

International Whaling Commission: 50th Annual Meeting

16-20 MAY 1998, OMAN

1.	ADDRESS OF WELCOME	1
2.	OPENING STATEMENTS	5
2.1	Statements by Past Chairmen	5
2.2	Statements by Contracting Governments and Observers.....	6
3.	ARRANGEMENTS FOR THE MEETING	7
4.	ADOPTION OF AGENDA	8
5.	SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING	53
5.1	Japanese Proposal for Schedule Amendment.....	53
5.2	Action arising	55,67,121
6.	WHALEWATCHING	78
6.1	Report of the Scientific Committee	78
6.2	Action arising	78
7.	ADOPTION OF REPORT OF THE TECHNICAL COMMITTEE	78
8.	HUMANE KILLING	10
8.1	Report of the Humane Killing Working Group	10
8.1.1	Name of the Working Group.....	10
8.1.2	Information on Improving the Humaneness of Aboriginal Subsistence Whaling.....	15
8.1.3	Workshop on Whale Killing Methods.....	15, 54, 82. 106
8.1.4	Other matters	21
9.	INFRACTIONS, 1997 SEASON	35
9.1	Report of Infractions Sub-committee	35
9.1.1	Infractions Reports from Contracting Governments.....	35
9.1.2	Reports from Contracting Governments on availability, sources and shipments of whale meat and products, and relevant developments; and on stockpiles and sale of whale meat and products, domestic laws and enforcement actions on illegal possession and sale	36
9.2	Action arising	36
10.	ABORIGINAL SUBSISTENCE WHALING	38
10.1	Report of Aboriginal Subsistence Whaling Sub-committee.....	38
10.2	Aboriginal Subsistence Whaling Scheme.....	40
10.2.1	Report of the Scientific Committee	40
10.3	Review of Aboriginal Subsistence whaling catch limits	38
10.3.1	Report of the Scientific Committee	38
10.3.1.1	Bering-Chukchi-Beaufort seas stock of bowhead whales.....	38
10.3.1.2	North Pacific eastern stock of gray whales.....	39
10.3.1.3	North Atlantic West Greenland stock of minke whales.....	39
10.3.1.4	North Atlantic humpback whales	40
11.	COMPREHENSIVE ASSESSMENT OF WHALE STOCKS	66

11.1	Revised Management Procedure	66
11.1.1	Report of the Scientific Committee	66
11.1.2	Action arising	67
11.2	Whale stocks	67
11.2.1	Report of the Scientific Committee	67
11.2.1.1	Southern Hemisphere baleen whales.....	67
11.2.1.2	North Pacific minke whales.....	70
11.2.1.3	North Atlantic minke whales.....	73
11.2.1.4	Southern Hemisphere minke whales	73
11.2.1.5	North Pacific Bryde's whales.....	74
11.2.1.6	Other stocks.....	75
11.2.2	Action arising	77, 123
11.3	Future work plans.....	79
11.3.1	Report of the Scientific Committee	79
11.3.2	Action arising	80, 126
12.	REVISED MANAGEMENT SCHEME.....	82
12.1	Report of the Working Group on the Revised Management Scheme	82
12.1.1	Inspection and Observation Schemes	82
12.1.2	Total catches over time, including monitoring and reporting of bycatches	88
12.1.3	Schedule amendments	92
12.2	Other matters	92
12.3	Action arising	92, 131
13.	SOUTHERN OCEAN SANCTUARY	94
13.1	Report of the Scientific Committee	94
13.2	Other matters.....	95
13.3	Action arising	102, 135
14.	SCIENTIFIC PERMITS	103
14.1	Report of the Scientific Committee	103
14.2	Action arising	105, 135
15.	SCIENTIFIC RESEARCH	109
15.1	Research proposals.....	109
15.1.1	Report of the Scientific Committee	109
15.1.2	Action arising	110
15.2	Research on the environment and whale stocks	110
15.2.1	Report of the Scientific Committee	110
15.2.2	Action arising	112, 145, 186
16.	CO-OPERATION WITH OTHER ORGANISATIONS	45, 193
16.1	Observers' reports	45
16.2	Other	45
16.3	Action Arising	144, 192
17.	ADOPTION OF REPORT OF THE SCIENTIFIC COMMITTEE.....	150
17.1	Small cetaceans	150
17.2	Small cetacean topics for consideration by the scientific committee in 1999, 2000 and 2001	156
17.3	Other	156
18.	THE FUTURE OF THE IWC.....	53, 152, 166
19.	FINANCIAL STATEMENTS AND BUDGET ESTIMATES.....	109, 171
19.2	Consideration of estimated basic budgets, 1998/99 and 1999/2000	105
19.2.1	Research proposals.....	105
19.2.2	Assessment of contributions from contracting governments	106
19.3	Action arising	107

20.	IWC ADMINISTRATION	44
20.1	Review of administrative systems	44
20.2	Advisory Committee	44, 177
20.3	Annual meeting arrangements	45
20.4	Communications.....	45
20.5	Action arising.....	172
21.	AMENDMENT OF THE RULES OF PROCEDURE.....	23
21.1	Voting procedures	23, 33, 50
21.2	Observers	172
21.4	Scientific Committee	179
22.	DATE AND PLACE OF ANNUAL MEETINGS.....	114
22.1	51 st Annual Meeting, 1999	114
22.2	52 nd Annual Meeting, 2000	114
23.	ADOPTION OF REPORT OF FINANCE AND ADMINISTRATION COMMITTEE	179
24.	ANNUAL REPORT 1998-98.....	115

**INTERNATIONAL WHALING COMMISSION: 50TH ANNUAL MEETING
16-20 MAY 1998, OMAN**

**OPENING PLENARY SESSION
Saturday 16 May 1998**

Chairman

Ladies and Gentlemen can you take your seats please. Can we ask the cameras to please leave the room at this point.

2. OPENING STATEMENTS

2.1 STATEMENTS BY PAST CHAIRMEN

Thank you very much. The 50th Annual General Meeting of the IWC is now in session and we will start with Agenda Item 2 - Opening Statements. First we will have some statements by past Chairman of the International Whaling Commission and I would like to call on Mr. Sture Ireberger from Sweden to address the meeting. Sweden.

Sweden

Thank you Mr. Chairman. Dear friends, new and past colleagues it is a great honour for me as a past Chairman to be invited to this 50th Anniversary of the IWC in such magnificent surroundings here in beautiful Oman. I am very grateful for having been invited. I came to my first IWC meeting in 1986, actually in Sweden when I had the honour and burdensome task not only to host that meeting but also at the same time to try to understand what it was about. At my last meeting in 1991 in Reykjavik I think I understood a bit more what the IWC really is about, I am not sure, I see if I understand more this meeting. In 1991 I also left the responsibility of my home administration for the whaling issues so what I say now is my personal views.

Since 1991 I have working for my Government with EU Environmental Issues, most of the time in Brussels. This has been an enriching period with a confusing, immense and incalculable process towards the diffused goal. So the similarity to the IWC is obvious. So I did have a great use in Brussels of my IWC experience. Back in Stockholm recently and being invited to this meeting I got hold of my old IWC files. The first paper I got was the verbatim records of one of the meetings I had the honour to Chair. That wasn't a very nice and comfortable experience. With the wisdom of hindsight and in the cosy and relaxing atmosphere office I then knew exactly how I should have conducted the meeting. Something that is not very easy to know in the rarefied air up there in your Chair.

Mr. Chairman, this Commission is an important body with a very difficult task, the task of managing the whales of the oceans in a responsible way. It is task that needs a clear head and avoidance of emotional thinking. I have, in the nineties, been very much influenced by the real process, the real declaration, on environment development where its twenty-one important principles emphasising the need for global partnership and the precautionary principle. The Agenda twenty-one from the rear process shows us the way to sustainable development in addressing the problems of today in managing limited resources. In Chapter Fifteen, governments are requested to integrate conservation of biological diversity and the sustainable use of biological resources.

For me Mr. Chairman these are not just nice words, they are important guidelines for responsible stewardship. From what I have learnt, all Contracting Parties of the IWC have not fully integrated these basis principles in their IWC policies. I regret this.

Mr. Chairman I wish you all success in your important tasks ahead based on, as I hope, partnership. The IWC does need that. Mr. Chairman, dear colleagues, thank you very much.

Chairman

Thank you Mr. Ireberger. I will now read a statement by Dr. Peter Bridgewater, former Chairman.

Mr Chairman, Commissioners:

Firstly, let me congratulate the Government of Oman for hosting this 50th meeting of the International Whaling Commission. I had hoped to be able to take up the Invitation to attend this meeting, and join in the celebration of reaching our 50th, but I regret I cannot be with you as the meeting clashes, alas, with the fourth meeting of the Convention on Biological Diversity (CBD). I should, however, like to take the opportunity to make a few personal remarks, as immediate past Chair.

We all know the IWC grew from the roots of a large, and ultimately unsustainable, industry, the demise of which taught us all valuable lessons. And so it is not surprising that much of the focus of our recent discussions has been on conservation issues. It is also true that perceptions in many countries, including my own, are that whaling is unacceptably cruel, and that has led to useful discussions on the humanness of whaling.

While we often hear that whale species are heading to extinction we are not told often enough of the success story of the recovery, for most populations of most species, of the great whales. Surely this is one of the significant achievements of the Commission in the last decade.

Underpinning all our efforts in the last decade or so has been one of the strongest scientific bases of any wildlife convention. I pay tribute today to the work of scientists from all around the globe who have helped develop a comprehensive knowledge base on Cetacea, including, in recent years, small cetaceans. Our scientists have also done some excellent work towards understanding the complexity of linkages between cetaceans and their environment. This work is now an integral part of the Scientific Committee, and particular progress is now being made on the effect of pollutants and climate change on cetaceans. This is but one example of how conservation and management of Whale species requires the interaction of many disciplines in the marine environment, and why celebrating the 50th IWC in the International Year Of The Ocean is so appropriate.

I know some of our scientific advisers feel irritated by the Commission's apparent inaction on some of their work. But scientific advice, even of the best possible kind, is not on its own sufficient, when there are widely divergent views at the political level. I personally believe the Commission has a special place, as cetaceans *are* special creatures, and we should devote special effort to living with them positively and creatively into the future.

I should like to congratulate our Secretary, Ray Gambell, and the hard-working staff of the Secretariat, on guiding the Commission this far, and wish my colleagues, Michael Canny and Bo Fernholm, the new Vice-Chair, the best of luck in their upcoming term. Finally, I wish you all luck in trying to "square the circle" and keep our Commission alive - and functioning - into the next Millennium! Peter Bridgewater.

Now I have messages from some other Commissioners and the Secretary will read them.. Sorry before I hand over to the Secretary I would like to inform you that Dr. Gambell is indisposed today and may join us later in the evening or may not be available until tomorrow so we send our good wishes to him I think on your behalf. Secretary.

Secretary

Thank you Mr. Chairman. In accordance with the Commission's decision last year the Secretary invited ten former Chairman to attend this meeting. We had responses from six including the two we have already mentioned. Thordur Asgeirsson from Iceland who was Chairman from 1978-81 sent his warmest greetings and best wishes for a successful outcome as did Eduardo Iglesias who was Chairman exceptionally for four years from 1981-85. We have a brief message from Ian Stewart from New Zealand, Chairman from 1985-88 in which he says "I am writing to thank you most warmly for the kind invitation extended to me following the terms of a Resolution at the 49th Meeting to attend the 50th Annual Meeting of the Commission. Although I would be delighted to attend, and as you say to remember old times, I regret that I will not be able to accept this invitation. I do wish the Commission every success with its 50th Meeting and a good outcome. My thoughts will be with you. With all good wishes to you all. Sincerely, Ian Stewart". We have also had a brief message from Luis Fleischer, Chairman from 1991-94, he expresses the wish that everyone is in good spirits and that the 50th IWC Meeting turns out to be a good one with lots of success. He is very sorry that he is unable to attend but he sends his best wishes to all his old friends. Thank you.

2.2 STATEMENTS BY CONTRACTING GOVERNMENTS AND OBSERVERS

Chairman

Thank you Secretary. We will now go to Agenda Item 2.2 - Statements, Opening Statements by Contracting Governments and Observers. It is the custom here that opening statements are circulated in writing but whenever

a new country joins they are given the opportunity to make an oral statement. I am very pleased to welcome Italy as a new member and I call upon the Italian delegation to make their opening statement please. Italy.

Italy

Thank you very much Mr. Chairman. Mr. Chairman, ladies and gentlemen, in November 1997 Italy joined the 1946 Convention for the Regulation of Whaling. This is consequently the first time that Italy participates as a full member to a meeting of the IWC. It is therefore for me a great honour to make a statement on behalf of the Government of Italy precisely at the 50th Meeting of the International Whaling Commission.

A number of whale species live in the Mediterranean Sea and migrate through the waters adjacent to Italy, particularly in the Ligurian Sea where an important feeding ground for an endemic fin whale population is located. This also explains the growing interest in whales in Italy, including the organisation of numerous research projects on cetacean ecology and conservation, and the onset of commercial whale watching activities.

Italy has never been engaged in whaling and has no intention to start whaling activities. To hunt, catch, transport, or trade-in, any species of cetaceans is prohibited under Italian law. In order to eliminate the effects of non-selective fishing methods on marine mammals, a programme of conversion of driftnet activities by Italian vessels, co-financed by the European Community and the Italian Government, was approved in 1997.

Italy is a party to several international treaties which provide for the conservation and protection of marine mammals, including the United Nations Convention on the Law of the Sea, the Convention on the International Trade in Endangered Species of Wild Fauna and Flora, the Convention on the Conservation of Migratory Species of Wild Animals; the Convention on the Conservation of European Wildlife and Natural Habitats, the Convention on Biological Diversity. Italy has also signed the protocol concerning specially protected areas and biological diversity in the Mediterranean and the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area, which have not yet entered into force.

We understand that important proposals are going to be presented and discussed at the 19987 IWC Meeting. We believe that the IWC Commission has an important task to perform. We will do our best to facilitate the achievement of generally acceptable solutions to current problems, provided that they are based on a spirit of conservation of cetaceans.

Thank you very much to all of you and my most sincere wishes for every success to the Commission. Thank you Mr. Chairman.

Chairman

Thank you Italy. The next item on our agenda is the arrangements for this meeting and I will hand over to the Secretary please.

3. ARRANGEMENTS FOR THE MEETING

Secretary

Thank you Mr. Chairman. I think that everyone in this room has now made contact with the Secretariat which for this meeting is fortunately located within easy walking distance just along the corridor there. Please come to the Secretariat if you need any help with documentation, preparation of text, photocopying or indeed anything else that we can help with.

There are two PCs and a printer set up for delegate use in a small room just outside the meeting room here. There is also a photocopier for delegate use but any work that is for the conduct of the meeting should be handed into the Secretariat who will see that all the proper procedures are carried out, that the relevant reference numbers are added to documents and so on and I should just point out that the Commission's rules require that only documents registered through the Secretariat and given a formal IWC number qualify as meeting documents and therefore form part of the record of the meeting. There are tables in the lobby on which other papers may be placed that are for background or for information and to which delegates may help themselves. None of these other materials, however, may go into the pigeonholes, they are reserved for official documentation and personal correspondence only. The pigeonholes are the primary means by which we will communicate with any delegates for whom we have a message. Messages will go into those boxes if we receive telephone calls or faxes into the office.

I would ask you please not to ask to use the telephones in the Secretariat office, it really does cause severe disruption in the office if those lines are blocked by people making very often long distance calls for long periods. The hotel does have telephones in the lobby and of course in all the rooms. We are able to receive faxes on your behalf and the numbers are contained in the pink information sheet which you have and we can also send faxes. If they are related to the business of the meeting there is, of course, no charge but if they are delegation business or private matter then there is a charge and our receptionist will be able to give you all the details of that.

I should I think at this point just draw attention to the Rules of Conduct for Observers and the Press. The proceedings from this room are being relayed by sound into the press room where the press is able to record the sound from the meeting. The video camera that you see in the corner there is relaying the meeting into the Secretariat, you are not being broadcast to the world. The Commission's rules require that no sound or visual recording takes place inside this room. We are pleased that we have members of the press in the room this year in accordance with the Commission's decision from the last meeting they are able freely to see and hear what goes on but not to record in the room as that can be done from the Press Room which is the Qurayat Room in a far flung quarter of the building. If any members of the press haven't discovered it then please ask in the Secretariat. One important item I should mention is we would advise everyone to check that the visa you have in your passport is fully in order.

This is an important matter and there are strict requirements concerning visas. If you receive simply a blue form when you arrived at the airport you need to get your passport taken to the Ministry of Foreign Affairs to be stamped and I would urge that anyone has any doubts about the validity of their visa, either that it covers the right length of time or any other question, please go to the Secretariat office, there is an official there from the Ministry of Foreign Affairs who will be able to give advice and, if necessary, arrange for the proper visas to be provided.

There is an announcement concerning a dinner which is to be hosted this evening by the Government of Oman. There were not sufficient invitations to give to every person. We have distributed them to national delegations, government observers and international governmental observers, not so far to the NGO boxes, that is not in any sense any discrimination and the Commissioner for Oman tells me that everyone is invited but Mr. Chairman with your approval I would ask the Commissioner for Oman to give us the details of that invitation and the transport arrangements that go with them. Thank you.

Chairman

Thank you Secretary. Oman please.

Oman

Thank you Mr. Chairman. There will be buses waiting outside the hotel and we expect that most of us will leave at 7.00 and because we are expecting many people to attend that dinner party we will have to arrange for another trip for the buses so that the buses will take some of us and come back and take the others. Thank you. So please be there at 7 o'clock. Thanks a lot.

Chairman

Thank you Oman. Are there any questions or comments on the meeting arrangements? Secretary.

Secretary

Mr. Chairman just two small points which I had omitted. The first is just a general reminder that mobile telephones should not be used in the meeting room and secondly to ask that when you speak into the microphones you do so clearly and distinctly particularly in the early stages of the meeting so that the sound engineers can get the sound levels correct. Thank you.

4. ADOPTION OF AGENDA

Chairman

Thank you Secretary. I will move onto Agenda Item 4 - Adoption of Agenda. The Provisional Annotated Agenda has been circulated as document IWC/50/2. Are there any comments in relation to the Agenda? Japan.

Japan

Thank you Chairman. I would like to make a remark on Agenda Item 9.1.2. With regard to this Agenda Item already in this annotation Norway has indicated and presented that this is outside the competence of the IWC but Japan also shares the same view. The issues related to trade is within the jurisdiction of the CITES or WTO it is

not a relevant issue within the competence of the IWC. However, Japan is always prepared to present the information related to the trade, all the information related to trade, as well as the domestic market and so forth to the appropriate international organisations and we are prepared to present it to anyone who wishes to gain that information. So I would like to take this opportunity to declare this point clearly. Thank you.

Chairman

Thank you Japan. Any other comments? Netherlands.

Netherlands

Thank you Mr. Chairman. I think it would be useful to look at the order of the Agenda for which I think you have some proposals but I would like, at this stage, to foreshadow that the Netherlands would like to raise the issue of Canada and the IWC perhaps under Any Other Business as that to me would seem to be the most appropriate Agenda Item for this activity and I will make sure that if a Draft resolution is presented it will be put into the pigeonholes in a timely manner. Thank you.

Chairman

Thank you Netherlands. In relation to the comments by the Government of Japan it has been generally accepted in previous years that this item should remain on the Agenda subject to noting the comments of the Government of Japan and I think we will continue with that ruling. In relation to the point by the Netherlands, this item may be brought up under Any Other Business. Are there any other comments on the Agenda? Can we adopt the Agenda then and then I will address the order of business I propose.

We take it that the Agenda is adopted and I propose to deal with the items starting tomorrow morning at 9.00 a.m. We will take Agenda Item 21.1 - Amendment of Rules of Procedure relating to Voting Procedures. After that item we will try to take a order Item A is Humane Killing, Item 9 - Infractions, Item 10 - Aboriginal Subsistence Whaling, Item 20 - IWC Administration, 19 - Financial Statements and Budgets, 16 - Co-operation with other organisation and if you have done all that by tea time we will have done well.

On Monday we hope to start with Item 18 - Future of the IWC and I think I will just indicate the rest of the order of business as we go along.

So all that's left for me this morning is for me to adjourn plenary. Technical Committee will start immediately with Item 6 - Whalewatching and Item 5 - Socio-Economic Implications in Small-Type Whaling. So the meeting is adjourned to 9.00 a.m. tomorrow. Thank you.

Sorry, Technical Committee starts 2.30 in this room. Thank you.

[END OF PLENARY SESSION]

PLENARY SESSION
Sunday 17 May 1998

Chairman

..... Dr. Tillman has recovered and is at the moment very well so I would like to, on your behalf, to ask the American Commissioner to send our good wishes to Dr. Tillman. I would also like to draw your attention to the fact that today is Norway's National Day so everybody be nice to Norway today please.

We resume this morning and take Humane Killing as our first agenda item. The Finance and Administration Report will be available at coffee break and at that stage we will take the amendments of the Rules of Procedure, Item 21.1.

Sorry, can I ask the camera crew please to stop filming. No filming is allowed within the meeting. I see some people have problems with the sound. Is that better? Thank you. Sorry, just to repeat, please no filming.

8. HUMANE KILLING

8.1 REPORT OF THE HUMANE KILLING WORKING GROUP

8.1.1 NAME OF THE WORKING GROUP

We will start our business with the Humane Killing Item 8 and we will then go after coffee break to Item 21.1 - Amendment of the Rules of Procedure, Voting. So we will start with Item 8, Humane Killing and can I call on the Chairman of the Humane Killing Working Group, Austria.

Austria

Thank you very much. Well we had several items to deal with and the first item was to discuss the name of the Working Group. There were a broad range of views of the many interpretations of the term "humane" was presented and discussed. Two main views emerged, the one that the name humane should be removed from the name of the Working Group and the second that it should be kept. Then a compromise was proposed that means that the title should be changed to "Improvement of Hunting Methods" but one country stated that it does not believe any further improvement was possible. To sum up, the Working Group was unable to reach agreement and we referred the matter to this Plenary.

On the second item, information on improving the humaneness of aboriginal

Chairman

Austria, sorry can I stop you there and we will take that item first - the name of the Working Group and if I can come back to you later. Are there any comments or observations in relation to the name of the Working Group? Japan.

Japan

Thank you Chairman. Well that matters related to Humane Killing we believe is outside the framework or scope or jurisdiction of the IWC which we have reiterated and pointed out during the Working Group meeting as well. However, this word "Humane Killing" is the word which entails the quite high degree of subjectivity and therefore, however, we participated in this session because that is the session to deal with the hunting methods. Let me reiterate that the word "Humane Killing" is quite a subjective term or terminology and therefore we believe it is quite inappropriate to use this term as the name of the Working Group which is a sub-body of this Commission. I am not aware of any other academic meetings, fora and conferences where such a word "humanness" is utilised as terminology. Therefore, Japan would like to propose to change the name of this "Humane Killing" to a more neutral or rather to the word "hunting method" and this name "hunting method" is supported by some countries which are neutral. Thank you Mr. Chairman.

Chairman

Thank you Japan. Any other comments? UK.

UK

Thank you Chairman. Well there is a long history in the IWC of addressing the issue of humane killing. The first reference that we have been able to find in a Chairman's Report dates to 1959 which, I think, put on the

agenda the issue of humane killing of whales and set up the first Working Party on Humane Killing, and certainly we cannot find records in the past which suggest that there was a lot of argument that this was outside the competence of the Commission but it is not a subject that I think we want to debate now.

I should also make the point that the word “humane” in English when applied to killing methods for animals is perfectly clear and explicit and a process which kills an animal or renders it insensible with the absolute minimum of suffering. I know that the word “humane” or the equivalent of the word “humane” in other languages does not have that meaning but the Commission does operate in English and I think that we do need to take account of the ordinary English meaning of words. There are many words in English which if you use that word, for example, in French rather than the French equivalent, you do not convey what you mean and sometimes you convey what you do not want to mean.

There is then, I think, an interesting debate we could have about semantics and about use of the English language here but I wonder whether it is actually very useful at this stage. The Working Group has recommended that we hold the Workshop on Whale Killing Methods next year and we are about to debate that. It seems difficult to fit in a meeting of the Working Group as well as the Meeting of the Workshop and my recollection is that when we had the Workshop in Dublin we did not have a Working Group. Given that the Workshop is going to overlap with some Working Group Meetings and that it will need a comprehensive report I can see quite severe timetabling difficulties and I am not sure that a meeting of the Working Group would serve a useful purpose. It is quite clear to me that the year after we will need a meeting of a Working Group but I would have thought that we could perhaps wait until the Workshop and our Meeting next year and then decide on the Working Group for the following year and on its terms of reference in relation to the Workshop Report and we could decide what we were going to call the Group at that stage. Thank you Chairman.

Chairman

Thank you UK that maybe is helpful. The UK’s suggestion is that we leave a decision on this to a recommendation from the Workshop. Sorry UK.

UK

Thank you Chairman. I wasn’t suggesting that we burden the Workshop with the task of trying to decide the name. I was simply suggesting that we decide next year when we want the Working Group to meet next, what its terms of reference should be and what its name should be.

Chairman

Thank you UK. Chile.

Chile

Thank you Mr. President. It is difficult for us to understand the meaning of the word “humane killing” but we think that there can be some improvement for those countries that do not have English as their first language. Humane Killing is a contradictory term and the people, like my country, that have read this wording cannot believe that it exists. I think that the debate that took place inside this Group was an interesting one and the ideas put forward in some sense tend to solve this problem. The proposal of the Netherlands to change the name to “Improvement of Hunting Methods” I think for us is quite adequate and I would suggest to consider it. Thank you very much.

Chairman

Thank you Chile. I have Norway and then Sweden. Norway please.

Norway

Thank you Mr. Chairman. Very briefly I think we can support the British proposal. It seems a good way out of this. I don’t think we have to decide on name questions until we decide on having the next Working Group and as the British Commissioner has said, since we have a Workshop next year it hardly seems necessary to have a Working Group during next year’s session. Thank you Mr. Chairman.

Chairman

Thank you Norway. Sweden.

Sweden

Thank you Mr. Chairman. I think I can also agree with the UK proposal to wait with decisions here. I have problems with “humane” in the name and I would just like to flag the idea that the Workshop and the Working

Group, since they obviously meet different years and discuss the same subject, might perhaps have the same name which means the Working Group should be named Working Group on Killing Methods, but I agree with the UK that we can wait and discuss that later. Thank you Mr. Chairman.

Chairman

Thank you Sweden. I have France, Antigua and Barbuda and New Zealand. France.

France

Thank you Mr. Chairman. First I would like to point out that for us the Commission has, of course, competence to debate on the subject which is covered by the appellation “Humane Killing”. A second observation I would like to make is the question of languages. It is clear, as we pointed out already in the past, that it is regrettable that this Commission has only the English language as a Working language and so that being the situation in this Commission we have to call up on our friends, English speakers, in order to have them take into account the difficulties of some expressions for the translation, and I think that it is possible surely to find other terms which can be easily translated and understood also in other languages. So I personally would support the continuation of trying to find another name for this Group and assert the point, in order of course not to prolong our discussions on this point here, we could give a mandate to the Working Group to find another appellation for this Humane Killing Working Group so it would not be just a mandate to study the question. I don’t think it is such a difficult problem that we cannot find a solution so the Working Group would have the mandate to find another term. Thank you very much Mr. Chairman.

Chairman

Thank you France. Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chairman. Like some of the former speakers, Antigua and Barbuda do think that the name of this Working Group Sub-Committee needs to be drastically changed. From a language translation point of view it is sending many different signals to the varying countries here with regards to the translation and hence I think that although we are communicating in English it is only proper for us to use English words that can send proper and correct translation to those countries that do not speak English here. From a technical standpoint the name in itself is not sending a true signal. Indeed Mr. Chairman the name suggests a reduction in the potential scope of this Committee meaning that there is a lot of potential for this Committee to take on, a lot more activities but within the narrow scope of that name, very little can be brought into this Committee by way of looking at gear and methods and I think in that sense there is a need for us to broaden the scope of this Committee hence changing the name.

The name, in itself, Mr. Chairman is a contentious one especially at a time when we are looking for conciliation in this Committee at our 50th Anniversary and that in itself suggests that we should at this moment look towards the suggestion that was made by the Commissioner from the Netherlands and change this name and without delay Mr. Chairman. Thank you.

Chairman

Thank you Antigua and Barbuda. New Zealand.

New Zealand

Mr. Chairman like Norway, Sweden and France we would support the suggestion from the United Kingdom that we should make a decision on this matter next year and thus I think we on this occasion can probably avoid a substantive debate on what is rather a vexing linguistic issue. Can I say, however, Mr. Chairman that from our perspective we do not believe that it would be appropriate for the Workshop to be seeking a solution to the issue that we are currently debating. It is a matter for the Commission. The Workshop will comprise members who are not necessarily members of the Commission or indeed of Commission’s delegations and in that regard it is quite unlike a Working Group which is effectively a Sub-committee or Working Group of the Commission itself. It is the Commission that must ultimately make the decision. I would suggest that the Workshop would not be appropriate or competent even to make a recommendation to us on that matter.

Chairman

Thank you New Zealand. I have US and Spain. US please.

USA

Thank you Mr. Chairman. The United States continues to support efforts to improve the humaneness of all whaling activities. To this end the United States supports the continued inclusion of the word “humane” in the title of the Working Group. It is important that whaling countries continue to move towards more humane methods of killing whales and that the title of the Working Group should reflect this move. The United States supports the UK suggestion that the Working Group consider and discuss the most recent data on humane killing of whales from Japan and Norway and also that we wait until next year to take this up substantively. So we agree with the UK and the other countries that have agreed with the UK. Thank you.

Chairman

Thank you US. Spain, Denmark and Australia are looking for the floor. Spain.

Spain

Thank you Mr. Chairman. We also have some problems with the translation and understanding of the word “humane” so we support the UK suggestion but we also can support the Swedish proposal of having the same title for the Working Group and the Workshop. Thank you.

Chairman

Thank you Spain. Denmark.

Denmark

Thank you Mr. Chairman. A few minutes ago New Zealand had some interesting points as to the procedure and I fully agree with the New Zealand point that this is not an item for the Workshop but an item for a sub-group and the Commission. Thank you.

Chairman

Thank you Denmark. Australia.

Australia

Thank you Chairman. We certainly understand and appreciate the concern that non-English speakers have to find a term that can be meaningfully translated into their languages. Our concern though is that when we find that term it is one which captures the essential purpose of the Working Group which is to examine ways, to find ways in which the killing of whales can be done with the absolute minimum of distress to the animals. I think it is clear that we are not at the point yet where we have been able to identify what term, if any, might replace humane killing as the purpose of the discussion that takes place in the Working Group, and so accordingly we agree with the proposal by the UK Commissioner to postpone any attempt to make a decision on that until next year. Thank you.

Chairman

Thank you Australia. I have Netherlands, Finland, St. Lucia and Oman and South Africa. Netherlands please.

Netherlands

Thank you Chairman. I would like to stress that the Netherlands, like other countries, is of the opinion that the humaneness of the killing methods is what we should be looking at in the Working Group. The Netherlands suggestion to change the name of the Working Group to “Improvement of Hunting Methods”, or “Killing Methods” if you wish, was made only to solve the linguistic problem and in no way to indicate that we would like to see a change in the terms of reference. So whatever the Working Group would be named in the future we think that certainly the terms of reference should be very clear that what we understand as the humaneness of the killing methods should be the main focus of that Working Group. However, we are quite happy to accept the proposal by the United Kingdom to leave this matter until next year. Thank you.

Chairman

Thank you Netherlands. Finland.

Finland

Thank you Mr. Chairman. I share the views of those countries which have difficulties understanding in their own language what “humane” would be but I would totally second the UK proposal and I would suggest that we follow that. Thank you very much.

Chairman

Thank you Finland. St. Lucia.

St. Lucia

Thank you Mr. Chairman. While St. Lucia suggested last year that this Agenda Item be dropped from the business of the IWC because of a lack of competence there are those among us who believe that humaneness in the killing of whales is more important compared to the way they destroy other animals and even human beings. To each his own Mr. Chairman. But St. Lucia is a part of this institution and we would wish to be party in the changing of the name of this Working Group if that is the general view. My delegation would therefore support that we address the convening of this Workshop where this matter would be further ventilated.

Chairman

Thank you St. Lucia. Oman.

Oman

Thank you Mr. Chairman. Humane in the Arabic language has also a similar meaning which means the least suffering killing method. However, Oman wishes to support the ideas raised by the distinguished Commissioner of the UK. Thank you Mr. Chairman.

Chairman

Thank you Oman. South Africa.

South Africa

Thank you Mr. Chairman. My delegation is happy to support the proposal made by the UK and we would also like to associate ourselves with the position indicated by Sweden and Spain that perhaps the names of the Working Group and this Group should be the same. Thank you.

Chairman

Thank you South Africa. I have Italy, Republic of Korea, Monaco and Switzerland looking for the floor. Italy please.

Italy

Thank you Mr. Chairman. We think that the Whaling Commission is competent to discuss this issue and if there is no better explanation we think that “humane killing” at least gives the idea that killing of whales when it is permitted should be done in order to avoid any unnecessary suffering. In any case we could support also the proposal by the United Kingdom to postpone the discussion until the next meeting. Thank you Mr. Chairman.

Chairman

Thank you Italy. Republic of Korea.

Republic of Korea

Thank you Mr. Chairman. The wording “humane killing” could be interpreted differently according to the different cultures so Korea believes that it is a rather appropriate to use “hunting method” because this wording could be broadly meaning including other comparable methods. Thank you very much.

Chairman

Thank you Korea. Monaco.

Monaco

Mr. Chairman Monaco feels quite strongly that was what is broadly understood as humaneness of killing methods, that is methods bringing the least amount of suffering to the animals, should be very central to the agenda of the Working Group. At the same time we also clearly recognise that there is a semantic problem with the terminology used. In most languages it would seem, certainly in my own, humane carries a lot of cultural biases and is a term which is culturally loaded and we would encourage therefore a lot of thinking about possible revision of the appellation of the Working Group to remove any such cultural load. Thank you.

Chairman

Thank you Monaco. Switzerland.

Switzerland

Thank you Mr. Chairman. Mr. Chairman, in the Swiss Law for the Protection of Animals it is said that animals should be killed as quickly as possible and with as little pain as possible. This may be contained in the word "humane" in English but if we translate this in our language be it French or German it does not give the same content so we would also look for terminology that includes what is also in our law and we would welcome the suggestion made by the UK. Thank you Mr. Chairman.

Chairman

Thank you Switzerland. I have Germany. Germany.

Germany

Thank you Mr. Chairman. For linguistic or semantic reasons we are prepared to think about change of the title of the Working Group but we want to make very clear that in the terms of reference of this Group the question of the humaneness of the killing methods have to be included and we can go along with the proposal by the UK that we should deal with this problem next year again after the Workshop on Killing Methods has had its meeting. Thank you.

Chairman

Thank you Germany. Are there any other speakers? No. In that case it would seem to me that there is no consensus at this meeting on the name change. We have a proposal that we do not hold a Working Group next year. Secondly we have different proposals as to when the decision on the name change should be taken. Some delegations feel it should be at this Workshop and others feel that it should be at Plenary. It seems to be unlikely that we would get a decision at the Workshop so can I suggest to the meeting that we agree that we do not hold a Working Group next year and that a decision on the name change be taken at Plenary next year? Denmark.

Denmark

Thank you. If I understand you correctly I agree with this but, as I said earlier, I am fully in agreement with New Zealand. It is important to my delegation that the Workshop is a place where scientists, hunters and other experts meet and they should not deal with more or less political or administrative matters. Thank you.

Chairman

Thank you Denmark. We will return to the terms of reference of the Workshop in a few moments as a separate agenda item but I think for the moment can we agree that the decision on the change of name should be taken at Plenary next year? That seems to be agreed. We will move on to item 8.1.2 - Information on Improving the Humaneness of Aboriginal Subsistence Whaling and if I can call on the Chair of the Working Group, Austria.

8.1.2 INFORMATION ON IMPROVING THE HUMANENESS OF ABORIGINAL SUBSISTENCE WHALING**Austria**

Thank you. The US presented the following information concerning the Makah. During the Makah hunt which had not yet begun all relevant data will be gathered for report to the planned Workshop, and secondly in the Alaskan Eskimo bowhead hunt the penthrate grenade continues to show great promise for improving the humaneness of the hunt. Denmark too had little to report due to almost no hunting since the Monaco meeting because of winter. The Russian Federation presented a paper on the Chukotka gray whale hunt and there the use of darting guns as an aid received from the Alaskan Eskimos was very promising. These are the most important items we dealt with in this Sub-committee. Thank you.

8.1.3 WORKSHOP ON WHALE KILLING METHODS**Chairman**

Thank you Chairman of the Workshop Group. Are there any comments on this item? It seems not. We move onto item 8.1.3 - Workshop on Whale Killing Methods. Can I ask the Chair of the Working Group please.

Austria

Thank you. As you know in the last IWC meeting it was agreed that the Workshop on Whale Killing Methods should be held in 1999 and we had to plan this Workshop. We agreed on the following. Time and place should be a three-day Workshop which will be held after the 1999 Scientific Committee Meeting and would overlap one or two days with the Committee and the Working Group Meetings of the Commission. The Workshop will be in the same location as is agreed for the meetings of the Scientific Committee and the Commission.

On Finance a request was made in the Finance and Administration Committee for an amount up to £10,000 for invited experts at the Workshop.

On the Chair of the Workshop, Norway proposed Dr. Sam Ridgway from the United States, a Chairman of the previous Workshop. However, health problems might prevent his participation and in that case it was suggested that Professor Knud Nielsen from Denmark would be asked to replace Ridgway. In case neither of these two were available, the selection of the Chair should be referred to the Advisory Committee with the understanding that any member country could send a nomination for consideration.

On participation, the importance of including sufficient scientific and technical expertise as a priority was underlined.

And then on the terms of reference, it was agreed that they should be similar to the terms of reference for the Dublin Workshop held in 1995. Nevertheless, there was disagreement on the use of the word humaneness in the list of terms of reference. Therefore we decided to seek a solution in the full Commission meeting. Thank you.

Chairman

Thank you Austria. It seems that there was a high level of agreement in this Working Group and if I can start with the areas of agreement. Is there general agreement on the time and place and the Chair of the Workshop? That seems OK. The item of disagreement was on the terms of reference and I would invite comments from the floor on the terms of reference. In that case can we take it that the terms of reference will be the same as those adopted for the Dublin Workshop? Japan.

Japan

Thank you Mr. Chairman. With regard to this word “humaneness”, different views were expressed earlier and the different countries expressed that they internally have different views and discussion on this term and the meaning and so on, so I understand that the discussion was sort of postponed until next year at the Workshop. Therefore I think that it is more appropriate for the time being to delete the word “humaneness” from these terms of reference. Thank you.

Chairman

Thank you Japan. If I can clarify one point there. The decision on the last agenda item was that a decision would be made on the name and use of the word “humane” at Plenary rather than at the Workshop. Thank you Japan.

Are there any other comments? Japan proposes to delete the word “humaneness”. UK.

UK

Thank you Chairman. Well I am slightly surprised by the Japanese suggestion or I was surprised when it came up at the Working Group because, as is clear from the Report, the terms of reference that we are considering are those which were adopted for the Dublin meeting and at that time, as far as I can recall, Japan was perfectly content to see this reference to humaneness of whale killing techniques. I do recall that Japan looked quite carefully at this part of the terms of reference because the words “while paying proper regard to the safety of the crew” which immediately follow “improving the humaneness of whale killing techniques” in the terms of reference for Dublin were included at Japan’s specific request. So in Dublin Japan sought and obtained an amendment to this part of the terms of reference but it did not challenge the reference to “humaneness”. I think that the discussion here is rather different to the discussion we had earlier on the name of the group.

I do appreciate that the name of the group could cause problems to non-English speakers when translated into their language but I think that the word “humaneness” when used as part of extensive terms of reference do very clearly explain what we are asking the Workshop to do and I think that they need to be retained.

A considerable number of speakers have supported the idea that the Commission should continue to seek whale killing methods which cause the least possible suffering. That is clearly something that the Workshop should direct its attention to and it is something that should explicitly be covered in the terms of reference. I think we should retain the Dublin terms of reference unchanged. Thank you Chairman.

Chairman

Thank you UK. I have New Zealand.

New Zealand

Mr. Chairman, like the UK Commissioner I was surprised at the suggestion that logic suggested that we should actually delete the word “humane” until such time as a decision was made on that matter. That word is already in the terms of reference used previously and widely accepted by those who participated in the previous Workshop. Logic in fact Mr. Chairman would suggest that the word should remain until we have debated the substantive issue at some time in the future. Leaving aside the linguistic problems that many do have with the word “humane”, and I understand and sympathise with those, it is unquestionably a fact that one of the primary objectives of this Workshop must be to focus on the issue of time to death or time to insensibility and on achieving that in the shortest possible period of time with minimal suffering. Those objectives Mr. Chairman must be retained by whatever word formula and simply as is suggested to review killing techniques does not achieve that objective. We must have terms of reference that focus on those primary concerns.

Chairman

Thank you New Zealand. US.

USA

Mr. Chairman the United States shares the views that have been expressed well by the United Kingdom and New Zealand.

Chairman

Thank you US. Japan.

Japan

Thank you Chairman. Actually when we hear the word “humaneness” we are at a loss. We do not know what it is all about and the other countries expressed that it is a matter of translation but for Japanese people we look up this word in the dictionary and we still don’t get what it is trying to say. I think it entails subjective emotional and some intentional elements of the deliberations or the intentions and so forth and there doesn’t seem to be any absolute criteria or standard. So friends and some people say or you say the whales are cute, I think in that kind of nuance is I think already entailed in that criteria. So we believe that this is a forum of the experts who are here to sustainably manage the whales so this is not the Ethics Committee. So what is the physical and clear standard and criteria here, that is to review the killing method, that is the clear purpose.

I would like to urge you to refer to the Appendix I, the IWC Resolution 1997-1, the last operative paragraph states clearly that “requests the next Workshop on Whale Killing Methods to review the data received by the Commission on this matter”. The current terms of reference was applicable to the last Workshop and so what the distinguished delegate of New Zealand said is, I think, wrong. In other words these terms of reference are not adapted.

I would like to urge you to refer to the title of this Resolution, the 1997-1, it clearly states the Resolution on Improving and so on the aboriginal subsistence whaling, aboriginal subsistence whaling is a clear word. So when we consider these terms of reference now it is clear that we should drop this wording “improving the humaneness” from this wording for the future terms of reference, that is clear. Thank you.

Chairman

Thank you Japan. Are there any other comments? Netherlands.

Netherlands

Thank you Chairman. On the Workshop, in our opinion one of the major problems in evaluating the humaneness of killing methods is the question of how to determine the time to death and our government considers it important to stimulate progress in this field and we have therefore requested a Dutch scientist, a neuro-biologist, who has an interest in the matter, to investigate the possibility of devising specific methods for determining and measuring states of brain activity and brain death in whales in the practicable circumstances of the whaling operation. So we are thinking of organising a small meeting of experts later this year with the aim to consider the possibility of a practicable and realistic joint proposal to be submitted to the IWC Workshop on Humane Killing in 1999 and I would appreciate it if countries who are interested in joining this activity indicate this to me sometime during the course of this week. Thank you Chairman.

Chairman

Thank you Netherlands. Italy.

Italy

Thank you Mr. Chairman. We also believe that the term “humaneness” should be kept within the terms of reference of the Workshop. It is not a question of language it is a question of substance as is said in the Report, the removing of the word “humaneness” could give a message to the international community that the Commission does not think that animal suffering is important but we think this is a very crucial point of the work of the Commission so the term “humaneness” should be retained in our opinion. Thank you Mr. Chairman.

Chairman

Thank you Italy. Are there any other comments or suggestions? Switzerland.

Switzerland

Thank you Mr. Chairman. We think also that the term “humaneness” should remain in the terms of reference because after all you can judge the effect of hunting gear only in terms of humaneness whatever this means, I mean it is crucial in regarding or considering what gear should be used for the hunt. Therefore we associate ourselves with the statement made by New Zealand. Thank you Mr. Chairman.

Chairman

Thank you Switzerland. Japan.

Japan

Thank you Chairman. I would like to ask this question to the distinguished Commissioners of Italy and Switzerland, that is you are saying that humaneness in the hunting method but could you please clarify what you really mean, for example, especially the question is targeted to the Italian delegate, could you please tell what is the substance that you refer to?

Chairman

Thank you Japan. Italy.

Italy

Thank you Mr. Chairman. I am not sure that I have correctly understood the question of the distinguished delegate of Japan. In my opinion it is not a problem of translation of the term into different languages. Maybe also in Italian there is no right translation of humaneness but it is a problem of giving an idea that the suffering of animals is an important matter and this is one of the main points of interest of the International Whaling Commission, and the word “humaneness” renders the idea in quite significant way to protect whales. Thank you Mr. Chairman.

Chairman

Thank you Italy. I have Sweden, Switzerland and Japan. Sweden please.

Sweden

Thank you Mr. Chairman. We shouldn't get too much in the substance of what we really mean because I think there is very large agreement among all of us that we need to discuss what is at the heart of this matter, and those are things that have been mentioned in the debate here like time to death, killing with as little pain as possible, things like that is what we want to discuss there, and I also think that humaneness could be maintained in the terms of reference here and perhaps the Workshop itself can discuss whether there are better wordings to cover that subject in the future. Thank you.

Chairman

Thank you Sweden. Switzerland.

Switzerland

Since I have been asked the question I think I have answered this already. I said in our law it is clearly defined that the death of an animal should be quick and with as little pain as possible and that is what we mean. We don't, in our language, say humane we say it should be appropriate to the law and there it is defined. Thank you Mr. Chairman.

Chairman

Thank you Switzerland. Japan.

Japan

I would like to take this opportunity to thank the distinguished Commissioner from Switzerland for his clear response. I would appreciate that kind of response all the time. Thank you.

I would like again to ask this question to the distinguished Commissioner from Italy. For example, how do you measure suffering as touched upon earlier by the Swedish delegate that, for example, measuring the time to death may be an appropriate way to measure maybe the degree of suffering, but how do you measure the suffering, do you ask the whales?

Chairman

Finland.

Finland

Thank you Mr. Chairman. I totally support the idea expressed by Italy. Thank you.

Chairman

Thank you Finland. Australia.

Australia

Thank you Chairman. We too think that the explanation from Italy of the substantive issue that the word “humaneness” stands for was very thorough and, in fact, one of the reasons for the Workshop is to examine the question of how you measure distress, pain and suffering and what that means and how to minimise it or eliminate it. Thank you.

Chairman

Thank you Australia. I have Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chairman. Antigua and Barbuda believe that the substantive issues of this Workshop is more important than the actual name of the Workshop itself or what is included in the terms of reference, and hence Antigua and Barbuda think that the whole question of suffering and time to death is critical for discussions within that Workshop. However, Mr. Chair, Antigua and Barbuda would like to challenge this Commission that no killing against the will of the subject that is being killed can ever be humane so whatever the killing method or type of killing is it can never ever be humane and hence the word “humane” should be totally removed from the terms of reference and also from the heading of the Workshop.

Chairman

Thank you Antigua and Barbuda. Grenada.

Grenada

Thank you Mr. Chairman. Mr. Chairman the Grenadine delegation believes strongly that the word “humane” should be removed. We believe, Mr. Chairman, that the IWC would be setting a dangerous precedent by using the word “humane killing”. We, in the third world countries, we depend upon marine resources for food, also animals and we wonder when will this end. If we talk about humane killing of whales, are we going to apply the same to sheep or deer or fox or kangaroos? Mr. Chairman, we are very much concerned because in countries where there is capital punishment, you know quite recently we heard someone was executed in an electric chair and it took a good three or four jolts of power before that person could be pronounced dead, and I am wondering how did we make that connection between human beings and whales and I think, Mr. Chairman, this should be totally removed from the jurisdiction of the IWC. I believe the word “appropriate methods” or “appropriate equipment” or “approved equipment” would be more an acceptable phrase that should be used in the IWC. Thank you Mr. Chairman.

Chairman

Thank you Grenada. Monaco.

Monaco

Yes it seems that this discussion is now taking on a very odd and familiar routine and this is a bit trying. I think we should aim to be focussed this year and aim at progress. It seems to me, listening to all delegations, that not one delegation would object the fact that the common object is to reduce the time to death of the animal, not one delegation would publicly oppose the fact that we must aim at reducing the suffering of the animal. If that is the case, and granted that we have some difficulty with the terminology, we put that difficulty aside until next year

because it is relatively minor compared to the consensus of the goal that must be achieved, and we accept the fact that a Workshop is indeed timely and must address a question of how do we really reduce the time to death and the pain caused to the animal. We must compare the scientific evidence accumulated on this in different quarters, in different laboratories, in different universities, this is very worthwhile so let's stop debating endlessly the property or not of using the term "humaneness" which, as we said ourselves, carried difficulties in other languages, and let's go at a substance. Thank you.

Chairman

Thank you Monaco. Dominica and Antigua and Barbuda. Dominica.

Dominica

Thank you Mr. Chairman. On that issue Mr. Chairman, Dominica would like to support the intervention by the distinguished delegate of Antigua and Barbuda on the issue. Thank you.

Chairman

Thank you Dominica. Antigua and Barbuda.

Antigua and Barbuda

Yes Mr. Chairman. While I agree with the distinguished Commissioner from Monaco that most delegations here or all delegations here are concerned about the time to death and the suffering before the time to death of these animals, we still believe that the name "humane" is repugnant in the sense that it is being used here, it is not sending out the message that we are dealing with the management of whales in terms of harvesting and we should change it before we go into that Workshop in order for that Workshop to be focussed and address the right issues.

Chairman

Thank you Antigua and Barbuda. Any other comments or observations? In that case it seems to me that there is wide support for the ideas sorry St. Kitts and Nevis.

St. Kitts and Nevis

Thank you Mr. Chairman. St. Kitts and Nevis thinks that it is clear that some countries have difficulty with the word "humane". If one refers to this Working Group as "Hunting Methods" then the elements of time to death, amount of suffering etc. that the word "humane" connotes would still be addressed in looking at these different hunting methods. Therefore we support that the word "humane" be deleted.

Chairman

Thank you St. Kitts and Nevis. Sorry it is difficult to see at my extreme wings here. Any other interventions? No. Then if I may try to sum up. It would seem to me that there is wide support that the issues need to be discussed at the Workshop. While there is a lot of dispute about the use of the word "humaneness", following our debates I see no way which we can reach agreement on an alternative, so can I suggest that we accept the terms of reference as were set out for the Dublin Meeting and note the reservations of the countries who have concerns about the use "humaneness" and try to deal with it next year. Thank you. Sorry, Japan.

Japan

Actually I would feel rather bad by having to express this sense or the view against this kind consideration of the Chair who always pays kind attention and consideration to us all. After listening to the debate this morning I did not really share the Chair's view that the people agree to retain this wording in total here, so Japan would like to reiterate our position to the wording in this term of reference and we would clearly like to suggest to delete this word of this "improving the humaneness" because this word is, and the decision to use such a name or terminology would and actually entails a lot of workload upon us, and we would be obliged to do the work entailed or to be included in this kind of additional work which comes from the arbitrary use of this term and so as a nation, who will be burdened with this work, we would prefer, and we would like to clearly demand the deletion of the word.

Chairman

Thank you Japan. I think in that case, sorry Antigua and Barbuda.

Antigua and Barbuda

Yes Mr. Chair. It is very important in these sessions that there is some balance with regards to the opinion of the Chair in terms of the way this debate is going. I am noticing it yesterday and it is increasing today. Now I am analysing this whole debate that is taking place this morning. It is quite clear that as the delegate from Monaco

said “everybody understands the issues that need to be discussed”. There are some groups however that have problems with the name “humane” and others who don’t. However, the objective of the Workshop is the same from delegation to delegation in their view. I think it is only appropriate for the Chair to understand what is happening and make a judgement with regards to how can this Workshop be smoothly implemented with the objectives remaining the same and reduce the contention out of the terms of reference of the Workshop. This can only be done if you look at the situation and remove those issues that are contentious that would not cause a problem to one side or the other, and that is why I believe that the Chair has erred in his judgement with regards to suggesting that the terms of reference of this Workshop should remain the same with the name “humane” in it, and I strongly urge you Mr. Chairman, you have been very fair, I love you, please change this name.

Chairman

Thank you Antigua and Barbuda. I love you too but I regret that you feel I was not fair in my summary. What I was trying to convey was that I see no prospect of agreement on alternative wording based on the debate that has gone on and what I had hoped was that we could achieve a situation where the terms of reference were accepted with reservations. However, it would seem that this is not acceptable and we may have to proceed to a vote on the issue. But first can I South Africa is looking for the floor.

South Africa

Thank you Mr. Chairman. Yes, I understand the conclusion you have just outlined. However, I wonder if whether we perhaps have given sufficient consideration to the proposal made by Monaco. Whereas we are quite divided on the use of the term “humaneness” I think it is quite possible that consensus could be reached in the sense that time to death is perhaps one of the most important indicators of humaneness, and I think that rather than to create division and have to decide on this issue by vote I wonder if members are prepared to express their opinions on this particular proposal. Thank you.

Chairman

Thank you South Africa for that hopeful suggestion. I was conscious of the point made by Monaco but I felt that there was not enough response in the meeting to that point but if I can put it to the meeting now. Would it be acceptable to use the terminology “reduced time to death” and “reduced suffering” instead of the word “humaneness”?

Rather than force the issue at the moment could I ask a small group to get together and perhaps seek and redraft a form of words. Maybe Monaco would convene a little group and report back? OK. I would suggest Monaco, UK and Japan? Norway you want the floor? Sorry, you want to join. Thank you Norway. Any other volunteers? No. That’s fine. Thank you. We will adjourn that item then. Sorry, US you will also join. OK we have got Monaco, Norway, Japan, US, UK. Thank you very much.

There is one item remaining on Humane Killing - Any Other Business. Chairman of the Working Group.

8.1.4 OTHER MATTERS

Austria

Thank you. On Any Other Business, first Denmark was asked to report on the Faroese pilot whale drive and Denmark answered that a representative from the Faroese Home Rule would be at the meeting and may provide information to individual members.

Secondly, Japan was asked to report on the use of the rifle as a replacement for the electric lance as a secondary killing method and Japan answered that these data would be provided on an individual basis, and Japan stated also it would be providing this information on a voluntary basis to the Workshop in 1999.

Thirdly, Japan was asked to report on the use of electricity in the Dall’s porpoise hunt and Japan repeated its view that the IWC was not competent to deal with the small cetacean issue. Finally, Norway presented a document which outlined last year’s research on hunting methods. A new penthrate grenade had been trialled and Norway stated that it will provide further information to the Workshop next year. Thank you.

Chairman

Thank you Austria. Are there any comments on this item? Denmark

Denmark

No problems this time. Thank you. I think when I read this yellow version of the Report, the final version, I think a little mystery has happened. If you look at these four lines starting with “Denmark commented . .” and so on and then you go down to the third line. I would like a full stop after the word “Faroese Home Rule issues”. I did never say that I stated that it believed that humane issues are outside the competence of the IWC. I don’t know how that thing has happened to be put in there but it is not in the original or first draft and it is not anything that I have said. Thank you Mr. Chairman.

Chairman

Thank you Denmark. The record will be altered. New Zealand.

New Zealand

Mr. Chairman I want to refer to the item regarding the presentation of data on the use of the electric lance as a method of secondary killing. There was discussion, which is recorded in the Report of the Committee, and I will not rehearse this again before the Commission. I just simply want to say that New Zealand has, since the meeting of the Working Group, received from Japan some data relating to the use of the lance and while that is not in precisely the form, nor indeed presented in the manner that we had perhaps anticipated, I want to express my delegation’s appreciation to the Japanese delegation for the provision of that information and we look forward, Mr. Chairman, to it then being presented in a more formal manner at next year’s Workshop which we believe is an appropriate forum such as that which was referred to in the Japanese intervention last year. We acknowledge that Japan is doing this on an entirely voluntary basis. We think, however, that the understanding that was reached last year was a good one both from the point of view of this Commission in reaching negotiated outcomes but also from the point of view of the cetaceans that we seek to protect and therefore Sir we wish to place on record our understanding that this data will be presented, in a more formal way, at next year’s Workshop and express again our appreciation to Japan.

Chairman

Thank you New Zealand for those comments. Any other comments on this issue or item? Japan.

Japan

Thank you Chairman. I would like to make a comment to respond to the New Zealand Commissioner’s statement. As I repeatedly indicated, this matter, and issues related to humane killing, are outside the competence of the IWC. However, we have no intention of keeping, holding onto or concealing information. We are prepared to openly provide information and we have already expressed this view at the Working Group as well. We are prepared to provide information to those parties and people who are interested in contacting us and receiving information and we have done so and if someone who had not received information maybe that is just a matter of logistics. We have intention to disclose or provide this information to the member countries, non-member countries to this forum, NGOs and to the Press as well and we have already made a Press Release.

We would be willing to provide the data to the Workshop and as we repeatedly touched upon, that this Workshop is a forum of the experts and scientists where we also hope, and we have great expectations, that sufficient, thorough data presented and exchanged and the significant useful discussion could take place at that forum. Thank you very much.

Chairman

Thank you Japan. Any other comments? South Africa.

South Africa

Thank you Mr. Chairman. I would like to express my delegation’s appreciation for the information that has been made available by Japan to myself in this case and I would just like to ask one question. I notice in the information that was presented that the electric lance was never used as an alternative secondary killing method during the past season and I was just wondering whether Japan intends continuing the practice of using rifles instead of the electric lance in the year ahead? Thank you.

Chairman

Thank you South Africa. Japan.

Japan

Thank you very much distinguished Commissioner of South Africa. We have taken note of your comment now. Therefore after this Conference we would like to respond to you with sincere manner and good faith.

Chairman

Thank you Japan. Are there any other interventions? In that case we will leave this agenda item. I want to thank the Chair of the Working Group, I think we would all appreciate the difficulties of her task having listened to this debate. We will hold item 8.1.3 open for the Report of the small group and we will adjourn now for the coffee break and after the coffee break we will take item 21.1 and the Finance and Administration Report should be in your pigeonholes. We will reconvene at 11.00.

[BREAK]

[BLANK TAPE]

21. AMENDMENT OF THE RULES OF PROCEDURE

21.1 VOTING PROCEDURES

UK

..... and I would like to agree in particular with the points made by Australia and New Zealand. Thank you Chairman.

Chairman

Thank you UK. Norway.

Norway

Thank you Mr. Chairman. I think the real issue that we are discussing here is the complaints that have been brought forward by the Caribbean countries against the economic harassment and threats that they have been subjected to. On that basis the proposal was made last year, by Japan I think, to introduce the notion of secret ballots in this organisation as one way of avoiding those threats. I think that is the point of departure we must take, and I must say I find it a bit curious then that some countries try to overlook this background to the situation and make these proposals into a question of principle about transparency or not, because I don't think that is the issue here and to that extent I must say I agree with very much of the analysis of my New Zealand colleague. I am not sure either that the secret ballots will solve all the problems we are facing but it might solve some of the problems and it might be necessary with other measures in order to go further. To that respect I would not foresee that we stopped addressing the complaints and the concerns of the Caribbean countries just by this proposal.

Turning to the question, the narrow question, of secret balloting, I think it is right to say that many organisations of a similar character as the IWC have the possibility in certain instances to use secret ballots. I fully agree that that should not be the predominant way of making decisions. It must be, and I think everybody would agree on this, that it must be reserved for rather special votes, special situations, and as we have seen in some organisations, those special situations are indicated in the rules. That also could be done in this organisation. There can be sensitive issues which should not be broadly known and I noted with a certain interest that even a proposal that has been brought up by the USA and Netherlands foresees certain organs of this body not having observers present, what about transparency there?

We will probably in a few years have a situation where we will have to decide on a new Secretary although I hope Dr. Gambell will stay on forever, but I have heard some rumours to the contrary. There could well be a situation that we wanted to elect a new Secretary not by public demonstration but in a rather more smooth way that is being done in a number of organisations, so let's not make this issue of secret ballots to one of principle or not, because I don't think it is quite frankly and it can be formulated in such a way that it does not inflict on any transparency questions because the issue of transparency is not an absolute one. Therefore, I have already indicated in the Finance and Administration Committee, that Norway is prepared to support a limited reasonable system of secret ballots, but as I said, we don't foresee that to be the order of the day of conducting business in this organisation. Thank you Mr. Chairman.

Chairman

Thank you Norway. I have Italy, Chile and St. Vincent and the Grenadines. Italy please.

Italy

Thank you Mr. Chairman. We are not able to support the Japanese proposal through the strong trend not only in Italy but in many countries of the world towards transparency and public scrutiny, especially when decisions on conservation of nature and management of natural resources are being taken. This trend applies in our opinion not only to domestic decisions but also to international decisions. It would be impossible for us to explain to our domestic public opinion why the International Whaling Commission should go in the opposite direction. This is the reason why we prefer that the Rules of Procedure be kept as they are now. Thank you Mr. Chairman.

Chairman

Thank you Italy. Chile please.

Chile

Thank you Mr. Chairman. The tradition of transparency and accountability of this organisation could be dampened if we instigate with some sort of secrecy in the voting system. We don't deny the possibility of some new pressure in special matters but I think that is not the solution. In our country at this moment we are in a process of modernising the public sector and one of the elements of this modernisation is precisely the transparency of the sector in order for the public, to permit the public, for their scrutiny. That's why on this occasion we cannot go with these proposals. Thank you.

Chairman

Thank you Chile. St. Vincent and the Grenadines.

St. Vincent and the Grenadines

Thank you Mr. Chairman. Mr. Chairman the position of St. Vincent and the Grenadines on this issue has been already clearly stated and it is not my intention at this time to intervene with an unnecessary long intervention. However, the background is well known to all Contracting Countries on all the issues surrounding the debate. There is no indication Mr. Chairman that the prevailing conditions which would sustain such an environment will change in the near future. The rhetoric that we hear every meeting from some of the Contracting Countries continues in spite of the fact that we know that Rules of Procedure are not necessarily cast in stone. Therefore, there must be some avenues, some justifiable avenues, for amendments and modifications to these regulations. I fail to see Mr. Chairman why, therefore, there cannot be some evolution in this direction and why such a development on evolution must be stalled. In was just a few days ago Mr. Chairman that the very entities that targeted our economic existence were knowingly invited into our midst by the very country, by the very contracting Country, which wants to rule the world by lip service to democracy and by double-standards. Mr. Chairman we should lead by example and this is all my country is calling on the IWC to do. My country has therefore no alternative based on its experience but to support the Japanese proposal. Thank you Mr. Chairman.

Chairman

Thank you St. Vincent and the Grenadines. I have Monaco, Grenada, St. Lucia, People's Republic of China and Argentina looking for the floor. Monaco please.

Monaco

Mr. Chairman Monaco strongly deplores the economic threats, pressures that have been presented, described by Caribbean countries particularly, and we feel that in time this body must find appropriate response to this. At the same time we do not feel that secret ballot is a proper response. We are accountable to, whether we like it or not, to both national and international public opinion, this is a fact of life, it actually dictates government policy more and more and we must accept this. We think that the transparency of our decision-making process is actually one of the few characteristics of this body of which we can be justifiably proud.

The argument that we might dissociate transparency of debate versus the transparency of voting has been made eloquently but that would be a dangerous trap in my opinion. It might actually not be in the interest of the countries seeking it in the long term after all as has been said by the New Zealand delegate, the opinions of most delegations are quite well known and because they are quite eloquently expressed and clearly expressed in the five days of our meeting.

If we were to move towards secret ballot on sensitive issues then the suspicion would be that some countries would cast their vote in a different direction of the public statement they would make and I invite those countries to think of the consequences of that. Another risk would be that some countries would simply stop speaking and make their opinions known. I don't think either alternative is peripheral, therefore we are not going to be in a position to support this proposal.

In conclusion I would say also that I am quite sensitive to the position expressed by Norway and we would seek perhaps some possibilities to also improve the voting procedures in some particular context, in particular the election of the officers and this is something I might come back to later in the discussion.

Chairman

Thank you Monaco. Grenada.

Grenada

Thank you Mr. Chairman. The Grenadine delegation supports the Japanese proposal. Mr. Chairman the issues involved are not about transparency, its not about public scrutiny. There is no doubt in the minds of our public in Grenada as to where my Government stands on some of these issues. We have discussed these issues at length. Our concerns Mr. Chairman are about economic blackmail we have experienced in the past by some of the fanatics. We have a very fragile economy in a small developing state, we are concerned about threats of boycott. I think, Mr. Chairman, the IWC should be a little more sensitive as to the concerns of these small developing states, we have experience in the past that we are willing to share with the IWC. We urge you members of the IWC to reconsider the devastating effect it can have on some of our small states, not just on the economy as a whole but sometimes threats against individuals and, as I said, we have experience that we are willing to share with you from time to time and that is why we urge you once again to please consider the secret ballot, we believe it's the way forward. Thank you Mr. Chairman.

Chairman

Thank you Grenada. St. Lucia.

St. Lucia

Thank you Mr. Chairman. Mr. Chairman the more you open your doors the wider, the more people take advantage of you. When the IWC was first conceived it is obvious that it did not model its Rules of Procedure on other organisations. The document that we are considering indicates that a number of similar organisations did make provision for secret ballot when necessary and the Japanese amendment seeks to evoke that new provision and to further evoke the call for a secret ballot when necessary. Mr. Chairman I would like to say that the need for responding to the conditions of today is not a facility that is seen to be in the interest only of the Caribbean countries, there are several states that are sympathetic to whaling who perhaps feel similarly threatened by the activities of those organisations and countries which seem to abuse the transparency that we are now discussing. I agree that we should be transparent but where member organisations and persons to whom we have extended hands of friendship abuse that transparency then we have a problem.

Mr. Chairman I would like to suggest that the principle of collective responsibility should be considered and those organisations, and they know themselves who are abusing the transparency of the IWC, should commit themselves to behave themselves and behave more responsibly and that is the issue and therefore I submit that we should discuss this matter within the precepts of the reality of the situation. Yes, transparency but that transparency calls for some degree of responsibility and for this reason and not because of the potential threat to the Caribbean, we can deal with those threats when we have to, but we believe that the respect of the facilities accorded to all of us by this great organisation should be reviewed and for this reason St. Lucia supports the principle of secret ballot when necessary.

Chairman

Thank you St. Lucia. People's Republic of China.

People's Republic of China

Thank you Mr. Chairman. In consideration of the secret ballot issue China has the view that first, secret ballot in the proper way in some circumstances of voting is because that the secret voting any party would have their own opinion free from outside intervention, it seems fair to any party involved. Second, according to the information provided by the Secretary most international organisations, having links with the IWC use secret ballot as a way of voting. There is no reason that IWC will refuse to use that. And third, it is our belief that transparency does not contradict with the secret ballot system. The aim of secret ballot and the transparency are the same, that is to ensure the fairness among member states. The only differences are the ways to reach this aim. Therefore, China would like to see the secret ballot being adopted as a way of voting in the Commission and being used where necessary. Thank you.

Chairman

Thank you People's Republic of China. Argentina.

Argentina

Thank you Chairman. In principle Argentina does not consider that the introduction of the secret ballot in IWC is a solution to the concern expressed by some delegations. To Argentina the vote is an expression of its position and sovereign rights. Therefore Argentina cannot support this proposal. Thank you.

Chairman

Thank you Argentina. I have Sweden, India and South Africa and Dominica and St. Kitts and Nevis. Sweden.

Sweden

Thank you Mr. Chairman. Just to put on the record that Sweden is strongly in favour of openness in international fora like IWC. Thank you.

Chairman

Thank you Sweden. India.

India

Mr. Chairman I would like to begin by thanking the People of Oman and the country and the Government for having organised this excellent function and for the hospitality. I would also like to compliment the Secretariat of the IWC on the excellent arrangement they have made here, and coming to the issue and discussion right now. While the views of the Caribbean countries have been very adequately expressed, and I am sure all of us respect and agree with the views that it is a matter of reality which has been happening in the intentional fora, this threat of economic caution or whatever. At the same time we cannot disagree with the point that we need to have greater transparency in the functioning of the international organisations and keeping this in view we cannot agree to the proposal on secret balloting. While at the same time we urge the Commission to take into account the views and the fears expressed by the Caribbean countries and explore for alternative which is acceptable mutually. Thank you.

Chairman

Thank you India. South Africa.

South Africa

Thank you Mr. Chairman. While we can certainly see the need to use secret ballot in the case of election of office bearers, for example, we cannot see any benefit in using a secret ballot when it comes to policy issues. Thank you Mr. Chairman.

Chairman

Thank you South Africa. Dominica.

Dominica

Thank you Mr. Chairman. Mr. Chairman in support of the sentiment that has been expressed by my Caribbean colleagues, Mr. Chairman, Dominica would like to state that it supports the proposal for secret ballot. Mr. Chairman we have heard over the past half hour attempts being made at drawing a fine line between transparency and the secret ballot. Some of us have denounced the use of secret ballot and therefore, whereas as has been quite rightly stated, many of the parties here belong to organisations where the use of the secret ballot is still being practiced. Mr. Chairman why won't all the states that are here that are against secret ballot move similar motions to ban the secret ballot in all the other fora in which they participate? Why won't we work on a level playing field? Mr. Chairman, the secret ballot is being practiced, as I said earlier on, in another forum, secret ballot has been practiced and is being forced on to most countries as well to be put into practice in electing the same governments that we are here to represent. Why can't we start promoting getting rid of secret balloting in electing governments? Mr. Chairman, this level of double standard we should continue to deal with it but don't use it in the name of transparency. Mr. Chairman, the many exchange of notes, Diplomatic or otherwise, that do take place prior to such meetings, do we call that transparency? It is not transparency Mr. Chairman, it is a privilege that is granted by a system, the same way as secret ballot is something that is granted to us and we should use. Mr. Chair, I think my Caribbean colleagues and many other people here who have spoken in favour of the use of the secret ballot have clearly expressed why we think we should go around with it in that way. Mr. Chair, the IWC will not go forward if we try to continue to disregard what it would cost or what we would achieve if all of us tried to work collectively towards achieving the aims of this organisation. Thank you.

Chairman

Thank you Dominica. St. Kitts and Nevis.

St. Kitts and Nevis

Thank you Mr. Chairman. The delegation of St. Kitts and Nevis does not see that transparency is at all compromised by secret balloting. The IWC should be transparent in its debates and in the carrying out of its programmes. The decisions that are arrived at are made in public, the decisions are a result of the voting, the decisions are made in public so it should not matter who voted for what once the decisions are made public. Mr. Chairman, secret balloting represents a way out for us small, poor vulnerable states. In secret balloting we would be able to express ourselves and vote according to our consciences without fear of being harassed, harangued and threatened by certain interest groups. It is not enough to find the situation most regrettable as has been expressed by some delegates. As one famous Caribbean singer has put in "Who feels it, knows it". Maybe secret balloting does not entirely eliminate the problems but it certainly goes a long way in doing so. The delegation of St. Kitts and Nevis gives its full support to secret balloting when called for. Thank you.

Chairman

Thank you St. Kitts and Nevis. I now have Finland, St. Lucia, Korea, Austria and Antigua and Barbuda. Finland please.

Finland

Thank you Mr. Chairman. We fully understand the problems of some small Caribbean countries but we have heard several times in this room the secret ballot would not solve some of these problems. The Finnish democratic tradition is openness so we are in favour of the transparency also in this context therefore we cannot support the Japanese proposal. However, we have some sympathy with those ideas expressed earlier, for example, by Denmark and Monaco. Thank you Mr. Chairman.

Chairman

Thank you Finland. St. Lucia.

St. Lucia

Mr. Chairman permit me, I did not want to return a second time. I have a difficulty with countries expressing sympathy for the Caribbean. We are not here looking for sympathy from anyone. Mr. Chairman this is a principle that we have to deal with, the principle of abuse of the facility accorded by the IWC to our friends in the organisations that we allow observer status and the organisations that are fundamentally opposed to some of the decisions that we take and I think it is not a Caribbean matter. There are several countries who abstain from time to time on issues, there are several countries here who are supporting the initiative, there are several countries here who might abstain. To say it is out of sympathy for the Caribbean that we are discussing this issue I have some difficulty with it.

I do and I would urge member states not to refer to the Caribbean in that vein. The Caribbean is a full member of the IWC and it is putting up as a position that is critical to the manner in which we respond to the new needs of the world. Mr. Chairman when you invite people to your home you may wish to close certain rooms to them for reasons of your own privacy and for reasons of the rules of your organisation, and what we are beginning to see is the persons to whom we extend hands of friendship are abusing that facility. Mr. Chairman, the document that we are discussing suggests to me, and I may be wrong as a young participant, if you look at page 6, the incident on page 6 of the document, sends a particular signal to me and Mr. Chairman what I am trying to say is that I don't think member states should vote or not vote on the basis of any sympathy or empathy for the Caribbean states since we are not the only ones who are actually in agreement with the doctrine, the principle of secret ballot. We must not treat this matter as though it is a new provision. It is internationally known so I would urge member states to discuss this matter with all the compassion it deserves and not be charitable to the Caribbean.

Chairman

Thank you St. Lucia. Republic of Korea.

Republic of Korea

Thank you Mr. Chairman. As far as I know votes by the showing of hands or roll calls are useful in drawing consensus by facilitating direct contact among the parties having different views. On the other hand, secret ballots are good for preventing any intervention from other delegation or bodies. In this context Korea is not in a position to oppose secret ballots. Thank you.

Chairman

Thank you Republic of Korea. Austria.

Austria

Thank you Mr. Chairman. I would like to remind several delegations that we do not represent ourselves in this meeting, we represent our countries, that we will have to explain at home if and how we have fulfilled our instructions. As regards the concerns expressed by certain countries, their vote would be assumed whatever their vote. Therefore I think secret voting would only lead to mistrust and for these reasons Austria cannot support the Japanese proposal. Thank you.

Chairman

Thank you Austria. Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chairman. This has indeed been a very interesting debate. I look around the room Mr. Chairman and I sense that while most countries here are sympathetic or concerned about the problems we are facing in the Caribbean and indeed the problems that other small vulnerable states are facing, the major concern with regards to secret balloting is the question of transparency. I think, Mr. Chairman, that we can find a way out of this one and still please all parties on either side of the fence. I listened very keenly to the distinguished Commissioner from Norway, I listened very keenly to the distinguished Commissioner from Monaco and I listened to those speakers who are trying to put a balanced view to this situation, and I would like to suggest Mr. Chairman that in order to break this impasse we put this matter to a small committee chaired by one of these groups that are seeing the problems that both sides would face with regards to secret ballot or open balloting and come up with the solution.. I will be tentative, that can give some alleviation to the problems that both sides are facing and I would like to hear more from Norway, Monaco, Denmark on how best we can put a strategy in place to solve this very, very, very bad problem.

Chairman

Thank you Antigua. By coincidence Monaco is the next speaker. Monaco.

Monaco

Yes Mr. Chairman I have listening carefully to all and its obvious that the Caribbean states have something significant to say and they are not just looking for sympathy. They are posing a real problem and I maintain that secret ballot is not the right answer to a real problem but this real problem could be addressed maybe by a sub-group or other ways in an imaginative way, and certainly we should look at the possibility to alleviate the fear of intimidation which they are perceiving. Furthermore, it seems to me clearly that a majority here has emerged and spoken clearly against the use of secret ballot on policy issues, a very clear majority and, as I said before, there is nothing wrong with secret ballots *stricto sensu* and there are indeed some axis in which we might improve the voting procedures of the IWC by resorting to secret balloting. Therefore, in a spirit of what I hope will be perceived as constructivism, I will propose a specific use of secret balloting in this organisation to put it more in line with current international practices in international bodies. To be specific, I will propose that in the future elections of the Chair, Vice-Chair and Secretary of the Commission and the location of future IWC meetings shall proceed by secret ballot. Thank you Mr. Chairman.

Chairman

Thank you Monaco for that suggestion. Can I give the floor to Mexico.

Mexico

Thank you Mr. Chairman. Well Mexico recognises that the Commission shall look for solving the influence of pressure and intimidation of other countries. We could not support the Japanese proposal as it appears now. However, we agree with Monaco's proposal, trying to look for a formula which will be more acceptable for most of the members of the Commission. Thank you Mr. Chairman.

Chairman

Thank you Mexico. Are there any other delegations wishing to speak? If not, it would seem to me Japan.

Japan

Thank you very much Chairman. I would like to make a couple of points after listening to the comments. I understand that the distinguished Commissioner of New Zealand said that he fully understands the situation surrounding the Caribbean countries and so regardless of this introduction of secret ballot or not the condition

should not change. In other words I take it that voting behaviour would not be affected. So in that sense the number of the votes for the sustainable use may not change either, but I would like to clarify your views concerning the secret ballot after and when the secret balloting is introduced, which part of which area may be changed or which area will not be changed and remain intact after the introduction of secret ballot or are you concerned and afraid of some of the changes which might occur when the secret ballot is introduced and then which are your concerns?

I would not dare to name the country which implied this but that country said that when and if the secret balloting is introduced they would vote differently and that would be the concern. Well if the voting attitude itself would be different if the secret balloting is introduced I would like to know why the voting behaviour may be different and I think when the policy is the issue at stake then I don't think that voting behaviour should ever change but I think the voting behaviour change would take place because that is a problem of the particular individual who is representing that government or that country. Maybe it is his or her problem of loyalty to the nation that you or he is representing or it's a matter of consciousness and I think it's a matter of a moral of that individual concerned and so this has nothing to do with secret balloting.

So in order to clearly show and disclose and demonstrate the policy of that particular country, the national policy, the secret ballot would be more suitable and I think to show the conscience and loyalty to the country and moral of that individual I think the secret ballot would be more just and correct method of voting or balloting. So, if you have other objecting views or different views to my concept I would like to hear such views.

I would like to raise this question to the representative of Argentina. The Argentina delegate mentioned that they are opposed to the secret balloting here. Here, we are discussing the topics related to the topics of the whales but in your country, in Argentina, there are some animals which you must use sustainably. In order to prevent or avoid the undue pressure upon your country Argentina has supported the secret balloting with regard to the policy matter at a certain intergovernmental organisation. So I would like to ask you why you take this opposing view to secret balloting on whale issues here at this forum because that kind of attitude demonstrates the inconsistency so if that is not inconsistent I would like to hear your explanation again more clearly on this point.

Turning to the proposal and suggestion later raised by the distinguished delegate of Monaco we can not immediately support the scope of this application of secret balloting indicated by the Monaco representative. However, we still welcome any opportunity to be engaged in dialogue. Thank you.

Chairman

Thank you Japan. Argentina.

Argentina

Thank you Chairman. First of all Japan mentioned Argentina's position in relation to secret ballot in other international fora. I am not in a position to explain Argentina's position or Argentina's foreign policy here to Japan and I don't think that it is the most suitable way from Japan to address Argentina to ask Argentina to explain its position. What I said was that we do not consider that introduction of secret ballot and ... identification in policy issues in IWC is the correct solution. Of course we are open to dialogue and to find solutions. As you may remember last year the Argentine Commissioner was the Head of the informal group to discuss this issue. You know that Argentina is of the position of trying to find alternative and constructive ways but as this Japanese proposal now stands Argentina cannot vote yes. So that is my only answer to Japan. Thank you.

Chairman

Thank you Argentina. I think there have been a number of indications that people could use more time to discuss this issue in the margins or possibly in a small group and a number of countries have expressed willingness to discuss together. I think in these circumstances I will adjourn the discussion and hold this item open until the group reports back. Monaco can I put the arm on you again to convene a group?

Monaco

Well Mr. Chairman I hesitate to follow you there because I think some Annual Meetings tend to be prolonged unnecessarily by sub-groups, sub-meetings and I think we have heard all sides and my proposal is rather limited in scope and I would rather ask that a vote be taken on it.

Chairman

Thank you Monaco. The Secretary advises me that we have a problem with some credentials which we may be able to sort out over lunchtime so can I adjourn this item until after lunch and then we will proceed. So we adjourn until 2.30. Thank you.

[BREAK]

Chairman

First I would like to confirm that the Credentials Committee have met and the credentials are in order. Monaco can you read the text of your amendment please.

Monaco

Sure. The text of the proposal would read as follows: "Election of the Chair and Vice-Chair and the appointment of the Secretary of the Commission as well as the location of future IWC meetings shall proceed by secret ballot". I repeat "Election of the Chair and Vice-Chair and the appointment of Secretary of the Commission as well as the location of future IWC meetings shall proceed by secret ballot".

Chairman

Thank you. Is that amendment clear to everybody? This is an amendment I understand to the second sentence of the proposal by Japan to amend Rule of Procedure E.3(d).

Monaco

Mr. Chairman. A clarification, this is not presented as an amendment to a previous proposal. This is presented as a proposal on its own right.

Chairman

Thank you Monaco for the clarification. Sweden.

Sweden

It sounds to me like it might be a bit impractical always to have to do this elaborate procedure. Couldn't we state instead of "shall", "can upon request" since we have a tradition of electing officers by acclamation? Thank you.

Chairman

Thank you Sweden. Any other comments in relation to the proposal by Monaco and seconded by Mexico. St. Lucia.

St. Lucia

Mr. Chairman thank you. Mr. Chairman I hope I am not out of order but I am a little late in the session. I hope it is relevant. I wanted to point out to the assembly Mr. Chairman a matter that is related to my points this morning about the need to carefully consider the Japan Resolution dealing with the secret ballot situation and I want to point out two documents collected from my pigeonhole. One from a coalition of organisations presented by the International Wildlife Coalition. This is the kind of harassment and provocation that we sometimes refer to and there is clear evidence of that situation Mr. Chairman. I do call into question the manner in which these organisations have chosen to interfere with the sovereign rights of St. Lucia and indeed Grenada, Dominica, St. Vincent, St. Kitts, Antigua and the Solomon Islands. I would like to present this document to you Mr. Chairman so you understand the reasons why it is necessary for us to regulate the conduct of the non-governmental organisations. Mr. Chairman in a further document circulated by the East Caribbean Coalition for Environmental Awareness in the concluding paragraph they speak of St. Lucia in the context of three consecutive bombings of whale watching vessels. Mr. Chairman this is incorrect and I do raise the fundamental question of the continuing admittance of these organisations in this meeting and I think that if we admit them on the basis of transparency then they should be truthful and responsible in what they say and St. Lucia raises this matter as a matter of protest. I understand that the signature to one of the documents is in fact a member of the US delegation and I am very concerned about this.

Chairman

Thank you St. Lucia. Antigua and Barbuda.

Antigua and Barbuda

Mr. Chairman. Like St. Lucia we are also very concerned about the contents of these two documents that are being circulated as official IWC documents. Indeed Mr. Chairman there can be no substantiation of these issues or these allegations that were made by these two organisations. Indeed Mr. Chairman members of these two

organisations are here now present at this very moment and we think that this in itself is a type of intimidatory tactic that is being employed by members of these organisations, and as a mark of protest from these governments concerned including Antigua and Barbuda I beg to move that these members be immediately expelled from the proceedings of this meeting Mr. Chairman.

Chairman

Thank you Antigua and Barbuda. Dominica.

Dominica

Thank you Mr. Chairman. In support of St. Lucia and Antigua and Barbuda I would support the intervention and support the expulsion of these people from this audience Sir. Thank you.

Chairman

Thank you Dominica. Grenada.

Grenada

The Grenada delegation associates itself with the sentiments expressed by my Caribbean colleagues.

Chairman

Thank you Grenada. I think in these circumstances it may be appropriate to adjourn this meeting and convene a Commissioners meeting to discuss these matters. Japan.

Japan

Thank you very much Mr. Chairman. In order to give rest now to our interpreters would you be tolerant to listen to my poor English? We are very supportive of the argument raised by our Caribbean colleagues at this moment and the documents referred by their statement include Japanese overseas assistance so I would like to explain a couple of points concerning the assistance. In Japan, Japanese ODA is widely distributed in the world, unfortunately we haven't any statistics at the moment but recipient countries are far more than a hundred which include for example our distinguished colleagues of Brazil and India, I don't know India at that moment! The second thing is our assistance is designed to meet the need of the recipient countries. In this sense we recognise a need for the Caribbean island countries to develop fisheries. Therefore, our assistance to those countries is mainly in the field of fisheries. For example, our assistance to Brazil, I am not sure, the Japanese main area is social and economic. Anyway our assistance is to assist and develop in sectors which is necessary or important for the recipient country. So therefore the allegation in this paper is not true at all. Thank you very much.

Chairman

Thank you Japan. If there are no further comments at this time I adjourn this meeting and ask Commissioners to meet in five minutes at the Commissioners' Room.

Chairman

Netherlands.

Netherlands

Thank you Chairman. There is some uncertainty here about what documents we are talking about. It might be useful if that could be explained to us.

Chairman

St. Lucia can you identify the documents for us please?

St. Lucia

Chairman the first document is IWC/50/OS ECCEA and the second document is IWC/50/OS INTL WILD COAL.

Chairman

Thank you St. Lucia. If the Commissioners would seek to collect the documents in question. Thank you.

PLENARY SESSION
Monday 18 May 1998

Chairman

..... including those mentioned about the contents of document IWC/50/OS INT. WILD COAL and told them that on their behalf I was requesting withdrawal of the document and an apology. I am awaiting a response to those requests. I also met a representative of the ECCEA in relation to document IWC/50/OS ECCEA. The representative pointed out that she intended no reflection on any government and there was absolutely no inference on her part that any government was involved in violent activities. She pointed out that as a group directly involved in setting up the whalewatching industry in the Eastern Caribbean their desire was only to help the whalewatching industry in any way possible and that they would not take any action to harm that industry and the group will issue a clarification of their document.

Additionally, because of the concerns expressed and as there are no guidelines in place relating to Opening Statements for observers, I am asking the Secretary to draft some guidelines on the contents of Opening Statements by observers for next year's meeting.

21.1 VOTING PROCEDURES

I will now return to the order of business and we will start with item 21.1 - Voting Procedures. Japan.

Japan

Thank you Chairman. You have just referred to the two documents. We have scrutinised and studied these two particular documents that the Chair has just referred to. However, there are other probable documents that we have not really studied carefully yet and therefore I would like to take this opportunity to assert and clearly declare the very serious protest to all these concerned NGOs who are drafting the documents of this nature, and especially the document written by the International Wildlife Coalition actually consists of lies and it criticises the policy of the Government of Japan with untruth, and so if there would be similar documents of this nature to come out then we would be considering the similar reaction in the future as well, and therefore those NGOs who are concerned please recognise that that will be coming from us in the future as well. Since those documents were already handed out and we are currently studying and scrutinising such documents so please expect that we will be reacting to them.

Chairman

Thank you Japan. I don't want any further debate on this issue at this point so can we move on to 21.1. Voting Procedures. We have had a pretty thorough debate on this topic and Monaco has indicated that they wish put in an amendment. Monaco.

Monaco

Mr. Chairman thank you. Japan did propose an amendment to voting procedure E.3(d). It was clear yesterday during the debate that the majority of Commissioners were not ready to go fully in this direction. However, Monaco feels that there are ways to improve the voting procedures and introduce secret ballot as regard the elections of the IWC officers, namely the Chair, the Vice-Chair and the Secretary, and we feel also that as is done in other organisations, in other conventions, the selection of IWC meeting venues should also proceed in this way. We have, therefore, tabled an amendment to Japan's proposal which has been seconded by Mexico and which has been made available to all delegations. Do you wish for me to read it or will I ask perhaps the Secretary to read this text Mr. Chairman?

Chairman

Thank you Monaco. I will ask the Secretary to read out the proposed amendment.

Secretary

Mr. Chairman the amendment to Japan's proposal to revise the voting procedures in our Rule E.3(d) is set out in document IWC/50/20. The text is set out there with the new text in italics. "Votes can be taken by a show of hands or by roll call as in the opinion of the Chairman appears to be most suitable". Now follows the revised text "The election of the Chair, Vice-Chair, the appointment of the Secretary and the selection of IWC meetings venues shall all proceed by secret ballot". That is the proposal by Monaco seconded by Mexico Mr. Chairman.

Chairman

Thank you Secretary. Are there any comments before I put this item to the vote? Australia.

Australia

Thank you Chairman. With a view essentially to the efficient conduct of our business and to providing our officers with the strongest mandates possible, I would propose a further amendment, an amendment to the proposal by Monaco which would be quite simple if I can just read the proposal by Monaco again: "The election of the Chair, Vice-Chair, the appointment of the Secretary of the Commission and the selection of IWC meetings venues shall" and then I would propose to insert following "shall" the words "upon request by a Commissioner," and then continue with the proposal of Monaco "proceed by secret ballot". All this would do Chairman, is remove the automaticity of the application of the secret ballot. It would mean that if we were to have only one candidate for Chair when sadly your time in the Chair is completed, we would not need to have a secret ballot but we could if that is the way that the Commission wished to proceed as it has until now. We could endorse that candidate by consensus, by acclamation, and I believe that would provide the strongest possible mandate to the officers of the Commission. Thank you Chairman.

Chairman

Thank you Australia. I must confess after yesterday that it doesn't sound like a sad event to me. Sweden.

Sweden

Thank you Mr. Chairman. I did indeed propose that yesterday and I would like to second the proposal for amendment just put forward by Australia. Thank you.

Chairman

Thank you Sweden. Antigua and Barbuda and Switzerland. Antigua and Barbuda.

Antigua and Barbuda

Yes Mr. Chairman, thank you. Antigua and Barbuda would like to propose a further amendment to this proposal. Antigua and Barbuda feels that it is important, given what has transpired over the last twenty-four hours, for great considerations to be given to the question relating to our ability to vote free of fear in this forum, and in regards to that Mr. Chair I would like to further propose an amendment that would include also voting on non-binding Resolutions.

Chairman

Thank you Antigua and Barbuda. Dominica.

Dominica

Thank you Mr. Chairman. Mr. Chairman, Dominica wishes to second the amendment proposed by Antigua and Barbuda. Thank you.

Chairman

Thank you Dominica. In that case the order, sorry Monaco would you accept that amendment?

Monaco

I will speak chronologically Mr. Chairman. We have two amendments proposed. On the first one put forward by Australia, this amendment has merits, we carefully considered this possibility when drafting our own amendment, but I think as students of political science will agree with me that our proposal, which is based on automatism, has perhaps greater merits in terms of guaranteeing some kind of neutrality to the process and strengthening the hands of the Chair, of the elected officers of this Commission. Examples are bound you know to show your credibility, even if you are the sole candidate to a position, is enhanced if you get your position not by just a show of hands but by a vote which would, for example, if you are the only one candidate have three possibilities, you can either vote yes, no or abstain and surely you don't get one hundred per cent in this way. We have learnt with experience to be wary of one hundred per cent elections so that is why Mexico and I, we could live with this amendment of course, but we think it would weaken a bit our proposal and we would not therefore accept it immediately as such. We would ask for a vote on this.

On the second proposal by Antigua, I would ask our distinguished Commissioner from Antigua to clarify what he means by non-binding Resolutions. I am afraid I don't quite understand it.

Chairman

Thank you Monaco. Antigua and Barbuda.

Antigua and Barbuda

Yes Mr. Chair. In the interests of some of the comments that we heard yesterday from fellow Commissioners with regards to transparency. Antigua and Barbuda has taken that into consideration and realise that amendment to Rules of Procedure and Schedule amendment, I can understand the concerns of Commissioners with regards to some requirement for transparency on those issues, but issues that would not have a direct effect on the policy directions of this organisation, for instance, Resolutions, I think that a useful compromise would be the right way of go and hence we should be able to positively secure these matters by way of secret ballot Mr. Chair.

Chairman

Thank you for that clarification Antigua and Barbuda. I now propose to go and put the amendments to a vote in accordance with procedure we start with the last amendment and if I can ask the Secretary to read the last amendment. Secretary.

Secretary

Mr. Chairman we are still dealing with this document IWC/50/20 and the amendment proposed by Antigua and Barbuda seconded by Dominica is to insert at the end of the third line of text the wording “and also voting on non-binding Resolutions” and it would be necessary to delete the “and” a little earlier preceding the selection of IWC meetings”. So let me just make quite clear what this says “that the election of the Chair, Vice-Chair, the appointment of the Secretary of the Commission, the selection of IWC meetings venues” and this is the subject of the vote “and also voting on non-binding Resolutions shall all proceed by secret ballot”. We are voting on that insert “and also voting on non-binding Resolutions”. A simple majority of those government voting for or against this proposal will carry the amendment. The running roll starts at Spain - No; Sweden - No; Switzerland - No; UK - No; USA - No; Antigua and Barbuda - Yes; Argentina - No; Australia - NO; Austria - No; Brazil - No; Chile - Absent;

Chairman

Point of order - Japan.

Japan

Yes I would like to clarify the status of Chile.

Chairman

Chile is not present at the moment Japan.

Japan

OK at this point I am satisfied. I may come back later.

Chairman

Thank you Japan. Secretary please proceed.

Secretary

I record Chile as absent; People’s Republic of China - Yes; Denmark - No; Dominica - Yes; Finland - No; France - No; Germany - No; Grenada - Yes; India - No; Ireland - No; Italy - No; Japan - Yes; Republic of Korea - abstain; Mexico - No; Monaco - No; Netherlands - No; New Zealand - No; Norway - abstain; Oman - Yes; Russian Federation - abstain; St. Lucia - Yes; St. Vincent and the Grenadines - Yes; Solomon Islands - Yes; South Africa - No.

Mr. Chairman there were nine votes in favour, twenty-one against with three abstentions and so that amendment fails. We should now come to the first amendment which was proposed. We are still dealing with document IWC/50/

Chairman

Japan - point of order.

Japan

Japan withdraws now its proposal.

Chairman

Thank you Japan. In that case we will adjourn for coffee. Meeting to resume at 11.00. Sorry Monaco.

Monaco

I like your point of order Mr. Chairman. We have proposed an amendment indeed. I would like to know if we can proceed with the vote in any case.

Chairman

I understand Monaco that it is not proper to amend something which has been withdrawn.

Monaco

Is there a clear direction on this or is it just an interpretation?

Chairman

Sorry silence please. Monaco is raising a point of order. Monaco I am researching the matter with the Secretary as to previous rulings and I will give a definite ruling after coffee so we will resume at 11.00. Thank you.

[BREAK]

Chairman

Can everyone take their seats please and we will resume the meeting. On the point of order raised before the break the Secretary has done some research and has produced some documents which I need to study further so I will defer my ruling until immediately after lunch.

So we will now proceed with agenda item 9 - Infractions. If I can call on the Chairman of the Infractions Sub-Committee to present the Report of the Sub-Committee on Infractions.

9. INFRACTIONS, 1997 SEASON

9.1 REPORT OF INFRACTIONS SUB-COMMITTEE

9.1.1 INFRACTIONS REPORTS FROM CONTRACTING GOVERNMENTS

Japan

Thank you Chairman. The Sub-Committee of Infractions was held on 13 May 1998 and on the agenda item of Adoption of the Agenda there was some discussion and on the stockpiles of whale products and trade questions. Some delegations stated that these topics are not within the scope of the Convention and consequently they proposed that these items be deleted. But some other delegations did not agree to that deletion of these items. After some discussion the agenda item of this particular topic, which is agenda item 10, was decided to remain.

I would then like to move on to the Infractions Reports. The Infractions Reports received by the Commission in 1997 are summarised in IWC/50/6 and Denmark provided additional information on this at the Infractions Sub-Committee. Can I move on to item 7 which is Surveillance of Whaling Operations?

Chairman

Thank you Chairman of the Infractions Sub-Committee. I will just check first if there are any comments on agenda item 9.1.1 - Infractions Reports from Contracting Governments? It seems not, please move on Chairman. Thank you.

Japan

Yes thank you Chairman. Agenda item of Surveillance Operations, the United States of America and Denmark and Russian Federation presented information on this issue of surveillance of whaling operations. Then we discussed the Check List of Information requested under section VI of the Schedule and again the Secretary provided a brief summary of the Checklist and there was an announcement that the information was provided by Denmark and the United States, and also Norway submitted the required information to the Secretariat as noted in the Scientific Committee Report.

Can I move on to the Submission of National Laws and Regulations? Yes, and the Sub-Committee of Infractions also discussed the National Laws and Regulations. Again the Secretariat provided a summary of National Legislation applied to the Commission. We have a discussion on this issue and the Secretariat will make an attempt to obtain the required information from member governments during the year so that a revised table can be supplied next year.

Can I move on to the next agenda item?

Chairman

Yes please.

9.1.2 REPORTS FROM CONTRACTING GOVERNMENTS ON AVAILABILITY, SOURCES AND SHIPMENTS OF WHALE MEAT AND PRODUCTS, AND RELEVANT DEVELOPMENTS; AND AN STOCKPILES AND SALE OF WHALE MEAT AND PRODUCTS, DOMESTIC LAWES AND ENFORCEMENT ACTIONS ON ILLEGAL POSSESSION AND SALE
--

Japan

We then discussed the Report from the Contracting Governments under agenda item 10 which was disputed at the adoption of the agenda. The United States asked if Japan or Norway had any additional information about seizure on 6 April 1996 by Japan, and Japan and Norway did not comment on this issue but Japan noted that they had supplied information on a voluntary basis on these issues.

New Zealand sought information on progress with the peer review of genetic analysis of market samples of whalemeat that Japan had undertaken to conduct at last year's meeting. Japan stated that it could not begin the review as the original samples had not been made available. New Zealand noted that it had not received such a request and the samples remained in Japan as required under international legislation.

Republic of Korea requested that someone who wished to conduct such work should co-operate with Fisheries Authorities in that country so that the findings would not be different from each other study by study. Can I move onto Any Other Business?

Chairman

If you can hold on for just a moment please Chairman. Are there any comments on the Report so far? It seems not, please carry on.

Japan

Under the Agenda Item of Any Other Business, the UK asked if Japan could report further on the investigation of the anterior half of a gray whale that washed up on the Hokkaido coast on 16 May 1996. Japan had given a preliminary report at last year's meeting. They found 11 hand harpoons in the dead whale; none of the hand harpoons were similar to the ones known to be used currently by Japanese coastal harpoon fishermen. Genetic analyses from the whale had been conducted and this would ensure that if meat from this animal were to be discovered in Japanese market it could be readily identified. A thorough investigation by the Fisheries Agency had found that no identical harpoon heads to these found in the gray whale were in use in Japan. Photographs of the types of harpoon heads used by the Alaskan and Russian hunters were needed to undertake investigate. That was the Japanese statement.

After some discussion, Japan stated that they were unable to offer any information on stocks on this gray whale due to a lack of advisers familiar with genetic analysis and Japan therefore could not discuss this issue at this time but undertook to prepare information on the stock question at an appropriate time. Thank you.

Chairman

Thank you Chairman of the Sub-committee. Are there any comments on this Report? If not I will move on to Can we please Agenda Item 9.1 - the Report of the Infractions Sub-committee and move to 9.2 - Action Arising. Is there any action arising? Netherlands.

9.2 ACTION ARISING

Netherlands

Thank you Chairman. As we stated in our Opening Statement, the delegation of the Netherlands is concerned about the continuing reports about illegal trade in whale products and I would like to say that we would urge the governments of countries where such practices may occur to investigate every case reported to them thoroughly and take effective action to end and to prevent such practices. Thank you Chairman.

Chairman

Thank you Netherlands. Denmark.

Denmark

Thank you Mr. Chairman. Maybe you didn't see my flag but you are also having a lot of important things to think about I think. I have to make a brief comment to Appendix 3 on the Report. That is date of latest submission of national legislation. Denmark/Greenland in the Infractions Committee, the year 1997 was mentioned and we then said that it should be 1998 and instead of that it has been translated to 1996. But once more 1998, thank you.

Chairman

Thank you Denmark. I am sorry for not noticing your flag earlier. We will ensure that the record is corrected. UK.

UK

Thank you Chairman. I just wanted to associate my delegation with the remarks just made by the Netherlands. Thank you Chairman.

Chairman

Thank you UK. If there are no other items I will close this Agenda Item. Japan.

Japan

Thank you Chairman. As I have mentioned at the time when we were deliberating upon the adoption of the agenda, the point is clear that matters relating to the international trade as well as the domestic market activities are outside the competence of the IWC. The IWC, as an organisation, is for the conservation and the management of the whale resources, cetacean resources.

However, with regard to the international trade concerned here, Japan is willing to extend cooperation at the forum of the CITES and we are prepared to do so. For example, in June 1997, the Conference of the Parties, the 10th Conference of the Parties of the CITES, COP-10, was held in Zimbabwe and at that time a decision was adopted that was made at the COP-10 and that is we are willing to make every possible cooperation to implement the decision of the CITES and we intend to do so in the future as well.

Thank you, and with regard to the Japanese domestic market, the activities or the domestic market matters are the responsibility of the Japanese Government under its sovereign right and so we have implemented the market surveys and investigations in the past and we have actually disclosed and made public the results of such market surveys in the past as well, and in cooperation with TRAFFIC Japan we have carried out the market surveys and we have published their result as well. So we have taken the necessary measures in Japan and we have introduced such necessary measures in the past and we intend to do in the future as well.

With regard to the enforcement activities to control the smuggling, we are taking vigorous measures and we make public the results of our investigation and we are cooperating with the countries concerned, the relevant countries and the results of such activities are correctly and properly reported to the CITES.

Earlier the distinguished delegate of the Netherlands, and the UK, indicated that they are concerned about the smuggling or illegal trade but do they have any firm and proper grounds to indicate that point? If you know any proper evidence I would appreciate that you would inform me and tell me here.

I have received and I have seen the copy here of this newspaper article quotation which talks about this New Zealand person at the University of Auckland who seems to have done the so-called market survey, or the study, but did you base your statement upon such newspaper article, is that your grounds? And, if those are to be used as grounds for making a statement I think those grounds and evidence must first be validated but I am afraid that it is not validated at all so could you please clarify those points?

I would correct my own statement. Let me cancel this statement that I have just mentioned with reference to this scientist of New Zealand because this matter is outside the competence of the Convention, IWC so I would like to propose to delete this part of my statement. I am very sorry that I have caused you some confusion but this is my statement. Thank you very much.

Chairman

Thank you Japan. Probably not the last time. Are there any other comments please? Netherlands.

Netherlands

Briefly Mr. Chairman I would like to thank Japan for saying that Japan is prepared to investigate all cases of reported smuggling and other illegal trade practices thoroughly. We brought it up here because we think that illegal trade affects the conservation status of whales which this Commission is responsible for so I don't think it is improper for us to deal with that issue here. Our concern is based on, as I said, continuing reports about illegal trade in several countries and I will be happy to take up bi-laterally with Japan the information we have based our concern on with regard to practices taking place in Japan, and I hope that that matter can be resolved in a satisfactory manner by Japan. Thank you.

10. ABORIGINAL SUBSISTENCE WHALING

Chairman

Thank you Netherlands. Are there any comments? In that case we can close the discussion on item 9 and we will move to Agenda Item 10 - Aboriginal Subsistence Whaling and we start with 10.1 - Report of Aboriginal Subsistence Whaling Sub-committee. Can I call on the Chairman please?

10.1 REPORT OF ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

New Zealand

Thank you Mr. Chairman. Before proceeding to present the Report formally I would ask the Commission to permit three very small changes to be made to the Report. The first is on page two, the fourth substantive paragraph, beginning with the words "The Chairman of the Scientific Committee noted" I would ask that that be deleted, it is in fact redundant because the explanation has been given elsewhere. None of these Mr. Chairman are substantive. They simply deal with minor effectively drafting issues. That's the first one.

The second is on page five in the second substantive paragraph "Eastern stock of gray whales". In the second line at the end of the sentence the words "should be applicable to both stocks", should have before the word "stocks", the words "gray" and "bowhead" and that is simply to make it clear that the comment that is recorded refers both to the Eastern stock of gray whales and the bowhead stock referred to in the previous paragraph. So that last phrase should read "should be applicable to both gray and bowhead stocks".

Finally, on page six in the first substantive paragraph in the fourth and fifth lines from the bottom in the sentence reading "Such a proposal will cause some concern in his Ministry of Finance". In fact Mr. Chairman that doesn't correctly record either the comment that was made nor indeed I think was it a comment that was intended as anything other than an aside, and the Denmark Commissioner and I have agreed that it should be deleted with the leave of the meeting.

10.3 REVIEW OF ABORIGINAL SUBSISTENCE WHALING CATCH LIMITS

10.3.1 REPORT OF THE SCIENTIFIC COMMITTEE

10.3.1.1 BERING-CHUKCHI-BEAUFORT SEAS STOCK OF BOWHEAD WHALES

Mr. Chairman the Aboriginal Subsistence Whaling Sub-committee met on 13 May. The Agenda and Report is in front of you as document IWC/50/13. The first substantive issue that was discussed was Agenda Item 10.3 where the Scientific Committee reported on the status of four stocks. The first, Agenda Item 10.3.1 - Bering-Chukchi-Beaufort stock. The Committee has conducted a major assessment of that stock using four methods, three of which had produced similar results indicating a population near the maximum sustainable yield that would probably increase under catches of up to 108 animals, and an appropriate catch level in those circumstances wouldn't exceed 90% of MSY suggesting a likely catch limit of 102 whales or less would be consistent with the requirements of the Schedule.

Chairman

Thank you Chairman. Are there any comments or issues arising on this issue 10.3.1.1? Japan.

Japan

Thank you Chairman. First of all I would like to urge you to recall the background of why this category of so-called aboriginal subsistence whaling was established at the IWC. First of all in 1978, under the new

management formula and system of cetacean resources, the bowhead whales which were the target of the American harvest were categorised to be the protected resources, and so the other measures to provide the protection and relief to the Alaskan Natives whose harvest was likely to be banned in order to provide that relief measures, this new category of Aboriginal Subsistence Whaling was established.

Originally this word aboriginal was claimed from a concept of the conqueror to the people who were conquered, so in this modern society in modern era, this type of concept to categorise and classify people is extremely improper and we should revise such a concept.

However, we are not here at all to deny the rights of those people who continue to harvest whales under this current aboriginal subsistence whaling category, so the whaling which is needed socially and culturally I think should be carried out from a standpoint of protection of the cetacean resources, and therefore it should be accepted and approved of equally under a certain management system.

Therefore, basically the aboriginal subsistence whaling should conform to the RMP, should follow the RMP, and especially with regard to the gray whale resource, stocks which have exceeded the level of MSYL already, should be admitted under the whaling, under the jurisdiction of the RMP and so current aboriginal subsistence whaling is merely the exceptional relief measures and so IWC's direction to try to admit only this category is wrong.

When the aboriginal subsistence whaling management scheme is to be considered we should consider the management system only for the case when the utilisation is done in accordance to the needs of the residents of the traditional local region and community which is beyond the level of the MSYL. Thank you very much.

Chairman

Thank you Japan. France.

France

Thank you Mr. Chairman. I think that on this question of the application of aboriginal whaling, the problem is more on the vocabulary we use and in, as it was in another subject, than on the concept, and so I would propose that at our next meeting we try maybe to amend this appellation of aboriginal subsistence whaling but that we keep the concept which we understand under this application. Thank you very much Mr. Chairman.

Chairman

Thank you France. Any other comments? No, in that case can I ask the Chairman of the Sub-committee to proceed please.

10.3.1.2 NORTH PACIFIC EASTERN STOCK OF GRAY WHALES
--

New Zealand

Agenda Item 10.3.1.2 - North Pacific stock of gray whales. On this issue the Scientific Committee had no changes to its recommendations from last year. Mr. Chairman a very brief discussion regarding the legal issues surrounding the Makah hunt are recorded in the Report and don't need to be reiterated by me in open session.

Chairman

Thank you Chairman. Are there comments on this item? No, in that case proceed Chairman.

10.3.1.3 NORTH ATLANTIC WEST GREENLAND STOCK OF MINKE WHALES

New Zealand

10.3.1.3 - North Atlantic West Greenland stock of minke whales. No assessment of this had been undertaken in the past year. It was agreed that there would be a more substantive discussion under 10.2.1 which I will report shortly.

Chairman

Thank you Chairman. If we are going to discuss it elsewhere please carry on.

10.3.1.4 NORTH ATLANTIC HUMPBACK WHALES

New Zealand

Mr. Chairman 10.3.1.4 - North Atlantic humpback whales. Again no assessment of this stock was undertaken and therefore there was no change to the Scientific Committee's advice but the Committee will undertake a Comprehensive Assessment of the stock at its meeting in the year 2000. Mr. Chairman there was some discussion centred on the hunt in St. Vincent and the Grenadines. Two humpback whales had been taken this season and that will, of course, be reported to the Commission next year. There was some debate on that particular quota Mr. Chairman, as to what might happen when a renewal of it was sought in 1999, with some delegates indicating that they would expect a more comprehensive needs statement than had been the case in the past. The full nature of the debate is accurately recorded in the Report and doesn't require any additional comment.

Chairman

Thank you Chairman. Australia.

Australia

Thank you Chairman. Just further to the comments of the Chair of the Sub-committee. I would like to draw the meeting's attention to this section of the Report which records comments and questions which my delegation asked with the support of others about this reported take of two humpback whales. We note that St. Vincent and the Grenadines noted these expressions of concern and undertook that they would be considered when their country reports next year. We look forward to that report and the full details of the take and any subsequent action that might be taken by the Government of St. Vincent and the Grenadines. Thank you.

Chairman

Thank you Australia. Any other comments? No. In that case Chairman proceed please.

New Zealand

Thank you Mr. Chairman. The only other discussion under 10.3 was that recorded under 10.3.2 which is this Report to the Commission.

10.2 ABORIGINAL SUBSISTENCE WHALING SCHEME

10.2.1 REPORT OF THE SCIENTIFIC COMMITTEE

The Committee then dealt out of order with item 10.2, substantively dealing with the aboriginal subsistence whaling scheme or AWMP as it is more commonly referred to. The Chair of the Working Group reported that its work on the AWMP was driven by three objectives which are summarised on page three of the Report with the highest priority being given to the first of those, that is ensuring that the risks of extinction to individual stocks are not seriously increased by subsistence whaling. The Committee, he reported, assesses the value of performance statistics it uses on a regular basis and will take into account advice that it receives from the Commission when updating these, for example, with respect to variation in strike limits.

He reported on the development process for the AWMP which is in broad sense similar to that of the RMP. A number of aspects of the simulation framework are more relevant to the ASW including the questions of block quotas and carry-over and this will be incorporated into the final procedure multi-species issues which we discussed later, and survey frequency. There was some discussion regarding the comparison of the AWMP with the RMP and it can be summed up in these terms. The Working Group is seeking primarily to develop a AWMP that fulfils the Commission's objectives as set out in page three. However, the Working Group recognises the interest in being able to compare any eventual SLA with the CLA of the RMP and noted that the trials would be developed in the future for purely comparative purposes although they might not reflect real situations for which the SLA is used.

Some members were concerned to ensure that comparison of any proposed SLAs with the current Paragraph 13(a) approach would be useful and some work has already been carried out on that.

The Working Group referred to the fact that a new fishery type 3, that which with small populations of less than 300, was under consideration and this work was at an exploratory stage.

There had been relatively few simulation results to date, particularly because of the short time between this present meeting and that of 1997, but on the basis of the results presently available the trial structure for fishery

type 1 and 2 has largely been met. I think I should pause there Mr. Chairman because we then proceeded to another issue.

Chairman

Thank you Chairman. Are there any comments on the matters raised so far? It seems not. Please carry on Chairman.

New Zealand

We then turned Sir, to deal with issues which can broadly be described as dialogue with Commission and hunters. The Committee had agreed in 1996 that initial exploration trials should be case specific rather than generic because there are only a limited number of cases for which aboriginal subsistence harvesting is likely. However, there was no consensus that had yet emerged on whether the AWMP should include a generic SLA or case-specific SLAs. Basically there are three alternatives and they are outlined in the fourth paragraph on page 4. There was some discussion on these and it is clear that either the second or third alternatives are most likely to satisfy the Commission's objectives. Those being a generic core SLA with case specific modifications or completely case specific SLAs, and it was agreed that to the greatest extent possible the generic core SLA with case specific modifications would be the desirable option to follow.

The Scientific Committee has agreed that it would best fulfil its role in providing I perhaps should pause there Mr. Chairman because I think that is an item that might appropriately pause for possible discussion.

Chairman

Thank you Chairman. Are there any comments on this point? It seems not Chairman, please continue.

New Zealand

The Scientific Committee has agreed that it would best fulfil its role of providing this Commission with advice if it presented the available components of the AWMP as and when they are ready and available and that is the approach that was likely to be adopted. Given that scenario the Chairman of the Working Group then reported on his Committee's view on likely progress for each stock currently subject to aboriginal subsistence quotas.

The first of these was the Greenlandic stock where the highest priority has been given to more gathering of better data as the Committee has been concerned that the present data are inadequate, that was certainly not a criticism of the Greenlandic scientists but simply an indication of the difficulties of the particular surveys that would be required.

Specific reference was made to Annex P of IWC/50/4 which detailed the rationale behind and the need for intensive research on those stocks, and he reported that the Committee would be in a stronger position to develop a timetable for recommending an SLA for this fishery when the results of the proposed research programme became available.

Chairman

Thank you Chairman. Any comments on that point? No it seems not. Please carry on Chairman.

New Zealand

The Bering-Chukchi-Beaufort Seas stock of bowhead whale was the second one discussed. The Committee noted that the Commission had established catch limits for the stock until the year 2002. Therefore the Committee's goal is to recommend an SLA for the fishery by that year.

Chairman

Thank you Chairman. Any comments? Seems not. Please carry on.

New Zealand

The third stock was the Eastern stock of gray whales. A fishery type 2 stock and it was noted that a single SLA or minor variants would be applicable to both this and the previously discussed stock. The Commission has again set limits to the year 2002 and the Committee's goal will be to try and recommend an SLA by that date.

Chairman

Thank you Chairman. Any comments? It seems not. Please carry on.

New Zealand

Finally, Mr. Chairman the St. Vincent and the Grenadines humpback whales stock. The Working Group, at least, hasn't yet considered this fishery in any detail and a major review of North Atlantic humpback whales at the 2000 meeting will be relevant to the development of a SLA for that stock. There was some discussion regarding the importance of comparing perhaps I should pause on that Mr. Chairman.

Chairman

Thank you Chairman. There seems to be no comments so please carry on.

New Zealand

Mr. Chairman there was some discussion in the Sub-committee regarding the importance of comparing the AWMP to the RMP to determine if there was uniformity between the two. The Chairman of the Working Group reported that while priority was being given to securing the objectives set by the Commission and outlined on page three of our Report, that nonetheless wherever possible they were endeavouring to achieve uniformity if that was appropriate.

There was also discussion regarding the respective depletion tuning and H-tuning approaches and that is recorded in the middle paragraph on page five. There was general agreement, Mr. Chairman, that the goal was to achieve or attain the greatest uniformity with the highest level of performance and that was given as a general instruction by the Sub-committee to the Working Group, and the request was made that in due course the Working Group might report to the Sub-committee with some indication or some identification of the options for achieving the trade-off between greatest uniformity and highest level of performance, and that would enable policy decisions to be made first by the Sub-committee and then subsequently by this Commission as to the acceptable level of trade-offs between the two factors.

Chairman

Thank you Chairman. Any comments on this item? UK.

UK

Thank you Chairman. I would just like to clarify a remark made by the United Kingdom on this page which I think is not entirely self-explanatory. I should say at the outset that my delegation greatly values the work that is being done to develop a management programme for aboriginal whaling. We think this is extremely important and that the Scientific Committee should give it the utmost priority.

It also seems to us that when we come to adoption of the AWMP we are going to need substantial changes to the Schedule and that will be an opportune time to look at a number of other issues such as the definition of aboriginal whaling. We don't actually have a definition in the Schedule and perhaps other aspects of its management which are not strictly speaking scientific which should be incorporated into the Schedule. So I think that is something we don't want to lose sight of. Thank you Chairman.

Chairman

Thank you UK. Any other comments? Seems not, please carry on Chairman.

New Zealand

Thank you Mr. Chairman. The Sub-committee then reverted to a more detailed discussion of the research programme on Greenlandic stocks, that is Annex P that I previously referred to. It was noted Mr. Chairman, that survey conditions in Greenland are extremely difficult due to the harsh climate, and also that there were cost constraints which would make it difficult for this particular survey to be undertaken, and there was some discussion as to how those costs might be met and a more detailed discussion on the whole of the programme which is summarised in the Report.

Chairman

Thank you Chairman. Any comments? No, please carry on.

New Zealand

Mr. Chairman, the Sub-committee then turned to deal with document IWC/50/AS2 which outlined subject areas upon which the Working Group required direct input from the Commission and more particularly from hunters. There was quite a bit of discussion on this Mr. Chairman, and it was eventually agreed that these questions involved choices that should be made directly by those engaged in the fisheries rather than by the Sub-committee or even the Commission itself. That was principally because the scenarios were constructed under a proviso, the

scenarios that were being considered by the Committee, were constructed under the proviso that in no case would the Commission's highest priority objective related to risk of extinction be compromised. As a result Mr. Chairman, a small group of interested delegations was established and its findings are incorporated into the Report on page 7 and I don't think require any detailed elucidation by me.

Chairman

Thank you Chairman. Any comments on these issues? Seems not, please carry on Chairman.

New Zealand

Mr. Chairman, the meeting then moved to Any Other Business which is dealt with at the bottom of page 7 of our Report. It was agreed that while keeping all relevant stocks under annual review, primary attention should be given to intensive assessments of stocks that are listed and the dates that are listed at the top of page 8 of the Report.

The implication of that programme is that the Commission will be considering the next quota for the Bering-Chukchi-Beaufort stock two years before the next intensive assessment. It was noted that there was a precedent for this. The Sub-committee endorsed the Scientific Committee's timeline but it recognised that if new information comes to hand that would provide cause to change the Schedule it would be revised as appropriate.

Chairman

Thank you Chairman. Any comments at this point? No.

New Zealand

Mr. Chairman the Report was subsequently adopted by correspondence and that concludes my Report on behalf of the Committee.

Chairman

Thank you Chairman for that very comprehensive Report. Is there any Action Arising on this issue? Seems not. Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman there is the question of stocks other than those subject to catch limits.

Chairman

Yes Chairman I think it would be appropriate to deal with them under this Agenda Item. Thank you.

Chairman of the Scientific Committee

Thank you. Mr. Chairman there are three groupings of these. They are firstly bowheads, the other stocks of bowheads which have not yet been dealt with. There is the Western Pacific stock of gray whales and the West Greenland stock of fin whales. Perhaps I can very briefly refer to those.

It is in our Report, the Scientific Committee Report, page 44, we deal with other stocks of bowhead whales, under 11.1.2.1 we deal with the Baffin Bay/Davis Strait and Hudson Bay stocks. We have received some information on those Mr. Chairman this year and we express appreciation for that. There have been recent studies on abundance and distribution and we encourage additional work along those lines. Given the apparent interest in continuing harvests from these two stocks that were depleted by commercial whaling, there is a crucial need for additional knowledge of them Mr. Chairman, and we remain concerned for the viability of the Hudson Bay/Foxe Basin stock because of its small size particularly in light of the aboriginal harvest of one whale in 1996. We also expressed concern about the approval for up to two strikes of whales in 1998 from the Baffin Bay/Davis Strait stock because of its small size and lack of information on trend.

We reviewed some information on the Okhotsk Sea stock which we believe is around less than 300 whales but the information we have is not based on quantitative surveys.

We also remain concerned Mr. Chairman about other stocks, particularly the apparent low abundance of the Spitzbergen stock and we encourage additional studies on abundance and distribution.

Chairman

Thank you Chairman of the Scientific Committee. Are there any comments? No, thank you.

Chairman of the Scientific Committee

As far as the Western North Pacific stock of gray whales is concerned Mr. Chairman, our discussion of that is on page 45 under item 11.2.2 towards the top left hand side of the page. We had some information on sightings, strandings and catches of this stock in Chinese coastal waters and we thank the people who provided it to us for doing so. Again given the severely depleted nature of the stock this information is important in establishing base lines for such studies and that may be used to infer trends in abundance in the future.

We strongly urge that scientists from other countries with an interest in or within the range of these whales identify and conduct research on the stock and consider measures required to maximise the chances of the stock recovering.

Chairman

Thank you Chairman of the Scientific Committee. Any comments? No please carry on.

Chairman of the Scientific Committee

Finally Mr. Chairman, item 11.4 on the same page on the left, the West Greenland fin whales. At last year's meeting we agreed that the population structure and abundance must be more thoroughly understood. There were no papers submitted. We had reports of 11 fin whales and others having samples obtained from them from the catch. The question of management advice is discussed under another item and you've already heard, Mr. Chairman, the question of research being undertaken under Annex P and that remains one of our long-term priorities.

Chairman

Thank you Chairman of the Scientific Committee. Are there any comments? If not I think that concludes Agenda Item 10. I understand there is no Action Arising so we close Agenda Item 10 and we will move to Agenda Item 20 – IWC Administration. So if I can call upon the Chairman of the Finance and Administration Committee to refer to Agenda Item 20.1.

20. IWC ADMINISTRATION

20.1 REVIEW OF ADMINISTRATIVE SYSTEMS

UK

Thank you Chairman. Well as the note of the meeting records, last year the Commission authorised an external review of the IWC's administrative systems and a firm of consultants, Deloitte Touche Tomatsu International, have been conducting this. They made a presentation to the Finance and Administration Committee of the work they had done so far and some of their emerging conclusions, and they have also been in discussion with a number of Commissioners and I think they are hoping to finalise the Report quite soon. There was no discussion on this item, there were one or two questions to the Consultants. Do you want me to pause there for any questions?

Chairman

Thank you Chairman. Are there any questions or comments on this item? No, thank you. Please carry on.

20.2 ADVISORY COMMITTEE

UK

Thank you Chairman. Well the next item concerns the Advisory Committee. We agreed last year to establish an Advisory Committee and we also agreed that this year we would adopt Rules of Procedure formalising that decision. A proposed text was circulated by the Secretary, it's recorded in the Report. There was discussion at the meeting, particularly about the last line, and New Zealand and Norway agreed to try and reformulate that last sentence so that it would define the role of the Advisory Committee rather better, or in fact I think they are reformulating the whole paragraph and I understand they have reached some conclusions on that and there may even be a text but I haven't seen it.

Chairman

Thank you Chairman. Norway.

Norway

Thank you Mr. Chairman. Yes, Norway and New Zealand has produced a text which is a revision of the one that was presented by the Secretariat. I gave you a copy before this meeting and you might have it before you I suppose. Thank you Mr. Chairman.

Chairman

Norway, has it been circulated?

Norway

No Sir it has not been circulated.

Chairman

Thank you. I think we should then circulate this as a document and come back to the item later. If you could carry on Chairman of the Finance and Administration to the next item.

20.3 ANNUAL MEETING ARRANGEMENTS**UK**

Thank you Chairman. Well the next item we discussed was Annual Meeting arrangements and in particular the admission of the press. You will recall that we agreed at our last meeting that we would admit the press to all parts of the meeting essentially on an equal basis to NGOs. The Secretary circulated a paper describing this and also the Provisional Rules of Conduct for the Press which he has given the Press who are accredited to this meeting and that is in Appendix 7 of the Report. There was no discussion on this item because we agreed that we would review the matter in the light of our experience at this meeting and since we met on the first day we had no experience so it will need to be reviewed next year.

Chairman

Thank you Chairman of the Finance and Administration. Any comments on that item? No. Please carry on.

20.4 COMMUNICATIONS**UK**

Thank you Chairman. Well the final item that we discussed under this part of the Agenda was communications. The Secretary has been conducting I suppose an experiment over communicating with Commissioners by electronic means as well as by post. Essentially we agreed that this was a success, it was not causing any problems and it would continue. The Scientific Committee is, I think, in the process of becoming entirely electronic but technically the Commission lags behind and we wish to remain in the postal era supplemented as necessary by electronic means.

Chairman

Thank you Chairman. Are there any comments? Seems not. Thank you. I will hold that Agenda Item open to come back to 20.2 and we will move to the next item on our programme which is item 16 – Cooperation with Other Organisations. I will ask the Secretary to present paper IWC/50/10 Observers' Reports, item 16.1.

16. CO-OPERATION WITH OTHER ORGANISATIONS**16.1 OBSERVERS' REPORTS****Secretary**

Thank you Mr. Chairman. The document IWC/50/10 comprises the Reports by IWC Observers attending a range of meetings to which we have reciprocal arrangements in general with other intergovernmental organisations. The Reports that are of particular relevance to the work of our Scientific Committee have been considered in that meeting and there are references to the collaboration in the respective parts of the Report of the Scientific Committee.

16.2 OTHER

It is customary at this time Mr. Chairman to obtain approval from the Commission that I should make appropriate arrangements for sending observers to represent the IWC at the meetings of the other intergovernmental organisations during the next years and I would just ask that you will continue the process whereby those

meetings where very specific IWC representation is deemed appropriate, that we pay to send somebody there. In other fora which perhaps are of slightly less priority to our own discussions I ask a delegation already attending to represent the IWC in addition to his national responsibilities. If I can just have that procedure confirmed I will carry on in the normal way. Thank you Mr. Chairman.

Chairman

Thank you Secretary. Chairman of the Scientific Committee.

16.1 OBSERVERS' REPORTS

Chairman of the Scientific Committee

Mr. Chairman the Secretary referred to some items in our Report. Perhaps I could summarise them briefly because we have asked for Commission action in at least a couple of cases. We start on page 6, item 5.1 with the Convention on Migratory Species and our relationship with ASCOBANS. You will note on page 7 towards the bottom on the left there is discussion of a Workshop which we welcome the participation of ASCOBANS to develop further our pollution research programme, this is going to be held in Barcelona this year. The Committee also agreed that it would be valuable to further the scientific work on the status of harbour porpoises in the North Atlantic by holding a Joint Working Group Meeting that is referred to elsewhere in our Report and we recommend that that takes place Mr. Chairman. We emphasise that this meeting will be discussing scientific and not direct management issues and no funding is requesting.

Chairman

Thank you Chairman of the Scientific Committee. Any comments on that point? No, please carry on.

Chairman of the Scientific Committee

Mr. Chairman under item 5.4 to the bottom right of the same page, CCAMLR. There is a report here on terms of reference adopted for a small liaison group to be formed between us and CCAMLR and the terms of reference there are listed at the bottom of the page and over into the next page. We reiterate the great importance we attach to cooperation with CCAMLR, we endorse the formation of the liaison group and the details of that are given elsewhere in our Report.

Chairman

Thank you Chairman. Any comments? No, please carry on.

Chairman of the Scientific Committee

We have some detailed discussions Mr. Chairman of the Report of the Observer of the NAMMCO Scientific Committee Meeting and this is given on page 8 under item 5.5. There are questions of reviews being undertaken by both groups and we are hoping that those will be dovetailed in some way. There is the question of specific scientific cooperation with NAMMCO which we think should be encouraged where appropriate and we ask the Commission Mr. Chairman at the top of page 8 on the right that you should provide us with advice on whether we should take a more active role in establishing cooperation with the NAMMCO Scientific Committee.

Chairman

Thank you Chairman. The Scientific Committee have asked for advice, are there any comments? There are no comments Chairman. May we please carry on.

Chairman of the Scientific Committee

Thank you Mr. Chairman. I assume in our relations with NAMMCO we will also carry on. Mr. Chairman there is a further item under item 5.7 – Southern Ocean GLOBEC. You will note that there is direct relationship here with the SOWER 2000 Research Programme, we have detail of that discussed and we reiterate the importance of our cooperation with that project and in particular with its planning meetings. That's all Mr. Chairman. Thank you.

Chairman

Thank you very much Chairman of the Scientific Committee. Any comments generally? No, thank you. I think we can close that item. Sorry Australia.

Australia

Thank you Mr. Chairman. I would ask that you not close item 16 at this point. There is discussion occurring on a Draft Resolution which deals with Cooperation with other Organisations so please could we hold the item open?

Chairman

Thank you Australia. Certainly I will keep 16.5, Action Arising open. Japan.

Japan

Thank you Mr. Chairman. This is not special reference to NAMMCO but rather I have a general comment with regard to the cooperation with

[END OF TAPE]

Japan (cont.)

..... where those issues require to be taken into account for the sake of the cetacean resources management. However, there is naturally the limit to the capacity of the IWC so it is extremely open for us to carry out the close cooperation with other organisations with the expertise especially when we consider the objectives of the ICRW, namely the conservation of the cetacean resources as well as for the sound development of the whaling industry. It is necessary for us to identify the roles of the cetaceans within this complex ecosystem as well as the role of the cetaceans as a food resource for the mankind whom we consider and expect the explosive increase of the human population in the future so it is important for us to elucidate these points appropriately to try to solve the problems.

Chairman

Japan sorry to interrupt you. Could I ask the photographer to please leave. There are no photographs to be taken in this meeting. Japan sorry for the interruption. Please resume.

Japan

Unfortunately IWC does not possess any appropriate competence, no capacity or mandate to solve such problems. Therefore, these matters I think should be handled together with the FAO which is the only international agency to deal with the solution of these problems. So, therefore, I believe we need to reinforce our cooperation and restore such cooperation with FAO.

Therefore my proposal is that of course the Scientific Committee of IWC already despatches an observer to the FAO Fisheries Committee to obtain information but I would like to propose that the Plenary, the Commission as well as the Scientific Committee both should formally invite the observers from the FAO to this forum, IWC.

Earlier a mention was made I think by the distinguished delegate from Australia that they are considering a Resolution. We would like to know what is that Resolution. Thank you.

Chairman

Thank you Japan. Any other comments on that point? Secretary.

Secretary

Mr. Chairman I think I have understood the proposal correctly that the IWC should invite FAO to attend our meetings in the same way that FAO invites us to attend its Council Meetings. I should say that the invitations do flow both ways but for this year, at least, FAO said that it was unable to send an observer to our meeting but of course we do very often have a Japanese delegate representing the IWC in the FAO forum, so there is an exchange between the Secretariats but not necessarily also a physical representation in the two meetings.

Chairman

Thank you Secretary. Are there any other comments? In that case I think we should adjourn for lunch. Plenary will resume at 2.30. Sorry, Netherlands you want the floor before I close.

Netherlands

Yes thank you Chairman. Before you close this agenda item I would like to make a statement with regard to the matter of cooperation with other organisations and add a question to that. Mr. Chairman, it is a well known view of our government that the International Whaling Commission is the only organisation that has competence over the conservation and management of large whales and we are therefore concerned about a recent report in the

press that a body has been set up by the Governments of Japan, Korea, Russia and China for the management of whales in the North Pacific. I wonder if any of the countries mentioned would be prepared to give some information about these reports at this meeting?

Chairman

Thank you Netherlands. Norway.

Norway

Well it was not on that issue Mr. Chairman, but I would very much like to know your plans for the afternoon on what items to take up. The second point is really that I think something has to be done with the sound system in this room because I must say I am guessing half of some of the statements so perhaps the technicians can see if something can be done over lunch. Thank you.

Chairman

Thank you Norway. We will see what we can do over lunchtime. I propose to resume after lunch with a ruling on the item raised by Monaco, item 21.1. I would hope to then return to 8.1.3 if the small group is prepared to report at that point. I would then take Item 18 – Future of IWC. Item 5- Socio Economic and Small-Type Whaling. Item 11 – Comprehensive Assessment of Whale Stocks and perhaps that is ambitious enough for the afternoon. If not we could look at the Budget – Item 19, Financial Statement and Budget Estimates. Sweden.

Sweden

Mr. Chairman may I remind you that we still have not adopted formally the Report of the Technical Committee which I suppose should be done before we take Agenda Item 5. Thank you.

Chairman

Thank you Chairman of Technical Committee. In that case we can take the Adoption of the Report of the Technical Committee before taking Item 5. Any other comments before we adjourn? OK meeting adjourned until 2.30.

[BREAK]

21.1 VOTING PROCEDURES

Chairman

Can people take their seats please and we will resume the meeting. This morning I was asked to rule on a point of order in relation to the withdrawal of a proposition under Agenda Item 21.1. Document IWC/50/24 is now being circulated. This document sets out legal advice on the question of the effect of the withdrawal of an agenda item by the Government sponsoring that item and this advice was given at the 13th meeting in 1961. Based on this advice I make a distinction between an agenda item and a proposal under that agenda item. My ruling is that the agenda item as such cannot be withdrawn at this time as it has been adopted by the Commission under Agenda Item 4. In relation to the proposal under the Agenda Item, it is valid for Japan to withdraw its sponsorship of the particular proposal made under this Agenda Item and the proposal now does not have a formal proposer. It is open to any other nation to reintroduce a proposal. Monaco.

Monaco

Thank you Mr. Chairman for some clarification on this. This was the sole purpose of my point of order this morning. The question obviously was not insignificant, the question is the withdrawal of a proposal under discussion on the Agenda the sole prerogative of the sponsoring government or of the meeting as a whole? Now, there were reasons to suspect that it was not solely up to the sponsoring government to decide whether the proposal would definitely be removed or not and you are giving some clear indication in this direction. I must say this is also the case in many parliamentary assemblies in the world. Now the answer is clear and I have the choice, and others do as I understand it, to pursue the matter by reinstating a proposal under this item, but for my part given that Japan was certainly unaware of this context, I would find it improper to pursue this matter further under the circumstances although, of course, I reserve the possibility for Monaco to return to it with a separate Resolution next year.

That being said Mr. Chairman, Japan was kind enough to draw my attention this morning to a certain Rule of Procedure which I had inadvertently overlooked. Now it is my turn to draw the attention of Japan to, and indeed all other delegations in this assembly, to the significance of the ruling. Proposals must not be introduced lightly in this assembly and with the idea that they can be withdrawn easily at anytime should the discussion take an unexpected turn or undesirable, unwanted turn. Proposals are taken very seriously by this assembly, they are

discussed and sometimes amended in good faith and very seriously. They cannot be withdrawn unilaterally without serious consideration of the other delegations. So, I am sure that delegations will ensure that all the spirit and the letter of this ruling will be applied in the future. Thank you Mr. Chairman.

Chairman

Thank you Monaco. Japan.

Japan

Thank you Chairman. The document which has been distributed by the Secretariat right now is an inappropriate example in this document, it does not apply to our case here. In this particular example, as cited in this distributed document, it is quite different, it is when the particular country of direct interest makes the new proposal of the agenda item and in this particular case it was the Panama case where it wished to propose the consideration of the whaling moratorium and submit it to the United Nations. However, Panama had withdrawn that proposal and though other countries which wished to make some subsequent or related proposals to be engaged in the relevant discussion could not carry out any discussion on that because of the withdrawal so that situation is quite different from this case.

In our case we have this included in the Agenda Item and under that Agenda Item based upon the Japanese proposal a substantive discussion has taken place. The modified version to the Japanese original proposal was also the subject of the voting and the voting was already carried out. Therefore, this document is irrelevant. I wonder if the United Nations' document rules are the rules that we conform to here but rather our rules for procedures that we have to follow is the IWC Rules of Procedure which are stipulated in this document. If we follow exactly the United Nations' rules and procedures there has been even no need or there is even no need to even vote for this introduction of secret balloting because for the election of officers and the Chairman, Vice-Chairman and so forth because secret ballot is already introduced by the United Nations. That is the legal interpretation and the proper explanation of the conditions.

I would like to tell you what happened actually at that United Nations forum. Panama wished to withdraw and to exercise Panama's right to withdraw and the Chairman accepted that insertion by Panama and so withdraw was already accepted. So what the distinguished delegate from Monaco indicated earlier did not really take into account the relevant conditions here and so actually it is Japan's right to withdraw this proposal and this withdrawal of Japan's proposal is actually the proper thing which is proper in these circumstances, so Japan has exercised this right and from an objective standpoint there is no room to file objection to Japan's withdrawal. Therefore I think this matter does not need to be discussed further at all.

Chairman

Thank you Japan. If I may just clarify what I said earlier. The ruling was that it was valid for Japan to withdraw, I did accept that Japan could withdraw its proposal. New Zealand.

New Zealand

Mr. Chairman, I wonder if you could just clarify the ruling because obviously this will be of considerable importance as a precedent in the future? I would appreciate some guidance from you as to the distinction you make between an Agenda Item that is based on a proposal notified to the Commission which is, as I understand it, you have said cannot be withdrawn once adopted by the Commission, and the actual proposal on which the Agenda Item is based which I understand you have ruled can be withdrawn. Am I correctly interpreting your ruling? Could you explain the distinction you make in that regard?

Chairman

Thank you New Zealand. I am not a lawyer but I will certainly make an attempt. An Agenda Item allows the Commission to discuss any items arising under that Agenda Item, there may be half a dozen different items arising under that Agenda Item. A country makes a specific proposal under that Agenda Item, extra proposals may be introduced during the meeting under that Agenda Item, so the distinction I am trying to make is that an individual country may withdraw a specific proposal but another country may then reintroduce that proposal under its own ownership. New Zealand.

New Zealand

Mr. Chairman I have only just seen this copy which was I think put in our boxes just a moment ago. As I read it the opinion says, and I'm about two-thirds of the way down the second page, "the Commission has power to suspend any procedural requirement for sixty days notice" it would follow that any other government could adopt the motion with the concurrence of a majority of Commissioners. Thus I take it that would be in order, I'm not

saying that it might want to, but in this particular case it would be in order to adopt the motion as its own and sponsor it at this meeting, notice already have been given and an Agenda Item allocated. Is that correct?

Chairman

That is my opinion New Zealand. Monaco.

Monaco

Yes that was my understanding too Mr. Chairman. I just made it very clear I did not want to pursue this advantage further, taking notice that probably this was a novelty for Japan to be aware of, like it is for most of us, of this ruling and therefore I would rather not proceed this matter further this year.

Chairman

Thank you Monaco. Japan.

Japan

I would not wish to prolong this discussion. However, let me clarify one point. A motion is something that can be withdrawn before, until the amendment becomes effective. After the amendment is made that is already the property of the Commission so we can not deal with it anymore but in this case we can. I would like to also ask this question to the distinguished Commissioner of New Zealand, Mr. McLay, that when there is a document of this sort, are you suggesting that the by-majority power, that any such document becomes prevalent or is he indicating that anything can be done? This is based upon this legal interpretation that in these limited circumstances the withdrawal can become effective. I understand that this meeting is conducted in conformance to the rules and procedures of the IWC and so I am wondering any meaning or significance of why the United Nations rules and procedures related to document was distributed? Is there any such significance? So if you wish to amend our IWC's Rules of Procedure in order to make it more conformant to the United Nations Rules of Reference maybe is something you could do. In that case already the United Nations have adapted this secret ballot system in the election of Officers, Vice-Chairmen and Chairmen so why do we need to deal with it here? Well this seems to be a fruitless discussion so I would not reiterate anymore.

Chairman

Thank you Japan. Can I just say that under the Rules of Procedure, Rule F.2(b) it is the function of the Chairman to decide all questions of order raised at meetings of the Commission and this is what I have done. I have based my decision on having regard to, I should say rather than strictly following, the other advice and thank you for agreeing to proceed. New Zealand.

New Zealand

Thank you Mr. Chairman. Briefly responding to the question from the distinguished Deputy Commissioner from Japan, I should explain that in no way was I suggesting that we should be changing our Rules of Procedure no matter how tempting that prospect might seem at the moment. All I was doing was seeking clarification from you as to the precise nature of your ruling and what you have said is that if there is an attempt to withdraw or there is an action of withdrawal to use the words of the legal opinion in front of us "any other government could adopt the motion with the concurrence of a majority of Commissioners" and you have clarified that that is the case and I am content with that.

Chairman

Thank you New Zealand. Can I move on to our next Agenda Item. Sorry, St. Lucia.

St. Lucia

Thank you Chairman. Chairman, my delegation wishes to enquire whether the IWC has legal advice available to it? If we do, I suggest that we should ask them to guide us, if we do not I would not be prepared, my delegation would not be prepared to accept the ruling of Dr. Bowett applying to the IWC in the absence of our own legal advice. This may be another Southern Ocean Sanctuary illegal activity. I would therefore wish Chairman that we postpone the discussion until we can get the kind of advice that would guide us in taking a decision on this matter.

Chairman

Thank you St. Lucia Before I give the floor to the UK can I just say that, and repeat what I said a few moments ago. Under procedures F.2(b) it is the duty of the Chairman to decide questions of order. I have done that on the basis of the advice available to me at the moment. It was necessary to make a decision at this time and I have

done that and there is provision under the Rules that the right of any Commissioner to request that a ruling by the Chairman shall be submitted to the Commission for decision by vote so that point is there. St. Lucia.

St. Lucia

Chairman in that regard my delegation is very concerned that we may be doing illegal things in here.

Chairman

Thank you St. Lucia. I note your comment. UK.

UK

Thank you Chairman. I am afraid that I didn't quite catch that last comment from St. Lucia but the point I was going to make is that you have made your ruling and as I read the Rules of Procedure that ruling stands unless a Commissioner wishes to appeal against it. I am not clear that St. Lucia is appealing against it but if it does it is then for a majority of Commissioners to decide whether your ruling stands but until that happens it is clear that your ruling stands. Thank you.

Chairman

Thank you UK. St. Lucia.

St. Lucia

Yes Chairman in that context I wish to thank the UK Commissioner for the guidance so I would therefore appeal against this.

Chairman

Thank you St. Lucia. St. Lucia has appealed the ruling of the Chairman on a point of order. The Rules of Debate C.1 say that "the appeal shall be immediately put to the vote and the Chairman's ruling shall stand unless a majority of the Commissioners present and voting otherwise decide". So I will ask the Secretary to conduct a vote.

Secretary

Mr. Chairman the matter before this Commission is the ruling of the Chairman that the manner in which he has dealt with the issue is the way in which it should be done. He has drawn a distinction between an Agenda Item and a proposal based on the advice available to him. That ruling has been challenged by St. Lucia. Those voting yes will be voting for the Chairman's ruling and those voting no will be voting against the Chairman's ruling. A simple majority of those voting yes or no will decide the matter and the roll starts at Sweden. Sweden – yes; Switzerland – yes; UK – yes; USA – yes; Antigua and Barbuda – no; Argentina – yes; Australia – yes; Austria – yes; Brazil – yes; People's Republic of China – abstain; Denmark – yes; Dominica – no; Finland – yes; France – yes; Germany – yes; Grenada – no; India – yes; Ireland – yes; Italy – yes; Japan – abstain; Republic of Korea – yes; Mexico – yes; Monaco – yes; Netherlands – yes; New Zealand – yes; Norway – abstain; Oman – yes; Russian Federation – abstain; St. Lucia – no; St. Vincent and the Grenadines – no; Solomon Islands – abstain; South Africa – yes; Spain – yes. Mr. Chairman there were 23 votes in favour, 5 against with 5 abstentions therefore your ruling is upheld.

Chairman

Japan.

Japan

Thank you very much Chairman. When I heard the discussion between St. Lucia and the UK I came to a strong conviction that what St. Lucia said was correct. We have voted and abstained from this. The reason is that we interpreted that this vote was with regard to the Chairman's ruling based upon the Rules of Procedure of F.2(b) to challenge that, but rather and we did not really decide upon this decision on this document which is distributed, that is a United Nations relevant information. We would also like to stress and emphasise that we really greatly appreciated the great effort and contribution exerted by the Chairman to try to summarise such different views of many countries here and that is the reason for our abstention.

Chairman

Thank you Japan for your consideration. I do my best. St. Lucia.

St. Lucia

Chairman my delegation has not deliberately challenged a ruling of the Chairman but we want to make a point that in an international organisation as the IWC we have no legal representation. Chairman, there will come the time when there will be sufficient lawyers sitting among the Commissioners and who will take this Commission to task very seriously and this is why I wanted to make the point that we should not, and I repeat we should not, accept the words of some people when it suits them because that is always happening here. It is the right thing at this point in time to accept what is written and we have to take the ruling of the Chair. Thank you.

Chairman

Thank you St. Lucia. I hope you would accept that the Chair, the integrity of the Chair, and that I do my best to give a proper ruling that would be fair to all sides. I understand your point in relation to the legal advice and it is free to any country to propose under Finance and Administration that we hire a permanent lawyer or have a lawyer available but it should be under a different item. Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chair. Antigua and Barbuda wishes to explain the reason for its vote on this occasion. Mr. Chair, this matter is of such fundamental importance to this organisation simply because it can affect many activities of this organisation and its business that I think a ruling of this nature could have been postponed given that the distinguished delegate of Monaco had elected to withdraw his amendment on this matter. I think that the appropriate thing could have been that we seek a second or a third opinion on this matter and leave it for the 51st Meeting for a proper decision and it is in that vein, with that respect, that Antigua and Barbuda voted no on this issue.

Chairman

Thank you Antigua and Barbuda for that explanation. If there are no further explanations can I move on to Agenda Item 8.1.3. We were discussing sorry Netherlands.

Netherlands

Yes Mr. Chairman, before you move on to that Agenda Item you will remember that when you adjourned the session for lunch we were discussing Agenda Item 20 and I asked a question to which so far I haven't had a response, so I would appreciate your guidance as to where we are with regard to Agenda Item 20 and whether there will be a chance to come back to that. Thank you.

Chairman

Thank you Netherlands. On Agenda Item 20, Items 20.2 and 20.5 are still open and you may raise your point under probably 20.5. Thank you.

8.1.3 WORKSHOP ON WHALE KILLING METHODS
--

Can I make another attempt to proceed to 8.1.3 where we were discussing Terms of Reference for a Workshop on Whale Killing Methods. Monaco convened a small group to discuss alternative wording. Monaco has now disappeared. Before I give the floor to Monaco in relation to the small group, Denmark is looking for the floor.

Denmark

Thank you Mr. Chairman. I have been informed by the Greenlandic part of my delegation that there are still some talks taking place between interested countries including the aboriginal subsistence whalers in different member states. So my proposal, if you excuse me not to complicate the procedures, that is, could we take this item maybe sometime tomorrow?

Chairman

Is this in relation to the Terms of Reference for the Workshop? In that case if there are still talks going on we will defer this consideration until tomorrow. Thank you Denmark.

I had intended to take Item 18 – Future of the IWC next but I note that the Technical Committee Report refers to this Agenda Item so before we proceed to that item we should take Agenda Item 7 – Adoption of the Technical Committee Report so I will adjourn Plenary and we will reconvene Technical Committee or do you want to break for coffee? Technical Committee Report.

[BREAK]

Secretary

I would just like to remind all delegates who entered the country and received a piece of blue paper instead of a proper visa in their passports that they must get the official visa stamped into their passport. If anyone still has the piece of blue paper please see the visa personnel in the IWC office. The consequences if you do not do this are very severe, as one of the members of the Scientific Committee discovered when he tried to leave the country. Please don't put us through that embarrassment again because I like to sleep at night when the late flights depart. Thank you.

18. THE FUTURE OF THE IWC

Chairman

Thank you Secretary. We now proceed to Item 18 – The Future of the IWC. At the 49th Meeting in Monaco I was asked by the outgoing Chairman to engage in consultations with as many Commissioners as possible to ascertain whether the proposals put forward by Ireland could provide a basis for consensus within IWC. Initially consultations were to be on a bi-lateral basis and a number of Commissioners were reluctant to have an intersessional meeting. I did attempt to arrange discussions on a bi-lateral basis but because of the constraints on my time and the difficulties in arranging bi-lateral meetings I concluded that I could not carry out my remit.

I consulted the Advisory Committee and called an intersessional meeting and the Government of Antigua and Barbuda very generously at short notice agreed to host the meeting. Seventeen member states were represented at the meeting and two others sent letters for circulation to Commissioners setting out views and some questions. As the meeting was informal and strictly on condition that no formal report was to be produced and that no decisions would be taken I have not issued reports on this meeting until now.

A Press Release was issued and this has been circulated by the Secretary. The Antigua meeting was the first detailed discussion of the proposals by Ireland and the meeting was used as an opportunity to clarify the positions of Commissioners on each of the issues. The discussion was frank and direct and it will be no great surprise to anyone that there is not a consensus on the issues. However, the meeting in my view was very useful. There are big differences between us but I am happy to say that there was goodwill to work further to see if we could reach consensus.

At this meeting I am continuing to hold informal discussions to seek out views and ideas which may help in the search for a consensus. I will report to Plenary on Wednesday my views on this general question and at that meeting on Wednesday the issues will be fully debated. For the moment I am adjourning the discussion of this Agenda Item until Wednesday when the proposals by Ireland and other proposals will be fully debated.

I will now move on to Agenda Item 5 – Socio-Economic Implications and Small-Type Whaling and I will call upon the Chairman of the Technical Committee to introduce the item.

5. SOCIO-ECONOMIC IMPLICATIONS AND SMALL-TYPE WHALING

5.1 JAPANESE PROPOSAL FOR SCHEDULE AMENDMENT

Sweden

The item was discussed in the Technical Committee and Japan outlined the history of its request that had been repeated for at least for the last ten years for a modest interim allowance of minke whales for its small-type coastal whaling communities. Japan had considered the moratorium unreasonable from the outset since its small-type coastal operations had never depleted the resource and had maintained a sustained annual harvest. The moratorium had caused distress to the communities affected and had been imposed despite the abundance of the stock. Japan recalled the Commission's Resolution in Kyoto to work expeditiously to alleviate the distress, its own Action Plan devised in response to concerns raised, the Sendai Workshop on Community-Based Whaling, and the well documented need. Japan attributed the absence of progress to a lack of good-will and the dysfunctional nature of the IWC. Because of this it no longer felt itself bound by the Action Plan although it remained committed to small-type coastal whaling. Japan formally proposed an amendment of the Schedule by adding a new paragraph after paragraph 13 and that proposed amendment reads: "Notwithstanding the provision of paragraph 10, the taking of 15 minke whales from the Okhotsk Sea West Pacific stock of the North Pacific in the 1999 season is permitted in order to alleviate the hardship in the community-based whaling communities."

New Zealand responded that it wished to comment and elaborate its opposition later, and then followed statements of opposition and support from a number of delegations. Arguments advanced for the proposal included the quality of the case put forward by Japan, the absence of adverse impacts on the stock, that sustainable use of resources by coastal people should be encouraged and their cultural tradition enhanced, that the proposal had its basis in scientific principles and sustainable management.

Other opposing views centred on the need to sustain the integrity of the existing moratorium unless and until it is lifted and the completion of the RMS as a necessary first step in that process, the element of commerciality in Japan's small-type coastal whaling, absence of sufficient knowledge of the status of the stock and the identification of whalemeat from unknown sources in the Japanese market. It was also stated that the completion of the RMS and any decision about the moratorium were quite separate questions.

Japan sought clarification of the position of some governments which had appeared to signify their opposition to any form of commercial whaling in perpetuity. Japan considered the absence of any response demonstrated a shameful situation where dual standards damaged the credibility of the IWC. It drew attention to the inequity that existed between unregulated coastal whaling in some smaller developing countries and its own needs for its large population. It was angered by the treatment afforded to its small coastal communities.

The Chairman concluded that the range of views expressed for and against the proposal would be reflected in the Report to the Plenary where several delegations had indicated they would expand on their position.

Chairman

Thank you Chairman of the Technical Committee. Are there any comments? Chairman, Technical Committee.

Sweden

There was a change in the second paragraph on page 2 and I am sure the Secretary got the whole change, I did not so perhaps you could read out the second paragraph on page 2 and give the correct text for that.

Secretary

I am sorry Mr. Chairman my copy has gone in for re-typing so I don't have it in front of me. Mr. Chairman I believe everybody was in the Technical Committee and understood at least the sentiment that was expressed, it was just a question of getting the English in order and I believe the Commission could accept it on that basis.

Sweden

Thank you. I think everybody got the change there and it will, of course, be reflected in the adopted Report that is not yet available.

Chairman

Thank you Chairman. Can I now open the floor. We now have the revised text and the Secretary will read it.

Secretary

Mr. Chairman the text is as follows. In the second paragraph on page two, the end of the third line "It drew attention to the inequity that existed between aboriginal subsistence whaling being granted a quota agreed by the IWC and its own need for small coastal communities in Japan. It was angered by the treatment afforded to these communities."

Chairman

Thank you Secretary. I open the floor. Are there no interventions on this Item 5.1? Japan.

Japan

Thank you Mr. Chairman. There are already many types of whaling taking place in the world outside the competence or jurisdiction of the IWC in the world and also within the framework or jurisdiction of IWC. The aboriginal subsistence whaling is taking place and also under the objection the commercial whaling is also taking place. On the other hand we wonder why only the small-type coastal whaling of Japan alone is treated differently unduly and that point with this discrimination and differentiation so this point I do not understand at all. For example, in Indonesia the Lamalera use the hand harpoon to target the sperm whales and then the meat is actually exchanged for money and then that contributes to daily income of the people in the community, so even though people say it is the aboriginal subsistence whaling, when these people use the grenade or they have to purchase

and procure the vessels, the money is always involved and even though some people may try to refute to that monetary involvement that is a fact that the money is involved.

So actually the commercial element has been criticised at this forum and due to the violence exercised by the majority the sincere effort has been denied, in other words Japan and the other foreign scientists and researchers worked very hard and contributed greatly and actually over forty papers and documents were prepared and provided and that demonstrates a sincere effort in that regard. As earlier as at the Kyoto Conference of the IWC, the decision was made to try to alleviate this distress and hardship experience by those small coastal communities but still there has been nothing happened to actually alleviate such hardship and distress. Scientific efforts were also made with good faith and sincerely and with regard to the point to identify several different stocks, we made a sincere and earnest effort to carry out research on that point as well.

Well of course we are making our utmost effort to try to introduce and implement the RMS and of course we are seeking the cooperation with the Russian Government to further extend our effort in this area, and of course the stock assessment has not been perfected yet, but minimally the existence of 25,000 or more of the stock level is existent and that level is already agreed upon.

It seems to be that it may take some more time before the scientifically RMS becomes complete and perfected. However, meantime we would like to seek for the interim relief measures to alleviate the distress experienced by those four villages and communities in Japan and that is why this is a request for the interim relief quota of 50 whales, but this request has been rejected at the IWC so far and that rejection I think demonstrates and symbolises that the IWC feels no compassion or good feeling to those villages and the IWC is not trying to conform to and keep the words it has pledged before. So this demonstrates that this Conference, or IWC, has become dysfunctional in that sense so again I would like to urge that the measures, interim relief measures, would be accepted to alleviate the distress and suffering of those villagers and I would like to urge your kind attention. Thank you very much.

Chairman

Thank you Japan. Any other speakers? Is there a seconder to the proposal for a Schedule Amendment? If there is no seconder to the proposal for the Schedule Amendment shall we proceed? Thank you.

5.2 ACTION ARISING

I have notice of two Draft Resolutions on this Agenda Item. Document IWC/50/21. Sorry Japan.

Japan

Japan would like to propose that this Japanese proposal for Schedule Amendment be subject to voting and I am now looking at the rules and procedures as to this handling but I assume the Schedule Amendment does not require a seconder but if it does require a seconder we would like to ask someone to second our proposal.

Chairman

Thank you Japan. I wondered why there was no reaction. Do we have a seconder? Grenada I take it you second it? Thank you. So we have a seconder. In that case if there are no other speakers we will proceed directly to a vote. OK I will call upon the Secretary to organise the vote. Secretary.

Secretary

Mr. Chairman, the proposal before this Plenary session is the Amendment of the Schedule proposed by Japan, seconded by Grenada, to add a new paragraph to the Schedule after paragraph 13. The text of the Schedule Amendment proposed is found in the Report of the Technical Committee and on the draft document IWC/50/5. It's just below half way down on the first page. The wording is as follows "Notwithstanding the provision of paragraph 10 the taking of 50 minke whales from the Okhotsk Sea West Pacific Stock of the North Pacific in the 1999 season is permitted in order to alleviate the hardship in the community-based whaling communities".

This is an amendment proposed to the Schedule and therefore requires a three-quarters majority of those voting for or against in order to be adopted and to amend the Schedule. We are voting on Schedule Amendment proposed by Japan and the roll starts at Switzerland – no; UK – no; USA – no; Antigua and Barbuda – yes; Argentina – no; Australia – no; Austria – no; Brazil – no; People's Republic of China – yes; Denmark – yes; Dominica – yes; Finland – no; France – no; Germany – no; Grenada – yes; India – no; Ireland – abstain; Italy – no; Japan – yes; Republic of Korea – abstain; Mexico – abstain; Monaco – no; Netherlands – no; New Zealand –

no; Norway – yes; Oman – yes; Russian Federation – yes; St. Lucia – yes; St. Vincent and the Grenadines – yes; Solomon Islands – yes; South Africa – abstain; Spain – no; Sweden – no.

Mr. Chairman, there were 12 votes in favour, 17 against with 4 abstentions, so that Schedule Amendment proposal is not adopted.

Chairman

Thank you Secretary. I have a Draft Resolution document IWC/50/21. Do I have a proposer for that Resolution? Someone to introduce it please? Japan. Antigua and Barbuda take the floor first.

Antigua and Barbuda

Thank you Mr. Chairman. Antigua and Barbuda join with its Caribbean colleagues to propose this Resolution. Antigua and Barbuda believe that it is only fair that this body recognise the human suffering that small communities in Japan are facing with regards to the continuous denial of this body to allow them to pursue a choice of food that will in no way damage the stocks of whales which they intend to exploit.

Antigua and Barbuda note with great interest this morning Japan's intervention with regards to the term aboriginal as it relates to subsistence whaling. Mr. Chair, it is well known that Japan could have applied for whaling under this term but we all know that this term aboriginal is a colonial phrase that is repugnant and should never be accepted by any decent citizens of any state.

The distinguished Commissioner of France this morning in his intervention realised also that some revisiting is in order with regards to this term. I mention this Mr. Chair because, in my opinion there is no difference with regards to the type of whaling in these small communities in Japan as against the type of whaling in small communities in some of our fellow member states in this Commission. Indeed Mr. Chair, it is only dignified and I must commend the citizens of Japan to refuse to be placed under that category of whaling. In that respect Mr. Chair, I think this body owes it to the people of Japan to recognise their pride, their quest against colonialism and their need for relief for their people and it is in that regard that Antigua and Barbuda support this Resolution. Thank you Mr. Chair.

Chairman

Thank you Antigua and Barbuda. Grenada.

Grenada

Thank you Mr. Chairman. Mr. Chairman, we share the sentiments expressed by the distinguished Commissioner from Antigua. The fact that Japan has renounced colonialism and have declared that their citizens are one people under one nation the request is discriminated, they are discriminated against. The request, Mr. Chairman, we believe is similar to other states, other contracting states, that have applied for whaling under aboriginal subsistence. The question of the commercial nature we believe is a double standard since Mr. Chairman, others have admitted that whale products have been sold as souvenirs and therefore Mr. Chairman, we believe that Japan's request is a reasonable one.

The Grenada delegation is in solidarity with the coastal villages. We understand their suffering as a result of the moratorium that was placed on commercial whaling. We too in Grenada, villages in rural communities, are going through hardship as a result of another ruling by another body, the WMCO ruling, which claimed that bananas produced in former EU colonies cannot receive preferential treatment on the European market. It is for this reason Mr. Chairman, that we stand solid behind the Japanese and their proposal. Thank you.

Chairman

Thank you Grenada. New Zealand.

New Zealand

Mr. Chairman, New Zealand would very strongly urge that this year Commissioners should resist the temptation to vote for this Resolution. In the past there have been not dissimilar Resolutions that have been passed by the Commission. In my view they have sent what I have previously described as an unfair signal to Japan, that at some time in the future some type of small-type coastal whaling quota might be accepted by this body and yet as we have demonstrated in the vote that we just took on the Schedule amendment, we are not prepared to agree such a quota. For that reason Mr. Chairman we have consistently opposed Resolutions along similar lines and we have done so for a number of reasons. We are opposed to the resumption of commercial whaling at any time and in any place. We are specifically opposed to any suggestion that this Commission might at some time in the

future grant a quota that has commercial elements to it, and inherent in this Resolution Mr. Chairman is an acceptance of the commercial aspects of coastal minke whaling as an integral part of the operations of the Japanese community-based minke whaling activities.

We are also opposed Mr. Chairman to adding any new category to the Schedule and that was consistent with the vote that we have just passed and that would have been, would be the effect if at any time in the future we were to agree a category of this nature and we are opposed to that Mr. Chairman, particularly while the global moratorium on commercial whaling remains in effect. Mr. Chairman, there has been reference to the distress of these communities. I have previously commented on that claim and, as I have explained and as have many other Commissioners, I have visited one such community at the invitation of the Government of Japan, and while it would be very wrong to attempt a socio-economic analysis based on a very brief visit, it is a fact that this was and is a prosperous and successful tourism town of which any country could be proud. The distress, as it was explained to me by the representatives of the town, is at not being able to engage in an activity that has historic precedent and that they would wish to hand down to future generations.

However, Mr. Chairman, that community is not alone in being bound by the moratorium on commercial whaling which their country has accepted. Right around the world many former whaling communities have moved on from that past and moved to new activities. They have accepted the international commons that have developed on this issue and secondly Mr. Chairman, and despite the moratorium, these communities have, in fact, been granted quota to take categories of cetacean that the Government of Japan maintains as being outside the scope of the International Convention for the Regulation of Whaling. We disagree with that view and we regret the issue of that quota but we must also be mindful of the reality that some whaling continues within these communities. In short Mr. Chairman, we do not accept that that distress exists in the way that has been projected to this Commission and we would very strongly urge that the Resolution before us be rejected as it unfairly presents to the Government of Japan and the people of these communities the possibility that sometime in the future we might agree such a quota. Clearly from the vote we have just cast that is not the case.

Chairman

Thank you New Zealand. Norway you had asked for the floor.

Norway

Thank you Mr. Chairman. I was not sure whether you said Norway or Netherlands. I must say that I am glad to hear that there are several countries, not only mine, who recognise and who now openly admit like New Zealand that Japan has been misled by the majority in this organisation and this has now gone on for ten or eleven years I think. I've said at earlier meetings here that I think really the handling of Japan in this case is one of the biggest disgraces of this organisation and I stand by that statement. I cannot for the best of my life understand why the sort of neo-marxism which we can see in the attitudes here can survive in this organisation. I think it is the only place in the world where the commercial links have a view like the IWC has. We have consistently supported the rights of coastal people to utilise their marine resources and they did so last year when we voted for coastal whaling in the Seattle area of the United States. I am therefore proud to be among the co-sponsors of this Resolution and I would recommend it for adoption. Thank you Mr. Chairman.

Chairman

Thank you Norway. I have Denmark, Netherlands and US. Denmark

Denmark

Thank you Mr. Chairman. I have visited two of the small settlements in Japan, the one we visited in connected with the meeting in Sendai and then several years ago in another part of Japan the settlement of Taiji and I fully agree that it is nice towns with possibility of sunbathing, no problem to that. My point of view, as I have already stated, is that not at least in Taiji I was impressed by the, what I feel are, sincere, cultural deep rooted needs connected with this activity and this social cultural is of very high importance to us as we recognise cultural differences and that is at least a very important reason why we support this Japanese proposal. Thank you.

Chairman

Thank you Denmark, Netherlands.

Netherlands

Thank you Mr. Chairman. I have a comment on the form of this proposal and a comment on the substance. As to the form, it is my opinion that in effect this Draft Resolution aims to achieve an amendment to the Schedule and I have doubts about the legalities of such a proposal. We, of course, have already voted on a Schedule change just

before we dealt with this proposal and it was defeated so I don't think that by introducing this proposal we should try to reverse that decision. On the substance of the proposal Mr. Chairman, as we have stated on many occasions before, I wish to re-state the position of the Netherlands which is that any request for a quota for whaling activities that involve commercial elements should be dealt with in the framework of our deliberations about the moratorium on commercial whaling, and until we have taken any decisions there it would be impossible to grant a quota for such activities. Thank you.

Chairman

Thank you Netherlands. US.

USA

Mr. Chairman, the US agrees with the statements made by the Commissioner of New Zealand. We oppose the Resolution.

Chairman

Thank you US. I have Italy, Sweden and Solomon Islands looking for the floor. Italy please.

Italy

Thank you Mr. Chairman. I take this opportunity to state the position of my country on commercial whaling. We are against commercial whaling. We think that the only whaling that could be permitted is aboriginal whaling when it is done for real subsistence purposes. We think that the Whaling Convention was drafted in 1946, now things have changed and the Convention has to be interpreted in the light of the subsequent evolution of international environmental law and law of the sea which both are against commercial whaling. In the Law of the Sea Convention it is stated that states or competent international organisations may prohibit, and I stress the word prohibit, limit or regulate the exploitation of marine mammals more strictly than provided for by the ordinary rules on exploitation of marine living resources, and we think that the International Whaling Commission should ban commercial whaling either through a moratorium or through some prohibiting provisions. We cannot support this Resolution even considering that this year is the Year of the Ocean. Thank you Mr. Chairman.

Chairman

Thank you Italy. Sweden.

Sweden

Thank you Mr. Chairman. Sweden will not be able to support this Draft Resolution. That is not because we are too worried about minor commercial aspects of some types of whaling but it is because we care about the whales and the stocks and we would like to see any whaling that is resumed, to be resumed under RMS. Thank you.

Chairman

Thank you Sweden. Solomon Islands.

Solomon Islands

Thank you Mr. Chairman. The Solomon Islands delegation wish to support this Japanese Resolution on the Japanese Community Based Minke Whaling. As an island state like ours I would not hesitate to support these communities' sustainable whaling. Whaling for this community is a provision for socio-economic, cultural and nutritional means and therefore I humbly support this worthwhile Resolution. Thank you.

Chairman

Thank you Solomon Islands. I have Germany, Australia, Norway, Brazil, Switzerland and Mexico. Germany.

Germany

Thank you Mr. Chairman. Germany cannot agree to this proposed Resolution. We would like to see progress in completing the RMS but it cannot be allowed in our view to give quotas outside the context of the revision of the moratorium. Thank you.

Chairman

Thank you Germany. Australia.

Australia

Thank you Chairman. Australia associates itself in particular with the comments made by New Zealand and the Netherlands. This Draft Resolution would seek to endorse the notion of re-establishing commercial whaling and we cannot accept it. Thank you.

Chairman

Thank you Australia. Norway.

Norway

Thank you Mr. Chairman. I take the floor again because I heard a rather incredible statement by the Commissioner from Italy. He made two points which to me is quite out of the ordinary. His first point was that since the Convention on the Regulation of Whaling stems from 1946 you can just set it aside and do what you like. Now what sort of an organisation is it which sets the constitution for that organisation aside? I would submit Mr. Chairman, that if that is the attitude of the Italian delegation then I think they have to consult some legal advice. I don't think I can accept a statement like that, that we can just overlook the Convention which is the foundation of this organisation. You should remember that IWC would not exist if it was not because of the Whaling Convention, 1946.

The second statement was the interpretation of the Law of the Sea which shocks me even more almost I must say. Because if you read the Law of the Sea and also Agenda 21 by the way from the Rio Conference, you will see that the objectives led on in the marine chapters there in the Agenda 21 and in the Law of the Sea. It does not discriminate between the various marine resources. The principle of sustainable utilisation of the living marine resources is inherent in both those documents and it is correct to say that the cetaceans can be managed more strictly than fish resources and that is, of course, a reason, or because of the biological characteristics, the differences between cetaceans and fish species. But I cannot accept that there is a difference in the objectives of sustainable use of the resources between the various species. Thank you Mr. Chairman.

Chairman

Thank you Norway. Brazil.

Brazil

Thank you Mr. Chairman. Brazil opposes any decision that might lead to the reinstitution of commercial whaling, particularly in coastal areas. In our understanding, coastal whaling is much more harmful than high-seas whaling because where your populations usually move to coastal regions to reproduce and in this circumstance become particularly vulnerable. Besides, coastal whale population normally suffers where there are fishing operations, marine traffic, pollution from land sources and so forth. So the Brazilian Government continues to give its full support to the moratorium and opposes coastal whaling especially given the environmental impacts of this activity. Brazil feels that any motion now towards the resumption of commercial whaling would be premature. Therefore we do not see appropriate either to establish a new category of small-scale commercial whaling nor to allocate an interim quota which would represent a defect of breach of the moratorium. Thank you Mr. Chairman.

Chairman

Thank you Brazil. Switzerland.

Switzerland

Thank you Mr. Chairman. In the interest of time I will be very brief. I associate myself with the comments made by Sweden and Germany. Thank you.

Chairman

Thank you Switzerland, Mexico.

Mexico

Thank you Mr. Chairman. We cannot support this Resolution for the same reason expressed by the delegate from Sweden. Thank you.

Chairman

Thank you Mexico. I now have Finland, Dominica, Spain and UK. Finland please.

Finland

Thank you Mr. Chairman. We have difficulty to second this Draft Resolution because the stock is not assessed nor RMS is in place. Thank you Mr. Chairman.

Chairman

Thank you Finland. Dominica.

Dominica

Thank you Mr. Chairman. Mr. Chairman, in support of the intervention made by my colleague from Antigua and Barbuda I think Mr. Chairman, there is no need to remind the audience that the ICRW was set up to regulate whaling and not to prohibit whaling. We have to draw the line between what was the intention of the ICRW and there is no way that appropriate management of a resource precludes sustainable use.

Mr. Chairman, we cannot look at the request that has been made in this Resolution in the light of the mistakes on the haphazard whaling activities that have taken place in the past. The request that has been made in that Resolution is asking for it to be done within guidelines that are set by this body. We need to consider that, Mr. Chairman.

Mr. Chairman, it is not fair that some countries that are party to this organisation can consume whales within the scope of maintaining their cultural link to a resource that they have exploited in the past. We cannot grant on one side some of these people, some of these nations, the right to exploit whales on the certain scheme and try to deprive others on the other hand.

Mr. Chairman, the commercial elements that are in the small-type community based whaling which many people have questioned is no different to what is found in aboriginal subsistence whaling. We have tried and we have asked Japan in the past to see all what it can do to see if it can bring these activities in line with what we think we should accept here. I think Japan has done all what it should and it could. Mr. Chairman, all communities, all nations, strive to continue their culture.

Mr. Chairman, Dominica believes in a people, Dominica believes in a culture, and Dominica cannot side any attempt by whatever party to try to deprive a people of its culture. Mr. Chairman, we recognise that the people of Japan, the people from the four communities of Japan, have been asking that they be given these quota of whales because it is linked to their culture. We may choose to give them hamburger instead but that is not part of their culture. Mr. Chairman, Dominica supports the Resolution. Thank you.

Chairman

Thank you Dominica. Spain.

Spain

Thank you Mr. Chairman. I would like to associate my comments with those expressed by Sweden. Thank you.

Chairman

Thank you Spain. UK.

UK

Thank you Chairman. On the substance of this issue I agree with those that oppose the Resolution, in particular New Zealand and the Netherlands. I would just reiterate that from the UK point of view we oppose this proposal not because the proposed whaling is commercial but because it would be in breach of the moratorium. On procedure, I have to say I find this debate slightly surprising because I would have thought it would have been more appropriate before we voted on the Schedule amendment rather than after, but having voted on the Schedule amendment I do agree with the comments made by the Netherlands. It does seem to be very difficult and indeed legally impossible for us to adopt this Resolution which clearly contradicts the Schedule amendment we have just voted on, or rather, lack of Schedule amendment that we've just voted on. I think that in previous years when there have been parallel Resolutions the one that is linked to the Schedule amendment has automatically failed and we've moved on to the next one. I wonder if that is what we should be doing this year?

Chairman

Thank you UK. I have St. Lucia, Korea, South Africa and Saint Vincent and the Grenadines. St. Lucia.

St. Lucia

Thank you Mr. Chairman. Chairman my delegation understands the suffering of the people of those coastal communities in Japan which have been deprived from continuing to exercise their rights to exploit a resource which they have traditionally taken and which is entrenched in their culture.

Mr. Chairman, it was this Commission which recognised the well-documented needs and distress of these communities and instructed the Commission by Resolution to work expeditiously to alleviate the distress of these communities. Mr. Chairman, what have we done in that regard? We have only frustrated these people by fiddling with the RMS and in some instances certain members here indicate that they are not prepared to conclude the RMS. Mr. Chairman, the inconsistencies in this Commission are plain to see. While aboriginal subsistence whaling is permitted in several countries and those conducting such exploitation improve their gear, the gear used to kill whales, we call the Japanese small-type coastal whaling a commercial activity. Is there no commercial activity in the aboriginal subsistence whaling Mr. Chairman? How do these people get their guns, their vessels and the gear they use?

Mr. Chairman my delegation calls upon this Commission to act responsibility and consistently according to this Convention which is, and has been, established to regulate, and I repeat, regulate whaling and in this regard Mr. Chairman I support the Resolution.

Chairman

Thank you St. Lucia. Republic of Korea or Netherlands.

Netherlands

I wish to make a point of order Mr. Chairman. It seems that my doubts about the legality of this proposal are shared by some other delegations. I think I now have something that is stronger than that. I think we should no longer deliberate on this proposal because it is illegal. It is my opinion that particularly the second operative paragraph purports to achieve a Schedule change and this proposal has been made without due regard to the procedures that have to be followed for a proposal that would result in the Schedule change. Further, may I point to the third operative paragraph which has the affect of allocating quota to certain communities and which, in my opinion, would be directly in violation of the Convention, in particular, Article 5, paragraph 2. Thank you.

Chairman

Thank you Netherlands for explaining the points. I will just take a few moments to discuss with the Secretary if I may before giving the floor is it on this point Japan? Japan.

Japan

Thank you very much Mr. Chairman. This Draft Resolution actually describes the type of activities being carried out and so far what has happened and the issues and problems entailed. Also it talks about our intention, our declared expressed intention as to how to solve this pending existing current problems which these local small-type whaling communities are experiencing now, and how that problem can be solved by this Commission.

So this document actually describes how this Commission has left alone these suffering distressed communities who as long as ten years and so in the operative paragraph it introduces specific measures to try to overcome that status, that difficult situation, so this is a policy statement here and that we are proposing that everyone would recognise this.

Earlier what we have decided upon was clearly indicated as the proposed Schedule amendment, paragraph 13, so that is the case before but now please look carefully at the title of this document which clearly says "Draft Resolution on the Japanese Community-Based Minke Whaling".

Chairman

Japan may I interrupt you. I think you are speaking on the substance of the debate rather than the point of order.

Japan

No. I go on.

Chairman

OK I will be lenient but the rules actually require me to make a decision immediately.

Japan

OK I understand. May I?

We are aware that this case Resolution is non-binding. So it is not that the Schedule amendment is to be adopted but rather this is different from Schedule amendment, this is purely the policy statement which is to be recommended to be adopted, so this is different from the proposal to amend the Schedule where the minke whale catch to be permitted, it is not the case at all.

This Resolution is different from the previous Resolutions, namely that the commercial elements are minimised to the minimal level, as minimum as possible, and so that is why this document is independent from the other.

Chairman

Japan I am sorry. I think I need to take a decision and make a ruling on the document and you will then be free to appeal that ruling if you disagree with it but I think I should make the ruling first.

Japan

OK. Thank you.

Chairman

Thank you. I have looked again at this document. The second operative paragraph uses the words “recognises that the take is permitted” on the second line and I am afraid that is in contravention of the Schedule. In paragraph 3 “accepts that the take shall be exclusively allocated”. Under Article 5.2(c) it is contradictory to the Convention and shall not allocate specific quotas to any land stations. I apologise to the meeting for not having examined this earlier but I wasn’t clear on the point of order made. Norway.

Norway

Thank you Mr. Chairman. I must say that I am a bit surprised about this debate because to me it is quite clear that all the Resolutions in this organisation are expressions of opinion rather than decisions in this organisation, because the Resolutions are non-binding instruments, they are not binding upon the IWC, they do not allocate quotas and they are not binding on the member governments, so what is the difference here I think is that you will see that this is an expression of opinion on various aspects concerning the Japanese community-based minke whaling, and it is also then an expression of opinion that it recognises that the take and so on so it does not decide it any way, so I cannot really see this Resolution conflicts with the Schedule amendment as such. It is two different types of instruments really, this is, as I said, giving a full explanation from those countries who support the Japanese community-based whaling. Thank you Mr. Chairman.

Chairman

Thank you Norway. UK, Antigua and Barbuda and Denmark, UK.

UK

Thank you Chairman. Well I don’t want to prolong this but I do disagree with the point just been made by Norway. I do think that we have to have a sort of minimal coherence in this organisation. It is true that resolutions are reflections of opinion but I don’t see how the Commission can recognise that the take of minke whales is permitted when we have just voted that it is not permitted. Until the Schedule is amended it is not permitted so I do not see how this organisation can recognise that it is permitted. This does go, in my view, well beyond an expression of opinion. Thank you Chairman.

Chairman

Thank you UK. Norway.

Norway

Thank you Mr. Chairman. That is nothing more strange that this organisation has recognised the RMP but not written it into the Schedule. I think the majority of this organisation can recognise and accept anything but we know fully well that the decisions, legally binding decisions, which are the Schedule and which is part of the Convention, requires a three-quarter majority and, as I said, if this Resolution was carried would be an expression of opinion by the majority in this organisation and not a legally binding decision. Thank you.

Chairman

Thank you Norway. Rather than encourage further debate can I refer to page 4 of the Rules of Procedure. Rule E.3(b), the last sentence “A proposal that does not contain such regulatory text to revise the Schedule but would

commit the Commission to adopt the Schedule in the future can neither be put to a vote nor adopted”. So in that situation I think this Resolution is actually out of order. I think it might be helpful if I adjourn the meeting at this point and allow people to look at wording perhaps for an alternative Resolution tomorrow rather than cut it off totally. Japan you wanted the floor.

Japan

This particular point of rule E.3(b) does not apply to this case which is clear, for example, let me quote, “A proposal that does not contain such regulatory text to revise the Schedule but would commit the Commission to amend the Schedule in the future can neither be put to a vote nor adopted”. That is the wording so even though this Draft Resolution is to be adopted of course there is no certainty at all in the future whether that could gain three-quarters of a majority so I would still like to propose it that this be put to vote.

Chairman

New Zealand, UK and Antigua and Barbuda were looking first.

Antigua and Barbuda

Thank you Mr. Chairman. Mr. Chairman I have been listening to this debate and as I listen I realise how some member states are running into their holes trying to prevent this vote, this vote of sympathy, this vote against colonialism, this vote for cultural expression under the guise of legality. The recognition of a right does not commit anyone to establish a policy under the Schedule amendment, Mr. Chairman. There is no way that anyone can explain why this Resolution will commit this Resolution in the future to grant the wish of the coastal peoples in Japan. This is just an expression and not a commitment and I wish that we could all see that way. Thank you Mr. Chairman.

Chairman

Thank you Antigua and Barbuda. I think I must close the debate on this and give a ruling that in my view the document is out of order. Norway is this a point of order?

Norway

Thank you Mr. Chairman. I just cannot accept the ruling on this point Mr. Chairman because no part of this Resolution says that we require a Schedule amendment. Thank you.

Chairman

Thank you Norway but it does allocate a take which is not granted by the Schedule. I am sorry, can I suggest a way forward here? That I adjourn the meeting now and give people the opportunity to amend the wording and come back to it in the morning. US.

USA

Mr. Chairman, as a clear aspect here of a proposal that is completely opposite to what the Schedule currently says, accepts commercial aspects of coastal minke whaling and recognising various takes and in fact this ruling is, this Draft Resolution is, out of order according to Section B – “Action in pursuance of Article 5 shall contain the text of the Regulations proposed to amend the Schedule etc.” as you have read out. Mr. Chairman, you have made a ruling, I think we have heard an appeal to the ruling, I think we should just simply move to a vote on the appeal.

Chairman

Thank you US. We will do as you suggest and move to a ruling on the appeal. Secretary please.

Secretary

Mr. Chairman the matter before this meeting of the Commission is a ruling of the Chairman that the Resolution IWC/50/21 is out of order. A simple majority of those voting for or against will decide the issue. If you vote yes you are voting for the Chairman’s ruling that it out of order. If you vote no you are voting against the Chairman’s ruling. The roll starts at the UK – yes; USA – yes; Antigua and Barbuda – no; Argentina – yes; Australia – yes; Austria – yes; Brazil – yes; People’s Republic of China – abstain; Denmark – no; Dominica – no; Finland – yes; France – yes; Germany – yes; Grenada – no; India – yes; Ireland – yes; Italy – yes; Japan – no; Republic of Korea – abstain; Mexico – yes; 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; South Africa – yes; Spain – yes; Sweden – yes; Switzerland – yes.

Mr. Chairman there were 20 votes in favour, 9 against with 4 abstentions so your ruling is upheld.

Chairman

Thank you Secretary. I must apologise to the meeting for not having addressed this matter earlier so I think you can put it down to my inexperience – sorry.

I am anxious to ensure that there is a full opportunity for everyone to present Resolutions and to have them voted upon if that is their wish, so I am going to adjourn discussion on this item now and we will resume in the morning so the meeting is now adjourned. We will meet at 9.00 in the morning. Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chair. With regards to the Commissioners' Meeting that Antigua and Barbuda requested for this afternoon. Could you please let us know the status on that one?

Chairman

As I arranged this morning – now 5.30. Now in five minutes time.

Antigua and Barbuda

Thank you Chair.

[END OF PLENARY SESSION]

PLENARY SESSION
Tuesday 19 May 1998

Chairman

We will start this morning with Agenda Item 5 and then go on with Item 11 – Comprehensive Assessment, Item 6 – Whalewatching, Item 7 – Adoption of Report of the Technical Committee, Item 12 – RMS; Item 13 – Southern Ocean Sanctuary; Item 14 – Scientific Permits; Item 15 – Scientific Research and Item 17 – Adoption of the Report of the Scientific Committee. We have a very long Agenda to go through and I would ask your cooperation in keeping your interventions as short as possible. If possible, if the views you have have been expressed by another delegation, please associate with that and please try to intervene only once. Can I also ask people to speak directly into their microphones.

5.2 ACTION ARISING

Agenda Item 5. I have a Resolution which is a document IWC/50/23. There has been an extensive debate on the topics covered in this document yesterday. It is sponsored by seven countries so before we move to a vote are there any interventions that need to be added on this Resolution? Can we move directly to a vote on this Agenda Item 50/23? I will ask the Secretary to proceed.

Secretary

Mr. Chairman. I should perhaps say there are spare voting forms on the table at the side.

Chairman

New Zealand you have a point of order.

New Zealand

Mr. Chairman, I fear we may be coming towards the same sort of problem as that that was raised as a matter of order on the earlier Resolution on the same topic. Can I refer you to the third and final operative clause of the Resolution? “Therefore reaffirms that there will be no further reason to deny the Japanese coastal communities their traditional right to resume commercial whaling for minke whales as they are entitled under the terms of the 1946 Convention and under the principle of sustainable use”. Mr. Chairman, the moment we express an entitlement or a right we are presumably saying that a quota will be given. We cannot say that other than by a Schedule amendment and I would suggest therefore that this operative clause offends in the same way as that which was earlier ruled out by you under the previous Resolution, and I suggest that the offending words are essentially, first of all there being no further reason to deny that being effectively the preamble, and that they are entitled to whale under the 1946 Convention. Therefore Sir, I invite you to rule on this as you did on the previous Resolution, but it effectively amounts to an attempt to seek a Schedule amendment by a non-Convention means.

Chairman

Thank you New Zealand. Just give me a few moments and I will give a ruling. Under the Rules of Procedure I must immediately give a ruling. Denmark.

Denmark

Thank you Mr. Chairman. I am sorry to say this but my delegation is a little puzzled as to the exact paper we are discussing because we may not have received that. Could you explain it a little?

Chairman

It is document IWC/50/23 titled “Resolution on the Resumption of Coastal Whaling”.

In order to be consistent with my ruling yesterday I will rule that the document is out of order in that it implies a commitment to change the Schedule. This is open to appeal. Norway.

Norway

Thank you Mr. Chairman. I just want to say the following that I feel now we are getting very close to the moment where I would find it impossible to continue to work here because this is censorship Mr. Chairman. Thank you.

Chairman

Thank you Norway. New Zealand.

New Zealand

Mr. Chairman. New Zealand certainly has no wish to censor the views of any organisation, indeed on the contrary we would encourage them being expressed. The only concern that we have is that in this particular case a document would purport to do something that we cannot do other than by a Schedule amendment and that must be carried in accordance with the Convention. There are ways in which the views contained in this document, or most of the views contained in this document, could be presented to this body for debate and for vote but it is not the way they have been expressed, particularly in the operative clause that I objected to. There are ways in which that can be done, there is still time to do it if the countries in question want to re-submit the Resolution. We will debate it and we will happily exercise our vote.

11. COMPREHENSIVE ASSESSMENT OF WHALE STOCKS

11.1 REVISED MANAGEMENT PROCEDURE

11.1.1 REPORT OF THE SCIENTIFIC COMMITTEE

Chairman

Thank you New Zealand. I will adjourn this Item to allow time for the delegates proposing this to submit an alternative wording. So we will move on to Agenda Item 11 – Comprehensive Assessment. First Item is 11.1 – Revised Management Procedure, 11.1.1 – Report of the Scientific Committee and I will call upon the Chairman of the Scientific Committee. Thank you.

Chairman of the Scientific Committee

Mr. Chairman the Scientific Committee's deliberations under this item are in two parts of its Report, Items 7 and 8. I would suggest that some of the items there will be covered under Item 12 in the discussions under the RMS and others will be covered under Item 11.2. So I will just mention here three Items that don't appear in either of those places. They are on our Report on page 11 and I will try and go through this fairly quickly Mr. Chairman. They deal with additional variants, abundance estimates and stock identity.

On item 7.2 on page 11 at the bottom we deal with additional variance, that is taking into account what natural variation there may be between surveys. This is defined in one of our Annexes, Annex M page 9 for those of you who wish to see the actual definition. We agreed, Mr. Chairman, that it is still important to complete our work on this subject and we recommend this task receive high priority during the intersessional period and there is a proposal of how to do this which has already been discussed in the Finance and Administration Committee under our Research Proposals.

As far as abundance estimation is concerned, that is item 7.3, we had an intersessional Working Group on Statistical Estimators. This was re-established last year to test the performance of abundance estimation procedures over an appropriate range of sighting survey factors. During the intersessional period two additional estimation methods were applied to the simulation datasets and in addition there was some other work carried out. The intersessional Working Group also began discussions about what topics it should address in the near future and we have identified priority topics in one of our Annexes. We re-established the intersessional Working Group to continue its work.

Related to that item Mr. Chairman is the question of what is known as IWC DESS, that is the Database Estimation Software System, this deals with sighting survey databases and we have a proposal to deal with that in item 7.3.2. which also was considered at the Finance and Administration Committee.

As far as stock identity is concerned, our discussions of that are on page 13 under 7.5 on the top left hand column. We thought it would be useful for our Committee to reconsider our definitions of the term stock. You will recall that under the new Management Procedure the IWC manage the different whale species using specific management units and we have some examples of how that was done. So far, most studies on stock identity of large whales have attempted to test hypotheses that the IWC management units, that's management stocks, correspond to biologically defined entities or biological stocks. We note that there has been substantial development in techniques useful for determining stock structure in recent years, especially genetic-based methods. We agree that given this development it would be useful to undertake a review with a goal of establishing more useful definitions of the term stock. We set up a Working Group to deal, Mr. Chairman, with terms of reference which again are reported in our Report in one of our Annexes. We agreed that the Steering Group should work intersessionally to continue with this work and we expect an update on their results at the

next meeting. We think an intersessional Workshop may be necessary after the next meeting. Those are the only items I think I need to deal with under this particular Agenda Item Mr. Chairman.

11.1.2 ACTION ARISING

Chairman

Thank you Chairman of the Scientific Committee. Are there any comments on these items? Seems not. Is there any Action Arising, 11.1.2 from these comments? So then the Commission accepts these items in the Report of the Scientific Committee. Next Item is 11.2.1 – Whale Stocks. Chairman of the Scientific Committee.

11.2 WHALE STOCKS

11.2.1 REPORT OF THE SCIENTIFIC COMMITTEE

11.2.1.1 SOUTHERN HEMISPHERE BALEEN WHALES

Chairman of the Scientific Committee

Mr. Chairman we deal first under 11.2.1.1 with Southern Hemisphere Baleen Whales and we deal here with three species, blue whales, right whales and humpback whales. Blue whale discussions are in Item 9.1 starting on page 21. We are looking at assessments of Southern Hemisphere blue whales and we hadn't been able to develop revised estimates of blue whale abundance from the IDCR SOWER Antarctic Cruise Programme in time for this meeting, but we look forward to receiving such estimates at our next meeting. There is a question of where the winter breeding ground of blue whales is or are, and we had a suggestion that may be that one area has been found and that might be a subject of some research in the future.

On page 22 we talk about our concern that it is still necessary to reliably distinguish between true and pygmy blue whales in the field. This is becoming increasingly important particularly as there now seems some evidence that pygmy blue whales may occur further south into the Antarctic than we formally believed. There are various ways that have been tested for this at the moment and we look at surfacing behaviour and there is some discussion of that, and we have a report on analysing the sounds of different blue whales that have been recorded on the three particular SOWER blue whale cruises that we have had in the Southern Hemisphere recently.

We are looking to a summary of what the IDCR SOWER Cruises so far can tell us about the acoustic distinction between true-blue and pygmy-blue whales. We have some statements here on page 22 on the right hand column about all the recordings made in the Antarctic so far differing greatly, those we believe that are putative true blues differing greatly from anything recorded on the cruises off Australia in 1995/96 or Southern Madagascar in 1996/97 or off Chile in 1997/98 and the preliminary reports from the most recent Antarctic SOWER cruise suggest that calls similar to those recorded in the Antarctic in 1996/97 have been heard. It therefore appears that true-blue whales may produce different vocalisations from pygmy blue whales.

We recommend Mr. Chairman, that all blue whale recordings from these cruises should be gathered in one place and put in a format that makes them accessible to researchers, and we agreed that a Working Group should be set up to co-ordinate the process and there are some costs associated with that which have already been considered in our Research proposals that have been looked at by the Finance and Administration Committee.

We agreed that the question of discrimination between true and pygmy blue whales should be a major topic at our Committee's next meeting. We reviewed the reports of the SOWER cruise, that is the former IDCR cruises and what has now replaced them, the 1997/98 SOWER cruise, the third to be undertaken as part of the IWC's research Programme on Southern Hemisphere Blue Whales. There is discussion of that, Mr. Chairman, under Item 9.1.2 at the bottom of page 22 and over on to the top of page 23.

We recommend as a result of this work, Mr. Chairman, that a paper be submitted to next year's meeting documenting the criteria used on each of the three blue whale cruises for identifying the two blue whale forms. There was also blue whale research on the IWC/ SOWER Cruise to Area II West this last year and the number of blue whale sightings which included 11 sightings of 18 animals of which 14 were identified as true-blue and three as pygmy blue are given in the bottom half of page 9.1.2 on page 23.

We looked at some other concerns or considerations regarding blue whales, Mr. Chairman. We talk about obtaining biopsies from large whales in the open ocean using a new system involving research funding that we

gave to a researcher last year, and this seems to have proved very successful although we haven't yet been able to test it in the Antarctic. That is all we have to discuss on blue whales, Mr. Chairman.

The next section I would propose dealing with is right whales and you will notice here Mr. Chairman that we are not just in the Southern Hemisphere, we are in fact discussing right whales in the Southern Hemisphere and the Northern Hemisphere. You will recall of course that we had a special meeting, a Workshop, in Cape Town looking at the comprehensive assessment of right whales globally. We provided a summary of that in our Report, Annex E, Appendix 3 and we presented a compilation of the most important recommendations. Arising out of that the Committee agreed to endorse all the recommendations contained in the Report but we gave highest priority to items listed within two categories and these are A and B that are listed on page 23 under 9.2.2.

Firstly there are those recommendations with management implications and we have set those out Mr. Chairman in a separate Annex, Annex O. They deal particularly with the concerns the Committee has with ship strikes and incidental entanglements in fishing gear which we regard as most significant causes of human-induced mortality in right whales. As far as recommendations for research are concerned there are in item B on page 23 and we had a large number of research recommendations and the Committee reiterated the value it attaches to all of them. However, it recognised the need to assign priorities in the context of the Commission's interests and it agreed that the Workshop and, in particular, this applies to questions associated with the trend and condition of whale stocks and measures for their conservation as in Article IV of the Convention. In that regard the Committee confirms the view it has already expressed on several occasions of the extreme importance of maintaining research effort when investigating trends in both abundance and in biological parameters. It therefore stresses that high priority should be given to the continuation of both demographic photo-identification studies and surveys designed to improve knowledge of absolute abundance and current trends. Similarly, high priority should be given to the processing and analysing of such data and we regard this as particularly important in the case of the western North Atlantic where there are serious concerns over the status of the stock. In the same regard the Committee notes the need to initiate and improve such studies in areas of identified concentrations where they are either absent or in their infancy and high priority should be given to those areas where there is most chance of success.

So that we can interpret data on trends and abundance it is important to determine appropriate management units and in this context high priority should be given to stock identification studies to answer questions believed to be hindering the Committee's ability to address importance conservation questions. Genetic sampling programmes should be initiated where needed and maintained in areas where increased sample sizes are needed for statistical validity. The Committee agreed that high priority should be given to research that will lead directly to improved methods of reducing anthropogenic mortality, that is for example, reducing ship strikes and fishing gear entanglements, for stocks for which there is concern over their survival, and to research examining environmental factors that affect the fecundity and mortality rates of right whale populations such as food limitation and pollution. From the genetic standpoint, there are two questions that we posed here Mr. Chairman, in the middle of page 24, and given those priorities the Committee recommends that the Commission urges member governments to provide the necessary support including funding for nine particular research items as listed on page 24, Mr. Chairman, and I won't go into the details of those but they are very obvious.

Although the results of the Special Meeting represented a major advance in understanding the status of right whales world-wide the Committee noted that there was still a number of outstanding questions regarding the status, particularly of the population in the western North Atlantic. Although it is known to be a small population of about three hundred individuals and well below its unexploited size, its current dynamics are unclear. At the same time it is subject to a range of anthropogenic threats including ship strikes and fishing entanglements, some of which are proving fatal. We therefore recommend, Mr. Chairman, that the western North Atlantic right whale should be a priority topic for next year's meeting with the objectives being to establish the current status and dynamics of the population, and we propose a three day intersessional Workshop during the year and we have a schedule and a budget that have already again gone to the Finance and Administration Committee. We note that if it is judged that insufficient progress on the required analyses has taken place by the time that that meeting should take place we will in fact not hold it but review progress at our next meeting. That's all I have to say on right whales Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Any comments on the report on right whales or blue whales? Brazil.

Brazil

Thank you Mr. Chairman. Brazil would like to specifically refer to the Cape Town Workshop on Right Whales and thank South Africa for hosting this very important meeting. We think it was a very fruitful exercise and we would like to say that Brazil will strive to implement its recommendations. We would like to draw attention to two management recommendations on it. One for the establishment of new protected areas for right whales, one of the topics that we will be examining in our country very soon. In the other, the establishment of the Southern Hemisphere Right Whale Consortium for which we will be committing our time and energy to implement and we hope that the Commission can also help on that. Thank you very much Mr. Chairman.

Chairman

Thank you Brazil. Any other comments? US.

USA

Mr. Chairman. I am pleased to report that our President has instructed the United States representatives to the International Maritime Organisation, the IMO, to seek strong measures to protect the northern right whale, one of the world's most endangered marine mammals. Under our proposal, which the IMO will address when it meets in July, commercial ships entering the whale's calving and feeding grounds will be required to report by radio to the US Coastguard which will relay back the latest information on the whales' location and advise on avoiding collisions. We believe this reporting system is essential if we are to ensure the survival of the northern right whale. Thank you.

Chairman

Thank you US. Japan.

Japan

Thank you Chairman. I would like to appreciate the work achieved by the Scientific Committee and we would just like to note that most of the research of Southern Hemisphere baleen whales, abundance estimation was made using the data of IDCR and SOWER and also, in particular, the Southern Hemisphere blue whale, that research was made by SOWER which was initiated by the Kyoto Resolution in 1993 which encouraged the research on the blue whale to make sure the recovery of this species and Japan is contributing this research by providing vessels and researchers and most of the funding issue so I would just like to point out this issue. Thank you.

Chairman

Thank you Japan. New Zealand

New Zealand

Mr. Chairman New Zealand wishes to associate itself with the remarks made earlier by the Commissioner for Brazil regarding the proposal to establish a Southern Right Whale Consortium and we would commend this particular proposal to the Commission and hope that it will receive widespread support.

Chairman

Thank you New Zealand. Any further comments? Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman my anxiety to speed you along perhaps I didn't pay enough attention to Annex O which is where our management recommendations are details and in fact there are a number of recommendations where we ask actually the Commission to take some action and I would ask that you would be prepared to endorse those.

Chairman

Thank you Chairman of the Scientific Committee. Can we endorse the recommendations of the Scientific Committee? I take it yes. If you could carry on Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman, the next species we deal with is Southern Hemisphere humpback whales which are on page 25, item 9.3 of our Report. We talk particularly about establishing Southern Hemisphere Directory and Antarctic Catalogues and there are some recommendations for work to continue on that. Again any requiring funding have been looked at by the Finance and Administration Committee. In terms of our progress towards assessment, we've looked at abundance and trends and we are interested to hear that, in Area IV during the JARPA 1997/98 Cruise, humpback whales were the dominant species throughout the regions surveyed. Indices of abundance suggested an increasing density of humpback whales from 1989-90-1997/98.

We had analyses of sighting results from Area IV from an Australian project. We looked at results from 1997/98 summer sighting surveys carried out in the Antarctic Peninsula Area from a Brazilian Antarctic supply ship. We looked at analyses of the sightings of humpback whales made on two and an incomplete third circumpolar IDCR SOWER survey covering the period 1978/79 to 1995/96. We looked at the details of those. The important result Mr. Chairman, is that they indicate an increase from 7,500 animals in the first set of surveys to 11,800 in the second and 15,700 in the third as yet incomplete survey set. We don't believe the conclusions on possible rates of increase can be based on these comparisons as yet but we hope that they will be in the future.

Over the page Mr. Chairman, on page 26 we had a review of catches of humpback whales by modern whaling in the Southern Hemisphere where crude catch per unit effort and other indices were calculated. Most grounds that were examined showed marked declines, as most of us know, in the initial ten years of whaling followed by either closure of the ground with some subsequent recovery of the stock, or low catches until the cessation of humpback whaling in 1963. However, we are pleased to note estimates of abundance and population trends from after 1963 show that Southern Hemisphere populations are undergoing some recovery in all areas where surveys are being undertaken.

As far as stock structure was concerned Mr. Chairman, we have some discussions under Item 9.3.3.2 on this page, page 26, and we recommend, in particular respect of the area that we are currently in, that there be dedicated surveys carried out to establish the status of humpback whales in the north-west Indian Ocean and that these should include the collection of biopsy material from which the genetic relationships of this interesting stock can be investigated.

We also looked, Mr. Chairman, at further information on catches. We had information on previously unreported mark recoveries from Soviet factory ship. These being reported are probably only a small fraction of the number of recoveries actually made. We recognise the need to obtain further information on mark recoveries and marks fired under the Soviet scheme. We thank the Ukrainian research scientist Mr. Chairman, for his efforts and urge him and his colleagues to continue their invaluable work in retrieving catch and marking data from previous Soviet whaling operations.

We looked at the possibility of a future Special Meeting, and the requirements before we can hold such a meeting are listed Mr. Chairman, in the italics on page 27, and we can establish an intersessional Working Group to consider particular items under that set of requirements that are still needed. We agreed that given that these outstanding matters require attention we would be in a better position at next year's meeting to decide when a comprehensive assessment might occur. Thank you Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Any comments on the Southern Hemisphere humpback whales? Japan.

Japan

Thank you Chairman. I would like to strongly emphasise and point out here, for example on page 25, Item 9.3.3.1, there is a description that the 1997 and 1998 JARPA made a contribution here and also on page 26, to the right hand side column, to collect genetic samples JARPA made a contribution and as you are aware JARPA is carried out under the Special Permit operation in the Antarctic by Japan so I would like to point this out, it's contribution for the stock status analysis assessment.

Chairman

Thank you Japan. Any other comments on this item? So can we endorse the Report of the Scientific Committee on this item? Seems so, thank you. Chairman of the Scientific Committee.

11.2.1.2 NORTH PACIFIC MINKE WHALES
--

Chairman of the Scientific Committee

Mr. Chairman, the next item is North Pacific minke whales, Item 11.2.1.2. We deal with that starting on page 13 of our Report under Item 8.2. You will recall that at the 1996 Meeting our Committee developed a set of implementation simulation trials for North Pacific minke whales and recommended that the Secretariat develop a computer program to implement these and then conduct them. There are some details given here Mr. Chairman, of the thirteen sub-areas that the trials should cover and during our 1997 meeting the Committee had reviewed recent information on stock identity and catches and made some revisions to the trials. In the intersessional

period, this is discussed in Item 8.2.1 we were told that most of the program to implement those trials had been developed but it had not been possible to complete the task because some of the specifications were incomplete, and at this meeting the Committee finalised the specifications for the trials taking into account discussions during our meeting. There has been some discussion of this again Mr. Chairman under the RMS Group but I will just briefly refer to some of the main points.

There was a question of uncertainty over catches and at last year's meeting the Committee had agreed to modify the trials to include incidental catches of minke whales by Korea and Japan. On page 14, Mr. Chairman, at the left hand column, there are some details of how we handled all that. We agreed that two scenarios should be considered in the trials. Firstly, that the incidental catches are taken to be those in the Japanese Progress Reports and secondly, that the incidental catches should be based on values reported to us in another report. We further agreed Mr. Chairman, that the trials should be conducted where firstly the incidental catches are taken over and above the commercial catches as set by the RMP, and secondly in which the removals from each sub-area are the maxima of the incidental catches and the catches set by the RMP, and this last case corresponds to the assumption that the RMP catch limits cover all non-natural removals.

We looked at sightings survey planning, this is Item 8.2.3 of our Report. We had a description of the revised version of a sightings survey plan which takes into account recommendations made previously and there is discussion of that Mr. Chairman, in the right hand column on page 14. We noted that there is a proposal to determine dive times using visual observations which is not in fact recommended as it is difficult to be confident about tracking individual animals as some surfacings may be missed, but we recommend the use of other approaches such as monitoring diving using VHF telemetry. We recommend the use of binoculars and we recommend that the experiments and testing of estimation of angles and distances should be conducted using the same methods as in the actual survey. We considered the requirements for participation of a member of the Scientific Committee in the survey and we have an agreement there Mr. Chairman, as how that should take place.

In the middle of page 15 in the left hand column Mr. Chairman, we reiterate from last year our strong recommendation that the survey includes waters within the Russian EEZ and we recommend that the Commission request the relevant authorities of the Russian Federation to grant permission for the vessels to operate in their EEZ. The Committee agrees that if permission is not granted additional trials should be specified and we give details of how that might be done.

We looked at the revision of trials specification and we considered new information regarding stock structure for North Pacific minke whales and there is considerable discussion of that on page 15 and over onto page 16, Mr. Chairman.

On page 16 we have a recommendation that the revised specification for North Pacific minke whales implementation simulation trials as given in one of our Annexes, that we should recommend this as a high priority that the Secretariat conduct the trials during the intersessional period and report the results to our next year's meeting. Two year's ago we established a Steering Group to consider and resolve any inconsistencies that remained when the trials were conditioned and run. We re-established the Steering Group to do that and there are three terms of reference for that Steering Group in this section Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Any comments on North Pacific minke whales? Japan.

Japan

Thank you Chairman. Yes, we started research on the North Pacific under the Special Permit and the data has actually contributed to the setting, the scenario of implementation simulation trials. In the initial stage there was a hypotheses that many sub-stocks and stocks hypotheses was established but because of our research those stock scenarios are almost reduced and so we congratulate the work of the Scientific Committee. To make the situation more practical or plausible the set of the hypotheses should be further eliminated and using the actual data from the field surveys. Thank you.

Chairman

Thank you Japan. Republic of Korea.

Republic of Korea

Thank you Mr. Chairman. My Delegation would like to express thanks to the Chairman of the Scientific

Committee. Referring to the Report there are some pending issues especially for future work and study so Korea would like to contribute to the work of the Scientific Committee and cooperation

Chairman

Sorry Korea could you speak very close to the microphone. A number of the delegations haven't heard you.

Republic of Korea

Sorry. It is adjacent member countries such as stock assessment and stock identification. On the other hand, looking at the Schedule and also reading the Scientific Committee's Report on page 13. My delegation would like to express my Government's concern with respect to the name of the Sea of Japan used in that document. Thank you.

The Korean delegation wishes to note that the name of the Sea of Japan used in the Schedule of the IWC Convention to indicate a sea lying between the Korean Peninsula and the Japanese Archipelago should be re-addressed in line with historical and cartographic evidence. In 1992 the Sixth UN Conference on the Standardisation of Geographic Names, UNCISG, suggested that relevant parties consult this issue but Japan refused to even enter into serious discussion. According to Resolution 3/20 of the UNCISG, when the countries are unable to agree on a common name the name used by each of the countries concerned should be reflected in the Conference documents. The Republic of Korea wishes to use both names simultaneously as East Sea/Sea of Japan in any official document as an interim measure pending an agreement on a common designation. Thank you very much.

Chairman

Thank you Korea. I will ask the Secretary. This item was raised last year and the Secretary has done some work on it in the meantime so I will ask the Secretary to report please.

Secretary

Mr. Chairman, the issue of the name of the water mass between the Republic of Korea and Japan has been raised in this Commission on a number of occasions. I have take advice from the United Nations on the issue and there appears to be no final resolution at the present time. There was a meeting in January of the United Nations Expert Group on Geographic Nomenclature. I asked that group specifically if they could give us any help or guidance on the appropriate terminology to use for this water mass. Unfortunately the UN Expert Group were unable to reach a conclusion and put the issue off until its next meeting. We are therefore no further forward in reaching a resolution and the Commission last year decided also that this was not a matter which could be decided by the IWC. I would therefore suggest that we wait until we have some further clarification from the United Nations system before we make any formal amendment to the Schedule which is what is strictly proposed by the intervention from the Republic of Korea. Thank you.

Chairman

Thank you Secretary. Are there any other comments? Japan and Chile.

Japan

Thank you Mr. Chairman. We are quite appreciative of the explanation made by the Secretary concerning this issue. We also share the view that the issue raised by our distinguished colleague from Republic of Korea is nothing to do with this Commission, nothing to do with the conservation and management of whale resources, so it is quite inappropriate to raise the issue in this forum. And the second thing is on the substance, Japanese Government has also a counter argument against the argument made by the Republic of Korea but I shall be quite brief and the Government of Japan cannot accept the argument raised by our distinguished colleague on this issue. We have another comment concerning the statement made by the Republic of Korea in the scientific aspect. I will ask my colleague to explain this matter. Thank you.

Thank you Mr. Chairman. We would like to clarify one point with regard to Korea's statement. There is the stock which may become the target, likely target, of the small scale coastal whaling of Japan in the future and that stock and the concern of Korea is quite different. In other words, the waters and area concerned and the stocks are different and there is a difference, so we are wondering what is the issue or problem here and if that could be clarified we would appreciate that?

Chairman

Thank you Japan. Chile.

Chile

Thank you Mr. Chairman. I would like to refer to the Southern Ocean Whale and Ecosystem Research programme, SOWER, that took place last year and express the most high qualification and standard in the opinion of our researchers that participated in this cruise. Thank you.

Chairman

Thank you Chile. Any further comments? In that case we will note the comments and I take it that the Commission endorses the Report of the Scientific Committee. Can we move on to North Atlantic minke whales.

11.2.1.3 NORTH ATLANTIC MINKE WHALES

Chairman of the Scientific Committee

Mr. Chairman, our report on this begins on page 16 under Item 8.3. We have been dealing with two stocks here, the Northeastern Stock and the Central Stock. As regards the Northeastern stock, two years ago we agreed that additional analyses should be undertaken with respect to estimates of abundance and there were identified analyses as listed at the top of page 17, three of them. We had an intersessional Steering Group established to undertake the above analyses but as you will recall, although we made significant progress, the definitive answers weren't reached so the Steering Group was asked to continue its work on these issues intersessionally. I have to say Mr. Chairman, that it wasn't able to complete the review of these three analyses in the time available before the meeting but on Item 8.3.1.2 I think we have some good news, because after considerable discussion at this meeting you will see that on page 17 in the middle on the right hand paragraph, right-hand column, we have "overall the Committee agrees that the comparative results from the different implementations combined with the other additional new information meant that the task had now been completed". The Committee further agrees that results from these analyses do not indicate any problem with the estimates in terms of the issues raised at the 48th Annual Meeting and supported the Committee's previous conclusion that the abundance estimates, in particular the estimation method we are talking about, are adequate for use in the RMP.

As far as the Central Stock is concerned, last year there was an apparent discrepancy between two sets of estimates and we have a discussion here Mr. Chairman, into the source of the discrepancy. In conclusion, the Committee agreed that the previously accepted estimate should remain so, pending resolution of the matters that have been raised in our discussions. We noted that the data from the survey had been provided for use during the current meeting. However, no arrangements were in place for continuing access and we agreed that if the estimate is to be used in the implementation of the RMP, then the data would need to be available on a continuing basis. This is considered critical so that issues such as those raised in discussion can be examined further. Mr. Chairman, as those of you who were there are aware, this was considered in some detail in the RMS Group and I suggest that we should leave our discussions of that until the next Agenda Item. I think that is all I have to say on this stock, Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Any comments on the North Atlantic minke stock? In that case we will endorse the recommendations of the Scientific Committee. Carry on please Chairman of the Scientific Committee.

11.2.1.4 SOUTHERN HEMISPHERE MINKE WHALES

Chairman of the Scientific Committee

Mr. Chairman we now go to Southern Hemisphere minke whales which are on page 31 and onwards of our Report under Item 9.7. We were given a report Mr. Chairman, on progress on work to address outstanding issues concerning JARPA that had been raised at last year's meeting and there is a list here in the first paragraph under 9.7 of the progress that had been reported. We also received the cruise report of the 1997/98 SOWER Antarctic Cruise which I referred to earlier in another context, and we expressed our thanks to the Japanese Government for the generous provision of the vessels used in these surveys Mr. Chairman, both for this cruise and for the SOWER blue whale cruise and to the participating researchers for their efforts.

We had a Report on the 1997/98 JARPA Survey conducted in Area IV and the Eastern Part of Area III. We had some results, Mr. Chairman, presented to us on the proportion of sexually mature animals which was discovered to be very low among the females and the fact that immature females dominated in the southern stratum of the survey. It was suspected that most of the mature females had moved into ice-free waters inside the pack-ice edge

where the research vessel couldn't enter. It was suggested that one of the probable reasons for the character of the present survey results was the different shape of the ice-edge. The question of the implications of the apparent environmental effect of the observed maturity rate in females was raised in discussion. We were informed of some field characters for distinguishing between the two forms of southern minke whales and we recognise that this is important if abundance estimates from sightings surveys are to be correctly allocated. We had some results from genetic studies Mr. Chairman, which were discussed in some detail in page 32.

We looked at some concerns over recruitment and other issues and these are also in the right-hand column of page 32, a long discussion there which goes on to page 33. We have a recommendation Mr. Chairman, in the right-hand column of page 33 that firstly, age and sex distributions as a function of latitude and longitude on a fine scale should be undertaken, and that there should be sensitivity tests encompassing a range of selectivity patterns to be considered at our 1999 meeting. I think that is all I need to say Mr. Chairman on this stock.

Chairman

Thank you Chairman of the Scientific Committee. Any comments? Japan.

Japan

Thank you Chairman. I would like to welcome the work of the IWC Scientific Committee on this work and this shows a good example that JARPA is providing a basic scientific data to the Commission and biological parameters, for example, what is intensively discussed at the Scientific Committee and I hope JARPA will continuously provide the useful data on this debate.

We also would like to point out that JARPA made two major findings which are described in the Report. One is in the survey area, the research found there are two stocks existing in the research area which was never discovered in the past age. Number two is JARPA discovered the tendency of segregation on male and female in the research area.

I want to add one issue Mr. Chairman here, and this relates to the Agenda of the Southern Hemisphere minke whale because the Agenda Item here initially was related to the RMP, it's a preparation for implementation but this year the Agenda Item has moved from the place of the RMP to the general item of Comprehensive Assessment. Although this was the Commission's request last year which was adopted as a Resolution but we regret this incident because this was the first occasion where the Commission had explicitly intervened to preclude the Scientific Committee pursuing a request from a member government to further consideration on an issue relevant to scientific aspects of the management of whales, and this action by the Commission was not in the interest of promoting cooperation among members of the Scientific Committee. I think to avoid such interference further we would like to make some sort of proposal but this is not a specific issue under the Comprehensive Assessment so this is rather the general issue of the Scientific Committee, so I would like to propose a kind of Resolution under the Agenda Item 17 on this issue. Thank you.

Chairman

Thank you Japan. We note your comments. Any other comment? In that case can we endorse the Report of the Scientific Committee on this item? Seems yes. Chairman of the Scientific Committee, we go to North Pacific Bryde's Whales.

11.2.1.5 NORTH PACIFIC BRYDE'S WHALES

Chairman of the Scientific Committee

Thank you Mr. Chairman. Our discussion of this item is on page 19 of our Report under Item 8.4 in the bottom right-hand column. We first had some discussion Mr. Chairman, of the specification of implementation simulation trials. We completed the Comprehensive Assessment of North Pacific Bryde's Whales in 1996 and recommended development of the implementation simulation trials at that time and you accepted that recommendation Mr. Chairman. At last year's meeting the Committee considered information about stock identity and historical catches of North Pacific Bryde's whales. We identified seven tasks which if completed during the interseasonal period would assist in the development of implementation simulation trials.

We looked at the question of the progress during the interseasonal period and of development of trials and we considered new information regarding stock structure for North Pacific Bryde's whales. I won't go into the details of this Mr. Chairman, except to say that three hypotheses have been proposed concerning the local form of Bryde's whale and there was neither sufficient time to finalise the discussion of the plausibility of the three hypotheses given nor therefore to finalise agreement on how to model the structure of inshore and offshore

Bryde's whales in and around major island groups. I should say that there is a problem about both inshore animals and offshore animals and we first of all discussed inshore ones and then we discussed offshore ones in the right-hand column on page 20. After considerable discussion of the available data and the areas to which they pertain the Committee agreed that an appropriate boundary for the western stock of North Pacific Bryde's whales for the purposes of the RMP could be described and this is given in our Annex D. I won't go into exactly where it is but it is detailed there.

We further agree that there should be two sub-areas in the stock area divided by the 180° meridian which would allow the testing of two alternative stock hypotheses and these are listed there Mr. Chairman, at the top of page 21, 1 and 2. To address these and other questions we agreed that this detailed work of specifying trials would best be conducted as a separate meeting and recommends that such a meeting take place intersessionally. We have plans to do that Mr. Chairman, if necessary, just before the next meeting of the Scientific Committee. We also looked again at sightings survey planning, we looked at the Report of an Intersessional Working Group to help us with this and considered the requirements for participation of a member of the Scientific Committee in the survey, and we agreed that a named person would be an appropriate scientist to represent the Committee.

The Committee strongly recommends that the surveys include waters within the exclusive economic zones of the Federate States of Micronesia, the Republic of the Marshall Islands and of the USA and we have some discussion of that Mr. Chairman, and we recommend that the Commission request the relevant authorities of the Federated States of Micronesia to grant permission for the vessels to operate in their EEZ. Thank you Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Are there any comments on North Pacific Bryde's whales? Japan.

Japan

Yes thank you Chairman. We would like to again to welcome the work of the Scientific Committee and we want to request to make a further progress on the work of the implementation simulation trials on this whale stock. Thank you.

Chairman

Thank you Japan. Are there any other comments? Do we endorse the Report of the Scientific Committee on this item? Seems so. Carry on please Chairman of the Scientific Committee with other stocks.

11.2.1.6 OTHER STOCKS

Chairman of the Scientific Committee

Mr. Chairman there are three stocks I should draw to your attention here. First the North Atlantic humpback humpbacks, secondly North Pacific humpback whales and thirdly sperm whales. Our discussions on North Atlantic humpback whales are in Item 9.4 starting on page 27 of our Report.

We received an update on the status of information on the North Atlantic humpback whale. Considerable progress had been made in this large study Mr. Chairman, including published papers in the press or in preparation on a number of topics. The most important papers from these study are expected to be available by the end of this year. It was stressed, however, in terms of the catch history that although every effort would be made to construct as comprehensive a catch history for the North Atlantic as possible, it is likely that the total catch will never in fact be known completely, and this would constrain what could or not be done in a Comprehensive Assessment. Apart from an incomplete catch history, two main gaps for an assessment were identified. Firstly lack of information on the distribution and abundance of humpback whales in the South East Caribbean and off the Cape Verde Islands, and secondly their relationship to humpback whales in the rest of the North Atlantic and we had some discussion of that Mr. Chairman.

Following all this we now recommend that a Comprehensive Assessment of North Atlantic humpback whales be carried out in the year 2000 and we believe that since this population is subject to a small aboriginal take at Bequia in the West Indies and had in the recent past been subject to an aboriginal hunt in Greenland, there is justification for giving the Comprehensive Assessment of this stock, that is the North Atlantic stock, priority over other humpback stocks, for example in the Southern Hemisphere.

Chairman

Thank you Chairman of the Scientific Committee. Are there any comments on the North Atlantic humpbacks? We can endorse the Report of the Scientific Committee.

Chairman of the Scientific Committee

Perhaps I should emphasise Mr. Chairman, that in that last section we recommend the possibility of collaborative research on humpback whales in the southeast Caribbean should be explored with national authorities in the area and that combined acoustic and visual methods be investigated to facilitate the collection of abundance and individual identification data in that area.

Chairman

Thank you. Are there any comments on that additional piece of information? No. Please carry on Chairman.

Chairman of the Scientific Committee

The next stock we looked at Chairman is North Pacific humpback whales and they are on page 28 under Item 9.5 following on from the last one. We looked at a summary of the status of the North Pacific Humpback Whale Fluke Catalogue which is being used to examine calf mortality and average reproductive interval. We also looked at mark recapture abundance estimates from the years 1991-1993 although in fact the paper wasn't available to the Committee, but the authors did present an estimate for the whole North Pacific between 1991-1993 of approximately 6,000 which is considerably higher than those previous received by the Committee. We encourage submission of papers or reports on this work when we next consider that population Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Any comments on the North Pacific humpback whales? Seems not. We endorse the Report. Please carry on.

Chairman of the Scientific Committee

We now look at sperm whales Mr. Chairman, which are continued on page 28 under Item 9.6. We had an intersessional sperm whale group which was set up last year which reported to us to review plans for a comprehensive assessment of sperm whales. The Group recommended starting with a focus on North Pacific sperm whales with the six studies listed under (a) to (f) under 9.6.1. at the bottom right-hand corner of page 28.

We looked at estimates of current abundance and distribution of large sperm whales in the Antarctic, in Antarctic Area IV and V. We looked at analyses of IDCR SOWER sperm whale sightings between 1978/79 and 1995/96. We had discussions of the question, as always seems to revolve around our estimates, of the question of $g(0)$ particularly for sperm whales. We responded to a request of the intersessional group to analyse sightings data obtained from Japanese, or at least a paper responded to that, to analyse sightings data obtained from Japanese sighting vessels in the North Pacific.

We saw the results of a combined visual and acoustic survey for sperm whales in the eastern temperate North Pacific and we also discussed acoustic estimation of school size. Despite identifying possible difficulties the Committee recognised the potential value of acoustic techniques in estimating sperm whale abundance and we have a recommendation here Mr. Chairman, that researchers co-operate and integrate their results to the greatest extent possible and we encourage further papers on this topic.

We agree that a major topic of any comprehensive assessment of sperm whales should be a discussion of the best method of assessing sperm whale abundance. We looked at genetic data for North Pacific sperm whales. We looked indeed at the recommendation that use of sperm whale teeth for genetic analyses be examined further, aware of the fact that there are many collections of teeth in many places, and we also encourage the collection of material from mass strandings of sperm whales. We discussed Soviet catch records of sperm whales in the Arabian Sea and biological information from that catch. We were informed of two Soviet expeditions taking a total of just under a thousand sperm whales including 750 females over four seasons but only reporting a catch of 424 whales including 75 females. We had evidence that this might represent a population separate from the rest of the Indian Ocean.

There was some discussion of all this Mr. Chairman, but particularly the question of catch records, and I will draw your attention to page 30 at the bottom on the right-hand column where we report considerable discussion on the issue of reliability of whaling statistics, there are examples of that given throughout the rest of this page above that. The Committee reviewed what it had said in the past about the problems involved with these things and of course we are all aware of the difficulties with the Soviet catches from the Antarctic of baleen whales.

We reviewed our earlier consideration of the problem, we looked at what we said in 1989 and you will see in the indented paragraph in small type there what we said then. We said that users of the database should be made aware of the problems involved, and we suggested that others familiar with the data collection process for their national industry or that of another region should be encouraged to provide specific information as has been done in a paper that we had received at that time and of course we are referring here to the database in the IWC, catch database held by the Secretariat, and of course we all know that subsequently evidence of a major falsification of Soviet Catch records has emerged and we recall what we said at that time and that is in the two small paragraphs below in the middle of that page in the left-hand column.

At this year's meeting a number of papers presenting new information on falsified sperm whale catch records were discussed and we have already referred to those, and after considerable discussion there were two views on how to address this issue that emerged from the discussions and these are (1) and (2) on the bottom of page 31. Some members believed one thing and other members believed another Mr. Chairman. I won't go into the details of that but they are there. Despite this disagreement the whole Committee agreed to request the Commission again as we had in Resolution 1994-6 to invite member governments to examine data on their past whaling operations for inaccuracies or falsification and to provide any revised data to the Commission. We agreed that work should continue on resolving questions regarding the catch history since catch data that were as accurate as possible would be needed for the eventual assessment.

Considering the many difficult tasks that must be completed before a comprehensive assessment of the North Pacific sperm whale stock will be possible, the Committee agreed to consider sperm whales next in 2000 when we look at abundance estimation methods and the year 2001 when we look at stock structure.

Chairman

Thank you Chairman of the Scientific Committee. Any comments in relation to other stocks? New Zealand.

New Zealand

Mr. Chairman New Zealand is extremely concerned at that part of the Scientific Committee Report which deals with the falsification of past or historical data relating to the catch of whales. However, Mr. Chairman, we take the view that what is more important is that we now use that information to move forward to provide practicable solutions and therefore with leave of the Commission I would like to reserve my substantive comments on that issue until we come to our later debate on the RMS at which stage we will be able to propose what we believe to be a solution to that problem for the future.

Chairman

Thank you New Zealand. Any other comments? Japan.

Japan

Thank you Chairman. On the same issue of the falsification of the catch and there is an allegation of the statistical manipulation with the catch record, but we think that the member government is a responsible organisation or institution to check these records so we want to make a review of such alleged falsification but so far we requested the primary data of these allegations but no primary data was provided to the Government of Japan, so I would like to point this out. On the issue of the recommendation to invite member governments to examine data on their past whaling operations for inaccuracies or falsification and provide any revised data to the Commission, we are willing to do so but we didn't receive the primary data of the allegation so this is the status. Thank you Chairman.

Chairman

Thank you Japan. Any other comments? Can I thank the Chairman of the Scientific Committee for a very precise presentation and we will move on to Agenda Item 11.2.2 – Action Arising. Is there any action arising on this? UK.

11.2.2 ACTION ARISING

UK

Thank you Chairman. We will be presenting a Resolution under this item so could we keep it open please?

Chairman

In that case I will keep this Agenda Item open. I now propose to move on to Agenda Item 6 – Whalewatching. Can I call upon the Chairman of Technical Committee please.

6. WHALEWATCHING

6.1 REPORT OF THE SCIENTIFIC COMMITTEE

Sweden

Thank you Mr. Chairman. Whalewatching was discussed in the Technical Committee and I refer you to the paper IWC/50/5 which is the adopted Report of the Technical Committee. Page 2 we first considered the Report of the Scientific Committee and I would like to draw your attention to the third section there that says “the Scientific Committee had recommended the formation of an intersessional correspondence group to review” and then we have a number of points, four points, and also the Scientific Committee recommended that the Commission should encourage member governments to conduct relevant scientific studies and send scientists to future meetings to present them, encourages member governments and scientists to submit relevant work including scientific protocols to the next meeting.

On the bottom of the same page I will draw your attention, yes we should note that the Chairman of the Scientific Committee reported that the Committee had reaffirmed as the basis for its future discussions the four priority areas first agreed in 1996, and had agreed that an additional item on assessment of long-term effects be included as a further priority.

I turn then to page 3 of the Report which is a Report from the Right Whale Workshop in Cape Town, March 1998 on Whalewatching issues, and I think we should note that that Workshop had endorsed the IWC’s general principles for whalewatching and the Committee recommends that these be applied to all whalewatching activities involving right whales.

Secondly we turned to the Report from a Workshop on Socio-Economic Aspects of Whalewatching which was introduced by New Zealand. A number of views were expressed in the discussions and they are summarised in this Report from the Technical Committee and we can note that these views expressed range from the idea that the IWC should not consider whalewatching to the idea that whalewatching offers new opportunities for development for coastal communities. It represents substantial economic benefits, it is a sustainable non-consumptive use of cetaceans offering opportunities for non-lethal research. It offers opportunities for education and development of methodologies.

It was also concluded that there was a general feeling that we need more research into whalewatching. Thank you.

6.2 ACTION ARISING

Chairman

Thank you Chairman of Technical Committee. Are there any comments on this item? In that case we accept the Report of the Technical Committee on this item. Sorry, is there any Action Arising, Agenda Item 6.2 on Whalewatching? Seems not so can I close that Agenda Item. Thank you.

7. ADOPTION OF REPORT OF THE TECHNICAL COMMITTEE

I think we may now take Agenda Item 7 – Adoption of the Report of the Technical Committee. Are there any comments? Seems not. We will adopt the Report of the Technical Committee and that concludes Agenda Item 7. Very nice timing and thank you for your cooperation. We will adjourn for coffee and after coffee break we will take Agenda Item 12 – Revised Management Scheme. Are you ready for that one Netherlands? Yes, thank you. We will resume at 11.00.

[BREAK]

Chairman

I neglected to deal with Agenda Item 11.3 at the previous session so I will call upon the Chairman of the Scientific Committee to deal with 11.3 – Future Work Plans. Chairman of the Scientific Committee.

11.3.1 REPORT OF THE SCIENTIFIC COMMITTEE**Chairman of the Scientific Committee**

Thank you Mr. Chairman. We deal with this under Item 6.3 of our Report on page 9. Might I suggest that here we only deal with those items relevant to the RMP and to Comprehensive Assessment and that we deal with more general issues under Item 17.3. So if you look at page 9 in the right-hand column at the bottom, the first one we deal with there is our priorities for the RMP work and there are four given there and I will just read through them. Firstly, completion of the catch limit algorithm program revision and tuning; secondly, abundance estimation – general and specific matters relevant to the RMP; thirdly North Pacific minke whale trials reviewing simulation results and new survey data; and fourthly; North Pacific Bryde's whales developing trials.

The second one Mr. Chairman, is the Comprehensive Assessment over the page and that's in the second grouping on the left hand side of page 10, Comprehensive Assessment of Whale Stocks. We propose here again four items Mr. Chairman. They are firstly Southern Hemisphere minke whales, review of JARPA including two particular questions there; secondly, Southern Hemisphere blue whales, differentiation of sub-species and abundance estimation; thirdly, Western North Atlantic right whales, recent population trends from the results from other intersessional work or the Workshop I mentioned earlier; and fourthly Southern Hemisphere humpbacks, reviewing intersessional work on a preliminary assessment. Thank you Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Are there any comments on these items? Monaco.

Monaco

Yes Mr. Chairman I have read page 9 and page 10 of the Scientific Committee Report with great attention. I think this is extremely important to discuss the longer term priorities and directions of the Scientific Committee and next year's Agenda. As you know Monaco is quite interested in seeing the best application of modern

Chairman

Sorry may I interrupt you. Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Sorry I am not sure if this is going to lead into a general discussion of our priorities. I specifically said I thought we should deal here with just these two and the general discussion would be under Item 17.3 when we talk about the framework within which these would sit. What we are looking for here is your endorsement of our four priority programmes within these two sets of issues, RMP and Comprehensive Assessment.

Chairman

Thank you Chairman of the Scientific Committee for the clarification. Monaco is it more suitable to discuss this under Agenda Item 17 or do you wish to continue?

Monaco

Yes I wish to continue Mr. Chairman. Monaco is quite concerned and you know so, that we seek better applications of current technologies to the priorities and needs of this Commission and in particular I would like to stress that we are concerned about the lack of certainty about the taxonomic status of certain species that are subjected to either direct or indirect takes. You know there are some doubts about the precise taxonomic identifications when reports are made, reports that go either to the Infractions Committee or to other Reports and therefore I would request that the Scientific Committee consider the scientific issues associated with the use of DNA analysis for the purpose of determining the species and population of origin of samples of whale tissues and bones and to make recommendations as to how the utility of such techniques could be enhanced for the purpose of identifying which species and stocks are subjected to takes and I feel this belongs to the item under consideration. Thank you Mr. Chairman.

Chairman

Thank you Monaco. I think it is more appropriate to discuss the general questions such as that under Item 17 and I suggest that we should just look whether we endorse the Scientific Committee's Report at this point. Are there any other comments? OK can I ask the Chairman of the Scientific Committee to proceed please.

Chairman of the Scientific Committee

Mr. Chairman I have got no other comments under this Item.

11.3.2 ACTION ARISING

Chairman

Thank you. In that case can we endorse the Report of the Scientific Committee and we note that general comments will be raised under Agenda Item 17. Thank you. Chairman of the Scientific Committee. Sorry I understand that concludes that Agenda Item 11.3. Thank you. US

USA

There is one more Agenda Item 11.3.2, Action Arising. We would like to hold this Item open because we have a Resolution to submit under this Agenda Item. Thank you.

8.1.3 WORKSHOP ON WHALE KILLING METHODS

Chairman

Thank you US. I was about to suggest that. Thank you. Before we proceed to Agenda Item 12, RMS we have an outstanding Item on Agenda Item 8.1.3 where there was a small Working Group having some consultations and where Denmark had asked for more time. I understand there is now a substantial degree of agreement on this item so on the basis that it should be reasonably quick I think we should take it now. Monaco could you report please on the small group.

Monaco

Mr. Chairman there was a meeting of the small group yesterday on the question of resolving the issue of disagreement concerning the use of the term “humaneness” in the Terms of Reference of the Workshop on Whale Killing Methods. There was a very constructive discussion but unfortunately no specific agreement could come out of that group. However, as I indicated already yesterday, after further consultations it seems that we have a reasonable chance to provide a large consensus on a proposal which has been distributed yesterday under IWC/50/22 Rev – Terms of Reference of Workshop on Whale Killing Methods and the purpose of this amendment of this to the Terms of Reference, let me be very clear, is to get the whole problem of semantic discussion and philosophic discussion and cultural discussion, whatever their importance on the precise meaning of humaneness in this part of the world, the other part of the world, in different languages to get it out of the way so that experts invited to this Workshop on Whale Killing Methods can really do their job and concentrate on objectives which are quantifiable and discuss these issues in the most vigorous and objective way. Therefore, we have couched the text which aims to achieve these goals, May I read it or leave it to the Secretary to read it according to your wishes.

Chairman

Thank you Monaco for your work in trying to reach this agreement. Secretary please.

Secretary

Mr. Chairman the proposal is contained in document IWC/50/22 Rev and the language proposed for revision of paragraph IV of the Terms of Reference of the Workshop are to read “Complete a comparative analysis of the methods and consider revision of the Action Plan as appropriate with a view to improving whale killing techniques and so minimising times to death, times to irreversible insensibility and the pain caused to the animal while paying proper regard to the safety of the crew”. That is a proposal put forward in the name on Monaco, seconded by South Africa and which we understand has broad consensus in the Commission.

Chairman

I have US and Norway and Japan.

USA

Mr. Chairman, it is our understanding that the consensus reached was slightly different from what was read out by the Secretary and this should be corrected. The final words being “while paying proper regard to practicalities and the safety of the crew”. That was the agreed on language and I think we should make sure that is correctly reflected in the statement.

Chairman

Thank you US. Norway.

Norway

Thank you Mr. Chairman. Yes I have some of the same problem as the US because I think among some people here there has been hope to reach agreement on some minor changes to the, and I can read from the document which has been distributed, IWC/50/22 Rev the last part at the bottom of that document, I can read that and mark out the changes which I understand have been agreed. The first point is that it is more or less a logical point that the irreversible insensibility normally comes before death I think, so it should say minimising times to irreversible insensibility and death. That's a drafting point, and then go on to say and insert "therefore". Then insert "risk of pain caused to the animal" and to the end I think it is the same as the US said to the extent practicable. Should I repeat that? That part of the conclusion would then read "with a view to improving whale killing techniques and to minimising times to irreversible insensibility and death and therefore the risk of pain caused to animals to the extent practicable". Thank you Mr. Chairman.

Chairman

Thank you Norway. I think Japan have you asked for the floor?

Japan

Yes thank you Chairman. We support the amendment proposed by the US and Norway. Thank you.

Chairman

Thank you Japan. Monaco.

Monaco

Yes Mr. Chairman, this improvement is known to us and indeed they are part of the package.

Chairman

Thank you Monaco. Denmark.

Denmark

Thank you. We support the wording as has been added by the US and as read out by Norway. Thank you.

Chairman

Thank you. May I ask the Secretary to read what we've got now.

Secretary

Mr. Chairman I am slightly unclear now because I think we have the use of practicalities in twice and I am not sure that that was the intention. I will read what I have written down, that the complete terms of reference are "to complete a comparative analysis of the methods and consider revision of the Action Plan as appropriate with a view to improving whale killing techniques and to minimising times to irreversible insensibility and death and therefore risk of pain caused to the animal to the extent practicable while paying proper regard to the practicalities and the safety of the crew".

Chairman

Thank you. Is this acceptable to the meeting? Australia.

Australia

Thank you Chairman. The proposals from Norway substantially change the text as it was agreed in negotiation and we would be unable to accept it I am afraid. Thank you.

Chairman

Thank you Australia. In that case can I put the amendment as proposed by Monaco and as subsequently amended Do you want me to put the amendment first? OK I will put the amendments proposed by Norway if I may attribute them to Norway. The amendments proposed by Norway and the US which are to insert the words. Shall I get the Secretary to read it again? OK I will get the Secretary to read it again.

Secretary

The amendment Mr. Chairman is to insert additional wording and to make the subsequent changes to the grammar so that in the last two lines of the paper before us, IWC/50/22 Rev. In the first line "so" becomes "to" and in the second line you delete "death times to" and after "irreversible insensibility" you add "and death" and insert "therefore risk of" delete "the pain caused to the animal" and add "to the extent practicable" and then you go back up to the original text "while paying proper regard to" and this is the amended insert "practicalities and the safety of the crew". So these are the additional words which form the basis of the amendment.

Chairman
Monaco.

Monaco
Point of order Mr. Chairman. I indicated that I had accepted the improvement and I therefore do not consider them amendments. I propose that we vote on the fully revised proposal by Monaco, seconded by South Africa.

Chairman
Norway.

Norway
Yes, that is my understanding as well so I would support the proposal by Monaco. Thank you.

Chairman
Australia will you accept that proposal by Monaco?

Australia
Chairman, I am sorry I am probably being obtuse but I am not sure exactly where we got to on that proposal. We would be able to accept the original proposal by Monaco, we would be able to accept the amendment proposed by the United States, we would not be able to accept the further amendments proposed by Norway which we hadn't seen before they were announced by Norway and which substantially in several important respects alter the balance of the proposal which was moved by Monaco. There are several respects in which that occurs and I hand that Chairman to bring it to the attention of others. Thank you.

USA
Mr. Chairman.

Chairman
Sorry US I am trying to decide on a point of order.

USA
I just wanted to suggest that it might be better to defer this and have further discussions rather than going to a vote because clearly we have a different point of view, but we have been discussing, we have been making progress, couldn't we continue the discussion so that we could come up with a consensus agreement? I think we are probably not that far apart and we have been making progress. Let's try to come to an agreement on this rather than voting on several amendments and so on.

Chairman
Thank you US for the suggestion. I will make that ruling that we hold off and have some more discussions.

12. REVISED MANAGEMENT SCHEME

We now go to Agenda Item 12 – Revised Management Scheme and I call upon the Chairman of the Working Group to introduce the Report.

12.1 REPORT OF THE WORKING GROUP ON THE REVISED MANAGEMENT SCHEME

Netherlands
Thank you Mr. Chairman. The Report of the Revised Management Scheme Working Group can be found in document IWC/50/14.

Mr. Chairman, as specified in the IWC Resolution 1994-5 the Terms of Reference of the RMS Working Group included completion of work on first, an effective inspection and observation scheme; second, arrangements to ensure that total catches over time are within the limit set under the RMS; and third, the incorporation into the Schedule of the specification of the Revised Management Procedure and all other elements of the RMS.

12.1.1 INSPECTION AND OBSERVATION SCHEMES

Mr. Chairman, as you will recall last October in Monaco, the Commission received a proposal from Japan for an

inspection and observation scheme which was discussed in general terms by the Working Group at that time. Eventually it was agreed that I would collect comments and amendments on the Japanese draft and I incorporated the comments and proposals which I subsequently received in a revised draft and this paper formed the main item of discussion in our Working Group. The discussion of the revised draft was preceded by a general discussion in which Norway and Japan voiced concern about the legal integrity of the Convention and warned against the inclusion of provisions in the inspection and observation scheme which in their view are outside the scope of the Convention. You will find this discussion reflected on the top half of page 2 of our Report.

However, it was generally agreed that the revised draft was a reasonable basis for discussion so the Working Group then proceeded with a detailed consideration of the text which was divided into three chapters, namely, Chapter One – Common elements for national inspection schemes; Chapter Two – Rules pertaining to the International Observer Scheme; and Chapter Three – Measures to ensure that catch limits are not exceeded. After some discussion it was agreed by the Working Group that this last part, the measures to ensure that catch limits are not exceeded, should be considered in relation with a mechanism for ensuring that total catches over time are not exceeded, and that this should not form part of the inspection and observation scheme which is only intended to ensure that catch limits for commercial whaling are adhered to.

I wonder, Mr. Chairman, if you would like me to stop here to consider this part of our Report before we go into the detail of the inspection and observation scheme?

Chairman

Unless delegations are looking for the floor I think it would be as well to continue on Chairman.

Netherlands

Yes Chairman. So going into the detail of the Scheme, on the matter of national inspection schemes there was some discussion as to whether there should be a distinction in the rules between pelagic operations on the one hand and coastal whaling operations on the other hand. You will find this discussion reflected in the bottom half of page 2 and the top of page 3. There was some support for such a distinction, partly in view of the Irish compromise proposal which would have the effect of limiting future whaling operations to coastal whaling, but there were also views expressed that, in principle, the scheme should cover both pelagic and coastal operations. There was no agreement on this so this question was left pending. Do you want me to pause here Mr. Chairman?

Chairman

Thank you Chairman. Are there any comments on that section or can we carry on? It seems we can carry on please.

Netherlands

Under the heading of “Duties and Competence” an interesting debate took place about the question of whether national inspectors should record time to death and the requirement for countries to maintain DNA records. On the matter of recording time to death, a majority of those who spoke appeared to be in favour of the inclusion of such a requirement but Japan stated that such information should be made available on a voluntary basis. With regard to DNA testing, both Norway and Japan stated that they could not accept the proposed amendments to the Japanese draft because in their view DNA testing and measures related to trade in whale products generally were outside the scope of the inspection and observation scheme. Again, no agreement could be reached on this question but I noted that both Norway and Japan were prepared to make national arrangements and there seemed to be general agreement that such measures as DNA testing and recording of landings and shipments etc. should be discussed, albeit not necessarily within the framework of the inspection and observation scheme. So the Working Group decided to leave the issue of trade aside for the time being and look for possibilities to take this forward in some other forum.

Chairman

Thank you Chairman. Are there any comments on this item? New Zealand.

New Zealand

Mr. Chairman, while reserving its position on the final adoption of the RMS, New Zealand has actively participated in the whole process of developing this document and particularly in the development of an inspection and observation regime and we submitted specific proposals to the Working Group that were incorporated in the document that was the subject of debate within that Group. While some of the issues, Mr. Chairman, are ones on which particular countries have been quite deeply divided, I have got to say that I found that considerable progress was made on this I & O regime at this year’s meeting. I’ve got to say, and I think I

speak on behalf of all members of the Working Group, that the Chair of the Committee, the Commissioner for the Netherlands, deserves considerable credit for that.

Mr. Chairman, with one exception, the proposals that have been tabled by New Zealand and the positions that we have taken on this issue within the Working Group have been consistent with similar regimes under modern international fishing treaties and we seek in short only what our countries do in other areas. The one exception Sir, is our insistence that the regime should provide provisions allowing the tracking of the resulting whale products through to the market, and identification of those products by DNA analysis and linking them back to the specific whale stocks in respect of which a quota has been granted. In short, Mr. Chairman, we want to know that whale products on sale in markets are from stocks that are part of an approved quota and there are reasons for this Mr. Chairman, and they are to be found, as I hinted earlier in a brief intervention, in the Report of the Scientific Committee which this year detailed the serious problems that have occurred in the past with falsification of data on commercial hunting of whales and underline the necessity of ensuring that any RMS has watertight provisions to prevent recurrence of that in the future.

Pages 30 and 31 of that Report Mr. Chairman, I won't detail them entirely, but I think some points do need to be emphasised. Soviet whaling operations in the Arabian Sea in the 1960s reported catches of 424 sperm whales when in fact 954 were taken of which 750 were females. Soviet pelagic whaling fleets in the North Pacific reported a total of 37,275 sperm whales killed between 1966 and 1973, the real number was 66,950. Mr. Chairman, there are other suggestions as well in the Report of the Scientific Committee that Soviet whaling operations between 1949 and 1970 might have, in fact, have resulted in takes 60% higher than what was officially reported.

Finally, there was another paper considered by the Scientific Committee with evidence of statistical manipulation in respect of Japanese coastal sperm whale hunts with marked differences in the sex ratio of whales examined by biologists as compared to the actual catcher boat logs. Mr. Chairman, the author of that paper, Japanese author of that paper, concluded that the extent of these discrepancies was probably sufficient to render the catch statistics from coastal sperm whale whaling unreliable for the purposes of comprehensive assessments of sperm whales currently in preparation by the Scientific Committee.

Mr. Chairman, this is not the first time that we have had this issue before us. When I first became a Commissioner in 1994 we learnt of major falsifications of data by Soviet whaling fleets in the Southern Hemisphere involving some 45,000 humpback whales, 3,000 right whales and several thousand blue whales.

The point that I make is that it is necessary in developing an RMS to have a system of observation and inspection that cannot be subjected to the sorts of manipulations and falsifications that have occurred in the past. That Mr. Chairman, will be as much in the interests of the whaling nations as it will be in the interests of those who oppose whaling. The best way of achieving that is to track the product to market, to subject it to DNA analysis and thus to ensure by checking back to the stocks in question that in fact the products in the market are from stocks in respect of which this Commission has granted a legal quota.

Chairman

Thank you New Zealand. Any other comments at this point? Japan.

Japan

Thank you Chairman. We discussed about the DNA allegation and falsification of the catch and I would like to point out that both allegations were not verified by the responsible authorities although we requested the person who produced this paper to submit primary data or the raw materials. So these allegations are not verified so I want to ask a question that New Zealand government made a verification on these two incidents, and further I would like to make a specific comment on the manipulation of the catch record and these manipulation if occurred, the data was almost forty years ago and, for example, the Russian operations were before the start of the International Observation Scheme so these allegations are a long years ago incident. Also, as far as I understand, any of these allegation of falsification of the data, no primary data is available not only to the responsible authorities on each nation but also the Scientific Committee of this meeting. Thank you Chairman.

Chairman

Thank you Japan. Are there any other comments? Dominica.

Dominica

Thank you Mr. Chairman. My comment is not with regards to the issue that has just passed but reference to page

3, the last sentence, paragraph under Item A.3 Duties and Competence. Mr. Chairman

Chairman

Sorry Dominica we haven't come to A.3 yet we are still on A.2. Thank you. Japan you want the floor again? We are on Agenda Item A.2 still or paragraph A.2 of the RMS Report.

Japan

Thank you Mr. Chairman. Let me add two more points to what Mr. Yagi said. We would like to obtain the original data for this allegation so that we can examine them as well so those parties of people concerned who have or who have possession of such original data, we would appreciate it if they would bring it to us, then we would like to have open discussion and the result of the discussion we would like to publish it.

The second point I would like to make is that this incidence has occurred before the IWC International Observer System was introduced. After this International Observer System was introduced no event has ever occurred which would be likely to induce such allegation. In the meantime, in the process to develop RMP the full consideration and forecasting of the likelihood of the sum of the statistical inaccuracy was taken into account, namely the possible under-reporting and over-reporting possibility was fully taken into account and incorporated in that. Thank you.

Chairman

Thank you Japan. Dominica I am sorry I interrupted you there. You were correct please carry on.

Dominica

Mr. Chairman I can come in after this issue is over if you don't mind. Do you want me to come in now?

Chairman

Yes please go ahead.

Dominica

Mr. Chairman, I am making reference to A.3, the last sentence of the last paragraph, reference is made to taking the issue of trade at another forum. I would like some clarity, does another forum mean another forum within the IWC or another forum outside the IWC? Thank you.

Chairman

Thank you Dominica. Chairman of the Working Group.

Netherlands

Mr. Chairman, it was my understanding that what was meant was another forum within the IWC. Thank you.

Chairman

Thank you Chairman for the clarification. If there are no further comments can we move on to A.4? Chairman

Netherlands

Yes I am sorry for having contributed to the confusion about A.2 and A.3 here Mr. Chairman but we deal with A.3 now and we go on to the section of our Report dealing with satellite monitoring. So the Working Group considered the issue of satellite or electronic monitoring and differing views were expressed on the need for satellite systems both in relation to security of vessels, confidentiality of data, the costs of such systems and the actual need of real time reporting under the RMP. Obviously there was also relation with reporting requirements for national inspectors and international observers and it was agreed to consider this further when dealing with the issue of observer's reports.

Should I continue Mr. Chairman?

Under the heading of registration, we are now at page 4 of our Report, the Working Group was able to agree on some text proposals while Japan and Norway reserved their positions with regard to forwarding data to the IWC Secretariat. In any case, on the matter of registration the general principle of landing whales and whale products at registered land stations only was agreed by the Group.

Shall I continue Mr. Chairman?

Chairman

Thank you Chairman. Are there any observations or comments before we move on? Seems not, please carry on.

Netherlands

Mr. Chairman, the Working Group then turned to the Chapter on the International Observer Scheme and we are now at the top of page 5 of our Report. Under the heading of "Deployment" there seemed to be agreement that it might not be necessary to have an observer at each land station. However, no agreement could be reached on the question of whether observers must be present on all vessels. Some countries believed that this was imperative while some other countries were of the view that national inspectors were sufficient for enforcement purposes and that in cases where ships had insufficient room, national inspectors should have priority over international observers. So this matter was also left unresolved. Shall I continue.

Chairman

Are there any observations or comments? Seems not, please carry on.

Netherlands

Under the heading of "Qualifications" the Working Group agreed to a proposal regarding the illegibility of observers and there seemed also to be agreement on the notion that an observer would not necessarily be able to speak the same language of the country where he carries out his duties if a common language could be used.

On the subject of the registration of observers, the Japanese draft was accepted by the Working Group without amendment.

Chairman

Thank you Chairman. Are there any comments under these items? Norway.

Norway

Thank you Mr. Chairman. Yes one comment to the excellent Chairman of the Group. I think on the point of language which the observer could speak, he had not exactly got right what was expressed in the Group because at least my delegation stated that for sea safety, safety reasons, it is absolutely crucial that the observer speaks the mother tongue of the skipper and the crew of the vessel. Thank you Mr. Chairman.

Chairman

Thank you Norway. Any other comments on this point? Chairman please continue.

Netherlands

The Working Group then also agreed on section B.5 which is "Scope of observation and appointment". This you will find at the bottom of page 5 of our Report. Except for the words "by consensus" in the Japanese draft which refer to a decision by the Commission on annual priorities for observation activities. These words "by consensus" were further discussed by a small group but unfortunately it could not reach an agreement on this issue. Shall I continue?

Chairman

Thank you Chairman. I see no one looking for the floor. Please continue.

Netherlands

Mr. Chairman, under B.6 entitled "Standing of IWC Observers" there was some discussion about the possibility of international observers becoming involved in the implementation of national rules and I asked the United Kingdom who had proposed an amendment to the draft and Japan to pursue this bilaterally. So far I have not heard the outcome of this. Japan also further agreed to consider a proposal by the United Kingdom to amend text relating to the safety and freedom of the observer. Following this, New Zealand and the United Kingdom expressed reservations about the terms of waiver as proposed by Japan and on my request this was discussed by the three countries and it was subsequently reported to the Working Group that no agreement had been reached on this issue. So, Mr. Chairman, under section B.6 there are still bilateral talks pending unless they have been concluded, of which I am not aware, on the possibility of involving international observers in implementation of national rules and there is also the statement by Japan that it would further consider the proposal by the United Kingdom to amend the text relating to the safety and freedom of the observer.

Chairman

Thank you Chairman. Are there any comments? New Zealand.

New Zealand

Mr. Chairman I would to comment briefly on Item B.6(d) which was referred to by the Chairman of the Working Group. I have serious concerns about the draft as it is presently written. It would require that prior to the commencement of their duties, observers would sign a waiver absolving the IWC, national governments, vessel owners, operators and employees, land station owners, managers, etc. etc. from any liability for injury or loss due to any cause including accidents except in the case of negligence. I observed in the Working Group Mr. Chairman, that I wouldn't like to sign a waiver to that effect and I doubt that anyone in this room would want to. The fact is that what it could mean is that an observer who suffered an accident on board a vessel would not be able to claim compensation from it except in the case of negligence whereas a sailor on the same vessel who suffered precisely the same accident would be entitled to what is generally known as workers compensation. That is my first concern, and my second concern is that if we adopted this in its present form we would, I believe, be running foul of the requirements of the International Labour Organisation in respect of such workers compensation requirements.

Mr. Chairman, to suggest a way forward could I ask that between now and next year the Secretary gathers appropriate information as to how these issues are dealt with in other inspection and observation regimes and bring that information together with its own administrative requirements for advice to next year's meeting. Now, Mr. Chairman, that will not mean that the Secretariat will make a policy decision, that will be our function, but at least we will have the information that will enable us to make that decision on a fair basis and in accordance with the requirements of international law.

Chairman

Thank you New Zealand. Norway.

Norway

Thank you Mr. Chairman. On the question of observers taking over the functions of national inspectors, I have to say that irrespective of the consultations between Japan and the UK, for Norway it is not acceptable, indeed it is not possible under Norwegian law that we can transfer the functions of inspectors to an observer which you see on their instructions is not of the Norwegian Government. This has to do with the jurisdiction overseeing the operations, the whaling operations, which would be Norwegian national operations. Thank you.

Chairman

Thank you Norway. Any further comments? Japan

Japan

Thank you Chairman. Just to respond to the comment made by New Zealand. I think our original intention here is described in our original text, but the reason why we didn't make an immediate conclusion here was that we had a fundamental question whether the observer belongs to which organisation and this may lead to the question or the comments raised by Norway. We have no intention to assume that observer belongs to any authority of flag nations which has the right to prosecute the infractions. We further want to seek this issue within the involvement of the diplomatic people and we would like to solve this issue further. Thank you.

Chairman

Thank you Japan. We note those comments. Can you continue please Chairman.

Netherlands

Thank you Chairman. On paragraph B.7 entitled "Right and Function" agreement could be reached on the text of a proposal by Austria, while on a proposal by the United Kingdom relating to the power of international observers to conduct spot checks on land based whaling and processing facilities, it was concluded that this issue covered trade issues which the Working Group had already agreed to leave aside for the moment.

I continue with B.8.

Chairman

Please continue, there is nobody looking for the floor.

Netherlands

The Working Group then turned to the matter of observer's reports where there was an extensive discussion about the need for real time reporting, the matter of recording time to death and the question of whether

observers should first consult national inspectors to verify information before submitting their reports. It was concluded that further discussion on the issue of observer's reports should be delegated to a small sub-group and you will find the Report of this sub-group in Appendix 4 of our Report on page 15. When you turn to page 15 you will see that apart from the issues which the sub-group could agree on which are mentioned in the first three paragraphs of Appendix 4, the Group agreed that it was necessary to await the outcome of discussions in the Commission on the wider issues of quota management and supervision and control in order to advance the work on the matter of observer's reports. While the rest of section B.8 was generally agreed, subject to agreement on the first part, no agreement could be reached on the proposal to establish a panel for the review of observer's reports as in the view of some countries this could be dealt with adequately by the Infractions Committee. Shall I pause here Mr. Chairman?

Chairman

Thank you Chairman. Any comments at this point? No, if not, carry on please.

Netherlands

On the section dealing with interpreters the Working Group agreed to some minor editorial changes and it then turned to the more substantial issue of costs.

There was a range of views varying from the view that all costs related to supervision and control should be borne by the whaling industries or countries concerned to the view that the costs of observers should be paid by the country sending the observer. In between positions indicate that the possibility of a cost-sharing arrangement, the details of which were not discussed because it was felt that the principles should first be decided by the Commission. I will pause here Mr. Chairman.

Chairman

Thank you Chairman. Any comments? Seems not, please carry on.

Netherlands

I don't know if this is going to give us much guidance for the future Mr. Chairman, but I will continue. As I said before, the Working Group agreed that the next section dealing with measures to ensure that catch limits are not exceeded should be combined with the total catches over time arrangement and be discussed elsewhere.

12.1.2 TOTAL CATCHES OVER TIME, INCLUDING MONITORING AND REPORTING OF BYCATCHES
--

So, Mr. Chairman that concluded our discussions of the Japanese draft revision of Chapter IV of the Schedule and on the Agenda Items 7 and 8 of our Working Group which were taken together covering total catches over time, including monitoring and reporting of bycatches and other outstanding issues in relation to the RMS. The Scientific Committee had done extensive work which had resulted in a series of conclusions and recommendations. On the issue of oversight and surveys and data analysis the Committee had agreed, that is the Scientific Committee, on a process which this year it had applied to surveys of minke whales and Bryde's whales in the North Pacific and the Scientific Committee had agreed on suitable participation of scientists on behalf of the Committee. The Working Group endorsed the Committee's conclusions on this issue. Shall I stop just here to see if the Commission can also endorse these recommendations?

Chairman

Can we take it that the Commission endorses these recommendations? Seems so, thank you.

Netherlands

With regard to data availability, the Scientific Committee made a number of recommendations which you will find near the bottom of page 8 and in the top half of page 9 of our Report and which can also be found on the pages 18 and 19 of the Scientific Committee's Report. In the ensuing discussion some concern was expressed about the use of data from non-member states upon which the Chairman of the Scientific Committee explained that these would be evaluated on the basis of its minimum standards in terms of their adequacy for use in the RMP. It was subsequently agreed by the Working Group to endorse all the Scientific Committee's recommendations except for two which were only noted at this stage. Perhaps I should stop here Mr. Chairman to discuss this.

Chairman

Thank you Chairman. Are there any comments? Do I take it that the Commission endorses the position set out by the Working Group which is that we endorse all of the Scientific Committee's recommendations except for the

first one in box one in paragraph 8.3.2.2 and the final recommendation? Norway.

Norway

Thank you Mr. Chairman. When this was discussed in the Working Group the understanding was that those countries who had the reservation on those recommendations should consider the issue and that we should come back to it so I would suggest at this stage that we endorse all the recommendations from the Scientific Committee. Thank you Mr. Chairman.

Chairman

Thank you Norway. The proposal is that we endorse all of the recommendations of the Scientific Committee on this item. UK.

UK

Thank you Chairman. Well we have looked quite carefully at this. Part of the problem was that it was a complex text presented to us at rather short notice. But I think looking at the way it is worded and the caution that the Scientific Committee is exercising here we can endorse the second recommendation which I think was the one or the final recommendation which was the one I think we had problems with.

Chairman

Thank you UK. Any other comments? Chairman of the Working Group.

Netherlands

I doubt if everyone understood what or heard what the United Kingdom said Mr. Chairman. Perhaps it could be repeated in a slightly higher volume. Thank you.

Chairman

Thank you. UK can you repeat your comments please as they weren't heard by a number of delegates.

UK

I am sorry Chairman it is very difficult to predict the volume that is going to come out of this machine. What I said was that we have now looked at the final recommendation. As I said, part of the problem was that this was presented to us, it's quite complex, at very short notice at the Working Group. We have now looked at it and it is clear that the Scientific Committee has given careful consideration to this. It is a balanced recommendation and it is one that we can along with.

Chairman

Thank you UK for the clarification. So, Chairman of the Scientific Committee.

Chairman of the Scientific Committee

I am sorry Mr. Chairman I am finding some difficulty in discovering which recommendation we are talking about. There were two at the bottom of this section that were left over for further discussion. Are we saying they are both being endorsed or only one of them?

Chairman

Norway has proposed that all of the recommendations be endorsed so that point covers both and the UK has accepted the second, nobody has suggested anything different to Norway so if nobody objects we endorse all of the recommendations of the Scientific Committee under this heading. That seems OK. Chairman of the Working Group carry on to the next item please.

Netherlands

Thank you Chairman. On the issue of a genetic database, the Scientific Committee had already provided some advice last year and this item was not considered further this year. Turning to page 10 on the issue of total catches over time, the Scientific Committee had also done considerable work last year and this year it had revised the RMP text relates to indirect catches which you find at the top of page 10 in the paragraph numbered 16.

The Working Group endorsed the amendments in this paragraph proposed by the Scientific Committee and I wonder if it is an appropriate time here to discuss this.

Chairman

Thank you Chairman. Any comments on this item? Seems not, please carry on.

Netherlands

So I think then we can conclude that the Plenary also, the Commission also endorses this amendment. It was further mentioned that the Scientific Committee would use the results of trials examining two scenarios for Commission's decisions about the question of how to take account of all human induced mortalities when setting catch limits under the RMP. It was concluded that there might be a need for further work in this area depending upon the discussion in plenary. Again I think I should stop here.

Chairman

If there are no comments I take it that the Commission endorses this item? Thank you, please carry on. Sorry, Norway.

Norway

What did we endorse now because the Chairman asked that there might be need for further work depending upon the debate in the plenary. I don't know what we endorsed actually Mr. Chairman. I want a clarification.

Chairman

Thank you Norway. Chairman of the Working Group can you clarify?

Netherlands

Well in my opinion Mr. Chairman, this matter might be dealt with under Action Arising and some further action might be taken there. I think we shouldn't try to endorse anything here because there was nothing to endorse and I think the matter of further work could be dealt with under action arising.

Chairman

Thank you Chairman of the Working Group. Norway.

Norway

Well I agree that Action Arising comes under Action Arising but the point is here that we must know what action to take and that was going to be I understand a debate in the plenary to explain what action is to arise. So, in order to understand Action Arising I think we must be quite clear what is the problem because, in my understanding, and it is really a question to the Chairman of the Scientific Committee. I understood the Chairman of the Scientific Committee to say that the Committee considered this issue at the meeting last year and the statements they gave then, as far as I understood, was the final say from the scientists on this matter, so before we take any action we must know what it is all about. If the Chairman of the Scientific Committee has any comments on this I would be most grateful for that. Thank you Mr. Chairman.

Chairman

Thank you Norway. Chairman of the Scientific Committee can you clarify please.

Chairman of the Scientific Committee

I will try Mr. Chairman. We are talking about total catches over time and the Committee has agreed to carry out trials to examine two scenarios of dealing with that problem and they are items (1) and (2) towards the bottom of this section. The results of these trials will be used to provide advice to the Commission on the consequences of choosing one or other option with the Commission, of course, making the final decision. We had a discussion in the RMS Group Mr. Chairman, about a specific case and that was in relation to a question asked by a Netherlands delegate and that was dealt with I think at the time and that is reflected here.

Chairman

Thank you Chairman of the Scientific Committee. Chairman of the Working Group and then Japan.

Netherlands

Well I didn't raise my hand as Chairman of the Working Group but as delegate from Netherlands Mr. Chairman.

Chairman

In that case I will give Japan the floor.

Japan

Thank you very much Mr. Chairman. There are two scenarios presented here in the middle of page 10, two items which talk about these trials and so forth but I think what we need to do is to endorse this and in the action arising section when we deliberate on that agenda item we, I think, only need to reaffirm that endorsement. However, I understand there is a Resolution proposed by certain countries and only in that operating paragraph two of that Resolution, only the second point of the scenario in this page is indicated and included so my suggestion is that the wish to stop this discussion or deliberation here by just endorsing this. Thank you.

Chairman

Thank you Japan. Can I suggest that we note the Report of the Working Group on this point and address any decisions under Action Arising. Is that OK Netherlands?

Netherlands

Yes, fine Mr. Chairman.

Chairman

Japan.

Japan

Well actually this Report to the now endorsed and the content of that Report to be endorsed is different from this different Resolution which could come up in that Action Arising section because there is inconsistency between the two, so if there is such inconsistency between the two I think it is better and appropriate not to discuss that Resolution at the time of this Action Arising.

Chairman

Japan we are not discussing a Resolution at this point. I would suggest that maybe we defer the discussion on Action Arising until we reach that Agenda Item and can I ask, to help us move forward, that we just note the Report of the Working Group and we will deal with the issues in relation to any Resolutions that may be introduced later. Netherlands.

Netherlands

Mr. Chairman I would like to point out that on this particular point there were no recommendations by the Scientific Committee that could be endorsed. There was a request from the Scientific Committee to the Commission to provide advice and I wish to note at this time that some countries have taken up this matter and have drafted a Resolution which was tabled under the number IWC/50/31 and I thought that that would be the thing that we should come back to under Action Arising and that, as you said, at this point we cannot do anymore really than noting the Report of the Scientific Committee.

Chairman

Thank you Chairman of the Working Group. Japan.

Japan

Thank you Chairman. In the last paragraph of this Report here there is a clear statement by the Scientific Committee. The result of these trials would be used to provide otherwise to the Commission on the consequence of choosing one or other option for this specific case. So this is a clear statement by the Scientific Committee and their message is clear. Thank you.

Chairman

Thank you Japan I note your comments. Can I take it that the Commission notes this paragraph and notes the comments made and that any other action will fall under Action Arising. That seems agreeable. So we will move on Chairman of the Working Group please to carry over.

Netherlands

On the issue of carry over the Chairman of the Scientific Committee referred to decisions taken last year on new wording to do into the RMP specification and he noted that this wording was now included in Annex N. So I don't think there is anything that we can add here.

On issues arising out of the CLA programme, the Scientific Committee had noted that converting the computer program that calculates catch limits was not such an easy task as some had thought and it concluded that further work was needed during the intersessional period. Also the Scientific Committee had identified a mechanism for enabling the Secretariat to complete the investigation of methods to calculate catch limits under the CLA more

efficiently and it was concluded that this could be accomplished in the coming year. Both Scientific Committee recommendations on this subject of tuning were endorsed by the Working Group Mr. Chairman.

Chairman

Thank you Chairman. If there are no comments I will take it that the recommendations are endorsed by the Commission. Seems OK. Please carry on.

Netherlands

Finally Mr. Chairman on the specification of the RMP, the Working Group endorsed an amendment to the text of the RMP concerning the definition of a year to allow for catches to be set for certain periods of a year. The Chairman of the Scientific Committee also drew attention to two subjects which, in the Scientific Committee's opinion, might require further discussion in the future. These were related to first, the use of relative abundance indices and second, relevant timing of surveys and implementation reviews. I don't know if this gives rise to any comments Mr. Chairman at this stage?

Chairman

Thank you. Are there any comments? No comments so we will note this item. Japan.

Japan

Thank you very much Chairman. I would like to make a comment on tuning, with regard to the tuning, the level used here is 72 and actually the level used globally in general is 60 so actually it is 12% unnecessarily higher. It used to be that the level used for tuning was 54% and that was used as a first fold so actually this level of 72 is unnecessarily higher by 18% so I would like to stress the point on this unnecessarily high tuning level.

Chairman

Thank you Japan for those comment. Can we move on Chairman of the Working Group?

12.1.3 SCHEDULE AMENDMENTS

Netherlands

Yes Mr. Chairman. I think that this concludes the discussions of the Inspection and Observation Scheme and the other outstanding issues in relation to the RMS in the Working Group and with regard to the incorporation of the RMP and the other elements of the RMS into the Schedule, it was concluded that the Working Group could not carry this forward at this stage. Consequentially no Schedule amendments were proposed.

Mr. Chairman, as there was no other business this concluded 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 co-rapporteurs, Mr. Rob Bowman and Mrs. Bente Angel-Hansen, who produced a somewhat lengthier draft report than we had last year which perhaps made their work harder but which certainly facilitated the timely adoption of our Report and, in my view, it will also be of great help for the further work that is to be undertaken for the completion of the RMS. Thank you Mr. Chairman.

Chairman

Thank you Chairman and I think I will speak for everyone to thank you for your hard work on this issue and congratulate you on making some progress.

12.2 OTHER MATTERS

I move to Agenda Item 12.2 – Other Matters. Are there Any Other Matters under RMS? Chairman.

Netherlands

Well I think Mr. Chairman, that we should give some consideration on the question of how to take this work forward. Do you wish to do that under this item?

12.3 ACTION ARISING

Chairman

No if there is nothing under Other Matters I will take 12.3 – Action Arising which would seem to deal with how to take it forward. Are there proposals or comments under 12.3 – Action Arising? US.

USA

Mr. Chairman the United States has submitted a proposed Resolution IWC/50/31 on total catches over time. This Resolution deals with one of the remaining elements of the RMS.

In 1996 the Commission agreed that the Scheme must contain arrangements to ensure that total catches over time are within limits set by the RMS. Last year the RMS Working Group agreed in this respect that catch limits must take account of all human induced mortalities including aboriginal subsistence whaling, scientific whaling, whaling outside the IWC, by-catches, ship strikes and other non-natural removals.

Our Resolution would have the Commission formally agree that the proper procedure for calculation of commercial catch limits under the RMS is the following. First, if authorised by the Commission, the Revised Management Procedure would be used to determine the total allowable removal from the population. The next step would be to subtract all human induced mortalities that are known or can be reasonably estimated other than commercial catches from the total allowable removal. In this way the total catches over time would remain within the limits set under the RMS.

We urge all members of the Commission to support this Resolution.

Chairman

Norway and Japan.

Norway

Thank you Mr. Chairman.

Chairman

Sorry Norway. The Secretary has just pointed out to me that this document was distributed at 10.00 so it is too early under our Rules of Procedure to discuss it unless the Commissioners all wish to discuss it now. US.

USA

This document was out last night and this is just a revision, this one we are looking at now.

Chairman

Thank you US for the clarification. If that is agreed then we can carry on. Japan.

Japan

Thank you Chairman. I want to clarify the status, what are rules of discussing the Resolutions? I'm addressing the question to the Secretary.

Chairman

Secretary.

Secretary

Mr. Chairman the general rule is that a Resolution should be presented no later than 6.00 p.m. to be discussed the following day but the issue that has been identified by the USA is that what they are now proposing is a revision submitted this morning to a document that was made available yesterday and the Commission must decide whether the early arrival rule is based solely on the first presentation or whether it also applies to the revision as well. Thank you.

Chairman

Norway you had asked for the floor first.

Norway

Thank you Mr. Chairman. I don't think what the Secretary clarifies here is of much help because the Resolution was out at 18.19 last night so it was presented after 6.00p.m.. I would find it useful to ask a question, not discuss the Resolution, so when you interpreted me a while ago I was going to ask a question. I don't know if it proper for me to go ahead with that or that I should wait until tomorrow when we take up the Resolution. I am in your hands Mr. Chairman.

Chairman

I think the debate on the item should be tomorrow if the first Resolution was issued after 6.00p.m. yesterday

evening we cannot discuss it now so I will hold the Agenda Item open for tomorrow. Japan.

Japan

Thank you. I want to address a different issue and this is the question of how to proceed the text of Inspection and Observation Scheme and we welcome the progress this year on the Inspection and Observation Scheme and we want to see the earliest completion of the RMS. If the meeting agrees we are happy to make a further revise of Inspection and Observation Scheme during the intersessional period. Am I in order Mr. Chairman?

Chairman

Yes Japan I think you are in order. Thank you. Japan has proposed, it has offered to revise the Inspection and Observation Scheme during the intersessional period. I think that would be acceptable to everybody. Thank you Japan. I will adjourn this Agenda Item and hold Action Arising open until tomorrow.

I think we should now adjourn for lunch and when we come back we will discuss Agenda Items 13 – Southern Ocean Sanctuary, 14 – Scientific Permits, 15 – Scientific Research, 17 – Adoption of the Report of the Scientific Committee and if we can complete all that we will keep going numerically. If Agenda Item 8.1.3 is ready we will take that. Sorry the Secretary wants to make an announcement.

Secretary

Just before you break Mr. Chairman. I would like to remind delegates that there is a video presentation during this lunch hour of the venue for next year's Annual Meeting in Grenada. That video presentation is to be made in the Tiwi Room which is accessed by lifts 5 and 6 at level 2 so that will be available all through this lunch time and again during the afternoon break. Miss June Lendore from the Grenada delegation will be there to speak to delegates and to give you more information, so if you want to know where we are going next year, now is your chance to see it in video.

Chairman

Adjourned until 2.30p.m. The meeting will reconvene at 2.30p.m.

[BREAK]

Chairman

We will resume with Agenda Item 13 – Southern Ocean Sanctuary and we will take the Report of the Scientific Committee when the Chairman gets his breath back.

13. SOUTHERN OCEAN SANCTUARY

13.1 REPORT OF THE SCIENTIFIC COMMITTEE

Chairman of the Scientific Committee

Mr. Chairman, our discussion of this is on item 16 on page 58. We have rather little to say except to remind ourselves for the last three years we have asked for advice from the Commission on commonly agreed objectives for the Southern Ocean Sanctuary. This is in the context of a recommendation from a Commission Working Group in 1995. We have had no comment and we draw your attention to that fact and request your advice. In particular we believe that such advice is important in the context of developing a longer term work plan which of course we discuss in another context and also given that the Commission may require scientific advice when it reviews the Sanctuary provision in 2004.

Chairman

Thank you Chairman of the Scientific Committee. The Scientific Committee has requested advice. Does the Commission have any advice? Australia.

Australia

Thank you Chairman. We have drafted a Resolution to provide the advice requested. The paper is IWC/50/25, it has under that that it will be taken under Agenda Item 13.3 so I will leave it to your discretion as to when we take that.

Chairman

Thank you Australia, Can I see first if there are any other matters or any comments on 13.1 – Report of the

Scientific Committee? Any comments on 13.2 – Other Matters? Japan.

13.2 OTHER MATTERS

Japan

Thank you. We have material, it is IWC/50/25. Is it an appropriate time to discuss this document?

Chairman

50/25 is that a Resolution?

Japan

No, 27.

Chairman

Yes Japan you may carry on. IWC/50/27. “The legal invalidity of the IWC designation of the Southern Ocean Sanctuary” is the title of the document. Carry on Japan.

Japan

Thank you Mr. Chairman. We have previously provided a comprehensive analysis of the relevant legal issues related to the designation of the Southern Ocean Sanctuary which conclude that the IWC exceeds its authority under the Convention and that the establishment of the Southern Ocean Sanctuary violates the treaty since it does not conform to Article IV of the Convention. Specifically, the Southern Ocean Sanctuary is not necessary to carry out objectives and purposes of the Convention to provide for the conservation and optimum utilisation of whale resources and also the decision is not based on the scientific findings. It does not take into account the interest of the consumers of whale products and the whaling industry.

Last year we expressed a view that continued failure to resolve this matter threatened the Commission’s viability. Mr. Chairman, in order to assist the Commission in discussing this matter we have submitted the document IWC/50/27. This is the memorandum by Professor Burke, there is an argument outside of this meeting that the new concepts and the principle found in other documents justify a new interpretation of the term “conservation” and that under this new interpretation the IWC would be allowed to prohibit any commercial whaling and establish sanctuaries without regard to the original understanding recorded in the ICRW. We found out this argument and then Professor Burke made a counter-argument to this opinion that there is no international law principle to support this view and that there are principle that reject interpretation of agreement which would impose a new agreement on dissenting party. Further, none of the applicable principles of international law can be cited to justify an interpretation of the ICRW which negates its original purposes. Professor Burke also notes that with the coming into force of UNCLOS, the availability of its dispute settlement provisions which extend specifically to differences of other international agreements such as ICRW, it is no longer appropriate for the IWC to be sole judge of the validity of its own actions.

Mr. Chairman, we remain committed to resolving the issues, that does not meet the requirements of the Convention and is contrary to its object. So this is the explanation of the paper IWC/50/27. Thank you Chairman.

Chairman

Thank you Japan. Are there any other comments? UK.

UK

Thank you Chairman. Well Japan is, of course, correct that it has presented papers on this issue at the last three meetings but as I recall on each occasion the same thing has happened, the paper has arrived the morning of the discussion or at the very earliest the night before. This makes it impossible to analyse the paper, to look at it to consider it in any detail. We have had a very brief glance at this article, it is in fact not a free standing legal opinion, it is an article which is a contribution to an ongoing debate between Professor Birnie who is a member of my delegation and Professor Burke.

I simply do not think that it is possible for us to have a serious discussion without having a document like this several weeks in advance and on the substance I really don’t see any need to repeat the points that I have made last year that are recorded in the Chairman’s Report, that we remain firmly of the opinion that the Sanctuary was properly and legally adopted and is legally valid. Thank you Chairman.

Chairman

Thank you UK. France.

France

Thank you Mr. Chairman. I would just like to support very firmly what has just been said by the distinguished delegate of Great Britain. Thank you very much.

Chairman

Thank you France. Any other comments? Italy.

Italy

Thank you Mr. Chairman. I do not wish to enter into a legal debate about the interpretation of the Whaling Convention, I just want to stress that, as I said yesterday, every treaty has to be interpreted in the light of the evolution of customary international law, not only the Whaling Convention but every treaty. We are not anymore in 1946 so I am not convinced by the legal arguments put forward in the paper presented by Japan and I am instead inclined towards the reasoning put forward by the distinguished delegate of the United Kingdom. I think that it is within the purpose and the objective of our Convention to give to it an evolutionary interpretation in the light of environmental awareness, in the light of the precautionary principle, in the light of the right of future generations. I want also to stress that we joined, as Italy, the International Whaling Commission not to undermine the constitutional basis, as was said yesterday by the distinguished delegate of Norway, but just to strengthen the application and the correct interpretation of the Convention. Thank you Mr. Chairman.

Chairman

Thank you Italy. Chile.

Chile

Thank you Mr. President. I only wanted to say that when the Southern Ocean Sanctuary was approved it was with only one vote. . .

Chairman

Chile could you speak closer to the microphone please.

Chile

Yes. When the Southern Ocean Sanctuary was approved it was approved with only one vote against, twenty-three in favour and six abstentions and this meant this was approved by the majority superior to the two-thirds that is required. I think this is the principal legal argument that the Sanctuary has been approved within the legal framework of this Convention. Thank you Mr. Chairman

Chairman

Thank you Chile. Are there any other comments on this item? Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chairman. There seems to be quite a bit of divergence in opinion with regards to the establishment of sanctuaries in the marine environment as it relates to the management and conservation of marine living resources. One might look to the provisions of the Law of the Sea Convention which clearly state that the establishment of protected areas such as sanctuaries should be for the purpose of the management and development of fisheries. In that regards Mr. Chair, perhaps it might be appropriate for the Commission itself to seek unbiased independent counselling on this issue because this issue represents the very bedrock of strategies with regards to the management of living marine resources. It will impact not only the way in which cetaceans are being managed but also the way in which other marine living resources are being managed, and I think that this Commission owes it to the international community and other related treaties dealing with marine resource use and management to a certain legitimacy of this Sanctuary in order to become in line with other provisions of the Convention. So I would like to suggest that the Commission seek independent unbiased legal counselling on this issue Mr. Chair.

Chairman

Thank you Antigua and Barbuda. Any other comments? Brazil and New Zealand.

Brazil

Thank you Mr. Chairman. Well I would like to associate myself with the remarks made by the distinguished

delegate of the Chilean government. Brazil was one of the supporters of the Southern Ocean Sanctuary and it's our view that its establishment was we think the mandate of the Commission and that its legality has been already clarified and asserted. Thank you Chair,.

Chairman

Thank you Brazil. New Zealand.

New Zealand

Mr. Chairman, New Zealand was a very strong supporter of the Southern Ocean Sanctuary. We participated in the processes that led to its establishment in Puerto Vallarta in 1994 and we very firmly believe that those processes were in accordance with the requirements of the Convention. The appropriate majority was obtained, it was an opportunity for objections and indeed in the case of Japan Mr. Chairman, it has accepted the Sanctuary subject only to an objection in respect of southern minke whales and that acceptance alone must be regarded as being an acceptance of the legality of the process that led to the establishment of the Sanctuary in the first place.

Mr. Chairman, there are two very distinguished international lawyers with specialities in the Law of the Sea in the delegations of both the United Kingdom and Italy and I for one are very happy to hear, receive and accept the opinions that they, or their Commissioners as the case may be, have expressed to this Commission.

As I am certain the learned author of the opinion that has been presented by the Government of Japan knows full well there is no provision in the International Convention for the Regulation of Whaling for a reference to an independent legal review and quite why that is ignored in the opinion before us is quite frankly beyond me. There is only one procedure available to those who disagree with a Schedule amendment and that is to move a further Schedule amendment and seek the required third-quarters majority effectively to overturn the earlier decision and Mr. Chairman, quite why that very clear legal position is also ignored in the opinion before us is also beyond me.

Chairman

Thank you New Zealand. Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chair. It is quite obvious that the input that was just made by the distinguished delegate of New Zealand referring to the eminent legal Counsel of the UK and Italy cannot be seen as unbiased. Mr. Chair, this organisation is putting itself in a position where some member states can challenge the imposition of a Sanctuary before the Law of the Sea Tribunal, already unofficial opinions coming from that tribunal is questioning the competence of this organisation to establish such a Sanctuary. So I just want to show caution that perhaps to safeguard the decisions that are made in the organisation, that this organisation without delay seek unbiased counselling on this issue Mr. Chair.

Chairman

Thank you Antigua and Barbuda. Spain and Dominica. Spain please.

Spain

Thank you Chairman. As stated by some previous speakers, Spain has no doubt about the legality of the establishment of the Southern Ocean Sanctuary. Thank you.

Chairman

Thank you Spain. Dominica.

Dominica

Thank you Mr. Chairman. Mr. Chairman, in support of the intervention from the distinguished delegate from Antigua and Barbuda, Mr. Chairman, I wish to state that we need to create a level of balance in the decisions we take Mr. Chair. Mr. Chairman, if there were some school of thought, some legal school of thought that states that the Southern Ocean Sanctuary is a legal entity and another school of thought says it isn't, I think Mr. Chairman, that it costs us nothing if we try to have these two different trends, school of thoughts, get together and guide this body. Mr. Chairman, there is some of us that challenged the manner in which the Southern Ocean Sanctuary came into effect. The Convention, the ICRW, makes provisions for taking such decisions but based upon strong scientific evidence, we think that was not taken into consideration. If we are to protect a resource, if we want to protect a resource for the benefit of mankind Mr. Chairman, it is not prudent that we should take decisions

without weighing the *frozen counts*. Mr. Chairman, I think we should seek legal opinions from everyone, from the right persons, and see how we can arrive at something that would solve this problem. Thank you.

Chairman

Thank you Dominica. US.

USA

Thank you Mr. Chairman. The United States takes the position that all issues regarding the establishment of the Southern Ocean Sanctuary were resolved to its satisfaction and to that of most other delegations. Therefore, it sees no need to reopen discussions of the matter. Further the United States encourages the discussion of a more relevant topic of determining and implementing the steps needed to make the Sanctuary a success.

Chairman

Thank you US. Any other comments? St. Lucia.

St. Lucia

Thank you Chairman. Chairman, since the Southern Ocean Sanctuary was established there have been divergent views as to the legality of such a Sanctuary particularly when the decision was taken by less than fifty per cent of the world community of nations and which is now held to ransom as a result of this Sanctuary. Mr. Chairman, it is the view of the delegation of St. Lucia that the backward and forward positions of the two distinguished legalists who represent the governments of the United Kingdom and Japan is a debate that can go on *ad infinitum*. In that regard Mr. Chairman, my delegation wishes to put before this august body the notion that while the IWC is being questioned about the legality of its decision to establish the Sanctuary, this Commission would see it fit to establish a legal panel to consider the implications of this Southern Ocean Sanctuary for the global community. It is our view also Mr. Chairman, that while we see the Southern Ocean Sanctuary as an area of marine space which protects whales there are wider implications and, Mr. Chairman, we would urge that this body considers abolishing the Sanctuary.

Chairman

Thank you St. Lucia. Netherlands.

Netherlands

Thank you Chairman. I simply wish to associate myself with the statements made by the United Kingdom and New Zealand and some other countries who spoke in the same vein. Thank you.

Chairman

Thank you Netherlands. Antigua and Barbuda again.

Antigua and Barbuda

Thank you Mr. Chair. As I pay great interest to this debate I notice that some of the

Chairman

Point of order. UK point of order?

UK

Yes Chairman. Under the Rules of Debate D(1) the Commission may limit the time allowed to each speaker and the number of times a member of a delegation may speak on a question. Given that we have a heavy agenda and a large number of items to complete, may I suggest that we invoke that rule and that delegations only speak once in a debate apart from the proposer of a motion who should obviously have the right of response.

Secretary

I am just trying to get clear before we go to the vote that the proposal from the Commissioner from the United Kingdom under Rules of Debate D(1) is that each person wishing to speak can only speak one time. That is your proposal?

Chairman

UK.

UK

Thank you Chairman. Apart from the delegation putting forward a Resolution on a motion who I think should be

able to reply to the debate.

Chairman

Thank you UK for that clarification. Point of order Antigua and Barbuda.

Antigua and Barbuda

Mr. Chair. This day the 18 May or the 19 May Mr. Chair, is going to be a sad day for this Commission if the Chair decides to put this motion to a vote where we are stifling free speech, we are stifling a democratic process, we are stifling transparency as the Commissioner from the UK is suggesting that this body do. Mr. Chair, you are a wise man, be careful.

Chairman

Thank you Antigua and Barbuda. I understand I have no choice in the matter if a point of order is put I have to put it to the vote. Norway is it a point of order?

Norway

Yes thank you Mr. Chairman. I just want to make it clear then that I take it for granted since the reasoning for the UK proposal is the heavy agenda and the lack of time that his proposal will not only apply to this agenda item but all the agenda items from now until we end the session. Thank you Mr. Chairman.

Chairman

That was my understanding Norway. UK is nodding so unless there are other points of order. Point of order Japan?

Japan

Well I would like to clarify this point. This one delegate can speak just for one time and the time would also be limited and so forth but does that include the time for the translation and so on. I am really wondering if this kind of handling is equal treatment or not. I think it is unequal because if the speaking time is limited to just once does that mean once meaning the person can continue speaking for one hour?

Chairman

Japan I have the proposal before us is to allow each speaker to speak one time that would not in my view apply to the interpreter. The interpreter may, I would consider that as part of an intervention, but the point is that unless somebody is proposing a motion in which case they have the right to reply. Speakers may speak only once. Japan.

Japan

May I again ask you a question again? What about the time length that the speaker is allowed to speak because I was speaking and in the middle of my speech you stopped me twice?

Chairman

I assumed that you had finished Japan this time. There is no proposal to put a time limit on speakers so I will not be putting a time limit unless somebody really runs away with themselves. Grenada is it a point of order?

Grenada

Yes Mr. Chairman. If a member does not wish to speak on the matter can his time be allocated to another member that wishes to speak?

Chairman

As I understand the motion each delegation speaks once on a matter.

Grenada

Yes I understand but I am saying in cases where

Chairman

There is no question of time at the moment. There is no proposal before me to limit the time per speaker.

Grenada

Not to limit the time. I am saying can my time be allocated to someone else who wants to speak on the matter.

Chairman

No. Your delegation may speak once and you can't allocate that to someone else. Can we proceed to the vote please. Dominica point of order again?

Dominica

Yes Mr. Chairman on a point of order. The ruling, does it state that the Chairman may, this is one point I want to get clarified, and two, if the Chairman may does it say that it must go to a vote? Can the Chairman just may rule for or against? Thank you.

Chairman

Rule of Debate D(1) says the Commission may limit the number of times the member may speak. I am putting this to a vote. It is the safest way out I think so we will Japan point of order.

Japan

I would like to make a proposal even though we will put this to a vote it will be a waste of time and so even though Japan is dissatisfied with this process but therefore we would like to express our reservation. However, I would like to avoid the voting because we know the result is quite obvious, the UK proposal will win.

Chairman

I have no choice but to put it to a vote under the Rules of Procedure that say I shall immediately move to a vote except that I may call for a show of hands on the issue rather than a roll call vote. So that would be quicker. Yes, Japan.

Japan

Japan will stay out of this voting because it is meaningless. Thank you.

Chairman

Thank you Japan. Can I have a show of hands in favour of the proposal. I will ask the Secretary to call the vote or to carry on the vote.

Secretary

Mr. Chairman the proposal by the Commissioner for the United Kingdom is to limit the number of interventions by a delegation on any topic to one intervention. There is no limit on the time at this stage but the number of interventions is limited to one but there is a right of reply by the proposer of any item.

Chairman

Dominica.

Dominica

Thank you Mr. Chairman. Mr. Chairman, the Rule D states that it may limit the time Sir, it does not say to limit the amount of times you speak. So if it says it limits the time or, if you go further, it says can't we have both of them Mr. Chairman. Why we must we go for one and then go for the other? And if so I propose it should be two minutes. Thank you.

Secretary

The proposal Mr. Chairman, as I set it out, and the Chairman has called for a vote by show of hands. Those voting yes will agree with the proposal to limit the number of interventions to one, those voting no will oppose that suggestion. Can I have the show

Chairman

Point of order St. Lucia.

St. Lucia

Chairman, if we are going to follow the rules to the letter of the law I suggest that we do as our colleague from Dominica has asked that we put a time limit and the number of times any speaker may take the floor in this context. Chairman, I would urge that we use two minutes as the maximum and one time for each delegation to speak. Thank you.

Chairman

Thank you St. Lucia. I had intended to move to the point of order by Dominica after I sorted out the one by the UK so we will start with the one to limit the number of speakers, one speaker in each delegation on each question and then I will move to the other one. Secretary please.

Secretary

Can I have hands in favour of Japan another point of order.

Japan

Can I ask one point first. That the UK proposal was supported by someone?

Chairman

It doesn't need to be. The Rule of Debate says this particular, the Commission may in a proposal by the Chairman or by a Commissioner so can we now proceed to the vote please. I will take no more.

Secretary

Can I have hands in favour of the proposal. One per delegation please. If you change your hand we start all over again so please hold them up. Can I have those opposed. Thank you. Can I have those abstaining. Sorry, abstaining again. Please can you hold the cards up, one finger is very difficult to see. Thank you.

I am sorry but my count does not add up to the total number of delegates here. May I ask those in favour to hold up their cards please flat on to me. Thank you and those against. Again cards. I just have to assume that some people are not taking part at all, so there were 20 in favour, 1 against with 7 abstentions.

Chairman

I now have the point of order by Dominica that we should limit the debate to two minutes per delegation so we are actually quicker to go by roll call so we will take the vote by roll.

Secretary

Thank you Mr. Chairman. The roll call starts with Antigua and Barbuda. The proposal is that the one intervention will be limited to two minutes not counting the interpretation element. Antigua and Barbuda – absent; Argentina – abstain; Australia – yes; Austria – yes; Brazil – no; Chile – yes; People's Republic of China – abstain; Denmark – abstain; Dominica – absent; Finland – yes; France – yes; Germany – yes; Grenada – abstain; India – abstain; Ireland – abstain; Italy – yes; Japan – absent; Republic of Korea – abstain; Mexico – yes; Monaco – abstain; Netherlands – abstain; New Zealand – yes; Norway – absent; Oman – abstain; Russian Federation – abstain; St. Lucia – absent; St. Vincent and the Grenadines – absent; Solomon Islands – abstain; South Africa – abstain; Spain – abstain; Sweden – abstain; Switzerland – yes; UK – yes; USA – abstain.

Mr. Chairman there are 11 in favour and 1 against with 16 abstentions so the proposal is carried.

Chairman

Monaco point of order.

Monaco

I just seek clarification. It is clear now that the length of the discussion will be two minutes once. Does this also apply to the proposer of the Resolution or proposal?

Chairman

Other than the proposer of a Resolution may reply to the debate the time limit is the same. I think I will adjourn this meeting and convene a Commissioners meeting in ten minutes please.

[BREAK]

Chairman

After discussion with the Commissioners I now propose that we reverse the decisions on limiting the Rules of Debate. Instead I propose that delegations will voluntarily limit themselves to two interventions on any subject and to the minimum time needed to make a point and that second interventions where a delegation deems it necessary will be new material rather than a repetition of previous items. Is that acceptable? Seems yes so let us resume the debate on Other Matters on the Southern Ocean Sanctuary. We had proposals to seek independent

legal advice, we had conflicting opinions that we already had enough advice so I propose to note both views. Are there any other matters? If not, I propose to move on to 13.3 – Action Arising.

13.3 ACTION ARISING

I understand there are Resolutions on 13.3 but that they haven't been in the boxes long enough so I will hold that open until tomorrow. In that case we will move on to Agenda Item 14. Australia.

Australia

I don't want to challenge your ruling Mr. Chairman but the Resolution on the Southern Ocean Sanctuary, IWC/50/25, has been in the boxes since 15.20 yesterday. Thank you.

Chairman

Sorry Australia, do you blame me for getting confused? Please go ahead and introduce 50/25.

Australia

Thank you Chairman. As the Chair of the Scientific Committee mentioned in his remarks on this Agenda Item, for the past three years the Committee has requested the advice of this Commission on agreed objectives for the Southern Ocean Sanctuary. The Resolution IWC/50/25 responds to that request and is intended to provide the Scientific Committee with appropriate advice. The text of the Resolution affirms agreed objectives for the Sanctuary and in line with the recommendations that came from the intersessional Working Group that was held on Norfolk Island it directs the Scientific Committee to, amongst other things, develop and support non-lethal research on environmental changes and their impacts on cetaceans, and to increase cooperation with other bodies working in the Southern Ocean. It requests that the Scientific Committee do this in a way that conforms with the provisions of paragraph 7(b) of the Schedule and that it does this in the time frame which will contribute to the review of the Sanctuary in 2004.

Mr. Chairman, there are a large number of sponsors for this Resolution in addition to those listed we have endeavoured to seek the views of most other delegations present. We have not been advised of any opposition to the Resolution and we would therefore anticipate that it might be adopted by consensus and we can provide the guidelines the Scientific Committee has requested. Thank you.

Chairman

Thank you Australia. Are there any other views on this? Japan.

Japan

Thank you very much Mr. Chairman. I would like to state the Japanese view on this Resolution on the Southern Ocean Sanctuary. First of all this Southern Ocean Sanctuary does not have the scientific ground and secondly this is against the letter and spirit of the Convention itself. Therefore Japan has lodged the objection. For example, there is a provision in the 7(b) and that clearly states that this is not scientific. This prohibition applies irrespective of the conservation status of baleen and toothed whale stocks in this Sanctuary as may from time to time to be determined by the Commission. This clearly shows that the Sanctuary would be established even though the condition of the stock is good. Since the Chair is to rule this point and we would like to avoid any unnecessary confrontation between the different camps here by demanding a vote on this point so therefore we do not hope to have a vote on this. Therefore, we would like you to clearly leave a right in the report that Japan is opposed to this Resolution and we do not mind that you discard our objection to still adopt this Resolution.

Chairman

Thank you Japan for being very helpful. If there are no other comments we will note that the Resolution was adopted and we note Japan's views. Thank you. So that's Resolution IWC/50/25 has been adopted. Are there other Resolutions under this Agenda Item? Japan.

Japan

Chairman I would like to urge your attention to the IWC document IWC/50/29 which was another proposed Resolution from Japan but it was submitted at 18.03 last night so it is 3 minutes behind the deadline, but if you would allow me to discuss on this I would like to explain on this as my second opportunity, occasion to present our position but how should I proceed with this?

Chairman

Japan I'll hold the Agenda Item open and you can present it tomorrow. Thank you. Now that peace is breaking

out and I've also got an indication from the small Working Group on 8.1.3. – Humane Killing. Can I ask Monaco to report please.

8.1.3 WORKSHOP ON WHALE KILLING METHODS

Monaco

Yes Mr. Chairman I am pleased to report that it would appear that satisfactory wording, or at least, acceptable wording has been found. This has been written up again and placed in the delegations boxes under IWC/50/22 Rev. 2, Agenda Item 8.1.3. Again the purpose of this exercise was to find a broad consensus, meaning that not everybody is perfectly one hundred per cent happy with every word used in this text but this will not raise major objections and therefore will provide, it is hoped, a very concrete platform context for work for this Workshop on Whale Killing Methods and we hope save quite a few days of rather futile debates. The proposal therefore might be read by the Secretary.

Chairman

Thank you Monaco. Secretary please.

Secretary

Mr. Chairman, the agreed reading of the text is in IWC/50/22 Rev.2 and the paragraph five of the Terms of Reference of the Workshop will read "Complete a comparative analysis of the methods and consider revision of the Action Plan as appropriate" and the new text comes now "with a view to improving whale killing techniques and so minimising times to irreversible insensibility and death, and therefore the risk of pain caused to the animal, while paying proper regard to practicalities and to the safety of the crew". Thank you Mr. Chairman.

Chairman

Thank you Secretary. Can I take that this new text is acceptable to the Commission? Australia.

Australia

Thank you Chairman. In Australia's view humane killing requires that the death of an animal occur without pain, stress or distress to the animal through a process that regardless of the limits of technology causes instantaneously insensibility that lasts until the death of an animal. Mr. Chairman, we can't join a consensus on the formulation before us which in our view obscures the reality of the inhumaneness that accompanies the killing the whales. However, Mr. Chairman, having regard to the pressing need to make progress in our Agenda we will not call for a vote on this proposal but would wish to have our objection recorded. Thank you.

Chairman

Thank you Australia that will be helpful. Are there any other comments. UK.

UK

Thank you Chairman. Well, I share some of the concerns expressed by Australia but I can, however, accept the revised Terms of Reference but in doing so I should make it clear that I am agreeing to specific Terms of Reference which I feel will enable the Workshop to do its work. I do not consider that what we have agreed provides a universally applicable definition of humaneness so far as whale killing techniques are concerned. Thank you Chairman.

Chairman

Thank you UK. If there are no other comments I will note the views of Australia and the UK and note that the Resolution is adopted. Thank you.

In that situation the Terms of Reference have been agreed for the Workshop on Whale Killing Methods and we can also accept the Report of the Humane Killing Workshop and I will now close Agenda Item 8. Thank you.

We now move to Agenda Item 14 – Scientific Permits. Chairman of the Scientific Committee 14.1.

14. SCIENTIFIC PERMITS

14.1 REPORT OF THE SCIENTIFIC COMMITTEE

Chairman of the Scientific Committee

Thank you Mr. Chairman. Our Agenda Item also is Item 14 in our Report on page 54. We first considered a question which has been on our agenda for some years, that is the advice of the effects on stocks of scientific

permit catches. This was discussed in full at our 1996 meeting and Committee members were asked there to provide documentation but we have had none, Mr. Chairman, in the last two years and we didn't discuss it but keep it on our Agenda.

We then, as is reported here in 14.2, reviewed the results from existing permits. The first we looked at was the permit issued by Japan for the Southern Hemisphere. As you will know, the Committee had undertaken a detailed review of the JARPA Programme, that is the Japanese Programme in the Antarctic and had identified a number of areas for future work. We have received reports on the progress of that work Mr. Chairman, and the details of some of that are given in that paragraph under Item 14.2.1 in the middle of the right-hand column on page 54.

In addition to reviewing those results we discussed the availability of samples from past commercial whaling for stock identification analysis and the problem of representativeness of samples. Even though there had been rather little time between the two meetings we found it helpful to receive the progress report and we look forward to more detailed responses at our next meeting. Mr. Chairman, some concerns were expressed about comments on the extent to which JARPA results can contribute to management in this Commission last year. In discussion of this it was noted that the Commission's Resolution on the matter did include information on the potential for JARPA to improve management. However, for clarity we agreed to repeat our full statement from last year on this matter and that is in the small type in the indented paragraph in the middle of the left hand column on page 55.

We then turned to discussion of results from the North Pacific. We noted that there had been a number of documents which incorporated information from what is known as JARPN and these are discussed in one of our Annexes Mr. Chairman, the one dealing with the RMP.

We then reviewed new or revised proposals, again firstly for JARPA in the Southern Hemisphere. We had a presentation of the 1998/99 research plan which is a continuation of a programme that has been extensively discussed previously. This is the tenth full-scale survey of a sixteen-year research programme, covering this year Area V and the western half of Area VI to focus on the issue of stocks within the framework of four major objectives. The survey period is the same as in previous years and the sample size is 400 plus or minus ten per cent. There were some comments on the proposal Mr. Chairman, on the rest of page 55 in the right-hand column and over onto the next page in the left-hand column. One thing I should draw to your attention is that the Committee noted that the addition of quantitative echo sounder equipment to the dedicated sighting vessels this year will provide the added capability of determining the distribution and abundance of food species including krill and we discussed and considered the effect of using such equipment on sighting surveys in one of our Annexes, the one dealing with environmental concerns.

We then reviewed the Japanese North Pacific proposal, Mr. Chairman. This is under 14.3.2 on page 56. We had a description of the continuation of the programme which was begun in 1995 after a feasibility study in 1994 to look particularly at stock structure of minke whales in the Northwest Pacific. We noted that 100 animals will be sampled in two or three areas among certain sub-areas. There is some difficulty Mr. Chairman, it seems in obtaining permission from the Government of Russia to operate in their waters for certain survey elements and if this proves difficult these are to be covered among three options. We noted that we hadn't reviewed this proposal in detail since 1994. We were told that the programme could be terminated after the completion of the 1999 cruise if the Committee agreed that the research objectives had been adequately met by that time. After some discussion we agreed that a comprehensive review of JARPN should be planned for the year 2000. If the programme is extended to that year or thereafter a detailed and thorough research proposal, we believe, should be submitted for review. We were further informed that the Government of Japan would elaborate the programme for 1999 taking into account the constructive comments made during the meeting and the analyses of the 1998 data. This would be circulated to members of the Scientific Committee prior to departure of the cruise. Thank you Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Any comments on this item? Japan.

Japan

Thank you Mr. Chairman. Well in conformance to the Article VIII Japan has issued the Permit to implement this JARPA project of research and actually it has been carried out for ten years and since the full-scale programme started it has been the eleventh year. On behalf of Japan we are very pleased that this JARPA research has contributed greatly to elucidate the stock as well as the distribution pattern in the Antarctic Ocean with regard to

the resources there.

It has been revealed and clearly indicated that in the former management unit Area IV and V there are one stock which covers two Areas in a straggling manner and also in-between what, actually on the border of the management unit IV and V there is another stock identified.

In May 1997 a JARPA Review Meeting was held in Japan and the scientists participating in that Review Meeting highly appreciated and evaluated this endeavour, the Scientific Committee members evaluated this matter highly, and that point is referred to on the left-hand side column on page 55 in those small indented letters. It said while JARPA results were not required for management under the RMP, they had the potential to improve it in the following ways: (1) reductions in the current set of plausible scenarios considered in Implementation Simulation Trials; and (2) identification of new scenarios to which future Implementation Simulation Trials will have to be developed among other things and results of analyses of JARPA data could be used in this way perhaps to increase allowed catch of the minke whale in the Southern Hemisphere. In addition, JARPA contribute elucidation of the effect of environmental changes in the Antarctic ecosystem through minke whale metabolism such and such.

Now I would like to turn to the North Pacific. For example, in page 56 it can refer to this background the objective of this North Pacific research which was launched in 1994 and originally around the waters near Japan the scientists had the hypotheses that their understanding was there is one stock, all stock, but that could be divided into the four sub-stocks, and also there is also another hypotheses that from the Aleutian waters, the western stock may be originated from so these realistic hypotheses were constructed. However, we came to consider that there were maybe too many hypotheses therefore in order to elucidate the stock structure this study was constructed and designed.

Up to 1987 when the data was studied and the result was good for Japan as well and at the Scientific Committee they agreed that there is no sub-stock to all stock. There is still some view or hypotheses that there maybe double stock which exists in the central part of the North Pacific. However, we believe that the possibility of existence of this double stock is very small. Another objective of JARPA is to elucidate the impact by the pollution around waters of Japan as well as the impact by the environmental changes. Another interesting finding from the JARPA is that we have analysed the specimen samples of the males and from the 35% of the male sample specimens from their testicles we have identified and discovered the calcification of part of the testicle. Whether that might have impact upon the reproductive capability of function is another challenge or the subject of analyses and we have reported that point to the Scientific Committee since several years ago.

With regard to the similar area of the research we have enquired this matter with the researchers in the Southern Ocean with regard to the minkes and the scientists told us there is no such male which demonstrated this similar symptom. Japan also welcomes this review which is proposed to be carried out in year 2000. Thank you very much Chairman

14.2 ACTION ARISING

Chairman

Thank you Japan. Any other comments on this item? No so the next Agenda Item is 14.2 – Action Arising. I have notice of one Resolution which is circulated today so I will hold the Agenda Item open until tomorrow.

I had intended next to take Scientific Research but I am advised that there are implications for the Finance and Administration Committee that need to be discussed first so can I alternatively suggest that we move to Item 19 – Financial Statements and Budget Estimates? Chairman of the Finance and Administration Committee please.

19. FINANCIAL STATEMENTS AND BUDGET ESTIMATES

19.2 CONSIDERATION OF ESTIMATED BASIC BUDGETS, 1998/99 AND 1999/2000

19.2.1 RESEARCH PROPOSALS

UK

I fortuitously had my papers reasonably near the top of the pile. I would refer you to the Report of the Finance and Administration Committee which is document IWC/50/9. Research proposals are discussed on the second page under 19.2.1 and the Report records that the Chairman of the Scientific Committee introduced the

Committee's proposals for research expenditure. He noted that the Scientific Committee is recommending eleven proposals in four groups and of these two proposals are relevant to the Revised Management Scheme, one is related to development of the Aboriginal Subsistence Whaling Management Procedure, three will focus on environmental matters and five relate to the comprehensive assessment of whale stocks. The total cost of these proposals would be £186,466.00 and of that approximately fifty per cent is earmarked for the comprehensive assessment and about one third for environmental matters and the Report lists the four most expensive proposals but I won't read that out that now.

There are various points about the funding but we are dealing with the budget now aren't we, so we do need to cover that. The Secretary explained that under the Provisional Budget that had earlier been circulated there would be a shortfall in funding if all these proposals were accepted and this could be dealt with either through an increase in members' contributions or by taking money out of the reserve fund. Now in fact further work on the budget has shown that that statement was unduly pessimistic. So far as the Research Proposals are concerned I should perhaps record that the Committee agreed that all the proposals recommended by the Scientific Committee should be funded. Do you want me to go on to the Budget itself and how they might be funded?

19.2.2 ASSESSMENT OF CONTRIBUTIONS FROM CONTRACTING GOVERNMENTS

There was a discussion about the level of contributions from Contracting Governments. As you will see there were a variety of views expressed. There was concern about having a significant reduction in contributions because a number of governments pointed out that once you had reduced your contribution and surrendered the money to your Ministry of Finance it was extremely difficult to get it back again. Therefore, this could have long-term consequences for the Commission. On the other hand there were others, in particular developing countries, who pointed out that any reduction in their contributions would be very welcome. We left it that I would discuss the shape of the budget and how we might resolve this particular problem with the two main proponents of those two views, Antigua and Barbuda and the United States. I have done so and I have also talked to the Secretariat again and the Secretariat has now devised a revised budget which has been circulated to Commissioners under a heading of "A note to Commissioners".

The essential feature of this budget is that it would fund all the Commission's expenditure including that on research fund and including £10,000 towards the cost of the Workshop on Whale Killing Methods and £4,000 towards a preliminary meeting of the Scientific Committee's Aboriginal Whaling Management Procedure Working Group which will take place immediately before the Scientific Committee. Now all those items would be funded out of expenditure and it would still be possible to reduce contributions by around about 4%, that's contribution by share, obviously a delegation's actual contributions depend upon the total number of shares it has which will vary according to the size of its delegation. So we do have a revised budget Chairman, which I think will be acceptable to all although I certainly haven't discussed it with all Commissioners. I think they have had advance warning of it.

There is one other item that I should perhaps mention in relation to this budget. The Secretary has pointed out that the Administrative Review may have financial consequences, but he has also pointed out that he feels that he is in need of additional staff and he would like to set in train the process for recruiting those staff. What I would suggest on this point is that we include an item amounting to £50,000 under the heading "Administrative Review" but on a provisional basis and on the strict understanding that that would only be spent if the Advisory Committee so agreed after they had received the Administrative Review. Now, if it is spent I suggest that that is drawn from the reserve. I should draw Commissions' attention to the state of the reserves which is extremely healthy. We agreed last year that ideally we would like to reduce those reserves. This budget would not do so unless we allow the Secretary to spend his £50,000.

But there is another issue which I think Commissioners are aware of and that is that the research programmes which the Scientific Committee is looking at for next year and the years after would entail significant expenditure, and indeed if we are to fund those programmes and the fact that we've asked the Scientific Committee to provide projects I think does imply that we are at least ready to consider funding them, we will either have to consider increasing contributions very considerably, which I don't think anyone would like, or we will have to draw on the reserves. So I don't think there is any problem in maintaining the reserves at a pretty healthy level this year. That is all I think that needs to be said on the budget, Chairman. You will see, looking at the Report, that there was discussion of a proposal from New Zealand to set up an environment research fund but I believe that New Zealand will be submitting a Resolution to this and it will not in any case, or would not, impact on this year's budget. Thank you Chairman.

Chairman

Thank you Chairman of the Finance and Administration Commission. If I can take points in reverse order. You suggested that we include £50,000 under the heading of “Administrative Review” on an understanding it would only be spent if recommended by the Administrative Review and approved by the Advisory Committee. Is that acceptable to Commissioners or are there any comments? It seems that is OK.

19.3 ACTION ARISING

The second item is, I think, the approval of the budget and contributions. Can we provisionally accept the budget subject to any changes that might arise during by later decisions of New Zealand and Netherlands.

New Zealand

Mr. Chairman I have a query. If I can refer you to the Report of the Scientific Committee, page 23. Mr. Chairman, on that page under Item 9.2 there was a discussion of the Report of the Cape Town Meeting on Southern Right Whales and under 9.2.2 on the right-hand side of the page it is recorded that the Scientific Committee agrees to endorse all the recommendations contained in the Report of the Right Whale Meeting, SC/50/Rep 4, and for the benefit of members who will not probably have that Report in front of them Mr. Chairman, but for those who might it is Appendix E and it is page 8.

It is recorded there that the Workshop agreed that a proposal for the creation of a Global Right Whale Catalogue should be included in the context of a broader proposal for a Southern Hemisphere Right Whale Consortium. There was then some discussion about the merits of the proposal and in the following paragraph it is recorded “the Workshop agreed that there was merit in the proposal and recommended that the Scientific Committee approves the principle of establishing a Southern Hemisphere Right Whale Consortium for recommendation to the Commission”. I made a brief reference to this in the debate in the Finance and Administration Committee Meeting, Chairman. It was my understanding that it was intended in fact to seek under research a £5,000 allocation to that exercise and I wonder if either the Chair of the Scientific Committee or the Secretary can clarify what has happened to that, if indeed my understanding is correct.

Chairman

Chairman of the Scientific Committee.

Chairman of the Scientific Committee

We are just checking on this, Mr. Chairman. I have to say that although we endorsed all the proposals from Cape Town this did not get a very high rating and we in fact referred to those that had the highest priority in my summary earlier. We are just looking to see what the record shows, Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. I will take other interventions from Netherlands, Oman and Brazil. Netherlands.

Netherlands

Yes Mr. Chairman, my point is only a minor point to the Commission but of some importance I am sure to the financial department of my Ministry, and that is that it appears that the contribution from the Netherlands is still calculated in the wrong way and so there appears to be a mistake in the list of contributions on which this budget is also based and I have to urge the Secretary to rectify this. Thank you.

Secretary

If you can identify the mistake it would help us considerably.

Netherlands

Yes I will. I think that the total shares Chairman listed for the Netherlands are four while they should be three.

Secretary

Mr. Chairman, the record shows that it is three in the document that was given to Commissioners, the correction was made in the later version, the pink one.

Netherlands

I’m sorry I had based my comment on a blue paper. I wasn’t aware of a pink one.

Chairman

I have a point of order from Germany. Germany.

Germany

Thank you Mr. Chairman. I can't understand anything,, it is too low and I think there is a need to speak in the microphone. Thank you.

Chairman

Thank you Germany. Netherlands was referring to an error in the calculation of the Netherlands contributions which has actually been rectified already in a revised document.

Switzerland is it a point of order?

Switzerland

No. A procedural matter. I don't know which paper we are talking about. We have received this list of contributions about three or four fold and I don't know which paper we have to look at. Thank you Mr. Chairman.

Secretary

Mr. Chairman, the document that was referred to by the Chairman of the Finance and Administration Committee is a pink two page document handed to each Commissioner personally, sorry in the pigeonholes, I beg your pardon, but one to each Commissioner entitled "Note to Commissioners", and that includes a revised table of contributions based on the latest information available to us.

Chairman

Thank you. I now have Oman, Brazil and Germany. Sorry I have had Germany. Oman and Brazil. Oman.

Oman

Thank you Mr. Chairman. I don't see Oman is listed in the list of participants. Thank you.

Chairman

We will correct that Oman. Brazil.

Brazil

Thank you Mr. Chairman. We would like to refer to the reference just made by the distinguished Commissioner for New Zealand about the Southern Hemisphere Right Whale Consortium and reaffirm that Brazil is committed to the establishment of the Consortium to work in cooperation with other Southern Hemisphere nations for the conservation of the Southern Right Whale.

While we do recognise that the highest priority should be allocated to work with North Atlantic right whales, whose populations are in very small numbers, we also have to recognise that northern right whales are currently being protected and managed in countries which have a lot of resources to apply to the recommendations that have been ranked as high priority by the Scientific Committee.

We think that the establishment of the Southern Hemisphere Right Whale Consortium would be of benefit to several developing country nations who are currently striving to conserve and properly manage and utilise in whalewatching this species which is very coastal in its breeding distribution. We think that what is being sought from the Commission is actually a very small amount of money to act as seed money for the establishment and first steps of the Consortium and in that respect we would like to very much support the establishment of this allocation of funds for the Consortium. Thank you Mr. Chairman.

Chairman

Thank you Brazil. Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chairman. I was just looking at page 10, Appendix 5 of this Report with regards to financial contributions outstanding. There are some delegations that are showing a 1997/98 contribution of £14,636. Is that the annual contribution for those delegations, that delegation not attending last year's meeting? Specific to

Argentina, Mr. Chair.

Secretary

Mr. Chairman, the Commissioner for Antigua and Barbuda is referring to document IWC/50/9 – Report of the Finance and Administration Committee. He has referred to page 10 which is Appendix 5 and the financial contributions outstanding at the 12 May this year and in the line for Argentina the amount outstanding for the current year represents the contribution due for a government that did not attend the meeting last year. There was in addition a credit brought forward from an over-payment the previous year. Thank you.

Chairman

Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chairman. The way it is presented here one would read it as a contribution for Argentina on the grounds that they did not attend the meeting last year but they were in fact at the meeting last year so there is need for further explanation on this one, Mr. Chair.

Chairman

Thank you Antigua and Barbuda. We will check that and return to it. Any other comments? Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman, the question of the Southern Hemisphere Right Whale Consortium was, as has been stated, one of the items that is in the list of recommendations discussed in SC Rep. 4, that is the Report of the Right Whale Workshop. It is based on discussion in Annex K of that Workshop where I have to say I can find no figure mentioned but perhaps I have missed it. The Scientific Committee reviewed the recommendations of the Workshop as I have said and endorsed them all in principle. Then in going through its own recommendations for funding it took the highest priority items and listed them in Table 10 on page 60 of the Scientific Committee Report. I have to say that there is no record there of this item being given priority.

Chairman

Thank you Chairman of the Scientific Committee for the explanation. I understand that as meaning there is not a provision in the budget for this item? Brazil.

Brazil

Thank you Mr. Chairman. Would it be possible to leave this specific point of the agenda open so that we could discuss the matter with the Chairman of the Scientific Committee and some other delegations interested in the issue so we wouldn't lose time in that in the Plenary but just come back to it after consultation?

Chairman

Thank you Brazil. I think that would be in order if we can provisionally agree the budget subject to any decisions taken later in the meeting. I think that has been our normal procedure and we will hold the item open for you and we also have to respond to Antigua and Barbuda's query. So the budget has been provisionally adopted.

I will hold this Agenda Item open to return to again as I said. There is also Agenda Item 19.3 – Action Arising from the budget. Are we in a position to address that now or will I hold that open for a resolution later? Brazil.

Brazil

Yes Mr. Chairman, as regards the Southern Hemisphere Right Whale Consortium we would like to be able to address the issue in Action Arising after further efforts and consultations. Thank you.

Chairman

Thank you I will hold that Agenda Item open.

15. SCIENTIFIC RESEARCH

15.1 RESEARCH PROPOSALS

15.1.1 REPORT OF THE SCIENTIFIC COMMITTEE

I think if we can go back now to Agenda Item 15 – Scientific Research and ask the Chairman of the Scientific

Committee to address Research Proposals 15.1.

Chairman of the Scientific Committee

Thank you Mr. Chairman. These have been discussed in one way or another I think already but perhaps I could just point out to where in the Scientific Committee Report our discussions of particular items occurs. There has been discussion of the Antarctic SOWER cruise. This is for combination of blue whales and other species. The discussion of that is on our Report on page 34 under Item 9.9.1. There has been discussion of Research Proposals, in particular, our recommendation that one be funded and that was considered by the Finance and Administration Committee, as was the funding for the SOWER cruise. The discussion of those proposals is given under Item 17 on page 58 of our Report and in an Annex.

Our discussion of funding generally is given on page 59 under Item 19. That was, of course, discussed fully by the Finance and Administration Committee and there is reference there to the proposals we put forward to that Committee and they are detailed in Table 10 on page 60 of our Report. I think that is all I need to say on this item here Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Sorry Chairman of the Scientific Committee.

Chairman of the Scientific Committee

I am sorry Mr. Chairman there is an item on page 58 I should draw your attention to. It is really for information and it refers to the text we use in dealing with Contracts for people who receive research funds. It is headed "Research proposals - preambular text", Item 17.3 on page 58 in the right-hand column. The background to this Mr. Chairman, is that we haven't in the past looked in detail at what actual words were used in the Contract and there were some concern that some people being given these funds were finding it difficult to know how, for example, to deal with publication of results, data obtained and so on, and with the Secretary's assistance we looked at what in fact occurs in these documents and the language used is given in items 1-7 on that page.

15.1.2 ACTION ARISING

Chairman

Thank you Chairman of the Scientific Committee. Are there any comments or interventions on this item? Seems not. Is there any action arising under 15.1.2? Seems not. We will move to Agenda Item 15.2 – Research on the Environment and Whale Stocks and call upon the Chairman of the Scientific Committee.

15.2 RESEARCH ON THE ENVIRONMENT AND WHALE STOCKS
--

15.2.1 REPORT OF THE SCIENTIFIC COMMITTEE
--

Chairman of the Scientific Committee

Mr. Chairman, our discussion of this is given under Item 12 in our Report Environmental Concerns and starts on page 46. Our discussions this year were structured to reflect the discussions that we had last year and your own Resolution 1997-7.

First of all we dealt with pollutant and contamination issues and reviewed the progress on research initiatives. Last year, that Resolution endorsed the Scientific Committee's recommendation to initiate a research programme to establish pollutant cause-effect relationships in cetaceans and to hold and fund a Planning Workshop as a first phase. We established a Steering Group to deal with this matter and the Workshop planned will now take place over 3-4 days in November in Barcelona. In the original proposal it was stressed that the programme was intended to address specifically the main recommendation of the IWC Pollution Workshop which was held in November 1995 and that further, researchers were encouraged to address the other recommendations of that Workshop and consider other species and sources of samples. The priorities in the research programme were not meant to imply that other approaches were untenable, including the opportunistic collection of data from stranded animals, although data from such sources were likely to be subject to the concerns that we reviewed last year.

We noted that the Parties to ASCOBANS at their meeting in November 1997 expressed strong support for the research programme and they recommended that the Parties should seek ways to facilitate its execution. We were informed that sufficient funds were available for the Planning Workshop and it was reiterated that sufficient funding for the overall programme has not yet been secured and potential funding sources are encouraged to consider supporting the project and, of course, the news that we heard just now about the possibility of funding next year is encouraging in that respect. We expect the programme to last at least four years and there is a list

here Mr. Chairman, of the things we may expect to see at the bottom on Item 12.1.1 as a result of the work.

The other particular element in this programme we have been looking at Mr. Chairman, is climate change and habitat and our discussion on that are under Item 12.2 on page 47 at the beginning in the left-hand column. We reviewed, first of all, progress on planning for work in the year 2000 in SOWER, that is in our cruises in the Antarctic. We have reported to us the fact that Southern Ocean GLOBEC small-scale process study originally planned for 1999-2000 has been delayed by one year. Consequently the small-scale process study will not occur concurrently with CCAMLR's large-area synoptic survey which is going to estimate total krill biomass. We realise there is a unique opportunity here and we discussed alternatives concerning our own participation in both these activities. We agree to proceed with the existing proposal to work with CCAMLR in the year 2000 by putting IWC observers on board to conduct whale sightings during their synoptic krill survey in Area 48 and we reconfirmed the decision to work with Southern Ocean GLOBEC despite the delay. Thus, we reiterate our support for the collaboration research activities with Southern Ocean GLOBEC and CCAMLR which were originally proposed at the 49th Meeting and subsequently endorsed by the Commission and we have some comments, Mr. Chairman, on our relationship with CCAMLR which I think we dealt with when we were looking at "Other Organisations" yesterday. Similarly with Southern Ocean GLOBEC which is reported on the next item on page 47.

In relation to habitat Mr. Chairman, on page 48 we have some discussion beginning under Item 12.2.1.3 on the left-hand column. We reviewed several documents and we noted discussion in one of our Annexes on inter-annual variability in the location and extent of the marginal sea ice zone. You will remember that we earlier discussed the question of how this might be affecting the distribution of minke whales and this is relevant of course to the questions arising in Annex E about the representativeness of JARPA samples. We encourage additional attention to that topic. We looked at some other concerns and activities under Item 12.3. As agreed at the last year's Scientific Committee Meeting, an intersessional Workshop is being planned to develop sighting and analysis methods for cetaceans components of multidisciplinary research programmes. This is now scheduled for late March 1999 to be held in St. Andrews, Scotland. We strongly recommend funding for the Workshop and that has already been dealt with under the Finance and Administration results.

We looked at some other items Mr. Chairman. Not only the SOWER cruise activities themselves but there is some discussion here of noise, with a general discussion on how to measure short and long-term behavioural responses of cetaceans which has also arisen in the consideration of whalewatching and at the Right Whale Workshop. We noted that the broad scope of any attempt to assess the impact of noise, this is both anthropogenic and non-anthropogenic on marine mammals, and while we recognise that this issue is relevant and important, we agree that attempting a major initiative on the impact of noise on cetaceans isn't advisable at this time. This is given that there are many other things that we have to address that, there is a quite a lot of work going on this already and it would be appropriate to review it at some later date.

We also looked at the question of ozone depletion and there are some comments on Item 12.3.4 at the top of page 49 in the left-hand column.

We looked also at the question of physical and biological habitat degradation in Item 12.3.5 and referred to the Report of the Comprehensive Assessment of Right Whales, the Workshop in Cape Town, and the statement made there is reproduced here Mr. Chairman in the small-type. There was a recommendation at that Workshop that a Workshop itself should be convened to develop approaches to quantify key features of whale habitats involving a variety of disciplines. We endorsed that recommendation but the Standing Working Group on Environmental Concerns itself received a proposal for an intersessional Workshop on Habitat and Degradation and its possible effects on cetacean populations. There was considerable discussion of that proposal, after which it was agreed that a preferable course of action would be to develop a revised proposal incorporating the Right Whale Workshop one, and informal initial discussions led to a slightly revised proposal which required further work and interested scientists, it was agreed, should continue informal discussions with a view to presenting an agreed revised proposal to our own Plenary. In the event there was no agreed proposal Mr. Chairman, and we agreed that this should be considered further next year.

We also looked at the effects of fisheries with some reports on marine mammal entanglements in Item 12.3.6 at the bottom of the left-hand column on page 49.

At the top of the next column we looked at disease and mortality events where we were presented with results of a study of bowhead whales in Alaska on viral serologic concerns. We agreed that such studies were important to provide a scientific basis for understanding effects on cetaceans of complex environmental problems and we

encourage similar studies. We had a report on potential new opportunities for collaboration arising from recent international developments such as those relating to the year of the ocean, and they identified some major perturbations in the marine environment that have occurred since the last meeting. We also received a review with a framework for considering cetacean strandings. We noted that such attempts to improve understanding of the meaning of such strandings are important albeit ambitious. Nevertheless, we recognise that information gathered from strandings, when viewed from a larger context and considering possible environmental effects, could help build a basis for understanding these events

We also, Mr. Chairman, under Item 12.4 looked at Arctic issues. The subject of environment concerns in the Arctic was discussed primarily under another item when we looked at longer term priorities and directions but we agreed to establish an e-mail group to address the subject.

We also looked at longer-term priorities and directions and I am not sure whether we should discuss this here or where we discuss our longer-term priorities generally Mr. Chairman?

We also have an intersessional work plan that is under Item 12.6 on the next page.

We could discuss our longer-term plans under Item 17.3 where we discuss those generally for the Committee, Mr. Chairman.

Chairman

Thank you Chairman. We will discuss them under Agenda Item 17 I think. Thank you. Are there any comments on the items dealt with by the Chairman of the Scientific Committee or can we endorse the Report? Monaco.

Monaco

Monaco wishes to voice its concern at this time about the scattered but haunting evidence that there is some pollution and contamination levels of significance in some whale stocks, particularly pages 46 and 47, and it seems that the best the Committee can do now, the only thing it can do now, is to take advantage of opportunistic studies which are available in the published record. I would like to know if the Scientific Committee has something like a strategy to better focus and gather evidence on this issue.

Chairman

Thank you Monaco. I think we should deal with that under “Strategies under longer-term priorities and directions” and we will take it under Agenda Item 17. OK. Thank you.

Any other comments? In that case the Commission notes the Scientific Committee’s comments.

15.2.2 ACTION ARISING

So, can we go to Agenda Item 15.2.2 – Action Arising. New Zealand.

New Zealand

Very briefly Mr. Chairman, to ask that you just hold this item open as there is a Resolution that has been presented today for debate and consideration tomorrow.

Chairman

Thank you New Zealand. I will hold that Item open. US.

USA

I refer to IWC/50/28 for this Agenda Item. Mr. Chairman, in the spirit of using this 50th Meeting to reflect upon the priorities and role of the IWC I would like to note that the United Nations has declared this year the International Year of the Ocean and therefore it is fitting that we take an important step now to move the IWC into the 21st Century by recognising that global changes in the marine environment will prove to be a greater threat to the survival of whales than whaling itself.

We believe that the Commission can play a valuable role in raising global awareness of the impact of global environmental changes on cetaceans. For the past few years the IWC has increasingly voiced its concern about the mounting environmental threats to cetaceans in yearly Resolutions and through the work of the Scientific Committee. The US commends the Scientific Committee for holding Workshops on Chemical Pollution and Cetaceans and on Climate Change and Cetaceans and its efforts to identify future priority research areas in

physical and biological habitat degradation and Arctic issues.

The Scientific Committee has also noted that environmental concerns are linked to all of its other priorities and has stated that the potential impact of global changes on cetaceans is a top priority. The indication by the Chair of the Finance and Administration Committee of an additional funding for environmental concerns is promising. Moreover, we are aware that health authorities are concerned with human health aspects of the consumption of some populations of cetaceans.

The Resolution we introduce today directs the Scientific Committee to raise the priority of environmental concerns on its Agenda. It was nineteen sponsors, a significant amount of support, it calls for a standing Agenda Item in the Commission entitled “Environmental Concerns” under which the Scientific Committee would continue to report annually on its progress in non-lethal scientific research on environmental concerns. Under this Agenda Item, Contracting Governments could also report annually on their national and regional efforts to monitor and address the impacts of environmental change on cetaceans and other marine mammals.

Chairman

Sorry USA. St. Vincent and the Grenadines wants a point of order.

St. Vincent and the Grenadines

No Mr. Chairman.

Chairman

I am sorry. Sorry US I thought it was a point of order, please continue.

USA

Thus the establishment of this Agenda Item will enable the Commission to be more fully aware of the increasing scientific body of evidence on the impacts of environmental change.

Therefore I ask the Commission to recognise the importance of the United Nations Year of the Ocean by passing this Resolution and specifically creating a Standing Agenda Item on Environmental Concerns under which the Commission will review annually scientific and other information related to this increasingly alarming threat to the world’s cetaceans. Thank you.

Chairman

Thank you. St. Vincent and the Grenadines.

St. Vincent and the Grenadines

Thank you Mr. Chairman. My comment is not in relation to the previous delegation’s intervention but I would like to draw your attention to a Resolution 15/22 relating to the Coordination and Planning for Environmental Research in the Antarctic. If it may please you Mr. Chairman, we would like you to defer this discussion until tomorrow.

Chairman

Sorry, St. Vincent and the Grenadines could you clarify what document that you refer to?

St. Vincent and the Grenadines

IWC/50/38 – Agenda Item 15.2.

Chairman

IWC/50/38, just one moment. St. Vincent and the Grenadines we will discuss that document tomorrow. Are there any comments on the Resolution introduced by the US, IWC/50/28 or can we agree that this be adopted. Japan.

Japan

Thank you Mr. Chairman. I would like to make a comment on this Resolution. This Resolution urges to carry out the studies on environmental changes on cetaceans and Japan actually greatly supports the idea of this kind of research to give priority upon these environmental matters as well. However, let me point out the narrow minded point which is entailed in this Resolution, namely that this advocates that all research is to be carried out in non-lethal manner. So when you compare the non-lethal methods with that of the lethal methods, which method is more effective as a research method as well as to identify and elucidate many items of scientific subjects? That

point is a very important consideration as well and especially with regard to the minke in the Antarctic. Would the non-lethal method be the effective way to really elucidate those scientific points? At the JARPA scientists review meeting they agree that the non-lethal method alone will not suffice.

So to save time for this Commission meeting I would not really prevent the adoption. However, I would like to ask you to record our reservations on two points written in this Resolution. Namely, the point describing the non-lethal method and also I would like to ask you to record our strong reservation on another point that is at the bottom of page 2 which talks about the other marine mammals.

Chairman

Thank you Japan for your cooperation. Can I take it that this Resolution is adopted noting the reservations expressed? Thank you. I will keep this Agenda Item open for further Resolutions in the morning.

22. DATE AND PLACE OF ANNUAL MEETINGS

Can we try and take two other Agenda Items before we adjourn. There are two short items, Agenda Item 22 – Date and Place of Annual Meetings and then we will take 24 – the Annual Report. Agenda Item 22.1 – the 51st Annual Meeting. Does Grenada want to take the floor? Do you want to comment on the 51st Annual Meeting. I'm on Agenda Item 22.1.

22.1 51ST ANNUAL MEETING, 1999

Grenada

Yes Mr. Chairman. Mr. Chairman, the Grenada Government would like to confirm its intention to host the 51st Annual Meeting of the IWC. Plans are speedily underway to facilitate such a meeting. We brought with us a video which was displayed earlier in the video room so we ask those members who have not yet seen the video to please take the time off to view it. It is just a preview of some of the things that you can expect in Grenada. Of course, most of you Commissioners visited Grenada sometime ago and you did not get the chance to see the entire island so this would be a good opportunity for you to return and bring your families. NGOs are welcome and I have with me Miss June Lendore who is the Deputy Secretary of the Organising Committee and she would like to say a few words.

Thank you Mr. Chairman. I just wish to reiterate the words of my Commissioner, the Honourable Michael Baptiste and take this opportunity to remind all those who are planning to come to Grenada next year that if they have not seen the video that it would be a good opportunity to do so before the conference is over. It might give them an idea of what they are going to expect and look forward to. We are ready and willing to host this IWC 51st Meeting and we look forward to welcoming you all, the NGOs, press and your families, and any questions you may have that you want to refer through you Mr. Chairman, through you the Secretariat, and also through the Ministry of Agriculture in Grenada. We have a very high level National Committee who are overseeing the operations of the organisation of the meeting and we look forward to responding to any questions that you may have. Thank you Mr. Chairman.

Chairman

Thank you Grenada. We certainly look forward to visiting Grenada and the Commissioners did have a sneak advance view and liked what they saw so we are glad to go back. The timing of the meeting will be in May. We will confirm the exact dates later.

22.2 52ND ANNUAL MEETING, 2000

Agenda Item 22.2 – 52nd Annual Meeting in the year 2000. Australia.

Australia

Thank you Chairman. It gives me great pleasure Chairman, to invite the IWC to consider holding the Annual Meeting in the year 2000 in Australia. It would be a great privilege for Australia if the Commission decided to accept this invitation. The year 2000 will be a very important one for us as it's the period in which we will be preparing to celebrate the centenary of our nationhood, our Federation and the adoption of our Constitution, and it's also the year in which the Olympics will take place in Sydney but unfortunately I think probably not at the same time as the Commission. We haven't yet established a site for the meeting but if the Commission decided to accept our invitation we would, of course, move quickly to do that. Thank you Chairman.

Chairman

Thank you Australia. Sounds good to me and I am sure we will arrange our own Olympics as usual. Any comments? Japan.

Japan

I wonder if you have not decided in which city you would like to host this Conference in Australia, but what is the probability of or possibility of holding the meeting in Canberra?

Australia

Those who know Canberra will know why I would say "What's the right answer" therefore I provide the answer.

Chairman

Thank you Australia. Denmark.

Denmark

Thank you Mr. Chairman. I regret this is not an invitation to the year 2001 but that's one thing which I would have mentioned in the Finance and Administration Committee and that is the timing of the Annual Meetings. Now I regret for those of my colleagues who are living south of the equator but the meetings normally take place in the summer season in the Northern Hemisphere, and the reason for that is quite natural because it is historical that was the period where people got together in this organisation to decide on the catch limits in the Antarctic area for the coming season there. Now this exercise has become history so I think there is not necessarily, a need to have it in a period where many delegates here may have their holiday time or their children out of schools or whatever. The thing is, my idea would simply be that maybe at next year's Finance and Administration Committee we could consider the possibility of having it at another time of the year, maybe late Autumn or very early Spring. Thank you.

Chairman

Thank you Denmark. We can certainly look at it at next year's meeting. I would agree to anything being discussed at next year's meeting at the moment. Are there any other comments? In that case on behalf of the Commission, thank you Australia very much for the offer and we are delighted to accept.

24. ANNUAL REPORT 1998-98

Agenda Item 24 – the Annual Report for 1997/98. It's paper IWC/50/11. Secretary.

Secretary

Mr. Chairman, as is usual we have put out a document which is the draft of the Annual Report for the current year. We know that there may be some amendments necessary before it is finally published and so if there are any comments or corrections which Commissioners and delegates would like to make please let us know as soon as possible in the Secretariat. Otherwise we take this draft as the statement of the Annual Report which will be published in the Commission's publications. Thank you Mr. Chairman.

Chairman

Thank you Secretary. Are there any comments on the draft? I take it that we can adopt the draft. Thank you Secretary.

Can I remind delegates before we adjourn that any Resolutions have to be in by 6.00p.m. this evening. Tomorrow is our final day and I propose to take the Agenda tomorrow in Agenda Item order. Start with Item 5 and work through as quickly as possible. Hopefully we will finish by, how shall I enhance my reputation as an optimist, lunchtime! We are to look about 4.00p.m. Grenada wanted the floor.

Grenada

Thank you Mr. Chairman. Mr. Chairman through you the Caribbean delegation would like to request a moment of silence to pay tribute to the late Japanese Prime Minister, the Former Prime Minister Ono who passed away in Tokyo on Monday.

Chairman

Thank you Grenada. The Commission will be happy to honour the former Prime Minister in this fashion so can we have a moment's silence please as a mark of respect and we convey our sympathies to the Japanese

delegation. Thank you very much. The meeting is adjourned. We will resume at 9.00a.m. in the morning. Japan.

Japan

I would like to take this opportunity to express my gratitude to you all for kindly offering a silent prayer to the death of our former Prime Minister. I would like to convey this message to my country. Thank you very much.

Chairman

Thank you Japan. The meeting is adjourned.

[END OF PLENARY SESSION]

PLENARY SESSION
Wednesday 20 1998

5.2 ACTION ARISING

Chairman

..... direct with Agenda Item 5, sub-item 5.2 Action Arising and I have a Resolution 50/23 Rev. This item has been extensively debated so I propose to proceed immediately to a vote. Mexico.

Mexico

Excuse me Mr. Chairman, will you repeat which one is the one that we are going to vote on. Thank you.

Chairman

Resolution IWC/50/23 Rev. The title is "Resolution on the resumption of coastal whaling" proposed by Antigua and Barbuda, Dominica, Grenada, Solomon Islands, St. Lucia and St. Vincent and the Grenadines. We will now proceed directly to a vote on this Resolution. Secretary.

Secretary

Mr. Chairman, the Resolution before this Plenary session is document IWC/50/23 Revised. Resolution on the resumption of coastal whaling, proposed jointly by Antigua and Barbuda, Dominica, Grenada, Solomon Islands, St. Lucia and St. Vincent and the Grenadines. A simple majority of those voting yes or no is sufficient to pass this Resolution.

Chairman

St. Lucia.

St. Lucia

Thank you Chairman. Chairman our delegation met with the delegation of New Zealand who had a bit of concern about the wording. We have since changed the wording and we anticipate this Resolution can be passed by consensus Chairman. Thank you.

Chairman

Thank you St. Lucia. New Zealand.

New Zealand

Mr. Chairman, it is correct that we were approached to explain our objection to the original Resolution which we did but I wouldn't want there to be any implication that we had in any way endorsed the wording that is now before the meeting. In fact very much to the contrary.

Chairman

Thank you New Zealand. That was my understanding. We will proceed to a vote. Secretary please.

Secretary

Thank you Mr. Chairman. The roll starts with Antigua and Barbuda – absent; Argentina – no; Australia – no; Austria – no; Brazil – no; Chile – abstain; People's Republic of China – abstain; Denmark – yes; Dominica – absent; Finland – no; France – no; Germany – no; Grenada – absent; India – no; Ireland – no; Italy – no; Japan – yes; Republic of Korea – yes; Mexico – no; Monaco – absent; Netherlands – no; New Zealand – no; Norway – yes; Oman – no; Russian Federation – abstain; St. Lucia – yes; St. Vincent and the Grenadines – yes; Solomon Islands – yes; South Africa – abstain; Spain – no; Sweden – abstain; Switzerland – abstain; United Kingdom – no; USA – no.

Mr. Chairman there were 7 votes in favour, 17 against with 6 abstentions and so that Resolution is not adopted.

Chairman

Thank you Secretary. St. Lucia.

St. Lucia

Thank you Chairman. My delegation is totally disappointed with this and we are shocked at the behaviour of our

Commission, Chairman. This Resolution, what it contains is something that we have all agreed to. We have instructed our Commission to work expeditiously and it is really disheartening to us. It is really putting people under more hardship, harder than they need to be. So Chairman, for the record we would like to have this input into the records please.

Chairman

Thank you St. Lucia. We will note your comments. Republic of Korea.

Republic of Korea

Thank you Mr. Chairman. Regardless the expeditious alleviation of the common people's concern in Japan, Korea has expressed that it should be shown by doing the earlier completion of the RMS. The reason was that commission of interim quota was not coincident with the ongoing moratorium of the IWC. However, my delegation believes that this solution could provide with a way should we support this issue. Thank you very much.

Chairman

Thank you Korea. Japan.

Japan

Thank you Chairman. As I look at the result of the voting we feel extremely disappointed on the result because this is not voting for the requesting of quota but this is rather the voting asking the IWC in the goodwill to work towards the alleviation of the hardship of coastal type whaling issues. So, we totally feel disappointed and we will carefully study this incident and we will take a necessary step judging from this result. Thank you Chairman.

Chairman

Thank you Japan. I am moving on St. Vincent and the Grenadines and Switzerland. I don't want repeats of the debate please. I just want people to move on to the next business. Switzerland and St. Vincent and the Grenadines.

Switzerland

Thank you Mr. Chairman. Just a short explanatory note to our voting behaviour. We would agree with that the Commission should work diligently to complete and adopt the RMS. We also agree that once the RMS has been adopted we might be talking about catch limits for stocks that have been assessed but we don't know yet if there can be a catch limit allocated to the stock in question and, of course, we would allocate a catch limit to a stock and we do not allocate catch limits to some villages or some communities, that was our problem. Thank you Mr. Chairman.

Chairman

Thank you Switzerland. St. Vincent and the Grenadines and South Africa. Is it an explanation of vote St. Vincent or an expression of disappointment? If its disappointment I would ask you to associate with the other comments please and keep this as brief as possible. Thank you.

St. Vincent and the Grenadines

Thank you. My Delegation is totally appalled that a body such as this with eminent scientists and jurists etc. can sit here in defiance of science and preside over the demise of a people who are only seeking to maintain a way of life that has been known to them for centuries. We seem infinitely more concerned, Mr. Chairman, with the inhumane killing of animals rather than the humane killing of humans.

Chairman

St. Vincent, I requested you to just associate with the other delegations who are disappointed. I can only allow explanations of vote at this time.

St. Vincent and the Grenadines

Mr. Chairman, this expresses my major disappointment.

Chairman

Thank you St. Vincent for your cooperation. South Africa.

South Africa

Thank you Mr. Chairman. This is to explain my vote. Essentially for the same reasons as Sweden [Switzerland] has highlighted, we have decided to abstain. Clearly, as far as we are concerned, such whaling can resume once the moratorium has been lifted. Thank you.

11.2.2 ACTION ARISING

Chairman

Thank you South Africa. Can I move on to Agenda Item 11? 11.2.2 – Action Arising. I have a Resolution IWC/50/40 proposed by Australian, Brazil, Italy, Monaco, Netherlands, United Kingdom and United States. Can we proceed directly or does anybody want to introduce this? UK.

UK

Thank you Chairman. Well perhaps a brief introduction might be in order. I should emphasise first of all that this Resolution does not challenge Norway's legal right to whale under the Convention. What it does do is express the regret of the sponsors that Norway has chosen to exercise that right and I believe that it is entirely legitimate for those of us who believe that Norwegian whaling weakens the moratorium and undermines the authority and credibility of the IWC to say so, and if a majority of the IWC are of the same opinion, as I hope that they are, to say so through an IWC Resolution.

Chairman, this is very similar to a Resolution which was adopted last year and I don't think I need to say more about it. Obviously we much regret that Norway did not respond last year and if it is adopted I would urge them to consider it very carefully. Thank you Chairman.

Chairman

Thank you UK. Denmark.

Denmark

Thank you Mr. Chairman. It makes me a little sad to see this draft Resolution being tabled. This meeting is our 50th Anniversary Meeting and it takes place in the most beautiful surroundings thanks to our host government, Oman. My hope is that this meeting will take us one step further to ask reasonable cautious and suggest sustainable solutions for small-type coastal whaling. It is our opinion that Norwegian coastal whaling is a sustainable version of small-type whaling with a long tradition. Mr. Chairman, this draft Resolution does, in my opinion, not fit into such a concept. Therefore, Mr. Chairman, Denmark cannot recommend this draft Resolution.

Chairman

Thank you Denmark. I have US and Norway. US.

USA

Mr. Chairman, the United States remains opposed to commercial whaling. We are disappointed that Norway has continued to whale despite the IWC's commercial moratorium. We have supported similar Resolutions in the past and we support this Resolution 50/40 today.

Chairman

Thank you US. Norway and then Japan. Norway.

Norway

Thank you Mr. Chairman. First I would say that the Resolution before us is in many ways quite different from the one which was adopted in Monaco and also the one the year before that in Aberdeen. A lot of elements which we reacted to very strongly and which are not within the competence of this organisation have been removed. I am not sure whether that is a sign of increasing realism at least on certain aspects creeping into this organisation. It might even be the Omani heat which has affected people, but I must say that the substance of what is left reminds me very much of the Resolution I saw last year and I have to say that more or less the same as I did last year. I think that this Resolution is totally impudent if the meaning is that it should have any effect on Norwegian policy on whaling. But I suspect that it has other purposes for those who want to proceed with the Resolutions of that sort.

I was glad to hear that the UK Commissioner did not challenge the legal rights of the Norwegian Government to conduct the whaling and I glad that he recognised that we have a legal objection to the moratorium. Perhaps he also should have said that furthermore Norwegian whaling policy is following meticulously, and I think the US Commissioner can confirm that, it is following very closely the RMP as worked out by the Scientific Committee

and that we have agreed an abundance estimates from the Scientific Committee which is the basis for a calculation of quota.

Mr. Chairman, if the IWC had functioned according to its Convention, IWC would have set, I think, exactly the same quotas as the Norwegian Government has set. The problem at this stage, in this organisation, Mr. Chairman, is that we are dictated in the policy which is followed here by countries that have again and again stated that they will never accept commercial whaling. So, where does that leave us? We are asked to participate in the so-called good faith efforts, solve the problems, to set up the RMS and so on. But I must say that the reality seems to me that what is being set up here is catch-22 rather than catch-quotas. Norway cannot accept the operative clause in this Resolution, Mr. Chairman. Our whaling is within the sovereign right of the Norwegian government and is in full compliance with our international legal obligations. Thank you Mr. Chairman.

Chairman

Thank you Norway. Japan.

Japan

Thank you Mr. Chairman. I would like to now propose an amendment to this Resolution. Am I in order, Chairman?

Chairman

Yes. Japan.

Japan

Earlier I heard the remark by the distinguished Commissioner of the UK. He said he regarded the Norwegian whaling to be legal so listening to that remark I would like to make the following amendment to this. My first amendment and proposal is to delete the third sentence of the preamble which starts with "Concerned also that ...". I would also like to propose to delete the fourth paragraph or sentence that starts with "Reaffirming its view ...". My third point of proposal for amendment is operative paragraph. I would like to propose to revoke this paragraph and suggest the following wording. "Reaffirm the legality of the whaling activities conducted by Norway in accordance with Article V(3) of the Convention." May I repeat? "Reaffirm the legality of the whaling activities conducted by Norway in accordance with Article V(3) of the Convention." That's all.

Japan strongly wishes that this whole series of amendments that I have just made would be treated as a package for this decision.

Chairman

Thank you Japan. Japan has proposed an amendment. I suppose UK you do not want to rush to accept it? UK.

UK

No Chairman. I obviously can't accept that amendment. The operative paragraph simply states the obvious and you don't need a Resolution to say that. The legal position is set out quite clearly in the preamble as we have it. The point of the operative paragraph is that is a strong expression of opinion and that opinion is that Norway should stop its whaling activities and that is a view that I think that a large number of members of this Commission share and I would like it confirmed in a vote.

Chairman

Thank you UK. I have a proposal from Japan that has not been seconded. In that case. St. Lucia.

St. Lucia

Yes Chairman, the delegation of St. Lucia wishes to support the delegation of Japan.

Chairman

Thank you St. Lucia. The amendment has been seconded. Seeing there is no agreement I will put the matter to a vote. Secretary.

Secretary

Mr. Chairman, the matter before this Plenary session is an amendment to the Resolution contained in document IWC/50/40. The amendment has the effect of deleting the third preambular paragraph "Concerned also that ...", removing the fourth preambular paragraph "Reaffirming its view ..." and changing the operative paragraph to

read “Reaffirms the legality of the whaling activities conducted by Norway in accordance with Article V(3) of the Convention.”.

This is an amendment to a Resolution and a simple majority of those voting for or against will carry the amendment. The roll starts at Argentina – no; Australia – no; Austria – no; Brazil – no; Chile – no; People’s Republic of China – abstain; Denmark – yes; Dominica – yes; Finland – no; France – no; Germany – no; Grenada – yes; India – no; Ireland – abstain; Italy – no; Japan – yes; Republic of Korea – abstain; Mexico – abstain; Monaco – no; Netherlands – no; New Zealand – no; Norway – yes; Oman – abstain; Russian Federation – abstain; St. Lucia – yes; St. Vincent and the Grenadines – yes; Solomon Islands – yes; South Africa – no; Spain – no; Sweden – abstain; Switzerland – no; UK – no; USA – no; Antigua and Barbuda – yes.

Mr. Chairman, there were 9 votes in favour, 18 against with 7 abstentions and so that amendment fails. Would you like me to go on to the substantive proposal?

Chairman

Yes Secretary, I think it is proper now to put the substantive proposal. Thank you.

Secretary

We now vote on the original proposal contained in document IWC/50/40, Resolution on Norwegian Whaling and the text that you are now voting on is that which is set out on the original document. A simple majority of those voting for or against will carry this proposal. The roll starts at Australia – yes; Austria – yes; Brazil – yes; Chile – yes; People’s Republic of China – abstain; Denmark – no; Dominica – no; Finland – abstain; France – yes; Germany – yes; Grenada – no; India – yes; Ireland – abstain; Italy – 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; South Africa – abstain; Spain – yes; Sweden – abstain; Switzerland – abstain; UK – yes; USA – yes; Antigua and Barbuda – no; Argentina – yes.

Mr. Chairman, there were 15 votes in favour, 9 against with 10 abstentions and so that Resolution is adopted.

Chairman

Thank you Secretary. Sweden.

Sweden

Thank you Mr. Chairman. I will explain that Sweden regrets both that the member side-steps the general opinion of the Commission and that we have this Resolution. We hope this situation will be remedied through adoption of ideas proposed by the Irish delegation including the completion of the RMS. Thank you.

Chairman

Thank you Sweden, Finland, Switzerland, South Africa. Finland.

Finland

Thank you Mr. Chairman. Finland abstained in voting in the spirit of compromise what we are trying to strive at in this meeting. Thus we hope that Norway also takes note of this attitude and reconsider its whaling policy accordingly. Thank you Mr. Chairman.

Chairman

Thank you Finland. Switzerland.

Switzerland

Switzerland would like to associate itself with Sweden and Finland. Thank you Mr. Chairman.

Chairman

Thank you Switzerland. South Africa.

South Africa

Thank you Mr. Chairman. My delegation would like to associate itself with the position of Sweden. Thank you.

Chairman

Thank you South Africa. Mexico.

Mexico

Mexico associates with the comments made by the distinguished delegate from Sweden.

11.3.2 ACTION ARISING

Chairman

Thank you Mexico. In that case I will move on to the next Agenda Item 11.3.2 and I have Action Arising there. Resolution IWC/50/43 on Implementation Trials of the Revised Management Procedure proposed by Australia, Brazil, Italy, Monaco, New Zealand, UK and US. US.

USA

Mr. Chairman. The United States and six other co-sponsors have submitted this Resolution which deals with the Scientific Committee's work on Implementation Trials under the Revised Management Procedure and specifically with western North Pacific Bryde's whales implementation simulation trials. We believe that the work of the Scientific Committee should correspond to the foreseeable management needs of the Commission. The workload of the Scientific Committee is so substantial that it should not be burdened with labour-intensive implementation simulation trials for operations that are unlikely to resume in the near future. The Committee is currently working on trials for North Pacific minke whales which were a major target species for small-type coastal whaling operations in Japanese coastal waters.

Today small-type coastal whaling vessels mainly take Baird's beaked whales and pilot whales. Bryde's whales, unlike minke whales, cannot be taken by small-type coastal whaling operations. Historically Bryde's whales were taken in two different whaling operations, that is pelagic whaling by factory ships and large-type land station operations. In the past these two operations took fin, sei, Bryde's and sperm whales.

Our Resolution directs the Scientific Committee to suspend development of implementation simulation trials of the RMP for western North Pacific Bryde's whales until specifically instructed to resume by the Commission. It would also confirm that the Scientific Committee should not consider any population of whale other than North Pacific minke whales in the context of implementation including implementation trials of the RMP unless explicitly advised to do so by the Commission. If the Commission agrees to allow resumption of large-type coastal whaling it could then instruct the Scientific Committee to begin a new programme of implementation trials. Thank you.

Chairman

Thank you US. Japan and then Ireland.

Japan

Thank you Mr. Chairman. I would like to raise this question. This seems to be so unreasonable, illogical and against the Convention itself. I wonder if such a thing can be tolerated here? This Resolution totally denies the work of the Scientific Committee. For the North Pacific Bryde's whales the CA has been completed already and so it is just waiting for the RMP simulation trial.

I would like to urge you to refer to page 9 of the Scientific Committee Report. Please refer to page 9 at the bottom to the right-hand side column, 6.3, you can see the items of the RMP. This actually lists the priority areas or agenda for 1998 and 1999. Clearly this states in page 9 that North Pacific Bryde's whales - develop trials. Could you also please refer to page 10 at the top, you can see this scheme or the chart and it is clearly shown. You can see this priority scale in numbers 1,2,3,4,5 and 6 and you can see the priority given to RMP which is number one. I really wonder why this number one priority given activity is rejected, is to be denied here. At the Scientific Committee it was already decided that the intersessional Working Group to be established for this Bryde's whale simulation trial. Please look at the page 21 around the middle of the page to the left-hand side column, page 21. "The Committee agrees that the detailed work of specifying trials was best conducted at a separate meeting and recommends that such a meeting take place intersessionally." Please refer to this wording on page 21 to the left-hand side column around the middle. This point was also discussed two days ago but this kind of Resolution will have a major impact upon the future setting of the quota.

This kind of Resolution would affect the timing. Such an important thing is now about to be adopted by this kind of a non-binding Resolution, it is exercise of the violence by the majority? Well I am really wondering about the list of names of these co-sponsors, Australia, Brazil, Italy, Monaco, New Zealand and the UK I understand

because they may not have a full understanding or awareness about the science but the country which respects the science, namely the United States of America, I wonder why such a country which respects the science is involved and is a member of these co-sponsors. Thank you.

Chairman

Thank you Japan. Ireland.

Ireland

Thank you Chairman. Ireland does not support the implementation of the RMP or even a partial lifting of the moratorium other than in circumstances such as set out in Ireland's compromise proposals. Research by the Scientific Committee in no way pre-empts or predetermines any decision by the Commission in relation to Articles 10(d) or 10(e) of the Schedule. For these reasons we do not think it is appropriate to suspend part of the work programme currently being pursued by the Scientific Committee.

We consider that this Resolution would not help the process of compromise which we are seeking to promote and must oppose the motion. Thank you.

Chairman

Thank you Ireland. Sweden.

Sweden

Sweden would like to associate itself with the Irish views. Thank you.

Chairman

Thank you Sweden. South Africa and then Denmark.

South Africa

South Africa would also like to associate itself with the position of Sweden and Ireland. Thank you.

Chairman

Thank you South Africa. Denmark.

Denmark

Thank you Mr. Chairman. First of all I would like to apologise that I was not able to hear what my distinguished colleague from Ireland said so maybe something I am going to say already has been said, but my point of view as to this draft Resolution is that I simply do not fully understand the reasoning behind this Resolution. I mean we have here 5 whereas paragraphs and naturally 1,2 and 4 it goes without saying that it's more or less in an identical manner describes the reality that the RMP should not be implemented before we have agreed to an RMS. No discussion about that and number three is naturally a clear quotation so that is perfectly OK, and then you have the last one, the Resolution passed in 1997. This Resolution dealt with Southern Ocean minke whale stocks and to our opinion this was perfectly in order because it is a logical consequence of the decision in 1994 where this Commission amended the Schedule by creating a Southern Ocean Sanctuary. This decision was, as you know, a decision which Denmark supported. My problem however is that these five arguments so to say certainly create a conclusion that you should suspend work on Northern Pacific whale stocks.

Now I will take your attention to Article 10(e) in the Schedule which I think everyone knows but I will quote a part of it. It says "this provision will be kept under review, based on best scientific advice and by 1990 at the latest", that is eight years ago, "the Commission will undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits". This provision 10(e) is not limited to certain species or to certain areas. Naturally Denmark fully agrees that this Commission has a right to suspend or delete this provision for certain species of area. No discussion about that. But in my humble opinion this may need, and now I compare it with creation of the Indian Ocean Sanctuary and the Southern Ocean Sanctuary, which Denmark supported, this may need to be done by an amendment to the Schedule and not by a non-legally binding draft Resolution. I am, however, Mr. Chairman open minded and with all respect to the Chair I will follow your guidance on this matter. Thank you Mr. Chairman.

Chairman

Thank you Denmark. I have Norway and Spain and UK. Norway.

Norway

Thank you Mr. Chairman. Well after the interventions of Japan and Denmark it is not much more to say from me on this matter because I think they have covered the issue very well. Of course, what I said a moment ago about the real intentions some countries in this organisation I think is brought out very well with this Resolution as well. Look at the list of sponsors, most of them are exactly the group that have stated over and over again that they do everything to avoid commercial whaling. Here is another example Mr. Chairman, of what they are trying to do. Thank you.

Chairman

Thank you Norway. Spain.

Spain

Thank you Chairman. I would like to associate my comments to those expressed by the Irish delegate. Thank you.

Chairman

Thank you Spain. UK.

UK

Thank you Chairman. Well as one of the sponsors of this Resolution I strongly support it for the reasons which already have been explained by the United States so I won't repeat them, but I would like to respond to the points that have been made by the Japanese delegation. It seems to me that it is essentially for the Commission to set the Scientific Committee's priorities. Certainly we should take account of the advice of the Scientific Committee as we would take account of advice we receive from our scientists at home, but when it comes to setting the priorities for research and, in particular, for the priorities for the resources underpinning that research it must be for the Commission as the executive body to take the final decision. So, the recommendations and views of the Scientific Committee are, of course, of relevance but they cannot be the decisive consideration. It is for us to take the decision and as the United States has said, it does seem to the sponsors the misuse of resources to allocate them to time intensive and labour intensive implementation trials which are essentially for the application of the RMP to what would essentially be pelagic whaling. We do not think that is a sensible use of the Commission's resources. Thank you Chairman.

Chairman

Thank you UK. I have Netherlands, St. Lucia and New Zealand. Netherlands.

Netherlands

Thank you Chairman. We see this Resolution as a logical consequence of earlier decisions which made clear that the Scientific Committee should not undertake implementation of the Revised Management Procedure for a particular species or region unless and until specifically instructed to do so by the Commission. This means, of course, that the Commission can always decide that the Scientific Committee should develop implementation trials for the Bryde's whales in the western North Pacific at a time when it deems it appropriate. It would be my delegation's wish Sir, that at next year's meeting the Commission would undertake a further consideration of the priorities of the Scientific Committee with regard to the implementation of the RMP in respect of particular species and regions. Thank you Sir.

Chairman

Thank you Netherlands. St. Lucia.

St. Lucia

Thank you Chairman. Chairman, the delegation of St. Lucia believes that this Commission is expected to respect the work of the Scientific Committee and by extension its scientists who are nationals of the countries party to this Convention. The distinguished Commissioner of the United States has stated that the Scientific Committee is burdened with work yet we see another Resolution which seeks to establish a fund to undertake work related to environmental concerns. Mr. Chairman, the Scientific Committee worked very hard for several days a couple of weeks ago and they have prepared our programme. Mr. Chairman, our delegation asks the question, what is our Scientific Committee going to do during the intersessional period when there is no opportunity to plan what we are asking them now to do? Is our Commission being consistent Chairman? Maybe as we continue to block the conclusion of the RMP. Thank you Chairman.

Chairman

Thank you St. Lucia. New Zealand.

New Zealand

Mr. Chairman, New Zealand strongly associates itself with the comments already made by the Commissioners for the United States and the United Kingdom and I particularly want to endorse the comments by the UK Commissioner regarding the role of this Commission. Ultimately the Scientific Committee advises us and we are the ones who make the policy decisions. We have regard to that advice but inevitably we are not called upon to rubber stamp it. Mr. Chairman, in this particular case it is for us to say that we do not believe that this particular implementation trial should proceed and that will be the vote of New Zealand.

Chairman

Thank you New Zealand. I have Germany and Italy. Germany.

Germany

Thank you Mr. Chairman. I would like to associate myself with the remarks made by the Netherlands. Thank you.

Chairman

Thank you Germany. Italy.

Italy

Thank you Mr. Chairman. As a co-sponsor of this Resolution, Italy associates itself to the comments made by the other co-sponsors. It is our understanding that the Scientific Committee provides scientific advice but it is for the Commission to decide upon priorities to be given. Thank you Mr. Chairman.

Chairman

Thank you Italy. I have Monaco and Dominica. Monaco.

Monaco

Mr. Chairman, also as a co-sponsor I would like to reassure Japan that we were very careful to analyse the whereabouts of any Resolution before we associate ourselves with it. I would also urge Japan to restrain from disparaging comments about the scientific history or quality of various delegations here and countries. I remind him that Monaco for its part has probably the highest ratio of marine scientists *per capita* in the world, with one per cent of our population professional marine researchers and we tend to place our actions, resolutions and analyses on the best scientific advice available and we have a lot to rely upon. That being said, I would also, of course, associate myself with the comments made by the UK and other co-sponsors. In our view the Scientific Committee of the IWC is here to assist the Commissioners and provide them with advice. It is up to this meeting, it is up to the Commission not to let the Scientific Committee operate in a vacuum, it is up to us to set or reset the priorities according to our own agenda which takes many other considerations into the context and I would like, again, to stress that we all take and make our decisions of whether we associate ourselves with the Resolution on the best reason and convictions that we have. Thank you.

Chairman

Thank you Monaco. Dominica.

Dominica

Thank you Mr. Chairman. Mr. Chairman, Dominica would like to associate itself with the comments that have been made against this proposed Resolution. Mr. Chairman, I have heard words to the effect that we should not misuse resources, that is financial resources and giving in allowing the Scientific Committee to engage in laborious work. We have also heard about the work load of the Scientific Committee, yet still there are several plans to give the Scientific Committee more work. Mr. Chairman, I am wondering what is the purpose behind this Resolution? This is another way of frustrating the scientific community that is part of this body. Mr. Chairman, why the proponents of this Resolution didn't challenge the Scientific Committee Chairman when he presented his Report, why wasn't he asked to elaborate on certain issues, why all of a sudden it is like a coup, these people have turned around and have decided to cut the work of the Scientific Committee. Mr. Chairman, this is frustrating to people who have placed a lot of hard work into presenting a work plan. Dominica cannot support that Resolution. Thank you.

Chairman

Thank you Dominica. I have Japan, Brazil and France. Japan.

Japan

Thank you Mr. Chairman. I would like to just make a comment in response to the remark made by the representative of the Commissioner of Monaco that, I confirmed this point with Dr. Ohsumi as well, but I understand that you mention that you do have the excellent scientists in your country, so I wish that you would send them to the Scientific Committee because I understand that you have never sent your scientists to the Scientific Committee to be engaged in that discussion there. So I would like to urge you to send your scientists with expertise to the Scientific Committee to be engaged in the Bryde's whales discussion and then please make a comment after that. Thank you.

Chairman

Thank you Japan. Brazil.

Brazil

Thank you Chair. Well as co-sponsor of this Resolution we would like to encourage the Scientific Committee to stimulate scientific research that would contribute to the conservation of whales stocks in a wide sense and do not concentrate on specific research activities that will contribute to the resumption of commercial whaling. Thank you.

Chairman

Thank you Brazil. France.

France

Thank you Mr. Chairman. We are going to support the Resolution before us for two reasons. First, the proposed programme of research goes in direction of pelagic activities intent, we don't think it is very sound for the future of the Commission to encourage these kind of activities, and the second reason is that, for the time being, we don't consider that there are enough reasons to have such a programme on a new species of whales. Thank you very much.

Chairman

Thank you France. Chile.

Chile

Thank you Mr. Chairman. I would like to associate myself with the comments made by the representative of Italy. Thank you.

Chairman

Thank you Chile. If there are no further comments, there is no agreement on this so we will put the Resolution to the vote. Secretary please.

Secretary

Mr. Chairman the proposal before this plenary session is contained in document IWC/50/43. A Resolution on Implementation Trials of the Revised Management Procedure put forward by Australia, Brazil, Italy, Monaco, New Zealand, United Kingdom and the United States. A simple majority of those voting for or against will decide this Resolution. The roll starts at Austria – yes; Brazil – yes; Chile – yes; People's Republic of China – No; Denmark – no; Dominica – no; Finland – yes; France – yes; Germany – yes; Grenada – no; India – abstain; Ireland – no; Italy – yes; Japan – no; Republic of Korea – abstain; Mexico – no; Monaco – yes; Netherlands – yes; New Zealand – yes; Norway – no; Oman – abstain; Russian Federation – no; St. Lucia – no; St. Vincent and the Grenadines – no; Solomon Islands – no; South Africa – no; Spain – no; Sweden – no; Switzerland – no; UK – yes; USA – yes, Antigua and Barbuda – no; Argentina – yes; Australia – yes.

Mr. Chairman, there were 14 votes in favour, 17 against with 3 abstentions and so that Resolution does not pass.

Chairman

Thank you Secretary. I think that closes Agenda Item 11.3.2 and closes Agenda Item 11.

12.3 ACTION ARISING

We now move on to Agenda Item 12.3 - Action arising on the Revised Management Scheme. I have a Resolution IWC/50/31 Rev proposed by Japan. Sorry, I have a Resolution IWC/50/31 Rev. Resolution on total

catches over time proposed by Austria, Brazil, Germany, Mexico, Monaco, Netherlands, New Zealand, Spain, UK, US. Does anyone want to introduce this Resolution or do we proceed directly to vote on it? Is there a consensus on this Resolution? Japan.

Japan

Thank you Mr. Chairman. This Resolution is very similar to the previous Resolution which we have voted on, that is IWC/50/43. First I would like to urge you to refer to page 14 of the Scientific Committee Report, to the left-hand side at the bottom. Please read this part at the bottom of page 14. "The Scientific Committee therefore agrees that trials should be conducted in which (a) the incidental catches are taken over and above commercial catches as set by the RMP and (b) in which the removals from each sub-Area are the maxima of the incidental catches and the catches set by the RMP. This last case corresponds to the assumption that the RMP catch limits cover all non-natural removals".

I would also like to urge you to refer to the Report of the Revised Management Scheme Working Group which we dealt with yesterday, that is IWC/50/14. Please refer to page 10 of this document and around the middle there is an insert from the Scientific Committee's Report, this is much easier to read so I would like to introduce this part. "The Committee" that means the Scientific Committee "has therefore agreed to carry out trials to examine two scenarios, (1) the catch is set at the RMP value and the incidental catches are taken in addition to this. In this instance, therefore, it is assumed that the incidental catches are taken into account in the catch history only; (2) the catch limit is set at the RMP level minus the maximum estimated incidental catches, i.e. the incidental catches are taken into account when setting the limits themselves." The Report further says that "the result of these trials would be used to provide advice to the Commission on the consequences of choosing one or other option for this specific case".

So what is necessary is to wait for the result of this calculation work and so now I would like to urge you to look at the second operating paragraph of this particular Resolution. "Further agrees that catch limits for commercial purposes of any species of whale in any region shall be calculated by deducting all human-induced mortalities that are known or can be reasonably estimated, other than commercial catches, from the total allowable removal". That simply corresponds to the number two of this document, page 10. Now we have to prejudge this situation entirely. So Japan is strongly opposed in this regard. OK?

Chairman

I think we've noticed Japan. I have USA and Norway. USA.

USA

Thank you Chairman. This Resolution deals with one of the remaining elements for completion of the RMS. In 1996 the Commission agreed that the scheme must contain arrangements to ensure that total catches over time are within limits that are set by the RMS. Last year the RMS Working Group agreed in this respect that catch limits must take account of all human induced mortalities including aboriginal subsistence whaling, scientific whaling, whaling outside the IWC, by-catches, ship strikes and other non-natural removals. However, the Commission did not follow through with any direction to the Scientific Committee on how to carry out this agreement. As noted in the Report of the RMS Working Group this year, the Scientific Committee in the absence of direction from the Commission agreed to conduct trials for two different scenarios. In the first, non-natural mortalities would be taken into account only after the fact in determining catch history. In the second option estimated non-natural mortalities would also be deducted from the total allowable removal in order to produce the commercial catch.

Mr. Chairman I believe it is the clear intention of this Commission in order to keep total catches over time within the RMS limits, all human induced mortalities must be deducted from the total allowable removal in setting catch quotas. Our Resolution would have the Commission formally agree that the proper procedure for calculation of commercial catch limits under the RMS is the following. First, if authorised by the Commission the RMS would be used to determine the total allowable removal from the population. Second, the next step would be to subtract all human induced mortalities that are known or can be reasonably estimated other than commercial catches from the total allowable removal. In this way the total catches over time would remain within the limits set under the RMS. This is a legitimate policy directive for the Commission to deliver to the Scientific Committee to spare the scientists unnecessary work and to focus their efforts on the completion of the RMS. We urge the members of the Commission to support the Resolution.

Chairman

Thank you US. Norway.

Norway

Thank you Mr. Chairman. Well there are two points I am unclear about on this Resolution. The first one has been already raised by the Japanese delegation and I cannot really see that the answer which I think the US Commission has now tried to provide really answers my questions because I also understood that the Scientific Committee have two options which need to be scrutinised a bit further. So it seems to me a bit strange in the second operative paragraph to pre-empt that conclusion. Furthermore I wonder what we really are asking the Scientific Committee about in the last paragraph, and we have the middle paragraph because if we already have taken a stand on that issue it doesn't seem to me to be much to ask the Scientific Committee about. So I would propose that we delete the second operative paragraph which is really pre-empting something which I don't think we are ready to take a stand on yet. I think we all share the needs to deal with the catches over time but we need more clarification of which of the two methods identified is the best one. That is how I understand the situation.

My second point is really both in the last paragraph here and in Dr. Baker's introduction really. It referred all the time to the RMS. In my understand I would have thought that this has to be part of the RMP and be included in the RMP as such. If it is a new part of the RMS outside the RMP I can't really see that this is what we have been having in mind earlier so that is more or less question for clarification Mr. Chairman. Thank you.

Chairman

Thank you Norway. UK.

UK

Thank you Chairman. Well the UK is strongly in favour of this Resolution which advocates the approach which we have adopted towards the implementation of the RMP and indeed of the RMS so far as the calculation of catch limits and commercial quotas are concerned and it is a point we have been making in the RMS Working Group. I don't think that what we are doing is in any way in conflict with what the Scientific Committee has been up to in its work.

If you look rather more carefully at the Scientific Committee Report and I would draw your attention to page 14 which the delegate of Japan has already drawn our attention to. If you continue to read the final paragraph in the left-hand column it says "that although it was generally agreed by the Commission last year that, as far as possible, the CLA should be used to determine the allowable removals and then take account of all known human-induced mortalities, others views were also expressed". The Committee, i.e. the Scientific Committee, therefore agreed that these trials should be conducted. What the Scientific Committee is saying is that since the Commission has not made up its mind and has not provided advice on this point it is necessary to carry out trials. If we do make up our mind and are able to provide advice the trials become less necessary.

I would also point out that when you look at the Report of the RMS Working Group again it is quite specific that the particular trials we are talking about, we move on to North Pacific minke whale, are to provide advice to the Commission on the consequences of choosing one or other option for this specific case. These are case-specific trials to deal with a stock where there is a high level of by-catch, or suspected to be a high level of by-catch, and they are not necessarily going to provide a generally applicable results.

There is an issue here which has been discussed a number of times. We know that the CLA takes account of incidental catch in the catch history in generating catch limits. The question is that once you have generated the catch limit do you simply wait until the next review period to take account of any incidental catches that take place during the implementation period and then build them into the catch history again, or do you try and take them into account during the application process when the RMP is actually in force so that each year you are trying to keep your total human induced mortality within the RMP catch limit? We have consistently argued for that latter option as the safest option and the one that seems to us logically to fit in best with the RMP.

On the question by the Norwegian delegation of whether we are talking about the RMP and the RMS. My understanding is that it is the RMP which generates the RMP catch limit but then we need something which I think is additional to the RMP and so probably is part of the RMS to decide how under that system you generate commercial quotas given that you certainly have to take account of any other whaling activities, special permit whaling, aboriginal whaling, and in our view you should also take account of incidental catches. So that really is the key question that this is addressing. In setting commercial catch quotas do you take account of predictable incidental and other human induced mortalities or do you ignore them and hope that the catch history mechanism picks them up in time? Thank you Chairman.

Chairman

Thank you UK. Norway.

Norway

Thank you Mr. Chairman. Well I agree with quite a lot of what my British colleague has said but he himself confirms that he wants now to pre-empt the further study of the two methods and to choose before we have had further elucidation by the Scientific Committee of the effects of the two methods which have been set out, and I think that is not a very wise policy to do Mr. Chairman. Furthermore, I am not at all convinced that this should be a set of rules that are outside the RMP but on that point I must say I am a bit more uncertain. Would it be possible to have an opinion from the Chairman of the Scientific Committee, Mr. Chairman, before we go further at this stage? Thank you.

Chairman

Thank you Norway. Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman, I think all I can say at this stage is we will, of course, attempt to do what the Commission wishes but I think as one speaker said earlier given no direct advice we thought the two scenarios were the ones we should pursue and if we don't get that direct advice that is what we will do.

Chairman

Thank you Chairman of the Scientific Committee. Norway.

Norway

Thank you very much Mr. Chairman. On that basis my proposal will be to delete the second operative paragraph and to change in the last operative paragraph, both in the first and the last, to change RMS to RMP. Thank you Mr. Chairman.

Chairman

Thank you Norway. I understand that is a formal proposal for an amendment. Is there a seconder? There is no seconder. Japan is seconding. In that case Secretary have you got the amendment and we will put it to the meeting. Point of order Japan.

Japan

Yes. I would like to urge you to refer to the Rules of Procedure which I think we touched upon two days ago as well on voting, that is E.3(b), in the last sentence. It says "A proposal that does not contain such regulatory text to revise the Schedule but would commit the Commission to amend the Schedule in the future can neither be put to a vote nor adopted." So there is a quotation, there is provision as such.

Two days ago the Resolution relating to the Japanese small coastal whaling was rejected and was not put to vote because of this provision and in the future RMP is to be incorporated as a Schedule to be adopted. To be consistent in operation I believe that this Resolution is not applicable for any voting or adoption. It is up to the Chair to decide so I would like to ask the Chair to decide on this.

Chairman

Thank you very much Japan. Japan I don't see that this requires or even asks or suggests that the Commission should amend the Schedule so I will rule this in order. If there is no challenge to that ruling we will put the matter to the vote. Russian Federation.

Russian Federation

Mr. Chairman. The Russian Federation suggests that this is not acceptable for us because the AWMP is not ready yet and the IWC doesn't have completion yet, we mean for aboriginal subsistence whaling. So we think the RMP haven't be used for aboriginal subsistence whaling. Thank you.

Chairman

Thank you Russian Federation. I note your comments. We will now proceed to the vote on this Resolution.

Secretary

Mr. Chairman the Resolution before this Plenary session is IWC/50/31 Revised, a Resolution on Total Catches Over Time with a number of sponsors, Austria, Brazil, Germany, Mexico, Monaco, Netherlands, New Zealand, Spain, United Kingdom and United States.

Chairman

Sorry, we should actually start with the Norwegian amendment. Sorry. Norway.

Norway

Thank you Mr. Chairman. I hope my amendment could be accepted by consensus Mr. Chairman and that could also save this solution as I have not heard a negative stand from those who have sponsored the Resolution. Thank you.

Chairman

Thank you Norway. US and UK are indicating that they are not prepared to accept consensus on this issue so we will proceed to put the amendment to the vote.

Secretary

The Resolution, as I said, is IWC/50/31 Revised and we have an amendment put forward by Norway, seconded by Japan, to delete the last but one operative paragraph starting "Further agrees" and to change the last words in the final paragraph to Revised Management Procedure. So the proposal is to be voted on to delete the second to last paragraph, the operative paragraph, and to change the Revised Management Scheme to the Revised Management Procedure in the final paragraph. A simple majority of those voting yes or no will decide this amendment. The roll starts at Brazil – no; Chile – no; People's Republic of China – yes; Denmark – abstain; Dominica – yes; Finland – no; France – no; Germany – no; Grenada – yes; India – no; Ireland – no; Italy – no; Japan – yes; Republic of Korea – abstain; Mexico – no; Monaco – no; Netherlands – no; New Zealand – no; Norway – yes; Oman – no; Russian Federation – abstain; St. Lucia – yes; St. Vincent and the Grenadines – yes; Solomon Islands – yes; South Africa – no; Spain – no; Sweden – no; Switzerland – no; UK – no; USA – no; Antigua and Barbuda – yes; Argentina – no; Australia – abstain; Austria – no.

Mr. Chairman there were 9 votes in favour, 21 against with 4 abstentions and so that amendment is not adopted. Shall I move now to the substantive Resolution?

Chairman

Yes please.

Secretary

We are now voting on the original Resolution IWC/50/31 Revised. Again a simple majority of those voting yes or no will decide the outcome on this Resolution. The vote starts with Chile – yes; People's Republic of China – abstain; Denmark – abstain; Dominica – no; Finland – yes; France – yes; Germany – yes; Grenada – no; India – yes; Ireland – yes; Italy – yes; Japan – no; Republic of Korea – no; Mexico – yes; Monaco – yes; Netherlands – yes; New Zealand – yes; Norway – no; Oman – yes; Russian Federation – no; St. Lucia – no; St. Vincent and the Grenadines – no; Solomon Islands – no; South Africa – yes; Spain – yes; Sweden – yes; Switzerland – yes; UK – yes; USA – yes; Antigua and Barbuda – no; Argentina – yes; Australia – abstain; Austria – yes; Brazil – yes.

Mr. Chairman there are 21 votes in favour with 10 against and 3 abstentions and so that Resolution is adopted.

Chairman

Thank you Secretary. That concludes Agenda Item sorry Norway.

Norway

Thank you Mr. Chairman. Sorry for taking the floor again but I would like to explain my vote on this Resolution because the substance of it I am not so much in disagreement with, but the reason why I had to vote against it was simply that I hope everybody is aware now that we have deliberately told the Scientific Committee to stop exploring two alternative methods for carrying out what the Resolution says. I find such a procedure to be quite unacceptable, not seeking scientific advice is a very bad thing in this organisation, Mr. Chairman, and that is why I voted against this Resolution. Thank you.

13.3 ACTION ARISING

Chairman

Thank you Norway. May I proceed to Agenda Item 13.3? I have a Resolution IWC/50/29. I have looked at the text of this Resolution and the first operative paragraph states that it decides that it will immediately abolish the Southern Ocean Sanctuary. According to the Rules of Procedure this would bind the Commission to change the Schedule and it doesn't have sixty days notice so this motion may not be put to a vote nor adopted. Japan.

Japan

Thank you Mr. Chairman. In this operative paragraph it clearly states that abolish the Southern Ocean Sanctuary so next year or afterwards we would like to observe this sixty days prior rule to conform to the appropriate procedure to try to re-submit this Resolution.

Chairman

Thank you Japan. I think we will now adjourn for coffee. We will be back at 11.10 sharp.

[BREAK]

14.2 ACTION ARISING

Chairman

I have two Resolutions IWC/50/34 and IWC/50/41 and I will take them in the order they were submitted. So IWC/50/34 Resolution concerning Special Permits proposed by Japan, Antigua and Barbuda, Dominica, Grenada, Norway, St. Lucia, St. Vincent and the Grenadines. Does anyone need to make an intervention on this or can we proceed directly to a vote as I am quite sure it won't be agreed? Japan.

Japan

Thank you Mr. Chairman. Since Japan is one of the co-sponsors I would like to make a brief presentation. If I can make my remarks short I can have two glasses of beer at 4.30! When you look at the operative paragraph it, for example, the operative paragraph number one merely reaffirms the right of the Contracting Party and its sovereign right and the second operative paragraph also just reaffirms the importance of scientific information.

In the preamble it states that at the Scientific Committee JARPA is highly valued and appreciated and JARPA consists of two parts, lethal part as well as the non-lethal part. So we hope that this Resolution will be adopted by consensus. Thank you.

Chairman

Thank you Japan. You are on target for the two beers. Any other comments? Netherlands and Australia.

Netherlands

Mr. Chairman thank you. While we don't think that we have an objection to the operative clauses of this Resolution Mr. Chairman, we think that the last paragraph of the preamble does not represent correctly the conclusions of the Scientific Committee fully so I wonder if that last paragraph of the preamble could be removed and if Japan and the other sponsors of this Resolution could agree to that I don't think that we would have a problem with this Resolution Mr. Chairman? Thank you.

Chairman

Thank you Netherlands. Australia.

Australia

Thank you Chairman. It seems to us that we have two Resolutions, draft Resolutions, expressing quite contrary points of view. Clearly our preference is for the one we are sponsoring. Our reading of the Japanese sponsored Resolution is that it is endorsing lethal research or research that is lethal to whales. Australia's view is that we are opposed to any research that involves the killing of whales and we therefore can't support that proposal. Thank you Mr. Chairman.

Chairman

Thank you Australia. Switzerland.

Switzerland

Thank you Mr. Chairman. Just to say that we associate ourselves with the comments made by the Netherlands. Thank you.

Chairman

Thank you Switzerland. New Zealand.

New Zealand

Mr. Chairman like the Netherlands, we have grave reservations about the very last of the preambular statements, that which refers to the conclusions of the Scientific Committee on this issue and would certainly expect to see that removed almost regardless but in the broader sense, Mr. Chairman, I want to associate myself with the comments made by the Australian delegation and to say that from our perspective we remain firmly and clearly opposed to lethal whaling in the Southern Ocean Sanctuary or anywhere else. We do not believe this programme is required for management purposes under the RMP or for any other legitimate reason and in those circumstances, Mr. Chairman, we will be opposing the Resolution whether amended or otherwise and would prefer the other Resolution on Whaling under Special Permit which we have co-sponsored and which I will speak to in more detail later.

Chairman

Thank you New Zealand. I have Sweden and Italy looking for the floor.

Sweden

Thank you Mr. Chairman. I would like to associate myself with the views from Netherlands and since I don't think that the last sentence on non-lethal means really reflects the issue as it stands, Sweden is against the large scale lethal whaling that is taking place in the Southern Oceans. Thank you.

Chairman

Thank you Sweden. Italy.

Italy

Thank you Mr. Chairman. I want to say on behalf of my government that we are against lethal research methods. I should quote recent Agreement on Conservation of Cetaceans of the Black Sea/Mediterranean Sea and contiguous Atlantic area which were decided in Monaco in 1996 and in this Agreement it is provided that only non-lethal in situ research aimed at maintaining a favourable conservation status for cetaceans after the advice of the Scientific Committee can be allowed. So our scientific advisers are of the opinion that non-lethal methods of scientific research can be carried out. Thank you Mr. Chairman.

Chairman

Thank you Italy. I have Finland and India. Finland.

Finland

Thank you Mr. Chairman. I would like to associate myself with also the idea expressed by the Netherlands. Thank you.

Chairman

Thank you Finland. India.

India

Thank you Mr. Chairman. I associate myself with the comments made by the distinguished colleague from Italy and I would like to record that this position of India against scientific whaling itself, it has been very clearly stated in the Opening Statement issued by our Government, I will read it very fast. It states in item (C) "close the loophole that allows IWC regulations to be evaded through 'scientific whaling', and ensure that current scientific whaling by Japan is phased out rapidly". I think this is very self-explanatory. Thank you very much gentlemen.

Chairman

Thank you India. I have Antigua and Barbuda and Denmark. Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chairman. I just want to respond to the comments that were made by the distinguished Commissioner from the Netherlands. I think that much reference has been made by the specific reports of the Scientific Committee referring to the whole question of some merit in limited lethal scientific research with

regards to whales and also the usefulness of the research programme, so perhaps you can invite the Chairman of the Scientific Committee to give his views on that paragraph Mr. Chair.

Chairman

Thank you Antigua and Barbuda. Denmark.

Denmark

Thank you Mr. Chairman. I take it that it is well known that Denmark is against scientific whaling in the Southern Ocean Sanctuary.

Chairman

Thank you Denmark. I take it that the amendments proposed by Netherlands is not sorry, St. Lucia.

St. Lucia

Chairman while my delegation does not wish to prolong this debate we are well aware of the fact that there is a need for lethal take of whales for scientific research and in that connection we would not support anyone who does not understand that. It is something that we have recognised time and time again and I think the time has come for us to take a decision in reaffirming that we should continue to do this kind of research.

Chairman

Thank you St. Lucia. I have Antigua and Barbuda again and China. Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chairman. We requested some explanation from the Scientific Committee on the matter we've raised Mr. Chair.

Chairman

I am sorry I missed the point. Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman it seems to me that there are two points in this last paragraph before the action paragraphs in IWC/50/34. The first relates to the Scientific Committee's conclusions on the results of the research programme and its potential. As I stated yesterday this is dealt with and this has been pointed out on page 55 of our Report in the left-hand column in the indented paragraph. The operative words are essentially the first phrase, the first three lines and I don't think I need read those out. They are there for everyone to see.

The second part seems to deal with the question of whether or not non-lethal methods would be successful in the Antarctic and the section referred to is for those of you who have it as stated in this Resolution on page 45 of the Scientific Committee Report last year in the right-hand column about four paragraphs from the bottom beginning "The review meeting noted". Perhaps I could read that in case people don't have it. This is the Report of the Scientific Committee referring to the review meeting that was held in Tokyo last year to review the JARPA programme which of course is reported in full last year. "The review meeting noted that there were non-lethal methods available that could provide information about population age structure, for example, natural marking but that logistics and the abundance of minke whale populations in Areas IV and V probably precluded there successful application." I think that is what is being referred to Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. I have People's Republic of China.

People's Republic of China

Thank you Mr. Chairman. I take this opportunity to apply some views on the scientific research. It is my Government's view that scientific research is always necessary for the scientifically and rationally conservation and management of whale stocks without doubt is the most ideal to use non-lethal methods for whale research but in the conditions of current technology there are still difficulties to reach this ideal. scientific research under the provisions of the Commission and we don't believe to phase out lethal scientific whaling is a bad solution. We advocate that the Scientific Committee should study the non-lethal research methods and encourage to gradually reduce the lethal research.

Chairman

Thank you People's Republic of China. Are there any other interventions? If not we have proposed amendments to Resolution Netherlands.

Netherlands

Thank you Mr. Chairman. No I don't think that we have an amendment. Mine was just a suggestion to the sponsors of the Resolution to consider removing the last paragraph of the preamble in order to make this draft Resolution more palatable to those countries, like the Netherlands, who are opposed to the use of lethal means in whale research particularly in the Southern Ocean Sanctuary, so I don't wish to present this as an amendment and if there is no other amendment forthcoming I think we should vote on the original proposal. Thank you.

Chairman

Thank you Netherlands for the clarification. In that case we will proceed to a vote on IWC/50/34. Secretary please. Mr. Chairman the matter before this Plenary session is the Resolution concerning Special Permits. The text appears in IWC/50/34. A simple majority of those Governments voting for or against will determine the outcome on this Resolution. The roll starts at the People's Republic of China – yes; Denmark – no; Dominica – yes; Finland – no; France – no; Germany – no; Grenada – yes; India – no; Ireland – abstain; Italy – no; Japan – yes; Republic of Korea – abstain; Mexico – abstain; Monaco – no; Netherlands – no; New Zealand – no; Norway – yes; Oman – no; Russian Federation – yes; St. Lucia – no; St. Vincent and the Grenadines – yes; Solomon Islands – yes; South Africa – abstain; Spain – no; Sweden – no; Switzerland – abstain; UK – no; USA – no; Antigua and Barbuda – yes; Argentina – no; Australia – no; Austria – no; Brazil – no; Chile – no.

Chairman

Sorry St. Lucia I didn't quite catch your vote. Can you repeat it please.

St. Lucia

Chairman, I was writing yes and saying no. Yes.

Secretary

St. Lucia will be recorded as voting "yes".

Chairman

Now you know how I feel St. Lucia.

Secretary

Mr. Chairman there were 10 votes in favour, 19 against with 5 abstentions and so that Resolution fails.

Chairman

Thank you Secretary. Switzerland.

Switzerland

Thank you Mr. Chairman. Just an explanatory note to our abstention. I would like to be mentioned in the record that of course Switzerland is opposed to the large scale lethal research in the Sanctuary but that we did not have any problems with the operative paragraph of this Resolution and that's why we abstained.

Chairman

Thank you Switzerland. South Africa.

South Africa

Thank you Mr. Chairman. We have abstained for the very same reason as that of Switzerland. Thank you.

Chairman

Thank you South Africa. Any other explanations of vote? No, in that case we will move on to Resolution IWC/50/41 – Resolution on Whaling under Special Permit and some delegations have indicated they wish to take the floor. Australia did you want the floor? IWC/50/41. New Zealand? Monaco.

Monaco

Mr. Chairman we are now turning our attention to the Resolution on Whaling under Special Permit presented by Australia, Brazil, India, Italy, Monaco, Netherlands, New Zealand and the United Kingdom. This Resolution we are recommending is that if whales are killed under the provisions of Article VIII of the Convention this should be done in a manner consistent with the provision of Section III of the Schedule. It reaffirms its previous request

that the Government of Japan refrain from issuing any further permits for the take of minke whales in the Southern Ocean Whale Sanctuary and in the North Pacific Ocean and requests that the Secretariat undertake for the next Annual Meeting a comprehensive review of the ethical considerations taken into account by other international scientific organisations with respect to scientific research.

Now, Mr. Chairman, let me make a few points by way of introducing this subject. The criticism from the scientific community against lethal scientific whaling or, as may more appropriately be called against lethal whale research programmes, if one prefers, is mounting world-wide and it is reaching a level which this Commission cannot simply ignore.

I draw the attention of the Commissioners to the document IWC/50/17 which is a letter addressed on January of this year to you Mr. Chairman. This letter is signed by the eminent representatives of the international scientific community. The people who signed have achieved a long experience as leaders of research programmes on marine mammals and they come from different regions of the world.

This concerns specific and this criticism of the international scientific community is based on several grounds, namely two. The more and ethical context of lethal scientific whaling that particularly we must note that a single research programme has resulted in over 2,500 cetaceans having been killed over eight years with a prospect of another eight years to come, and further, that whale meat and other whale products resulting from lethal scientific takes are being sold in commercial markets while the global moratorium on commercial whaling remains in force.

It is also disturbing, of course, that such a programme is currently taking place in part of the Southern Ocean Whale Sanctuary where it has already involved killing a total of 2,700 whales in the first eight years of that programme and with a further eight years of that programme yet to be completed. There is a prospect for a similar number being killed over that period. Scientists are taking also rather a distance from this situation, from the fact that laboratory samples eventually find their way on the plates of expensive restaurants. Others than me will probably address this issue at greater length. I will just repeat as a scientist that scientists are just not operating out in a vacuum. In all areas of science whenever there are issues that touch upon the application of that science to the overall aims of society, ethical committees are set up to provide better compass, better context within which to operate. There is nothing pejorative with that, scientists are no extraordinary individuals, they are human beings and professionals like other professionals, they are no better or no worse, they just cover a broad spectrum of perspectives and science itself needs a compass.

But now let me turn my attention, Mr. Chairman, to the second ground of criticism of the scientific community against the large scale, including scale of lethal scientific research programmes. We are closing the end of the century and by 1998 fifty years after the Convention was adopted, and some fifty-one or fifty-two years after the Convention was drafted. In the 1947/48 years, when in 1947 when the Convention was actually drafted, knowledge about the physiology, the feeding habits, histology, pathology, even the anatomy of whales was rudimentary. In those days it was necessary to take into consideration the possibility, of course, of issuing Special Permits to allow scientific catches, to further complete and investigate such questions. Today fifty years later as we all know, science has known tremendous advances on many fronts in the bio-medical field, bio-technologies, technological field, space research, and of course, oceanographic research. We have gone a long way since the days of the dawn of oceanography. From a strictly scientific point of view, lethal takes should be exceptional.

Today with the current scientific development at our hands, scientific tools, DNA techniques, satellite tracking, biopsies, powerful statistical analytical models, and also the use of stranded or by-caught animals in an opportunistic way. Most types of data relevant to the conservation and sustainable management of whale stocks can be obtained using non-lethal methods and the scientists are very concerned that we should not use science to disguise other types of operation. Indeed, the last large amount of whales being caught this year, each year, for future years under this item is disturbing and I think it counts as a concern of the international scientific community is going to go increasingly on this issue and I thank you for your attention.

Chairman

Thank you Monaco. Anyone else want the floor? Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chairman. Of equal importance to this debate, Mr. Chair, is the fact that other eminent scientists have endorsed the JARPA research programme and have concluded many merits that can be derived from the work of JARPA. Indeed, one Dr. Smith of the Woods Hole Institute has indicated the merits and benefits of the JARPA research programme. Of course, he is a member of our Scientific Committee. The Scientific Committee

also concluded that non-lethal research means are not yet readily available to replace some of the requirements of lethal research.

Mr. Chair, this body with its concern for the lethal killing of cetaceans should cast its thought on allegations that some cetaceans are used in a lethal way for military research and that is where our attention should be cast. The JARPA research programme using lethal means is providing very valuable benefits that can enhance our long-term knowledge and understanding of the population dynamics of our whale resources in the Southern Ocean. It is for these reasons why Antigua and Barbuda will not be able to support this Resolution.

Chairman

Thank you Antigua and Barbuda. Norway.

Norway

Thank you Mr. Chairman. I cannot support this Resolution for the same reasons as those now led out by Antigua and Barbuda, and furthermore I would like to make some comments to the statement by my distinguished colleague and friend from Monaco. Because he went on to make a wider point than what is really foreseen in this Resolution about the need for lethal taking of whales. For my country, which is an important fishing nation and which has a number of fish species in our waters, the right and the necessity to conduct multi-species research in order to set quotas for various species is absolutely necessary so that we take into account the interactions between the various species in the oceans. So for that reason it is impossible for my country to support statements to the fact that lethal taking of cetaceans is no longer needed. Thank you Mr. Chairman.

Chairman

Thank you Norway. I have New Zealand, Italy and Denmark, New Zealand please.

New Zealand

Mr. Chairman, three days ago I presented to you in your capacity as Chairman of this Commission a petition signed by 160,000 persons protesting at the so-called scientific whaling in the Southern Ocean Sanctuary. About 30,000 of those signatures came from Australia and other countries including some from both Norway and Japan but the vast majority Sir, 130,000, came from New Zealand. Norway with only a slightly larger population than ours will understand the significance of those numbers and I will resist the temptation to extrapolate the figures to provide some kind of comparison with the population of Japan.

What it represents Mr. Chairman, is the depth of feeling, even anger, that exists in my country at the continuation of what is at the very least a partly commercial annual harvest of 440 whales and that harvest takes place in an area that the International Commons has declared as a Whale Sanctuary. I said last year that a so-called scientific whaling programme that had by that time killed nearly 3,000 whales and that had 8 further years yet to run and whose results were not required for the management purposes under the RMP was not acceptable. 440 dead whales later I repeat that comment. There is no need to kill whales in order to research them. Adequate non-lethal means are available.

Mr. Chairman, I also join with my Monaco colleague and echo the concerns that have been expressed by a group of eminent marine mammal scientists that are referred to in the Resolution. For my delegation it is a matter of regret that the structure of Article VIII which binds us all is such that it is not possible to achieve prior ethical review and approval of any such programmes. If this were domestic research in my country such review and approval would be required both by law and by the requirement by the various scientific and research professions. If this were domestic research in Japan the situation would be governed by that country's law concerning the Protection and Control of Animals Law, number 105 of 1973. It might also be subject to the requirements of that country's Experimental Animals Association which expects its members to ask and I quote "Whether their animal experiments are truly necessary". It might also be governed by guidelines for animals experiments issued by that country's government that such research which should be subject to the requirement and I quote "Researchers ought to consider ways of carrying out research without animal experiments" and again I quote "It is desirable to make efforts to explore the possibility of using methods that do not require the use of experimental animals".

Mr. Chairman, I applaud and I support those requirements. I previously pointed out, Mr. Chairman, that similar issues are raised when 440 animals are killed a year particularly when the research results are not required for management purposes even if they might be useful for other purposes. Scientists, Sir, are never guided by

science alone, we all have laws and other dictates that also given their work and behaviour. In short, as I have said previously, they must be guided by a moral compass as well and that in essence is the concern expressed by the eminent scientists and the very least we can do is to note that concern.

Chairman

Thank you New Zealand. Italy.

Italy

Thank you Mr. Chairman. Two days ago when we were speaking about legal problems I was kindly invited by the distinguished representative of Norway to look for better legal advice. I made no comment on this but today the situation is different. If you look at the letter submitted by Monaco in document IWC/50/17 you could find the signature of two eminent Italian scientists so I have now a very solid background to reach the conclusion that lethal scientific whaling should be brought to a rapid end. Thank you Mr. Chairman.

Chairman

Thank you Italy. Denmark.

Denmark

Thank you Mr. Chairman. I will try and be brief. Our positions to these issues are well known. We oppose scientific whaling in the Southern Ocean Sanctuary. As to scientific whaling in say more normal areas we normally abstain with reference to Article VIII of the Convention. This Draft Resolution touches upon both items but in my opinion, mainly on the Southern Ocean issue, so like as far as I remember last year when we had the same situation, Denmark will support the Draft Resolution taking into account my remarks. Thank you.

Chairman

Thank you Denmark. US.

USA

Mr. Chairman, the United States has been increasingly concerned about the extent of whaling that is conducted under Research Permits issued in accordance with Article VIII under the International Convention for the Regulation of Whaling. In particular the United States is deeply troubled by whaling currently conducted in the Southern Ocean Sanctuary. The United States has not changed its position on Special Permits. We continue to strongly oppose unnecessary lethal research on whales. We will continue to make this point both to this Commission and on a bi-lateral basis with any country that issues such permits. In addition we will also consult with other interested members on how we can deal with this issue through the Commission prior to the 51st Meeting. We therefore strongly support the Resolution.

Chairman

Thank you US. Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chairman. Antigua and Barbuda would like to propose an amendment to this Resolution Mr. Chair. Following the penultimate paragraph "Notes the grave concerns" I would like to add another short paragraph "Note the grave concern for the lethal use of cetaceans for military research purposes".

Chairman

Can you repeat it please.

Antigua and Barbuda

"Note the grave concern for the lethal use of cetaceans for military research purposes".

Chairman

Where is that to go Antigua and Barbuda?

Antigua and Barbuda

Just before the penultimate paragraph which says "Note the grave concern of eminent members of the international scientific community".

Chairman

Thank you Antigua and Barbuda. There is actually more over the page so it goes insert after the paragraph beginning “Instructs the Secretary ...” and before the paragraph “Notes the grave concerns ...”. Thank you.

New Zealand

Point of order Mr. Chairman.

Chairman

New Zealand.

New Zealand

Mr. Chairman, I wonder if you can have a look very closely at that proposed amendment as to its acceptability under the ordinary rules that would apply to amendments. This Resolution deals with Whaling under Special Permit and the whole thrust of the text is directed towards that. Special Permits are issued under Article VIII of our Convention, they are matters of interest to all members regardless of their views. This particular research that is being referred to is something that if it does occur, occurs outside the scope of the Convention. To the best of my knowledge we have never received any notice of Special Permits being issued in respect of this activity and in those circumstances, Sir, I suggest that if there is to be a Resolution on it, and I reserve my position on that in due course, it should be the subject of a properly presented Resolution separate and in its own right and is not appropriate for an amendment to a Resolution dealing with Special Permits.

Chairman

Before I give a ruling can I check is this proposed amendment seconded? Yes.

I don't see anything in the Rules of Procedures to directly cover this item so in the interests in allowing debate I will allow the amendment to be put. Denmark.

Denmark

Thank you Mr. Chairman. I have to put a question to you. First of all I am not familiar with that kind of activity if they exist and our point, that is, that kind of activity – are we talking about large baleen whales or small cetaceans? I mean if it's small cetaceans then it is outside the competence of this organisation for me. Thank you.

Chairman

Thank you Denmark. I note your comments but I wouldn't presume to make any comments on substance. If my ruling is accepted by the meeting I think we should put the amendment to the vote. I will ask the Secretary to go ahead with the proposed amendment. Point of order Japan.

Japan

Yes. Thank you very much. With regard to this amendment proposal presented by Antigua. In order to save the time here I would like to kindly request the distinguished Commissioner from Antigua to revoke, to withdraw this amendment but if he rejects my proposal then it is up to him.

Chairman

Antigua and Barbuda.

Antigua and Barbuda

Mr. Chairman, I would like to carry this Resolution with the amendment.

Chairman

Sorry, you wish to put the amendment?

Antigua and Barbuda

Yes, Mr. Chairman.

Chairman

In that case I will ask the Secretary to proceed.

Secretary

Mr. Chairman, the matter before this Plenary session is the Resolution on Whaling under Special Permit. Document IWC/50/41. There is a proposed amendment put forward by Antigua and Barbuda, seconded by Dominica to insert a new preambular paragraph after the existing third paragraph, that is the one which starts "Instructs ..." and the new text reads "Note the grave concern for the lethal use of cetaceans for military research purposes". That is the proposed amendment, the addition of that preambular paragraph. A simple majority of governments voting for or against will determine if that amendment is accepted. The roll starts at Denmark – abstain; Dominica – yes; Finland – no; France – no; Germany – no; Grenada – yes; India – no; Ireland – no; Italy – abstain; Japan – abstain; Republic of Korea – abstain; Mexico – no; Monaco – no; Netherlands – no; New Zealand – no; Norway – yes; Oman – abstain; Russian Federation – Abstain; St. Lucia – yes; St. Vincent and the Grenadines – yes; Solomon Islands – Abstain; South Africa – abstain; Spain – no; Sweden – abstain; Switzerland – abstain; UK – no; USA – no; Antigua and Barbuda – yes; Argentina – no; Australia – no; Austria – abstain; Brazil – no; Chile – no; People's Republic of China – abstain.

Mr. Chairman, there were 6 votes in favour, 16 against with 12 abstentions and so that amendment fails. Shall I go on to the main proposal?

Chairman

Thank you Secretary. We will close the debate and continue with the vote on IWC/50/41.

Secretary

We now turn to the original proposal IWC/50/41 – Resolution on Whaling under Special Permit sponsored by Australia, Brazil, India, Italy, Monaco, Netherlands, New Zealand and the United Kingdom. A simple majority of those voting for or against in this Plenary session will carry the result. The vote starts at Dominica – no; Finland – yes; France – yes; Germany – yes; Grenada – no; India – yes; Ireland – abstain; Italy – yes; Japan – no; Republic of Korea – abstain; Mexico – abstain; Monaco – yes; Netherlands – yes; New Zealand – yes; Norway – no; Oman – abstain; Russian Federation – no; St. Lucia – no; St. Vincent and the Grenadines – no; Solomon Islands – no; South Africa – abstain; Spain – abstain; 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 – abstain; Denmark – yes.

Mr. Chairman there were 17 votes in favour, 9 against with 8 abstentions and so that resolution is adopted.

Chairman

Thank you Secretary. That concludes Agenda Item 14. We now go to Agenda Item 15.2.2. I'm sorry South Africa.

South Africa

Thank you Mr. Chairman. I would just like to explain the reason for my abstention. We have in the past on numerous occasions clearly stated our objections to the high levels of lethal scientific sampling in the Southern Ocean Sanctuary, but Mr. Chairman, we do not see that it is necessarily wise to extrapolate that objection to also include the Northern Pacific Ocean. Thank you very much.

Chairman

Antigua and Barbuda is this an explanation of vote?

Antigua and Barbuda

Yes Mr. Chair. I just wanted to explain the reason why Antigua voted no against this Resolution. Mr. Chairman, research that has been undertaken by the Japanese is completely legal under this Convention. It is research that has been widely accepted as being useful and contributing to the body of knowledge with regards to cetaceans and this Resolution has highlighted the double standards of some member states here with regards to the whole question of the lethal research with regards to cetaceans, Mr. Chair. Thank you.

Chairman

Thank you Antigua and Barbuda. Sweden? No. Japan.

Japan

Thank you Mr. Chairman. After listening to the result of the vote we feel it is quite regrettable and unfortunate to see that increasing number of countries now disregard and ignore the Japanese scientific activities which are the just right, exercise the right of Japanese and we have presented our right in conformance to the Convention as well as we have presented the scientific grounds as well. In this Resolution it represents a deterioration of the

content of the Resolution compared to the previous year. In other words, moral and ethical matters are also incorporated in this Resolution which demonstrates the fact that this Commission is heading towards the direction where it seems to do whatever it wants arbitrarily.

Finally, despite the oral presentation by the distinguished Commissioner from the US we recognise and notice that the United States of America did not become a co-sponsor to this Resolution which I think demonstrates that it still recognises its own conscience and so that is a note of hope from our standpoint. Thank you.

15.2.2 ACTION ARISING

Chairman

Thank you Japan. Can I move on to Agenda Item 15.2.2? I have two Resolutions. Resolution IWC/50/38 – Resolution on Co-ordinating and Planning for Environmental Research in the Antarctic proposed by Antigua and Barbuda, Dominica, Grenada, Solomon Islands, St. Lucia and St. Vincent and the Grenadines. St. Vincent and the Grenadines.

St. Vincent and the Grenadines

Thank you Mr. Chair. As a co-sponsor of this Resolution may I ask for a referral until just after lunch as we have some on-going discussions now with respect to some more changes, Mr. Chairman?

Chairman

Thank you St. Vincent and the Grenadines. In that case I will take the next Resolution which is IWC/50/42 – Resolution for the Funding of Work on Environmental Concerns sponsored by sixteen odd countries. I am not describing the countries as odd but merely the number. New Zealand.

New Zealand

Thank you Mr. Chairman. New Zealand tabled this proposal in the Finance and Administration Committee and it does so now again in this Plenary. Occasionally, Mr. Chairman, there are issues on which this Commission is capable of speaking with a single and united voice and I would like to think that this is one issue that might bring together the disparate views within this body pro- or anti-whaling.

I think we must all be concerned at a range of environmental issues that impact on our work in respect of cetaceans. These include climate and environmental change, the effects of chemical pollution, the effects of physical and biological habitat degradation, the impact of fisheries, the effect of ozone depletion and UVB radiation, Arctic issues, disease and mortality events and the impacts of noise.

I think we must also be concerned at the fact that in the past both this Commission and the Scientific Committee have been unable to give what I think on reflection we would have to regard as the appropriate priority to these issues and others.

What this proposal seeks to do Mr. Chairman, and it anticipates the proper procedure being followed in due course, is first of all to provide some allocation of funds for that purpose and in due course to anticipate the consideration at IWC/51 of the establishment of a dedicated environment research fund to facilitate research on environmental change and cetaceans, and to facilitate also the attendance at the Scientific Committee and other related meetings of invited participants with relevant expertise in the priority areas of the Standing Working Group on Environmental Concerns.

Mr. Chairman, we have an opportunity as the Chairman of the Finance and Administration Committee has previously reported to us, we are in good financial heart and might I just take the opportunity in the open session of congratulating the Secretariat on that fact, and thus there is an opportunity for us to allocate some funds to this very important purpose. The time is appropriate, the opportunity is appropriate and the resources are available. I urge the proposal on the Commission.

Chairman

Thank you New Zealand. Argentina.

Argentina

I just want to clarify one point. First of all I am not taking a position in relation to this Resolution what I will say. Just to clarify that here Argentina appears co-sponsoring it. I am not saying that I agree or disagree with the Resolution just that Argentina was not consulted about co-sponsoring it. Thank you.

Chairman

Thank you Argentina for the clarification. Denmark.

Denmark

Thank you Mr. Chairman. Those more interested in our point of view will find the debate in the Finance and Administration Committee, in the papers. We are not opposing to fund work on environmental concerns, on the contrary. We have some doubts about the procedure that is beforehand to allocate some money for that specific purpose simply due to the fact we prefer a procedure whereby we at the meetings each year, in the Finance and Administration Committee, receive a list of Research Proposals from the scientists which we will then have to decide. I think everyone knows that Denmark is always very willing to support wishes which cost money from the scientists. We also very strongly feel that the environment, completion of the RMP and the non-lethal research in the Southern Ocean Sanctuary are three equally important issues. We are, as I said, willing to support requests in these areas. You may finance it either through the member contributions or each year by allocating a part of the surplus to the total research budget. So I underline, we are absolutely in favour of environmental research but it should not be the only research or the primary research taking place here and we prefer the other procedure. Thank you.

Chairman

Thank you Denmark. Japan.

Japan

First of all thank you Mr. Chairman. Our thought and idea is in line with Denmark with regard to the procedures to be followed and I would like to point out the operating paragraph which says "Agrees to consider at the 51st Annual Meeting the establishment of a dedicated environmental research fund". Another point in question is the second operating paragraph that talks about the actual provision for expenditure of £100,000 from the Commission's reserves starting in the fiscal year 1999-2000. For example, I would like to urge you to refer to the Financial Regulations, Item C. General Financial Arrangements. It says there shall be established a research fund and a general fund and a voluntary fund for small cetaceans. So, according to the Rules of Procedure this should follow the Rules of Procedure, in other words, this amendment must be proposed in advance. Usually this modification or amendment would require sixty days prior preparation or notification. However, in this case the value of the money involved is this much, £100,000 or £200,000 and in Japan we have to, of course, consult with the Ministry of Finance because this amount of money is a matter related to contribution as well. So for this type of Resolution entailing this impact I think rather than prejudging beforehand I think that this kind of matter should be pre-circulated beforehand and that proposal should come out at the next year's meeting. In other words, when this amount of money is involved I think rather than sixty days of prior preparation, I think that countries concerned would require the Ministerial level of consultation and therefore I think that maybe 180 days prior preparation period and so on would maybe more appropriate or desirable. Thank you.

Chairman

Thank you Japan. In relation to the appropriateness of the Resolution as I read it, it agrees to consider at the next meeting. It doesn't presume to take a decision on that. Sorry just one moment. I was going to ask the Chairman of the Finance and Administration to deal with the financial aspects. Is this OK Japan or do you want to make a point of order now? Point of order.

Japan

The point I would like to make here is that this kind of proposal, even though it says that it agrees to consider, it still will sort of impose upon us the prejudgement of the future. In other words, the future is prejudged by this and which has a very serious implication financially because we require financial fund to accommodate this, and then that would also prejudice our condition so that people would have to accept the Schedule amendment and so forth. It is an imposition of the prejudgement upon us so this kind of condition I do not think is appropriate especially for the sake of non-English speakers because this English wording is complicated and it may be rather too complicated for the non-English speakers. So the more simple and appropriate way to handle it is to ask the proposal next year with a more thorough preparation in sufficient time to prepare for this otherwise this kind of prejudged procedure I think would put the non-English speakers at a disadvantage.

Chairman

Thank you Japan. I have noted your comments but as far as I can see "Agrees to consider" does not bind the Commission in any way next year and I would take this Resolution if it were successful as being advanced notice

of one year rather than the sixty days required. Norway. Sorry can I take the Chair of the Finance of the Finance and Administration Committee first please.

UK

Thank you Chairman. Well as one of the sponsors of this Resolution I am not quite sure whether I should be speaking as the Chairman or as the UK but I will say pretty well the same thing anyway. This Resolution clearly doesn't bind any party to take any decisions next year. If I could just go through the operative paragraphs. The first conveys an agreement to fund activities in association with programmes of research which we've agreed should be drawn up, and a point that I made to the Commission last year in my capacity as Chairman, and I made it again this year, is that if we as a Commission agree that the Scientific Committee should go away and set up long-term research programmes and work on long-term projects and ask them to come with costed proposals for those projects there must be an implication that we are prepared to fund them.

The second operative paragraph then instructs the Secretariat to attempt to provide money to fund these programmes when it draws up the provisional budget. The provisional budget does not commit anyone, it is simply the budget which the Secretariat circulates and I think that has to be circulated sixty days before the meeting so there is plenty of time to look at it before any decisions have to be taken. In the meeting of the Finance and Administration Committee this year we noted once again that we have a very high level of reserves and that they are round about fifty per cent higher than the level we agreed last year is desirable. We also agreed that the only way to bring them down to the level we want is to reduce the contributions or to increase expenditure. We agreed, as well, that it was not desirable to reduce contributions because of the problems that that might entail later if we wished to increase them again, which leaves us with a need to increase expenditure. We have here a programme of work which we have asked the Scientific Committee to work on which is very widely supported but which is likely to be costly so it does seem sensible to combine our objectives, our two objectives, of supporting this research and reducing our reserves by drawing on the reserves to fund the research.

The third operative paragraph deals with the idea of an environment research fund but, as you have pointed out, it doesn't establish it, it simply says that the Commission will consider it, and obviously the proponents of this idea will need to submit a proposed change to the financial regulations incorporating this fund and if that proposal is acceptable then the £100,000 referred to previously could be transferred into that fund in the way we transfer money into the research fund now. But for that to happen there would need to be at least two separate decisions next year, (1) to actually put that £100,000 in the budget to adopt and to draw it from the reserves and (2) to set up the research fund, so those are decisions for next year. What we are doing this year is sending a very clear signal that we not only want to conduct research on the environment and its effects on cetaceans but we are ready to consider paying for it too, and I think for most scientists before they start work on this sort of thing, the second element would be perhaps as important as the first. Thank you Chairman.

Chairman

Thank you. I have Austria and Norway. Austria.

Austria

Thank you Mr. Chairman. As a co-sponsor Austria of course fully supports this initiative. The work of the Scientific Committee on environmental concerns has had a good start. This funding initiative would go a long way towards ensuring that the identified priorities are pursued and that the planned research projects are actively carried out. Anything less should be unacceptable to the Commission if we were to honestly tackle the cetacean environment as a vital concept of IWC. Above that I think it would be appropriate to use the high financial reserves of IWC as was just stated by the UK. Austria believes that it is crucial for IWC member governments to contribute not only to the funding but also to data and expertise needed to understand and mitigate amongst others the effects of chemical pollution on cetaceans. Therefore we do hope that this Resolution will be adopted by consensus. Thank you.

Chairman

Thank you Austria. Norway.

Norway

Thank you Mr. Chairman. Well I listen to the hopes for consensus on this Resolution and I would have hoped that myself, I associate myself very much with what Denmark said sometime ago. When the Commissioner for New Zealand calls for a consensus on it I fundamentally agree that there is a lot of good things in this Resolution. There is a lot of emphasis on the traditional pollution issues which we feel is very important in the environmental field in the research cetaceans and the pollution issues, do doubt about that. What I feel is regrettable is that on

this area, environmental research, we have three different Resolutions before us. One was accepted yesterday by consensus, we have this one and we just had one that was postponed until this afternoon. Unfortunately it says quite a lot about the working habits in this organisation because in normal circumstances the sponsors of three different Resolutions would have got together and seen if they could not harmonise the three Resolutions so that we would have one consensus Resolution but, no, that is IWC, that is not the way we do it here. Here we impose our maximum will on each other because some of us carries an automatic majority. So although I have a lot of sympathy for most of the things which are there, one aspect which concerns me and that is the balance of work going on in the Scientific Committee. I remember back in Dublin in the Dublin meeting the question of the balance of the work of the Scientific Committee was a very important issue, also then the Finance and Administration Committee was chaired by the British Commissioner and used a lot of time on that issue. I seem to remember that the point was very much that we start to receive quite a lot of voluntary funds from NGOs and the problem was that the work time of the Scientific Committee necessarily was diverted from the traditional areas to new areas. So we had to be absolutely sure that the new areas fitted into the overall workload and it was some sort of a balance.

I think we need at the next session to go back to the agreement we had from the Dublin meeting to look at what we decided in order to have balance in it so the problem that I have with the three environmental Resolutions is really that we are not going to now turn around the entire work of the Scientific Committee. It cannot be that all the Scientific Committee is going to do in the future is related to the environmental concerns. We need to do that as well but as we heard from the Chairman of the Scientific Committee in the Finance and Admin Group, one third of the request for the budget for next year is on environmental issues so I had great difficulties before I had the further explanation from the Scientific Committee of how this will influence on the balance of their work between the various areas which we need to take into consideration and which need also to be covered in the future. I have great difficulties in going along to say that we now will provide even more money for an area where I am not certain at all that we lack money at this stage. I fully agree with you and in one of the rare occasions that I disagree with my Japanese friend that we would not pre-empt anything to say that at the 51st Meeting we would consider the establishing the fund and of course we could do that, this is not a Schedule amendment question in any case. But, as I said, I would have hoped that we could have harmonised all these Resolutions and that we did not have to make a controversial issue out of this because basically with a bit of hard work I think we all could have agreed on most of these things and sorted it out in a normal manner. Thank you Mr. Chairman.

Chairman

Thank you Norway. Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chairman. Mr. Chairman, you will recall that during one of our Committee meetings Antigua and Barbuda raised concern about the use of surplus funds to undertake research while at the same time no consideration is being given to reduced general contributions of some member states. Mr. Chair, Antigua and Barbuda do agree that there are tremendous merits in this Resolution with regards to its effort to undertake environmental type research as it concerns whales. However, Mr. Chairman at this time when most countries are going through restructure and physical restructuring I think that this body owe it to its members to consider this situation and also to see what means can be adopted to reduce the contributions of member states giving regards to the large surplus that this organisation has. You will recall that Antigua and Barbuda requested that any increase in the research budget should correspond to the same bequeath in member states contribution. So, Mr. Chair I urge that this body consider that request from Antigua and Barbuda and postpone this Resolution until when member states can contemplate the financial implication of the work that this Resolution intends for this organisation to undertake. Mr. Chairman I would reiterate that there is value in the research work that is being contemplated here but much thought needs to be placed into the financial implications Mr. Chair.

Chairman

Thank you Antigua and Barbuda. I have US and France looking for the floor but before I give the floor to the US can I say that the matter of contributions was dealt with yesterday when we provisionally adopted the budget and we will come back to it under another Agenda Item later. US.

USA

Thank you Chairman. As you know yesterday the Commission passed by consensus a Resolution that called upon the Scientific Committee to raise the priority of environmental concerns on its agenda. Every year for the past two years the Commission has reiterated its desire for the Scientific Committee to give high priority to its work on environmental concerns. This Resolution simply ensures that the funding is available to the Scientific

Committee to do this. It recognises that financial support is critical for both the identified research priorities and the participation by invited scientists in IWC forums. The United States strongly supports the Resolution and asks that the other sponsors of yesterday's Resolution also support the establishment of the fund. Thank you.

Chairman

Thank you US. France.

France

Thank you Mr. Chairman. I wanted to say also that we support very clearly this Resolution. We think that it is particularly important that a signal be given in this field to show that the work of the Commission should, as much as possible, also take into account general environmental problems that are posed. Thank you very much Mr. Chairman.

Chairman

Thank you France. There is not consensus on this issue but before I proceed to a vote can I suggest that there would appear to be a clear majority and that I note the dissenting views or shall I go through a formal vote? Can I take it that we note this Resolution as passed by majority? Thank you.

16.3 ACTION ARISING

I will hold open this Agenda Item for another Resolution from St. Vincent and the Grenadines after lunch. Can we move onto Agenda Item 16 – Cooperation with Other Organisations. 16.3 – Action Arising there is a Resolution IWC/50/30 – Draft Resolution on Cooperating between the IWC and CITES sponsored by Australia, Brazil, Monaco, New Zealand, Oman and the United States. US.

USA

Thank you Mr. Chairman. The United States supports continued cooperation by the IWC with other international organisations. The United States will continue to work within the IWC to reaffirm the relationship between IWC and CITES. The United States is introducing this Resolution today with our co-sponsors in the context of a renewed and strengthened relationship between the IWC and CITES. We welcome the recent decision by the 10th Conference of the CITES Parties to uphold Resolution Conference 2.9 in which Parties to CITES recognise the mandate of the IWC. That Resolution solidifies a relationship that began in 1978 with an IWC Resolution requesting that CITES member states take all possible measures to support the IWC ban on commercial whaling for certain stocks and species. Since that time CITES has taken numerous actions in support of IWC initiatives including recommending that Parties not issue any export or import permits for trade in any whale stocks for which the IWC has set zero catch limits. Consequently we believe that it is important to recognise the important role of CITES in supporting the IWC's management decisions concerning the conservation of whale stocks and to reaffirm the importance of continued cooperation between the IWC and CITES. Specifically we urge Contracting Governments to observe fully the IWC Resolutions and we again stress the need for Governments to provide the information specified in those earlier Resolutions especially information concerning illegal trade in whale products. This proposed Resolution further solidifies the twenty year long cooperation between the two bodies. We believe that this cooperation is critical to the proper management of whale stocks. Thank you.

Chairman

Thank you US. Any other? UK.

UK

Thank you Chairman. Well I would just like to record the United Kingdom's support for this Resolution. I think that the list of sponsors perhaps gives a rather misleading impression of the degree of support because trade issues and CITES issues come within the competence of the European Union, members of the European Union are not able to sponsor Resolutions such as this but we can support them and I know that a number of my fellow EU members do support it. I won't presume to speak for them but I think they are a considerable body. Thank you Chairman.

Chairman

Thank you UK. Denmark.

Denmark

Thank you. Two remarks. I fully agree with the United Kingdom as to the remarks of the competence of the Union on the trade issues. The other is a minor point and that is the last operative paragraph where the

Secretariat shall forward a lot of material to CITES. I take it that the meaning is not necessarily all but information that is relevant to CITES. Thank you Mr. Chairman.

Chairman

Thank you Denmark. Norway.

Norway

Thank you Mr. Chairman. Well I am glad of course that the UK represents competence in certain cases for various international organisations but on this Resolution I would like to say that I am unable to support that because here we exactly have a case where the IWC is trespassing on other organisations competence. I can refer to the various Resolutions referred to here. I shall not take the rest of the day to go into details here but I think many of the statements mentioned here in the relationship with CITES and IWC are at best a very rough reference to the relationship. I don't think that everything which is said here can be substantiated in the sort of special relationship. One example for instance, that the Resolution 2.9 which is referred to here is simply a reference to individual governments not to issue export permits. It does not set up the sort of relationship between CITES and IWC which is claimed in the Resolution and which was referred to in the US statement a while ago. So for all of these reasons, Mr. Chairman, I am not able to support this Resolution. Thank you.

Chairman

Thank you Norway. Switzerland.

Switzerland

Thank you Mr. Chairman. We really do not want to oppose this Resolution but we have also some problems especially with the third paragraph in the operative section that begins with "Reaffirms" because some of these Resolutions were not worded like the others and so we quite clearly looked at them and some of these Resolutions we did not say yes to, we did not adopt, our country had abstained in this ballot because, as others have stated, we regard the only competent body to deal with international trade is CITES and not IWC. We don't know how we should act here because we cannot accept something which we have abstained to in the past, so perhaps if this could be deleted we would be happy to go with it. Thank you Mr. Chairman.

Chairman

Thank you Switzerland. Any other comments? Japan.

Japan

Thank you Mr. Chairman. This Resolution actually trespasses or it is outside the competence of the IWC and those descriptions are in the preamble as words in the operative paragraphs, and there are some in the preamble and operating paragraphs, there are some descriptions which are contrary to the fact.

Where CITES has recommended parties not issue any import or export permit for trade in any whale stocks in which the IWC has set zero quota limit, that is I think the citation from the operation part of the CITES Convention itself, this is inaccurate. The CITES Conference 2.9 clearly says "Recommends that the Parties agree not to issue any import or export permit, or certificate for introduction from the sea under this Convention for primarily commercially purposes for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling. So it should be definitely rectified in that line to reflect what was written in the CITES Conference Resolution 2.9.

The following preamble says "Welcoming the recent decision by the 10th Conference of the CITES Parties to uphold that was no such decision was taken. It was simply, there was rejection for the amendment or revocation proposal of Conference 2.9 so that this sentence, the last preamble, should be changed to following "Welcoming the rejection by the 10th Conference of the Parties to amend or revoke the Conference Resolution of Conf. 2.9" and I think the preambular, third paragraph from the bottom, "acknowledging that all species of whales in the Schedule to the IWC" but we have to clearly recognise that there is exception of Greenland stock of *Balaenoptera acutotostrata*, that is minke whale and that should be clearly mentioned here.

I don't think relating to the paragraph preceding that "Acknowledging" which begins "Whereas Conference Party to CITES recognised in Conference 2.9 the mandate of the IWC". This is inaccurate or untruth if you look at the Conference 2.9 of preambular paragraph. It is simply in its, I think, second paragraph, "Noting that International Whaling Convention, IWC, has taken increasingly vigorous action through application of the new Management Procedure to provide for the effective conservation and management of whales which are of interest to all nations of the world by establishing a limit on the number of whales that may be taken by nationals of its member nations

and further noting that IWC has established regulations which protected certain species and stocks from all commercial whaling by nationals of its member nations in order to provide them protection and opportunity to recover from over-exploitation". So I think this preambular is inaccurate and therefore I would like to propose the following amendment by revoking the existing preambular. That would be "Whereas text of the CITES in Article X for consultation with specialised agency in the conservation of wildlife in the achievement of its objective and that such consultation is reaffirmed in the Resolution Conference 9.24".

Furthermore, touching upon the operating paragraph, I think first operating paragraph says "Expresses its appreciation to the Conference of the Parties to CITES for reaffirmation of the relationship between CITES and IWC". I don't think that is accurate. I mean we simply noted that for Conference of the Parties to CITES for its co-operation with IWC and also I think in the second operating paragraph where it says "Recognises the important role in supporting of the conservation of the whale stocks and the IWC's management decisions, and reaffirming importance of continued cooperation between CITES and IWC. CITES is not required to make a decision to follow-up what happened here, CITES could make its own decision by themselves that is a sort of state of fact right now even though they are being provided scientific information from this body so that in order to reflect the accuracy of the current relation of both two organisations I think this operating paragraph should stop in the first line after "whale stocks" so that the second paragraph should read "Recognises the important role of CITES in supporting the conservation of whale stocks". In terms of the second paragraph from the bottom "Asks all Governments to provide information specified in the previous Resolution to the Commission". This is a matter of the policy of the Japanese Government, we could not accept so this should be deleted so the both comment and reason given to the proposal for the amendment and amendment itself put forward by us. Thank you.

Chairman

Thank you Japan. On a very practicable consideration some delegations have to check out by 1.00pm so I will adjourn the debate until 2.15pm and you can give me the wording during the break.

[BREAK]

Chairman

..... discussing a Resolution IWC/50/30 and Japan had just proposed an amendment to the text. I will ask the Secretary to read the amendment.

Secretary

Mr. Chairman, we are dealing with Document IWC/50/30, the amendments are quite extensive as follows. In the fourth preambular paragraph commencing "Whereas the Conference of the Parties to CITES ..", that paragraph is deleted and replaced by the following text. "Whereas the text of the Convention on International Trade in Endangered Species provides in Article XV, for consultation with agencies specialised in the conservation of wild species in the achievement of its objectives, and such consultation is reaffirmed in Resolution Conf.9.24."

Then in the fourth preambular paragraph an insertion in the second line so that that paragraph reads "Acknowledging that all species of whales in the Schedule to the IWC have been listed in Appendix I by CITES" and the addition is "with the exception of the Western Greenland stock of minke whales".

In the next paragraph "Whereas CITES has recommended that Parties not issue any import or export permits, or certificate for introduction from the sea, under this Convention for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling" and delete the remainder of the sentence which starts "for trade in ...".

The paragraph commencing "Welcoming" to read "Welcoming the rejection by the 10th Conference of the parties to CITES of a proposal to amend or revoke Resolution Conference 2.9.

Now therefore the Commission:

Expresses its appreciation to the Conference of the Parties to CITES for its cooperation with the IWC;

Recognises the important role of CITES in supporting the conservation of whale stocks."

Delete the rest.

The last but one operative paragraph “Urges all Governments” is deleted. Those are the amendments proposed, Mr. Chairman.

Chairman

Thank you Secretary. Denmark.

Denmark

Excuse me Mr. Chairman. As far as I, at least to a certain degree, understood or heard all these amendments, I think they may be harmless but to be quite frank such a huge number of amendments, and here maybe with our speaking system is not easy to hear for everyone all the time. Could it be possible just to take another item on the agenda and then have this written during that time? Thank you Mr. Chairman.

Chairman

Thank you Denmark. Let us proceed just for a moment please. Is there a seconder to this amendment? Antigua and Barbuda. So the amendment is seconded. Can I ask the US, you are lead speaker. Would that amendment be acceptable to you?

USA

Mr. Chairman. No, that amendment is not acceptable to us.

Chairman

Thank you US. Japan do you wish to have this amendment put to a vote?

Japan

Yes.

Chairman

In that case we had better get it typed up and we will circulate it so I will hold the Agenda Item open.

I will move on to Resolution IWC/50/39 on IWC Concern about Human Health Effects from the Consumption of Cetaceans proposed by Monaco and the United States. I think it is more appropriate to take it here than under Agenda Item 18. Monaco.

18. THE FUTURE OF THE IWC

Monaco

Thank you Mr. Chairman. We, of course, leave it to you discretion to place the Resolution of this item which is very fine with us. We hope to achieve a rather large agreement on this Resolution, Mr. Chairman. It addresses public health concerns which are of importance to the public at large in the countries concerned.

There is now a scattered but growing evidence in the scientific territory of bio-accumulation of organic contaminants, in particular PCBs and heavy metals, and in particular mercury and cadmium in the top levels of the food chain in marine environments. The health threat that this contamination combined with the impact of other pollutants from atmospheric or terrestrial pollutants actually presents to human consumers of whale meat isn't clear but obviously this Commission is concerned about the interest of the consumers of whale products, which includes above all the health and sustainable well-being of these populations and of their descendants.

Actually there is a provision in the Schedule of this Convention, Article V2(d), which states that the Commission shall take into consideration the interest of the consumers of whale products and obviously they don't only have in mind the economic subsistence interests of the consumers but also the most precious capital which is the health. Therefore, Monaco invites all concerned countries to assemble the most accurate, the most relevant information on this vital issue, and relate it to this assembly. It would seem particularly useful if we could rely as well on the competence and analytical ability of the most competent bodies to do such bio-medical analysis, that is Health Agencies, be they national or international like the WHO. It seems to us that only by putting this matter more clearly on our Agenda, asking our member governments to collaborate on this in terms of exchange of information, I mean doing anything less than that would be morally and politically irresponsible. Thank you Mr. Chairman.

Chairman

Thank you Monaco. US.

USA

Mr. Chairman, the United States is concerned about these new scientific findings on the transfer of pollutants from cetaceans to humans. We appreciate the IWC's growing interest on issues related to environmental change and its effect on cetaceans. We believe that it's the responsibility of the Commission to use the Scientific Committee's research to further our understanding of the relationship between the degraded marine environment and whales in humans. We believe that the IWC should broaden its cooperation in sharing of scientific information with other international organisations and therefore have cosponsored this Resolution.

Chairman

Thank you US. Are there any other comments on this Resolution? Japan.

Japan

Thank you Mr. Chairman. It is, of course, natural that many people are now increasingly interested in this adverse impact upon the metabolism of the cetaceans due to the contaminant and the hormone which is affected by the environmental change. The first point that I would like to say is as follows. I think that it is the feed, namely the fish and krill, that the whales actually feed on. They are in taken by the cetaceans, whales, and thus that accumulates in the body of the cetacean so first it is important to carry out research on the amount of such prey and feed of the cetaceans including the dolphins and porpoises. We also need to carry out a study upon the level of the pollutant in the krill and saury and anchovy and in the North Atlantic, capelin and cod, namely those fish. So, we have actually taken the proactive way to carry out this kind of research in the Antarctic Ocean as well as in the Northern Pacific.

Actually we have carried out a study in the Antarctic Ocean, the chemicals concerned are namely PCB, DDT and the chloride Hg and cadmium and re-identified that the level of accumulation is very minimal, very small,. In other words, for example, the PCB level is 0.076 micro gram per gram. We have carried out similar research on the minkes in the Northern Pacific and the level is slightly higher in the blubber, for example the average level is 2.3 micro grams per gram. However, the level of accumulation of PCBs is high higher in the fish, namely the Pacific saury, the PCB accumulation is 6.0 and for anchovy is 8.8. Therefore, we can see and it is clear that among the fish species the accumulation level is much higher than the stations and therefore I don't know the reason why only we should focus, or this Resolution, should focus upon cetaceans. I don't see the significance of this Resolution in that sense. However, we do not object to the research on the cetaceans. Thank you.

Chairman

Thank you Japan. Denmark.

Denmark

Thank you Mr. Chairman. It is no secret to this organisation that two of the three parts of the Kingdom of Denmark is eating whales to a very large degree as a natural part of their food stuff and for this reason naturally we are concerned about the pollution of the main food resources for some of the Danish citizens living in these two parts of the Kingdom. I have understood at earlier occasions from my scientists that this may not be a general problem, it may be a major problem for the small or the toothed whales compared to the baleen whales due to the fact that the baleen whales are placed in a much, shall we say, lower or earlier state in the food chain compared to the toothed whales so there may be differences and let me just on, I take this proposal by Monaco and United States as a friendly initiative seen from our point of view, and I would like to take this opportunity to say that this organisation could express that its concern that a number of large and especially developed countries use the seas as a kind of waste deposit, I mean if we reduce that activity that would be very helpful to the problem. Thank you.

Chairman

Thank you Denmark. Norway.

Norway

Thank you Mr. Chairman. I think that the problem which is referred to in this is a very serious and very real one and as Denmark explained this is a problem for certain groups of people, indigenous people mainly, who have marine mammals not only but close to the only item in their diet.

There are several things which are a bit strange to me. The United States is one of the countries who put this forward, the United States is also a member of the Arctic Council and this is one of the issues which is closely followed and discussed in the Arctic Council today. Indeed much of the knowledge we know about this issue

stems from a report which was published last year of the Arctic Monitoring and Assessment Programme, the AMAP, which was presented to a Ministerial Conference of the Arctic Council which was held in Norway in June last year and the conclusion from that Ministerial Meeting was that this is one of the issues which the Arctic Council will want to focus on in the time ahead. Therefore I must say that I am very surprised that one of the members of the Arctic Council is co-sponsoring this Resolution without any reference to what I regard as the organisation which has most insight into the problem and very much of the knowledge stems from. To what extent the WHO will get involved in this I think is for the members of the Arctic Council to decide and not the IWC. I question very much whether the IWC has a role here at all to be quite honest. Are we now going to be having a new item, the health issues on the Agenda of the IWC? Again it is the question of the competence of this organisation and it is the recurring malaise I would say of this that we really intend to be the expert body on everything under the sun so to speak because everything seems to have an influence on the cetaceans.

So I think, although I fully support the substance again of this Resolution, I think it lacks fundamental elements here to be taken quite seriously to be quite honest. So I would have hoped that we could postpone this Resolution. If there is time this year we could try to get some more meaningful text into it otherwise we could take it up next year and perhaps have input from the Arctic Council on the work which is being done there. Thank you Mr. Chairman.

Chairman

Thank you Norway. I am a bit reluctant to postpone it for further discussions because we don't have very much time for discussions where normally I would support such an idea. US.

USA

Thank you Mr. Chairman. The United States would just like to take an opportunity to respond to the comment by the representative from Norway regarding the Arctic Council. While the United States has agreed to look at the issue of whale research in the Arctic through that body we point out that it is not necessary a mutually exclusive activity, there are other research activities that this Scientific Committee here does in cooperation with other bodies such as CCAMLR, GLOBEC and other such scientific organisations. In that respect we believe there can be cooperation on whale research. When it comes to the taking and trading of marine mammals we would just like to take this opportunity to reassert the United State's position that we do not believe that the Arctic Council has any competence in those areas and we have made that clear in that body and are taking the opportunity to make that clear in this body as well. The IWC remains in our view the sole global authority to manage whale species. Thank you.

Chairman

Thank you US. Norway.

Norway

Well I get more and more surprised here. I can re-read it again but I haven't found any reference here to the Scientific Committee. If that is the idea that the Scientific Committee shall now go into health issues, I might have read it too quickly but I can't see that. I fully agree with the US, we stand absolutely together that the Arctic Council shall not manage whale stocks. This is not anything to do with management of whale stocks, it has to do with the health of some Arctic people and I myself was chairing the preparation of the Ministerial Meeting last year and nobody questioned that we should deal with the Report from the AMAP as far as the health concern are concerned so I am a bit surprised of the response I get from the US on this matter and I still think this Resolution is not serious to be quite honest. Thank you.

Chairman

Thank you Norway. I see little prospect of agreeing on wording from the debate. Monaco.

Monaco

I will just take this opportunity to reply to some comments made by Japan and Denmark. Japan made the point that they had some information on Antarctic cetaceans, PCB levels, which were below threshold considered to be dangerous for human consumption. Well it seems to me there is no reason to find the meat of Antarctic cetaceans consumed by populations, by human populations so our priority concerns that we gather most reliable information on those cetaceans that are actually consumed today, and we have information in the scientific literature which is available to everybody on PCB levels in whales, in pilot whales for example, from the North Atlantic and those levels I remind you that the official limit in many countries in food for PCBs is 2 parts per million 2ppm PCBs while the average PCB level found recently in pilot whale blubber was about 20.6ppm, that is ten times the level considered safe for consumption. The diehldrin levels for similarly found way above the

acceptable daily intake limits. What I am saying is that we have some reasons to be reasonably worried. The reality of the threat to human health is not established, it would be certainly irresponsible for our organisation, which after all if I recall properly has been given some kind of a mandate by the United Nations other agency to oversee whale issues. We have a responsibility which is clear to me with respect to the sake of future generations in particular to address this issue more properly and dealt what I would can informed knowledge and that is basically what this Resolution aims to do by relying on cooperation with proper agencies. Now, WHO amongst others, has in its charter a mandate to co-operate with relevant agencies to achieve their common goal of the attainment by all people of the highest possible level of health. Surely there is nothing in our Resolution which goes against this mandate Thank you Mr. Chairman.

Chairman

Thank you Monaco. France.

France

Thank you Mr. Chairman. We on our side can support this Resolution but I would want to point out that there is maybe some weak points in this proposition and the fact is that from the outside some partners or other countries could observe the composition of the vote if we have a consensus of the participants to the approval of this Resolution. They could also come to the conclusion that besides calling for attention or for concern about human health effects we could also show our concern by engaging very firmly in all the Conventions where we are trying to limit the pollutions so this question is consequence of this Resolution and I wanted just to point it out. Thank you very much.

Chairman

Thank you France. Can I ask the US or Monaco do you wish to defer this Resolution for further discussions possibly until next year or shall I put it to the vote? Put it to the vote, in that case I will put the Resolution to the meeting. Shall I call a formal vote or can I take it that there was a large degree of support for the motion and note the comments. In that case the Resolution is adopted and we will note the comments. Thank you.

I will hold open Agenda Item 16 sorry, Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman, can I just clarify whether this is an issue you wish to put on the Scientific Committee's Agenda?

Chairman

No, not to my understanding. Can we move to Agenda Item 17 – Adoption of Report of the Scientific Committee. Japan.

Japan

I would like to clarify this point. Is this Resolution, the subject of this Resolution, only the toothed whales or the other baleen whales also the subject of this Resolution?

Chairman

As I read the Resolution it is all cetaceans, it doesn't distinguish. US.

USA

Mr. Chairman, I wanted to note that the second paragraph at the beginning of the Resolution points out consumption of certain cetacean products and that would be those products which are appropriate to this problem.

17. ADOPTION OF REPORT OF THE SCIENTIFIC COMMITTEE

Chairman

Thank you US for the clarification. I will carry on with Agenda Item 17.1. Sorry Netherlands I will returning to this item, this item is kept open Netherlands. Agenda Item 16.5 is kept open as we are waiting for some further documents.

17.1 SMALL CETACEANS

Agenda Item 17.1 – Small Cetaceans. Can I call upon the Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman, the portion of our Report that deals with this item is Item 13 and begins on page 50 of our Report. We first reminded ourselves that we had previously expressed great concern about the perilous state of the vaquita which is endemic to the Upper Gulf of California. Last year we had information and had welcomed it that the Mexican Government had convened an International Committee for the recovery of the vaquita and we look forward to receiving a report on further developments at this meeting. However, we are informed that the ICRV, the Committee, had not met in early 1998 as had been expected but that it would do so in October 1998 and we have once again offered to assist it in its work in any way possible.

We next reviewed small cetaceans in the Indian Ocean and Red Sea with special reference to the Middle East, Mr. Chairman, and this is Item 13.2 in our Report. We limited our discussion to the northwestern part of the Indian Ocean and in particular waters bordering the Arabian Peninsula and we defined arbitrary three geographical zones and these are listed in Item 13.2 at the top. Here we include in our Report a summary that gives emphasis on the conservation concerns and recommendations for further study in that area, Mr. Chairman. I should perhaps draw attention to the paragraph at the bottom of Item 13.2 in the middle of page 50 where it says "The quantity and quality of data on small cetaceans in the Middle East region are strongly biased towards the few areas where experienced researchers have spent time. Coastal waters of Oman have been relatively well studied, and surveys of a portion of the Saudi sector of the Arabian Gulf coast were conducted following the 1991 Gulf War. Otherwise, little is known about the cetacean fauna of the northern (Iran) side of the Arabian Gulf, the Arabian Sea coast of Yemen or the Gulf of Aden and Red Sea.

We then went on to consider these specific areas, Mr. Chairman. Firstly the Arabian (Persian) Gulf in Item 13.2.1. We note that only three species can be considered common in the Gulf and we have some discussion of those. We then considered the Arabian Sea including the Gulf of Oman and the Gulf of Aden. This region is much larger and more diverse than the Arabian Gulf and we have some reports here, Mr. Chairman, of the number of species, in fact thirteen I think in the Omani waters of Oman and the Arabian Sea and we have some discussion of that. We talk about the need to collect tissue for DNA analysis and we encourage people to help resolve questions to collect that as to which species are represented in the Indian Ocean. This is what species of *Tursiops* particularly we are concerned about. We looked also at the Red Sea. Last year we noted that at least eight small cetacean species are known to inhabit it but we had no new data from the Red Sea to our meeting this year.

In Item 13.2.4 on the right-hand column on page 51, Mr. Chairman, we looked at conservation problems. We noted that several concerns have arisen with respect to the status of small cetaceans in the region. There is a dearth of information about cetacean interactions with the substantial fisheries in the Arabian Peninsula region. Incidental takes certainly occur, we had some information on that and their impact could be severe but we have insufficient information available to us to allow assessment of their importance to cetacean populations. We are also concerned about pollutants and there is a long paragraph there, Mr. Chairman, about our concerns spelt out in particular in relation to oil spills. We concluded that detailed studies are needed to elucidate the primary causes of the observed die-offs in such spills and we have some comments on that, particularly relevant are pathological studies of cetaceans.

Mr. Chairman, at the bottom of the page on page 51 on the right-hand side at the bottom there is a statement about bycatch and pollution which is the subject of a separate document IWC/50/18 which was circulated fairly early in the meeting and I would like to refer to that. Some concerns were expressed over the wording in the final paragraph on page 51, the one I have just been referring to, and these are detailed in IWC/50/18. Mr. Chairman, I accept that the paragraph might possibly be open to some misinterpretation in the form as agreed by the Committee and appreciate that the form of words proposed in the indented paragraph on this document IWC/50/18 might be preferable. In recognition of that situation I would be happy to accept the contents of IWC/50/18 on behalf of the Committee in the form of a statement to be added to our Report, perhaps most appropriately this could be down as appending it as a foot note to our Report at the appropriate place, i.e. in relation to this last paragraph on page 51. I hope that would be acceptable to the Commission, Mr. Chairman.

We have finally over the page a final more generalised concern which is that habitat degradation and loss may already have had a substantial impact on coastal cetaceans in the region.

We have then in item 13.2.5 on page 52 recommendations for further study and there are five of those. I won't go through them in detail, Mr. Chairman. There are recommendations in each of them and I would hope that they would be acceptable to the Commission. Perhaps I could emphasise the one in item 5 where there is strong

encouragement for studies to be undertaken and there is emphasise on the importance of training and involving local scientists from range states in the region. Perhaps I could pause there, Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Are there any comments? No. The Report is noted to this point so please carry on Chairman.

Chairman of the Scientific Committee

Mr. Chairman, we then considered further criteria for assessing the status of harbour porpoise populations. Last year we had agreed that there was no one easy way of assessing the conservation status of small cetaceans that was likely to be appropriate in all circumstances. We also recognised that simulation studies which take into account uncertainty in stock identity would be likely to provide a way forward and we set up a group to look at this to work intersessionally and report back. The Group in fact made limited progress but we expect a final summary report in August this year.

We considered a Report from ASCOBANS which had recently refined its aim in relation to conservation responsibilities of small cetaceans in the North and Baltic Seas and this is in the italicised paragraph or statement in the middle of page 52 in the column on the right-hand side and I won't read it but it is there for people to look at.

We recommended previously that we should establish a joint Working Group with ASCOBANS to consider scientific matters relating to the status of harbour porpoises in the eastern North Atlantic and we had some agreed membership of the IWC component in terms of reference as proposed. We agree that joint Working Groups should meet intersessionally and that the meeting should occur in February 1999 and there are some comments on that.

We reviewed other presented information. We noted that trend data were not quantitative and that porpoises appeared to have, although the trend data are not quantitative, porpoises appear to have significantly declined across the Baltic region. We have some comments on that. We have some comments on other populations Mr. Chairman on page 53 in the left-hand column. We have consideration of bycatches of small cetaceans in two California gill-net fisheries, of particular interest to the Committee were the results of an experiment to test the effectiveness of acoustic alarms in the driftnet fishery and there are comments on that in the third paragraph on page 53 on the left. The success of the experiment was the first successful demonstration of the use of acoustic alarms for species other than harbour porpoises.

I should draw your attention to the potential uses of passive acoustic techniques which is discussed in the bottom paragraph on the left of page 53. The Committee agreed that the approach holds considerable promise particularly to small cetaceans in lower densities.

The question was raised as to the magnitude of catches of Dall's porpoises and other cetaceans in the Japanese salmon drift net fishery operating inside the Exclusive Economic Zone of Russia, specifically the former research fishery and the commercial fishery since 1992. The Committee encourages the Government of Russia to provide information on the size of bycatches in this fishery.

We discussed the adequacy of information Mr. Chairman contained in Appendix 3 of Annex I which is a table which is currently incomplete and therefore potentially misleading. I should say, Mr. Chairman, that those of you who looked at Annex I it isn't actually labelled as a table, it is pretty obvious because it is actually ten pages long. However, it is there. There are some missing data which compromise the Committee's ability to do the work asked of it by the Commission as in your Resolution last year 1997-8. We suggest that the table should note situations where it believes catches occur but where no quantitative information exists on their magnitude and again urges that member countries not contributing information to the table be reminded of the Commission's Resolution. We have had similar recommendations, Mr. Chairman, in the last few years and we would urge that these be repeated.

As far as our future priorities and directions and concerned I think you have a separate Agenda Item for that so I should just leave that for the moment, Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Japan.

Japan

Thank you Mr. Chairman. I would like to say a few words on the issues related to the small cetaceans. Every year we have repeatedly emphasised Japan's position at the Scientific Committee that the issues surrounding the small cetaceans are outside the competence of this Commission and I would like to take this opportunity again to stress this point.

As the jurisdiction in right of our country we have taken means and measures to conserve the small cetaceans and at the Scientific Committee we have made a great contribution voluntarily to their effort. However, the primary objective of the IWC is research and survey and the conservation of the large cetaceans. Therefore at the deliberations of the Scientific Committee we would like to ask the Chairman of the Scientific Committee to pay due consideration to this fact that the deliberation on the small cetaceans should not hinder the deliberations on the other priority items at the Scientific Committee.

Of course I could also agree that it is useful to exchange scientific information with ASCOBANS. However, ASCOBANS has the priority philosophy to place priority upon the small cetaceans and therefore I think we should be careful here that we should try and strike a balance and harmony between the conservation of the small cetaceans and that of utilisation here and that point should not be disregarded. Thank you Chairman.

Chairman

Thank you Japan. UK.

UK

Thank you Chairman. Well the United Kingdom welcomes the role of the Scientific Committee Sub-committee on small cetaceans. I should emphasise that that role is one of advice. We believe that it can provide valuable advice and help to managers in contracting parties and in other countries which will help them conserve small cetaceans. Now there are three specific points I would like to address. The first concerns ASCOBANS and the Sub-committee has recognised the important role of the ASCOBANS Agreement in identifying priorities, undertaking research and taking other practical steps to further the conservation of small cetaceans in the North Sea and adjacent waters. We believe that ASCOBANS is a model for the way that small cetacean conservation should be handled and that regional agreements under the migratory species convention are the best way to do this but we believe that the IWC also has an important role and in this respect we are pleased to note that a joint IWC ASCOBANS Working Group is being set up looking initially at harbour porpoises in the North Sea. As I said, we welcome this that we are keen to build on this initiative by developing even closer links to help ASCOBANS achieve its conservation objectives. I believe that Commissioners may be interested to know that at a recent meeting of Parties to ASCOBANS a Resolution was adopted which sought to define unacceptable interactions between human activities including fishing and small cetaceans and which recommends that parties and range states take steps to reduce annual removals from small cetacean populations to less than two per cent of the estimated population.

The second issue that I would like to cover concerns Dall's porpoises and here the United Kingdom has always welcomed the efforts made by the Government of Japan, particularly in 1991 and 1992 to respond to concerns expressed by the Scientific Committee about the catch levels of Dall's porpoises and we are grateful that they have provided the Scientific Committee with revised abundance estimates based on its multi-year sighting programme but we are concerned about a subsequent apparent increase in numbers of Dall's porpoises being taken in this directed hunt and we are also concerned that no information has been provided about incidental catches of Dall's porpoises in Japanese driftnet fisheries in Russian waters and I think that it would be very helpful if the Governments of Russia and Japan could provide the Scientific Committee with information which they have on catches and on bycatches of Dall's porpoises.

While I am on the subject of Dall's porpoises, Chairman, I would like to just raise briefly the issue of killing methods. The electric lance is used as a secondary killing device in this fishery. Now our concern over use of this device is well documented and I am not going to repeat it here and I have to say that I am very pleased that the Government of Japan has decided to end its use in whaling and I can only say that I hope that they will now consider doing the same for this hunt.

Finally, Mr. Chairman, I would like to turn briefly to the Small Cetaceans Voluntary Fund. This is in a rather parlous state and it limps on from year to year but I think it does have a valuable role to play and I was very pleased to see a letter to the Secretary from a NGO, the Environmental Investigation Agency, agreeing to contribute £5,000 to this fund and this organisation has said they will double that quantity if three other NGOs will match the £5,000 with a similar amount in twelve months and I should make it clear that these contributions

will, of course, be subject to the rules of the fund which are clearly set out in Appendix 1 of our Financial regulations and I should also add that the United Kingdom Government will be making a contribution to the fund.

[END OF TAPE]

Russian Federation

..... delegation of the Russian Federation is of the opinion that small cetaceans including the white whale are not under the IWC jurisdiction. We are against the consideration of this item. Thank you.

Chairman

Thank you Russian Federation. I have Netherlands and Sweden. Netherlands.

Netherlands

Thank you Mr. Chairman. The Commissioner for the United Kingdom drew our attention to a recommendation of the Scientific Committee to form a small joint Working Group of IWC and ASCOBANS that would work intersessionally on the harbour porpoises in the eastern North Atlantic. We would also be very happy to support this recommendation and it is my understanding that the regular funds of the Commission would not be used for financing the meeting of this Working Group. However, extra contributions could be made to the Small cetacean Fund for this purpose and I am very grateful to hear the news of the voluntary contributions that will be made to this fund by non-governmental organisations. The Netherlands Government is certainly prepared to consider also making a contribution to the Small Cetacean Fund for this purpose and we would appreciate it if other range states involved in the ASCOBANS Agreement could consider that possibility. Thank you Mr. Chairman.

Chairman

Thank you Netherlands. Sweden.

Sweden

Thank you Chairman. Sweden would like to associate itself with the views just expressed by the United Kingdom. Thank you.

Chairman

Thank you Sweden. Japan.

Japan

I would like to try and respond to the question earlier raised by the distinguished Commissioner of the UK. Earlier a mention was made that the Dall's porpoise catch had increased but that is within the range or scope of annual fluctuation. Compared to the past the level of catch of Dall's porpoise has decreased markedly. I would like to reconfirm that this is our response on voluntary basis.

Turning to the statistics of the Dall's porpoises within the Russian waters, that is a matter of bi-lateral relations between Japan and Russia and therefore it should be discussed in that framework which would be more appropriate and discussing this matter here is not appropriate I believe. Again this response will be a voluntary response but at any rate with regard to the mention on the electric lance, that is again outside the terms of reference and this point raised is groundless from our understanding. Thank you.

Chairman

Thank you Japan. Any other comments? Then can I take it that we will note the comments on the Report of the Scientific Committee on this topic. I have a Resolution under this Agenda Item, IWC/50/26, Resolution on Directed Takes of White Whales sponsored by Finland, France, Germany, Italy, Monaco, Netherlands, Switzerland, United Kingdom. Does anyone want to introduce this Resolution? UK.

UK

Thank you Chairman. Well I should at the outset make it clear that the sponsors of this Resolution are not seeking to challenge the Greenland Home Rule Authority's role in the management of small cetaceans in its waters but we do believe that there is cause for concern about the level of take of white whales or belugas and that we should ask Greenland to address this concern and also that the IWC, through its Scientific Committee, does have a useful role to play and we note that in 1992 the IWC passed a widely supported Resolution on this point. The basic cause for our concern I think is the Report of the recent scientific Working Group of the Canada/Greenland Joint Commission on Conservation and Management of narwhals and belugas. This recorded that the number of belugas wintering in West Greenland is estimated to have declined by 60% since 1981 and

that there are doubts about the sustainability of the current catch levels. It seems likely that the sustainable yield is less than 200 belugas per year in West Greenland and current catch levels in West Greenland have averaged approximately 700 during the period 1990-1995.

Now, as with many stocks, we recognise that there are uncertainties over stock structure and migration which need to be resolved and also that there are some concerns amongst local hunters that the recent surveys have not been as extensive as they might suggesting that the abundance and distribution of this population is unclear. But this does seem a clear case where a precautionary approach would be appropriate and we do therefore hope that the Greenland Home Rule Authority will take urgent action to ensure that catches do not exceed a sustainable level and that is addressed in the first operative paragraph of the Resolution.

The rest of the Resolution goes on to welcome the Scientific Committee's review of white whales and narwhals which is planned for next year's meeting. We think that this is timely and that the Scientific Committee, as I have said, can have a useful role to play in resolving some of the problems that concern the scientific status of this stock. So we hope that all states with belugas in their waters will provide relevant scientific data and send their experts to next year's meeting so that detailed discussions of stock structure and of numbers can occur. Thank you Chairman.

Chairman

Thank you UK. Denmark.

Denmark

Thank you. In trying to help you I will be very brief. It will not surprise you when I say that we feel this Draft Resolution is inappropriate as it deals with a matter outside the competence of the International Whaling Commission. To add on that matters related to the management of small cetaceans are solely the responsibility of the Greenland Home Rule Government and I have, as a matter of fact, no more comment to that but I think that naturally this is not acceptable to Denmark. Thank you.

Chairman

Thank you Denmark. Austria.

Austria

Thank you very much. Well first of all Austria regrets indeed that white whales including beluga are outside the competence of the IWC. We appreciate the submission of scientific data and scientific research with non-lethal methods as proposed by this Resolution. Nevertheless we are highly concerned about over-hunting of white whales accelerating the decline throughout most of the range in Arctic waters. In our opinion the Canadian and Greenland Governments should be asked to take immediate action to stop the killing of white whales at least for the time being and provide data for stock assessment to the Scientific Committee. We therefore support the work of the Canada/Greenland Joint Commission on Conservation and Management of Narwhal and Beluga. However, because we are concerned of the survival of white whales we will nonetheless support this Resolution but we would like to have our reservations recorded in the Report. Thank you.

Chairman

Thank you Austria we will certainly do that. Norway.

Norway

Thank you Mr. Chairman. Well I will support the Danish comments as to the competence for the IWC to take up the white whale issue because in this Resolution it is not only the scientific aspects which are commented upon but also the management of the stock and I don't think that is appropriate for the IWC. I will also note that the question of the stock sizes and estimates for beluga and narwhal and being discussed in NAMMCO and indeed there will be a expert meeting in NAMMCO early next year which will take up exactly that question. I have nothing against the discussion in the Scientific Committee of the IWC also on this issue and I note that the Scientific Committee itself has made a statement in their Report on the desirability to avoid the placation between the work of NAMMCO and IWC and indeed have encouraged cooperation between the two organisation so I trust and hope that on the scientific level there will be a good cooperation between NAMMCO and the Scientific Committee of the IWC in this issue. But as I said the Resolution as such I feel is inappropriate because it goes further than just commenting on the scientific side here so I will join my Danish colleague in those comments. Thank you Mr. Chairman.

Chairman

Thank you Norway. Are there any other comments? Japan.

Japan

Thank you Mr. Chairman. Since both the Danish and Norwegian delegation have already mentioned the whole point of our concerns we simply, to save time, associate those two previous speakers. Thank you.

Chairman

Thank you Japan. In that case I will put the Resolution to the meeting. It seems that there is a majority support for the meeting subject to the reservations noted so the Resolution is adopted. Thank you.

17.2 SMALL CETACEAN TOPICS FOR CONSIDERATION BY THE SCIENTIFIC COMMITTEE IN 1999, 2000 AND 2001
--

Can I move on to 17.2 – Future Work Plans. Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman, this is on page 54, item 13.5. The Committee has agreed that it should continue to identify topics that generally involve the assessment of conservation status of particular taxa where such assessments are useful and appropriate and we propose to propose to you Mr. Chairman priority topics up to three years in advance. As has just been discussed we agree that the two priority items identified last year for the 1999 meeting should be maintained, that is the status of white whales and narwhals and recent advances in bycatch mitigation measures particularly acoustic deterrents. In relation to the comments that have been made about our relationship with NAMMCO Mr. Chairman I am sure we shall be bearing their results in our consideration of our conclusions and deliberations. Perhaps I should ask you to bear in mind that we shall, of course, be considering a slightly wider area including the western Arctic when we are dealing with these species.

We propose a new topic for discussion at our meeting in the year 2000, a review of the status of freshwater cetaceans and these are defined in the Report on the bottom left-hand half of page 54. We believe that bycatch reduction measures should continue on the Agenda as a priority topic in that year. We agree to delete the global review of the genus *Lissodelphis* which we had listed previously in our priority topics for discussion in 2001 and beyond as the primary threat to this taxon which is entanglement in high seas driftnets has been greatly reduced. We think that a review of the status of small cetaceans in the Caribbean region should be undertaken as a replacement topic and we give the schedule for our priority topics in Table 8 with relevant justifications Mr. Chairman and I would ask that you endorse that.

Chairman

Thank you Chairman of the Scientific Committee. Are there any comments or do we wish to endorse the recommendations of the Scientific Committee? It seems yes.

Agenda Item 17.3. Sorry Monaco.

17.3 OTHER

Monaco

Yes Mr. Chairman, under this Agenda Item I would like to re-introduce a specific request by Monaco, addressed to the Scientific Committee. It concerns the uncertainty about the taxonomic status of species subjected to both incidental and deliberate takes. We think there might be a lot of merit for the Scientific Committee to include within the box on page 10 of its Report where the Scientific Committee proposes 7 priority topic areas one box clearly labelled Comprehensive Assessment in order to improve the accuracy of the Comprehensive Assessment. We would like very much to see the Scientific Committee consider the potential use of DNA analysis for the purpose of determining more precisely the identification at the species and sub-species level and therefore help in the bio-geographic distribution assessment of those animals subjected to both incidental and direct takes. I trust that the Chairman of the Scientific Committee can include that within this box.

Chairman

Thank you. Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman, I am sure we will take into account the question of taxonomic status wherever that is appropriate and we will use whatever methods we can to determine that. I don't know whether this is aimed specifically at small cetaceans but certainly we would do it for any species that we are attempting to assess the status of.

Chairman

Thank you Chairman of the Scientific Committee. Monaco.

Monaco

Yes it is absolutely clear that this is an overall spectrum, taxonomically speaking, and this address is an issue for all cetaceans.

Chairman

Thank you Monaco. Agenda Item 17.3 and anything else under "Other"..... Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman, I regret that I have a number of items that I have to draw to your attention here. It is the sort of rag bag for the rest of the Scientific Committee's Report and I will try and get through it as quickly as I can. I have in fact seven items to draw to your attention. The first is National Progress Reports on page 5, item 4.2. You will notice there Mr. Chairman that we reaffirm our view of the importance of such Reports and we recommend that the Commission urges member nations to submit them following the revised guidelines.

The second item Mr. Chairman is the question of the catch database which is on page 6, item 4.3.2. This is in the paragraph one up from the bottom on the left-hand column or at least the two paragraphs up where the question of Soviet catch data in the IWC database was raised by the Secretariat. There was concern expressed Mr. Chairman that at present it contains the original, i.e. falsified, Soviet Southern hemisphere catches particularly for the 1960s and guidance was sought on the status of the corrected data so far available. We had a small group to look at this Mr. Chairman and the Committee adopted the conclusions as follows and they are in the paragraph beginning responses to requests for data and I would ask that the Commission would endorse that.

Chairman

I take it there are no comments. We can endorse it. Carry on Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman, the next item is one that has been referred to several times before and even only just recently which is item 6.2 – Longer term priorities and directions which is on page 9 leading into our work plan which is item 6.3 on pages 9 and 10. In item 6.2 we looked at our longer term priorities and directions. We agreed at the beginning of the meeting, Mr. Chairman, we should include these in the agendas of Sub-committees, the Sub-committees should consider what items they believe should be given priority by the Committee on subjects relevant to their agendas. We stress that this should reflect priorities by topic and not necessarily in the context of the present Sub-committee structure and those discussions are reflected in the relevant Annexes.

After reviewing the Sub-committee Reports and the discussion paper prepared for this subject as well as the revised Rules of Procedure the Committee considered its longer term priorities taking into account both long and short term priorities both of the Committee and of course of the Commission and the progress made this year. I should point out that we have tried very hard to set our priorities according to those of the Commission and I can cite one particular example in fact in relation to the question of Bryde's whales which I don't want to re-open but I should I think perhaps remind the Commission that we have done this work in relation to a decision the Commission made in 1996 which is quite clearly spelt out in your records so I hope you don't think we are doing things that we want to do that you don't want us to do. We are attempting to do what you do want us to do.

After reviewing the Sub-committee Reports and a discussion paper prepared for this subject and the revised Rules of Procedure we considered our longer term priorities taken into account as I said both long-term and short-term priorities of the Committee and the Commission. We developed a list of 7 topic areas that we believed were of priority in terms of the advice required by the Commission and these are shown in Figure1 together with the perceived links between them. We also arranged the topics in current order of priority. Mr. Chairman that figure has been developed somewhat since the Scientific Committee looked at it, it resulted from discussions of the Convenors. It originally looked a bit like a spider and it now looks like a crab but it still contains the same elements. I should draw to your attention that the two top items, the RMP and the AWMP, we

have put as top equal priority and the remainder are in descending priority thereafter and, of course, the interesting thing is that at least in its relationship to the others the environment sits in the middle.

We did consider Mr. Chairman some other subjects that could perhaps be included in a diagram like that including, for example, Special Permits. We noted that aspects of the review of Special Permits are considered under several of the priority topics including the Revised Management Procedure and Environmental Concerns as is reflected in discussions this year. We also noted that this would probably also be true in the case of any future discussions of Sanctuaries and, of course, we have already discussed our request for Commission advice on Sanctuaries.

I should stress Mr. Chairman that while these are all in order of priority they are all of high priority and we would try and give equal stress to all of them but, of course, we have to decide what to do in terms of our timing and work plan and this is the way that we believe at the moment would be the most efficient to work.

As far as our work plan for 1998/99 and the initial agenda for the 1999 meeting are concerned, this is dealt with under Item 6.3 on the right-hand side of page 9. The Convenors drew up a list as the basis of an initial agenda for the 1999 meeting. We noted that the priorities might be revised in the light of decisions made here today Mr. Chairman or at least during your Commission discussions but at the moment we have these as listed below and we have looked at two sets of these already. Those for the RMP and Comprehensive Assessment, we have those four that I discussed yesterday for the RMP, we have one for the AWMP, we have three for the Aboriginal Subsistence Whaling considerations, we had the four I reported to you yesterday on the Comprehensive Assessment of Whale Stocks, we have two under Environmental Concerns, two under Small Cetaceans and two under whalewatching and again I would hope that you would endorse this proposal Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. If there are no comments you can carry on. Thank you.

Chairman of the Scientific Committee

The next item Mr. Chairman is Item 9.9.3 – Recognition Analysis on page 34. You will recall Mr. Chairman that last year we intended, or rather this year, we told you last year that we intended this year to undertake computerised right whale matching reviews. We were told of the computerised right whale matching programme originally developed by Hiby under an IWC Contract, that has now been completed and was demonstrated at the Right Whale Workshop. We were told that a similar system is now being developed for humpback whales. We were disappointed that no further progress has been made on recognition analysis other than since our last meeting although we have to recognise that we did have problems in getting the right people to our meeting as invited participants. We recognised that as photographic catalogues increase in size the need for computerised matching increases and we recommend Mr. Chairman that the Commission's attention again be drawn to the need to include scientists with relevant expertise among those nominated by member governments to attend our Committee meetings. We convened an intersessional e-mail group to facilitate communication among researchers on this topic and that group will provide me with a list of potential participants for discussion on the topic at, not last year's meeting of course, but next year's meeting and I will undertake to inform relevant Commissioners of the names of those people that are pinpointed in that way Mr. Chairman.

The next item is the one below this, item 9.9.4 – Biopsy sampling. We had an intersessional Working Group that was established last year particularly to look at the collection of behavioural data while biopsy sampling is being undertaken. There is a report on that here Mr. Chairman. We have a basic form, this has been adopted and we recommend that it be incorporated and used and it could be made available through the Secretariat.

The final item I have to deal with here Mr. Chairman, we have already dealt with Item 20 – Communications which you will see on the green list, but that is Item 21 – Publications which is on page 59. We had a proposal Mr. Chairman from the Scientific Editor which reviewed the present publications of the IWC and suggested a way forward that would do three things. Firstly maintain the scientific quality of the current publications, secondly increase their scientific profile in the wider scientific community and thirdly, enable more efficient management of the workload and budget by reducing inter-annual variation between the publications. Some of you will realise this year you are carrying home a very much larger document than you did last year and of course there is no way necessary of forecasting that. The major initiative involves the establishment of a new Scientific Journal. The Committee welcomed the initiative and agreed that the proposal which had been designed to at least be cost neutral to the Commission will for both scientific and pragmatic reasons be advantageous to the Commission and the Committee. We note that some other organisations have adopted a similar approach. We recognise the major achievement already made in improving the scientific quality and reputation of IWC

publications and agreed that a shortened revised version of the paper should be included as Annex T of our Report and it is there for people to read. We strongly recommend adoption of the proposal in that Annex Mr. Chairman.

Chairman

Thank you Chairman of the Scientific Committee. Can we accept the recommendations of the Scientific Committee on this? Seems so. Thank you Chairman of the Scientific Committee.

Chairman of the Scientific Committee

That is all I have to draw to your attention at this stage Mr. Chairman.

Chairman

Thank you. I have a Resolution under this Agenda Item which is Resolution IWC/50/35 – Resolution to consider establishment of an mechanism to improve communications between the Commission and its Scientific Committee proposed by Japan. Japan.

Japan

Thank you Chairman. I appreciate the work of the Scientific Committee and IWC/50/35 has the intention to encourage science. This morning we discussed the Agenda Item on Comprehensive Assessment and we saw several attempts to discourage the present works prepared and planned by the Scientific Committee. Actually we have a concern that this Commission explicitly intervened the work of the Scientific Committee rather unilaterally because this Commission is the body of non-science so it seems to me a very difficult situation is going on if political voting of power decide the priority of the science. We think that some mechanism of feedback to listening opinion of the scientists is necessary and therefore we propose this Resolution. This Resolution asks the Scientific Committee to consider and recommend a process to improve communication between the Scientific Committee and the Commission. This is to achieve the requirement of Article III of the Convention which provides the Commission to encourage and recommend the scientific study so I hope that this Resolution would be adopted by consensus. Thank you Chairman.

Chairman

Thank you Japan. New Zealand.

New Zealand

Thank you Mr. Chairman. New Zealand, and I suspect many other delegations, has for sometime been concerned that we need better mechanisms for communication between the Commission and its Scientific Committee. Indeed Mr. Chairman our concerns would go much further even than those addressed in this Resolution. There is I think a need to establish proper lines of accountability between the Commission and its Scientific Committee.

This Commission effectively purchases a series of scientific outputs from the Scientific Committee and for that to be an effective process the Commission must know first what it wants to purchase. On this occasion I will draw a discrete veil over whether in fact in the past we have always known what we wanted from the Scientific Committee but the fact is that even if we have there will have been many occasions on which we have not communicated that effectively then to the scientists.

We have another example where for something like four years the Committee has been asking us what are the scientific research objectives of the Southern Ocean Sanctuary and it took us until this year to get around to providing that information to the Committee.

Mr. Chairman, therefore in principle, we don't have any problem with the notions that are inherent in most of this Resolution. My only concern is at that part of the operative provision which says that the Commission requests the Scientific Committee to recommend a process and then to report to the Commission. Now a Scientific Committee is our advisor on scientific matters, it is not our advisor on matters of process, it is not our advisor on matters of structure or accountability and I would therefore suggest that, in fact, it is really the responsibility of this Commission, or any Sub-committee of it, to develop those particular lines of communication. Therefore, I would like to ask Japan whether it would be prepared to consider, and which case I would be happy to support the Resolution, to be slightly amended so that we instruct the Advisory Committee, in close consultation with the Scientific Committee, to recommend a process and report to the Commission. That would seem to me to be holding the responsibility in the right place with the Commission or a Sub-committee of it in the form of the Advisory Committee, it would directly involve the Scientific Committee in the process but ultimately leave the responsibility with the Commission itself.

Chairman

Monaco, Netherlands.

Netherlands

Chairman could I perhaps ask the Commissioner for New Zealand to repeat his proposal?

Chairman

Thank you. New Zealand.

New Zealand

Yes, Mr. Chairman we would insert after the word “Requests”, “The Advisory Committee in close consultation with” and then it would be “the Scientific Committee”.

Chairman

Thank you New Zealand. Netherlands and Monaco.

Netherlands

Thank you Chairman. I think we would support that amendment. I wonder if it is necessary to ask the Advisory Committee in close consultation with the Scientific Committee to report to the Commission through its Finance and Administration Committee? I wonder if we really need those words there “through its Finance and Administration Committee”? So I would like to ask the delegation of Japan whether there are particular reasons for including those words and if not whether they would agree to remove those words? Thank you.

Chairman

Thank you. Before I give the floor to Monaco can I ask New Zealand to clarify that.

New Zealand

Mr. Chairman, I would actually prefer to leave the report to the Finance and Administration Committee. It is the appropriate one I think for developing procedural mechanisms and I think that is where the accountability should be. It is only a process.

Chairman

Thank you New Zealand. Monaco.

Monaco

Yes I have no problem with leaving the last sentence in. I just wanted to say that we back up this amendment if need be. It is clear that the Scientific Committee is here to assist the Commissioners in decision making processes and that means we take on board scientific advice as well as other considerations. I also insist in reply to Japan’s implicit comment that science is not just the monopoly of the Scientific Committee, there are quite a few scientists in the delegations here in this room. Thank you Mr. Chairman.

Chairman

Thank you Monaco. Japan.

Japan

Thank you Japan. I think we agree with the proposal made by New Zealand so this is a very interesting case. I want to add to a comment made by the distinguished Commissioner for Monaco and I think Monaco perhaps may send a representative to the Scientific Committee to thoroughly discuss the process so I rather ask Monaco to make such an effort. Thank you Chairman.

Chairman

Thank you Japan. Can I note that I think for the first time we have got consensus on something and can I adopt the Resolution. Thank you. Chairman of the Scientific Committee

Chairman of the Scientific Committee

I am sorry I don’t want to prolong it, Mr. Chairman, but is the intention that, for example, and I am using this as an example that the Advisory Committee would come and meet with the Scientific Committee say for one session to discuss this proposal or are you asking the then Chair person to meet with the Advisory Committee at some date? I am just intrigued to know how this mechanism is going to work.

Chairman

Chairman of the Scientific Committee I am also intrigued. I think we will try and work it later. Can I suggest this? I think there is still one item outstanding on the Scientific Committee Report which is Amendment to the Rules of Procedure, but can I suggest that we adopt the Report of the Scientific Committee other than that item? OK. So that is Agenda Item 17 closed.

18. THE FUTURE OF THE IWC

Next Agenda Item is Agenda Item 18 – The Future of the IWC. I reported to the meeting on Monday that I would engage in informal consultation with delegates to ascertain how the process of moving towards consensus along the lines proposed by the Government of Ireland would be advanced. I am encouraged by the support of many delegations for those proposals and by the widespread support I have found from delegates for a continuation of the process. I have discussed this matter with the Irish delegation frequently and wish to inform the Commission that the Irish delegation has decided not to put forward formal Resolutions this year. They intend to continue to seek to develop the process of seeking consensus and compromise and are asking that the Agenda Item be retained for next year. Brazil.

Brazil

Thank you Mr. Chair. Mr. Chairman this Agenda Item – The Future of the Commission is of special concern to Brazil. It is our understanding that after the adoption of the commercial whaling moratorium this Commission has acquired a well defined and conservation profile and became an international body that serves the world community at large by providing invaluable contributions to advance both cetacean conservation and scientific research world-wide. Therefore, we think that the Commission must concentrate its energies in those initiatives that serve the world nations in the broadest possible way by strengthening its conservation centered activities by devising ways to make it recognise expertise available to the widest possible range of nations and by establishing regional whale sanctuaries.

Brazil is especially pleased to announce at this meeting its intention to propose the establishment of a Whale Sanctuary in the South Atlantic Ocean which will provide for the protection of whales in their lower latitudes one there is as well as foster existing and potential scientific research. Along with many other Contracting Governments Brazil supported France's proposal in 1992 to create the Southern Ocean Whale Sanctuary. This sanctuary was in itself a measure that complimented the previous establishment in 1979 of the Indian Ocean Sanctuary.

The Brazilian view is that these two important decisions established a trend within the IWC of regarding Sanctuaries as a means of providing effective protection to whales. The South Atlantic is in our view an appropriate candidate for the establishment of yet another Whale Sanctuary. Every year several whale populations move from the Southern Ocean Sanctuary to the South Atlantic Ocean in search of their breeding grounds. Several such vital areas are known to exist in the region. The South Atlantic also concentrates the bulk of current scientific efforts by developing countries to better understand and conserve whales in the ocean environment. While science in itself plays a major role on establishment of Sanctuaries it is clearly seen from the text of the Convention that Sanctuaries are not exclusively for science, they are indeed a conservation tool.

In the case of the coastal communities in our region, whale resources have been of great importance thanks to whalewatching through which, without killing a single whale, these communities have been granted an invaluable boost to their economy. Both research and development of such whale resources have been achieved in the South Atlantic with great domestic effort and some international cooperation. However, the current situation whereas whales migrate from the Southern Ocean Sanctuary towards breeding grounds through high seas waters that remain entirely unprotected is cause of great concern for us as this Commission advances towards a possible resumption of commercial whaling in the future. While we remain committed to participate in good faith in all discussions that may lead to a solution acceptable to all sides, we emphasise that any such solution may not in any circumstance represent a threat to those developing countries who exerted their sovereign right to exploit whale resources through no lack of alternatives. We are convinced that a South Atlantic Sanctuary would reassert our right to this option and foster cooperation in both scientific research and better conservation of whale populations in this regard.

We wish to emphasise that nothing in the Sanctuary Brazil has the intention to propose shall prejudice the sovereign rights of coastal states in relation to the marine living resources in waters under their jurisdiction according to the United Nations Convention on the Law of the Sea.

May we end our presentation, Mr. Chairman, by stating that Brazil intends to pursue active consultation with other Contracting Governments in order to prepare a formal Sanctuary proposal that may be acceptable to the widest range of IWC members and we look forward to develop further dialogue in this regard. Thank you Mr. Chairman.

Chairman

Thank you Brazil. US and Denmark.

USA

Thank you Chairman. The United States acknowledges and encourages the Government of Brazil in its development of a Southern Atlantic Whale Sanctuary. We strongly support Brazil's desire to promote the non-consumptive use of whales in this area and urge Brazil to collaborate with its neighbours and other member countries within the scope of the Sanctuary. We do have some issues concerning the establishment of the proposed Sanctuary and will discuss these with Brazil on a bi-lateral basis during the intersessional period. We hope to see a final proposal which we can all support being presented to this Commission in the near future and Mr. Chairman I reserve my comments on the Irish proposal until appropriate time.

Chairman

Thank you US. Denmark.

Denmark

Thank you Mr. Chairman. I will try and be brief but to quote what has already been said. We also have some concerns on this Agenda Item. Our concern is naturally that we agree with Brazil that it is important to preserve the whale stocks of this group, the large baleen whales, which is a point for this Commission. In order to do so however I think the best way to do this, that is to secure the survival of this organisation is a management body involving all whaling nations world-wide. The only way to do that, that is to cooperate, to make compromises, to give the others something and therefore my concern to the Irish initiative is that I very much hope that it succeed in the future. Thank you.

Chairman

Thank you Denmark. New Zealand.

New Zealand

Mr. Chairman, I take it at this stage that you intend an opportunity for some later debate on the Irish proposals themselves and that I should appropriately limit my comments at this point to the Sanctuary issues that have already been raised?

Chairman

I hadn't intended to have, well there isn't intended to be any further presentation by Ireland on the Irish proposals. It was just that it should continue on so it is probably appropriate to come in now.

New Zealand

Well if that is the case Mr. Chairman

Chairman

Sorry US had indicated that he wanted to continue so perhaps. Maybe it is convenient now if we all break for coffee or do you want to carry on?

USA

Chairman if I could just make my points briefly agreeing with you about the continuation of a process. We stated our position on the Irish proposals in Antigua and at the Commissioner only meeting. The United States has been willing to join international discussions with the intent to make our views known and ensure that a flawed compromise is not reached. The United States remains committed to a continuing dialogue. The core of the US position remains focussed on the conservation and protection of whale populations. Despite the moratorium in recent years there has been an increase in the number of whales killed annually. We are concerned first and foremost with the impact that any proposal will have on the IWC's ability to protect and maintain cetacean populations at healthy and sustainable levels. We remain fundamentally opposed to commercial whaling, we oppose any solution in the IWC that would reopen international trade in whale products and we remain opposed to unnecessary lethal scientific whaling and believe that it should be phased out. We do appreciate the good faith

attempt of the Irish Government to try and settle the differences that exist in the IWC but we have not seen any progress in the discussions so far. We believe that it is imperative that the IWC not rush to develop a compromise before the underlying issues are fully disclosed and discussed and various options for resolution of the issues are explored. Thank you.

Chairman

Thank you US. I will take New Zealand and Argentina and then we will break for coffee. New Zealand.

New Zealand

Thank you Mr. Chairman. If I can first address very briefly the issue of Sanctuaries. I would refer the Commission to the Opening Statement from New Zealand indicating that with Australia we will be engaged over the next twelve months in consultation on a proposal to establish a South Pacific Whale Sanctuary with a view to presenting that proposal to next year's Annual Meeting of the Commission.

Mr. Chairman, if I might then turn to the issue of the Irish proposals, can I say first how much I admire the effort that you personally and your delegation have put into this issue in the last seven or eight months, in fact indeed the last year. Let me say also I admire your resilience in your willingness to continue the process. The question I have got to ask is whether we really do have a process that can and should continue. Last year In Monaco in my intervention on a similar debate I questioned whether the proposals presently under discussion really focussed on the underlying causes of any current malaise within this body. Did our problems result from failure to agree an RMS or to allow small-type coastal whaling or did they result from scientific whaling or whaling under objection that is continued by those who do not accept the international commons that have developed on these issues. Now those concerns remain, Mr. Chairman, but I am going to put them to one side for the moment and simply focus on the issues that you have raised in your proposals because we have said that we are failing to discuss them. We have actively engaged in the process of developing an RMS. We strongly support the phasing out of scientific whaling and I have got to say in passing that we are concerned that that particular aspect of the proposals appears to have been watered down over the past seven months. We support a trade ban. We have serious reservations about any moves that might legalise what might loosely be described as small-type coastal whaling or whaling in coastal waters not least because historically that has been the easiest type of whaling and has already led to the depletion of many inshore stocks and yet despite those serious reservations in Monaco I said that we were willing to talk on all issues and I expressly said to Norway and Japan that if we had talked past one another in previous debates then I committed myself to trying to remedy that for the future. In short, Mr. Chairman, we have been prepared to talk and that means to talk all the issues that you have tabled and to do so without pre-condition or reservation. Now in saying that, Mr. Chairman, I put myself out on a limb despite the risks and despite our well-known position, I was prepared to do that and to do it without pre-condition and I did that to facilitate a process that might have led to a solution to our problems. But Mr. Chairman, a dialogue and a debate requires more than one participant or more correctly that the participation of more than one side of the argument. Since Monaco I have looking for a signal from the other side that like us it is prepared to engage in an unconditional discussion on all of the issues that you Mr. Chairman have tabled. Without that we have no dialogue, we have no process and we certainly will not have any outcome.

Mr. Chairman, words can sometimes be cheap and it is not enough for us to say that we welcome the Irish proposals and then to sit back as though we have said enough. Everyone welcomes the Irish proposals, the question is are both sides ready, willing and able to talk the specifics. We certainly are. Mr. Chairman, we are now at the point where if we are to continue the process as you have suggested we must have a meaningful reply. We cannot continue without it. Now I have said that I am willing to talk about coastal whaling despite the very real difficulties that it causes for me. Is Norway prepared to discuss trade? I don't ask it to conceive competence on that issue or even to indicate any willingness to reach a final agreement. All I ask is a willingness to talk. Is Japan prepared at least to talk about an end to Antarctic whaling and an end to scientific whaling? Is it prepared to talk about a future ban on pelagic whaling? Those are the elements of your package Mr. Chairman. I am not putting them on the table, you have done that, and there is a substantial middle ground within this Commission that has said it wants to hear those issues discussed and, I repeat again, my country is willing to discuss them. If there is an equal willingness on the part of those on the other side of the debate to discuss them then we do have a dialogue, we do have a process, but if not, there won't be an outcome and I suggest that we should admit so today.

Chairman

Thank you New Zealand. Argentina.

Argentina

Thank you Chairman. We have two issues here which one you have briefly referred to which is the Irish proposals and the other is Brazil's intention to propose the creation of a Sanctuary in the South Atlantic. Argentina must emphasise that any draft or any eventual draft or proposal must be in accordance with the provision of UNCLOS. Thank you.

Chairman

Thank you Argentina. Japan has looked for the floor but Japan can I hold you until after coffee break. We will take a fifteen minute break. There is a document incorporating the Japanese proposed amendment to Resolution IWC/50/30 in your boxes so you might look at that as well. Can we resume in fifteen minutes.

[BREAK]

Chairman

Please can we have attention. Japan has the floor. Japan.

Japan

Thank you very Mr. Chairman. Mr. McLay before the coffee break made a very eloquent speech and he is a very eloquent gentlemen who has served a high post in Parliament in New Zealand before and he I think represented the feelings of the people whose main diet is meat so I would like to now kind of represent the minority here, that is fish eating people of the world, and I think I should really take the floor representing them here.

So the meat-eating countries endowed with resources are different to fish-eating countries so I would like now to make a speech on behalf of the fish-eating countries which seem to be a minority here on this floor. We have common attributes as the small island nations who also are not endowed with the resources and so mainly the Caribbean island nations as well. I think Japan is different from the western countries so maybe Japan is one of the leading nations among the developing parts of the world.

Well the global word production of the need amounts to 200 million tonnes per annum and on the other hand fish production is about 100 million tonnes per annum. If you would like to not allow the use of the fish and only try to depend the production upon the meat production it will further exacerbate the deforestation of the word "to wipe out" and fell the trees of the world further. So protecting the fishery is really our mission.

In the meantime of this type of fishery production of about 100 million tonnes, 80 million to 90 million tonnes come from the ocean and in comparison the whales, the cetaceans eat and feed and consume as much as 500 million tonnes so when you think of the overall picture you have to have this kind of ground perspective.

The IWC has turned into the organisation to protect the whales and as the whale stock increases it is clear and evident that the catch of the fish will decrease. So I would like to urge you to consider the difference of the starting point of overall prospective, in other words, we like to think of the sustainable use of the resources in the ocean and totally, entirety of the ecosystem and the whales, the cetaceans are the part of the numerous element in the ecosystem so the proportionality needs to be correctly understood in this context and on the other hand some other people regard whales as sacred animals or the activity related to that dirty so anyway the starting point of the two different views are so different.

At least we believe that the anti-whaling movement has already completed its mission. We would like to pay high respect to the great effort exerted by Ireland through their Irish Proposal which entails some difficult elements for us to ever accept. However, in order to change the status quo of the IWC we decided to show understanding to this initiative because we regarded it as a starting point.

Earlier the Commissioner from New Zealand said that there was no sign coming from the other side of Japan and Norway but let me point out that there was no signs coming from New Zealand either. For example, their attitude was demonstrated in their rejection to the proposed Resolution by the Caribbean countries concerning the small-scale coastal whaling of Japan. A country which rejected that kind of proposal does not seem to have any goodwill and so sometimes I wonder there maybe certain hostility.

Soon the World Cup, the world soccer game, will start and the games will be played in conformance with the rules and the Convention is one of such rules. This year we witnessed the gross disregard of the right entailed by the Convention as well the activities of the Scientific Committee at this Commission and that trend has become exacerbated and marked this year and that, I think, indicates that this Commission is heading towards collapse. I think it is high time for us to return to the foundation and origin of the Convention and to think and review and

look at the future direction of this Commission. We cannot make correct decisions if we become fragile to the pressure by the anti-whaling organisations, anti-whaling movement, which is just to see the near term future or the short-term only.

We have taken into account and considered the discussions at the Scientific Committee in good faith and sincerely and then made great efforts to accommodate that. However, that effort was one after another disregarded and ignored and so that kind of trend has become marked and prevalent at this Commission meeting and it seems like the countries like New Zealand seem to file complaints and complain one after another. However, we would appreciate if they would come up with a more specific proposal or counter proposal as well.

We have become the minority camp here in this room. However, when we look at the other fora like CITES, more than half of the Parties to CITES support our position and when we look at the recent opinion poll of other countries with regard to the abundant resources, namely for example, minke whales. Even in the United States 70% of the respondents supported the use of such abundant resources like the minke and in the anti-whaling countries like Australia, more than 50% of the people who were surveyed responded that they support the whaling if the stock condition is sound.

At the Kyoto Conference of the IWC the US Commissioner, Mr. Tillman, said that they opposed the whaling because that reflects the public opinion as well as the people' view and the US Congress. However, based upon a recent survey I think it seems kind of strange that the US still insists upon that anti-whaling position while the public opinion seems to have a different view. Thank you very much.

Chairman

Thank you Japan. Sweden.

Sweden

Thank you Mr. Chairman. Coming from a fish and meat eating country I notice the remarks by New Zealand on a middle ground group. I would like to agree with New Zealand that this 50th Meeting at IWC has seen emergence of a strong middle force between conservation and utilisation countries. To the extent I can speak for this middle ground I urge my fellow members on the two sides to move. That movement by necessity means moving towards the middle. It is not enough to state willingness to participate in talks with the intent to make one's views known. The intent has to be to achieve a compromise, giving back to IWC the capacity to manage sustainable whaling. This is what Sweden will work for and we believe the Irish Proposal is the best basis to use for that purpose. Thank you Mr. Chairman.

Chairman

Thank you Sweden. Switzerland.

Switzerland

Thank you Mr. Chairman. Coming from a country that is not a fish eating country you will be surprised that we associate ourselves with what has just been said by Sweden. We also are concerned with the situation that prevails in this Commission and we look with concern at what it does to the whale resources all over the world and knowing our standpoint you know that we also include the small cetaceans in this respect. We thought that the Irish Proposal was a very courageous and interesting Proposal to try to, at least, move this situation and perhaps even to solve this situation to the best outcome also and in interest for the whale resources. We have been trying ourselves also in this year as well as last year to help to accomplish something in this project of compromise and have done what we thought is possible for us to do here but, as has been stated earlier, we would like to see some progress being made and I fear that the patience of us and, not only of us, but of other parties too, is not going on forever. So I would suggest that we avoid by all means that this is going to be an Agenda Item that we keep on having on our Agenda for the next five or six years. We should really accomplish something soon or abolish or abandon the whole thing. Thank you Mr. Chair.

Chairman

Thank you Switzerland. Netherlands.

Netherlands

Thank you Chairman. In the interests of time, Mr. Chairman, I will be very brief. The position of the Netherlands with regard to the Irish Compromise Proposals could not have been expressed in a better way than was done by the distinguished Commissioner from New Zealand. Perhaps that is the reason why so many Dutchmen have emigrated to New Zealand, I don't know, but I wholeheartedly support what he said on this and I

too hope, like Switzerland, that this matter will not be kept on the Agenda indefinitely and that we will get clear signals from all sides, including the whaling countries, that they are seriously prepared to sit down and negotiate a deal on the basis of your Proposals Sir and that we will make good progress in the intersessional period and indeed also at the next meeting. Thank you.

Chairman

Thank you Netherlands. I have Finland and Germany. Finland.

Finland

Thank you Mr. Chairman. I would like to associate myself with the previous speakers like Sweden, Switzerland and Netherlands. We too would have a say in some progress in our negotiations to reach a common understanding in our future work. Thank you very much.

Chairman

Thank you Finland. Germany.

Germany

Thank you Mr. Chairman. Germany, like other countries, has big interest in the Irish Proposal. Our main wish is that this organisation will be capable in the future to protect the whale stocks. In our view the Irish Proposal could help to put this organisation into such a position and we would like to see, like other delegations, to see some movement on this Irish Proposal. I can support mainly what has been said by some other delegations like Sweden and the Netherlands. Thank you.

Chairman

Thank you Germany. I have Norway, UK, Antigua and Barbuda and Chile. Norway.

Norway

Thank you Mr. Chairman. I am really surprised at some of the statements that are here today because some people speak against better knowledge I am afraid. But let me start from the start really. We have indicated since Monaco, in the Special Meeting in Antigua, that we are prepared to engage in talks and discussions on the basis of the Irish Proposal. I can say that at dictation speed if some people need that to understand it. We have indicated that time again and when I say that, of course, it includes all the elements in the Irish Proposal. We cannot accept as it stands but in my understanding it was never meant to be understood in the way you presented it in Monaco because you said when you presented the Proposal that it was a basis for discussion and that in good faith was what we accepted. That is the signal I am sending, and I have been sending consistently, what more do you need to know?

I hear the sole sentiment of the Commissioner for New Zealand that nobody wants to talk to him. Well that is not my fault. I talked in the groups you have convened and I must say that I am surprised when the Dutch Commissioner echoed the same sentiments because he has been in the same group and that is what I mean when some people talk against better knowledge and I don't accept this anymore because it is that sort of sentiment that ruins this process and is going to ruin this organisation.

The New Zealand Commissioner states again and again I am against commercial whaling anywhere, anytime but is he willing to sit down and talk about compromises? What compromises? You need to lay out what is his form of compromise. I asked in Antigua, let somebody look up in the Dictionary what the word compromise means. Does it mean that somebody should give up everything and the others cash in? Is that a New Zealand dictionary for compromise? It is not mine. So I get a bit agitated when I hear those statements. We sit down in good faith with you to negotiate and discuss the items in order to allow you to understand the concerns of all parties and I thought we had very good discussions but when we come to the Plenary we need to make postures for the outside world. Here we go again, traditional IWC. Fortunately, Mr. Chairman, this is my last meeting here and I am glad for it because the way that you are going about in this organisation it is not going to survive and that is my final word in this meeting. Thank you Mr. Chairman.

Chairman

Thank you Norway. UK.

UK

Thank you Chairman. Well sitting where I am in this delegation room I am slightly nervous in saying that my position is very much the same as that of New Zealand. The United Kingdom is prepared to talk, we haven't

hidden that we do have significant problems with the proposals that you have put forward but we are ready to examine all possible solutions. I must say having listened to Mr. Shima I am not sure that progress is possible.

I think the key for a great many countries, not just the United Kingdom, is pelagic whaling and, in particular, scientific whaling and unless Japan really is prepared to give this up I don't see how an agreement is possible.

Now I don't want to mislead anybody on this point, I am not sure that any United Kingdom Government will ever accept a solution involving coastal whaling and I have to say that frankly but I can say that I am absolutely sure that no United Kingdom Government will ever be able to accept a solution that involves pelagic whaling and I think that is the essential key here. Now I do agree with what a number of delegations have said that this cannot be an open-ended process and if agreement isn't possible we certainly should not prolong it. Thank you Chairman.

Chairman

Thank you UK. Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chairman. As everyone here will well know Antigua and Barbuda welcomed the Irish Proposal and indeed Mr. Chairman last year in Monaco it was because of your insight and the possibility of reaching a solution to the impasse in this organisation that Antigua and Barbuda readily agreed to host that intersessional meeting. However, Mr. Chairman as has been intimated by a good friend of mine and which I concur, we are having a serious problem in this organisation. The anti-whaling countries come into these meetings with positions and they attempt to defend these positions without any flexibility. There is need for, Mr. Chairman, for Commissioners to attend these meetings to defend their interests not positions. If you have an interest you will be willing to debate your interests with the other side of the coin and come up with good workable compromises.

For instance, if some of our interests are whalewatching and others are for whaling we can talk and discuss interests but when you come with positions it is impossible to reach any progress in this organisation. As far as the Irish Proposal is concerned, I would urge Commissioners, if we are going to reach anywhere with this Proposal, if we are going to save this organisation, we should leave our positions at home and come here with interests so that we can debate these interests in a proper way.

I would like to turn my presentation to the survey that took place in four developed countries. 500 adult citizens were surveyed in each country, Australia, New Zealand, UK and the USA and of the majority of these people surveyed 92% said that they had no detailed information, they knew very little about this issue of whaling that we are discussing here. So there is a great vacuum for information sharing in these countries and I wonder Mr. Chair if we are actually representing the views of all countries here when such a survey shows a lack of information by our citizens. It further shows Mr. Chair that the majority of adults in these countries would support limited whaling as long as it is done within strict management confines under the supervision of the IWC. That is why I know that your proposal is a noble one and that is the only thing that we have available to us that can save this organisation, that can save the whales and can save the whaling industry and Mr. Chair I urge you to continue and you will have the full support of Antigua and Barbuda. Thank you.

Chairman

Thank you Antigua and Barbuda. Chile.

Chile

Thank you Mr. Chairman. In spite of all the thoughts of this meeting I am optimistic and confident of the future of this conference. I think that whenever new proposals arrive, especially to this type of organisation, there is a lot of nervousness in the members and we can say that they have to think what they are afraid to think and this is the situation. Some of the countries that have a very clear position in relation to the problems of this Conference has been forced to reconsider their position and that is why we have this nervousness in this Conference. I think that for all this discussion of this Irish proposition I think that new actions have to appear especially from the middle countries that today have had a secondary role. I think that in this Convention there has to be a greater space for the centre and in the centre I think will be possible to negotiate, it will be possible to find the solution that this Conference needs in order to reach the next cycle. Thank you very much Mr. Chairman.

Chairman

Thank you Chile. I have Monaco, Mexico, South Africa, Australia and France. Monaco.

Monaco

Mr. Chairman we too have much admiration for your role and willingness to serve in this ungrateful role as a broker as it is between sides which are apparently separated by very considerable differences. To me it is quite clear that a compromise requires in the end that both sides will each agree to give up something. Each side will have to cross its part of the bridge. To me compromise is not a dirty word provided that it is honourable. It will certainly be better anyway than the continuation of this cold war for much longer with everybody remaining frozen in its starting block.

Resumption of commercial whaling indeed is not something that Monaco wants to negotiate. Does that exclude that we are prepared to refuse any other concessions? No. For our part we are prepared to discuss about resumption of responsible coastal whaling for local national consumption only until strict IWC control provided again that the whaling countries are giving clear public signals of what they're prepared also to give up. I think it is quite important to keep your initiative going on for the time being. However, I would also set some limit to this process because if this negotiation continues without clear results for too many years in the end it would risk undermining the credibility of this body. I would suggest that you continue in your difficult war Mr. Chairman perhaps not in the limelight, perhaps not under the stare of the spotlights. Delegations here have difficulties sometimes you know to manoeuvre, they have a lot of explaining back home to make to their public opinions. It is very difficult, it is like the peace process. So, I would say that I hope that by the time of our meeting in Grenada you will have achieved significant progress. I am not looking for a magic solution to come out at next year's meeting, just looking for small steps in the right direction but concrete steps. Thank you Mr. Chairman.

Chairman

Thank you Monaco. Mexico.

Mexico

Thank you Mr. Chairman. Mexico believes that it is time to take steps towards inclusion of the principle contained in the UNCLOS. Also we want to state that the Government of Mexico maintains its commitment towards whale conservation for several decades whale populations have received special attention and protection in our territorial waters through the creation of reservations and protected areas. Mexico would like to express its interest to continue working on the Irish Proposal and appreciates the hard work put by the Irish Government to find a solution to the opposite points of view that it seeks within this organisation. Hence Mexico wants to contribute building aims for the sustainable management of all marine resources within the framework of the IWC. Also we address the comments made by the Swedish delegation. Thank you Mr. Chairman.

Chairman

Thank you Mexico. South Africa.

South Africa

Thank you Mr. Chairman. I would like to express my delegation's alarm at the notion that was stated by the UK that any progress on the Irish Proposal is not possible. I think Mr. Chairman the IWC needs to very seriously consider the future if no progress is made. The IWC has not perhaps surprisingly already lost its influence over the extent of scientific whaling as may be seen and also in terms of whaling that is carried out in terms of national objection to measures. Mr. Chairman it is very clear to my delegation that the status quo does not achieve much in terms of the management of these natural resources. The only other possible future scenario that I see Mr. Chairman which is the demise of this body will not improve matters at all. I submit Mr. Chairman that we have got no alternative but to pursue with considerable vigour the possibilities that are offered by the Irish Proposal. In that sense Mr. Chairman I would like to associate my delegation with the views expressed by Sweden. Thank you.

Chairman

Thank you South Africa. Australia.

Australia

Thank you Mr. Chairman. Mr. Chairman the issues you have proposed for our consideration in what we all refer to as the Irish Proposals are vital ones. Indeed they are the key to the future of this Commission. They arise because of the evolution that has taken place over the last fifty years in the way we regard the natural environment generally and particularly the place of whales. This change has been quite fundamental but it has been uneven across the membership of the Commission that has given rise to the differences of view which very properly in our Chair, you have sought to bridge.

Like you Mr. Chairman we look forward to consensus on these issues. Mr. Chairman your proposals contain a good deal that Australia can readily endorse. We too are anxious to see an end to so-called scientific whaling. We too wish to see an effective and permanent ban on trade in whale products. We too are working towards a global sanctuary for whales and that is why we have joined with New Zealand in proposing for consideration the establishment of a South Pacific Sanctuary along with current sanctuaries and the South Atlantic Sanctuary proposed by Brazil, which we strongly support. The South Pacific Sanctuary would constitute a real step towards a global Sanctuary. But, Mr. Chairman, the global Sanctuary we are working towards is not one which would be subject to the qualifications which are implied in your proposals, it is not one which would embrace commercial whaling even on a limited scale as you envisage. I say, Mr. Chairman, you apparently envisage because we are not clear on precisely what it is you have in mind on this respect and the same is true of the other elements of your proposals. More broadly, Mr. Chairman, there are other issues which Australia believes must be addressed in any systematic move to provide for the future of this Commission. We need a clear definition of what is properly aboriginal subsistence whaling without that we risk the progressive subvirgent of decisions we make here for the conservation of whales. Along with that definition we need to be clear that there can be no new categories of whaling established.

All this leads me to conclude Mr. Chairman that, as we understand your proposals at present, they do not represent a basis for negotiating towards consensus. We are, of course, prepared to discuss with you any ideas you put before us at any time but Mr. Chairman in light of the range of views we have heard in this debate we do not believe that further consideration of the current package is likely to be successful. You have made a courageous attempt to find consensus but it has proven illusive. Meanwhile the evolution of the attitudes and values I referred to earlier will continue, not immediately, but before too long this process will result in a consensus Australia will be both pleased and satisfied to join. Thank you Mr. Chairman.

Chairman

Thank you Australia. France.

France

Thank you Mr. Chairman. We would like to thank you for the efforts you have done and we support your proposal for further consultation. In our view the Commission needs the establishment of a new understanding which would include the three following points. A convincing basis for the conservation of whales, a clarification and renewal of the concepts used by the Commission and finally a better adaptation to the present realities of international environment protection. But we don't think that the process of the proposal in itself should it continue for too long could offer us very good prospective for the future and survival of the Commission. Thank you very much Mr. Chairman.

Chairman

Thank you France. I have Spain and St. Lucia. Spain.

Spain

Thank you Mr. Chairman. First of all I would like to associate myself in thanking you for your great efforts. Spain also encourages the Irish Proposal be continued to be discussed and shares the comments made by Sweden and South Africa. Thank you.

Chairman

Thank you Spain. St. Lucia.

St. Lucia

Thank you Mr. Chairman. Mr. Chairman when I produced my Opening Statement I did say that I was virgin. I came here with an open mind. I am returning a virgin slightly bruised but not penetrated. Mr. Chairman I think I am disturbed to hear that the Irish Proposal does not in the opinion of some delegates provide a basis for consensus and I was hoping that the high point of this meeting would have been objective give and take based around the Irish Proposals. That was not to be Mr. Chairman. That is because most countries seem to come here with or develop what I can only describe as very antagonistic negotiating styles and that is not good for the organisation as a whole and that is not good for an organisation that is fifty years old who have explored all the different possibilities to regulate whaling and as the international organisation charged with this very responsible position I think it is wrong for nations to take the position that they will never never ever do things.

The IWC has become in my opinion an east-west divide where we have reached deadlock. It is the IGOs the IWC, my information as an IGO, intergovernmental organisations, versus the NGOs and that is not good for us

Mr. Chairman if we are to keep the organisation alive and protect the whales for the good of all our countries, for our fishing industries, for the whalewatchers and for the children of tomorrow as we seek to create a better environment for all of us. So Mr. Chairman I think we need to give this organisation a new chance, a new opportunity to survive. I get the impression that some countries are saying enough is enough. That maybe so but I think if there would be a little more flexibility on all sides we might at the end find a solution for this very critical matter and that critical juncture of the IWC must not be viewed lightly because although I am new to the process I too find it very frustrating. I invite my fellow Commissioners to think again so that by the time we get to Grenada, if we get there, that we are going to look at the Irish Proposal as the beginning of a way forward for the future of the IWC.

I would like to thank you Mr. Chairman for your able conduct of this meeting and thank my fellow Commissioners for teaching me one or two things along the way. Although I am returning slightly bruised but I think some matters will be dealt with on the domestic basis but I hope that in the future our rules, which were written fifty years ago, may be revised in such a way that they could adequately respond to the new challenges of our organisation. I thank you.

Chairman

Thank you St. Lucia. Republic of Korea.

Republic of Korea

Thank you Mr. Chairman. I would like to convey to the Commission my Government's concern about Korean coastal whaling. Korea joined the IWC in 1978 following the objective of the Convention which was to make possible the orderly development of the whaling industry through the proper conservation and management of whale stocks. According to the paragraph 10(e) of the Schedule, commercial whaling moratorium is put in force from 1986 until the date of other catch limit to be set under the basis of stock assessment reserve. As far as Korean fishermen view about the moratorium, it was one of the positive management initiatives between certain time limited to aim at the recovery of whale stock to be at the exploitable level. Now, ten years since the moratorium has set up the Korean Government and fishermen believe that the Scientific Committee and Commission itself have done tremendous work to better restore objective of the Convention. As a result, good progress has been made recently here in seeking the most reliable tools for management of the whale stocks. There is a fact as well as environmental elements subject to the risk oriented, are continuously tested to guarantee to sustain the set level of the stock.

My delegation wish the orderly development of the IWC to further the ultimate objective of the Convention which mandated the orderly development of whale industry in full cooperation with member nations of the IWC. Accordingly, the Irish idea could be very helpful to come up with some reference for the future discussions. Korea welcomes the Irish Proposal as a motive to make transparent the future of the IWC. Thank you very much.

Chairman

Thank you Republic of Korea. People's Republic of China.

People's Republic of China

Thank you Mr. Chairman. China welcomes the initiatives and offers of Ireland in trying to break the differences among the Parties. My delegation found the Proposal is attractive and constructive. However, due to some components in the Proposal are very substantive and principal ones, we feel it is necessary to discuss the matter more deeply in order to achieve consensus among the Parties.

This basic position that the Chinese Government has on the conservation and the management of whales is the same as that on all other marine living resources. This is active conservation and reasonable utilisation. China believes that the purpose that we conserve and the management of marine living resources including whales is not for the conservation itself. Our purpose is to ensure the resources be maintained at a certain level and the industry utilising these ... unity and complementary each other rather than divisive. Secondly, we must share concern, active concern, that marine living resources and the exploitation of marine living resources must be on a sustainable basis. That is because the population of ours is increasing and that resources for human consumption is limited. We not only need to think about our generation but also need to consider our later generations. China wish members of this Commission will continue to discuss in a constructive manner and achieve a better life both to the whales and to the people. Thank you.

Chairman

Thank you People's Republic of China. Italy.

Italy

Thank you Mr. Chairman. As newcomers to this Convention we already only acceded in February 1998. It is too early for us to discuss in detail any new proposals. However, we are ready to examine and discuss in good faith any proposal which could strengthen the role of the International Whaling Commission and we are grateful, Mr. Chairman, for all the effort that you are displaying in order to achieve a compromise. Thank you Mr. Chairman.

Chairman

Thank you Italy. Can I note the expressions that we should continue the process. I note the reservations everybody has and we will continue to work through the intersessional.

19. FINANCIAL STATEMENTS AND BUDGET ESTIMATES
--

Can I move on to Agenda Item 19? We just kept that open because of a suggestion by New Zealand and Brazil. New Zealand and Brazil have spoken to me and they will pursue the issue of funding of the Right Whale Consortium this year on the understanding that it will be considered by the Scientific Committee next year. So that was the only outstanding item on that Agenda Item 19 so I will now close that item.

20.2 ADVISORY COMMITTEE

Agenda Item 20.2 – Advisory Committee. Chairman of the Finance and Administration Committee.

UK

Thank you Chairman. This was discussed at the meeting of our Committee. As you will recall, we established the Advisory Committee by Resolution last year but agreed that we would regularise it this year by adopting a change to the Rules of Procedure. A proposal for a change was circulated by the Secretary and is set out I think in the Finance and Administration Committee's Report. At our meeting it was agreed that New Zealand and Norway would reformulate the Rule. Those two countries have now done so and I have it in a reformulated version in front of me. Would you like me to read it out? I will read the whole thing out in case some Commissioners are having difficulty in finding the right papers.

"The Commission shall establish an Advisory Committee. This Committee shall comprise the Chairman, Vice-Chairman, Secretary and two Commissioners to broadly represent the interests within the IWC forum. The appointment of the Commissioners shall be for two years on alternative years." Now that bit is unchanged. The new paragraph follows "The role of the Committee shall be to assist and advise the Secretariat on administrative matters upon request by the Secretariat or agreement in the Commission. The Committee is not a decision making forum and shall not deal with policy matters or administrative matters that are within the scope of the Finance and Administration Committee other than making recommendations to this Committee." Thank you Chairman.

Chairman

Thank you Chairman of the Finance and Administration Committee. Is this broadly acceptable? It seems so. Can I make a suggestion from the Chair. We have got the Administrative Review going on over the next year or possibly two, we also have pending changes in the Secretariat and could I propose that the Chairman of Finance and Administration Committee should also be a member of the Committee? Netherlands.

Netherlands

Thank you Mr. Chairman. We would be very happy to support that proposal. Thank you.

Chairman

Norway.

Norway

Thank you Mr. Chairman. Yes, I agree that could be a useful addition to the Advisory Committee so I would have no problem with that. At last year's meeting in Monaco it was agreed, as you know, that myself and our colleague from Mexico should take on the first term in the Advisory Committee. In order to get into alternative years in changing, because the term is two years, we had also an understanding that one of us should step down after one year and I agreed to step down after one year and I would like to nominate the Japanese delegation to

take over my place so that in that case we get into the alternate years in changing the membership. Thank you Mr. Chairman.

Chairman

Thank you Norway. Is that acceptable to the meeting? In that case we will appoint the Advisory Committee, we will include the Chairman of F&A and the other two representatives will be Japan and Mexico. So that is the Chairman, Vice Chairman, Secretary, Japan, Mexico and Chairman of Finance and Administration. Thank you very much. Can I now close that item.

20.5 ACTION ARISING

Agenda Item 20.5 – Action Arising. Is there Action Arising? Seems not.

21.2 OBSERVERS

Then we should move on to Agenda Item 21.2 – Amendment of the Rules of Procedure relating to Observers and there is a document F&A 5 submitted by USA which should have been considered by the Finance and Administration Committee but it wasn't reached. USA.

USA

Mr. Chairman. The co-sponsors of this proposed Rule of Procedure are willing to defer consideration on the topic until next year's meeting.

Chairman

I am very grateful. Thank you USA. We have another Resolution on Review of Observer Status which is IWC/50/36 proposed by Antigua and Barbuda, China, Norway and South Africa. Antigua and Barbuda.

Antigua and Barbuda

Thank you Mr. Chair. This Resolution as proposed by Antigua and Barbuda and its co-sponsors seeks to establish better and more amicable relationship between state parties to this Commission and observers. We believe Mr. Chair that the time is here for the Commission to put in place guidelines that will direct and regulate the behaviour and practice of non-governmental organisations and indeed member governments with regards to the relationship between these two bodies. In that regard Mr. Chairman, I urge Commissioners here to support this Resolution by way of consensus.

Chairman

Thank you Antigua and Barbuda. Norway.

Norway

Thank you Mr. Chairman. The idea of the present Resolution came up really in discussion over secret balloting in the organisation which we used quite a lot of time on in the Working Groups and also the start of the session. You will recall that I, on several occasions, voiced the view that the matter of secret balloting wouldn't solve all the problems and of course you can never solve all the problems in so far as the issue raising in this Resolution.

What I think could be useful would be to have something in the Rules of Procedure which tries to insert more responsibility also among the observers. I don't need to refer to some of the excesses we had earlier also. We have been plagued by criminal acts against our whaling fleets by organisations which are banned from the IWC as you will know. We have had threats to individual fishermen, fortunately not by organisation which are observers here but it is to foresee a situation that that could develop, that we feel its important to have something in the Rules which we can draw on and as you will see in the proposed new Rule which then would be dealt with next year. I would require legal evidence in order for such measures as barring these organisations from accreditation to be agreed.

The third element in this Resolution, and I think that was especially what the Commissioner from Antigua and Barbuda referred to, is what you can call the threats to cause economic hardship and I think that is very much in response to the sort of problems which some of the smaller island developing countries have experienced and which we have been informed about. So I hope that, like my colleague from Antigua and Barbuda, this Resolution can be adopted by consensus and that next year's meeting can then consider the proposed addition to the Rules of Procedure which is contained in the Resolution. Thank you Mr. Chairman.

Chairman

Thank you Norway. I have New Zealand, US and Italy. New Zealand.

New Zealand

Mr. Chairman, in the past New Zealand has supported appropriate action against those of our observers who have transgressed the standards that are required, particularly where there have been direct and identifiable threats to a particular country or where organisation have been involved in the sort of activities, illegal activities, to which the Commissioner from Norway referred.

When this issue was in discussion in a more private forum, Mr. Chairman, we indicated that we didn't in principle have a problem with a move to formulate those requirements in somewhat clearer and more identifiable terms because it will be as much of assistance to our observers as it would be to the organisation itself and so in broad principle, Mr. Chairman, the move that has foreshadowed here is probably not one that we would quarrel with but I have got to say, Mr. Chairman, that I do have a problem with the second operative part of the document. The first as you will note deals with the submission of legal evidence that an organisation has violated the laws of a Contracting Government or has threatened any individual and I don't think we would have any real problem with that. But the words after the semi-colon say "or upon submission of documentation that such an organisation has caused economic hardship to the Contracting Government because of participation or views expressed in the IWC". Now Mr. Chairman, that could range from anything from the sort of evidence that prompted us to take action against one organisation in 1994 right down to documentation say from a Contracting Government that says this NGO has said something rude about us, we don't like it, it is causing us hardship, throw then out. Now Mr. Chairman, clearly that is not I think what the proposers are seeking and yet that could be its practical effect.

Rather than to force us at this stage to get involved in detailed drafting of these sort of requirements which may in fact become quite binding on us in the future, could I instead suggest that perhaps after some discussion and debate here, the issue be referred to the Advisory Committee and that it be invited to give the issue much greater consideration than is possible in this environment and in this sort of forum where we would be in danger of finishing up with a camel and that they could bring proposals to the F&A Committee next year for our more detailed consideration. I say to the sponsors of the Resolution, I repeat to the sponsors of the Resolution, we are sympathetic broadly to what they seek to achieve but we do not wish to see anything that might eventually finish up as inhibiting the free and very robust speech that we expect of our NGOs and Observers.

Chairman

Thank you New Zealand. US.

USA

Mr. Chairman, we agree with New Zealand. We note that this Resolution sets forth a proposal to be considered at next year's meeting and we would like to suggest that this proposal and any other that delegations would like to submit be referred to the Advisory Committee for consideration and developing observer guidelines.

Chairman

Thank you US. I have Italy and Denmark. Italy.

Italy

Thank you Mr. Chairman. I cannot support this draft Resolution for a very simple reason. In my opinion it is not a competence of the International Whaling Commission to decide whether the laws of Antigua and Barbuda, China, Norway and South Africa have been violated. It is a competence for the courts of these states. We will go far beyond our mandate. I am not prepared to sit as a judge in a court of Antigua and Barbuda, China, Norway and South Africa. My government would not allow me to do that and I think that we have a full respect for the decision of this court but we cannot replace them. Thank you Mr. Chairman.

Chairman

Thank you Italy. Denmark.

Denmark

Thank you Mr. Chairman. Maybe New Zealand and my country may disagree on some items on the agenda but I think there is a tendency that we normally agree on administrative issues. As a matter of fact I, to a very large degree, support the intervention made by New Zealand. This draft Resolution by and large is cry perfect to us

but I have exactly the same reservations as to the last three lines in it. I mean in my country, Denmark, it is quite normal that individuals or groups of persons may arrange what we will describe as an economic boycott because they dislike the behaviour of a certain country in a certain issue. Such an activity normally takes place by either refraining from buying produce from that country or refraining from visiting that country as a tourist. As long as this is done within the framework of the law then my Government will not in any way make that illegal or suspicious, that is the way things go on so I agree that we should think about it. On the other hand I also fully agree that something should be done so I repeat, to refer this to the Advisory Committee and then to discuss it next year in the Finance and Administration Committee, that would be fine by me. Thank you.

Chairman

Thank you Denmark. St. Lucia.

St. Lucia

Thank you Mr. Chairman. Mr. Chairman, I would like to disagree with the delegate from Italy about whether or not the matters that are intended to be covered by this Resolution should be illegal matter to be decided in a court of law. I think this is our organisation and we ought to be able to control our proceedings so I think he is out of order in making that direction or observation. Mr. Chairman, I don't have a difficulty with postponing this matter until next year but I think it is a matter that needs to be attended to if we are to continue to develop an organisation that is fitting to the needs of today.

Chairman

Thank you St. Lucia. Would the sponsors be prepared to accept the suggestion that the matter be referred to the Advisory Committee or shall I put in to a vote? Norway and then Grenada.

Norway

Well I think we can accommodate in the text the concerns raised here because I think it would be useful for the Advisory Committee to have a starting point to look at. So if you said in the operative paragraph "decides that and so on" we could say "decides that the Advisory Committee consider the following addition to the Rules of Procedure and report to the 51st Annual Meeting". So I have nothing against and I hope my fellow co-sponsors could also accept that we refer then the text to the Advisory Committee. Thank you Mr. Chairman.

Chairman

Can you repeat the wording please.

Norway

Yes, certainly. We would strike out in the operative paragraph the words "Commission at its 51st Annual Meeting" and replace that by "Advisory Committee" and at the end say "and report to the 51st Annual Meeting". So the operative part would read "Decides that the Advisory Committee consider the following addition to the Rules of Procedure and report to the 51st Annual Meeting". Thank you.

Chairman

Thank you Norway. I have Finland, Grenada, UK, South Africa. Finland.

Finland

Thank you Mr. Chairman. I can second the Norwegian proposal. Thank you.

Chairman

Thank you Finland. Grenada.

Grenada

Mr. Chairman, the Grenadine delegation disagree totally with the New Zealand and the American Commissioner. We believe that this is a very serious matter, it should not be left to the Advisory Committee. We do believe in freedom of speech but freedom of speech with responsibility. I believe, Mr. Chairman, the Resolution should even go further to require the IWC to set up a legal defence fund to help developing states like the Caribbean to defend themselves against the vicious and slaughters we have been witnessing here by these NGOs Mr. Chairman. Thank you.

Chairman

Thank you Grenada. UK.

UK

Thank you Chairman. Well I am not entirely clear now what the role of the Advisory Committee is with that amendment. Is it able to look at the wording and suggest any amendment. It would seem to suggest to me from what has been said that its role is to look at the wording and report its view on the wording to the Commission because the wording is set out in the Resolution. I mean basically do we have a text which the Advisory Committee is meant to look at and perhaps improve or is it simply meant to convey its views. I would also just like to ask one procedural question. I presume a Resolution of this sort counts as sixty days notice for a change of Rules of Procedure, no one will have to submit this separately? No, good.

Chairman

Thank you UK. Norway.

Norway

Thank you Mr. Chairman. Well in response to the UK comment which is well taken. My intention was, of course, that one should have a text as a starting point and in order to see to it that the change could be made at last year's meeting, I think that it is important that this text goes forward. Alternatively, some other text was present sixty days before the meeting so that the change could be made next year but I have heard a lot of support for the elements in this text with some doubts about the last part and that is exactly the reason why I think the Advisory Committee could look upon it and then present whatever changes they would suggest. Thank you Mr. Chairman.

Chairman

Thank you Norway. I have South Africa, New Zealand and Monaco. South Africa.

South Africa

Thank you Mr. Chairman. As co-sponsor to this particular Resolution I just wanted to confirm that I go along with the amendments as proposed by Norway. Thank you.

Chairman

Thank you South Africa. New Zealand.

New Zealand

Very briefly Mr. Chairman. Could I despite the amendment which obviously moves in the right direction urge on the sponsors that they would consider the alternative of simply allowing the issue after appropriate discussion to be referred to the Advisory Committee and that it then be allowed to develop whatever proposals around this or any other wording it considers appropriate. My difficulty is that at the moment as the Resolution is worded I am called upon to give what might be at least a quasi endorsement of the wording that is here. I realise that it is only for consideration but it does, if we pass it as a Resolution it has a certain seal of approval from this body. I am required to give endorsement to some words about which I do at the moment have some very real reservations. I have expressed those before, I won't repeat them again but I really would prefer a procedure whereby after discussion we simply send it off to the Advisory Committee with a general mandate to develop proposals to bring to us next year.

Chairman

Thank you New Zealand. Monaco.

Monaco

Yes, Mr. Chairman, maybe I have a way out of this dilemma. It is clear that a number of delegations have problems by giving some kind of a blanket approval to what the last paragraph between quotes indicates. On the other hand we also think it might be time to provide clearer guidelines to protect the sovereignty of certain countries that maybe more vulnerable than others to what they perceive to be problems and threats. I would say that I would further amend the Norwegian amendment in this way. I would delete the whole paragraph which is the last one between quotes beginning with "The accreditation" and ending with "the IWC" and simply say in the last operative sentence "Decides that the Advisory Committee consider appropriate additions to the Rules of Procedure". Something like that, would that be acceptable to Norway?

Chairman

Sorry Monaco I am not clear what is then within quotes?

Monaco

Well the last paragraph of IWC/50/36 is between quotes. “The accreditation”, the last paragraph. I would propose that this simply deleted and that this Resolution and with a single operative statement stating “Decides that the Advisory Committee consider appropriate additions to the Rules of Procedure”.

Chairman

Antigua and Barbuda

Antigua and Barbuda

Mr. Chair I think that this Resolution was developed in good faith. As I said before it was an intention to improve the relationship between our countries and the NGOs. I think that it provides a basis for the rules of the game to be laid out. This Resolution is only asking for the last paragraph to be considered and all there will be time and a place for this to be considered and be adjusted and I think in good faith we should all agree to pass this Resolution with amendment that was put in place by Norway.

Chairman

Thank you Antigua and Barbuda. I take it that the amendment proposed by Monaco is not acceptable to the sponsors, that is that decides that the Advisory Committee consider appropriate addition to the Rules of Procedure and report to the 51st Annual Meeting and nothing in-between. That is not acceptable? OK.

Well then I think we should just proceed to vote. We don't have a seconder for Monaco. Are you making a formal proposal for amendment Monaco?

Monaco

No I think we should just simply go and vote on the Norwegian amendment.

Chairman

OK. Norway.

Norway

Just to be quite clear because we have had several Resolutions today where strong opposition have been expressed on certain points without having taking it to a vote so I would just to know who called this Resolution to a vote and I would hope that we still could go forward with the sort of reservations we have heard here and take that into consideration. I think it is a very unfortunate thing though if we vote on this Resolution Mr. Chairman. Thank you.

Chairman

Thank you Norway. I am just getting tired so I should have suggested that. There has been a strong element of support for this Resolution. Would delegates be prepared to accept it and I note their reservations? No. US are calling for a vote. Italy.

Italy

I regret very much Mr. Chairman but I cannot accept this Resolution even after amendment. What concerns me is the first preambular paragraph. I cannot say the laws of Antigua and Barbuda, China, Norway and South Africa have been violated. It is for the court to take this decision. It is not our task. Thank you Mr. Chairman.

Chairman

Thank you Italy. South Africa.

South Africa

Thank you Mr. Chairman. I think there is perhaps a misunderstanding. The intention here is that any delegation would be free to submit to the Commission any information relating to any such contravention and legal proof of that. In other words we are not going to act as a judge. Thank you Mr. Chairman.

Chairman

Thank you South Africa for the clarification. Are Italy and US insisting on a vote. In that case Secretary please proceed with the vote. Sorry Norway.

Norway

Could you tell me exactly what we are voting on with my amendment which was meant to achieve consensus text or without it? Just to know. Thank you.

Chairman

I had assumed that we were negotiating on the original Resolution as amended by Norway and the sponsors. Secretary.

Secretary

Mr. Chairman the proposal before this Plenary session is

Chairman

Sorry, USA.

USA

Mr. Chairman can we have a short recess of three minutes to discuss this? We are confused right now what is before the body.

Chairman

The Secretary is just going to explain the Resolution. Do you still want a recess?

USA

We still would like to discuss it.

Chairman

Afterwards? OK.

Secretary

Mr. Chairman, the proposal before this Plenary session is document IWC/50/36. The text as set out there but with the following amendment to the penultimate paragraph which starts "Decides that" and the amendment proposed by Norway is "Decides that the Advisory Committee consider the following addition to the Rules of Procedure and report to the 51st Annual Meeting" and then there is the text in quotation following. So that is the Norwegian amendment to the text. That is what we are voting on and the roll starts at Finland.

Chairman

Sorry Secretary. The US have asked for a short recess before the vote so they can look at the wording. So we will recess five minutes sharp.

[BREAK]

[BREAK IN TAPE]

Chairman

..... The Resolution is adopted subject to the reservations and comments made. Thank you.

Next item is 21.4 – Scientific Committee amendment to the Rules of Procedure. Sorry Netherlands and Australia. Netherlands.

Netherlands

Mr. Chairman in the commotion here I missed what you said before. Could you please repeat.

Chairman

What I said was that nobody is now insisting on a vote on that item. I am presuming a large measure of support but noting a lot of comments and reservations on the issue and the Resolution is adopted. Netherlands.

Netherlands

No I am sorry Mr. Chairman. We couldn't agree to that.

Chairman

Netherlands are now calling for a vote?

Netherlands

Yes please.

Chairman

Australia and Austria is that your position as well? Australia are you looking for the floor?

Australia

No Mr. Chairman I didn't intervene in the debate but I hadn't realise which way it was going to fall out but we would like to associate ourselves with the comments made by New Zealand and Italy. Thank you.

Chairman

Austria you wanted the floor?

Austria

Yes I just wanted to state there is no consensus from the Austrian side.

Chairman

I understand that there is no consensus. What I was presuming that there was a large element of support sufficient to allow the Resolution to be adopted noting the reservations of those countries who had spoken. Is that acceptable? Thank you. Italy it's acceptable? No. Netherlands you want a vote, sorry I thought you were signifying acceptance there.

Netherlands

Well I wanted at least a decision and it is not clear to me what kind of support this Resolution has been receiving Mr. Chairman. It certainly doesn't have my support.

Chairman

OK then the simplest thing let's get finished. I am closing the debate on this item and putting the matter to a vote. Secretary please.

Secretary

As before Mr. Chairman, we are dealing IWC/50/36 with the Norwegian amendment to "The Decides ..." paragraph which will read "Decides that the Advisory Committee consider the following addition to the Rules of Procedure and report to the 51st Annual Meeting". That is the amended Resolution on Review of Observer Status. A simple majority of those voting for or against carries the day.

Chairman

Sorry, UK.

UK

Sorry Chairman I am getting lost. Did the Secretary say we were voting on the Norwegian amendment or the proposal as amended by Norway?

Chairman

As amended. OK can we proceed Secretary.

Secretary

Finland – third time –Yes; France – abstain; Germany – abstain; Grenada – yes; India – abstain; Ireland – abstain; Italy – no; Japan – yes; Republic of Korea – abstain; Mexico – abstain; Monaco – no; Netherlands – no; New Zealand – no; Norway – yes; Oman – yes; Russian Federation – absent; St. Lucia – yes; St. Vincent and the Grenadines – yes; Solomon Islands – yes; South Africa – yes; Spain – abstain; Sweden – yes; Switzerland – abstain; UK – no; USA – no; Antigua and Barbuda – yes; Argentina – abstain; Australia – no; Austria – no; Brazil – no; Chile – no; People's Republic of China – yes; Denmark – abstain; Dominica – yes. May I call the Russian Federation again – yes.

Mr. Chairman there were 14 votes in favour, 10 against with 10 abstentions so that is adopted.

Chairman

Thank you Secretary. Antigua and Barbuda.

Antigua and Barbuda

[Microphone switched off]

Chairman

Thank you Antigua and Barbuda. Monaco I don't want to get into comments on the vote that has just finished please.

Monaco

Mr. Chairman, surely I don't want to prolong this unnecessarily but my friend from Antigua sometimes lets his eloquence of the floor a bit too much and gives the wrong impression that his friends perhaps are just those who vote along his way. Monaco counts itself as a strong supporter of the Caribbean states and other small islands of course, other small countries. We are ourselves are a small country. I just wish to say that I am sure that some of us who voted no have a lot of respect for the vulnerability of those islands, at the same time we have even greater respect for the freedom of speech, expression. We just didn't want to endorse the last paragraph as a blanket statement, that's all. Thank you Mr. Chairman.

Chairman

Thank you Monaco. South Africa – explanation of vote?

South Africa

Just a comment Mr. Chairman. I do not think that my support of this particular Resolution indicates any attempt to limit freedom of speech. Thank you Mr. Chairman.

21.4 SCIENTIFIC COMMITTEE

Chairman

Thank you South Africa. Can we move on please. Agenda Item 21.4 – Amendment of the Rules of Procedure for the Scientific Committee. Chairman of the Scientific Committee.

Chairman of the Scientific Committee

Mr. Chairman, under this item I was going to address IWC/50/15 Revised and take you through it in some detail to point out a couple of inaccuracies and some areas where it has been changed since the version that you saw last year has been discussed by the Scientific Committee. However, I would like to cause you less pain and I am wondering whether at the risk of causing pain to my Committee, I could suggest that instead of discussing it in that way we could in effect table the proposed amendments that are in IWC/50/15 revised for next year and continue to live with what we had last year which is as discussed in the Scientific Committee Report under Item 17 on page 59 of last year's Report. We managed somehow this year, perhaps we will manage the same next year and then at next year's meeting you can decide whether we should continue.

Chairman

Thank you Chairman of the Scientific Committee. Before I let anyone get the floor thank you for the kind offer and I think we will move on and I will close that Agenda Item 21.

23. ADOPTION OF REPORT OF FINANCE AND ADMINISTRATION COMMITTEE

Next Agenda Item is 23 – Adoption of the Report of the Finance and Administration Committee. I think we have concluded all items for the Finance and Administration Committee. Can I take it that the Report is adopted? Thank you very much.

15.2.2 ACTION ARISING

I have two Agenda Items open. 15.2.2 and it is open relating to a Resolution on which St. Vincent and the Grenadines were seeking improved wording or negotiated wording. St. Vincent and the Grenadines.

St. Vincent and the Grenadines

Thank you Mr. Chairman. The main purpose of this Resolution is to encourage an exchange between JARPA and the Standing Working Group on Environmental Concerns of the Scientific Committee. After discussion with

several delegations Mr. Chairman the wording in the Resolution was agreed to. Japan is willing to accept the wording and so I hope the Resolution can be adopted by consensus Mr. Chairman.

Chairman

Thank you St. Vincent and the Grenadines. I hope so too. Are there any other comments or can we adopt this Resolution by consensus. Resolution IWC/50/38 Revised. It seems so. Thank you very much.

St. Lucia.

St. Lucia

Chairman my delegation wishes to lend support to this.

Chairman

That Resolution has been adopted. I have another Agenda Item open, Agenda Item 16.3, document IWC/50/30 revised. Japan proposed an amendment to the original document and the Japanese amendments are included in the IWC/50/30 Rev. This item has been debated earlier and is going to proceed directly to a vote. Japan do we need a vote?

Japan

Thank you Mr. Chairman. Yes since you ask, you suggested whether I might consider to withdraw for the sake of cooperating with you. I think presenting to the amendments itself, part of my aim to present a precise situation between CITES and IWC was met so at this point, for this consideration, I don't think at this late hour, to prolong the meeting itself, so if we may consider it appropriate we may consider to submit at the appropriate time in the future but this time if somebody, unless somebody insist, this should be put on a vote Japan is willing to withdraw.

Chairman

Thank you Japan for your kindness. I may still buy you a drink. So the amendment is withdrawn. I may withdraw the offer later! So we are back now to the original document of IWC/50/30. Can I take it that that document is passed noting the reservations or shall I go to a vote on that one? Norway.

Norway

Thank you Mr. Chairman. No I cannot accept this Resolution at all. Thank you.

Chairman

Thank you Norway. I thought that might not be possible but it was worth a try. We will go directly to a vote then on IWC/50/30. Secretary. Sorry, Denmark.

Denmark

Excuse me I shall be very brief. I can go along with the proposal but I have one important amendment which I think everyone will agree to because there is a factual error and I thank Japan for having taken my attention to that. That is paragraph 4, the long one starting "Acknowledging that all species of whales in the Schedule to the IWC has been listed and entered in Appendix I by CITES". There you should add "With the exception of the West Greenland stock of minke whales". That is just factual information because what is said here is simply wrong so I think that will cause no problems to anyone.

USA

Mr. Chairman, we are having a very difficult time hearing. Can you repeat what was stated.

Chairman

I will ask the Secretary.

Secretary

Mr. Chairman, Denmark has pointed out a factual error in the paragraph beginning "Acknowledging ..." and in the second line after "Appendix I by CITES" there should be the insertion "with the exception of the West Greenland stock of minke whales" which is the text in the revised version if you want the language at that point.

Chairman

US.

USA

We are hoping that we could suggest an alternative amendment that would hopefully resolve some of the concerns here. If we said “Acknowledging that all species of great whales in the Schedule to the IWC”. If that would cover the concerns. I can give further explanation if anybody would like of why we feel that would cover concerns and this solution was used last year as well.

Chairman

Denmark.

Denmark

No, Mr. Chairman, there is absolutely no political point in this, it is a simple factual thing that if you look at the species of whales which have been listed in Appendix I by CITES, then you have a situation where one of the species in the IWC Schedule is not listed in Appendix I. There is absolutely no political thing behind this, it is simply when we adopt the Draft Resolution here I think that the factual information shall be correct, that is my only point.

Chairman

Thank you Denmark, USA.

USA

We just wanted to make the point that we think it is actually factually correct the way it was written for two reasons. With respect to the West Greenland stock of minke whales not being listed on CITES Appendix I, there are two points. First, the minke whale species is listed on Appendix I as a whole. It is only the West Greenland stock that is not listed. This Resolution refers to the minke species as a whole, I repeat. Second, the West Greenland stock is listed on Appendix II in recognition of aboriginal subsistence needs for local consumption. This Resolution references a listing of whales on Appendix I in recognition of steps taken by the IWC for commercial purposes. For these reasons we believe that this point remains factually correct. We are happy to add the word “great” and stick to our originally proposed alternative language but we are hoping that we can agree that this is still factually correct the way it is written. Thank you.

Chairman

It is a question of fact. I am not sure of the facts but I am not sure what we do here. Denmark.

Denmark

Just once more to underline that there is absolutely no political or management sorts secret behind this information. If it puzzles some other delegations then for my sake you can put it down in a footnote or something. Just I think when someone reads this information they will have a little laugh, you say “Hey, you don’t know exactly what is decided by the CITES”. So that is simply that, so put it down in a footnote if it is more palatable for someone.

Chairman

Thank you Denmark. US.

USA

Perhaps we can accept it if it is amended slightly. We will take Denmark’s amendment if he also takes in a further amendment by us. If we add after “CITES” “with the exception of the West Greenland stock of whales which is listed on Appendix II in recognition of aboriginal subsistence needs for local consummation”. To just make that clarification.

Chairman

Thank you US. Denmark.

Denmark

As far as my CITES colleagues informed me CITES do not have a distinction between aboriginal subsistence whalers or other whalers but I am very sorry, I regret very much if the United States feel that I am doing some nasty business here. It is quite simple to all of this organisation if you table a Resolution then the factual information shall be correct, that is the only thing. Thank you.

Chairman

Thank you Denmark, US.

USA

We agree with Denmark and we agree actually all of these versions are factually correct but the one that gets in all of our concerns and I think we will take Denmark's language. It is coming half way between us to take Denmark's language which is correct and also add ours about the aboriginal subsistence issue which is also factually correct and in that way everyone's concerns should be met here.

Chairman

I think Denmark is not happy with that either. Sorry Japan.

Japan

Yes I would like to simply state that although I withdrew my revision but compare my draft and, you know US original draft, you have not only the Danish kind of point of view but other, you know, concerning other paragraph you have from our point of view many inaccuracies in the original draft. Thank you.

Chairman

Thank you Japan. Are we insisting that this goes to a vote as to decide the factual situation or the wording? US.

USA

Mr. Chairman it may be a more efficient use of our time to move on to Agenda Item 25 and let us consult with Denmark and see if are of like mind. I think we are very close, let us not impede the body any further.

Chairman

Thank you US. I will do that. US and Denmark will consult on the wording and we will come back to it. Agenda Item 25 then. I have a Resolution IWC/50/37. Resolution on Canadian membership to the IWC sponsored by Austria, Finland, France, Germany, Italy, Monaco, Netherlands, Spain, UK and US. Does someone want to introduce this? Netherlands.

Netherlands

Thank you Mr. Chairman. I would like to present Resolution IWC/50/37 on Canadian membership to the IWC. This Resolution is sponsored by Austria, Finland, France, Germany, Italy, Monaco, Netherlands, Spain, United Kingdom and United States.

As you will remember Mr. Chairman, at the Aberdeen Meeting in 1996, the Commission adopted Resolution 1996-9 which expressed concern about what was then the possibility of whaling being allowed in Canadian waters and the Resolution encouraged Canada to rejoin the Commission. At the time the Nunavut Wildlife Management Board had requested a License to allow the hunt of one bowhead whale from the area of the Davis Strait and Hudson Bay stocks. Last year we learned that Inuit hunters have in fact taken one bowhead whale in August 1996 in the waters of Repulse Bay. Mr. Chairman as we have stated on previous occasions, the Netherlands generally supports the traditional and cultural rights of indigenous people. We firmly stand by the provisions if the Convention regarding aboriginal subsistence whaling.

We are, however, concerned that whaling, including aboriginal subsistence whaling, occurs but is not conducted in accordance with the Convention. In this particular case the whaling is directed at two populations of bowhead whales both of which have been decimated in the past to very low numbers. This year Canadian scientists presented variable insight into the stocks to the Scientific Committee and we very much appreciate and welcome such cooperation. We are aware Mr. Chairman of the Report of the Scientific Committee on page 44 that the Committee is worried about the status of the Baffin Bay-Davis Strait and Hudson Bay Fox Basin stocks. Both are very small and do not appear to increase in numbers. The catch by aboriginals of one animal from the former stock and the license for a kill of up to two animals from the latter bowhead stock certainly does not improve the situation .

Mr. Chairman, we know that Canada is not the only country in which whaling is conducted outside the Convention. However, the depleted status of the stocks concerned and the fact that we are dealing here with a hunt that is regulated and controlled by the Canadian Government form the reason why this Resolution is directed at Canada only.

Mr. Chairman, the purpose of this Resolution is primarily to reaffirm the position of the IWC as a sole international body responsible for the regulation of whaling and this is why we invite the Canadian Government to rejoin the Commission. We know from our own experience when the Netherlands came back to the Commission in 1997 that rejoining the IWC can be greeted with world-wide appreciation. I would suggest that now in the International Year of the Ocean, such a step taken by the Government of Canada would have particular significance. In the second operative paragraph of the Resolution Mr. Chairman we also invite Canada not to issue any further licenses for whaling until it has joined the Commission.. This is a logical consequence of the reasoning I have given before.

Mr. Chairman, during the preparation of this draft Resolution it received wide support and we hope that it may be possible to pass by consensus. We have had consultations with the observer from Canada on this issue and I would like to suggest that the Canadian is given an opportunity to speak to this Resolution before we take a decision on it. Thank you Mr. Chairman.

Chairman

Thank you Netherlands. Japan.

Japan

Thank you Mr. Chairman. Well actually after the introduction and implementation of the moratorium the whale resource stock has increased in its abundance and then, for example, the recent article in the *Life* magazine actually had a feature on the former colony of the Netherlands, namely Indonesia, and at a place called Lamara, the catch used to be nine individuals, nine animals per annum but now the catch is as high as 40-50 animals per annum and this has been actually published by WWF and so forth as well. Also in the Philippines and maybe other Pacific Island nations the similar trend has been observed and so there are those research and findings and other results. However, we are wondering why only Canada is the focus of our attention in this case. That point we really do not understand.

If the normal discussion could take place in this Commission and then if the normal discussion can be guaranteed and ensured in this forum then I think IWC could lead to the correct direction. However, that is not the case here so this forum is where the weak or vulnerable seems to be bullied so really I wonder what is the use of inviting Canada to participate in such a forum. I would like to express my absolute opposition to inviting Canada to such a forum.

I believe that when this Commission, IWC, becomes a different forum where it starts to resume its normal function again in accordance to the letter and spirit of the Convention then naturally I am sure voluntarily Canada is likely to join, naturally join this Commission again. Thank you.

Chairman

Thank you Japan. Can I invite the observer from Canada please.

Canada

Thank you very much Mr. Chairman. Thank you for allowing me to comment on the Resolution, and I appreciate the generally positive tone of the Resolution which will help to ensure that it is considered by my Government. I would also like to thank the sponsors of the Resolution for the opportunity to see it in draft form and for their consideration of my comments on the draft. I would just remind delegates that under Canada's constitution, aboriginal people have the right to harvest fish and marine mammals for subsistence as long as such harvest is consistent with conservation requirements. Analyses of the potential impacts of harvesting are carried out to ensure that there is no threat to conservation. The past and proposed harvest of whales which are mentioned here have been very low and will be very low and have been determined to be consistent with conservation requirements. Accordingly we have had no basis for withholding approval of these. These subsistence harvests in no way represent the reopening of commercial whaling in Canada. Regarding the invitation to rejoin the IWC, delegates will recall that Canada banned commercial whaling in 1972 and withdrew from the IWC in 1982, concluding that there was no further reason to remain a member since the Commission's mandate is to ensure the orderly development of the commercial whaling industry. We do continue to work with the Commission, we send an observer to the Annual Meetings and we participate in the work of the Scientific Committee as the delegate from the Netherlands indicated, and I believe the latter in particular is a clear example of our willingness to collaborate with the Commission and we would plan to continue to do so. Thank you Mr. Chairman.

Chairman

Thank you Observer from Canada. Any other comments? Denmark and Mexico.

Denmark

Thank you Mr. Chairman. Like in Aberdeen we also this year have some points of view for and against this draft Resolution. I will just take a short while just to mention it briefly. We fully agree that whaling for large baleen whales should take place within the IWC and that is why we support a number of activities or actions to keep this organisation together but that is not the point here. Further, I am fully aware of the facts that the Hudson Bay stock of bowhead whales is very depleted so that is a sort of say "yes" point. Then I have two other points I would like to take your attention to, and I would like to take your attention to Article VI of the Convention which says that the Commission may from time to time make recommendation to any or all Contracting Governments, I repeat, Contracting Governments, on any matters which relate to whales or whaling and to objectives and purposes of this Convention. As a matter of fact this Resolution is in a sense addressed to Canada so maybe it is on the borderline of an interpretation of Article VI. Denmark would also welcome very much Canada becoming a member of this organisation but I think that the way we would proceed that would be through normal diplomatic channels. Thank you Mr. Chairman.

Chairman

Thank you Denmark, Mexico.

Mexico

Thank you Mr. Chairman. Mexico also wants to welcome as soon as possible Canada to the IWC so in that order, and because we consider that this repetition, maybe in the text, and could be more acceptable for us. We want to propose to improve the text relating from the last paragraph, deleting after IWC the rest of the sentence because we think it is clarifying in the paragraphs that follows "Now therefore the Commission". So it will read as, the last paragraph as "Invites the Government of Canada to rejoin the IWC". Thank you Mr. Chairman.

Chairman

Thank you Mexico. US.

USA

Mr. Chairman in accordance with Article 65 of the United Nations Convention on the Law of the Sea and Agenda 21, the IWC remains the sole global authority to manage whales and whaling. As such the United States believes that all whaling should be managed through this body. We therefore strongly support the Resolution which invites Canada to rejoin this body if it continues to have an interest in whaling.

Chairman

Norway.

Norway

Thank you Mr. Chairman. I share very much the sentiments echoed by Denmark in this matter. I think it is difficult to at this stage, in the life of this organisation to say that the IWC is the sole global body for all whaling for all future. Indeed, the Agenda 21 which was just referred to, uses organisations in plural and a special paragraph on the IWC I think adds "pursuant to the 1946 Convention". I think it is a question whether this organisation functions according to the 1946 Convention, so I must say I have some difficulties to accept the first operative paragraph is this Resolution. Thank you Mr. Chairman.

Chairman

Thank you Norway. Any other speakers? Mexico are you proposing a formal amendment or is it a suggestion?

Mexico

Well, if it is accepted by the sponsors of this Resolution.

Chairman

Is the suggested amendment by Mexico acceptable to the sponsors? Netherlands.

Netherlands

No, I must say that I have difficulties with this because, as I said in my presentation, the reason why we direct this Resolution at Canada and Canada alone has also to do with the dangerous situation of the stocks concerned and we don't really think that it, there should be no hunting especially on the eastern stock of bowhead whales

until at least more certainty about this stock has come up in the Scientific Committee. I would prefer to leave that in Sir. Thank you.

Chairman

Thank you Netherlands. Mexico do you wish OK Mexico is withdrawing the amendment. I note there is some opposition to the Resolution and there seems to be a lot of support for the Resolution. Do I need to go to a vote? Antigua and Barbuda.

Antigua and Barbuda

Yes Mr. Chair, I think you need to go to a vote on this.

Chairman

In that case let us proceed quickly to a vote. Secretary.

Secretary

Mr. Chairman, the matter before this Plenary session of the IWC is Document IWC/50/37 – Resolution on Canadian Membership to the IWC with the text as printed. A simple majority of those voting for or against will decide the outcome and the roll starts at France – yes; Germany – yes; Grenada – absent; India – yes; Ireland – yes; Italy – yes; Japan – no; Republic of Korea – abstain; Mexico – yes; 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 – abstain; South Africa – yes; Spain – yes; Sweden – yes; Switzerland – absent; UK – yes; USA – yes; Antigua and Barbuda – no; Argentina – yes; Australia – yes; Austria – yes; Brazil – yes; Chile – yes; People’s Republic of China – abstain; Denmark – abstain; Dominica – no; Finland – yes.

Mr. Chairman, there are 20 votes in favour, 6 against with 6 abstentions and so that Resolution is adopted.

16.3 ACTION ARISING

Chairman

Thank you Secretary. We will now return to Agenda Item 16.3 document IWC/50/30. Have US and Denmark agreed on wording? Can we have the revised wording please. Denmark.

Denmark

Thank you Mr. Chairman. I think our starting point is the original version that is IWC/50/30 and no revision just to make that clear. Denmark would propose, after consultations with the United States, that now we go down to that paragraph starting “Acknowledging” and then line two, “Appendix I by CITES” and then within brackets to add “with the exception of the West Greenland stock of minke whales, which is listed in Appendix II by CITES” and then end brackets and then continue. Thank you.

Chairman

Can you repeat it please Denmark?

Denmark

Yes. What I propose as an amendment at the place I have described that is and now I quote it once more. Start by bracket “with the exception of the West Greenland stock of minke whales, which is listed in Appendix II by CITES” and then end brackets. Thank you.

Chairman

Thank you Denmark. In that case can we proceed with this Resolution. The Resolution is IWC/50/30 as just amended by agreement. We do not have agreement on the Resolution so we will proceed to a vote immediately. Once again Secretary into the breach.

Secretary

Chairman the proposal before this Plenary session

Chairman

Denmark.

Denmark

Excuse me Mr. Chairman. What we are voting on now, that is the original Resolution as amended by me just now?

Chairman

Yes.

Secretary

The matter before this Plenary session of the Commission is document IWC/50/30 as amended by the text just read out by Denmark which is an insertion on line two of the “Acknowledging” paragraph so that it reads “Appendix I by CITES (with the exception of the West Greenland stock of minke whales, which is listed in Appendix II by CITES)”. We are voting on that amended text of IWC/50/30. A simple majority of those voting for or against carries the Resolution. The roll starts at Germany – yes; Grenada – absent; India – absent; Ireland – yes; Italy – yes; Japan – no; Republic of Korea – abstain; Mexico – yes; Monaco – yes; Netherlands – yes; New Zealand – yes; Norway – no; Oman – yes; Russian Federation – no; St. Lucia – no; St. Vincent and the Grenadines – abstain; 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 – abstain; Denmark – yes; Dominica – no; Finland – yes; France – yes.

India

Can I vote now?

Chairman

Yes.

Secretary

India records its vote as yes. Mr. Chairman, there were 23 votes in favour, 7 against and 3 abstentions and so that amended Resolution is adopted.

Chairman

Thank you Secretary. I think that concludes our business. Before I close the meeting I just want to thank Sture Ireberger, former Chairman, for coming to visit us on our 50th Annual General Meeting. I want to thank the Government of Oman for the wonderful facilities they have given us. I thank, in particular, the Commissioner, who has spared nothing to make our stay pleasant. I thank the Secretary and Secretariat and the delegations for the moments when they behaved well. A lot of the time it was a fairly fractious meeting. Can I just wish Anti Haapenen well in his pending retirement. He won’t be back to us again from Finland. He has been a long serving Commissioner and I understand Kare Bryn suggested that he will not be back and we wish him well. We hope he will be back. Netherlands.

16. CO-OPERATION WITH OTHER ORGANISATIONS

Netherlands

I am sorry, Mr. Chairman, to interrupt this but I wasn’t aware that you had closed Agenda Item 16 and you may remember that there was still a question pending there. Would you allow me to bring it up?

Chairman

Can I suggest that you pursue it bi-laterally please Netherlands. I don’t want to reopen. I think a lot of people have to be out of their rooms by 7.00p.m. Could you address it bi-laterally?

Netherlands

Well I don’t think that it will take up much time Mr. Chairman.

Chairman

Well OK. Quickly then.

Netherlands

Yes. You will remember that when we discussed Agenda Item 16 earlier this week I expressed concern about recent reports in the press that suggested that a Commission or a body has been set up by the Governments of Japan, Korea, Russia and China to manage whales in the North Pacific. At that time I said I would appreciate it if any of the Governments concerned represented by the delegations here could clarify the situation and it was agreed to come back to this issue under Action Arising. So I wonder if any of the delegations concerned are now

in a position to provide any information about these developments reported in the press, Mr. Chairman? Thank you.

Chairman

Thank you Netherlands. Does anyone want to respond to that question from the Netherlands? Seems not. Oman and Japan have been looking for the floor. Oman.

Oman

Thank you Mr. Chairman. On behalf of the Ministry of Agriculture and Fisheries Resources I am saying that we have enjoyed your stay with us for the couple of days ago. We have tried very hard to make your stay with us as easy and comfortable for everybody. We hope that we have achieved that goal and we hope also to see if not all of you, most of you, coming to Oman in another occasion which is more than, what you call it, comfortable environment. We wish you a very pleasant and safe journey. Bon voyage. Sucran

Chairman

And sucran to you as well Oman. Japan you wanted the floor.

Japan

We would like to express our sincere gratitude to the Government of Oman for hosting such a wonderful conference in this wonderful environment. Despite some difficulties during the discussions the Chairman, Mr. Canny, has served a wonderful role as the leading figure, the leading Chairperson, so I would again like to express my sincere appreciation to you.

We would also like to thank the members of the Secretariat who worked very hard for this conference as well as to the Chairman of the Scientific Committee who served his work as a Chairman with a fair attitude so thank you all very much.

Chairman

Thank you Japan. I should have also thanked the Chairman of the Scientific Committee. He really made us motor. It is now my great pleasure to bang the gavel. Meeting adjourned.

[END]

**INTERNATIONAL WHALING COMMISSION: 50TH ANNUAL MEETING
16-20 MAY 1998, OMAN**

**OPENING CEREMONY
Saturday 16 May 1998**

1. ADDRESS OF WELCOME

Oman (translation)

In the name of Almighty Allah most gracious most merciful.

Praise be to God, and prayer and peace upon our Prophet Mohammed, the guide and precursor and his family and friends and followers until doomsday.

H.E. Sayed Bader Bin Saoud Bin Harib, Minister Responsible for Defense Affairs, the patron of our ceremony, your Royal Highness, your Excellencies, your Excellency the Chairman of the International Whaling Commission and its Secretary, your Excellencies the head of the Delegations, the representatives of the government and non-government Organizations, the observers, our honorable guests,

Peace and God's blessings are upon you.

I would like to welcome all the participants in this distinguished meeting in the Sultanate of Oman as a site for human civilization forums and a state of deep rooted culture in history which interacted with the nations of the universes and the historical events that led to interchangeable efficacy.

Hence in the same harmony and in continuation of the interaction process, we are pleased to meet with you to celebrate together the 50th anniversary of the International Commission which we wish with sustainable progress and continuous success to achieve its goals and noble message.

As we are proud in the Sultanate of Oman with our ancient history, we are also similarly proud with the dawn of modern Omani renaissance which inflamed the creative ability for construction, development and determinably is leading now the development march in stable steps towards the 21st Century. Ultimately the comprehensive development features and the concern with the environment and the humankind that can be realized by you reflect in strong terms the farsightedness and rationality of H.M. Sultan Qaboos Bin Said, the leader of our nation.

Obviously His Majesty's wisdom and rational directive for the maintenance and protection of the environmental resources and continuous support of the human efforts in this regard resulted in the preservation of the biological diversity in the Omani waters and land. On these bases the sultanate of Oman joined your esteemed Commission on 19.06.1980 in accordance with the Royal Decree No. 55/80 and participated with you in the adoption of the most important decisions and recommendations of the Commission.

The clean Oman coastal line which extends for more than 1700 kilometers is very rich in living aquatic resources including 12 species of whales such as sperm whale, killer whale, minke whale and others.

Therefore the marine fishing and protection of living aquatic resources law is enforced to protect such diversity and to preserve the fisheries resources from depletion. In this context the law prohibits the fishing of whales, dolphins and other protected species.

This Commission which witnessed a half century of sincere efforts and joint works with its members' rich and diverse experiences shall capitalize on these valuable treasures for the length of humankind and the building of stronger bridges of constructive discussions and cooperation. Let this moment be a commencement of another half-century of mutual cooperation and understanding.

Hence you are honesty urged to distance from absolute selfishness and to apply rationality, logic and science without exaggeration or negligence calling always the noble goals and appreciated efforts. May I remind you of one principle from my civilization:

“Moderation cause no harm to anybody or anyone”

Finally, I wish you a pleasant stay and your meeting a memorable success and the International Whaling Commission a fruitful future for securing a better life and sustainable environmental balance for all creatures on our planet.

I would like also to express sincere thanks to H.E. Sayed Bader Bin Saoud Bin Harib for his patronage of this Ceremony and our thanks are also extended to Their Highness and Excellencies for their participation.

In conclusion, many thanks to the Commission Chairman, Secretary and members for their appreciated efforts which lasted through one year of preparation for this occasion.

Chairman

Your Excellency Sayid Bador bin Saud bin Harib Albusaudi, Your Royal Highness, Your Excellency Minister for Agriculture & Fisheries Research, Your Excellencies Ministers, Deputy Ministers, Ambassadors, Commissioners of the International Whaling Commission, delegates, observers, ladies and gentlemen of the media, ladies and gentlemen it is my pleasant duty and honour on behalf of the International Whaling Commission to thank His Excellency for his courtesy in coming here today to welcome us to Oman for our 50th Annual Meeting. We thank you also for the wise words of advice and guidance you have offered us for our deliberations and I look forward to a successful meeting here.

Every year at our meeting the Chairman expresses our appreciation of the facilities provided by our hosts but I think there will be no disagreement if I say that we have not experienced before such a truly outstanding facility. The Al Bustan Palace Hotel and these meeting rooms are truly magnificent. The quality of the facilities is matched by the quality of service we have received and indeed by the friendliness of all the people of Oman we have met since we arrived here.

I must on behalf of all delegates particularly compliment the Commissioner for Oman Dr Ambusaidi for his unceasing efforts to make sure everything goes well for us.

This is a particularly momentous meeting for the International Whaling Commission as it is our 50th Meeting. On such an occasion it is appropriate that we should look back over our history and reflect on our successes and our failures. Our failures have been much commented on but we should not disregard them because there are lessons there that we must make sure such excesses will never happen again. Many species of great whales were over-exploited - some close to extinction - and IWC's attempts to manage commercial whaling in the past have not all failed. However it is to the great credit of the Commission that the Commission did take the difficult and important decisions such as the moratorium on commercial whaling when it was necessary. Following that decision, some species of whales are recovering.

One of our great successes is the proud record of scientific research of the IWC and here I take the opportunity to commend the members of our Scientific Committee for their work over the years. Much of this work has been at the leading edge of biological research and I am proud to say on behalf of the Commission that the Revised Management Procedure is probably the most advanced species management system in the world.

It is appropriate also on this occasion that I should acknowledge the work done by Commissioners and delegates over the years. I know from personal experience the dedication of delegates and how hard people work on very sensitive and difficult issues. In particular I know the Commissioners and delegates will want above all to thank our Secretary Dr Ray Gambell for his selfless and dedicated work for some twenty five years. I thank also all of the staff of the Secretariat who labour long and hard hours on our behalf. They have earned our respect and gratitude.

I acknowledge also the role played by observers, who represent every shade of opinion on whaling issues. We disagree with some of them all of the time and all of them some of the time but they have continued to make a valuable contribution to this organisation.

Finally, can I say that we have reached a critical time for IWC. The thrust of the organisation has changed over the years from a time when most members were active whalers to a point where the majority of the members are more concerned with the conservation of whales. These changes have been and continue to be painful. Our membership represents a wide diversity of views and cultures and the organisation is threatened by internal dissension. It is important that we should respect each other's culture and opinions and that we seek agreement and a level of consensus within the organisation. No single viewpoint can prevail to the exclusion of other

viewpoints. We have a responsibility to the world and to our nations to find a solution to our problems. Such a solution must of its nature involve each side in compromise and must allow the other side the freedom to seek to convince others of the merits of its case. It is not necessary for anyone to give up on deeply held convictions.

The most important message I can give to delegates to this meeting is to ask them to engage fully in discussion and dialogue so that we can ensure the common goal of all parties which is to ensure the long term survival of whale species.

Thank you for your attention and may I again thank Your Excellency and the Government for your hospitality.