

# International Whaling Commission: 49<sup>th</sup> Annual Meeting

20-24 OCTOBER 1997, MONACO

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# **International Whaling Commission: 49<sup>th</sup> Annual Meeting**

## **20-24 October 1997, Monaco**

### **OPENING PLENARY SESSION MONDAY 20 OCTOBER 1997**

#### **Chairman**

..... we have the even greater pleasure of some opening words being provided to us to help guide our discussions in the coming week by His Serene Highness, Prince Rainier, who will now offer us the opening address.

#### **1. ADDRESS OF WELCOME**

#### **Prince Rainier**

President, Commissioners, Delegates, Ladies and Gentlemen.

I wish all the participants to the 49<sup>th</sup> Annual Meeting of the International Whaling Commission a warm welcome. This is the first time that our country has the privilege to host the Commission, and we hope that your stay will be as productive and enjoyable as possible on our few acres of land, narrowly bounded by the mountains and the Mediterranean Sea,

Geography often dictates destiny, as in the case of this country, which for centuries has largely relied on the sea for its survival. This explains why we take such an interest in maritime affairs. This is also a family tradition dating back to the 14<sup>th</sup> century when one of my ancestors, Rainier 1<sup>st</sup>, was the Great Admiral of the French Fleet. Today, despite its small size, our territory hosts a various variety of marine institutions known world-wide, among which the International Hydrographic Organisation, the International Laboratory on Marine Radioactivity and the European Oceanology Observatory.

This scientific orientation is in many ways a legacy of my great grandfather, Albert 1<sup>st</sup>, who was, as you know, a pioneer in the field of oceanography and spent many years of his life at sea at the helm of some 28 scientific campaigns. He was among the first actually to study whales in the field, all the way from Gibraltar and the Azores to the Spitzberg Islands, and was one of the founders of the Arctic Commission. It was he who decided the construction of the magnificent Oceanographic Museum where you spent the last few days. It was he also who served as the founding President of the International Scientific Commission for the Mediterranean Sea. It is fitting that the Directors of these two institutions today lead our delegation to the IWC.

It is therefore with a certain amount of experience, in total independence, and with our feet firmly grounded in science, that we carefully define our positions on whaling issues. These issues have grown increasingly complex, encompassing questions of international trade, sustainable use, aboriginal rights, national sovereignty, animal welfare, and I can understand that consensus is rarely reached in your assembly. For you reflect a rich cultural mosaic, with today strikingly differing modes of relating to the world of whales than was the case 50 years ago.

Let us recall for a moment that not so long ago most of the countries represented here were actively engaged in whaling. Indeed the 1948 Washington Convention was negotiated by most of its parties to protect their whaling interests, not to indefinitely protect the whales. There have been radical shifts in thinking since, and it happens that many nations have traded their whaling practices in favour of a very strong conservation ethics. Yet others have maintained their traditional attachment to whaling.

On each side valid arguments are to be heard, but not without significant cultural biases. This surely affects the objectivity of the decision-making process, and in the end carries the risk of undermining the credibility of the IWC. We believe that decisions on whaling should be based on conservation considerations alone, with due respect for the right of other nations to follow their own cultures. As it stands now, the tense conflict between the whaling and anti-whaling coalitions, each entrenched in their firm resolve and convictions, looks more and more like a "no-win situation" ... for the whales alas.

Indeed, as anti-whaling forces gain sufficient strength to impose their views unilaterally, the temptation will grow larger for whaling nations to defect this Commission, in perfect legality, and resume commercial whaling under their own rules. What is the largest risk today for whale stocks? Reducing the IWC to a small club of protectionist countries with limited influence on the outside world or working out a novel solution in which both sides could be made better off?

Let me be clear - negotiating in good faith does not imply betraying one's convictions. For its part Monaco will always oppose the resumption of commercial whaling. I believe that our record in marine conservation already speaks for itself. You will recall the key role played by our delegation in 1994 in fixing the Southern Ocean Sanctuary's boundary at 40° South, so as to effectively protect the breeding and feeding grounds of the largest whales in the world and allow their stocks to recover.

A few months ago, as the domain of competence of the IWC was under attack from certain participants of the CITES Meeting, our Delegation spoke loud and clear to remind the Harare Conference that, as a matter of international law, CITES could not downlist species currently covered by the moratorium on whaling, nor could it allow the international trade of specimen whose capture is prohibited by the IWC.

Our activism in marine protection is at work closer to home as well. You know that the Mediterranean Sea harbours a large number of whales and dolphin species. I take pride in the fact that last year our Government brought 17 countries to Monaco to adopt a far-reaching Agreement, called ACCOBAMS, to protect from deliberate takes all cetaceans in both the Mediterranean and Black Seas, as well as in adjacent Atlantic waters. It is my firm hope that our negotiations with France and Italy will soon succeed in consolidating this Agreement with the establishment of a Sanctuary for marine mammals in the Ligurian Sea, which will enforce a full prohibition of driftnets of any size.

"Scientific whaling" is another cause of concern to us. Our strong scientific tradition leads us naturally to advocate a major development of large-scale coordinated whale research programmes, in particular to investigate the role of whales in the functioning of the global ocean ecosystem. On the other hand, we insist that, with the advent of modern technologies, most data necessary for such analyses and for the sustainable management and conservation of whales can be obtained from non-lethal methods. It is therefore of great concern to us that whales continue to be killed - even within the confines of sanctuaries - under the guise of "scientific whaling".

Further Monaco would like to see an end to ineffective and painful methods of killing. Scientific evidence is mounting to indicate that present methods of electric lancing fail to render whales unconscious and insensitive to pain. We will therefore support, on the basis of the "precautionary principle", the proposed phasing out of the electric lance.

In conclusion I hope that everything will be done to ensure that these beautiful animals will long continue to roam the oceans for the wonderment of future generations. In the end, the best strategy will be the one acceptable to the largest number, and resulting in the least amount of whales being killed.

I wish you a fruitful conference, as well as a most enjoyable stay. I will follow with the greatest interest the outcome of your work.

Thank you.

#### **Chairman**

Your Highness, thank you for those opening words which in a very elegant way portray some of the real dilemmas we all know we face. Whether or not we will, within one more week of Commission deliberations, reach some of the ambitions which you have set for us remains to be seen. I can only report that the very location of this meeting in Monaco has already, it seems to me, provided us a more relaxed and potentially fruitful ambience than we have somehow had before. So once again, on behalf of all the Commissioners and the delegations, thank you for your kind words.

Delegates, there is now a small ceremony which His Royal Highness Prince Albert and myself have to engage in which involves one of the many other things which Monaco is famous for and that is its stamps. I will leave the Chair at this point to take part in that ceremony and I would like to ask the Vice-Chair, the Commissioner for

Ireland, to resume my Chair as I leave and I will join you all at a later time when the plenary resumes. I now would like to hand over to the Commissioner for Ireland as the Royal Highnesses and myself make our exit.

## 2. OPENING STATEMENTS

### Vice-Chairman

We shall now resume the meeting. Item 2 on the Agenda is opening statements and the customary practice in the Commission is that opening statements are made in writing only so we will move to Item 3 - Arrangements for the meeting and I will hand over to the Secretary for details.

## 3. ARRANGEMENTS FOR THE MEETING

### Secretary

Thank you Mr. Vice-Chairman. This morning's session is going to be necessarily short because of an engagement which involves all of the Commissioners and we shall be concluding this opening session within the next few minutes.

I would like just to tell you the arrangements, the practical arrangements, for this meeting. This is the main plenary meeting room. There is a room on this side for the non-governmental organisation observers and on the other side there is a press room. We shall, in normal circumstances but not on this opening day, be aiming to meet from 10.00 until 1.00 and from 3.00 until 6.00. There will be no formal mid-morning or mid-afternoon breaks but you, no doubt, will have already discovered that there are refreshments available outside in the lobby.

On the other side of the lobby, in *La Salle Francois Blanc*, are the pigeonholes for the delegations on one side and for the observers on the other. The pigeonholes are the main means by which the Secretariat communicates with you. All meeting documents will be placed in those pigeonholes. There are some additional pigeonholes on the top for any documents which you don't wish to retain, if you will return them there we can make use of the returned documents. If we have any messages for anybody in the meeting, correspondence, telephone messages, whatever, the Secretariat will place those messages in your pigeonhole. So that is our means of communicating with you

If you wish any information or help in connection with the running of the meeting, your point of contact with us is the Secretariat office on the first floor, below here, to the front reception desk and we will sort out whatever is necessary in terms of additional documents, preparation of new documents or whatever it may be. So that is the rough outline of the daily sessions and the communication.

There is one other area which we need to consider because the meetings which took place in the Museum last week did not finish and approve their reports. We have a number of draft reports in preparation which will need to be adopted by the various sub-committees and working groups which met last week. The arrangement will be that after the end of this afternoon's session, starting at 3.00 and running probably until 6.00, we will have Technical Committee and then after 6.00, the Chairman, Vice-Chairman and I will hold a short press briefing in the Press Room and then from about 6.30 onwards we will review the draft reports which are available.

Now I know that the RMS draft is already distributed and I should mention that if you are a member of any working groups you can claim your copy of the draft from the Secretariat. They will give one to each of the people who attended these sub-committees or working groups. RMS is out, I think Finance and Administration will come out this afternoon. I understand that Aboriginal Subsistence is on its way as well. I don't know where the Humane Killing Report stands but if that doesn't come out early this afternoon, then we would be able to review that perhaps first thing tomorrow morning.

So the plan, in broad line, is that from 6.30 this evening we will continue the working groups from the Museum to review Revised Management Scheme draft, finance draft and aboriginal subsistence draft. I've lost one – infractions, where is the infractions report? Is that coming? Ready this afternoon? Possibly. We will have a whiteboard outside the Secretariat indicating which reports are available and we will get through as much as we can this evening in as shorter time as possible and then perhaps convene at 9.00 tomorrow morning to try and pick up whatever is left before the 10.00 plenary. So those are the broad outlines of the arrangements Mr. Vice-Chairman.

### Vice-Chairman

Thank you Secretary. As the Secretary said, the Technical Committee will meet here at 3.00pm and I will now adjourn this plenary session until 10.00 tomorrow morning. Adjourned.



**PLENARY SESSION**  
**Tuesday 21 October 1997**

<b>19. AMENDMENT OF THE RULES OF PROCEDURE</b>
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**Antigua and Barbuda**

..... more and more to urge what we term democracy. Democracy means that when one country, person, wishes to express the opinion, they should do it without fear or favour and the most appropriate way to express that opinion without fear or favour is through voting with only that individual or government if they so desire knowing how they vote.

Mr. Chairman we have witnessed in the past where this organisation was threatened with extinction because of the fear of some countries that their conduct in this organisation would cause severe victimisation through the economic well-being. Some years ago, countries in the Caribbean were threatened and in some cases these threats were actually put in place by NGOs and some governments with regards to their tourism. One example was the small, impoverished state of Dominica where some NGOs went and booked in two months all the hotel rooms in Dominica. When legitimate tourists wanted to find rooms, no rooms were available in the hotels and then there was immediate cancellation of these rooms by these NGOs putting severe hardship on these countries.

Mr. Chairman, the future of this organisation and involvement of one rebel state is very much dependent on the decision this morning with regard to secret balloting. Let us give support to poor developing countries on this issue and all democratically minded countries here today Mr. Chairman must rise in support of this motion and vote for secret balloting when it is desired.

**Chairman**

Thank you Antigua and Barbuda. I now give the floor to Grenada and then St. Vincent and the Grenadines. Grenada please.

**Grenada**

Mr. Chairman, the Grenadine delegation would like to lend strong support to the Japanese proposal for amendment. We believe, Mr. Chairman, that by voting by secret ballot it would give individual countries a chance to vote without fear of reprisals from special interest groups as the representative of Antigua has so eloquently said a minute ago. We experienced a lot of difficulties in the past from these special interest groups. Already the overseas states are struggling with the battered economy. We depend on tourism for survival and at this minute we are concerned about our security as it relates to boycotts. Mr. Chairman, while we understand that it is not a personal vote, but by voting here it can have severe consequences on our economy. We once again call upon developing countries to be a little sensitive to our cry. It is not that we are not concerned about the transparency of this thing but we want to ensure that by voting through secret ballots we would not be targeted by developing countries for unwarranted attacks. Thank you Mr. Chairman.

**Chairman**

Thank you Grenada. I now give the floor to St. Vincent and the Grenadines and then Argentina will have the floor. So St. Vincent and the Grenadines please.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. Mr. Chairman, a secret ballot is a well known option in a democratic situation. Whether in public elections or in organisations. If some countries are happy to have their positions known, they are free to declare them publicly. But some member countries do not care to disclose how they vote and they should be respected by the Commission. Given the history in this Commission of intimidation of member countries, attempting to coerce them into voting in a certain way which would undermine the integrity of the Commission itself, we see no reason why a majority in this Commission should stand in the way of those member countries who request this option. Thank you.

**Chairman**

Thank you St. Vincent and the Grenadines. Argentina and then Norway. Argentina please.

**Argentina**

Thank you Mr. Chairman. We are content with the present Rules of Procedure but we acknowledge that the proposal being made has been substantiated. Serious interests were attached to that proposal and several delegations supported it so we are having now an additional issue, a procedural issue, in addition to those substantive issues already before the Commission. As was said in the inaugural statement by the Prince, an earnest effort should be made to reach a consensus to the extent possible and I would hesitate in going to, or jumping into a vote on a procedural matter right away although, as I said, our substantive appropriation is clear. So if there are several or a number of delegations including that of Japan proposing one procedural change there are quite a number of others clearly opposed to it and there is a formula put forward.

I wonder whether there is room for any drafting, consultations, etc. that may be called for in order to avoid voting, if possible, at a very early stage. Of course this could not deprive us from going on with the rest of the points of the agenda. It's not a proposal, the one I am making, it is just a comment which I humbly submit. I would only favour, if possible, to avoid a vote right away on this matter and to explore any other possibility. We all know that the international practice has three or four procedures already spelt out in our papers, raising of the hands, register a vote, roll calls or secret ballots. Secret ballot is mainly confined, as we all know, to elections of officers, members of other organisations etc. It is not generally addressed, secret balloting to issues, Resolutions or any other substantive matters but rather it is referred to elections but still there is that kind of voting. So, summing up, I could only consider the possibility of not proceeding to a vote of the procedural matter before I ask if room for consultations among interested delegations is still available. Thank you.

**Chairman**

Thank you Argentina. I will return to that point that you made there very eloquently in my summing up. I have two more countries left on my list, Norway and the United Kingdom. Norway please.

**Norway**

Thank you Mr. Chairman. I agree one hundred per cent with what was said by Argentina just now. I think we all should ponder on these statements which were very thoughtful, very good. I must also say that in a question like this, there are two sides to it, and there are two valid sides. There is the question of transparency and like Argentina has said, secret balloting is not a common practice, is not a predominant practice in international organisations but quite a few organisations have that possibility in certain circumstances and we have heard here from St. Vincent and the Grenadines, Grenada and others who have explained very vividly the reasons why, in certain important sessions in this organisation, yes, there could be made a very good case for secret balloting. I would have thought that would perhaps be in questions relating to Schedule amendments. Those are the sort of decisions which are closest to the listing in CITES for instance and are absolutely right in the United Nations system, you have secret balloting in questions relating to headquarter questions, questions like that, so it could be a case for it.

My proposal would be that, and this is made in the light of the comments of the Argentinian Commissioner, that we refer this matter to the next session of the Commission and ask the Administrative and Finance Committee to look into it. I think we ought to take it that seriously and I would not be surprised if we managed to develop a consensus during such a procedure. Thank you Mr. Chairman.

**Chairman**

Thank you Norway for that very helpful observation. United Kingdom please.

**United Kingdom**

Thank you Chairman. Well the United Kingdom has previously expressed sympathy with the position of small developing countries. We do appreciate that they are sometimes subject to what we would certainly regard as unacceptable attempts to influence the position they take in this organisation. But, having said that, I don't think that we can let our sympathy over-ride what we see as the basic principles involved here which are that sovereign governments must take responsibility for the actions and positions they take in international fora and on this point I totally agree with what has already been said by New Zealand, United States, Netherlands and a number of other speakers. I would just add that to move to secret ballots in this organisation would in our view be counter to the trends in other conservation and fisheries organisations. Just looking at the Straddling Stocks Agreement, I mean that provides specifically that states shall provide for transparency in the decision-making process. We believe that that is the correct position and is the way forward. Thank you Chairman.

**Chairman**

Thank you United Kingdom. Well I now find myself in a very interesting position because there are clearly strong voices of support for the proposition and there are equally strong voices suggesting that it is not wise at this moment, there are a number of countries who have said yes it is a good idea but, and Argentina and Norway have made, I think, some quite powerful statements, particularly Norway suggesting that perhaps this could be left to the next meeting of the Commission after a more detailed consideration by the Finance and Administration Committee. Given that we have had those statements made, I believe it is entirely in the hands and in the right of the Government that has proposed this amendment to decide how they would like to proceed, that is the Government of Japan. It is quarter to twelve and I suspect that we won't be voting on anything this morning, anything else this morning, we have a lot of discussion concerning other finance and administration matters. I wonder then if I could ask the Government of Japan whether they would either like to insist on the only course that I now have which would be to proceed to a normal vote on this issue or whether I could give the lunchtime for further consultations between interested parties, particularly Norway, Japan, Argentina and indeed any other countries that would feel that they would like to be involved in that. The choices seem to be therefore that we could adjourn this item until the beginning of the afternoon session when I can take fresh advice or we can move to an immediate vote now. Government of Japan would you like to let me know how you would like to proceed please?

#### **Japan**

Thank you Mr. Chairman. I heard your considerate suggestion for two courses of action to be taken and of course we think that the first one has the merit to decide immediately for time saving. However, the second one also has a merit to get as much as possible the different views to be amalgamated for the possible goodwill solution. So, since we can vote for at any time so at least we would like to try our best whether we can come into some agreed upon mechanism and in that regard we would like to take your second suggestion.

#### **Chairman**

Thank you Japan. I therefore suggest that there be some consultations on this issue and that the Government of Japan advise me again at some point on the proceedings of this meeting and how you would like to proceed with this issue. Is there anybody who has a problem with proceeding in this way? It seems not. In that case I adjourn this item until we return to it. A somewhat quaint expression but I think people understand what I mean. OK thank you.

### **18. FINANCIAL STATEMENTS AND BUDGET ESTIMATES**

I would now like to turn, as I suggested at 10.00, to considering the Report of the Finance and Administration Committee which deals with a number of items that are adjacent to Item 19 including Item 18, 20 and so on. You should have before you, the Report of the Finance and Administration Committee which is document IWC/49/9. Now, if any delegations do not have this, it was placed in the pigeonholes between the hours of 10.00 and 11.00 so you might need to collect it but I am assuming that delegations do have this. The Finance and Administration Committee met last week to consider a range of items on our Plenary agenda and the Committee was Chaired by the Commissioner for the United Kingdom. I would now like to ask the Chair of the Finance and Administration Committee to give us a brief introduction to the items that his Committee considered and we would start with, I think, Plenary Agenda Item 18 and so on. So, Chairman of Finance and Administration Committee would you like to take us through this document please?

### **18.1 REVIEW OF PROVISIONAL FINANCIAL STATEMENT, 1996/97**

#### **United Kingdom**

Thank you Chairman. Well, as last year, I suggest that the best way of doing it is Agenda Item by Agenda Item with a pause at the end of each Agenda Item for comment and discussion. The first Agenda Item is Financial Statements and Budget Estimates, revised budgets are annexed to the document. I think there are really two points which the Commission needs to be aware of. One is that we are in the happy position this year of not having to adopt a budget because the budget for the current year was adopted last year and we have an opportunity in Oman next year to adopt the budget for 1998/1999 so the budgets were provided to us for information only. I would draw your attention to the Secretary's remark recorded in the document that the Commission's finances are currently on a sound financial footing and that this stands in stark contrast to the situation only eight years ago and it was indeed a surplus of nearly £726,000 in the General Fund at the end of the year.

## **18.2 CONSIDERATION OF ESTIMATED BASIC BUDGETS, 1997/98 AND 1998/99**

Moving ahead, that's for the current budget, and moving ahead to the 1998/99 budget and the forecasts, the Secretary indicated that another modest surplus seemed probable. The only other point I would draw your attention to is the fact that the Small Cetaceans Voluntary Fund is now in a depleted state, this of course is a voluntary fund and if it is to operate I think it is important that it does receive some more voluntary contributions and that is a plea not only to contracting parties but to other organisations that attend our meetings and have in the past contributed to this fund. Would you like me to pause there Chairman?

### **Chairman**

Yes, thank you that might be helpful. Could I ask if there are any particular questions from any delegation on those two items, that is the budget for noting?

No, it seems not so would you like to continue with your Report please.

## **18.2.1 RESEARCH PROPOSALS**

### **United Kingdom**

Thank you Chairman. We next considered the Research Proposals recommended to the Commission by the Scientific Committee and the Chairman of the Scientific Committee took us through these. They are listed in Appendix 7. The key point, I think, is that the Scientific Committee is recommending a number of projects and in total the cost of them would exceed by £20,000 the sum that was allocated in the budget. The Committee considered this and a majority of the Committee recommended that the Commission fund all of the recommendations bearing in mind the healthy state of the Commission's budget which I have just referred to.

We also looked at the conclusions reached by the Scientific Committee on environmental concerns and recommended that two specific proposals be funded this year and those are Workshops preparing for research on pollution and on climate change. Now these are intended to develop long-term collaborative research programmes in these areas and I drew the Committee's attention and I will draw the Commission's attention to the fact that by agreeing these Workshop proposals we are obviously not agreeing to fund programmes for the future, there will be funding decisions later needed on that. But I think we are implying that we are content in principle with the conclusions that the Scientific Committee has reached on environmental concerns and that we would like to see research moving ahead in that area. Thank you Chairman.

### **Chairman**

Thank you United Kingdom for that explanation. May I ask if the Chair of the Scientific Committee wishes to add anything to the Report? No. fine.

Are there any questions then, particularly noting that the Committee agreed that we should fund all of the Research Proposals even though that they exceed by £20,00 the amount technically available. This is the opportunity for the Commission to either agree or disagree with the Committee's recommendation and unless someone is registering an objection I am assuming that we are going to agree to that proposal. It seems that we are agreed. Thank you. Chairman would you continue please.

### **United Kingdom**

Thank you Chairman. Well we next looked at the proposals by the Scientific Committee to revise its Rules of Procedure and these proposals for the revision are set out in the Report. I understand that the procedure is that the Scientific Committee essentially sets its own Rules of Procedure but the Commission has a sort of general role in endorsing them. Now we did not discuss these because we had only just seen them and I left it that if anybody had any particular points they wanted to make they should raise them now. Otherwise I understand that the Scientific Committee will assume that the Commission is content and will adopt them at its next meeting in Oman. Thank you Chairman.

### **Chairman**

Thank you. Are there any comments from any delegations on that particular issue and in particular any comments from the Chairman of the Scientific Committee on that issue? The Commission is content with these proposed changes? It seems so. Thank you Chairman could you continue please?

### **United Kingdom**

Thank you Chairman. Well we next discussed the general level of the Commission's reserves. This was a point that was raised last year and we had a paper before us by the Secretariat and I think I would just draw your attention to the conclusions which were that the majority of the Committee agreed that maintaining general reserves at approximately the six months level represents a prudent but not unduly cautious approach. It agreed that it would not suggest any immediate changes but we also recognised that it is inappropriate to permit the reserves simply to accumulate without any long-term strategy and we endorsed the Secretary's suggestion that he would draw the Commission's attention in the Financial Statements presented at each Annual Meeting to the existence and extent of any substantial funds in excess of this level and it would then obviously be for the Commission to decide whether to use those funds for additional work, particularly I think on the research side or to consider cuts in members' assessments. Thank you Chairman.

**Chairman**

Thank you. Well it is a very healthy picture that is presented. Perhaps even too healthy but it is very satisfactory for an international organisation to be in this state instead of the state which most others seem to find themselves in. Are there any observations from any delegation on the issue raised? Germany please.

**Germany**

Thank you Mr. Chairman. I again would like to stress that my country does have difficulties with the system applied for fixing the annual budget. That is to make distinction between realised and assessed contributions. In our view, this system is not in accordance with a sound budget practice and it gives an incentive to remain in arrears to this organisation and we would like a change to this system. In our view the big reserve that we do have in the General Fund would allow for some flexibility perhaps to go over to a sound system in our view. Thank you.

**Chairman**

Thank you Germany. I suggest that that point might be pursued by possibly preparation of an information paper for the Finance and Administration Committee before it meets in Oman so that it could have wider discussion at that time. It is not so far ahead in the future and I suspect some other countries might well be interested in that proposal. Are there any other observations at this stage? No it seems not. Chairman of the Finance and Administration Committee would you like to continue please.

<b>20. ATTENDEES AT IWC MEETINGS</b>
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**United Kingdom**

Right Chairman. Well you can see we left Item 19 for the Commission to discuss and then we moved on to Item 20 where we had our traditional discussion about the position of observers in this organisation and we reached our traditional impasse and our conclusion is that we could not reach a conclusion regarding any change of treatment for observers.

**Chairman**

Thank you. Are there any observations that might help resolve an impasse at this level.

**Netherlands**

Thank you Chairman. I wish to draw the attention of the meeting to paper IWC/49/17 which deals with the question of admission of observers and it contains a proposal for a Schedule amendment. Now, while we haven't reached a consensus on that, my delegation stated in the Committee's meeting that we would prefer a different arrangement whereby there would be no distinction made between the admission of observers in the Technical Committee and the admission in other sub-committees or working groups. This position was shared by the United States and I wish to note here that we are working on an alternative so I would like to keep that Agenda and at least the Action Arising Item on this particular issue open, so as to give us a chance to come forward with some alternative. Thank you.

**Chairman**

Thank you Netherlands, I will keep that Agenda Item open until I am advised otherwise. Chairman of Finance and Admin. Committee could you now take us to Agenda Item 21 please for your considerations thereof.

<b>21. ACCESS BY THE PRESS TO THE PLENARY AND TECHNICAL COMMITTEE MEETINGS</b>
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**United Kingdom**

Thank you Chairman. Well this concerns access of the press to the Plenary and Technical Committee Meetings. You may recall that last year the Finance and Administration Committee agreed in principle that the Press should be given the same rights of access as observers but when this was discussed in Plenary it was pointed out that there were a number of technical and procedural issues which needed to be looked into a little further. Well, we did that this year and it is clear that there are complications and there could be problems but I think that we concluded that these are not insuperable and probably the best thing was to be brave and simply to agree that the Press should be allowed access to the next meeting on the same basis as non-governmental observers, and they should be given access to documents and I think that there was general support for the Secretary's suggestion that they should be charged a nominal fee approximately equal to the costs of producing the documents and dealing with administrative arrangements. We also recommend that the Commission should review the matter in the light of experience at the next meeting. Thank you Chairman.

**Chairman**

Thank you. Are there comments on this particular issue? Solomon Islands.

**Solomon Islands**

Thank you Mr. Chairman. On concurrence I wonder if I can go back to previous section on observers. I seem to be missed out on being identified. However, I would like to request a clarification based on the Rules of Procedure and Financial Regulations relevant to observers and that is if I quote "the Commission shall levy a registration fee and determine rules of conduct". My request for clarification is, are there copies of Rules of Conduct of Observers anywhere? That's the question. Thank you Mr. Chairman.

**Chairman**

I will just ask the Secretary to say in his own words what the situation is. Secretary.

**Secretary**

Thank you Mr. Chairman. The Rules of Conduct are distributed at the same time as the invitation is sent out to observers for each meeting so that they receive it at the time when they receive the invitation and also when the observers arrive at the meeting and register, they are issued with a second copy of the Rules of Conduct so that there is no possibility that the first copy gets lost in the office of the organisation and the individual who arrives hasn't seen it. So we try and cover both sides. Thank you.

**Chairman**

Solomon Islands is that satisfactory for you. Thank you. So can I have any views on Agenda Item 21 or is the Commission satisfied with the situation as discussed by Finance and Admin. The Secretary wishes to make an observation.

**Secretary**

Thank you Mr. Chairman. Since this issue has been specifically raised I would like to give notice that I intend to revise the Rules of Conduct for Observers to match more closely the evolving practice of the Commission. The Rules were written about fifteen years ago and things have changed and so I would like to present a revision, not a major change, but just to make it fit with what we currently do at the next meeting. Thank you.

**Chairman**

Thank you. Norway please.

**Norway**

Thank you Mr. Chairman. Just a small point that Dr. Gambell reminded me of. We have, of course, argued very strongly for the increase of access by the Press in this organisation which I think is a very important step we are taking and which we fully subscribe to. Of course, we must also be aware that all arrangements can be abused and I take it that the Secretariat will see to it that access by the Press is only given to journalists who have international press accreditation and so I just wanted to make that point. Thank you.

<b>22. DATE AND PLACE OF ANNUAL MEETINGS</b>
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**Chairman**

Thank you Norway. The Secretary has taken note of that and I have just checked that he understands clearly because I didn't understand what that meant and whether that was possible and he has said it is so it will happen.

Are there any other observations or comments? Fine, I take it then we can agree with that. Agenda Item 22.  
Chairman.

<b>22.1 50<sup>TH</sup> ANNUAL MEETING, 1998</b>
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**22.2 51<sup>st</sup> Annual Meeting, 1999**

**United Kingdom**

Thank you. Well I don't think you will need an introduction on this. We welcomed Oman's invitation to host the ..... well we knew we had an invitation, we simply confirmed our welcome and our gratitude to Oman for that invitation and Grenada reiterated its invitation to attend the 51<sup>st</sup> Meeting which we also welcomed. Thank you Chairman.

**Chairman**

Thank you. As you so rightly say we know we are bound for Oman and I am sure we will have a good welcome there. We will need advise formally the dates which I think the Secretary is turning up and my understanding is that Grenada is still on target for the following meeting. Grenada would you like to speak.

**Grenada**

Yes, Mr. Chairman. Present preparations are underway for that meeting. We are anxiously looking forward to it.

**Chairman**

Excellent. Oman

**Oman**

Thank you Mr. Chairman. We are looking forward and with great pleasure in seeing everyone in Oman. We will do our best to make your stay comfortable, full of joy and good memories and I promise you will have a good time in Oman for everybody. Thank you.

**Chairman**

Thank you very much. There are some video presentations underway and we will make a time probably during a lunchtime so that delegates can get a taster of what it is likely to be. Those who will be going that is. Austria you are asking for the floor.

**Austria**

Yes, thank you very much. I wondered if the Secretariat could provide us with the exact date of the meeting in Oman because I fear there could arise a conflict with the 4<sup>th</sup> Meeting of the Conference of the Parties for the Convention on Biological Diversity which is also in mid-May. Thank you.

**Chairman**

The Secretary can and there is no conflict. Well only a minor one.

**Secretary**

Yes, Mr. Chairman. The dates for the Oman meeting. The Scientific Committee will meet from Monday 27<sup>th</sup> April to Saturday 9 May; Working Groups of the Commission and Sub-committees, whatever you decide to hold, we have allocated again three days as this year and I hesitate to go through this year's performance again, will be Monday 11 to Wednesday 13 May. We then celebrate the Muslim weekend on Thursday and Friday and the Commission will start on Saturday 16 and finish on Wednesday 20 May. The Commission meeting is 16-20 May next year.

**Chairman**

Thank you Secretary. The delegate from Austria asked about conflict with the Convention on Biological Diversity. In fact that meeting I think finishes on Friday 15 May so with some super-human effort it will be possible to get there for the Commission meeting but not for any of the Working Group meetings. The setting of the timing for the meetings in Oman was made so that in fact there was no clash with the Antarctic Treaty meetings which are another set of meetings which many members of this Commission are also involved with and so unfortunately the international meetings calendar is now getting so crowded that keeping any clashes at all is very very difficult but if you are super human you can find a way to leave Bratislava and arrive in Oman. Oman please.

**Oman**

For the timing difference between the Working Groups and the Commission we will make sure that on those two days we will take everybody around, not only staying there in the hotels, so our plan is we are proposing to have trips all around outside the capital area for Thursday and Friday so when they come back they will have good time here. Thank you.

**Chairman**

One suspects it might be a big meeting next year by the sound of it. Are there any further comments? Norway please.

**Norway**

Thank you Mr. Chairman. Just a question first of all. Has there been any discussion which I am not aware of, of the timing of the Grenada meeting? I ask that question just to venture the idea, for us at least, it seems rather a good idea to have IWC meetings in the Autumn rather than in the Spring so we would not be hostile in Grenada to returning to Autumn meetings. This is again a question which perhaps should be discussed at the next session but first of all if it is relevant at all for the Grenada meeting depends on the preparation so far, so it's a question and a comment. Thank you.

**Chairman**

Thank you Norway. What I think we might do with that is I will leave 22.2 open and we will return to that on our last day and again delegates might like to talk about it and consult about the possibilities particularly with Grenada and then we can perhaps settle on some broad band of dates by the end of the meeting. Switzerland were you asking for the floor? Thank you.

**Switzerland**

Thank you Mr. Chairman. Whilst we are looking forward to going to Oman and Grenada, I just wonder where I should come in because we would also like to discuss the question of bi-Annual Meetings instead of Annual Meeting. Where would this come in?

**Chairman**

Well, there is no place on the agenda Switzerland. But, it is a suggestion that might meet with some interest and support but can I suggest again that .... Well it is very difficult given the sequence of these things but I would suggest that that really needs to be raised at the Finance and Administration Committee before the Oman meeting. But we need then to be very flexible about when we hold the Grenadine meeting. What we actually are doing in this current period is having a less than Annual Meeting between this time and Oman so it might be possible to stretch out by taking the Norwegian option for Grenada and begin to move meetings at spaces greater than annual. But Japan is asking for the floor. Japan please.

**Japan**

Thank you Chairman. I have a little hesitation to make some counter-proposal for the Norwegian proposal but the timing of the Annual Meeting or the Scientific Committee Meeting should be decided in a very careful manner with consultation with the Scientific Committee or other relevant organisations because we have some difficulty to holding an annual committee in Autumn for logistics reasons of the scientists and many other issues. Consultation will be needed not just by the hosting nation but also the Scientific Committee or wider community of the IWC. Thank you.

**Chairman**

Yes, thank you Japan, I had that in mind when I suggested we keep this open for discussion through the week. Germany, you are asking for the floor.

**Germany**

Thank you Mr. Chairman. I always would like to mention that we would also have difficulties with IWC meetings in Autumn because we do have annual management of fishery stocks and that implies that we are always confronted with a series of international negotiations in the fishery sector in order to manage the stocks for the next year. On top of these international negotiations in regional fishery organisations we do have a series of bi-lateral negotiations with other countries so it is extremely difficult to attend another international meeting



like IWC. I think the IWC practice not to have the annual meeting in another time, let's say in June or May, was very acceptable for us at least. Thank you.

**Chairman**

Thank you Germany. Well there are clearly some things to be discussed a little further there informally. As I say, I will keep Item 22.2 open and will return to it perhaps on the last day to have further observations but clearly the host nation and the Secretariat need a quite long window of time in order to ensure that the meeting is efficiently and effectively arranged so we can't leave it too open for too long. Thank you, so we will now move onto Item 23 Chairman.

**23. IWC ADMINISTRATION**

**23.1 REVIEW OF ADMINISTRATIVE ARRANGEMENTS**

**United Kingdom**

Thank you. Well New Zealand introduced a paper which is document IWC/49/22. This really had two elements, it suggested a review of the administrative practices of the IWC and it also suggested that an Executive Committee should be established to deal with administrative issues between IWC meetings. I should note that the Secretary supports the idea of a review. It is apparently fifteen years since the last examination of the Secretariat's practices and he feels that another review would be timely. The Committee also generally agreed on the concept of an Executive Committee although not everyone agreed on the name and there were suggestions that Administrative Bureau or something like that might be more suitable. We agreed that the best thing would be for New Zealand to meet informally with other countries to produce a version of the New Zealand proposal that we hoped the entire Commission will be able to endorse and I understand that the New Zealand Commissioner has made some progress on that. Thank you Chairman.

**Chairman**

Thank you. New Zealand please.

**New Zealand**

Thank you Mr. Chairman. You have this listed as a separate and substantive agenda item so I will just briefly  
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**[END OF TAPE]**

**New Zealand (cont.)**

..... small group that was convened after the Finance and Administration Committee has reached agreement on those matters and a revised set of proposals will be tabled prior to the Agenda Item being discussed.

**Chairman**

Well this is the discussion New Zealand or I had hoped it was. But at what stage of development is the document?

**New Zealand**

We don't yet have the final version of the document Mr. Chairman, that's the difficulty. I had understood that you would be dealing with the Agenda Item 23 as a separate matter. I am happy to deal with it shortly but until the revised paper is available I suspect that delegations will not be in a position to address and resolve the matter.

**Chairman**

Thank you New Zealand. In view of the Report that there was useful discussion and your own report that considerable progress seems to have been made, what I will do is keep Agenda Item 23.2 Action Arising open which means that we will return to that when all delegations have had an opportunity to review the relevant document.

The Secretary informs me that in fact 22 revised has been distributed so everybody should have that and in the interests of efficiency I would like to see if we could actually progress the discussion. Japan you are asking for the floor.

**Japan**

Thank you Mr. Chairman. Just a clarification from the New Zealand Commissioner. The small group was prompted perhaps by the Japanese intervention that because in the discussion of the Finance and Administration Committee we expressed our reservation on the composition of the executive group. As far as I know, after the Finance and Administration Committee, Japan seems to be not involved in the small group so I want to clarify what has happened in the small group. Thank you.

**Chairman**

Well, New Zealand .....

**New Zealand**

Chairman, just to clarify first the status of the various documents. There is, in fact, a further revised version of IWC/49/22 to be distributed and that was the document to which I was referring. I think perhaps Mr. Chairman it might be more appropriate if I was to discuss the issue that was raised a minute ago by Yagi-san with him directly because there does appear to have been some misunderstanding in that regard.

**Chairman**

Thank you New Zealand. OK I revert to my original position that 23.2 remains open until we've got the revised paper and we've had those revised discussions. Thank you. UK to continue with finishing your Report please.

<b>24. COMMUNICATION WITH THE COMMISSION</b>
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**United Kingdom**

Thank you Chairman. Well in April the Secretary sent round a document to all Commissioners about current means of communication used between the Secretariat and members of the Commission, inviting views from Commissioners. I don't know if its a comment on the efficiency of communication but I think he only got one reply. But, in any case, the basic recommendation I think is that the Secretariat should now attempt to communicate by electronic means, i.e. by e-mail or fax with postal copies sent as back-up. This is already been done for the Scientific Committee and we recommend that the Secretariat should now use this procedure for communication with members of the Commission. Thank you Chairman.

**Chairman**

Thank you UK. Are there any comments on what seems to be very sensible development? No, in that case we can accept the views of the Committee as our own and UK to finalise please.

**United Kingdom**

We then dealt with two items in Agenda Item 16. Do you want to deal with those now separate from the rest of 16?

**Chairman**

No, I think we might deal with all of 16 at once. Is there anything else that you want to raise out of your Committee before we move to look at 16?

**United Kingdom**

No there isn't Chairman.

**Chairman**

Thank you. Well let me just try and clarify what I think we have managed to try and accomplish so far. We have dealt with, in our Agenda, we have dealt with Agenda Item 18. We are keeping open Agenda Item 19. We are keeping open Agenda Item 20. We have dealt with Agenda Item 21. We are keeping open, with respect to the issue of timing, Agenda Item 22.2 and we are keeping open Agenda Item 23.2. So whilst we have made some progress, there still seem to be a lot of openings and we have just done 24. What I would now like to do is to move to Agenda Item 16 which I would hope that we might be able to finalise before the lunch break.

<b>16. CO-OPERATION WITH OTHER ORGANISATIONS</b>
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<b>16.1 OBSERVERS' REPORTS</b>
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Agenda Item 16 deals with co-operation with other organisations. There are a number of items here, the first is Agenda Item 16.1 which deals with Observer's Reports from various meetings which were prepared by the

Secretariat under Paper IWC/49/10. Now that has been available for quite some time. Can I ask if there are any general comments or questions on any of those reports? It seems not. The Secretary reminds me that the Scientific Committee has in fact reviewed and absorbed those reports which deal with issues which are germane to their own particular set of issues.

## **16.2 OTHER**

### **16.3 MEMORANDUM OF UNDERSTANDING WITH ICES**

In that case we can deal with Agenda Item 16.2 - Other. I don't think there is anything outstanding under that Item. 16.3 is a little more specific, it deals with the Memorandum of Understanding, a document of understanding with ICES and there is a separate paper on that which is IWC/49/19. The Finance and Administration Committee did consider that I understand so I might return to the UK to see if there are any particular comments you would like to draw the Commission's attention to from the meeting.

#### **United Kingdom**

Thank you Chairman. We did agree within the Committee that the simplest way forward would be to conclude the draft MoU with ICES but without a preamble because the preamble was the part which led to certain disagreements so if we leave out the preamble and simply have the substance no-one appears to have any problem. Thank you.

### **16.4 REVIEW OF RESULTS OF THE CITES-COP 10**

#### **Chairman**

Thank you United Kingdom. Is that generally agreed? Yes? I see heads nodding. Thank you. Agenda Item 16.4 - Review of the Results of CITES Conference of Parties 10, meeting which was held rather recently in Harare. Japan has noted that it would like to discuss this issue intensively at this meeting so this is the point that we might do that. Japan would you like to introduce this item and let us know how you would like to proceed?

#### **Japan**

Thank you Mr. Chairman. Yes, this Agenda Item 16.4 was accommodated by the request of the Government of Japan and we prepared and are always ready to make comments on the result of the CITES COP 10 Meeting itself. However, I did recognise Chairman that yourself, you are on Report because you attended as Chairman of the IWC to that meeting so whether you rather prefer to start by introducing your summary of observation at the meeting or you allow me to immediately go to my statement for intervention dealing with this issue. I think either way it is appropriate for our delegation so I am at your discretion on this matter. Thank you.

#### **Chairman**

Thank you Japan. You are quite right. I attended as the Commission's observer to this meeting and produced my own report which is 10M. I don't wish to add anything to what I have written in the report which I think is reasonably clear and I am very happy for you to make your own observations and lead us into whatever discussion you would like on that basis or the basis of presumably also your own observations. Japan

#### **Japan**

Thank you Mr. Chairman. Mr. Chairman, yes at the last meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora which we call CITES has been witnessed as an historical moment in the period of international conservation of wildlife resources. We observed two major achievements resulting from this COP 10 Meeting. They were (1) the nations of us have moved from total protectionist attitude to the acceptance of the principle of sustainable use as the major mechanism to achieve conservation objectives and (2) the governments have shown a total determination in enforcing the notion of sovereign right and in protecting their respective right. Mr. Chairman, the overall result of COP10 dealing with the enforcement of sustainable use is evident from the result of the numerous proposals to downlist or remove specific species from CITES Appendices, mainly from the point respecting the so-called charismatic species, whales, elephants, sea turtles and rhinos.

Mr. Chairman, the adoption of the Conference of the Parties by an overwhelming majority of the three separate African proposals to downlist their populations of elephants from Appendix 1 to Appendix 2 is a major indication of this change of attitude within the state parties. The Botswana proposal was approved by a vote of 74 to 21. Namibia by a vote of 74 to 22 and Zimbabwe 77 versus 23. The South African proposal to allow

trade in horn of white rhinoceros was supported by 60 governments against 32. The Cuban proposal for the downlisting of hawksbill received a compatible majority in Committee 1, 59 in favour, 53 against.

With respect to the species which are directly involved with this Commission, Mr. Chairman, four proposals for downlisting, minke whales, three by Japan and one by Norway, sorry one gray whales and two minke whales, were voted on. The last proposals by Japan received 53 votes in favour and 59 against. The following proposal coming from Norway received a majority vote of 57 in favour, 51 against. These votes constitute a drastic change compared with COP 9 in 1994 when the Norwegian proposal received a low level of support. These and several other results of the proposal presented at the COP 10 including rejection of several proposals to list or uplist species clearly indicate the change of trade in the philosophy of state parties to CITES. This change has become possible by the expression of sovereign right. State parties to CITES have assumed their responsibility as the sovereign state thus protecting their culture, tradition and beliefs.

Mr. Chairman, the number of times that secret ballot was used at the COP 10 helped the Governments in voting in that election in line with their national interest in the philosophy. They could, through secret ballot, avoiding appropriate pressure from other governments and extremist groups. The secret ballot has in fact been the total needed to achieve greater sovereignty. That sovereignty has been clearly illustrated by the decision to deny the creation of a marine fish species working group due to its being outside the parameter of the Convention and to reject US proposal for the creation of infraction working group as constituting invasion of sovereign rights of member states.

Some very important messages sent to the international community by COP10 were, among others, the following. Sustainable use shall not apply only to chickens and cows but as well to all species of plants and animals of the world. Number 2, developing countries will not accept to have their conservation policies dictated any longer or enforced by so called interest groups. Interference of so-called interest groups into the affairs of other sovereignty issues shall not take place from now on. Number 4, difference of the culture, tradition, ethics and values shall be respected by all. In reality, Mr. Chairman, the CITES community which is more than three times larger than the IWC memberships including more than ninety five per cent of the membership of the IWC is to represent the world opinion and CITES itself has come from dealing with species to caring for people and species. It has moved from applying blanket prohibition to seeking solutions for conservation problems. CITES has finally espoused the agreement of the UN Convention, UN Conference on Environment and Development and recognised sustainable use of living resources as a means to solve conservation problems.

In conclusion, Mr. Chairman, I would like to say as far as whales are concerned, that at the last meeting of CITES it was clearly demonstrated that (1) a better understanding of the relationship between people and whale stocks and (2) a constant evolution during the meeting of COP10 itself offers positive acceptance of sustainable use for whale stocks that are not endangered. Thank you Mr. Chairman.

#### **Chairman**

Thank you Japan. Are there other observations or comments on the nexus between CITES and ourselves? United States please.

#### **USA**

Thank you Chairman. Mr. Chairman, the role of the IWC is to ensure that any harvest of whales is done sustainably and in my delegation's view this would necessarily entail monitoring of the markets for the products of such harvests. Now, Mr. Chairman, cooperation between IWC and CITES dates back some twenty years when the IWC requested CITES to recommend that its parties refrain from issuing export or import permits for any species protected from commercial whaling by the IWC. CITES accordingly adopted a Resolution to that effect, Resolution 2.9. In 1978, the IWC asked CITES to support the IWC ban on commercial harvest of certain species and stocks of whales. CITES responded by listing all species of great whales in its Appendix I. At the 10<sup>th</sup> Conference of the Parties to CITES last June, a proposal to rescind Resolution 2.9 was defeated overwhelmingly by a vote of 27 in favour, 51 against. Consequently, Mr. Chairman, this action reaffirmed the twenty year long cooperation between the two bodies. Our delegation believes that this cooperation is critical to the proper management of any commercial harvest of whale stocks.

Now, Mr. Chairman, some delegations seem to have been comforted by the minor changes in the voting record at the recent CITES meeting. It is still a fact that all downlisting proposals for whales were rejected and that, Mr. Chairman, in my delegation's view is reflective of the true international opinion.

In closing, I would like to point out that the United States will not vote for any downlisting proposals at CITES until the commercial moratorium is lifted. Moreover, we are opposed to any international trade in whale products while the commercial moratorium is in place. Thank you Chairman.

**Chairman**

Thank you United States. Netherlands has asked for the floor and then Norway. Netherlands please.

**Netherlands**

Thank you Chairman. On the relationship with CITES it is our delegation's opinion that the existing arrangements should be maintained. As the IWC has prime responsibility over the management of whales, we think that the measures taken under CITES should follow IWC decisions with regard to management of whales and should not be the other way around. Thank you.

**Chairman**

Thank you Netherlands. Norway please.

**Norway**

Thank you Mr. Chairman. The statement by the US could give the impression that there is a cross link that CITES cannot downlist the species in the light of, unless the moratorium has been changed in the IWC. That is not our interpretation. The Resolution that the US Commissioner refers to is a recommendation to Governments to follow the practice of not trading while the moratorium is there, in the line of this recommendation. The second point which I think is important is that CITES over the last couple of years have established new criteria for the listing of species on list one or two. These criteria are based on the sustainable use concept and on science as the basis so therefore it is quite clear that CITES on its own basis according to its criteria can list species on list one or two. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Brazil please.

**Brazil**

Mr. Chairman. Brazil is a contracting party to both IWC and CITES and during the meeting in Zimbabwe our delegation has reaffirmed our view that in fora where the principle set forth in agenda 21, the Whaling Commission is the recognised and appropriate international forum to decide upon matters relating to the conservation of cetaceans. Therefore, the Commission has authority over issues such as the trade in whale meat, in so far as it directly effects whale conservation worldwide. While science can provide therefore for the implementation of decisions taken by the IWC, this Commission, itself, shall retain full responsibility for deciding upon specific matters related to whales. Their conservation has become our heritage of mankind and their truly sustainable utilisation preferably through non-lethal means. Thank you Mr. Chairman.

**Chairman**

Thank you Brazil. France please.

**France**

Thank you Mr. Chairman. I would just like to point quickly on two items. First on the declaration of our colleagues from Japan, I would like to say that in our view the result of the CITES this year is not so much a break-through for sustainable management of species but it is the result of different visions on the ways to preserve the species with the principle problem, being now as before, the question of the commerce and some of the votes that took place in Harare will have to be monitored in their effects in the same way, that is to say, it would be to observe accurately what the result will have on the commerce. On the question of whales, which we are dealing with here, our position remains that, of course, as long as there is a moratorium it cannot be a question of downlisting these species in CITES and, of course, the links which have been established in the past between CITES and this Commission have to be maintained. Thank you very much.

**Chairman**

Thank you France. Any further interventions on this topic? Australia.

**Australia**

Thank you Chairman. Very interesting to listen to the way in which the Japanese have interpreted the outcome of the meeting of CITES in Harare. I think all those who attend the meetings of that sort develop their own interpretation and I wouldn't say that the Australian interpretation equates with that in Japan. From our perspective Mr. Chairman, it's important that environment and conservation conventions work together and from our perspective the most significant outcome of the Harare meeting was the overwhelming vote in favour of maintaining close relations between this Convention and the Convention on Trade in Endangered Species. I note that our Japanese colleagues failed to mention that they in fact moved a resolution at CITES which would have had the effect of weakening the links between this body and CITES. I found that and Australia found that rather regrettable and we were certainly encouraged by the result of the vote on that issue at the conference. Thank you Mr. Chairman.

**Chairman**

Thank you Australia. Any further comments? Well I think we have had a useful, if not intensive discussion, on that result. St. Lucia do you wish to scrape in?

**St. Lucia**

Thank you Chairman. Chairman, the IWC appears to me to a most inconsistent organisation. On the one hand the Commission directs the Scientific Committee to develop a Revised Management Plan to facilitate a satisfaction of the mandate of the International Convention for the Regulation of Whaling which while on the one hand we have blanket statements and read opening statements which indicate that several countries are not prepared to vote for a re-commencement of commercial whaling. We go further by promoting a global Sanctuary. Mr. Chairman, maybe it is time to renegotiate this Convention where Governments interested in the global moratorium on whaling and a global Sanctuary for whaling would go their way and a new IWC would emerge, one which is interested in regulating whaling. In Zimbabwe, Mr. Chairman, the Scientific Committee, CITES recommended the downlisting of whales. I think we need to take these things astride, we need to take the global view, the new global view, of sustainable utilisation in stride. I think we need to be consistent Mr. Chairman.

**Chairman**

Thank you St. Lucia. Norway you ask for the floor again?

**Norway**

Thank you Mr. Chairman. I apologise for taking the floor again, it won't happen so often. I must say after the statement by France and Australia, I couldn't stop myself from saying the following and I want just to read out one sentence from the Chairman's Report from the CITES meeting if you let me and you said in your statements which have been sent us "the flavour of the meeting was captured in a comment to me from one of the delegates that the winds of change with respect to sustainable use which began to blow at Rio in 1992 have reached CITES". Mr. Chairman I think I tend to agree more with you than with Australia in this matter. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. I think I may have lost one citizenship. I think that this discussion is certainly interesting and I'm actually pleased that it has taken place because it does illuminate the difficulties that we face internationally with different bodies linking in different ways and I think one of the things we have to continue to strive towards is making efforts to understand what is actually happening. I think that it was, from my perspective, a very interesting meeting as an observer for the Commission because I did get two messages as my report also says and they are, as delegates have variously said, that it was very clear that the relationship between the primacy of this Commission to deal with cetaceans remains, but it was also true that there were significant shifts in voting patterns from previous years. These are facts and therefore they are in my report and I think that this Commission collectively needs to take notice of those and do with it what this Commission wants to.

Japan were you asking for the floor again. I am conscious that we have five minutes before lunch. Japan.

**Japan**

Thank you very much. Yes, I make this intervention with respect to current sub-agenda item as appropriate it could be raised at 16.5 but nevertheless I would like to point out your Observer's summary reads, page two, under 'General Observations' because it's a very useful observation which you obtained from your observations which consists of two points.

You mention that under the heading of 'General Observations' as observer from IWC, number one, CITES parties still see values in keeping the links with IWC but only up to a point. There was a clear undercurrent that IWC needs to complete its work on the RMS sooner rather than later otherwise scientific basis by which CITES has opted for operating will become frustrated; and your second observation said that our Secretariat should continue to develop strong links with the CITES Secretariat and I would encourage our Scientific Committee to maintain links with animal committees of CITES on relevant issues. I think those two observations contain a very good recommendation for us to do in number one observation, both number one observation which is namely to complete its work on RMS sooner rather than later. Second observation recommends close links between Scientific Committee of our body and the Committees of the CITES. Maybe we should recommend this under Agenda Item 16.4 as relevant. It might be dealt by the following agenda. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. Well I certainly believe that as with a number of other organisations, but certainly with CITES, I believe that the close linkages that our Secretariat has should continue to develop and I do believe that it is important that the work of the Scientific Committee of this Commission link very carefully with the work that the animals committee of CITES also does. As to the other observations, they are observations I report - that's all they are and of course there are many agenda items which deal with those in due course. I see no other delegation wishing to take the floor on this issue so I believe we have therefore had our intensive discussion of this. There is action arising but again I'm not sure there is any action arising from this unless any delegation wishes to keep this agenda item open for any reason? It seems not so I think we therefore we dealt with ..... Japan.

**Japan**

Thank you Mr. Chairman. As I mentioned, in your general observations consisting of two I read out could be dealt under that particular agenda but it's up to the floor as I think those two observations could be sufficiently appropriate to be dealt as recommendations, to be put forward for the Commission itself which could be taken as Commission recommendations but this is my view so if, through you, this Commission would like to take it up again under action arising of 16.5, it's up to the floor. That is my point.

**Chairman**

Well I'll keep 16.5 open but I suspect that any action arising will take place under other agenda items as I've already suggested, but I'm happy to keep 16.5 open until later time in the meeting should the need arise. Is that satisfactory Japan? Thank you.

In that case we've completed except for that proviso of keeping 16.5 open, we've completed agenda item 16 and I think just before you leave for luncheon we can now, unless there is any objection, adopt the Report formally of the Finance and Administration Committee. Is there any delegation that has a problem with adopting that Report formally bearing in mind that some items that flow from it are still open for further decision but the Report of the Committee can be adopted. Thank you it is so adopted. I now adjourn the session until 15.00 and I expect to open with Agenda Item 12. Thank you.

**[LUNCH BREAK]**

<b>19. AMENDMENT OF THE RULES OF PROCEDURE</b>
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**Chairman**

[item 19] ..... and of course any Commissioner is most welcome to be involved but I'm looking to see if a small contact group can't examine the issue to see whether we have options to move forward at this meeting or in fact to try to make some progress and have a more detailed discussion of perhaps the series of options at the occasion when the Finance and Administration Committee meets before the Oman meeting. So what I would like to ask if the respective Commissioners could make contact with the Commissioner for Argentina, perhaps after this session immediately on closing, to work out how they might progress this issue. Again I stress I'm not trying to be exclusive in this group but just identifying some key parties that spoke this morning. Of course anyone is more than welcome to be involved but as far as the Chair is concerned I'm interested to see if we have any room to make progress without necessarily coming to a cold vote on this issue very promptly at this meeting.

So if I might leave that as an issue to be explored by those concerned and thank in advance the Commissioner for Argentina for offering to act in this way.

I would now like to move to item 12 on our agenda which is the one headed Revised Management Scheme. We have some papers before us on this particular issue. There was a Working Group on the Revised Management Scheme which met prior to the Commission meeting and the Report of that group which was chaired by the Commissioner for the Netherlands was placed in delegates' pigeonholes this morning and it is number IWC/49/14 on lemon paper.

We also have some annotations to our agenda and we will need to look at those closely as we work through the agenda.

## **12. REVISED MANAGEMENT SCHEME**

The first sub-item for agenda item 12, agenda item 12.1, is to essentially be a consideration of the matters that the Working Group discussed which there were three sub-items, Inspection and Observation Schemes, total catches over time and Schedule amendments.

### **12.1 REPORT OF THE WORKING GROUP ON THE REVISED MANAGEMENT SCHEME**

The Working Group, as I mentioned, met prior to the Commission. I would like now to ask the Commissioner for the Netherlands who chaired that Working Group to introduce his Report to us and we might work through that Report perhaps pausing at logical points so that the Commission can make any discussion that they need to. Before I proceed fully with this I would like to confirm perhaps with the Chair of the Working Group that IWC/49/14 is an agreed record of the Working Group? Any there any problems with it at this stage?

#### **Netherlands**

On your last question Mr. Chairman, I certainly don't hope so. On your first question, as you will find at the end of the Report under item 10, no, where are we, under item 11, the Report was agreed subject to the inclusion of some national statements. That is what we agreed at our last meeting last night. We did not formally adopt the Report but I hope that what we have here is acceptable to the participants and that it can be official adopted as yet.

#### **Chairman**

Thank you for that clarification. Just so that we are absolutely clear on this and we know what the document is that we are working from, can I be assured, or can I be told if there are any delegations that are unhappy with IWC/49/14 which should now be regarded as the official and approved Report of that Working Group? I see no dissent so in that case could I now ask Netherlands if you could take us through what is the official Report. Thank you.

#### **Netherlands**

Certainly Chairman. As you will recall at last year's meeting we had a discussion about the organisation of the remaining work for the completion of the RMS and that discussion resulted in a decision to combine the Working Groups on Supervision and Control and the one on Abundance Surveys and Implementation of the RMS. The mandate of the new RMS Working Group, as you just mentioned, included first of all the preparation of an effective Inspection and Observation Scheme. Second, the elaboration of arrangements to ensure that total catches over time are within the limits set under the RMS; and finally the incorporation into the Schedule of the specification of the RMP and all other elements of the Revised Management Scheme.

Let me say at the outset, Mr. Chairman, that the idea that the Working Group was going to complete all these things at this year's meeting soon appeared to be wishful thinking. However, I am pleased to report that considerable progress was made and this was due not only to the constructive contributions of the delegations involved in the Working Group but to a large extent also to the considerable efforts of the Scientific Committee that in addition to the issue of total catches over time had taken the initiative of also providing advice on other matters relevant to the completion of the RMS. In particular, the oversight of surveys and data analysis, genetic database, a carry-over provision and some additional work required to make the Catch Limit Algorithm perform as it should.



The Working Group noted with gratitude that on all of these issues the Scientific Committee had been able to come forward with unanimous conclusions and recommendations. There was some discussion in the Working Group on whether it was appropriate to consider items in relation to the tracking of whale meat and other products since in the view of some delegations this was for purposes outside the remit of both this Working Group and the IWC, and you will find that discussion reflected under item 6 on the first page of our Report.

However, some other delegations thought that such issues were relevant to the RMS and that in particular genetic sampling of whale products was an important element. Eventually it was agreed to consider the Scientific Committee's advice on all the issues mentioned. Now, Mr. Chairman, if you think I should stop here before we go on reporting what we discussed under the other issues the Chairman of the Scientific Committee introduced then I would be happy to do so.

**Chairman**

Thank you. I think it would be useful just to pause for any questions or clarification which Commissioners who were not able to be present might wish to have at this point. I should say that my view is that we will proceed through your Report, and a more substantive discussion on the issue how we move forward from here if indeed we can move forward from here, will take place under agenda item 12.3 which is the action arising item. So this, as we go through at the moment, this is really providing an opportunity for questions of clarification rather than statements at this time. So if we might pause at this point, are there any questions on the survey and data analysis part of the report? I think not. It looks as if the Report has done a good job there so Commissioner for Netherlands please carry on.

<b>12.1.1 INSPECTION AND OBSERVATION SCHEMES</b>
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**Netherlands**

Thank you. So on the first question, the question of over-sight of surveys and data analysis which you find on page 2 of our Report. Of course, considerable work had already been done by the Scientific Committee in previous years but some of the earlier conclusions had been elaborated a bit more by the Committee and some new issues had also been addressed by the Committee.

On the basis of a review of surveys proposed by Norway and Japan, the Committee had developed a general mechanism for participation of Scientific Committee members in surveys under the RMP and it recommended that this should be included in its Guidelines for Surveys. The Working Group endorsed this in principle but some delegations made reservations as to the financial implications this might have for the Commission.

The Committee had also discussed, that is the Scientific Committee, the question of access to data, particularly those collected by nations outside the IWC. As this was an important issue in the context of the RMP, the Scientific Committee sought comments from the Commission on some of the concerns it had which you will find identified at the bottom of page 2 under the items 1-4 of our Report.

There was some debate on these questions but in the short time available no firm conclusions could be reached and it was agreed that delegates should consider the issues raised and discuss them with their own scientific advisors in preparation for next year's Scientific Committee meeting.

Do you wish me to go on Chairman?

**Chairman**

I think we might just pause at that point to see if there are any questions of clarification. We have these four questions and it would be my belief that we should address these questions in perhaps more substantive discussion with a view to ensuring the Scientific Committee understands what the Commission would like it to discuss and how it would like it to discuss. Is that the flavour of the Working Group? I see so. So perhaps if I could ask Commissioners to bear in mind those four points when they make more substantive interventions in our discussion so that the Chairman of the Scientific Committee is able to gain a firm grasp of what the Commission would like the Scientific Committee to do. Are there any further observations at this point or can we proceed with the Report? US please.

**USA**

Yes Chairman I wasn't clear whether you are seeking comment now or should we withhold comment on this particular issue until later in the proceedings?

**Chairman**

I think US I would rather try and have a more substantive discussion involving all the issues when individuals can make their interventions in a package, as it were, under action arising because I think it would be very useful to understand where we are going over the next short period with this issue and it will certainly be critical for the Scientific Committee to understand where the Commission would like it to go in terms of providing that guidance so this is really an opportunity just for clarification. Thank you. Netherlands please.

**Netherlands**

Yes, still on that point Mr. Chairman, it was my impression that the Working Group felt that it might not be possible to come forward with very definite conclusions on this particular part of the Scientific Committee's recommendations and that in any event delegations should be prepared to send their scientists to the next Scientific Committee meeting with clear instructions on this particular issue.

I will go on with the next one. On the matter of the genetic databases which you find at the top of page 3. The Scientific Committee had felt that it could provide advice on the type of genetic information to include in a DNA profile register and on the value of such a register for future research activities. Both in Japan and Norway such registers were being developed and the Working Group noted the Scientific Committee's conclusion that the data held in such registers would be very valuable for future research and should be made available for this purpose. In relation to this, Norway commented that it did not plan to make its database generally available but that it would be willing to respond to specific requests. So for the genetic database, do you wish me to continue?

**Chairman**

Yes, I think that was just a brief item. I see nobody asking for the floor so please carry on.

<b>12.1.2 TOTAL CATCHES OVER TIME</b>
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**Netherlands**

With respect to the issue of total catches over time which is also on page 3 of our Report. The Scientific Committee had clarified that the catch limit algorithm produces a number of safe non-natural mortalities and that it would then be up to the Commission to decide to what extent other known or expected sources of non-natural mortality should be taken into account when setting catch limits. After discussing this issue, it was a very interesting discussion and you will find that reflected on page 3. After that discussion I asked the Working Group whether it could agree with my summary that the Working Group concluded in principle that in setting catch limits the Commission should, as far as possible, take into account all known human-induced mortalities including aboriginal subsistence whaling, scientific whaling, whaling outside the IWC, by-catches, ship's strikes and other non-natural removals. While there was no opposition to this summary at the time of discussing the Report, after the meeting I was advised by the Japanese delegation that an earlier comment made by that delegation in connection with possible effects of environmental disasters applied to the whole concept of taking all non-natural mortalities into account when setting catch limits. So I eventually agreed to include a statement to that effect which you will find in the fourth paragraph under (c) on page 3 of our Report reflecting the Japanese feelings and I also agreed to add the word 'generally' in the first line of the next paragraph which is the last paragraph of (c). Shall I go on?

**Chairman**

Thank you. Perhaps we can just pause and see if there any comments at this stage on that. No it seems not. It seems you have done a good job there so please carry on.

**Netherlands**

OK. The Working Group then considered a proposal by Norway to incorporate a provision in the RMP that would make it possible to carry forward unused portions of catch quotas from one year to the next within the same block period. The Scientific Committee had recommended that such an enabling clause and associated annotations be included in the RMP and the Working Group endorsed this recommendation. You will find this at the bottom of page 3. Shall I go on?

Under other items related to the finalisation of the RMP and associated Guidelines, the Scientific Committee had identified the need for some additional programming and tuning to ensure that the catch limit algorithm accurately calculates the catch limit to the nearest whale and that the tuning of the CLA is exactly the value agreed by the Commission. The Scientific Committee had recommended four activities which you will find

enumerated in the second paragraph of page 4 of our Report and since the Working Group saw no reason to quarrel with the Scientific Committee over these recommendations, it decided to endorse them.

**Chairman**

Thank you . We might just pause there to see if there is any substantive comment on that particular issue. Since it does seem that the Working Group is endorsing Scientific Committee's recommendations and I think it would be useful if the Commission was clear that it also wished to endorse those four points. Netherlands?

**Netherlands**

Yes, Mr. Chairman, I would have to put on a different hat and then make a comment as the delegate for the Netherlands on this.

**Chairman**

Well Netherlands I am pleased that somebody else has to wear several hats in this Commission so I am more than willing for you to put on a different hat please.

**Netherlands**

If I may then speak for the Netherlands Mr. Chairman. I would like to make an observation about the procedure followed with respect to the RMP. The Scientific Committee recommends a list of things that relate to the Catch Limit Algorithm and I would like to remind my colleagues that the CLA is the core of the Revised Management Procedure. We are pleased to see that the Scientific Committee is helping the Commission in refining the RMP. According to the Scientific Committee Report, the proposed changes have minor quantitative consequences for the RMP. I would like to say that we consider it a matter of principle that any modification, reconfiguration or adjustment to the RMP should be done only after express instructions by the Commission and I quote here from Resolution 1994-5 on the RMS which we adopted in Mexico. So the Commission in our opinion needs to expressly instruct the Scientific Committee to do the work that they have recommended here and we propose that in this instance we do just that, so we would like to support the proposal for the Scientific Committee to take on this work. However, our delegation is also of the opinion that in future the Commission should be made fully aware of any proposed alterations to the RMP and of the effects of such alterations that they might have on our management decisions. So our concern I think Mr. Chairman can quite simply be accommodated when the Scientific Committee in future explicitly requests the Commission for instructions to adjust the RMP and I propose that the Scientific Committee follow that suggestion. Thank you.

**Chairman**

Thank you Netherlands as Netherlands. Are there other comments, interventions? If not, can I assume that the Commission is following and endorsing not only the Working Group but the Netherlands as the Netherlands and making it clear to the Scientific Committee that the Commission expects to be told about any further changes. Chairman of the Scientific Committee are you clear on this or do you want to make an intervention?

**Chairman of Scientific Committee**

Mr. Chairman I am certainly clear on it. First of all I should say that it was my understanding that this particular piece of work which involves re-tuning and re-programming was in fact in response to something that happened as long ago as 1991 in the Commission and it's been followed up since then so I don't think we are doing something that we haven't been asked to do but of course we will endeavour, as far as possible, to do exactly what the Commission wishes in this matter, but in this particular case I think we have already been asked to do this some time ago.

**Chairman**

I think past experience would suggest that saying the same thing three times is always a good idea. Norway.

**Norway**

Thank you Mr. Chairman. In this particular case this correction of small minor faults that has earlier been done by the work in the Scientific Committee and it's really following up on instructions we have received in previous resolutions and instructions so I find that in this case it's a little different from the general case as stated by the Netherlands Commissioner. Thank you.

**Chairman**

Thank you. New Zealand.

**New Zealand**

Mr. Chairman, very briefly, New Zealand supports the comments and suggestions made by the Netherlands in its capacity as the Netherlands.

**Chairman**

Thank you. I think we all understand where we are at and I don't think we need to rehearse anymore of this. It's quite clear that the Scientific Committee will now perform what it's told to do on several occasions and has been re-told to do this afternoon. Netherlands would you like to resume being Chair of the Working Group and take us through the remainder of the document please.

**12.1.3 SCHEDULE AMENDMENTS****Netherlands**

Thank you Chairman. Finally we came to our last substantive agenda item which was the Inspection and Observation Scheme. This is on page 4 of our Report. The Japanese delegation had shortly before the meeting tabled a draft revision of Chapter V of the Schedule and while delegations had not had the time to consider this in any great detail it was decided to have a general discussion and then consider how to take this forward. It appeared during the presentation and the discussion that the Japanese draft had been prepared in consultation with other whaling nations and that the list of general generic principles on which there seemed to be consensus which was drawn up by the Chairman of last year's Working Group on Supervision and Control had also been taken into account. It was generally recognised that this draft was a significant step forward and the Working Group noted its appreciation of the work done by Japan.

However, several delegations came forward with what came to be known as the shopping list of items that should, in their view, be included in the Inspection and Observation Scheme. Mentioned in particular were provisions for tracking whale meat and other products, the review mechanism, provisions for the placement of observers on vessels and provisions relating to real-time reporting and the use of vessel monitoring schemes. On the matter of costs there was some discussion as you may expect and some delegations held the view that costs of the operation of an Inspection and Observation Scheme should not be borne by the IWC and not even by the country from whose territory the whaling activities take place but by the business conducting the whaling operations. There was also the suggestion that the proposals should be adapted to reflect the specific characteristics of the various commercial operations.

Finally, Mr. Chairman, on the question of what to do next, the Working Group agreed that further work should be undertaken on the basis of the Japanese proposal and the comments provided by other parties at or after this meeting in order to produce a revised text as soon as possible. In this connection Japan stressed the importance of setting a deadline such as the next Annual Meeting for completion of the Scheme.

Mr. Chairman, as there was no other business this concludes the Report of the RMS Working Group. 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 rapporteurs who made a brave attempt at producing a concise draft Report of the proceedings and who will now undoubtedly realise that this Commission is a real stickler for detail. Thank you Mr. Chairman.

**Chairman**

Thank you Netherlands for undertaking at my request this task which was as onerous as always. However, it does seem as though some progress was made and I think we are being asked as a Commission to probably encourage another Working Group meeting before Oman. Now, it would be very helpful to the Secretariat to know that this is the case. Netherlands, is this as Chair or Netherlands?

**Netherlands**

As Chair. Mr. Chairman, in fact we didn't go as far as you just suggested in the Working Group. What we said was that we should try and agree on a mechanism to take this forward and presumably that would entail further work on the basis of the Japanese proposal but we did not in fact decide on whether it would be a good idea to have a Working Group meeting between now and Oman. There might be other means so perhaps you could open up the floor for discussion on how to take this forward.

**Chairman**

Well, thank you Netherlands. I think we do now need to actually look at that particular issue but again I am not sure whether it would be useful to look at that in the whole aspect of the action arising under this matter. Can I just ask if any delegation has any specific comments on the matters that have come forward in the Report because if not we might close that item 12.1 and move through the rest of agenda item 12? OK that seems satisfactory. Again, thank you very much to the Commissioner for the Netherlands for undertaking the chairing of that Working Group.

## 12.2 OTHER MATTERS

Agenda item 12.2 is other matters and you see that there is indeed an annotation under 'Other matters'. The Commissioner for Ireland has given notice of two Schedule amendments under 12.2 in the annotated agenda on page 13. I wonder if I can ask the Commissioner for Ireland what the status of those Schedule amendments is? Ireland you have the floor

### Ireland

Thank you Chairman. We will not be presenting text on Schedule amendments at this time but can I just make a general statement please?

### Chairman

I think it will be difficult to stop you so please go ahead.

### Ireland

I have to agree with the Chair on that one. Just I want to say that Ireland became a member of IWC with the clear objective to promote the conservation of whales. Our people do not take whales and have declared Irish waters as a sanctuary for whales. Nevertheless we recognise and respect the right of other cultures to take and use whales. So in that context our role in IWC is to ensure that any whaling that takes place does so in a manner which ensures that no population of whales will be endangered. We have become increasingly concerned Chairman over a period that the inability of IWC to reach consensus on fundamental questions concerning RMS and other issues will lead to a break up of the IWC. We believe that the break up of this organisation will be seriously detrimental to conservation. We are also concerned that whaling operations other than aboriginal subsistence whaling are actually outside the control of the Commission and we wonder sometime as to the relevance of the Commission. We believe at this time that the population of whales have not recovered sufficiently from excessive catches in the past to agree to the resumption of commercial whaling but we think that between the extremes of zero whaling and full-scale commercial whaling there may be scope to reach a consensus of all parties here to limit whaling in the medium term. For that reason Chairman following discussion with a wide range of interested parties, we wish to put forward a number of ideas for consideration by member states. Now it is stressed that these ideas are headings; we are open to additional proposals, we are open to alternative wording, we are open to alternative mechanisms, we are open to any suggestions.

The headings are that the Revised Management Scheme should be completed and adopted. This scheme must be conservative and provide in particular for inspection and observation procedures that will engender public confidence. In that context we particularly welcome the progress already recorded in the Report of the Working Group. We think that there has been major progress this week. Where quotas are justified under the RMS we think that they should be restricted to coastal areas only and to nations who are now whaling. This would result in a *de facto* Sanctuary over the deep oceans.

We also propose that any quotas issued should be for local consumption only and the reason for this is to avoid the pressure on whaling and on whale populations that would arise from international trade.

We are also proposing that lethal scientific research whaling should be phased out over a period and we are proposing that regulations for whalewatching should be prepared to minimise the impact of disturbance on whale populations.

I realise Chairman that these proposals are not easy for any party in the IWC. All of them are not easy for Ireland either but we would hope that there is a share of pain and a share of gain and in the spirit of compromise these proposals might form the basis of discussions which may lead to consensus. What we are asking for here is that delegations should reconsider the future of IWC and reconsider what each delegation wants to achieve through IWC. In the light of that consideration we ask that delegates should engage with each other in constructive dialogue and my delegation will seek to facilitate that dialogue. If there is evidence of a movement

towards consensus we will then be happy to prepare draft text before the next meeting in Oman. So, just to finalise Chairman. We are making these proposals as an attempt to ensure the long term conservation of whales. Thank you Chairman.

**Chairman**

Thank you Ireland. Some of what you have said relates to agenda item 12 but other items of course are rather broader. You may wish to revisit those when we come to those particular agenda items. Are there any observations or comments on the remarks just made by the Commissioner for Ireland? Denmark please.

**Denmark**

Thank you Mr. Chairman. Just a very brief and general remark. I will in no way go into details on what Ireland has referred to as their proposals or ideas, I simply would like to take this opportunity to say that Denmark appreciates in principle the initiative and idea taken by Ireland which we find hopefully very useful to ensure that this organisation will stick together in the future and secure an orderly preservation and sustainable utilisation of whale stocks. Thank you Mr. Chairman

**Chairman**

Thank you. Mexico please.

**Mexico**

Thank you Mr. Chairman. As a country that has a long-standing tradition of protecting nature and protecting whales, that we have never eaten whales, we do not plan to do it. But as a country that has also provided for the development of the gray whale during recent years, we do believe that the proposal presented by Ireland is a sound proposal that should be considered in detail by members of this Commission. Certainly there are some members who believe that there is no crisis in this organisation and they are perfectly well entitled to not see the crisis which is clearly emerging. When we have a Commission that was created almost fifty years ago to fulfil a certain purpose that is still on our charter but that has changed in the views of society to which we as responsible countries are accountable. There are also competing needs, those of subsistence that we cannot forget and also those needs that arise from cultural aspects of well being of the people. It is time, in our view, to go further into the study of the questions that have here been presented by Ireland and to be able to bring about a feasible solution. For Mexico it is not useful and it might also be dangerous to keep on going in the system in which we have not yet been able to finish the RMS studies and certainly we congratulate the effort of the Netherlands that has just here been presented and at the same time looking rather shyly to some abuses that are committed due to the fact that there is some imbalance or not coincidence between the rules and norms that the IWC has and some practices that have developed recently.

So, therefore let me conclude by saying, as Denmark has mentioned, we also believe that the Irish proposal should be considered, should be talked about and should be looked at by every single country in order to arrive with a high degree of consensus to something that makes the IWC an institution that is ready for another fifty years. Thank you Mr. Chairman.

**Chairman**

Thank you. Brazil has asked for the floor and then Sweden. Brazil please.

**Brazil**

Mr. Chairman, the Irish delegation is to be commended for their goodwill effort in bringing up discussion on this matter. While Brazil has already expressed its strong reservations on the proposal as it stands we do foresee the possibility of co-operating towards a more acceptable and precautionary agreement that would both result in a global pelagic sanctuary for whales, elimination of whaling in the Antarctic Sanctuary and at the same time in the accommodation of the needs of localised communities in accordance with sovereign rights of coastal states as reaffirmed in the United Nations Convention on the Law of the Sea.

Brazil points out that such a potential consensus solution should envisage an effective restriction on the distribution of whale products for local consumption only and that a quota allocation under the RMP and a strict monitoring control through an approved RMS. The implementation of humane killing methods, less inhumane killing methods than presently used, and an effective agreement by the whaling nations on the Commission's authority and competence to regulate such activity and for ..... its provision with the withdraw of existing objections to Commission decisions.

Specifically about the issue of coastal whaling to which Brazil has already expressed its serious reservations, we urge the Commission to consider the different cultural backgrounds of whaling practices of local communities in countries such as Japan and Norway and the commercial coastal whaling activities that existed in several coastal countries. While we understand that the proposed dialogue is only at its very beginning, we would like to stress our concern that no intersessional meeting be convened on the matter. Bringing this discussion to intersessional work would severely curtail participation by many developing country governments and I think the importance of this discussion merits full participation of all interested sectors.

**Chairman**

Thank you Brazil. Sweden you had asked for the floor and then South Africa. Sweden please.

**Sweden**

Thank you Mr. Chairman. Sweden wants to register its support both for the background analysis and for the ideas and elements for a possible consensus solution as proposed by Ireland. Thank you.

**Chairman**

Thank you Sweden. South Africa and then Spain. South Africa please.

**South Africa**

Thank you Mr. Chairman. I shall also be very brief. I would like to add my voice to those of other delegations that have expressed appreciation for the work that has been done by Ireland to date and also to express our readiness to participate in the discussion programme and indeed that we feel that such an initiative is very appropriate at this time. Thank you Sir.

**Chairman**

Thank you. Spain. I now have the Netherlands followed by Switzerland. Netherlands you have the floor.

**Netherlands**

I thought you mentioned Spain first.

**Chairman**

Sorry, I did. Spain.

**Spain**

Thank you Mr. Chairman. We are not that close to South Africa. First of all Mr. Chairman I think that we are among those that think that this organisation is not in a crisis but as all of you can read from our Opening Statement we think that there are problems that we have to face within this organisation, problems that we cannot turn closed eyes to. In this context we appreciate the efforts made by the Irish delegation to at least provide us with some material for thought and discussion. We take the Irish statement and proposal as that, material for thought, reflection and discussion because, like another delegation has already pointed out, we have serious reservations about the content of the different proposals as they now stand. The Spanish position concerning commercial whaling is very clear and remains unchanged as also stated in our Opening Statement and yet we are willing to discuss within our framework, within the framework of this Commission, any proposals that may solve the problems that I have referred to. Thank you.

**Chairman**

Thank you Spain and I apologise for getting the order mixed up here. I now have Netherlands followed by Switzerland please.

**Netherlands**

Thank you Chairman. Like Ireland, the Netherlands considers the present state of affairs in the IWC unsatisfactory with growing numbers of whales being killed each year in operations that are largely out of .....

**[END OF TAPE]**

**Netherlands (cont.)**

.....and the members of the IWC being at loggerheads over issues that are extremely important to the conservation of whales. We think that this unproductive situation should be resolved soon and we believe it is important that this is done with the participation of all interested parties. We therefore note with interest the proposals put forward by Ireland that are aimed at a long term solution. The Netherlands is prepared to participate actively in the discussions on these proposals and we will do so with the desire to achieve the best possible result from the viewpoint of effective conservation of cetaceans. Thank you Chairman.

**Chairman**

Thank you Netherlands. I now have Switzerland and then New Zealand. Switzerland please.

**Switzerland**

Thank you Mr. Chairman. Like the Netherlands just said also we in the last years were increasingly worried about the block situation where we moved only very slowly, made not too much progress and while an increase in number of whales were being killed uncontrolled all over the world. We would like to commend the Irish delegation for this idea put in front of us and we think there is, of course, much merit in setting up these points, while of course many questions and detail need to be solved but like other delegations we are fully willing to cooperate in the endeavour to find a solution and perhaps to put these ideas into effect in perhaps the near future. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. I now have New Zealand to be followed by Oman. New Zealand please.

**New Zealand**

Mr. Chairman, on Tuesday in what you describe as an elegant opening address, his Serene Highness Prince Rainier urged us to approach in good faith any discussions on issues that address the protection of cetaceans and the future of this body. Despite its strong and well-known views on whaling issues, New Zealand had always intended to adopt that approach to these discussions and finds no better expression of that obligation than in His Highness's words. Part of that good faith obligation requires that we share from the outset and with each other our views on these matters and particularly those that are fundamental to our position. Mr. Chairman, I profoundly respect the sincere purpose that motivates my good friend the Commissioner for Ireland to bring these matters before us. That cannot, however, alter the fact that at this stage we must express a negative view on the proposals in total. There are, of course, aspects that attract us, not least the proposed phase out of scientific whaling. But our concern about that activity can't be addressed by effectively swapping it for a new category of commercial small-type coastal whaling in the EEZs even if the resulting trade is limited to domestic markets. We are not alone in our concern about scientific whaling, in recent years just one aspect of that in the Southern Ocean Sanctuary has been the activity most condemned by this Commission. We don't address the consistently expressed concern of the vast majority of member countries by effectively substituting one wholly unacceptable activity for another that is equally unacceptable.

Ireland in its opening statement and in the comments that introduced this discussion has rightly expressed concern at the increasing number of whales that are being killed. New Zealand fully shares that concern but we must ask ourselves, does that increase result from our failure to allow small-type coastal whaling or to agree an RMS, or does it result from continued whaling under the guise of scientific programmes or other legal means? Does it result from the existence of a global moratorium and two sanctuaries covering a third of the world's oceans or because despite those things significant whaling continues under legal objections and special permits? Is the effectiveness or otherwise of this organisation a result of its own malaise or is it more damaged by attempts to challenge its authority in other fora even though the Rio declaration acknowledged the primeness of the IWC on matters affecting cetaceans?

Now, Mr. Chairman, in asking those questions I readily acknowledge that I've coloured them according to my standpoint and that those with a different opinion would probably ask them in a different way, but in my view however they are expressed, such issues and questions are as fundamental to the future of this body and the world's cetaceans as those that are raised in the proposals that have been put before us.

Like many Commissioners, I've sought to obtain a better understanding of the position of those whose position is not our own and I've sought to do so not from afar, not sitting in a remote office but by meeting on the ground with the people affected and we will continue to do that, but I readily acknowledge and I do so particularly and directly to Japan and Norway that we still may not have done enough, certainly not enough to achieve the sort of agreement and understanding that all of us might seek in this organisation. In the past there may have been a



dialogue of the deaf and if that is the case, I commit my delegation to remedying that in the future and I hope that others will do likewise. By way of example, after past vexing discussions, Sunday's meeting suggests that the difficult issue of the use of the electric lance may be moving towards a resolution. We have been an active participant in that process and for us it shows that some issues at least, some issues that challenge us, can be resolved on a co-operative basis. For our part, despite our negative view of the proposals in their present form, we re-commit ourselves to ongoing discussions whether bilateral or within this forum and whether in the context of these proposals or otherwise, we will continue to seek a better understanding of the position of others and also to ensure a better appreciation of our view on the part of others. Above all Mr. Chairman we will seek what Ireland also seeks, namely the maximum protection of all cetaceans under the undisputed auspices of a strong and effective Whaling Commission.

**Chairman**

Thank you New Zealand. Oman to be followed by Germany. Oman please.

**Oman**

Thank you Mr. Chairman. Next year is going to be the 50<sup>th</sup> Anniversary of the IWC. Are we satisfied with the IWC in handling whaling issues or are we not? This kind of question I have heard from many people and what the Irish Proposal is, is just taking the first step to answer this question. Whether it is opening the door for commercial whaling which, I am not sure, and if so I don't agree on that aspect, or whether it is looking for a solution for contradictory issues in terms of whaling, non-whaling, commercial and non-commercial issues. I think that the Irish Proposal is coming in good faith and it deserves our attention to discuss it seriously and in good faith so that the IWC can have a much, much wider role in controlling whaling and its issues. Thank you Mr. Chairman.

**Chairman**

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

**Germany**

Thank you Mr. Chairman. Germany shares the analysis presented by Ireland about the situation this organisation at the time being is in. We appreciate the proposal made by Ireland and we hope that this proposal can lead to a consensus solution in this organisation that will enable the Commission to regulate whaling and protect whale stocks also in future. Thank you.

**Chairman**

Thank you Germany. I now have Chile to be followed by Argentina. Chile please.

**Chile**

Thank you Mr. Chairman. We think our delegation that as human beings all organisations have to adapt to the times and this is the case of our organisation that after fifty years of very fruitful work has to adapt to the new circumstances and to the limitation that we all can observe daily. The proposition of Ireland has the advantage of proposing the matter in a very clear way but forgets something that for us that small countries with big coastlines is very important. In the last fifteen years there have been a very important developments in the Law of the Sea and have recognised the authority of these coastal countries in order to preserve and to guide and to keep this environment. I think and Argentina thinks that any new solution in a new development inside the International Whaling Commission has to go through this new development. The Exclusive Economic Zone I think is a very important development that is permitting to our countries in our experience to preserve from fleets of distant countries not to deplete our zone, coastal zone. So, from our point of view we believe that the whole construction of this future International Whaling Commission has to be built from this consideration. Thank you Mr. Chairman.

**Chairman**

Thank you Chile. Argentina and then the US please. Argentina.

**Argentina**

Thank you Mr. Chairman. We are grateful for the contribution in the form of a suggestion made by, or several suggestions made by the delegation of Ireland and I think it is an honest effort to cope with some of the problems the Commission has in respect of conservation of whaling. We are also committed to that objective as provided for in the Convention. We note, however, that in our opinion these proposals as in former proposals or

suggestions open different issues which we may not have to deal with and in fact those issues pose us serious difficulties as other delegations have already expressed. Amongst them conspicuously the delegation of Brazil and Chile and Spain have expressed their views and we share what they have said in respect of the difficulties that we are facing so we are not denying the merits of these suggestions, but I think a different approach should be followed.

As my colleague from Chile explained, for all of us, or at least all countries which are already parties to the 1992 Convention of the Law of the Sea, the approach for any matter relating to the uses of the ocean should pay due respect to this legal framework and of course the Exclusive Economic Zone is a legal institution, is not just a space for fishing, it's a legal institution in respect of which the coastal states have sovereign rights and jurisdiction in different respects. Any regulation that this Commission or any other body would be trying to elaborate should pay full respect to that. Our delegation wants to clearly state that they will not be prepared to accept any encroaching on the rights and duties of coastal states as been recognised by the UN Convention of the Law of the Sea of 1982 and these suggestions include some of encroaching, in our opinion of course, that is in relation to whalewatching and management of coastal whaling etc. Needless to say that Argentina banned in 1984 catching whales in the maritime areas but it is a matter of the legal approach to this. It is not a question of actual or occasional interest, we don't have any economic interest in that but we do have legal and political interest amongst many other countries of the world and notably Latin American countries.

Last Mr. Chairman, we also join the comments made by Brazil in the sense that matters like these are not likely to be suitable for being dealt with in an intersessional period. If we want to build up the stand of the Commission output in sensible matters we should encourage as wide and broad a participation as possible. If we face in the new session or preparatory meetings in Oman with elaborations which go in sensitive areas beyond what they should, it will be a stalemate for the Commission I can foresee. So generally speaking, including this matter, I would just avoid dealing with sensitive and important issues during intersessional periods and this proves to be one of them. Thank you.

**Chairman**

Thank you Argentina. I now have the USA asking for the floor followed by the United Kingdom. USA please.

**USA**

Thank you Mr. Chairman. Let me be clear to the IWC and to our constituents where the USA has been and remains today. Simply put we are opposed to commercial whaling in any form and therefore this element gives us some very serious reservations about the Irish Proposal. None the less, we do appreciate the opportunity to put the problems that exist in the IWC on the table and for all nations in the IWC to deal with those problems. From our perspective those problems are many and they include the existence of commercial whaling despite a moratorium on commercial whaling. They include whaling taking place in the Southern Ocean Sanctuary despite the fact that we passed that Sanctuary in Puerto Vallarta. These are problems that we have addressed in diplomatic initiatives but we now welcome the chance for all nations to address these problems. But let's address the problems before we rush to the solutions. Mr. Chairman, we are concerned about an approach which resolves the problems by legitimising the very practices to which we have objected. Let us be very cautious Mr. Chairman as we proceed forward in our discussions of these problems and the potential solutions to them. Thank you very much.

**Chairman**

Thank you USA. I have the United Kingdom and then France. France are you asking? Are there any other delegations who wish to speak on this matter because I think with France I close my list and Monaco. Fine, Monaco closes the list. United Kingdom please.

**United Kingdom**

Thank you Chairman. Well like the United States, the United Kingdom remains firmly opposed to all commercial whaling. As we say in our Opening Statement, we do not believe that there is justification for any whaling to take place other than some subsistence whaling by indigenous peoples and we would like to see all other forms of whaling ended. But like other delegations, we also agree that the current situation is not satisfactory. In particular, whaling is being carried out in increasing numbers outside IWC control and we are ready to explore all ways of improving whale conservation. But I must emphasise that the United Kingdom will only support measures which we are convinced will contribute positively to this objective. Some of the Irish proposals do have our support. We believe that the moratorium should be made permanent in effect creating a global Sanctuary. Like other delegations, we are strongly opposed to scientific whaling but on other elements of

the package we have serious reservations. A great many other questions remain unanswered about coastal whaling and we have yet to be convinced that this element of the proposal represents a viable way forward. In particular, we could not accept any definition of coastal whaling which extended it to entire EEZs.

Now, there are other important points which we need to address despite progress on the electric lance to which my electric colleague has referred. The question of cruelty involved in whaling remains unresolved. Now these are all issues that are difficult to resolve and they are issues that need to be discussed and as I have said the United Kingdom is prepared to discuss them. They also need to be discussed openly and in a transparent way. This is not always easy as we have found in my delegation last week, it is remarkable how rapidly a statement that you are prepared to consider a particular option will be interpreted by certain elements of the press as you are prepared to accept it. The answer is not to attempt to keep our deliberations in this area secret, it is not something that we can discuss behind close doors, it is something which we have to deal with in the open and we have to have a transparent process. Thank you Chairman.

**Chairman**

Thank you UK. France and the Monaco. I thought I would close the list but I have a few more coming in.

**France**

Thank you Chairman. As a number of other delegations, we regret also the developments in this field in the last years which is specially the increasing number of catches and the persistence of commercial whaling which we definitely oppose. We welcome the effort of the Irish delegation to try to find a way out of the present difficulties. Nevertheless, we have some serious reservations on several points that I don't want to enter into details because most have been mentioned by other delegations. We still hope the discussions which will take place will bring out us a little forward and we will follow them great interest. Thank you very much.

**Chairman**

Thank you France. Monaco and then Norway. Monaco please.

**Monaco**

Thank you Chairman. Well first of all we also wish to express our deep appreciation to Ireland to put to us this proposal. This is quite courageous, this is an attempt to find common ground in a quite divided assembly and frankly I think this is mission impossible. Naturally, this proposal has elements which displease everybody because the nature of our body is to really oppose blocks with very firm ideas and convictions and this process of trying to establish at least a beginning of the dialogue deserves our respect.

We do object to certain elements of the Irish proposal but we strongly support others and we will also hope to have the opportunity in the future to discuss this in more detail but not now. Like others, we are strongly opposed to the resumption of commercial whaling be it in the open ocean or in coastal waters but we are not opposed to exploring ways to find new solutions. So we just conclude at this stage by again congratulating Michael Canny for his courage and to hope that he will open the way for constructive dialogue. Thank you.

**Chairman**

Thank you Monaco. Norway and then St. Lucia please. Norway.

**Norway**

Thank you Mr. Chairman. I listen to the debate with great interest here, and there are a lot of things I really had wanted to comment on but for once I think I shall limit myself and restrict myself to rather the theme on the table and not some other comments. One thing I have to say though is that I think there is one concept and one word that has lacked total in this discussion, that is a word that you hear in most other organisations like the IWC, that is sustainable use of resources. This is rather striking and I think for those who observe this organisation, they should make a note of that because it says quite a lot about what we are doing here and what we are up against. I think in the light of that it is, I believe, the first time in the last fifteen-twenty years that somebody has dared to come out of the cupboard and say some of the truth about the situation and I commend the Irish Commissioner for that. I always had since my younger days a soft spot for Ireland and that has not been reduced today. I think the very fact that he made these proposals for me is perhaps the most interesting thing as I've said because it breaks the dialogue or whatever we should call it and hopefully also lead to results.

So I think that his proposals are interesting but that is all I can really say at this stage because as he says himself these are ideas which need to be hammered out, thought over and so on but of course the very basic concept he is

offering, that is to make a differentiation between the whaling taking place within the 200 miles zone in the national jurisdiction and the EEZs, and the open seas. This is a very interesting concept so as a point of departure we can say that yes we are interested in participating in talks on these Irish proposals and we will have to come back to the elements in the talks. Thank you Mr. Chairman.

**Chairman**

Thank you Norway, St. Lucia please.

**St. Lucia**

Thank you Chairman. Chairman, while my delegation welcomes the proposal by Ireland we cannot accept the move to allow fishing only in coastal areas and to establish a global Sanctuary. To place a complete ban on trade thereby making the IWC another CITES or WTO, to encourage the disbandment of the Scientific Committee which is a recognised institution of this Convention. If we can do no scientific whaling it would mean that we would have no science to discuss. Mr. Chairman, my delegation believes that this opening provided by Ireland is commendable but we should keep up the dialogue because I believe we have seen the light at the end of the tunnel and I am hoping that one day the developed world will see merit in allowing a resumption of commercial whaling. Thank you.

**Chairman**

Thank you St. Lucia. Your last comment reminds me of the joke that when you are seeing the light at the end of the tunnel that it is probably the train coming towards you! May I ask if there are any other delegations who want to intervene at this point. Japan.

**Japan**

Japan appreciates any initiative or proposal to find common ground among IWC members to resolve what we view as critical issues facing the Commission and we appreciate the efforts exerted by Ireland. It is our view that new initiatives and proposed compromises must respect the fundamental principles enshrined in the International Convention for the Regulation of Whaling including the principle of sustainable use based on the best available scientific evidence which was adopted by the onset. In this regard we welcome the productive dialogue among the members on the Irish proposal and are willing to discuss the resolutions for the constructive solution. Thank you very much.

**Chairman**

Thank you. Before I try and sum up what seems to be unsumable, are there any other countries that would like to make my task more difficult? No it seems not.

We have, I think, a very interesting series of observations on what my interpretation are informal proposals from Ireland, some of which come up under this agenda item and others of which spread beyond. There are a number of common themes in most of the interventions that have been made and that is that most of those who have spoken would wish to continue speaking. Some wish to continue speaking in a highly transparent manner, some have made no reference to where and how speaking takes place. Some particular comments were made regarding the effect of any proposal for intersessional activity would be unfortunate in this regard in terms of allowing the maximum amount of participation and therefore essentially the maximum amount of transparency. This is the only body that is transparent although many might think it's opaque and we have in fact had our discussion here but it is quite clear that one round of discussion is not sufficient to do justice to these essentially informal proposals. They can simply be left, they can emerge in some further way or they can be developed in some way.

It seems most sensible for the Commissioner for Ireland to attempt to obtain some further informal discussions during the next few days and perhaps attempt to give us a report before we close our meeting as to what he thinks the fate of his proposals might be if he were to put them in a more formal way, because I suggest that only by putting them in a more formal way and allowing a more detailed and more rigorous and more deliberate discussion of them by this Commission will we actually achieve anything. We have had some good intentions and some measures of support and so on but we need to have some serious discussion of some actual proposals so I think unless anybody disagrees that it would be sensible for the Commissioner for Ireland to attempt to obtain some informal discussion on some or all of his proposals and come back to us at the end of our meeting

with a view to telling us whether he wishes to proceed in some more formal way. I don't think that at this time we can do in effect more than that.

Is there anyone who is uncomfortable with what I have suggested? Well, if you are, you are kind enough not to say so so that is good and therefore Ireland I would like you to try and arrange some informal discussions however you wish to do that and I hope you have brought plenty of Irish Whisky with you in order to lubricate those discussions or Guinness. Ireland do you wish the floor?

**Ireland**

Thank you Chairman. I am pleased that people are prepared to engage in dialogue and I'm pleased to follow your suggestion. I will try and engage in dialogue with Commissioners over the next few days and will report back to you. And a final comment Chairman, other people have seen the light, I've seen the train.

**Chairman**

It depends how many of us want to get on. We are now at essentially the need to consider specific agenda items arising under the Revised Management Scheme and I'm prepared to allow that discussion but again I think we will need to keep this open because this is the agenda item where we will return to that. Before we turn to discussing 12.3 however I think we might take a ten minute, I hesitate to say refreshment break, but the Chairman needs a break of some sort so I would suggest if we broke for fifteen minutes and resumed at 16.45. Thank you ,I adjourn the meeting.

[BREAK]

<b>12.3 ACTION ARISING</b>
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**Chairman**

..... have too many Commissioners yet there but that might make the task a whole lot easier. We have done now agenda item 12.1 and we have dealt with agenda item 12.2 and we are left with 12.3 - action arising. What I would like to try and do under that item is to have any substantive discussion of the outcomes from the Working Group on the RMS. In particular any observations as to how that particular piece of work should be taken forward in the context of the meeting in Oman next May. We have had brief discussion on it, on some parts of it, but I would now like to ask if any delegations wants to make any firm observations as to how this will be taken forward in the context of the Oman next May. The floor is open. Well I see the US is now sitting down and I recall the US wanted to make an intervention under this item. I wonder if they are ready to do so at the moment. US.

**USA**

My apologies Chairman, I don't even know what item you are talking about.

**Chairman**

Then I'm still ahead. That's the last time I let anyone out of this room! I'm trying to get discussion under item 12.3 and I recall that you were asking the floor when we were under 12.1 to talk about something perhaps more substantive. Am I correct or do you need a few more minutes to collect your mind?

**USA**

On consideration of what item 12.3 is, no Chairman I don't have any action. I'm sorry I tied you up, I now understand what you are getting at and no I don't have any substantive items arising under action arising.

**Chairman**

OK that's fine. Netherlands please.

**Netherlands**

Yes, well Mr. Chairman it might be helpful if I suggest that at least we should look at is how we should take the work of the Working Group on the RMS especially with regard to the observation and inspection scheme forward. While I have the floor I might make a comment on that. I know that the idea has been advanced of having an intersessional meeting of the Working Group. However, I note that there are several delegations that have difficulty with accepting this notion of having official sort of intersessional work done and I have thought that as a possible alternative I might take it upon myself to collect further comments on the Japanese draft proposal for an intersessional observation scheme from delegations who have not yet provided us with those

comments and also any further comments from delegations who did provide comments here at the meeting. We could think of a time schedule whereby, for instance, I would receive those comments before 1 December and I would then try to come up with a new draft and send that to any delegations that at this meeting expressed an interest in looking at such a draft before going to another formal meeting of the Working Group. As far as a time schedule is concerned, I am thinking that perhaps I would be able to send a new negotiation text to those delegations who wish to be involved with this pre-meeting activity by April so that on the basis of the further comments received there it would be possible for me to produce a new text for the Oman meeting. That would be an alternative to having a formal intersessional meeting. Thank you.

**Chairman**

Thank you Netherlands, that's a very interesting, constructive and useful statement. Would Commissioners be interested in availing themselves of the kind offer of the Netherlands Commissioner to act in that way? US please.

**USA**

Yes Chairman, we think it's a very constructive suggestion and we have in fact consulted beforehand with the Netherlands regarding that and believe it is the way to go forward. Thank you.

**Chairman**

Thank you. Norway please.

**Norway**

Yes, just for the record Mr. Chairman. I also share the view that this is the best way forward now because we need somebody who understands positions and consults on positions and then one person try his hand so I congratulate him with his proposal and I offer him good luck in his consultations. Thank you.

**Chairman**

Thank you Norway. Oman.

**Oman**

Oman associates itself with the points raised by the distinguished delegates from USA and Norway. Thank you Mr. Chairman.

**Chairman**

Thank you. In that case it looks Netherlands as though your offer is being accepted and do you require any further clarification from the Commission or are you happy to act in the way you've outlined?

**Netherlands**

Yes, I would be happy to act in that way Chairman but it would be useful for me to first of all get it established here at this meeting but I need those further comments before the 1 December. People can find my address, communications numbers, fax and telephone number etc, in the Commissioners' List.

[END OF TAPE]

**Chairman**

..... Can I please then have it clearly understood that Commissioners here who wish to provide information to the Netherlands should let the Commissioner for the Netherlands know that this is what they would like to do so that he has some firm idea of whom he might expect to hear from. Japan you are asking for the floor.

**Japan**

Thank you Mr. Chairman. Since Japan provided at this meeting a draft for the possible Schedule arrangement and context of results, draft Schedule amendment, will be used as a basis for the further revision and modification so I think in order to facilitate the work by the Netherlands' Commissioner, it's merit for the Commission itself if Japan provide support because we know our draft was very detailed, for us to support the technical advice would be useful so we would like to provide and have close contact with the Commissioner of the Netherlands if this floor also wishes. Thank you.

**Chairman**

Thank you Japan, that sounds constructive. Denmark were you asking for the floor? No. Australia were you asking for the floor.

**Australia**

Thank you Mr. Chairman. I just wanted to make a brief statement before we conclude this item so if everything else on the RMS is finished I would like, for the record, to advise Commissioners and others of Australia's position on the RMS. I do this not because I think Commissioners are unaware of Australia's position, rather that others and in particular the authors of the sometimes humorous but generally scurrilous publications that goes under the name of the *International Harpoon* are consistently misrepresenting Australia's position on this matter. That publication has suggested that Australia has been duplicitous, that we have been accused of not negotiating in good faith, there have been suggestions that we should step aside and allow those that are interested in concluding the RMS to do so without interference.

Mr. Chairman, Australia's position on this issue is very clear and those who have read the media release of the Australian Minister for Environment that was circulated to all participants today should be well aware that our position remains one of seeking a permanent end to commercial whaling through the establishment of a global whale Sanctuary. With that position we take the view that participation in any debate on the RMS is not appropriate for us to engage in. We have said that we would not support the adoption of the RMS because to do so would be in direct conflict with the Australian Government position. Mr. Chairman I am not sure how I make it clear to some people the firmness of this position. Australia has deliberately not engaged in debate on the RMS in this meeting or in the previous meeting. I'm not sure how much further we are able to step aside. I'm not sure how that position can be considered duplicitous so once again could I please emphasise for the record that Australia is quite clear in its position that it will not support the adoption of the RMP and is not engaging in the debate on its finalisation. Thank you Mr. Chairman.

**Chairman**

Thank you, that's seems quite clear to the Chair at least and I assume to anybody else. I agree that the *International Harpoon* is definitely down this year and simply re-running cartoons from last year and is not on. I'm still waiting for my introduction to Naomi Campbell.

Can I now try and return us to agenda item 12.3 to see if there is anything further that we need to decide at this time. We will be keeping this item open pending the Commissioner for Ireland coming back to talk to us at the end of the week but I would be happy to know if there is anything further that we need to do, particularly whether the Chairman of the Scientific Committee feels that he needs any further advice from the Commission on any aspects and I see at least his acolyte saying no.

**Chairman of the Scientific Committee**

I am quite happy to exceed to my acolytes advice Mr. Chairman.

**Chairman**

In that case I think I will adjourn this item and leave it open until later in the week. Thank you.

Now, New Zealand seems conspicuously empty, perhaps that's an unfortunate remark. The seat that the New Zealand Commissioner is occupying is vacant and I was going to try and attempt to deal with the IWC administration paper which I now see we have the second revision, but I think I will wait until the New Zealand Commissioner returns to deal with that one.

<b>9. INFRACTIONS, 1996 SEASON</b>
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What I would like to do therefore to try and move our business along. We do have now the Report of the Subcommittee on Infractions which is a green document, IWC/49/7. That Report will help us to deal with agenda item 9 on our agenda. I'm sorry to spring this on the Chairman. You are happy? Yes, fine. The Chairman from Japan, could I ask you to introduce your Report to the Commission for its consideration. Thank you.

**Japan**

Yes, Mr. Chairman. This year do you wish, Mr. Chairman, for me to introduce the entire section of the Report or you would like to introduce by section, point by point, let's say 9.1.1 and discussion 9.1.2?

### **Chairman**

Well Chair I think it is a fairly crisp Report which indicates that it was well chaired so I wonder if you could just draw the attention of the Commission to anything that you feel it particularly needs to concentrate on from your Committee's decision and we will then look at the agenda items one by one. So Chairman over to you.

## **9.1 REPORT OF INFRACTIONS SUB-COMMITTEE**

### **Japan**

Yes, thank you. The discussion of this Sub-committee on Infractions was conducted in a very smooth manner and under the spirit of co-operation among all participants. Some delegations did not feel comfortable to discuss a certain agenda item because in their view it was outside the competence of the Commission. Nonetheless, we agreed that we will exchange views on various information in the spirit of co-operation. That was, we collected the basis of the discussion of the whole Sub-committee.

We look at the paper IWC/49/7. You see how the agenda was adopted as I explained earlier. You should note the Report from Contracting Governments, the agenda item which was originally divided into two portions was dealt in one subject because, even though those Reports stemmed from discrete Resolutions, but nonetheless in substance we thought the subject overlapped and therefore the Commission agenda item 9.1.2 and 9.1.3 was dealt as the last substantive discussion issue in our Sub-committee and so I will report accordingly.

## **9.1.1 INFRACTIONS REPORTS FROM CONTRACTING GOVERNMENTS**

The first page of the Infractions Committee Report, agenda item 6, Infractions Reports from the Contracting Governments. We did not note any violation and that was just about it. Over the page, the surveillance of whaling operations indicates Infractions Reports submitted by USA basically says that it's aboriginal catch was under direct national inspection and Denmark also reported in similar vain, that is no violation.

Item 8 under our Sub-committee Report checklist of information required or requested under section 6 of the Schedule basically remains unchanged as we discussed last year.

The same applies also to the next agenda item, Submission of National Laws and Regulations.

### **9.1.2 REPORTS FROM CONTRACTING GOVERNMENTS ON AVAILABILITY, SOURCES AND SHIPMENTS OF WHALE MEAT AND PRODUCTS, AND RELEVANT DEVELOPMENTS**

### **9.1.3 REPORTS FROM CONTRACTING GOVERNMENTS ON STOCKPILES AND SALE OF WHALE MEAT AND PRODUCTS, DOMESTIC LAWS AND ENFORCEMENT ACTIONS ON ILLEGAL POSSESSION AND SALE**

The Sub-committee focussed most of the time on agenda item 10, Reports from Contracting Governments. We first discussed the Korean documents which for the first time indicated to us some detailed data on the by-catch of minke whales by fishing operations or otherwise. It was a very interesting exchange of views and questions tabled and the delegation from the Republic of Korea responded. The Committee appreciated the Korean submission.

Then, we discussed two submissions which were made by Japan which summarised the results of the DNA analysis of the whale products collected from Japanese retail markets. One related to the result of the analysis conducted by Japan and the other document related to the sample which was collected by TRAFFIC Japan and also the same sample was shared by the Government of Japan and analysis by the Government of Japan was presented as the document. For any inconsistency we may see in the future between the results by the Government of Japan and that by TRAFFIC would be subject to further analysis by the Government of Japan, if my understanding is correct. The following paragraph explains a very interesting exchange of views and questions relating to those two documents and Japan responded accordingly.

Also there were one or two issues which were pending from the last year's Sub-committee meeting, particularly the UK requested the clarification about the result of the investigation by the Japanese authority for allegedly reported illegal products and the paragraph says the current situation and indicated Japanese response.

Also New Zealand introduced as an information paper, the one which had been presented to the Scientific Committee of this year, which summarised the results of the molecular genetic analysis of 100 cetacean products



purchased in Korean and Japanese markets. My understanding was that we discussed to some extent in the Scientific Committee as well. In New Zealand's view, New Zealand's submission was appropriated to the subject we could undertake discussion in this Sub-committee. That paragraph basically explained how the discussion went on and how the future course would be taken on this subject.

The last paragraph expressed another outstanding issue which arose in the last year's Sub-committee about alleged illegal transport of some whale products into Japanese markets and the result of that discussion is indicated here.

We did not have any other business and that is what I have to report Mr. Chairman from this Sub-committee. Thank you.

**Chairman**

Thank you very much for that Report. Are there any observations on the issues raised in this Report? Comments? Republic of Korea please.

**Korea**

Thank you Mr. Chairman. My delegation would like to note the recent increase of by-catch in Korea. Nobody anticipated such an increase, somewhat a surprise. Some specialists and fishermen explained it is attributable firstly to the IWC moratorium, secondly the increase of public awareness on whales. Suddenly a system of investigation prosecutors and marine police involved. The cause of sudden increase also is needed to elucidate from ecological or environmental aspects. The Korean Government would do best for by-catch issues in Korea. My delegation would also like to thank the Korean marine police and prosecutors for their hard work dealing with by-catches. I would like to note the case where whale meat shipment, Korean nationals and vessels are involved. Korea will cooperate with member nations in the investigation. The Korean Government also has a wish to cooperate with member nations on the by-catch matter through the fora within the IWC. Thank you Mr. Chairman.

**Chairman**

Thank you Republic of Korea for those additional comments. Spain you are asking for the floor please.

**Spain**

Thank you Mr. Chairman. Yes, we would like to thank like we did in the Sub-committee, the delegations that have submitted information and especially the Republic of Korea for this new information that was provided this year. However, as we also expressed in the Sub-committee, we were somehow concerned because of the follow-up of the investigations concerning possible deliberate by-catch of whales and especially we would like to underline our concern that even in cases where the by-catch has been declared to be non-deliberate the proceeds or the normal procedure is to allow for the private sale of those products. We believe that this is probably not a good incentive to try to avoid these accidental by-catches as in the majority of the cases the Republic of Korea has informed about that they are not deliberate,. Therefore, again while thanking and encouraging the delegation of the Republic of Korea to proceed further in its efforts, we would like to call the attention to these facts. Thank you.

**Chairman**

Thank you Spain. Are there any further comments or observations on this topic? United States please.

**USA**

Thank you Chairman. Like Brazil my delegation is also concerned about by-catches. We do welcome the provision of information by Korea. We also note that in the Japanese Progress Report there was likewise information regarding a large by-catch. My delegation remains concerned about the nature of these by-catches and their known or potential entry into the commercial market place. That is one concern. Another concern Mr. Chairman is the information here regarding the DNA analysis and taking the results on face value one would find that some species one would not expect to be in a market place are there. My comment is to foreshadow possible discussion under other points of this agenda item regarding stockpiles of whale meat. Thank you Chairman.

**Chairman**

Thank you. Any further comments, observations? Japan please.

**Japan**

Thank you Mr. Chairman. First of all our delegation appreciates the sincere effort made by the Korean delegation to report the status of the by-catch and other delegations offered the chance of co-operation on the research field. We would like to associate ourselves with the Korean offers. The next issue is the one the United States has raised, the issue of reported large by-catch in the Japanese report and I don't know whether the number of by-catch of 20 or 30 constitutes a large one or not but we are going to argue that the by-catch itself is outside of the scope of the infractions if it were purely based on the unavoidable situation. Thank you Mr. Chairman

**Chairman**

Thank you Japan. There is nothing further on the Report. We might look, which would really be under 9.1.1, we might look at 9.1.2 Reports from Contracting Governments on Availability, Sources, Shipments of Whale Meat and Products. Is there anything under there that we have not covered in our recent discussion? Seems not. 9.1.3 Reports from Contracting Governments on Stockpiles and Sale of Whale Meat Products, Domestic Laws and Enforcement. USA I think you were suggesting just now that you would like to make some comments under this item. Please.

**USA**

Yes Chairman. As I noted, the information provided in the Infractions Report indicates that some species that you wouldn't normally expect to be in Japan's market place are there, namely Bryde's whales and fin whales, and that is only explained by the presence or existence of stockpiles of whale meat in that country as well as possibly other countries. Consequently since we are concerned about the possibility of illegal trade and also trying to track whale meat through the market place and identify potential sources and likely infractions, and also because of our concerns about formulating an observation and inspection scheme that can deal appropriately with the issue.

My Governments believes that the Commission should urge all governments and other entities with a history of whaling to determine if they have any remaining stockpiles of whale meat. As I recall Chairman we have had some Resolutions dealing with this issue and in any regard should any government have a stockpile of whale meat from animals taken domestically prior to the 1986 moratorium or imported at any time before, after that date, we believe that that government should report that the remaining stock piled meat be disposed off domestically by a certain date in the near future. In any regard it is our concern that the existence of these stock piles exacerbates the problem of trying to deal with the issue of illegal trade and I think it is incumbent upon us to adopt measures that deal with that issue. Thank you Chairman

**Chairman**

Thank you USA. Any comment or observation. Japan please.

**Japan**

Thank you Mr. Chairman. The US Commissioner mentioned about the findings of Bryde's whales or fin whales in the Japanese market and first of all any activities related to the market activities or the international trade is outside of the scope of the Convention, this is our position. Secondly, if the molecular genetic analysis finds certain species in the market the interpretation of the findings is extremely difficult so this is my second point. The final point is the stockpile information about whale meat and, as I said earlier, that domestic market activities outside of the scope of the Convention so there is no reason that any country impose the other sovereign nations to provide such information to the international fora without any backing of agreed Convention. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. Are there any other observations or comments under that item? I see no delegation asking for the floor. 9.1.4 Other Matters, are there indeed any other matters? Japan.

**Japan**

I'm not Japan, I'm from the Chair. I have to remind this Commission about a report we made under agenda item 10 of our Sub-committee, that is the Report from Contracting Governments. By definition this Sub-committee on Infractions, it can't be regarded as Infractions Schedule, that's one thing and those Reports stem from the Resolution which was adopted by the Commission and whenever it says violation that is a violation of each country's domestic regulation so that much you have to understand when you read the report, what it is about.

Of course, what this Commission tries to do out of this Sub-committee of course is a different subject. Thank you.

## 9.2 ACTION ARISING

### **Chairman**

Thank you Japan or Chair or both. Any further observations? That would bring us to 9.2 Action Arising. Is there any Action Arising? United States.

### **USA**

Chairman, I am going to do the thing that a Chairman hates worst of all which is to suggest that we keep this item open, for there is a possibility of some consultations leading to a Resolution on this issue and I will get back to you as soon as I can regarding that. Thank you.

### **Chairman**

Thank you US. The Chairman is very prescient and had anticipated that you might be saying exactly that so 9.2 will remain open until you advise me otherwise or we leave. Nothing else under agenda item 9? Fine. I thought I had captured the Commissioner for New Zealand but I see he is absent again. I think he is dealing with the press apparently.

What I would now like to do because, I don't want to start any issue that might lead us into a lengthy discussion because it is within 30 minutes of our closure. We do actually have available the draft Report of the Technical Committee which has to be formally approved by the Technical Committee, so what I would like to do now is to adjourn the plenary and allow the Vice-Chair to take over and turn us into the Technical Committee to consider that Report. Before I do so though, well I see the Netherlands asking for the floor. Netherlands please.

### **Netherlands**

Well I didn't want to interrupt you Chairman but it was drawn to my attention that the Japanese draft proposal for an Inspection and Observation Scheme may not be available to everybody who has an interest in it. I was advised that there may be one or two delegations that are interested in the subject but did not take part in the Working Group so may I suggest that any delegation that wishes to be involved in the pre-meeting, the next meeting, work on this Observation and Inspection Scheme that hasn't had or doesn't have the Japanese proposal to get a copy of that from the Secretariat, it is document IWC/49/RMS/1. Thank you.

### **Chairman**

Thank you very much. I assume everybody understood that who needed to understand it. I would, just before I adjourn this plenary session, remind Commissioners that we had agreed to meet at 9.30 tomorrow morning to review the agenda and look at outstanding issues and so on, so if I could remind Commissioners to meet in the room immediately behind the dais here at 9.30 tomorrow morning. With that I thank delegates for the constructive way in which our discussions have gone so far today and adjourn the plenary but don't go away because the Vice-Chair is coming up immediately to turn you all into the Technical Committee. So this meeting plenary is now adjourned.

**END OF PLENARY DAY TWO**

**PLENARY SESSION**  
**Wednesday 22 October 1997**

**Chairman**

..... I am going to start this morning with agenda item 11 which is Comprehensive Assessment of Stocks. We will then move to agenda item 10 which deals with aboriginal subsistence whaling, then to agenda item 5 - Socio-Economic Implications and Small-Type Whaling. Agenda item 6 - Whalewatching. Agenda item 8 - Humane Killing and then to Agenda Item 13 - Southern Ocean Sanctuary. Agenda item 14 - Scientific Permits and Agenda item 15 - Scientific Research. I remind delegates that we have a number of other items still open to be completed and there are, of course, one or two relatively minor items to be finalised. At some point during the day I would like to try and finish agenda item 23 - IWC Administration and we might try and do that between some of these longer and more detailed items.

<b>11. COMPREHENSIVE ASSESSMENT OF WHALE STOCKS</b>
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So to start we will begin to examine our work under agenda item 11 - Comprehensive Assessment of Whale Stocks. First item is 11.1 - the Revised Management Procedure and we need to start looking at the Report of the Scientific Committee here. I would like to ask the Chair of the Scientific Committee to introduce this item and in particular advise us whether there are issues that are still outstanding and that need examination by this Commission which were not dealt with in our discussions yesterday under agenda item 12. Chairman of the Scientific Committee please.

<b>11.1 REVISED MANAGEMENT PROCEDURE</b>
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**Chairman of the Scientific Committee**

Mr. Chairman, our Report on this issue is given from page 19 onwards under item 8 of our agenda. It is headed Comprehensive Assessment - Revised Management Procedure - Preparation for Implementation. There are some notes there at the beginning, Mr. Chairman, about how our work might be facilitated, I won't go into the details of that as this is essentially recommendations to ourselves.

We deal first with North Pacific minke whales under item 8.1. As you will see there, there are details of results of initial trials looking at amending the implementation simulation trial specifications in relation to stock identity, uncertainty regarding catches. I should say, Mr. Chairman, that on page 21 at the top on the left there is a request to one of the Contracting Governments to, at least we are suggesting that the Commission urge that Government to provide us with information on incidental catches. That is the recommendation or the request on the second paragraph at the top of page 21 on the left.

We then come onto Sightings Surveys and conclude Mr. Chairman. We have a strong recommendation at the bottom of page 21 on the left that surveys include waters within the Russian exclusive economic zone to provide necessary coverage and we recommend that the Commission requests that the relevant authorities of the Russian Federation grant permission for vessels to operate in that EEZ. Shall I pause for a moment or carry on?

**Chairman**

I think that you might actually carry on and we will try and deal with this item in a large block and I will return when you have finished your presentation to give the opportunity for Commissioners to make comments on the particular recommendations that you are drawing our attention to, with a view that we will adopt *en bloc* these recommendations unless there is some dissension or elaboration. So perhaps you would carry on.

**Chairman of the Scientific Committee**

We go now to North Atlantic minke whales. First the Northeastern ones and our discussions are given on pages 21 and following. There are some results and some analyses that we agreed last year. On page 23 in the conclusion paragraph there, there is a recommendation to ourselves that our Steering Group continues some intersessional work and again that some issues arising out of work done previously are continued. We have more discussion of sightings surveys, proposed sightings surveys and so on. On page 24 we look at the central stock and we have an agreement there that earlier estimates should be reconsidered to finalise a basis for proration and so on. We continue on until we get to page 25 on the right hand side in the middle of that page where we draw to your attention a general issue which we have already discussed earlier I believe, concerning the questions of data availability from countries that are or are not now members of the Commission.

We move then to Southern Hemisphere minke whales. As far as abundance estimates for these are concerned. I am sorry, you will see under item 8.3.1 on the top of page 26 there is an item that we draw to your attention that we are leaving a particular item on our agenda but not entering into substantive discussions on this until advised to do so by the Commission and this is, of course, in the context of one of the discussions we had yesterday where we shouldn't enter into these things until you actually require us to do so. You will note that as far as abundance estimates for Southern Hemisphere minke whales are concerned, we are going to get some revised estimates next year and in fact that was eluded to in the proposals for research funding which you have already agreed.

We now move to western North Pacific Bryde's whales. We completed an assessment there last year and we recommended development of implementation simulation trials for the western North Pacific stock. You'd accepted that recommendation and we have some comments there about what is now necessary to continue that work. We have some notes on stock boundaries and over the page we talk about how we should move forward on this. There is some uncertainty regarding historical catches and as far as future work is concerned which is dealt with on page 28 at the top on the left, we have a recommendation to ourselves for seven tasks that are required and further recommendations on how that should be carried out. We talk about proposed surveys and we again at the top of page 28 talk about and have a strong recommendation there that surveys be conducted again in the relevant Exclusive Economic Zones to ensure the necessary coverage of the stocks and again we request the Commission request the relevant authorities of the Russian Federation, the Republic of the Philippines, the Republic of Indonesia, the Federated States of Micronesia and the Republic of the Marshall Islands to grant permission for the survey vessels to operate in their EEZs.

We now move onto South Hemisphere humpback whales. We have some recommendations at the bottom of page 28, we have to ourselves essentially that the acquisition and entry of revised Soviet catch data should be given top priority so that we can proceed with this assessment.

**Chairman**

Sorry, can you just pause there because I think we are now actually entering agenda item 11.2 so I would like to pause for the Commission to review the remarks you have made under 11.1 Revised Management Procedure taking us up to page 28. There are a number of recommendations which you have drawn our attention to and I thank you for that. In particular you note that the Commission has yet to suggest that the Scientific Committee has not or the Commission has not suggested the Scientific Committee enter into substantive discussions on the Southern Hemisphere minke whale trial and I think we need, as a Commission, to either reinforce that decision or change it in some way, and we need to endorse or comment on the other recommendations that have been drawn to our attention. Can I ask if any particular delegation or Commissioner wishes to raise any issue with respect to these recommendations? If I see none then I assume that the recommendations will remain as they are and that includes the recommendation or it includes the instruction that substantive discussions on Southern Hemisphere minke whale implementation trial will not be entered into at least until our next meeting. It seems to be the case. Thank you. Would you now like to take us through matters dealing with agenda item 11.2 the Southern Hemisphere baleen whales.

<b>11.2 SOUTHERN HEMISPHERE BALEEN WHALES</b>
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**Chairman of the Scientific Committee**

Mr. Chairman, we first dealt here with progress on our comprehensive assessment of humpback whales. This is found on page 28 under item 9. There was a fairly lengthy discussion on this, this year because as you will recall this was the main species that we have been attempting a Comprehensive Assessment on for some time. I should say that this has proved to be a very lengthy process, rather more length I think than many of us originally imagined it would be, and one of our main concerns is obtaining a properly validated catch history series particularly including the revised Soviet data and a number of the recommendations here, particularly on this page and following, deal with our own concerns about that.

There are comments on progress in long-term assessment work particularly on stock identity and we have had some interesting biological discussions about what the stock identity of Southern Hemisphere humpback whales might be and that is all summarised on pages 29 and 30.

We have some new information on population estimates for shore-based surveys in the Southern Hemisphere and we recommend that monitoring of the abundance of Southern Hemisphere humpback populations should continue or be initiated where no survey programmes exist.

As far as Antarctic surveys are concerned, we recommend that future work on previous Antarctic data from sightings cruises should include some re-analyses of data and the details of that are given on page 32 on the top to the left and we have some details of other surveys. We have reviewed the work needed to complete the assessment Mr. Chairman and that is given on page 32 under item 9.3 and we have listed a number of tasks there that are required.

Over the page on page 33 we have details of our actual requirements for the catch history revisions and there are some recommendations there and some encouragement to various groups to provide data or to obtain data.

Finally, Mr. Chairman, on page 34 we have recommendations on future action including a possible future special meeting which last year we had thought we might need to have fairly soon. I think the general feeling is that would be premature now given the continuing state of requiring to obtain further details of data. We do have some recommendations there on page 34 in respect of that and also in respect of obtaining information from tissue samples, continuing biopsy sampling and continuing to review existing indices of relative abundance for southern humpback whales.

Mr. Chairman shall I carry on with other stocks?

The next stock we dealt with was blue whales and our discussion on that begin under item 10.1 on page 34. We reviewed the last Southern Hemisphere blue whale cruise which was the second to be undertaken under the Commission's research programme and the first to take place under what we now call the Southern Ocean Whale and Ecosystem Research Programme known as SOWER. The discussion of that is given on page 35 and so on.

We have, Mr. Chairman, also some comments here on the Antarctic cruise, earlier known as the IDCR cruise, and we were extremely encouraged to discover that a number of blue whales were seen on the 1996/97 Antarctic cruise, and at the bottom of page 35 we have a strong endorsement for the efforts made on that cruise or rather as an example given on that cruise for further cruises to increase the amount of blue whale work undertaken on those cruises and to follow the protocols used on the IWC blue whale cruise.

Over the page Mr. Chairman on page 36 we have a recommendation dealing with further attempts being made to obtain tissue samples from both sub-species of blue whales, that is pygmy blue whales and true blue whales.

We then moved to Southern Hemisphere minke whales on page 37 which essentially we have dealt with and I now move to right whales which are again given on page 37 under item 10.3. Mr. Chairman you have already dealt with this to some extent in approving a Right Whale Workshop Meeting to take place in March in South Africa next year by approving our request for research funding, and that meeting will now take place and at next year's meeting we hope to report to you its successful completion with some recommendations for further work. This is really to review the current state of right whales worldwide bearing in mind, of course, that included in right whales there is an interesting paradox in the sense that Southern Hemisphere right whales on the whole appear to be increasingly relatively successfully having been, of course, very greatly reduced through whaling in the last century, whereas in the North Atlantic there is considerable concern being expressed about the stock there which appears not to be increasing and whose numbers are exceedingly low. We believe that a comparison of those two sets of results might provide some very interesting observations and results.

Mr. Chairman, we did in fact look at sperm whales under item 10.4 and this would come under one of your other items but we could look at the SOWER cruises which appear on page 42. This is future SOWER cruises and we have plans to undertake another in the series of three blue whale cruises, the third this year off Chile and to continue the series of what were IDCR cruises of which one took place last year in the eastern part of Area II, that is west of South Africa, to continue the survey of Area II this year by undertaking work in the western part of Area II based on boats that would be going south from Chile after the blue whale cruise. There are various details of that given, Mr. Chairman, on page 42 both short term and long term.

I think that deals with our discussions under 11.2.

**Chairman**

Thank you. We'll pause at this point to examine those details for Southern Hemisphere baleen whales that you have just given us which included the humpback, blue and right whales details and also the information on SOWER. Indeed some very interesting information and I think the work of the Scientific Committee is certainly to be commended for demonstrating some of these examples of what is happening with whale populations in different parts of the world. Are there questions or comments from any delegations on Southern Hemisphere baleen whale work or can we assume that the work of the Scientific Committee that we have not already endorsed can be so covered?

Now the Secretary has drawn my attention to one additional point which flows on from the SOWER paragraphs from page 42 over on page 43 which is a recommendation that the right sort of scientists also go on these cruises to make sure that we have a full cover of skills and expertise that is needed and in particular to the delegates to the Scientific Committee come with the right sort of skills, the Secretary reminds me this is something that Brazil drew our attention to. So are there any other comments or can we accept the work and recommendations of the Scientific Committee on these issues? Seems so. Chairman of the Scientific Committee, would you now like to take us through to North Pacific minke whales, agenda item 11.3.

### **11.3 NORTH PACIFIC MINKE WHALES**

#### **Chairman of the Scientific Committee**

Mr. Chairman I think we have discussed most of the items relevant to this. There is a short comment at the top of page 41 about the Japanese Research Programme under Special Permit. We can come back to that when we look at the Special Permit discussions.

### **11.4 NORTH ATLANTIC MINKE WHALES**

#### **Chairman**

I think that might be sensible. In that case I think we can probably now move to agenda item 11.4 North Atlantic minke whales.

#### **Chairman of the Scientific Committee**

Again Mr. Chairman, we discussed most of that, there is a little bit at the bottom of page 40 on the right hand side.

### **11.5 SOUTHERN HEMISPHERE MINKE WHALES**

#### **Chairman**

Well unless there is any pressure for further information or discussion I think we can keep moving. We are doing rather well. That would take us to 11.5 Southern Hemisphere minke whales. Is anything further we need to discuss on that?

#### **Chairman of the Scientific Committee**

Mr. Chairman, the main discussion of this is in another part of our agenda under our agenda item 8.2. It might be worth discussing that now. This is mainly to do with abundance estimates. I have already talked about the estimates that we expect to see next year under item 8.3.2 and then again on page 37 there is a small item that I have already talked about under item 10.2.

#### **Chairman**

USA

#### **USA**

Thank you Chairman. I have been trying attract your attention for a little while. You and the Secretary have kept your heads down for a while. The point Chairman is returning to item 11.4 North Atlantic minke whales, merely to indicate Chairman that we would like the action arising left open. I think this is the place where the Resolution we foreshadowed in the Commissioners' Meeting might come up.

#### **Chairman**

Fine, I'll leave 11.4.2 open for the moment. Thank you US and I'm sorry for keeping my head down. Chairman of the Scientific Committee I think we can now do 11.6 North Pacific Bryde's whales.

## 11.6 NORTH PACIFIC BRYDE'S WHALES

### Chairman of the Scientific Committee

Mr. Chairman there is some discussion of this on page 41. There is an interesting question here about phylogenetic relationships of Bryde's whales in various parts of the North Pacific. There is some discussion of that there and I should say there is also discussion here of the whole question of the taxonomy of Bryde's whales and the complexity of that, and you will notice that on the right hand side of page 41 there is a concern that we had over a paper that was produced which actually named a new Bryde's whale and we had some concerns about that. I won't go into the details about that but it is quite an interesting scientific concern.

## 11.7 OTHER STOCKS

### Chairman

Any comment or questions? No seems not. That then takes us to 11.7 which is a grab bag of other stocks when I think you can talk to us about the sperm whales and North Pacific humpbacks.

### Chairman of the Scientific Committee

Yes, Mr. Chairman we had some discussion this year of sperm whales and that is given on page 38 under our agenda item 10.4. We are a little concerned I suppose that sperm whales haven't been looked at all for a considerable number of years and this year we reviewed where we are at with this. There was one interesting paper that we had concerning the remarkable genetic and morphological uniformity of sperm whales world-wide and we had some other papers describing the question of detecting them at sea acoustically and so on. At the top of page 39 on the right hand side Mr. Chairman you will see that we've agreed that we should in fact discuss the question of sperm whales again next year and we have an intersessional Steering Group that is going to assist us with that.

The next one Mr. Chairman is North Pacific humpback whales. This is given at the bottom of page 40 on the left. We had some interesting information on genetic variation from studies done in eight regions. The results are given there with the results apparently supporting the hypotheses of at least two stocks and the details are given there. We note that relatively few studies have been carried out in western North Pacific feeding grounds and again we are still some distance away from being able to undertake a comprehensive assessment of these stocks. However, we do have a request that those responsible present results, we urge them to present results to the Scientific Committee at the 1998 meeting, particularly from photo-identification studies.

### Chairman

Thank you. Thank you for that tour through the work of the Scientific Committee. Again may I seek any questions or clarifications or endorsement for the recommendations for the further work that has been outlined by the Chairman? I see no disagreement so I think that can be considered agreed.

## 11.8 FUTURE WORK PLANS

The last item on our agenda is Future Work Plans, is there anything that you wish to draw our attention to that we have not discussed under other items Chairman.

### Chairman of the Scientific Committee

I don't think there is Mr. Chairman.

### Chairman

Thank you very much indeed. That would appear to complete agenda item 11 apart from 11.4.2 which we will keep open. Republic of Korea you are asking for the floor.

### Korea

Thank you for the floor. The Korean delegation would like to note on the Comprehensive Assessment of North Pacific minke whales, Korea will do her best to meet the recommendation made by the Scientific Committee in regard with the by-catch and also we should cooperate between neighbour countries such as Japan and China and Russia.

Using this opportunity I would like to talk about words, I mean the terminology, Sea of Japan on page 19 and on the map on page 20 of the Report of the Scientific Committee. As the Korean delegation mentioned at the IWC Annual Meeting in Aberdeen, the Korean Government very strongly opposes using on the Sea of Japan international document to indicate that the sea area which lies between the Korean Peninsula and the Japanese



archipelago. In this context the Korean delegation firmly asserts that the Sea of Japan on page 19 and on the map should be re-addressed in line with this so called authenticity. Maybe some delegations will respond with opinion that this issue is not our business. Such kind of matters should be resolved through the direct negotiation between the two countries concerned or that IWC can follow only the interpretation of UN authorities concerned.

However, the situation does not allow us to stay here, the Korean Government has tried to resolve the matter through bi-lateral meeting with Japan but this effort reached too stormy due to the uncooperative attitude of the Japanese Government. On the other hand IWC also ask the opinion of UN authorities concerned but their opinion is just that Sea of Japan should be used until the agreement between Korea and Japan. The authorities do not pay sincere effort to approach the truth, historic truth itself, I mean the authenticity so the Korean Government has no option to appeal conscience of international society to solve this matter. The UN resolution in 1973 says clearly there in the page that two countries cannot reach the common name that two names be used by each individual country and used simultaneously and it is true that the words of East Sea had been used more frequently until the beginning of the 20<sup>th</sup> Century when Korea unfortunately fell under other Japanese occupation. The truth is that the East Sea has enough authenticity as the name of the Sea area, so I appeal that all our colleagues here to actively consider the simultaneous use of both names of East Sea and Sea of Japan. We all, does not, should not stop searching the way to apply the truth. I am not asking you support for a Resolution. Next year we again can raise this matter here, you want to talk about this matter more sincerely on the basis of genuine friendship of our colleagues of this international organisation.

**Chairman**

Thank you Republic of Korea. Japan

**Japan**

Thank you Mr. Chairman. I regret that I have to take the floor at this organisation. I shall be brief that what has been stated by previous speaker, Korea, is nothing to do with responsibility of this organisation. So I should say that the Government of Japan will reserve our right to this matter, this is a political matter and shall be considered on a bi-lateral basis so please note the comment that the Japanese Government shows our appreciation in this matter. Thank you very much.

**Chairman**

Thank you Japan. It is certainly true that this would appear to be in some degree of substance a bi-lateral measure. I think, however, it would be useful for the Secretary of our Commission to seek further advice from the United Nations. We are, in effect, part of the multi-lateral system and convey the information he is able to obtain to both the Republic of Korea and Government of Japan in the hope of moving this issue to some degree of satisfaction to both parties. I think that while we have a United Nations system this issue probably should be resolved through that mechanism. Is my suggestion acceptable to both the Government of Japan and the Republic of Korea and indeed the Commission at large? Japan please.

**Japan**

Thank you very much again. I just reserve that what you mentioned that at the present stage I am not sure that the United Nations is an appropriate forum to deal with this issue. Thank you very much.

**Chairman**

Thank you. I think that we have to ask the Secretary to get us more information as this is a situation where we do need to have some mechanism of finding a solution which enables all members of the Commission to be most comfortable. But clearly we can't and won't take any action until we have had some further advice and communicated with the respective parties. I don't think we can actually pursue this with any great sense of achievement, any further at this point. Thank you.

<b>10. ABORIGINAL SUBSISTENCE WHALING</b>
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Well as I said I think that now completes agenda item 11 apart from 11.4.2 which remains open. As I advised the Commission at the start of the morning, I would now like to move to agenda item 10 which deals with aboriginal subsistence whaling and we have had a sub-committee which worked diligently on this issue for us. The Aboriginal Subsistence Whaling Sub-committee has produced its Report on yellow paper and it's paper IWC/49/13. The Committee met in the period preceding this Commission, Sub-committee I'm sorry, met in the period preceding this Commission under the Chair of the Commissioner for New Zealand and I would like to ask

the Commissioner for New Zealand to introduce this document to us and draw our attention to the issues which the Commission needs to focus on this morning. Commissioner for New Zealand please.

## **10.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

### **New Zealand**

Thank you Mr. Chairman. Chairman, as you have observed the Aboriginal Whaling Sub-committee met in fact over two days, the 18<sup>th</sup> and 19<sup>th</sup> of October to consider a range of issues and if I might say Mr. Chairman, with such a substantive Agenda in front of us it clearly needed more than just the half day allocated and we were lucky that it was possible to reconvene on the 19<sup>th</sup> October. Something that might be borne in mind when preparing the Agenda for future meetings, particularly when there are a number of substantive requests for consideration first by the Committee and then by the Commission itself. Mr. Chairman, the Report itself is a substantial document and its not my intention to deliberate in any great detail because it will form part of the record of this meeting and I will focus my attention primarily on matters which require the attention of this Plenary session. I should, however, make the initial observation that the Report records a number of very useful interventions from the Netherlands delegation which is surprising because if you look at the list of participants you will find that the Netherlands wasn't there. The record, in fact, should be amended Mr. Chairman accordingly. The delegates from the Netherlands were in fact present.

## **10.2 ABORIGINAL SUBSISTENCE WHALING SCHEME**

### **10.2.1 REPORT OF THE SCIENTIFIC COMMITTEE**

Mr. Chairman, the first substantive item which we had to consider was what is listed under the Agenda for this Plenary session as Item 10.2 the Aboriginal Subsistence Whaling Scheme. In that regard Mr. Chairman, following a brief presentation from the Chairman of the Scientific Committee, the Chairman of the Sub-group that has been working on this, Mr. Donovan, presented a detailed report upon the work being undertaken by his Sub-group but for the purposes of this Plenary the major focus was on several issues that required the input of the Committee and subsequently this Commission.

The first concern, and it is referred to at the bottom of the first page of the Report, the first concerned the question of need envelopes, a concept that had been endorsed by the Commission at last year's meeting. The idea is that this need envelope sets some bounds on the situations that the management procedure will have to be able to cope with, at least with respect to the objective to fulfil need requirements. The Committee recognised that the question of need is the responsibility of the Commission and in particular the Sub-committee on whose behalf I'm reporting. What the Group sought Mr. Chairman was some limitation on the range of options that it should consider and after considerable discussion it was agreed that the matter would be referred to a Sub-group comprising the Chairman of the Group, Denmark, Norway, the United States and Japan.

I am now pleased to report Mr. Chairman, and this is not part of the substantive report so it should form part of the record of this meeting, that that sub-group has agreed for the purposes of the initial exploration trials, the Group has agreed that the Scientific Committee should use the largest of the need envelopes suggested by the Scientific Committee; and it was agreed that Denmark and the United States would consult further during the intervening period, that is between now and Oman, and perhaps modify their advice at the next meeting of the Commission. Mr. Chairman, that particular Report does not emanate from the Sub-group as such, it emanates from that small Working Group, and as I warned the Working Group, it might be therefore subject to some challenge or questioning by the Commission so perhaps I should pause at that stage so that anyone who wishes to make comment.

### **Chairman**

Thank you New Zealand. You've drawn our attention to the work of that, what I might call, informal contact group. Is there comment from any delegation on the deliberations of that contact group? No, it seems not so we will assume that their advice is incorporated. Would you now like to carry on New Zealand?

### **New Zealand**

Thank you Mr. Chairman.. The next issue raised by the Working Group is addressed in the middle of page 2 of the Sub-committee's Report and it relates to the question of multi-species fisheries. The nature of the debate is fully recorded in the Report. I would simply note to this Plenary session that there was some disagreement or

perhaps more correctly, no final agreement within the Sub-committee, as to how this issue should be addressed and thus it was requested that Mr. Donovan should work with Denmark in a effort to achieve some agreement. I'm asked to report to this Plenary session that Denmark will give further consideration to the question of multi-species issues during the inter-sessional period so that there is no substantive outcome to report on that issue at this time.

Mr. Chairman, two other issues were raised by Mr. Donovan on behalf of the Working Group. The first concerned the question of the importance of stability in strike limits. This is addressed, Mr. Chairman, on the second full paragraph on page 3 of our Report and the second issue raised in the following paragraph concerned the general issue of hunting strategies. Here, Mr. Donovan stressed that again the need was for general advice to help the Committee to try to limit the different approaches it might have to consider. Mr. Chairman, these were raised simply as matters that at some time in the future the Working Group will be seeking guidance on from this Commission.

The final issues that were raised in the context of this discussion, Mr. Chairman, concerned the future work of the Working Group on the development of an Aboriginal Management Scheme. The progress and the likely future progress and the mechanics of moving forward are dealt with at the bottom of page 3 and don't require any specific comment from me at this time but it would be important that they be noted for future reference if, in fact, this Commission expects more expeditious progress than is indicated in that document. Perhaps I should pause Mr. Chairman because that concludes the discussion on Item 10.2.

**Chairman**

Yes, thank you New Zealand. I think it would be useful for us to draw breath for a moment there. Chairman of the Scientific Committee are you happy that everything that the Scientific Committee has discussed in this issue is covered in the Report and has just been covered by New Zealand? You are, fine.

<b>10.2.2 ACTION ARISING</b>
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I think therefore this Plenary can now examine this issue and I suggest we do so. So we are looking at Agenda Item 10.2 which is the whaling scheme, aboriginal whaling scheme. Are there any comments, suggestions, conclusions from the work of the Sub-committee. United States please

**USA**

Thank you Chairman. My delegation has followed the progress of the Scientific Committee very closely. It has been our view that the current scheme has been effective and that the Commission should not agree to move to a new management scheme unless that new one appears to be more effective at meeting the Commission's objectives for aboriginal subsistence whaling. Now having said that, as noted in the report of the Aboriginal Subsistence Whaling Sub-committee, my delegation noted that when the Scientific Committee did its work on the RMS, one of the valuable exercises it did was to, in its simulation studies, specify the existing scheme so that we could compare it contrasted with the new proposals coming forth. In any regard, my delegation would find it very useful if a similar sort of exercise was undertaken if at all possible when developing the new Aboriginal Subsistence Scheme so that then we would have a good basis for judging whether what is being proposed is indeed an improvement over the scheme we have now. Thank you Chairman.

**Chairman**

Thank you US. That is a useful comment. Are there other views on this issue? Netherlands please.

**Netherlands**

Thank you Mr. Chairman. We think that it is very important as we have stated in the Sub-committee's meeting, that in developing the new Aboriginal Subsistence Whaling Scheme, the consistency between the Revised Management Programme and the new Aboriginal Subsistence Whaling Scheme is being considered and therefore we would like to propose that the Scientific Committee makes such a comparison between the new management whaling scheme with the RMP. Thank you.

**Chairman**

Thank you Netherlands. Is there support for that view? United Kingdom.

**United Kingdom**

Thank you Chairman. Well just to indicate that I do support the Netherlands' view. Thank you.

**Chairman**

Thank you. That's helpful. I was taking the usual course of silence meaning either sleep, disinterest or support, whichever the Chair needs. Monaco.

**Monaco**

This is also to indicate our support for the Netherlands' view. Thank you.

**Chairman**

Thank you. Scientific Committee

**Chairman of the Scientific Committee**

Mr. Chairman, perhaps I could point out, we have already agreed to do that so we will ensure that it is done.

**10.3 REVIEW OF ABORIGINAL SUBSISTENCE WHALING CATCH LIMITS****Chairman**

Prescience is everything. Any further comments or views? Chairman of the Scientific Committee are you happy that you have enough instructions from the Commission to carry this work forward or is there anything that you want to draw attention to that you want us to elaborate? Excellent, good. In that case I might return to the Chair of the Sub-Committee. New Zealand can you take us through the next item which is 10.3 which is the detailed review of the Aboriginal Subsistence catch limits and I think that if we do this step by step as your Sub-committee did then that would be helpful. So over to you New Zealand.

**10.3.1 BERING-CHUKCHI-BEAUFORT SEAS STOCK OF BOWHEAD WHALES****New Zealand**

Mr. Chairman, following that instruction from you, the first of the items that will have to be considered is 10.3.1, the Bering-Chukchi-Beaufort Stock of Bowhead Whales. Mr. Chairman, the Russian delegation presented a request in respect of that stock. The detailed discussion on that is recorded on pages 4,5 and 6 of the Report and there is no need for me to detail this in my report. I simply observe that the United States indicated that discussions were underway regarding a joint Russian/United States proposal that would be presented as a Schedule amendment to this meeting. The proposal would, among other things, address concerns that have been expressed by some delegations regarding what might be regarded as competing Aboriginal Subsistence quota requests in respect of the same stock.

**10.3.1.1 REPORT OF THE SCIENTIFIC COMMITTEE**

The Committee received advice from the Chairman of the Scientific Committee indicating that there was no need to change its previous advice given in respect of this stock and the reference to the Scientific Committee's Report is contained on page 5 of our Report. As a result of that discussion Mr. Chairman, to complete my Report I should draw your attention to the fact that any change, that any granting of such a quota does require a Schedule amendment and has thus been referred by my Sub-committee to this Plenary session accordingly and that draft Schedule amendment is contained in IWC/49/26.

**Chairman**

Thank you New Zealand. The report seems to be quite detailed as regards all the issues but may I just check if there's any thing from the Scientific Committee that needs to be added in. Yes, there is. Chairman of the Scientific Committee please.

**Chairman of the Scientific Committee**

Mr. Chairman I should point out that our Report to the Sub-group was fairly brief although the conclusions on this stock are given in our Report on page 54 and they are essentially as repeated in this yellow document. Perhaps I should just draw your attention to our paragraphs on page 54 of the Scientific Committee Report where, as is stated here, we agreed that there was no reason to change the management advice. We noted there would be a major reassessment next year and we wanted to acknowledge the efforts of our Russian colleagues in

conducting research providing research on stock structure. Stock structure is one of the concerns that we have, the question of relationship of animals of Chukotka and the rest of the area is of concern and we have agreed that such research is critically important to the assessment of this stock and should be continued if at all possible.

#### **10.3.1.2 ACTION ARISING**

##### **Chairman**

Thank you. Perhaps I should first ask if there are any questions from any delegations on the material presented both by the Sub-committee and by the Scientific Committee? It seems not. As the Chair of the Sub-committee has pointed out, we have in fact a document in front of us which is IWC/49/26 which deals with Agenda Item 10.3.1. It's a proposal from the United States of America and the Russian Federation to amend the Schedule and I think the most sensible thing is if I ask either or both of those delegations if they would like to make some introductory remarks about this. Russian Federation is indicating.

##### **Russian Federation**

Thank you Mr. Chairman. On the last two sessions of the International Whaling Commission, Russia already spoke about the need of bowhead whales for their aboriginal people. This year we presented a detailed clarification of our needs and we feel it now positively addresses many of the concerns formally raised.

Bowhead whale hunting is a native traditional activity of the aboriginal people of Chukotka, the Eskimo and Maritime Chukchi. For thousands of years the aboriginal people have harvested bowhead whales with ivory, stone and bone harpoons and floats of seal skin. This is clearly demonstrated by the large numbers of bowhead whale bones found along the coast of Chukotka. Bowhead whales were traditionally hunted, particularly because they were numerous, slow moving and relatively easy to harvest. Current methods of hunting are more efficient than in the past. The aboriginal people are committed to carry out a more humane and efficient hunt and are using the new darting guns transferred to them from their American native friends from Alaska. Bowhead whales are found along the coast of eastern Chukotka all year around and are often observed in large groups. The Bowhead whale hunt is one of the most important traditional hunts for the cultural, spiritual and especially for the nutritional needs of the native people of Chukotka. The revival of the bowhead whale hunt will play a significant role in renewing the age-old relationship between the indigenous people and the bowhead whale.

The revival will also have an important impact on the lifestyle and nutritional needs of the indigenous people. Aboriginal bowhead whale hunting is a communal activity, it is vital for an individual's self-esteem and for the continuance of cultural, religious and linguistic heritage. Bowhead whales migrate through waters shared by Russia and the United States. These waters tie together two related aboriginal people. The Eskimo people of Alaska also have a great need of the bowhead whale. We would like to turn over the floor to our American colleagues who will explain some of the details of our joint proposal. Thank you.

##### **Chairman**

Thank you Russian Federation. US are you happy now to take over please?

##### **USA**

Thank you Chairman. Chairman, as the Russian delegate has just said we have been working together to develop a joint proposal to meet the subsistence needs of the Alaskan Eskimos and the Indigenous Peoples of Chukotka for the next five years.

First Mr. Chairman, I want to note that the needs of the Alaska Eskimos are documented in an extensive needs statement submitted to the Commission in 1994. In the three years of the current quota the Alaskans have improved their weapon technology so that their hunt can be even more humane and efficient. Secondly, I want to stress the cooperative relationship between the natives on both sides of the Bering Sea. As we have heard, they are working together on improving the equipment used in both hunts and additionally on scientific projects. Our people are very sympathetic to the subsistence and cultural needs of Russian natives for bowhead whales. Mr. Chairman, that is the reason we decided to make a request for bowheads this year rather than waiting until the quota expires in 1998 so that the Commission could deal with the needs of both native groups at the same time. Yesterday we distributed our joint proposal, IWC/49/26, which maintains the framework of the current quota. Earlier this morning we distributed an explanation of the proposed Schedule language which is in your boxes, that is document IWC/49/28. Let me briefly review that with you.

Chairman, the proposal is for 67 strikes per year which would fix the annual number of strikes at the 1996 level. To accommodate the Russian need, the number of unused strikes from previous years that may be added to any one year would be an increase from 10 to 15. The proposal also allows for 15 unused strikes from the existing quota to be carried forward. This reflects the additional need of the Russians and allows both native groups to meet their needs in the early years of the five year block.

Chairman, we have heard concerns in the last few days about the quota of landed whales so we have included a block quota of 280 landed whales over the five year period. This is an average of 56 per year. If the entire quota of landed whales is reached, the efficiency rate will be 80% higher which would be an improvement over the current efficiency level required.

Mr. Chairman, the proposal also retains the Schedule language regarding an annual review in light of advice of the Scientific Committee. The Commission can therefore revisit the quota in the unlikely event that the 1998 Comprehensive Assessment indicates any significant problem with the bowhead stock.

Mr. Chairman, we believe this joint proposal will meet the needs of both native groups. We have consulted extensively on it and believe that it will be acceptable to the rest of the Commission members. Finally, Chairman, let me express great appreciation for the help, assistance and understanding of other delegations in developing this proposal. Thank you Chairman.

**Chairman**

Thank you US and thank you again to the Russian federation for their presentation and part of this exercise. I have reviewed the proposal which is IWC/49/26 and I note the explanation in IWC/49/28. However, I think there is one point that might be ambiguous, that it would be useful to have clarified in the record here this morning and that is in paragraph roman (i), little roman (i), the long paragraph, there is a bracketed phrase towards the middle which says "including 15 strikes from the previous quota". My understanding of that is that that 15 strikes relates to the quota already in the Schedule. Could you clarify that my understanding is correct please United States.

**USA**

Thank you Chairman. That is the case. Your interpretation is exactly correct. There are a number of unused strikes from the existing quota in the Schedule and it is our desire to carry that forward into this new proposal in order to provide the flexibility to address the new needs of the Russian natives. Thank you.

**Chairman**

Thank you very much United States. May I now ask for any comments or discussion on the proposal by the United States of America and the Russian Federation which is for a Schedule amendment and it is contained in document IWC/49/26. Comments? Norway please.

**Norway**

Thank you Mr. Chairman. When we discussed this matter in the Working Group it was an important consideration that the question of abundance estimates for this stock is being discussed by the Scientific Committee and that there is a likelihood that there will be, I think, a strong likelihood, there will be new abundance estimates published next year in the Scientific Committee. I noted with pleasure that the US Commissioner said that if those new abundance estimates showed a great variance from what we have now, then the quotas need to be revisited. My question is really how this notion is incorporated into the Schedule amendment because what I see in the text there is just the ordinary normal provision which we always have in roman III, and I first feel that the US sentiment of having clear provisions, that there will be a necessity to set new quotas if the abundance estimates are dramatically different from the existing ones. Thank you.

**Chairman**

Thank you Norway. Denmark you ask for the floor please.

**Denmark**

Thank you Mr. Chairman. Denmark would like to commend cooperation between the United States of America and the Russian Federation in making a common proposal to the benefit of the aboriginal peoples of both sides of the Bering Strait and Denmark has absolutely no problem with this proposal which we can support. Thank you.

**Chairman**

Thank you Denmark. Switzerland please.

**Switzerland**

Thank you Mr. Chairman. This is quite an interesting proposal because we are asked to allocate a quota to a stock which is distributed then among two member states. My question would then be what are the mechanisms of information and coordination in this respect. How can we guarantee that these quotas are really not exceeded by either group of aboriginal people? Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. What I might do as we progress through what might be further questions and comments is ask the delegations of the Russian Federation and the US to note the questions and comments that are raised and I'll come back for a consolidated comment from either or both of you at the end. I think that might be the simplest way to proceed. Sweden you are asking for the floor please.

**Sweden**

Thank you Mr. Chairman. Last year's discussion, especially on the Russian bowhead take gave me a lot of worries about the killing technique and killing methods to be used and I find great satisfaction to see that these problems have been addressed this year to a very large extent. I have one further consideration that relates to the fact that we are giving a quota to a stock and it is in respect to the paragraph that we had from the Scientific Committee acknowledging the effort of its Russian colleagues in conducting research and providing reports on stock structure. That paragraph ends "... the Committee agreed that such research was critically important to the assessment of this stock and therefore should be continued if at all possible." My question would be, will it be possible? Thank you.

**Chairman**

Thank you Sweden. Spain you are asking for the floor.

**Spain**

Thank you Mr. Chairman. Concerning your own request for clarification, that's the sentence in brackets in paragraph (ii), the inclusion of 15 strikes from the previous quota. I understand that according to the information provided by the US that the actual number of strikes as of 17 October 1997 was 59 and therefore as of this date there are not 15 strikes so to say from the previous year that can be carried over. Can the US clarify that please? Thank you.

**Chairman**

Thank you Spain. Netherlands you are asking for the floor.

**Netherlands**

Yes, thank you Mr. Chairman. We have heard from both the Russian and the United States delegations that measures have been and are being taken to improve weapon technology in order to make the hunt more efficient. As I said in the Sub-committee meeting, it would seem to me to be logical that as hunting efficiency is improved, the strike rate can be decreased accordingly. We note that the proposed arrangement will be subject to annual review and we would expect that the Commission will be informed on an annual basis about the hunting results of the previous year and we think that then we will have the opportunity, as a Commission, to review the quota annually also in the light of any information that might become available in this context. Thank you Chairman.

**Chairman**

Thank you Netherlands. Are there further questions or matters of clarification? Australia please.

**Australia**

Thank you Mr. Chairman. Like a number of others we are pleased to see that efforts have been made to improve the proposal that we discussed in the Sub-committee the other day and we welcome a number of those improvements. Like my colleague from Spain, I have a concern about the wording of the provision from the carry-over of strikes from this quota. I think it needs to be clear that those are unused strikes and I would prefer language which had up to a figure rather than a specific figure. We also welcome the improvements that seem to have been made in the efficiency of killing methods used in this hunt but like the Netherlands, Mr. Chairman, we would be keen to have some commitment that the Commission would continue to be provided with information on a regular basis on both the strike and landing rate, and information on times to death etc. We would have

preferred to have seen updated documentation on the Alaskan Eskimo need that was considered some years ago. We would have liked advice on the extent to which that might have changed over time. However, and also the comment made by Norway, Mr. Chairman, that there is a major assessment of this stock to be undertaken by the Scientific Committee in the coming year. We would like to see some obvious mechanism that we can amend this quota if there are problems resulting from that stock assessment. Thank you Mr. Chairman.

**Chairman**

Thank you Australia. Are there further comments or questions at this stage? Well it seems not so I wonder US or Russian Federation. Sorry before that Japan is asking for the floor. Japan please.

**Japan**

Thank you Mr. Chairman. I have one question in the proposed Schedule amendment which is in paragraph 1. It says in the third line from the top "only when the meat and product of such whales are to be used exclusively for the local consumption" and my question is what would be the product of such whales because it could lead, this product is limited to the edible parts and I am wondering whether this product of such whales are to include inedible parts such as bones and baleens from which you can make crafts and make it available for the outsiders to buy? It involves cash economy and in further cases, some tourists from outside of the United States to visit the area of the whale hunting could buy those products inadvertently to bring back to the country outside of the country or not. So I would like to know the exact definition of products of such whales, particularly from the delegates of the United States. But I have to mention here, my question in no way should be construed as a criticism, I just want to get a clarification on this definition and actual conduct from the product which are being taken and for use. Thank you.

**Chairman**

Thank you Japan. US are you ready to answer and I will turn to the Russian Federation if they wish for further remarks. US please.

**USA**

Thank you Chairman. I shall endeavour to cover the points that I remember and have noted. With regard to the upcoming stock assessments, certainly that was a factor in the development of our proposal. That's why the language is retained regarding reviewing this in light of the advice of the Committee. We are committed to reacting to any new assessment which shows an adverse effect upon the stock. Mr. Chairman, having said that, one might note that the science could act both ways, in fact it might demonstrate that the population is in much better shape than is considered now and if one adhered to this strictly one might look for an increased quota. However, we are not suggesting that at all. Just to highlight that science can work both ways sometimes. We do note that past assessments have shown that this stock has been increasing and we don't anticipate difficulties in a conservation sense.

A question came up about how do we ensure that there are no, that quotas are not exceeded on an annual basis and we would address that issue through bi-lateral arrangements. Also, there are requirements for annual reports and we would submit those annual reports both to the Scientific Committee as required and to the Commission in terms of infractions reports.

The third point made to us concerning the stock structure and that that was an essential element of the upcoming assessment and indeed the scientists of the two nations are aware of this requirement. There is a mention, as I recall, in the Scientific Committee Report of DNA analyses and the reason that they can refer to that proposal is that because our two scientific groups intend to do that work and there is a commitment to do all that they can to have the information available at the next meeting of the Scientific Committee. So we will facilitate that requirement and again if there is a change in the stock structure and it has a bearing on the quota, then we are committed to bringing that advice to the Scientific Committee into consideration in the review of this Schedule amendment or Schedule provision.

A fourth point regarding the 15 strikes from the previous quota. Our understanding is that currently there are 42 unused strikes that could be carried forward. What we are requesting is merely that 15 of those be carried forward in order to facilitate the flexibility required. So it is unused strikes that we are carrying forward. There are questions and comments about the efficiency. We have taken onboard the fact that there may be improvements in efficiency. Certainly the penthrite bomb shows great promise. Both sides are committed to implementing improvements in the technology, improvements to increase our efficiency, improvements to increase the humaneness of the hunt. We noted the concerns about being able to continue to monitor our



progress in this regard and we commit to providing annually information on the landings and strikes so that the Commission and its subsidiary bodies can evaluate our progress on an annual basis.

There were comments or concerns expressed about an updated needs statement. We made a comment in the aboriginal subsistence whaling Sub-committee that the current needs statement or the statement provided in 1994 reflected the situation, we preferred not to do an update. If you recall the approach we take is indexed to the human population and human populations seem to grow and in all likelihood there would have been an increase in official need and we didn't need to exacerbate the situation so we are satisfied with the current needs statement.

I will try and respond to the Japanese delegate's concern. My understanding of the interpretation of the Commission's interpretation of that language regarding meat and products. Products in our view would include such things as whale oil. In the Makah statement you would see with a related issue, gray whales, you will see the native group sometimes make use of whale oils in their diet, that's a possible application. In any regard to handicrafts, my recollection is that the aboriginal subsistence guidelines do not require the Commission to take into account handicrafts, handicrafts are in essence exempted, someone is pointing out to me that it's the definition of local aboriginal consumption.

There is concern about how we treat that domestically; in US Law handicrafts, the sale of handicrafts is allowed. Again referencing the guidelines that say local aboriginal consumption, the term includes trade in items which are by-products of subsistence catches and its from the 33<sup>rd</sup> Meeting document 14 but of course this is embodied in a IWC Special Report as I recall.

Those are the points that I was able to recall from the discussion Mr. Chairman. I hope I have addressed them and answered all concerns and if there are any further concerns I will certainly address those as best my decollation can. I hope that we have, though our consultations, addressed the comments raised during the body's deliberations, I hope that my comments this morning have addressed any further points and indeed Chairman that we may be in a position to adopt this Schedule amendment by consensus. Thank you Chair.

#### **Chairman**

Thank you US. Russian Federation do you wish to add any points to those raised my the US? No, it seems not. My recollection of the questions asked was that the US had covered in its response most of the points raised whether satisfactorily is, of course, a matter for the individual delegations so can I ask if there any further comments that would like to be made. Mexico please.

#### **Mexico**

Thank you Mr. Chairman. In the first place I would like to express the satisfaction of our delegation by the joint effort carried on by the Russian Federation and the United States of America in the treatment of so sensitive a subject as the one we have at hand.

I have heard with a lot of interest the expressions recently made by the US delegation and unfortunately this doubt that arises in my delegation and that probably will have some clarification. The problem is as follows. If we take a look at last year's Report, the 47<sup>th</sup> Report of the International Whaling Commission, page 157, .8.4 Management Advice. We see there that the Sub-committee, the Scientific Committee had assumed that all whales in the Bering-Chukchi-Beaufort Sea regions consist of a single stock. This is an assumption. The Sub-committee noted that no information on a stock-structure in this area is viable and encouraged the collection of such data. As far as I am aware, these studies are still pending. It is also pending that the termination of what's mentioned by the recent intervention of the US delegation as to the stock amount in the area and that we will be having that by next year because in accordance with the last paragraph of IWC/49/28 it is mentioned that it should be noted that the Scientific Committee will conduct a comprehensive assessment of the bowhead whale stock in 1998, the joint proposal retains the Schedule language from the current quota etc.

So the first thing is for us to have clarification to whether or not those two studies are still pending, that is to say, the one on the stock structure and the other on the stock itself. From what I understood from the US delegation, they are ready to abide to what these findings are and as we mentioned scientifically it can be more or it can be less and therefore the quota has to be revised. If such is the case my delegation would rather have a very specific language in IWC/49/26 in the last paragraph, that is (iii) when it says this provision shall be reviewed annually by the Commission in light of the advice of the Scientific Committee. Maybe here we could be more precise and state of the advice of the Scientific Committee based on the resource of the stock structure study and of the stock

amount, the determination. It is just a question that I want to pose to the Russian Federation and the USA. Thank you Mr. Chairman.

**Chairman**

Thank you Mexico. I see Monaco is asking for the floor. Would you like to take the floor now? I will let the US think about the Mexican intervention and then Monaco in case you have further questions. You have. Please.

**Monaco**

My intervention is going the same direction as the Mexican delegation. We have noted with much sympathy the assessment of needs from the communities involved there and, of course, these are well documented and need no elaboration. We also commend the joint efforts of both the US and the Russian delegations to put forward a common proposal for what is essentially, a common ecosystem, a single ecosystem, but we also share the remarks made by Mexico. Firstly on the doubts remaining on the abundance estimates of the stocks and we all know that there is a major reassessment study to be conducted very soon, and secondly the genetic sub-structure of the bowhead population, are we dealing with one stock or different sub-stocks? Those questions are clearly raised in the Scientific Committee Report. The US and Russian delegations are quite aware of those points and so we are wondering about this timing of this proposal. It goes in the right direction of course but the precision of the numbers is based on previous estimates. It is based on extrapolations and there is a certain degree of error of course in the statistical evaluation and we know that, so we would welcome very much if the proposals of this Resolution could narrow down indeed the text and strengthen it in the way as to take account of next year's assessment of the bowhead stock.

**Chairman**

Thank you Monaco. Japan please.

**Japan**

Thank you very much Chairman. Well I personally do not really like the word aborigine because it may entail some colonial flavour. However, in order to protect the traditional culture in the life of the people living in those remote areas, I would like to support this proposal as a matter of principle.

Unfortunately the species concerned here is a protected species and it is regarded as the endangered species in CITES and so there is a certain problem and concern with regard to the species status and the stock identification also entails some uncertainty as well. Therefore there is a schedule that Comprehensive Assessment will be made next year so maybe the decision should be made based upon that assessment next year. We do not really have to be too hasty in this decision so I would like to support the idea of maybe considering a quota for one year rather than hurrying. Thank you very much.

**Chairman**

Thank you Japan. US do you have any response to the remarks by Mexico, Monaco and Japan at this stage?

**USA**

Thank you Chairman. With regard to the comments by Mexico and Monaco. They first repeat the commitment that my delegation made to abiding by the results of next year's assessment by the Scientific Committee. My delegation could only operate in that way. As regards the studies that were referenced on stock structure and stock assessment and the need to complete those. Scientific groups from both nations intend to undertake and assist in and be involved in those activities. The stock assessment activity is in fact being undertaken by the Scientific Committee and they've participated in the planning of that effort for next year. Having committed to provide information one can only say that science proceeds as fast as science proceeds. One cannot predict when scientists will complete particular work but we are committed to make good-faith efforts to submit all necessary information to bring about a successful completion of the stock assessment.

Having said that, one can go back to the Report of the Scientific Committee itself where there they were willing to repeat their conservation advice, they did not change the conservation advice despite the advice that there is this stock issue. One might ask why is that and being a scientist myself the answer is that all other evidence currently available points to the existence of a single stock in that region. The outstanding need is to do the DNA work and that hasn't been done yet and that in part is because the DNA technology as applied to cetaceans, that science, has just been building up to the point where this activity could be completed successfully and I stress again the commitment to provide that information if at all possible.

Now I've heard the call for amending the language so that the review is very specific.....

[ END OF TAPE]

**USA (cont.)**

..... which is intended to make a commitment or review over the entire five year period. Why would those delegates want to constrain us to just what happens in 1998? We are willing to commit to much more than that, we are willing to commit to a review and react to the results over the entire five-year period. If I were not the proponent of this proposal but in their shoes I would indeed be asking for a broader commitment as is stated here rather than a very specific annual one. I would hold our feet to the fire to do this every year and that's what we are doing. We are offering you the most conservative approach that this Commission could take which is to review this annually, for the Scientific Committee to look at this annually. This forces the Scientific Committee to keep this item on the agenda the entire five years. It is a commitment to react to any disasters that may occur in this population that the Scientific Committee finds. The language commits us to that. The Chairman's record is going to reflect my statements committing to that, what more can you ask? I believe that the existing language is the most conservative approach to conservation of this stock that this Commission could take. Now I would urge those delegations suggesting a change to a single year to reconsider and to accept this language and then we can move forward on the basis of a consensus. Thank you.

**Chairman**

Thank you US. Germany you are asking for the floor?

**Germany**

Thank you Mr. Chairman. In our view, the wording in the last paragraph is quite sufficient. It enables the Commission to have a review next year in the light of new findings of the Scientific Committee I think. Thank you.

**Chairman**

Thank you Germany. Mexico is asking for the floor again. I actually have a suggestion that we might take a brief 15 minutes adjournment during which time I would hope that those delegations who have particular concerns about wording could get together with the delegations of the United States and the Russian Federation and explore whether or not there are opportunities for a consensus wording which is suitable for everybody and I hope that we can, in fact, achieve that so we can adopt this Resolution by consensus. Having heard that Mexico, do you wish to add anything at this stage more formally or are you happy for us to adjourn and engage in a slight degree of bilateral discussion with the US and/or the Russians?

**Mexico**

Yes I have asked to use the floor.

**Chairman**

Then please go ahead Mexico.

**Mexico**

OK. Thank you for giving me the chance and thank you also for your gentle advice. I just want to be clear in one position. My delegation never intended to restrict the revision to one year. We have a very clear idea that this has to be done every single year as the US and the Russian Federation have committed. What I was suggesting was only to include a specific language as to take into account and specifically the 1998 results on the stock. Thank you very much again Mr. Chairman.

**Chairman**

Thank you Mexico. I certainly understood your comments to reflect that. I am therefore going to adjourn for 15 minutes to allow delegates to become comfortable as much as anything else and hope that at the end of that time we might come back with an agreed set of words, either the ones we have or the ones that may be in their place. We are adjourned for 15 minutes. Thank you.

[BREAK]

**Chairman**

While we are making reasonable progress we still have a very considerable amount to do on our agenda so I would like to ask please if people could actually resume their seats because the Chair can't actually see everybody here. Now before we adjourned for a short break I had asked for some consultations to take place between a number of delegations in the hope of resolving what seemed to be some problems with wording. May I now ask the United States delegation and/or the Russian Federation delegation to report to us the current state of play with the proposed amendment to the Schedule? United States, you have the floor.

#### **USA**

Thank you Chairman. I appreciate your providing the opportunity for these brief consultations. In fact, we have come up with two changes. To address concerns about what unused strikes we were referring to, in paragraph I, in the parenthetical phase "including 15 strikes ..." etc. It has been proposed we add the amendment as follows "Including 15 unused strikes" so insert "unused" between 15 and strikes and instead of "previous", strike that and insert instead "1995-1997". I will now read out that revised parenthetical statement. "Including 15 unused strikes from the 1995-1997 quota". Chairman, that should clarify our intention.

Now, as regards the details, let me explain those so that delegates have a clear understanding. First off let me note that the hunt for 1997 has closed, it has come to an end so that the values I am going to talk about will hold. The Schedule provided a total of 201 strikes for the years 1995-1997. The Alaska Eskimo hunt for this year has now ended and a total of 164 strikes have been used in the three year period, that is this 1995-1997 period. This means there are 37 unused strikes remaining. A modified parenthetical phase now clearly states that 15 of those 37 strikes will be carried forward and added to the 1998-2,002 quota. That statement for the record should clarify and provide a basis for explaining our intention for the record.

Mr. Chairman, the final amendment is with paragraph (iii). I will read it out. You will add at the end of that a new phrase, and add and insert at the end there, "particularly its advice arising from the 1998 Comprehensive Assessment" so we add a phrase again "particularly its advice arising from the 1998 Comprehensive Assessment". Chairman, we understood that both of these amendments would satisfy those who raised those concerns just before we broke. I am hopeful that by our agreeing to them and taking them onboard that we will have an opportunity to adopt this provision by a consensus. Thank you Chairman.

#### **Chairman**

Thank you US. Russian delegation do you wish to add anything or are you content with the explanation provided? Fine. May I ask if there are any further problems? People's Republic of China please.

#### **China**

Thank you Mr. Chairman. China supports the proposal by the United States of America and the Russian Federation according to the culture and tradition of the Eskimo people and the current population and otherwise from the Scientific Committee Meeting of IWC. Thank you Chairman.

#### **Chairman**

Thank you People's Republic of China. The suggestion is that we attempt to deal with this proposal by consensus. Of course we can do that and if we do that I will then ask if any delegation wishes to make any comments for the record. May I ask if any delegation is opposed to trying to take this issue now in the revised form read out by the United States by consensus? Well it seems there is consensus to take the Schedule amendment as read out by the United States and the Schedule will therefore be so amended. May I ask if any delegation wishes to make any footnote observations on this matter before we move to the next item. No, it seems not either. Thank you very much.

That would now take us to a consideration in our main agenda, agenda item 10.3.2 North Pacific eastern stock of gray whales and I would like to revert ..... Chairman of the Scientific Committee.

#### **Chairman of the Scientific Committee**

Mr. Chairman I am sorry to interrupt but there is a question of other stocks of bowhead whales which we have a comment on. I don't know if you want to take that here or later?

### 10.3.2 NORTH PACIFIC EASTERN STOCK OF GRAY WHALES

#### Chairman

Could we take it later? Thank you. I would now like to proceed as I was going to do and ask the Chair of the Aboriginal Subsistence Sub-committee to take us through their deliberations on the matter we will consider under 10.3.2 North Pacific eastern stock of gray whales. New Zealand please.

### 10.3.2.1 REPORT OF THE SCIENTIFIC COMMITTEE

#### New Zealand

Thank you Mr. Chairman. You realise, of course, that the previous one was the easy one. Item 10.3.2 North Pacific eastern stock of gray whales, this is also a matter Mr. Chairman that requires a Schedule amendment if it is to proceed. Our consideration of this issue commenced with an oral Report from the Chairman of the Scientific Committee explaining that the last Comprehensive Assessment of this stock was in 1993 and that substantial new information had since become available. That information is recorded briefly Mr. Chairman in the opening paragraph of the Report on this section. The Russian Federation then presented a proposal for an aboriginal gray whale quota for the period 1998 to 2002 and the discussion on that Mr. Chairman is recorded on pages 6 and 7 of our Report. That was then followed Mr. Chairman by the presentation of a request from the United States for a quota of up to 5 gray whales for the Makah tribe and the discussion on that is recorded on pages 7, 8 and 9 of our Report. In both cases the discussion is comprehensive and doesn't I think require reiteration in this plenary session as it forms a part of the record. As a result of that Mr. Chairman the United States and the Russian Federation have jointly submitted a proposal for a Schedule amendment which is contained in the document IWC/49/27.

#### Chairman

Thank you New Zealand for being deliciously brief. That's the last brevity I suspect we will have on this topic. We are now to turn our attention to the document which has been proposed by the Russian Federation and the United States of America which is IWC/49/27 and there is an explanatory document as there was in the previous matter. In fact there are two explanatory documents IWC/49/29 which is 10.3.2 and IWC/49/30. So we have three papers to help us through this issue, IWC/49/27 which is the current text of the proposed amendment of the Schedule and IWC/49/29 and IWC/49/30 which are further explanations of the matter, further to the discussions contained within the Sub-committee's Report. May I now, as I did before, ask either/or the United States of the Russian Federation ..... I see the Russian Federation has the flag up so Russian Federation you have the floor.

#### Russian Federation

Thank you Chair. Since ancient times gray whales have been traditionally hunted by the aboriginal people of Chukotka. From 1969 to 1992 whaling was carried out on behalf of the native people by the whale catcher *Zvezdny*. The revival of traditional gray whale harvesting began in 1994 due to the desire of the indigenous people of Chukotka to continue their cultural and nutritional relationship with the gray whale but the lack of equipment, fuel and the loss of specific skills during the time native people were not allowed to hunt for themselves led to a decrease in the number of whales harvested. Recently the equipment of the marine mammal hunters of Chukotka is improving. The local people have revived the construction of traditional skin boats. In 1997 the hunters of Chukotka received 20 traditional darting guns with harpoons and floats from the Alaska Eskimo Whaling Commission to improve the efficiency and humaneness of the gray whale hunt. The darting gun equipment will give our native people the opportunity to actually harvest the whales they obviously need.

We listened very carefully to the concerns expressed on Saturday and we worked with the United States to present a joint proposal that addresses the needs of both groups but contains a number lower than the combined request of 145. I would request Chairman the US delegation to explain details of our joint proposal. Thank you.

#### Chairman

Thank you Russian Federation. United States are you ready for the floor please>

#### USA

Yes, thank you Mr. Chairman. US appreciates the efforts of the Russian Federation to develop with us a joint proposal to meet the aboriginal subsistence needs of the people of Chukotka and of the Makah Indian tribe and we also very much appreciate the consultations and advice that we have received from a number of the delegations in trying to work with both Russia and the United States to perfect the joint proposal. Mr. Chairman, we discussed the Makah proposal in great detail at the Aboriginal Subsistence Sub-committee and in addition

we have, as you noted, this new explanation IWC/49/29 which brings us up to date from the point of our discussions in the Sub-committee to this point and it reviews the developments of the joint proposal and why certain changes were made and outlines the needs behind the proposal.

Let me review it this time with the Commission, our key points for the Makah proposal. The Makah Indian tribe has a 1,500 year history of whaling, this tradition was so important to the Makah tribe that the right to whale was secured by a treaty with the United States, the Treat of Neah Bay of 1855. This treaty right is unique in the United States, perhaps the world. The Makah tribe has demonstrated a cultural and subsistence need which is shown by their needs statement. In response to the questions raised by several delegations, we have developed a short paper distributed this morning which provides information regarding the very difficult circumstances faced by the Makah people. More than a third of their people live in poverty and half are unemployed. Their *per capita* income is less than half of the US national average. The gray whale will help meet the very real nutritional needs on the Makah reservation.

In addition, the Makah have invested much effort in developing a weapons programme to address concerns regarding humane killing and this was discussed at length in the Sub-committee proceedings and I will not repeat those again here this morning.

Finally, we stress that the Makah hunt will be completely non-commercial. US law prohibits commercial whaling and the Makah have also agreed in a document with the United States that this hunt will not be a commercial one.

Now, permit me to explain the joint proposal of the United States and Russia. A written explanation of the proposal as I mentioned was distributed this morning. The proposal is for a block quota of 620 whales over a five year period with an annual catch of 140 whales. The number of 620 assumed that the peoples of Chukotka will harvest an average of 120 whales annually over this five year period., 600 for Russia, and the Makah harvest will average 4 whales per year on average. Total 20 for United States. In accordance with their agreement with the United States, the Makah have agreed that they will not in any year exceed 5 whales harvested.

In response to concerns expressed by many delegations and NGOs the proposal prohibits the taking of calves and whales accompanied by calves. The United States appreciates that this has been a very difficult issue for many delegations. We appreciate the many constructive comments of delegations and we believe that we have now found a formula for consensus. Thank you very much for working with us to solve this sensitive issue. Thank you Mr. Chairman.

#### **Chairman**

Thank you United States. Now, I understand that there may be some general comments that delegations may wish to make on this proposal. I am also conscious of the fact that we will have to break in a short while for lunch. My preference would be, I think not to interrupt any discussion on this issue by a lunch break but to suggest that we might have our two hour lunch break now during which time if any delegations have specific questions that these documents, which we now have, are raised in their minds you might try and take the opportunity to resolve them with either the United States or the Russian Federation. I say this without wanting to inhibit any debate but often there are matters of information and suggestion that can be dealt with without a long debate. So, I would propose to adjourn for lunch time for two hours only. We will therefore resume at 14.30 rather than 15.00 and, as I say, I would urge delegations with what one might call minor points to attempt to resolve them over that lunch break. Of course, delegations with more substantive points for discussion we will go through that this afternoon. So I now adjourn the session for lunch for two hours. Thank you.

**[LUNCH BREAK]**

#### **Chairman**

Commissioners, delegates, I hope you had an enjoyable lunch and/or a walk and I would now like to take up where we were before we broke. I have been asked by the Russian Federation if they may take the floor at the start of this afternoon's session so I recognise the Russian Federation please.

#### **Russian Federation**

Thank you Mr. Chairman. Thank you delegates we would like to give the floor to the representative of the Indigenous People's Association. Thank you.

Mr. Chairman, since 1993 the Chukotka indigenous hunters revived traditional methods and began to harvest gray whales for themselves. Native peoples are reviving their traditional dependence upon hunting gray whales as a way to feed their families and reclaim their cultural traditions. While Chukotka hunters are now free to return to a traditional subsistence lifestyle that is on the harvest of whales, they are greatly hampered by the lack of their basic hunting equipment, their major deficiencies are too few hunting boats, boat motors, fuel, gasoline, petrol, safety equipment and effective weapons. Steps are being taken to correct the deficiencies which will allow Chukotka native people to return to their traditional hunt of the gray whale:

1. Renewed construction of a traditional hunting boat made of skin on wooden frames since 1993.
2. Formation of a Union of Marine Mammal Hunters of Chukotka enabling hunters to work more easily together and can cooperate with government agencies and scientists.
3. Obtaining boat motors and traditional weapons, darting guns, harpoons, lines and floats.
4. In late October 1997 we obtained 20 darting guns which will enable improvement and humaneness of our hunt. The gray whale will help us to feed the native people in their fifteen villages that have a long-standing relationship with the gray whale.

As is documented in records of the Scientific Committee, the Government catcher boat *Zvezdny* harvested large adult gray whales. Now that we hunt on our own, our hunters must focus on small whales for safety and humaneness. Since these whales are much smaller it will take two or three to equal the food value of one of the larger whales taken in previous years by the government ship, the ship that brought food each year to our remote villages. Now it either brings a little food or does not come at all. We must hunt for ourselves or our families will go hungry. For years our hunters could only watch the government catcher boat but we could not hunt the gray whale and this insulted us as hunters and damaged our cultural traditions. Our hunters are now returned to the hunt but we suffer from the lack of experienced hunters and lack of hunting equipment, boats, motors, darting guns, and all the while we are correcting these deficiencies we must feed our families. We cannot let our peoples go hungry. We also support other native peoples, the Makah, in their cultural and nutritional needs. Thank you Chairman.

#### **Chairman**

Thank you Russian Federation for that useful statement. I think that if you have it prepared it might be useful if the Secretariat could have a copy of the statement as you've read it to us.

I would like to offer the floor to the Chairman of the Scientific Committee in case he has any observations on the populations concerned that he wishes to bring to the attention of the Commission. Chairman of the Scientific Committee.

#### **Chairman of the Scientific Committee**

Thank you Mr. Chairman. In the Report of the Aboriginal Subsistence Whaling Sub-committee there was a summary of conclusions on the actual stock size. There were some other comments I thought it might be worth bringing to the Commission's attention and they are on page 56 of our Report under Future Work.

We noted that it would probably be several years before we would be asked to carry out a major re-assessment to provide management advice but we think there are a number of reasons why it's important to address a research programme that should be carried out in the interim. In particular we recognise the general importance of studying this stock in that it is the best, if not the only, example of a stock that was depleted to very low levels and which is believed to have now recovered to somewhere near its carrying capacity. We agreed that continued monitoring of the stock is extremely important to the Committee's understanding of general issues of population dynamics and we have set up a small group to look at this and to report to us at our next meeting. Thank you Mr. Chairman

#### **Chairman**

Thank you Chairman of the Scientific Committee. Well we have now heard I think all the various presentations and information that we need to have provided to us in order to make a decision on the way forward. I suggested before lunch if delegations had particular questions, actual questions of clarification, that they should talk to the different delegations, the United States of America and the Russian Federation and I hope you were able to do that but of course if you weren't, now is the opportunity to raise those issues. And, of course, now is also the opportunity to raise general issues concerned with this particular proposal. Let me once again remind you that we are now considering the proposal to amend the Schedule. The proposal is in document IWC/49/27 and there

are two explanatory documents IWC/49/29 and IWC/49/30. Can I now then open the floor to any delegation that wishes to intervene. I see Australia and Austria separated by very little at least in this room. Australia you have the floor.

**Australia**

Thank you Mr. Chairman. I have a question that I have discussed with the Russian delegation. I had, I think, a satisfactory answer but I would like the result of it to go on the record. So I feel obliged to formally ask it now. Before I do so, a number of observations. We welcome the moves that the Russian Federation has made to make this particular aboriginal subsistence harvest more truly reflect what we perceive to be the provisions of the Convention on aboriginal subsistence in that the harvest will now be by the aboriginal people and for the aboriginal people and we recognise that the particular communities concerned have a continuing history of whaling. Our concern though was that the Schedule, the proposed Schedule amendment contains in the opening paragraph the phrasing that the whales may be taken by a contracting party on behalf of the aboriginals. We would like, if possible, for the Russian Federation to give us an explanation as to why that particular provision is still necessary as we do understand that the moves they have made are to equip these particular communities to catch the whales themselves.

Moving on Mr. Chairman to the request from the Makah. We made our position quite clear in our interventions in the Sub-committee discussion. We would like to remind the Commission that the guidelines and definitions which were adopted by it as working rules for aboriginal subsistence whaling in 1981 state quite clearly that aboriginal subsistence whaling means, I won't read the whole thing, but the crucial part is a continuing traditional dependence on whaling and the use of whales. Mr. Chairman, with the information that has been provided by the United States we are still of the view that the proposal for the take by the Makah does not meet those criteria, there is no continuing traditional dependence, nor in our view is there a recent nutritional need. Thank you Mr. Chairman.

**Chairman**

Thank you Australia. Russian Federation, there was a specific question there for you but I won't ask you at this point to intervene. I would like to proceed as we did last time which is if you could note the particular questions and indeed the United States of America also, if you could note the particular questions that delegates may wish to have responses to and give us a consolidated response at the end of the discussion. Is that satisfactory? That's fine.

Next on my list is Austria please.

**Austria**

Yes, thank you very much Mr. Chairman. The first part of my statement relates to aboriginal subsistence whaling in general, that for certain reasons I would like to offer it now. Austria feels that the overall developments in aboriginal subsistence whaling with trepidation and places great hope to the newer aboriginal subsistence whaling scheme currently being developed by the Scientific Committee to solve many of the outstanding issues. At the same time we believe the Commission itself must make an effort to clarify and better define the criteria for aboriginal subsistence whaling.

My second point is a direct question to the proposal IWC/49/27. I wonder why there is no differentiation between struck and landed whales; and my third point perhaps also covering the concerns of Australia, couldn't we at the end of sub-paragraph 13(b)2 perhaps add a phrase like "whose subsistence nutritional and cultural needs have been accepted by IWC"? Thank you.

**Chairman**

Thank you Austria. Next on my list was Denmark and then Netherlands. Denmark please.

**Denmark**

Thank you Mr. Chairman. We have listened very carefully in the Aboriginal Subsistence Committee to the statements, explanations and improvements from the Russian side and naturally also to the expressions and explanations from the United States concerning these items and we have no problems with this request. Thank you.

**Chairman**



Thank you Denmark. I now have Netherlands and then Switzerland. Netherlands please.

**Netherlands**

Thank you Chairman. I have the same question as Australia to pose to the Russian delegation on the matter of the taking of whales by contracting parties on behalf of aborigines and on that subject I would like to say that it would certainly have to be our preference that we, as soon as possible, arrive at a situation where such taking would not be necessary. But I also had a comment to make on the proposal as a whole but if you so desire I can reserve that to a later stage.

**Chairman**

Well Netherlands it's your desire, would you prefer ....

**Netherlands**

Yes, you originally asked for questions of clarification and that sort of thing but if we are allowed to have a discussion of the entire proposal as it is before us I would be happy to make my views known.

**Chairman**

I think it might be helpful because we certainly have some questions but I think it would be useful if we had as many views on the table as possible so I can judge how we need to go forward. So if you would like to Netherlands, thank you.

**Netherlands**

Right, thank you. Well on the Russian gray whaling my question has already been addressed and on the request of the Makah you will remember that on a number of occasions both last year and this year we have expressed our reservations with regard to the question of need and generally the question of whether this request meets the criteria established by this Commission. We keep having these reservations. In the light of the reduction of the total quota that would be the result of the adoption of the combined proposal we are prepared to go along with the consensus. However, that should not be considered as an endorsement by my country of the alleged need of the Makah. I would also like to note that the proposal presented to us contains a clause which would enable the Commission to review this arrangement annually. Like I said during our discussion on the bowhead quota, I expect that the Commission will be informed on an annual basis about the result of the gray whale hunt by the countries concerned and that would enable the Commission to look regularly at the proposed arrangement and adapt it as necessary in light of relevant new information or developments. Thank you.

**Chairman**

Thank you Netherlands. I think you can be sure that given the interest that this has aroused in recent years that it is inevitable that the Commission will wish to review it on an annual basis and I think it would be sensible of the two parties putting forward this recommendation to ensure that they are pro-active in providing information to the Commission.

I would now like to give the floor to Switzerland to be followed by Spain. Switzerland please.

**Switzerland**

Thank you Mr. Chairman. As you may know, in regard to aboriginal subsistence whaling, this delegation has in the past voiced two special concerns. We would like to see the aboriginal whaling, subsistence whaling scheme being developed very quickly and applied to the places where such whaling is taking place. In this way we associate ourselves with Austria and urge that this scheme would be very or as quickly as possible finished and applied.

The second concern is and was the killing methods. We wish these killing methods to be as effective as possible and not make the whales suffer undue pain and make the killing as quickly as possible. We have listened with great interest to the developments in this respect in this proposal and in relation to this proposal by the Russian Federation and have hope that these efforts will go on and that improvements will continue in this respect.

We have also made clear last year that we did consider the use of whale meat in Russia for the food of fox farms as a commercial enterprise and consider it as commercial whaling and we are also pleased to see that this year we hear that there is much less whale meat used for the use on fox farms. That, in fact, this new proposal excludes this .....

[END OF TAPE]

**Switzerland (cont.)**

..... food on fox farms and is for human consumption only. What concerns the Makah question, the Netherlands have expressed a few reservations concerning, in fact, that nutritional need, we are somehow satisfied that there is a cultural need for this activity. We have listened carefully to the United States in the Working Group where it was stated that they are taking as few whales that are needed for human consumption and we would insist that really one is careful to not to exceed this number. This said, we are not intending to break a consensus should a consensus be reached on this matter. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. I now give the floor to Spain to be followed by the United Kingdom. Spain you have the floor.

**Spain**

Thank you Mr. Chairman. Concerning this item on the agenda. First of all we would like to welcome all the information provided by the delegations of the United States and the Russian Federation and we would especially like to note the assurances received from the Russian Federation concerning the use of whale meat in fox farming and I echo the comments of my colleague from Switzerland.

We are pleased to see that under the current proposal the average number of whales taken by year would in fact be reduced to 124. This points to the fact that the need is in our view the key issue in aboriginal and subsistence whaling to the extent and satisfaction of those needs. And secondly should be addressed the extent that the status of the stocks permit. Concerning this we would like to support the position of Austria and others encouraging the completion of the aboriginal scheme. Like Austria and the Netherlands we remain of the opinion that the nutritional need in respect of the request of the Makah has not, or will remain of the view that it is not in accordance with what we expected from that request. However, like others, if there is a consensus we will not block that kind of consensus. Thank you.

**Chairman**

Thank you Spain. I now give the floor to the United Kingdom to be followed by Finland. United Kingdom please.

**UK**

Thank you Chairman. Well the United Kingdom fully accepts the subsistence need of the Chukotka to take gray whales. We argued in the Sub-committee that the quota should be lower than the current figure given the bowhead quota they planned to take and their inability to take the current quota and we are therefore very pleased to see that the proposed quota here is significantly lower than the present one.

We have also considered carefully the needs statement submitted by the United States on behalf of the Makah. Here though I have to say that my position is very similar to a number of other delegations and the United Kingdom is not convinced that an aboriginal subsistence need has been established as this term is normally interpreted in this Commission. While we too will go along with a consensus if one is established this should not be taken to imply that we accept that a need has been established in this area. Now Chairman we do remain concerned about the killing methods used in existing gray whale hunts and we were very glad to learn of the efforts that are being made to improve the humaneness of these hunts. We trust very much that these will continue but this is something that we plan to return to under agenda item 8. Thank you Chairman.

**Chairman**

Thank you United Kingdom. I now give the floor to Finland to be followed by Chile. Finland please.

**Finland**

Thank you Mr. Chairman. This delegation also would, like others, to thank the US and the Russian delegations on their efforts and interesting united proposal so to say in this difficult matter. However, we should support the Austrian proposal to add after the main paragraph the sentence reading "whose subsistence, cultural and nutritional need have been accepted by the IWC". Thank you.

**Chairman**

Thank you Finland. I give the floor to Chile and then New Zealand. Chile please.

**Chile**

Thank you Mr. President. For our delegation it is very important the completion and the development of the aboriginal subsistence whaling scheme. We think that the prompt finishing of this scheme will enable to have a more clear picture about this form of whaling. Also, we want to state that the humane killing of whales will be very developed, very well developed, if the states make transfer of technology to Russia and this will enable also to diminish the numbers of whales that are going to be harmed. In relation to the cultural needs and nutritional cultural needs we must say that this aspect of this scheme of this international organisation maybe one of the most interesting but being so it is also very important that the cultural needs be based in nutritional needs for this situation, for this we would like to know more information about their nutritional needs especially from the United States of these five whales they are demanding for the strikes in this coast of the United States.

Our delegation will follow consensus if this Resolution is approved. Thank you.

**Chairman**

Thank you Chile. I give the floor to New Zealand and then Brazil. New Zealand please.

**New Zealand**

Mr. Chairman New Zealand supports the request on behalf of the Chukotka people for this quota, that's consistent with the view that we have expressed on most aboriginal subsistence quota requests for many years. We believe that of all the requests before this present meeting probably none is more compliant with this Commission's requirements for an aboriginal subsistence quota than is this one and through you Mr. Chairman we would like to compliment the Russian Federation on the constructive manner in which it has presented its request to this meeting and through that delegation we would send warm greetings to the Chukotka people and wish them well in addressing what are obviously very serious and economic problems.

My delegation is, however, very concerned and disappointed that this acceptable request has been linked to another, that of the Makah, that we have previously advised is for us unacceptable because unlike the Chukotka request it does not meet this Commission's requirements for such a quota. Two months ago I visited the Makah at Neah Bay. I was warmly and indeed generously received and I spent some time discussing these issues with the Makah Tribal Council. I saw at first hand the local conditions and have thus acquired an understanding that in some ways I believe goes beyond even the material that might have been placed before us at this meeting. I greatly respect the wish of the Makah to achieve a cultural revival and to improve the situation that has faced them in recent times. But even so, I have struggled but failed to find the necessary nutritional need. We don't adopt a ridiculous standard in assessing such a need, we don't, for instance, suggest that whale meat must be the difference between survival and starvation. But there must be some nutritional need and quite simply for whatever reason that need hasn't existed for at least seventy-one years and possibly longer. Nor has any such need arisen anew and nothing that has been presented to us indeed over the past fifteen months since this issue first came before this Commission alters that view and I therefore say again Mr. Chairman how disappointed my delegation is that an acceptable proposal has been linked to one that is unacceptable.

We understand that this quota is presented to us as being related to stocks and not to peoples but I say that for our part and I believe, I want this to be a matter of record, that even though we will support the request for the Chukotka we do not wish that support to be taken as in any way providing legitimacy to the allocation of any part of that quota to those whose needs have not been established to our satisfaction.

**Chairman**

Thank you New Zealand. I give the floor to Brazil and then Monaco. Brazil please.

**Brazil**

Mr. Chairman, Brazil's position is to restrict aboriginal subsistence whaling to the case where the actual need for those catches is well established. Even though we would not oppose any consensus reached at this Commission we would welcome more detail regarding the actual subsistence needs of the proposals presented. We would like to take this opportunity to stress our concern at the recent increase in the number of requests where aboriginal subsistence quota and the increase in the number of whales requested under such quotas. What this Commission should pursue is, in fact, an increase in the effectiveness of aboriginal hunts so that total quotas could be reduced. Thank you Mr. Chairman.

**Chairman**

Thank you Brazil. I give the floor now to Monaco.

**Monaco**

Mr. Chairman. Thank you. We also welcome the major advances made on last year's proposal by the Russian Federation. We had objections well known in the past on the use of whale meat for fox farms which seems to have been taken care off and we encourage very much the Russian delegation to continue progress in this direction for the future years. We also see it as a significant step, the reduction of the quota of the request proposed.

Now turning to the Makah request, we beg to defer with the last two speakers among others. In our view the Makah proposal advanced by the US delegation can stand on its own merit without being amalgamated even with the Russian proposal. We understand that the Makah subsistence need appears essentially to be of a cultural nature. We understand that this is a significant departure for the normal interpretation of aboriginal needs as practised in this body but we think that the specificity of the case has great merits and that any whaling civilisation which has been enduring and lasted for more than fifteen hundred years commands a lot of respect from any other culture. On this point having looked at the papers which have been available on this issue from well-known anthropologists we are of the opinion that the discontinuity argument does not stand very long. As we understand it, by the turn of the century the Makah population had to turn away from traditional whaling with their hand-made embarkation's and hand-made tools and weapons because they were out-competed by, lets call them non-Indian whalers, embarked into commercial scale operations. Therefore, they had to turn to other sources of food and particularly to fish. Now, what would have happened if this had not been the case, we would not be discussing this case now year after year, hour after hour. It happens now that the Makah which, as far as we know it, is a democratically elected council expressed very eloquently and clearly their demand to restore this tradition and their return to their roots. We spent a lot of time seeing other bodies discussing the need to preserve biological diversity, surely there is an equal need to protect and defend cultural diversity on this planet which is very severely endangered. We very much appreciate the efforts of the US delegation to lower and to keep down the number of gray whales that would be caught under this proposal and we will with great appreciation to the cultural needs of the Makah population, we will support wholeheartedly the US and Russian Federation proposal. Thank you Mr. Chairman.

**Chairman**

Thank you Monaco. I have two more speakers on my list, Mexico and Norway. After Norway I would like to give the floor, and Japan, fine after Japan I would like to give the floor to the United States and to the Russian Federation if either of them wish to, and I hope they do, to cover some of the points that have been raised and then I will try and seek a way forward from here which may result in further interventions from parties so we now have three speakers. Mexico you now have the floor and then Norway.

**Mexico**

Thank you Mr. Chairman. Certainly we as members of the IWC face today a difficult decision but also as members of the new generation, different from the one that was established at the Commission immediately in the aftermath of the Second World War, a generation that is certainly more closer to Rio 92 then to ..... them. We face even a more delicate and therefore more significant task. We are now asked to determine a quota, a quota of gray whales from the eastern stock of the North Pacific to be whaled by native groups. Native groups of two great nations with whom my country, Mexico, has had close ties and long standing friendship, the Russian Federation and the United States of America. We also deal here, as the Mexican delegation, with a species that is clearly linked to our past, to our present and to our future. Recognising in the gray whale, a species that we all take care of, we also have to recognise that is born generally inside Mexican waters. However, we have to decide whether or not we make a new exception to the general moratoria that in whaling has been established by this Commission in order to provide for the recuperation of the species. We are perfectly well aware that the gray whale due to the efforts among others of the United States of America in the first place, of Mexico, of Canada, not yet a member of this Commission, and of the Russian Federation is no longer an endangered species in the Appendix of CITES.

We want to start here by thanking the delegations of the United States of America and of the Russian Federation for the information that they have kindly provided to us during this meeting and in the previous stages. We also want to express that we are sensitive to the views, opinions and very recent arguments of several non-governmental organisations that have approached us on this issue. The real problem that we face is that we have to decide whether or not the best way in which we can meet the needs of the aboriginal population is by giving them the right to whale again or whether or not we should look to other methods. Being more closer to the real

mandates, we certainly consider that the species are there for the development but also for a rational use by human beings. We would not want to stay here a very principled abstract and maybe idealistic as well as a real principle of not touching the nature. We want to get use of it in order to overcome a significant problem, that of poverty. We have concerns about the whales and about the species but we also have greater concern about the well-being of the population. In the case of the Chukotka tribe we don't have any doubts and we have already mentioned this in past sessions of this Commission, that access to a certain amount of whales in a quota that has been determined and taken into account the need and the economic situation is the proper answer of this Commission to the people and to the claim well presented by the Russian Federation.

It is not for us exactly the same case as that presented by the Makah. The Makah belong and are members of probably the richest country in the world, the United States of America. They are all American citizens, they are all entitled to the progress of that great and friendly nation. We have read with great detail the paper submitted by the US delegation as well as the Report presented under IWC/49/14 on aboriginal subsistence whaling. There are some issues that are clear to us, that the Makah require special treatment, that the Makah are a poor population and that they require some type of support. However, Mr. Chairman, however, Commissioners, we are not sure and we have not been able to determine inside our delegation if whaling is the best answer available to their needs. We do not know for sure if for whales, six, seven or nine, will resolve the nutritional problems of the Makah. We do not know if they will be able to alleviate problems that are clearly related to another type of phenomenon, that I cannot omit in this presentation, namely the degradation of the habitat of the Makah. For more than seventy years they have resorted to the fishing of salmon, they can no longer do that in the same amount as they used to do it and among other reasons as stated in the submission presented by the United States of America. Due to the poor timber practices to regular organisations in the area, to hydro-electric dams and to other phenomena that have endangered this habitat with the belief that it's self important to know that wishing that these problems could be, and I am sure they will be, addressed by the proper American authorities in accordance with their own legislation and with their well established practices of conservation.

Therefore, Mr. Chairman, we face a very difficult problem. On the one hand we don't find enough evidence asked to consider the Makah Indian tribe within the limits established under aboriginal subsistence quota but on the other we would consider that unjust to go against the Resolution creating though some damage to the Chukotka who have a clear right on this issue. At the same time we do believe that to have a joint proposal is sound logic from an environmentalist point of view. The quota is established not as an absolute right of a nation or a country to the whales but as something that is determined on the basis of the stock and of the species that belongs to different people around the area. So, therefore, we cannot go along with this Resolution.

I also want to have on the record that Mexico is very worried about the possibility of having here a precedent established as to the way in which we determine and we modify the criteria of aboriginal subsistence. These criteria should be transparent, as the proceedings of this Commission, and we have to have the same standards to be applied in different groups and this standard cannot be modified in accordance to the case at hand. I want to end Mr. Chairman by praising once again the efforts of the US delegation in order to make a quota available to the Makah and the efforts of the Russian Federation to build together a Resolution as the one we have before us.

Due to the reasons that I have expressed and the best knowledge of my delegation, the ones that we have now, Mexico is not in a position to support this Resolution. We will abstain from it and we want to go into the record as so. Thank you Mr. Chairman.

#### **Chairman**

Thank you Mexico. Norway and then Japan please. Norway.

#### **Norway**

Thank you Mr. Chairman. Norway can and will support the draft Schedule amendment in front of us. I think there are at least three reasons which I want to point to for that. First and most important of course is that we have solid abundance estimates at the basis of the request and second I think that the discussions last year and this year in the Working Groups have shown that the killing methods, the plans for the killing methods and practice are improving and will be further improved; and thirdly, and most importantly perhaps is that we feel that the need of coastal people to utilise the marine resources that can be harvested sustainably is a fundamental principle in international law which is a question that this organisation cannot re-write. There's a fact that both in the Convention of the Law of the Sea and in more recent soft law documents like the agenda 21 from Rio, the principle of sustainable use is the over-riding principle and I will remind you that the recognition in the agenda 21 of IWC is linked to the IWC and I can read the formulation, it's better than if I try to interpret. "The

responsibility of the International Whaling Commission for the conservation and management of whale stocks and the regulation of whaling pursuant to the 1946 International Convention for the Regulation of Whaling”, that’s very important. Now this Commission has sat down to establish rules and regulations which infringe on those documents which is the basis of international law in this field and I will not go into the theology or the ideological part on the needs of commercialism and I talked about that earlier. I think it is wholly irrelevant to the principle of sustainable use of resources and I hope that the request will go through and that the coastal communities will benefit from them. Thank you.

**Chairman**

Thank you Norway. Japan you have the floor please.

**Japan**

Thank you Mr. Chairman. Yes at this time our comment is just a question on the explanation and Schedule amendment wording itself and before I go into my specific questions I have to rectify the one point which the Mexican delegation mentioned. The gray whale is still in Appendix I because Japan proposed downlisting at COP10 although we got significant support which is 47 it did not go through so under the CITES category this is endangered species which we believe ridiculous.

I will go into the specific question which is an identical question which I raised at the time of consideration of the bowhead quota, it’s again if products of such whales are to be used exclusively for local consumption by aborigines. The reason why I am asking is that the previous reply from the United States is not satisfactory. There is a art-craft, there are souvenir specimens made of baleens and bones, to our understanding it’s a whale product and it is sold. If I am wrong I would like to get confirmation from the United States and by sales of that are those people gaining cash incomes to support to some extent to their lives maybe including whaling activities and most of all, as far as the whale resources remain in Appendix I of the CITES Convention as the previous CITES Convention adopted at Conference Resolution 10.6, parties take all necessary steps to prohibit the sales of tourist souvenir specimens of Appendix I species and further such steps should include inspection and provision of information to merchants? It is clearly stipulated so I would like to know more details about the sales situation in the United States on the craft made from which I believe is whale products because the previous answer was not satisfactory. Thank you very much.

**Chairman**

Thank you Japan. Well as I explained just now I would now like to give the floor back to the Russian Federation and the United States to answer the specific questions that have been raised although many of the statement have been perhaps rather more general than specific. Nonetheless there were some specific points including the very last one. So if I may now, I see the Russian Federation is asking for the floor, give the floor to the Russian Federation and then I will ask the United States if they wish to make comments. Russian Federation you have the floor.

**Russian Federation**

Thank you Mr. Chairman. First of all I would like to express the appreciation to those delegates who supported our proposal. Referring to the question raised by the delegate from Australia and also mentioned by Netherlands, I would like to say that in the past the government carried out the hunt on behalf of the aboriginal people. We’ve mentioned that in our document submitted to the Commission IWC/49/AS10. We are now transient to an entirely native hunt, nevertheless the continued introduction of new hunting technology may require some training or other limited assistance from non-native local government individuals. Also in the light of extreme hardships like difficult ice-conditions the government, the local government, would like to have the option to provide the assistance to the native people in meeting their subsistence needs. Its very important to note that in all cases the actual hunting will be led by native hunters. There is concern of the question raised by some other delegates. I wouldn’t repeat again, I think we’ve mentioned that in our presentation and in the documents submitted that we have the intention to continue the introduction of new technology to improve the humaneness of the hunt but this introduction requires serious financial resources and therefore the Russian Federation would welcome any assistance on behalf of all states in order to facilitate this process. As far as I can see that’s all up to the moment that I would like to say Mr. Chairman. Thank you.

**Chairman**

Thank you Russian Federation. United States do you wish the floor?

**USA**

Thank you Mr. Chairman. At this time I would like to express our appreciation of the way that this matter has been handled by the various delegations. As I stated earlier this is not an easy issue, it's quite a difficult one. It's a complex one involving culture, tradition, law, treaty law and an animal that we are all committed to conserve, so we do recognise that it has been a difficult issue and we very much appreciate the sensitivity, the dignity that this body has shown in handling this issue and we appreciate the fact that despite some reservations it does appear that this body is prepared to accept this matter by consensus.

I would also like to pay our respects to those in the NGO community who have opposed this proposition. We do understand the passion of your commitments and your opposition and we certainly pay respect to that passion. But we do appreciate that this body has come to understand the need for acceptance of the proposition and the proposal. We do appreciate that this body may now accept this by consensus. I believe there was one outstanding question from our colleague from Japan regarding the issue of handicrafts and I would like to repeat what my colleague Dr. Tillman said earlier regarding handicraft and that is regarding the specific exception for the sale of by-products of the hunt, that is contained in the definition of local aboriginal consumption which was adopted in 1982. I believe that it is totally clear that handicrafts occupy a specific exception under IWC law as well as under United States law.

So, I do hope that satisfies the question raised by Japan. If any of our other colleagues have other questions we would certainly be willing to respond to them at this time but Mr. Chairman it does appear that there is a sufficient degree of acceptance of this matter by consensus and we would move that now. Thank you Mr. Chairman.

#### **Chairman**

Thank you United States. I see several delegations waving their flags and I would ask people to be patient for a moment. Argentina has not yet spoken on this matter and I intend to give the floor to Argentina. I see Japan indicating that it would like the floor and I suspect that is to pursue the response that was just given by the US. Japan is that what you would like to do? So, first of all I will give the floor to Argentina and then to Japan and then I will attempt a summary and then we will have, no doubt, a series of further interventions. Argentina I would like to give you the floor please.

#### **Argentina**

Thank you Mr. Chairman. I would like to be very brief in the light of your remarks on the pro-debate that we have had but it is upon our position, the need to express that we share the concerns expressed by Australia, Chile, Mexico, Spain, UK and Switzerland and others in this respect.

The need for subsistence of the local community in our opinion in this particular case have not been fully and clearly demonstrated. But more than that, what concerns us is this problem or the problem that the decision in this field may imply is, and that was also being said by all delegations, is the implications for future expansions on criteria and decisions by the Commission taking this as the first step. That is our concern more than the particular juncture that we are facing. For this reason we want to stress that any decision that may be taken on this issue will in turn imply a special responsibility for delegations favouring such a decision and special responsibility means special responsibility in relation to the future ability of the Commission to cope with this mandate under the Convention in an orderly and progressive manner. We have a number of difficulties at present, and in the past, and I think it will be alienate to any intention of any delegation to add additional complications in our work in the future so I just want to stress this special responsibility which I assume will be fully honoured in the future.

The Commission in any decision that it may take on this matter in our opinion should make clear the exceptional nature of it and that any decision in this respect will be, as already suggested, reviewed annually with that experience and the understanding that this was an exceptional decision if any was taken. Thank you.

#### **Chairman**

Thank you Argentina. Your comments will, of course, be on the verbatim record and those concerns will therefore be fully reflected. I would now like to return to Japan who I think would like to seek a little further clarification on its question and then to Austria who I think also wants to return to the particular question that was raised. Japan you have the floor.

#### **Japan**

Thank you Mr. Chairman. I am very pleased to listen to the reply from the United States which confirms regardless whether its the exception or not that craft made from baleen and bone is sold and to cause produce cash in-flow as an income to the people who engage in this whaling, that is so construed as the reply from them. Furthermore, since that is the position of the United States, also as far as the gray whale hunt is concerned the same practice will be taken thereby their craft would be made from those bones and baleens and can be sold at various places including Seattle International Airport maybe. I think that is the concern of us because whatever the current standing of Appendix I of gray whale is construed which we consider its ridiculous. However, you must have obligation to abide by the laws, international laws, and in order to make sure that US would comply with the obligation in pursuant to the international law, what kind of mechanism should we take to make sure that those handicraft are not put into the places of international departures such as airports, seaports, border crossings and particularly duty-free areas beyond the customs control points. I would like to know, even though its a general idea at this point, what kind of measures should be taken because the Makah places are really close to Seattle. Thank you.

**Chairman**

Thank you Japan. United States do you wish to respond to that further intervention?

**[END OF TAPE]**

**USA**

Chairman, as I explained, back when we were considering the bowhead whale, this Commission's definitions which were accepted in 1982 indicates that trade in items which are by-products of subsistence catches is permitted. In terms of our domestic implementation, we are in conformance with this provision. There is permitted domestic sale of handicrafts based on materials obtained from subsistence hunts of marine mammals and in some instances endangered species which are also marine mammals. Nonetheless, we are also in conformance with CITES. We are not engaged in international trade of these articles. That is our understanding of where we are. We feel that we are in compliance with and reacting to our international responsibilities in both regards. Thank you.

**Chairman**

Thank you United States for that clarification. I would now like to give the floor to Austria who was, I think, asking for further clarification.

**Austria**

Yes, thank you very much. I was indeed very touched by the warm words of the US delegation but I did not get an answer to my question which was why is there no differentiation between the struck and landed whales. For example, like in IWC/49/26 we made this differentiation. Thank you.

**Chairman**

Thank you. Is it possible to have a crisp clarification for that question?

**USA**

Thank you Mr. Chairman. Traditionally the gray whale quota has not involved that cap on strikes but it's focussed on the landed aspect. Perhaps that is a distinguishing characteristic from the bowhead situation because the bowhead situation involves an endangered stock. In this case, the United States has entered into an agreement with the Makah under which there will be a cap under our United States agreement on the number of strikes that could take place. It will descend starting with 10 in the first year, 10, 9, 8, 7 and 7 so there will be motivation to improve the efficiency and as far as the United States is concerned we are covering that by domestic agreement. Thank you Mr. Chairman.

**Chairman**

Thank you US. Japan you ask for the floor and then the Russian Federation. Russian Federation before I give the floor to Japan, Russian Federation would you like to respond at this point? Please have the floor and then Japan.

**Russian Federation**

Thank you Mr. Chairman. As we mentioned before, in the past the government carried out the hunt on behalf of aboriginal people and therefore the problem of strikes did not even exist. Of course, the catcher really was



taking all the whales he wanted to but if the Contracting Governments would like us to we will consider this matter and we will probably report about it in Oman. Thank you.

**Chairman**

Thank you very much for that offer Russian Federation. Japan you now have the floor please.

**Japan**

Thank you Chairman. For more than ten years we have continued to request the interim relief quota for the coastal small-scale small-type whaling but our request has been denied and rejected and consistently we have not received the support from the United States for our request for this interim relief quota. Honestly speaking, based upon that ten years of rejection and experience I feel also tempted to deny this proposal filed by the US and Russia. However, for the sake of protecting and conserving the culture, lifestyle, diet and the human rights of Makah who live in the rural area I would like to support.

As has been touched upon and mentioned during the discussion and elaborations on the subsistence as well as aboriginal whaling issue, some people expressed their views saying that whaling carried out by the industrialised countries like Japan cannot be tolerated or accepted. However, I would like you to take this opportunity to think about this matter that we are now discussing, this whaling practice within the two most industrialised countries. So I would like to take this opportunity to stress that we should really separate the activities and operations carried out in a rural remote area of one country from the overall economic state of development of overall nation and I think this principle should be taken into account seriously. I would like to stress that the Japanese coastal small-type operations and activities are far more historically cultured and economically important in that traditional sense compared to that in Makah.

However, despite all these points I have raised by overcoming these points I would like again to express my support for this proposal.

Also some mention was made with regard to the fact that some products from the gray whale was used for the fox farms at Chukotka and then I think this is to indicate an important agenda for us, that is which is environmentally better and then you have to choose between the natural fur versus the synthetic fibre, man-made fur. The synthetic fur, man-made fur, has entailed some problem, that is it cannot be recycled and then the material is not reusable. I would like to emphasis that the natural fur product must be given more importance because it is renewable natural resources. Nobody should oppose to the rural area and rural area inhabitant to the economically substantiated by making use of the natural resources that they obtain in that area. Thank you very much for your attention.

**Chairman**

Thank you Japan. We have had quite a series of interventions and observations on this issue. May I ask if having heard these, if there is any government who has not yet spoken who wishes to or any Commissioner who wishes to respond or make a further statement at this point? I see Australia and then South Africa. South Africa has not spoken yet so South Africa is first and then Australia please.

**South Africa**

Thank you very much Mr. Chairman. My intervention will be very brief. My delegation is ready to support any consensus on the proposals. Thank you.

**Chairman**

Thank you. Australia

**Australia**

Thank you Mr. Chairman. The Australian government, the Australian delegation is particularly sensitive to the question of aboriginal subsistence requirements. While there is no tradition of aboriginal taking of cetacea within Australian waters because the aboriginal communities in Australia regard cetacea essentially as creatures as a spiritual or totemic nature and not part of their hunting activities. Nevertheless, the Australian delegation is particularly conscious of the significance of the rights of the indigenous people around the world. Nevertheless, the Australian delegation regrets most sincerely the way in which this matter has come before the Commission by what I might characterise as almost a parliamentary device circumventing the right of the Australian delegation and others to cast a separate and more honest vote and assessment in relation to the proposal for the

Makah quota. It denies us the opportunity to do as we would have sought, namely to exercise Australia's vote against a specific proposal for such a quota for the Makah people.

Australia is not persuaded by the needs case as has been advanced, we were not persuaded on the last occasion and indeed nothing that we have seen subsequent to that last occasion has caused the Australian delegation to, in any way, change its mind. Indeed if one goes to the circulated paper IWC/49/30, we believe that the arguments advanced there which include in effect asking the International Whaling Commission to pick up the debris for the demolition of the United States welfare system or to compensate for poor timber practices, or indeed a statement which attempts to persuade us that the Makah have traditionally consumed whale meat, blubber and oil extracted from blubber when our understanding is that this has certainly not been the case since the last hunt which took place some seventy odd years ago. Nothing we have seen persuades us that the needs are in fact established. Nor indeed are we persuaded by the arguments that have been put forward in relation to the treaty obligations between the United States and the Makah people under the Neah Bay Treaty. We know that the United States Congress has consistently been in a position of being able to set aside such treaties if it so desired and we know that the United States jurisprudence established in such cases as United States versus the Sioux Nation in 1980, the United States versus the Creek Nation 1935, have established clear precedence, clear grounds and provisions for compensation where such activities are undertaken. We are not reassured by the words of the distinguished United States delegate in relation to the purely non-commercial activities which would flow as a result of this and are aware of the fact that in the original letter from the Makah Tribal Council Chairman to the United States Department of Commerce that petitions initially for a gray whale quota, the Chairman on behalf of his people wrote and I quote "We", that is the Makah people, "have a right under the Treaty of Neah Bay to harvest whales not only for ceremonial and subsistence purposes but also for commercial purposes".

We note that in the document which has been submitted which is the Report of the Aboriginal Subsistence Whaling Sub-committee on page 8 that there is some recognition of the degree of dissent within the United States and the United States Congress and Congressional representatives about this proposal. We are aware that court proceedings have been commenced in relation to this matter and indeed that distinguished United States Congressman, Mr. Metcalf, has characterised this particular proposal in his words as "a ludicrous proposal".

We are also aware, despite the rather dismissive comments on that third paragraph on page 8, of representations made to this Commission by the Committee on Internal International Relations of the United States House of Representatives which reads in part "the International Whaling Commission should also reject efforts to permit the hunting of gray whales in the eastern Pacific Ocean by the Makah nation of Washington State. The Makah have not whaled in more than seventy years and whaling does not satisfy an essential nutritional or subsistence need. If the aboriginal subsistence quota is granted to the Makah it will set a dangerous precedent and we can expect similar provisions to similar proposals to the IWC from coastal communities throughout the world. Its effect would be a *de facto* lifting of the international moratorium on commercial whaling". That letter is signed by Benjamin L. Gillman, the Chairman of the United States House of Representatives Committee on International Relations, by Christopher H. Smith, the Chairman of the Sub-committee on International Operations and Human Rights and by Tom Lentos, the Ranking Democratic Member of that Committee.

The Australian delegation is entirely sympathetic to the well-made and established case on behalf of the Chukotka people put forward by our colleagues from the Russian Federation. It accepts in entirety both the genuine need and the real tradition, that is to say a continuing and practised tradition. Not a tradition seventy one years in abeyance, and it accepts the assurances that been given by the Russian Federation in relation to all related matters and would not in any sense want to compromise or indeed to endangered that proper expression on the part of the aboriginal people of the Russian Federation.

The Australian delegation sees this as a dangerous precedent of sharing allocations both between different indigenous peoples or separate indigenous peoples. Both for the difficulty of co-ordinating data and reports and, for example, the precedential value that might be set and I take for example perhaps among the descendants of the Carib people of the Caribbean, if this were to be established as a precedent and practice.

Like the distinguished delegate from Brazil, the Australian delegation is concerned about the continuing expansion of whaling characterised as aboriginal subsistence whaling which we believe threatens the credibility of the Commission processes and hence Australia, whilst supporting genuine aboriginal subsistence whaling, is very much supportive of the moves underway to ensure a better and more effective definition of what constitutes aboriginal subsistence whaling.

In our view Chairman, in the absence of proven need or genuine tradition honoured in practice, we would call upon the United States to take all steps available to it to prevent the resumption of whaling activities by its citizens whether they happen to be Makah citizens or other American citizens. We note that the United States has always insisted on the highest standards of probity and integrity and of adherence to those standards. We do not believe that this proposal put forward in this fashion is something which adheres to standards which we have come to expect in that regard. We feel it's sad to see a friend such as the United States depart from those standards claiming for itself an exception in terms of demonstrating to its colleagues in the International Whaling Commission a genuine and proven need, a way in which it would insist on that being put forward by other nations.

In conclusion Mr. Chairman, I would seek from the United States delegation response to the question of whether they would in fact be prepared to accept some words along the lines of those foreshadowed by our colleagues from the delegation of Austria. Namely to add after the word aborigines in the first part of item 2 words along the lines of "whose traditional subsistence and cultural needs have been recognised by the International Whaling Commission". We will be interested in the response of the United States delegation to that suggestion reserving, if necessary, the right of the Australian delegation to offer that as a floor amendment.

**Chairman**

Thank you. Are there any further observations? Ireland.

**Ireland**

Thank you Chairman. Ireland has consistently supported quotas for aboriginal peoples. We particularly sympathise in this case with the needs of the Chukotka natives. We are pleased that the joint proposal has led to lower quota demands and we will support the proposal. Thank you Chairman.

**Chairman**

Thank you Ireland. Solomon Islands please.

**Solomon Islands**

Thank you Mr. Chairman. My intervention will be very brief after having heard the lengthy contributions from other delegates and, of course, the presentation from the United States and the Russian Federation. Our view is not different from that which was expressed at the Sub-committee in the discussions related to this matter and that was that we supported it and after having heard all the arguments and the views of other delegates we go along with the consensus on this matter. Thank you.

**Chairman**

Thank you. Are there any further observations? You have talked yourselves silent perhaps, hopefully. Before I give the USA the floor, I'm tempted to give you all ten minutes for coffee because I think there were some points made by Austria and Australia that need addressing and I suspect that those are best addressed in a bi-lateral format rather than engaging in an orchestrated discussion from the Chair so I will adjourn this session until 16.25 when we will resume to finalise this matter. So this session is adjourned.

[BREAK]

**Chairman**

..... you have had ten minutes extra. I am given to understand that the discussions which took place during our break have not yet concluded but that they are moving and that I find a positive move. I have to say by way of observation that this debate that we have had this afternoon is one of the most difficult you have provided me in my three years of being in the Chair but I think that is a very encouraging sign because often our debates are on the one hand or on the other and they are not really debates. This, I think, has been a much richer provision of views and as a consequence I must say that my own view is that I see a certain maturity in our discussions, particularly on this issue. That doesn't say we will necessarily reach an easy conclusion but from the Chair its satisfying although also difficult. Therefore, I would propose to adjourn further discussion on this item until I am advised that we can move to some form of resolution whatever that might be. It may be this afternoon or it may be tomorrow morning and I will take the advice of the concerned parties on that issue.

### **10.3.3 NORTH ATLANTIC WEST GREENLAND STOCK OF FIN WHALES**

### **10.3.4 NORTH ATLANTIC WEST GREENLAND STOCK OF MINKE WHALES**

### **10.3.5 NORTH ATLANTIC CENTRAL STOCK OF MINKE WHALES**

So, meanwhile I would like to resume the flow of our discussion on these issues and whilst 10.3.2 remains undecided we can still, in my view, proceed to discuss the other items under 10. In particular 10.3.3, .4 and .5. Those items were dealt with simultaneously in the Sub-committee and I would like to so deal with them in this plenary session. Could I ask the Commissioner for New Zealand as Chair of the Sub-committee whether he wishes to make any observations of a useful kind of even an un-useful kind to help us move a little further along in this issue? Chairman.

#### **New Zealand**

Thank you Mr. Chairman. As you have observed these three items were dealt with together. The Chairman of the Scientific Committee repeated the most recent management advice on the first two of these stocks, that is North Atlantic West Greenland stock of fin whales and North Atlantic West Greenland Stock of minke and recommended that further investigation of stock structure and size be undertaken and also reported on both minke and fin whales that it didn't believe the animals comprised single stocks but the area for the whole stock was unknown.

Mr. Chairman, that was followed by a presentation from the Danish delegation which noted that the present catch limits were equivalent to 500 tonnes per annum and that the agreed need for West Greenlandic people was 670 tonnes and that there was a wish to bridge the gap of 170 tonnes. Mr. Chairman, it was not immediately apparent a Schedule amendment was being sought but that was clarified and a Schedule amendment is now contained, or a draft Schedule amendment is now contained in IWC/49/25.

#### **Chairman**

Thank you New Zealand. Before we go into discussion on this particular proposed amendment may I ask the Chairman of the Scientific Committee if he wishes to make any further comments.

#### **10.3.3.1 REPORT OF THE SCIENTIFIC COMMITTEE**

##### **Chairman of the Scientific Committee**

Perhaps I could just enlarge Mr. Chairman on the somewhat terse reporting that is given on page 9 because we did produce just a summary of our conclusions there. West Greenland fin whales, our conclusions are on page 57 under item 11.4. We had some information from another source, from another place, on fin whale abundance for the Central Atlantic but we weren't able to examine that in full because we didn't in fact have the document available. This is similar to a problem that was raised generally under the RMP and we have the same problem in relation to East Greenland animals that I will be referring to in a minute. We are hoping to review these estimates at the next meeting but we do have a problem with looking at those data. We are concerned about the stock identity in this area Mr. Chairman and, as been said, we had a new analysis which didn't contradict the belief that the animals found off West Greenland probably don't comprise a separate stock and we've agreed to repeat our most recent advice to you which is there at the bottom of page 57. We strongly recommend Mr. Chairman that studies of stock identity be continued and be intensified and we further recommend that surveys be carried out to address that question.

#### **10.3.4.1 REPORT OF THE SCIENTIFIC COMMITTEE**

As far as West Greenland minke whales are concerned, again information on that is on the same page, page 57. Perhaps I could mention Mr. Chairman that there is an estimate or a number there that is given that has a coefficient of variation. The actual confidence interval is very wide, the point estimate as you see is just under 6,400, the confidence interval, 95% confidence interval, is in fact 2,900 to 13,800. Over the page we have a recommendation similar to the previous stock, we recommend that studies of stock identity continue and be intensified and we recommend that further surveys continue.

#### **10.3.5.1 REPORT OF THE SCIENTIFIC COMMITTEE**

For East Greenland minke whales Mr. Chairman, that is those that we believe are part of the Central Stock, we've discussed abundance under another item and again we need to mention the problem that has already been eluded to in the RMP discussion about data being available from a country that either was or is no longer a

member of this Commission. We previously haven't given specific advice in relation to the aboriginal hunt and you've noted our information in the past and established a catch limit of 12 animals. Thank you.

**Chairman**

Thank you Chairman of the Scientific Committee. You alluded to some recommendations and I assume the Commission has no problem in agreeing to those. It seems so. May I now take general comments on this particular issue noting that the outcome of the discussion in the Aboriginal Subsistence Sub-committee has been, as the Chair of the Sub-committee pointed out, a proposed Schedule amendment which has been submitted by Denmark and its an amendment which deals with these three agenda items together, 10.3.3, .4 and .5. I might start the discussion by asking Denmark if you wish to make any general remarks. Denmark you have the floor.

**10.3.3.2 ACTION ARISING**

**10.3.4.2 ACTION ARISING**

**10.3.5.2 ACTION ARISING**

**Denmark**

Thank you Mr. Chairman. Following the debate and presentation in the Aboriginal Subsistence Sub-committee, we have no further remarks as a general nature but we are naturally perfectly willing to answer questions or comments from other delegates and accordingly if there are not at this stage any other comments then I think I will introduce our proposal because I have some comments connected with this presentation which may address some questions or other concerns or whatever it could be raised in that Committee.

**Chairman**

Thank you Denmark. Well if you would like to introduce the proposal, that's fine. Please go ahead.

**Denmark**

Thank you Mr. Chairman. As you see, our proposal for a Schedule amendment deals with three agenda items and it's normal procedure when dealing with Greenlandic catch limits and it is also the normal procedure in the way that we are talking about the same three stocks which we have been dealing with for also a decade, that is two species, the fin whale on the west coast and then the other species is the minke whales where we are talking about the West Greenland, or what we call the so-called West Greenland stock, and then the Central North Atlantic stock to be used by the East Greenlanders.

I will take our proposal point by point and start by the fin whales. The situation here in our proposal should cause no problems to anyone because the numbers are not changed, it's the same numbers as we have had for several years and the way in which we shall manage it is also not changed. There are no carry-overs and as I said the number is the same as usual, that is 19.

Number two deals with the East Coast situation where the little population living there on this very icy and difficult part of Greenland are allowed to take 12 minke whales a year which they have been allowed for my very long period as Commissioner. We do not propose a any increase in that take but as I tried to touch upon the weather conditions, the ice, the currents, may be extremely difficult from year to year so therefore we propose the right to carry-over 3 minke whales from one year to the other year if these rough conditions make it impossible for the East Greenlanders to take the total level of 12 which they are having to do if the weather and ice permits so.

The last and maybe most important, at least in quantity, is minke whales along the West Coast of Greenland and here our proposal is the number 175 a year. This proposal is to be compared with the present maximum of strikes, we are here talking about strikes, to accommodate the Commission which is at present 165 a year, that is that a maximum would be increased by 10 and in the present Schedule we are allowed to take 460 minke whales in a three year period in West Greenland. This is what we feel is a very modest increase intends quite slightly to narrow the gap which the Chairman of the Aboriginal Subsistence group rightly describes and this gap is the gap between the existing level of 500 tonnes of whale meat in West Greenland taken from baleen whales and the need which this organisation recognised after several years of documentation and discussion to be 670 tonnes. As I explained in the Aboriginal Subsistence Group, if we should propose to change the Schedule in a manner which would meet the needs, then we should go for an increase of the annual take equivalent to 85 minke whales which is, as you can see, is absolutely not the content of this proposal.

I've had the opportunity to discuss our proposal with several delegations during the last days and I am aware that some of you have raised some questions as to the status of the stock in quotation. May I take your attention to the following seven facts:

- (1) The Scientific Committee agrees that the stock size is about the level that should allow aboriginal takes.
- (2) The Scientific Committee agrees that the size of this stock for this management area most likely is under-estimated.
- (3) The Scientific Committee also this year agrees that this stock is not a separate stock, you may confirm *inter alia* page 57 in the Scientific Committee Report under item 11.5.
- (4) It is a recorded fact that the removals from this stocks has been at a level of 250 up to 300 whales a year in decades before the first aboriginal subsistence catch levels were established in this year in the mid-80s after the moratorium went into force and we had special catch limits for aboriginal subsistence whaling, and it is a fact that the stock has not been depleted through takes of many, many years which is around twice the level of what we propose now.
- (5) Studies to determine the stock identity of minke and fin whales caught in Western Greenland waters will be intensified. The list of studies includes further genetically analysis of larger and more recent samples taken from whales.
- (6) Furthermore, this plan includes surveys for the estimation of the abundance of whales along the West Greenland coast.
- (7) The footnote in the proposed Schedule amendment which is new for Greenland but which should accommodate those of you who wish to take the situation under scientific review and as you can naturally read it for yourself but it clearly says that if information, scientific information makes it necessary, then we may amend this figure.

Thank you for this presentation and excuse me if it's a little long but I try here to meet some of the questions which I know someone has put to me or maybe had planned to put to me. Thank you.

#### **Chairman**

Thank you Denmark for trying to clarify issues in advance. May I now ask whether any delegation has further questions of clarification that they would like from the Commissioner for Denmark or indeed issues of a general nature which you might wish to make at this time? Switzerland please.

#### **Switzerland**

Thank you Mr. Chairman. We have registered that there is an increase, a minor increase in the quota of minke whales in East Greenland. Again, I have to make this point that we are wishing that an aboriginal subsistence whaling scheme should be developed and should be applied to this hunting category. It makes it rather difficult to discuss increases and we are somehow unsure that in future years such increases will be put in front of this Commission again or at least wishes to increase this quota.

We are concerned about killing methods especially in a hunt with small boats and the use of rifles as killing gear, as primary killing gear. We have been glad that in earlier years some data on time to death have been brought before this Commission and we would like to see this happen again in the future. We have not seen any data like this this year and we would ask Denmark to further improve the killing technique and to reduce the time to death of these animals.

We have two questions to put to Denmark. Does the increase of the taking of additional 10 minke whales somehow reduce the pressure on other cetaceans being taken in the region by these people?

**[END OF TAPE]**

#### **Switzerland (cont.)**

.....are there any studies done on the heavy metal content and the content of other pollutants in the meat of minke whales because a study done on narwhals and beluga seems to have shown a rather heavy content of heavy metals and pollutants in the meat which would in fact or could be even dangerous for human health? Thank you Mr. Chairman.

#### **Chairman**

Thank you Switzerland. I might ask Denmark to note those questions and I will return to them if there are further questions. Spain has asked for the floor and then New Zealand.

**Spain**

Thank you Mr. Chairman. We have also read carefully this proposal submitted by Denmark together with the relevant parts of the Scientific Committee and we would like to make some comments and ask for some clarifications.

First of all I noted the delegation of Switzerland pointed out an increasing 10 minke from the West Greenland stock. The way I read the former text of the Schedule, the number struck in any single year should not exceed 165, that's correct. But the average, taking into account the overall figure of 465, the average per year is, if my mathematics are correct, are 155 so since we don't have an overall limit in the current proposal, this would mean an increase of 20 strikes per year. In this sense we would ask the Danish delegation, if possible, to elaborate on the sudden increase in need from one year to another whereas at the same time it is proposed that the quota of 175 strikes, never mind the carry-over provision, should remain stable for up to five years which means that the need during those five years remains pretty stable.

The second point, the second aspect of this proposal we would like to ask some clarification about is the fact that the Scientific Committee has in fact, like the Danish delegation has pointed out, the Scientific Committee believes that the stock of West Greenland minke is above the minimum level below which aboriginal catches should now be taken. However, and I keep quoting, the Scientific Committee can offer no advice on the size of catches which will allow the stock to move towards MSYL.

Given the recommendation for further research proposed by the Scientific Committee, we wonder if this is really a precautionary way of approaching this issue and this possible quota. Maybe the objective of a five-year provision is too ambitious at this stage given the information available.

Lastly Mr. Chairman, concerning the fin whale quota. As we said in the relevant Sub-committee, we are concerned about the difficulties in obtaining all data available to this and other fora concerning this stock. We think that if we have to improve our knowledge and therefore to take our decisions on aboriginal subsistence whaling with a best possible scientific base we should call upon all those states involved to make those data available. I think it is no good for science in general to withhold any kind of data or to condition the availability of those data. Thank you.

**Chairman**

Thank you Spain. New Zealand asked for the floor next to be followed by Australia. New Zealand please.

**New Zealand**

Thank you Mr. Chairman. We would like to build a little bit on the intervention by Switzerland and in order to better make its judgement on the general merits of this proposal New Zealand would welcome further information from Greenland on the proposed takes of small cetaceans for the period 1998-2002. We wonder if the Danish delegation can provide this information and also indicate what further scientific research is proposed over that period on the populations of small cetaceans in Greenland that are subject to subsistence takes. Thank you.

**Chairman**

Thank you New Zealand. I now have Australia and then we will have the Netherlands. Australia please.

**Australia**

Thank you Chairman. A number of our concerns have already been mentioned by delegations that have spoken already on this matter but I would like to go back a little. Denmark in the Sub-committee examining this issue remarked that the agreed need recognised by the Commission for the West Greenlandic people is for 670 tonnes of baleen whale meat. We weren't able to question the accuracy of that statement at the time Mr. Chairman but since then we have examined the records and in 1990 Denmark did make statement that the annual need was that. The Commission accepted that there was a need but we have been unable to find any explicit acceptance of the figure of 670 tonnes. So we are in a situation where there is no, to our minds, acceptance of the scale of the need. There also, it seems, is no acceptance of the factors that might be used to convert tonnes of baleen whale meat in to numbers of whales. In 1992 Denmark indicates that on its figures, based on historical catches, the need was for the 670 tonnes and they had used conversion factors of theirs but there doesn't appear to be any evidence from our examination of the record of agreement to those conversion factors. So whilst we acknowledge a need it seems we are in a position where there is no agreement on the scale of the need nor on

how one can convert a need in tonnage of meat to numbers of whales which makes it very difficult to assess this proposal.

Also, if one looks at the advice of the Scientific Committee on these particular stocks of whales further questions arise in relation to the West Greenland minke whales. The Scientific Committee indicates that it can offer no advice on the size of the catch which will allow the stock to move towards maximum sustainable yield and yet this is the stock from which the most significant take is occurring and in fact this is the stock where the proposal indicates an increased take. Not only that but there seem to be unanswered questions on stock identity for that particular take. Also in relation to the fin whales, the Scientific Committee has indicated that the small estimate of stock size and the lower confidence levels are cause for concern. So, we find it very difficult to judge this proposal with so much uncertainty.

Another concern which has already been mentioned is what seems to be some inability to get data. In the Scientific Committee Report under 11.4 relating to the West Greenland fin whales, the Committee noted that fin whale abundance estimates for the stock had been reported in NAMMCO but this document was not available at the meeting and the raw survey data had not been released to the IWC. I find it difficult, Mr. Chairman, that the Scientific Committee is being denied data and then the Commission is being asked to make decisions on quotas from stocks of that sort.

Mr. Chairman, we would request that Denmark make every endeavour to make scientific information on these stocks available to the Scientific Committee and we would certainly support each of the Scientific Committee's recommendations relating to those stocks. Thank you Mr. Chairman

**Chairman**

Thank you Australia. Netherlands and then the United Kingdom.

**Netherlands**

Thank you Chairman. As it appears from the Scientific Committee Report, there is still considerable uncertainty about the status of the stocks involved in this request. In the light of this we are concerned about allowing increases of the quota for these stocks. In this respect I wonder if the alleged need of 670 tonnes of whale meat, baleen whale meat, is related to the actual size of the human population and if so whether we should expect further requests for increases if the human population should grow. In light of the uncertainty about the stocks, I would urge Denmark to refrain from making further requests until these problems of scientific uncertainty that I referred to have been resolved. Thank you Mr. Chairman.

**Chairman**

Thank you Netherlands. United Kingdom and then Mexico.

**UK**

Thank you Chairman. Well I share many of the reservations I think which have already been expressed. I particularly agree with the views expressed by Switzerland on the humane killing aspects and the points made by a large number of delegations on the state of the stock and I think, given the uncertainty and given that the Scientific Committee cannot offer advice on the safe level of take, we should be very cautious about agreeing any increase. I think my unease is perhaps increased by the rather opaque nature of the increase being sought and I am grateful for Spain for pointing this out. According to my calculations, under the current system there is a maximum of 165 strikes a year, but it is subject to a three-year block quota to give an average of 155 a year. Under this proposal we would move to a maximum of 175 a year but with a carry-over provision of 15 strikes to guarantee that the full 175 was taken. So I think it is a rather more substantial increase than first appears and as I said I am uneasy about that. I note the footnote about the Scientific Committee and this is certainly welcome but I think given the uncertainties here my view would be that it would be better not to increase the quota for the time being and that that particular footnote should be elevated to the main text in the same way as it is done in the two previous Schedule amendments we have been looking at. Thank you Chairman.

**Chairman**

Thank you UK. Mexico and then Germany.

**Mexico**

Mr. Chairman. I would like to start by mentioning that Mexico has considered and considers that quotas should be approved only for those groups that have a strictly and continuous dependence for the nutritional, social and



cultural needs on the catch and consumption of whale products. Therefore, in the past we have supported proposals as the one we have before and that is now submitted by Denmark. However, we have a set of questions that we have not been able to answer or to answer them in a consistent way with the mandate of this Commission.

On the one hand it worries Mexico that in the findings of the Scientific Committee that we have before us, particularly 11.4, it's clearly stated that West Greenland fin whales have not been, up to now, determined on its existence levels. That is to say that there are pending studies and moreover that the Scientific Committee is recommending that there should be a review in the next annual meeting of the Commission. If we take that into account and that no further estimates are now in our disposition it is hard to accept the increase in the quota.

Secondly, there is at least confusing for my delegation, to have a quota established on tonnes because as mentioned here before by the Australian representative we also do not recall an establishment of a quota as a tonnage basis but as a number of whales. That might be something that we have overlooked but up to now we have a problem with that issue and we don't find enough scientific ground so as to determine whether the increase in the number of tonnes, on the one hand how many whales here are we talking about that were in the previous works, some idea about it but we don't know if that will fulfil the needs that have been expressed in the rather general way.

Finally, Mr. Chairman, it worries my delegation that just last year the IWC decided on and passed a Resolution on environmental change. We are very worried about some reports that have emerged from different scientific organisations as well as non-governmental organisations as to the conditions on those areas particularly of heavy metals in the bodies of species not only cetaceans but also seals and other species in the area. I was wondering whether or not the works carried on by Denmark and Greenland could also provide for information on that account that could be useful to fulfil the aims of the Resolution that we passed in 1996.

In order to conclude, it will be very useful for my delegation, in order to determine the sense of its vote, to have some clarification on the reasons why the quota is now being incremented under the basis of tonnes and moreover what is the relation of that amount of increase with the estimated needs? We have gone very closely through the Report of the Aboriginal Subsistence Whaling Sub-committee and we frankly don't find enough support for that increase. Thank you Mr. Chairman.

**Chairman**

Thank you Mexico. Germany and then Austria please.

**Germany**

Thank you Mr. Chairman. Germany knows very well that agreement depends on the use of natural resources and that it depends on whaling and we are always prepared to respect the interest of the population living in Greenland. Nevertheless, like other delegations, I do have some difficulties with the proposed increase of the minke whale quota off West Greenland taking into account the scientific uncertainties concerning this minke whale stock. In my view there seems to be a need to increase research efforts in order to put us in a better position in this organisation to make decisions on quotas. Thank you.

**Chairman**

Thank you. Austria and then Oman. Austria please.

**Austria**

Thank you very much. Well Austria is not in a position to evaluate the nutritional need of the population of Greenland. Nevertheless Austria is not happy with the increase of the quota. Furthermore, Austria would also like to know the amount of the small cetaceans taken if this is possible.

I have a specific question in the proposed Schedule amendment, first paragraph is written "when the meat and products are to be used exclusively for local consumption". Does that mean only by the aborigines of Greenland or does that also include tourists for example? Thank you.

**Chairman**

Thank you. Oman please.

**Oman**

Thank you Mr. Chairman. As it has been stated by many distinguished delegates in this Commission that there is no clear idea on the stock size of the fin whale, therefore, my country finds it very difficult to accept the proposal of increasing the catch until we are sure of the size of the stock. Thank you very much.

**Chairman**

Thank you. Any further interventions or questions? Denmark are you in a ..... France before.

**France**

Yes, thank you Chairman. We share the same analyses of the previous speakers about necessity to have better knowledge maybe of the development of the concerned stocks before allowing an increase in the possibilities of catching. Thank you very much.

**Chairman**

Thank you. Monaco you asked for the floor.

**Monaco**

Thank you. Monaco wish to also put on record its strong reservation to this proposal. We share the concerns expressed by many delegations which have spoke before us so we will not reiterate the point but just highlight a few things.

We are concerned with the scientific uncertainty surrounding those stocks. Not only the minke whales but also West Greenland fin whales. This stock is estimated roughly at over one thousand but the confidence interval is quite broad, it's a lower estimate of 520 and higher estimates of 21,000. We remind the assembly that fin whales are rather large animals, more than 50-60 tonnes, that is one fin whale is roughly equivalent to ten minke whales in tonnage and we also take a rather dim view of this dumping of various species and various stocks into one common proposal. We feel it puts the delegation in a very difficult position to evaluate the request *vis-à-vis* the needs. Furthermore, we have reservations on the commercial aspects of the meat to market process in Greenland. We expressed already those reservations in the Sub-committee and we would like some more clarification on this; and lastly we also have reservations on the killing methods which are used by the community. Thank you Mr. Chairman.

**Chairman**

Thank you. United States you asked for the floor please.

**USA**

Thank you Chairman. My delegation does have a concern about establishing an appropriate scientific basis for these hunts. We note that some new information was provided in that regard. We would agree with those delegations about trying to emphasise that by moving the footnote language up into the body of the text. But having said that Mr. Chairman, my delegation could go along with the Danish proposal. Thank you.

**Chairman**

Thank you United States. Denmark are you in a position to respond to the various issues that have been raised. Would you like to do that now?

**Denmark**

I will at least try to do it right now because there is a very huge number of questions, many are naturally identical, many are different and they are well detailed. I will try to start by mentioning this footnote proposal which has been mentioned by two or three delegations. We are perfectly willing to put that up in the text.

As to the question of commerciality which was raised by at least Monaco. I would like to say that Greenlandic aboriginal subsistence whaling in my opinion is not a commercial activity. By a commercial activity I understand an activity where you make a larger or smaller net profit and then use this profit for nice houses or good red wine etc. What we are talking about here is a system where the hunters make a limited amount of money simply related to cover the costs related to the hunt. This information is in no way new to the International Whaling Commission, it has never been hidden from our side and it is natural and necessary.

As you may recall from the presentation in the Aboriginal Subsistence Working Group, we have improved the humaneness and the efficiency of the hunt to a very large degree and this is expensive and even though the Greenlandic Home Rule Government subsidises this equipment to a certain extent, it costs a lot of money

especially to a Greenlandic hunter that should be noticed. Further to that, as you saw, it is quite normal that you have a small fishing vessel with a mounted harpoon canon, and when you mount such a harpoon canon and carry on explosives then you can be sure that an insurance company is very interested and demands higher payment. As a matter of fact, the insurance companies do not wish payment in the form of say ten kilo of blubber, they want cool cash and the only way you can generate cool cash is by selling a small part of your meat on the local market. So I think this is quite natural and necessary, the alternative would be to demand that we go back to "the good old days" with hand-held harpoons where you could kill a large baleen whales in six, twelve or twenty-four hours. I take it that no one would prefer that alternative.

I will now try to get back to all the questions raised. I hope I haven't forgotten something. A lot of questions were raised as to the number of small cetaceans taken in Greenland. We do not have exact figures here and details but I can give you a reasonable estimated number of the yearly take and that is some twelve hundred and it is narwhals, it is beluga, it is harbour porpoise and it is pilot whales to mention those four things. A lot of questions to have been put to the question of environment and heavy metals and it is an activity which is intensively studied. We have a book here called Arctic Pollution Issues. In this Commission we are talking about baleen whales and, as you know, baleen whales are rather low or primary in the food chain so the heavy problem, excuse me the word, where heavy metals is mainly related to toothed whales, to small cetaceans.

Many have put questions to the fin whales and I have answers to these concerns. First of all you will read from the Scientific Report that it is not likely that we talk about a separate West Greenland fin whale stock, that's point number one. Point number two is that as a matter of fact Greenland for a long period of almost ten years took twenty-one fin whales a year and it was reduced to accommodate exactly these concerns at the meeting at Puerto Vallarta where the quota was cut by ten per cent.

A lot of questions also have been raised to the, shall we call it, "exchange rate" and need. I can assure you there is a lot of documentation especially in the Aboriginal Subsistence Whaling Group where "exchange rate" of whales to meat has been discussed and the figures which were used and this exercise started to the last degree at the meeting in Auckland in 1988. The "exchange rate" as I call it was minke whale, 2 tonnes, fin whale, 10 tonnes and humpback whales which were previously taken, 8 tonnes. That was the "exchange rate". As to the recognition of these needs, I can assure you that this was discussed during many years, naturally first of all in the Aboriginal Subsistence Committee. I can assure you with certainty that it was adopted in Nordwijk by the Commission. I can remember it was just after the coffee break, I can't remember which day in the week but I remember this exercise precisely. I also remember which country was the latest country to accept it but I shall not mention names here. Further we have referred to that year after year and it has now been questioned that the 670 tonnes has been discussed, analysed and has been adopted.

A question was put as to our exact plans for numbers of small cetaceans to be taken in the last of this century and the beginning of the next century and I, and my Greenland colleagues, are not able to give any exact figures of that. You must understand the nature of the Greenlandic aboriginal whaling opportunistic catches. Someone is concerned about why we always talk about the three catch limits under one and the reason is quite simple. The fact that Greenlanders have not a tradition for fifty or five hundred years take of one species of whale, it has always been a tradition to take different species of whales as available. Some of the species they have taken before have been reduced or maybe even depleted, by the way not by the Greenlanders, but then they had to find something else to eat and therefore it gives the only honest impression of the Greenlandic situation to make the starting point the need and then try to divide it into available species in reasonable numbers and it was exactly the same positions as the arguments which were tabled in the meeting in the Aboriginal Subsistence Whaling Group. It simply does not make sense to try to force the total needs to be taken through one species and it may also be too heavy a burden to one species under the now known situations and to the fin whales.

I could add what I already said in my presentation, that we are going to undertake surveys to get newer, better estimates but once more we shall not, we shall fix your eyes to the number of the so-called West Greenland stock because if I look at the Report from the Scientific Committee, page 57, Greenlandic fin whale stocks, then I quote the last part of that sentence "that is that the animals found off West Greenland probably do not comprise a separate stock". I hope I have not forgotten any questions. One more I would say, because that is very important for me to underline, there was a question related to a NAMMCO estimate. I take it was fin whales but that does not matter whether it was fin whales or minke whales I can assure you that NAMMCO is not provided with any information which not has been available to the IWC. NAMMCO has analysed the data and the result may be a little different from what the Scientific Committee here has come to. That is not the point,

the point is that naturally we do not have any information on baleen whales for the IWC which we then give to NAMMCO and I can assure you that with certainty. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark for those comprehensive remarks in answer to questions. Norway has been asking for the floor. Norway would you like the floor please?

**Norway**

Thank you Mr. Chairman. I think we cannot deny that there are some important scientific questions to be answered in relation to the Greenland fisheries and we hope that efforts will be made over the next few years to get more insight into the questions which have been raised by the Scientific Committee. My delegation thought that the US proposal which highlights the scientific questions and the need for taking new data into account was a very good one and I hope that can be acceptable and on that basis we can also follow the US suggestion to accept the Danish proposal. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Netherlands you are asking for the floor.

**Netherlands**

Yes, thank you Chairman. In my previous intervention I had included a question which has not been addressed if I am not mistaken. This was about the relation between the 670 tonnes need, alleged need, and the actual population size and whether there is such a relationship and whether we should expect further requests from Greenland if the human population should grow. Thank you.

**Chairman**

Thank you . Denmark would you like to return to that question please.

**Denmark**

Yes and excuse me Netherlands. I take it that that is one of the almost forty questions which I have seen five minutes ago. As to the question of needs. We don't foresee increases on the other side of this 670 tonnes and to the development of the population we don't foresee any major changes. What we are working, well here that is, that the Greenlanders have been deprived of the traditional hunt to a certain degree and we are simply trying, in a reasonable manner, to narrow that gap so we have not any plans to table requests exceeding the 670 tonnes for the foreseeable future but naturally I don't know how the situation may look in 2020.

**Chairman**

Thank you. Japan, you are asking for the floor please.

**Japan**

Thank you Chairman. Even though I am not well versed in the detailed calculation basis and so forth. However, with the condition that further scientific research be reinforced I would like to express my support for the Denmark proposal request. Thank you.

**Chairman**

Thank you. A number of delegations raised concerns in their interventions leading up to the responses made by Denmark. Most of the questions themselves seem to be answered. Austria.

**Austria**

Yes, thank you Mr. Chairman. Sorry, but I have the impression my question has not been addressed. That is what does it mean "exclusively for local consumption"? Does that mean the meat and products of the whales are only for the aborigines of Greenland or also for tourists for example? Thank you.

**Chairman**

Thank you Austria. Can I just ask if anyone else who had asked questions early on feels that their own particular points were not covered in the comprehensive response from Denmark? No it seems not. Denmark could you help Austria please?

**Denmark**

Yes as to the question about who are available to get the whale meat. It is absolutely illegal and it is not practice to make this whale meat available to people outside Greenland but if you are going into a local little settlement or little town and then you make go down to the local restaurant, or what you may call it, then if it is available then you may have whale beef or small cetacean beef or a seal beef or something the like. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark. Well, all delegations have had an opportunity to hear the discussion and interventions. Quite a significant number of delegations expressed some degree of apprehension concerning aspects of the proposal although many of those seem to have been answered in the response from Denmark. It is not entirely clear to the Chair whether any of the outstanding concerns would prevent countries, any particular country or any particular delegation, from joining in a consensus approach to this proposed Schedule amendment which Denmark itself has agreed would be rewritten to ensure what is presently a footnote would become a substantive part of the Schedule amendment proposal.

So, well, it is bad enough trying to be Solomon most of the time, I find this particularly difficult because many delegates were a little opaque in their remarks. I really now need some guidance if my view that there is an uneasy IWC style consensus with reservations that have been expressed by delegations clearly in the Verbatim Record, whether we can proceed to adopt this proposal or whether any delegate wishes to ask that this proposal be voted on. I don't see anybody wishing to vote on it and therefore we will do it quickly and adopt it.

New Zealand do you have anything more to give us from this Report. There is one minor item I believe.

<b>10.3.6 NORTH ATLANTIC HUMPBACK WHALES</b>
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**New Zealand**

There is Mr. Chairman and St. Vincent and the Grenadines reported to the Sub-Committee that it's whaler had not in the last twelve months taken a single whale, or the single whale I should say more correctly.

**Chairman**

Thank you New Zealand. I assume that we have no further comment on that. Sorry, Chairman of the Scientific Committee.

<b>10.3.6.1 REPORT OF THE SCIENTIFIC COMMITTEE</b>
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**Chairman of the Scientific Committee**

Mr. Chairman perhaps I should just point to the Scientific Committee's conclusions on this which are essentially as they have been in the past year or so. They are on page 58 under item 11.7, there are no new abundance estimates for humpbacks generally in the North Atlantic though in another section we do look at that and of course we don't know the exact relationship of the whales that may be taken in this fishery and other humpbacks in the western North Atlantic.

We have a recommendation Mr. Chairman that efforts should be made to look for some way of identifying whales that may have been taken in the past in this fishery and there is a recommendation at the bottom of the page and we repeat our advice from previous years that a catch of up to three whales annually would be unlikely to harm this stock and if any are caught then we would like some information made available from them.

**Chairman**

Thank you. Does St. Vincent wish to make any comments on this at all. It seems straight forward. Thank you. I think that then brings us to ..... Sorry, New Zealand.

**New Zealand**

Thank you Mr. Chairman. I wonder if we could request the Scientific Committee to follow up by looking at undertaking a review of this breeding stock and give the Commission some information on the likely relationship between this stock and other stocks and the breeding areas in the Caribbean. Thank you.

**Chairman**

Thank you. I assume that's a formal suggestion from New Zealand that the Commission ask the Scientific Committee to undertake this piece of work. Is there general support for that? Chairman of the Scientific

Committee do you wish to make any comments on that in terms of whether the Committee can accommodate that in its Schedule?

**Chairman of the Scientific Committee**

Mr. Chairman. There is in fact some discussion of the North Atlantic humpback whales on page 40 of our Report. There is a good deal now of data becoming available through the YONAH programme which is the Western North Atlantic. It says there in the second paragraph at the bottom on the left hand column, there is some information there on estimates of ocean-wide abundance of over 10,000 animals in this apparent stock, there is more information becoming available by December 1998 and we have in fact a recommendation there that a Comprehensive Assessment of North Atlantic humpbacks be conducted in 1999 or 2000. It seems to me that the suggestion from New Zealand might well be included in that Mr. Chairman.

**Chairman**

New Zealand are you happy with that? You are - good. Thank you.

**[END OF TAPE]**

**Chairman (cont.)**

..... may I ask the United States if your consultations with respect to the issue which we have not yet finalised under agenda item 10, that is 10.3.2, have yet finalised or would you prefer me to keep that open for a longer period? United States please.

**USA**

We would prefer to keep that open Mr. Chairman.

**Chairman**

And the Chair certainly welcomes that. Thank you.

<b>10.1 REPORT OF ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE</b>
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Sorry, I was just briefly consulting with the Secretary because he and I and the Chairman of the Scientific Committee had some rather brief discussion earlier in the day about the mechanisms by which the Aboriginal Subsistence Whaling Sub-committee has worked and perhaps how the Commission would like to see it work and maybe continue to work.

The questions at issue really reverts to the way in which the material from the Scientific Committee is woven into the threads of discussion and by that I mean that we seem to have moved to a situation where the Aboriginal Subsistence Sub-committee really hears and takes much of the information from the Scientific Committee and presents us almost a *fait accompli* as it were. The Sub-Committee's terms of reference are in fact and I quote from the Annotated Agenda "to consider relevant information and documentation on nutritional subsistence and cultural needs relating to aboriginal subsistence whaling, the use of whales taken for such purposes and to provide advice on the dependence of aboriginal communities on specific whale stocks to the Technical Committee". Well, in fact, the Technical Committee has been somewhat slimmed down in accordance with our moves to economise in time and effort. The consequence of this has been that the Aboriginal Subsistence Sub-committee has indeed this year produced a consolidated Report for this Commission which dealt in many cases with the detail of the Scientific Committee's work although not necessarily in all cases or in total form.

The Commission I think needs to decide whether it wishes to amend the terms of reference of the Aboriginal Subsistence Whaling Sub-committee to in effect legitimise the way in which we are proceeding but not only legitimise it to actually make it complete or whether the Aboriginal Subsistence Whaling Sub-committee should revert perhaps a little more to those terms of reference, that is consider solely the issues to do with nutritional subsistence and cultural needs, leaving the Commission to hear from the Scientific Committee and then from the Aboriginal Subsistence Whaling Sub-committee and as it were weave the decisions together.

Now, I am introducing this at this point because I think we could with value actually make some decision on this. Clearly the Chair of the Scientific Committee would perhaps like formal guidance from the Commission as to where most of his effort should be placed and I think probably the same would be true of the Chair of the Aboriginal Subsistence Sub-committee. Because this is in some ways a new issue I am quite content to, as it were, to put it on the table for the moment and perhaps return for a final decision after delegates have had time to

think about it. I note that New Zealand is asking for the floor and I will give them the floor in a second. I guess that would be my preference rather than driving you to a decision now. But New Zealand, I am not sure whether you are New Zealand or Chair but you are most welcome in either or both capacities to comment on this and any advice you can offer in your capacity. New Zealand please.

#### **New Zealand**

In my capacity as Chairman of the Committee Mr. Chairman I had in fact intended to draw attention to the very same issue because it did cause us some, I think it would be fair to say, only minor difficulties but it does clearly highlight the fact that the terms of reference have been overtaken by events, not the least of which is the fact that the Technical Committee is no longer seized of this issue when it comes straight to plenary.

Mr. Chairman, as I understand the principle that is now being followed in IWC meetings, in essence we are to debate issues twice, once here, or more correctly, once first in a Sub-committee, a Technical or Working Group or in the Technical Committee itself and then in full plenary, and the Aboriginal Subsistence Whaling Sub-committee would appear to be the appropriate first forum for that. I think I would speak for the whole of the Committee when I said that we would be diminished in our consideration of the issues if we did not have the benefit of the Scientific Committee's input at the Sub-committee stage. I suspect that the Scientific Committee would feel that it had not had the opportunity to provide proper input, that's for the Chairman to indicate, but my suspicion is that it would take the view it hadn't had the opportunity to provide the proper input. I would suggest therefore Mr. Chairman that at the very least the reference to the Technical Committee should come out of the terms of reference and that we should recast them in such a manner that enables the Sub-committee to give full consideration to all relevant issues relating to aboriginal subsistence whaling including the scientific input and that the matters then arising from that, that's notably of course Schedule amendments, but other issues as well be reported to and then ultimately debated in this plenary.

#### **Chairman**

Thank you New Zealand. My suggestion would be that perhaps if the Chair of the Aboriginal Subsistence Sub-committee, Chair of the Scientific Committee, the Vice-Chairman, myself and the Secretary, it seems a very heavy team, but nonetheless if we put our heads together and try and get a form of words which we can put out on a piece of paper in time for consideration tomorrow or Friday this might be the best way to proceed. Are all Commissioners and delegates happy with that approach? Good, thank you.

So alas we cannot quite complete 10 but we've made a very real and effective progress on that issue today. I see that we are very close to closing time. Chairman of the Scientific Committee.

#### **Chairman of the Scientific Committee**

Mr. Chairman, there are two other stocks which we might be able to consider under this item which would clear a little more and I can deal with them very quickly I think.

#### **Chairman**

We would be pleased.

#### **Chairman of the Scientific Committee**

They are firstly other stocks of bowhead whales which we have some comments on on page 54 under item 11.2.2 in our Report. We actually had information Mr. Chairman that a bowhead whale from the Hudson Bay stock was harvested by Canadian aboriginal hunters in 1996. Last year the Committee noted its concern about the status of this small stock and we recommend that no additional whales be removed from that stock until it can be shown that any proposed level of harvest will have no more than a negligible impact on the probably of this stock recovering and its time to recovery. We feel that this is quite an important issue Mr. Chairman.

#### **Chairman**

Thank you. Are there any comments or observations on that? Can we simply note it?

#### **Chairman of the Scientific Committee**

And the second stock Mr. Chairman is the Western stock of gray whales which starts on page 56, item 11.3.2. We note that there have been some sightings of gray whales in the inshore waters of Kochi and we last year had a recommendation for research to be undertaken and there is now a joint Russian/American effort which has been expanded to investigate the status of those stocks on their summer feeding grounds. We have some information on that. We have a recommendation about the possibility of available information on gray whales in

Chinese waters and finally Mr. Chairman we recommend that because it is one of the most endangered baleen whale stocks in the world research should continue, a means for establishing a monitoring programme should be investigated, and further that there should be some arrangement to bring together scientists 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.

**Chairman**

Thank you. Is there general agreement with those recommendations? It would seem so. Thank you for that.

Well, it is almost 6 o'clock and I was going to try and make New Zealand work even harder and deal with the issue on IWC Administration but we might require rather more than the five minutes that is technically available to us. I suspect we could all benefit from a slightly early departure of five minutes this afternoon. I propose to start tomorrow morning therefore with the issue of .... Sorry USA.

**USA**

Yes Chairman I am sorry to interrupt you but before you close out I wanted to catch your eye rising to a point of order. Mr. Chairman, the publication *Harpoon* usually can be counted on for an interesting read and even sometimes an amusing read but it seems to me that the two recent issues contain material which exceeds the bounds of decency and good taste if not insensitivity to women. I personally find the material offensive and demeaning to women and I'm no prude and I'm not a grandstander. My intention is to send a clear signal to that publication that it needs to clean up its act otherwise it is my view that this body should take steps to ban its availability here. Thank you.

**Chairman**

Well thank you. I am sure that they are listening to it. No I won't say anything. I can only get myself into trouble. I will return, however, to my remarks that .... Finland is trying to distract me ..... I will return to my remarks that we will commence tomorrow morning with the issue of IWC Administration in order that we can finish agenda item 23 and then we will start working through the remainder of our agenda. If I am advised that we can at that time take and deal with the remaining issues under item 10 I would like to do so but I'm also happy to leave that item open for as long as it is possible to reach a resolve satisfactory to all parties. With that I will thank you again for your indulgence and your creative discussion today and adjourn the meeting until 10.00 tomorrow morning. The meeting is adjourned.

**[END OF PLENARY DAY THREE]**



**PLENARY SESSION**  
**Thursday 23 October 1997**

**Chairman**

I would like to commence the proceedings this morning. Unfortunately I don't think I can because I have been asked by some Commissioners if we might have a short Commissioners' Meeting which I am happy to oblige so this announcement is simply to say there will be an immediate Commissioners' Meeting and by immediate I mean now in our normal room which I hope will finish no later than 10.30 and so I would ask other delegates to please be back by about 10.30 so that we can commence the formal proceedings. So the plenary is adjourned until 10.30 and Commissioners now meet immediately behind. Thank you.

**[BREAK]**

**Chairman**

Commissioners and delegates I do apologise for starting a little later than I thought but optimism is always something worth having I think, especially if you are sitting up here.

<b>10.3.2.2 ACTION ARISING</b>
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I would now like to try and return to and finalise all remaining matters concerned with agenda item 10 which deals with, of course, aboriginal subsistence whaling and which we spent a considerable time on yesterday. Delegates may recall that we had before us a proposal to amend the Schedule by the Russian Federation and the United States of America. This was a proposal in document IWC/49/27. I understand that there have been fairly extensive consultations after a period when there was at least broad consensus but the requirement perhaps to finalise and refine that consensus to totality.

The result of those consultations has been that some additional wording is to be added to the chapeau paragraph so that it reads, and I will read the paragraph now in full and the additional words have been added at the end. So it begins, paragraph beginning two "The taking of gray whales from the eastern stock in the North Pacific is permitted but only by aborigines or a contracting party on behalf of aborigines and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines" and then these are the new words "whose traditional aboriginal subsistence and cultural needs have been recognised". Now, my understanding is that additional form of words will enable us to close a consensus on this issue and subsequently adopt this amendment. Allowing a slightly pregnant pause I see that does in fact achieve consensus noting as I do so that there are extensive comments on the record concerning these proposals. So the Commission now adopts that Schedule as amended and I thank you for your co-operation.

<b>10.1 REPORT OF ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE</b>
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I would now like to turn to an issue which was left in the air yesterday which is the terms of reference for the Aboriginal Subsistence Whaling Sub-committee and ask the Secretary to read out what he thinks is the amended terms of reference. Then I will give the floor to the Chair of the Aboriginal Subsistence Whaling Sub-committee to make any further comment. Secretary.

**Secretary**

Thank you Mr. Chairman. If you want to find the Terms of Reference for the Aboriginal Subsistence Whaling Sub-committee they are on the foot of page 11 of the Provisional Annotated Agenda. The proposal is to add some new language in the second line so that it will read from the beginning "The Sub-Committee's Terms of Reference are to consider relevant information and documentation" and here is the addition "from the Scientific Committee, and to consider" and then you delete the next word "on" "and to consider nutritional subsistence and cultural needs etc". So the effect is to allow the work from the Scientific Committee to be reported to that Commission Sub-committee. Then on the fourth line at the end to change "Technical Committee" to "Commission" so that the Aboriginal Subsistence Whaling Sub-committee reports to the Commission. Let me just repeat those. On the second line delete the second word "on" and insert "from the Scientific Committee, and to consider" and at the end of the fourth line to change "Technical Committee" to "Commission". Thank you Mr. Chairman.

**Chairman**

Thank you. I now give the floor to New Zealand please.

### **New Zealand**

Mr. Chairman those two changes are as recommended by the small sub-group that you established yesterday and if I can just very briefly explain the reasons for them. Previously the Aboriginal Subsistence Whaling Sub-committee met to consider issues relating to need effectively and then Technical Committee received information from the Scientific Committee on aboriginal subsistence quotas and the relevant stocks. Several years ago those two processes were consolidated within the Aboriginal Subsistence Sub-committee as part of the process of streamlining this meeting so the proposal now is to give effect to that change in formal terms and to ensure that all of these matters are properly dealt with within the Sub-committee and then referred directly to the Commission where they will be discussed for the second time.

### **Chairman**

Thank you New Zealand. That clarifies I think what we are now hoping to do with those revised Terms of Reference. Are there any questions or comments or may we accept those new Terms of Reference for our Sub-committee dealing with these issues? United States.

### **USA**

Thank you Chairman. Just to indicate our acceptance of those changes. Thank you.

### **Chairman**

Thank you very much United States. Well with that issue now decided then I think I would like to make one or two general comments concerning the very complex web of issues that we have discussed under this particular agenda item over much of yesterday. It seems that these issues continue to provide a great deal of interest and discussion within the Commission. It is also clear, I think, that the efforts of the Scientific Committee in terms of examining the viability of the stocks, the nature of the stocks, is quite critical to our process as a Commission in terms of making decisions with which we can all have the maximum degree of comfort. Accordingly it is my suggestion that the Commission might wish to ask the Scientific Committee to accord high priority to examination of stocks concerned with aboriginal subsistence whaling and where there is additional work that needs to be done to provide early advice to the Commission on such work that might need to be done in addition. I see some nods from Commissioners which I take to indicate that that instruction should be conveyed to the Chairman of the Scientific Committee who I note is listening attentively to this particular point and wants to intercede. Chairman.

### **Chairman of the Scientific Committee**

I just would like to comment Mr. Chairman. Of course we will do that. I assume that you would also like us to give priority to us developing the Aboriginal Whaling Management Scheme.

### **Chairman**

I think you can take it that the Commission is now going to be very interested in all scientific aspects of aboriginal subsistence whaling and will be grateful for the advice and work that the Scientific Committee can do. I think we are also all very keenly aware that aboriginal subsistence whaling programmes whilst having quotas set for long periods or periods of several years in order to accommodate some understanding of how those subsistence whaling activities may proceed are all of them subject to review by this Commission at its meetings when it has them so that it can in fact look at any changes in the scientific data regarding status of the stocks and indeed any changes associated with other aspects of the aboriginal subsistence whaling. While it has taken a very substantial period of time of this meeting dealing with the issue and while it won't be my particularly responsibility in future, I would expect the Commission's examinations of these issues to continue into the foreseeable future with similar degrees of depth. I would also like to comment and put on record again that the debates that I think we have had on these issues have been very rich ones, very useful ones, not only in terms of the subject matter but I think in terms of indicating that the Commission is perhaps moving to a phase of somewhat more mature reflection and co-ordination in dealing with these issues which are complex, difficult but also very important to our work. With those remarks I would now like to try and close agenda item 10 unless any delegation wishes to prolong the agony. It seems not. I think therefore we can assume that agenda item 10 has been completed.

## **23.2 ACTION ARISING**

Now I would like to try and deal with a couple of items which have administrative aspects so that we can deal with those, in one case because the Commissioner I know has to leave today and in another case because the

Commissioner may have to leave tomorrow, so perhaps if I could ask New Zealand to keep working for a short period and introduce the paper which deals with action arising under agenda item 23 - IWC Administration which you have as paper IWC/49/22 Rev. 3. New Zealand would you like to introduce this paper please.

#### **New Zealand**

Thank you Mr. Chair. The paper that you have in front of you now is a revision of an earlier paper that was considered by the Finance and Administration Committee and takes into account some of the changes that have been recommended from that Committee. The changes aren't substantive but have the effect of defining more precisely the role proposed for the Executive Committee and the Commission's expectations of the Consultant as defined in the Terms of Reference for this review.

The changes include on page one of the document, the re-wording of the Committee to be called an Advisory Committee rather than an Executive Committee which was thought to better reflect the advisory and supportive role of this Committee to the Commission. There is another change also on page one to define this Committee which we have decided would be best if it remained at five members. It talks about two other Commissioners also being involved beyond the Chair, the Vice-Chair and the Secretary, these two Commissioners would be appointed to broadly reflect the areas of interest of this particular forum. The third change is in respect to the objectives of the review and that's on page 3 and refers to objective six. The Consultant appointed would only review the IWC's relationship with member states and not to the larger community including NGOs and IGOs. Given the timeframe that we are working in and the scope of the review the sub-committee felt that it was too big a job to expect them to go beyond consulting with member states. So I think that sort of outlines the changes that we have made to the initial paper. Thank you Mr. Chair.

#### **Chairman**

Thank you New Zealand. I now invite comment from delegations on this paper and I see Spain is asking for the floor.

#### **Spain**

Thank you Mr. Chairman. First of all I would like to thank the New Zealand delegation for this new version of the paper which we think will help us in this possible improvement of our administrative side of this Commission. We will just make a few comments and divide them in two. First of all the general administrative suggestions proposed by New Zealand and second the external review. Concerning the possible administrative improvement proposed by the document and more particularly in relation with the structure of the meetings of the IWC. We see that under current section two of this paper the IWC meetings, it is considered there is scope to reduce the period of the meetings and to I quote "focus better the IWC on its core business". We agree that there is probably room for reducing the period over which the IWC meets even to the detriment of Commissioners' and delegates' health but we have some doubts about the goal which would be to focus better the IWC on its core business. We were not sure whether there is a core business of IWC and think that IWC should not do or could not do. So while we agree on the procedure, we may agree with this possible goal to achieve.

Concerning the establishment of the Executive Committee. We think this would certainly be of great assistance to both the Secretariat and the Chair and Vice Chair. We understand that the proposal relates to broad administrative issues and not policy issues within the IWC as New Zealand has explained in its document. However, when it comes to providing particular examples of this type of decisions that the Executive Committee could help with, I find things like the timing and the venue of the Annual Meeting after agreement by the IWC in plenary and this causes some problems to our delegation because this is precisely, in our view, the type of decisions that should be changed if they have to be changed through some kind of procedure or maybe written procedure but through all Commissioners.

Those are my comments concerning the general administrative suggestions to improve our work. Concerning the possible external review, we concur that this could be a useful thing to be done in order to make suggestions how to improve our work. Some of those suggestions I have already commented on, some new suggestions might come from this possible external review. In this sense we believe first of all that the Executive Committee is not really something that an external review should decide upon but it's more a political decision or a decision that this plenary body should take whether or not it wishes to have such an Executive Committee.

Concerning the Terms of Reference proposed for this external review. It is proposed under the section "Process" that the Consultant would be required to study the ICRW and its Schedule in order to ascertain the

functions of the Secretariat and the needs of the Commission. We are not really sure that it should be up to the Consultant to ascertain the functions of the Secretariat but that it certainly can determine the needs of the Secretariat in relation to the functions of the IWC. This is the way we would like this constancy to be approached, that is to take into account the functions of the IWC and the way we work, what would the Secretariat need and how could the Secretariat better meet those needs.

Under the section "Objectives". Here again we find in number one the expression "IWC's core business" and again we would express our doubts on whether there is such a core business.

Further down on page three, we would like to take into account under these Terms of Reference that the visit to the Secretariat by the Consultant which, of course, is a must in this type of exercise should try to cause minimum disruption possible in the work of the Secretariat. I know it will happen in that way anyway and I suppose the Secretariat will hope for this minimum disruption to be caused.

Lastly Mr. Chairman, of course, we would expect the Consultant to try to meet with as many members of the Commission as possible in order to get the widest range of views on where delegations feel there is scope for improvement in our work. Thank you Mr. Chairman.

**Chairman**

Thank you Spain. Switzerland you are asking for the floor please.

**Switzerland**

Thank you Mr. Chairman. I may foreshadow an idea that we will, or a project, or a proposal, that we may bring up in the next meeting. We would like to see that the idea discussed that we would have the meeting of this Commission only every second year instead of having it every year. This said, of course, the idea of the establishment of an Advisory Committee seems to us very interesting and should be pursued. I compare with CITES where we have also the more or less bi-annual interval and there is a standing committee that takes care of matters in-between and is quite helpful. What I lack a little bit in this paper is more detailed terms of reference for that Advisory Committee and it is not quite clear to me from this paper if we are deciding here if this is going to be established or not. I lack a little bit of more details of what this Committee is actually going to do and what its competencies are.

One thing we also support is the idea of an external review, also comparing with CITES where such a study has also been done, not exactly with the same terms of reference but its sometimes good that an outside institution is looking in detail at what happens here to give us more input perhaps, to be more effective, etc. Thank you Mr. Chair.

**Chairman**

Thank you Switzerland. Just to cover a couple of points perhaps. It seems to me that, depending on how the discussion goes, the sensible thing for us to do might be to have a small and simple Resolution which summarises the views of the various delegates on this paper produced by New Zealand which will relate to all the issues you have specifically raised then. I might say for information that we have in fact operated, because of the long distance between our previous meeting and this one, the Chairman of the Commission, the Vice-Chairman, the Secretary and the Chairman of the Finance and Administration Committee have met from time to time when we have been more-or-less in the same part of the world to look at various administrative issues, certainly not policy issues but this has been, I think, very useful particularly for the Secretary to carry on his duties without trying to do it through long distance communication. So from my own view as Chair I think that the suggestion of an Advisory Committee is an excellent one. Its composition, of course, is a matter for further debate and elaboration. The Chair of the Scientific Committee was asking for the floor. Can I have an indication if there are any other delegations that wish to make observations on this paper on this topic? Japan would like to. If there are no others then I will close the list at that point and ask Chair of the Scientific Committee to be followed by Japan please.

**Japan**

Thank you Mr. Chairman .....

**Chairman**

No, go ahead Japan.

**Japan**

Thank you Mr. Chairman. Yes, my first question is, since we previously and also in the Finance and Administration Committee, examined the budget and the budget is so much stringent although I couldn't see any suggestion indicating the amount of the budget itself. However, I could see it in the second bottom line of the previous paper which is Revision 2 which suggests a fee, administration review fee will not exceed UK £50,000 to include a cost of consultants attending the Oman meeting to conducting interview with other Commissions. I think this £50,000 is a tremendous amount considering the need and necessity for us to conduct normal and regularly and business with high priority such as the research project proposal coming from the Scientific Committee. Also several Commission delegations have expressed their concerns about the budget implications for conducting oversight of the stock abundance cruise conducted by, among others, Japan and Norway which is I think £20,000. So I am very much doubtful in terms of the budget whether we have to do this business, spending this tremendous amount of money unless we can have clear cut determination with respect to other areas high priority.

The second point is although in the documentation it clearly mentions that under the Terms of Reference and under Introduction, fourth paragraph, third line, "it is not intended that this review will examine ICRW and other political issues which are dealt with by IWC but rather focus on the IWC Secretariat's administration activities and processes". Yes, we have doubt what causes the efficiency or inefficiency of the Secretariat. I think it is coming from the instruction from this Commission itself so even we if just look at what the Secretariat are doing may not achieve the goal and objective proposed by this activity described by the paper prepared by New Zealand. So we think that the first thing we should do is whether this Commission would act, did act, will act in pursuant with the Convention of ourselves, whether all the Resolutions adopted in the past and the Schedule amendment is in pursuant with the Convention, international generally agreed rules and answered principle etc, etc. otherwise as far as we gave instructions to the Secretariat which does not ask them to work effectively may not be achieved. This is the point which we would like to register here as a grave concern. Thank you.

**Chairman**

Thank you Japan. I now give the floor to the Chair of the Scientific Committee please.

**Chairman of the Scientific Committee**

Mr. Chairman. Thank you for allowing me to speak. I appreciate that I may in fact be speaking out of term but I am sure that you will rule me out of order if I do. It just seems to me Mr. Chairman, of course, I would and I am sure that the members of the Scientific Committee would agree that any organisation requires administrative review at regular intervals. I, myself, have been involved in at least two reviews at short intervals of only a few years and it is obviously appropriate that this organisation should have the same kind of thing. I just wonder though whether the tone of the second paragraph doesn't imply some criticism of the existing Secretariat which I am sure that we wouldn't want to allow to continue at least with too great an emphasis certainly from the point of view of the Scientific Committee. The work of the Secretariat in supplying us with documentation, support and so on through our very lengthy and difficult discussions I think has been, and I am sure that the rest of the Committee would agree, has been second to none. I believe, in fact, the support that we get, and indeed the Commission gets, is regarded by other organisations of this kind as being exceedingly first rate and by comparison with them in many cases even better. I just hope that that kind of feeling could come through rather than a rather critical feeling I think that comes through under the wording of the second paragraph as is currently phrased.

**Chairman**

Thank you Chairman of the Scientific Committee. Well I am pleased you actually made that point with the last speaker because those are exactly the words that I was going myself to utter in the sense that whenever one talks about administrative review it doesn't matter how coyly you put the phrases there is always perhaps a degree of discomfort that there is some criticism of the service that is provided and I don't believe that that was intended at all and I see New Zealand agreeing with me. It is, however, as you say perfectly normal practice from time to time for reviews to take place without in any sense implying criticism of the day to day administration of this organisation which I think we all would collectively value a very great deal.

I have listened to the points. Norway is asking for the floor.

**Norway**

Thank you Mr. Chairman. Just to say that Norway strongly supports the comment just made by the Chairman of the Scientific Committee. To the outside world the work of the Scientific Committee is perhaps more important

than what is achieved in the plenary meeting of this Commission and we would like to stress that the support given by the Secretariat to the work of the Scientific Committee is very good and is very important. Thank you.

**Chairman**

Thank you and as you caught my eye I saw New Zealand - would you like to make any comments or would you like me to make comments and then respond if your need to?

**New Zealand**

We are happy for you to go first.

**Chairman**

Thank you. Always in the case of New Zealand. Australia goes first. From what I have heard there is some support for this issue but there is also some concern about the fine detail as it were of the proposal. My belief is that the most comfortable way for the Commission to deal with the issue would be to deal with it by Resolution which could be agreed quite simply and quickly by all. New Zealand, I think if I could task you with the job of creating a Resolution to reflect the main thrusts of your proposal incorporating some of the comments that have been made by other delegations and indeed by delegations who have not made comments but might wish to be involved, if you could please make your views known to New Zealand. Clearly, we would want to adopt this very quickly and we certainly wouldn't want to be voting on this sort of thing but a Resolution gives us a very clear direction and it certainly provides the Secretariat with clear direction.

There is a specific point which was raised by Japan concerning the budget and my understanding is that the budget does not at this stage contain any agreed amount for this activity but, of course, it could be so massaged if we wish but I think that is something that needs to be addressed.

It may be that the issue of the Advisory Committee might form the subject of a separate and second Resolution and again we can agree on that hopefully quite quickly. If we are to establish an Advisory Committee, however, the way in which we do that really depends on us agreeing that we are going to do it and as I had already established a time tomorrow morning for an informal Commissioners' Meeting at 09.30 I think that is one of the items that we will discuss at that point including possible membership of course.

New Zealand, would you like to comment on my observations. Are you happy to go along those lines?

**New Zealand**

Thank you Mr. Chairman. We are happy to follow your recommendations on that and develop two Resolutions. Also we wanted to say that it was never our intention explicitly or implicitly to imply any criticism of the Secretariat.

**Chairman**

Thank you New Zealand for agreeing and I think we all understand that that wasn't the case but it's not very often as a Commission we actually get the chance to say thank you to the Secretariat, in fact we probably we don't do it anywhere near enough so this is a useful chance to do it. Japan please.

**Japan**

Thank you Mr. Chairman. Yes, I had your comment about my specific question on the budget. Somebody in charge has tried to massage our existing budget but however I think it is important, even it's sort of upper limit, or upper ceiling of the budget which delegate or Secretariat who are involved in this process made suggestions. What would be the sort of upper limit that could be used for this purpose in proceeding further more for our delegations? So, I am wondering whether at this point before such process of formulating a Resolution would be taking place, that information could be given.

Secondly we fully associate with the Norway delegation about the observations made by the Scientific Committee Chairman and we also extend our appreciation for the work that has been done so far by the Secretariat. We appreciate the work to be done with all comment (contingent upon the number could be suggested) we agree this paper.

**Chairman**

Thank you Japan. I might ask the Secretary to give comments that he is able on the specific budgetary question. Secretary

**Secretary**

Mr. Chairman we had sought some advice on likely costs of the exercise which was first put forward by New Zealand at the Commissioners' Meeting in Grenada earlier in the year and whilst without knowing the details of what is involved very precisely I think that my main conclusion is that you don't get very much for £50,000 from a commercial consultant. Thank you.

**Chairman**

Thank you. Well I think that the budgetary question needs to be very clearly reflected in the Resolution as it is developed and in the discussions. Well that has given us some firm discussion on the item but we will leave it open until we see the text of those Resolutions and hopefully close it rapidly tomorrow.

**19. AMENDMENT OF THE RULES OF PROCEDURE**

The other item I would like now to return to again rather briefly but for a sort of update if you like is agenda item 19 - the amendment of the Rules of Procedure. You may recall that I asked the Commissioner for Argentina to undertake some informal contacts with a number of countries to discuss the issues that were raised under agenda item 19 and to try and come back to us with some ideas of a way forward. I would now like to give the floor to Argentina to give us a brief report on where that is heading because I know that he has to leave later today to return to his home country. Argentina you have the floor.

**Argentina**

Thank you Mr. Chairman. I am happy to report to you that the Working Group which was meant to be open-ended but was composed of Antigua and Barbuda, Australia, Dominica, Japan, Norway, St. Lucia and the United Kingdom has met and kept further consultations in order to ascertain which will be the possible proposal for this posing of this item for this session.

I can be fortunate enough to report to you that the draft in the form of a draft report to be included in the Report, it won't be a Resolution, has been prepared and agreed upon by all those delegations which I referred to and it was reported to some of the delegations which seem to be agreeable to this text. Unfortunately I didn't have time enough to consult every delegation in such a short time because the draft kept being revised by minor formal or whatever suggestions but I think it is mature enough to have it circulated amongst all delegations as a Working Paper by the Commission and then be considered at this plenary in due course.

I sincerely hope that after this exhaustive consultation with the main interested delegations, whether because they have made a proposal, namely Japan, or because they were clearly in divergence of that proposal, I hope that after having these two trends more or less in agreement, and in any case in agreement with this text I am talking about, I hope that this will command a generally acceptable decision in the terms of a report language. As I have anticipated there is no substantive definition of the matter at this point of this session, it is only a decision of procedural nature but that takes into account both the proposal made by Japan and to the other opinions that were in divergence of that proposal and altogether the text means to be dealt with .....

**[END OF TAPE]****Argentina (cont.)**

..... information in the next session. With this oral presentation I will leave up to you Mr. Chairman to take up this matter later when all delegations have been in possession of the informal document that I understand the Secretary will have circulated as soon as possible. Thank you.

**Chairman**

Thank you Argentina. I think that we might just treat that as a status report as it were and look forward to receiving the text which we can examine and then discuss again I hope fairly briefly tomorrow.

Since we have been talking about the development of Resolutions and various bits and pieces of text I should remind the Commission that we have as a normal practice accepted that Resolutions should be available for delegations no later, it is normally 24 hours, but no later than 6.00 pm or 18.00 if the following day is the last

day. If the Secretariat is actually to distribute Resolutions then the Secretariat really needs to have them in their hands by no later 16.00 and I give this as an advisory. If any delegation over the next couple of hours and lunchtime feels that they are going to run into trouble could I suggest that at the start of the afternoon session I will check to see if there are particular Resolutions that might look as though they need a little longer and we will examine what administrative ways are open to us to achieve that but it is something that we tend to forget from time to time in the enthusiasm to generate them.

## **5. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING**

Well, having dealt in part with 19 and 23 I would now like to return to earlier in the Agenda, in fact to agenda item 5 - Socio Economic Implications and Small-Type Whaling. This issue is included in the Annotated Agenda and of course it has been dealt with in the Technical Committee so I would like to ask the Chair of the Technical Committee, the Vice-Chair if he could briefly introduce to us the observations and discussion that took place on this item in the Technical Committee. Vice-Chair.

### **5.1 REPORT OF THE WORKSHOP ON COMMUNITY-BASED WHALING**

#### **Ireland**

Thank you Chairman. Dr. Chu presented the Report of the Workshop on Community-Based Whaling held in Sendai. There was a very comprehensive discussion and very wide ranging. Dr. Chu concluded that consensus had been reached on the following points. These were: all delegations recognised that there was cultural value in whaling for small-type coastal whaling communities; and there has been economic distress as a result of the moratorium on commercial whaling. The Workshop was aware that there was on-going small-type coastal whaling for other species than minke whales and that there was some minke whale meat from whaling under Scientific Permits available in these towns. The Workshop recognised that for the communities concerned other species are not a complete substitute for minke whales especially in the towns of Ayukawa and Abashiri. STCW has commercial elements and has had for hundred of years and there was disagreement as to whether or not the cultural aspects of the STCW are sufficient grounds for an exemption to the zero catch limits for commercial whaling set by Schedule paragraph 10(e), and there is a need for cultural sensitivity in approaching this item.

The Workshop also reviewed the revised Action Plan put forward by Japan and the Chairman of that Working Group summarised the discussion as follows. The Action Plan was a good-faith effort in response to questions put by IWC member countries about the commercial elements. Some commercial elements remain and these commercial elements are important to the communities for cultural as well as economic reasons. Some delegations believed that removing all commercial elements from the Action Plan might make it unacceptable both for economic and cultural reasons and questions had been raised as to whether the Action Plan as a government imposed distribution system could fulfil the cultural needs for whalers or whether implementing this would disrupt the cultural relationships it was trying to preserve.

Again, there was considerable discussion and a number of delegations stated their positions on the question of small-type commercial whaling but the Workshop recognised that small-type coastal whaling in Japan has both cultural and socio-economic aspects. It recognised that attempting to remove commercial aspects through government intervention may, by revising some of the distribution of pathways, destroy cultural and traditional elements and therefore may be undesirable.

There was a division of views over whether the cultural and religious aspects weigh more heavily than the commercial elements. As a result of these discussions the Workshop drew the attention of the Commission to the 1993 Resolution IW/45/5. It also recommended an expeditious completion of the RMS and recommends that Japan should take account of relevant comments made at the Workshop if it decides to submit a further revision of the Revised Action Plan. Japan proposed a recommendation that the Workshop recommend the IWC to make every realistic effort to solve the distress incurred in the coastal CBW communities with respect to the proposal of interim relief allocation of 50 minke whales. There was consideration discussion on this Chairman but there was no consensus.

### **5.2 JAPANESE PROPOSAL FOR SCHEDULE AMENDMENT**

In the Technical Committee Japan emphasised the extensive documentation over the years and set out all of the work that it had done in relation to the Action Plan. Many delegations in the discussion expressed sympathy for the communities concerned. Some noted that commercial elements still exist in the plan which in their view



meant that action had to be taken on completion of the RMS. Other delegations supported the Japanese position and the Chairman concluded, or I concluded as Chairman, that there was no consensus within the Technical Committee on this item. The Technical Committee noted the Report of the Sendai Meeting and that is it Chairman. Thank you.

#### **Chairman**

Thank you. Well we now have the opportunity to review this issue in plenary bearing in mind that we have had an intersessional workshop and the results of that were discussed extensively in Technical Committee. So, under agenda item 5.1 I will now invite comments from delegations relating to this issue and I'll ask if Japan would like to introduce the topic. Japan you have the floor.

#### **Japan**

Thank you very much Chairman. With regard to this type of whaling, of course the research work is still being advanced and going on at the Scientific Committee and over the last ten years we have asked for an interim relief quota of 50 whales and actually this year is the tenth time in which we are wishing to express our request.

Of course, at the time the deliberation was going on with regard to the aboriginal subsistence whaling a mention was made as well that there are many elements and factors involved with this category of aboriginal subsistence whaling. The prototype of this so-called aboriginal traditional subsistence whaling could be observed being practised in Lambada, a region or area in Indonesia, which is carried out outside of the framework of the IWC and the activities there I think are already being investigated in detail by WWF and so forth and which have been reported, I understand, by the BBC. In that category of small-type whaling they are currently catching, harvesting, fifty sperm whale animals and they sell the whales and in turn the residents receive cash to survive economically. So even in that most prototype or primitive type of whaling there are already the commercial elements entailed and so we cannot deny that there is no commercial elements in such prototype traditional whaling as well. So when we talk about other types of so-called aboriginal subsistence whaling we can never say that such type of operation entails no, includes, no commercial element at all.

When we tried to probe this spectrum of so-called traditional subsistence whaling, the Japanese small-type coastal whaling is within that context as an extension of that type of subsistence whaling. When this Commission deliberated upon the aboriginal subsistence of whaling I recognised that there was sympathy and warm feelings expressed towards that type of whaling and on the other hand if the IWC rejects this Japanese small-type community based whaling request for fifty whales I think this Commission would be regarded as the unfair Commission in dealing with this matter.

Mr. Chairman, if I may, can we ask the Chairman to permit Mr. Abe here who is the Vice-Chairman of the Japan Small-Type Whaling Association to say a few words to express his feeling.

{Mr Abe} Thank you very much Mr. Chairman. I am Abe Toshiko, Vice-Chairman of the Japan Small-Type Whaling Association. The importance of small-type coastal whaling in coastal communities and their distress, their loss of communal vitality and the limited hope for the future caused by the cessation of minke whaling have been well documented and repeated for the past nine years by the Government of Japan, thus I refrain from repeating the detailed explanation at this time. However, as I listened to the discussion of the Aboriginal Subsistence Whaling yesterday I would like to stress that although Japan is an industrialised country there are small local communities in which the means of living are limited and that are dependent on the local marine resources available just in front of us. I cannot help wondering what makes a serious distinction between our community-based whaling and the whaling permitted by this Commission under the name of aboriginal subsistence whaling.

We conducted whaling in the past and look forward with pride to resuming this activity in the future. Thank you very much Mr. Chairman.

#### **Chairman**

Thank you Japan. May I now invite comments or questions from any other delegation on this issue please. No interventions? South Africa.

#### **South Africa**

Thank you Mr. Chairman. My delegation first wishes to express our appreciation to the Government of Japan for its extensive efforts over many years to cooperate with the international community through the IWC on this

issue. This dedication has clearly been demonstrated from the beginning through Japan's willingness first to take tough decisions that led to the termination of Japanese small-type coastal whaling, I believe in 1987, in order to assist with the implementation of the moratorium on commercial whaling. We appreciate that there were very heavy penalties over a considerable period of time involved for Japanese coastal communities. There have also been many subsequent indications of Japan's readiness to cooperate with the IWC, for example, through attempts to reduce commercial elements in this activity. Further, it is quite plain to most, if not all, that this type of whaling is not simply yet another case of pure commercial whaling. Indeed, in the past few years my delegation, like some others, had difficulty to judge under which of the two artificial categories created by this Commission, that is aboriginal subsistence or commercial whaling that this particular activity should be classified. In that sense Mr. Chairman, the Sendai Workshop held earlier this year was very revealing. On the one hand it has confirmed that socio-economic, which is commercial, elements are definitely present but on the other hand it also served to highlight, in our view, the counter-productive effects of attempting to cast cultural diversity into artificial stereotypes. Indeed, the Sendai Workshop recognised and I quote again "that attempting to remove commercial aspects through government intervention may by revising some of the distributional pathways destroy cultural and traditional elements and therefore maybe undesirable".

Mr. Chairman, for our delegation it is clear that in order to honour the moratorium we have little option on this occasion but to oppose such whaling for the immediate future and we do so reluctantly. However, it is equally clear given Japan's honouring of its side of the bargain that it would, in our view, not be justifiable for this Commission to much longer delay the resumption of this activity because of the IWC's own incapability to prepare itself speedily for the implementation of an acceptable management regime.

Mr. Chairman, there also seems to be no doubt that with the Scientific Committee estimating the level of replacement yield for this resource at 209 minke whales per year the present Japanese proposal does not pose any conservation difficulty. Indeed, although we do not see our way clear to currently support Japan on this issue my delegation would see any further substantial prolongation of an IWC denial for Japan to resume this activity as tantamount to cultural imperialism and my delegation, Mr. Chairman, is certainly not prepared to condone any such action. Thank you Mr. Chairman.

**Chairman**

Thank you South Africa. I would now like to give the floor to the Russian Federation to be followed by Grenada. Russian Federation.

**Russian Federation**

Thank you Chair. The Russian Federation respects the needs of the Japanese community-based whaling communities and in principle supports this proposal with the understanding that all whale products shall be used for non-commercial purposes only. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. I give the floor now to Grenada after which the Solomon Islands. Grenada please.

**Grenada**

Mr. Chairman. The Grenada delegation lends its strong support to the Japanese request. We believe Mr. Chairman it's reasonable. The coastal communities have a long history of whaling and therefore my delegation does not wish to participate in any action that will bring further hardship on the pressed coastal communities. It is in our view, Mr. Chairman, the Japanese request is similar to the request by the United States for the aboriginal subsistence of the Makah tribe. Therefore Mr. Chairman our delegation plans to support the Japanese request. Thank you.

**Chairman**

Thank you Grenada. I give the floor to the Solomon Islands and then Sweden. Solomon Islands.

**Solomon Islands**

Thank you Mr. Chairman. First of all I would like to commend the Japanese delegation for presenting over the last ten years what I presume to be requirements that were placed on it by the International Whaling Commission. The stand of the Solomon Islands is always to support all requests for quota for any marine living

resources and in any particular country to be sustainably harvested to save the nutritional, cultural, political and even social requirement of that particular nation. On this basis we have been associated with this particular request by Japan. The Solomon Islands communities practice similar small scale community-based fisheries with long histories. This has formed the social and economic fabrics of our society. This ten year old proposal by Japan appears to have similar principles in our view. We recognise that effective fisheries management, adequate provision for fishing activity and community needs are important for sustaining all community well-being, but just as fundamental is the maintenance of as many economic alternatives as possible. For small countries like the Solomon Islands surrounded by water only and living by fishing, maximum economic diversity must be given to fishing practices. Of course, economic importance of any small-type coastal harvesting of marine resources is valued differently by different countries. However, financial transactions have always and inevitably had special significance and in this case Japan, and of course many small island nations such as those in the Pacific, in the Caribbean and elsewhere. In support of this issue I would like delegations to consider at least two questions relating to the regulation of people and resources. That is, who defines what is to be a resource and secondly, who has the power to deny access to that resource. Let us leave aside conceptual muddles, leave aside politics through language and if I may add sometimes and occasionally weapons and support the interest of Japan and of course IWC members. I thank you Mr. Chairman.

**Chairman**

Thank you Solomon Islands. Next on my list is Sweden and then St. Vincent and the Grenadines. Sweden please.

**Sweden**

Thank you Mr. Chairman. My delegation is not in a position to support this Resolution at this time. However, we have noticed that ideas put forward at this meeting by the Irish delegation might allow for a solution of this problem with quotas justified under the RMS. We sincerely hope that this will soon put an end to this embarrassingly long-lasting question. Thank you.

**Chairman**

Thank you Sweden. St. Vincent and the Grenadines and then Brazil. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. Mr. Chairman. These definitions of commercial whaling and aboriginal subsistence whaling are relative things. These definitions are there to guide the Commission with final interpretations being the responsibility of the Commission. These interpretations should be made with flexibility and sensitivity to the needs of people. The mere exchange of money should not be used to label a whaling operation as commercial and indeed money exchange takes place in whaling currently considered as aboriginal subsistence in the Commission. This request is therefore another example of the type of contradiction under which we work in this Commission. We continue to support the Japanese request Mr. Chairman. Thank you.

**Chairman**

Thank you. I now give the floor to Brazil and then Antigua and Barbuda. Brazil please.

**Brazil**

Mr. Chairman we would like to express our appreciation for the work done at the Workshop in Japan and we wish to bring to the attention of this Commission our own experience. After the whaling ban was implemented in 1986, Brazil experienced the phase-out of its own coastal whaling activities which were conducted in one of the poorest regions of the country. While we have experienced some local economic hardship in the medium term, the local community resumes its normal life with other economic activities such as tuna fishing and artisanal fishing. On the other hand, since 1986 Brazil has seen a flourishing of scientific research on cetaceans and the development of whalewatching.

While Brazil was one of the proponents of the discussion of socio-economic implications of the moratorium in the IWC we have been able to note in the long-term that such implications were not significant for our country. We respect cultural difference between countries but we don't see it appropriate to either establish a new category of small-scale commercial whaling, nor to allocate interim quotas which would represent a breach of the moratorium.

Brazil has had to cope with the strict adherence to the decision of this Commission and we would strongly encourage other nations to do the same. We believe that if the Commission agrees to establish a new category of small-scale commercial whaling that would open the way to the re-establishment of commercial whaling activities in many coastal countries world-wide. There would be, in Brazil's view, an undesired development that would threaten the conservation policies adopted by several coastal countries in the world. For these reasons Mr. Chairman we oppose the proposal. Thank you.

**Chairman**

Thank you Brazil. I now give the floor to Antigua and Barbuda after which the People's Republic of China. Antigua and Barbuda please.

**Antigua and Barbuda**

Thank you Mr. Chairman. By now it should be a well-known fact that Antigua and Barbuda support the use, the sustainable use of any resource that is available to any people as they see fit as long as it does not threaten the future of that resource. Mr. Chairman, Antigua and Barbuda's intervention on this issue will be based on three elements. One element is the resource, coming from the resource management standpoint, the nature of renewable resources dictate that users of these resources are given many options as possible to enable them to meet seasonal and annual fluctuations. Indeed, Mr. Chairman, many scholars have agreed with that. The need is particularly important for living marine resource users. The decision of the IWC to restrict fishermen, and I want to underline fishermen, from a resource that can sustain limited levels of exploitation is forcing these fishermen in these small communities into an enforced specialisation with implications that fishermen become more vulnerable to fluctuations in resource availability forcing them to stay in other declining fisheries, increasing the danger of over-exploitation hence reducing bio-diversity. Fishermen need the flexibility to move from one fishing resource to the other in order to maintain acceptable abundance levels within a multi-species fishery environment.

In the case of the whale resources that are the subject of this Schedule amendment Mr. Chairman, all scientific information have indicated that the populations are robust and can accommodate specific levels of exploitation. Therefore, Mr. Chairman, from a fisheries resource management standpoint, the request for an interim relief quota for the communities of Japan is highly acceptable.

From a socio-economic standpoint Mr. Chairman, what I have observed from two visits that I have made to Japan is that the limited economic and social opportunities that exist in the whaling communities that are on the question here indicate that the situation makes it very difficult to pursue any significant economic or social diversification, hence denying these communities of their social and socio-economic development by not allowing them to utilise the resources that are available in their communities is a clear case of relegating these communities into impoverished enclaves. I certainly do not think that this is the mandate of this Commission.

Mr. Chairman, this should never be a result of any decision that is taken in this worthy organisation and should not happen under the watches of my fellow Commissioners. We have seen the damage that decisions of this Commission have already caused to these communities where significant de-population is taking place resulting in the breaking-up of family units, a situation which is a terrible at this stand especially when much emphasis is placed especially in the west on family values and this must be addressed immediately Mr. Chairman.

With regards to political implications, we are aware of the policies of some member countries here with respect to this issue. However, we are also experiencing a shift towards objectivity and towards negotiation in good faith in this organisation and let us remember some words from our host when he said in his opening ceremony "negotiating in good faith does not imply betraying one's convictions", hence Mr. Chairman I would therefore urge that consideration of this request will be considered within the framework of the real issues that are on the table and let us stop denying these people of their right to exploit the resources that are available to them. We have to be careful Mr. Chairman that decisions that are made in this Commission is not seen as racist decision and cultural imperialism upon people that should be given the right to exploit the resources that are available to them. Let us now be responsible for any situation that will look as if we are being racist or if we are implying cultural imperialism on people in this Commission Mr. Chairman. Thank you.

**Chairman**

Thank you Antigua and Barbuda. I now give the floor to People's Republic of China and then the USA. People's Republic of China

**People's Republic of China**

Thank you Mr. Chairman. China supports Japan on the community-based whaling in four small coastal community and in order to meet its cultural needs. Thank you Mr. Chairman.

**Chairman**

Thank you People's Republic of China. USA and then Switzerland. USA please.

**USA**

Thank you Chairman. I have heard some expressions of view that there are similarities between aboriginal subsistence whaling and small-type coastal whaling and I wanted to briefly comment on that. Chairman, in my delegations' view, we see very explicit differences between the small-type coastal whaling proposal and aboriginal subsistence whaling. At least in my country we do not permit the sale of whale meat or products, in fact our two aboriginal groups have in separate agreements with the United States government explicitly agreed not to sell or offer for sale the whale meat or products taken in their hunts. We do allow for domestic trade in handicrafts derived from non-edible parts but that provision is totally in accord with this Commission's definition of local consumption.

Mr. Chairman, we believe that we are also in accord with our CITES obligations in this regard in that we do not issue export permits enabling international trade of these items. Mr. Chairman, in our view the Sendai Report clearly indicates that small-type coastal whaling has commercial elements and that indeed it would even be harmful to remove such elements. Therefore, Mr. Chairman, my delegation continues to believe that the appropriate Resolution of this issue is through the completion and adoption of the Revised Management Scheme. Thank you.

**Chairman**

Thank you USA. I now give the floor to Switzerland and then Spain. Switzerland please.

**Switzerland**

Thank you Mr Chairman. Just to make a statement that our delegation would like to associate ourselves with the statements made by South Africa and Sweden and in particular with the last part of the statement made by the USA in saying that the completion and the ending of this, as it has been turned by Sweden, embarrassing matter, is the condition to finish this matter is the adoption of the Revised Management Scheme. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. I give the floor to Spain and then St. Lucia. Spain please.

**Spain**

Thank you Mr. Chairman. I think again I can be very very brief. Like Brazil we also have been a whaling nation for a long time and therefore we feel we have somehow the right to state now that being standing the provisions of paragraph 10(e) of the Schedule we will oppose the proposal by Japan because of its commercial elements. Thank you.

**Chairman**

Thank you Spain. I now give the floor to St. Lucia and then the Netherlands. St. Lucia please.

**St. Lucia**

Thank you Chairman. A few questions, what is a aborigine? In this day of rapid transportation do we have any evidence that the whales taken under the aboriginal subsistence whaling programme does not reach the commercial markets in the cities of countries allowed to undertake such subsistence whaling? Must Japan be held to ransom because they do not wish to call this small-type coastal whaling aboriginal subsistence whaling? Where do the cultural and traditional elements differ from those of aboriginal subsistence whaling in approved countries? Mr. Chairman, this Commission continues to perpetrate an injustice against deprived people, the people of Ayukawa and those of the rural areas where traditionally they have engaged in small-type coastal whaling. Mr. Chairman I have attended the Scientific Committee of this Commission for three years and the Commission for two and this is my first time as Commissioner and having had an opportunity to sit in at caucuses of Commissioners, I note the way in which we try to appease our friends in the back room even at the expense of putting the IWC and its Chairman in the most embarrassing positions. It is unfortunate that the world

is a fickle community of friends. Mr. Chairman we would embarrass the IWC if we granted Japan a quota of 50 whales for their small-type coastal activity and St. Lucia would support this. Thank you.

**Chairman**

Thank you St. Lucia. The Commission may be embarrassed but the Chair is embarrassment-free I can assure you. I now give the floor to the Netherlands and then Republic of Korea. Netherlands please.

**Netherlands**

Thank you Chairman. The Netherlands participated in the Sendai Workshop and we found the information provided there and the discussions that took place there very useful. We found no evidence of significant unemployment in the communities concerned that could be directly attributed to the moratorium. Indeed, it became clear to us that commercial whaling had already been in serious decline before the moratorium took effect. Our impression was that the coastal communities concerned had been able to adapt to changing circumstances, for instance by turning to smaller cetaceans and that, therefore, there was no urgent need that should be met by the granting of an interim quota of baleen whales. We will continue to oppose any proposal that would undermine the moratorium and as the Resolution put before us would have that effect we cannot accept it. As I have said several times before, we think that the final decision on this repeated Japanese request has to be found in the framework of a wider solution on which the Netherlands has expressed a willingness to negotiate. Thank you Mr. Chairman.

**Chairman**

Thank you Netherlands. Republic of Korea and then the United Kingdom. Republic of Korea.

**Republic of Korea**

My delegation would again like to appreciate the effort by the Japanese Government to seek a solution to this matter. We recognise Japanese small-type coastal whaling has its own unique characteristic in regard to tradition and culture. The Korean delegation would like to reiterate that the take of whales concerned should be permitted only after the adoption of the RMS. We see that ideas proposed by the Irish Commissioner as good discussion points for Japanese small-type coastal whaling. Thank you.

**Chairman**

Thank you Republic of Korea. United Kingdom and then Australia. United Kingdom please

**United Kingdom**

Thank you Chairman. Well in discussions on this proposal in past years we have always made clear that commerciality is not the key issue for the United Kingdom and that remains our position. We oppose this proposal not because we think it's commercial but because it is opposed to the moratorium. Now for expressing that view we are now being accused of cultural imperialism. Well I would remind Commissioners that it is a feature of our Convention that no one can be bound by any of its provisions unless they expressly agree to be so bound. Japan agreed to the moratorium and I do not think that supporting a moratorium to which Japan has agreed is cultural imperialism. Japan may have changed its view, the United Kingdom has not and I think that both sides are entitled to respect the other side's position, but they are also entitled to recognition that they are consistent and that they are following a coherent line of argument. Thank you Chairman.

**Chairman**

Thank you United Kingdom. I give the floor now to Australia and then Germany. Australia please.

**Australia**

Thank you Chairman. We appreciate the efforts that have been made by Japan to explain this proposal to us over a ten year period .....

**END OF TAPE**

**Australia (cont.)**

..... we don't believe that anything has emerged in the last fourteen months since our previous Commission meeting to significantly change our views. Our position is like that of the United Kingdom, we do not believe that this proposal is acceptable because it would be a breach of the moratorium. A large number of communities world-wide were obliged to make changes to their economies as a result of the Commission's decision on the

moratorium and to accept a hardship request from one would merely open the door to a whole flood of other such requests and the moratorium would disappear and that we cannot accept. Thank you Mr. Chairman.

**Chairman**

Thank you Australia. Can I give the floor to Germany and then Ireland. Germany please.

**Germany**

Thank you Mr. Chairman. I would like to associate myself with the remarks made by Sweden. Thank you.

**Chairman**

Thank you Germany. Ireland and then Chile please.

**Ireland**

Thank you Chairman. Ireland also took part in this Workshop and we appreciate the Japanese efforts to resolve this issue in a manner which would try to meet as much as possible of the concerns of other delegations. We have considerable sympathy for the special case made by these communities but we are not prepared to set aside the moratorium on commercial whaling even for a special case. Other delegations have referred to the fact that we have made other proposals to this meeting which, if they come to fruition, will provide a framework to deal with this case and in these circumstances Chairman we will be abstaining on any proposals for a Schedule amendment on this issue. Thank you.

**Chairman**

Thank you Ireland. Chile and then New Zealand please.

**Chile**

Thank you Mr. President. With the moratorium Chile also suffered the hardship of having to close some ports along our coast and also produce some unemployment in the country. I think this is our participation in this International Whaling Commission, it is not new when we participate in an organisation like this that something we are going to lose and in the other hand we see that the whaling all over the world, resources are increasing, that is our main hope and main interest. We think that the recommendation of this study to expedite completion of the RMS in accordance with the Resolution adopted by the organisation will be the way in order to alleviate these problems. Thank you very much Mr. President.

**Chairman**

Thank you Chile. New Zealand and then Monaco please.

**New Zealand**

Mr. Chairman, New Zealand associates itself with the comments previously made by the United Kingdom and Australia and as those comments have been well rehearsed on both sides over the past ten years I don't intend to repeat them in any detail at this stage.

I do however want to, Mr. Chairman, say this. One of the reasons why this issue comes back and back and back to this Commission is because each year after rejecting the Schedule amendment proposal this Commission by simple majority invites Japan to resubmit us its proposals in revised form. Now, Mr. Chairman, at least for this delegation, and I suspect for a number of others, it doesn't matter how it is brought back so long as the global moratorium remains in place. I have said before and I will say again, I believe that we are being unfair to Japan and I think we are being unfair to this Commission in holding out the hope, the prospect, that we might entertain a revised proposal while the moratorium is in place and I would urge Commissioners that if this is rejected on the vote at a later stage in our proceedings that we then resist the temptation to invite the proposal back again next year so suffer again that fate.

**Chairman**

Thank you New Zealand. Monaco you have the floor.

**Monaco**

Yes, Monaco first of all wishes to express its sympathy for the hardship of the Japanese whaling communities involved and also our sincere appreciation to the major efforts made by the Japanese delegation over the past years to improve its presentation and provide details, clarifications, on this issue. One member of our delegation attending the Sendai Workshop cannot be with me today for very good reasons because he is the father of a baby boy since last night and I have to present this matter on my own.

I have read and listened very carefully to my delegation and we understand very much that there are important partial commercial elements embedded in the whaling culture of the community and this is something we very much respect. We made the point before in other circumstances, in other issues, that no one particular nation is going to impose its view on culture, on what should constitute whaling practices and culture of other nations and this is something that we will abide by.

I also want to make it very clear to Japan that there are several aspects of this proposal which are quite valid and particularly the request for 50 minke whales does not seem to cause any particular conservation problems to most of us. The needs of the community are quite recognised. What Japan should understand most clearly is that many of us cannot accept the proposal as cast because it would open a bridge on the moratorium on commercial whaling which is something which we simply cannot accept. We would rather urge rapid completion of an adoption of the Revised Management Scheme, as said by several countries before, very clearly.

Now, to add something perhaps more original. I would like to refer to the opening address made by the Head of this Country, the Prince of Monaco, who encouraged all parties to seek novel solutions in good faith to get out of stalemate. So, the Japanese delegation has the option of returning once again empty handed to Japan or it has another possibility I think. It might attempt to recast its proposal under the aboriginal subsistence whaling context by providing us also with some reassurance that the partial commercial elements which this proposal contains would be confined only to the four whaling communities involved.

Let me be very clear Mr. Chairman, we have adopted in this Forty-Ninth Session, we have agreed to a request made by nations for aboriginal catch which contained partial commercial elements, let's be very transparent about this. I honestly feel that should Japan restrict the commercial elements in its request to the local communities involved and if this request could be cast under the aboriginal subsistence whaling there would be a fairly large follow-up to that proposal and I would like Japan to please make that known to the delegations from those villages. Thank you Mr. Chairman.

**Chairman**

Thank you Monaco. Well we have ..... France, Dominica. Well we have had a very extensive discussion so could I ask any delegations that wish to make interventions now if they could, if possible, link them to previous remarks unless they can, as Monaco has just done, give us some new ideas. France please.

**France**

Thank you Chairman. I will be very brief. First we appreciated the presentation by Japan of all details of their request but our position remains that, because of the moratorium and the ban of commercial whaling, we will not be able to approve the proposition and I would like to also to support what has been said by the New Zealand Commissioner about the utility of representing maybe each year the same demand in the state of moratorium where we are still now. Thank you very much.

**Chairman**

Thank you France. Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman I shall be brief. I would like to associate myself with the comments made by the St. Lucian delegate. Also Mr. Chairman I participated in the Workshop in Sendai that looked into the proposition by Japan. The question of commercial aspects in the proposal by Japan is no different to what is in all other aboriginal subsistence activities. Mr. Chairman, Dominica has made it clear that it will not participate in any action which will deprive people of its culture. If in most fora we promote the concept of the perpetuation of a culture but in this one in the IWC we tend to forget it. I would like to tell you Mr. Chairman that we are not fooling anyone, that what is good for one culture is good for another. Thank you.

**Chairman**



Thank you Dominica. Well we did start our ..... Mexico.

**Mexico**

Thank you Mr. Chairman. I will be very brief. I just want to reinstate what I mentioned here yesterday when we discussed the Russian Federation and US proposal. One more time we are dealing with the problem that has become so hard due among other reasons to the fact that we have not been able to finish the RMS. One more time we are facing a problem, if not of imperialism certainly of inconsistency, at least in the view of my delegation because we have not gone thoroughly into the story of the way in which this Commission should evolve. Here we are talking about 50 minke whales, yesterday we voted, I mean the Commission voted, or decided, about an undetermined number of minke or fin whales without almost anybody noticing it. Seven gray whales for the Makahs took us a lengthy discussion and finally we decided that it was OK, I mean the Commission. I made my position very clear yesterday, here once again I just want to mention that in our view it is urgent and of the utmost importance, that the RMS is fulfilled and is completed. Thank you Mr. Chairman.

**Chairman**

Thank you. Well we started this discussion in fact under agenda item 5.1 but I believe that we have actually moved into 5.2 and I simply allowed the discussion to go on because it seemed that it's spanned both of those issues. The statements that have been made are interesting. There are clearly some that are in positive support for a proposal that Japan had put into the annotated agenda on page 9, that is a Schedule amendment. There are also some that have mentioned in their discussion that they could not support such an amendment and a variety of additional comments have been made by many delegations. From the perspective of the Chair, I think despite the envelope of consensus being pushed as wide as possible yesterday, I don't think that it's possible to extract from statements that have been made that there is a degree of consensus. I would like to ask Japan if it would wish to continue to propose its amendment to the Schedule and if it does then I think we probably should vote on this issue because I see no other easy solution at this stage. Japan could I ask you for advice as to how you would like me to try and proceed. Japan.

**Japan**

Thank you Mr. Chairman. Yes before I respond to your comment may I ask one question for those who advocate for the early completion of the RMS because it is clearly understood that RMS, particularly RMP, is already completed and actually some simulation trials have been conducted. Also we have plenty of other conservative numbers in terms of the potential removal that's extensively discussed in the past years which means that, even though you do not complete the RMS, particularly Supervision and Control, which we could entertain from any other nations under currently existing bi-lateral agreement or possible bi-lateral agreement which means that RMS is substantially completed. Simple application of RMP as it is could definitely produce no less than 50 minke whales so substantively not as a matter of formality 50 minke is in accordance with completion of the RMS. It is in completion in accordance with RMS and as we stated earlier, those townships are in the hardship, four community towns in its population has significantly reduced from before the moratorium to present situation because of the cessation of the whaling activity although they have some method, some alternative to go for the fishing but it is not enough to sustain the level of business which was observed before the moratorium. Looking at that I am requesting strongly those countries who advocate the resumption of the whaling even Japan's coastal whaling, be in accordance with the completion of the RMS could at this point associate with Japan's proposal because substantively you are concerned with and vote for our proposal. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. My interpretation of the way in which the delegates who spoke about the RMS in the main was that they wished to see a fully documented completion whilst I understand the point that you are making very clearly. My sense would be that those countries would not go that way but I shouldn't speak on behalf, that is my interpretation. Can I ask any country who spoke about the RMS in that way to simply help me understand my own position and I'm looking at the Netherlands and US nodding, Sweden do you wish to take the floor or are you simply nodding?

**Sweden**

I'm nodding.

**Chairman**

Thank you. US were you nodding? So Japan does that clarify the matter for you?

### 5.3 ACTION ARISING

#### Japan

Yes thank you very much and we get understanding of the feeling and understanding of other delegations on this matter so as you suggested that we have no way other than this matter is being put on vote. However, we must mention that as this matter has been put as same agenda for ten years and as was mentioned by the Working Group by Australia, it may not sound right not only for the Commission but also maybe for us, Japan, to keep asking under the name of emergency or interim relief allocation for 10 years whilst during that period the population is decreasing, decreasing, decreasing. We definitely viewed as one of the community town which is Taiji, several Taiji people said that we will sue the Government of Japan and frustration is paramount so that I think that since this is the tenth anniversary we must also think seriously of what the Commissioner for New Zealand mentioned whether we could continue to believe it's appropriate to repeat to some level of enrichment of course on this proposal or not and by looking at the voting result of course we can judge to Japan's understanding which country is using a double standard or not and to Japan's understanding which country never shows any understanding to the distress of the community in Japan, and which countries are not abiding by the letter and spirit of the Convention, so we ask you this matter should be put to the vote. Thank you.

#### Chairman

Thank you Japan for those comments and your clear instruction to myself and the Secretary. If I draw formally members of the Commission's attention to the proposed amendment to the Schedule which has been made properly by Japan. It appears in the annotated agenda on page 9 under agenda item 5.2. It says that the amendment to the Schedule is to add after paragraph 13 a new paragraph which would read "notwithstanding the provisions of paragraph 10 the taking of 50 minke whales from the Okhotsk Sea - West Pacific Stock of the North Pacific in the 1998 season is permitted in order to alleviate the hardship in the community-based whaling communities". That is the proposal. I think we have, as Japan has agreed with me, no choice other than to proceed to a vote and although my stomach is feasting on itself right now, and I suspect some of yours may be, I think it would be more sensible to try and finish this item before we formally break so I would like to ask the Secretary if he would now conduct the vote please.

#### Secretary

Thank you Mr. Chairman. The proposal for a Schedule amendment as the Chairman has read out requires a three-quarters majority of those nations casting an affirmative or negative vote to be adopted.

#### Chairman

Japan sorry.

#### Japan

Yes simply a point of order for the procedure. As is custom we provided the IWC with IWC/49/32, it's a Resolution which is to complement, as in previous years, the Schedule amendment and that Resolution is titled "Resolution on Japanese Community-Based Minke Whaling". The context of that is that such take of 50 from North Pacific and Okhotsk stocks shall be taken, shall be distributed and shall be consumed in pursuance to the Action Plan which we provided and agreed upon in the document IWC/47/46. By providing this Resolution we should specify the usage and consumption to the local community exclusively for those specified in the Action Plan which is namely for communities Abashiri, Ayukawa, Wada----- and Taiji. This is nothing too new except for one operating paragraph which addresses and recognises the meeting of the Sendai Workshop held. Thank you very much.

#### Chairman

Thank you Japan and I must apologise because of the meeting we had first thing this morning I hadn't been able to visit my box and I didn't realise we had this document. I now understand the full context of what the New Zealand Commissioner was saying. I understood it more-or-less but not completely. I think we will proceed to a vote on the Schedule amendment and just clarifying with the Secretary my understanding that if the Schedule amendment succeeds we can then proceed to vote on this Resolution. If the Schedule amendment falls then this Resolution need not be voted on. Japan.

#### Japan

Yes, I think one way of interpretation is as you suggested but we rather consider this Schedule amendment should be voted together with the Resolution as a package. If that confuses other people present here I can go along with your suggestion because it's effectively the same.

**Chairman**

Yes, I think the effect is the same and since the Chair is confused others may be. Maybe nobody else is but I think what we should do is vote on the Schedule amendment and then we can take a fresh determination. Secretary would you once again please proceed to the vote and I do apologise for not introducing this before.

**Secretary**

Just to remind the meeting that a Schedule amendment, the Schedule amendment proposed at the top of page 9 of the annotated provisional agenda requires a three-quarters majority of those voting yes or no to be adopted. Following the recent custom of the Commission the role call starts where it left off last year and so the first country to vote is the Russian Federation.

Russian Federation - yes, St. Lucia - yes, St. Vincent and the Grenadines - yes, Solomon Islands - yes, South Africa - no, Spain - no, Sweden - no, Switzerland - no, UK - no, USA - no, Antigua and Barbuda - yes, Argentina - no, Australia - no, Austria - no, Brazil - no, Chile - no, People's Republic of China - yes, Denmark - yes, Dominica - yes, Finland - no, France - no, Germany - no, Grenada - yes, Ireland - abstain, Japan - yes, Republic of Korea - abstain, Mexico - abstain, Monaco - abstain, Netherlands - no, New Zealand - no, Norway - yes, Oman - yes.

Mr. Chairman there were 12 votes cast in favour, 16 against with 4 abstentions so the Schedule amendment is not adopted.

**Chairman**

Thank you. In accordance with my previous suggestion I believe that we do not now need to consider IWC/49/32 unless Japan would like to clarify. Japan you are asking for the floor please.

**Japan**

Thank you Chairman. It is quite unfortunate that our proposal was defeated. However, I would like to take this opportunity to express our sincere gratitude and appreciation to those countries who expressed their understanding and sympathy to the distressed situation of those coastal communities in Japan.

At any rate we will consider the result of this decision in the future fully and then we would like to study and consider our future dealings with this. Thus as a result we would not seek the further decision voting to be made with regard to the agenda IWC/49/32 Resolution. Thank you.

**Chairman**

Thank you Japan. In that case I believe that we have now completed our work for agenda item 5 and I think that we can take a well-earned lunch. It is now nearly twenty past one and I would like to try and start at quarter to three, 14:45, this afternoon please. 14:45 the plenary will resume. We are now adjourned.

I am sorry, before you rush off I had forgotten that we had made arrangements to show the Oman videos and the Secretary will advise us what will happen.

**Secretary**

I suggest Mr. Chairman that we schedule the videos for 2 o'clock in the tea room, the *Salle Francois Blanc*, where the pigeonholes, are at 2 o'clock.

**Chairman**

Thank you.

[BREAK]

**6. WHALEWATCHING****Chairman**

We are a little late because I was waiting for the Vice-Chairman to arrive. Obviously been out in search of Guinness which I hope he has found because I would like to move on to our agenda item 6 which is whalewatching which was dealt with by the Technical Committee and indeed the Technical Committee seem to have dealt with it in the order of the three items that we have so Vice-Chairman I wonder if you could go through or highlight anything in your Report under each item and pause for discussion and move through the set of items

logically. So if I could ask you to introduce item 6 Whalewatching, 6.1 the Report of the Scientific Committee. Vice-Chair.

Is sound completely gone from everybody or just ..... Well that should make this afternoon's proceedings interesting.

Is the whole lot gone?

Germany do you have any sound?

Vice Chair I wonder if you would help me by coming up here and we will try and make a start.

#### **Ireland**

Thank you Chairman. Seeing you were patient enough to wait for me I am happy to oblige you and you only get good Guinness in Ireland.

### **6.1 REPORT OF THE SCIENTIFIC COMMITTEE**

Going back to the agenda item, Whalewatching, the Report of the Scientific Committee. The Chairman of the Scientific Committee reported that this year the Scientific Committee considered four priority items which were a review of guidelines, assessment of short-term reactions to whalewatching, comparative studies and a Report from Western Australia. There was a paucity of information submitted and it is recommended that all the items should be retained on the agenda for next year. A number of delegations commented on this lack of information. Japan suggested that this reflected a lack of interest in the subject and that the Commission should review at its next meeting whether the item be kept on the agenda if this lack of response continues. Others took a contrary view that the IWC had an important role to play in the area.

The UK submitted draft guidelines to the Scientific Committee and would welcome comments on these guidelines. As Chairman, I concluded that there were different views on the low level of response and confirmed that the agenda item would be addressed next year and considered again then in the light of the input received. All countries were encouraged to respond with relevant information.

Chile referred to a promotion on whalewatching in November and New Zealand mentioned a Workshop in December.

### **6.2 EDUCATIONAL, ECONOMIC AND SOCIAL DEVELOPMENT ASPECTS**

I will just go on to item 6.2 - Educational, Economic and Social Development Aspects. The USA introduced a Report of an International Workshop on Educational Values of Whalewatching held in May 1997. Most assessments of whalewatching focus on the monetary returns which are very substantial but the Workshop felt strongly that all whalewatching should contain an educational component adhering to a high standard of quality. The USA highlighted the recommendations contained in the Report from the Workshop concerning the educational value and training of tour guides. Switzerland stated that the Report should be addressed to the Scientific Committee and not the Commission.

In the Technical Committee Japan questioned whether the Report was an official Commission document and the Secretary indicated that it had been endorsed by the USA. Not all delegates had got the document at that time and Japan and Dominica reserved the right to revert to the topic when they had more time to review the document.

New Zealand supported the concept of training for guides and operators and referred to an international training workshop for whalewatching operators which they had sponsored and a report will be provided at the next meeting of the IWC.

Action arising Chairman. The Technical Committee noted the Report and Ireland indicated that it would not submit a Resolution on Whalewatching to the plenary despite what it says here.

#### **Chairman**

Thank you Vice-Chairman. We do seem to have some sound problems and I am not sure whether they are getting fixed. It's OK now? OK. In that case can I ask for comments. I might try and do the items in order

quite quickly. Are there any comments or discussion on the Report of the Scientific Committee 6.1. Netherlands you have the floor.

**Netherlands**

Thank you Mr. Chairman. I would like to recall the general principles for whalewatching which we adopted last year at the Annual Meeting in Aberdeen and which you can find in IWC/48/4 and in particular principle one which is I quote “manage the development of whalewatching to minimise the risk of adverse impact” which includes aspects of educational values of whalewatching. We would like at this point to express our appreciation of the Report on the Educational Values of Whalewatching which was presented to us at this meeting by the delegation of the United States. This document, in our view, addresses specifically those elements in a comprehensive and scientifically balanced way. Besides the academic usefulness and other education experience it also addresses the role of communities in this process. Given the problematic socio-economic situation of some small coastal communities in several countries it is particularly relevant, in our opinion, that the Report takes into account aspects such as local employment and the avoidance of small communities to be by-passed in whalewatching operations.

So, Chairman, given the Dutch opinion that the IWC should further promote the non-consumptive use of cetaceans through well-regulated whalewatching we consider this Report as a useful and important contribution towards achieving that goal.

**Chairman**

Thank you Netherlands. That I think is probably under 6.2. USA 6.1 or 6.2?

**USA**

Two.

**Chairman**

US do you want to comment because if it is on 6.2..... I’ve given up, just go with 6.2.

**USA**

OK. I think you will find that these items will be all mixed together Mr. Chairman.

**Chairman**

They usually are US. Please go ahead.

**USA**

I certainly welcome the comments from the Netherlands delegate and associate my delegation with his. We do endorse this document and submit it so that it does facilitate a consideration of the educational value of whalewatching. Its primary finding is that despite differences in culture, educational methods, species encountered and platforms of opportunity, the Workshop came to a consensus that the most valuable thing about whalewatching might be its potential to educate people about marine mammals and the oceans in general and that was a consensus view by the group.

Mr. Chairman, a number of other recommendations were made in the Report. We would hope that members would take account of those recommendations and consider them as they develop guidelines, rules, regulations and such in the undertaking and encouragement of their own local whalewatching industries. Mr. Chairman we note that additional matters are called for under the terms of the Resolution passed last year and we look forward to receiving further material on the economic and social development aspects of whalewatching which is called for in that Resolution. Commenting in response to those that would like to close this item, there is a considerable amount of interest in our view being focussed on whalewatching and so we would not be in agreement with the idea of removing the agenda item. Thank you Chairman.

**Chairman**

Thank you US. I now have Chile asking for the floor and then the United Kingdom. Chile first please.

**Chile**

Thank you Mr. Chairman. The Report written about the whalewatching is one of those Reports that can be easily read and I think that is very important because .....

[END OF TAPE]

**Chile (cont.)**

..... it is very good information, gives very good information especially for those countries that don't have sustainable use and our country is beginning to take into consideration all the recommendations and in next November we are going to do a Workshop and a Seminar in Whalewatching in the most extreme city of our country, Punta Arenas. I think one thing that points out this Report is the educational role of whalewatching and that's a very important point for our countries that have ceased to use the resource of the whales for some years. This will promote the positive idea of the sustainable use of the whale and especially for the young children I think will be good motivation to learn about cetaceans. For me, my delegation, this promotion of awareness of this endangered species may be the focal and most important point of this study. Thank you very much Mr. Chairman.

**Chairman**

Thank you Chile and thank you for drawing our attention to your proposed Workshop. On my list next is UK and then Brazil. UK please.

**UK**

Thank you Chairman. Well whalewatching is something which is now attracting millions of people each year worldwide and its dramatic growth does demonstrate that whale populations can produce very substantial economic benefits for coastal communities without the sort of exploitation which we tend to deal with in this Commission. I think it is an important point because we have had the comment made during this meeting that a lot of the work that the Commission does is not of practical benefit to developing countries. But I think that whalewatching is something that is of practicable benefit.

At our intersessional meeting in Grenada I was very pleased to have the opportunity to be taken out in a boat to see dolphins, that is an economic activity which is adding to tourist income in Grenada and I think is a good example of the benefits that whalewatching can bring to developing countries. But clearly as far as this Commission is concerned our responsibility is not primarily with the economies of developing countries, it is with whale populations, and it is therefore important to ensure that the success of whalewatching does not in any way harm the whales that are the basis of the occupation and I think the IWC does have an important role, not a regulatory role which is a point we've made before, but a role to assess the guidelines that individual countries produce and to provide advice. On this point I very much welcome what the Scientific Committee is doing in this area. We submitted to the Scientific Committee the guidelines that we are developing and we very much welcome their advice and we will now go back and talk to the operators themselves and refine those guidelines. In our view that is how the process should work. The Scientific Committee plays an essential part in this process and it needs to continue to play a part.

I think the Commission too has a role to play and I would echo what the United States has just said, we do need to keep it on our agenda. I read with interest the Report that the United States Commissioner had just referred to on the educational values of whalewatching. We very much welcome this Report, it is an important first comprehensive look at the educational aspects of whalewatching and there is no doubt that education does have an important part to play in increasing public awareness of species conservation issues. I think that this Report is something which should feed into the IWC's general work on guidelines to ensure that the educational aspects are properly reflected and given due weight in any guidelines which may subsequently be developed. I mean I really only have one minor criticism of the Report. I think it is perhaps going a bit too far to say that all whalewatching must have an educational component. People watch whales for pleasure and they should be allowed to do so. Education, as I said, is important but it shouldn't get in the way of the pleasure which people get simply from watching whales, that is an equally important part of whalewatching and one which we too should encourage. Thank you Chairman.

**Chairman**

Thank you United Kingdom. I now give the floor to Brazil please. Can I have an indication please of other countries, which would help the Chair, of other countries that might wish to intervene. I see Antigua and Barbuda, are there any other countries that wish to contribute to this item? That seems all although as always I will be flexible. Brazil and then Antigua and Barbuda. Brazil please.

**Brazil**

Mr. Chairman, Brazil welcomes the presentation of the Report of the Workshop on Educational Aspects of Whalewatching endorsed by the United States. It is a very constructive document and contributes greatly to the discussion of this topic. We believe whalewatching should be discussed at this Commission and so this item should continue in the agenda. We also welcome the announcement by Chile and New Zealand of the Workshops to be held in their countries and we would like to note that these meetings would benefit enormously if only more participants from developing countries could be involved. We would be glad to contribute to the Workshop and would suggest that Brazilian researchers with first-hand experience in monitoring whalewatching such as those working at the Brazilian Humpback Whale Project be invited. Monitoring and regulating these activities in developing countries presents particular aspects and problems that apparently have not yet been properly taken into account up to this date and while Brazil is doing its utmost to cope with such aspects based on the expertise of its nationals we would very much welcome more interest of the international community in helping us deal with it in a co-operative manner.

Mr. Chairman, as we have already expressed at this Commission's meeting Brazil has a major interest in the discussion of this issue at the Commission's meeting. Our country has already been affected from the development of whalewatching activities. The existing whale and dolphin watch activities in Brazil are of great regional and local economic and social importance and the generation of wealth from these activities directly benefits local communities. We commend the Commission for taking responsibility over assisting member countries in developing whalewatching sustainably and we wish to reaffirm Brazil's commitment to participate in this industry in a serious manner. Thank you Mr. Chair.

**Chairman**

Thank you Brazil. I give the floor now to Antigua and Barbuda please.

**Antigua and Barbuda**

Thank you Mr. Chairman. Antigua and Barbuda as a major tourist destination have some interest in the whole question of whalewatching as an activity. However, Mr. Chairman we believe that whalewatching, although it is very important, must not be given prominence over the traditional users of the resources who pursue whales as a means of food. We believe Mr. Chairman that this organisation already has a lot of work to do with regards to its original mandate and that priority should be given to the solution of some of the questions with regards to the management of whales before scarce resource and attention is paid to the issue of whalewatching. Mr. Chairman, independent studies questioning whether or not the whole question of whalewatching, and we are hearing in this forum that there is an increasing interest towards whalewatching, and these independent studies are pointing to the fact that perhaps whalewatching is doing more harm to the habitat of whales than actual fishing for whales at this time.

Mr. Chairman, Antigua and Barbuda is concerned that whalewatching is being given more prominence relative to fishing for whales and other marine resources. We are seeing even in the Caribbean where some whalewatching interests are advocating that fisheries should take a secondary place to whalewatching in the event that conflicts arise and that is shown in some documents that are circulated here today Mr. Chairman by some of these organisations.

Mr. Chairman, I think we should pay attention to the increased potential for damage to whale habitats that can be caused through whalewatching activities. I would also like to point out, based on the submission that was made by the distinguished delegate of the United Kingdom, that while there may be economic opportunities in whalewatching these economic opportunities in most cases are not transferred to the traditional users of the resources. I have conducted studies in similar fisheries in the region whereby some areas that were traditionally used for fishing have been converted into national parks for tourism purposes and what has happened Mr. Chairman is that original users of those resources have been disenfranchised and a new set of users that can afford expensive boats enter those areas and completely take over that resource through pleasure cruisers and so forth at the expense of fisheries. We have to be very careful that this organisation's mandate does not shift from being the managers of resources for its use as a food source to managers of resources for use for pleasure Mr. Chairman. Thank you.

**Chairman**

Thank you Antigua and Barbuda. Does any other delegation wish to make any further observations on this piece of work that has been presented to us by the Technical Committee? Japan.

**Japan**

Thank you Mr. Chairman. We have some concerns over the document submitted with the cover letter by the United States. It is not quite clear that US authorised this document or not but nevertheless we looked at the list of participants and we don't see ..... most of those are not regularly present or have close conjuncture by attending some form or another at subsidiary body of the Scientific Committee and doesn't have much relation with the main body of the Scientific Committee. Those rather representing the particular interest group who may not concern about the area which the distinguished delegate of Antigua and Barbuda mentioned, namely fisheries and human beings who reside the area of the whalewatching. So, the recommendation which is contained in this document in both pages 29 and 28, 30 shall be maybe carefully reviewed by the responsible body of this organisation before we took, as the formal decision by this body, and before we do so Japan is not in a position to go into furthermore on this documentation. Thank you very much.

**Chairman**

Thank you Japan. United States please.

**USA**

Yes Chairman. I had clearly indicated in the Technical Committee that my Government endorsed this document, I didn't feel that it was necessary for me to emphasise that here again but I shall. My Government endorses this document. We submitted it, there is a letter that was sent to the Secretary fully explaining the circumstances of our endorsement, they were unlimited. I clearly said in my statement that we submitted this to facilitate discussion and I also said in my statement that we would urge, suggest that members take account of the Report in the conduct of their own domestic business. We are not anticipating to bring up any action arising as a basis of this document. Thank you Chairman

**Chairman**

Thank you US for that clarification. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman I recognise that there is a move to make the Sub-committee on Whalewatching more prominent and thereby giving more work to the Scientific Committee. At the Scientific Committee in Bournemouth we had a situation where a session on abundance estimation had to be held up because some of the scientists who were very critically required for that session were in a session on small cetaceans which is not very, very important to our organisation. I am afraid that if we put more emphasise on whalewatching we may have a similar situation arising where the scientists who are required to do serious work will be looking at an activity such as whalewatching. I have no problem if the whalewatchers need advice and guidance on rules and regulations to develop whalewatching activities but I think we should not put the level of importance on whalewatching as is required in other Working Groups and Committees of this Commission. Thank you.

**Chairman**

Thank you St. Lucia. Well it seems to me from the Report of the Technical Committee and the various exchange of views that we have had around the table that we should do what the IWC is good at which is keeping items on our agenda. I think we also take note of the points made by the United States that the document that was submitted to the Technical Committee was done so to provide information and in no other capacity. I think we also need to note that if we are to keep this item on the agenda and we are to involve the Scientific Committee that member nations should be reminded of the value in submitting information to these relevant bodies so that they can actually consider them in due course. I note that there doesn't appear at this stage to be any action arising from this agenda item except to keep it on our agenda for a further year.

<b>7. ADOPTION OF REPORT OF THE TECHNICAL COMMITTEE</b>
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With that I think we might close the discussion on this item. It seems so. In that case I think we can dispense with item 6. In numerical order the next item is number 7 which is the adoption of the Report of the Technical Committee. Technical Committee itself has of course already adopted its Report but in a formal sense we as a Commission need to adopt it for our own purposes. When the Vice-Chair was briefing us on the discussions under whalewatching he noted that there was an amendment to the Report as submitted, i.e. the word "not" would be inserted so can I take it that the Commission would be happy to adopt for itself the Report of the Technical Committee with that minor change made by the Vice-Chairman? It seems so, that Report is adopted and we have therefore completed agenda item 7.



## 8. HUMANE KILLING

Which, not surprisingly, brings us now to agenda item 8 which is the item entitled Humane Killing and there are three items here on our agenda. 8.1 Report of the Working Group, 8.2 Proposed Schedule Amendments and 8.3 Action Arising. What I would like to do if he is ready and I think he is, is to ask the Chairman, Dr. Chu of the United States, if he would briefly introduce to us the Report of his Working Group perhaps highlighting any particular points that we might find useful in dealing with the other two aspects of the agenda item. So United States you have the floor please.

### 8.1 REPORT OF THE HUMANE KILLING WORKING GROUP

#### USA

Thank you Mr. Chairman. The Working Group on Humane Killing had a very useful and productive discussion on Sunday and I would like to start out by emphasising that this discussion was productive despite different country views. A number of delegations felt that the issue of humane killing was outside the terms of reference or the competence of the IWC especially with regard to any activities taking place under Article VIII of the Convention, and indeed some delegations felt we should eliminate the issue of humane killing from the agenda. Other delegations felt quite strongly that the issue of humane killing was fully within the IWC competence and wished to retain it on the agenda. Nevertheless all the delegations agreed to share information on a voluntary basis for the purpose of the co-operation. The primary issue that we dealt with was the use of the electric lance as a secondary killing method.

#### Chairman

Excuse me one moment US. I wonder if you could just speak slightly clearer to the mike because I suspect some delegations might, like the Chair be, not hearing you on full volume. Thank you.

#### USA

Is that better?

#### Chairman

Yes, much better.

#### USA

OK. The primary discussion we had was on the use of the electric lance as a secondary killing method. We had a number of papers before us. New Zealand introduced a document which expanded on previous work, it was research on the effect of sea water on the conductivity of the electric lance. New Zealand said that the humane aspects of electrical lancing have aroused widespread concern and debate and that previous research work done on this on dry whale carcasses had indicated that the current densities in the heart and brain of electrically lanced larger whales are unlikely to reliably render the animal unconscious or to stop its heart. The paper tabled at this Working Group expanded on the previous work by studying the flow of electric current through cetacean carcasses that were either partially or totally immersed in sea water and found that that reduced the effectiveness of the lance even further. Reasons for failure of the electric current include non-optimal current injection sites, insufficient current injected and the presence of sea water. In reviewing the conclusions from that report New Zealand stressed that the key issue was not some abstract and remote statistical argument about the time it takes for a animal to die.

Japan whilst appreciating the work that was done on this paper commented that research carried out by Japan in 1994 through 1996 indicated that fifty per cent of the whales killed in their research programme died within 30 seconds. Japan was also aware of the fact that sea water can reduce the effect of the electric lance and therefore in the application one does try to make sure that the electrodes are not in sea water.

The UK introduced a paper entitled "The Veterinarian and Animal Welfare Aspects of the Use of the Electric Lance as a Secondary Killing Method for Minke Whales" and in that paper it noted that it was generally accepted that the use of electricity to kill large mammals is only humane if a sufficient current density is achieved in the brain to cause an effective stun rendering the animal instantaneously insensible. The achievement of an effective stun depends on the accurate placement of the electrodes and the use of an adequate electric current and the research suggested that neither of these criteria could be satisfied with regard to the electric lance as a secondary killing method and the conclusion that the UK drew from that was that the device was therefore inhumane.

Norway introduced a document which was in large part a reprise of information submitted last year. The paper was in response to statements made in the previous papers and Norway summarised the main questions that it felt were relevant. First, does the use of the electric lance, as used in the Japanese hunt, cause rapid death and second, does the use of the electric lance lead to immediate loss of consciousness? The answer to the first question is yes, the median time being about 40 seconds and the answer to the second question was Norway felt that there was as yet no clear answer.

The final paper on the electric lance that we had before us was tabled by the Government of Japan. It presented information on a study comparing the use of a rifle to an electric lance. An experiment was conducted in the 1996 North Pacific research programme and in the 1996/97 Antarctic lethal research programme. The results of these experiments indicate that the time to death is shorter using the rifle as a secondary killing method. The main reason why it was shorter is that it was easier to prepare the rifle for shooting than it was to get an electric lance ready. On the other hand the time from the application of the secondary killing method to the death of the whale showed very little difference between the rifle and the electric lance. The paper that Japan tabled recommended that the rifle should be used as the favoured secondary killing method in both lethal research programmes in order to shorten the time to death as long as it was practicable and feasible. However, the paper also concluded that the rifle would never totally replace the electric lance.

Mr. Chairman, we had an in-depth discussion of the implications of these papers and that the discussion is reflected in our Report which is IWC/49/12. I will just summarise the conclusions of that discussion. We were able to come to a consensus in the Working Group that the rifle appears to be more efficient than the electric lance as a secondary killing technique. Now a number of delegations felt that the evidence regarding the superiority of the rifle was quite clear and compelling whilst some delegations felt that further research was needed in order to clarify that answer. The Working Group noted that Japan had said that it would use a rifle as the main secondary killing technique except if difficulties arise with the rifle or with the hunter even though Japan felt still that the electric lance was an effective killing technique. Some delegations felt strongly that the use of the electric lance was inhumane and urged Japan to use only the rifle as a secondary killing technique. Other delegations felt that more research or training would be prudent before abandoning the lance completely.

I formed a contact group to develop some way forward on how to resolve the question of the electric lance. Members of that Group were New Zealand, United Kingdom, South Africa and Japan. I have not heard the concrete results from that group but I believe that they are ready to present something for the Commission to consider.

Finally, in regard to the electric lance, I would remind again that, actually not specifically with regard to the electric lance, but a number of delegations during the course of our discussion recommended deleting humane killing from the IWC agenda or at the least changing the name of the Working Group.

Mr. Chairman that concludes the results of the discussion on the electric lance. I wonder if I should stop there or if you would like me to complete the summary? Thank you.

#### **Chairman**

Thank you US. I think it might be useful if you, I see there is not much else in the Report, if you actually advised us of any other items that came up under any other business that we might need to consider, but it seems to me that our business this afternoon needs to focus on the electric lance issue which was clearly what took most of your time. So perhaps you could finalise the summary for us now.

#### **USA**

Yes thank you Mr. Chairman. I will briefly summarise the other discussions. There were four items discussed under other business. The United States presented some information about the use of a rifle as proposed in the Makah hunt. There is a paper that is associated with that that I will direct people who are interested in the details of that. The United States also presented a document which recorded the efficiency rates of the Eskimo Bowhead Whaling Hunt and in part of our discussion of that document we stated that the use of the new penthrite bomb which has been under development for a number of years is now quite successful and many technical issues have been resolved.

The third point that we discussed was that the United Kingdom asked Norway to provide some information on the 1996 hunting season. There was some discussion as to whether this was the appropriate forum to do so but

nevertheless Norway agreed with the request of the Committee to provide that information and it is attached to the Report.

Finally, the last item we discussed was whether to convene the next Workshop on Whale Killing Methods. We came to no resolution on that as we didn't have much time to deal with it so I asked the small group to discuss that further and to try to develop some recommendation for us, and that concludes my Report. Well except for one point. I would just like to mention that it was a very constructive discussion Mr. Chairman. All parties made a strong effort to find common ground and I would just like to thank the members of the Committee for their efforts and their understanding. I would like also to thank my rapportuer, Mr. Johansen from Norway, who made my job much easier. Thank you.

**Chairman**

Thank you United States. I hope that the setting up of the contact group that you have described has continued that development of seeking common ground. I think you mentioned specifically Japan, New Zealand and the United Kingdom. Can I ask Japan if you would like say something at this stage?

**Japan**

Yes, thank you Mr. Chairman. Before getting into the subject may I request I can point out a typo in the Report. It is page three, the very last paragraph, penultimate line, says that the clean shot would be 10-30 seconds, should be 10-20 seconds as I indicated in the session for the adoption of the Report. It is just a type I think.

Do you want me to read the discussion, agenda item 8.2 or still 8.1?

**Chairman**

Well I was really seeking some advice from either yourself, New Zealand or the United Kingdom or combination as to how you would like to proceed on the basis of the contact group. I think it would be sensible given that there is a proposed Schedule amendment for you to let the Commission know where your contact group is at so that we can then decide how we need to proceed. So I see New Zealand indicating that they are happy that you should lead the discussion so Japan over to you please.

**Japan**

Yes. Japan would like the Secretariat to record the following statement very precisely. It is intended from us to the service to the Chair that you may be able to close this discussion very expeditiously and I will hand my statement later to the Secretariat. Japan reiterates its position on the issue of electric lance as deliberated in the Report of the Humane Killing Working Group although Japan maintains the view that the electric lance is still an effective secondary killing method. It intends to use from the next season rifles as the principal secondary killing method except in cases where difficulties arise in the use of rifles or in availability, ability of gunners. We will continue to submit information relevant to the issue to an appropriate forum of this Commission to the extent practicable and strictly on a voluntary basis. Thank you.

**Chairman**

Thank you Japan. New Zealand you are asking for the floor.

**New Zealand**

Thank you Mr. Chairman. Before I make my statement I would like to acknowledge the role that is being played by South Africa as a member of the contact group that has had discussions since the Working Group met at the weekend. New Zealand and the United Kingdom welcome the statement made by Japan that it intends to end the use of the electric lance from the start of the next whaling season except in exceptional circumstances. We are grateful for this decision and also for Japan's undertaking to inform the Commission on a voluntary basis of usage of the electric lance. We understand Japan's reasons for wishing to have the electric lance available as a fall-back option. Nevertheless, we hope and trust that the decision Japan has announced today will soon lead to a total end to the use of the electric lance and its removal from whaling vessels.

We would also ask Japan to continue to monitor the effectiveness of the rifle as a secondary killing method, examining in particular factors such as the calibre of the rifle and weight of ammunition used and the target area. On the last point we believe that the brain is the appropriate target. Its inevitable that killing methods will remain an active issue in the Commission but in the spirit in which this matter has been addressed and resolved we suggest that we can make progress in a co-operative manner.

## 8.2 PROPOSED SCHEDULE AMENDMENT

Mr. Chairman, on the basis of the statement Japan has made today, New Zealand and the United Kingdom do not now intend to seek a Schedule amendment.

### **Chairman**

Thank you New Zealand, thank you Japan and thank you South Africa. May I ask if any delegation wishes to make any observations at this point or can we simply accept the good work that appears to have been done and flowed from the Workshop? Australia.

### **Australia**

Thank you Mr. Chairman. Like others we sincerely welcome the statement from our colleagues in Japan. We particular welcome the clear and unambiguous nature of the statement. Mr. Chairman we experienced difficulty this morning, we adopted a consensus text the ambiguity of which appears to have created some problems. In agreeing to consensus language for the Schedule amendment this morning Mr. Chairman we had not anticipated that subsequently as the Commissioner for Mexico did in debate indicate that he perceived the acceptance of that text to be indicating that the Commission had agreed to the need of the Makah Indian. Clearly that was not Australia's view. We had expressed our view very clearly in the debate earlier and we will continue to express the view that it is not our belief that the Commission has recognised that need. Also, Mr. Chairman in welcoming the Japanese statement on the electric lance we would make the point as we did in the Working Group that welcoming the phase-out of the electric lance in the Japanese Scientific Permit Research Programme in no way signals that we are happy with that programme and we will have an intervention in a later agenda item when that issue is discussed. Thank you Mr. Chairman.

### **Chairman**

Thank you Australia. Spain you are asking for the floor.

### **Spain**

Thank you Mr. Chairman. I will try and be very very brief. First of all as we expressed in the Technical Committee we do not, I mean it is possible that this item on the agenda does not prejudice our position concerning other items and mainly the scientific permits for the take of whales. We, not having participated in this small contact group, we welcome the results of this contact group and we can associate ourselves with the comments made by the UK and New Zealand. We hope that this is just the first step towards a more effective and humane killing in terms of, as we have several times expressed, short time to death and immediate insensitivity of the animals. Thank you.

### **Chairman**

Thank you Spain, Mexico you are asking for the floor.

### **Mexico**

Yes, thank you Chairman. Just for a brief response to what Australia has just said. I just want to put it very clearly that it was not my country who changed the position on the vote that was taken in relation to the aboriginal subsistence presented by the US and the Russian Federation. Just for the record, I guess everybody understood that it seems that Australia got it wrong. Thank you.

### **Chairman**

Thank you Mexico, that's on the record. Chile please.

### **Chile**

Thank you Mr. Chairman. I want to highlight the decision of Japan to use the rifle as a secondary killing method. I think from today the killing of the whale has another connotation and we can say that in this meeting, at this conference, that our conference, our organisation, has met one of its important goals and achievements.

### **Chairman**

Thank you Chile. I think many in the room would probably agree with those statements. I believe that we have probably ..... Netherlands

### **Netherlands**

Mr. Chairman. Over the last few years there has been some extensive discussion on the subject in which we have expressed our interest and also our desire to see the use of the electric lance come to a end as quickly as possible. We would like at this stage to commend Japan for its constructive cooperation. We think this is a fine example of how the Commission can function and we are pleased that our hopes and expectations that the electric lance will be abolished in whaling operations is being met to a large extent, and we hope that it will be abolished completely in a timely fashion. So we would like to congratulate all parties involved in this agreement for the hard work which has led to success. In the Working Group the Netherlands has welcomed the contributions by several delegations to the assessment of the electric lance as a secondary killing method and that became clear that the rifle is superior to the lance as it shortens time to death substantially in comparison with the lance. So we continue to support every initiative that aims at further shortening the time to death in whaling operations. Thank you Chairman.

**Chairman**

Thank you Netherlands. Sweden was asking for the floor and Switzerland I believe. Sweden first and then Switzerland please.

**Sweden**

I think Switzerland should go first because my question pertains to any other business, point one of the Working Group.

**Chairman**

Thank you Sweden. Switzerland.

**Switzerland**

Just to make it short. We would like to associate ourselves with the statement by the Netherlands. Thank you Mr. Chairman.

**Chairman**

Thank you. Monaco.

**Monaco**

Yes, so would the Monaco delegation. We want to associate ourselves fully with the comment made by the Netherlands Commissioner.

<b>8.3 ACTION ARISING</b>
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**Chairman**

Thank you. I believe that we have now completed Agenda Item 8.2 and I think we have done rather well in that sense. That does now bring us to Agenda Item 8.3 whether there is any further action arising. There are a couple of items that I think were raised by the ..... United Kingdom do you want to say something? You are wanting to say something under action arising?

**United Kingdom**

Yes Chairman. I was going back in fact to 8.1 but I think you are going to deal with it under 8.3 so I will wait for you to finish.

**Chairman**

Thank you. I was simply going to say that my understanding is that there are a couple of items that were specifically raised that we need to focus on. One being what level of meeting, if any, we need on this topic prior to our next Annual Meeting and the second topic was the discussion that had been made about deleting the Humane Killing Agenda Item or as it says in the Report, to quote, "at least changing the name of the Working Group". I think I need some advice to that. Now Sweden you were asking for the floor first and then the United Kingdom. Sweden.

**Sweden**

I also wanted to go back to 8.1 and I have a question on the Report, any other business so I think .....

**Chairman**

Would you like to take that now Sweden? Would you like to ask your question?

**Sweden**

Yes I can do that. I have two questions of clarification and they all pertain to page 6, any other business of this Report and the discussions that were held in the Group. The questions pertain to some things that were discussed but do not appear clearly in the paper here and they relate to the question I put to the United States. I understand that in the discussion the Makah Indians clarified that they were going to get very close to the whale before firing at it.

**[END OF TAPE]**

**Sweden**

..... most said the same thing. So my question is, am I right to understand that all this hunt takes place in less than six feet? That is the first question. The other question is for the Makah hunt; it was stated in one of the background papers that the bomb lance is the second choice for the hunt and has not been ruled out as an alternative. I would also like to have confirmation that that is the way we should understand it. Thank you.

**Chairman**

Thank you Sweden. United States are you able to respond to those questions and then I will come to the United Kingdom? United States.

**USA**

Yes Chairman. In the response in the Working Group the native who gave the answer said that they attempt to get within six feet before the lance is thrown or the rifle fired. He was trying to emphasise the fact that they try to exercise caution and do not undertake to attach or make use of the weapons until they can be assured as much as possible of a kill.

The other issue was the adoption of the bomb lance. We clarified in the meeting that we added that the Makah tribe had investigated the use of the bomb lance but it was not in accord with their traditional methodology and that in adapting their traditional methodology to take account of humane concerns they preferred this large calibre rifle. But in the Report they submitted they indicate that their preferred primary weapon is the large calibre rifle but the Report did not reject the darting gun as a possibility. Thank you.

**Chairman**

Thank you. Sweden has that satisfied you?

**Sweden**

Yes.

**Chairman**

Thank you. United Kingdom can I now come to you please?

**UK**

Thank you Chairman. Well one of the items that is referred to in the Report of the Working Group was the holding of the next Workshop on Whale Killing Methods. This was discussed in the small contact group and I've also discussed it with a limited number of other Commissioners. I would like to remind the Commission that the Revised Action Plan that was produced by the Workshop that met in Dublin recommended that the IWC should conduct further Workshops but it went on to say that to emphasise the technical and scientific nature of the Workshop it should be separated in time from the IWC Annual Meeting and Working Group sessions, for example, immediately preceding a meeting of the Scientific Committee. I think that all those I have spoken to have agreed that the time is now really too short to hold a Workshop before the Annual Meeting in Oman. If the Workshop is going to be a success it is important that participants are given adequate warning and time to produce material, time to produce scientific papers.

Now what I would recommend is that we agree now to hold the Workshop immediately preceding or in conjunction with the meeting of the Scientific Committee in 1999. That would give everyone time to do the necessary preparations. I would also like to say Chairman that I think it is important that the Commission continues to discuss the issue of Humane Killing and I think we should retain Annual Meetings of the Humane Killing Working Group and I was grateful for the material that Norway provided at my request to this meeting of

the Group. I realise they didn't have much notice of the question but I certainly found it helpful and I believe it is useful if that sort of material can be discussed in meetings of the Humane Killing Working Group without, of course, any prejudice to the more detailed examination of data which a Workshop comprising technical and scientific experts can give it. Thank you Chairman.

**Chairman**

Thank you United Kingdom. My understanding of what you are proposing therefore is that we focus on a Workshop on Whale Killing Methods in the 1999 year prior to our meeting and that you are also suggesting that there might be quite, from what you say, I am putting these words in your mouth, a quite short meeting of the Humane Killing Working Group next year. Is that an accurate reflection?

**UK**

I think that there should be a meeting of the Humane Killing Working Group Chairman. It remains to see whether it is short or long.

**Chairman**

I do understand that's all in your own hands so I was just trying to be encouraging. The Secretariat does, of course, need to know whether it is going to take half a day or a day but no doubt there will be interaction between the Secretary and various people before that to ascertain the length of time. Is the rest of the Commission comfortable with those suggestions? That is that there be a Workshop not before 1999 but in 1999 and that the Working Group meet before the meeting in Oman for a half day period at minimum. France are you asking for the floor please?

**France**

Thank you Chairman. Before you mentioned the fact that some in the Working Group have spoken of the name of the Workshop and of this activity we are monitoring now. Personally I would also welcome if we could find another name for this point. For me a hunting message for instance would be probably more appropriate than the term humane killing. Thank you very much.

**Chairman**

Thank you. This might seem a bureaucratic fix but I suspect there may be some value in the Working Group considering what it should call itself when it next meets. In other words rather than us trying to make a change now I think we could perhaps put that on the agenda. Mexico you are asking for the floor please. Mexico.

**Mexico**

Thank you Mr. Chairman. Just to second the position just expressed by France and express our sympathy to what we have read that in the Committee was expressed by St. Lucia and by Monaco and I certainly hope that even if we have to have those Workshops we can spend more time dealing with the problems of living whales than with the matters for killing them or fixing quotas.

**Chairman**

Thank you Mexico. Well again would the Commission be comfortable? Norway

**Norway**

Thank you Mr. Chairman. The answer given by the Commissioner from UK to your question about the probable size of the Working Group next year worried Norway a little. We think that when we agreed to postpone the Workshop until 1999 it was implicit that all substantial discussion of the matter should take place in that Workshop and that we should not have a repetition with some other focus of the discussion we have had this year in the Working Group next year and then in addition to the substantial discussion in the Workshop in 1999. I think it must be understood here that the Working Group next year will be a very short session without any substantial discussion. Thank you Mr. Chairman.

**Chairman**

Thank you. United Kingdom

**United Kingdom**

Thank you Chairman. Well I don't want to argue about the length of the Working Group next year but I would just say that I was going to ask you in any case to keep this Agenda Item open because the United Kingdom will be presenting a Resolution on Humane Killing and Aboriginal Subsistence Whaling. That also suggests certain

things should be referred to the Humane Killing Working Group which gives a little more for the agenda. But I fully take the point by Norway, they do not want an extensive day long discussion and I accept that view. Could I also say Chairman that I think your sort of tentative conclusion was that there would not be a Workshop before 1999. I think it would be very helpful if we could take a concrete decision that there will be a Workshop in 1999 at the same time or closely linked to the Scientific Committee so that people do have tentative dates to aim at. Thank you Chairman.

**Chairman**

Thank you UK. Monaco.

**Monaco**

Yes, Mr. Chairman I just wish to support the position of France regarding the terminology, proper terminology of the Working Group. I made my views quite clear in the Working Group meeting last week. I think it would be useful if rather speedily we could change the term of this group which evokes and raises certain uneasiness amongst various delegations for well known reasons. I think it is a simple matter of semantics and rather than deferring this issue for longer would welcome any suggestion. I think the proposed title by the French Commissioner is quite correct, hunting methods could be one. Thank you.

**Chairman**

Well thank you. I note Japan and Antigua and Barbuda and Switzerland. I had hoped we were drawing to a conclusion for Agenda Item 8. I frankly am not particularly relaxed about opening a discussion now on what we should call it. I believe the Working Group should actually consider that. It would give Governments the opportunity to review names which in fact may translate into different languages in different ways. We only have one working language here but no doubt delegations use other languages in communicating material that's discussed here so I think it would be a little difficult for us to suddenly have thirty three suggestions for the name for the Working Group. I know we have had only one but unless some delegation is going to insist I would prefer to suggest that the Working Group take on that challenge at its next Meeting in Oman and I understand the point that the UK was making about the timing of the Workshop. Monaco do you insist?

**Monaco**

Yes. I am sorry Mr. Chairman but I understand and I appreciate the fact that the group, we resolve that rapidly in Oman which is after all only a few months away. As a point of clarification, I didn't mean that was a prime of language, I meant it was a problem of semantics. In other words, it is not a question of you think the term in English as opposed to its terminology in Spanish or French which causes a problem in another language, its the use of the epithet humane fixed right next to killing which causes a problem to many delegations, let me be very clear on this. So it is not a question with English which is the official language of this Commission, it's a question with this usage we have to put those two terms together. Thank you

**Chairman**

Thank you Monaco. I won't be semantic and suggest it might be semiotic but are you saying that you want a decision this afternoon on the name change or are you happy to go along with my suggestion that will give delegates who have not really thought about it terribly thoroughly the opportunity to bring us a useful discussion on this in Oman? You are happy? Good. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. The very name of this Workshop is of particular worry to Antigua and Barbuda. You will recall and indeed it is recorded on page 5 of the document that is under discussion here that Antigua and Barbuda suggested that we could live with the name change which would replace Humane Killing to Gear and Methods for Whaling Activities. This would certainly be in line with all of our business here and I think it would be much more appropriate than the name humane killing, and I would like to suggest Mr. Chairman that this name is settled now and that we consider Antigua and Barbuda's proposal for changing the name to Gear and Methods for Whaling Activities for that Workshop. Thank you.

**Chairman**

Well thank you Antigua and Barbuda but I did get a number of nods to my suggestion that the Working Group consider this. I think clearly that you will have the opportunity to reinforce that. I think that we could waste quite a bit of time discussing this in full Commission if we try and achieve a result now. Can I get a sense of whether the Commission is happy to have the Working Group discuss and resolve this name? It must be a



Resolution next time and the Commission will have to resolve it if the Working Group does not. South Africa are you going to help or hinder me?

**South Africa**

I am going to help you Mr. Chairman. We are very happy with that suggestion.

**Chairman**

Thank you South Africa. I think we might so decide. Thank you Antigua. With respect and for the record as far as the United Kingdom is concerned, I accept and understand their point that the Workshop on Whale Killing Methods should take place immediately before 1999 meeting. Again I see nods, some reluctant nods, but nods nonetheless so I think we will, for the purposes of planning, proceed on that basis. United Kingdom you also asked that I leave Agenda Item 8 open pending submission of a Resolution which the Secretary said about ten minutes ago, should have been in ten minutes ago, so I hope it is. I will therefore, reluctantly, leave Agenda Item 8 open and will return to it when we have that Resolution. Unless any delegation wishes to raise any further items at this stage. No it seems not so we will unfortunately keep it open, well perhaps not unfortunately, we will keep it open unfortunate only in the sense that I was hoping to keep on closing things.

I note that it is ten past four. I propose a ten minute break for coffee or whatever and resume please, I mean ten minutes, resume at 16.20. So the session is adjourned for ten minutes. Thank you.

**[BREAK]**

**Chairman**

The first question I have to ask is, you may recall this morning in determining the practicable timing for the ability to consider Resolutions, I suggested that people who were in the process of drafting Resolutions for submission for consideration tomorrow should aim to get these Resolutions to the Secretariat by 16.00 in order to make sure that they could then be printed and distributed so that we all have a chance to look at them and examine them. I understand that there are still possibly some Resolutions outstanding and I am wondering if I can have an indication from any delegation that is still producing a Resolution and we will try and accommodate this but I cannot guarantee that it will necessarily be available. New Zealand you are asking for the floor.

**New Zealand**

Mr. Chairman, pursuant to your direction at the end of this morning's discussion on the paper on the administrative review we are preparing two Resolutions and consulting widely on the content of those but I think it will be a little time yet before we can table them. Bearing in mind that that instruction from the Chair arose after the initial four o'clock deadline was imposed I assume you will give us some indulgence.

**Chairman**

Always indulgent. The key thing I think New Zealand that you said was that you were consulting widely because that means I hope that when the Resolutions actually finally appear in the boxes, which may not be until tomorrow morning now, that most delegates will understand what's in them. So, US please, you are asking for the floor?

**USA**

Yes Chairman, my delegation is working on three Resolutions. We have made our best efforts to get them in before four but we have missed by a few minutes. They are essentially complete and could be just turned in, period. They are ready to go.

**Chairman**

So three Resolutions from the US are about to hit the decks. The reason I am saying it like this is because the Secretariat is watching me on television working out what they can accept and what they can tell to go away. Ireland.

**Ireland**

Thank you Chairman. You gave me a direction to go and consult with people on the possibilities of consensus and I wanted that consultation finished tonight, so I wonder if I might have some extra leeway in relation to any proposals I may come with tomorrow morning. Thank you Chairman

**Chairman**

Yes Ireland, you may have as much leeway as you require. I also wish to reiterate to the Commission, because several members of the Commission have asked me about the opportunities for closure tomorrow. It would be my wish to try and close at lunchtime and I think judging by where we are in the agenda at the moment, I think that it feasible and practicable assuming there has been consultation and I will certainly aim to do that. But of course the determinants of exactly when we close are yourselves, but I think if we try and set that target of finishing 12.30-13.00 tomorrow we should be able to do it so I would encourage you to do that.

Let us now then move on .... Oh yes, I'm afraid the Secretary has to take the floor for a few seconds. Secretary.

**Secretary**

Mr. Chairman it has been drawn to my attention that a document has been distributed which is an opening statement by a non-governmental organisation which has got the right hand top corner heading IWC/49/OS Dominica. I apologise on behalf of my Secretariat, that is a mistake on our part. It is not the Opening Statement of the Government of Dominica, it just happens to be the first word of the NGO's name. So please be quite clear that that is an NGO Opening Statement and not that of a government and my apologies to the Government of Dominica for this mistake in our Secretariat. Thank you.

**Chairman**

Thank you Secretary for that explanation. I have a number of Resolutions that have been given to us. Working through the Agenda from where we left off, which was Agenda Item 8 which we had to leave open. We left open yesterday Agenda Item 11.4 North Atlantic Minke Whales and I note there is a Resolution which has been provided to us. It's in document IWC/49/38 and it is a Resolution on north-eastern Atlantic minke whales. I would like if possible to have discussion on the Resolution at this time. Is this possible? Norway.

**Norway**

I think there is a twenty-four hour rule in this organisation as far as I've heard and I don't think this has been out more than an hour or two. Thank you.

**Chairman**

Norway you are quite right. I am quite happy to indulge you in this. I was simply wondering whether we could advance it or not. So I will have to set that aside and return to that early tomorrow.

<b>13. SOUTHERN OCEAN SANCTUARY</b>
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In that case I will now move to Agenda Item 13 the Southern Ocean Sanctuary which we have not yet dealt with and there are a number of sub-items here. The first of which is the Report of the Scientific Committee under Agenda Item 13.1. I would like to ask the Chairman of the Scientific Committee if he wishes to make any remarks to us on their work. Chairman of the Scientific Committee.

<b>13.1 REPORT OF THE SCIENTIFIC COMMITTEE</b>
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**Chairman of the Scientific Committee**

Thank you Chairman. The item dealing with this in our Report is on page 80 under item 15.1. In the past Mr. Chairman you may recall that we requested advice from the Commission with respect to commonly agreed objectives in the Sanctuary. This was in the context of a recommendation from a Working Group of yours in 1995. We have not had any comment on that so we haven't been able to discuss it and we just draw your attention to the fact of this and ask your advice.

**Chairman**

Thank you. Is the Commission wishing to give any particular advice to the Scientific Committee to engage in this issue at the moment? Netherlands.

**Netherlands**

I am sorry Mr. Chairman. I missed this point. What are we talking about? Could you please repeat.

**Chairman**

Yes, we are dealing with Agenda Item 13.1 and the Chairman of the Scientific Committee has just drawn our attention to work that the Committee undertook. It's reported in page 80 of the Scientific Committee Report. Is that satisfactory Netherlands? Thank you.

I think that takes us then unless any other ..... Japan please.

**Japan**

Excuse me. Are we in the Agenda Item relating to the Report from the Scientific Committee Mr. Chairman?

**Chairman**

Yes we are. This would be the opportunity if you wish to make an intervention.

**Japan**

Yes, I have one small intervention which is of big importance to us Mr. Chairman.

**Chairman**

Please go ahead.

**Japan**

Thank you. We note with pleasure that at this year's Scientific Committee there is much evidence that a lot of research had been conducted and a lot of papers relating to that issue submitted. The Scientific Committee has requested the Commission that it provide advice how the Scientific Committee is to undertake the work particularly in relation to generally agreed and understood objectives of the Southern Ocean Sanctuary. So I regret the Scientific Committee has not received any comment or advice on that issue and that is what I understand that the Scientific Committee Report said. Your view at this opportune time, Commission, should be in the position to direct the Scientific Committee how scientific work within that Committee should be undertaken in this important question. Thank you.

<b>13.2 LEGAL ISSUES</b>
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**Chairman**

Thank you Japan. I take it that there are no further observations to help with that issue. Seems not. I think then we should move to Agenda Item 13.2 where in our annotated agenda it is noted that the Government of Japan wishes to have a discussion from the legal point of point. Japan would you like the floor again?

**Japan**

Yes, thank you very much Mr. Chairman. We have submitted IWC document 49/24 titled 'Memorandum on IWC decision adopting the Southern Ocean Sanctuary'. This is a summary of the analyses that had been submitted on behalf of our Government of the legal aspects of the Commission's decision on the Southern Ocean Sanctuary written by Professor William Burke of the University of Washington. We agree with and endorse that document. In submitting this document may I take three or four minutes to address the issue? Thank you.

As Commissioners well know the Government of Japan's previous requests to have a substantive discussion on the legal issue related to the establishment of the Southern Ocean Sanctuary have been rejected. Since 1992 when the Government of France first tabled its proposal to establish a Sanctuary in the Southern Ocean, our Government has pointed out certain legal matters requiring the attention of the Commission. Notwithstanding this in 1994 IWC adopted an amendment to the Schedule designating a Sanctuary in the Southern Ocean without any resolution of the problems which we raised. We voted against the Sanctuary proposal and then filed an objection to the Schedule amendment because it is our strongly held view that the designation of the Southern Ocean Sanctuary was contradictory to the terms of the International Convention for the Regulation of Whaling and that it could not be justified on scientific grounds.

The Government of Japan has attempted to initiate discussion within the Commission on the legality of the Southern Ocean Sanctuary by issuing documents including analyses by legal experts. In particular two papers by Professor William Burke of the University of Washington provide a comprehensive analysis of the relevant legal issues related to the action of the IWC to designate the Southern Ocean Sanctuary. In summary Professor Burke concluded that IWC exceeded its authority under the Convention and that the establishment of the Southern Ocean Sanctuary violates the treaty since it does not conform to Article V of the Convention.

Specifically the Southern Ocean Sanctuary is not necessary to carry out the objectives and purposes of the Convention to provide for the conservation, development and optimum utilisation of whale resources, is not

based on scientific findings and does not take into account the interests of the consumers of whale products and the whaling industry. This analysis and conclusion presented by Professor Burke provided sufficient information to enable substantive discussion on the issue related to the Southern Ocean Sanctuary. These are strongly held views that such matters should be addressed by the Commission in good faith and in accordance with the terms of the Convention and other relevant international law. We are convinced that such discussion will restore some of the IWC's credibility as a resource management organisation. On the other hand we also are of the view that continued rejection of any substantive discussion and resolution on this matter threatens the Commission's viability since the current situation deprives the Commission of its primary function to conserve whale stocks and regulate whaling in a sustainable manner. This function of the Commission has also been demonstrated by other actions of the Commission such as the Resolution passed at last year's meeting requesting the Government of Japan to refrain from issuing a special permit for its scientific research. Such Resolutions disregard the rights of Contracting Governments under the term of the Convention and discourages Contracting Governments from conducting scientific research which contributes to the object and purpose of the Convention.

In addition, the Commission has failed to provide any instruction to the Scientific Committee concerning its agenda items to consider the Southern Ocean Sanctuary and preparation for implementation of comprehensive assessment, RMS on Southern Hemisphere minke whales. As a result, no progress has been made on these matters within the Scientific Committee. The Government of Japan is seriously concerned, that is, that what progress in this part of its scientific activities as to the dysfunctional nature of the International Whaling Commission.

In summary Mr. Chairman, it is a strongly held view of the Government of Japan that the Southern Ocean Sanctuary does not conform to the requirements of ICRW and that as such it is void. I would like to remind the Commission that one of the significant results of the Conference of the Parties 10 of CITES was the downlisting of some stocks of African elephant and that this decision was based on scientific findings and acceptance of the principle of sustainable utilisation. This decision clearly confirms that the majority of the international community accepts the principle of sustainable utilisation as the basis for managing resources. Clearly in such circumstances continuation of the Southern Ocean Sanctuary, which has neither legal nor scientific basis, can be used as a measure of the International Whaling Commission as a resource management organisation. Thank you.

#### **Chairman**

Thank you Japan for speaking to that document IWC/49/24. May I ask if there are interventions from other delegations on this issue? United Kingdom.

#### **UK**

Thank you Chairman. Well this does seem to be another or becoming another of our hardy perennials, but I must say it doesn't seem to me that the material we have before us is advanced in any way. I mean there is one, I think, improvement from last year. Last year I was very critical of the memorandum produced by Professor Burke because it arrived so late but this year I don't think we can really accuse, make the same accusation, because we have essentially exactly the same memorandum and certainly when I read it there was a great feeling of familiarity as I went over the arguments. I still find them weak and I still feel that Professor Burke hasn't understood the way the Convention operates and the way we work. I mean to take one example, the emphasis he places on the lack of backing by the Scientific Committee seems to me to confuse the Scientific Committee's role to provide the Commission with judgements on science and the Scientific Committee's tendency to give us advice on the effectiveness of the measures we adopt. For example, in fact it's on page 320 but fortunately we don't have the 319 before, he comments that the Scientific Committee's Sub-committee on Southern Hemisphere baleen whales observed that the proposed Sanctuary actually would, for the area, replace a measure already approved, the Revised Management Procedure and on that basis it is unnecessary because the proposed Sanctuary is actually intended as a substitute for a measure already adopted by the Commission and he goes on to comment "and as observed elsewhere by members of the Scientific Committee (unnamed) the proposal is actually a poor substitute".

A point I would make is the Revised Management Procedure may have been approved but it has certainly not been adopted and it has certainly not been implemented and in the views of the great majority of members of this Commission it is in no-way a substitute for the Sanctuary nor is it superior. It seems to me that the Sanctuary is essentially a management measure, the advice we have from the Scientific Committee is on the status of the stocks within the Southern Ocean Sanctuary and it is clear that for the vast majority of those stocks continuing protection is needed. There is a judgement to be made in this Commission about how you protect those stocks

and the answer again is what the vast majority have reached is that the Southern Ocean Sanctuary is the effective way to do it. In reaching that decision we are not ignoring science, we are simply differing perhaps with some members of the Scientific Committee in what is a most effective management procedure to take to ensure that we respect their findings.

The other points that he makes were addressed last year by Professor Birnie and I think she addressed them the year before. For those of you who want to go into more detail, Professor Birnie has now published a rather more detailed analysis which goes much wider than the Convention. It is entitled "Are 20<sup>th</sup> Century Marine Conservation Conventions adaptable to 21<sup>st</sup> Century Goals and Principles - Part 1". Part 2 is to follow I understand and is published in the International Journal of Marine and Coastal Law and this goes at length into the concept of the doctrine of *ultra vires* and how it can be applied to international Conventions and those of you who wish to see a more detailed refutation of the Burke arguments I think should look at Professor Birnie's work. Thank you Chairman.

**Chairman**

Thank you UK. I presume that was an argument for not making any change at this stage?

**UK**

It was actually an advertisement Chairman.

**Chairman**

Well yes I was very relieved that you weren't going to give us the entire argument. However good Professor Birnie's work must be, and I see her sitting next to you, so I must be very careful. France please.

**France**

Thank you Mr. Chairman. I would very much like to support the arguments presented by the previous speaker. From our side also we consider that it is not a fuse to start again this year a debate on this point. I think the arguments have been sufficiently presented before. We continue to consider of course that there is a legal base in the Convention for the decision on the Southern Sanctuary and these provisions are referring to the role that has been played in this respect by the Scientific Committee so we would propose that maybe for the next meeting of the Commission we try not to have again the same debate on this point. Thank you very much Mr. Chairman.

**Chairman**

Thank you France. Are there any further observations? Sorry, Chile.

**Chile**

Thank you very much Chairman. The discussion of the legality of the Southern Ocean Sanctuary really begins with the creation, the decision of the International Whale Conference to create this Sanctuary. That's the day when the Sanctuary begins and whilst the willing of all the countries that participate here in this Conference to create this Sanctuary with the exception of Japan that didn't agree with the minke whale that was protecting. So that is the first point, the first point, the creation is a sovereign decision of this International Whale Conference and it is within the boundaries and the jurisdiction of this body. As you know, the spirit of this Sanctuary is for the protection and to recuperate the whales in their areas of limitation and migratory routes and contribute to the ecosystem that was very deteriorated by human exploitation. It has been calculated that more or less one million of whales were caught since the beginning of the Century in that area.

The other point we have to take into consideration is that there is another Sanctuary, the Sanctuary in the Indian Ocean, and that has an actual existence and nobody has pointed out that this Sanctuary doesn't exist or has a legal complaint. Really this study of this Professor is a study that in the first place was presented only one day before the treatment of this matter and doesn't have the idea how the International Whale Conference works so he doesn't understand really how the force and the jurisdiction that the Sanctuary has. Thank you very much.

**Chairman**

Thank you Chile. Any further observations? Netherlands please.

**Netherlands**

Briefly Mr. Chairman I would like to recall that at a number of occasions my delegation has stated its view that the decision of the Commission to create a Southern Ocean Sanctuary has been a perfectly legal one and during this meeting we haven't heard or seen new information that would change our opinion in this respect. So we

remain of the view that the decision has been arrived at in a perfectly legal fashion and there is no reason to overturn it. Thank you.

**Chairman**

Thank you. St. Vincent and the Grenadines is asking for the floor and then the USA.

**St. Vincent and the Grenadines**

Mr. Chairman thank you. We would repeat our concern that it seems to us that there is no proper mechanism for resolving legal questions in this Commission. When Commissioners speak about how the Commission works, well the way the Commission works is like this. You have an entrenched majority and a minority and when a legal question arises the majority brings their lawyer and the minority brings their lawyer and then you have as good lawyers the advocacy of two opposing views. Now lawyers give two kinds of opinions. They give opinions that as far as possible favour their own client and then at another time they may give a genuinely objective opinion if they ask for that. We don't have that in this Commission and then where you have contrary legal opinions presented in a court you usually have a judge or somebody like that who makes a determination. What we have here Mr. Chairman is the majority also judges. So I think .....

[END OF TAPE]

**St. Vincent and the Grenadines (cont.)**

..... point to a basic problem in the way this Commission works and what is needed is for some genuinely legal opinion to be found, whether in the international arena or wherever, that can guide our deliberations otherwise you simply have not a situation that is democratic and respectful of minority rights and concerns but simply the majority view prevailing all the time to the disadvantage of those who would be in the minority, and this in the view of our delegation is not really a proper way for a multi-lateral organisation to be operating. Thank you Sir.

**Chairman**

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

**USA**

Thank you Chairman. To associate the views of my delegation with those of the Dutch delegation. We also feel that all issues regarding the establishment of the Southern Ocean Sanctuary were resolved to the satisfaction, or our satisfaction, and to that of other delegations. Thank you.

**Chairman**

Thank you. Austria and then Brazil please.

**Austria**

Thank you very much. We agree with the views expressed by the UK, France and others in line with the overwhelming majority of IWC Contracting Parties. Austria holds the view that the Southern Ocean Sanctuary was established and confirmative substantive and procedural requirements of the International Convention for the Regulation of Whaling and therefore in the absence of a dispute settlement procedure constitutes a binding obligation for all IWC members who did not file an objection in confirmative with Article V (3) of the Convention. In our view neither the problem of the so-called *ultra vires* decision of the IWC nor the problem of the violation of the sovereignty of Contracting Parties arise here because a qualified majority of Contracting Parties agreed to this Schedule Amendment in Chapters III, 7(b) and abstaining from objection to this decision. Japan was the only nation objecting to this amendment to the extent that it applies to the Antarctic minke whale stocks. These reasons amply justify the conclusion that the IWC action designating the Southern Ocean Sanctuary does not exceed its powers and its merit. Thank you.

**Chairman**

Thank you. Brazil please.

**Brazil**

Mr. Chairman, Brazil was one of the supporters of the Southern Ocean Sanctuary and it is our view that its establishment was within the mandate of the Commission and that its legality has already been clarified and asserted. We see with increasing concern the escalation of whaling in a Sanctuary in disregard for past

Resolution of this Commission. I just would like to remind, Mr. Chairman, that as several other developing countries despite the enormous economic cost, Brazil has maintained a consistent scientific presence in Antarctica for more than a decade. Besides, Brazilian researchers have been greatly contributing through non-lethal research to the better knowledge of Southern Hemisphere baleen whales in their calving grounds. Specifically right whales and humpback whales. Thank you Mr. Chairman.

**Chairman**

Thank you. I am beginning to feel like the UK Commissioner. Spain is asking for the floor and then New Zealand and perhaps we might close the list at that point. Spain please.

**Spain**

Thank you Mr. Chairman. I will be very brief. We associate ourselves with the comments made by Brazil. Thank you.

**Chairman**

Thank you Spain. New Zealand please.

**New Zealand**

Mr. Chairman I will be similarly brief. We associate ourselves with the comments made by the United Kingdom and a number of other delegations who have argued against the Burke paper.

**Chairman**

St. Lucia.

**St. Lucia**

Thank you Chairman. I wish to agree with my colleague from St. Vincent and the Grenadines and I would ask that this item be kept on the Agenda because I believe common sense will prevail and the right way forward out of this hole will arise at some point in time when we get the right lawyers and people discussing the issues in this organisation. Thank you.

**Chairman**

As far as the Chair is concerned I think the fewer lawyers we have the better as it only seems to complicate what is clearly a difficult issue. As for your suggestion that it remain on the Agenda, there would be no way in which I would suggest otherwise despite, I'm sure, a number of delegations wishing to assure me that they would like to see it off the Agenda. Japan you are asking for the floor again please. I offer you the chance to make any response before I make a final summary. Japan please.

**Japan**

Thank you. Yes Mr. Chairman. I would like to conclude by saying that our assessment on the view is based upon actual wording of the Convention not based upon stretched out interpretation of the wording of the Convention or any wishful thinking. To us this issue is so important that this will not disappear. We reserve the right to come back to this real question at the next year's meeting as well simply because this question at least in the view of our delegation will contribute to the normalisation of the IWC. I would like to point out one thing in response to the Brazilian colleague's comments, saying that I would say only the fact that only one nation filed objection does not diminish the dubious factor of the action IWC has taken. Thank you.

<b>13.3 OTHER MATTERS</b>
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**Chairman**

Thank you Japan. Well I think we have had as useful a discussion of this as possible. I hope we can have perhaps a sharper discussion at some point in the future. There is Agenda Item 13.3 "Other Matters". May I ask if there are any other matters? South Africa.

**South Africa**

Mr. Chairman I was asked to introduce a document IWC/49/31 which is the Statement of the Valdivia Group. I will repeat, IWC/49/31, and I was asked to do this in the absence of the Chairman of the Group which was the distinguished representative from Argentina.

Mr. Chairman, the IWC member countries of the Valdivia Group met during the present meeting. For your memory, the Valdivia Group which was established in 1995 comprises some member countries from the Southern Hemisphere nations, that is Argentina, Australia, Brazil, Chile, New Zealand, South Africa and Uruguay. During our consultations the Group stressed its support for the continuation and further development of co-operative initiatives and at addressing research and conservation issues relating to the cetaceans in the Southern Ocean region.

We note that the existing co-operative activities being carried out by Valdivia member countries in this region which directly address this and issues of concern identified by the IWC and these issues were, in fact, listed in this particular document. The Group reconfirmed their intention to continue and further cooperation in these areas. We also welcome the initiative to host the IWC Right Whale Workshop in Cape Town in March 1998 and also express our intention to work together on small cetacean conservation. Those members of us which are also parties to the Convention on Migratory Species will seek to ensure full and effective cooperation between the CMS and the IWC. The Group commended the Standing Working Group on Environmental Concerns of the Scientific Committee for its facilitation of the timely development of collaborative programmes between the IWC and CCAMLR and support the further development of these programmes by the Scientific Committee.

As in previous years, Mr. Chairman, the Group expressed its deep concern at the continuing practice of whaling under Scientific Permit in the Southern Ocean but reconfirmed its full support for non-lethal research in the Sanctuary. Thank you Mr. Chairman.

## **14. SCIENTIFIC PERMITS**

### **Chairman**

Thank you South Africa for referring us to that particular document. I believe that under item 13.4 any action arising would simply be limited to maintaining this agenda item and a reminder to Contracting Parties to ensure that the flow of information on research in the Southern Ocean and indeed the Indian Ocean Sanctuary is continued to the Scientific Committee. Can I ask if there are any further comments under Agenda Item 13 because if not I suspect we might be able to move on? It seems so, in which case we will now move on to Agenda Item 14 which deals with the question of Scientific Permits. The initial item 14.1 is the Report of the Scientific Committee and I will ask the Chairman of the Scientific Committee to give us a brief report please.

## **14.1 REPORT OF THE SCIENTIFIC COMMITTEE**

### **Chairman of the Scientific Committee**

Mr. Chairman, our Report on this is our item 12 which begins on page 58. We have dealt with this subject in three sub-sections of our Report dealing firstly with advice on the effect on stocks of Scientific Permit catches. Last year we had extensive discussions on this item and we agreed that the matter should be considered further this year and had encouraged people to submit documentation, but in fact we had no proposals of this kind and we didn't consider the item but agreed to keep it on the Agenda for next year's meeting.

### **Chairman**

Yes I think if you just take us through the whole lot and I will then come to a more detailed discussion in a moment.

### **Chairman of the Scientific Committee**

In the second part of our Report Mr. Chairman, beginning in or contained in Item 12.2 we have the review of results from existing permits and the first of those is the Japan Southern Hemisphere activity and we, of course, here review the JARPA work, that is the Japanese Whale Research Programme Under Special Permit in the Antarctic. As you know we had a Working Group that met earlier this year. This was an intersessional Working Group which reported to our Committee at our last meeting. The Group in particular dealt with two separate components arising from the meeting's terms of reference.

Firstly the specific research that had been carried out and its results and secondly the contribution made by those results, firstly to the stated objectives of the research programmes and secondly to the aims of the International Whaling Commission as expressed in its Resolutions. The Working Group completed all but the final task of those, i.e. judging the merits of the results in terms of the Commission's Resolutions and that more general task was forwarded to our full Committee.



The Working Group reviewed five components of JARPA and these are listed towards the bottom of the page on page 58. The first is sightings surveys and abundance estimation, stock structure, biological parameter studies, marine ecosystem studies and those addressed environmental change, and for each of those components Mr. Chairman they went through one by one, five headings for each of them, the background including original and additional research objectives, methodology of data collection, data analysis results and potential of the results in the context of the objectives of JARPA and stock management. Mr. Chairman it is not my intention to go through that Working Group Report in detail but I think it would be worth just drawing to your attention as is listed at the bottom of this page the original research proposal and later additions to it. The original objectives were firstly estimation of the biological parameters to improve the stock management of the Southern Hemisphere minke whale. Secondly elucidation of the role of whales in the Antarctic marine ecosystem and subsequently as is listed over the page, two further objectives, that is elucidation of the effect of environmental changes on cetaceans and elucidation of the stock structure of minke whales to improve stock management.

We were informed, the Working Group was informed, that following two feasibility studies, the full-scale sixteen year research began in the 1990-91 season and has alternated between Areas IV and V in the Antarctic with some extensions to Areas on either side in subsequent years. There are two components to the full programme and that is a sighting survey with primary purposes the estimation of trends in abundance and a sampling component to allow biological parameter values to be estimated.

Mr. Chairman, I think we could now turn to the Committee's review of this which begins on page 66 of the Committee Report. This is under item 12.2.1.2 at the bottom left hand corner of page 66. The Committee had in front of it two additional papers that are referred to here in reviewing the Report. I won't go into the details of those except to say that they were fully discussed and the discussion of the Report itself concentrated on two topics. The first concerned the issue of stock structure and the second concerned the issue of problems associated with obtaining representative samples and their implications for the programme. Because this was an important issue we established two Working Groups to address first the general issues of stock identity and the representativeness of samples in the JARPA Report and secondly specifically to consider a paper submitted to the meeting on the issue of stock identity and the use of historical samples, and there is discussion of that Mr. Chairman at the bottom of page 66 on the right hand side at the bottom of that column.

Turning to more general issues which are detailed on page 67. The Committee recalled that the Review Meeting had provided an overview of its view on the JARPA objective of estimating biological parameters and that is in small type as an insert Mr. Chairman at the top of page 67 and perhaps I might read that. It goes "the information produced by JARPA has set the stage for answering many questions about long-term population changes regarding minke whales and Antarctic Areas IV and V. Not surprisingly at this half way point in the JARPA Programme there are few definitive answers because of the time-scale required to obtain sufficient age distribution and abundance data and because of unanticipated problems in designing representative sampling regimes and in understanding the stock structure of minke whales in the Southern Hemisphere. For example, JARPA has already made a major contribution to understanding of certain biological parameters and to give some examples pertaining to minke whales in Areas IV and V yet such analyses have not fully addressed potential problems related to stock structure." The question was raised in the Committee, Mr. Chairman, as to whether these unanticipated problems have been resolved and if not how these would affect the potential for JARPA Programme to meet its objectives.

With respect to stock structure, unresolved questions still remain. There is an interaction among these questions as abundance estimates and the representativeness of sampling need to be evaluated relative to the stock being sampled. We noted that the problem of stock identity is common to almost all cetacean assessments. The data collected and the research carried out in the JARPA programme along with historic commercial catch samples are uniquely valuable in attacking this problem.

Some areas, Mr. Chairman, were identified to address these problems and they are listed in Table 2. We were told that work on all of these are either in progress, has recently been initiated or is at the planning stage. As far as the catch-at-age analyses are concerned and this is discussed on page 68 towards the middle of the left hand column. Again there is a conclusion of the Review Meeting Mr. Chairman which I might read out and that is in the small type in the middle of that page. It concluded that there was merit in pursuing the approaches of the two papers we had further but that estimates from such methods couldn't be considered reliable until difficulties associated with the estimates of abundance from JARPA had been resolved. The difficulties with the abundance estimates are, as we have seen above, being addressed. We then noted Mr. Chairman that JARPA is at the half way point and has provided substantial improvement in the understanding of stock structure, this towards the

right hand side of page 68 half way down. It is anticipated that as stock structure becomes better clarified the information will be incorporated to provide analyses of biological parameters by stocks. This may not be straight forward for some of the analyses. In conclusion, the JARPA Review had identified areas of additional future work that could contribute to resolving some of the unresolved and unanticipated problem in sampling and stock structure that could limit its ability to estimate biological parameters. Effort in response to all of these identified areas is being undertaken and the additional work may improve the value of the data and results and we go on to comment in more detail on that Mr. Chairman.

Finally, the Committee agreed that none of the sampling and stock identity problems as have been identified in the JARPA Review or subsequently would in principle prevent the programme from achieving its objectives in terms of estimation of biological parameters. All of the identified problems appear to be addressable. Most members were optimistic that the JARPA data in conjunction with additional work planned would allow estimation of the biological parameters with reasonable levels of precision. However, others thought that the problems associated with biases and the level of variance in the JARPA abundance estimates and with interactions between catch-at-age analyses and uncertainty in stock structure mean that it is not possible yet to determine whether reasonable levels of precision will ultimately be achieved.

There were some aspects of the Programme relevant to abundance estimation Mr. Chairman which we considered and they are summarised briefly in the remainder of the left hand column on page 69.

I mentioned earlier Mr. Chairman that one thing that the Working Group did not do was discuss the relevance of these results to the Commission's own Resolutions. This was dealt with by the Committee under item 12.2.1.3 which is on page 69 at the top on the right hand side in that right hand column and we address this issue by providing a summary firstly of the Commission's Resolutions and relevant comments from the JARPA Report and our discussions and this is given Mr. Chairman on the remainder of this page and over.

I should say that there are a couple of typos in here which may have caused confusion to people in trying to understand this Report and I could perhaps just draw your attention to them. The first is that item large A Scientific Permits should in fact be labelled one Scientific Permits because you will notice that on the next page at the bottom on the right hand column there is an item 2 - well that is the second item in a series of 1 and 2. You will notice at the bottom Mr. Chairman there is a table that goes across the page and just above it in the right hand column there is a statement "the relationships are identified in Table 3". The next statement after that should be the statement B in the left-hand column at the bottom so you go diagonally across the page to little b and then you go across the page to a statement SC/49/Rep 1, Annex F and then you carry on to the next page. I'm sorry this is so confusing and it was very confusing to me when I first saw it because I had originally seen it in single column as opposed to double column and when you put it into double column there are problems and I apologise for those. However, it will now all be as clear as mud to you and I will carry on.

Mr. Chairman, in relation to scientific permits, we did as I say review here what the Commission recommended and that is stated in the right hand column of page 69 and I don't think that I need go into that in specific detail here. We've got comments there on where this is dealt with in the Committee Report and so on and we detail under little items a and b the other concerns that were expressed.

I should, I think, draw attention to the fact that on the top of page 70 there is a reference to the frequent sightings surveys in the same localities facilitating estimation of inter-annual variability and local abundance which in turn leads to improved overall results from combining them with, for example, the IDCR, SOWER and JSV cruise results. There were however some improvements in methodology suggested. There was also general agreement that the stock structure data were of value to management. It was also agreed that the Programme provided valuable information on a number of biological parameters and there is a paragraph on that. It was also agreed that estimates of daily food consumption could be used for confidence for estimating total food consumption and there is a paragraph on that. The meeting agreed that the work was pertinent to the recommendations and they are numbered of the Pollution Workshop. There were, however, some concerns expressed on the extent to which the work on minke whales directly addressed one of the recommendations. The meeting also recognised this was a long-term programme that had only reached its half-way point and this in fact virtually repeats something I've already said but I may as well repeat it here Mr. Chairman because it's an answer we believe to one of your own queries, or the Commission's queries. In several cases it could be said to have set the stage to answer many questions about long-term population changes. The Committee also noted that while JARPA results were not required for management under the RMP they had the potential to improve it in the following ways and these are given as 1 and 2 and I may read them.

First the reduction in the current set of plausible scenarios considered in implementation simulation trials and secondly identification of new scenarios to which future implementation simulation trials will have to be developed. The results of analyses of JARPA data could be used in this way perhaps to increase the allowed catch of minke whales in the Southern Hemisphere without increasing the depletion risk above the level indicated by the existing implementation simulation trials of the RMP for these minke whales. Again we repeat Mr. Chairman our discussions about the implications identified in stock structure and sampling in terms of the ability to achieve stated objectives and give the two views of most members and others there. I should also refer Mr. Chairman to the next paragraph which again should be in italics and labelled little c and I apologise for that. It reads “identify non-lethal methods and alternative sources of data that might be used in meeting the research objectives” and we do give some comments on that. We have an Annex that provides a summary supporting or refuting the use of lethal removal pertaining to the collection of stock structure information. We noted that there were non-lethal methods available that could provide information about age structure, for example, natural marking, but the logistics and the abundance of minke whales in the relevant areas probably precluded their successful application.

In our discussions the question was raised to whether there were adequate suitable samples already available to the commercial catches for examining the question of stock identity. It is not yet clear which of the commercial data can be used for this process but a procedure to try and determine it is in place.

The second main item Mr. Chairman that we looked at here was relevant to the Antarctic ecosystem and we have a statement or at least we have an extract from your request to us at the bottom of page 70 on the right hand side. Our answer to this Mr. Chairman is that we noted that the information obtained would indeed be of interest to CCAMLR and Southern Ocean GLOBEC and relates specifically to the environment and whale stocks; towards the middle of page 71 we talk about the meeting having agreed that the work is pertinent to recommendations for the Pollution Workshop. There were some concerns expressed that I think I’ve already said on the extent to which the work on minke whales directly addresses one of the recommendations but we did agree that the studies were contributing to the second objective that has been referred to. However, additional studies are recommended and again we noted that the information obtained would be of interest to CCAMLR and Southern Ocean GLOBEC. That concludes our discussions on the Southern Hemisphere minke whale work Mr. Chairman. I don’t know if you want me to go now to the North Pacific?

#### **Chairman**

I think we might pause just briefly to see if there are any questions or clarifications which might be sought by delegations of the Scientific Committee’s Report which is certainly a very thorough effort. No. I think it would be useful if you would finish the whole section and then we will look to any Action Arising.

#### **Chairman of the Scientific Committee**

Mr. Chairman the second area we reviewed are existing programmes of the Japanese North Pacific one. We reviewed this very briefly in our Report noting that there were a number of papers presented from the results of this work. They were considered by the relevant sub-committees and we have also looked at them in relation to North Pacific minke whales under your Agenda Item 11 already at this meeting. As for our review of new or revised proposals we dealt with these under item 12.3 Mr. Chairman on page 71 at the bottom left hand column beginning there. Firstly, continuation of the Japanese Southern Hemisphere Programme; we were provided with a 1997/98 Research Plan. As I’ve noted this is a continuation of the programme we’ve already previously discussed and there are some details listed there. We noted that the objective of sampling again in the area adjacent to Area IV to the East, Area III East, is to investigate, sorry to the west, Area III East, is to investigate inter-year variability in the amounts of stocks in those areas. We also refer to the Commission, Mr. Chairman, our views expressed in previous years on the applicability of non-lethal methods, possible effects on the stock and the opportunity for participation by foreign scientists which were considered unchanged from last year.

As far as the North Pacific is concerned, and this is Item 12.3.2 at the bottom of that right-hand column on page 71. We had a description of the continuation of a programme begun in 1995 after a feasibility study which was going to undertake two things. Firstly, to examine whether sub-stocks of minke whales exist in the Okhotsk Sea western Pacific stock, that’s the “O” stock and secondly whether an additional minke whale stock, “W” stock, exists in the Central North Pacific and if it does the rate of mixing with the other stock. There will be a sampling of 100 animals there. We noted that we had addressed this proposal in detail previously and we refer the Commission to our previous comments which were in your green report Mr. Chairman on page 97 and which in fact refer to earlier comments which again we can refer back to. Thank you Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee for that very detailed review that your Committee has undertaken to help the Commission. Can I ask if there are any questions or clarification? Norway please.

**Norway**

Thank you Mr. Chairman. It's not a question for clarification but a comment if that is appropriate. I would like to remind Commissioners and delegates that the JARPA Programme has repeatedly been criticised during the past ten years from prior to the start of the first feasibility study, and this criticism has been raised both in the Scientific Committee from some of its members and in this Commission, as for instance expressed in perambulatory paragraphs in Resolutions and this has been repeated every year during the last ten years.

The Tokyo meeting on JARPA lasted a full week and with full participation from all the influential members of the Scientific Committee on all sides of the different opinions on the whaling issues and it is remarkable, and I think the Commissioners and delegates should note this, that this work resulted in a very positive evaluation of the scientific results from the Southern Ocean scientific catch. Mostly by consensus in this group and this remarkably positive judgement also comprises the results on biological parameters. Maybe this expression doesn't mean so much to you but these are the results that could not be obtained by non-lethal means as it also agreed in that group. So I would just like to point out that this is an exceptional report and the positive evaluation was also repeated in the Scientific Committee itself this year. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Netherlands you are asking for the floor.

**Netherlands**

Yes. Also on JARPA Mr. Chairman. With regard to this Programme and the Scientific Committee's consideration of it I would like to draw attention to the Chairman's Report of last year's meeting where under Item 11.5 - Southern Hemisphere minke whales, Report of the Scientific Committee, you will find it recorded that a majority in the Commission believe that adoption of the Sanctuary precluded the adoption of the RMP in the area at least for the time being, and those countries considered that the Scientific Committee should not consider Southern Hemisphere minke whales in this context unless advised to do so by the Commission. The Netherlands continues to have that position and in light of the Resolutions that this Commission has adopted earlier relating to lethal research in the Southern Ocean, it is our opinion that the Commission should formally agree to the position of the majority. In this context I would like to draw your attention to draft Resolution 49/36 which has been distributed and which among other things addresses this point. Thank you Chairman.

**Chairman**

Thank you Netherlands. New Zealand.

**New Zealand**

Mr. Chairman last season 440 whales were killed in the Southern Ocean Sanctuary and a hundred more in the North Pacific. Nearly three thousand whales have been killed under the whole JARPA Programme in its first eight years and its still got eight years to run. Chairman if I referred to page 2 of the Workshop Report. Fifteen hundred and forty-six whales killed in Area IV - the Australian sector. Twelve hundred and twenty two whales killed in Area V - the New Zealand sector. What's the conclusion of the JARPA Review in Tokyo in May and restated in page 66 in the first column page 66 of this year's Scientific Committee Report. The results of the JARPA Programme while not required for management under the RMP have the potential to improve the management of minke whales in the Southern Hemisphere etc.

Mr. Chairman, not required for management under the RMP. How can we justify this activity with so little in the way of management outcomes? On page 67, Mr. Chairman, of its Report the Scientific Committee identifies at the bottom of the first column ten main areas in which JARPA is currently failing to address its stated objectives. Objectives I remind this Commission are not those determined by the Committee or by this Commission but by Japan itself. Mr. Chairman the Programme has been going for eight years and there are still ten main areas that require addressing in terms of unresolved problems. But, Mr. Chairman, even if it were possible to address those ten unresolved problems we would still be left with a Programme which the Committee has agreed is not required for management under the RMP and above all where most of this so-called scientific research take place in the Southern Ocean Sanctuary declared by this Commission in 1994 with just one desenting voice.

It seems abundantly clear to me Mr. Chairman that not only is JARPA not achieving its own stated objectives. It falls short in at least ten main areas, but also it utterly fails to address critically important research needs as laid out by this Commission.

Mr. Chairman as my delegation has stated on numerous previous occasions, non-lethal research techniques are readily available to address issues of stock identity and none of the other stated objectives of JARPA could in our view be considered as critically important research needs, and I am therefore disappointed that at this stage at least the Committee is unable to make a judgement as to whether the JARPA Programme does address critically important research needs. For my part, and I must admit this is as a non-scientist, I would have thought that such an assessment could be made.

Under our Convention science is rightly the province of the Scientific Committee but there are occasions when it is proper for this body to give guidance to the Committee on its scope and that is particularly true where scientific research programmes raise moral and ethical questions and ethical issues are raised when a research programme kills nearly three thousand animals in eight years.

In my view Mr. Chairman we are fast approaching the stage where it may be appropriate for this Commission to give some guidance to the Committee and I hope that the Commission will be prepared to do this in the future.

We need more than just scientific direction here Mr. Chairman when three thousand animals are being killed with the prospect of a similar number over the next eight years, we need more than just scientific direction we also need a moral compass.

**Chairman**

Thank you New Zealand. Austria were asking for the floor.

**Austria**

Thank you very much. We fully agree with the opinion of New Zealand even though the JARPA Report states as we have already heard that there are few definitive answers because of the time scales required to obtain sufficient age distribution and abundance data and because of unanticipated problems in deciding representative sampling regimes. Austria recognises that interesting data is being gained from biologists in the framework of JARPA. However, such data is, in our opinion, not what the Commission has been seeking. This data is not required for the RMP as this Report itself concludes on page 15 and does not satisfy the criteria stipulated in Commission Resolutions.

Resolution 1995-9 for example states that scientific research involving killing of cetaceans should only be permitted in exceptional cases. The question raised address critical important issues and on the JARPA Report, however, uses a completely different language and is in fact unable to specifically identify as critically important any issue that can be solved by JARPA. Austria therefore believes that the Commission should continue to review the JARPA Programme with healthy scepticism. Thank you.

**Chairman**

Thank you. I give the floor to the USA and then Norway. USA please.

**USA**

Thank you Chairman. First to associate my delegation with the views of Netherlands, New Zealand and Austria. Mr. Chairman the issue to my delegation isn't whether JARPA is useful research but whether it is necessary research. We set this criteria because it constitutes lethal research. Mr. Chairman, if some commercial whaling was going on it might be argued that it was necessary for management under the RMP, but on page 70 of the Scientific Committee's Report we see that even they state that JARPA results were not required for management under the RMP. Now Mr. Chairman we know that commercial whaling is not possible in the Southern Ocean because there is currently a Sanctuary. Contemporary research is demonstrating that polar areas are particularly susceptible to effects of climate and global change so that might be a potential reason for having such research. We look at the arguments on page 71 and we are also not convinced by them that any aspects of this lethal research programme contributes meaningfully to research on environmental threats. So again we see no compelling reasons for this work. We don't believe it is necessary so we would urge Japan to reconsider the necessity for it to undertake this research programme. Thank you.

**Chairman**

Thank you USA. I now have Norway and then Monaco. Norway please.

**Norway**

Thank you Mr. Chairman. I shall not enter into the discussion about the moral issues but I would like to refer the distinguished Commission from New Zealand to page 70 in the Scientific Committee Report. In the first column, third paragraph, it stated that "it was agreed that the programme provided valuable information on the number of biological parameters, recruitment, natural mortality, decline in age at sexual maturity, and reproduction" and then one sentence further down "Although there is still much to be done it was agreed many valuable results have been obtained. It was noted that results in the short-term could be valuable with respect to several aspects of the RMP provided that certain identified problems were resolved." I agree that there are some unresolved questions but they are not serious as is obvious from other parts of this Report. Further down it's in the long-term aspects which is also positive so it's certain that these results have value also for management but of course in the strict sense these kind of data is not needed for the implementation of the RMP, and I agree so far but this evaluation of the Tokyo Meeting and also of the Scientific Committee is that there are very many valuable results in this programme and that they are relevant for the management.

**Chairman**

Thank you Norway. Now I give the floor to Monaco and then Chile. Monaco please.

**Monaco**

Thank you Chairman. Monaco has a strong tradition in marine science. The head of this Country made it clear that we have very serious concern and reservations about scientific whaling and let us be very clear we object to lethal scientific whaling.

I happen to be a scientist and one of the Working Groups in my Commission for Mediterranean Science is a Working Group on Marine Mammals. We are familiar with the issues in cetacean research and we feel there is a great need for enlarging the scope and scale of research on the role played by cetaceans and particularly by large whales in the global ocean. We know probably more about the rocks on Mars and the Moon than we do about the role played by those animals in the food chain and dynamics and energetics of the ocean ecosystem which again represent more than seventy per cent of our planet. This being said I am therefore quite well placed to say that an increasing majority of the world specialists on whale science contends that only in very exceptional circumstances would the lethal take of whales be necessary or even useful to address issues relevant for the sustainable management and conservation of whale stocks. One such exceptional case would be, for example, a case of where you are confronted with the major epidemics, or what we call an episode, and then you might have to record the advance state of degradation of the tissue in the population of whales then confronted with.

Aside from that the question concerning distribution, age structure, anatomy can be tackled by other means as is done in the Mediterranean Sea and the Black Sea. Defining articles of this Convention were drafted quite a long time ago on the scientific scale, that is before we all knew about the structure of DNA, before we knew a lot about molecular genetics, knew about refined models of population dynamics. Well I mean two generations of scientists have gone by since work successfully, there is a considerable body of knowledge on cetacean science, on whale science and they should be put to use constructively. I would concur fully although less eloquently with my New Zealand colleague on the role that this Commission should play ..... with its Scientific Committee. The Scientific Committee of the IWC is here largely to advise us .....

[END OF TAPE]

**Japan**

..... to make a report fairly upon the JARPA review as well as the other result of evaluation which took place at the Scientific Committee and I would also like to take this opportunity to express my high appraisal of the distinguished work by the Scientific Committee and its members.

Professor Walloe of Norway has pointed out the very correct point in relevance to this issue and so we fully support the statement made earlier by Professor Walloe of Norway.

I feel that the atmosphere in this conference in this room is that people in general are wondering why Japan is so insistent upon carrying out the work in the Southern Ocean and maybe you are to criticise. The global resources are limited and its the distribution of the natural resources in different parts of the world seem to be rather

biased. For example, the nations that belong to the Valdivia Group are fortunate nations which are so blessed and endowed with natural resources, so namely the countries like Argentina, Australia, Brazil, Chile, New Zealand, South Africa and so on, and these countries do not have to know the situation to be starved because they are blessed with plenty of land and likely arable land.

About fifty years ago, right after the end of World War II, Japan suffered from a serious shortage of food, crisis of food shortage, but in the meantime the countries which had victory in that war, namely the United Kingdom, also at that time suffered from shortage of food. So to deal with that situation at that time the United Kingdom despatched many whaling vessels to the Antarctic Ocean to try to hunt the whales and they have not extracted the meat, they have not used the meat resultant product from the whaling but only extracted the oil from the whale product and so the leaders of the Ministry of Agriculture, the Agriculture Department of the UK, tried to promote the consumption of whale meat in the UK. However, it was not accepted by the general public because it was not part of a traditional diet. In the meantime the leader of the Allied Forces, General McArthur, advocated the whaling because he has witnessed the starving situation food crisis in Japan and then he recognised that the Japanese people have a capability to catch the whales and therefore it would be a good idea to send the vessels to the Antarctic Ocean to harvest the whales. Of course, this whale meat supplied to Japan has actually saved the Japanese population, the starving people, and even at that time some countries opposed to the whaling and supply of the whale products, namely those are the countries like Australia, New Zealand and the United Kingdom, and these are the countries which are still opposed to whaling. So we believe that the whales have saved the Japanese people who are suffering from starvation at that time and we really appreciate that supply and therefore we now believe in good management of the whale resources so that we can save it to be utilised from our offsprings in the future.

The Antarctic Ocean is a vast huge area of Ocean and our position to look at the Antarctic Ocean is different from the views possessed by the Valdivia countries as well as Australia and New Zealand and our view to the Antarctic Ocean is, I think, shared by the US and Russia because we believe that the Antarctic Ocean should be utilised by mankind. As a part of the effort to try to understand and elucidate the ecosystem and biological resources in the Antarctic Ocean we are now engaged in this research of the cetaceans there and so we believe that these resources of the Antarctic should be utilised by mankind in the future, by all the people on earth, so that we could have it for the sake of the people in the next Century, the 21<sup>st</sup> Century, when we may expect to see unfortunately the likely food crisis or shortage of food supply, for mankind and that is the basis why we would like to continue the scientific research and we feel that it is our responsibility to continue to carry out this scientific research in that regard. I am afraid that some of the countries which are opposed to the scientific research may not understand this important responsibility that we have and I feel, I am sort of obliged, to disseminate my understanding and belief to those people who do not currently share my belief so I feel this obligation to educate these people.

The late Foreign Minister of Norway, Mr. Forster, the Honourable Host before the Ministry of Norway who made a great contribution to realise peace in the Middle East, visited Japan two months before his death and I had the honour to meet with him and his words to me were that reason is on our side and therefore my statement is based upon this word by the late Foreign Minister of Norway and I think it is a great responsibility to try to disseminate this concept and message to the rest of the world. So despite strong opposition I feel responsible that I should try and convey this message and concept to the rest of the world. Thank you very much.

#### **Chairman**

Thank you Japan for those words bringing us up to date. We have had an extensive discussion under this item. I note that there are two Resolutions which were submitted which we would need to take under Action Arising. These are contained in documents 49/36 and 49/37. However, I also note that it is now 18:10 so I do not intend to take these this evening. I intend to take them first thing tomorrow morning and we have exceeded our time rather slightly. Is this relevant now Austria? Thank you Austria, maybe tomorrow morning when we are fresh. So I would like to simply adjourn the session until tomorrow and we will return to this item and finalise it and then we will work as expeditiously as we can through the remainder of the Agenda.

I would like to make a minor change to the starting times in order that we can proceed as quickly as possible and to help those who would like to leave early. I propose we have our Commissioners' Meeting which we had agreed that we would have on an informal basis largely to review the progress of the items at 9.00am tomorrow morning and to start this Plenary session at 9.30am. That I think should give us a head start and I would encourage as much consultation as possible this evening so that the formal statements can be kept to the minimum necessary to make the point.

That said, I would now I think like to draw business to a close but before I do I understand that some members of this group may have had an invitation this evening for a reception and I am advised that this reception at the Museum you will be required to show your invitation card and wear your identification badge so would you please do that to avoid any embarrassment.

With that I adjourn this session and we will resume formally in the session at 9.30a.m. tomorrow morning. Thank you.

**[END OF PLENARY DAY FOUR]**



**PLENARY SESSION**  
**Friday 24 October 1997**

**14.2 ACTION ARISING**

**Chairman**

I would like to try and take us into the home straight and finalise our business. We adjourned the session yesterday afternoon having had a considerable debate under Agenda Item 14 on Scientific Permits and I note that there are two Resolutions or Draft Resolutions I should say, IWC/49/36 and IWC/49/37. Although there are a different set of proposers for these Resolutions they both deal with Agenda Item 14.2 and it would seem to me that we may be able to deal with both Resolutions together. I would like to ask who wishes to introduce these two Resolutions and in your introduction perhaps you could advise me and the Commission whether there is in your view any consensus approach on these two Resolutions. If not, then I will ask for some further discussion on the issue. May I ask then who wishes to introduce these Resolutions? Australia and are you happy to introduce both?

**Australia**

Thank has not been our intention Chairman. If you wish us to I think we can.

**Chairman**

Well it is entirely up to you. Netherlands.

**Netherlands**

Yes we would like to introduce the second Resolution Mr. Chairman. I will keep it as brief as possible.

**Chairman**

In that case Australia would you introduce IWC/49/36 for us?

**Australia**

Yes thank you Mr. Chairman. This Resolution deals with the Special Permit catches by Japan in the Southern Ocean. I would like first of all to make it quite clear that we acknowledge that the programme that Japan is undertaking is in strictly legal terms in accordance with Article VIII of the Convention. Mr. Chairman, we have had already a significant debate on the JARPA Programme, the science that underpins the Japanese Programme. As usual in these circumstances differences of views were expressed and we acknowledge that. However, Mr. Chairman, science we feel should endeavour to adopt the highest standards both in terms of its intellectual content and in terms of the techniques that are used to pursue science. The pursuit of knowledge cannot and is not unfettered. We have to ask questions as to what civilised limits we should impose on ourselves in our pursuit of knowledge and where is the appropriate balance between the value of the knowledge gained and perhaps the suffering and m damage inflicted in gaining that knowledge.

Mr. Chairman, this Commission has with a significant majority previously adopted Resolutions which recommend that scientific research involving the killing of cetaceans should only be permitted where critically research needs are addressed and where those cannot be answered by analysing existing data or using non-lethal techniques. Mr. Chairman, the position of Australia is that we are opposed to the use of research which involves the unnecessary death of whales. In our view, with modern techniques almost all this information essential for the conservation and management of cetacean populations in the Southern Ocean can be gained without killing.

We are opposed to science which by its scale and nature we feel subverts the moratorium on commercial whaling and subverts the intent of Article VIII of the Convention. Mr. Chairman, I would like to draw the Commission's attention to statements which have been made by Japan in this forum this week and in other fora at other times. The calls that we should heed the advice of the scientists, the calls that we should base our decisions on scientific findings. Mr. Chairman, the review of the JARPA Programme I believe is the advice of the scientists. That advice is that this Programme is not required for management.

Mr. Chairman, yesterday in debate under Agenda Item 6 the Japanese made a plea that we not adopt double standards, that we were clear and unambiguous, that we are consistent in our decision making. Mr. Chairman, I would like to stress that we feel the scientific advice is clear and ambiguous. The research to be undertaken does not require the killing of whales. Mr. Chairman we trust that Japan will, as we sometimes say in English, practice what it preaches, that it will do what it has asked others to do. That it will heed the advice of the

scientists and not adopt double standards, review its JARPA Programme to ensure that unnecessary killing of whales is not continued. Mr. Chairman I don't believe we have consensus on this Resolution. Thank you.

**Chairman**

Thank you Australia. Japan would you wish to make any remarks on this matter? Japan please.

**Japan**

Yes thank you Mr. Chairman. We have two proposals. Can we deal with both proposals or one?

**Chairman**

Sorry. No I think apparently the proponents would like to deal with them separately so if you could deal with 36 first which is the Southern Ocean catches.

**Japan**

Thank you Mr. Chairman. Yes, we have a Resolution concerning the Japanese Research Programme and the Special Permit catches in the Southern Ocean. Mr. Chairman, first of all Article VIII of the Convention irrevocably provides that Contracting Parties may grant permits authorising a take of whales for the purpose of scientific research. I would like to remind those present that this provision begins with the words "notwithstanding anything contained in this Convention". Article VIII also provides that the taking and treatment of whales in accordance with this Article shall be subject only to conditions as the Contracting Governments sees fit and shall be exempted from the operation of the Convention.

Many are different to the Antarctic Sanctuaries that was adopted at the previous meeting but paragraphs 7(b) of the Schedule mentions in accordance with the Article V.1.3 of the Convention "commercial whaling whether by pelagic operation or from the land station is prohibited in the region designated as Southern Ocean Sanctuary" although it doesn't bind us because of our reservation. However, it is clearly stated here even Antarctic Sanctuary has nothing to do with scientific research and I have to reveal furthermore by referring this particular section further. This prohibition which means Antarctic Sanctuary, this prohibition applies irrespective of the conservation status of baleen and toothed whale stocks in this Sanctuary. What does it mean? It means that this Sanctuary is unscientific, does not regard scientific evidence. Mr. Chairman this is not first time that the Government of Japan has expressed the view that Resolutions from this Commission urging that we refrain from issuing Special Permits for scientific research are unacceptable. These Resolutions become even greater affront considering the commendations from the Scientific Committee on both the quantity and quality of the result of our research programmes.

Secondly Mr. Chairman, Japan's scientific research programme has been the subject of extensive review by this Commission's Scientific Committee. This review has included intersessional Working Group held in May of this year to review the result of our Antarctic Research Programme as well as during the regular meeting of the Scientific Committee recently held in Bournemouth.

Mr. Chairman, the proposed Resolution related to our research in Antarctica is inconsistent with and contradicts the conclusions and recommendations of the Scientific Committee which have noted that the Japanese Research Programme in the Antarctic has provided considerable data reflecting the status of the stocks which have produced many valuable results which could be directly relevant for management. I would further point out that Scientific Committee note that non-lethal means to obtain some of this information are unlikely to be successful in Antarctica. Mr. Chairman, I acknowledge the paragraph 5 of the Resolution concerning our programme in the Antarctic notes that this year Scientific Committee undertook a comprehensive review of this research programme and that at least one of the conclusions of this review which would support a continuation of this programme is referred to in paragraph 6 of the Resolution. I am referring specifically to the conclusion that the result of the JARPA Programme have the potential to include the management of minke whales clearly if we are to base our management of the whale resources on scientific findings as required by Convention. This conclusion supports continuation of the programme yet Mr. Chairman the Resolution we are considering uses this same conclusion as the basis for its urging the research be terminated. This perverse logic has the effect such that if the Resolution is adopted Commission is rejecting improvement in the management of whale resources. Mr. Chairman, this Resolution therefore makes mockery of the Convention, a mockery of the principle of sustainable utilisation of resources and mockery of this Commission. Mr. Chairman this comment should have been and sincerely taken up when you make a decision, I mean this Commission makes a decision, on this matter. Thank you very much.

**Chairman**

Thank you Japan. I think it seems very clear that there isn't a possibility to adopt this Resolution by consensus and therefore we need to see whether we do adopt it or not by proceeding to a vote. I would like to ask the Secretary if he would conduct the vote on this Resolution which you have in paper IWC/49/36 Draft Resolution on Special Permit Catches in the Southern Ocean by Japan. Secretary could you conduct the vote please. Antigua you are asking for the floor.

**Antigua and Barbuda**

Mr. Chairman just before we proceed to the vote Antigua and Barbuda would like to voice its opinion on this Resolution. Mr. Chair, yesterday we saw and witnessed a vicious attack on the Scientific Committee of the IWC by some members of this able body. We saw, Mr. Chair, a few days ago we were recommending that the Scientific Committee establish stronger links with the animals Committee of the IUCN. We see now Mr. Chairman that our same Scientific Committee is admitting the usefulness of the research that is taking place in the Southern Oceans. The need for some lethal killing in order to accomplish certain goals of this research. Mr. Chair, a vote for this Resolution is an indictment against the Scientific Committee of this organisation Mr. Chairman. A vote for this Resolution is sending a message to the Scientific Committee that they are only needed when it is in the interest of some member countries of this organisation Mr. Chair. We cannot expect our Committee to develop stronger links with other Committees of other organisations when we ourselves are rejecting our Committee. Charity begins at home and unless we show respect for the Scientific Committee by respecting its opinion on this research programme we are indicting our Scientific Committee and suggesting to them that they may as well close shop up. I am appealing to fellow Commissioners inside here to realise this process and realise the dynamics of this process and the danger in which we are pursuing this process before we cast our vote on this issue Mr. Chairman. Thank you very much.

**Chairman**

Thank you Antigua and Barbuda. I see a couple of additional people asking for the floor. I had thought that we had understood that debate was to be at a minimum. Russian Federation you wish the floor?

**Russian Federation**

Thank you Mr. Chairman. We are always supporting the scientific researches which have the end to establish this scheme of the stock management so therefore this Resolution. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. I think the views are therefore clear. It just reinforces by own view that we should proceed to a vote on this issue and I ask the Secretary now to do so please.

**Secretary**

Mr. Chairman the proposal before the Commission is the Resolution in document IWC/49/36 a Draft Resolution on Special Permit Catches in the Southern Ocean by Japan. A Resolution of this nature requires a simple majority of those voting for or against to be adopted. Following our rolling start the role starts at St. Lucia. 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; Antigua and Barbuda - no; Argentina - yes; Australia - yes; Austria - yes; Brazil - yes; Chile - yes; People's Republic of China - no; Denmark - yes; Dominica - no; Finland - yes; France - yes; Germany - yes; Grenada - no; Ireland - abstain; Japan - no; Republic of Korea - abstain; Mexico - no; Monaco - yes; Netherlands - yes; New Zealand - yes; Norway - no; Oman - absent; Russian Federation - no. Mr. Chairman there were eighteen votes in favour, eleven votes against with 2 abstentions so that Resolution is adopted.

**Chairman**

Thank you. We are still on that same Agenda Item 14. As I indicated there was a second Resolution. Resolution IWC/49/37. The Netherlands has already indicated it would like to introduce this Resolution and I would now like to ask Netherlands to do so please.

**Netherlands**

Thank you Mr. Chairman. I would like to also on behalf of a number of other countries which you find at the top of paper 39/36 to address the other research programme involving the killing of whales which is the Japanese Research Programme in the North Pacific. This Programme started two years ago and apparently it is becoming

a routine operation as in the Southern Ocean. Although we acknowledge the sovereign rights of Japan under Article VIII of the Convention we deeply regret that Japan is not prepared to accept the serious difficulties that this Commission has had with their research programmes both in the Southern Ocean and in the North Pacific. The Commission has made it clear that we do not consider this kind of scientific whaling to be necessary for our management purposes.

Last year we adopted a Resolution on both programmes and concluded that they do not satisfy the criteria this Commission has developed for the signs in these whaling activities. The programme that I am talking about now has not been substantially adapted to meet our concerns. The Scientific Committee just refers to comments and judgements that have been made on earlier occasions and it seems that despite our earlier Resolution there is no appreciable change in the programme. As it were, we were back to business and science as usual. The research in the North Pacific is directed at elucidating the stock structure of the minke whales. It is our firm belief that such research can and should be done by non-lethal means. Biopsy sampling has shown to be a feasible methodology for such research. There are also many samples still in stock from earlier commercial operations. The Commission has, in an earlier Resolution, already accepted that research involving the killing of whales should only be done when it addresses critically important research needs which cannot be met by non-lethal means. As is the case with JARPA, we think that more information for stock identification is not a critically important research need. It merely aims at altering the conditions for the implementation of simulation trials for North Pacific minke whales so that it would lead to increasing catches once the RMS would be completed and the RMP implemented. Some may consider this an improvement of the management of whales, we do not.

Therefore, Mr. Chairman, the Netherlands, also on behalf of a number of other countries, proposes in this Resolution that the Commission reiterates its request to the Government of Japan to refrain from issuing this Permit. We sincerely hope that Japan will take our pleas to heart and restructure its programme to non-lethal methods. Mr. Chairman, we have consulted with Japan on the text of this Resolution and the Japanese delegation has advised us that they would be able to go along with it so I am afraid that as is the case with the other Resolution we do not have a consensus on this one. Thank you.

**Chairman**

Thank you Netherlands. I offer the floor to Japan.

**Japan**

Thank you Mr. Chairman. Since most of the comments shall equally apply to this Resolution requesting the Government of Japan to reconsider its research programme in the North Pacific. I will not therefore repeat many of the points which I mentioned in regards to the Southern Ocean Special Permit case. The issue in the case of the North Pacific minke whale is a lot of adequate information to clearly define stock structure. The correction of the information to solve this matter are important objectives of our research programme and our research aim is to examine unscientifically raised binding of stock question on the hypotheses that there are four sub-stocks and two stocks in Okhotsk-Pacific stocks which we consider unscientific. Therefore our research aim is to see if a sub-stock of minke whale exist in the Okhotsk Sea where some Pacific, and whether additional minke whales exist in the central North Pacific, if it does the ratio mixing with all stocks.

A humble number of one hundred animals will be sampled and these numbers of samples in no way to produce adverse effect to the stocks that was so reported and discussed and recognised by the Scientific Committee.

Mr. Chairman, our Research Programmes in North Pacific involves in that way lethal research. This is critical for us to get information to address what I explained as objectives. We have endeavoured to take account of also legitimate scientific issues raised by others related to these programmes and we are willing to continue to do so but Mr. Chairman, we are not deterred by Resolutions as such this that infringed on our sovereign rights and which are contradictory to the scientific finding and to the Convention.

We are, again, committed to the concept that management of the whales and all marine resource be based on scientific findings. Mr. Chairman, I have stated that Resolution relating to these programmes is inappropriate and I have to express that my Government's strongly held view that this is unacceptable. Thank you.

**Chairman**

Thank you. Norway you are asking for the floor.

**Norway**

Thank you Mr. Chairman. In his introduction of the last Resolution, the one on the Southern Ocean research programme, the distinguished Commissioner from Australia made it a main point that the Scientific Committee had advised that the research was not necessary for the application of the RMP. It is then in this respect interesting to note that the present draft Resolution has no reference to the Scientific Committee in the perambulatory paragraphs and it is worth noting because if we look back in the Reports of the Scientific Committee, not this year because we did not discuss this matter this year but last year, you will find that it was an overwhelming support of this Research Programme in the Scientific Committee, not because it was critically important for the application of the RMP of the management because certainly it would help the management question, but it was not critically important but because it was critically important research need for other reasons for the management of fish stocks for the elucidation of the role of whales in the ecosystem. So this Research programme got, by and large, a very large, very strong support from the Scientific Committee, especially last year but also the year before. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. It seems that we are in a situation rather similar to the previous Resolution and therefore I think I would now like to ask the Secretary if he would conduct the vote on this Resolution which is IWC/49/37 Draft Resolution on Special Permit Catches in the North Pacific by Japan. Secretary please.

**Secretary**

Thank you Mr. Chairman. Resolution IWC/49/37 as the Chairman has indicated. A simple majority of those voting for or against will be necessary to adopt the Resolution and our rolling start this time begins at St. Vincent and the Grenadines - no; Solomon Islands - no; South Africa - abstain; Spain - yes; Sweden - abstain; Switzerland - yes; UK - yes; USA - yes; Antigua and Barbuda - no; Argentina - yes; Australia - yes; Austria - yes; Brazil - yes; Chile - yes; People's Republic of China - no; Denmark - abstain; Dominica - no; Finland - yes; France - yes; Germany - yes; Grenada - no; Ireland - abstain; Japan - no; Republic of Korea - abstain; Mexico - abstain; Monaco - yes; Netherlands - yes; New Zealand - yes; Norway - no; Oman - absent; Russian Federation - no; St. Lucia - no. Mr. Chairman there were 15 votes in favour, 10 against with 6 abstentions so that resolution is adopted.

<b>11.4.2 ACTION ARISING</b>
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**Chairman**

Thank you. I believe that would now enable us to conclude our business on Agenda Item 14. It seems so. So that item is closed. Now I would like to return to Agenda Item 11 where we have still an outstanding issue under 11.4.2 Action Arising under the discussion on North Atlantic minke whales. Norway you are asking for the floor.

**Norway**

Thank you Mr. Chairman. The Norwegian Government deplores the existence of this Resolution as we have done with similar Resolutions adopted in Dublin and Aberdeen. Last year we stated some of our views in principle of our rights and obligations in international co-operation and the development of some unfortunate practices in the IWC. These views are still strongly held by the Norwegian Government and they are in the records from the last meeting. The Government's policy on whaling and the IWC is unchanged. We note that Norway's legal rights as well as the basis for our management decisions are not challenged in this Resolution. Norway's policies on marine resource management which are based on sustainable use of resources are, however, attacked. This, Mr. Chairman, this attack is of such a character that it only seems to us to lack one logical conclusion, namely that you should ask Norway to leave your organisation.

We feel this is a strange and destructive way to prepare for a historic compromise in the IWC for which the Irish Commissioner has taken an initiative. We strongly support the initiative but both Mr. Canny and we will have to consider very carefully to what extent this Resolution is compatible with the elements he has drawn up and therefore the relevance of his proposal should this Resolution be adopted. Certainly, if the sponsors of this Resolution believe that a compromise can be based on the operative paragraph of this resolution I think the Irish Commissioner has entered an impasse. I will not go into details of the Resolution but note that several paragraphs address trade issues.

I will therefore have to state again that Norway does not recognise the competence of the IWC in trade matters. These questions belong to the World Trade Organisation and CITES. The calls on Norway in the operative paragraph of this Resolution can only be interpreted as a direct attack on our marine and whaling policy. As such, this part of the Resolution is seen by my Government as a provocation. My delegation finds it impossible

to take part in the further consideration of this Agenda Item and I hope you will understand Mr. Chairman that we will therefore be absent until this item is disposed of. Thank you.

**Chairman**

Thank you Norway. The Chair understands with regret what you have just said and we seem to have entered a somewhat strange situation where the opposition to the Resolution has just been issued without anybody introducing it. Could I ask any of the proponents, which of the proponents of this Resolution wishes to introduce it for me. United States of America.

**USA**

Thank you Chairman. We note with regret the departure of Norway. We do not believe this Resolution constitutes an attack but rather it is an expression of some views of concern.

Mr. Chairman, the IWC is the global body with authority to manage whaling. The United States believes that any whaling not authorised by the IWC undermines the effectiveness of this organisation. Therefore my delegation and others are very concerned about the effect of Norwegian whaling on the credibility of this Commission.

In 1982 this Commission decided to institute a moratorium on commercial whaling, Norway lodged a formal objection to that decision as is its right and consequently we recognise that technically Norway is not bound by the Commission's decision. Nevertheless the decisions made here reflect the global will regarding whaling. By allowing commercial whaling while the moratorium is in effect Norway is undermining the authority of this Commission. The United States believes that the Commission should express its concern about this state of affairs as it did last year and previously. Therefore we are sponsoring this Resolution which among other things calls on Norway to reconsider its objection of paragraph 10(e) and to halt all whaling activities under its jurisdiction.

The Resolution is substantially the same as last year showing that we have not changed our views on this matter. The Resolution does contain a new preambular paragraph which notes that Norway has proposed to establish a DNA database of Northeast Atlantic minke whales taken in their hunt. My delegation welcomes this proposal. Whilst we are opposed to any commercial whaling if Norway does engage in whaling it should be closely monitored. Such a database will be useful in the supervision and control of commercial whaling activities. The United States is disappointed, however, that Norway does not intend to make the database available to the IWC. As the Scientific Committee noted, the information in such a database would be valuable. While appreciating the sensitivity of such information, the United States believes that it should be available to the IWC.

Finally Chairman, the Resolution specifically states its appreciation for Norway's policy against allowing the export of whale meat. The prohibition on international trade in whale products is a cornerstone of US Whaling Policy and any international trade would be opposed by the United States. This Resolution calls on Norway to continue that policy.

My delegation urges all members to support this statement of concern about whaling that is taking part without IWC authorisation. Thank you Chairman.

**Chairman**

Thank you United States. Sweden is asking for the floor and then Japan and then the Russian Federation. Sweden then Japan please.

**Sweden**

Thank you Mr. Chairman. Sweden regrets both that a member side-steps the general opinion of the Commission and that we have this Resolution. We sincerely hope that this situation will soon be remedied through adoption of ideas proposed by the Irish delegation including the completion of RMS. We intend to abstain from voting. Thank you.

**Chairman**

Thank you Sweden. I now give the floor to Japan and then the Russian Federation. Japan please.

**Japan**

Thank you Chairman. Our delegation has a great concern over this Resolution and I have sympathy over the Norwegian walk away because this is a reasonable reaction when we think the following several issues. First of all this Resolution is unlawful because this Resolution is attacking a perfectly legal activity carried out by a Contracting Government. The second issue is this Resolution is unscientific because the catch is very sustainable even under the most conservative situation, and this has been demonstrated by the Norwegian scientists at the Scientific Committee. Thirdly, the most difficult issue is this Resolution will not be supported by the rest of the world outside of the IWC because at the last CITES meeting 57 nations supported the downlisting of the minke whales in question and if this Resolution was adopted this would mean that the Commission is sending out very wrong messages to the rest of the world, and the Commission's integrity will be seriously undermined, and also not even that as obstacles may appear within the Commission to make any compromise initiatives such as initiated by the Government of Ireland. Overall Japan strongly opposes this Resolution and not yet for that Japan would like to even suggest proponents to reconsider this situation. Thank you.

**Chairman**

Thank you Japan. Russian Federation please.

**Russian Federation**

Thank you Mr. Chairman. The Russian Federation is very much concerned about the proposal IWC/49/38 to adopt the Resolution on Northeastern Atlantic minke whales. We believe that such Resolutions bring the spirit of confrontation to the work of the IWC and they provoke a conflict between different members of the Commission especially when such Resolutions are put to a vote. It is important to note that the pressure put on sovereign states has never led to positive results. No, it always leads to the contrary, the state begins to lose the belief in the ability of the international community to take balanced decisions. Therefore we strongly oppose such Resolutions. Thank you.

**Chairman**

Thank you Russian Federation. Well that's clear to the Chair that we have a similar situation. I assume that the proponents are not in a position to adopt the suggestion of Japan and .....

[END OF TAPE]

**Chairman (cont.)**

..... no, then I think we should then sensibly now move to the vote on this issue which is a vote on the Resolution, Draft Resolution IWC/49/38 Resolution on Northeastern Atlantic minke whales and I now ask the Secretary to conduct the vote please.

**Secretary**

Mr. Chairman we are dealing with the Resolution on Northeastern Atlantic minke whales contained in document IWC/49/38. The simple majority of those voting will be sufficient to adopt this Resolution and our roll call starts at the Solomon Islands - no; South Africa - yes; Spain - yes; Sweden - abstain; Switzerland - yes; UK - yes; USA - yes; Antigua and Barbuda - no; Argentina - yes; Australia - yes, Austria - yes; Brazil - yes; Chile - yes; People's Republic of China - no; Denmark - no; Dominica - no; Finland - yes; France - yes; Germany - yes; Grenada - no; Ireland - abstain; Japan - no; Republic of Korea - abstain; Mexico - yes; Monaco - yes; Netherlands - yes; New Zealand - yes; Norway - absent; Oman - absent; Russian Federation - no; St. Lucia - no; St. Vincent and the Grenadines - no.

Mr. Chairman there were seventeen votes cast in favour, ten against with three abstentions so that Resolution is adopted.

<b>8.3 ACTION ARISING</b>
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**Chairman**

Thank you. That I believe now enables us to close in total Agenda Item 11. I would now like to try and return to deal with some of the other items earlier in the Agenda that we have still left open. The earliest of these is Agenda Item 8 and there is under Action Arising a Resolution IWC/49/39 Rev which is entitled Resolution on Improving the Humaneness of Aboriginal Subsistence Whaling proposed by a substantial number of countries. May I ask who would like to introduce them please? UK please.

**UK**

Thank you Chairman. Well as you mentioned this is a revised document so I would just recommend delegations to make sure they have got the second version. It corrects the Agenda Items and also makes a change to the first introductory sentence using traditional language to make sure that this particular Resolution doesn't get drawn into other arguments. Now this Resolution I should emphasise is not intended in any way to imply that existing aboriginal subsistence whalers are not concerned about the humaneness of their operations. They have clearly demonstrated by their actions that they are and the Resolution welcomes the steps that have been taken already to improve the humaneness of the whaling techniques that they employ, but I think we all agree that if we kill whales we have a duty to do so in a way that causes them least possible pain and distress, and this Resolution is concerned to encourage that progress and to promote it further. In particular, as I said, it urges the aboriginal whalers to continue to take the welcome steps that they have and to cooperate in doing so and I think a welcome feature of what has been going on is the way in which aboriginal subsistence whalers in different countries have been sharing their expertise with each other to improve the humaneness of their hunts. We would like that process to continue and we also think that it would be helpful if information on it could be provided to the IWC. Thank you Chairman. I should also add that I think that we should be able to adopt this by consensus.

**Chairman**

Thank you United Kingdom. Are there any other observations particularly of a negative kind that I might need to take account of. I see US, Japan and Antigua and Barbuda. US please you have the floor.

**USA**

Not a negative comment Chairman. The United States is pleased to be a co-sponsor of this Resolution. As we have documented over the years in the Humane Killing Working Group and Workshops on Whale Killing Methods, we are doing everything possible to ensure that aboriginal subsistence hunts by native people in the United States are conducted as humanely as possible. We hope that other delegations will support this Resolution. Thank you Chairman.

**Chairman**

Thank you. I give the floor to Japan please and then Antigua and Barbuda.

**Japan**

Thank you Chairman. Our delegation, once again, wants to stress that the issue of humane killing is outside of the scope of the Convention. However, if this Resolution will be moved forward as a consensus then we will not block with a consensus but if this Resolution was put forward for voting then we will have another option. Thank you.

**Chairman**

Thank you Japan for providing that useful advice to the Chair and perhaps given that we have tasked the Working Group to look into the question of its title we can resolve this question next time round. I now give the floor to Antigua and Barbuda and then Russian Federation. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. As you are very well aware Antigua and Barbuda is very much concerned about the use of the term humane killing in relationship to the harvesting of whales. While this Resolution has some merit and Antigua and Barbuda would be willing to support it, Antigua and Barbuda must be consistent with its intervention in this organisation and as long as the phrase humane killing remains in this Resolution, Antigua and Barbuda will have to abstain if it's put to a vote Mr. Chairman.

**Chairman**

Thank you. Russian Federation.

**Russian Federation**

Thank you. The Russian Federation is committed to further improvement of the humaneness of whaling techniques in aboriginal subsistence hunts. We would like to support the draft Resolution IWC/49/38. Thank you.

<b>9.2 ACTION ARISING</b>
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**Chairman**



Thank you Russian Federation. For once I can see a fog of consensus. Thank you. I believe we can now close Agenda Item 8. We can. Let us move to Agenda Item 9 which appears still to be open. We have under Agenda Item 9 to consider a Resolution under the number IWC/49/44 Resolution on Improved Monitoring of Whale Product Stockpiles proposed by a number of parties. May I ask who wishes to introduce this Resolution please? Brazil please you have the floor.

**Brazil**

Mr. Chairman since 1995 this Commission has agreed that member governments should be encouraged to develop programmes to identify whale meat in the market place to the species level and further to prohibit the sale of whale products from all whales that could not have been taken or acquired in accordance with the provisions of this Convention.

Following the same line in 1986 the IWC requested that Contracting Governments report on the status of stockpiles. A request that was transmitted by a similar decision at the 10<sup>th</sup> Conference of the Parties to CITES which also has invited all countries concerned to cooperate in determining the seizures of whale meat in cases of smuggling or no identity of the products.

Indeed Mr. Chairman unless stockpile products are inventoried properly in a manner that allows such products to be later identified when they appear in the commercial market it is impossible to determine whether such products come from stockpiles, legal catches, incidental catches or illegal trade. Such uncertainty if persisting will undermine efforts to establish an effective control and inspection scheme that is vital for us to agree on a Revised Management Scheme and to do actual progress in further discussing the Irish Compromise concept.

We have noted with great enthusiasm that regardless of divergent political stance on the details of a possible inspection and observation system, a number of member countries are developing DNA sequence databases for use on monitoring programmes and it is our view that these efforts should be acknowledged and commended. The reliability of DNA sequence analyses for a species identification of whale products has been established in scientific papers in submissions to this Commission including two relevant papers submitted by the Government of Japan at this year's meeting.

As you are well aware Mr. Chairman, DNA sequence analyses also provides valuable information used in identification of some stocks and has a potential for becoming even more useful as technology in the stock progresses.

In conclusion it appears to us that there is wide agreement on the usefulness of improved DNA techniques for an improved monitoring system and that there is plenty of room for cooperation in its use and for the development. Therefore, this Draft Resolution is presented as a step for work in using such techniques in order to gather knowledge that acts as a sanction to work forwards abolishing the legal seizures of whale products. Thank you Mr. Chairman.

**Chairman**

Thank you Brazil. Japan please.

**Japan**

Thank you Chairman. Our delegation opposes this Resolution simply as a matter of legal question and this Resolution implies that the Commission has a management capacity over this issue on the stockpiles management or the domestic controlling of whale products. Our Government has an interpretation that the ICRW does not have a management capacity over that issue. So strictly from this viewpoint, we oppose this Resolution but under our national capacity we will make utmost effort to prevent the illegal trade or illegal hunting of whales and whale products. So under the national capacity we have a view to the equivalent issue. So overall we regret that the issues have raised using the measure of Resolution which is very difficult for the Government of Japan to support. That's my intervention. Thank you.

**Chairman**

Thank you Japan. I have now Denmark and then Norway please.

**Denmark**

Thank you Mr. Chairman. Denmark will not oppose this Draft Resolution but we have some concerns which I would like to remark and the consequence is that we are not quite happy with this Resolution. The two remarks I would like to make is one general remark; that is we have a little concern about this whole exercise about the competence between IWC or World Trade Organisation and CITES. We think it is unclear and further as it is no secret that we are very much in favour of the, what is called 'Irish Initiative', then this may prejudice maybe the outcome of that. So that is concern number one and then we have what's not a concern but just to mention for the record. In the first operative paragraph you are talking about meat entering into commerce I think, I take it that we are talking about the meat from say commercial whaling or maybe scientific whaling, I don't know what but not aboriginal subsistence whaling. Thank you.

**Chairman**

Thank you Denmark. Norway please.

**Norway**

Thank you Mr. Chairman. Our comments are very much the same as those of Japan to this Resolution. I will add that we really find it very unfortunate that we have to oppose the Resolution which we agree on the substance. This is a case, so it's simply the institutional and procedure questions in this Resolution which makes us have to oppose it, and if I may add, it's out of the context but it really shows the unfortunate working habits in this organisation because I am quite sure if there had been a minimum willingness we could have arrived at a compromise Resolution and it would have covered everybody's position on this. Thank you Mr. Chairman

**Chairman**

Thank you Norway. Mexico.

**Mexico**

Thank you Mr. Chairman. Very briefly I would just join in the last two positions that have been expressed with the belief that if further efforts were carried on with this issue we could be able to join the Resolution because at its bottom its contents we would like to have them, but it is written in a way that in our view goes beyond the procedures that we have and creates a false impression so we won't be able to support it. Thank you.

**Chairman**

Thank you. Well there seem to be two options here. St. Vincent do you want to say something briefly?

**St. Vincent and the Grenadines**

Just briefly Mr. Chairman to record that this a CITES matter as we've said before and therefore we will have to vote no on it.

**Chairman**

Thank you St. Vincent and the Grenadines. May I ask the proposers if ..... United States are you going to anticipate what I'm going to say? Well go ahead anyway.

**USA**

OK thank you Mr. Chairman. Just to say something on a positive note. These issues are difficult issues that we have discussing for a number of years that have to do with inter-relationship between how these items are handled between CITES and IWC and there has been a lot of acknowledgement at this meeting that both Japan and Norway have made a lot of progress in the field of trying to get a better handle on what's available on the markets by sampling whales taken in various operations. But one of the things that the United States is concerned about, and I think some of the other co-sponsors of this Resolution and I think other members of the Commission, is the problem of how under RMS or under some other means that we are going to handle and be able to look at the question of third party verification. It's fine to have the samples from all of these animals that are taken in various fisheries but we have to somehow find a mechanism or a way that people will be happy with sort of internalizing the internal monitoring that people are proposing. Thank you.

**Chairman**

Thank you. Netherlands.

**Netherlands**

I would like some clarification Mr. Chairman if I may please. I thought I heard the Danish Commissioner say that in his understanding this Resolution does not apply to whale meat from or whale products originating from aboriginal whaling operations. Now there is nothing in the Resolution that I can find that would suggest that and in fact it would be my desire and hope and wish that the resolution does include meat and products from aboriginal whaling operations, especially this may be relevant in some operations where there appears to be some kind of commercialisation of whale products originating from those operations. Thank you.

**Chairman**

Thank you Netherlands. Well before I see if I can achieve a specific response to that question it seems there are two possibilities. One we could proceed to vote on this Resolution as it stands or I could allow time for some further consultation and I guess I really need advice from some of or all of the proposers as to whether they wish to put this Resolution as it stands at this time or wish to engage in a view to further consultation bearing in mind that that's not likely to be all that long. Can I have some advice please. Either the US or Brazil. US please.

**USA**

Yes. We haven't consulted with other co-sponsors but the US position I think to speed up things is just simply just go to a vote.

**Chairman**

Brazil.

**Brazil**

This is Brazil's position also Mr. Chairman.

**Chairman**

Thank you Brazil. Denmark did you want to respond to the Netherlands before I think I have to make the inevitable decision?

**Denmark**

No, just to say thank you to the Netherlands that is was not an intention as I said. I took that it was not the intention to apply this to aboriginal subsistence whaling, and to be quite short, I think our more general concern. That's why we will not vote in favour of this Resolution. That is also our general concern about how to deal with trade issues and I touched upon this many times before. We feel that we have an area which is the competence of CITES, the competence of the World Trade Organisation and for approximately, what is it, nine or ten members of this Commission for the European Union. So that's why we, from this point, different legal point of view have difficulties with this so our intention is not to oppose it but we are not happy with it so it will be no surprise that if it's put to a vote that we will abstain on this.

**Chairman**

Thank you Denmark, Well I think I have little choice unfortunately and I think it is unfortunate to put this to the vote in light of some of the comments that have been made from some countries and one hopes that, if as is probably inevitable, this matter arises again in a future meeting that perhaps there will be a little more time for consultation to achieve a closer set of words with which nearly everybody can live. Nearly everybody being by definition of consensus. Perhaps then I now have to ask the Secretary whether you would conduct the vote on this Resolution which is IWC/49/44 Resolution on Improved Monitoring of Whale Product Stockpiles. Secretary

**Secretary**

Mr. Chairman we are dealing with IWC/49/44 on whale product stockpiles. A simple majority is sufficient for the adoption of this Resolution and the roll starts at South Africa - abstain; Spain - abstain; Sweden - yes; Switzerland - yes; UK - yes; USA - yes; Antigua and Barbuda - no; Argentina - abstain; Australia - yes; Austria - yes; Brazil - yes; Chile - yes; People's Republic of China - yes; Denmark - abstain; Dominica - no; Finland - abstain; France - yes; Germany - yes; Grenada - no; Ireland - yes; Japan - no; Republic of Korea - abstain; Mexico - abstain; Monaco - yes; Netherlands - yes; New Zealand - yes; Norway - no; Oman - abstain; Russian Federation - abstain; St. Lucia - no; St. Vincent and the Grenadines - no; Solomon Islands - no. Mr. Chairman there were fifteen votes in favour, eight opposed and nine abstentions so the Resolution is adopted.

**Chairman**

Thank you. Switzerland please.

**Switzerland**

Thank you Mr. Chairman. Just a statement to explain our vote. Switzerland is of the opinion that matters of international trade are falling into the competence of CITES and not into the competence of IWC. Neither are matters in domestic market. We have interpreted this Resolution as pointing out or taking up some elements of the Resolution which has been adopted at the CITES Conference in Harare and therefore we have in this respect supported also this Resolution. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. South Africa.

**South Africa**

I'm very willing Mr. Chairman to associate myself with the comments from Switzerland and to say that I find it regrettable that it necessary to put this to the vote. A Resolution that would have easily been arranged for consensus adoption. Thank you.

**Chairman**

Thank you South Africa. Spain please.

**Spain**

Thank you Mr. Chairman. Very briefly we think that this Resolution introduces a degree of detail we had not attained in past Resolutions concerning the monitoring of trade in these products and therefore we would have wished for some more consultation among delegations to come to a consensus solution and that is why we abstained. Thank you.

**Chairman**

Thank you. The Chair will make one final observation that the Resolution talks about sending documentation to the CITES Secretariat including the Report of the Scientific Committee. It is the Chair's interpretation that the relevant part of the Scientific Committee's Report should be sent rather than the whole document otherwise I suspect it will never be read. With that qualification I think we can now close Agenda Item 9. Thank you.

**12.3 ACTION ARISING**

Moving through numerically Item 12 remains open and I note there is a Resolution which is to come up under Action Arising on Item 12. It is IWC/49/43 and is headed Resolution on Cetacean By-Catch Reporting and By-Catch Reduction and it is proposed by several member states. May I ask who wishes to introduce it? United States please.

**USA**

Thank you Mr. Chairman. For many years this Commission and the Scientific Committee have discussed the need for all co-operating parties to submit annual Progress Reports. Among other things such reports should include by-catch information, that is reports on cetaceans caught incidentally to fishing operations. Last year the Commission noted the need to ensure that total catches over time are set within limits under the RMS. This year the Scientific Committee also discussed the need for both historical and recent records of by-catch. Valuable information on by-catch was submitted earlier in this Commission meeting but more is needed. Therefore in this resolution we call on Contracting Parties to improve the monitoring and reporting of all cetaceans especially large whales taken incidentally in all fishing operations and to report this information to the Fiftieth Meeting of the IWC and all future meetings. Also we urge all Contracting Parties to exchange information about by-catch reduction efforts and release of live cetaceans, and on this point I would just like to note that the United States has been undertaking a lot of work in this area of by-catch effort reduction and the release of live cetaceans, and we are prepared to provide any of this information to any of the members of the IWC on a bi-lateral basis to show them what we are doing along these lines. And lastly this Resolution agrees that the arrangements "to ensure the total catches over time should include all reported by-catches". We hope that this could be adopted by consensus but because it was submitted so late yesterday we were not able to consult with as many other members as possible. So, we will just have to see how the discussion goes. Thank you.

**Chairman**

Thank you. Mexico is asking for the floor and then Spain. Mexico please.

**Mexico**

Thank you Mr. Chairman. Let me say I do fully share the idea that lays behind this Resolution. Mexico has been repeatedly asking for the RMS to be completed and certainly a significant part of the RMS will have to consider by-catches over time, there has to be record and reported to this Commission. Moreover, my country has consistently reported to the IWC about by-catches even of some species that we do consider are not the proper matter of this Commission. Nonetheless, we cannot support this Resolution because we believe that if a country assumes a compromise it is because it is willing and it's able to comply with it, and here there is language that really worries me because it says that it calls upon our Contracting Parties to improve their monitoring and reporting of all cetaceans especially large whales taken incidentally in all fishing operations and to report those incidental catches to the Fiftieth Annual Meeting of the IWC and all future meetings. Well maybe here the language is a bit totalitarian. We find all in every place and my country is not in the condition of assuming the responsibility of monitoring all catches, all fishing operations, but we will be willing as we have been to report everything that gets into our knowledge of what happens within our waters under the authorities that are properly in charge of informing to this Commission. That is all Mr. Chairman. Thank you.

**Chairman**

Thank you. Spain you ask for the floor and then Norway.

**Spain**

Thank you Mr. Chairman. I will try to be very brief. First of all I would like to ask for a clarification from the proponents of this Resolution. In preambular paragraph one it recalls that the Commission agreed that one of the remaining elements of RMS to be completed consisted of arrangements to ensure total catches over time etc. In the operative paragraph one there is no distinction between different types of cetaceans. Do I conclude rightly that the RMS should include all cetaceans whether large whales or small cetaceans? That would be the first clarification and secondly I would like to sympathise with the remarks made by Mexico concerning maybe the all or nothing proposal. The way it stands right now we recognise that a lot of countries are contributing although some members have not yet submitted in their annual progress reports information on by-catches but maybe asking an all or nothing situation is too much. Thank you.

**Chairman**

Thank you. Before I give the floor to Norway I might just ..... I see the US is indicating that they are ready for a response so perhaps if you can respond briefly to Spain on the particular question then I will return to Norway.

**USA**

Yes, thank you Mr. Chairman. In terms of the questions raised by both Mexico and Spain regarding the "all", the United States would not object to taking the "all" out. I think in drafting this Resolution what we were thinking about while we were saying "all cetaceans especially large whales" - we were hoping that that would get at the problem of the jurisdictional question and so those countries that have a problem with submitting small cetacean information would at least take note of the need for the large whale information because that is the information that is required that Spain commented on for RMS, and so we thought that was sort of like a way out or way to work with this that most delegations would find acceptable. So I hope that answers the questions raised by both Spain and Mexico. Thank you.

**Chairman**

Thank you US. Norway and then Japan please.

**Norway**

Thank you Mr. Chairman. We also have sympathy for the comments made by Mexico. We have a further concern over this Resolution which is in the last paragraph. In the RMS Working Group both in Aberdeen and here in Monaco there has been what I can describe as a certain confusion really when discussion has been held on the concept of catches over time as the provision in the RMP. The discussion has to a certain extent clarified the issues of things but I am not sure whether it fully has been clarified. So when we see this concept here in this Resolution I would have to make for the record that our understanding of the formulation here is the explanation given by the Scientific Committee and that it is the concept developed in the RMP by the Scientific Committee and that there is no new elements to the RMP being introduced to this Resolution. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Japan please you have the floor and then New Zealand.

**Japan**

Thank you Chairman. I fully share the view expressed by our Mexican colleagues and Norwegian colleagues because the question over the jurisdiction of the small cetaceans is a very sensitive issue in this Commission, but the concept of reporting by-catch itself is not a bad issue so perhaps we find some reasonable solution on this issue but this year the time is very limited so I rather suggest to resolve this issue at the next Oman meeting. Thank you.

**Chairman**

Thank you. New Zealand can it be brief please.

**New Zealand**

Just indeed Mr. Chairman thank you very much. First of all New Zealand would like to put its name down as a co-sponsor for this Resolution; and secondly we would like to acknowledge the assistance that has been given to us by scientists in the United States in dealing with by-catch reduction in fishing operations and to express our appreciation to the US delegation for their offer for future technical assistance in that regard; and thirdly to note that this year the Scientific Committee did discuss the whole question of changing the format of the progress reports to include better tabulation of by-catch information and to note that New Zealand strongly supports that and indeed looks forward to receiving a greater range of progress reports from Commission members than perhaps has been the case in the past. Thank you.

**Chairman**

Thank you. US I wonder if you would be willing to spend a short period doing some informal consultations to see if there is any possible resolution. Japan has made a suggestion which I suspect might be acceptable to you or your co-sponsors but we have to leave Item 12 open until the very end anyway to hear from Ireland so I am quite happy to do that if you think we might make some progress. Can you give me some advice please?

**USA**

Yes, thank you Mr. Chairman. I think that is a good suggestion and we will try and do that as quickly as we can.

**Chairman**

Well, any delegation that has not spoken but has concerns, can you please ensure that they are inserted into the US process and we will return to Item 12 very much towards the end of our programme of work.

**15. SCIENTIFIC RESEARCH**

**15.1.1 REPORT OF THE SCIENTIFIC COMMITTEE**

That now takes us to Agenda Item 15 - Scientific Research. May I ask the Chairman of the Scientific Committee if there is anything he needs to bring to our attention that we have not yet dealt with.

**Chairman of the Scientific Committee**

No I think Mr. Chairman, I think you have dealt with this under the Finance and Administration considerations and the research proposals have indeed been approved.

**15.2 RESEARCH ON THE ENVIRONMENT AND WHALE STOCKS**

**Chairman**

Thank you. In that case we do have one Resolution under Agenda Item 15.2.2 and it is IWC/49/33 and it is headed Resolution on Environmental Change and Cetaceans and it looks like it's proposed almost by the entire Commission. Chairman of the Scientific Committee.

**15.2.1 REPORT OF THE SCIENTIFIC COMMITTEE**

**Chairman of the Scientific Committee**

I'm sorry Mr. Chairman I misunderstood you. I thought you were talking only about 15.1 in terms of research proposals. 15.2 I haven't actually talked about our discussions on the environment at all. I would be happy to do so or otherwise just let you read the report, whichever you prefer.

**Chairman**

Perhaps you can give us just a very brief over-view and particularly draw our attention to anything we either need to endorse or underline from your report and then I will move to that Resolution which I assume has come particularly from your discussions.

**Chairman of the Scientific Committee**

Mr. Chairman I will try and be brief. Our part of the report dealing with environmental concerns is item 6 and it starts on page 10. You will recall that we had a Standing Working Group which has responded to the Commission's Resolution and that is given on that page. As a result of the work of that group there are now two proposals, one is for future work on cetaceans and pollutants and that is detailed on the right hand column on page 10. On page 11 you will see there is a recommendation to provide funding for a meeting and in fact the Commission has already approved that. We also looked at a proposal for future work on cetaceans in climate change and that is detailed in 6.1.1.2 on page 11 and onwards. On page 12 at the bottom on the left you will see the actual proposals for research that we wish to undertake in co-operation with Southern Ocean GLOBEC and CCAMLR and there are six elements of that and they are listed there items 1-6 and again we have recommended and you have already adopted and agreed that that work should proceed.

There are a few other issues which are listed and detailed on the following pages and under 6.2 on page 14 there is some action arising I should just draw your attention to, the fact that we would, assuming that our proposals have been and as they have been endorsed, we have some priority items for the next meeting and we are proposing a future Workshop and the planning for that would occur between now and the next meeting, and there are some implications for Antarctic cruises and some Arctic issues are also discussed.

**Chairman**

Thank you. Are there any particular questions or issues of clarification to the Chair of the Scientific Committee? No it seems not, and in that case we may turn now to consideration of this Resolution on Environment Change and Cetaceans. May I ask who would propose it? Austria.

<b>15.2.2 ACTION ARISING</b>
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**Austria**

Yes, thank you very much. I have the pleasure to introduce it. This Resolution is proposed by thirteen countries to which the United States wishes to be added. The Commission recognise environmental concerns as a key issue for its further work. Last year the Commission gave rise to a Standing Working Group on Environmental Concerns and this year the group has provided concrete proposals for a way forward. This Resolution brings to the attention of the Commission some environmental issues that the Working Group identified and underlines the fact that the Commission can factor the environment into its decisions at a variety of levels. That is the reason Austria hopes that this Resolution be adopted by consensus to assist the Commission in further pursuing this important matter. Thank you.

**Chairman**

Thank you Austria.

**Oman**

Thank you Mr. Chairman. Oman likes also to co-sponsor this Resolution. Thank you Mr. Chairman.

**Chairman**

Thank you Oman. You will be recorded as a co-sponsor.

Is there any delegation that wishes to ..... Japan.

**Japan**

Thank you Chairman. We are not opposing the contents of the Resolution but we have a particular attention for the last operative paragraph of the Resolution. At the first line it contains "encourage Contracting Governments to carry out relevant non-lethal research" and I would like to record the statement that the Scientific Committee

agreed that work under Special Permit Research was pertinent to some of the recommendations of the Pollution Workshop of the Scientific Committee. If this kind of statement is recorded we will not block the consensus of the Resolution. Thank you.

**Chairman**

Thank you your comments are noted. Norway.

**Norway**

Thank you Mr. Chairman. Also general concern with this Resolution. We are very interested in the pollution related to research in relation to cetaceans and we think it is very important. Do you have some questions marked on the priorities setting when we get into questions of climate change and also on depletion? The question is really that the resources which we might have to pour into that sort of research might be out of proportion with the result which we can hope to achieve, so this is concern from our side and I am quite sure we will have the chance to come back to it in the deliberation at the next meeting. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Your comments are also noted for the record. Sweden please.

**Sweden**

Yes Mr. Chairman. We have a concern that since this deals with the two Workshops and the different recommendations we have in regard both to the impact of pollutants and to climate change. Perhaps one of the paragraphs at the bottom of the first page I think could be amended to take care of both of these things in a little better balanced way and what I would suggest then is on the next line from the bottom where it says "all potential ecological effects" add "potential ecological and physiological effects on cetaceans" .....

[END OF TAPE]

**Sweden (cont.)**

..... would be more likely to get physiological than ecological effects. Thank you Mr. Chairman.

**Chairman**

Thank you Sweden. That seems to make sense at least to the Chair, I see no problem. In that case, noting the comments that have been made by some delegations, I think we can proceed to adopt this Resolution by consensus. Thank you very much. So done.

<b>17. ADOPTION OF REPORT OF THE SCIENTIFIC COMMITTEE</b>
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I think that now finishes Agenda Item 15. We can close that. The next open one in my agenda is 17 which we haven't considered at all yet because we now need to adopt the Report of the Scientific Committee and in so adopting it it has been our tradition to deal with what I might call the tail end of issues that we have not had our attention drawn to by the Scientific Committee up to this point. There are specific items here which deal with Small Cetaceans. Can I ask the Chairman of the Scientific Committee to deal with those issues first please?

<b>17.1 SMALL CETACEANS</b>
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**Chairman of the Scientific Committee**

Thank you Mr. Chairman. Our Report on this item is Item 14 in our Report and starts on page 72. The first thing we did was look at Action Arising from the last meeting and we looked at the highly endangered status of the Vaquita and there is some discussion there. We, last year, recommended immediate action be taken to eliminate by-catches and we had no information at this meeting to indicate that such action has been taken although we did welcome news that the Mexican Government had convened the first Meeting of an International Committee for the Recovery of the Vaquita which included some members of our Committee, and we had a Report on that meeting. There was an important conclusion that the most important risk factor was the continuing by-catch in gillnet fisheries and we congratulated the Mexican authorities on this welcome initiative and we look forward to receiving a Report on further developments at our next meeting.

Mr. Chairman, we then went on to look at priority topics. We first looked at small cetaceans in coastal waters of Africa and our discussion on that is on page 73. We looked at them in various areas, West Africa, the Red Sea



and the Gulf of Aden and our Report on that is given on that page. There is a recommendation Mr. Chairman towards the bottom on the right hand column on page 73 for further survey work in the Red Sea and Gulf of Aden and, in view of the location of the next meeting, that small cetaceans in that area should be discussed again next year.

We then looked at criteria for assessing the status of harbour porpoise populations and our discussion on that is given on page 34 and onwards, at least on page 74. There are some things I should draw your attention to particularly on the top of page 74 in the right hand column. It was noted that the Committee had addressed some of the items necessary to provide biological advice for use in dealing with this question particularly in respect of plausible stock hypotheses and uncertainty in biological parameters related to population growth. We've agreed that there should be an intersessional group set up to examine new evidence and begin to formulate plausible stock hypotheses for North Sea harbour porpoises. We also looked at the status of the eastern North Atlantic harbour porpoises and reiterated the advice we provided last year that known by-catches in the Gulf of Maine, Keele Bight, Celtic Shelf and southern North Sea are above 2.5 per cent of the best abundance estimates and may not therefore be sustainable.

We then reviewed globally the striped dolphin, Mr. Chairman, and we looked first of all at its distribution, stock identity and migrations, and then at its abundance. I should say though, however, that on page 76 there is a recommendation in respect of distribution, stock identity and migrations. We welcome the work of the Japanese scientists on stock structure and recommend that this work be continued and expanded in the future. We looked at abundance, directed takes and incidental takes in various areas and at its status. We have a concern over the status of this species in the Pacific, Mr. Chairman, which is on page 77 towards the bottom of the right hand column. We continue to be concerned about the status of striped dolphins in the coastal waters of Japan and particularly in the Izu area. This situation underscores the need to continue research on stock structure of striped dolphins in the northwestern Pacific and in particular to determine whether a separate coastal stock exists. We looked at its life history in various areas, Mr. Chairman, and its ecology and we had some other factors to look at, particularly epizootics.

In Item 14.3 on page 78 we looked at other presented information and we noted that there seemed to be some useful results deriving from pinger experiments to allow for fewer dolphins to be caught particularly in those nets than those with controlled pingers. We looked at incidental mortality of dolphins in the eastern tropical Pacific, that's given on page 79 at the top. We noted that the incidental mortality caused by the tuna purse seine fleet in 1996 represented a decrease of 22% in total dolphin mortality from 1995. In pelagic trawl fisheries we noted that there is evidence of white-sided dolphin by-catch in pelagic trawl fisheries in the western part of the Celtic Sea and we request that steps be taken to evaluate the extent and impact of this by-catch.

Mr. Chairman, we considered white whales. We are concerned that while there is no significant trend in the index counts of this species or this stock, particularly this is white whales in the Cook Inlet of Alaska in 1996 and 1997. The most recent index, that's for 1997, was the lowest of the last five years. We have great concern for the survival of this stock of whales unless the harvest is reduced and we noted that some efforts to do that are going on.

We looked at the *Franciscana* dolphin in southern Brazil and we recommend that the work going on there continue to accurately assess the status of the population and the by-catch levels. We looked at harbour porpoises in the Baltic and we noted that ASCOBANS has contracted a study for the Baltic Sea to look at all the available data. We welcome this initiative and look forward to receiving results at our next meeting.

<b>17.2 SMALL CETACEAN TOPICS FOR CONSIDERATION BY THE SCIENTIFIC COMMITTEE IN 1998, 1999 AND 2000</b>
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Mr. Chairman, one of your concerns has been future topics under this item and those are dealt with on a table on page 80. I should draw to your attention that next year, 1998, we propose to look at small cetaceans in the Indian Ocean and Red Sea with special reference to the middle-east and further consideration of the criteria for assessing the status of harbour porpoise populations. In the year after that, 1999, we would propose to look at a global review of white whales and narwhals and a review of by-catch mitigation measures; and in the year 2000 or later we have four items that we will consider for that later period, the global review of *Tursiops*, the bottlenose dolphin, review of Dall's porpoise, Southern Ocean odontocetes, in particular the bottlenose whale, and a global review of the genus *Lissodelphis*. Thank you Mr. Chairman.

**Chairman**

Thank you. Does that conclude all your comments on small cetaceans?

**Chairman of the Scientific Committee**

I should perhaps just draw your attention that we agreed that collaborative links with ICCAT, that's the International Commission for Conservation of Atlantic Tunas, remain helpful and we recommend that they be continued Mr. Chairman.

**Chairman**

Thank you. Are there any questions or clarification? It seems not. I understand there is a Draft Resolution which is number IWC/49/40 which is entitled Draft Resolution on Small Cetaceans. It actually says it is Agenda Item 17.3 but that's headed in my Agenda "Other". I think it would be appropriate to deal with this Draft Resolution at this point before we finalise any outstanding matters to do with the Scientific Committee and hopefully then adopt their report. Can I ask who is to propose this Draft Resolution on Small Cetaceans? United Kingdom you are asking for the floor hopefully to propose it?

**UK**

Thank you Chairman. Yes that's my intention and I should first of all say that to the list of those proposing the Resolution at the top should be added Brazil, the Netherlands, Germany and Austria. Now this Resolution Chairman is intended really to follow up the Report of the Scientific Committee and to endorse its various recommendations and to encourage Contracting Parties to undertake the necessary work called for by the Scientific Committee. I have been asked why it focuses on striped dolphins and this is because as we have just heard, the Scientific Committee has just concluded the global review of striped dolphins and therefore it seemed appropriate for this Resolution to mention them specifically but is also meant to cover concerns that have been expressed about other stocks of small cetaceans.

To go through it very briefly, it picks up the Committee's recommendation that the magnitude of by-catches be estimated to allow better estimates of striped and common dolphins in the Northeast Atlantic and also then points out that by-catches of this species in several driftnet fisheries was cause for concern. That is addressed in the final provision of the resolution, encouraging parties to work together to reduce by-catches of small cetaceans, and I might add that that recommendation is addressed to my own delegation because we do prosecute a small tuna driftnet fishery, sorry in the Northeast Atlantic, going back to the Northeast Atlantic, but we prosecute a small driftnet fishery there which confirms with the UN Resolution on Driftnets and with European Community Fishing Legislation, but nevertheless I know that it is a cause of some concern and I can say that my Government is currently considering its policy towards high seas driftnets. It then goes on to note specifically the Committee's concern about the status of striped dolphins in the coastal waters of Japan. It echoes the Scientific Committee in congratulating the Japanese Fisheries Agency on the measures that it has already taken but it does go on to call for action to be taken to reduce the numbers of striped dolphins caught, sorry it does not call it requests the Government of Japan to reduce the numbers of striped dolphins caught in incidental takes and also to halt directed takes until further information about stock structure is available. This echoes the point made by the Scientific Committee and I quote, it says "that if a separate small stock of striped dolphins exists in coastal waters current catch levels are probably unsustainable."

As I said, the Resolution is intended to deal with other points made by the Scientific Committee. There is a specific reference to work on harbour porpoises, there is a mention again of the vaquita and it congratulates the Government of Mexico on the action it has taken there, although I think at the same time we should note that the Scientific Committee's continuing concern at the impact of bycatches on vaquita, and as I said there is then a general provision urging parties to undertake research on the impact of directed and incidental catches of small cetaceans and to work together to reduce by-catches, and again I would note that I accept that that is directed to my delegation as well as to others and because you will see there is a reference to concern about bycatch of white-sided dolphins in the western part of the Celtic Sea.

Now, we have discussed this Draft Resolution with various parties Chairman. I regret to say that I think that consensus is not attainable but I would be prepared to continue those discussions if there was any chance of reaching consensus. Thank you Chairman.

**Chairman**

Thank you United Kingdom. Spain you are asking for the floor and then Mexico.

**Spain**

Thank you Mr. Chairman. Just a clarification, we will give our view on this proposal later but I would like to ask the delegations proposing this Resolution about the difference of language between operative paragraph three “requests the Government of Japan to take urgent steps to reduce the numbers etc” and the last operative paragraph “encourages parties to work together to reduce by-catches of small cetaceans” which I understand now is also addressing the driftnetting issue. Thank you.

**Chairman**

Thank you. UK do you want to respond at this point before I ask Mexico?

**UK**

Well I think Chairman it reflects the fact that the operative paragraph dealing with the request of the Government of Japan deals with a very specific concern expressed by the Scientific Committee and that is the one I quoted which says that current catch levels are probably unsustainable, that is if there is a separate stock. I think that is a serious issue and it is one that does need to be addressed urgently. As I said earlier, the final provision is meant to catch everybody and I accept that it catches my delegation as well. I will certainly be happy to accept a request to work together if that would help the Spanish delegation.

**Chairman**

Thank you. Mexico please.

**Mexico**

Let me first of all express my deepest regard and thank you to the inclusion of the congratulations to my Government in this resolution. We certainly will be doing all our best efforts in order to protect the vaquita and to do everything that will lead to its full recovery. We will do that in the same way in which we are protecting different species. We will do that in the same way that we are taking charge of naturally protected areas that nowadays do have an extension that surpasses that of Belgium, that of the Netherlands, that of Switzerland, taking as a whole as pieces of land. When mentioning this, because that's our common effort and that's a duty that we have as Mexican Government in accordance to our laws to protect natural resources. However, I should stress one more time that it is our firm belief that the International Whaling Commission is not the proper authority to deal with small cetaceans, that it is not within its jurisdiction to do so. However, we will fulfil our obligations to provide with any information that is useful and we will carry on our efforts to protect this species as many others that we are current protecting. Thank you Mr Chairman.

**Chairman**

Thank you. I give the floor now to Japan and then Brazil.

**Japan**

Thank you Chairman. First of all I have to say that this Resolution is a good example of how the Commission goes against the science because, in particular, in the third operative paragraph there is a description on the striped dolphins but this description is not the right reflection of the Scientific Committee Report. On page 76 of the Scientific Committee Reports it says that there are more than five hundred thousand striped dolphins that exist in the North Pacific area and in page 77 there is a mention about a small stock of striped dolphins in coastal waters but this description is very carefully drafted that this description does not endorse the existence of a small stock of coastal waters. Actually, we have been conducting DNA research, satellite tracking research, to examine whether or not such a putative hypothetical separate stock exists in the coastal area but no direct evidence has been achieved. The third paragraph of this sentence is totally unacceptable from the scientific viewpoint and also this issue raises legal sensitivity because we do not admit jurisdiction of the IWC over the management of the small cetaceans because we have several other reasons and one very difficult point is the Resolution only forecasts on the hunt or takes of the striped dolphins but in the world there are many other species which are more seriously depleted than the striped dolphins which include many other species such as the vaquita described here, and it seems to be very unfair if one particular species which are not endangered are picked up here and requests the Government to take urgent steps to halt the direct takes of this species.

As far as the Government of Japan is concerned, the management of small cetaceans is the sovereign right and duty of the national government so the national government is managing the stock using the best available scientific evidence, but we are not managing the stocks not based on the hypotheses and so because we have a finding that the level of stocks or the population is more than five hundred animals and we can even think the

increase of quota, but certainly five hundred thousand so we are certainly not ready to accept to take urgent steps to reduce the number of the catch, so overall we strongly oppose this Resolution. Thank you.

**Chairman**

Thank you Japan. I give the floor to Brazil and then Denmark please.

**Brazil**

Mr. Chairman we are co-sponsor of this Resolution and we wish to commend the Scientific Committee for the excellent work undertaken by its Small Cetaceans Sub-committee which has over the years provided valuable information and advice for member governments and has assisted researches world-wide in conveying relevant data through its proceedings. Brazil has been domestically concerned with the issues of small cetaceans to the extent that our national environmental authority established three years ago an Aquatic Mammals Working Group composed of a panel of widely recognised experts. I am pleased to announce that this Group has just completed the national action plan for aquatic mammals, an achievement which addresses research and conservation needs for each of the forty-seven species known to live in Brazilian waters and will serve as a reference for the more than thirty aquatic mammal research groups already existence. We will be seeking international co-operation for its implementation as maybe appropriate. Brazil therefore is willing to continue and strengthen its co-operation with the Scientific Committee of the IWC and other recognised international fora in order to achieve a better understanding and more appropriate conservation measures for all cetacean species. Thank you Mr. Chairman.

**Chairman**

Thank you Brazil. Denmark please.

**Denmark**

Thank you Mr. Chairman. I take it that it is well known to all member states that Denmark in general has sceptical attitudes on the Resolution dealing with the small cetaceans and this Draft resolution contains recommendations related directly to the management of small cetaceans and accordingly it will not surprise you that we do not like the taste of this Draft Resolution. Thank you.

**Chairman**

Thank you. Spain.

**Spain**

Thank you Mr. Chairman. We will now, with your permission, elaborate a little more on our position concerning this particular Resolution. I think the position of the Spanish delegation concerning the role of IWC in relation with small cetaceans is well known. We have always advocated a spirit of co-operation knowing that the jurisdictional issue is not one on which there is consensus among our members. We have always tried to encourage members of the IWC to provide as much information as they have available and we have endeavoured to do so ourselves, even though that information sometimes showed very clearly that there was something to do also on our side. We think that the current proposal does not reflect the good results obtained by Resolutions like last year's Resolution 96-4 with that kind of co-operative language that we are referring to. We would like to take this opportunity to commend countries that have submitted information to the Scientific Committee. Some of them have intervened today here to say that they are not sure that IWC is competent for dealing with small cetaceans. In spite of that they have contributed to the work of the Scientific Committee in identifying possible threats to these small cetaceans and how to deal it. We also believe in the role of the Scientific Committee in identifying these threats, making diagnostic and evaluating possible measures to reduce bycatch more specifically. In that content we believe that the current proposal goes way beyond what can be expected from this co-operative and consensus approach.

We would like to call the attention of the members of the IWC to consider whether or not this will in fact encourage co-operation by all members in the future, especially those members who do not consider that IWC has jurisdiction over this issue. Besides that, Mr. Chairman, we think that this Resolution is not as complete as we would like it to be. Even without prejudice to the jurisdictional issue, we believe that this proposed Resolution focuses on one particular species, the striped dolphin, and only in one particular region and does not pay the same degree of attention to other considerations made in the Scientific Committee Report.

Very briefly and I will not dwell on that, I will just make references to that Scientific Committee Report. I would like to refer to the harbour porpoise in the Baltic Sea, page 79, to the harbour porpoise in the North East

Atlantic, page 74 or to white whales, page 79. The Scientific Committee expressed concern, not only about the incidental take or the direct take of striped dolphins in the Pacific but also with regard to the driftnet fishery in the Northeast Atlantic or to the pelagic trawl fishery also in the North East Atlantic, page 79.

I find it somewhat difficult to understand that a different standard is used in different cases. I think the concern of the Scientific Committee is also expressed in relation with the drift net fishery in particular and with the pelagic trawl fishery in the Northeast Atlantic, so we believe in the same degree of standard being applied at least when requesting co-operation.

Besides that Mr. Chairman, I think that at this stage re-drafting or re-proposing a resolution to the satisfaction of all members would probably be unfeasible and I do not intend to suggest that to you Mr. Chairman. I think you are already in deep trouble concerning our timing.

But, I would like to draw the delegates' attention to the Resolution we adopted last year 1996-4. This Resolution basically contains in the last two operative paragraphs two recommendations. First, that the Scientific Committee continues to consider the problems facing small cetacean stocks including reviewing developments and topics that were the subject of previous reports; and secondly, remind all Contracting Governments of the above recommendations adopted by the Commission to take appropriate action and invites them to note the recommendations of the Scientific Committee and provide further information. Mr. Chairman, with that we have obtained a great deal of result not as complete as we wished them to be maybe. For instance, we do not have a lot of data or information, recent information, concerning the driftnet bycatch and the pelagic trawl bycatch. So our proposal Mr. Chairman at this stage is to either pick up again on the recommendations of last year's Resolution or simply to understand that the recommendations in 1996-4 would extend its coverage, so to say, until our next meeting in Oman. Thank you.

**Chairman**

Thank you Spain. Your observation that the Chair is in trouble is not true, it's the Commission that is in trouble. The Chair is trouble-free as well as embarrassment proof. You are the one that wants to get home to your wife before going to my country that is. Norway

**Norway**

Thank you Mr. Chairman. Very briefly, Norway has always held the opinion that, while it on the one hand is appropriate for the IWC to deal with the scientific issues and the research into small cetaceans, the management of small cetaceans is beyond the remit, beyond the purview of the IWC, so my delegation would therefore like to associate ourselves particularly with Mexico, Japan and Denmark, Thank you Mr. Chairman

**Chairman**

Thank you. Well a number of suggestions have been made, a number of comments have been made. It is very clear we have nowhere near consensus. I don't believe that even allowing all the time that is formally available to us we would actually be able to achieve that despite the suggestions, optimistic suggestions perhaps, from some delegations. I therefore believe that we probably should move to a vote on this issue. I see no one suggesting that we shouldn't. UK? You don't want to. Spain you want another go?

**Spain**

Thank you Mr. Chairman. Well on a procedural issue I have made a suggestion concerning the, so to say, extension of the Resolution 1996-4, and we would consider that as an alternative to the adoption by vote of this Resolution on which we think the language would have a great scope for improvement. Thank you.

**Chairman**

Thank you Spain. The Chair's trouble in fact is that no-one seems to have picked that up as a suggestion although I now see France, Finland and Denmark so let's try. France please.

**France**

Thank you Mr. Chairman. I think for this subject, if we are not able to find a large consensus maybe it would be better to postpone the adoption of this Resolution until the next meeting. Thank you very much.

**Chairman**

Thank you France. Finland please.

**Finland**

Thank you. I will refer to the first introductory paragraph and there is mention of the Resolution from last year which is still in force so this Resolution to my mind only is complimentary to the last year's Resolution.

**Chairman**

Thank you. Denmark

**Denmark**

Thank you Mr. Chairman. We have very much sympathy with the ideas to the procedure as mentioned by Spain.

**Chairman**

Well now I am not sure how you would like me to proceed. Switzerland.

**Switzerland**

Thank you Mr. Chairman. Just to say that we, as a co-sponsor of this Resolution, would have liked it to have passed in a consensus manner and we are not quite happy that it is going to a vote.

**Chairman**

Well thank you Switzerland. United Kingdom.

**UK**

Thank you Chairman. Well, as the principle proposer of this Resolution, I would not be happy to withdraw it but I would be quite content to discuss it briefly with the other co-sponsors before deciding how to proceed on this. I think that might be sensible rather than proceed immediately to a vote.

**Chairman**

Fine, that's very helpful to the Chair. Now, let me draw your attention to temporal matters. It is now five past twelve. I think if we are going to make any sensible progress on this item it would be useful to have some formal time to consult rather than thinking about what is also happening at the same time, although I had hoped we might finish before lunch I think that is probably, as Spain has suggested, a vain hope. I would perhaps suggest that we might try and have, well there are various options, but we could break now for maybe an hour and resume at one o'clock and then go through until we finish. No? Spain you are the one that's pushing it. Well whatever, the Chair needs a break so we are going to have a break for at least fifteen minutes which means in IWC terms thirty minutes so I resume at twelve thirty. I intend to adjourn now and we will resume at twelve thirty and I will continue until we finish so however you make your arrangements for lunch is entirely up to you. So the meeting is now adjourned until twelve thirty.

[BREAK]

**Chairman**

Delegates, I would like to try and resume our business but I will do so slowly because I am aware that some delegations are still scattered and hopefully they can hear this on one of the screens and make their way towards the room.

My informal advice, which is why I'm not prepared to start, is that some further consideration will enable us to make progress. I am not sure who I should ask formally to tell me how we might make progress. United Kingdom or Spain or whoever. United Kingdom you have the floor.

**UK**

Thank you Chairman. Well we have made a good deal of progress and I think we are nearly there. If we could have about another ten minutes just to make sure that certain delegations don't get too much of a surprise I think that would probably be enough.

**Chairman**

Would you prefer me to not start for ten more minutes or keep rolling? Spain wants me to keep rolling. UK are you happy?

**UK**  
Yes.

**Chairman**

Fine. Chairman of the Scientific Committee is there anything else left that you need to deal with?

### **17.3 OTHER**

**Chairman of the Scientific Committee**

There is just one item Mr. Chairman and that is on page 43 of our Report, item 10.6 and its headed “Mathematically Based Techniques for Recognition Analyses”. Essentially this is to look at and enlarge upon methods for computerising photo-identification systems for using photographs from say humpback whale tails and right whale heads and so on to enable us to improve our matching techniques. We did have some discussion on this last year. We have a recommendation that it should be included for discussion next year and that experts with expertise in this field and related techniques should be encouraged to participate. We asked member nations Mr. Chairman to include such scientists on their delegations.

**Chairman**

Thank you. The Commission notes that. Is that then it?

**Chairman of the Scientific Committee**

One more Mr. Chairman has been drawn to my attention and that is on page 5 and that relates to national progress reports. As you know, we have reviewed our guidelines on these and we have a recommendation there that “the Commission urges member nations to provide such reports following the revised guidelines”.

**Chairman**

Thank you. So noted. Have we now dealt with your Report? Well I think I will now leave the .....no there is no reason why we can't in fact adopt your Report. Is the Commission happy to adopt the Report of the Scientific Committee as we have it dealt with under the range of items? United Kingdom

**UK**

Thank you Chairman. Perfectly happy but that I presume implies that we are also agreeing the rolling programme on small cetaceans which I don't think we specifically agreed.

**Chairman**

I was hoping we had but are you able in the middle of your deliberations to make any observations on this which you think we might need to focus on?

**UK**

No Chairman I am perfectly content with the recommendations and I think that it is sensible to adjust the programme to focus on small cetaceans in the Indian Ocean and Red Sea next year given the location of next year's meeting, so I think it is a very sensible proposal and I would just like to endorse it.

## **26. WHALING ACTIVITIES BY NON-MEMBER STATES**

**Chairman**

Thank you. Just for clarity then can we so endorse it? Seems so, thank you. We have adopted the Report of the Scientific Committee but we have not yet closed the item until we finish consideration of these pending Resolutions. Just moving to deal with some items which are rather more formal perhaps but we nonetheless need to deal with them. If we could move to Agenda Item 26 which is Whaling Activities by Non-Member States. Is there any business under this item? Can we simply note it? We've noted it.

Agenda Item 27 is the Annual Report. It has been distributed to you, the Draft of the Annual Report for 96/97 as paper IWC/49/11. Are there any comments or observations on the draft or can we agree it so that it can be produced as our Annual Report? Well subject to any minor technical revision of any data contained I believe we should agree and adopt that Annual Report for 96/97. Thank you. That deals then with Agenda Item 27.

## 19. AMENDMENT OF THE RULES OF PROCEDURE

We have still to deal with Items 19, 20, 23 but I think I would like to try and move to Agenda Item 19, Amendment of the Rules of Procedure. You have been provided with a paper IWC/49/35 which records some notes made by the Commissioner for Argentina in his discussions with a contact group. The paper does not have as such a Resolution but it has some wording, the wording is that 'further discussion and consideration of this issue at this meeting be deferred; that Contracting Governments are invited to submit information on their perspectives on voting practices and Rules of Procedure which they are familiar with in other international fora; requests our Secretariat to write to International Organisations, particularly those with which the IWC has established links, in order to gather information on such voting procedures; and that we should refer this additional information together with the proposal as made to us this time to the Finance and Administration Committee.' Hopefully not only to consider but perhaps dispose of the issue at next year's meeting in Oman.

Now this is not, and I stress, a Resolution but simply a set of mechanical procedures, most of which enable us to gather additional information either from our own individual resources and we will be asking the Secretariat to gather information from brother and sister organisations, and that information together with the original proposal will be considered again by the Finance and Administration Committee before Oman and then at the 50<sup>th</sup> Annual in Oman itself.

This seems a very sensible way forward to allow cool, calm consideration of this issue with the full amount of information available. Is the Commission happy for us to proceed in this way? It seems so. In that case the Finance and Administration Committee will have this item on its agenda at its next meeting and so will the 50<sup>th</sup> Meeting of the Commission. May I ask where we are at with IWC/49/40? United Kingdom.

**UK**

Thank you Chairman. Well I think that as a result of our deliberations and the co-operative attitude shown by a number of delegations we have reached a revised Resolution which I hope can be adopted by consensus, although I understand a number of delegations may have to make statements on the record afterwards. It is I'm afraid slightly complicated because it is rather a substantial amendment. Would you like me to go through it?

**Chairman**

I think I sense inevitability United Kingdom.

**UK**

I should first of all say that you can add to the list of proposers the name of Spain. Then the first paragraph recalling Resolution IWC/1996-4, that remains unchanged. The second preambular paragraph now reads "concerned, despite the progress that had been made, about the impact of direct and incidental catches on certain populations or small cetaceans .....

[END OF TAPE]

**UK (cont.)**

..... I had better read each paragraph twice I suspect "concerned, despite the progress which has been made, about the impact of direct and incidental catches on certain populations of small cetaceans" and then the next paragraph is slightly amended and it now reads "wishing to encourage continued scientific work" and so the words "ensure that" are deleted and also the words "should continue" from the end of the sentence so that the whole sentence reads "wishing to encourage continued scientific work to identify and analysis such threats and practical measures to address them". The next paragraph is deleted and the paragraph after that remains, that's "appreciating the data on small cetacean bycatches" etc.

We then move to the operative paragraphs and there is a new first operative paragraph which is in fact an amendment of the existing second paragraph although we do not lose the first paragraph as it comes later, just to



reassure people, but the new first paragraph now reads “endorses the Scientific Committee recommendations on the need for further research into, in particular, the impact of bycatches on, and the distribution and stock structure of, small cetaceans”. So it reads, and I will read it again “endorses the Scientific Committee recommendations on the need for further research into, in particular, the impact of bycatches on, and the distribution and stock structure of, small cetaceans”.

We then have a new second operative paragraph “requests all parties to take appropriate steps to address the Scientific Committee’s concerns about the impact of bycatches and directed takes on small cetaceans” and I will read that again “requests all parties to take appropriate steps to address the Scientific Committee’s concerns about the impact of bycatches and directed takes on small cetaceans”.

We then take in the paragraph reading “congratulates the Japanese Fisheries Agency etc.”, that is unchanged and then the text continues unchanged “congratulates the Government of Mexico” and the only other change is the existing final paragraph is deleted, that is the one that reads “encourages parties to work together to reduce bycatches of small cetaceans” because that is now covered by the new second operative paragraph, and I hope that is clear Chairman.

**Chairman**

Yes, I think it’s clear. May I now ask for questions or questions particularly on the ability of delegations to join in this Resolution perhaps with some carefully worded statement. Denmark please.

**Denmark**

Thank you. First of all Chairman excuse me but we would very much appreciate if the UK Commissioner could read all operative paragraphs in sequence as we are a little lost as to what is deleted and what is not deleted. Thank you.

**Chairman**

UK I wonder if you could very slowly read the operative paragraphs.

**UK**

I will read them in order. I will read them until we get to the old ones.

**Chairman**

UK I think if you actually just, if I understand Denmark’s request, if you could read relatively slowly just the paragraph as they now are amended in the order in which they now are without telling us that this paragraph 3(b) renumbered 4(e) etc.

**UK**

“Now therefore the Commission endorses the Scientific Committee’s recommendations on the need for further research, in particular, into the impact of bycatches and the distribution and stock structure of small cetaceans” and then “Request all parties to take appropriate steps to address the Scientific Committee’s concerns about the impact of bycatches and directed takes on small cetaceans”. “Congratulates the Japanese Fisheries Agency on the institution of species specific domestic catch limits for striped dolphins and welcomes the research which it has undertaken to determine whether a coastal stock of this species exists”. “Congratulates the Government of Mexico for convening the First Meeting of an International Committee for the Recovery of the Vaquita in January 1997 and its continuing efforts to protect this species”. “Welcomes the further work which the Scientific Committee has done to develop criteria for assessment the population status of harbour porpoises to assist in assessing whether such populations maybe threatened by mortality due to fishery bycatches”. “Urges parties to undertake relevant research and to continue to provide information on directed and incidental catches of small cetaceans to assist the Scientific Committee in assessing the status of and threats to small cetacean populations”.

**Chairman**

Thank you. Would any delegation need further clarification? I now again offer the floor to delegations who may want to advise me either they can’t join in consensus or they can with a particular statement. I see Denmark again asking for the floor please.

**Denmark**

Thank you Mr. Chairman. We have some problems with this Draft Resolution but we can go with the consensus if you allow me to make a statement.

**Chairman**

Would you like to make the statement now?

**Denmark**

Yes thank you Mr. Chairman. As we still in the, what is now, the last operative paragraph touch upon management as we see it in our opinion as we mentioned directed takes we feel quite clearly that it is outside the scope of the competence of this organisation and that is our main concern now which we would have liked to have put in the record. We do not recognise that special parts but as I said if you would please note that for the record. Thank you.

**Chairman**

Certainly noted Denmark. Mexico

**Mexico**

Thank you Mr. Chairman. Just to thank the efforts of all the proponents for this new Resolution. I can go with it only putting into the record that for our country the competence of the IWC does not cover this area but, however, we will continue to provide all the relevant information in this particular matter so we won't object to it. Thank you.

**Chairman**

Thank you Mexico. Japan would you give me some guidance please.

**Japan**

Thank you Mr. Chairman. Like the two previous speakers, Japan believes that management of small cetaceans is outside of the terms of competence of this Commission. I think that the position of Japan should be recorded in that condition. We do not block the consensus adoption of this Resolution.

**Chairman**

Thank you. Any other delegation wish to make any observation or comment for the record.

Would you mind not filming in here please that Press person. Grenada.

**Grenada**

Mr. Chairman the Grenada delegation wish to associate itself with the comments expressed by the Japanese delegation.

**Chairman**

Thank you. Solomon Islands.

**Solomon Islands**

Mr. Chairman I will not oppose this Resolution but put it on the record that it is our opinion that IWC is not appropriate to address this issue of small cetaceans. Thank you.

**Chairman**

Thank you. The Chair is grateful for the degree of co-operation shown by all delegations in trying to resolve this issue. Spain.

**Spain**

Thank you Mr. Chairman. Just very briefly. Our delegation would like to underline that the adoption of this Resolution by consensus, if so, even with the statements made by some countries, members of IWC, shows the spirit of co-operation in which we believe this issue should continue to be addressed in IWC. Thank you.

**Chairman**

Thank you Spain. I'm not sure whether I can but I echo your sentiments. Getting close to the time when I can do almost anything I want. So thank you again members of the Commission for assisting us to reach a decision which is both sensitive and sensible in this regard. I believe that now enables us to formally close Agenda Item 17. Thank you. Ah, the Secretary reminds me that we cannot as he has a small announcement that he would like to make.

**Secretary**

Mr. Chairman one of the issues that was brought before the Finance and Administration Committee in terms of monies held by the Commission was the Small Cetaceans Voluntary Fund which is almost extinguished as a result of the most recent meeting, and I wish to advise the Commission that contributions have been made or are promised of £2,000 for that fund from the Environmental Investigation Agency, and the Swiss Coalition for the Protection of Whales is promising 5,000 Swiss Francs which is about £2,000 for non-lethal research on beluga and narwhal, so there is a small rebuilding of the Voluntary Fund for Small Cetaceans.

**Chairman**

Thank you Secretary. Netherlands.

**Netherlands**

Yes thank you for that announcement. I think that in light of these contributions of non-governmental organisations the Netherlands can't really very well stay behind given the support we've given to the work of the Commission in this field so I'm glad to announce that we will endeavour to also contribute to the fund with the same amount of £2,000.

<b>20. ATTENDEES AT IWC MEETINGS</b>
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**Chairman**

Thank you Netherlands. I might see you afterwards depending how big your cheque book is. Well I think we can now close Agenda Item 17. Thank you. Moving through the items still open to be completed I next arrive at Agenda Item 20 - Attendees at IWC Meetings which we had a brief discussion of rather earlier in the week and I note that we now have a proposal by the United States of America and the Netherlands which has been submitted as IWC/49/34 and a Revision so it is IWC/49/34 Rev and it concerns the addition of a new Rule of Procedure C(2) dealing with this particular issue. US or the Netherlands, which of you would like to introduce it? Norway do you want to have the floor first? No, OK. US please.

**USA**

Thank you Chairman. Mr. Chairman last year the United States proposed an amendment to the Rules of Procedure to streamline the process of NGO admittance into IWC meetings. The Commission agreed then to review the current process at this year's meeting. Before the meeting the Secretary circulated a proposal to add a new Rule of Procedure concerning admission of NGO observers. This was discussed during the meeting of the Finance and Administration Committee last Saturday. The Chairman of that Committee concluded that the Committee had reached an impasse on the proposed amendment to the Rules of Procedure. Mr. Chairman my delegation and the Netherlands submitted another amendment which would allow accredited NGO observers to attend subsidiary meetings and that is the document that you have before you.

Mr. Chairman, because there is some controversy about this proposal and given the late hour the co-sponsors will withdraw this proposal but intend to submit a proposal in Oman to enhance the transparency and openness of this Commission's deliberations. Thank you.

**Chairman**

Thank you United States and thank you Netherlands. Nonetheless the Chair notes that this issue does need some resolution and hopefully at or by Oman we might be able to achieve such a Resolution. I can therefore I believe for this meeting close Agenda Item 20.

<b>23.2 ACTION ARISING</b>
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Sorry, I had a brief consultation with the Secretary there. The two issues that remain open are Agenda Item 23 and 12 and then we need to deal with some elections. I think we might move now to try and finalise Agenda Item 23 which is the Agenda Item dealing with the administration of this Commission. You may recall that there was a proposition submitted by New Zealand which we considered earlier in the week and I had asked at the end

of our discussions if New Zealand would attempt to produce two Resolutions covering the relevant issues. I note with pleasure that New Zealand has done just that and that we have two Resolutions in front of us, Draft Resolutions I should say. The first is IWC/49/41 and its a second revision Rev. 2 that deals with the need for an Administrative Review, and we have IWC/49/42 Rev which is a Draft Resolution seeking to establish an Advisory Committee to the Secretariat and the Commission. We had a reasonably substantive discussion on both of these items but I might ask New Zealand if they are able now to perhaps introduce them one at a time so that we might discuss them if we need to further, or adopt them and then deliberate on any further action we might need. So New Zealand could I offer you the floor to introduce IWC/49/41 Rev 2 please.

#### **New Zealand**

Thank you Mr. Chairman. This Resolution talks about the need for an Administration Review and begins by recalling that the Secretariat was set up to service the IWC and has operated for fifty years now and has only undergone one review during this time, and also considers that while the IWC's administrative systems are adequate that they should be reviewed on a regular basis to ensure that they are brought into line with modern management practices. Now therefore the Commission agrees to authorise an external review of the IWC's administration systems which would be completed in 1998 in time for consideration by the Commission at IWC/51.

It requests that an Advisory Committee be established which would consider the Terms of Reference which are to appoint a Consultant to review and recommend ways in which both the efficiency and effectiveness of the IWC's Administration could be further developed. In particular it would look at the structure, duration, focus and frequency of both annual IWC meetings and intersessional meetings. Having looked at the Secretariat's activities and financial resources that would determine what types of strategic and financial planning were required and then it would look at the Secretariat's communication systems as well as the issue of language, language which is to be used by the Commission. It would also look at the Secretariat's information exchange and publications management systems. It would also look at the Secretariat's human resources and performance indicators and finally it would look at the IWC's relationship with member states, so this Resolution requests that an Advisory Committee select and appoint an external consultant to undertake a review and also report back to IWC/51 on the findings for consideration by the Commission. Thank you Mr. Chair

#### **Chairman**

Thank you New Zealand. I realise I have actually fallen into a hole here because despite the numerical sequence of these Resolutions we really can't consider this one until we have decided whether we are going to have an Advisory Committee so I wonder if you would simply carry on. My hope being that we have already had enough discussion on this to this to be able to consider the package together to briefly introduce 49/42 please.

#### **New Zealand**

Thank you Mr. Chairman. This Resolution talks about the establishment of an Advisory Committee to the Secretariat and Commission. It recalls the previous discussions held amongst Commissioners on the need for establishing an Advisory Committee to the Secretariat. It notes that an Advisory Committee is already in effect on an informal basis and it desires a need to formalise this arrangement. It now therefore calls the Commission to decide to establish an Advisory Committee whose role would be to support rather than to make policy decisions or to micro-manage the Secretariat's work. It agrees that this Committee would comprise of the Chair, the Vice-Chair, the Secretary and two Commissioners to broadly represent the interests of the IWC forum. The two Commissioners would be appointed for two years only on an alternative basis.

It also notes that the Advisory Committee will work with the Commission to develop guidelines for the review I have just outlined. It also notes that the proposed role of the Advisory Committee would be to select and appoint an external consultant to undertake the administration review that would also finalise the Terms of Reference for this Review. By that we mean dotting the i's and crossing the t's, it wouldn't actually change the Terms of Reference very much from what has already been agreed.

Finally it acknowledges that the Advisory Committee would report back on its findings to the IWC/51 for consideration again by the Commission. Thank you.

#### **Chairman**

Thank you New Zealand. Well there is obviously close connectivity between these although they are in a sense separate processes and I would like to take the issues in the reverse order in fact in which you have introduced them because I think a decision on an Advisory Committee can be considered to be quite separate from the issue

of the Advisory Review. So are there comments from other Commissioners or can I take it that in an absence of comment there would be broad support for the establishment of an Advisory Committee in line with the terms that are suggested which is two years on alternate years? United Kingdom.

**UK**

Thank you Chairman. Well I fully support the recommendation to establish an Advisory Committee but if we do agree to do that can I suggest that we ask the Secretary to produce proposals to incorporate this in our Rules of Procedure for discussion in Oman. Thank you Chairman.

**Chairman**

Thank you. I had visions of a meeting stretching into next week. Are there any other comments? Spain.

**Spain**

Yes thank you Mr. Chairman. Do I understand then that the last, at least for the time being, the last three operative paragraphs of 49/42 Rev are being set aside just to agree on the principle of the establishment of the Advisory Committee?

**Chairman**

Your view is completely correct Spain. Yes.

**Spain**

Thank you.

**Chairman**

Could we then look at 41 which talks about the need for an Administrative Review. Japan please.

**Japan**

Thank you Mr. Chairman. First of all I have to apologise that I have to make this intervention since this matter is important and which I raised in the previous intervention. The matter is budget implications and should be somewhere here suggested by the Secretary when we had an introductory debate on this matter. Having that clear budget line we understand that exactly how much it costs so I would like to propose minor in that regard proposal. In the first operative paragraph which says "agree to authorise an external review of IWC administration systems to be completed in 1998 in time for consideration by the IWC/51" and period should be replaced with comma. Then I would like to insert as follows, in line with what the Secretary mentioned, "with a budget of no less than £50,000 period". I hope it is acceptable for everybody.

**Chairman**

Japan just so that the Chair can be quite clear and the Secretary can be quite clear. No less than £50,000 or no more than £50,000?

**Japan**

No more than £50,000!

**Chairman**

I was just writing out my tender as you spoke.

**Japan**

Sorry that is my mistake since last evening I was drinking up to 2 o'clock.

**Chairman**

I'm relieved to say it wasn't all on my money. Thank you Japan. Is that accepted? It seems a sensible commendation. New Zealand are you happy with that? Thank you.

With that I understand we can then adopt this draft Resolution 42 Rev 2 as amended. Seems so. Spain.

**Spain**

Sorry Mr. Chairman you said 42 Rev 2. 41 Rev 2 is that correct?

**Chairman**

My apologies yes.

**Spain**

Are we taking this up in connection with 42 Rev and, more particular, the last three paragraphs or are you going to deal with that separately now?

**Chairman**

I am now going to deal with that separately. Let me try and be clear. My understanding is that the Commission is content with the amendment proposed by Japan to agree to adopt draft Resolution under 41 Rev 2. We now need to move back to 42. Lets move back to 42 Rev 2 which concerns the establishment of the Advisory Committee and has some additional notes under the last three paragraphs which would suggest that the Advisory Committee involves itself in the issue of developing further the Terms of Reference for the Administrative Review and that we have just looked at in the terms of New Zealand's introductory remarks. The Advisory Committee in this regard would be simply dotting the i's and crossing the t's which means looking at the fine print as it were of any development and elaboration of the Terms of Reference. It is my clear understanding, however, my clear understanding, that the finalised Terms of Reference as discussed by the Advisory Committee should we establish it with the Secretary, or the Secretary if we don't establish the Advisory Committee, will be circulated out of session to all Commissioners by the most effective method to ensure they are in agreement and of course if in disagreement we have mechanisms to resolve those issues. Spain did you want to make further observations?

**Spain**

Yes thank you Mr. Chairman. We agree with your understanding and therefore we would suggest that words to that effect be included in this Resolution. Thank you.

**Chairman**

Thank you. Can I ascertain whether there is any point of disagreement with the principle of the establishment of the Advisory Committee? Seems not. Can I now ask again the UK who was suggesting that the Secretary produce some words to change our Rules of Procedure, to incorporate this in the Rules of Procedure, which is to suggest that we don't take any effective action on this at this meeting or whether the UK would be broadly content for us to try and create an Advisory Committee to operate between now and the Oman period even though it won't be formally incorporated in our Rules of Procedure. United Kingdom.

**UK**

Thank you Chairman. Now to be quite clear I wasn't suggesting a delay. My understanding would be that this Resolution would create the Advisory Committee but we ought to codify it and include it in our Rules of Procedure at some stage.

**Chairman**

Thank you. Spain I don't actually have words to add to the Resolution. It would be my understanding that having given my interpretation from the Chair which will be clearly in the Verbatim Record this should be sufficient to guarantee that the procedure I've outlined will be followed, and although the Secretary is not as close to leaving his spot as I am to mine I'm sure he will be mindful of the need to read my last words. Fine. On that basis I believe we can now adopt the formation of an Advisory Committee. Thank you.

Now we have a situation where we have created the opportunity for an Advisory Committee which will consist of the Chairman, the Vice-Chairman, the Secretary and two additional Commissioners to broadly represent the interests within the IWC forum. I would like to seek some advice from the Commission as to whether there are any nominations which could be proposed for these two positions for at least the first year to enable this Committee to start its work and of course this issue can be revisited in Oman. Ireland.

**Ireland**

Thank You Chairman. Another of the little impossible tasks you've give me around here. I have consulted pretty widely and found two volunteers who broadly represent the interests. Norway and Mexico I understand are willing to serve for the first year and could I just clarify in terms of the first year I presume means to the next meeting. Thank you Chairman

**Chairman**

Yes, like everything else in IWC the year is elastic. May I take it that Norway and Mexico are happy to serve in this capacity? May I take it that the Commission is prepared to accept those two Commissioners? Seems so, congratulations.

### **12.3 ACTION ARISING**

That means we can now close Agenda Item 23. We now need to return to Agenda Item 12 where we have two issues outstanding. The first issue deals with Agenda Item 12 Resolution which we considered a little earlier and we found in paper IWC/49/43. It's a Resolution on cetacean bycatch reporting and bycatch reduction. The Commission was asked to leave this aside for further consultation and can I now ask what the result of those consultations have been please. Is the US going to say something?

#### **USA**

Yes Mr. Chairman. Thank you. We've consulted with I think and hope all the parties that made an intervention or questioned various aspects of this Resolution, and the first point that we were able to solve was in the first operative paragraph - if we strike out the three all's on each of the first three lines. That met the concerns of several delegations, and then the other point was the last operative paragraph and we think we can get consensus if we strike the last paragraph three there, but we would hope that we could look at that in the future because we think it is an important item that we need to consider in overall management scheme of things so as best as I can understand from consulting with everyone that commented we can have consensus by making those two modifications that I just noted. Thank you.

#### **Chairman**

Well the Chair understands that the proposition is that in the first operative paragraph all references to 'all' is removed and that paragraph three is also removed in totality although perhaps not in some delegations' minds in spirit.

With those changes will it be possible to adopt this by consensus? It seems so. Thank you very much for that. That Resolution is therefore now adopted. Before I close Agenda Item 12, when we visited this discussion earlier in the week the Commissioner for Ireland having made some notes in the Agenda, gave some proposals which were rather wider than this Agenda Item and I did ask the Commissioner for Ireland, the Vice-Chair, to engage in some discussion activities and I would like to give him the floor at this point. He seems to be being heavied by the US at the moment. I give the Vice Chair the floor at this point to let me know where his discussions have reached and if there is any mechanism needed to take these ideas forward. Ireland please.

#### **Ireland**

Thank you Chairman. Following your instruction from the Chair to consult widely I arranged discussion groups of Commissioners convened by some of those Commissioners who supported strongly the idea of seeking a consensus. I asked these convenors to assess the willingness in the Commission to seek consensus and to assess the potential and possibility of the likelihood of achieving success. The assessments of these groups are that there is a great willingness to work towards consensus. There is an acceptance that it would be very difficult to get agreement both on the substance and on the mechanisms but despite these difficulties the view is that consensus is possible. So now Chairman I want to move to how to continue the process. There has been a lot of debate about the best methods to move forward and there are major concerns that we shouldn't move too fast and run the risk of collapsing the process. On the other hand there are risks of going too slowly and missing the boat. So, my feeling is that there is at present a mood in the Commission which creates an environment which helps towards progress, that a mood of frustration on many issues from different groups, but there is also a hope that the Fiftieth Meeting will in some way produce the miracle of all getting together again.

I've got a number of different suggestions, among them that we should have a discussion paper circulated before Oman with consultations by correspondence or telephone. It has been proposed that there should be bi-lateral meetings. I've had proposals for regional meetings and suggestions of an intersessional meeting. Each of these approaches carries its own risks of failure but what I am going to propose to the Commission is a process which I believe gives the greatest chance of success.

The first step Chairman is I hope, Chairman, to engage in a number of bi-lateral contacts either by telephone or if my Government will rise to the money, I will go and visit. Secondly, I'll propose an intersessional meeting of all parties to discuss the Irish proposals and to seek to build up the consensus particularly in the middle ground. That meeting would be open to alternative ideas or mechanisms which would help us to move forward. I would

stress Chairman that the intersessional meeting would not be a decision making meeting nor would it be a negotiating meeting. It would be an opportunity to consider the future of the Commission without the pressures that are all around us in this Annual Meeting. After that meeting I intend that Ireland would, as a facilitator, prepare a discussion paper for the Oman meeting. I'm conscious of the difficulties, particularly of developing countries attending such a meeting, but it is important that everybody possible should attend and I am hoping to arrange a venue for the meeting which would be most convenient to a large number of the developing countries. I am also hoping that some countries will donate funds to the Commission which could be used to help developing countries to attend. I've just put forward the proposal in general Chairman and if the Commission supports the process I would seek to develop the details and notify them to all Commissioners probably in the next month. Thank you Chairman

**Chairman**

Thank you. May I ask if there are any observations? US please.

**USA**

Thank you Mr. Chairman. We certainly appreciate the active efforts by our Vice-Chairman. However, we would disagree with him regarding the element of consensus, certainly from our perspective. That element is not on the horizon currently. There are elements in his proposal that we would find unacceptable. Most particularly the reinstitution of commercial whaling. Certainly tensions do exist in this body but we should not use commercial whaling as a bromide for those tensions. We are concerned about the possibility of moving too fast and the Vice-Chairman noted that, and as one of the dangers moving too fast or moving too slow certainly we would caution about moving too fast. We've expressed our concerns about that before. We do need to discuss the problems but let's not rush to solutions and solutions that we would find unacceptable .....

[END OF TAPE]

**USA (cont.)**

..... six months is virtually an intersessional in itself. In the event that the meeting does take place we would certainly insist that it be an open and transparent one and attended by all IWC members as well as NGOs. Thank you Mr. Chairman.

**Chairman**

Spain is asking for the floor and then Denmark, Spain please.

**Spain**

Thank you Mr. Chairman. Spain has already expressed its reservations concerning the substance of some of the proposals put forward by the Commissioner from Ireland and more specifically concerning the possible resumption of the commercial hunting of whales. However, I would like to point out at this stage that Spain has never feared discussion on this or any other issue raised in IWC and in that context given the problems that we think are still pending of solution within IWC, we think that delaying or stalling or avoiding discussion is not the good way forward. That's why Mr. Chairman we would like to encourage discussions, not necessarily the adoption of solutions but certainly we would like to encourage discussions to take place in the widest context possible. We note that some members of IWC have concerns about such discussions taking place and at least one delegation has expressed concern about the possibility of rushing forward too quickly. Some other delegations have probably and will I imagine express concerns about the ability to attend certain meetings and I mean now financial or economic problems. But I think no delegation will probably express, and of course I would like to hear that from the floor if that is the case, a total lack of willingness of even entertaining discussions. I think the question of the rapidity or the speed of the debate is probably not in question or not in order right now because we are not talking as I said and I heard the Irish Commissioner very carefully say that it's not a matter of reaching solutions and therefore the speed of the discussions is not in order now, it's not in question, it's not being debated. With those considerations in mind Mr. Chairman we support at least the idea of discussions taking place by whatever means possible and again without prejudicing the positions of different members of IWC concerning the content of the proposals put forward. Thank you.

**Chairman**

Thank you Spain. I give the floor to Denmark and then New Zealand. Denmark please.

**Denmark**



Thank you Mr. Chairman. As far as I remember the discussions in this Commission on our Revised Management Procedure started in 1988 in reality. In 1991 at a meeting in Reykjavik there were intensive discussions about some of the parameters and at the meeting in Glasgow in 1992 the final RMP model was in principle recognised, not adopted but recognised, by this Commission stating that its implementation should await *inter alia* new inspection and control system. That was 1992 and now we are talking about 1997 and as we have seen through several years a lot of the hard issues here in this Commission, resolutions for these, will depend upon the completion of the RMS process. You will all remember items, just to take one example, because that is maybe the longest lasting, that is the Japanese small-type whaling issue which has been discussion since the meeting in San Diego and where Resolutions are to await the RMS completion according to the decision of this Commission. So I don't think we are in any extreme rush. I feel and I fear that it is urgently necessary to try to speed up this process as much as possible. It has now taken almost ten years and we appreciate very much the initiative taken by Ireland and we support the proposal for going further as just has been described twenty minutes ago by the Irish Commissioner. Thank you.

**Chairman**

Thank you Denmark. I give the floor to New Zealand and then the Republic of Korea. New Zealand please.

**New Zealand**

Thank you Mr. Chair. New Zealand is keen in participating in this discussions but there are several issues for us, not only is it a matter of timing, this will be the third meeting in seven months, but also funding has become an issue for us. This is the third meeting that we will have to seek funding for. Also presumably it's an issue for the Secretariat to also have to move it's Secretariat to another venue for the third time in seven months, and we would like to enquire as to how much it would cost to move the Secretariat to wherever this meeting is likely to be hosted. New Zealand has also opposed to intersessional meetings in principle and we have difficulty with those, not only difficulties in terms of funding but getting people there, but in principle we prefer not to have intersessional meetings. We believe that this debate or this discussion can be furthered through modern communication links and are very interested and very keen to participate in whatever discussion takes place but would like to welcome as much flexibility as possible. Thank you Mr. Chair.

**Chairman**

Thank you New Zealand. Just to clarify one point, should there be an intersessional meeting. The Secretariat would be marginally involved as they would normally be in intersessional meetings. It certainly wouldn't be a decamping of the Secretariat from Cambridge to yet another exotic location. I now give the floor to the Republic of Korea and then Australia.

**Republic of Korea**

Thank you for the floor. I want to say about the Korean position regarding the Irish idea. Basically we think that the idea is very fruitful and beneficial for the IWC future, but it is the Korean delegation's opinion that we should be very careful with its speed and method of dealing with that issue because we think that issue is very sensible and also very important. It should not be a short term solution, we should look for our long term development of IWC. In this regard the Korean delegation wishes to stress that the consultation regarding the Irish idea should be proceeded on the basis of equality and justice. I mean that it should be proceeded on the non-discriminatory basis. It should consider about the balance between the environment or the preservation and also the sustainable use of whale resources. Thank you.

**Chairman**

Thank you. I give the floor to Australia and then Finland please.

**Australia**

Thank you Mr. Chairman. On this issue the views of Australia correspond directly with those of the United States. It's a matter of public record that the Australian Government wishes to seek a permanent international ban on commercial whaling; under those circumstances we would not wish to see any push to consensus with too much speed and too much pressure. We are prepared, Mr. Chairman, to continue discussions but more haste less speed.

**Chairman**

Finland and then Chile.

**Finland**

Thank you Mr. Chairman. We so very much appreciate the Irish initiative and support also the procedure which they have presented, perhaps not hurried to much, and we are also open all those elements mentioned in the Irish basic paper. Even we are open to assume, or not strive at, total ban on commercial whaling, we have never said that and one reason is really the title of our Convention, it is about regulating, not to ban commercial whaling. Thank you.

**Chairman**

Thank you Finland. I give the floor to Chile and then the UK please. Chile please.

**Chile**

Thank you Mr. Chairman. I would like to say that my delegation agrees with the position of the United States. I think we must be very cautious in discussing this matter because the positions are too extreme. Although my delegation has substantial reservations in relation with this matter, it is in a position to begin to discuss it and see how we can advance. Mr. Chairman, I believe that the less developed countries have to receive some kind of assistance in order to assist at this meeting, in order for them to legitimise their discussion otherwise, it will be difficult for them to assist. Thank you Mr. Chairman.

**Chairman**

Thank you. United Kingdom and then Monaco. United Kingdom please.

**United Kingdom**

Thank you Chairman. Well the United Kingdom's views on the Irish proposal are on record and I won't repeat them now but you are aware that we do have serious reservations about some aspects of them. Nevertheless like other delegations we are ready to discuss them and we would like to see progress made, but we have serious doubts about the wisdom of the procedure which is being proposed for very much the same reasons as expressed by the United States and Australia. These are difficult issues and we do not think that progress is going to be furthered by an additional meeting between now and Oman, so I would echo what Australia has said, more haste less speed. Thank you Chairman.

**Chairman**

Thank you UK. Monaco and then Saint Lucia please.

**Monaco**

Thank you Mr. Chairman. I also think this is not the time to command the substance of the Irish proposal for which we have already expressed our sympathy and also some reservations. We would like to note that this proposal is a first shot, it is an honest courageous attempt to start a dialogue between delegations from opposing camps and it deserves to be saluted and secondly to be encouraged, so I would like to see IWC send a clear signal to the Irish Commissioner to continue his efforts. On the question of the timing of the meetings before or at, or after Oman, I also share the view that it might be risky to rush towards a consensus. The risk would be to set up an intersessional meeting which would deliver nothing and that risk is, in our opinion, too great so I would rather see Ireland to seek by all means telephone, e-mail or even visits as Michael Canny suggested, to seek suggestions from all sides including of course the NGO communities to put forward and to collect helpful suggestions towards a resolution of this stalemate and bring forward to Oman, which takes place in only seven months, some kind of a platform, a second shot, which would be rather elaborated so this we think that actually the Oman session will provide the perfect time and place to review progress. Thank you.

**Chairman**

Thank you Monaco. St. Lucia and then Antigua and Barbuda.

**St. Lucia**

Thank you Chairman. When my delegation intervened on this matter several days ago we recognised that the proposal provided a level of illumination to the tunnel. We still feel that way and we welcome the call for dialogue. We are quite prepared to support this call and we think this would not be necessarily be binding on the Commission in any way so we would like to go along with the call.

**Chairman**

Thank you. Antigua and Barbuda

**Antigua and Barbuda**

Thank you Mr. Chairman. Like St. Lucia we think that the proposals from the Irish Commissioner have much merit. We should never close the door to debate. Debate whether too soon or delayed is always important and in the spirit of pushing towards some form of answer to the problems we are facing Antigua would go further and offer to host any meeting that we propose in order to solve this problem in the interim session Mr. Chairman.

**Chairman**

Thank you Antigua and Barbuda. I give the floor to Argentina and then the Netherlands please.

**Argentina**

Thank you Chairman. Argentina wants to express its reservation in relation to the Irish proposal for an intersessional meeting, due to budget constraints that developing countries have. Argentina cannot accept initiatives for intersessional meetings in which it cannot participate. Nevertheless I have already had a chat with the Irish Commissioner and I have suggested to him and I reiterate my suggestion, that if he elaborates a paper and circulates it among the members by Correspondence so that there could be consultations and maybe a short meeting, say two days before the Oman Meetings not intersessional meetings. Thank you.

**Chairman**

Thank you Argentina. Netherlands and then Brazil please.

**Netherlands**

Thank you Chairman. Like several other delegations we are also of the view that discussions should be maintained at a reasonable pace while we recognise that while the process will inevitably consist of different types of consultations, it is our desire to achieve the greatest amount of openness and transparency possible. We think that the process described by the Irish Commissioner gives sufficient safeguards in this respect and therefore we can go along with it. I would like to note that on the subject of the completion of the RMS, which is one of the elements of the Irish Proposal, this meeting has already agreed on a process to achieve further progress on the possible inspection and observation scheme and I think that process can run in parallel with the process proposed by the Irish Commissioner, so I would like to remind delegations of my request to send comments on the Japanese proposal for an Inspection and Observation Scheme to me before the 1 December so that I can then consult with various interested delegations in order to produce a new draft in time for the Oman meeting. Thank you.

**Chairman**

Thank you Netherlands and thank you for the advertisement. I give the floor to Brazil and then to Japan please.

**Brazil**

Mr. Chairman, I would to express Brazil's willingness to cooperate and contribute to the discussion of this issue. It is our view that the Irish Proposal is a very sensitive issue and should not be discussed in the intersessional meeting so we would like to support the views expressed by the Argentinean delegation that a document of a summary of the views expressed at this meeting regarding the Irish Proposal, that a document is circulated officially to the member countries of the IWC and also we support the suggestion that Working Groups be held two days or three days before the meeting at Oman so that this document could be discussed by all members of the IWC.

**Chairman**

Thank you Brazil. I give the floor to Japan and then South Africa please. Japan you have the floor.

**Japan**

Thank you very much Chairman. I would like to first take this opportunity to express my gratitude to the great effort exerted by the distinguished representative of Ireland who is now trying to try to break through this difficult stalemate situation at the IWC.

In the past Japan has always contributed to normalise the IWC and we intend to continue to make such contributions in the future. As I have always stated, based upon the Convention and the principles of sustainable use, Japan intends to frankly participate in the deliberations proposed by Ireland.

I would like to express my support for holding an intersessional meeting. Thank you very much.

**Chairman**

Thank you Japan. South Africa please and then Grenada. South Africa.

**South Africa**

Thank you Mr Chairman. As one of the delegations that have acted as a convenor in the process I am sure that it would be no surprise to the Commission that we support this initiative in principle. As far as the intersessional meeting is concerned I would like to stress that this does not necessary signal an undue rush in the process. The only way to make progress with this sort of activity is through dialogue and that means personal interchange of views. For this reason Mr. Chairman I think it is very important that we do not delay the process by only allowing the next round of exchanges in Oman. Thank you very much.

**Chairman**

Thank you South Africa. Grenada and then Germany please.

**Grenada**

Mr. Chairman, my delegation supports the Irish proposal and we also endorse the invitation by our distinguished Commissioner from Antigua to host that intersessional meeting.

**Chairman**

Thank you Grenada. Germany please.

**Germany**

Thank you Mr. Chairman. I am quite grateful to my Irish colleague that he has undertaken this difficult initiative that is of quite big importance to this organisation. I think there is a need to halt the momentum and get progress and I can support his ideas concerning the further procedure. Thank you.

**Chairman**

Thank you Germany. I give the floor to Norway and then Mexico. Norway please.

**Norway**

Thank you Mr. Chairman. I have already stated several times that we strongly support the Irish initiative without prejudice to the concrete elements involved in it. We are quite convinced that the clock cannot be turned back from this time onwards so this is really the question of finding proper procedures to go further. I believe that the most important thing now is for the Irish Commissioner to conduct consultations so that we can get a full view of what is possible and what is not possible and at an appropriate time, and I stress at an appropriate time because I don't know when that is, he must stick his head out either for Oman or after Oman or whatever. He must take the time he needs, I think that's important for the process.

About the intersessional meeting I have offered the view that we are perhaps a bit cautious but if he feels himself that it is a wise thing to have an intersessional meeting we will certainly not stand in the way of that, and we expect that the procedure at such a meeting will be appropriate for conducting the sort of talks that are necessary, so we take a rather flexible view on the procedures and we are fully willing to discuss and talk with the Irish Commissioner at any time to see what we can achieve and, of course, we are very glad to go to the Caribbean if that is the decision at the kind invitation by Antigua and Barbuda. Thank you very much.

**Chairman**

Thank you Norway. I now have France asking for the floor please.

**France**

Thank you Mr. Chairman. Of course, we are also grateful to our Irish colleague for the effort he has undertaken but obviously there are some difficulties if we are to consider another meeting in the next months. So I am wondering if one solution would not still be to have a Working Group before Oman.

Also I know that some delegations have difficulties, had difficulties, and I must say that we have also with some of the contents on the Irish proposition which make it difficult to go directly into a Working Group. So maybe some discussions could focus on the concept to clarify a number of things which would be in the discussion because maybe I am too new in this forum, but my impression is that some of the difficulties come from the fact that there are several concepts which comprise of many different things which are then interpreted in some way outside the meetings which then again bring difficulties to the people who are discussing them, and so a solution could eventually be to have a first effort which could not be really a negotiating of the elements of the

proposition but an effort to clarify and to list a number of concepts, and the next step would be to see if results are possible in a negotiation. Thank you very much.

**Chairman**

Thank you. I have Dominica. Denmark is indicating that they want to make a further point and I also have Mexico on my list. Sweden are you indicating you want to be on the list? And the last one on my list will be Oman. So we start with Dominica.

**Dominica**

Thank you Mr. Chair. Dominica wishes to lend support to the proposal by Ireland. Dominica would like to commend the Irish Commissioner on his efforts. Dominica also feels that exploratory talks as recommended by the Irish proposal is in no way trying to hasten any process and I think it should bring good results. Thanks.

**Chairman**

Thank you Dominica. Denmark and then Mexico.

**Denmark**

Thank you Mr. Chairman. As to a way how to proceed. We feel very strongly that this is important. We always recognise that it is difficult not only from a technical point of view but maybe also from a political point of view to be quite frank. So therefore in such a process the people doing the talks and negotiations will have from time to time to refer back to their political authorities or whatever the procedures in the different countries and then meet again and maybe make a step forward. Therefore, if we postpone further discussions in reality until the Oman meeting and then we may make progress there and then the next step would then maybe be taking some time late in 1999 in Grenada. I mean you are very easily entering into a situation where it will take four or five or eight years to conclude such a process so simply to realise realities in life, political and all those things, then I think that it is a real good idea if you want to make progress. You can even not be sure that you can reach a conclusion in Oman even if you had an intersessional meeting, but if you don't have an intersessional meeting, our judgement is that it would be more or less unlikely. Thank you.

**Chairman**

Thank you. Mexico and then Sweden please.

**Mexico**

Thank you Mr. Chairman. I would like to stress one more time that my country is ready to discuss any type of proposal that will provide us with a better way to find an international co-operation and international action, a good way in which to preserve the whales and a good way in which we could also provide for that environmental goal of sustainable development. In making this statement I cannot but recognise that we have been here working, no more than thirty-one countries, and certainly whales do exist within the waters of more than sixty countries so it seems that a lot of them are not here. We know why some of them left the organisation and I am very much afraid that if we are not able to hammer a new agreement, to build together a new consensus that is a proper answer for these times, the Whaling Commission will lose its effect and its effectiveness. At the same time I'd witness that we have to respond to society. We have now more non-governmental organisations attending this meeting than nations. Unfortunately we cannot see them, they have the maybe unpleasant possibility of seeing us while we cannot see them. Probably next meeting we can have also some television to see them because let me tell you they have more beautiful faces than we do.

Going back to the serious issue, I guess that nothing can prevent us from discussing how to achieve a better result. To respond a sovereign state to the mandate of our peoples to provide for the safeguarding of a species and to its rational appropriation by human beings. We support the initiative of Ireland and we are ready to discuss, whenever it is feasible, and if it's in the Caribbean we certainly will be delighted to be there with our friends and neighbours.

**Chairman**

Thank you Mexico. The Secretary has made a note of the need to provide wide-screen visual appearances of the NGOs at next year's meeting for us. Sweden and then Oman please and then that's the end of the list. Sweden please.

**Sweden**

Thank you Mr. Chairman. Sweden is one of the strong proponents of trying to find solutions along the lines proposed by the Irish delegation and we would like to echo the sentiment that has been given by a number of delegations here especially Netherlands, South Africa, Germany and Denmark. That we need to keep the pace in this process and I have personally, during this last year, seen more movement I think in this delegation than ever before, and I think it is of the great interest to keep the moving going and I support the idea of having an intersessional meeting at a suitable time. Thank you.

**Chairman**

Thank you. Oman please.

**Oman**

Thank you Mr. Chairman. I congratulate my distinguished colleague of Ireland for his genuine effort in addressing some of the concerns for the IWC. To find a solution for such issues. However, I don't think it will be more appropriate to have an intersessional meeting from now until Oman, the Fiftieth Annual Meeting. This is because of the financial implications as well as for the short time between now and Oman. What I encourage my distinguished colleague of Ireland to communicate with other Commissioners to find out something that can be achievable in Oman and I wish him every success. Thank you Mr. Chairman.

**Chairman**

Thank you Oman. Well the Chair is relieved to see that the last debate you have offered him is as perplexing as any that he has been offered. I am not sure whether it would be possible to say that there is a any agreement on the possibility of an intersessional meeting but there does seem to be a considerable amount of desire to continue the process which was started by the informal consultations resulting from the initial proposals by the Commissioner for Ireland. I think it would be a foolish person in this Chair who suggested that there should be an intersessional meeting, probably also foolish if they suggested there shouldn't be. So for once I will draw on the remarks of the Commissioner for Norway who I think summed it up most accurately and most elegantly. I think we do need to be flexible in our approach.

The balance between what my colleague from Australia said initially by more haste less speed and the Commissioner for Denmark said regarding this could go on for years and years and years is also important. There has to be striking a balance and there has to be a way of taking forward these discussions. It is also clear, however, that because of the unusual way in which these meetings are structured, that is this meeting and the following one, it is not in fact a great length of time. It does offer, within that window, as the Commissioner for Ireland has already said, an opportunity to have some bi-lateral or even depending where he is, tri- or multi-lateral discussions between members of the Commission in further developing and elaborating his ideas based on the discussions that have taken place this week. Under such conditions it would be possible perhaps to produce some papers for discussion in Oman and the Commissioner for Netherlands has also made some relevant comments about the linkage between the work which in a sense he has offered to do as Chair of the RMS Working Group which can proceed in parallel and obviously closely linked with some of the discussions at least that the Commissioner for Ireland will be likely to undertake.

We have also, fortunately for the Chair, just established an Advisory Committee which I think is a splendid mechanism through which the opportunities for further work on this issue could possibly be best discussed. I am also conscious of the fact that we did not in our budget set aside for an intersessional group and although that has never prevented us in the past, I think we should be conscious that we've actually just spent up to fifty thousand pounds that we didn't have in the budget potentially as well. All in all I think the Commissioner for Ireland has got a very difficult task to now nip together some of this work, and the issue of whether there is an intersessional meeting I think is not one that you could and I'm unhappy to produce a firm decision on from the discussion that I've heard. It is quite clear, however, that there should be a specific focus in the Oman programme for discussion on outcomes of consultation that will take place by whatever series of mechanisms between now and that meeting. Ireland would you like the floor to say anything please?

**Ireland**

Thank you Chairman. I have listened carefully to all the comments and thank, in particular, those countries who supported the process. Chairman, I had acknowledged that there are risks in the process I have outlined and I understand fully the difficulties many delegations have but my experience of this Commission is that things like

circulation of documents will not lead to speedy resolution, it will take us years. If you want to make progress in this institution I feel you've got to sit down with the people and talk to them and talk for an hour before you start getting down to the issues. Obviously I accept the ruling of the Chair but I don't see much for speedy progress without going through the rigours of an intersessional meeting. Thank you Chairman.

**Chairman**

Thank you. Well the ruling of the Chair is that this is all part of the Advisory Committee. Is everyone content with that view? Brazil you are more content. You have the floor.

**Brazil**

Mr. Chairman I think our view is already clear to everybody. We are strictly opposed to discuss this issue within an intersessional meeting and we don't think we will be able to attend any intersessional meeting.

**Chairman**

Thank you. I think that's all ..... Argentina.

**Argentina**

Just to express that I'm in complete agreement with my colleague from Brazil.

**Chairman**

Thank you. I don't think there is any doubt about that and I think my mechanism allows for all that to be taken into account as well as the enthusiasms that other delegations have expressed for the opposite viewpoint. I think the encouraging thing as far as the Commissioner for Ireland must be the degree to which there has been a reaction towards the proposals in terms of wishing to take them up and further elaborate them, and I hope that whatever series of mechanisms that they are subject to, that they are in fact examined thoroughly and properly and it must be done thoroughly and properly given the recent history of this Commission and the possibility that these may be important processes to allow its continued development.

With that I don't think that we can say anymore and I think the issue will be left to the Commissioner for Ireland to carry forward and I am sure he will want to consult with the Advisory Committee in due course.

<b>28. ELECTION ON CHAIRMAN</b>
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That I think now completes all of the items down to 28. Let me ask if any delegation wishes to offer a contrary view to that. No it seems not. In which case we can proceed to Agenda Item 28 which is where I fall on my sword and ask for nominations, if there are any, for Chairman of the Commission. Monaco you ask for the floor.

**Monaco**

Thank you Mr. Chairman. Monaco has pleasure to propose for this position of IWC Chairman a man who has worked rather tirelessly, at least in the past month, for the Commission, I mean Michael Canny, the distinguished Commissioner for Ireland.

**Chairman**

Thank you. Mexico.

**Mexico**

Just to second Monaco's proposal.

**Chairman**

Oman.

**Oman**

The same for Oman.

**Chairman**

Japan.

**Japan**

Japan also expresses our support to Monaco's proposal.

**Chairman**  
South Africa.

**South Africa**  
I support the proposal Mr. Chairman.

**Chairman**  
Spain.

**Spain**  
We support the proposal provided he turns off the mobile phone.

**Chairman**  
Spain you have more courage than the Chairman had. Denmark.

**Denmark**  
We also fully support that suggestion.

**Chairman**  
Netherlands.

**Netherlands**  
We are happy to co-sponsor that proposal. Thank you.

**Chairman**  
Chile.

**Chile**  
We support the suggestion of Monaco.

**Chairman**  
Norway.

**Norway**  
Full support.

**Chairman**  
Germany.

**Germany**  
Support.

**Chairman**  
United Kingdom.

**UK**  
We fully support the proposal by Monaco, Chairman.

**Chairman**  
Sweden

**Sweden**  
Full support.

**Chairman**  
St. Lucia.

**St. Lucia**



Chairman I believe the whole Caribbean delegation would be pleased to cosponsor this nomination.

**Chairman**

Well I don't see anybody waving their flag in anger so I assume that it is my pleasant duty to announce that the current Vice-Chair, the Commissioner for Ireland is elected to the position of Chair.

[Applause]

**Chairman**

Ireland do you wish to say anything?

**Ireland**

Thank you Chairman. I would just like to say thanks to all the delegations for the honour. I will certainly try to be as fair and even handed as possible in this task. I'm not sure whether it's a good idea but I will run with it. Thank you.

**Chairman**

Thank you Ireland. I think my decision to put that previous discussion to the Advisory Committee now seems to be very wise indeed.

However, that now causes a problem because we no longer have a Vice-Chairman and there is nothing on the Agenda which would apparently address that so as Chair I am going to insert an item 28(b) Election of Vice-Chair and ask if there is a nomination for the position of Vice-Chairman of the Commission. South Africa.

**South Africa**

Thank you Mr. Chairman. I would like to propose the distinguished Commissioner from Sweden as delegate for the post of Vice-Chairman. Thank you.

**Chairman**

Thank you. Norway.

**Norway**

Mr. Chairman, I am extremely happy to second that proposal in spite of his Swedish background but I know that we will have a Vice-Chairman of great integrity and I think that is what is called for in the years ahead in this organisation. Thank you very much.

**Chairman**

Thank you Norway. Denmark.

**Denmark**

As Norway.

**Chairman**

Thank you. Mexico.

**Mexico**

As Norway.

**Chairman**

Chile.

**Chile**

As Norway.

**Chairman**

Netherlands.

**Netherlands**

Well maybe not as Norway but we would still like to support.

**Chairman**

I was afraid the spirit of consensus was going to our heads. Oman.

**Oman**

As Norway.

**Chairman**

Japan. Could I have that in Japanese please.

**Japan**

[In Japanese]

**Chairman**

Thank you I feel secure. Germany.

**Germany**

Support.

**Chairman**

United States.

**USA**

To support.

**Chairman**

United Kingdom

**UK**

Well I don't think I've said it before Chairman so I will say "As Norway".

**Chairman**

Ireland.

**Ireland**

As Norway Chairman.

**Chairman**

Sweden it looks as though, like Ireland, we can .....

[Applause]

**Chairman**

May I ask if there are any items of other business under Agenda Item 29. US.

**[END OF TAPE]**

## **29. ANY OTHER BUSINESS**

**USA**

.....Oman is going to be a pivotal event for us as it's our 50<sup>th</sup> Anniversary and it occurred to us that as is sometimes done by other organisations when they celebrate such events, that we invite all past Chairman to attend that meeting, perhaps to attend in an ex-official capacity and possibly also with the proviso that it be at their own expense though, so that's my proposal Mr. Chairman and I hope that others would be able to agree to that. It is a pivotal event, we seem to be discussing some fairly weighty matters there and perhaps we could take advantage of the wisdom of their past experience. Thank you Chairman.

**Chairman**

Thank you United States, Is there a view on this? Is there support for that idea? Yes - Netherlands, Monaco. Yes - general support? Fine a collecting box will be placed outside the door as you leave!

I think I might take the indulgence of the Chair also under any other business to simply say that it's been for me an interesting and mostly enjoyable experience over the last three years to have the privilege of chairing this Commission. It has enabled me to make many friends, probably rather more enemies, but it has been an interesting experience and I would like to thank you all for your support particularly in times when I was in perhaps less easy circumstances. This has been, for me, a very interesting meeting because the warmth of, and constructive nature of the discussions, has been of a different character from that I've witnessed in my previous two meetings, although I think that each one of them in retrospect has shown an evolution which is occurring and there is no doubt that that spirit needs to continue within the Commission. I would like to take the opportunity at this point to personally put on record my thanks to the Secretary for his support, his personal support, during the three years. He is an invaluable reservoir of knowledge and dry humour and never failing support for the Chair or indeed the Vice-Chair. But he, of course, is the pinnacle of the organisation of the Secretariat which does work so well to give us all the support and smooth running that our meetings always have.

I would also like to acknowledge the support of the Chair of the Scientific Committee, the current Chair and the previous Chair who provided excellent support for myself during the meetings, particularly reporting their activities and also, on this occasion, I would like to, on all of our behalves, thank the Government of Monaco, alas I see that Professor Doumenge is not here but I am sure his alternate Commissioner will convey these remarks to him. I think we have had an excellent meeting in excellent surroundings and the first day cover will I am sure be a treasure we will all appreciate in years to come, at least I hope it will appreciate in years to come. So once again may I thank you all. I had hoped that this would be the last item but I see the US, Norway and Japan are asking for the floor please. US please.

#### **USA**

Yes Chairman before you bang the gavel, just to detain you a few moments to respond to you. To in fact recognise your many years of exceptional leadership in this Commission, Sir. As a member of your national delegation, then as Vice-Chairman and now for the last three years as Chairman you have applied your considerable intellect, energy, wit and sensitivity to the probably impossible task of reconciling the conflicting interests and positions represented here. So Chairman we would invite all delegations to join us in saluting you and wishing you well Sir.

[Applause]

#### **Chairman**

Well thank you. I certainly hadn't expected that. Norway.

#### **Norway**

Thank you very much. I will not disagree with the latest statement, in fact I would very much subscribe to what the US just said now and, as you know, in this organisation it's not always that that happens, that I subscribe to the US view but I must say that I have been impressed over the last three years for the way you have conducted the meetings and the US mentioned a lot of your qualities. I am not sure whether he mentioned your impartially but that has impressed me very much. This is an extremely difficult organisation to lead but I think you have done it in an exemplary way. You are visiting Norway in a week's time from now and if you need to have a look at our asylum laws I can certainly provide you with a copy. So you are very welcome to Oslo also next week. Thank you very much.

#### **Chairman**

Thank you Norway. Japan you ask for the floor.

#### **Japan**

Thank you Chairman. I have not much to add to the feelings expressed by the American and Norwegian Commissioners but I would like to add one thing. As you are aware, Australia is known to be a strong opponent to whaling, however, as a Chairman you have exercised your Chairmanship with impartially in fairness and with such a distinguished great job that you have performed I would like to again take this opportunity to express my sincere appraisal of your great performance. Thank you very, very much.

#### **Chairman**

Thank you Japan. Grenada please.

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**Grenada**

Mr. Chairman we hate to take away some of the accolades that have been poured among you but it was an oversight on our part. The Government has informed us that the months of May and June would be best suitable for hosting the 51<sup>st</sup> Meeting.

**Chairman**

Thank you, we will note that in the record before we finally close. Australia you are asking for the floor.

**Australia**

Yes Mr. Chairman I couldn't resist the opportunity to agree with my colleague from Japan. Not a very frequent event in this forum whilst it is in others to offer our congratulations to you and merely make the point that it will be a hard act to follow for the Australian Commissioner. Thank you.

**Chairman**

Well thank you and thank you again one and all. I hope to somehow find some money to come to Oman since obviously we are going to be invited, and I hope that I will meet you all there in a much less stressful background and even if not I hope our paths will cross in other future things and I wish you all and indeed the Commission every success into its 50<sup>th</sup> year and indeed into the next century.

Thank you and now finally I will one time bang the gavel very quickly. It's over.

[Applause]