

Mr. Chairman I can stop now or continue and give our report on the Arctic issues and salt works at your discretion.

#### **Chairman**

Well I think it is probably useful for us to pause at that point. It's clear that the Workshop in Hawaii and the subsequent discussion at your Committee was a particularly useful development and you have a number of key recommendations I note that the Commission needs to examine. I will now open the floor for any questions or comments. Perhaps initially questions but then comments on this particular topic. The US is asking for the floor. US please.

#### **USA**

Thank you Chairman. My delegation doesn't have any questions regarding this material. We believe that the Scientific Committee should be congratulated for the work it has undertaken on environmental concerns. My delegation finds that what they have done is entirely responsive to past Resolutions on these matters. We welcome the Recommendations that have been made particularly those aimed at management actions that member governments might take, the future work programme the Committee might undertake and the need for collaboration with other international organisations.

Finally, Mr. Chairman, my delegation would note that all of these Recommendations have been taken by consensus of the members of the Scientific Committee. Thank you.

#### **Chairman**

Thank you US. I now have the Netherlands followed by Austria. Netherlands please

#### **Netherlands**

Thank you Chairman. The Netherlands attaches great importance to the work that has been undertaken by the Scientific Committee on the effects of environmental changes on whale stocks and we believe that this topic should be given high priority in future discussions. Like the Scientific Committee, we fully endorse the Recommendations of the Workshop on Climate Change and Cetaceans and we welcome the creation of a

Standing Working Group. I note that in the recent past, the Netherlands has made expertise available to work with the Scientific Committee in the field of environmental effects notably with regard to pollution and we will be happy to do so again when the occasion arises. Thank you Chairman.

**Chairman**

Thank you Netherlands. The next speaker on my list is Austria and then France. Austria please.

**Austria**

Thank you Mr. Chairman. We would like to congratulate the Scientific Committee too because it is increasingly becoming clear that it would be advantageous to the IWC to better incorporate environmental aspects in our deliberations. Austria believes that the Pollution and Climate Change Workshop were important and positive steps in this direction and will support all initiatives to maintain the momentum of these initial steps including a Standing Working Group and other mechanisms that can facilitate the development and execution of relevant non-lethal research. Thank you.

**Chairman**

Thank you Austria. Now I have France and then the United Kingdom. France please.

**France**

Thank you Mr. Chairman. We too want to congratulate the Scientific Committee for its work on this very important issue. We think that its particularly timely for the Scientific Committee to deal with those questions and we support the idea of creating a Standing Working Group on that issue and we think that the Scientific Committee and the International Whaling Commission as a whole have interest to be in close contact with those organisations dealing on a more global way with these questions. Thank you very much.

**Chairman**

Thank you France. United Kingdom and then Denmark. United Kingdom.

**United Kingdom**

Thank you Chairman. Well I would like to endorse what everyone else has said about the value of this work. I think the Scientific Committee and its Chairman and all those that attended the Workshop are very much to be congratulated. We now have a series of important recommendations and I think that we should endorse them. I also think that it is very important not to lose momentum. I am pleased that the Scientific Committee is setting up a Standing Working Group but I think that it would be extremely useful for this Group to meet well before the next Scientific Committee meeting so that it can plan what the next step should be and ensure that progress is made and I would like to propose that we ask that Committee to meet intersessionally. I think we need to look at the financial consequences of that tomorrow but I think that it can be fitted within the proposed budget that will be recommended for adoption later at this meeting but I can also say that the United Kingdom will be happy to help support such a meeting financially. Thank you Chairman.

**Chairman**

Thank you very much United Kingdom. Denmark and then the Russian Federation. Denmark Please.

**Denmark**

Thank you Mr. Chairman. The issue of making predictions about possible effects of climatic changes on how mobile oceanic predators like whales is highly complicated as also noted in the Report of the Scientific Committee. One may speculate that in some cases global warming may have a beneficial effect on certain species. For example, an increase in sea surface temperature in the Arctic will result in a decrease of the ice cover. This decrease will, in itself, allow for a prolonged season of marine productivity of the theoretical benefit to the true Arctic species like bowheads, white whales and narwhals. Reduction in ice-cover is likely to result in fewer cases of, what you might call, mass deaths from ice entrapment. Cold temperature species like minke whales and fin whales may also profit from an earlier access to the Arctic summer feeding areas following a reduction of the ice-cover. These considerations are offered for the purpose of flagging caution, jumping to conclusions about effects on cetaceans of global warming.

Denmark fully supports and actually participated in intensified studies of the effects of climatic changes on marine life including cetaceans. Thank you.

**Chairman**

Thank you Denmark. Russian Federation please.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman we would also like to congratulate the Scientific Committee on the work which was completed under this agenda item and congratulate the Report which is produced by the Scientific Committee which is detailed and gives better understanding of the issues discussed. However, Mr. Chairman, nothing is completely perfect and naturally we find that not all the questions which were addressed to the scientists at the beginning of this work have found their answers. But this should be understandable since the questions asked were rather complicated and the task was probably too enormous for the Scientific Committee to fulfil immediately.

From what we see in the Report, it appears to us that the scientific research, the work of the Workshop and the Scientific Committee, was not limited to cetacean related aspects but rather the scientists had to evaluate more global issues like climate change in general and had to consider these other topics before coming to the considerations of the more specific problems with relation to cetaceans and whales. This seems to us probably not the best way to proceed since we are well aware that there are plenty of other international organisations with competence in problems of climate change and a number of them are cited in the Report of the Scientific Committee.

Probably the task of developing relations and cooperation with these international organisations should be of primary importance for the Commission and we think this would greatly facilitate the future job of the Scientific Committee. So, one of the priorities to be given in this field is to develop relations, develop cooperation with appropriate and national institutions with competence in climate change and other general problems.

As so the conclusions drawn as a result of this work, Mr. Chairman, we have noticed the conclusion on page 7 which was cited by the Chairman of the Scientific Committee. In accordance with which at present it is not possible to model in a predictive manner the effects of climate change on cetacean populations. So we understand that the scientific data available today doesn't give sufficient ground for any precise conclusions on the matter and probably this is the reason why the Scientific Committee believes it is necessary to continue the work to create intersessional groups and other mechanisms. However, Mr. Chairman, before coming to these practical conclusions as a result of this work, we would feel that still the task of the Scientific Committee should be to answer this particular question, what could be the prediction of the situation with whale stocks in future as a result of the climate change and since we don't have any precise response to this issue, this naturally creates difficulties for us when we consider the concrete recommendations.

Mr. Chairman, there are two concrete recommendations which are entitled 'management recommendations'. We still have doubts whether they could be called 'management recommendations' bearing in mind that the IWC is an international organisation for the purpose of management of whale stocks. But, here we have some references to the actions to be taken by member governments which do not relate directly to the management of whales. Of course, one may argue that anything we do in this world may have some implications for whale stocks but probably the competence of an international organisation should be more precise and should be determined with much more details than this general approach and moreover Mr. Chairman it seems to me not totally appropriate for an international organisation with no direct competence in questions relating, for instance, for the protection for the preservation of atmosphere or of the ozone layer to give direct recommendations to member governments. There is no problem with the Russian Federation since we are already contracting parties to all the international instruments cited here but we feel that from a legal point of view this would create a bad precedent for an international organisation to infringe over the terms of reference for its competence. So it would be, simply speaking beyond the direct framework of the competence of an international organisation. So we have doubts as to the validity of these particular recommendations especially if we entitle them as management recommendations.

Mr. Chairman, although we are in favour of the continuation of this work and we would encourage the Scientific Committee to continue appropriate research programmes, we would be willing, first of all to know possible financial implications of these suggested new mechanisms, new institutions, new working groups and workshops. Probably the Secretary has some concrete figures on this issue and if it is possible to know them, this would facilitate our job in determining our position with the proposed mechanisms and future

workplans and if the Secretary would be so kind as to also produce the figures of the financial expenditures for the previous period for the interessional workshop etc, this would also facilitate our job in determining our position with these proposals. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. The information that you seek is in fact in the budget papers attached to the Finance and Administration Committee. Am I understanding that you would not want to, you would be uncomfortable in joining a sort of consensus adoption of these recommendations without us discussing that first? I am not quite sure how you want to proceed and the information you require is already in the papers that you have for that particular Committee although that is an agenda item we will come to tomorrow. I am quite prepared to accommodate whatever way you wish to handle that. Perhaps you would like to think about that for a moment because I see the Republic of Korea is asking for the floor so I give the floor to the Republic of Korea and return to you for a bit of clarification. I must say that, from my position here, I actually have the slight nervousness that you expressed at the two management recommendations and I think that we do need as a Commission to focus on precisely how we handle those. Republic of Korea please, you have the floor.

**Republic of Korea**

Thank you Chairman. My delegation endorse the recommendations fully and we appreciate the excellent work on the effects of climate on whales. My delegation notes that the interaction between the environment and the abundance and the distribution of animal life and cetaceans are complex. Therefore ample items to research, such as early life history of animals and the match and mis-match of their prey. Therefore my delegation believes that this work should be done with high priority in the Scientific Committee of IWC. Thank you.

**Chairman**

Thank you Republic of Korea. Australia you are asking for the floor.

**Australia**

Thank you Chairman. I would like to make two points. First of all I would like to pick up and add Australia's support to the comments made by a number of speakers regarding the continued work and the good work that has been done by the Scientific Committee here. However, I would also like to pick up the point made by my Russian colleague and also that you have commented on - I too felt a little bit uncomfortable about the format of the two management recommendations for the same reasons expressed by my Russian colleague if I have understood them correctly. I think perhaps that it might be more appropriate for the Commission to note the recommendations rather than actually to urge member states to act in a particular way in an area which is arguably outside its competence. Thank you.

**Chairman**

Thank you Australia. Russian Federation I wonder if I can now return to the points you were making. I think we have, if I can summarise where I think we are, there are a number of recommendations which are relatively specific to the work of the Scientific Committee which are dependent on funding which is allocated in the budget. Now, we can adopt those at this stage, we can adopt them in principle, assuming that we then deal with the budget in a positive way but that is almost given because if we don't adopt the budget we would have to go back and undo all of these. And there is then the specific consideration of the two recommendations under the heading 'Management' on page 8. Russian Federation I seek some, I don't know if I seek guidance from you, but I seek your view on how you want to handle, what I might call the ordinary recommendations, other than the two management ones which we will return to separately. Can I ask for your current view on that please?

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, it seems to us that the proposal just made by Australia on this issue which would allow the Commission to note certain recommendations, recommendations submitted by the Scientific Committee may be a way out. We have already used this procedure earlier today, why not use it on this particular subject?

As to the financial implications Mr. Chairman. We may support the formula proposed in the current Report of the Scientific Committee but we had, for instance from the distinguished Commissioner from the UK, that there may be some other ideas on interessional meetings which would entail some changes in financial



expenditure as far as we understand the procedure. So probably these changes could be considered at a later change under the agenda items concerning financial and budgetary problems. We will proceed from this point of view I don't see any great difficulties for us. Thank you Mr. Chairman.

**Chairman**

Splendid. In that case I think we can, pending further consideration in the Finance and Admin context, we should be able, I think, to adopt the recommendations with the exception of those labelled 1 and 2 on page 8 where following the suggestions of Australia and the Russian Federation we could adopt but before I do that the US is asking for the floor. US please.

**USA**

Thank you Chairman. I think you are approaching Action Arising here and I wanted to make it known that there are several delegations that view this work as being of utmost importance and would like to see these recommendations adopted in the form of a Resolution that several of us are working on at this stage. That is how we would like to handle it Chairman.

**Chairman**

That's fine US. I have no problem with that. I would still like, for the sake of completeness for us to take these recommendations if they are reinforced, if some of them or all of them are reinforced for a Resolution so much the better. I think from the current discussion here it seems to me that we could adopt them with the exception of those two where I propose we use the word 'note' and Action Arising I will keep open for presentation of a Resolution. Japan you have asked for the floor please.

**Japan**

Thank you Mr. Chairman. Yes, while I was waiting to take the floor some of my concerns were maybe taken care of. I have also concern about two, particularly two, management recommendations because we strongly doubt that this kind of recommendation is not a mandate of the Scientific Committee to recommend through this organisation to the member nations and through member nations to this international forum. So, if the recommendation is changed as 'note' it may be some way out. That is my first observation and coming back to the general observation, on behalf of our delegation, is that we appreciate the effort made by the Scientific Committee to elaborate with due care, to kneel down to the recommendations and presented us to that. However, even though we understand that issues relating to the climate change and environmental change is very much important, but as far as we understand looking at these recommendations, we are very much concerned that issue and target of the research area is not specified leading to the recommendations thereof. And also, even though there would be a recommendation to facilitate the collaboration and cooperation with other organisations, we have to specify more what to do, how to do and what timing but that should be further elaborated and we think that we need more time to address with specific context. And thirdly, I would like to address that, although we understand that this matter is one of the important areas responding to the concerns world wide. However, against the priority areas provided and stipulated in the Convention itself, we are concerned that likewise, the small cetacean issue and whalewatching issue, this matter would lead to the area which may not be relevant and appropriate in terms of the Commission's work. Nevertheless, we would like to stress that through research provided by the Government of Japan, whether its unilaterally or whether its through multilateral cooperation, we have been contributing to obtain first hand and immediate and direct information on the effect of climate change and environmental change on the cetacean stocks. Those results and analyses had been, and will be, provided in the future and in the past to the Scientific Committee where that was exposed for the strenuous discussion. I am sure that the Scientific Committee appreciated the information and analysis that our scientists provided it and we would like to stress that Japan is committed to continuously provide such useful information to contribute this work. Thank you very much.

**Chairman**

Thank you Japan. I think that gives a further spin on the report concerning how we keep a balanced approach to the many topics which are now relevant to our work. I believe then that following the intervention from the United States that there be a Resolution forthcoming but there is probably little point in us further discussing this issue now but I would like to return to the Chairman of the Scientific Committee because he was, I believe, going to take a little further the issues under the Arctic ..... Sorry Mexico is asking for the floor, Mexico.

### **Mexico**

Thank you Mr. Chairman. Sorry about that but I would like to refer to another point before you close the discussion on climate change. I would like to refer to another point which was raised by the Chairman of the Scientific Committee in his previous intervention. That is point 6.3 - Mexican Salt Work Proposal and Possible Effects on Gray Whales. As you may recall, this is a result of a decision taken by the IWC/47.

### **Chairman**

Mexico, we haven't quite got there yet. We haven't got to that point yet. If you could just hold your horses as it were. Chairman of the Scientific Committee would you like to keep us in the Arctic before we drift southwards.

### **Scientific Committee Chairman**

Thank you Chairman. Starting in the Arctic. This is on the addition page, the single page, that was distributed a couple of days ago. Regarding Arctic issues, this item had been placed on the Committee's Agenda in response to a request by the Commission. The Commission had also asked for comment on a draft Resolution, your IWC/47/51 Rev. I submitted at last year's Commission meeting and as discussed above the Workshop on Climate Change had included the Arctic region in its discussions and the information from that source is not repeated here. At this year's meeting, the Committee had two papers submitted on this item, one of which had been initially considered at the Workshop in Hawaii on the development of, I'm sorry the Workshop on Development of a Aboriginal Subsistence Whaling Management Procedure, we had too many workshops this year. The authors of this paper, SC/48/AS15, concluded that any new management procedures for aboriginal subsistence whaling should be tested for robustness to climate change effects.

We had another paper, our O 21, that also looked at observations and predictions of Arctic climate change. It proposed that in view of both model predictions and recently observed trends in Arctic climate, monitoring of the physical environment, for example, sea ice extent and the seasonal distribution of potential indicator species, for example, bowhead whale, narwhal and beluga, should be accorded some priority. This paper also examined potential effects on cetaceans, particularly in terms of possible changes in distribution and potential geneflow and unknown effects on cetacean prey.

In discussion, the importance of investigating the role of ice-related processes to cetacean ecology was stressed, as was the need for co-operation with other organisations working on environment related matters in the Arctic.

I can pause there Mr. Chairman and take up 6.3 the Salt Works proposal after discussion. Thank you.

### **Chairman**

Thank you Chairman of the Scientific Committee, I think it would be helpful if you did pause there. France please.

### **France**

Thank you Mr. Chairman. I thank the Chairman of the Scientific Committee for this update on what the Scientific Committee has done during its session. We are very happy with this focus on the situation in the Arctic. We think that there is a need for the Scientific Committee to go on those researches. At the same time we think it is a good idea to link the research of the Scientific Committee on environment change and its research on the Arctic region. We think, as well, that it would be very useful for the Scientific Committee to get as much information as possible from the various Arctic countries cooperation which has emerged those past years, especially the Arctic environment protection strategy system. So, we want the Scientific Committee, if possible, to go on with this research. Thank you Mr. Chairman.

### **Chairman**

Thank you France. Are there any other comments? Russian Federation please.

### **Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, since now this is the question of research in Arctic regions, we would like to reiterate our position, first of all stated at the previous Annual Meeting, and to develop it somehow.

Mr. Chairman, the Arctic region is the sphere of cooperation of Arctic states and there is a certain infrastructure beginning with the International Arctic Science Committee which is considered to be the responsible body by eight Arctic nations. Within this Committee, which is known under the Russian abbreviation as MANC, within the MANC there is a nucleus consisting of the representatives of eight member governments which are to consider various scientific research programmes and to take appropriate decisions as to these programmes. However, there is a series of special environmentally orientated programmes, one of which is the cooperation, conservation of Arctic fauna and flora to which we also referred to at the last Annual Meeting Mr. Chairman. We promised to raise the issue of the research in the Arctic concerning some cetaceans at the meeting of this ..... programme and it was done last September when this programme met in Moscow. As a result of the consideration of this issue no approval was given, no formal approval was given, to the planning of research, for instance, of species referred to in the additional paper submitted by the Scientific Committee.

Moreover, Mr. Chairman, now we are in the process of trying to create, I mean Arctic nations, in trying to create a new body, Arctic Council, which would englobe various initiatives orientated there to conservation of natural environment in Arctic regions and to cooperation in various fields of Arctic nations. Within coming weeks or months depending on the results of the work of experts, appropriate declaration is to be signed on the level of Foreign Ministers of Arctic nations. Having said that Mr. Chairman, I would stress that we are not favouring the initiatives presented by the distinguished Commissioner for France. At the last Annual Meeting, as today, and because we feel that the Arctic is a special area in respect of which special interest and rights of appropriate nations should be preserved, and without consent of all the Arctic nations, no research should be initiated here which could be considered detrimental to the rights and interests of Arctic nations. This is our principle position.

Let me tell you that we will continue our consultations with Arctic nations in the framework of the consultations that we are having now. Lately it was in Canada and a future round of talks is also scheduled in Canada within coming weeks and as a result of these consultations probably the position of Arctic nations, common positions of Arctic nations, would be changed. It doesn't mean that individual states, individual Arctic nations, are not free to determine their attitudes towards concrete projects but we have some common understandings stipulating that at least a minimum level of cooperation or joint position is established through appropriate channels of coordination of our efforts in the Arctic. So, Mr. Chairman, you may deduce that we are not in favour of the proposed initiative and we would object to any action to be taken by the Commission in this respect. Thank you.

#### **Chairman**

Thank you Russian Federation. You were very clear but it's late in the day and I'm not quite sure I fully understood what you were not supporting. You presumably have no objection to the Scientific Committee continuing to perform legitimate scientific work on IWC related issues where it concerns the Arctic. I'm not quite sure what larger programme you think but please can you clarify?

#### **Russian Federation**

Mr. Chairman, last year there was a draft Resolution presented for consideration of the Commission which was kept probably alive until this session, if I remember correctly your statement on this issue, so we cannot exclude, especially after the statement made by the distinguished Commissioner for France, that the same issue would be raised here during discussion of this particular item and we are not favouring any research to be initiated by the IWC, initiated by the IWC in respect of species, which we find in the Arctic area which are part of the region in respect of which cooperation which I described exists. Thank you Mr. Chairman.

#### **Chairman**

Thank you Russian Federation. I think I understand now clearly that your advice is that a quickening of last year's draft Resolution would not be welcome by at least your delegation. Thank you, I understand clearly now. Norway please.

#### **Norway**

Thank you Mr. Chairman. I will support the statement by the Russian delegate and let me also supply a little additional comment. That is, when we take the stand, the same as Russia, it is because we will not stimulate double work. There is quite an extensive amount of work under the APS context and we see little reason that the IWC should start to duplicate that work. Definitely, as far as stock estimates are concerned, there is a role also for IWC in Arctic waters but when we are talking about the environmental problem, as is the

focus here, we think that work is being done under the auspices of the APS and from this Autumn onwards the Arctic Council, where the eight Arctic countries will take part, as the Russian delegate has read out. So, I am quite sure that the IWC and the Scientific Committee will get all the information they need from the competent organs under the APS. Thank you very much.

**Chairman**

Thank you Norway. Denmark please.

**Denmark**

Thank you Mr. Chairman. Our position is in line with what has just been stated by Norway. Thank you.

**Chairman**

Finland.

**Finland**

Thank you Mr. Chairman. I share the Russian and Norwegian position in this case. Thank you.

**Chairman**

Thank you very much. I think we have some clear advice from member states there. I propose now to move on and ask the Scientific Committee chairman to talk to us about item 6.3 please.

**Scientific Committee Chairman**

Thank you Chairman. It's a brief item.

**Chairman**

Hang on, France is trying desperately to attract my attention.

**France**

Thank you Mr. Chairman. I don't want to prolong the issue but I have difficulties on two points with the position which has been expressed by some of the countries who have spoken just recently. First, what my delegation has said, just previously, is not that we have to duplicate, is that we have, as far as the IWC is concerned, that the regulation of whaling and the protection of whales, we have as far as possible to get the information from the competent and relevant organs of cooperation, of scientific cooperation, we don't want to do what they are doing, it's not our purpose and it's not our aim and we are not competent to do so. We just need to get some information on what they are doing so we are as countries which are not countries from the Arctic asking those countries to give us the relevant information for our work. This is something which is important firstly. Secondly, I must say that I am a bit worried about what the representative of Russia has said about the fact that we shouldn't, the Scientific Committee shouldn't, go on with research related to its work as far as the Arctic region is concerned. Then how will the Scientific Committee be able to evaluate stocks of bowheads for instance? We have had two days ago a request coming from Russia, as far as this issue is concerned, if we don't enable the Scientific Committee to have a thorough review of what's going on as far as whales are concerned in the Arctic, how will they be able to give us good advice in this field? Thank you Mr. Chairman.

**Chairman**

Thank you France. I don't think that anything that has been said actually inhibits the Scientific Committee from discharging its responsibilities that the Commission asks it to do and that is my Chairman's summary. Chairman of the Scientific Committee can you take us to 6.3 please.?

**Scientific Committee Chairman**

Thank you Chairman. This is the Mexican salt works proposal and possible effects on gray whales. At last year's meeting the Commission agreed to a request by Mexico for assistance in the selection of a scientist or scientists expert in the field of gray whale migration and reproduction to assist it in reaching a scientifically based decision regarding the proposed expansion of commercial salt operations in the *El Vizcaino* Biosphere Reserve of Baja California. After consultation, three scientists were nominated to the Scientific Advisory Committee, myself, Dr. Swartz and Mate. I reported in the Scientific Committee on progress so far and I will repeat that brief report here.

The Scientific Advisory Committee participated in a number of meetings and viewing of the proposed site in Baja California at the end of February aimed at giving us an overview of the project. We have subsequently

developed scientific terms of reference for an environmental impact assessment and these will constitute the primary environmental aspect that must be addressed and will form the basis of our view of such an assessment. We will pass on our recommendations concerning the ecological feasibility of the project to the Mexican Ministry for Environment, Natural Resources and Fisheries and they will make the final decision as to whether the Project will proceed. I would like to note that the three of us, although nominated from this forum, are representing or acting in our own individual capacities and not representing the Scientific Committee in a formal sense. Thank you Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. I will ask Mexico to take the floor in one second but just to inform delegates that we are holding the buses for a few moments and I hope this will be actually be quite a brief item and then I intend to adjourn the session for the day. So Mexico please.

**Mexico**

Thank you Mr. Chairman. I will be very brief. I would like to apologise myself for my previous intervention. My intention was to go and watch the final part of the football game and report to you the result but anyhow I have not much to add to what the Chairman of the Scientific Committee just informed. Just that we have distributed a paper that is IWC/48/32 which is an English version of a press release in Mexico by the Ministry of Environmental, Natural Resources and Fisheries and which delegates could get information on the process and the current status of this process. I also would like to, as a member of my Government, to thank the Commission for its support in identifying a specialist for this process. We really think that the participation of this expert identified with the support of the Chairman of the Scientific Committee has been decisive in the process of reaching a sound decision. Thank you Sir.

**Chairman**

Thank you Mexico. Are there any comments? No it seems not. In that case delegates we can conclude our major discussion on item 15. I note there is a likely Resolution to come forward. Somebody in the UK delegation is waving at me. UK do you wish to .....

**United Kingdom**

Sorry Chairman, I just have one piece of information I wanted to pass on when you've completed item 15.

**Chairman**

Well, we won't complete it today but I will just finish what I was saying, that we will leave item 15.3.2 open for consideration later in the meeting. But before I adjourn the UK obviously wants the floor so UK please.

**United Kingdom**

Thank you Chairman. I just wanted to pass on a piece of information. Earlier today we discussed problems with getting UK CITES permits for some samples and a recommendation was made to the UK authorities who are always very attentive to the Commission's wishes. I am glad to be able to announce the necessary certificates will be issued tomorrow.

**Chairman**

Such speed is unknown in most bureaucracies. Thank you United Kingdom for demonstrating that the British Civil Service is as efficient as it always was. Ladies and Gentlemen, I am now happy to adjourn the session. I hope you enjoy your various activities this evening and may the best team win. We will reconvene probably about 9.15 tomorrow morning after a brief Commissioner's meeting and we will start with consideration of agenda item 8. Thank you the meeting is adjourned.

**END OF THIRD PLENARY SESSION**

**FOURTH PLENARY SESSION**  
**Thursday 27 June 1996**

**Chairman**

- I apologise for our late start but we had a number of matters to discuss as Commissioners which I hope will expedite our business so as the pilots of airlines always tell you we hope to make up time before we land. Just as a piece of procedural information, several documents which are in fact Resolutions to be considered by the Commission have already been placed in the pigeonholes and the documents concerned are IWC/48/38,39 and 40. Because procedurally if they are to be considered today they must have been in the pigeonholes before 18.00 last evening I can confirm that they were placed in pigeonholes at 17.45 thus should we have time or inclination any of those three Resolutions already given to us are able within our Rules of Procedure to be considered today if we wish. As I announced at the end of yesterday, our business this morning will start with agenda item 8 which is Infractions for the 1995 season and 8.1 deals with the Report of the Infractions Sub-Committee. This was chaired at very late notice and I thank him for that by Mr. Kevin Chu from the United States delegations. I now ask the Chair of the Infractions Sub-Committee to present the Sub-Committee's Report. United States please.
- 8.

**USA**

- 8.1 Thank you Mr. Chairman. The Sub-Committee on Infractions met ages ago on Monday. It reviewed infractions reports from Contracting Governments and it reviewed surveillance of whaling operations, a checklist of information required or requested under section 6 of the Schedule and the reports relevant to that are in the Report of the Infractions Committee. I am not sure that we need to go over them. Contrary to my report, we did not review submission of material laws and regulations, we reviewed submission of national law and regulations and the report there is also in our Committee report.
- 8.1.1

- 8.1.2 The Infractions Committee was asked to consider reports stemming from Resolution IWC 1994-7 which is a Resolution on international trade and whale products. The relevant operative clauses are listed in our Report. We had one written report from the Government of Mexico and during the sub-Committee meetings we received oral reports from New Zealand and Russia on international trade and whale products.

We had a discussion, Mr. Chairman, on the issue of competence. Some delegations felt that the discussion of trade matters was outside the terms of reference of the Commission and certainly of that Sub-committee. Others felt it was fully within the competence of the IWC to discuss those matters. Despite the difference in views, delegations agreed to provide information to the sub-Committee on a voluntary basis.

Japan reported on the seizure of 6.1 tonnes of meat and blubber from a driftnet vessel on 12 September 1995. All of that meat appeared to be from a single sperm whale based on DNA analysis conducted by Japan and the USA confirmed this view also based on DNA analysis.

Japan also presented information on two more recent cases which appear to be smuggling cases, the reports of those cases are contained in our report.

Norway was asked to provide information on the second of these two cases in Japan, Norway stated that the Norwegian police are investigating the matter and stated that it is committed to dealing with this issue of illegal trade in whale products in the appropriate form.

Norway also reported that charges had been brought on an earlier alleged smuggling attempt in 1993 and that this matter was expected to be dealt with in the fall of this year.

- 8.1.3 Korea was asked about a document submitted to the Scientific Committee that whale meat of several species was available in that country. Some of the species concerned were not found in Korean waters and the Republic of Korea said that it had no specific information about this case but it confirmed that on 1 January 1986 it had prohibited the taking of all whales and small cetaceans. Under its national legislation implementing CITES trade and whale products was strictly prohibited.

There followed a discussion of stock piles of whale meat, this is pursuant to IWC Resolution 1995-6 on improving mechanisms to prevent illegal trade in whale products and the relevant information requested is listed in our report.

Again, Mr. Chairman, some delegations made it clear that they felt that this matter was outside the terms of the Convention, that they were supplying the information on a voluntary basis and other delegates made it also clear that they felt the matter was within the competence of the Commission. Those delegations expressed appreciation for the information that was provided and the spirit of cooperation.

Written reports had been received from New Zealand, South Africa and the UK on this matter and all of them indicated that they no stock piles and whale products.

There were also some oral reports about stock piles, the USA noted that whale meat and muktuk are not stockpiled in Alaska. Subsistence hunters and their families store their individual portions of whale meat and muktuk in their own personal or extended family ice cellar or cold storage.

Japan reported that it was undertaking an educational programme for the retail market to discourage trade in whale meat from dubious sources.

The Netherlands stated that it had stopped whaling in 1964 and it confirmed that it had no stockpiles of whale meat and Denmark stated that like the USA it had only stockpiles of whale meat taken legitimately in aboriginal subsistence whaling activities by the aboriginal communities in Greenland.

8.1.4

New Zealand had earlier proposed that all governments should report on trade in whale products and on stockpiles even if they were nil reports and some governments supported this. I didn't get a clear sense, Mr. Chairman, as to whether there was a consensus within the Commission on whether nil reports would be obligatory but I think if you read the terms of the Resolutions, they both call for reports on an annual basis and that matter may be fairly clear from the text of the Resolutions.

The conclusion of our discussion on stockpiles and on illegal trade, the sub-committee recognised that there were divergent views over whether it had competence over matters relating to stockpiles of whale meat as well as sources of and trade in whale meat products but it agreed nevertheless that it was a useful forum for the exchange of information on these matters and urged all governments to continue to supply information relating to these subjects for future discussions.

The Netherlands invited comments from Denmark about a recently published paper concerning the northern bottlenose whale in the Faroe Islands regarding the stranding of bottlenose whales and the implication was that some whales had been driven ashore. The specific question was asked whether Denmark was considering legalising assisted strandings and small scale offshore whaling on bottlenose whales. It was the view of the Netherlands that such activities could only be permitted if they were in accordance with the Schedule and Denmark agreed with this interpretation and after outlining the background of the strandings and noting that they were all naturally occurring strandings, Denmark stated that for the time being it had no plans to propose a change in the Schedule with respect to bottlenose whales. It also confirmed that all whales stranded after 1986 were self-stranded animals.

And then finally, Mr. Chairman, the UK invited Japan's comments on press reports about an alleged illegal taking of a western Pacific gray whale and Japan replied that it had some difficulties in interpreting the meaning of this newspaper article that the report came from but agreed to investigate the case and report to the next meeting of the sub-Committee.

That concludes my report Mr. Chairman, thank you.

**Chairman**

Thank you US for that presentation. Are there questions or comments on the Report of the Infractions Sub-Committee - the issues raised in that report? USA please.

## USA

Thank you Chairman. Just to note our view regarding the table of infractions, the summary of infractions reports. The USA reported that two gray whales were taken and we note that in the view of the, at least in the view of the table, that these were not infractions. However, it is the view of the US government that those were infractions since the United States has not made a request and needs a request for those whales. Through our joint agreement with the Alaska Eskimo Whaling Commission, indeed these were treated as infractions and fines were levied and paid. Thank you Chairman.

## Chairman

Thank you US for that explanation. The US was referring to the summary table which is in the document IWC/48/6 if any delegation was having trouble finding that particular information.

Does anybody have anything further specific to say under any other sub-items under 8.1 other than that covered in the report and discussions of the Infractions Sub-Committee? It seems not. Japan.

## Japan

Thank you Mr. Chairman. Our delegation appreciated the work of the Infractions Sub-Committee as we have stated in the Sub-Committee, Japan reaffirm its position that management of the domestic market is outside of the competence of the ICRW. The competence is clearly stated in the paragraph 2 of article 1 of the Convention. However, Mr. Chairman, we cooperate the information exchange to prevent illegal activities and also we have strings in education activities for the market workers. This is because we respect the principle of sustainable use and we try our best to avoid any illegal activities in the market because the illegal activities could harm the sustainable development.

However, Mr. Chairman, the ultimate solution on the programme of illegal trade is to reopen the whaling if it is scientifically proved to be sustainable and make the price of whale meat go down and this could economically discourage the illegal activities and at the same time this would contribute to achieve the principle of the sustainable development. Thank you Mr. Chairman.

## Chairman

Thank you Japan for those observations. They will be noted. Any other further comments or observations? In that case can I ask if there is any intention to have any action arising dealt with? US please.

## USA

Yes Chairman, thank you, I am aware that several delegations are consulting regarding a possible Resolution particularly with respect to trade. Thank you Chair.

## Chairman

Thank you US. In that case I will keep 8.2 open assuming that a putative may appear or may mutate into something. I need to remind delegations that in conformity with our rules, we have agreed that Resolutions should be with the Secretariat by no later than 16.00 hours this afternoon. In that case I think we have now completed agenda item 8 with the exception of 8.2 which we will return to tomorrow to deal with any outstanding Resolutions.

In that case, we might now move to consider a Resolution that was tabled yesterday if Japan wishes to have this handled now. This is document IWC/48/35, resolution of Japanese community-based minke whaling. It refers to agenda item 5.2 which remains open and this Resolution was submitted by due time yesterday so can be considered by the plenary this morning. Japan you have the floor.

## Japan

Thank you very much Mr. Chairman. Yes, we are seeking for action arising under the action arising for voting for the Japanese proposal for the Schedule amendment and as I explained previously, Japan submitted a proposal of Schedule amendment, that is seen on page 9 on the document IWC/48/2. The exact language of our proposal is, as I read the other day, 'notwithstanding the provision of paragraph 10, the taking of 50 minke whales from the Okhotsk Sea - West Pacific stock of the North Pacific in the 1996 season is permitted in order to alleviate the hardship in the community-based whaling communities'.



This is a proposal which constitutes the core of our request and document IWC/48/35, which you referred to, was inseparable part of our request, since in the Schedule itself, we could not specify the allocation of minke whales that could be received by the particular countries. Therefore, in the operating paragraph, we would recognise the take of 50 minke whales shall be going to the, apportioned to the, community-based whaling communities in Japan, exclusively to those communities which were written and described in the action plan which we provided at the last annual meeting, the document number is IWC/47/46. That document was circulated last year but we compiled this green document this year and that particular action plan could be noticeable in this green document which the Japanese Government was asked to compile by ICR and those 50 minke furthermore shall be distributed through non-commercial mechanism by the whale meat apportioning council. This is also specified in the document IWC/47/46, and this particular notion is mentioned in the last operating paragraph which reads 'recognise that distribution and consumption of whale product shall be conducted strictly to pursuant to action plans'. So, Mr. Chairman, what Japan is asking now is put those two documents altogether to be voted to allow us to have our request be materialised which means that 50 minke whales shall be recognised and approved for the four Japanese whaling communities. Thank you Mr. Chairman.

#### **Chairman**

Thank you Japan. Just to clarify what we will need to do with this. The Schedule amendment which is encapsulated, as Japan has pointed out, on page 9 of IWC/48/2, that Schedule amendment would need, of course, to be passed by three quarters majority in this Commission. Assuming that is passed, then clearly the Resolution would also follow but procedurally I think it is going to be necessary for us to consider the Schedule amendment first. If that is passed then the Resolution clearly would follow. If it is not passed, then the Resolution in essence falls, because it relies on the assumption that the Schedule amendment has been agreed. Therefore, considering that Schedule amendment, I am wondering if any other speakers wish to say anything on this issue? New Zealand.

#### **New Zealand**

Mr. Chairman, the proposal that we have in front of us is substantially the same as previous years and I gather that the Commission really is now reached the stage where delegations are in a position to say, as we will say that our position remains as in previous years and we will therefore not support. There are two addition points that I want to make. First, I believe that the Commission has been most unfair to Japan in holding out hope that the issue might be more favourably considered at some future time particularly if certain issues are addressed. The fact is that even if those issues are addressed satisfactorily, New Zealand, and I suspect a number of other delegations, will not agree a proposal that first breached the global moratorium on commercial whaling and secondly established a new category of whaling in the Schedule. Can I urge most strongly that we not hold out such false hopes in the future.

Secondly, Mr. Chairman, I want to refer briefly to what is sometimes been described as the distress of these coastal communities. Like most Commissioners, I have previously voted on this issue only knowing about these communities what we have been told in this Commission. I have become increasingly concerned at the fact that I was making this judgement from afar and therefore in March of this year I visited Japan and particularly one of those coastal communities and through you Mr. Chairman and I want to thank Commissioner Shima and through him the people of Taiji for that visit. It would be wrong for me to attempt a wide spread socio-economic commentary based on a very brief visit. Nor would I presume to make any cultural judgement. However, I do say that, Mr. Chairman, I saw a small and prosperous coastal community and tourism centre of which any country could be justly proud and in many cases I think quite jealous. Certainly, it would be inappropriate to characterise such a coastal community as in anyway economically distressed. The real distress, as expressed to me by many of the town's representatives, often in very feeling terms, is that the inability to continue a centuries old whaling tradition and to pass that tradition on to future generations. One can understand that concern but it must be set against the reality that right around the world there are communities that have ceased traditional practices for all sorts of conservation, cultural or other reasons. I for one, Mr. Chairman, strove very hard to gain a better understanding of the communities concerns but, if anything, my brief visit only served to confirm our view that this request should not be granted.

#### **Chairman**

Thank you New Zealand. Japan please.

**Japan**

Thank you Chairman, the distinguished Commission of New Zealand, Mr. McLay, and other very hardworking Commissioners have taken this topic very seriously and regard this subject as a very important subject. Therefore he made a great effort to come all the way to Japan to visit such a community village concerned to observe the real situation of the village, to be engaged in dialogue with the people, and to such effort I would like to express my sincere appreciation.

The residents and people of that village community have historically and traditionally taken 300 minke continuously and from a scientific standpoint the status of the stock is healthy and then despite that healthy condition of the stock from scientific standpoint in 1982 the whaling was banned irrespective of the status of the condition and I think that was an erroneous act or a mistake committed by the Commission which actually caused the unfair discrimination and difficulty and distress to the people in that community and therefore I would like to urge all the Commissioners here to take into account the spirit and the principle advocated in that Resolution in Kyoto and I hope that you would consider to eliminate or to change such past mistakes and to reconsider your action.

**Chairman**

Thank you Japan. Unless there are pressing needs, and I see that Denmark wishes to press, I would suggest that we, as the New Zealand Commissioner as characterised in his address, and as the Japanese Commissioner has characterised, we have spent over many years lots of time discussing this issue. I think we should frankly simply move to a vote on the Schedule amendment but I see Denmark, I see a number of countries, but I really wonder what is going to be added. If there is a speakers list developing then I would propose we break for coffee now, if there are only a few countries who wish to make interventions, and they are short, we can have those interventions and then conduct the vote. So far I see Denmark, Republic of Korea and Norway ... and Antigua and Barbuda ... and St. Lucia. Commissioners, I propose to adjourn for coffee and if Commissioners are going to make interventions to this issue I would plead these interventions are either novel or mercifully brief and I would hope, and expect, they would fall into the latter. I now adjourn for coffee. We will resume at 11.00. Thank you.

[COFFEE BREAK]

**Chairman**

Delegates we resume our session. I had a list of speakers which I will be flexible about as members come back but the first on my list is Denmark please.

**Denmark**

Yes Mr. Chairman I think I have lost most of my delegation for the time being but I have no problems with that in making a very short statement. I appreciate your efforts to speed up the procedure so I will take this opportunity to make very short general remarks and then maybe I can keep my mouth shut more or less later today. It is no secret that Denmark, in general, favours a limited and sustainable solution for what we call small-type coastal whaling or traditional whaling. In our opinion, such activities are very different in nature, some may mainly benefit local economic needs, some may benefit needs for retaining settlements in remote areas, some may have necessities related to education, tradition, social-structure and some may be mostly relations to, what I will call, cultural diversities among member states and fulfil social cultural needs. As to the question from Japan, it is our opinion that the key issue here is, as we see it, the social cultural aspect of it and in a sustainable manner we have no problems with this and we will support it. Thank you.

**Chairman**

Thank you Denmark, Republic of Korea .

**Republic of Korea**

Thank you Chairman. My delegation appreciate the tremendous work by the Japanese delegation for the small-type whaling. My delegation is in a position that the resumption of whaling, except for aboriginal subsistence whaling should only be allowed after establishment of RMS. The only difference between Japanese small-type coastal whaling and Korean small-type coastal whaling was the export of whale meat to the Japanese fish market for fisherman's living cost. The stock area of marine living resources, as you know, expands when the population size increases, even if the stock size of minke whales in, the northwestern Pacific, which they want to take, is high enough to be allowed to Japanese whaling, there will

be a high probability of intermingle between the minke whales and the minke whales in Korean waters. My delegation worries about the resultant attitude might be awkward when the Japanese Government gets quota for the small-type whaling. In this case, Chairman, Korean coastal community whaling will also want to catch whales. Whales in those areas should be conserved so that they are abundant in the critical habitat where whalewatching can take place. Those are, Chairman, the reason why my delegation cannot support the request of Japanese coastal community. Thank you Mr. Chairman.

**Chairman**

Thank you Republic of Korea. Norway you had asked for the floor.

**Norway**

Thank you Mr. Chairman. I would like to echo the words said by the New Zealand delegation when he said that this Commission had been most unfair to Japan. It is no doubt that the stock in question could be harvested sustainably and our delegation oppose the view that cultural preferences of one country should be imposed on another in the way it is done here in our Commission. Not to permit Japan to take 50 minke whales is putting the trustworthiness of the IWC at stake. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Antigua and Barbuda, being a small island state, believe that food security from the sea is critical with regards to economic security of coastal communities. The United Nations Convention on the Law of the Sea has established a framework for the management and conservation of maritime resources and have provided mechanisms and procedures to avoid over-exploitation of fishery resources and marine resources and also provide mechanisms to avoid economic dislocation in coastal communities. This Convention should be viewed as an umbrella embracing other Conventions relating to the sea and its resources. The decisions of this Convention, the IWC, should be therefore be in line with the spirit of UNCLOS which was established to provide the necessary guidelines and framework for the management utilisation and conservation of maritime resources. Mr. Chairman, it is our view that as long as there is enough scientific knowledge with regards to management procedures for maritime resources, due consideration should be given to the utilisation of these resources for food security and economic security. I listen to the views expressed by the representative of New Zealand with regards to tourism being a vibrant factor in some coastal communities in Japan. Given our experience in the Caribbean, we have seen where tourism activities have seriously dislocated fishing communities and have created a new elite class in our communities whereby those that are involved in tourism activities do not normally come from fishing communities and fishermen and other harvesters of marine resources are normally significantly displaced. We believe that in the spirit of compromise some sort of medium should be found whereby we can arrive at good decisions that can protect the stocks of whale populations worldwide and yet still give provision for coastal communities to continue the harvesting of food resources from the sea within the framework of good management procedures and within the framework of conservation. Thank you Mr. Chairman.

**Chairman**

Thank you. I have on my list St. Lucia and St. Vincent and the Grenadines and I would .... US are you indicating? And the US. I would then propose to close the list. Thank you. St. Lucia please.

**St. Lucia**

Thank you Mr. Chairman. The position of St. Lucia has been articulated over the years and the rationale behind St. Lucia's support is based on science. From 1986 I was told by American scientists, British scientists and scientists within the IWC that the taking of 50 minke whales would not adversely affect the stock. This is still so today. Over the years I have heard the many papers put forward by Japan giving the social needs, the nutritional needs, the cultural needs and the whole aspect of the sustainability of the fishing community. I think it is wrong to look at Taiji and think in terms of the fishermen in this area as not requiring, as not wanting, to return to a culture which has been removed from them and which is dying very fast. In the same way as we support the Makah tribe in the United States in terms of their needs and what they have put forward to us, we support Japan in the same context. Therefore, furthermore Mr. Chairman, I do think there has been this will to assist Japan and I agree with those who say we are being most unfair to the Japanese because they have made an enormous effort and we have Resolutions pointing in the direction

in terms of need and the fact that we should act expeditiously on this matter. I sense that there is not the will on the part of many countries to assist Japan in their Resolution but I also observe that when other countries which to do something for their own people they find ways around it. I think if we have the will we can assist Japan in this request of theirs. Thank you very much.

**Chairman**

Thank you St. Lucia. I have now St. Vincent and the Grenadines to be followed by the USA. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you very much Mr. Chairman. Our position is, as you know, very well known over the years but I will just add one further point which I think is the sticking point and it is that the Japanese coastal whaling is being defined as commercial whaling and I have never been clear from all the interventions in the Commission as to exactly why that is so. If it is simply the exchange of money then I would submit that simply that cannot suffice to define a operation as commercial and I really think it would do a great deal for the credibility of this Commission if we can show some flexibility on this matter and grant the request. Thank you.

**Chairman**

Thank you. I keep trying to close the list but people keep getting into the wire. I now have USA followed by People's Republic of China. USA please.

**USA**

Thank you Chairman. Just to associate my delegation with the views expressed by New Zealand. I believe there are a large number of delegations here who feel similarly as we do. Thank you.

**Chairman**

Thank you US. People's Republic of China please.

**People's Republic of China**

Thank you Mr. Chairman. As you know, Chinese waters are also the range waters of minke whales. According to Chinese law, all the whaling action is a violation of criminal law so many Chinese people challenge the Government why we (.....?) to agree the Japanese Government request. We think, I mean the Government believe, we are talking about such an issue in a international forum, I mean IWC, so we should at first follow the regulations of the IWC. We check times by times the Japanese request with the definition of subsistence, aboriginal subsistence whaling. In nature we think such a request is identical to the definition so we agree such a request. At the same time we note and we concern the commercial element but how to eliminate, how to judge the commercial aspects. I think this is not only the ..... of Japanese but also the issue of IWC, so we would like to see the IWC should have some facility or opportunity to give us to judge what is commercial elements, how to eliminate. Thank you Sir.

**Chairman**

Thank you People's Republic of China. I now have Grenada and that will be followed by the Netherlands and the list is then closed firmly. Grenada.

**Grenada**

Mr. Chairman, Grenada subscribes to the views expressed by the Caribbean states Antigua, St. Lucia and St. Vincent. We believe that Japan have the right to the proposal submitted for the use of 50 minke whales. Thank you Mr. Chairman.

**Chairman**

Thank you. The Netherlands please.

**Netherlands**

Thank you Mr. Chairman. I will be very brief as I think we have had ample opportunity for debate on this issue and I have no wish to prolong it unnecessarily. The Netherlands has opposed the proposals for Japanese community-based whaling mainly for two reasons. First, the Convention only provides for aboriginal subsistence whaling and commercial whaling and it is our view that the introduction of a third

whaling category is undesirable and second, the proposed action plan contained commercial elements, flaws in the enforcement section and some omissions. The first objection is, of course, of a principal nature. We do not think that an allocation for Japanese small-type whaling can be given before the RMS is completed and the moratorium lifted. However, we have noted the request of the Japanese delegation to clarify our remaining concerns with regard to the action plan and we are prepared to present some comments on various details of this plan to the Japanese delegation on the bi-lateral basis. Thank you Sir.

**Chairman**

Thank you Netherlands. Well I think we probably have had a sufficient airing of pros and cons. May I now just try and clarify what we are going to do. Page 9 of the Annotated Agenda under 5.2 you will note the Japanese proposal for a Schedule amendment. We also have in front of us a Resolution IWC/48/35 which in essence is a Resolution which assumes that the Schedule amendment I have just referred to has been passed. If the Schedule amendment is passed then clearly the Resolution is also passed. If the Schedule amendment is not passed the Resolution in essence falls because it cannot be operable. But when voting on the Schedule amendment, members need to be very clear in their mind and understand that the Schedule amendment is as it were shadowed by the aspects outlined in the Resolution. Now I hope I have not complicated the issue, I hope I have clarified it. We will therefore move to a vote on the Schedule amendment and we will have to do this because it is quite clear to the Chair that there are not a commonality of views such that one can make a clear and Solomon like decision. So we move now to a vote on the Schedule amendment on page 9 of the Annotated Agenda and I would like to ask the Secretary to now conduct this vote. Secretary.

**Secretary**

Thank you Mr. Chairman. The matter before the Commission is to amend the Schedule by inserting after paragraph 13 a new paragraph with the following words 'notwithstanding the provision of paragraph 10, the taking of 50 minke whales from the Okhotsk Sea - West Pacific stock of the North Pacific in the 1996 season is permitted in order to alleviate the hardship in the community-based whaling communities'. That is the text set out on page 9 of the Agenda annotations. To amend the Schedule requires a three-quarters majority of those voting in favour or against and the Commissioners have agreed that the start of the roll will be from where we left off last year so that the first country to vote will be the Republic of Korea - Abstain; Mexico - Abstain; Monaco - No; Netherlands - No; New Zealand - No; Norway - Yes; Oman - No; Russian Federation - Abstain; St. Lucia - Yes; St. Vincent and the Grenadines - Yes; Solomon Islands - Yes; South Africa - Abstain; Spain - No; Sweden - No; Switzerland - No; United Kingdom - No; USA - No; Australia - No; Austria - No; Brazil - No; Chile - Abstain; People's Republic of China - Yes; Denmark - Yes; Finland - No; France - No; Germany - No; Grenada - Yes; Ireland - No; Japan - Yes. Mr. Chairman there were eight votes in favour, 16 against and 5 abstentions and so that proposal fails.

**Chairman**

Thank you Secretary. As I outlined if that Schedule amendment was not passed, then the Resolution in essence need not be considered further. Japan.

**Japan**

Chairman may we ask to keep this agenda item Action Arising open?

**Chairman**

Yes, I am happy to accommodate that request so the agenda item will be kept open perhaps for re-visitation at a later time tomorrow. Thank you.

I would now like to return to working through our substantive agenda in a more ordered fashion and I would like to turn to item 16 which is the Responsibility of IWC for the Conservation and Sustainable Use of Whale Resources and last year you will recall perhaps, if you were here, that it was agreed to keep this item on the agenda so it has been kept on the agenda. Are there any interventions relevant to this item? If there are no interventions relevant to this item we could move perhaps to agenda item 17. 16.

Fine, then we will move to agenda item 17 which is Cooperation with Other Organisations. Agenda Item 17.1 is Observers' Reports. These Observers' Reports were, I understand, referred to and considered by the Scientific Committee, so I might now ask the Chair of the Scientific Committee to present any observations from his Committee that we might wish to take on board. Dr. Reilly please. 17. 17.1

#### **Scientific Committee Chairman**

Thank you Chairman. In the spirit of brevity I will simply note that on pages 2 through 5 of our Report IWC/48/4 there are the details of our discussions. We received reports from IWC observers attending a number of other meetings but I will just simply read out the acronyms of those organisations and then since the members have had a chance to read the report I will answer questions if needed.

We received reports from observers to CMS, two sub-units of that, interesting names ASCOBANS and ACCOBAM, ICES, IATTC, CCAMLR, IOC, NAMMCO, FAO, UNEP, Southern Ocean GLOBEC and IUCN. Thank you Chairman.

#### **Chairman**

Thank you. The document details are also, of course, in paper IWC/48/10. May I ask if any delegation has any questions they wish to address the Chairman of the Scientific Committee or any observations they wish to make on either the conclusions of the Scientific Committee or anything in the observers' reports that can be found in paper 10?

The Secretary has indicated he, in fact, would like to make a couple of comments so while people are still cogitating I will ask the Secretary to take the floor please.

#### **Secretary**

Thank you Mr. Chairman. The Commission will be aware that the Scientific Committee has indicated a number of areas where this Commission would benefit from enhanced collaboration and cooperation with other intergovernmental organisations particularly active in the area of environment studies and issues. In that context, there are a number of organisations which we might perhaps take particular note of. These include the United Nations Environment Programme Marine Mammal Action Plan activity where a revised Action Plan is being developed and UNEP would appreciate this Commission giving a view on, at least, the cetacean component of that plan. When the plan was previously developed, many years ago now, the Commission formally endorsed the cetacean component and I believe the intention is that UNEP will send the revised plan draft to us. I would hope that by circulating it to the members of the Scientific Committee for review and possible amendment we would then arrive at a document which has Commission input and which subsequently the Commission may be able to endorse in at least that cetacean component.

Similarly, and we have a particular request on this item from ICES, the International Organisation which has a even longer history than the IWC, is proposing that we should have a formal Memorandum of Understanding between the two organisations as a means of cementing the scientific work which we are both involved with and which again heavily impinges on our own increasing interest on environmental issues. And the plan is that, with the agreement of the Commission, I will circulate a revised text, or a text for the Commission to look at, intersessionally with a view to formally endorsing at the next Annual Meeting.

In the context of CMS and its various agreements under CMS, the Convention of Migratory Species, again there is a move for increased collaboration which might result in a sort of formal arrangement between the organisations and I should also indicate that we do have a standing arrangement with CCAMLR on the basis of an earlier decision of this Commission for an exchange of documentation between the Secretariats and exchange of observers between our meetings.

So I would just draw like to draw those points to the Commission's attention with the information of the proposed actions so that if there is any problem that could be identified now before I go ahead, or it might be nice to have endorsement of these plans if that is the wish of the Commission. Thank you Mr. Chairman.

#### **Chairman**

Thank you Secretary. Are there comments on the observations made by the Secretary. Germany please.

#### **Germany**

Thank you Mr. Chairman. Concerning the relation to ICES, I would mention that ICES is a scientific organisation with a high reputation. It was founded around 1900. It concentrated first on fishery research and gives all relevant recommendations to manage and conserve fishing stocks but during the last twenty years ICES has more and more concentrated on environmental research and ecological research in the

northeast Atlantic. ICES has a Marine Mammal Committee and I think the work that ICES does in research maybe of high interest for the IWC and I would like to see that the Secretary should have contact with ICES in order to find out what possibilities there could be to have formal cooperation. Thank you.

**Chairman**

Thank you Germany. I think that we are probably moving into an era where there will be inevitably more contact and exchange between Conventions and Commissions which have overlapping areas of interest. If there are no other comments or views may I take it that we, as a Commission, endorse the programme the Secretary has outlined. We expect, of course, to hear from him during the intersessional period on how all that will be progressed. Seems so, thank you. Are there any other comments under 17.1? If there aren't I would now like to move to 17.2 which is an item that was placed on our agenda at the request of the Government of Japan and it follows the FAO Japan International Conference on Sustainable Contribution of Fisheries to Food Security. Short cut title the Kyoto Conference and I would now like to ask Japan if you would like to introduce this particular item to the Commission. Japan please.

17.2

**Japan**

Thank you Mr. Chairman. Yes we have a document with us which is IWC/28/10C and we have the Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security. Japan organised this meeting with technical contribution and assistance from FAO and this meeting was held from 4-9 December 1995 and ninety-five states including the European Union participated at this meeting. This meeting addressed the problem relating to food security and lots of the problems relating to the conservation and management of the fisheries issues as well as the culture, socio-economics and nutritional aspect which fisheries and fishery products provides. The participating ninety-five states, all by consensus, adopted this Declaration and Plan of Action and the Declaration itself serves to establish sort of the principles that we have to deal with for ensuring the food security for 2020 and the Plan of Action is to address immediate action to be taken by the Food and Agricultural Organisation of the United States, the United Nations and by other appropriate international organisations and/or by member nations. Among others it addresses to assess and monitor the present and the future level of global regional national production, supply and demand of fish and fishery products and their effect on the fishery securities, food securities, employment, consumption, income, trade and sustainability of the production. And also concern of the management is wholeheartedly and diligently dealt with and the Action Plan is to identify and exchange information on a potential mechanism to reduce excess fishing capacity and implement action on programmes to reduce excess capacity where and when appropriate as soon as possible.

This Action Plan firstly recognises the importance of socio-economics and culture aspect and this Action Plan is to invite to develop, promote and facilitate the exchange of information on the use of efficient and standardised methodologies for the study of social, cultural and economic characters of fishing and associated activities and, in particular, to attempt to develop methods designed to permit verifiable indicators of the importance of such characteristics and their interaction and compatibility with management objectives. There are some other components of the Action Plan, however, it would be seen in the document which I referred.

Finally, the Government of Japan was requested by all ninety-five nations to convey this Declaration and Plan of Action to the Secretary General of the United Nations, the Director General of the Food and Agricultural Organisation of the United Nations, the Chairman of the United Nations Commission on Sustainable Development, the 1996 FAO World Food Summit and relevant organisations including, we presume, this organisational body for their consideration and endorsement. This particular paragraph is described in the final back page of the document IWC/48/10D. That is why we are asking, Mr. Chairman, through you, to the floor for consideration and finally and expectedly endorsement of this document. Thank you very much.

**Chairman**

Thank you Japan for that presentation for what was obviously a very thorough conference to which I understand many state parties here present would also have attended. Are there comments or observations that any delegations wish to make? United States please.

## **USA**

Thank you Mr. Chairman. The United States, with many other countries, participated in the Kyoto conference and we appreciated the work that was done there in regard to fisheries and food security. Most especially we were most pleased that the conference was able to make significant statements regarding conservation measures to be taken with respect to fishery practices including the reduction of excess capacity, where appropriate, and the utilisation or elimination as appropriate of bycatch and discards. Some of that work is preceded now within the FAO to be presented to the Committee on Fisheries next April. While we do welcome and appreciate the work that was done, and certainly we took a very strong participation in that meeting, we do note that the meeting had to do with fish and not with marine mammals. In fact, there is nothing in the Kyoto Declaration and Plan of Action that actually deals with marine mammals or whales and it was clear in the drafting discussions, some of which were quite lengthy, one of which went to 4 o'clock in the morning as I recall. It was clear in those drafting negotiations that the issues of marine mammals should not be addressed specifically by this Kyoto Declaration and Plan of Action because that is a matter within the competence of the International Whaling Commission. Therefore there was some language introduced and adopted into the statement which respects appropriate management decisions and respects the obligations and rights of parties under international law. All of which was intended to protect the competency and exclusive responsibility of the International Whaling Commission to deal with issues involving whale species.

Therefore, since this Kyoto Declaration and Plan of Action has to do with fisheries, and not with marine mammals, it would seem that it is not appropriate to have an endorsement of that fisheries work by a body that deals with mammals. So, at this time I would raise the question as to whether it is appropriate for the International Whaling Commission to take any action with respect to the Kyoto Declaration and Plan of Action other than to simply receive the report which has been given by the Secretary and included in the papers and certainly welcome its action but anything more than that would suggest that there is action being taken by the International Whaling Commission with respect to the action of the Kyoto Conference which is, as I say, does not seem, to the United States, to be necessary or appropriate, simply the receipt of the report, simply the receipt of the Kyoto Declaration and Plan of Action for considering in future deliberations as may be appropriate. Thank you Mr. Chairman.

## **Chairman**

Thank you US. We might leave some of the questions or comments you raised hanging in the air as it were until we've heard other interventions and then try and form a view. I have next Australia to be followed by Ireland please.

## **Australia**

Thank you Mr. Chairman. Many of the issues I had intended to raise have been covered in the previous intervention by the US delegation. I would like to say, however, at the Kyoto Conference the statement that was made by Australia and a number of other countries in relation to the Kyoto Declaration and Plan of Action did indicate that we felt those documents were, on their adoption, in the plenary by consensus represented an excellent outcome for that conference. We did indicate our reservations that its provisions would not affect the competency of nor change the current status in other international organisations including the International Whaling Commission and that remains our view. We do, however, welcome the presentation of the Declaration and Plan of Action by the Japanese delegation. The conference did ask Japan to present this documents to a range of international fora and I think it is quite appropriate that the IWC does receive and consider the documents. In terms of how we receive them, I think perhaps we should consider a precedent in some way. The documents were presented to the recent meeting of the Commission of Sustainable Development and the documents were considered both in relation to decisions on the implementation of international fisheries instruments and the decision on protection of the oceans or kinds of seas including enclosed and semi-enclosed seas and coastal areas and the protection and rational use and development of their living marine resources - a long title for the decision. In both cases, Mr. Chairman, the Commission on Sustainable Development welcomed the documents and I think that would be the appropriate course for us to take. Thank you.

## **Chairman**

Thank you Australia, Ireland please.



**Ireland**

Thank you Mr. Chairman. Ireland on behalf of the European Community and its member states welcomes the adoption of the Kyoto Declaration. We value such a Declaration in a special way taking into account that it underlines the contribution of fisheries to world food security. We would like to note that we considered at the time of the adoption of the Declaration and remain there persuaded that the Declaration does not cover whaling and issues under the competence of this Commission. Thank you.

**Chairman**

Thank you Ireland and sundry others by the sound of it. I now have New Zealand and the Russian Federation. New Zealand please.

**New Zealand**

Thank you Mr. Chairman. We just wish to associate ourselves with the comments expressed by the United States and by Australia. Thank you.

**Chairman**

Thank you Russian Federation please.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, the Russian Federation welcomed the results of the Kyoto Conference and participated actively in its work. The Russian delegation was headed by the Chairman of the Fisheries Committee of the Russian Federation which means that at the level of a member of the Government of the Russian Federation. We understood the results of the Kyoto Meeting as being the continuation of the work which was initiated at the UN Conference on Straddling Fish Stocks and High Migratory Fish Stocks and it was a lucky coincidence that that Kyoto Conference was held days after the opening for signature of the New York Agreement on Straddling Fish Stocks and I just recall that the Russian Federation signed the New York Agreement the very first day when it was opened for signature. From this point of view Mr. Chairman, we feel that the principles and provisions which are contained in the Kyoto Declaration are quite useful and we would support the suggestion, the proposal made by Australia to welcome the decisions taken at Kyoto. Naturally, a Declaration is not a binding document upon nations or international organisations like the IWC but it is always useful to have on the table all sources of pertinent information which could be used in our future work and as the United States we are well aware of the fact that nothing in the Kyoto Declaration can diminish the role or reduce the competence of the IWC. So, Mr. Chairman, that was a very useful meeting which produced helpful documents which we may welcome. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. Norway you have asked for the floor please.

**Norway**

Thank you Mr. Chairman. I would just like to state that and reconfirm our understanding that the Kyoto Declaration applies to all marine species. Thank you Mr. Chairman.

**Chairman**

Thank you Norway I think. Are there any other observations? If there are no other observations there it seems to me that a formulation was put forward by Australia and taken up by the Russian Federation in the sense that it is a formulation that has already been used by another body, another international body, with also interests in our area. I would hope that we might be able then, as a Commission to in fact welcome this Declaration and use it to inform our work as and when appropriate. If the Commission is happy to go along with that formulation we can so do. Seems so. Thank you.

17.3 is headed 'Other'. Secretary is there any other?

17.3

**Secretary**

Mr. Chairman if I could just point you to the annotation on page 16 of the Agenda, there is the note that the Secretary should identify meetings of other international organisations in which the IWC should have direct participation for cooperation and to include the costs in the budget and I should formally point out that the range of meetings included in the Report of the Scientific Committee on page 5 or 6 onwards there are

identified a number of observers and we have taken as fully into account as possible any financial implications that that might introduce. One or two of the rather uncertain elements are becoming clearer in that I have just received today information on two of the meetings in more detail and so I just give an assurance that additional meetings and activities either are already included in the budget or will not impose any further financial impositions. You can't impose an imposition can you? Will not cause any further financial cost to the Commission.

**Chairman**

Thank you. I think that is a piece of news that delegates will welcome. We understand that there will therefore be no additional financial costs unless something comes out of the blue and then how that is handled is a matter for the Secretary and the Chair I guess. Are there any other observations on that point? Norway please.

**Norway**

Thank you Mr. Chairman. Another point under this item. Can I take it now? I would like to draw Commissioner's attention to an international conference on marine mammals and the marine environment hosted by and arranged by NAMMCO in Lerwick, Shetlands in April last year. The Conference focused on the sources, levels and effects of chemical pollution in the marine environment and marine mammals as well as the consequences of marine pollution for coastal communities. A total of 20 papers were presented under the four main sessions of the Conference. The Conference concluded with a open discussion on the main issues led by a panel of invited experts. The proceedings of the Conference have been published in a Special Issue of the Journal *The Science of the Total Environment* and this is available in these days. Thank you.

**Chairman**

Thank you Norway. I am sure that people will be interested to hear about that and to cite the document if they have not yet done so.

- 17.4 Is there any other matter to be dealt with item 17 under 17.4 Action Arising? It seems to me that we have probably dispensed with most of our activities. Well I see nobody wishing to say something so we can therefore close item 17.

In numerical order we would then arrive at the adoption of the Report of the Scientific Committee but there may well be issues that we want to take up under the finance and administration discussion which yet may require some further consideration of issues in the Scientific Committee so I actually would propose, given that where we are, that we should now move past 18 for the moment into item 19 which is Financial Statement and Budget Estimates.

19. Item 19 which is the start of a list of a number of serial items, all of which have been considered by the Finance and Administration Committee and you have a great number of documents that deal with those items starting, I think, with the Provisional Financial Statement which is IWC/48/8 and going through, I think, to 22. The Report of the Finance and Admin Committee though which contains previous considerations of these items is IWC/48/9 and you can see from the front cover that it deals with agenda items 19-29. What I would now like to do, if the Chair is happy, is to ask the Commissioner for the United Kingdom, who chaired in a very effective way our Finance and Admin Committee earlier in this session, to report to us on that document and any of the other documents as necessary and then we will try and move through the items in our agenda in as logical way as is consistent with the way they are arranged. So, with no further ado, United Kingdom could you please present your report. Thank you.

**United Kingdom**

Thank you Chairman. I am not quite clear on how you want to proceed. Do you want me to present the entire report which is rather lengthy or would you prefer to do it item by item? I would have thought that the latter might be easier if I presented each item and then we could then discuss it because there are a large number of recommendations.

**Chairman**

Yes, I think we will do exactly as we do with the Scientific Committee's Report, i.e. item by item, but in your case I think that they actually run sequentially so we shall not be diving to and from through the report

in quite the way we do. So, yes I would like you to start with your item 5 which starts with our item 19 and we will move through our items as you have dealt with them. So if you could start with our item 19, Financial Statements and Budget Estimates. Thank you.

#### **United Kingdom**

Fine, well thank you Chairman. So first of all the Provisional Financial Statement 1995/96 and the Secretariat introduced this statement. The Committee noted that the Commission's financial position was satisfactory with a projected surplus of £22,000 on the General Fund which continues to hold reserves at a desirable level. The Secretariat also noted the Blue Whale Cruise, which the Commission had decided to fund from reserves and optimistically hoped to replenish those reserves with contributions from contracting governments, was under-funded by £15,500 because only one government contributed and the Secretariat suggested that activities should not be funded from the reserves on a regular basis. Although we didn't formally endorse that I think we all agreed with it. The only other point that I would like to draw the Commission's attention to is a question that was raised about outstanding fees from non-member government observers and the Committee took the view that the Secretariat should not be obliged to grant observer status to non-member governments with outstanding dues. Again, I do not think that needs formal endorsement but I think we would all agree with it. The Committee then praised the Secretariat's sound management of the Commission's finances and recommended approval, subject to audit, of the Provisional Financial Statement for 1995/96. Thank you Chairman.

19.1

#### **Chairman**

Thank you. Well, you have heard that section of the report and you will note that the Committee recommended approval of the Provisional Financial Statement for 1995/96 which is shown in Appendix 5 of this report. Are there any questions for either the Chair of the Committee or the Secretary? If there are no questions, I wonder if we can accept that recommendation? I think we can. Chairman could you then go onto item 19.2 please.

#### **United Kingdom**

Thank you Chairman. We then turned to the estimated basic budgets for 1996/97 and 1997/98 and in introducing these the Secretariat noted that recently Contracting Governments have made it clear that they require budgets to be presented which involved no real increase in costs to the members. And, he also pointed out, that as the 1997 Annual Meeting will not take place until after the beginning of the 1997/98 financial year, the Secretariat had provided prepared provisional budgets for both 1996/97 and for the financial year 1997/98 and that these would have to form the basis for Contracting Government contributions for the next two years. The Secretariat pointed out that since budgets are balanced for both 1996/97 and 1997/98 there is no projected surplus or deficit on the General Fund and the balance on the Fund should remain stable over the two years.

19.2

Now, we then discussed a number of points of detail which are set out in the report and which I won't read out but I would draw attention to one. First a recommendation on Severance Pay because it was noted by several delegations that given existing reserves to cover potential liabilities in the event that all staff posts should be abolished which would only happen we imagine with the abolition of the IWC. The level of severance pay reserves that is maintained by the Commission is probably unnecessary and the Commission recommended that the Secretariat consult with its financial advisers and examine the practice of other international organisations in this matter.

We also looked, Chairman, at the Research Fund, and the Chairman of the Scientific Committee presented the funding requests of that Committee. He explained that it represented the Committee's understanding that it was necessary to restrain expenditure to the level of two years ago with appropriate allowance for cost increases. £45,000 was already committed for contract work and ongoing projects and so the Scientific Committee had drastically reduced its original proposals from £249,000 to the available funding of £140,000 leading to total research expenditure for the year of £185,000 as shown in Appendix 6. I might add Chairman that we agreed that for next year we might try and present the material in Appendix 6 in a slightly more transparent form, but if anyone here has problems with the format I am sure that the Secretary would be happy to explain the figures.

Now a table of the Provisional Financial Contributions that would be requested from Contracting Governments, if the budget is agreed, is given in Appendix 8. Finally, the Committee agreed that the

Scientific Committee's funding request fell within the budget level and on this basis it recommended that the Commission approve the estimated provisional budgets which are shown in Appendix 7 and it also recommended that the Commission endorse the research priorities that the Scientific Committee had agreed and these, as I have said, are shown in Appendix 6. But I think Chairman that the key points for the Commission is that unusually we have budgets for two years because we do not have an annual meeting falling in the forthcoming financial year and that the budgets are established on the basis that there is no real increase in costs. Thank you Chairman.

#### **Chairman**

Thank you United Kingdom for that very clear presentation. May I now ask if there are any particular questions from delegations as to these issues? Seems not. We have then in this particular section three recommendations. I am happy to take them en bloc if I can but maybe, the Russian Federation, I can't. Russian Federation please.

#### **Russian Federation**

Thank you Mr. Chairman. Mr. Chairman we do not understand completely the procedure you are taking. Does the endorsement of the recommendation mean that we are adopting the budget for the forthcoming period including the research fund, expenditure etc? If this is the case, then, Mr. Chairman, we probably would not be ready to endorse the recommendations formulated as far as the research fund is concerned. You may remember that we were not totally happy with certain recommendations formulated in the Report of the Scientific Committee, and our view is that those recommendations should not be approved and so the funding of appropriate activities which would be undertaken in accordance with those recommendations should not be undertaken.

Another point, Mr. Chairman, as we look at Appendix 6, and find the reference to invited participants to the Scientific Committee. We feel that this figure is excessive and we draw this conclusion, from the experience we had at this year's meeting of the Scientific Committee, where, for instance, on a single project concerning the verification of catch history records, there were three invited participants paid by the Contracting Governments, I mean by the budget of the IWC, which is financed by the Contracting Governments. They all, three of them, had similar views, they presented the same report so there was absolutely no need to invite all of them, just one participant was quite sufficient to present the report, to explain, if necessary, certain provisions of this report. We, in fact, Mr. Chairman, expressed our view through the Secretary, hopefully to the Chairman of the Scientific Committee, but this view was not understood in time. In order to prevent the repetition of this kind of situation we simply suggest that the financial burden on Contracting Governments be eased and this particular expenditure be reduced by three times. This would allow, based on the present experience, to invite to the Scientific Committee meeting only those scientists whose presence is totally needed and which may be from other Contracting Governments or from other bodies to ensure the presence of scientists at the work of the Scientific Committee. They are always free to finance themselves, the arrival of such scientists to the Scientific Committee Meeting. So our proposal, Mr. Chairman, is to reduce the figure on page 14 of the Report, just presented by the Chairman of the Finance and Administration Committee, from the proposed £23,700 to approximately £7,200 both for 1996/97 and 1997/98 financial years. This is our proposal Mr. Chairman. Thank you.

#### **Chairman**

Thank you. Russian Federation your proposal I think, whilst I understood some of the context in which you were presenting it, I think what it is likely to do is actually cause some severe disruption to other aspects of the work of the Scientific Committee, aspects of the work of the Scientific Committee other than the ones that you particularly identified. There are a number of scientists from countries who, for their own budgetary reasons, are unable to send them as scientists to the IWC and it has been a practice which you are quite at liberty to call into question that these invited participants do form a major part of the work of the Scientific Committee, they are a major intellectual force in the considerations of the Committee. I understood, I think, very clearly the example you were working through, but I think that to extrapolate that in a simple arithmetic way may not be a terribly helpful way to advance the work of the Scientific Committee. It may, in fact, not only not advance it, it may retard it. But I wonder if there are any other observations from other delegations on this issue? United States please.

## **USA**

Thank you Chairman. I believe your intervention was quite helpful. My delegation would be opposed to the Russian delegates proposal of view. We believe that the selection of invited participants, that process is entirely satisfactory. We see no reason to change the long standing practice. You are quite right in your comment that participation of this individuals is highly significant to the work of the Scientific Committee, therefore we couldn't agree to removing or altering the budget figure that it portrayed in Appendix 6 as proposed. Thank you.

## **Chairman**

Thank you United States. If he is not uncomfortable I would like to ask the Chairman of the Scientific Committee if he would like to make a comment and then Norway is asking for the floor. But Chair of the Scientific Committee first and then Norway please.

## **Scientific Committee Chairman**

Thank you Chairman for the opportunity to comment. I have two comments to make, one specific and one general. The specific comment is in response to the suggestions by the Russian delegate that we had a wasteful practice of bringing three people instead of one when one would have done. I agree that he certainly has the right to scrutinise our invitations and in this instance I disagree entirely with his conclusions drawn from what I have to say is probably incomplete information. I would be happy to provide him with the details on that outside the meeting. I won't take your time with it here. My general comment is that the outcome of such a proposal would be to cripple the Scientific Committee and if that is the intention that would be a very effective way to do it. Thank you.

## **Chairman**

Thank you for your observations. Norway please.

## **Norway**

Thank you Mr. Chairman. Norway supports the statements made both by the US delegation and by the Chairman of the Scientific Committee. The invited participants are very important for the work of the Scientific Committee and we are against the reducing of the budget on this point. Thank you.

## **Chairman**

Thank you Russian Federation I understand you have some unease about this and I won't force the issue at this moment. What I would ask is that perhaps you undertake some discussion with either the Chair of the Scientific Committee or perhaps the two delegations who have indicated their view that the current arrangements, in broad terms at least, are satisfactory. If you wish the floor now I am happy to give it to you but I certainly won't force this until we have had the opportunity for a little bit more informal discussion.

That was of course one of the recommendations. Let me try and deal with what we can deal with, that is, the first recommendation that the Secretariat consult with its financial advisors etc. I assume that no one is against that, it seems a very sensible thing to do. That's agreed and then we are holding over the second recommendation which is the estimated provisional budgets until a little later in the day and then Finance and Admin further recommended that the Commission endorse the research priorities that the Scientific Committee had agreed. Are we able to agree those? Russian Federation.

## **Russian Federation**

Thank you Mr. Chairman. Just a point of clarification concerning these priorities formulated by the Scientific Committee. Are we talking about, for instance, the section 20 in the Report of the Scientific Committee or about some other more general recommendations in this respect? Thank you Mr. Chairman.

## **Chairman**

I think that your interpretation is correct but I am looking over to the Chair of the Scientific Committee or even the Chair of the Finance and Admin Committee who is waving his flag so I will give it to him. United Kingdom please.

## **United Kingdom**

Thank you Chairman. Well the priorities are, of course, drawn from the Scientific Committee's Report but they are actually set out in Appendix 6 and they are listed under 'Other Research Activities' together with

the funding that the Scientific Committee recommended should be allocated to each of those activities so that essentially is what we are recommending that the Commission endorse. That list of activities with the amounts of money set against them for 1996/97 but in this case there is no funding as yet proposed for 1997/98 because those detailed priorities will have to be agreed by the Scientific Committee, or rather recommended by the Scientific Committee next year. In fact we are looking at the research activities for 1996/97. Thank you Chairman.

**Chairman**

Thank you. Has that clarified it Russian Federation?

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, I understand from the statement just made by the Chairman of the Finance and Administration Committee that now we have to endorse only those recommendation which we find on page 14 of Appendix 6 under 'Other Research Activities' so only these topics would be endorsed right now. We don't have any objections against that. Thank you.

**Chairman**

Thank you. That's good so that that recommendation is also endorsed.

20. We now move to, as I said I am holding over that second recommendation in the hope that some further discussion over lunch might help us to move to a solution which is comfortable with everybody. I now therefore move to 20 which is the Research Fund accountability which is on page 3 of the F&A Committee's Report. United Kingdom please.

Thank you Chairman. Well last year the Commission agreed that the Secretariat should pursue further proposals to improve accountability of the Research Fund and the Secretary sought comments from governments on certain proposals and then adopted a number of new procedures to improve the Secretariat's oversight of, and the accountability of, IWC research programmes conducted by member countries and by outside contractors. Now the Secretariat's initiatives are set out in some detail in the report and I don't intend to read them out, but the Secretariat also noted that in addition to these procedures, the ones that are listed in the report, it had again tried to prepare a form for reporting on activities supported by the IWC Research Fund which it could make available at Annual Meetings. But in the time available at a meeting it did not feel it was possible to achieve satisfactory results.

Now the Committee congratulated the Secretariat for its efforts and it was content with the procedures prepared by the Secretariat and it noted that what it wanted was details of particular projects, but these could well be conveyed to it orally, what it did not want to receive was mountains of additional paper. One extra point the Committee did agree was that in the summary table reflecting the Scientific Committee's proposed expenditure from the research fund, and that is in Appendix 6 that we were looking at a moment ago, it would be helpful if expenditure against particular activities could be shown over a number of years because some of these activities are not single year projects and if you agree them in one year that has implications on future years and we thought it would be helpful to have that set out.

Finally Chairman, it was noted that the Scientific Committee has been using procedures for reviewing research proposals that it reported to the Commission last year and these are contained in Annex S to its last year's Report and the Committee recommends that the Commission now formally endorse these procedures. Thank you Chairman.

**Chairman**

21. Thank you UK. Well I think that this whole issue had already moved on quite effectively this year. Is the Commission happy to endorse these recommendations? Seems so. In that case I think that probably dispenses also with item 20. Now item 21 is Invited Participants to the Scientific Committee. We might be getting back to where we were. Chairman of the F&A Committee would you like briefly to introduce that item. That's 21.

**United Kingdom**

Thank you Chairman. Well I feel that this is a item which I can either introduce very briefly or at some length. Since I would be reluctant to depart from the wording of the report, it was clear from our

discussions that - I think I will try the brief option, that the Russian Federation had concerns about invitations to scientists, it felt that the balance of invitations was wrong given that one fourth of invited scientists were from the former Soviet Union. At our meeting the Secretariat explained the current procedure for inviting scientists, and I think it is true to say that the majority of the Committee thought that it was essential that a selection should be made exclusively on the basis of scientific expertise of the invitee, and the Secretary should not be obliged to consult with Contracting Governments in forwarding such invitations from the Chairman of the Scientific Committee. It was also noted that it was open to Contracting Governments to send scientists to participate in the meeting of the Scientific Committee to express its views. Now, clearly there was some further discussion of this but I think that the salient point really is that the Committee agreed as a whole that it should be left to the Convenors of the Scientific Committee's various Sub-committees and the Chairman of the Scientific Committee to decide, in consultation with the Secretary, who should be invited. But it was also noted that the Secretary did notify governments of invited participants and it was always open to the Government concerned to comment on that to the Secretary and indeed suggest that another person should be invited as well.

One other sub-item which we discussed Chairman, which I might as well deal with now, and that is 21.2 Small Cetaceans. This was dealt with very swiftly. It was agreed that the same procedure needed to be followed in relation to the work of the Scientific Committee's Sub-committee on Small Cetaceans but several delegations stressed the need for early notification to the government of the states where the invited scientists are domiciled. Thank you Chairman.

**Chairman**

Thank you. Well in view of the close connectivity with the earlier discussion which I postponed, I think I would just like to leave this open and revisit it after lunch. I wonder if we are able to dispatch in some way agenda item 22, at the very least introduce it. UK could you just introduce that particular item which is Small Cetaceans Voluntary Fund please.

22.

**United Kingdom**

Thank you Chairman. Well I would hope that we might also be able to deal with 23 as the two are closely related. But on 22, the Commission decided at its 46<sup>th</sup> Annual Meeting to establish an IWC Voluntary Fund to allow for the participation from developing countries in future small cetacean work and it requested the Secretary to make arrangements for the creation of such a fund whereby contribution in cash and in kind can be registered and utilised by the Commission. Now there was some discussion of draft guidelines at last year's meeting and it was agreed that the Secretary would seek comments on these over the year and this was done and on the basis of the comments received, and discussion in our Committee, we were able to reach agreement on the guidelines which are shown in Appendix 9 and we recommend that the Commission adopt these. Thank you Chairman.

**Chairman**

Thank you UK. Is the Commission in agreement in adopting the recommendations in Appendix 9 which, as the UK has pointed out, would cover both 22 and 23. UK.

**United Kingdom**

Chairman, it might help if I introduce 23 because in fact you adopt the whole of Appendix 9 you anticipate the discussion on 23.

23.

**Chairman**

Please.

**United Kingdom**

In the Finance and Administration Committee last year Japan proposed a new agenda item for this meeting which was to develop guidelines for the acceptance of funds from NGOs and it presented a discussion paper to the Committee. On the basis of the Japanese draft the Committee was able to reach agreement on a procedure and it now recommends that the Commission adopt an amendment to the Financial Regulations which incorporates this change. This is shown in Appendix 9 and this is, in fact, as I recall, an amendment to the Financial Regulations and a new Annex which would contain the guidelines on contributions to the Small Cetacean Fund. Thank you Chairman.

**Chairman**

Thank you UK. So we are looking at Appendix 9 which covers both items 22 and 23. I understand the this has had some considerable discussion. Is the Commission prepared to agree the changes outlined in Appendix 9? I think so. In that case they are so adopted.

Well, we have now managed to accomplish 22 and 23. We have to return after lunch to make some decisions on 21 and the linkage with the second of the three recommendations in section 19.2 and then the other items that which were considered by Finance and Administration Committee..

Since we have arrived more or less at 12.30 I think this is a very convenient time to break. I remind delegates that the Government of Monaco, or the Monaco Tourist Board, or whatever. Let me read it exactly. Representatives of the Monaco Tourist Board will give a brief video presentation during the lunch break on Thursday. This will take place in Conference Room 1 which is the Press Room, which means the press gets booted out presumably, commencing shortly after the end of the morning session. Monaco I think wants to say exactly what they want to do which may be better so Monaco you have the floor.

**Monaco**

Delegates are warmly welcomed to this presentation which will consist of, as I understand it, of two small brief video packages. The whole presentation including information on hotels and general facilities available in the principality will take about 20 minutes. There will be two presentations, one as soon as possible in Conference Room 1, the Press Room upstairs, and another one at 1.30p.m. so you may wish to have lunch either before or after the presentation. The lady who is coming from the London Tourist Board of Monaco will be available, of course, to answer your questions and, as I understand it, there will be information packages that will be put in your pigeonhole. Thank you.

**Chairman**

Thank you Monaco. Well presumably if the presentation is so fascinating you could actually get it twice. But I would suggest that it might be useful for some people to go first and those who are really hungry go and have lunch first. US you are asking for the floor please.

**United States**

Thank you Chairman. You can recall that you requested that I consult with some governments on a Resolution involving the elements of the Revised Management Scheme and I need to speak with Denmark, Japan and Norway immediately when we break and we are very close to an agreement Chairman.

**Chairman**

Thank you. Well in that case can I suggest that the representatives of those countries view the second presentation. Thank you, the meeting is adjourned until 14.00 and, as the rest of the week, I will begin precisely. Thank you.

[LUNCH BREAK]

**Chairman**

I resume our discussion of the constellation of agenda items which deal with finance and administration. I would like to see if we can return to sorting out under the agenda item 19.2, the second of those points which recommends that this Commission approve the estimated provisional budget and that, of course, is linked with the item 21, the discussion on the invited participants to the Scientific Committee.

21.

There were a range of discussions this morning on that issue which I think could be fairly characterised as saying that there was quite strong support from across a broad spectrum of the Commission for the maintenance of the invited participants but that there was a clear reservation, in at least the minds of some delegations, that the amount that is spent on invited participants should be examined critically on all occasions and that the range of participants that are indeed invited should also be examined critically to ensure that the participants are critical to specific needs of the Scientific Committee as approved by this Commission. Now I am wondering if with that sort of formulation we could actually move to try and approve that recommendation and broadly the amount giving the Chair of the Scientific Committee and the Secretary the responsibility to try and not only keep within the bounds of the amount allowed in the budget



but if it is possible to reduce it slightly to so do. Can I have any expressions of views on that suggestions that I have just produced from the Chair? Russian Federation please.

#### **Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, we feel that your suggestion is a very useful one. It may facilitate the solution of this problem and we hope that the Secretariat would, as usual produce good results after additional consideration of this subject so we can concur with your suggestion Sir. However, Mr. Chairman, since before the break we had certain exchange of views on this subject and we have a feeling that the views of the Russian Federation were slightly misinterpreted or misunderstood in a way. Just a short statement in order to clarify our attitude towards this problem.

Mr. Chairman, as you know, our principle position is in favour of the scientific research and the continuation of these kinds of activities of the Commission is of primary importance. This is the principle view of our country but we feel that, as in other international organisations, the problems of financial and administrative implications should be considered very seriously since this is the burden of their Contracting Governments to pay for any kind of research and other activities that may be undertaken by subsidiary bodies of the Commission.

So we are not against the form of invited participants to this Committee and we totally agree that plenty of them are very useful for the proper work of the Scientific Committee and the Commission in general. However, Mr. Chairman, it is our feeling that we should endeavour to keep these activities as cost efficient as possible and we think when the Chairman of the Scientific Committee considers next year this problem of invited participants from other countries and when these activities would be financed from the budget of the Commission, the considerations of cost efficiency should be taken into account both by the Chairman of the Scientific Committee and the Secretary to the Commission.

Of course, we feel that in any case there should be a kind of demonstrable need that this particular scientist is needed for the progress of scientific research in the Scientific Committee and, having this in mind, we would feel that it is necessary to limit the invitations to such participants to the minimum required. Meaning for instance that the invited participant should remain at the Scientific Committee meeting only for the period when the particular problems in which he is interested are discussed, and not longer. We also would feel that we should limit as much as possible, but without any detrimental effects for the efficiency of the scientific research, the number of scientists invited within the framework of particular separate projects. Normally, for each project there should be one at the most eminent scientist that should be invited. The quality should also be our goal here so we try to endeavour the most eminent, the most qualified person, or scientist, from all over the world but let it be the best. Thank you Mr. Chairman.

#### **Chairman**

Thank you Russian Federation. I think that your comments essentially underline perhaps amplify my own and the other comments made earlier this morning and on that basis I think we can accept the recommendation and therefore now fully the financial statement as in the report. I would now, therefore, like to move to the next agenda item in this cluster, that is agenda item 24 'Amendments of the Rules of Procedure of the Scientific Committee'. This was also considered by the Finance and Administration Committee and so I will ask the Chair of that to introduce that item which is on page 5 of his Committee's report. United Kingdom please.

24.

#### **United Kingdom**

Thank you Chairman. Well, last year the Scientific Committee suggested and the Commission agreed the identification of two categories of intersessional meetings of the Scientific Committee. The Secretary, after consultation with the Chairman of the Scientific Committee, thought that it would be sensible to include this change in the Scientific Committee's Rules of Procedure and the new rules are set out in our Report and they would be in addition to the Scientific Committee's Rules of Procedure E6. Now, no one had any problem with this at our meeting but one delegation pointed out that there could be problems of consistency in relation to the Commission's Rules of Procedure under Q1 and after some discussion it was agreed that the most sensible thing to do would be to make a minor amendment to the Commission's Rules of Procedure and that too is set out in the Report and it is an amendment to paragraph 1 of section Q of the Commission's Rules of Procedure. The Committee then recommended that the Commission adopt both these amendments,

that is amendment to the Scientific Committee's Rules of Procedure E6.2 and the Commission's Rules of Procedure Q1.

**Chairman**

Thank you. Are there comments or questions on this issue? I imagine it must have had a thorough discussion at your Committee so in that sense may I interpret silence as agree that we would make these changes to Rules of Procedures of both the Scientific Committee and the Commission? Seems so, thank you.

25. That then takes us to agenda item 25 which delegates may recall was a topic that emerged last year. The use within the Commission in a formal sense of other languages. This again starts on page 5 of the report of the Committee. So United Kingdom would you like to introduce this item please.

**United Kingdom**

Thank you Chairman. Well, as you said at the last meeting the French delegation proposed that the Secretariat should prepare a discussion document on this topic examining the costs and other implications of using languages other than English in the work of the IWC and the Scientific Committee had also asked that this matter be raised and the Secretariat has gone a good deal of work on this and the fruits of their labours are in paper IWC/48/17 as a good deal of information on the potential costs. In our discussion some delegations supported the idea of continuing to explore the possibility of using more languages than English provided that their own was included. But, I should say here Chairman that the report doesn't accurately reflect the Spanish position, which as I understand it is that Spain would prefer to see one working language retained because the financial implications of moving to more than one language, but if we are going to explore the possibility of more the one language Spain then supports the approach suggested by Mexico.

Now, rather more delegations were not in favour of any change and they expressed grave concerns regarding the costs of translations and interpretations at a time when budget constraints are tight and they noted that such costs would have to be concurred at the expense of valuable IWC research and other projects and they also made the point which was borne out by our discussions that it would be extremely difficult to choose which language to include as every member country would want its language represented. I might add that those with English as their mother tongue kept a modest silence during this discussion. As the report states, no consensus was reached, and we agreed that we would refer this issue to the Commission. However, we were satisfied with the work that the Secretariat had done and we recommend to the Commission and no additional work is done. I think we have enough material to base a decision on. Another point which was quite clear to all of us was that it is impossible to take a decision on languages without relating it very closely to the costs and the implications. Thank you Chairman.

**Chairman**

Thank you UK for that presentation of that discussion. I note that the recommendation is that no further research should be done at this time but I get a sense of unfinality about this item as it were and my suggestion would be that in accordance with some of our practice this item remain on our agenda without further work being done but simply remain on our agenda so that it might be picked up at some point in the future if it was thought relevant to do further work on it. Are there any observations or comments perhaps? Russian Federation please.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman we would support your suggestion on this agenda item. However, since we will try to keep this agenda item open for the next annual meetings, we felt that it was necessary to reflect the position of the Russian Federation since it was not stated at the Committee meeting. In general, bearing in mind the difficult financial situation of the Commission, both of the Commission and of my country, we would oppose the introduction of new languages today as this would be an additional burden for the Russian Government as one of the Contracting Governments. We feel that it is premature to begin this process today. However, should this problem be considered in future, then of course the Russian Federation would depart from its principle position then it would have multi-lingual organisation then, the Russian should, of course, become one of the official languages. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. France please.

**France**

Thank you Chairman. It was not the intention of the French delegation to speak on this item because the French delegation is very happy with the important work the Secretariat has done on this issue and we think, as the Committee, the Finance and the Administration Committee, that there is no need to have additional research on this issue. We are very happy with your ruling and we support, as well as what was just said by the Russian Federation about the fact that in the future we can keep this issue on our agenda because maybe financial constraint will be less tough and we will be able to open to languages, it could be, for instance, the official United Nations languages, among them Russian of course which is a important and beautiful language. So, we are happy with your ruling. Thank you Mr. Chairman.

**Chairman**

Thank you. If there are no other observations I think we can probably therefore close this particular item and that means we can move to agenda item 26. UK please.

**United Kingdom**

Thank you Chairman. Well, we had extensive discussion of this item last year 'Non-governmental organisation observers' and it was referred to us again this year. The Secretariat noted that it had found a solution to one of the concerns that it had expressed last year concerning the difficulties of enforcing the existing procedure of badges whereby only one representative from each NGO can be present in the IWC meeting and there were problems over multiple use of badges but this year the Secretariat has distributed one badge per NGO and has listed on the badge the name of all accredited members of the NGO registered for the IWC Annual Meeting.

26.

Now, more generally Chairman we considered two broad issues, the process for accrediting NGOs and the process for admitting NGOs to IWC meetings. On the first of these, a number of suggestions were made and these are outlined in our report but none of them won general support but during our discussion many delegations did express strong support for maintaining an open and transparent process in running IWC meetings and in facilitating the participation of NGOs and many of the proposals we discussed were thought by some delegations to be too burdensome either for the Secretariat or for member countries.

Now, on the second issue we had before us an amendment to the Rules of Procedure proposed by the United States but one delegation felt that this was premature given in particular the impasse we had reached on changing the rules for accreditation. In this circumstances the only think the Committee felt it could do was recommend the Commission that the current process regarding NGO participation be maintained and that we should review it again next year. Thank you Chairman.

**Chairman**

Thank you UK. Are there comments or observations on this item? It seems again clear that this will have to remain on our agenda to be considered specifically next year as well. I see nobody rising to the bait so perhaps we can accept that recommendation, keep it on our agenda in front of us and move to item 27. UK please.

27.

**United Kingdom**

Thank you Chairman. Well last year the Danish delegation introduced a new agenda item on this point to discuss the issue of offering the press an equal standard of attendance to NGOs including access to meeting rooms and to relevant IWC documents. Now, there was widespread support for this proposal and the Committee is recommending that the Commission adopt this proposal and give the press the same privileges as are currently enjoyed by NGOs. However, that would be subject to practical and logistical considerations and during our discussion it was also noted that the Commission's Rules of Conduct for observers make it clear that entry and use of recording equipment in Committee rooms and plenary sessions is prohibited so it will be press with notebooks and pencils rather than recording machines and television cameras. Thank you Chairman.

**Chairman**

Thank you UK. Japan please.

### **Japan**

I have a couple of points to make with regard to this access of the press to the Plenary/Technical Committee meetings and can the press be given the identical position or treatment as the NGOs? Will the press also be charged a fee for the cost of the documents and other costs incurred. That is my first question. The second is will the TV cameras and video recordings and the flash lights and all these things be allowed in those meetings or will there be any steps to be taken to prevent them or to curtail their activities so that the quiet atmosphere of the conference would not be disturbed. And I have another point to make. However, basically and in principle we have no objection to allowing the press this access but I think that before we let them have this access it is necessary to have discussions on all these points that need to be taken into account. Thank you.

### **Chairman**

Thank you Japan. Are there any other comments or observations? My understanding from the presentation from the Chair of the Committee was that the press would not, in fact, apart from as is tradition with our opening ceremony, would not be in here with any formal recording equipment, television cameras etc. They would simply be in here observing as it were in the same way that our observers do. The question that Japan has raised about paying for documents is, I think, a interesting one. If the press are to be given documents in exactly the same way, the question of a fee for those documents, I guess should they require them, is something I don't believe the Committee actually considered. UK can you throw any light on whether that issue was discussed or whether there was any view on what might happen with that?

### **United Kingdom**

I don't think that it was discussed at the meeting itself but I think it was certainly discussed somewhere. My recollection is that the Secretary recommended that they should not have access to documents on the same terms as NGOs but I don't think that we agreed on any procedure for providing them with documents. I think that probably charging them as we do so would be the best solution.

### **Chairman**

The Secretary is whispering in my ear a number of things which can be translated to 'I think we have some issues of equity which have not yet been fully explored'. I think if members of the Commission think clearly they will understand that there are indeed issues of equity that might emerge from this idea. So, I would ask whether the Commission wishes to adopt this recommendation exactly as it is or whether they would wish further consideration of it? Denmark please.

### **Denmark**

Thank you Mr. Chairman. Since it is our proposal, I think I will take this opportunity to offer my assistance to the brave Chairman of that Committee and agree with his recollection. We have, in my opinion, maybe forgotten to discuss the question about fees or no fees for documents, and to the Japanese delegation, I would say that it was clearly stated in the Committee that it was the understanding that no cameras or recorders or anything should be allowed besides the normal procedure in the opening. If someone does not obey to these rules we discuss the possibility then to, as to say, throw the person out of the room. Thank you Mr. Chairman.

### **Chairman**

Thank you Denmark. Russian Federation.

### **Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, we have nothing against this proposal in general and in principle. However, there are some aspects which are not totally clear to us. We understood the Danish proposal, as it is written here, as intending to give equal standard of attendance to the press. Equal standard of attendance we understand includes also not only privileges but some obligations as we know it. So, we would understand that the press would be allowed on the same grounds as the observers, NGO observers, meaning that they would have the badges of observers, they would have the fee for this status and so on. If this is the case, then this is clear for us and we could support this idea. If there is something else which would remain that it is not totally equal standard of attendance but some kind of special regime, then, of course, we should explore in detail what would be the speciality of this regime to be accorded to the press. Probably, the Danish Commissioner could give some details since this was the proposal by Denmark originally. If, this is

the understanding that this would be totally equal standard of attendance then we don't have anything to object. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. I think you've, in fact, put your finger on a fairly critical issue in this discussion because I don't know that everybody has quite the same idea and I think we would want to ensure that, while maintaining as transparent and open process as possible for our deliberations, we also want to make sure that the press are indeed able to cover them effectively and in a paradoxical way, it would seem to be that if we charged the press the same as we charge our other observers, that we might not have any press being particularly interested. Now, there may be some advantage in this, there may not. But, I must say that from this perspective up here I am beginning to be less and less easy about where we have reached with this discussion and beginning to feel less and less certain that we are actually at a stage where the Commission could usefully make a decision on changing its current practice, at least at the moment. Whilst clearly comfortable with the view that this discussion has made some progress but still continues to need some refinement. I see, I think, that France and maybe Denmark may wish to come back. France first and then Denmark.

**France**

Thank you Mr. Chairman. On this issue was one side of it discussed during the Committee itself and this is a question I raise to Ivor Llewelyn. We have heard the discussion and the problem maybe a budgetary problem among others and we think will the press have to pay a fee to participate as observer, so to say, in our meetings? We think that it could be a good idea first to reduce the number of people from the press interested in participation to our discussions and secondly because it's a way to compensate the cost of the distribution and of documents and so on. Maybe this issue was discussed in the Finance and Administrative Committee, so I just want to raise that question. Thank you.

**Chairman**

Thank you. Denmark.

**Denmark**

Thank you Mr. Chairman. I regret very much that we in the Committee did not discuss the matter of maybe some kind of fee. Maybe I should have raised the matter but no one raised the matter.

I have some comments or ideas to go on with this problem. I think, if you could be quite honest, you might say that you should not cover the cost to give the press the documents. On the other hand, I think it is a little difficult to compare the situation of the press with the situation when NGOs attend the meetings because the proposal is more limited than the NGO attendance due to the fact that we do not propose that the press should be attending the meetings of Working Groups and all those things. I don't know.

I have two proposal to go on with this. Proposal No. 1 was that the Commission could agree, if that's acceptable, to ask the Secretariat to try and calculate a reasonable price for the documents which they should have available at the Technical and Plenary meetings. If this proposal should not be acceptable for the Commission, then my alternative, which I could accept if the other thing is not possible, that we, in principle, adopt this proposal and ask the Finance and Administration Committee to discuss this item at the next Annual Meeting. But I prefer the first solution. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark. I must say that my preference would edge towards the second incorporating the first as a piece of information for the F&A Committee. United Kingdom please.

**United Kingdom**

Thank you Chairman. I think, on reflection, it was clear that our discussion was focused on access and that was basically what everybody agreed, that there should be no problem in allowing the press access to meetings of the Commission and the Technical Committee, bearing in mind that they are already following these proceedings in the Press Room. We did not really discuss some of the other issues which have been raised here, and I think that perhaps our report on this point is a little misleading when it talks about giving the press the same privileges. It wasn't intended originally to encompass everything else like documents and being invited to parties and all the other things that NGOs get. So I think that if we are going beyond

access it would be very sensible for the Finance and Administration Committee to look at it again. Thank you Chairman.

**Chairman**

Thank you UK. Germany please.

**Germany**

Thank you Mr. Chairman. I would like to support the idea that the Finance Committee should look into this again. In my view, the press, if it should be admitted to the meetings of the IWC, should at least meet the conditions that are valid for observers, that is observer fee, 60 days notice in advance and all these things. Thank you.

**Chairman**

Thank you Germany. I suspect that we are probably not going to get too much further with this today. I have a clear sense that the principle that was raised, and indeed discussed this year, is still attractive to members of the Commission but that it is clear that there are some practical implications which we do need to examine in a little more detail. My proposal is that in fact, rather than accept the recommendation as it stands, we refer the matter, alas back to the Finance and Admin Committee for consideration of the, particularly the discussion we have just had, and that as an additional piece of information, or pieces of information, the Secretary could perhaps provide some costings on what it would mean in terms of the provision of seating arrangements, paper costs etc. That seems to be the most sensible way to try and move forward to accommodate the spectrum of views that have been raised. Are delegates comfortable with that?

Now that takes us to item 28 which looks very exciting 'IWC Headquarters Building'. United Kingdom please.

**United Kingdom**

28. Thank you Chairman. It was involved with detailed consultation with accountants and people like that and so I am not sure that it was that exciting!

The Secretariat presented a thorough report on its investigation of the financial advantages of building or purchasing new offices for the IWC and this is set out in paper IWC/48/18. In general, there was broad support in the Committee for the idea of purchasing offices rather than continuing to pay rent of around £57,000 a year which does not include the expenses of maintenance and insurance and other overheads. The Secretariat found that the IWC could finance such a purchase by taking out loans to be paid back over a period of ten to twenty years which would average roughly around the same as we pay now in rent and the Commission would, of course, gain an asset. Indeed, one delegation pointed out that given the state of the Commission's reserves, both of severance payments and general reserves, it would probably be possible to pay the total cost of purchase out of the reserves and we agreed that this was certainly an option that the Secretariat ought to consider with the Commission's professional financial advisors.

Now, as well as looking at the costs of purchasing a building, the Secretariat document examined a proposal that the Commission join a number of other environmental agencies in establishing a centre of environmentally sustainable development which would provisionally be named the 'Cambridge Environmental Park' and the idea would be to co-locate a number of international environmental agencies in separate buildings within a single site and the other possible organisations are listed in the report. One delegation raised a strong concern that if this co-location was undertaken, the IWC philosophical independence from other environmental organisations might be compromised and the Secretariat noted that it would need to bear this in mind. and I think it's a point indeed that the whole Commission would need to bear in mind.

Now, after some discussion Chairman, the Committee agreed to recommend that the Commission endorse in principle the concept of purchase instead of rent and we noted that the budget for 1996/97 already includes a amount of £4,000 to allow the Secretariat to continue to explore these options and that the Secretariat would be reporting back to the next Annual Meeting. Thank you Chairman.

**Chairman**

Thank you United Kingdom. It is certainly a challenging and potentially exciting option I think and if that is coupled with the fact that there are financial advantages in potentially, certainly the long-term, and possible even the short-term, then clearly this is something that we should consider. But the Commission needs to understand that what it is being asked to consider at the moment is some further work by the Secretariat on this issue and I imagine once that work has been completed we can have a firmer proposal. Are there any comments or reservations from delegations that they would like to put on the record at this time that the Secretary may wish to bear in mind when he is continuing his investigations? Russian Federation please.

**Russian Federation**

Thank you Mr. Chairman. Indeed just a general statement which is not a reservation in itself which probably could be useful for the Secretary in his future work. The principle position of the Russian Federation is not favouring the request to loans for international organisations so this possibility, which we understand is or was considered by the Secretary, to request for loans in one form or another is not the best solution in view of the Government of the Russian Federation. The financial budget of an international organisation should be based on solid grounds which are contributions of member governments or similar sources of income.

As to two solutions on what to buy on individual basis or sort of co-operative . In Russia we have a rather bad experience with co-operatives including co-operative of nations which was in the form of the USSR so probably this is not the best form which would favour including in respect of the IWC. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. Japan please.

**Japan**

Thank you Mr. Chairman. We also would like to accept the recommendation in a general sense but the purchasing of the headquarter buildings consist of two elements. Number one is the purchase generally, pursuing generally the matter of owning rather than renting the headquarter building. I think this element has already reached agreement among member states but the other element that is formally to express the interest in the 'Cambridge Environmental Park' proposal described in the Secretariat document. In this element one delegation raised a strong concern over this so I rather suggest to the Secretary to seek other venues simultaneously and take the other places into consideration. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. That's helpful also alongside the comments from the Russian Federation. Well, if there are no further comments then I suggest the Commission endorse the suggestion that the Secretariat has, in principle, the agreement of the Commission to examine the concept of purchase rather than rent and do some further work on exploration of these options to construct Gambell Castle. There are no further observations? Seems not.

That now takes us to item 29 'Date and Place of Annual Meetings'. UK please.

29.

**United Kingdom**

Thank you Chairman. Well we simply noted that the next Annual Meeting will be taking place in Monaco as we know and we also very much welcome an invitation from Oman to host the 50<sup>th</sup> Annual Meeting and I suspect the delegate from Oman might like to repeat that invitation to the Commission as a whole.

29.1

**Chairman**

Thank you. Oman.

29.2

**Oman**

I think we are still welcoming to host the 50<sup>th</sup> Annual Meeting. Thank you Mr. Chairman.

**Chairman**

Thank you indeed Oman. Something that we will look forward to. There are still, I think, some issues outstanding with regard to the 50<sup>th</sup> Annual Meeting in the sense that we had a suggestion last year that was

left as it were in the air that the occasion of the 50<sup>th</sup> Meeting might in some way be different and I think we have had some views on that but I would prefer to leave that particular item open so that we can conclude our final reflections on that at some point in the business tomorrow.

So, we note that the 49<sup>th</sup> Meeting will be held in Monaco, some of the scenery, at least from the video that I saw, will be very special and I certainly look forward to my helicopter ride and we note with great pleasure Oman's invitation to host the 50<sup>th</sup> Annual Meeting which presumably would be more or less in accordance with our, shall I say, normal time of meeting.

Grenada would you like to say something?

**Grenada**

Thank you Mr. Chairman. The Island State of Grenada hereby propose to host the 51<sup>st</sup> IWC Annual Meeting. We have discussed this with our Government and they have voiced optimism for the proposal.

**Chairman**

Thank you very much indeed Grenada for that, what I would call foreshadowed announcement, because normally we take, as it were, two meetings on. It gives, I am sure, considerable pleasure to the Secretary that he doesn't have to think about booking some more exotic venue for us in the United Kingdom. He seems each time to find a more exotic one. So that is indeed a most welcome foreshadowed invitation and we look forward to its formal renewal next year when we would normally consider that but it is indeed with great pleasure that we receive that foreshadowed invitation, thank you.

Are there any other observations under this item? If not, I don't close it I leave it open for final closure tomorrow. Thank you.

I see you had 'Any Other Business' item United Kingdom, do you just briefly want to cover that?

**United Kingdom**

30. Thank you Chairman. Well this was a point raised by the United States really concerning whether delegations could hold private meetings in conference rooms rented by the Commission during Annual Meetings, that is assuming that they were not needed for Commission meetings and we all agreed that if they weren't needed it made sense to make them available to delegations on a first come, first served basis and that has been done at this meeting. Thank you Chairman.

**Chairman**

Thank you United Kingdom. Are there any other further comments United Kingdom that you wish to make on this whole constellation of items?

**United Kingdom**

Thank you Chairman. Well I would just like to thank my rapporteur, Miss Levinson, from the United States, who produced a report very rapidly and one that, given the complexity of the issues we discussed, needed remarkably few amendments and it was an excellent job and I am most grateful. Thank you Chairman.

**Chairman**

Thank you. May I ask any delegations if there are any further matters that any delegation wishes to raise in connection with items 19 through 29? If not we can move formally to agenda item 30 which is the adoption of the Report of the Finance and Administration Committee. May I take it that the Commission is happy to adopt that Report? It seems so. Thank you, the Report is so adopted.

31. That would bring us then to agenda item 31 which is 'Whaling Activities by Non-Member States'. Secretary do you want to make any brief comments on this item?

The annotation in our annotated agenda points out that at our 45<sup>th</sup> Meeting we adopted a Resolution which concerned itself with the collection of information from various sources on whaling activities by non-member states. It turns out, in fact, that few replies have been received but we agreed, as ever, to retain the item for this year. I ask the Secretary if he has anything further to communicate to us and he is simply



shaking his head. May I ask whether delegates wish to continue this item to remain on the agenda since it does not seem to have actually brought great promise. United States please.

**United States**

Yes Chairman, my delegation would like to retain this item. From time to time information comes available to us of troublesome activities. Mr. Chairman, I draw the Commission's attention to an obscure item on page 38 of the Scientific Committee's Report. There is an item there about other stocks of bowhead whales and there the Committee expresses its remaining concern about the status and small size of other Arctic populations of bowhead whales, in particular it mentions the Davis Strait and Hudson Bay stocks as well as the Spitzbergen stock. Mr. Chairman, my delegation and several others, have become aware of a possible hunt for bowhead whales in Canada which is, as members may recall, no longer a member of this Commission and Sir we would appreciate this item being kept open so that we may propose a Resolution on this problem. Thank you.

**Chairman**

Thank you UK. I understand that you are talking about a Resolution to be considered at this Meeting?

**United States**

Yes Chairman.

**Chairman**

Right, in that case we will keep item 31 open. That brings us to item 32 which is the Annual Report which has been distributed to you as ..... Sorry, Japan. Is this on item 31?

**Japan**

Thank you Chairman. With regard to the item 3, that is bowhead whales in the waters concerning Canada. The American delegate mentioned that they are considering a draft Resolution but Canada does not have the opportunity to refute to this discussion at this opportunity. However, Canada has sent a delegation to this forum and therefore maybe it is more fair to provide the opportunity for the Canadian representative to say a few words on this topic as well.

**Chairman**

Yes, thank you Japan. I had in mind that I would speak to the Canadian observer to seek his views on whether he wished to make a contribution to the meeting from his observer position but I wasn't going to, as it were, put him on the end of a sharp point, without any due thought on his behalf. I am sure, in any case, that the US will have been talking to their near neighbour on this issue but I will raise the point informally with him. We obviously have to keep it open until tomorrow but thank you Japan for that point.

That takes us then to item 32 which is the Annual Report that has been distributed as IWC/48/11. You all have that. It would be helpful if the Commission could either agree and approve this Annual Report or point out if there is any particular problem with any part of it.

32.

**Secretary**

Mr. Chairman. Just to formally present document IWC/48/11 as a draft document and if there are any modifications required I would be grateful to receive those from Commissioners as soon as possible. We try to keep it as accurate in its presentation here but we always revise it before it is formally published. So please let me have any amendment as soon as you can. Thank you.

**Chairman**

Thank you. Are there any other observations particularly on the Annual Report at this stage? No it seems not. Therefore we will assume that the Annual Report is approved subject to any typographical or other emendations that can be given to the Secretary. I am not aware of any other business items that have been added but it would be useful to know if any delegations wish to add any items of other business for this particular meeting. I would hope at this stage that there would not be and my hope seems to be satisfied. Good, thank you.

There are a number of things that we might now move on to. However, I would be rather anxious to seek views of Commissioners in which way they would wish to handle the remainder of the agenda that we now

have in front of us and to ascertain where we are with the production of various Resolutions and so on. If Commissioners are in agreement with this, I would like to adjourn our formal session, have a short Commissioners' meeting, and resume our business shortly after quarter to four. I assume nobody has a problem with that. I just think that we might be able to manage our business better if we have a slight breather and a look at what we have left. So Commissioners, if we could now assemble in our normal meeting room for a short meeting. This session is adjourned until just after quarter to four. Thank you.

[ADJOURN]

#### **Chairman**

Delegates I would like to recommence our proceedings please. Following our brief intermission and examination of the matters before us we have decided that we will commence this particular part of the meeting with the remaining items under agenda item 4 and there are some papers the you should have on this. Agenda item 4.1 is a paper IWC/48/31 and there is another grey paper IWC/48/39. I wonder whether New Zealand or the United Kingdom wishes to .... United Kingdom please you have the floor.

#### **United Kingdom**

4.3

Thank you Chairman. Well I hope that I can be relatively brief as you instructed us this morning but the reasons we are seeking a ban on the use of the electric lance should, I think, be clear from the discussion we had in Technical Committee. Now, from our side we very much regret that it is necessary to proceed with a Schedule amendment. As New Zealand said 'our objective is to end the use of the lance' and we are not concerned with how we do this. We would have welcomed a commitment from Japan to phase out use of the lance but, for reasons I do quite understand, Japan does not feel able to give such a commitment and in these circumstances we have no choice but to proceed.

Now, in Technical Committee a number of papers were presented arguing that the electric lance does shorten time to death., in particular, when compared to the cold harpoon as a secondary killing method. Now I leave to those better qualified than me to assess the validity of these claims, but the reasons we feel able to proceed without awaiting for the scientists to consider this new work is that our case against the electric lance is only partly based on its ineffectiveness. It may be rather more effective than we thought but it remains quite clear to us that it is inhumane. Now, the reasons why the use of electricity to kill whales is inhumane is set out in the Report of the 1980 Workshop on Humane Killing. I quote 'electrocution is not considered an acceptable method of killing terrestrial mammals unless a stunning current is first passed through the brain. If it is not, electrocution results in extreme pain as its effect is to cause a rigid extension of the muscles'. Electricity is therefore only a humane slaughter method if it stuns the animal causing immediate insensibility. There is no evidence the electric lance does have this stunning effect. Indeed in our view there are strong indications that it does not and if it does not then the electric lance will cause acute pain over and above the pain that the animal is already suffering. It is in any case almost impossible to achieve an efficient stun on a wild animal through the use of electricity. This is why the Berne Convention, of which many members of this Commission are also members, prohibits the use of electrical devices as a means of killing wild mammals, including whales. It is for this reason that the United Kingdom and New Zealand, together with many other delegations, feel that it is time to prohibit this particular device. There is ample precedent for this as is demonstrated in the document we circulated yesterday IWC/48/39 which sets out the history of the Schedule amendment that banned use of the cold harpoon.

Now, in discussion in Technical Committee, a number of delegations made the point that it was not reasonable to expect Japan to give up use of the electric lance over night. We feel that this is a valid point and we have, therefore, amended our proposal so that the proposed ban would not come into effect for three years. This should give ample time for Japan to phase out use of the electric lance and to introduce more humane alternatives. And in this connection we welcome the statement by the Japanese delegation earlier in this meeting that they are intending to carry out research into use of the rifle as an alternative method of secondary killing. Mr. Chairman, there are those of us who suggest that we are trying to rush decisions on this issue. But, as our latest note makes clear, there have been extensive discussions since it was examined by the Workshop on Humane Killing in 1992. A great deal of new evidence has emerged. In our view this shows conclusively that the use of the electric lance is not humane and I believe that it is time for the Commission now to take a firm decision to end its use, Thank you Chairman.

**Chairman**

Thank you United Kingdom. Japan please.

**Japan**

Thank you Mr. Chairman. As our delegation repeatedly stated our firm belief and hard data based upon more than 1,000 samples obtained in the field that indicated that the electric lance is still the most effective secondary killing method currently implementable to shorten the killing time, I don't think it appropriate for me to repeat those things and reasoning once again. By now, I believe, everybody knows what my explanation would be.

A couple of days ago we announced that, from this season, that is the 1996 season on, we will conduct the field study for the purpose of assessing the effectiveness of the rifle. Of course, since this is quite a new experience for us and since the rifle is very rarely used in our society we may find some practical obstacles in finding the right person. At the same time, the weather condition in our operation, our waters, may make the results not look so promising but, of course, we don't have the prejudice preoccupied, prejudge the result. What is most important, I would like to stress here, is we took the advice of good intention of many delegates into full consideration and we decided to do so. We will report on the results as appropriate at the appropriate forum of the next Annual Meeting.

We appreciate the comments by the UK Commissioner for our attitude. Nonetheless, I have to regret to say that the proposed schedule amendments which were circulated recently are not acceptable to us. The question is whether or not the electric lance is ineffective to shorten the killing time as much as possible. The question is not how soon we should abolish it. Thank you.

**Chairman**

Thank you Japan. I have on my list so far Sweden and New Zealand. Sweden you have the floor please.

**Sweden**

Thank you Mr. Chairman. In the Technical Committee I asked for comparisons between the use of rifles and electric lance and I am very glad to see that they seem to be forthcoming now with the Japan proposal and I especially value their comment that they will tell us about the results at the next Annual Meeting. Like the UK Commissioner I regret that we could not have a Resolution telling us that we have a gradual phase out and phase in of something more effective and instead of facing this Resolution as it stands. Thank you Mr. Chairman.

**Chairman**

Thank you. New Zealand followed by the Netherlands please.

**New Zealand**

Mr. Chairman I won't repeat the points made in the Technical Committee other than to emphasise the fact that both the papers detailing the research carried out by Professor Blackmore and his team have undergone rigorous peer review which has endorsed the conclusion that the electric lance is not an effective secondary killing method and is likely to cause extra pain and suffering to an already distressed animal. Mr. Chairman, Commissioners will recall that at last year's Workshop, Dr. Blackmore's work was generally well received although some countries were critical of the use of dead whales to measure the conductivity of electricity through tissues and that Mr. Chairman really was the matter that was left outstanding after last year's meeting. It is interesting Sir that since Dublin, Blackmore and his team, in material about to be published following peer review, have continued their research with an emphasis on measuring the changes of conductivity of whale tissue post mortem. Mr. Chairman, I reiterate the fact that the objective of the sponsors of this Schedule amendment is to end the use of the lance and we would have accepted an arrangement to that effect. That having proved impossible and here Sir I would like to acknowledge the assistance of Nomura-san in endeavouring to discuss and try to resolve those issues even though it did prove to be impossible, that having eventuated we seek a clear and positive statement on the issue from this Commission. While we welcome Japan's proposed research and the fact that as the delegation has said it is a response to the views expressed by many delegates we nonetheless believe that this Commission must make a firm and clear statement on the issue now.

**Chairman**

Thank you New Zealand. Netherlands and then St. Vincent and the Grenadines. Netherlands please.

**Netherlands**

Thank you Mr. Chairman. In our opinion the experiments performed and presented by Professor Blackmore in 1995 in the Workshop on Humane Killing as well as several publications and high quality peer review scientific journals make it sufficiently clear that the application of the electric lance as a secondary killing method is inhumane. We are not convinced by the claims made during the Technical Committee meeting this year that the lance is acceptable even if it takes an average of 40 seconds to kill an animal. In our view effective humane electrocution kills an animal instantly. Dr. Blackmore's conclusions are therefore not altered but the method is inhumane. Any animal which is caused intense pain and experiences a high level of distress will finally collapse. We also note the conclusions with regard to the use of heavy calibre rifles indicating the this could be a viable alternative in the Japanese operations. In this respect we welcome the announcement by the Japanese delegation of a feasibility study that will be carried out during the next year. The question of the viability of the use of rifles however does not alter our view concerning the humanness of the electric lance and we will support any initiative to terminate the use of this instrument at the earliest possible date. Thank you.

**Chairman**

Thank you Netherlands. Before I call on St. Vincent I have on the list France, St. Lucia, People's Republic of China and Norway. May I close the list at this point? I would hope so. Grenada I will add you to the list. South Africa. Well I had hoped to close the list. Are these novel comments? No? I am quite happy to take an indication of association with other countries' stands if that is helpful. Let me try and close the list after South Africa if I can. St. Vincent and the Grenadines please to be followed by France.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. I hope what I have to say will be novel. I think, Mr. Chairman, that here we have conflicting scientific advice being offered to the Commission, almost analogous to the situation with the legal problem we had earlier. From our viewpoint, we need some kind of objective evaluation of these two kinds of scientific advice and even though the Scientific Committee would not have considered the matter normally because of lack of, perhaps, veterinary expertise, they can, however, provide some evaluation for us that what would be instructive from a scientific point of view so that we can discuss this matter more intelligently. Therefore, I suggest that we should have some input from the Scientific Committee in this regard. This would also allow time for the Japanese study on the rifle to proceed and give them some opportunity to come up with their own proposal as to what they think should be done on a matter that affects them directly and in the first place and we suggest that this would be the best way forward. Thank you.

**Chairman**

Thank you St. Vincent and the Grenadines. France and then St. Lucia please. France.

**France**

Thank you Mr. Chairman. We will follow your advice and support what has just been said by the representative of Great Britain. We just want to add that we consider, as a party to the Berne Convention, that we have to forbid and discriminate methods of killing and particularly the use of electricity. We just want to add also that we think the time of death is not the only essential criteria to be taken into account and that the intensity of pain goes by those methods, the electric lance, is also to be taken into consideration and can make the killing pretty inhuman so this is the reason we are in favour of what is on the table on this topic. Thank you Mr. Chairman.

**Chairman**

Thank you France. I now have St. Lucia to be followed by People's Republic of China.

**St. Lucia**

Thank you Mr. Chairman. My delegation, we do not see the need for a Schedule amendment at this time. Like St. Vincent we feel that we have been presented with very good evidence, conflicting evidence at that, and since our last meeting there has been new evidence on the use of the electric lance. Therefore we feel that the Scientific Committee should look at this new evidence with all its statistics and all its ramifications

and advise us on the scene and indeed they may even wish to suggest what further research needs to be done and therefore I agree with, I think, the Netherlands that said we should move towards banning the lance at the earliest possible date. Now, it may very well be less than three years, you know, if the Japanese, their research, could come up with some evidence to show comparisons, we may very well reach our goal in less than three years. So, I would say let science take its course and let us evaluate the new evidence that we have plus any further research that would come forward in the ensuing year. Thank you very much.

**Chairman**

Thank you St. Lucia. People's Republic of China and then Norway. People's Republic of China please.

**People's Republic of China**

Thank you Mr. Chairman. In the morning break I was invited to participate at a video presentation relating to whale killing. It seems to me that all whale killing methods are crude and it is terrible for me. We are concerned about the information to compare all the means at this stage. We still believe that it is not enough information for us to decide which method is more cruder and which is less. We think the Scientific Committee should do something about it before a firm information so we can press on to conclude a decision. We have difficulty to support any approach about it, so we follow the suggestion about putting this question at the next Annual Meeting. Thank you.

**Chairman**

Thank you People's Republic of China. I have Norway to be followed by Grenada. Norway.

**Norway**

Thank you Mr. Chairman. Norway stated last year that in its opinion the two alternative secondary methods should be compared in field trials and this is still Norway's view and Norway is willing to help Japan in the planning and carrying out of this feasibility study if that is wanted from the Japanese side. But it is not obvious what the results of such a feasibility study will be, and for this reason among others, but also for this reason, this Commission should not amend the Schedule at the present time. Norway notes that Japan is willing to perform this comparison and to report the result at next year's meeting. However, in our opinion such a feasibility study, if it's carried out according to scientific principles, and with all the difficulties which we've also heard in Japan's presentation, we think that such a feasibility study really will need more than one year so our proposal would be to that the results should be reported at next year's meeting, the preliminary results, but that the appropriate report should be in two year's time when, according to the plans made last year, we will have a new Workshop on Killing Methods. At the end, Mr. Chairman, I must admit I'm somewhat amused to hear that the distinguished Commissioner from New Zealand still claims that the bumble bee cannot fly. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Grenada to be followed by South Africa. Grenada please.

**Grenada**

Thank you Mr. Chairman. Mr. Chairman, I must say, this my first meeting of the IWC, is a good learning experience, I've heard about mercy killing in the past and now I'm hearing about inhumane killing. Mr. Chairman, I would just like to ask through you, the Commissioner of the UK and France, or maybe they have the data so they can share with us to make a competent decision, what methods do they use to slaughter their cattle and fox and other animals?

**Chairman**

That's it? I'll pose this question in a moment. Meanwhile can I turn to South Africa.

**Grenada**

Mr. Chairman, I ask a question.

**Chairman**

Yes, I heard, I said I would pose the question in a moment. I just want to hear the other interventions and then try and tidy up the debate. I have not forgotten. South Africa to be followed by, I though I had closed the list but, to be followed by Brazil. South Africa please.

### **South Africa**

Thank you Mr. Chairman. I just want to, from our delegation's point of view, again state that it is South Africa's desire that there should be the most humane possible killing of whales where whales have to be killed. I am afraid to say Mr. Chairman that, along with a number of other delegations, the information that has been tabled at this particular meeting does not give us a clear sense of scientific evidence as to what that most humane killing form should be. We are also concerned about the problem, that it seems to us that non-standard criteria are being applied to judge the humanness of large scale whaling versus small scale whaling. We believe there should be attempts in terms of both types of whaling to achieve the most humane form of secondary killing. Mr. Chairman, therefore, it is for us, of the utmost importance to see the results of comparative studies given also the problem that one has to harmonise theory and practice in reality. So for these reasons, Mr. Chairman, we would also like to appeal to the Commission to search for singleness of view based on scientific advice in this regard. Thank you very much Mr. Chairman

### **Chairman**

Thank you South Africa. I had an indication from Brazil that they might wish to speak. Do you wish to take that up? No. Chile do you wish to say something?

### **Chile**

Thank you Mr. Chairman. Just to say that we support the Schedule amendment and we think that the time keeping for the studies on modification is quite enough to succeed on. Thank you very much.

### **Chairman**

Thank you. United States please.

### **USA**

Thank you Chairman. My delegation joins others that believe that the most humane killing techniques must be used in whaling. We share the expert concerns expressed by others about the electric lance and we could support the Schedule amendment. We welcome though any new information that Japan is willing to provide us in this regard. We earlier, in the stages of our proceedings, commented that the Scientific Committee was not the appropriate body to consider such issues, we believe that the Commission has agreed with that in the past. We instead believe that the Commission should re-establish the Humane Killing Working Group whose membership would include the appropriate expertise. Thank you.

### **Chairman**

Thank you US. There is an outstanding question on the floor that has not been added to by any others from Grenada to the UK and France, I believe, about what killing methods were used for cattle and foxes. UK are you willing to make a comment to the question?

### **United Kingdom**

Yes, well I am certainly prepared to comment on the use of electricity in slaughter houses because I think it was pretty well covered in my earlier intervention. The key to the use of any electrical device is that it should achieve an immediate stun and indeed that is what you have to require for any killing device in a slaughter house. But with electricity and with wild animals it is extremely difficult to achieve an electric stun and this is why the use of electrical devices is, for example, banned under the Berne Convention so that there is already a widespread ban on the use of electrical devices for killing wild animals including whales. We are suggesting that that ban should now be taken up by the IWC. Thank you Chairman.

### **Chairman**

Thank you. Well, the view from here is somewhat misty. It is very clear that there is some support for the Schedule amendment and its equally clear that there is some opposition, and it is also clear that there are some views, that perhaps sympathy with what the Schedule amendment is proposing, that maybe there are alternative ways of handling it. I regret that I cannot see any way to proceed other than to put the Schedule amendment to the vote. I assume that New Zealand and the United Kingdom would wish me so to do. Yes I see nods. In which case I would now like to ask the Secretary to conduct the vote on the Schedule amendment which you will find in IWC/48/31. Secretary please.

### **Secretary**

Mr. Chairman the proposal is to amend the Schedule with the language shown at the bottom on the page of IWC/48/31. That is to designate the existing paragraph 6 as sub-paragraph 6(a) and to add the following sub-paragraph (b). In accordance with Article 5.1(f) of the International Convention for the Regulation of Whaling, the use of the electric lance as a method of killing whales shall be forbidden from the 1 July 1999. That is a proposed amendment to the Schedule and as such requires a three-quarters majority of those voting for or against the proposal.

The role starts at Mexico - Abstain; Monaco - Yes; Netherlands - Yes; New Zealand - Yes; Norway - No; Oman - Yes; Russian Federation - Abstain; St. Lucia - No; St. Vincent and the Grenadines - No; Solomon Islands - No; South Africa - Abstain; Spain - Yes; Sweden - Abstain; Switzerland - Yes; UK - Yes; USA - Yes; Australia - Yes; Austria - Yes; Brazil - Yes; Chile - Yes; People's Republic of China - No; Denmark - yes; Finland - Yes; France, - Yes; Germany - Yes; Grenada - No; Ireland - Abstain; Japan - No; Republic of Korea - No.

Mr. Chairman there were 16 votes in favour, 8 votes against and 5 abstentions so that has not achieved the three-quarters majority necessary to amend the Schedule.

### **Chairman**

Thank you. Before I close this item I note that the United States had made a specific statement with respect to the Humane Killing Working Group and I believe that that intervention was with respect to having that group consider some of these issues rather than the Scientific Committee, as had been suggested by some other delegations. I would suggest that perhaps an appropriate way to proceed on this issue would be for the Secretary to contact Contracting Parties with a view to discovering whether the Humane Killing Working Group should, in fact, meet and if it is desired to meet before the, in the normal way in the past, before the next meeting, to consider the results of work which we understand will be done in the intervening period. I see Switzerland is asking for the floor and I expect that's for an explanation of vote but if I may just finish with this. Is it satisfactory to the Commission that we proceed in that way with respect to the suggestion, which I think is a helpful one, from the US. The US is happy. Fine. Switzerland you are asking for the floor and then Mexico. Switzerland please.

### **Switzerland**

Thank you Mr. Chairman. It is not for an explanation of the vote. We make this statement in connection to the proposal to have again a Working Group on Humane Killing. We take up the statement that has been made by the Swedish Commissioner in the Technical Committee. He has pointed out that in other activities of whaling, there might also be some problems concerning the humane killing and we would think that this Working Group should also look at other activities of whaling and might also, there, get some information about killing methods and the issue of humane killing. Thank you Mr. Chairman.

### **Chairman**

Thank you Switzerland. Mexico you asked for the floor and then Norway please. Mexico.

### **Mexico**

Yes Chairman, thank you. It is for an explanation of vote. My delegation abstained on the proposed Schedule amendment not because we don't agree with the fundamental concept behind humane killing but because we did not feel that it was appropriate to second guess the scientific work that is being done on this issue and to take a political decision before the scientific work was concluded. Thank you .

### **Chairman**

Thank you Mexico. Norway you asked for the floor please.

### **Norway**

Thank you Mr. Chairman. Norway supports the suggested proposal by the US but we would like to add the proposal that the Humane Killing Working Group should be established with perhaps a more permanent Chairman and perhaps a Chairman who is a specialist in the field rather than a Commissioner, somewhat more similar to the Scientific Committee Chairman, so that we have some more continuity and some more technical and scientific discussions in the Humane Killing Working Group. Thank you.

**Chairman**

Thank you Norway. That's a useful and intriguing suggestion as well as suggesting a slight redundancy in Commissioners which I am not sure if we should be flattered or not but I think your point is a valid one. We do actually have a reasonable length of time between this and the next meeting and I think that these are issues that should be explored in correspondence and particularly your concept that maybe we should have a, if not permanent Chair, but a Chair with expertise in that field, I think that's a welcome and interesting suggestion.

I believe, unless anybody is now going to insist, that we could actually close agenda item 4. St. Lucia and then People's Republic of China.

**St. Lucia.**

Mr. Chairman, purely for information and clarity here. The Humane Killing Working Group - I have the greatest respect for this Group, will they be examining the scientific facets of the various bits of research and the statistical data that have been presented to us or just looking at how humane the killing is. What I am basically getting at is that we have a body of scientific data which needs to be analysed from a scientific point of view and not purely a question of how humane it is. The two are related and so I am hoping the Humane Killing Working Group will have the body of science in there to analyse the available data and advise on what more needs to be done. If you could please clarify this for me. Thank you.

**Chairman**

Well I will attempt to. I believe, particularly the last intervention by Norway was helpful in the sense that Norway is suggesting that perhaps we should try and find a Chair with expertise in this area. While I understand what you are saying about science, science is, of course, a rather broad field and I think the sort of expertise being looked for in the Humane Killing Working Group relates to rather more scientific expertise in the veterinarian field, rather than necessarily the scientific expertise, which as a whole is resident in the Scientific Committee. I hope that clarifies the position but certainly your point that there are a range of issues from technical to, perhaps, broader issues is an appropriate one, and that is why I think the Working Group was successful in the past and if we make the changes that delegations have suggested it well may be even more successful in the future.

People's Republic of China.

**People's Republic of China**

Thank you Mr. Chairman. We support such a consent of Humane Killing. Secondly, we support the formulation of a Working Group on such field and certainly we think such a Working Group should consist of independent scientists. Thank you.

**Chairman**

Thank you. Any further observations? Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. Point of clarification. We feel that there is growing support for the formation of a Working Group but we do not quite understand what kind of Working Group we are trying to create since there were mentions of necessity to include scientists in this Working Group, then the Chairman of the Scientific Committee to Chair this Working Group, then you mention something about a correspondence group. So what are we are trying to create? A point of clarification is needed for us. Thank you Chairman.

**Chairman**

Thank you Russian Federation. I think you are arguing for additional languages in the Commission especially from the Chairman. What I was trying to say was that we should proceed in a variety of ways. One, that the US had made the suggestion that the Humane Killing Working Group, a body which has existed before, should be reconstituted as it were.

The Norwegian delegation made a suggestion that, in fact, we should perhaps try and find a Chair for that Working Group that had appropriate skills in that particular field and might be a more permanent Chair than having a Commissioner Chair the Working Group as is our pattern for other Working Groups. I had suggested then, that because this is a suggestion coming rather late in our meeting, that it might be best for



the Secretary to write to Commissioners or Contracting parties to be accurate to seek their views on the re-establishment, if I put it that way, of the Working Group in a new form and perhaps seek what might be on the agenda and when there might be an expectation that it might meet.

The Secretary has already advised me of his agitation that this, in fact, is likely to pose time constraints with respect to our next Annual Meeting. I think that the issues are such, and the timing of our meeting is such, that it is not appropriate or timely to try and discuss it further now, but we do have time to have correspondence on the issue, and if there is sufficient clarity from that correspondence, we may then be able to have a meeting of that Committee prior to our next Commission. There maybe all sorts of reasons why Commissioners, in the interim, decide that that is not appropriate but what I am suggesting is that we correspondence further on the suggestion from the US with the modifications from Norway. We are making no firm decisions at this moment on the establishment or not of such a Working Group, but we need to take the suggestion from the UK, as supported in essence and amplified by Norway, forward in some way. Is that satisfactory? I apologise for prior confusion.

Right, now, I would like, if possible, to move to agenda item 6 which is still open and we have in fact a draft Resolution under Action Arising, draft Resolution of Whalewatching which you will find in document IWC/48/37. It appears to be proposed by a very large number of countries. I am wondering if it is possible to accept this draft Resolution by some sort of consensus? Can I ask if any of the extended list of co-sponsors wishes to briefly introduce this Resolution to us. Netherlands please.

6.3

#### **Netherlands**

Thank you Chairman. Together with several other parties, the Netherlands has frequently made clear our support for whalewatching as a way of allowing coastal communities to benefit from whale populations without the need to kill whales. I think it is clear from the work the IWC has done that whalewatching is an expanding industry. We believe that it is important to ensure that its growth is properly monitored and controlled. We recognise that this is primarily a matter for coastal states but we consider that the IWC also has an important role to play through the provision of scientific advice and practical guidance. As this meeting has recognised, the work already done by the Scientific Committee, will provide a solid foundation for the IWC's efforts to assist and guide coastal states in drawing up national rules for the control of whalewatching. However, the Scientific Committee's Report also makes clear that there are still a number of gaps in our understanding of the scientific aspects of whalewatching. Mr. Chairman, without infringing the rights of coastal states, this Resolution will do four things. First, it underlines the IWC's future role in monitoring and advising on whalewatching. Second, it provides a foundation for taking forward further scientific work which is needed and thus help to ensure that the IWC's wider policies and decisions affecting whalewatching are soundly based. Third, it gives coastal states up-to-date authoritative advice to assist them in developing national policies and rules. And finally, it aims to ensure that the educational, economic and social aspects of whalewatching which a number of delegations are concerned about are addressed in our future deliberations on this issue. As you have noted Mr. Chairman, the Resolution is sponsored by fifteen parties from many regions of the globe. We realise that whalewatching opportunities exist in many more countries both in other IWC countries and countries not represented in this organisation. We therefore invite all the IWC members to support this Resolution and we hope that all interested parties will work expeditiously to promote that the general principles, as outlined by the Scientific Committee, will be used world-wide as a basis for regulation of this activity by the coastal states concerned. Thank you Chairman.

#### **Chairman**

Thank you Netherlands. Are there other comments, discussion on this Resolution? If there is no comment or discussion on the Resolution, I believe I can be very brave and assume that the Commission is ..... Russian Federation?

#### **Russian Federation**

Thank you Mr. Chairman. Again we are not willing to be a obstacle on the road to consensus. However, Mr. Chairman, when reading the text of this Resolution, we feel obliged to make some comments from probably more legal than political point of view. In this Resolution, for instance, in the third paragraph of it, there is reference to the coastal states involved and its clear that development and control, its very stressed about control, whalewatching is a matter for the coastal states concerned. We don't feel its right to limit the control of such activities only to the coastal states. I would feel that its more the matter for the flag states than for the coastal states to control activities on the high seas, especially if we have in mind that these

whalewatching activities could be conducted from vessels or ships or other devices like that and it's quite clear that on the high seas it's the jurisdiction of the flag states which is the principal dealing with all matters of control. So from this point of view, for me it's not quite clear why this matter is limited, why this prerogative is limited, only to the coastal states involved.

Then, Mr. Chairman, although we know Article 6 of the Convention which allows the Commission to make any recommendations on any matters relating to whales, whaling, we don't feel that it is totally appropriate for the Commission to propose objectives for the management of whalewatching as such because we understand that whalewatching is a economic activity conducted in appropriate states in accordance with national legislation. So just simply to have the Commission to set forth this objective without any regard to the sovereignty of states and to the national legislation which may be elaborated in appropriate states. This would not be totally right in our view, so probably the most right way to proceed would be to state that the Commission can give some advice, can give some recommendations to member governments as far as the whale stock which are involved in whalewatching activities are concerned. But having said this, I would reiterate that we are not against the adoption of this Resolution provided that our views on these two issues are reflected accordingly. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. Japan please.

**Japan**

I would like to make one comment that we would like to clearly state our first position that this matter is still outside the framework of this Convention. In this draft Resolution it also depicts, and then attaches upon, the fact that the further expansion of whalewatching could bring adverse impact upon the whales. I suppose that when the whalewatchers would go into the areas of the mating grounds, the breeding grounds, of the whales where the whale families are enjoying their life, I think it may surely bring adverse impact upon them and if the authors of this Resolution have full understanding of that point I think I could fully support this idea. But what I wanted to say is that, and the issue I would like to raise here is that, the work priority of this Commission itself seems to have changed and that is a point I just wanted to raise but I still would like to support this Resolution.

**Chairman**

Thank you Japan. Well, the Report will note the comments and views of the Russian Federation and Japan and I think we can then adopt the Resolution by IWC consensus. Done. In that case I think we can also, unless somebody has some other surprise, close item 6. Yes, Netherlands. Yes we can close item 6. Excellent.

Well I think I'm watching the clock and I wonder ..... US you are asking for the floor please.

**USA**

Mr. Chairman, I would like to make a statement if I may.

**Chairman**

Yes, please.

**USA**

10.3.3 Mr. Chairman, at last year's IWC meeting the United States informed the Commission that we had received a request from the Makah Indian Tribe which we anticipated bringing to this year's meeting. Several months ago we distributed to all Commissioners the Tribe's statement of needs documenting the request.

Beginning at the Aboriginal Subsistence Sub-committee meeting last Saturday and continuing in the Plenary session, we have presented a powerful case for the request of the Makah Indian Tribe to take 5 gray whales for cultural and subsistence purposes. We have endeavoured to answer the questions that other delegations have asked about the request with additional documents and thorough discussions outside of Plenary. We remain convinced that the Makah's demonstrated need for this quota fits within the IWC definition of Aboriginal Subsistence Whaling. We appreciate the statements of sympathy and strong support that we have heard from many delegations. A few Commissioners have, however, expressed reservations about the request.

I have had a number of consultations with Makah representatives over the last few days and we have jointly reached the conclusion that we should ask the Commission to defer consideration of our proposal for a Schedule amendment until the next Annual Meeting. The current Aboriginal Subsistence quota for gray whales expires in 1997 so the Commission will have an opportunity, in Monaco, to determine how the needs of the Chukchi People and the Makah Tribe can be met. The United States and the Makah will work together in the interval to perfect our request which we fully expect will be accepted by the Commission next year. I want to thank the representatives of the Makah Tribe who have come to Aberdeen and told us so movingly of their desire to continue their 1,500 year old whaling tradition. I must also thank the delegates and observers who have been willing to listen with open hearts and minds to the Tribe's request for recognition of that tradition.

Mr. Chairman, we will withdraw the proposal for a Schedule amendment. We believe that this issue can be resolved next year in Monaco in a way that allows the Commission to continue to function effectively in conserving and managing whale stocks. Thank you.

**Chairman**

Thank you United States. France is asking for the floor and then Mexico. France please.

**France**

Thank you Mr. Chairman. The French delegation want to thank the US delegation for its wise decision because we consider that the debate of the past days on this Makah request was important and that it's a wise decision the US delegation has taken.

We restate that the French delegation appreciated how documented the request submitted by the US Government was. We think that it sets a new standard for future aboriginal subsistence whaling requests. We think that it is particularly timely that the request will be re-examined next year as, as our Commission knows, it is the whole eastern stock in the North Pacific quota which will be discussed then and at that time, that is to say next year, during our 49<sup>th</sup> session, we will have then a clear view of all the aboriginal needs in this region of the world as far as gray whales are concerned. Thank you,

**Chairman**

Thank you France. Mexico and then I intend to adjourn the session. Mexico please.

**Mexico**

Thank you Mr. Chairman. Mr. Chairman I want first of all to, as one of the delegations that had difficulties with the request and the proposed Schedule amendment presented by the United States, to begin these remarks by saying that I very much appreciate the decision taken by the US delegation, the US Commissioner and the Makah representatives who have come here to defer what obviously was a proposal that caused some difficulty to a fair number of delegations including my own.

I have asked for the floor in effect Mr. Chairman to exercise a right of reply. Something I have not done in 23 years of association with the International Whaling Commission to a statement made on Tuesday by the US Commissioner and with your leave I would make that statement at this moment.

When we last considered item 10 and the US Commissioner made his intervention, which I consider to be quite offensive to my country and to my government, I would have liked to had made the right of reply at that moment but unfortunately I had to go to London for the day and only came back last night. In my intervention last Tuesday morning, I set out a list of reasons why my delegation was unable to support the US request for an aboriginal gray whale quota for the Makah tribe. The main thrust of my remarks then was that the request did not meet, in our opinion, all the criteria of subsistence needs set out by the Commission. I mentioned then, as an additional element, that my delegation takes into account in determining its position on this issue, that there was no clear indication to us that the Makah Tribe felt very strongly as a whole about this request since a small number has actually participated in the consultation. I made absolutely no reference to what we thought about the decision-making process within the tribe and I certainly made no judgement on whether the course of democracy was or was not advanced. I felt on Tuesday, and I feel today, that the US Commissioner's comments about Mexico were unwarranted. It is perfectly legitimate for any delegation, when considering an issue before the Commission, to address the concerns it may have and

this is all the more valid when discussing the social cultural issues related to aboriginal whaling activities when it is evidently pertinent to discuss the details of the aboriginal group's request, its motives for making it , the likely uses to be made of the animals caught and so on. I don't see very well how the US Commissioner expects us not to take into account the differences of opinion not only within the tribe but within the US Government itself when we are presented here, in Aberdeen, with abundant conflicting groups of papers and positions, literature, congressional resolutions, videos and so on, since the meeting of the Subcommittee concerned began consideration of this issue until today, and thus converting this agenda item into what was, until just a few moments ago, this Annual Meeting's principal theme. Thank you very much.

**Chairman**

Thank you Mexico. I hear from the US that they intend essentially to defer, that is my understanding, would be to keep what is 10.3.3 on the agenda for consideration next year. 10.3.4 Action Arising is still open because we have yet to finalise our discussion on 10.3.2 which we will do tomorrow. Meanwhile I adjourn the session for today and we will start very promptly at 9.00. Japan do you insist. Yes.

**Japan**

I would like to express this message to the people of Makah that I would like to encourage them to continue to bring this proposal up next year for the Commission.

**Chairman**

Thank you Japan. I would now like to, France now I would like to adjourn the session for the afternoon please and we will resume at 9.00 tomorrow morning. France do you insist.

**France**

Yes, Mr. Chairman. Isn't it possible to deal with another topic for the hour we have in front of us? This other topic being, for instance, preparation of the 50<sup>th</sup> Meeting and the question of the revision, if any, of our Convention.

**Chairman**

France, I suggest you have a timing problem. I'm adjourning the session until 9.00a.m. tomorrow morning.

**END OF FOURTH PLENARY SESSION**

## FIFTH PLENARY SESSION

Friday 28 June 1996

### Chairman

Delegates I would like to begin. We are a little late this morning, I hope this is not an omen. As I have, I think, on several occasions advised, this meeting will close no later than 17.00 this evening. There are many who I think would prefer it to close earlier and, of course, it is entirely in all of your own hands. We have, essentially, today to complete Action Arising on a number of items. I intend, more or less, to proceed in numerical order through the Agenda in order to make it as efficient and easy for people to understand where we are. The, or less, really refers to agenda item 29 which is the date and place of our next meeting which I want, for obvious reasons, to actually reserve as the very last item.

That said I would like to start this morning with agenda item 5 where, as you may recall, from yesterday the Japanese delegation requested we keep the item open. You will have seen that there is a new paper, IWC/48/46 which addresses this particular item. It is a Resolution to resolve the distress of Japanese small-type coastal whaling as community-based whaling proposed by Japan with a number of other countries. I would now like to ask Japan if they would like to introduce this Resolution. Japan please.

5.3

### Japan

Thank you very much Mr. Chairman. As we asked this agenda be open and by indulgence and consideration through you by the floor we are now able to present this case of this Resolution to resolve the distress of the Japanese small-type coastal whaling as community based whaling.

As we carefully listen to the debate and suggestions which are put forward to us both at the Technical Committee, as well as the Plenary session, we understand that the outstanding issue among some minor issues is the commercial aspect. We heard that Japanese commercial whaling carries some commercial element. However, we think that, as we stressed quite frequently, that we tried to eliminate by cutting any opportunity to make profit and we think that sort of definition by our terms, which is described in IWC/47/46, was sufficient enough. However, such explanation was not satisfactory. We would, through this Resolution, like to propose the following which is seen in the operative paragraph of this Resolution.

Firstly, we would like to address outstanding issue of the commercial aspect found in the community-based whaling as described in IWC/47/46, that is the Action Plan which last year approved as an important constructive element for managing. And secondly, we would like to convene a Workshop consisting of experts such as anthropologists and socio-economists on the community based whaling in four small coastal communities in Japan to review and identify commercial aspects, socio-economic and cultural needs and the result and recommendation of the Workshop be reported to an intersessional Working Group to be held prior to the 49th Annual Meeting. And thirdly, having those inputs and outputs from those two meetings, the Commission decide that the Commission shall seek to make a decision on the interim relief allocation for community-based whaling as requested by the Government of Japan at the next Annual Meeting. That is what I would like to say at this point. Thank you Mr. Chairman.

### Chairman

Thank you Japan. I should have mentioned at the start but I think a few more delegates have now arrived that I would prefer with the number of Resolutions that we have to go through to limit the debate to a couple of speakers for and a couple of speakers against unless there are many members that have particularly important and new things to say. So having said that, is there any delegation who wishes to oppose this Resolution or make comments which perhaps might not be of a positive nature that way. Russian Federation please.

### Russian Federation

Thank you Mr. Chairman. Mr. Chairman the matter which is of important nature for us is the matter of financial implications which can be foreseen as a result of the adoption of this Resolution. We see here references to two bodies, a Workshop and intersessional Working Group. It is not quite clear for us what kind of financial burden would be created for the Contracting Governments as a result of the adoption of this Resolution. Generally, we do not oppose the provisions of this Resolution and the goals set forth in it but

the question of financial implications seems to be not so clear for us so before it comes clear we would be reluctant to allow for this Workshop and intersessional Working Group. Thank you Mr. Chairman.

**Chairman**

Thank you. Are there any other comments? Australia.

**Australia**

Thank you Mr. Chairman. We share the Russian delegation's concern about the financial implications but I think our concerns go further than that. There have been a number of comments during the course of this meeting about negotiating in good faith. I think it important that Australia indicates that its the policy of the Australian Government to seek an end to all whaling and to look to secure the conservation of all cetaceans world-wide. We have expressed in debate on the Japanese proposal, our concerns that this would, in fact, be establishing a new category of whaling. Currently there is a moratorium on all forms of whaling other than aboriginal subsistence whaling. It could be taken from this Resolution to imply that there is some commitment on behalf of the Commission to consider establishing a new form of whaling, community-based whaling. It's our view that certainly the Australian Government would not be supporting such a proposal and I think it important to point that out now. Also, Mr. Chairman, we point out that the Commission has made decisions on the interim relief allocation this year and in previous years and that item 3 in the action section of the Resolution that the Commission decides to take a decision at its next meeting is really redundant. The Commission takes decisions on proposals and Resolutions that are put to it. If the Government of Japan wishes to put a proposition to IWC/49 it's quite within its powers to do so. I don't know that the Commission wants to, at this stage, make a decision next year. Thank you Mr. Chairman.

**Chairman**

Thank you Australia. St. Lucia and then the US.

**St. Lucia**

Mr. Chairman did I correct that the last speaker mentioned the concept to an end to all whaling. Mr. Chairman, we are working according to a Convention and that Convention talks about management whaling so any country that wishes to move towards an end to all whaling is not acting in good faith or according to the Convention. So, I hope I didn't hear correct on this issue, point number one. Point number two, our Resolution in 1995 states "now therefore recognises the revised action plan as constructive management elements in accordance with IWC regulations". So what Japan is seeking to do is to move this one step forward in accordance with IWC regulation, in accordance with the Convention which must govern our actions here and this is why St. Lucia is proposing, together with any countries, that we support this Resolution, in keeping with our Convention, and in keeping with Resolutions that we have passed before. Thank you.

**Chairman**

Thank you St. Lucia. United States please.

**USA**

Thank you Chairman. The United States shares some of the concerns expressed previously. In our review of this proposal we feel that the terms of reference are too narrow. Certainly commerciality is one of our concerns but there are others. We earlier mentioned that the problems regarding how illegally taken whale meat might be handled, the problem that these operations take other species of whales besides minkes and there is also the issue of how incidental catches of minkes from coastal fisheries would be handled. So these would also have to be elements discussed, not just commerciality. Thank you.

**Chairman**

Thank you US. It seems to me that there are pros and cons for this and I am not sure that I detect that the Commission would agree to adopt this Resolution simply by consensus. I note the comments about the third part of the Resolution which may well be redundant but I don't think that it should necessarily invalidate the Resolution. I think there are more serious issues that have been raised in objection to the Resolution such that I feel its not possible for me to assume that there would be consensus on this. The Russian Federation asked a specific question, however, about the financial implications and I'm not sure whether Japan or the Secretary could make a comment. I will ask the Secretary first and then I will offer the floor again to Japan

and then I think unless there is a view that we might be able to move to consensus I think we should actually vote on this fairly quickly. Secretary.

**Secretary**

Mr. Chairman. On the financial aspects, there is within the budget which this Commission has adopted, document IWC/48/49 Appendix 7 on page 15, an item of expenditure described as unallocated and this is of £10,724 so there is that amount of money which could be used for any purpose intersessionally without causing any addition to the financial commitments which the Commission has so far agreed.

**Chairman**

Thank you Secretary. Sorry, outside my peripheral vision was Antigua and Barbuda. You were asking for the floor I believe. Would you wish to make a comment at this stage. Antigua please.

**Antigua and Barbuda**

Thank you Mr. Chairman. Mr. Chairman for the week of deliberation here I have sat and listened to a lot of debate concerning the exploitation of whales, the management of whales and the conservation of whales. Mr. Chairman I come to this meeting from fifteen years experience from managing marine resources and I would like to share some advice to this body. Any management or conservation plan is as effective as the willingness of the users of that resource to adhere to that plan. No matter what we do in this Commission, if we don't act in the spirit of compromise and understanding we will fail.

I know that there are Commissioners here who are determined to see the total ban on the harvesting of whales, there are also some that desire to see their people in their country participate in their traditional exploitation and utilisation of the resource - I think as a responsible body our mission should be to develop actions in the spirit of compromise or else our deliberations and our future work will be very expensive because of policing implications of their and the environment in which the activities are taking place.

The Government of Japan through its Commissioner yesterday put forward a Resolution asking for an additional fifty minke whales, that was voted on by the Commission and, in the spirit of compromise, I think that it is very important for us to consider this next step which will give us an opportunity to revisit the problem and see what way we can reach compromise on the issue. No work of any international organisation can be effective at the national level unless there is consensus and we must work towards the spirit of consensus.

The Commissioner from the United States mentioned the situation with regards to the unclear terms of reference. Perhaps we could look at that a little more and see how we can get clearer terms of reference. Let us not put this Resolution out of place without looking at the conditions, the consequences, of what will happen if we do nothing or if we turn it down. And I would just like to give that advice, no matter how much we sit here Mr. Chairman and make decisions unless we cannot satisfy the expectations of the users of the resources we will fail because enforcement is a very very expensive commodity in management of marine resources because of the vastness of our (.....?) so I think work of this Commission should always look towards a compromise. We will protect the whales but yet we must consider the other side of the story Mr. Chairman and that's all I have to say.

**Chairman**

Thank you Antigua and Barbuda. Well I really seek guidance I guess. I see some other Commissioners waving their cards but I'm not convinced that we will hear a great deal. I will try however. Ireland and then the United Kingdom.

**Ireland**

Thank you Chairman. Chairman my main concern with this Resolution is operative paragraph three. I would be concerned that it would create false hopes. If there is a clear understanding that this does not commit anybody or suggest that there will be a favourable decision I would be happy to support the Resolution in the interests of further information and creating consensus. Thank you Chairman.

**Chairman**

Thank you Ireland for being exceedingly helpful. United Kingdom are you going to follow suit.

**United Kingdom**

No Chairman. I'm afraid I am going to have to disagree with the Commissioner for Ireland. I think that it was put very well last year by the Commissioner from New Zealand who said that in the past this Commission may inadvertently have created an unfair expectation that this proposal, i.e. the proposal for an interim relief quota, might be more favourably considered if certain issues such as controls on commercial aspects of the distribution of whale meat were addressed satisfactorily. But he went on to make the point, which I later echoed, that for our delegation this is a matter of principle. We are, while the moratorium remains in force, we are opposed to any thing which weakens the moratorium or any allocation of quota outside the moratorium and that cannot be addressed by tinkering with the commercial aspects of schemes. I think that the more we look at details such as this the more we do create an unfair expectation and the more we do move down a road which does not have a clear exit and I think this is a dangerous process. I am all in favour of consensus but I think a consensus on the detail, and we all know there is deep opposition on the principle, is misleading. It is better to be realistic and to accept that there is a clear issue of principle here but until we can resolve the issue of principle, and I'm not optimistic, we should not spend too much time on the detail. Thank you Chairman.

**Chairman**

Thank you United Kingdom. Switzerland and then I really intend to draw the line. Switzerland please.

**Switzerland**

Thank you Mr. Chairman. We would like to join our views with the views expressed by Ireland. We have this problem with the third operative paragraph too. But we think, quite aside from this, as has been pointed out by the distinguished delegate from the Netherlands, I think it was yesterday, that the problem of commerciality in whaling activities going on at the moment is a problem that should be attacked sooner or later and we might think that this might be a first step to attack this problem of commerciality inherent in some of these whaling activities. Thank you Mr. Chairman.

**Chairman**

Thank you. Well I now ..... Netherlands.

**Netherlands**

I am sorry Mr. Chairman but I will keep it very brief. Just in case any misunderstanding would arise. I fully subscribe to the views expressed by the Commissioner for the United Kingdom. Thank you.

**Chairman**

Thank you. Well I feel that we actually have a not particularly clear situation here. I'm clear that we don't have consensus. It's clear that at least some delegations would be opposed to this Resolution on the basis of other issues. It is also clear that some delegations feel that the activities proposed might well be helpful in further for informing their views and indeed, therefore, the views of the Commission as a whole, on the issue of commerciality.

It is clear that many people are uneasy about paragraph three which in one sense is redundant and I was wondering if, as I believe we will have to vote on it, because I cannot see that we will actually get consensus in view of the expressions certainly from the United Kingdom and Australia but maybe with some others. What I would to do is to ask Japan to return to this issue and ask them if they could live with the removal of paragraph three for the voting purposes because I think this maybe a more helpful way forward. Japan please.

**Japan**

Thank you Mr. Chairman. Yes our understanding of operative paragraph three is that to seek a decision after having the Workshop and following the Working Group itself so that a matter of the procedure that we don't put pressure anything different from those that have been taken in the previous years by saying seek to take decision. However, if this creates some uncomfortableness to many of the delegations, Japan is pleased to delete operating paragraph three and end itself in the operative paragraph two and semi colon should be period.

I hope that that would lead to a consensus without necessarily having a vote.



**Chairman**

Thank you Japan. May I now tell you what I think that looks like. It says "now therefore be it resolved to: (1) address outstanding issue of commercial aspects found in the community-based whaling as described in IWC/47/46; (2) convene a Workshop on the community-based whaling in the four small coastal communities in Japan to review and identify commercial aspects and socio-economic and cultural needs."

Those delegations that have expressed previous opposition to the full Resolution, would you ..... Japan please.

**Japan**

Yes, thank you Mr. Chairman. What I said is that the deletion of operating paragraph three and because of that for the sake of just cleaning business, the last word of and is not necessary. That is what I said.

**Chairman**

OK sorry I thought that I was perhaps hallucinating. So in fact what we have basically is operative paragraph one and two intact with the deletion of the last word and as it currently exists in paragraph two. May I ask if those delegations who were expressing some opposition to the previous full Resolution would now be more comfortable with it? Mexico please.

**Mexico**

Thank you Mr. Chairman. Can I ask through you to the Secretary about the financial implications. We heard that there are some £10,000 for additional work within the budget of the Commission for the coming year but there are still some issues outstanding to be reviewed within the day and how this Resolution could affect other considerations or decisions that are to be taken in the course of the day, for example, the intersessional meeting for Commissioners in Spring 1997. Thank you Mr. Chairman.

**Secretary**

Mr. Chairman in response to that I'm not aware of any other proposal for an intersessional meeting of this Commission in the documentation that remains before us. You have mentioned a meeting which Commissioners are discussing but which is not common knowledge to the Commission and there is a separate budget available for that meeting so the £10,000+ is for a Commission activity which is the only one I am aware of at this stage. Thank you.

**Chairman**

Thank you . UK please.

**United Kingdom**

Thank you Chairman. Just to remind the Secretary that on an earlier item I did propose that the Standing Working Group which the Scientific Committee has established on environmental change should meet intersessionally - this is covered in a later Resolution in rather more moderate terms I think because it is rather left to the Chairman to decide whether it would be useful, the Chairman of that Committee decide whether that it would be useful, but I just wanted to say that proposal was made by the United Kingdom and that is still on the table.

**Chairman**

Thank you UK. I had actually hoped that you would clarify whether in view of the changes that had been made you would be prepared to join our consensus approach with this Resolution or whether you would prefer it to be voted on?

**United Kingdom**

Prefer a vote Chairman.

**Chairman**

Well in that case I regret that we have to have a vote. United States please.

**USA**

Yes Chairman, just to agree with you. We note the changes that have been proposed but there still have been no, and not addressed our concerns, the other practical issues that also need to be discussed in our

view. I can think of some other concerns such as how do we handle NGOs in attending such a Workshop. It seems to me that if such a thing were done that much broader consultations would have to be held and I don't think that you or we have the time to completely iron out all of these things. I think we should just move to a vote on the proposal as amended.

**Chairman**

Thank you. In that case I think we should in fact do that. To remind you that the Resolution is IWC/48/46, it has been amended by the deletion of the last word in paragraph two, that is the word "and" and the deletion of the whole of paragraph three. I would now like to ask the Secretary to conduct the vote on this Resolution please. Secretary.

**Secretary**

Mr. Chairman the proposal before this Plenary session is the Resolution IWC/48/46 as amended and described by the Chairman. A simple majority of those voting will determine the result. IWC/48/46 as amended and the role starts at Monaco - Abstain; Netherlands - No; New Zealand - No; Norway - Yes; Oman - Abstain; Russian Federation - Yes; St. Lucia - Yes; St. Vincent and the Grenadines - Yes; Solomon Islands - Yes; South Africa - No; Spain - Abstain; Sweden - Abstain; Switzerland - Yes; UK - No; USA - No; Australia - No; Austria - No; Brazil - No; Chile - Abstain; People's Republic of China - Yes; Denmark - Yes; Finland - No; France - No; Germany - No; Grenada - Yes; Ireland - Yes; Japan - Yes; Republic of Korea - Yes; Mexico - Abstain.

Mr. Chairman there were twelve votes cast in favour, eleven votes against with six abstentions, therefore there is a simple majority in favour.

**Chairman**

Thank you. I think with the passage of that Resolution we can now close item 5 for this meeting. Seems so. Thank you.

8.2

In numerical order the next item we have to deal with is agenda item 8. Under agenda item 8.2, a Resolution contained in paper IWC/48/48 which is a Resolution on Improving Mechanisms to Restrict Trade and Prevent Illegal Trade in Whale Meat has been introduced as sponsored by Brazil, New Zealand and the United States of America. Could I ask if one of those countries wishes to introduce this Resolution at this stage? Japan.

**Japan**

Thank you. I think that this Resolution was circulated, looking at the bottom, at 4.15 p.m. last night so as a matter of the procedure I don't think that this constitutes a valid proposal to be voted for so I, through you, ask this be rejected for further consideration. Thank you.

**Chairman**

Thank you Japan. I'm not sure I actually mean that. I note that there are in fact two Resolutions that would appear to have been time stamped beyond 4.00 p.m. We had agreed that 4.00 p.m. was the time. I had assumed that there might be some degree of laxity in this if there was some consultation occurring on Resolutions and while I noted, while going through my papers this morning, the two Resolutions were beyond the time of 4.00 p.m. they were only just so. No it is entirely up to you. I can make a ruling. If I make a ruling I suspect that it will be challenged. I have no problem with that but I just don't want to waste time going round procedural games so what I would prefer to do is to say that, in the view of the Chairman, who had fore knowledge that these two Resolutions were slightly after the agreed time, but knowing that the agreed time was brought forward than the time in the Rules of Procedure for a variety of reasons, I was prepared to not make an issue of this at this stage. A Government has raised this as an issue and I would ask that Government perhaps to reconsider that and ask if there is, whilst they are perhaps thinking about it, any other delegation that is concerned that these two Resolutions which are IWC/48/48 and the other one is 48/47, if those two Resolutions should simply be ruled invalid because they were slightly late? Japan can I ask if you will bear with the Chair's indulgence that we should take these? Japan please.

**Japan**

Thank you Mr. Chairman. I bear with, I will be always with you.

**Chairman**

Komatsu-san I'm not sure whether that is good news or bad news but thank you and I think you have made the point. We now deal with IWC/48/48 which deals with agenda item 8.2. Again which of the three co-sponsors? US please.

**USA**

Yes, thank you Mr. Chairman. Before I introduce this Resolution I would like to ask you how we should proceed on a point. We have, in the third paragraph, after some consultations late yesterday and this morning with a number of European countries, we found that we need to make a factual correction and so I would like to amend it on the floor here.

**Chairman**

Yes please. We don't want anything factually incorrect in our records I am sure.

**USA**

Thank you. It's the third paragraph starting with "Acknowledging". The new wording would be "Acknowledging the current listing of great whale species in Appendix 1 of the CITES Convention", then it would continue the same "pursuant to and in recognition of the" and then strike "moratorium on" and replace it with "establishment of zero quotas for" and then it continues the same "commercial whaling agreed by the Contracting Parties of the IWC," and then it continues the same as its on 48/48. Did you get that or do you want me to repeat it?

**Chairman**

I think you might repeat it at the end but perhaps you'd like to talk to the substance of the Resolution and then come back to give us those emendations again. So if you would now actually like to introduce the Resolution.

**USA**

Yes, OK. This Resolution is put forward by the United States and the other listed co-sponsors as well as Austria. This Resolution we believed was necessary because of various issues that we have discussed over the past few years and continues to be a problem faced by the Commission and discussions at each meeting and this follows on our previous Resolutions from 1994 and 1995. We believe to be able to obtain and collect information on problems related to illegal trade that the best thing to do is call on member countries and other entities to report to the 49th Meeting of the IWC and Annual Meetings thereafter the status of our stockpiles of whale meat, domestic laws governing the sale and possession of whale meat and all domestic enforcement actions taken with respect to illegal trade obtained or sold. It also calls for all governments to support IWC recommendations and CITES obligations through increased control to prevent any further illegal trade and meat activities and to take appropriate actions against any such offenders. It also asks the Secretariat to put forward to the CITES Secretariat this Resolution and to report information from our Infractions Sub-Committee within the IWC and any related documents which would have a bearing on, or of interest to, CITES. That's the brief introduction of our Resolution.

**Chairman**

Thank you US. I think it would be helpful, meaning that I didn't get it all, if you could actually, at dictation speed, read the changes again to the third paragraph beginning "Acknowledging".

**USA**

Yes, OK thank you. "Acknowledging the current listing of great whale species in Appendix 1 of the CITES Convention, and then the next few words are the same, "pursuant to and in recognition of the" and then strike "moratorium on" and replace those two words with "establishment of zero quotas for" and then its the same up to the next IWC and then there is a comma and the rest of it is the same. Then there is one word change if you have that in the next to the last paragraph where it says "urging all governments to continue to support" and then add the word "recommendations" after IWC so it would be "support IWC recommendations and CITES obligations".

**Chairman**

Thank you. Is there a Government or delegation that wishes to speak against this. I see Japan and Norway and in between Japan and Norway I will take somebody else perhaps talking for. Japan please.

**Japan**

Thank you Mr. Chairman. Japan is a nation which makes a full effort for the enforcement action against illegal trade as we demonstrated at the previous session of this meeting. But we oppose this Resolution simply because as a matter of principle. Any market control is outside of the competence of the Convention and in this sense this Resolution could challenge the right and duty of sovereign states and also we are not in the position to acknowledge the listing status of the large whales at the CITES Appendices. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. Austria had asked for the floor. Austria do you wish the floor?

**Austria**

Thank you Mr. Chairman. Austria co-sponsored this resolution because it introduces a rigorous information exchange between CITES and IWC. Austria is an active members of CITES and believes that close cooperation is necessary to control infractions of the Conventions provision. Thank you.

**Chairman**

Thank you. Norway you asked for the floor please.

**Norway**

Thank you Mr. Chairman. This Resolution is unacceptable to Norway for the same reason as those stated by Japan. Thank you.

**Chairman**

Thank you. I think we had a clear cut view from up here. Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman we are not against the general trend of this Resolution but we feel that it is necessary to just state our position since this hasn't been reflected in the Commission's documents so far although we stated it in the Infractions Sub-Committee. So it is merely to state that the Russian Federation has assumed obligations under the CITES Convention and is determined to fulfil this obligation as appropriate. That is why, Mr. Chairman, at the operative paragraph which starts at "urges all governments to continue to support CITES obligations", the Russian Federation doesn't feel that this provision is the best formulation possible since, in the view of the Russian Federation, the obligations assumed under international treaty should be fulfilled and this reference to some kind of support to the obligations assumed is not clear for us. With this statement Mr. Chairman we would not oppose the adoption of this Resolution. Thank you.

**Chairman**

Thank you. I think, however, there are clear and strong negatives. I don't believe that I could claim that this is going to be adopted by consensus and so I would like, I think, to vote on this Resolution. The Resolution, as amended, it's IWC/48/48, there are changes in the third paragraph so that it now reads "acknowledging the current listing of great whale species in Appendix 1 of the CITES Convention pursuant to and in recognition of the establishment of zero quotas for commercial, whaling" etc. and the last but one operative paragraph "urges all governments to continue to support IWC recommendations" and etc. So, as amended, this Resolution is now presented to the Commission for voting and I ask the Secretary to conduct the vote please.

**Secretary**

Mr. Chairman this is a vote of the Plenary session on IWC/48/48, as amended, a simple majority of those voting will determine the outcome. IWC/48/48, as amended, the role starts at Netherlands - Yes; New Zealand - Yes; Norway - No; Oman - Yes; Russian Federation - Abstain; St. Lucia - No; St. Vincent and the Grenadines - No; Solomon Islands - No; South Africa - Yes; Spain - Yes; Sweden - Yes; Switzerland - Abstain; UK - Yes; USA - Yes; Australia - Yes; Austria - Yes; Brazil - Yes; Chile - Yes; People's Republic of China - Yes; Denmark - No; Finland - Yes; France - Yes; Germany - Yes; Grenada - No; Ireland - Yes; Japan - No; Republic of Korea - Yes; Mexico - Yes; Monaco - Yes.

Mr. Chairman there were twenty votes cast in favour, seven against with two abstentions so that Resolution is adopted.

**Chairman**

Thank you. Denmark please.

**Denmark**

Mr. Chairman, Denmark voted no to this Resolution. Denmark certainly supports the general intention of this Resolution but it's Denmark's opinion that this matter lies with CITES and not with IWC. Also it is the view of Denmark that this matter does not touch upon the matters of the aboriginal subsistence whaling because aboriginal subsistence whaling has nothing to do with international trade and those are the reasons why Denmark voted no. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark, Switzerland please.

**Switzerland**

Thank you Mr. Chairman. Just quickly to explain our vote. We would have hoped that this Resolution could pass in consensus but since it came to a vote we have to explain why we did vote like we did. We are absolutely in favour that the IWC in close relation with CITES is trying to resolve the problems in international trade of whale meat. We think that CITES is the competent body to attack this problem. On the other hand we have some problems with the operative paragraph where one is dealing with a domestic market of whale products and we are also of the opinion that this is a field out of the scope of this Convention. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. I make the observation that there is already on our books, from last year, a Resolution which deals in some way with this. The Resolution has in effect added to some of the efforts in that Resolution that asked our Secretary to do something which means he will undertake certain actions. I note also that between this meeting and our next meeting, CITES itself will have its Conference of Parties meeting and I would suggest that we might consider, when coming to our next meeting, to have perhaps a more considered debate on these particular issues because it seems to the Chair that on nearly every meeting the issue is wanted to be discussed by a range of countries and yet it is often left until very late in our proceedings for us to consider these things. So the Chair hopes that we can, at our next meeting, given the length of time between, actually having a more focused discussion where clearly there is a lot of common concern but also some principled concerns as well. I am assuming that this Resolution, in fact, compliments the Resolution from last year which is on page 52 of the Annual Report, Appendix 7, and that it is the wish of the Commission, these two Resolutions in total should be followed by the Secretary in seeking the information which it requests him to seek and in undertaking the actions it requests him to undertake. Thank you. With that, I think, we can now close agenda item 8.

We now move to agenda item 9 which is still open dealing with Mechanisms to Address Small Cetaceans. There is a Resolution here under agenda item 9.3. This is IWC/48/43 which recalls a library of our previous Resolutions, has been proposed by a large range of countries. Can I ask which one of those sponsors? United Kingdom.

9.3

**United Kingdom**

Thank you Chairman. Well the purpose of this Resolution is three-fold. First to remind Governments of previous Resolutions on small cetaceans and of various requests for information and invitations to take appropriate action. Second, to congratulate two countries, Mexico and China, on the action that they are taking to protect two of the world's most endangered cetaceans, the vaquita and the Baiji, and third to commend the Scientific Committee, and in particular the Small Cetaceans Sub-Committee, for the valuable work that it does and to encourage it to continue its efforts. As the Resolution refers principally to existing Resolutions, I hope that it will not be controversial. I am aware that there exists differences in view between member states on the regulatory competence or indeed in the competence at all of the IWC with regard to small cetaceans and a number of the Resolutions referred to refer specifically to this and also to the fact that they do not in any way seek to prejudice different members positions. But the common theme running through all these Resolutions is the need for cooperation to conserve and restore depleted stocks and I very

much hope that we can continue to operate in this way and continue to provide all relevant information to the Scientific Committee.

Chairman, can I make on comment on the text of the Resolution because it has been pointed out to us that if you look at the previous Resolution 46/63 on the vaquita and the text of the fourth operative paragraph "congratulates the Government of the People's Republic of China" we are perhaps being unfair on China in that we do not invite member nations to offer the Chinese Government financial assistance as well as technical and scientific assistance. Since this would in no way commit member governments, and it's simply an invitation to them, I hope that we can all agree to insert "technical, scientific and financial assistance to the People's Republic of China" in the forth operative paragraph. Thank you Chairman.

**Chairman**

Thank you UK. Mexico please.

**Mexico**

Thank you Chairman. Being one of the delegations that the UK just referred to as having differences of opinion regarding competence of the Commission on small cetaceans, I just wanted to say that we would be very willing and pleased to accompany a consensus on this Resolution if we could do so and just remark for the record that we do have the well-known position regarding the competence of the IWC on cetaceans and also to thank whoever drafted this for their congratulations that they extend to the Mexican Government in the Resolution. Thank you.

**Chairman**

Thank you Mexico. Japan please.

**Japan**

Thank you Mr. Chairman. Our delegation has some concern with this Resolution. Specifically, the third paragraph in preambular parts, the second section, they are all past Resolutions but we strongly objected to it related to, in our view, management of our Dall's porpoise fishery as well as striped dolphin fishery. So, in theory we could not commend those words which appear in the first paragraph in the operating paragraph. Therefore, while we do not have intention to block the consensus, but if the vote takes place we will vote in accordance with that concern. Thank you.

**Chairman**

Thank you Japan for that guidance for the Chair. PRC please.

**People's Republic of China**

Thank you very much Mr. Chairman. First, on behalf of the Chinese Government, we sincerely liberally, thank all other states, in particular, the members of the IWC that take concern over the situation of the Baiji. In particular, some scientists in this room made a very important contribution to the conservation of the Baiji. We thank them to give a concern and contribution to assist the Chinese Government and Chinese people to protect the first endangered species in the world, I think so. According to the assessment of the area this year, the Baiji number is about 100-150 animals so it's more endangered than the Panda. So Chinese people think that the Baiji is the Panda in the water. So according to the 1988 China Wild Animal Protection Law, the Baiji was listed in the first Appendix to the Act. From the early 1980s, the Chinese Government have paid 100 Reminbi, it means more than 10 million US dollars, for protection of these more than 100 Baiji. It means 1 million, one Baiji. We established three protection zoos or parks. We also established a specific institute to take research and monitor of the Baiji, but unfortunately we cannot reach the goal that we want, what we wish, just like we had done for the Panda, you know the number of Panda has increased, but the Baiji, it go down. The Baiji don't regard our efforts for them so this is a very very unfortunate matter for the Chinese Government and the Chinese people and I think also for all the world. Of course, the Chinese Government will take more and more effort on this animal.

With regard to this Resolution, for the content we have not any objection, not any reservation about it but we did not get any instruction from the Government at this meeting to discuss this question and when we report the situation and this Resolution to the Government and we think the dolphin, Baiji is one dolphin, in the freshwater, in the legal rule it's out of the competence of the IWC. So we hope Doctor Gambell can record it, what our statement, our last words it means, may I repeat it. It means the Chinese delegation stated it did

not get any instruction from the Government to discuss the Baiji in this meeting. The delegation will report such a Resolution to the Government and suggest the Government circulate or submit relevant information to the next Annual Meeting of the IWC in an appropriate manner and the said Baiji is a freshwater dolphin, generate, it's out of the competence of the IWC and also we have no objection in the Resolution, to this Resolution. Thank you very much Sir.

**Chairman**

Thank you. St. Vincent and the Grenadines and then Sweden.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. Our position on the competence question is well known so we would have to record our reservation on this or any other similar resolution. Thank you.

**Chairman**

Thank you. Sweden to be followed by Denmark.

**Sweden**

Thank you Mr. Chairman. We welcome this Resolution and want to take this opportunity to inform that within the (.....?) Convention, Sweden has taken on a special responsibility for the harbour porpoise in the Baltic Sea where we have an endangered population of this species. Thank you Mr. Chairman.

**Chairman**

Thank you Sweden. Denmark followed by the Russian Federation. Denmark please.

**Denmark**

Thank you Mr. Chairman. It is the well known position of Denmark that we cannot accept management advice on small cetaceans. However, the countries in question have no difficulties with this matter themselves, therefore Denmark will in no way be in the way of a consensus on this matter. Thank you Mr. Chairman.

**Chairman**

Thank you. Russian Federation please.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, we would like simply to refer to our statement made two days ago when we were discussing agenda item 15.3. The Russian Federation will consider the recommendations of this Resolution in the light of this statement. Thank you Mr. Chairman.

**Chairman**

Thank you. Well a number of delegations have expressed reservations which will be duly noted and recorded. However, I think, and I particularly note the comments from Japan with respect to some of the Resolutions that were recalled, and that will be mentioned despite those reservations although I think we probably have a IWC style consensus on this particular reservation and unless I see objection. I see objection - St. Lucia.

**St. Lucia**

Mr. Chairman this is not an objection. I just wish to note that various Resolutions were recalled but there was a failure to record the Resolution that emanated from the Caribbean last year. I presume this was deliberate but nevertheless I wish to bring it to the attention of Commissioners and I wish it recorded that the Caribbean had a very strong Resolution on this matter last year. Thank you.

**Chairman**

Thank you St. Lucia. Your comments will also be noted and I'm relieved that they were in the form of a strongly positive nature, not about to destroy my consensus. Grenada did not wish to make a comment please?

**Grenada**

Yes Mr. Chairman. We share the concerns as expressed by the St. Lucian Commissioner. Thank you Mr. Chairman.

**Chairman**

Thank you. Well, thank you in that case that Resolution can be adopted by consensus and we can close item 9. It's a little early but I propose to break for coffee because the next item is item 10 and I fear that it might go on a little longer than the ten minutes available so we will break for coffee and resume at 10.45. I apologise for the short break but in the interest of expediency we will resume at 10.45. The session is adjourned.

[COFFEE BREAK]

**Chairman**

10.3.4

Delegates, we are now in session again. We now need to return to item 10, 10.3.4. The only outstanding item that we have yet to consider here under this action arising item is the issue raised under 10.3.2, the request for a catch of five bowhead Greenland whales by the Russian Federation. We have had a useful discussion previously in the week on this issue and from that discussion I am left with a view that there is a degree of support for the proposal but there also appear to be some reservations. When we broke after discussing this earlier in the week I had asked that there be further thoughts and discussions on it with a view to trying to finalise a clear decision this morning either in the form of consensus or by vote or by some other method. In order to help me decide whether we have an atmosphere of consensus on this issue I would like to take a slightly unusual step but one which I hope will enable the Commission to examine this issue in the fairest way possible and allow me to get a full perspective of the range of views and their strength within the Commission. Accordingly, what I would like to do is actually run round the table, as it were, asking each delegation for a very short statement as to whether this proposal from the Russian Federation which we have seen and considered, whether this proposal had their full support, their support with some sort of reservation which would not necessarily block a consensus approach, or whether there are strong reservations which would be unable that particular delegation to join a consensus. I think that it is only by this way that I will be able at least to gain a full perspective and I am sure that the Commission as a whole will be able to gain a full perspective. France you are asking for the floor.

**France**

Yes, to answer to your request Mr. Chairman. So just to say that the French delegation has expressed some views during the debate on the issue but could join the consensus on that Resolution. Thank you.

**Chairman**

Thank you France. France has obviously started it. I was going to start with A but nonetheless F is as good a place as any. I wonder if I could move on to Germany who is raising the flag. Could you make a brief statement Germany please.

**Germany**

Thank you Mr. Chairman. I would like to join the French delegation.

**Chairman**

Thank you. Grenada please.

**Grenada**

Thank you Mr. Chairman. The Grenadine delegation would like to support the Resolution.

**Chairman**

Thank you. Ireland.

**Ireland**

Some concerns Chairman but would join the consensus.

**Chairman**

Thank you. Japan please.



**Japan**

Japan also supports this.

**Chairman**

Thank you. Republic of Korea.

**Republic of Korea**

Yes I fully support.

**Chairman**

Thank you. Mexico.

**Mexico**

Strong reservations.

**Chairman**

Monaco.

**Monaco**

We also have strong reservations.

**Chairman**

Netherlands.

**Netherlands**

We keep having the concerns expressed on earlier occasions. Thank you.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Strong reservations.

**Chairman**

Norway.

**Norway**

We continue to support the Russian request. Thank you.

**Chairman**

Thank you. Oman.

**Oman**

We have some reservations.

**Chairman**

Thank you. Russian Federation I don't need to ask. St. Lucia.

**St. Lucia**

We join the consensus.

**Chairman**

Thank you. St. Vincent.

**St. Vincent and the Grenadines**

Continue to support Mr. Chairman.

**Chairman**  
Solomon Islands.

**Solomon Islands**  
We support.

**Chairman**  
Thank you. I am just to follow my list here. South Africa.

**South Africa**  
We will not block consensus Mr. Chairman.

**Chairman**  
Thank you. English is a wonderful language, how you can say the same thing in 97 different ways! Spain.

**Spain**  
Strong reservations.

**Chairman**  
Sweden.

**Sweden**  
Sweden has reservations but would join the consensus.

**Chairman**  
Thank you. Switzerland.

**Switzerland**  
Thank you Mr. Chairman. We also have reservations. Thank you.

**Chairman**  
Thank you. UK.

**United Kingdom**  
We have concerns Chairman but we would join a consensus.

**Chairman**  
Thank you. US.

**USA**  
We support the proposal.

**Chairman**  
Thank you. Antigua and Barbuda.

**Antigua and Barbuda**  
We will follow consensus Mr. Chairman.

**Chairman**  
Thank you. Australia.

**Australia**  
Strong reservations Chairman.

**Chairman**  
Thank you. Austria.

**Austria**

Austria still has concerns. Thank you.

**Chairman**

Thank you. Brazil.

**Brazil**

Reservations.

**Chairman**

Thank you. Chile.

**Chile**

For the reasons we expressed before we have strong reservations but we would join consensus if it comes.

**Chairman**

Thank you. People's Republic of China.

**People's Republic of China**

Support it.

**Chairman**

Thank you. Denmark

**Denmark**

Supporting.

**Chairman**

Thank you. Finland.

**Finland**

Thank you Mr. Chairman. We are supporting the Russian request. Thank you.

**Chairman**

Thank you. Well it's clear that there is a high degree of support but that a number of delegations have expressed strong reservations which I interpret as meaning that they are unable to join a consensus which means that we might have to find some other way of handling this issue, i.e. voting on it. Oman you are asking for the floor please.

**Oman**

We don't mind joining the consensus Mr. Chairman. Thank you.

**Chairman**

No, you were in reservation but not strong. Those who have used the word strong I am assuming are uneasy at joining a consensus, either uneasy or unwilling. Yes, Spain please.

**Spain**

Thank you Mr. Chairman. Even if I manifested a strong reservation we could join also a consensus. Thank you.

**Chairman**

English is worse than I thought! Fine. I still have a number of strong reservations. The Chair doesn't have any reservations or non-reservations, a neutral vessel. Brazil.

**Brazil**

Brazil has expressed reservations and its likely to support though to join the consensus.

**Chairman**

Thank you. Is there any country that would be unable to join a consensus? Australia and Mexico also. I think this means we probably will have to resolve this issue reluctantly by voting as we are talking about a Schedule amendment, it needs to be quite clear. Russian Federation would you like to make some observations at this stage as to how you would like me to proceed?

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, we are thankful to you for all the procedures you have chosen because now we have a clear indication of position perspective of Contracting Governments on the issue which, as you know, was probably the most important for the Government of the Russian Federation at the current Annual Meeting of the Commission. We are thankful for the governments which expressed support of the proposal submitted by the Russian Federation and also to the governments which, although having some reservations, have expressed readiness to join the consensus decision on this issue. There are only two governments it appears, after the last request that was made by you to the audience, two governments which objected to the consensus decision on this matter and these are the Governments of Australia and Mexico.

From our previous statements you may understand that this decision is a very important one and we consider the opposition to our request as indication of a non friendly attitude towards the Russian Federation because this attitude will entail direct economic damage to the Russian Federation first of all, and secondly, will entail direct harm to the national tribes, to the native populations of the Chukotka Autonomous District. From these two perspectives, Mr. Chairman, naturally we cannot qualify the attitudes of these two governments otherwise than unfriendly. Mr. Chairman, the principal position of our government is that decisions on matters relating to aboriginal subsistence whaling should be taken by consensus. We always considered the matters of aboriginal subsistence whaling as kind of exceptions for the Commission because the Commission has to take into account special interests and needs of native populations and the Commission cannot proceed on the basis of common grounds in this respect, to use the same management procedures and other procedures which are contained in the Convention and Commission's decisions. From this point of view, we would object to the course to vote on this issue since this would create a new precedent in the procedures of our Commission which would be totally negative from our point of view. The Commission should continue to endeavour to take measures in respect of aboriginal subsistence whaling only on a consensus basis otherwise we would be in a position which would assimilate aboriginal subsistence whaling to commercial whaling, and to proceed to take decisions in respect of the needs of native populations from commercial grounds which was the case just shown by some governments which I have already mentioned. Mr. Chairman, in view of the attitudes shown by these two governments, the Russian Federation delegation would be obliged to report the outcome of the debate at this Commission for the decision to be taken by the Government of the Russian Federation. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. Chile you had asked for the floor.

**Chile**

Yes Mr. Chairman. Very simply I was going to suggest you to ask for a vote decision. I think it's the most clear way to express the positions. I disagree with the opinions mentioned by my distinguished colleague of the Russian Federation. Thank you very much.

**Chairman**

Thank you Chile. I believe I have to call for a vote on this issue. I understand the statement by the Russian Federation and I believe we have made a significant effort to achieve a consensus. I'm prepared to delay taking a vote until after lunch if that will allow more time but I really wonder whether that is all that helpful. The problem I have is that if it is not a consensus I believe that, as a Schedule amendment, we have to have a clear numerical understanding that the Schedule amendment is passed. While I understand completely the points raised by the Russian Federation about the desirability of operating on consensus with respect to aboriginal subsistence issues, I fail to see how I can reconcile those two particularly difficult issues. Russian Federation you are asking for the floor.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, we are dealing with amendment proposal, amendment to the Schedule proposed by the Russian Federation. I would be willing to continue some consultations but in view of the attitudes shown by the Commissioners from Australia and Mexico I don't see really any possibility to come to a satisfactory solution of this problem. So, Mr. Chairman, since this is our proposal for Schedule amendment, as I stated, we would report to our government what measures are to be taken in this respect and no vote is needed on the proposal which is revoked. Thank you.

**Chairman**

Thank you Russian Federation. I understand that this item will remain on the agenda because you will wish to return to advise us next year at our meeting. Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. No.

**Chairman**

OK don't understand that it's going to remain on the agenda. It won't remain on the agenda and we don't need to vote on it so there is no proposal. Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. There is no vote and there is no request for this item to be considered at the next Annual Meeting. Thank you.

**Chairman**

Therefore the item is not further considered in this meeting, is that what you are understanding? Is that what you are telling me? It is, yes. Thank you. That being the case I think we can close item 10. Mexico.

**Mexico**

Thank you Chairman. Chairman, I, of course, do not agree with the Russian Federation Commissioner's description of our position on this issue as either an unfriendly or an hostile act towards the Russian Federation. When I had the opportunity on Tuesday to address the issues of the two proposals we had before us, I very clearly stated which were the reasons for our strong concerns and our inability to support the Russian Federation's proposal and I made the listing of all of those reasons on the basis of our best understanding of the merits of the proposal itself. I would recall to Commissioners that this is not the first time that the Russian Federation has mentioned hostility or unfriendliness as its interpretation of positions taken by Commissioners. On page 36 of last year's Commission, I would remind you that when we were voting on the Scientific Committee's Report which was adopted by twenty-two votes in favour, one against and six abstentions, the Russian Federation said that all twenty-two votes in favour should be considered hostile acts against the Russian Federation and that it would then report to its government and take the appropriate measures. My delegation, at that time, said that our vote in favour should not be considered as any hostile act against the Russian Federation because the issue related to a question of substance. The Russian Federation then indicated that it took this vote as a political gesture and would consider the consequences and implications. I regret that the Russian Commissioner feels that this is a hostile or political act against his Government, it is not that as far as my delegation is concerned. We have examined this issue on its merits and we have found on the merits that this issue did not merit our support and therefore we would, and I am under instructions to vote against it in case there is a vote, and I so indicated, and if they is to be a vote I would vote against it. In any case I would like to report for the record that we have no hostility whatsoever towards the Russian Federation, a country with which we have had long and very satisfactory relations, we have absolutely no reason to consider any decision taken in this Commission as a political gesture one way or the other. We have always tried to make our decisions on the basis of the merits of each of the positions and each of the issues which are put before this Commission. Thank you.

**Chairman**

Thank you Mexico. Australia is asking for the floor and then I give it to the Russian Federation. Australia please.

**Australia**

Thank you Mr. Chairman. Australia's position is the same as that so eloquently expressed by the Commission for Mexico. We would point out that Australia's position on aboriginal subsistence whaling has been consistent throughout this debate. It is not directed at any particular country. We examine each issue on its merits and make a decision on that basis. Thank you.

**Chairman**

Thank you. Russian Federation please and then the US.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman we have listened carefully to some words said by the distinguished Commissioners for Mexico and Australia and last year also we heard some points of view concerning friendly attitudes towards the Russian Federation but this was not crystallised in the form of concrete actions taken at the Commission. Mr. Chairman the issue of the aboriginal subsistence whaling quota for the Chukotka population was considered as a, not only just economic and humanitarian issue, but also a political issue and that is why it was raised in the framework of bi-lateral political relations between the Russian Federation and the state members of the IWC including Mexico and Australia. When we hear here that these two governments continue to support friendly relations with Russia, but at the same time cannot be in a position to support some urgent needs for the Russian Federation, it is not becoming quite clear for us what the usefulness of, or what the definition of friendly attitudes means to the representatives of these governments. Mr. Chairman, I repeat that there are two basic grounds on which we qualify the attitudes shown by the representatives of these two governments as unfriendly. First, this entails direct economic damage to the Russian Federation and second, this entails direct harm to the native populations of Chukotka. These matters are considered to be very serious by the Government of the Russian Federation and that's why this matter would be considered by the Government and the decision is to be taken by the Government on this matter. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. US you are asking for the floor.

**USA**

Yes Chairman. I want to make a technical point here. This procedure was somewhat unusual, to call for an open expression of opinions from all groups. I hope that this can be recorded in the minutes. There was no vote, there was no consensus, there were merely expressions of opinion and so that should be made very clear in the minutes here. We did not have a vote, we did not vote yes, we did not vote no. There is simply a set of expressions of opinion and then there was no vote and no consensus - it's important to record that.

**Chairman**

I assure you United States that it will be so recorded. Netherlands.

**Netherlands**

Thank you Chairman. I would like to say a few words in support of what has been said by the distinguished delegates for Mexico and Australia. It is my belief also that delegations present here have expressed their views on the basis of the merits, their interpretation of the facts that have been presented to us. In my view, it would be very unfortunate if decisions such as this would be interpreted as political decisions and expressions of hostility or unfriendliness towards any government. Thank you.

**Chairman**

Thank you. Well I don't propose to allow this to go on. I think enough has been said. The words I think of the US Commissioner are, however, important that we had a full and a total expression of view. It's clear that there was no consensus but then neither did we vote and on that basis I think we have made our decisions.

11.4.2

Now I would like to close item 10 and move on to item 11 which remains open for some sub-items. 11.4.2 remains open and there is a Resolution which has been proposed by a number of countries, IWC/48/41. It's entitled "Resolution on Northeast Atlantic Minke Whales". This Resolution is sponsored by Australia and a number of other countries and I am wondering which of those countries wishes to introduce this Resolution? United States.

## USA

Mr. Chairman, my delegation again this year is sponsoring a Resolution IWC/48/41 calling upon the Government of Norway to reconsider its objection to the ban on commercial whaling and to halt immediately all whaling activities under its jurisdiction. The other sponsors are Australia, Chile, France, Monaco, the UK and the Netherlands has also joined as a sponsor. The Resolution also voices our disappointment at Norway's decision this spring not to postpone its whaling season until after the full Scientific Committee could agree upon an abundance estimate by expressing regret concerning the unilateral setting of quotas. As the United States noted in its Opening Statement, the Commission last year asked that Norway halt all whaling under its jurisdiction because the Scientific Committee had concluded that the 1992 abundance estimate was not valid. Instead the Government of Norway continued its 1995 harvest and began the 1996 whaling season before the work of the Scientific Committee was completed and before an abundance estimate for the minke whale stock was agreed. I do note that the Scientific Committee has now agreed upon an estimate by consensus.

The Resolution also expresses appreciation that Norway has a policy not to issue licenses for the export of whale products but our delegation has been troubled by reports of attempts to smuggle products arising from the Norwegian hunt into foreign markets and by reports of stock piles of whale meat or blubber in Norway. We are concerned that the lack of an international monitoring system and the possible existence of stock piled meat or blubber will create a situation whereby the potential for illegal activity is enormous. Thus, our Resolution also calls on the Government of Norway to maintain its policy against the export of whale meat and products for as long as the Commission maintains the commercial moratorium. In the interests of full openness the Resolution also calls upon Norway immediately to submit a report to the Commission on the volume of stockpiles in Norway, its domestic laws governing possession and sale of whale meat and the enforcement actions it has taken with respect to illegal trade in whale meat. Thank you.

## Chairman

Thank you US. Norway.

## Norway

Thank you Mr. Chairman. You will know that Norway's small-type coastal whaling for minke whales takes as a departure the principle of sustainable use of the resources and based on the best scientific advice available. Therefore, the agreement in the Scientific Committee this year is of fundamental importance to Norway. I would like to commend both the Abundance Estimation Group and the Scientific Committee for a very thorough and difficult work they went through and managed to fulfil their obligations they set for themselves in Dublin last year to agree on abundance estimates. I think also that this work was very important for the Scientific Committee itself because it would have been a very strange situation after all the work going into it if the Committee had not managed to perform that task. It is also clear that the quotas we set for this year were very modest in relation to the scientific basis behind it and, as you know, the quota was set in a way that it was a considerable margin if the Scientific Committee should have come to some other conclusion than the full acceptance of the Abundance Estimation Group.

As to the points on procedure which have been referred to by my US colleague, I think we all remember that I made it absolutely clear in Dublin last year, that if the estimates are not agreed before the Norwegian whaling season we would have to follow the procedure of setting a quota before the Scientific Committee met. For that reason, the Committee agreed that the possibility was kept open to have an extraordinary session of the Scientific Committee. Unfortunately, the status of work in January, where the decision had to be taken, was such that all the scientists concerned agreed that it could not warrant to call an extraordinary meeting of the Committee.

Second important procedural point is really that this year we are meeting here in Aberdeen in June instead of May which has been the practice over the last few years. I believe that is for practical reasons, as far as I remember Dr. Gambell informed us in Dublin that the cause was that there were not available conference spaces in May, we had to meet in June and if that is correct, of course, it is rather strange that this fact should be so important in a procedural way. If we had met in May, of course, the Norwegian whaling would take place after the meeting of the Scientific Committee.

Mr. Chairman, as you know, the basis, the legal basis, for our whaling operation is the reservation to the moratorium under the whaling Convention. We feel that the moratorium today runs counter to the management objectives of the Convention. The Convention gives Norway rights and obligations, and I dare say Mr. Chairman, that we stick strictly to the obligations. We pay our contributions in time. As you know, Mr. Chairman, our contributions are twice what it otherwise would have been if we had not also paid because of our whaling operations. So, in fact, we pay quite a high price for the whaling you criticise us so heavily for.

Mr. Chairman, an international treaty gives a country not only obligations but it also gives us rights and the fundamental rights of any country that joins a Convention is that the organisation operating it sticks to its constitution that it does not set it aside.

We feel that it is very serious what is happening in the IWC in the continuous attempts which are being made to extend the obligations beyond what is provided for in the Convention and of course we hear again and again people talking about "Ah, we must come together to modernise the Convention". I understand that means there are also other people who are worried for what they are doing in this organisation.

The IWC, Mr. Chairman, is not the competent body for international trade issues. We have the World Trade Organisation and we have the CITES. Those are the organisations which are dealing with trade issues internationally. My government is not prepared to take on obligations pertaining to trade as reflected in the draft Resolution before us and another serious matter, Mr. Chairman, is the continuous attempts to introduce, what I would call, treaty character responsibilities, through passing Resolutions by majority vote. I have had experience in the United Nations for the past twenty years, and I have listened to quite a number of statements by countries sponsoring this Resolution about the dictatorship of the majority. What I've had in mind has been the developing countries trying to force through Resolutions, force through obligations on them. I think a good case in question is the debate which we have had for a number of years on the UN target of reaching development aid up to 0.7% of GMP. Several of the countries on the list here has never accepted that although, as I have said, is countless Resolutions which have been passed by majority vote calling for it. Their response has simply been "we voted against it".

So, the question arises why are the sponsors of the Resolutions in the IWC advocating the opposite principle here? Is it because they here feel sure of the automatic majority? But I would still like to ask the question "Why not consistency?" and I think those countries are establishing a very dangerous precedent for international cooperation. You should remember, Mr. Chairman, the IWC is not the Security Council. Although at this meeting there have been, what I would call, positive developments in the dialogue, we have had very efficient, very good debates, much thanks to your very good Chairmanship I would say. But we also in the long run need to break the stalemate which has plagued this organisation now for a number of years and I don't think this will be done by having the sort of country reviews as this Resolution is modelled on. Shall we next year have Resolutions reviewing other countries' policies? Which countries should we review next year Mr. Chairman? Have you any proposals?

The questions posed in the last operative paragraph of this proposal can all be answered with one question, we are not going to comply with those requirements, those questions. I will say that it is not only the content of the Resolution we strongly disagree with but it's perhaps even more so, the concept itself. It's a matter of extreme irritation, to put it mildly, in my country to be faced with this sort of Resolution year after year and it's not only really a question with which comes from the Government but it's really a question which is debated throughout the country.

Let me now not spread any questions or question marks whether I'm saying that Norway will withdraw from the IWC. I'm not. We are absolutely committed to work within this organisation to try to make it fulfil its responsibilities at least until we draw the conclusion that is not possible and no such conclusion has been drawn. Just to say that that is absolutely clear. But I cannot hide the fact either that there is a discussion going on in Norway. By pure accident today the biggest Norwegian newspaper has an editorial and it's called *Aftenposten* for those who ask its Scandinavian origin. They have been known as a conservative paper which is in opposition to the present labour government. I will translate one of the sentences for you. It says the following "It is a question whether Norway should maintain its membership in an international Commission which does not follow-up on the conclusions of its own scientists". That's what it says.



Mr. Chairman, I would call upon the members of this Commission to consider very carefully whether this sort of Resolution we have before us is a constructive working tool and what effect they may have on the future of the organisation. I would encourage Commissioners not to support the Resolution. As far as my delegation is concerned we will not take part in any further discussion of this matter. Thank you Mr. Chairman.

**Chairman**

Thank you Norway for that clear and measured intervention. New Zealand I think had asked for the floor.

**New Zealand**

Mr. Chairman, it had been intended that New Zealand would also be a co-sponsor of this particular Resolution and, I wish it to be known Sir, that we certainly do support it and had intended to be a co-sponsor. I want to speak to those parts of the recital that deal with the abundance estimates and, particularly Sir, to note the comments made by Norway on the work of the Abundance Estimate Working Group and the Scientific Committee. If we look at page 19 of the Scientific Committee's Report it appears that we now have two population estimates that the Committee now agrees as acceptable for implementation of the RMP, 67,531 from the 1989 survey and 118,299 from the 95 survey. As the Committee itself observed on page 19, Mr. Chairman, and I quote "the increase will be puzzling to observers", while as the Committee also says, the difference may not be different statistically, it is certainly puzzling to this particular observer. As I commented when I discussed this earlier, I wonder what equally puzzling results might emerge from future surveys and estimates. The history of the matter Sir is not good with the embarrassment of the 1992 figures still very much in our minds. Therefore Sir, it was, I assume, in recognition of this concern that the Committee has agreed, and here I turn to page 21 of its Report, that further analyses should be carried out during the current year and when we come to the appropriate item under the agenda we will fully support that work being conducted. However, Mr. Chairman, I would like to be assured that in due course, and perhaps I am moving on outside the scope of the Resolution itself, but I will say it now so I don't have to observe it later, I would like to be assured that the item will remain on the agenda of the Scientific Committee for future consideration. New Zealand supports the Resolution.

**Chairman**

Thank you. I have the UK to be followed by Japan. UK please.

**United Kingdom**

Thank you Chairman. Well the UK is one of the sponsors of this Resolution as indeed we sponsored the Resolution last year. Now the circumstances have, of course, changed. Last year we didn't have an abundance estimate and this year we do have an abundance estimate which the Scientific Committee has agreed is adequate for use in the RMP. But as I said last year, our concern was never primarily about the numbers, it was much more about the principle and the UK has consistently opposed Norway's resumption of commercial whaling. We share the disappointment felt by many other countries that Norway is continuing to take whales and in increasing numbers despite the Resolution we adopted last year and we would urge Norway to think again. Now, I do note the point that the Norwegian Commissioner made on trade, and in my view certainly this Resolution is not trying to impose obligations on Norway, it is making recommendations which we hope that Norway will heed. But we have always made clear that controls through the market are an essential part of any eventual international control scheme for commercial whaling and we do think that the sort of measures that we are urging countries to take on trade at the moment do need to be seen in that light. Thank you Chairman.

**Chairman**

Thank you United Kingdom. Japan and then Germany.

**Japan**

Thank you very much Chairman. We wholeheartedly fully support the views expressed by Norway. This kind of draft Resolution which is currently being deliberated is in contradiction to and in violation of the Convention itself and it is now being discussed in the middle of the day, and it seems likely that this kind of Resolution maybe adopted, and if that kind of act is continued at this forum at this IWC I think it really undermines seriously the credibility of the IWC itself. I think that kind of act is actually the abuse of democracy and abuse of the majority voting system. According to the Convention it conformance to the Convention the action taken by Norway is in conformity to the Convention itself, it is legal. Therefore, this

Resolution in front of us actually infringes and violates the sovereign right and then this concept advocated here itself is against the sustainable development principle. Therefore, we would like to express our strong opposition to this Resolution. Thank you.

**Chairman**

Thank you Japan. I have on my list Germany, St. Vincent, the Netherlands and Denmark. I would propose to close the list at that point. I really wonder if we are going to hear anything fresh but still France, Ireland and Switzerland and the list is now closed. Germany please.

**Germany**

Thank you Mr. Chairman. Germany is not a co-sponsor of the proposed Resolution but supports it. My country takes the view that because of the moratorium there should be no commercial whaling. All member states should wait for the finalisation of the revision of the moratorium although I recognise that Norway is not legally bound to the moratorium because of its objection. I may add that I would have liked to see a more updated Resolution including the fact that the Scientific Committee has now presented an abundance estimate for the minke whale stock in the Northeast Atlantic. Thank you Mr. Chairman.

**Chairman**

Thank you Germany. St. Vincent and the Netherlands please.

**St. Vincent and the Grenadines**

Thank you very much Mr. Chairman. We would like to support everything said by the distinguished delegation from Norway. They have every right to do what they are doing according to the Convention, that is supposed to bind everything that we do here and the estimate that they are using, I am advised, is quite reasonable and in accordance with consensus in the Scientific Committee. Thank you.

**Chairman**

Thank you St. Vincent and the Grenadines. Netherlands and then Denmark. Netherlands please.

**Netherlands**

Thank you Chairman. I will not speak to the text of the Resolution itself as we think it is rather self-explanatory. However, I would like to say a few words about the estimation of abundance. We have read, of course, on page 21 of the Scientific Committee Report, that the Committee agreed that the North Atlantic minke estimates are adequate for use in the RMP and I would like to underline those words for use in the RMP. This does not mean that there is agreement about the exact numbers of minke whales estimated to be present in the Northeast Atlantic. We realise that the RMP is quite robust to erroneous estimates and even if they are 50% off the mark, the RMP will apparently perform satisfactorily. We would, however, like New Zealand, underline the other agreement in the Scientific Committee on this issue, that is that further analyses need to be carried out and completed by next year's meeting. So we would like to have it recorded, Mr. Chairman, that in our view, these analyses will have to be on the agenda of next year's Scientific Committee Meeting in order to resolve the outstanding issues on this subject. Thank you.

**Chairman**

Thank you Netherlands. Your views will be recorded. Denmark and then France. Denmark please.

**Denmark**

Thank you Mr. Chairman. I will be very brief. I simply refer to my statement, when we discussed a few days ago, item 11.4.1 related to the work of the Scientific Committee on this matter and I simply add that Denmark cannot support this draft Resolution. Thank you.

**Chairman**

Thank you Denmark. France and then Ireland. France please.

**France**

Thank you Mr. Chairman. The French delegation wishes only to deal with the legal side of this issue because we are very upset about what some delegations have said about the breach of democracy which is behind the Resolution France is co-sponsor of. We think that, of course, Norway has a right to go on whaling the way it does because it has objected to the moratorium but it's also fully the right of the

overwhelming majority of this room to call upon the Government of Norway to cease these practices. So we think that in that case we are democrats and that a country which is leaving the room the way it is because it doesn't want to hear contradictory views and contradictory points on an important issue like this one has a strange view of the work of democracy. Thank you very much.

**Chairman**

Thank you France. Ireland and then Switzerland please.

**Ireland**

Thank you Chairman. Ireland strongly supports the Resolution. We would share the views of New Zealand and the Netherlands and the need for further work and in relation to operative paragraph two beginning "regrets ....", we would like if the words "especially when no valid abundance estimate is agreed" were deleted because while the moratorium is in force we would not be happy even if there was a valid abundance estimate agreed. Thank you Chairman.

**Chairman**

I hesitate now. Are you actually promoting an amendment Ireland?

**Ireland**

Sorry, if there is any support, yes. If there is nothing indicated - drop it.

**Chairman**

I feel like Nelson, I see nothing indicated. Switzerland please and then Sweden and then that's the end.

**Switzerland**

Thank you Mr. Chairman. First of all I would like to say that we would like to associate ourselves with the statement made by Germany. The instructions of the delegation is not to condemn a member state that is exercising its sovereign rights. We could only approve of this Resolution if it is interpreted in the form of an appeal. We therefore strongly support that part with that sentence of the operative paragraph where Norway is called upon in the exercise of its sovereign rights to reconsider its action to paragraph 10(e) of the Schedule. We would have liked to end the operative part right there. We have not supported last year's Resolution which is mentioned here, 1995-6, because we have, as you know, reservations concerning the dealing of this Convention with trade. Thank you Mr. Chairman.

**Chairman**

Thank you. Sweden, last one please.

**Sweden**

Thank you Mr. Chairman. After being informed that Norway this year has unilaterally decided on whaling, the Swedish Ministry of Environment has, in discussions, reminded the Norwegian Government about the Swedish view on Norwegian whaling. During discussions in the Swedish Parliament on the Norwegian whaling, the Government has stressed that it regrets that a Government who is a member of the IWC considers it necessary to side step the general opinion of the Commission and make its own decisions on central issues related to whaling. Thank you Mr. Chairman.

**Chairman**

Thank you Sweden. I am aware that perhaps one or two other delegations might have wanted to say something but I think we should really draw this to a close. It's very clear that there is no uniform view and that we should vote on this Resolution. I would now, therefore, ask the Secretary to conduct the vote on Resolution IWC/48/41, Resolution on Northeast Atlantic Minke Whales. Secretary please.

**Secretary**

Mr. Chairman the proposal before this Plenary session is the Resolution on Northeast Atlantic Minke Whales sponsored by Australia and a number of other delegations, IWC/48/41 with the text as it appears unchanged. A simple majority will determine the outcome. The vote starts at New Zealand - Yes; Norway - No; Oman - yes; Russian Federation - No; St. Lucia - No; St. Vincent and the Grenadines - No; Solomon Islands - No; South Africa - Yes; Spain - Yes; Sweden - Abstain; Switzerland - Yes; UK - Yes; USA - Yes; Australia - Yes; Austria - Yes; Brazil - Yes; Chile - Yes; People's Republic of China - Abstain; Denmark -

No; Finland - Yes; France - Yes; Germany - Yes; Grenada - Abstain; Ireland - Yes; Japan - No; Republic of Korea - Abstain; Mexico - Yes; Monaco - Yes; Netherlands - Yes.

Mr. Chairman there were eighteen votes in favour, seven against and four abstentions so that Resolution is adopted.

**Chairman**

Thank you. At this meeting then we close that agenda item, that sub-item 11.4. We can't yet close 11 because we have to return to 11.6 where there is an outstanding recommendation of the Scientific Committee. In order to make a sensible discussion on this I would now like to call upon the Chair of the Scientific Committee to deal with what remains in the Scientific Committee Report. We will then look at recommendation two on page 31 of the Scientific Committee Report which concerns 11.6 and then consider perhaps adopting the whole Scientific Committee Report. Just to explain that again. I'm now going to ask the Chairman of the Scientific Committee to complete his presentation of the Report of the Scientific Committee. We will then return to 11.6 where there is a recommendation still outstanding and discuss how we will cope with that and then turn to the possible adoption of the whole Report of the Scientific Committee. Chair of the Scientific Committee please.

18.

**Scientific Committee Chairman**

Thank you Chairman. There are just two items remaining on our Report that have not yet been presented here. Our items 19 and 20 beginning on page 58 of our Report and this will only take a minute or two. The first of these is Mediterranean Sea. Last year the Commission passed to the Scientific Committee a request from Monaco to provide advice on research priorities in the Mediterranean Sea and this is recorded on page 33 of the 47th Report. The Committee, however, had before it no documents or information to assist in providing the advice sought at last year's meeting. It did, however, note that the matter was relevant to discussions that it had regarding one of the other organisations which we had an observer at, this was the ACCOBAM, whatever that stands for, I'm, not quite sure at the moment but that's on page 2 of our Report. I can pause there Mr. Chairman or I can continue on with the next item.

**Chairman**

I think you might as well continue.

**Scientific Committee Chairman**

OK, thank you. The next item is Objectives and Priorities for the Scientific Committee, the long-term objectives. Last year the Committee had begun to review its priorities and objectives and this was in light of recent requests in advice and so forth that had come to it from the Commission. We've generated some drafts of our understanding of our, shall I say responsibilities and objectives, and these are in Tables 5 and 6 of our Report on page 59. We intend to discuss these within the Committee again next year and simply wish to draw them to your attention at this point so I will give you one of the last paragraphs on this that gives you our view. "In particular the Committee informs the Commission that its engaging in a review of its directions and objectives, that this will involve some restructuring of its business and that in due course, following further review at its meeting next year, it will provide a revision of its Rules of Procedure for the Commission's endorsement". Thank you Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee, that concludes your presentation. Are there any comments or observations of those few items? It seems not.

Now, may I turn the attention of the Commission to page 31 of the Report of the Scientific Committee which we were considering under agenda item 11.6 and the second recommendation there in the middle of page 31 and I quote "It also recommends that any new available information on catches or their possible bounds be reviewed and the adequacy of the unreported-catch factor re-examined before the trials are carried out." You may recall that there was some discussion of this earlier in the week and I think, in particular, the Russian Federation had some unease about this recommendation as worded. I'm wondering if there has been a re-wording that we might pick up as a Commission? Russian Federation do you want to make any observations on this particular recommendation?

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman, our position remains as it was stated. We oppose the adoption of this recommendation by the Commission. Thank you.

**Chairman**

Thank you. Russian Federation has indicated that it would be uneasy if the Commission adopted that particular recommendation. May I seek views of other delegations as to whether we can simply leave this as something that the Scientific Committee thought about but the Commission itself is not endorsing or adopting? Are there any views? Chairman of the Scientific Committee.

**Scientific Committee Chairman**

Thank you Chairman. I would just like to, by way of explanation, note that this item is only suggesting that we should, in other words, conduct sensitivity tests to the catch data that are entered in implementation simulation trials. This is what we have done in all other cases and it's, quite frankly, fairly standard procedure. No more than that. Thank you.

**Chairman**

Thank you. Well, the Russian Federation has made known its views and reservations the other day. I wonder if we cannot move to adopt the Report of the Scientific Committee with a clear note, particularly in the Annual Report, of the reservations of the Russian Federation? Will that be a comfortable way to proceed? US at the very least is nodding. We haven't had lunch yet so that must be agreement. Russian Federation will you be comfortable with that?

**Russian Federation**

Thank you Mr. Chairman. I haven't quite understood with what should we be comfortable? Should we move to the adoption of the Scientific Report and be comfortable with that or with the reservations of the Russian Federation be noted in the Report or with something else? There are many reasons to be comfortable with anything in this Commission so if this is to move to other agenda items and to dispose of this Scientific Committee Report as quickly as possible I would support your actions if our position is reflected accordingly. Thank you.

**Chairman**

Thank you. That's a correct interpretation by attitude. Australia.

**Australia**

There is just one item before we move to adopt the Scientific Committee Report. On page 32 which is a recommendation or a note from the Scientific Committee on a Workshop on Right Whales and just before the Report is adopted I would just like to draw the attention of the Commission to the opening statement by Australia where we welcomed this Workshop and have offered to cooperate in hosting it.

**Chairman**

Thank you. That's just an advisory statement. That doesn't really change my previous view. In that case noting those clear reservations from the Russian Federation I believe that we can adopt the Report of the Scientific Committee.

Members may note, and I wish to draw the attention of members, although we have adopted the Report now, to item 24 which says that the Committee unanimously elected Bannister as Chair and Zeh as Vice-Chair. It would be apparent from that statement that the current Chair, Dr. Reilly, is retiring at the end of his period of office and I'm sure that the Commission would wish to join with me in expressing my personal thanks to Dr. Reilly for the enormous, and I mean enormous, amount of effort that he has put in to ensure that the work of the Scientific Committee is the extraordinary quality that it is. I know that he has put in a very considerable amount of effort of his own resources in order to advance the work of the Scientific Committee and I personally would like to express my thanks to him in supporting me in at least one year as Vice-Chairman and Chair of the Technical Committee and in the last two years as Chair of the Commission but as I say I'm sure that all Commission members would like to join with me in acclamation in thanking Dr. Reilly for his contributions.

[APPLAUSE]

#### **Chairman**

12.4 Thank you. Well we have now disposed of, I think, 11.6 and also 18 and that, I believe, means we have disposed in its entirety 11. I say that because although the next yellow sheet in front of me which I think the Secretary calls orange, one of us is therefore colour-blind, which is IWC/48/42 which is a Resolution of Provisions for Completing the Revised Management Scheme. It refers it to agenda item 11.4.2, I think it's supposed to be 12.4. Yes, that's fine. I would like to ask, I think the UK is going to introduce this item. Before I do, I would like to plant a certain seed in delegates' minds. We are working fairly effectively but it is noon. I am happy to stay here with a possibility of a very short break to accommodate my needs until we finish our business without having a particular lunch break if the Commission would want that or we can break for lunch. I will return to that and have a straw vote after we've discussed with and dealt with this particular item so people have time to think about it. UK would you now like to introduce Resolution IWC/48/42 dealing with agenda item 12 please. Thank you.

#### **USA**

Thank you Chairman. My delegation puts forward Resolution IWC/48/42 regarding provisions for completing the Revised Management Scheme. We are joined in putting this forward by the UK, the Netherlands and Norway. Mr. Chairman, I must note that Denmark withdrew as a sponsor. Also, Mr. Chairman, Mexico has joined us as a sponsor.

Mr. Chairman, you may recall that last year the Commission requested that the Scientific Committee address certain difficulties arising with the guidelines for conducting surveys and analysing data within the Revised Management Scheme which are given in Annex J. The Scientific Committee completed this work this year and it has been endorsed by the Commission. The first operative paragraph of this Resolution accepts Annex K as a component of the RMS. The second operative paragraph re-confirms last year's understanding that, when and if the RMS is adopted into the Schedule, abundance estimates which are not endorsed by the Scientific Committee, will not be used in implementation of the RMP. Paragraph three is a new formulation addressing the issue of nationality in placing scientists on survey vessels which the Scientific Committee commented upon. Paragraph four is intended to increase the efficiency of the Commission's work on completing the remaining elements of the Revised Management Scheme. It combines two former groups into a single working group on completion of remaining elements of the RMS. Finally, Mr. Chairman, the last operative paragraph establishes a consultation with the Scientific Committee on certain scientific elements required to elaborate arrangements to ensure that total catches over time are within the limits set under the RMS.

Mr. Chairman, a broad spectrum of views was considered in developing this Resolution and much progress was made. My delegation's understanding is that there is a consensus about this Resolution although we are aware that some delegations will wish to express certain reservations. Thank you Chairman.

#### **Chairman**

Thank you United States particularly for the last statement. I noted the UK quivering in the back. UK you have the floor.

#### **United Kingdom**

Thank you Chairman. I'm glad to say it's not to express a reservation, it's really to comment I think on surveys and on certain aspects of the Scientific Committee's work on surveys and indeed on abundance estimates. Now, I think that the Scientific Committee responded very well to the concerns that were expressed last year and which led to last year's Resolution and that Annex K represents a marked improvement on its predecessors. But, how the Scientific Committee operates the new procedures will be critical. This needs to be done in an open and transparent way so that there is general confidence in what the Scientific Committee is doing. This is particularly important when new surveys methods are involved. The Scientific Committee has rightly concluded that greater committee involvement in such surveys is required and it must be prepared to devote the time and resources necessary for this task.

The Scientific Committee also needs to bear in mind matters which are self-evident to scientists maybe confusing to the layman. Now the New Zealand Commissioner has already referred to this under the last agenda item but Annex N.2, the Scientific Committee points out that the difference between the 1989 and 1995 estimates of minke whale numbers in the Northeast Atlantic which have both been accepted by the

Scientific Committee will be puzzling to the outside observer. I think the Scientific Committee needs to anticipate such confusion and to explain its conclusions in terms that lay people can understand. The Scientific Committee also needs to keep abundance estimates under review and be ready to correct any errors that emerge. As we have seen this year, it is possible for an abundance estimate to be accepted as adequately validated for use in the RMP while some further work remains to be done.

As with previous speakers, I hope that the further analyses agreed in this case will be completed by the Scientific Committee's next meeting and will be reported to the Commission but more generally, I think, that the procedures in Annex K should not mean and I know that they are not intended to mean, that the Scientific Committee's interest in an abundance survey will cease once it has endorsed it for use in the RMP. Chairman, abundance estimates play a central role in the RMP and this means that they are of more than technical interest. This in turn underlines the importance of credible and fully transparent procedures so that there is public confidence in such estimates but if this is to be achieved I think that scientists have to accept a greater measure of outside scrutiny. In this connection I particularly welcome the re-affirmation in terms I hope that are acceptable to all of the need to ensure that scientists designated by other contracting parties participate in surveys. Now this may be an issue on which we will wish to return in our discussion of other aspects of the RMS but in the meantime I believe that it will reinforce the credibility of surveys that are carried out in future and we must now all ensure that the Secretariat has an adequate core of scientists to call on for this task. Thank you Chairman.

#### **Chairman**

Thank you UK. The US I think noted in its introduction that there had been rather wide discussion of this Resolution and that the US thought that we may be able to adopt this by consensus. Perhaps any indications of clarification ..... Japan you are asking for the floor please.

#### **Japan**

Thank you Mr. Chairman. Yes, we are going to make some reservations as the United States delegation expected. But before doing so, I would like to respond very briefly about the distinguished delegation of the United Kingdom. As I was in the Scientific Committee this year, I saw the procedure of the Scientific Committee and the process of the Scientific Committee is clear and transparent at this stage and scientists routinely make peer reviews of the research projects or make a peer review of the research result.

The next point is on this Resolution and our delegation is not going to object with the creation of the consensus because this Resolution contains several important issues to achieve the objective of the Convention. However, Mr. Chairman, we had a strong reservation on the wording of the third operative paragraph, that's the second page of the Resolution, and the first line it says "different from the party or parties carrying out a survey" and if that wording means that the IWC actually request a mandatory placement of IWC observers different from the nationality of the parties which conduct the survey, as a police for scientific activity. If this is the case, this concept cannot be accepted as we have already stated last year and we make a strong reservation on this specific point because this concept is challenging the integrity of scientists who plan and conduct and analysis the research.

And also the concept of policeman is totally contradictory with the outcomes of the discussion of the Scientific Committee this year. However, finally, Mr. Chairman, this does not mean that Japan prevent any cooperative research with non-Japanese scientists. Mr. Chairman, as you know, our research have been open for foreign scientists and this policy will be continued. Thank you Mr. Chairman.

#### **Chairman**

Thank you Japan. The Netherlands you have asked for the floor.

#### **Netherlands**

Yes, thank you Chairman. Quickly, in reaction to what was just said by the delegate for Japan. I think that the intention of the language that we find in the Resolution concerning the nomination of qualified scientists through the Secretariat for placement on vessels was meant to ascertain that qualified scientists to participate in the surveys, in other words, that it is scientific qualifications rather than the matter of nationality that is at stake here.

But, let me also make, while we are on this subject Mr. Chairman, a few remarks about the validation of methods for surveys. In the requirements and guidelines for surveys and analyses, a distinction is made between standard methodology and novel methods. Obviously when standard methods are applied for conducting surveys and estimating abundance, the Committee can work expeditiously and reach agreement. However, with novel methods the Scientific Committee needs to scrutinise the properties of any such method to ascertain that the method is indeed an improvement of the standard, it has to develop a work plan for such novel methods.

We note, Mr. Chairman, that this year there has been a lot of discussion in the Scientific Committee about abundance estimates. Indeed the Scientific Committee agreed that additional simulation tests should be carried out to more fully explore the methods of estimation developed and that the main causes for differences between comparable estimates obtained should be identified. We would like to underline this conclusion of the Scientific Committee and emphasise that we, that is the Netherlands, attach great importance to the validation of any novel method which is presented to the Scientific Committee for estimates to be used in the RMP.

In our view, the Scientific Committee needs to establish a procedure for complete validation of methods and analyses for novel methods. This procedure has to be transparent and it has to include opportunities for independent analyses to be carried out as a peer review process. Any differences between comparable estimates that may arise from such independent analyses need to be explained satisfactorily by the Scientific Committee before the Commission should accept any estimate of abundance in the future. Thank you Chairman.

**Chairman**

Thank you Netherlands. Norway is asking for the floor.

**Norway**

Thank you Mr. Chairman. I would like to remind the Commission that since many Commissioners now have referred to the work that has been going on in the Scientific Committee, that the conclusions of the Scientific Committee was without any conditions or that it was conditional on some work which should be carried out during the next year and the statement was that the abundance estimate was agreed for use in the RMP.

As usual, in science, its always work which can be improved and there are new hypothesis to be tested and there are other ways of fully validating or increasing the validation of any new method and, indeed, also additional methods. Of course the Abundance Estimation Group also presented suggestions for future work and also the Scientific Committee agreed on a number of suggestions for future work. Norway will certainly come back with the results from this work and hopefully with the guidance of some group in the Scientific Committee which has not yet fully been established, but it is Norway's hope that the same scientists will participate in that group, although it's not exclusively those scientists, but I would again remind you that the conclusion of the Scientific Committee was quite clear and without any conditions.

As for the problem which the distinguished Commissioner from UK had about understanding some of the results and conclusions of the Scientific Committee. The case he mentioned, the difference between the two estimates, they are stated in five numbered points on page 19, the right column, in the Report of the Scientific Committee and I think it's very difficult to think that any scientific explanation can be given to the lay man more fully and in detail than it is done in this Report. Thank you Mr. Chairman.

**Chairman**

Thank you. Denmark and then Australia please.

**Denmark**

Thank you Mr. Chairman. Let me start by saying that in general we support this draft Resolution and we welcome very much the general intention of this Resolution which is to speed up and complete the process which we call the RMS process. We give very high priority in Denmark to this work not at least due to the fact that we feel an urgent need to create solutions for the small-type commercial coastal whaling. I just have one point to mention and I take you to the first operative paragraph on page 2 where it is our



understanding that the placement of the set nominated scientist on survey vessels is optional. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark. Australia please.

**Australia**

Thank you Mr. Chairman. It is not my intention to oppose this Resolution on which there does seem to be a broad consensus. However, in allowing it to be adopted by consensus, I wish to make it very clear the position of the new Australian Government on commercial whaling. There have been a number of comments during the course of the debate on this issue about negotiating in good faith. Australia has until now quite deliberately refrained from intervening in this debate, in the Working Groups and in the Plenary. The new Australian Government is strongly opposed to commercial whaling and its stated goal is to seek a permanent international ban on commercial whaling. Mr. Chairman, our action and position on this Resolution should not in any way be construed or interpreted as implicit approval for the resumption of commercial whaling at any time in the future. Such an interpretation would be in direct conflict with the clearly expressed position of the Australian Government.

**Chairman**

Thank you. If Australia's in agreement with consensus we must have consensus. New Zealand.

**New Zealand**

Mr. Chairman. New Zealand's position is precisely that of Australia. It's position we have outlined in all discussions on the RMS certainly in the time I have been the Commissioner.

**Chairman**

Thank you. Austria.

**Austria**

Austria believes that the concept laid down in this Resolution referring to qualified and independent scientists is the correct and transparent one. Further, we feel that outstanding qualification items have to remain on the agenda of the Scientific Committee for future work. Thank you.

**Chairman**

Thank you. UK.

**United Kingdom**

Thank you Chairman. I just want to make two brief points. First my earlier remarks were not intended to be, and certainly shouldn't be taken, as criticism of the Scientific Committee and second, I have looked at the table, the list, that Professor Walloe refers to, and I think really this proves my point. Item 5 and I will read it "The 1989 and 1995 estimates may not be different statistically if the CV is underestimated from unaccounted sources such as potential greater variability in dive sequences than is exhibited in the data from the eight minke whales used in the analyses". Now I have got scientific advisors and I can find out what that means and I think I can begin to understand it myself but I do think that to the layman that is not immediately intelligible and that there is more that could be done to explain the differences and what is happening to lay people. Thank you Chairman.

**Chairman**

Thank you. Norway has asked for the floor. I do not want to referee a ping pong match but Norway if you would be brief and precise and then I will declare a draw. Thank you.

**Norway**

Thank you. I am not going to try to continue the discussion which the distinguished Commissioner from the UK is trying to open but turn back to the Resolution. Norway strongly supports this Resolution, we are co-sponsor of it, but in spite of that, we have some reservations which I think this discussion illustrates.

On the second operative paragraph "reaffirms etc. that estimates which are not endorsed by the Scientific Committee will not be used in implementation of the Revised Management Procedure" and if the Scientific

Committee operates like a Scientific Committee should operate, as it has been doing the last few years, perhaps except for a few members of that Scientific Committee, then we have no problems with this operative paragraph. But if, as happened in the early 80s, discussions were delayed from one year to the next, to the next, in a series of delay operations which this operative paragraph may open to and then, of course, this will destroy the Commission and the working of the Commission.

We have strong reservations about the possibilities here for a delay operation for countries who are opposed to whaling but don't want to say that in other terms or want to use the Scientific Committee as a tool for their political objectives and I hope that those of you who have experience from this Commission will know what I am referring to, the discussions about the classification under the RMP for different stocks of different whale species etc. Here, we have the feeling in this meeting that we have a kind of trying to get a kind of delay operation into the endorsement of the Scientific Committee and this is a strong reservation on the Norwegian point which I would like to have recorded in the Report of the meeting.

**Chairman**

Thank you. Well I think I can conclude that we have an egg-shell consensus on this Resolution but I hope it will be a strong enough shell, as most of them usually are, to allow us to make progress on it. The Secretary has suggested we might like to think of who would Chair the proposed group and so I plant that seed in Commissioners' minds.

It's actually now 12:25 in contravention of my other statement. I wonder if we can have a brief break for lunch because at the very least my stomach has told me that we shouldn't actually plough on and I don't really want to faint at the desk. So, could we have a maybe 35 minute break and resume just after 1:00. Are Commissioners happy with that? Delegates happy with that? Chile.

**Chile**

Yes, I am sorry but could we follow this session for at least half an hour and stop at 1:00 or something like that. I mean if the majority think that we should stop now it's alright but we would like to request maybe to follow the session for half an hour. Thank you.

**Chairman**

Netherlands.

**Netherlands**

Thank you Chairman. I was just wondering whether you could explain the reasons for your proposal in terms of the time that you think that is required to finish our work.

**Chairman**

Well I see we have four Resolutions. Experience would suggest that not all of them will necessarily be easy or brief and I think if we actually have a brief break for a snack and resumed at around 1:00 we will all be a little bit more refreshed and therefore not fractious when we come to some of these Resolutions and some of our other issues and we can still finish quite early this afternoon in my view with, of course, all your cooperation. Besides which, a number of my organs are complaining and I therefore actually adjourn this meeting for 35 minutes. We will resume at 13:00 hours. Thank you.

[LUNCH BREAK]

**Chairman**

Delegates our meeting is resumed. I know that a number of delegations have to catch flights quite early this afternoon so we try and be as expeditious as we can with our work. I didn't formally close item 12 when I broke for lunch which is perhaps slightly fortunate because Ireland has asked me to make the following very brief statement which is that Ireland wishes to record that it accepts consensus on the Resolution that was passed by consensus just before lunch but draws attention to the fact that Ireland retains its reservations on Resolution 1994-5. It doesn't change anything we've done but simply another statement.

That said, I think we can close item 12 and move to now item 14 which is Special Permits. There is a Resolution IWC/48/40 dealing with agenda item 14.2. It is headed "Draft Resolution on Special Permit

Catches by Japan" proposed by Australia with a number of other countries. May I ask who is to introduce this. Australia please you have the floor.

**Australia**

Thank you Mr. Chairman. This Resolution deals with the issue of special permits for scientific research under Article VIII of the Convention. In addition to those countries listed on the top of IWC/48/40 as the proposers of the Resolution, Brazil and France have asked that their names be added to that list.

Mr. Chairman, I have said on a number of occasions during the week that Australia has a strong commitment to seeking world-wide protection for all cetaceans. Australia along with many others does not support or condone the use of provisions of Article VIII of the Convention for research involving the killing of whales. We are opposed to the use of research techniques that involve killing whales. We hold the view that with modern techniques, almost all the information essential for the management and conservation of cetaceans can be gained using non-lethal methods. We have a particular concern where permits granted under national legislation to take whales for scientific purposes under those provisions of Article VIII appear by their scale and nature to subvert the intent of the moratorium on commercial whaling.

Mr. Chairman, as many Commissioners will recall, Australia was one of the sponsors of the proposal that led to the creation of the Southern Ocean Sanctuary. We have subsequently initiated and supported non-lethal research activities on cetacean stocks in the Sanctuary. We note that the Commission in Resolution 1995-8 expressed the view that research in the Southern Ocean Sanctuary should be undertaken using non-lethal means. It requested Contracting Parties refrain from issuing Special Permits for research involving the killing of whales in such Sanctuaries. We note also that the Commission, as in Resolution 1995-9, agreed criteria against which the Scientific Committee should assess and provide advice on Special Permit research programmes. That Resolution also recommended that Contracting Governments refrain from issuing any Permits which do not meet these criteria.

Mr. Chairman, we note that Japan has expressed doubts about the legality of the Resolution as adopted by the Commission last year and in relation to the decision to establish the Southern Ocean Sanctuary. In drafting this Resolution we have endeavoured to take account of the Japanese concerns. However, I must stress that we do not consider this to be a legal argument. We do recognise the provisions of Article VIII of the Convention.

Nevertheless Mr. Chairman, a very large majority of Commissioners have expressed deep concern at Japan's continuing proposals to conduct lethal research within the Southern Ocean Sanctuary and in the North Pacific. They have previously urged the Government of Japan, in exercising its sovereign rights, to refrain from issuing Special Permits for research involving the killing of whales.

We note, with great regret, that the Government of Japan has chosen not to heed those requests and that in fact the numbers of whales taken has increased in recent years. Furthermore, Japan has proposed that as part of its 1996/97 Research Programme, to again issue Special Permits to take up to 440 Southern Hemisphere minke whales from within the boundaries of the Southern Ocean Sanctuary and 100 North Pacific minke whales. Mr. Chairman, this Resolution notes that neither Proposal for a Special Permit in 1996/97 has been found to meet the criteria established under Resolution 1995-9. It requested the Government of Japan reconsiders and restructures its research programmes so that all its objectives can be met using non-lethal means. It also urges the Government of Japan to refrain from issuing Special Permits to take minke whales in the Southern Ocean Sanctuary and in the North Pacific.

Mr. Chairman, we sincerely trust that the Government of Japan will recognise and acknowledge the views of the large majority of Commissioners, that it will heed this request and that it will act in accordance with the Resolutions of this Commission. Thank you Mr. Chairman.

**Chairman**

Thank you Australia. New Zealand had indicated that it wished to take the floor on this issue. New Zealand please.

### **New Zealand**

Mr. Chairman, New Zealand, of course, supported the establishment of the Southern Ocean Sanctuary in 1994 and it strongly opposes scientific whaling and supports this Resolution. I also want to associate myself entirely with the comments made by the Commissioner from Australia and wish to make two further points.

First, we do not believe that it is necessary to kill whales in order to research them. There are adequate non-lethal means of conducting such research and we note, with approval, the Scientific Committee's discussions on various aspects of benign research. Indeed, Mr. Chairman, in reviewing the Scientific Committee's Report on funding requirements for the coming year, at page 61, I note that as part of the detailed research plan developed for the Southern Ocean Whale and Ecosystem Research Programme, the Planning Group has sought funds to facilitate a number of key activities, particularly photo-identification, biopsy sampling and acoustic studies. In addition, of course, this Commission itself has devoted considerable resources to the development of methods of achieving abundance estimates from sightings surveys. Furthermore, stock identities can be addressed through DNA analysis and the like.

I also note that on page 47 of the Scientific Committee Report at least some Committee members believe that, and I quote, "molecular genetic methodologies are usually more powerful for stock identification than enzyme analysis which require lethal sampling". New Zealand welcomes on-going developments in the field of non-lethal research of cetaceans and we strongly urge, as did the Australian Commissioner, that at the earliest possible opportunity those who are conducting what is presently lethal research should adopt acceptable non-lethal means.

Mr. Chairman, I turn now to my second concern and that is the fact that the whale meat arising from this research finishes up being sold in the markets. Whatever may be the claimed methods of disposing of the resulting meat for the purposes of human consumption and I leave that to one side in this discussion, it is clear that there is a strong commercial overtone to this programme.

I have in front of me Mr. Chairman the accounts of the Institute for Cetacean Research which conducts this research. These show that of the Institute's total income of 5.034 billion Yen, more than half, 2.73 billion Yen, comes from what are described as by-subsidies sales. The next largest source of income, government subsidiaries, is less than a billion Yen. In short, the commercial proceeds of this scientific whaling are a significant part of the Institute's total income. We deeply regret that fact, whatever may be the actual situation, it creates the perception that the research activity has a commercial rather than scientific overtone.

Mr. Chairman, in those circumstances we strongly urge the support for this Resolution.

### **Chairman**

Thank you New Zealand. Denmark and then Norway please.

### **Denmark**

Thank you Mr. Chairman. Denmark also supported the establishment of the Southern Ocean Sanctuary and accordingly we are opposing scientific whaling in the Sanctuary. For this reason, Denmark supports this draft Resolution. I just have to add that our position on this specific draft Resolution shall not prejudice our more general attitude to scientific whaling which naturally should be limited as much as possible at all. As you all may be aware, we very often abstain on these issues, but let me repeat this Resolution including scientific whaling in the Southern Ocean Sanctuary we will support. Thank you.

### **Chairman**

Thank you. Norway please.

### **Norway**

Thank you Mr. Chairman. Norway is strongly opposed to this Resolution. We have great confidence in the Japanese research programme and Japan is conducting important research, they have important research objectives which cannot be met, or cannot be studied only with non-lethal methods. Among them, feeding ecology kind of problem but also the stock identity problems. The distinguished Commissioner for New Zealand claimed that DNA methods were more powerful than enzyme analysis for this kind of scientific problems. That may be the case in the future but as for the current status of science, in the case of minke

whales in the Southern Ocean, the stock identity and the distinguishing between different stocks have been done on enzyme methods which need lethal research. Thank you Mr. Chairman

**Chairman**

Thank you Norway. Is there any other delegation that wishes to ..... I see Japan is asking for the floor but I also see Austria and Chile. I will give Austria and Chile the floor because Japan you may wish to pick up on points. Austria please.

**Austria**

Thank you Mr. Chairman. Austria supports this Resolution firmly because we believe that non-lethal research is the general trend. Every member state should generally refrain from issuing Special Permits to take whales and it should be very clear that the aim of the Sanctuary is conservation of wild life and ultimately of the ecosystem.

**Chairman**

Thank you. Chile please.

**Chile**

Thank you Mr. Chairman. We also fully support this draft Resolution. We believe that that little research goes directly against the objectives and the spirit of the Sanctuary which was approved by this, I believe, by a huge majority. I think the whole Valdivia Group stands in the same position I'm expressing to you. Thank you very much.

**Chairman**

Thank you Chile. Japan would you like the floor please?

**Japan**

Thank you Mr. Chairman. Since the initiation of the well designed and well contributing Japanese Special Permit activities, every year, year after year a similar kind of Resolution is put forward to discourage us and try to discredit us which we think is totally irrelevant and we think this kind of Resolution is to try to negate which was given as the right, the sovereign right, in Article VIII of the Convention. So we have cast strong doubts that this Resolution would be contradicting to the Convention itself.

Turning to the quality and contribution of Japanese research, as you may have seen in the Scientific Committee's Report, you immediately recognise that both the Southern Ocean as well as the North Pacific research outcome is highly appreciated by many scientists. Japan, since 1988, provided more than 70 papers as far as Antarctic research is concerned and 23 papers have been already provided for North Pacific research and those papers are very much contributed and special appraisal and appreciative comments were made by the Scientific Committee members. Those findings have been contributing to the works to be moving forward to the new finding of the cetacean science. I heard that modern technique such as non-lethal way of collecting methodology could replace lethal way, but, although, I fully participated in the Scientific Committee over several years, but I don't foresee any comparative outcome and research analyses provided on the cetacean concerned by those so-called modern technique of non-lethal way. So we would like to appeal through you Chairman to the member governments, and to all of you, to your scientists to come up with specific well-designed, comprehensive research programme, which could provide similar and superior outcome than Japanese programme has been providing, such as in the area of stock identity, stock distribution and the effect of pollution to cetaceans, the similar effect of climate change on the cetacean, as well as feeding ecology.

We have particular concern on the Southern Ocean research activities, particular concern of the stresses made on the Southern Ocean research activities. As you are fully aware that Southern Ocean Sanctuary was introduced based upon non-scientific and lack of scientific, few scientific and to our belief it was introduced contrary to Article V of the Convention itself, so that we think that we have a full right to conduct this research to provide information necessary to resume sustainable level of the future commercial harvest of the minke whale.

Even as a hypothesis, I mean that even in supposition, that the Sanctuary is established, as far as Japan is concerned, we have to do monitoring and to prepare by obtaining information for the review.

Concerning the point made by the delegate from New Zealand that I think Article VIII, paragraph 2, clearly tells us: "Any whales taken under these Special Permits shall so far as practical be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the Permit was granted". So Japan believes, and Japan urge, that this Resolution which is tabled and put forward before us should be withdrawn because we think that, since Japan by any chance, because we believe that we have the right to do so and any reason to do so, do not intend to respect this Resolution as far as the reason we have it, and you force us to this unjustifiable context to us, so we have going to take different movement which shows that this Commission would allow inconsistency, and thereby incompetence, so therefore I think to discuss on this Resolution furthermore is unproductive and therefore I urge the sponsors and co-sponsors to withdraw this Resolution. Thank you.

**Chairman**

Thank you Japan. St. Vincent you asked for the floor.

**St. Vincent and the Grenadines**

Thank you Chairman. Just to say that for yet another year we have all come and stated the same positions we have held in previous years. I was wondering that even from the point of view of easing up your own rather tedious work some time Mr. Chairman, whether we could avoid some of the debate and if the new members who don't know what has gone on in the past, they can look up the previous reports. The positions and the majority and minority continue to be as polarised as ever and this is a simple indication that we are not getting anywhere in this Commission. For what it is worth, all I will say is that St. Vincent's position also remains the same.

**Chairman**

Thank you for clarifying the position of St. Vincent and the Grenadines. It is not quite that nothing changes. From up here little things do change - even Commissioners from time to time change. Even Commissioners who remain the same change from time to time. May I ask if any of the sponsors or if the sponsors are willing to withdraw the Resolution as suggested by Japan? No, I see none. I think then that the only course available clearly with such division of views is to again vote on the Resolution. This is Resolution IWC/48/40, Draft Resolution on Special Permit Catches by Japan and so I ask the Secretary please to conduct the vote. Thank you.

**Secretary**

Mr. Chairman the Resolution before the Plenary session is that on paper IWC/48/40, Draft Resolution on Special Permit Catches by Japan with the text as set out on that page. A simple majority of those voting for or against this Resolution will carry the day. The role starts at Norway - No; Oman - Yes; Russian Federation - No; St. Lucia - No; St. Vincent and the Grenadines - No; Solomon Islands - No; South Africa - Yes; Spain - Yes; Sweden - Yes; Switzerland - Yes; UK - Yes; USA - Yes; Australia - Yes; Austria - Yes; Brazil - Yes; Chile - Yes; People's Republic of China - Yes; Denmark - Yes; Finland - Yes; France - Yes; Germany - Yes; Grenada - No; Ireland - Yes; Japan - No; Republic of Korea - Abstain; Mexico - Yes; Monaco - Yes; Netherlands - Yes; New Zealand - Yes.

Mr. Chairman there were twenty-one votes in favour, seven opposed with one abstention so that Resolution is adopted.

**Chairman**

Thank you Secretary. I think having dealt with that Resolution we may now close agenda item 14. It seems so.

15.3.2

We now deal with agenda item 15 which remains open. This is specifically 15.3.2 which deals with Environment and Whale Stocks. This was kept open and in fact has attracted two Resolutions. They are numbered IWC/48/44 and IWC/48/45 and both of them arrived very shortly within each other. I propose to deal with them *seriatim* in the hope that we might be able to achieve consensus on both of them. They are certainly not either exclusive or inclusive I believe. So IWC/48/44 is Resolution on Environmental Change and Cetaceans sponsored by Australia and a large number of other countries. May I ask which country is going to introduce this Resolution? Australia please.

**Australia**

Thank you Mr. Chairman. As you yourself have stated publicly, environmental change is an issue of concern to us all and I am sure that concern really is shared by all delegations here today. It was referred to in many of the Opening Statements that were circulated at the commencement of this meeting. As you have pointed out, there are two Resolutions under this agenda item dealing with broadly similar issues. I am aware that there is a proposed amendment to IWC/48/44 which the Commissioner for Antigua and Barbuda has spoken to me about but given the large number of countries sponsoring this Resolution and the time available it wasn't possible to fix up agreement from everybody. I have no problem with his amendment but I think it best if he introduces it himself.

Clearly, we would have liked to see a single Resolution and it may say something about the processes and their shortcomings that we have two such similar Resolutions. However, dealing with the Resolution before us, IWC/48/44, this has been developed to provide endorsement and support from the Commission for the efforts of the Scientific Committee over recent years to address the effects of environmental change on cetaceans. The Resolution recognises the considered views of the Scientific Committee that it cannot address these issues in isolation, its needs to develop a range of cooperative and collaborative programmes which it has identified. It also needs to establish, through the formation of a Standing Working Group, to facilitate the examination of the effects of climate change on cetaceans, a continuing focus on the issues within the Scientific Committee.

Mr. Chairman, we consider that the Scientific Committee has made significant progress in the tasks that the Commission has set it in this area and we consider that the Commission should endorse its recommendations and that is, we feel, the prime purpose of this Resolution Mr. Chairman, I think slightly different to your own view, ours would be, if this Resolution is passed, we feel that its somewhat more comprehensive than the other of the two tabled and we would not see we really needed to debate the other one. Thank you Mr. Chairman.

**Chairman**

Well, I note a couple of points from that in a procedural sense, that is that I understand that Antigua and Barbuda have some comments which perhaps the Commissioner there may wish to introduce as a suggested form of amendment and your own suggestion perhaps there is a degree of similarity between IWC/48/44 and IWC/48/45 such that they might not both necessarily need to be passed or if one is then the other almost certainly is. Now, let me try and deal with this in as focused way as possible. Antigua and Barbuda what was your precise suggestion for changing wording please?

**Antigua and Barbuda**

Thank you Mr. Chairman. I'm suggesting that the last paragraph, immediately at the end of that paragraph we change the period and insert "and to collaborate and cooperate with member governments working on related issues".

**Chairman**

Could you repeat that once more please.

**Antigua and Barbuda**

Change the period and replace it with "and to collaborate and cooperate with member governments working on related issues."

**Chairman**

Thank you. I note that Australia says that they had not problem with that particular addition. Can I ask if any other delegation has a problem with that? Brazil please.

**Brazil**

Would you mind repeating please.

**Chairman**

Yes Brazil. We are looking at the last operative paragraph which begins "directs the Scientific Committee" and simply is to add the phrase "and to collaborate and cooperate with member governments working on related issues".

**Brazil**

Thank you Chairman.

**Chairman**

Thank you. Now the second issue which is whether we really need two Resolutions. Where are the potential pitfalls into which I might collapse? Can I ask the two proposers for Japan and Norway who are proposing IWC/48/45 whether they would see there are any features of that Resolution which are not comprehended by IWC/48/44.

Sorry, Japan did you wish the floor. My attention was focused on what I thought was consultation but do you wish to say anything?

**Japan**

Yes, allow me to take the floor a bit later please.

**Chairman**

Well while that collaboration or consultation is going on, let me ask for any further views. US you are asking for the floor please.

**USA**

Chairman, not to express a view but rather to seek understanding of that last phrase. I am not sure that I understand the intention of that addition. Certainly member governments cooperate or work within the context of a Scientific Committee if they send scientists to it. I find it difficult to comprehend that the Scientific Committee might work directly with a government, it's confusing to me, what is the intention of that last phrase? Thank you.

**Chairman**

Thank you US. Antigua and Barbuda are you able to clarify your suggested amendment.

**Antigua and Barbuda**

Yes Mr. Chairman. At the moment through UNEP, United Nations Environmental Programme, the GLOBEC Environmental Facility Funds and Antigua and Barbuda will be launching a programme on climate change impact and adaptation and we consider this to be an excellent opportunity whereby we can draw on experience and knowledge that is already available within the Scientific Committee and the IWC to assist us in articulating our research formats and also our research strategy. We are approaching this project from a point of inexperience. We are hoping to receive technical assistance from a group out of the University of Norway. Funding is already in place for this project Mr. Chairman and it is my view that since we have a marine and coastal component in it, that this presents an excellent opportunity for us to collaborate and cooperate with this body in addressing the issues as it relates to cetaceans, especially small cetaceans Mr. Chairman.

**Chairman**

Thank you. US do you want to comment on that?

**USA**

Well my concern is that the final paragraph is the direction to the Scientific Committee to undertake something through a Standing Working Group. I don't mind an exhortation to this Commission to collaborate with other bodies such as UNEP. I am just a little wary of directing the Scientific Committee to do something that maybe it should not do. Thank you.

**Chairman**

Yes, thank you US. I think I understand what you are saying. I think I also understand from Antigua and Barbuda that your concern might not quite be what those words themselves say. From what I understood of your explanation, you were really hoping, that you were really coming from the point of view of a specific possibility in your own country to suggest that maybe, if others are in a similar position, that they should perhaps have interaction with the Scientific Committee. Am I characterising what you are saying correctly?



**Antigua and Barbuda**

Mr. Chairman, all we are proposing is that given that in the future more and more member states might be pursuing this type of research, I think it is very important the cost saving experience, also for member countries and also international organisations to pool the body of knowledge as much as they can. If the distinguished delegate from the United States could suggest perhaps another way in which we could get the idea within the Resolution so that there can be some level of cooperation and collaboration there wouldn't be any problem with that Mr. Chairman.

**Chairman**

US do you have a formulation?

**USA**

Well not necessarily Chairman. I do note, or I do see, in the penultimate perambulatory language it says "noting that the Scientific Committee has recommended a series of actions to facilitate the development of collaborative research" and so on and a list of organisations and it says "and a range of other programmes and organisations, doing so as appropriate in other research programmes" that that would address the point being made. That therefore this language was not really necessary. Thank you.

**Chairman**

Thank you. Netherlands please.

**Netherlands**

I will just say that I agree with that interpretation made by the United States and I would ask the delegate for Antigua and Barbuda whether he can live with the language that we have here and not press that point any further. Thank you.

**Chairman**

Antigua and Barbuda how intense are you?

**Antigua and Barbuda**

Mr. Chairman, I am afraid I did not hear exactly what the distinguished delegate from the Netherlands said.

**Chairman**

I think the Netherlands was simply reinforcing what the US was saying and asking whether you were really insisting on the words. I wonder if, given what the US had just explained, you would be comfortable with adding a statement along the lines that you gave an explanation of why you wanted those particular words there from your own country's perspective because it seems to me that there is not, at least a ready agreement, to accept that form of words as is. The other option is to try and negotiate a form of words which might be simple but it might be quite complex. How are you placed Antigua and Barbuda?

**Antigua and Barbuda**

Mr. Chairman, simply all I'm seeking is some sort of wording that would give this body or the Scientific Committee some form of mandate to communicate with us, to cooperate with us, to perhaps advise us on matters and a way forward on this issue. Mr. Chairman, we will agree that we are a small developing country with very little experience, we are grateful for the assistance of the United Nations Environmental Programme to guide us on this issue, a very important issue to us as a small coastal state and I would think that as a member of this organisation the least we can ask for is for some sort of guidance from the organisation in carrying out its work. We will only strengthen the work of this organisation in its effort to understand the issues in relation to climate change and adaptation as it relates to cetaceans Mr. Chairman.

**Chairman**

Antigua and Barbuda I take your point very clearly and I don't think anybody is in fact arguing against that. I think the problem is that your formulation doesn't actually quite go that way, the words are rather more directing the Scientific Committee to collaborate and cooperate with member governments rather than suggesting that member governments might seek assistance the other way round which is what I am hearing you saying. As I say, it seems to me there are two ways round this, we can either agonise over a precise form of words which we can all agree on, but I remind delegates that I'm closing the meeting at five, or we could include your quite clear explanation of why you wanted some words in in the first place in the Report

which will make it quite clear that your country and others are quite open, of course, to contact the Chair of the Scientific Committee and request help as appropriate. Are you content with that approach?

**Antigua and Barbuda**

Mr. Chairman, the delegate from the United States is indicating that he would like to make an intervention, perhaps that will clear the issue.

**Chairman**

Sorry, my attention was focused on you. US you wish to make another statement?

**USA**

Yes Chairman, I thought I saw a way forward involving the third operative paragraph "endorses the actions proposed by the Scientific Committee". I suggest continuing on after "appropriate Arctic programmes", perhaps take that language that has been proposed for the bottom paragraph and put it on the end of that third paragraph along the lines that "calls upon the Scientific Committee to collaborate and cooperate with member government working on related issues". So that operative paragraph would read "endorses the actions proposed by the Scientific Committee for increased collaboration and cooperation with other international organisations working on related issues including CCAMLR, SCAR, GLOBEC, IPCC and appropriate Arctic programmes and calls upon it to collaborate and cooperate with member governments working on related issues". I'm sorry my mind isn't working fast enough. I'm sure that it could be edited in a better way. I cannot do it at this moment, thank you.

**Chairman**

Yes, thank you. St. Lucia are you shedding light?

**St. Lucia**

I hope so. That same paragraph endorses the actions proposed by the Scientific Committee for increased collaboration and cooperation with other governmental, regional and international organisations. That will embrace all and sundry.

**Chairman**

I'm sorry, the silence up here is because the Secretary has got another substantive point which we just need to sort out. Bear with me.

I think your suggestion St. Lucia is actually an excellent one because it covers a variety of things which may not have been there. The one problem with it is that it is not precisely what the Scientific Committee said and that then causes a further problem with the use of the word "endorses" because we then can't endorse something which the Scientific Committee themselves didn't propose. Nonetheless, that doesn't in any sense devalue your suggestion or its helpfulness. I think we need then to change the word "endorses" though to something like "requests" or something similar. If you would be happy with that and if other proposers are happy with that, if Antigua and Barbuda is happy with that we might have a formulation that all can live with that I think even adds value. Excellent.

Fine, now let's keep treading carefully. We are not doing too badly. Are there any other substantive comments on this Resolution 44? No. May I now ask either Japan and/or Norway how they see a potential linkage between 44 and 45 and what action they would like to take. Japan please.

**Japan**

Thank you Mr. Chairman. Just as a matter of principal, Japan does not intend to break the consensus with regard to 44. However, we have, of course, some concern, particularly with operating paragraph of number one, number four and number five because we don't necessarily foresee the establishment of Standing Working Group and thereby the following action to be elaborated in operating paragraph four and five. However, as I said that, that is not Japan's wish to break the consensus and rather we could cooperate for achieving that but our concern should be noted in due course, to be reflected in the report.

As far as the proposal put forward by Japan and Norway concerned that I think this also elaborates and highlights areas of the research, importance of the research, area of the importance of the research and

direct both the IWC and member nations for that directions so that I think that not only 44 but also 45 should be adopted as consensus. Thank you.

**Chairman**

Thank you Japan. There is of course considerable overlap between 44 and 45 but there are some differences and redundancy is not an issue that has in the past overly concerned us. May I ask if there are any specific, I'm going to get into trouble, I'm going to do them one at a time. 44 - Japan has indicated that it is with the notations that will be made, happy to join a consensus on 44. I see no issues being raised. Norway.

**Norway**

Thank you Mr. Chairman. Norway is also participating in the consensus on this Resolution 44 but we would like to note that in Norway's view some of the recommendations of the two IWC Workshops and especially the one on the effect on pollution on whale stocks cannot be properly addressed without the use of lethal methods. However, Norway is, of course, not opposed to the development of non-lethal methods as is the last sentence in the last operative paragraph. So in our understanding, we participate in the consensus, that's what we are going towards, but with the understanding, that in the Norwegian view, lethal methods is necessary in addition to non-lethal methods. Thank you.

**Chairman**

Thank you Norway. France.

**France**

Thank you Mr. Chairman. As far as Resolution 44 is concerned, the French delegation is particularly happy of the two references. First to the Arctic Environment Programme in the Preambular part and also of the third paragraph of the second part of the Resolution about the cooperation between the International Whaling Commission Scientific Committee and appropriate Arctic programmes. I thank you.

**Chairman**

Thank you. Well I believe that we can actually adopt Resolution 44 by consensus. Thank you.

Now we are considering 45 which we have already had some discussion on. We note that there is, partly because I guess of time pressure, there was not sufficient time to try and coordinate a consolidated Resolution so there is some redundancy. But there are also one or two points of information difference. Apart from perhaps a concern that there is redundancy are there any issues of principal objection? Netherlands.

**Netherlands**

Mr. Chairman, that's a big word, no issues of principal objection but I would have a proposal for an amendment though. I have no problem with the notion that member governments should gear their whale research programmes and monitoring activities to as much as possible to meet the needs identified by the Scientific Committee. However, the specification proposed in this Resolution in the first operative paragraph, no sorry its the second, which starts with "Calls upon the member governments", you see the words in the third line "especially those". Well it seems to me that this kind of specification is premature because the Scientific Committee is presently restructuring its work which might result in different priorities and we would not like to prejudge the outcome of that review so we wonder if it would be acceptable to the sponsors of this Resolution to replace the word "especially" by "including", replace "especially" by the word "including. That change would make the Resolution more acceptable to us. However, Mr. Chairman, I would like to point out that the Commission has adopted several Resolutions on research activities in the recent past requesting parties to undertake their research activities by non-lethal means and it is my understanding that the present Resolution in no way detracts from those earlier Resolutions in this respect. Thank you Chairman.

**Chairman**

Thank you Netherlands. So there is, in effect, a suggested change from the word "especially" to the word "including" in the second operative paragraph, the one beginning "Calls upon member governments". Can I ask the proposers if that would be acceptable to them? Japan please.

**Japan**

Yes it is.

**Chairman**

Thank you, that's very helpful. Austria you were asking for the floor. Did you wish to say something?

**Austria**

Austria wanted to say that we believe that any research on environmental change in cetaceans should, on principle, be non-lethal and it would be very important that this is outlined in a general Resolution like this. Thank you.

**Chairman**

Thank you. United Kingdom.

**United Kingdom**

Thank you Chairman. I just wanted to say that our participation in any consensus on this Resolution would be on the same terms as those identified by the Netherlands. Thank you Chairman.

**Chairman**

Thank you. Australia.

**Australia**

Our position is similar to that just enunciated by the UK. Our participation in consensus needs to reflect our views on the use of non-lethal methods.

**Chairman**

Would any other delegations who wish to associate themselves with what the Netherlands has said simply raise their flags and we will record their names.

Monaco, New Zealand, South Africa, Chile, France and Finland and Spain. Thank you. That being ..... US? Yes, US.

**USA**

Chairman I have a more fundamental concern.

**Chairman**

Oh dear! Yes please.

**USA**

I'm sorry but this is problems when we don't have time to consult on these things. I particularly note that there is no reference in this Resolution to the Resolution passed last year regarding the use of non-lethal methods and Sanctuaries and I would need to see language of that sort in this Resolution and inserted at appropriate places both in the preamble and in some operative paragraph below which will allow me to accept this. In my view, this is redundant to the former Resolution and there is no need for this Resolution. Thank you.

**Chairman**

Thank you US. So, my understanding in that you are not prepared to participate in a consensus in this Resolution unless there is such a wording? Can I ask the two proposers whether they are able to, or prepared to develop wording which relates to the previous Resolution from last year as noted by the US. Japan please.

**Japan**

Thank you Mr. Chairman. I think that the difference to the Sanctuary was already incorporated in the third preambular paragraph and I think that would be, from our point of view, is sort of more sophisticated way of wording so that I think this could be acceptable to the US.

**Chairman**

I'm afraid that I don't think that it is acceptable to the US. The US, I think, was being quite explicit about the reference it required. It really is very difficult to try and get these kind of word changes at this stage in our meeting in Plenary. Now we can either try and do it or I can ask for some very quick consultation between the delegations of the US and Japan and/or Norway to try and sort out this issue and we might try and deal with some other business. I'm entirely in the hands of ..... yes, I see France but I'm trying to sort out this particular issue at the moment please. How do you wish to proceed US?

**USA**

Sorry Chairman, the consultation was underway. We are trying to discuss it. However, I will not promise that we will resolve it. I will try and I will look.

**Chairman**

Well, we can do a number of things. We can either try and resolve the issue along the lines that you have suggested. We can set aside, assuming the proposers would agree, this Resolution on the grounds that much of it has been covered in the previous Resolution or we can vote on it and really the choice is yours. France are you adding any light to this please?

**France**

I don't know Sir but I will try. This is just to say that the French delegation is not very comfortable with this proposed Resolution. We share the views expressed by the US, of course, but we think that we should be even more clear and so we have no difficulties if you are pushing for a vote on the Resolution but in any case we cannot accept the Resolution the way it is unless in the first paragraph of the operative part, that's to say "calls upon the member governments", we add "using non-lethal methods". So I would propose an amendment to that paragraph "calls upon the member governments, using non-lethal methods, to adapt their research programmes and monitoring activities etc". Of course, we think some of the research which is proposed in that Resolution are not consistent with the amendment but we still think that, as we are under time pressure, and we lack time to view the whole wording of that Resolution, we have to keep this, so to say, reservation into the operative paragraph. So my proposal is to introduce that small amendment to the first operative paragraph "calls upon the member governments, using non lethal methods, to adapt their research programmes and monitoring activities" and so on. Thank you.

**Chairman**

Thank you France. Japan please.

**Japan**

Thank you. Yes, we have conducted consultations with US and apparently there is no consensus so we don't waste very much time on this Resolution so taking into account modification put forward by the delegate of the Netherlands, which is to replace "especially" to "including" in the second operative paragraph from the bottom, we would like to put this for the vote.

**Chairman**

Thank you Japan. That seems the neatest and easiest way. So we are actually looking at IWC/48/45, it has been amended by the change from the word 'especially' to the word 'including' in the second operative paragraph which now reads "calls upon member governments to adapt their research programmes and monitoring activities to address research and monitoring needs identified by the Scientific Committee including those that relate to" etc. So I now ask the Secretary to conduct the vote please.

**New Zealand**

Point of order Mr. Chairman. Yes New Zealand. Didn't you have an amendment from France which France moved inserting certain words in one of the recitals?

**Chairman**

Well I did but I was assuming that, as we hadn't actually reached any consensus on the US amendment, which was actually quite close to what France was suggesting, and as Japan was suggesting we move to a vote, that given the hour, and so on, I was simply proceeding to move to the vote. If you wish to further amend it, well, I mean, the Chair is, of course, your servant.

#### **New Zealand**

Mr. Chairman, I understood that France was proposing an amendment which my delegation would certainly like to see incorporated into the substantive Resolution and in those circumstances I would suggest that, assuming that it has moved properly, it should be dealt with accordingly and if indeed the United States is disposed to move an amendment on its issue as well, I think that that also should be dealt with in the same manner. As I understood it, the US had had some consultations and wasn't yet ready to do that but certainly, I believe, that France was.

#### **Chairman**

OK. You can stay as long as you like, until five. US can I have clarification that you want to do or not to do anything with your suggestions.

#### **USA**

Well Sir, the French amendment makes progress. However, I still maintain that to be acceptable to those who supported Resolution 1995-8, Resolution on Whaling under Special Permit in Sanctuaries, ought to be joining me and calling for specific preambulatory language recalling or noting that particular Resolution.

#### **Chairman**

The UK.

#### **United Kingdom**

Thank you Chairman. Well it would seem to me that the United States, in effect, proposed amendments before France and should perhaps take priority and I think the United States amendments were more extensive. If we are going to vote on an amendment, I would much prefer to vote on the amendments suggested by the United States for the reasons suggested by the United States. I think we do need language in the preamble as well as in the operative passage.

#### **Japan**

Thank you Mr. Chairman. Yes, our intention was to contribute to the work through the Commission to the Scientific Committee, simply saying that research needs are advanced and necessitated for the area which the Scientific Committee and the Commission identifies responding to the wishes of those two organs. That is not our intention to prolong our debate at this late hour and I don't think, listening to others, from my point of view the amount of comments that I don't want to prolong your sort of good chairing. Therefore, for the sake of to contribute to the floor through you, as well as to you, Japan declare to withdraw this Resolution.

#### **Chairman**

Thank you Japan. Norway are you in agreement with that? You are. The Resolution is withdrawn, the issue is withdrawn. Thank you. That concludes and closes agenda item 15.

31. We have, I think, only two items left. They are items 29 and 31. However, because 29 is actually dealing with our future work, our future meetings, I propose to deal with that at the very last and so I would now like to move to agenda item 31. 31 which is Whaling Activities by Non-Member States. Delegates may recall that this was introduced in some way, or foreshadowed in some way, yesterday. We now have a paper IWC/48/47 which deals with agenda item 31 and its entitled "Resolution on Canadian Whaling". It is sponsored by France, Netherlands, United Kingdom and United States. Who is to introduce this Resolution? United States please.

#### **USA**

Thank you Chairman. My delegation puts forward Resolution IWC/48/47 regarding Canadian whaling. When we discussed this earlier in our deliberations the US drew attention to the concerns expressed by the Scientific Committee about the status and small size of the Davis Strait and Hudson Bay stocks of bowhead whales which are conservative estimated at about 450 animals. Other delegates will recall that the Government of Canada withdrew from the Commission in 1982 stating that it had no direct interest in whaling. We are informed that the Government of Canada is poised to issue a licence to take one bowhead whale for aboriginal use. Mr. Chairman, this whaling would be conducted outside the IWC on an extremely endangered stock. The delegation is concerned about this and believes that this Commission should also be concerned. The proposed Resolution expresses concern about whaling outside the IWC in general and in

particular on the proposed hunt on the Davis Strait and Hudson Bay stocks of bowhead whales. It further urges Canada to refrain from issuing permits unless this Commission approves a quota. Mr. Chairman, the International Whaling Commission cannot condone whaling that is not conducted in accordance with the International Convention for the Regulation of Whaling. I hope that there would be a consensus to adopt this Resolution. Thank you.

**Chairman**

Thank you United States. Norway ask asked for the floor but I want to, before I give the floor to Norway, I am aware we have an observer here from the Government of Canada and I want to actually ask that observer whether they wish to make an information statement on this issue. If you do, can you find the microphone or shout or in some other way communicate with us? Thank you.

I have to fight with another commonwealth country I think but if they are comfortable then .....

**Canada**

Thank you Mr. Chairman. This Resolution deals with, at most, two whales. One in the eastern Canadian Arctic and one in the western Arctic. The aboriginal people of Canada have a constitutionally protected right to harvest fish and marine mammals subject to conservation.

Mr. Chairman, the Commission will know that Canada banned commercial whaling in 1972 and withdrew from the IWC in 1982 concluding there was no further reason to remain as a member of the IWC which is mandated to make possible the orderly development of the commercial whaling industry.

The aboriginal harvest in Canada in no way represents the re-initiation of commercial whaling activity.

Mr. Chairman, my Government reserves its right to provide further comment on this matter through the Secretary of this Commission. Canada feels strongly that this Resolution is negative, inappropriate and counter productive. Thank you Mr. Chairman.

**Chairman**

Thank you Canada for your views as an observer. Norway you had asked for the floor. Norway please.

**Norway**

Thank you Mr. Chairman. I would like to refer to what has been said from our delegation earlier today. This Commission has to stick to what is its business. This Resolution, being directed to a non-member country, is inappropriate and we ask that it is withdrawn. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. People's Republic of China and then Japan. People's Republic of China please.

**People's Republic of China**

Thank you Mr. Chairman. Generally we support the content of this Resolution but from legal view we worry about such a manner, whether such a manner is suitable to deal with the relationship between an international organisation, or a Convention, and its non-member so perhaps I would like to suggest in the vote of this Resolution here cross out the Government of Canada to do something, change it to encourage the Government of Canada to do something. It is more suitable for us. "Calls upon" change to "encourage". My English is very poor, I'm not sure that it is possible. Thank you.

**Chairman**

Thank you. Well just to keep that suggested amendment for a moment until I hear some of the other speakers who have asked. Japan and then Antigua and Barbuda please.

**Japan**

Thank you Mr. Chairman. IWC is not entitled to make this kind of statement to the non-member countries in this form of a Resolution. Therefore, this kind of Resolution is not valid and therefore I would like to suggest to the sponsors to withdraw this Resolution.

According to the information we hear from the environment organisations, from the WWF, or there are some papers from the BBC. We hear that there are other, possibly, other non-member countries other than Canada which may be engaged in whaling or some activities of that sort. So, we are wondering why only Canada has become the subject of this kind of Resolution. That is our question and discussing and deliberating such a Resolution I think further discourages the other non-member countries from ever feeling encouraged to join the IWC in the future. So, from that standpoint, as well, I feel we should not elaborate on and endorse this kind of Resolution at all. Thank you.

**Chairman**

Thank you. Antigua and Barbuda and then St. Lucia. Antigua and Barbuda please.

**Antigua and Barbuda**

Thank you Mr. Chairman. Mr. Chairman, throughout the deliberations for this week I have listened with great concern a number of things that is happening. For instance, Mr. Chairman, this Resolution has caused great concern for Antigua and Barbuda, especially as a small developing country with very little capability of influencing opinion, especially in international matters. I see here Mr. Chairman, where on one hand this Resolution is using very strong words like "deplore" and still down further trying to encourage Canada to join the Commission.

Mr. Chairman, I think if we wish for a particular country to join this body we have to be very careful on the way we may condemn actions that we may deem not appropriate to the work that is before us. I also do support the sentiments of the representatives from Japan and China with regards to whether or not the Commission might have the competence to table such a Resolution or pass such a Resolution with regard to a country who might not be a member. However, if we wish to encourage the people and Government of Canada to join this fold, I would suggest one of two things, whether we withdraw this Resolution and find some other means of persuasion with regards to Canada, or we look towards changing some of the wording in this Resolution Mr. Chairman. And I would like to suggest Mr. Chairman that if we don't accept the first suggestion, we look towards removing the word "deplore" and look at concern about all whaling not conducted in accordance with the International Convention. Perhaps we could change the word "deplore", which I think is very strong, and we should not use that type of phrasing to encourage non-member states to cooperate and also, Mr. Chairman, we go further down and rather than asking Canada to revoke any outstanding permit which they have the right to issue, or their constitutional right to issue, we may want to ask them to reconsider the issuing of such a permit Mr. Chairman. Thank you.

**Chairman**

Thank you. St. Lucia and then Switzerland please.

**St. Lucia**

Thank you Mr. Chairman. Well we have heard the Canadian position and I was hearing it for the first time. The IWC is asking, according to this Resolution, Canada to seek approval, that they must seek approval for whaling activities. I presume this would also apply to all countries of the world where any whaling is taking place so I am wondering whether it is the intention to produce an all encompassing Resolution rather than one directed at Canada alone.

I would like to think, Mr. Chairman, that any observation of this nature, the way of addressing it is by having dialogue of the countries concerned and to see in what way matters can be resolved. But certainly the way it is put there, rather than encouraging Canada or any other nation, whaling nation, to join the IWC, it will certainly deter them, especially those who are sitting in here observing. So, if we wish to attract new members, I think we have to be cautious how we go about dealing with these matters. I personally think my delegation is of the view that this Resolution is totally out of place, it is badly phrased and it should be withdrawn.

**Chairman**

Thank you. Switzerland and then St. Vincent and the Grenadines. Switzerland please.

**Switzerland**

Thank you Mr. Chairman. Mr. Chairman, we have carefully listened to the views expressed especially to the statement from the Canadian representative and we share some of the concerns expressed about this



Resolution. We fear really that it might prove to be counter-productive and suggest that the Canadian Government is approached in this particular, but also general, matters through diplomatic channels and not through this Resolution. Therefore, we would see it fit that the Resolution would be withdrawn.

**Chairman**

Thank you. St. Vincent and the Grenadines and then Denmark. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Chairman. Just to support what has been said by St. Lucia. We note that the Canadian representative has chosen to respond in our Plenary but we feel they should not have been put on the spot like that, to have to decide whether to ignore or to respond, we think it is improper to deal with observers in this way, bringing them onto the floor at one time or another and that it's far better to have some kind of more diplomatic dialogue and some kind of dialogue that shows more respect for non-member countries who are exercising their own sovereign rights. There must have been some good reason why Canada was a member of the IWC and chose to leave. Thank you.

**Chairman**

Thank you. Denmark and then the Russian Federation and I think that's probably the list. Denmark and the United Kingdom apparently now is saying something. Denmark.

**Denmark**

Thank you Mr. Chairman. This draft Resolution makes me table several remarks. Let me start by saying that as a general rule and idea it's our firm conviction that it would be a good idea for states interested in whaling to join this Commission. Having said that as a general remark and now to the more concrete example here-of a draft Resolution, I will say that I, in many respects, are in agreement with what has been said by Switzerland also to the procedures to deal with these things and as a third point, I will, like others, take your attention to Article VI in the Convention and, as we all know, Canada is not a member state to this Convention. Thank you.

**Chairman**

Thank you. Russian Federation and then United Kingdom. Russian Federation please.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman we tend to share the views expressed several minutes ago by the distinguished Commissioner for Switzerland and we also would like to stress that, of course, the Russian Federation is in favour of the strengthening of the role of the IWC in the international system which is devised for the regulation of marine living resources.

We feel that, and we support the IWC as the central organisation with a view to study and conservation of whales. However, Mr. Chairman, we base ourselves on the provisions of the 1946 Convention, the Article VI, which allows the Commission to make recommendations and we consider that these Resolutions, as any other Resolutions adopted by the Commission, are recommendations and when reading Article VI of the Convention we find that the Commission may, from time to time, make recommendations to any or all Contracting Governments. This means that the scope of address, or the scope of states to which recommendations could be addressed is limited only to Contracting Governments.

So from this point of view, Mr. Chairman, we cannot support a Resolution which has a broader scope than the one prescribed by the Convention. Thank you Mr. Chairman.

**Chairman**

Thank you. United Kingdom and then Grenada. United Kingdom please.

**United Kingdom**

Thank you Chairman. Well we are one of the countries sponsoring this Resolution and I would just like to make a number of simple points. We strongly believe that the IWC is the appropriate international body to regulate all whaling and we believe equally strongly that all whaling needs to be conducted, that is going to be conducted at all, under the auspices of the IWC. We believe accordingly it is quite appropriate for the IWC to make this point clear to non-member countries and also to express concern about the implications

for a particular stock of whales of whaling by a non-member country. Now, we think that those are all quite appropriate things for the IWC to be doing, to do and how we do it, we have an open mind but, as I said, we have sponsored this Resolution and we are happy with it. Thank you Chairman.

**Chairman**

Thank you. Grenada please.

**Grenada**

Mr. Chairman my delegation shares the views expressed by the fellow Caribbean states and the State of Japan.

**Chairman**

Thank you. US please.

**USA**

Thank you Chairman. We have listened with care to the comments being made. We find that we are not in a position to withdraw this Resolution. We note that this Commission has an agenda item on non-member whaling and this Commission has passed previous Resolutions on this issue. There was, in fact, an all encompassing Resolution passed on this in 1993 at Kyoto and it was based on a discussion of many of these same concerns and similar countries already mentioned earlier here. If member countries don't think that other countries with an interest in whaling should belong to the IWC why are we all here?

Following on from the UK's comment, there was agreement at UNCED that the IWC is the sole global authority for whaling. Now, Mr. Chairman, we do not wish to be seen as insensitive, we have heard some very useful amendments on language. We would agree that in the first operative paragraph "deplores" be changed to "concerned about", and in the third operative paragraph we would agree to using "encourages" rather than "calls upon". There is a small clause just below that we would take "reconsider" rather than "revoke" and with those changes Mr. Chairman I suggest you put this is the vote.

**Chairman**

Thank you US. I think some of those changes go some way to alleviate at least some of the concerns that I've heard. I would propose, therefore, that we should vote on IWC/48/47 which, in its operative form, would now read "Now therefore the Commission concerned about whaling not conducted in accordance with the International Convention for the Regulation of Whaling 1946 expresses particular concern" etc. "encourages the Government of Canada to reconsider any outstanding permits" etc. and the remainder remains. I now ask the Secretary to conduct the vote on this resolution as amended in that way. Secretary please.

**Secretary**

Mr. Chairman, the proposal before this Plenary session is the Resolution on Canadian Whaling, IWC/48/47, amended as the Chairman has just described. A simple majority of those voting for or against will carry this Resolution on Canadian Whaling. The role starts at Oman - Abstain; Russian Federation - No; St. Lucia - No; St. Vincent and the Grenadines - No; Solomon Islands - No; South Africa - Yes; Spain - Yes; Sweden - Abstain; Switzerland - Abstain; UK - Yes; USA - Yes; Australia - Yes; Austria - Yes; Brazil - Abstain; Chile - Absent; People's Republic of China - Yes; Denmark - Abstain; Finland - Yes; France - Yes; Germany - Yes; Grenada - No; Ireland - Abstain; Japan - No; Republic of Korea - Yes; Mexico - Yes; Monaco - Yes; Netherlands - Yes; New Zealand - Yes; Norway - No.

Mr. Chairman there were fifteen votes in favour, seven against with 6 abstentions so that Resolution is adopted.

**Chairman**

Thank you. That concludes agenda item 31. We are now in fact left with, I think, only one item still open which is agenda item 29 "The Date and Place of Annual Meeting". We have, in discussing the Finance and Administration Committee Report, heard, well we are already aware that the 49th Annual Meeting in 1997 will be in Monaco and we have heard a little about what we may expect there in recent days. We have had an offer from Oman for the 50th Annual Meeting and there have been some informal discussions about what might take place on the 50th Annual Meeting which were raised first last year by a member of the Swiss

delegation. I am not aware that we actually have any conclusive view about our progress towards these various items nor whether the 50th Annual Meeting should be any special or different format but this is an opportunity perhaps for us to reflect on what happens on the 50th Anniversary, if anything, and whether we would need any special meetings between now and the 49th Annual Meeting which is, of course, in late October. I don't know if Monaco, at this stage wishes to add anything to the already large amount of detail we have.

**Monaco**

Not particular Mr. Chairman except to reiterate our warm welcome to all delegations and observers next year.

**Chairman**

Thank you. Oman do you wish to make any remark in connection with your offer for the 50th Meeting?

**Oman**

Yes if I may so. We are more flexible in timing of the meeting. However, the temperature during the period of mid-May until mid-August ranges from 39-45°C. Thus, if I may suggest that either the Chairman or the Secretary would pay a visit to Oman before the 49th Annual Meeting for further discussion and arrangements of the meeting. Also, my intention is to bring some documents and video tapes to be presented in Monaco during the 49th Meeting. Finally, we have the honour in welcoming the delegate members of the IWC, the NGOs and observers in two year's time. Thank you very much Mr. Chairman.

**Chairman**

Thank you Oman. May I now seek any comment on the extent, if any, of any preparation that might need to be done before the 49th Meeting in Monaco. Mexico you are asking for the floor please.

**Mexico**

Thank you Mr. Chairman. Mr. Chairman, in my delegation's Opening Statement which was circulated to all members of the Commission we reviewed very briefly the status of what we consider to be a rather important issue before this Commission, an issue which is not a new one but which, because of the rapid approach of the 50th session of the Commission, and also because of the Swiss Commissioner's proposal last year, seems to us to have perhaps reached a new maturity within the IWC. It refers basically to the fact that we considered that one of the perhaps appropriate ways in which we could further the work of the Commission in the coming years would be for there to be an opportunity between now and the next Annual Meeting of the Commission which happens to take place considerably beyond the twelve months that we usually have between sessions, to do some brainstorming at the level of Commissioners, either in a special intersessional meeting of the Commission or as perhaps you yourself informally proposed or mentioned to Commissioners in our Commissioners Meeting, an intersessional informal meeting of Commissioners.

We feel that this is important for several reasons, the first perhaps I would relate to this agenda item that we have just concluded moments ago relating to Canadian whaling. We, Mexico, feel very strongly that all countries that have a interest in whales and whaling should be members of the Commission. It is unfortunately the case today that several are not and it is always the sword of Damocles that hangs over this Commission, that some who are or may soon not be, or in one way or another are working outside of the Commission.

Another issue which we think is important is the, what we have called, the updating of the Convention, updating which we feel is required. We felt this since the 70s as a result of the new Law of the Sea, the Convention of which has now entered formally into force and is part of international law and also because there are conflicting obligations placed upon states party to the IWC who are also parties to other international treaties which, in one way or another, have to deal with issues, either directly related or peripherally related to the ones that the IWC deals with.

I would like just simply to make a few clarifications because there seems to have been at least, by those who have commented to us informally, some considerable misunderstanding about what we are talking about. We are not talking about a review conference at the moment, we are not talking about a review session, we are not talking even about any session which would have any decision-making possibilities or mandate. We are really talking about an informal brainstorming in which we would be able outside the pressures of the

normal course of the IWC Annual Meeting and the agenda thereof, to sit down and to reflect as Commissioners on exactly where our own governments feel that the IWC should be going, where it is and whether or not any possible changes could be considered. It would, of course, later fall to the normal course of treaty amendment or review to decide which method would be used for any changes, where there to be any changes that were felt feasible.

We do not, in any way, consider this to be a review exercise or even the beginning of a review exercise but rather an attempt for us to sit down in an informal way and to talk about the issues which congregate us here year after year and which at least, as far as this delegation is concerned, many have expressed informally some frustration with the way that the Commission is going.

We do not intend this to be a secret exercise, its obvious that if we had intended it to be a secret exercise, then we wouldn't have put it in our public Opening Statement. Our idea is for it to be an informal meeting of Commissioners outside of the regular structure of the Annual Meetings, by no means secret. We would limit it, I think, as far as our thoughts are concerned, to Commissioners in order to provide the informal atmosphere that we would require in order to make it useful but we would certainly feel that both non-member governments, governments that are not members of the Commission, government observers and non-governmental organisations could perfectly well provide input to such a reflection. Perhaps input through written proposals or written statements to be submitted through the Chairman well in advance of such a reflection. It is by no means intended to exclude the input from or the concerns of those who are not at the moment governments party to the IWC.

We would also expect, if this is something that meets with the approval of my colleagues, that members of the Commission also contribute perhaps documents, those who have ideas to set out some of the possibilities that we might be thinking about regarding the IWC present and future. We are very clear that it is entirely possible that no results of any consequence come from this exercise but we are also conscious that even if no result comes from the exercise, the exercise is something that, in spite of the mirth that it seems to create both for the Secretary and the Chairman, is an issue of considerable importance to this Commission. This Commission is in a rather serious situation right now and is on the verge perhaps of losing a great deal of its authority in terms of the type of work that it should be doing and I think that it behoves all of the states who are parties to the Commission to think a little bit about whether this isn't something that should be done.

We feel that there are issues that are not those which are potentially always divisive within the Commission that could be addressed at such an informal session. Things like the question of competence and small cetaceans, whalewatching and other issues that are on our agenda on a year to year basis and which might merit being discussed.

We obviously, Mr. Chairman, do not intend to push this if the Commission is not agreeable to it, we think that it is something that would be worthwhile, we would consider that it should be, if it is considered worthwhile, something that should be undertaken between now and the next meeting and preferably in a place where the maximum number of Commissioners would feel comfortable going at the point in time which you decide that it could be held. Thank you very much.

**Chairman**

Thank you Mexico. I have a number of speakers. Ireland, Norway and New Zealand so far. Ireland and then Norway please.

**Ireland**

Thank you Chairman. I have grave difficulty at this stage of the week with even the concept of the Commissioners brainstorming but I would very strongly support the intervention by Mexico. If I can quote you from a book I received yesterday. "The ongoing debate concerning the proper use of versus non-use of nature is not a pleasant one. Aside from all the political and economic interest involved, because of the emotion involved, the exchange of views often takes places in a near fanatic mode, quite different from most other public debates." I think a lot of us can relate to that quotation. I think it will be very good for us to sit down and discuss the possibilities for the future and just to engage in some dialogue. Thank you Chairman.

**Chairman**

Thank you Ireland. Norway and then New Zealand. Norway please.

**Norway**

Thank you Mr. Chairman. I shall just repeat what the Norwegian Commissioner said yesterday on this issue. Norway will not participate in any intersessional meeting with an item on the agenda which we are discussing amending of the Convention. I think that this was the statement made yesterday and we have had a discussion in the Norwegian delegation and this is a firm statement by the Norwegian delegation. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. New Zealand and then Spain please.

**New Zealand**

Mr. Chairman, New Zealand believes that we can't make any final decision, and indeed I know that you are not seeking it from this meeting, until such time as we have a clear idea of what issues will, in fact, be discussed at such a meeting and in that regard we understand that it is your intention at some later stage to bring together various thoughts and to circulate them to Contracting Governments for their comment. Mr. Chairman, until we see that we certainly can't make a decision and in that regard my only comment that we have a serious doubt as to whether it is either practicable and indeed I know that there are some who even think it may not be legal for us to address a re-write of the Convention itself but there are clearly some other issues that certain Commissioners would like to place on the agenda and we believe that may well be the basis for such a meeting. Therefore, Mr. Chairman, despite the problems that we have in attending intersessional meetings, if it is held we will make every effort to attend.

I want to make one substantive comment. I realise that what is proposed is a meeting of Commissioners, regardless of the agenda. Such meetings when they are held at this Annual Meeting are held in private, on occasions even the Secretary does not attend and, Mr. Chairman, I want to make it clear I respect that procedure. However, I am concerned at the effect that could result from a total exclusion of NGOs. If they are to be no more than faces pressed against the window, then there will be suspicion as to our purpose and as to our agenda and I ask, therefore, Sir, that in circulating thoughts about what might be discussed at such a meeting you might also address ways of including NGOs and by this mean NGOs of all stripe in the process. I have in mind something more, Sir, than just providing comments to us prior to the meeting. In short Mr. Chairman, we would seek an open and inclusive process.

**Chairman**

Thank you New Zealand. Spain and then Netherlands please.

**Spain**

Thank you Mr. Chairman. The Spanish delegation sees with sympathy the proposal by our distinguished Commissioner for Mexico and supports this deliberation of such a meeting even if there are still some aspects to be discussed until the possible deliberation of this meeting. Thank you.

**Chairman**

Thank you. Netherlands and then St. Lucia please.

**Netherlands**

Thank you Chairman. I would just like to say that in principle I think it could be useful to have discussion of a general nature as suggested by the distinguished Commissioner for Mexico. Without expressing any expectations at this time as to the possible outcome of such discussions, we will take a final decision on this matter when we receive your announced proposal for the agenda. Thank you.

**Chairman**

St. Lucia and then Oman please. St. Lucia please.

**St. Lucia**

Thank you Mr. Chairman. As you know, attendance at IWC meetings is rather a costly affair and developing countries like ours you know have a problem sometimes in attending the wide range of meetings

all over the world. I'm very concerned that an informal meeting is being called for separately, brainstorming, among other things, updating of a Convention. This is a very serious matter which involves governments, it involves parliament so I don't quite go for this type of informality to brainstorm on such a serious issue by the Commission as we know them today. I would like to suggest, nevertheless, that this brainstorming, in an informal manner, may probably best be held a day or two before the normal IWC Annual Meeting and not a very special meeting and in an informal manner. Thank you Mr. Chairman.

**Chairman**

Thank you St. Lucia. Oman and then People's Republic of China. Oman please.

**Oman**

Thank you Mr. Chairman. Although I support the views presented by the distinguished Commissioner for Mexico, it seems that there are different opinions within the Commissioners and therefore, I think, the suggestion presented by my colleague, the Netherlands Commissioner, will be appropriate in my opinion.

**Chairman**

Thank you. People's Republic of China and then USA. People's Republic of China.

**People's Republic of China**

Thank you Mr. Chairman. Fifty years over, we would like to say this is the time to amend the Convention, it's time to correct our direction which we follow, the emotional and politician approach in IWC forum. We worry about the future of IWC just like we worry about the whale resources. For this concern we fully share the comments addressed by Commissioners from Mexico and the Netherlands. Thank you.

**Chairman**

Thank you. USA and then France please.

**USA**

Mr. Chairman, the Commissioner for Mexico has made an eloquent statement of the many issues that face the IWC and I fully agree with the Commissioners who say that we must address these issues but I think these must be addressed in the normal course of business. I think the participation of inter-governmental organisations, of non-member governments, of NGOs is a critical part of the progress of the IWC. I would be very interested to see the Chairman's proposals to address the concerns that face the IWC because I agree with the Commissioner from Mexico and the others, that we have many issues that must be addressed but I think that this must be addressed in the context that we normally address our issues. Thank you.

**Chairman**

Thank you US. France and then Japan and then I would like to close the list. Thank you. United Kingdom, just in. France.

**France**

Thank you Mr. Chairman. Just to say briefly that the French delegation shares the view which was expressed by the New Zealand and the US. Thank you Mr. Chairman.

**Chairman**

Thank you. Japan and then the United Kingdom please. Japan.

**Japan**

Thank you Mr. Chairman. Well it depends on, probably, the subject we are talking about. If we are talking about any review of the existing Convention, our delegation does not believe it to lie within the Commissioner's meeting competence but it should rest with Contracting Parties Government Meeting. If we are talking about the agenda, which we are discussing within the Commission, and take that small meeting advantage of that, that makes sense.

Again, our delegation doesn't want to decide at this time but that is the basic presumption on which we are thinking of. The size of the meeting, I believe the Mexican Commissioner said two for each country, or Commissionership, maybe wise but again the question of NGO attendance should be further reviewed because the reason why we have to make such a kind of exchange is a very frank discussion in narrative

scale. We cannot realistically have frank and, I say, frank discussion in a big audience. I think it is common sense, we don't want to have our meeting with NGOs present over number Commissioners. Thank you.

**Chairman**

Thank you Japan and United Kingdom lucky last.

**United Kingdom**

Thank you Chairman. Well I very much agree with the views that have been expressed by New Zealand, the United States and France. I think that it is important that whatever we do is open. I don't think that we can really safely meet in secret conclave to try and reform the Convention. In fact, I think, my views on Commissioners Meetings are very similar to my views on abundance estimates, that what we must have is a credible and fully transparent procedure. Thank you Chairman.

**Chairman**

Thank you, such eloquence. I am left with a perplexing range of views. I don't think that any single Commissioner actually shared exactly the view of any other Commissioner as I have heard them. I do believe, however, that whatever we do we will have to have a far more active correspondence between us between now and the next meeting whether or not we have any meetings, whether they be official, unofficial, transparent, opaque, contained, exciting, brainy, brainstorming or whatever. But I am mindful of what has been said by all. I will take that into account in discussion with the Secretary and write to Commissioners quite soon with my view of where our discussion is at, and my synthesis of what has been said this afternoon, and some options for the way forward. I am still, I guess, a little concerned that I think not everybody is clear what has actually been proposed by everybody so we do need a little bit of transparency in our own considerations. But thank you for that. I don't believe there is any definitive result that we can expect but I will be in contact with you and, as I said, in any event, the duration of time between this meeting and when we gather again in Monaco, is such that we are likely to have a more active correspondence, by active I hope I also mean informative.

I think that we are almost at the end of our formal business. There are a couple of items that are left, for example, the possible Chair for the Humane Killing Working Group as suggested by Norway has not been taken up and the possible Chair of the RMS Working Group, for example is also not taken up. I don't see any immediate nominations being produced so I guess I'm giving due warning that this is something that we will need early to think about because I think both of those persons should, when we have agreement from Commissioners, actually begin early work on at least thinking about their tasks for those two activities.

That said, I think we are virtually at the end. I should say, I think, one thing which was raised by a broad spectrum of Commissioners in one of our Commissioners' meetings and that was a slight concern, I use the word slight, but a concern nonetheless, that some of the items, we all know we are fair game, but some of the items that have appeared in some of the newsletters produced for informative purposes for us have actually tended towards a rather more personal nature for the first time I think, that was regrettable. We can't, of course, and wouldn't wish to, control what is done, but I just leave those words in the minds of those who write supposedly informative broadsheets. If you expect them to be read, they should have some basis of credibility. With that slightly school-masterish admonition I now have great pleasure ..... US.

**USA**

Chairman, before you close the meeting, may I just say on behalf of all the delegations here what a very good experience it has been to have another meeting under your Chairmanship. You move things along very well and I think we are all very pleased with the way you are doing your Chairmanship so thank you very much.

[APPLAUSE]

**Chairman**

Thank you thank you much. Ireland.

**Ireland**

Chairman, a social item before we close. I understand that the Commissioner for Spain is getting married tomorrow and I would like to send good wishes from the Commission.

**Chairman**

This is exactly right. Anyone who has a more deserved honeymoon I cannot imagine. Well it now simply remains for me to thank you all for your largely constructive participation in the meeting and I think that we have, on reflection, quite a successful series of outcomes. I wish you all a safe journey and look forward to seeing you on the helicopter pad at Monaco. Until next time the meeting is now closed.

**CLOSE OF MEETING**