

# International Whaling Commission: 51<sup>st</sup> Annual Meeting

24-28 MAY 1999, GRENADA

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**VERBATIM RECORD**

**51<sup>ST</sup> ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION**

**GRENADA, 24-28 MAY 1999**

**OPENING SESSION**

**MONDAY 24 MAY**

**1. ADDRESS OF WELCOME**

**Prime Minister Dr Keith Mitchell**

Good morning. On behalf of the Government and people of Grenada, it is my distinct pleasure to welcome you to this island. We are indeed honoured to host this very important international meeting. As you are aware, preparations for the 51<sup>st</sup> session of the International Whaling Commission have been underway in Grenada for several days.

I have no doubt that participants of the Scientific Committee Meetings have been here to prepare for this most important gathering and that you have come to appreciate our beautiful country and our warm hospitality.

Ladies and gentlemen, for more than fifty years the IWC has been addressing the various issues surrounding the preservation of the world's whale stocks. During that period there have been substantial changes in the methods used to gather and analyse appropriate data. In other words, as with all other areas of natural resource management, the work of the Commission has been influenced by technology. Computer simulations and other technological advances have aided the Commission in carrying out its duties.

However, after more than five decades the balance between conservation and harvest, between economics and politics, between emotion and understanding, continues to challenge this important body. These challenges, however, should not serve as a deterrent but rather an inspiration as you carry out your deliberations over the next few years.

Grenada, as a small island developing nation embracing the current United Nations Food and Agriculture Organisation's Plan of Action for sustaining marine resources. We consider the Plan of Action to be extremely important, particularly since it acknowledges the plight of the fish stocks caused by illegal, unregulated and unreported activities.

We, in Grenada, therefore recognise that without long term and sustainable strategies, will run the risk of depleting these valuable natural resources. We also understand, ladies and gentlemen, that the methods by which each individual nation is able to translate global objectives into international action will indeed vary. This applies to all aspects of the industry including safety measures, the implementation of harvest seasons for particular species, the general preservation of the marine environment, as well as training and assistance for our hardworking fishermen.

Indeed, in Grenada we have adopted measures for applying selective fishing gear and methods. This is enabling us to avoid the problems associated with over-harvesting targeted species, as well as harvesting untargeted species.

It must be understood, therefore, that coastal states like Grenada have no choice but to harvest its resources from the sea. Additionally, our tourism industry includes recreational use of the sea.

In other words, ladies and gentlemen, sisters and brothers, the Caribbean Sea is an integral part of our overall food security strategy, just as it is an integral part of our tourism sector. We recognise and understand that

we must preserve and protect our marine life as well as all other natural resources with which we have been blessed.

Ladies and gentlemen, as you embark on your deliberations in this 51<sup>st</sup> session of the IWC, I expect that there will be vigorous negotiations, a lot of compromise and hopefully consensus. Yours is not an easy task. However, I am sure the spice and warmth of this beautiful country must be the right place for compromise and consensus.

However, I firmly believe that with the principle of sustainable utilisation of marine resources as your guide you will indeed succeed. Indeed, the unique property of the sea as a globally shared resource dictates that we share the principles of rational and sound management at State, sub-regional, regional and international levels.

In closing therefore I urge you to continue to embrace the idea that compromise through negotiation in good faith leads to genuine consensus. I wish you the very best for successful and productive deliberations. Once again I welcome you to the beautiful spice islands of Grenada, Carricou and Petit Martineau and I hope you take every opportunity to enjoy, not just the sessions, but the beautiful country and all its beauty through the length and breadth of this special spice isle. Thank you and good day.

#### **Chairman**

Thank you Prime Minister. On behalf of the International Whaling Commission and all the delegates it is a pleasure and honour for me to be here to thank you. We greatly appreciate that you have a very busy schedule and it is very good of you to take time out to welcome us and to offer us your advice to help us with some very difficult challenges that will be discussed at this meeting.

I want to thank our other distinguished guests. We have with us the Honourable Mark Eiser, Minister of State in the Ministry of Foreign Affairs, and Minister Eiser is also the local representative for this constituency of South St. George so it is particularly appropriate to have you here. Also Senator Einstein Lusson is the Parliamentary Secretary for the Ministry of Agriculture and Fisheries who are our hosts at this meeting. We have also with us members of the Organising Committee and we want to thank the Committee and particularly to Chairman, Permanent Secretary, Mr. William Joseph and of course I must mention our Commissioner, Michael Baptiste who you all know. Thank you Michael for inviting us here.

We think the Organising Committee in particular who have worked very hard and have made very thorough preparations for this meeting. I think we had a few anxious moments but we kept faith, the Committee kept faith and it has worked out very well, the facilities are excellent and thank you again.

Prime Minister it is the first time the International Whaling Commission has had its Annual Meeting in the Caribbean and I think all I could say is "we like it here". The location, the climate, what can I say - superb. The facilities here are excellent but probably the most striking important thing for us is the warmth of the people. They have been really nice, helpful and it is good and as you said yourself, this is the place to get compromising consensus, if we cannot get it in this atmosphere it is going to be very difficult so I have very high expectations that the local warmth will rub off on all our delegates and we will all be pleasant and polite to each other and work hard. That is maybe more hope than expectation.

I won't delay the Prime Minister, the Prime Minister has other pressing engagements this morning and must leave us but just once again I want to thank him for being here and for all the effort he put in. I think he did put some pressure on the Organising Committee and worked very hard so I will adjourn for five minutes just to escort the Prime Minister and again thank you prime Minister.

[pause]

## 2. OPENING STATEMENTS

The second item on your agenda is Opening Statements. The Commission's practice is to accept Opening Statements in writing other than from new members. There are no new members this year so we will take the Opening Statements as read.

## 3. ARRANGEMENTS FOR THE MEETING

Agenda item 3 is the arrangements for the meeting and I will hand you over to the Secretary for this item.  
Thank you. Secretary

### **Secretary**

Thank you Mr. Chairman. A few notes about the practical arrangements for this meeting. Just a reminder that we are following local custom in terms of the dress code which means formal attire for the meeting and particularly for the Government Reception this evening when the Prime Minister will be entertaining us on behalf of his Government. Please wear your name badges, your identification badges, at all times when you are in the meeting area.

The Secretariat you should have found already in order to register but it is immediately opposite on the other side of the corridor and any contact that you need to have with Commission business should be done through the Secretariat - ask at the reception desk. Any documents that you want, any material that you want to put in for distribution and so on, that is the first point of contact.

Our way of contacting you is through the pigeon holes, the named pigeon holes, for everyone of you here and so any telephone messages or other messages will also be put in there as well as the meeting documents. If you do have a document that you want to introduce into the meeting please don't distribute the document yourself, put it into the Secretariat so that it can be properly registered because documents that are not registered are not a formal part of the meeting materials.

You will appreciate that this is a very new building and we are still learning some of the ways to use the facilities. One of the problems that we have is that there are no telephones for your use in this building. If you need to use the telephone you will have to go across into the main part of the hotel for that because there are no telephones for delegate use here in this building.

One apology on one of the documents that you have received. The Report of the Scientific Committee, IWC/51/4, the cover sheet has got the wrong embargo date on it, it should be Monday - today at 10.00 a.m. and not Tuesday, tomorrow, so the Scientific Committee Report is available for use for quoting or any other purpose that you may have for it.

There is one other room in this facility, a small meeting room which is room 200 upstairs. If delegations, groups, whatever wish to use that room, please make your booking through the Secretariat. This really isn't booking but just so that we don't have people clashing in their wishes to use that room. So please check in the Secretariat that that room is available if you have need of it for a meeting.

Just to remind members of the press that this opening session can be videoed, filmed and so on but once we have got past this opening session whilst the press are very welcome to sit in the meeting and to hear everything that is going on, there is no visual recording although sound recording facilities are available upstairs. If you need to make use of that facility please see the AV Technician at the back.

Now two pleasurable items. As I have mentioned already, the Government of Grenada is hosting a reception for us all this evening in the Trade Centre which is just a little way along the road. That reception begins at 7.30 but there will be shuttle buses running from the various hotels from 7.00 so if you need a ride to or from, there will be a cycle of mini-buses to take delegations to and from that reception. They will start running at 7.00 for the reception at 7.30.

This morning when we break for coffee at 10.30-10.45, or whenever it may be, the Government of Grenada is hosting our tea and coffee this morning, but after this morning I am afraid you have to pay so take advantage of this morning. Thank you Mr. Chairman.

#### **4. ADOPTION OF THE AGENDA**

##### **Chairman**

Thank you Secretary. The next agenda item is the adoption of the Agenda. Are there any comments on the Agenda? Can I take it that the Agenda is acceptable to everyone? OK the Agenda is adopted.

I want to make some comments at this point on some changes we are making to the management of the meeting this year. The Commissioners, at their meeting yesterday, agreed an order of the agenda and for those who haven't got the document yet, today we will be dealing with agenda items 23.1 - Voting Procedures, 23.3 - Observers, 22.6 - Observers (Greenpeace), 22-5 - Annual Meeting Arrangements. We will be taking agenda item 5 at Plenary - that is Socio-Economic and Small-Type Whaling at Plenary only, we will not be taking it in Technical Committee. We will then take agenda item 6 Whalewatching in Plenary, again we will not discuss it in Technical Committee and we will then adjourn to the Technical Committee to discuss agenda item 7 - Sanctuaries. So that is the order of business for today.

This year we propose that each agenda item listed will be completed and closed on the day listed. So delegations are reminded that items will not be kept open until another day so I would urge you to do consultations on any Resolutions or proposals before the Plenary session and I hope this will speed up our business.

Another measure that will be enforced this year is I want to ask delegations to avoid Resolutions unless they are essential. Last year we have an enormous number of Resolutions and I would remind delegates that Resolutions passed in previous years remain in force. So there is no need to repeat a Resolution that was passed last year or a previous year. So I propose to rule out repeat Resolutions unless they contain a substantial new element. Delegations are, of course, free to refer to previous Resolutions in their intervention.

In relation to speakers, I am anxious to encourage debate but I am conscious that the agenda is very long so I would ask delegations to speak only once on each agenda item. Please be brief and avoid repetition. If possible associate with the previous speaker. If a delegations must speak a second time I will not give them the floor until all delegations who wish to speak on that topic have spoken once. We can, of course, make exceptions to that if a delegate is responding to a question but essentially please speak once and be as brief as possible.

We will now move onto agenda item 23.1 - Voting Procedures. Japan.

##### **Japan**

Thank you very much Mr. Chairman. Before we go onto to this arrangement of the Conference I would like to urge to establish a Committee to check the credentials as we have done in the last year and when this Committee is to be established Japan will participate in that Committee.

##### **Chairman**

Thank you Japan. We will establish a Credentials Committee, myself, the Chairman, Japan has volunteered and if there are any other volunteers. No other volunteers so we will arrange a meeting. Thank you Japan. New Zealand.

##### **New Zealand**

Mr. Chairman could you clarify first of all the authority for establishing the Committee and secondly the role which it will actually play?



**Chairman**

Thank you New Zealand. Last year we established a Credentials Committee to ensure that delegates' credentials were in order before delegations were allowed to vote. New Zealand.

**New Zealand**

So it will only address the issue of delegates' credentials?

**Chairman**

That's right New Zealand. Is that satisfactory to you? Thank you. Japan.

**Japan**

Thank you Mr. Chairman. That is alright for us, however, in principle there are some persons who are double registered and therefore, if necessary we may have to check the credentials of the NGOs as well.

**Chairman**

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

**UK**

Sorry Chairman, a point of clarification. I think that you said that the Committee would be checking credentials from the point of view of establishing voting rights. What Japan just said seemed to go rather wider than that, they seem to be wanting to check the position of individual members of delegations and individual observers. Can I ask for a clarification on precisely what this Committee will be doing?.

**Chairman**

Thank you UK. Japan can I ask you to clarify what you are looking for. My understanding is that the Credentials Committee checks the credentials of the Commissioner and possibly the alternate Commissioner. These are essential for voting purposes. I am not sure what purpose will be served to check other credentials. Japan.

**Japan**

Thank you Mr. Chairman. Well sometimes a person who is one time a member of one delegation appears at another occasion as a member of another entity, for example the NGO or someone who has not registered as a conference participant suddenly appears with a new credential as a delegate or participant to this conference, and I think all these complication is due to the NGOs and therefore I think it is natural that a matter of course was to check the credentials of the NGOs.

I have taken the floor already twice or three times and I thought the principle was that we speak once in principle. Maybe we should end this discussion at this moment.

**Chairman**

Thank you Japan. I would be glad to end the discussion. My feeling is that there isn't a need for the Secretary and Chairman to be involved in checking credentials of individual delegates other than the Commissioners and the alternate Commissioners. Thank you for your cooperation.

**23.1 VOTING PROCEDURES**

Can I move to agenda item 23.1 - Voting Procedures. Can I call upon the Chairman of the Finance and Administration Committee to introduce this please.

**UK**

Thank you Chairman. Well I can be extremely brief. The Committee recognised that this was a highly political issue and it referred it directly to the Commission. Thank you.

**Chairman**

Thank you UK. I hope everyone else will be as brief on the subject. We have a proposal by the Government of Monaco for amendment to Rule of Procedure E.3(d) which is in your annotated agenda and

we have an indication that Japan will propose an amendment during the plenary. I will start by giving the floor to Monaco. Do you wish to make comments? Monaco.

**Monaco**

Thank you Mr. Chairman. The Monaco delegation thinks in some very important moment of the Commission the secret ballot is a good approach for the election so we propose that the election of the Chair, Vice Chair, the appointment of the Secretary of the Commission and the selection of the Annual Meeting venue shall proceed by secret ballot. This is for us some confidence for the value of the vote.

**Chairman**

Thank you Monaco. Are there any other comments on this proposal? US.

**USA**

Thank you Mr. Chairman. In general the United States favours transparency in all international forums, particularly in the international Whaling Commission which has a very long history of open debate and voting on policy issues. We do, however, support Monaco's proposal because the election of officers and selection of a Secretary are often of a sensitive nature. The feeling of individuals should be considered when several are in competition for a position and further one could imagine the situation where awkwardness during the selection of IWC venue among the members could be avoided with a secret ballot and therefore we do support this position of Monaco.

**Chairman**

Thank you US. Norway and Denmark. Norway.

**Norway**

Thank you Mr. Chairman. Norway has a proposal for some changes to the proposal from Monaco. We agree that there might be some sensitive issues before this Commission where there is a need for various reasons or could be a need for various reasons for a secret ballot. Our main proposal would be to add a sentence at the end of this proposal reading as follows "If at least five Commissioners so request any other vote shall proceed by secret ballot".

We know that some delegations may have problems because of their honest voting and this would be to prevent under such circumstances, to prevent those kind of unfortunate consequences for those delegations who follow their honest opinion when voting and to prevent undue pressure. Of course, this would not be the case, not the rule, it would be only in exceptional cases and for this reason we propose this as a possibility, an option, but that the request of five Commissioners would be necessary.

We have another minor amendment to the sentence in bold proposed by Monaco. It could be the case that these elections and the appointment of the Secretary and so on could easily be reached by consensus and we think we should add after the word shall, "upon request by a Commissioner", so that there is a request for a secret ballot and that we have secret ballots only if it is necessary meaning that we cannot reach these agreements by consensus. Thank you.

**Chairman**

Thank you Norway. Can I take it Norway that you are proposing two amendments? Sorry, can you read me your first one again please.

**Norway**

Yes certainly Mr. Chairman. The first one was to add a new sentence at the end "If at least five Commissioners so request any other vote shall proceed by secret ballot." Thank you.

**Chairman**

Thank you Norway. The second one was to add at the end of the second sentence following "upon request by a Commissioner" so that would read "The election of the Chair, Vice-Chair, Appointment of the Secretary of the Commission and the selection of IWC Annual Meeting Venues shall all proceed by secret ballot following a request by Commissioners." Is that correct? No.

**Norway**

It was not exactly what we proposed but I think that would work. Thank you.

**Chairman**

Thank you Norway. I have Denmark, Italy, New Zealand and Netherlands. Denmark.

**Denmark**

Dear Mr. Chairman I am a little puzzled because my impression is that we have as a matter of fact started a debate on agenda item 23.1 where Denmark has some point of view, but I really do not understand the situation here because we are still having a lot of photographers working in the room. Normally we don't film at plenary sessions so I would just like to have this sorted out before I continue with comments to the agenda. Thank you.

**Chairman**

Thank you Denmark. The Secretary advises me that it is normal to allow press to photograph and record up to the end of the first session so we are in a rather an unusual first session but perhaps we should just break for coffee now and end the session and solve the problem. Denmark.

**Denmark**

It is perfectly OK to break for coffee but following our agreement to speak I take it that I will have an opportunity to speak to the proposal?

**Denmark**

You will Denmark. Thank you. So we will adjourn until 11.10. Half an hour for coffee. Thank you.

*[COFFEE BREAK]*

**Chairman**

..... an amendment to Monaco's proposed amendment to the Rules of Procedure and I think that has now been circulated. Can I start by asking Monaco if we take the first amendment first. In addition to the second sentence. "The election of the Chair, Vice Chair, Appointment of the Secretary of the Commission and the selection of IWC Meeting Venues shall" and adds the words "upon request by a Commissioner all proceed by secret ballot". Monaco is that amendment acceptable to you?

**Monaco**

OK we accept the amendment of the sentence and proposal to amend the Rule of Procedure, maybe decide. We approve.

**Chairman**

Thank you Monaco. Has the Norwegian document been distributed? Monaco.

**Monaco**

We don't accept the last sentence for these matters a secret ballot shall be used if requested by a Commissioner and seconded by at least five other Commissioners. We cannot accept this.

**Chairman**

Thank you Monaco. So the situation is we are now looking at Monaco's proposed amendment to the Rule of Procedure with one agreed amendment proposed by Norway which is not yet been seconded yet by the way, but I presume if Monaco accepts it that's OK. Sorry the Secretary informs me that the document is not available. Sorry Secretary.

**Secretary**

Mr. Chairman could I just ask if anyone has the Norwegian document? Can you tell me the number of it please. I am informed that it is just being distributed. Mr. Chairman I suggest we wait until people have it before we vote on it.

**Chairman**

Thank you Secretary. UK.

**UK**

Thank you Chairman. While we are waiting could we have clarification on the status of another document which is proposed amendment to Rule of Procedure E.3(d) submitted by the Government of Japan. It is similar to the Norwegian document but different. It is document IWC/51/33.

**Chairman**

Thank you UK. Japan you have a document IWC/51/33 which is similar in many respects to the amendment proposed by Norway. Do you wish this amendment to be proceeded with as well or are you satisfied with the amendments proposed by Norway? Could you clarify please Japan.

**Japan**

Thank you Mr. Chairman. Japan wishes to support the Norwegian proposal. However, depending upon the result of the voting on the Norwegian proposal Japan still wishes to make our amendment proposal. Thank you.

**Chairman**

Thank you Japan for the clarification. Denmark.

**Denmark**

Thank you Mr. Chairman. I am now in possession of the proposal of amendments to Monaco's proposal, 51-37, and it includes two amendments. One upon request by a Commissioner and then a new sentence "If at least five Commissioners so request any other vote shall proceed by secret ballot". I have not had any chance to comment neither Monaco's proposals or the proposed amendments. As a general rule it is a position of the Danish Government to have a maximum transparency in what is going on here and for this reason, as a general rule, Denmark opposes secret ballots. That means that we cannot accept the last amendment, that is "If at least five Commissioners so request any other vote shall be preceded by secret ballot." As to the first amendment, it makes the original proposal a little more palatable I would say, but in general I am not in favour of changing the old rules in this Commission, that is that election of the Chair, the Vice-Chair should be taken by maybe secret ballot and I think we have an old tradition of trying to agree to this position dividing it between north and south, English, non-English speaking countries and so on. I think this would be a wise guideline to follow also in the future.

And further, as to the selection of IWC Annual Meetings, I am very hesitant to enter into an arrangement with secret voting and why so? Let me simply give you an example. Say that Country X invites for the next Annual Meeting and this is put to a vote and the proposal receives fifteen votes in favour, ten against with eight abstentions and then the invitation is accepted but the country X will know that almost two-thirds of the delegates are more or less opposing the invitation. I think that's an odd situation. The only thing which I could agree to as reason for secret balloting that is the appointment of the Secretary of the Commission, there is clearly a sensitive personal relations matter which is a reasonable matter to have secret voting but in all other aspects Denmark's position is to oppose secret balloting. Thank you.

**Chairman**

Thank you Denmark for your patience in waiting to be called. I have Italy, New Zealand, Netherlands, Antigua and Barbuda, and Sweden. So Italy.

**Italy**

Thank you Mr. Chairman. Italy sees with great concern the mentioning of secret ballots. We think that it should be kept to be used of having the maximum transparency in everything that has to do with voting on procedures. We do understand the spirit of the suggestion by the proposal by Monaco as far as the election of officers is concerned and only in that case, only if it has to do with election of officers Italy might go along with the secret ballot but for nothing else. Thank you.

**Chairman**

Thank you Italy. New Zealand.

**New Zealand**

Mr. Chairman. New Zealand will support the resolution that is proposed by Monaco but we will oppose any attempt to impose a secret ballot on this body whether by five members or otherwise. The fundamental issue here, Mr. Chairman, is should we have secret ballots or not and we shouldn't obscure it with the seductive idea that will only have secret ballots if five members request it. Mr. Chairman, in those circumstances we will strongly oppose the changes that have been suggested by Norway. In fact Mr. Chairman, our present Rules of Procedure are very much on this issue, are very much in accordance with the 1982 United Nations Draft Rules of Procedure for International Organisations. It is an attempt, as many members will know, to standardise procedures within international organisations and it provides only for ballots, secret ballots, on the election of officers otherwise they are by a show of hands but any representative may request a role call.

Mr. Chairman, there are exceptions to this in the international community but they are really exceptions to the general principle that there should be accountability which is the essence of democracy and freedom of environmental information which is also one of the cornerstones of agenda 21, and the pivotal Rio agreements on Climate, Bio-Diversity and Forests which go to great lengths to get relevant information on these issues out into the public domain.

Mr. Chairman, Norway argued that there could be problems for countries voting because of their honest voting. In other words, Mr. Chairman, it is suggested that countries should not have to face up to the consequences of a vote exercised in this forum on behalf of their citizens. The reality of this body, of course, Mr. Chairman is that everyone's views are expressed, often volubly in debate and elsewhere. If delegations are concerned, as they claim, about facing up to the consequences of their positions, I have got to say that in this forum, Mr. Chairman, they display precious little evidence of that concern and they certainly don't behave as though they need the protection of a secret and therefore undisclosed vote by their contribution to debates, ours included, our positions are well known and there is no need therefore for a secret ballot to protect those positions.

**Chairman**

Thank you New Zealand. Netherlands.

**Netherlands**

Thank you Chairman. Like Denmark, New Zealand and others the Netherlands also attaches great importance to maximum transparency and accountability in this organisation and therefore we are not in favour of the secret ballot, the introduction of the secret ballot, for the matters that require decision in this Commission except for the purposes outlined in the proposal from Monaco, so we would support the Monaco proposal including the addition of those few words in the first amendment from Norway. Thank you.

**Chairman**

Thank you Netherlands. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Mr. Chairman you will recall that at our 50<sup>th</sup> Meeting the nations of the Caribbean who are members to the IWC expressed a number of incidences that argue to the need for secret ballot in this organisation. Mr. Chair, being vulnerable developing countries we are subjected to a number of threats from people and organisations who might not necessarily agree in the way which we vote in the IWC.

We believe, contrary to the distinguished representative of New Zealand, that the cornerstone for democracy lies within a person or a nation's ability to vote without fear. We are seeing where our conscious voting in this organisation has led to threat in the boycott of our very vital industry, tourism, by

organisations and some governmental representatives who might feel that we are not voting along the lines that they desire.

I think as small vulnerable developing countries we should have the right to vote without fear in this organisation. Democracy must prevail in this organisation, we must try to avoid the close shop that this organisation is becoming known as, and the only way we can encourage more practical discussions in this organisation and encourage more membership to this organisation is by way of allowing small vulnerable countries to vote without fear. Thus in this regard Antigua and Barbuda will support the amendment put forward by the Government of Norway.

**Chairman**

Thank you Antigua and Barbuda. Sweden.

**Sweden**

Sweden would like to support the views expressed by New Zealand and Denmark. Thank you.

**Chairman**

Thank you Sweden. Brazil.

**Brazil**

Thank you Mr. Chairman. Like some of the previous speakers we too have always been for maximum transparency in the proceedings of our Commission. Therefore, very briefly, I would like to state that we can not go along with the amendment by Norway. Thank you.

**Chairman**

Thank you Brazil. Finland and Germany are looking for the floor and then Solomon Islands. Finland.

**Finland**

Thank you Mr. Chairman. We would also like to join the countries who are advocating the principle of maximum transparency. We could support the proposal by Monaco especially the personal election mentioned here. We are not so keen on having the selection of Annual Meetings included here but we can go along with that. Thank you.

**Chairman**

Thank you Finland. Before I give the floor to Germany and Solomon Islands can I detect a lot of support for the Monaco proposal with the first amendment by Norway? Could I ask people to indicate if there are other speakers at this point who wish to support that? I see UK, Grenada, US, Dominica and Austria. Thank you. Sorry and Switzerland. Thank you. And Ireland, how could I forget. Spain, South Africa. Thank you. If I can throw it to Germany. Germany.

**Germany**

Thank you Mr. Chairman. Germany is interested in safeguarding the maximum most transparency. I would like to associate myself with the member states that have explained this position and I can accept the proposal presented by Monaco. Thank you.

**Chairman**

Thank you Germany. Solomon Islands.

**Solomon Islands**

Thank you Chairman. Solomon Islands would also like to record its support for the proposal put forward by Monaco and Norway.

**Chairman**

Thank you Solomons. In that case my feeling is that the first amendment by Norway is strongly supported and can we take it that that part of the amendment is accepted? That is that the additional words "upon request by a Commissioner". OK

The second amendment by Norway I see a lot of opposition to it. Norway do you wish to put that one to a vote or can you accept it? It seems to me that the feel of the meeting that this one will not be accepted but I am in your hands. Norway.

**Norway**

We would like to have a vote on this one. Thank you.

**Chairman**

Thank you Norway. We now have another problem. Japan has asked that the Credentials Committee should examine everybody's credentials and it would be normal to do this before having a vote. I anticipate that we will have a number of votes this morning so I would propose that we assume that the credentials are in order and for the purposes of continuing and inform the meeting after lunch after the Credentials Committee meet. The Secretary has some reservations about this procedure because a number of credentials have been submitted by fax and one by e-mail. If we do not do something like this we may not be able to proceed with our business very well. Japan you want the floor.

**Japan**

Thank you very much Mr. Chairman. I think that we should be faithful to the provisions of the rules and so the rules stipulate that the credentials, the original credentials, must be submitted in writing and therefore just assuming that the credentials would be correct based upon the fax or e-mail transmission would not be appropriate to procedure. I think we have to check the credentials which are outstanding and valid at present so we should ask the Secretary to read out the outstanding current credentials which I think should be the right way to proceed in conformance to democracy.

**Chairman**

Thank you Japan. I am a little reluctant to ask the Secretary to read that list as it may be a cause of embarrassment. I think in the circumstances perhaps... Sorry, I will give Argentina the floor first.

**Argentina**

Thank you Mr. Chairman. I think we may have to devise a way not to miss the opportunity of making progress here in Plenary but to make progress on a solid basis. I am afraid if you take a vote and then credentials of some delegations are not in order after you find out this voting would have to be repeated and then we, in fact, are going wrongly what we shouldn't do at all. So there are a couple of options I think which are left. One is that we adjourn to leave to the Secretariat, yourself, the delegation of Japan and any other which may volunteer to join this Credentials Committee and then reconvene afterwards probably when the time is right. Or we could proceed with the discussion of other items of the Plenary until it has been appropriate, avoiding taking a vote on this matter. That is the couple of options I want to submit to you and through you to the Plenary. Thank you.

**Chairman**

Thank you Argentina for the advice. Dominica you wanted the floor.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman, I think everyone came here to do business. Everyone came here and knew what was required of each contracting party and credentials were required and they should be brought in their original form. I support that we should not proceed unless we have checked the credentials and I support the first option by Argentina to adjourn and let the Credentials Committee meet and rectify this issue. Thank you.

**Chairman**

Thank you Dominica. I agree with that proposal. We will adjourn the meeting until 2.00 and I will immediately convene a meeting of the Credentials Committee and any Contracting Governments who wish to be part of that Credentials Committee, if they will come to me now we will have the meeting in my office which is just across the corridor. So we will resume at 2.00. Thank you.

*[LUNCH BREAK]*

**Secretary**

Not recorded.

**Japan**

Thank you Mr. Chairman. Some of the credentials are not accepted yet and it is necessary to go through one by one check for some of the credentials so at this point of time it is still quite premature to say that all credentials are acceptable. Thank you.

**Chairman**

Thank you Japan. There were clarifications and further documentation required from two Commissioners and this has since been provided and so it is now correct to say that all credentials are in order. Japan.

**Japan**

Thank you Mr. Chairman. If I see it myself and confirm it myself I may agree with the judgement of the Chair but at this point of time I would like to reserve my position on that matter. Thank you.

We have to go through a number of credentials and in order to approve credentials I found that there are some problems to be overcome. For instance, there are credentials that are signed by the Commissioners themselves and these credentials are considered as in order in this Commission. That I think is quite irrational and contradictory.

The Ministry of Foreign Affairs or the Government Agencies responsible for whaling are the competent authorities to issue credentials and on February 11<sup>th</sup>, as early as that, the Secretariat asked Contracting Governments to submit the list of delegations and there are a number of delegations which did not comply with this request. That in itself I see as a serious problem.

Some of the delegations came up with the documentation without any cover letters and credentials are issued by that name of himself. I think this is a very serious issue so in the future we should introduce appropriate rules to this Commission as well so that we can preclude ourselves as reliable and competent as other international agencies and organisations. Thank you.

**Chairman**

Thank you Japan. We note your position and we will await the proposals from you next year.

If I can now move back to the proposal for amendments to Monaco's proposed amendment to the Rules of Procedure E.3(d) - Document IWC/51/37. Norway has asked for a vote of this item so I suggest we proceed directly to a vote and the Secretary will read the amendment.

**Secretary**

Mr. Chairman, the proposal before this meeting is to adopt the amendment shown in bold type in IWC/51/37, the last sentence which reads "If at least five Commissioners so request any other vote shall proceed by secret ballot". We are voting on this proposed amendment to the Rule of Procedure E.3(d), the last sentence on document IWC/51/37. Commissioners will recall that we follow a rolling start to our voting procedure and this year the first vote will be from Norway.

Norway - yes; Oman - yes; Russian Federation - yes; St. Kitts & Nevis - yes; St. Lucia - absent; St. Vincent and the Grenadines - yes; Solomon Islands - yes; South Africa - no; Spain - no; Sweden - no; Switzerland - no; UK - no; USA - no; Antigua and Barbuda - yes; Argentina - no; Australia - no; Austria - no; Brazil - no; Chile - no; People's Republic of China - yes; Denmark - no; Dominica - absent; Finland - no; France - no; Germany - no; Grenada - absent; Ireland - no; Italy - no; Japan - yes; Republic of Korea - abstain; Mexico - no; Monaco - no; Netherlands - no; New Zealand - no.



Mr. Chairman, this was a proposal to amend the Rules of Procedure which requires a simple majority of those voting. There were nine votes in favour, twenty-one against with one abstention so that proposal is not adopted.

**Chairman**

Thank you Secretary. If we can move to an amendment proposed by Japan to the same amendment by Monaco. Document IWC/51/33. Japan do you wish to proceed with the amendment?

**Japan**

Thank you Mr. Chairman. I would like to put this amendment to a vote please.

**Chairman**

Thank you Japan. Spain.

**Spain**

Thank you Mr. Chairman. I lost the opportunity this morning to explain my position. Could I have this opportunity now please? Thank you.

Some countries reported on the difficulties they face to express their vote without pressure. My understanding is that it is something we must take into account but there is just proper ways to solve these problems. It is by improving and clarifying transparency with a more amount of transparency. Therefore on one hand Spain supports the Monaco proposal, on the other hand we expect that we all be prepared to reflect and comment on the way to clarify transparency by setting up the scrutable and pragmatic rules without need to invent anything, transparency has been developed by other organisations and it will be helpful to consider the progress those organisations have already made. Thank you.

**Chairman**

Thank you Spain. I will now ask the Secretary to proceed to a vote on the amendment proposed by Japan.

**Secretary**

Mr. Chairman, the proposal before the meeting now is contained in document IWC/51/33. The Chairman says that we should deal with the whole proposal which includes two amendments shown in bold type to paragraph E.3(d), the additional language "and proposals to amend the Rules of Procedure may be decided" and the last sentence "For these matters a secret ballot shall be used if requested by a Commissioner and seconded by at last five other Commissioners".

So the proposal before this meeting of the Plenary session which requires a simple majority of those voting is the total text as amended in IWC/51/33. The roll starts at Oman - yes; Russian Federation - no; St. Kitts & Nevis - yes; St. Lucia - yes; St. Vincent and the Grenadines - yes; Solomon Islands - yes; South Africa - no; Spain - no; Sweden - no; Switzerland - no; UK - no; USA - no; Antigua and Barbuda - yes; Argentina - no; Australia - no; Austria - no; Brazil - no; Chile - no; People's Republic of China - yes; Denmark - no; Dominica - yes; Finland - no; France - no; Germany - no; Grenada - yes; Ireland - no; Italy - no; Japan - yes; Republic of Korea - abstain; Mexico - no; Monaco - no; Netherlands - no; New Zealand - no; Norway - yes.

Mr. Chairman, there were eleven votes in favour, twenty-two votes against with one abstention so that proposal fails.

**Chairman**

Thank you Secretary. We can go back now to the original proposal from Monaco as amended by Norway. It seems from the interventions that there was a majority support for this item. Can we accept this item and note the reservations expressed? That seems OK. Thank you. Denmark.

**Denmark**

Thank you Mr. Chairman. We are always very willing to help the Chair and you Mr. Chairman so even though we are not quite happy with it because we don't feel that it is transparent enough we will not demand any vote and we will go along with the majority if you will note our point of view. Thank you.

**Chairman**

Thank you Denmark. We will note all the reservations expressed on this item.

**23.3 OBSERVERS**

This finishes Agenda Item 23.1 - Voting Procedures. We now go to Agenda Item 23.3 - Observers. Can I go to the Chairman of the Finance and Administration please.

**UK**

Thank you Chairman. Well again we didn't discuss this item. We felt that it was something better left for the Commission. Thank you.

**Chairman**

Thank you Chairman of the Finance and Administration. The F&A Report suggests that Netherlands with USA will table a proposal on this item. Netherlands. USA.

**USA**

Thank you Chairman. As noted in the Finance and Administration Committee the United States with Netherlands have tabled a proposal you will find that IWC/51/31 and I will introduce that.

The Netherlands and the United States have submitted these two related Rules of Procedure which deal with the issue of observers. The first part would add a new sentence to Rule of Procedure C.1(b). This addresses the issue of withdrawing accreditation for observers. It is very simple. Rather than setting out subjective reasons for withdrawing accreditation as suggested in Resolution 1998-12 we suggest a very short rule that states simply "Once an international organisation is accredited, it remains accredited until the Commission votes to revoke the organisation's accreditation".

Now Mr. Chairman, IWC members may believe accreditation of an observer should be withdrawn for a variety of reasons. Well my delegation might agree with some of those, it may not agree with all of them and I believe that other members of the Commission would be in the same situation. Consequently we would never be able to agree on a list of those reasons. Instead our simple approach recognises that the Commission's decision to withdraw an accreditation is, to put it bluntly, a political one. Each delegation will have to decide for itself whether the alleged offences are adequate reason to bar an observer from participation. If a majority of delegations believes they are the observer will be excluded, it's that simple.

Now Mr. Chairman, the second addition shown is the addition of a new rule C.2. This second proposed rule which is one which the United States and the Netherlands have put forward in previous years but this time with some slight modifications. It would admit accredited observers to all meetings of the Commission and the Technical Committee and also to all meetings of subsidiary bodies. Of course, observers would not be admitted to Commissioners-only meetings or to meetings of the Finance and Administration Committee. Both these bodies discuss matters of some sensitivity. The philosophy behind our proposal is the same one as informs our position on secret ballots. We believe that the proceedings of this Commission and its subsidiary groups must be transparent. Indeed my delegation and the Netherlands delegation welcomes the participation of observers in these groups.

Mr. Chairman, having participated in the Finance and Administration Committee we are aware of the suggestion in the Administrative Review by the Management Consultants that the need for Commissioner-only meetings might be reduced and open debate and decision making better served by restricting observers and NGOs to the plenary sessions. We respectfully disagree and point out that Commissioner-only meetings do not occur until the week of the plenary.

Mr. Chairman, in our view it should not be possible for one delegation to exclude an observer from any of these meetings. The appropriate process is for the delegation that wishes to bar an observer from participation to put the matter to a vote by the entire Commission through a proposal to withdraw accreditation from the observer.

Finally as a small minor point, I would point out that if the Technical Committee were abolished the rule would have to be amended by deleting reference to that body. Thank you Chairman.

**Chairman**

Thank you US. I have Antigua and Barbuda and Denmark. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Mr. Chair, you will recall that in May 1998 this body adopted a Resolution 1998-12 with regards to the same issue which we are discussing. That Resolution asked for the Advisory Committee to look at possible amendment to the Rules of Procedure which is incorporated into the Resolution. Wouldn't it be appropriate if we first hear the Report of the Advisory Committee on this one before we table other proposals Mr. Chairman?

**Chairman**

Thank you Antigua and Barbuda. The views of the Advisory Committee are incorporated in the Annotated Agenda. The Advisory Committee looked at the issue and decided that it was a contentious policy issue and that really it wasn't appropriate to their terms of reference as a body to advise the Secretary and we agreed that we would refer it back to the Commission. Antigua and Barbuda.

**Antigua and Barbuda**

Well then Mr. Chairman, I would suggest that perhaps we would want to discuss this before we look into a new proposal, Mr. Chairman.

**Chairman**

Sorry the issue is now open for debate. I have Denmark and then Norway.

**Denmark**

Thank you Mr. Chairman. Under this Agenda Item we have two different proposals. One made by the delegation of Norway and the other made by the United States and the Netherlands. I honestly think I, in an earlier statement, have indicated that it might be a practical idea to deal with the Norwegian proposal beforehand, simply due to the fact that we anyway shall use time for that and if we can agree to a formulation related to the Norwegian proposal then my educated guess would be that then we could adopt the proposal from the Netherlands and the United States, maybe with a very short debate, even by consensus. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark. Norway.

**Norway**

Thank you Mr. Chairman. Just a question for clarification. The proposal made by the US and the Netherlands. Does that also cover the meeting of the Scientific Committee? Thank you.

**Chairman**

Thank you Norway. US can you clarify?

**USA**

Thank you Chairman. No, this proposal does not apply to the meetings of the Scientific Committee, they have their own Rules of Procedure.

**Chairman**

Thank you US for the clarification. Denmark if I understand you correctly you've suggested that the Norwegian proposal in document 51/35 should be dealt with first. Is that correct? US how do you feel about that?

**USA**

Well Chairman, no we object to any order of business. We would only comment that we see common elements between the two. Ours is a broader proposal, it does not attempt to list the series of offences. As I said, it might be very difficult for us to agree on the kinds of offences that were or would not lead to loss of accreditation whereas the Norwegian approach is to list some things that are very specific to it which would cause some problem.

**Chairman**

Thank you US. The USA document was submitted first as Agenda Item 31. I feel there is a lot of commonality to the debate so if delegations want to make comments which cover both but we would, if it comes to a vote, I think we would take the US proposal first. Denmark.

**Denmark**

Thank you Mr. Chairman. One more excuse, my proposal was simply to facilitate the discussions here because I may imagine that reaction amongst some delegations as to the proposal from the US and Netherlands maybe much easier to take and less complicated if the other one was dealt with beforehand, but naturally I will not cause any problems to you so if your wish is to take it in the other sequence, that is fine with me. My guess would simply be that it would make it easier to have an agreement on this first Resolution, the US and Netherlands, but I am in your hands fully. Thank you.

**Chairman**

Thank you Denmark for your understanding. As the US document was submitted first and as I have opened it first I think we will proceed to debate on that document. So we are now discussing document 51/31 the proposal by the US. Are there any other speakers, and seconded by Netherlands. The Secretary wishes to comment.

**Secretary**

Mr. Chairman, I wouldn't want to comment on the proposal under paragraph (a) of the US, Netherlands proposition, but it does happen some observer organisations which are accredited to the IWC sort of fall away. They don't come to meetings for a time or the organisation may fade away and we have, as a practical policy within the Secretariat, an arrangement that if an organisation has had no contact with us for two meetings then we believe that they have lost interest and they fall off the mailing list. As I read the rule (a) we wouldn't be allowed to do that in future, so I wonder if there could be an understanding that failure to maintain contact with the Secretariat would also be a reason for losing touch with that body. I don't think it needs to amend the rule but just an understanding along those lines of a purely practical character.

**Chairman**

Thank you Secretary. I see lots of delegations nodding. Are there any other speakers to the proposed amendment? Norway.

**Norway**

Thank you Mr. Chairman. This is to comment on the US proposal and I would hope we will have a chance to introduce our own proposal at a later stage and, in particular, at this juncture we would like to comment upon part (b) of the proposal. It occurs to us that the rules, the practice we have today, have functioned quite well and that we shouldn't really need to change those rules, including the one that if there is not unanimous consent to allow a particular NGO or other observer into the meetings then that organisation will not be allowed in. We have had a couple of examples during this meeting where that seemed quite appropriate and we would like to keep that rule and, in general, we don't see the need for the changes proposed in sub-paragraph (b). Thank you.

**Chairman**

Thank you Norway. Are there any other comments on the USA proposal? Can this proposal be accepted noting reservations? Norway.

**Norway**

No, Mr. Chairman, I am sorry but I think it was implied in what we just said that we cannot go along with that proposal of yours. Thank you.

**Chairman**

Thank you Norway. Japan.

**Japan**

Thank you Mr. Chairman. From our point of view this US proposal is violation of the rights of the minority. When one or two countries are either harassed or get some damage from those non-member countries those countries cannot do anything unless they have a majority support and this is not a democracy so therefore we cannot support the US proposal. Thank you.

**Chairman**

Thank you Japan. I knew life wasn't going to be that simple so I will just ask the Secretary to go to a vote. Sorry, Denmark again.

**Denmark**

Thank you Mr. Chairman. The situation causes some difficulties for me because my guess would be that if we had agreed to some arrangement along the other proposals then we would be happy to support it. I feel a little uncertain about what I am voting in favour of and I will certainly not vote against it. So I take it I am more or less forced to excuse me to abstain with this even though I, in principle, have a great degree of sympathy with the things, but I would have preferred very strongly to have the other arrangement in place beforehand. Thank you.

**Chairman**

Thank you Denmark. I note your comments but I would say this topic has been debated very thoroughly last year and as Antigua and Barbuda pointed out it was referred to the Advisory Committee. It was too hot for them to handle and it has come back here and I think it is probably best just to proceed to a vote. So I will ask the Secretary to go to vote please. Point of order Japan.

**Japan**

I think you don't have to go into the vote on Japan's view anyway, you have a majority and I think it is silly to review the same conduct of the voting performance like those we have done before. Of course you are ruling and the Plenary may feel differently, but whatever actions are taken, if a vote is taken Japan is strongly opposed to it and final reservations that we would never abide by this rule. But again I think it is useless to take a vote, that is Japan's view, and I hope others could concur with Japan's viewpoint. Thank you.

**Chairman**

Thank you Japan but I understood Norway's comment to mean that we would need to go to a vote, they cannot accept the position and I understood that meant that we need to go to a vote. Is that correct Norway? Yes. So I think we will just go to a vote. Secretary.

**Secretary**

Mr. Chairman the matter before this plenary session is document IWC/51/31 submitted by the USA which has proposals by the USA and Netherlands for two changes to the Rule of Procedure C. In paragraph (a) to add a new sentence to Rule C.1(b) that "Once an international organisation is accredited, it remains accredited until the Commission votes to revoke the organisation's accreditation" and with the understanding that those that lose contact with the IWC will also lose contact in this context as well. Paragraph (b) a new Rule C.2 that "Observers accredited in accordance with Rule C.1.(a) and (b) are admitted to all meetings of the Commission and the Technical Committee, and to any meetings of

subsidiary groups of the Commission and the Technical Committee, except the Commissioners-only meetings and the meetings of the Finance and Administration Committee". A simple majority of those voting will confirm the result of IWC/51/31.

The roll start at the Russian Federation - abstain; St. Kitts & Nevis - no; St. Lucia - no; St. Vincent & the Grenadines - no; Solomon Islands - no; South Africa - yes; Spain - yes; Sweden - yes; Switzerland - yes; UK - yes; USA - yes; Antigua and Barbuda - no; Argentina - yes; Australia - yes; Austria - yes; Brazil - yes; Chile - yes; People's Republic of China - abstain; Denmark - abstain; Dominica - no; Finland - yes; France - yes; Germany - yes; Grenada - no; Ireland - yes; Italy - yes; Japan - no; Republic of Korea - abstain; Mexico - yes; Monaco - yes; Netherlands - yes; New Zealand - yes; Norway - no; Oman - yes.

Mr. Chairman, there were twenty-one votes in favour, nine against and four abstentions and so those two proposals are carried.

**Chairman**

Thank you Secretary. We now have a proposal for an amendment to the Rules of Procedure by Norway. It is document IWC/51/35. Sorry, Netherlands.

**Netherlands**

Thank you Chairman. On the proposal we just adopted, I thought I heard the representative from Japan say that if it was adopted Japan would not abide by it. I wonder, this is not entirely clear to me what he meant. I wonder if he can clarify what he meant by that.

**Chairman**

I am not sure if it would be helpful to pursue that question if I may. I would prefer to move onto the proposal by Norway and if I can ask Norway to introduce the proposal.

**Norway**

Thank you Mr. Chairman. I must admit it is somewhat more difficult to introduce it now after the vote we have just had. The idea was to follow up Resolution 1998-12 that was sent to the Advisory Committee last year and has been passed on from one body to the other finally ending up again here in the Plenary. Our proposal was then to propose an amendment to the Rules of Procedure that would capture what was indicated in last year's Resolution. The idea here is, of course, to highlight a situation where it is most appropriate to review and probably withdraw the accreditation of an international organisation. That is when an observer of this kind actually causes actual economic hardship to a Contracting Government because of views expressed here in this organisation by that very government. That kind of behaviour seems not to be acceptable to the majority of this organisation and we would have liked to have that in the Rules of Procedure.

Now we have adopted the proposal from the US and the Netherlands which may raise some editorial questions but it could still probably be inserted following as a separate sub-paragraph, following what is now in (a) and the Resolution that we just adopted, ideally the changes that we just adopted. So the general rule would be that once an international organisation is accredited it remains accredited until the Commission votes, that may take some time. It may not be done as expediently as could be called for in this very particular circumstance that we are aiming at. So, I think we could have this as separate sub-paragraph where the emphasis would also then be on the immediate review and decision. I hope that this fits in in a coherent text. Thank you.

**Chairman**

Thank you Norway. If I may suggest that it may be proposed as Rule C.1(c), may meet your point, editorial point. I have Antigua and Barbuda, Denmark and UK. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Mr. Chairman, my first intervention on this Agenda Item attempted to refer the Commission to the Resolution that were referred to by the distinguished Commissioner from Norway. Mr. Chairman, in Antigua and Barbuda's judgement, because the Norwegian proposed amendment was so close

to the contents of that Resolution we would have thought that it would be in the best interests of what had happened in this Commission for the Norwegian amendment to be tabled first. Mr. Chair, you will recall that Antigua and Barbuda was one of the sponsors to that Resolution and our sponsorship of that resolution was based on the fact that we want to improve our relationship with the NGOs and provide an atmosphere whereby there could be mutual respect for the work that both the NGOs and respective governments are doing.

In that regard Mr. Chairman, Antigua and Barbuda would like this meeting to note our disappointment that a Resolution that was tabled and subsequently passed by this organisation was set before an Advisory Committee who felt in their judgement they could not handle it and they sent it back to this Commission, and before we could deliberate on that problem or the question of a similar amendment that would satisfy the contents of that Resolution, we went ahead and voted on an amendment that certainly does not reflect the general sentiments of the Resolution that was passed at last year's meeting. So Antigua and Barbuda would just like this meeting to note our disappointment in the procedure that took place, Mr. Chairman.

**Chairman**

Thank you Antigua and Barbuda, we will note your position. I have Denmark, UK and US. Denmark

**Denmark**

Thank you Mr. Chairman. I will now try and create a missing link as I call it between the two proposals here. I will recall what I said in Oman, my proposal here today will be to amend this proposal by Norway simply in line number three then to make a full stop after the two words "any individuals" and delete the rest. My reasoning is that naturally I fully understand that some kind of, shall we say, reduced income and so on resulting from no-buy or no-use campaign directed towards another country which has the same opinion you dislike, maybe unpleasant, but it is firm conviction of my government that in a democratic and open society that is the rule of the game. As long as we are talking about individuals, NGOs, private groups of persons, who use non-violent, no-buy actions or whatever it is, we simply fight it naturally, even maybe unpleasant to accept that thing so that is why we wish these things to be deleted and that is the reason why I wish to have this beforehand, because I think if we could now agree to my proposal to amend this by deleting this private economic sanctions which we accept in Denmark fully then I would recommend this draft text here. Thank you.

**Chairman**

Thank you Denmark. Before I go to the UK and the US can I ask Norway is this amendment proposed by Denmark acceptable to you? As I understand it Denmark has suggested A full stop after "threatened any individual" and delete the rest of the sentence. Norway.

**Norway**

Thank you Mr. Chairman. Well as we said in our intervention just now we think also the latter part of our proposal has its own merits and we would like to have that in as well. Thank you.

**Chairman**

Thank you Norway. I give the floor to the UK.

**UK**

Thank you Chairman. Well I originally asked for the floor to seek clarification. The Norwegian proposal says that accreditation would be subject to immediate review and decision. Now I had assumed that would be by the Commission but from what the Norwegian delegation said in introducing this, I am now not certain. He said that review by the Commission as we now accepted under the American and Netherlands proposal would be rather slow and this would lead to an immediate decision. So I do have the question who would take that immediate decision if it is not the Commission.

While I have got the microphone and since we are now debating the substance, I must say that I do find the wording in this proposal ambiguous. It would seem to me to create substantial uncertainties as to what is meant by legal evidence, what we mean by violating the laws of the Contracting Government, and whether the violation has to take place in the territory of the Contracting Government or indeed can be done in

another part of the world. For all these reasons I would I much prefer the procedure in the amendment we have already accepted by which we do not set out the criteria but leave it to the judgement of the Commission. It is open to the Commission to remove accreditation and I am sure that will only be done if the problem or offence is serious, but if it is serious I am equally certain that the Commission will deal with it in a proper way as it has done in the past. Thank you Chairman.

**Chairman**

Thank you UK. US.

**USA**

Yes thank you Chairman. When we were discussing earlier the order in which we consider, might consider these proposals, I had commented that my delegation had seen the Norwegian proposal as being a much narrower approach. We hope that our approach being broader would subsume it. We would feel uncomfortable laying out the total basis for why accreditation should be removed or considered for removal, and we would be uncomfortable with some of the provisions in this Norwegian proposal. Denmark has already alluded to one of them. Mr. Chairman, we would find it difficult to accept this proposal as drafted. Thank you.

**Chairman**

Thank you USA. Switzerland and St. Vincent and the Grenadines. Switzerland.

**Switzerland**

Thank you Mr. Chairman. As the US has just said, the general terms in the document 51/31 make it possible to revoke the accreditation of an organisation and the reasons are manifold, so in document 51/35 some of the reasons may be given and some may not be contained in that document 51/35. So, should it come to the vote and we say no to that document 51/35 we would still want to have it noted that, of course, we think that there could be reasons for revoking an accreditation but we don't think that it is good to have it listed like that. That said, we would like to say that we have sympathy for the concerns of the small states that may have or may suffer economic hardship from actions of forces outside of their state territory. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. I had to point out in this Commission before, some years ago, that the line should be drawn at economic sanctions. Sanctions to us are for things like human rights violations not for the way you vote in an organisation and for the views you express in the organisation. I think that is implicit in what we have before us and if we do not draw the line there then we get in the very integrity of the Commission itself which is when votes are taken, everyone is threatened and the people doing the threat who then control the vote. Thank you.

**Chairman**

Thank you St. Vincent and the Grenadines. Are there any other speakers? St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman, the delegation of St. Lucia wishes to support the proposition by Norway. We believe that it is even more important at this time considering that we have just approved of an amendment to the Rules of Procedure, which will permit organisations to attend all meetings of subsidiary bodies of this Commission. There was a time when we had to take a decision as to whether or not we permitted them to participate and there were some bodies that they were not permitted to, but now we are allowing them into every door which was, up to earlier today, closed. Chairman, you can understand what this will mean for small island developing states whose representatives are convinced we have a case and we have a job to do and we expound on our positions. These exposures are held against us and our countries and it is for this reason that we would like to support what Norway's input empowered. That we



have the opportunity in the future with evidence that action can be taken against perpetrators of injustice to small island states.

**Chairman**

Thank you St. Lucia. Netherlands.

**Netherlands**

In response to what has just been said, I would just like to point out that, in our view at least, the Commission would indeed have that opportunity that St. Lucia wishes there to be under the arrangement that we just adopted. In our view the Norwegian proposal would be an unnecessary restriction of the Commission's discretion as to how to handle these cases and it would give rise for the more to questions about what is meant by the reasons mentioned here in the Norwegian proposal. The meaning of the various elements is not entirely clear, at least not to me, and I think the instances referred to by the Commissioner for St. Lucia, the Commission has full discretion under the rules that were adopted, as they have been proposed by the United States and the Netherlands. Thank you.

**Chairman**

Thank you Netherlands. Are there any other speakers on this issue? Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman, Dominica in supporting the amendment proposed by Norway would like to state that the additional statement that is placed there is in response to what was said was lacking in our argument last year. The issue of legal evidence was thought to be necessary if we were to take any action and I think this amendment is in order and Dominica supports it.

**Chairman**

Thank you Dominica. Japan.

**Japan**

Thank you Mr. Chairman. Like the Caribbean nations, Japan was also slandered by one of the NGOs and that NGO happens to have an acronym IWC. That was part of the Opening Statement of the last year's meeting on the Caribbean shore the bomb was exploded and Japan was buying votes from the Caribbean countries with money. All these groundless allegations were made to the Japanese Government and the Caribbean nations and to this all of us made a very objective judgement last year which resulted in the adoption of the Resolution 1998-12, and we decided in that Resolution to review the observer status and that those organisations that would attack individuals, the government or resort to sabotage action should be subjected to review for attendance and participation in this meeting.

Norway's proposal was just a procedural matter in order to amend the Rules of Procedure and last year the Resolution to the same effect was adopted by this Commission. This year Norway's suggestion to amend the Rule of Procedure is the same content and I wonder why so many governments are opposed to this proposal by Norway.

If we look at the conduct and behaviour of NGOs some of them are going too far these days and let me share with you one of the experiences we had. Late November last year our research vessel had a fire and one of the persons died in this case and this vessel had to make emergency port call at Noumea, New Caledonia. New Caledonia is known to be an island which is closest to paradise and there we were hardly welcomed by a certain international organisation and what I mean by the gesture welcome is some of them tied chain to a screw and some of them hang on the anchor and some put up banners, some of them even illegally trespassed onto the vessel. They prevented the vessel from departing the port.

The situation is getting even worse, Whale and Dolphin Conservation Society member violated the rules of our practice and a person called Funahashi who is a member of IFAW leaked information against the rule of our organisation and Scientific Committee's discussion content was leaked by this woman to the Japanese mass media which is a clear violation of our rules. So there are a number of organisations who do not abide by our rules and cause enormous damages to our organisation and Norway's proposal is a very

valid and simple proposal and this is correct in the light of the international practice and this is not Norway's proposal alone. All of us supported this proposal last year so I would like to appeal to your common sense that this should be adopted. Thank you very much.

**Chairman**

Thank you Japan. I note that you strayed into the next Agenda Item and I hope your comments will stand for that item.

Are there any other speakers? Oh yes, I have got South Africa and Solomon Islands.

**South Africa**

Thank you Chairperson. First and foremost I would like to say that I have got a lot of sympathy with the intention of this particular proposal by Norway. Clearly our delegation would also not be in favour of having organisations accredited that misbehave. However, Mr. Chairman, I have some problems with the text as it is drafted at the moment. For example, in the first line, "immediate". What is "immediate"? Second line, as far as "decision is concerned". By whom shall this decision be taken? Finally, what procedures will be followed in submitting a particular documentation? My problem is that if we were to adopt this proposal as it stands we as a Commission may be creating some difficulties for ourselves. I wonder whether Norway could perhaps comment on these questions? Thank you.

**Chairman**

Thank you South Africa. Solomon Islands.

**Solomon Islands**

Thank you Chairman. I would like to say that the Solomon Islands supports the amendment that is proposed by Norway for a number of reasons. As you are aware Mr. Chairman, we have just adopted a Resolution put forward by the distinguished delegate from the United States. For us, as an island developing nation, that Resolution actually had far reaching implications for us in that we do not have, as developed economies have, resources that can be used to counter any activities that are counterproductive to our development goals and principles. Therefore, it seems to us that having passed this Resolution, developing island states, are really at the receiving end.

You are opening this body to all sorts of people to come in, and of course, the trend that is taking place in this meeting is that it is a forgone conclusion when it comes to voting to either expel or to deal with an offending party. The proposal by Norway, and hence our support for it, provides a mechanism for an offended government for redress and we believe that this Commission has responsibility to ensure that island member states who are also legal members of the organisation are also given opportunities when the need arises to address issues that are counter productive to their developing goals. Thank you Chairman.

**Chairman**

Thank you Solomon Islands. Are there any other delegations which need to speak? I have Antigua and Barbuda and Norway who wish to speak for a second time. So if there are any other delegations wishing to speak I will take them first. Antigua and Barbuda and then Norway.

**Antigua and Barbuda**

Thank you Mr. Chairman. The distinguished Commissioner from the Solomon Islands has summed up exactly the point of view that Antigua wanted to raise with regards to the support of this Resolution. Just to add, Mr. Chairman, that this body owes it to the less economically privileged members of this organisation to offer us some level of protection so that we can exercise our privilege and obligation with regards to the management of ocean resources. We believe, Mr. Chair, that there is room for cooperation with NGOs and other organisations as a matter of fact, that is interested in the sustainable use and management of ocean resources. However, Mr. Chairman, there must be rules of the game. We are saying we have been threatened, these threats have been actually carried out with regards to attempts to have us economically dislocated. Our tourism industry has been sabotaged in 1993 and 1994 and we are asking for some protection and we are appealing to the more economically well-off partners in this organisation to assist us to arrive at this level of protection so that we can work hand-in-hand with these NGOs. Thank you.

**Chairman**

Thank you Antigua and Barbuda. Norway.

**Norway**

Thank you Mr. Chairman. There has been a couple of questions. First I think I would like to say that this proposal can now be a new C.1(c). A new sub-paragraph (c) to C.1 that is, and the function would then be to highlight these situations of such unqualified acceptable behaviour for special treatment and also to highlight that we would definitely not like to see this kind of behaviour and react to it, so a warning sign. If this follows directly after what is now to be the last sentence of C.1.(b) it would follow that it is the Commission that will have to do the decision, that is mentioned in our proposal and that decision would be a vote.

It also opens up, as I said by using the words “immediate review and decision”, opens up for the treatment, the special character, one situation would be if this occurs between meetings then the matter could be solved by a postal vote; also if it occurs during the meeting it would be most appropriate to deal with that matter immediately not allowing any continuation of a meeting where such information is brought to the knowledge of the Commission. Whereas the formulation of the Netherlands/US proposal opens up for a possibility of some time elapsing, maybe even considerable time until the Commission decides upon the matter. So I think it would be well understood if it is put in this context and it certainly merits this kind of highlighting. Thank you.

**Chairman**

Thank you Norway. It seems clear to me that there is no agreement on this Resolution. Sorry, People's Republic of China wishes to speak.

**People's Republic of China**

Thank you Mr. Chairman. The Chinese delegation is in principle supporting the Norwegian proposal. The reasons are that I think this proposal keeps a firm balance between the participation of observers and the maintenance of interests of Contracting Governments. At the same time I think this proposal is very helpful for the Commission meetings being carried out in an orderly manner. Thank you Mr. Chairman.

**Chairman**

Thank you People's Republic of China. As I say I don't think this can be, that there is clear support for this Resolution. It would seem from the previous votes that there is likely to be majority but I ask Norway do you want to go to a vote? Yes. Denmark.

**Denmark**

As a matter of fact we had a proposal to amend it so I have not forgotten that. Thank you.

**Chairman**

It hasn't been seconded Denmark and Norway were not willing to accept it so I didn't follow it up. Switzerland.

**Switzerland**

Thank you Mr. Chairman. Before we go to a vote I would like to know exactly what is going to happen now with these five lines. Are they in addition to the other one or are they just like this or are they slightly amended because I don't think that they fit into the text.

**Chairman**

The proposal is to introduce this text as an additional paragraph, sub-paragraph (c) of Rule C.1. It would go immediately after the new Rule C.1(b) which we have adopted some moments ago. I will ask the Secretary to proceed to the vote. If the Secretary would go ahead please.

**Secretary**

Mr. Chairman, the proposal before this Plenary session is dealt with in document IWC/51/35 - Proposal for an amendment to Rules of Procedure, paragraph C.1 by the delegation of Norway and this is proposed to be a new sub-paragraph (c), the text of which is set out in full in document IWC/51/35. A simple majority of those voting will decide this proposal. The roll start at St. Kitts and Nevis - yes; St. Lucia - yes; St. Vincent and the Grenadines - yes; Solomon islands - yes; South Africa - abstain; Spain - abstain; Sweden - abstain; Switzerland - abstain; UK - no; USA - no; Antigua and Barbuda - yes; Argentina - no; Australia - no; Austria - no; Brazil - no; Chile - no; People's Republic of China - yes; Denmark - abstain; Dominica - yes; Finland - no; France - no; Germany - no; Grenada - yes; Ireland - no; Italy - no; Japan - yes; Republic of Korea - yes; Mexico - abstain; Monaco - absent; Netherlands - no; New Zealand - no; Norway - yes; Oman - abstain; Russian Federation - yes.

Mr. Chairman, there were twelve votes in favour, fourteen votes against with seven abstentions and so this proposal fails.

**Chairman**

Thank you Secretary. We will now adjourn for coffee and resume at 16.00. Sorry Argentina.

**Argentina**

Thank you Mr. Chairman. I just want to make a brief statement relating to this proposal. Could I?

**Chairman**

Yes.

**Argentina**

Thank you. We did not support this proposal but, however, we find that the matter and the line is a very serious consideration. The lack of support and the rejection of the proposal does not mean in our view that any misconduct could be condoned either by the relevant state or states or by the Commission. We encourage the extension of cooperation between international organisations and states and we regard that any incident or misconduct should be dealt with by the relevant state or states, the international organisation, but that does not exclude that the matter may be brought to the attention to the Commission if it falls within its mandate. Thank you.

**Chairman**

Thank you Argentina. The meeting will now adjourn and resume at 16.00.

*[TEA BREAK]*

**22.6 OBSERVER STATUS OF GREENPEACE**

**Chairman**

..... Japan had indicated that it wished to discuss this matter in the Plenary session so if I can give the floor to Japan.

**New Zealand**

Point of order Mr. Chairman.

**Chairman**

New Zealand.

**New Zealand**

Sometime during the preceding session, that is within the last couple of hours, document IWC/51/39 relating to this matter was placed in our document boxes. It gives a version of the alleged conduct of Greenpeace in Noumea in December of last year and I am in no doubt that it is going to be referred to extensively in the debate that is about to commence.

The paper Mr. Chairman, reports on incidents that allegedly occurred six months ago. It relates to a matter that has been on our agenda for over a month, it's a version of events that is directly at variance with other versions that I have heard and I am not going to get into the debate on that, I am just simply saying that it is directly at variance with other versions I have heard and I have no doubt therefore it will be regarded as highly contentious. Mr. Chairman, there are really two possibilities. The first is that the information that is contained in the paper has only just come to hand and the second is that the document has been withheld until this late stage. Mr. Chairman, I would question the propriety of this late distribution and if you are not in a position to rule on the propriety of that and the admissibility of the document, I would ask the Japanese delegation through you Mr. Chairman to explain why it has only just been distributed.

**Chairman**

Thank you New Zealand. Japan do you wish to respond please?

**Japan**

Thank you Mr. Chairman. The document before us, document IWC/51/39, described what happened last year. As it is well known and reported several times by newspapers and everything, the description here is very clear that Greenpeace activists sabotaged one mother ship vessel. This vessel was under severe strain after just going through a fire and one of the crew was killed and when they made a port call that mother ship itself couldn't move itself. Think about crew members spending day and night trying to rectify it after the grief of the loss of their colleague, what they feel when they see Greenpeace people just coming and sabotaging a vessel and trying to stop what they are trying to do. This is clearly against Japan's right and they broke many of the Japanese domestic laws and we just thought that this organisation made one of the most inconsistent decisions I have ever seen. This organisation has just voted down exactly the same wording it supported one year ago. One year ago this organisation supported a very reasonable Resolution providing opportunity for those countries and individuals to submit documentation and evidence so that this organisation review the situation and can make decisions, from our point of view the decision is expulsion of that pertinent organisation and this is just denied. How a responsible organisation can make this kind of decision. Over the last year, after this organisation passed this Resolution the situation has rather worsened and it is understandable if this organisation passes something stronger to take care of the situation but instead this organisation did exactly the opposite. I don't think this is a responsible activity or responsible action by a responsible organisation. This organisation has just proved that it cannot behave itself or it cannot accept what it did one year ago. In addition if we even forget about what this organisation passed last year, just common sense to provide a opportunity for a country or individual who suffered through activities of those extreme activities.

In addition we have passed another amendment to the Rules of Procedure so that now we need more than half of the countries to expel an ill-behaving organisation from meetings of this organisation. Under this condition I just cannot believe that our submission has something, is under comment something we just heard. At what point we can act against this kind of simple logic and this is the issue of fairness and this is the issue of a right for the minority and this is an issue about justice. This time we are opening up the floor of this organisation to the press people and I hope that the general public of the world see what this organisation is doing. Thank you very much Mr. Chairman.

**Chairman**

Thank you Japan. In relation to the point of order raised by New Zealand, the Commissioners will be aware that last night at the Commissioners' Meeting we reordered the business for today at very short notice and Commissioners agreed that we would suspend the normal six o'clock rule in relation to Resolutions and documents and in those circumstances I am satisfied to accept documents today. In relation to the points of view expressed in the document it is open to other delegations to circulate a document setting out alternative points of view. May I now give the floor to France.

**France**

Thank you Mr. Chairman. I think in this matter the incident has to be put back in its real proportions. The Japanese delegation in its presentation tries for me to dramatise an incident which did not have the size which is here presented. The demonstration Japan is speaking of, is referring to, did not cause any damage to persons nor to the ship concerned. The demonstration ended spontaneously on behalf of the NGO

concerned, Greenpeace without police intervention. The police were ready to intervene but the demonstrators conceded action as public opinion action and did not have the intention of causing damage. Consequently there was no disturbance to public order in Noumea nor was there in the end a significant influence on the operations of the ship concerned. So for us the term sabotage which is used by the Japanese delegation does not correspond to the actual nature of this incident. Having said that I would like to add that this demonstration was carried out in the particular way of action which has been adopted by Greenpeace to promote its objectives. Without any judgement on those matters I would like to say there is no justification for the suppression of observer status of an organisation which has made considerable efforts to promote, not only the protection of whales, but defence of the environment in many fields. Nor should for us this incident be used to legitimise connection in the IWC against NGOs involved in the protection of whale. Lastly, as a conclusion, I would just like to comment on the last phrase of the document IWC/51/39 presented by Japan to say that this last phrase which seems to indicate that Greenpeace is a threat to Japan for me is very far from the situation which we all know. Thank you very much Mr. Chairman.

**Chairman**

Thank you France. Are there any other comments? US.

**USA**

Thank you Chairman. First just a note of concern about the remaining time recalling last year, the length of time we actually spent on NGO actions or comments at the 50<sup>th</sup> IWC meeting. That ultimately resulted in a lot of very significant work going by the by so I hope we can efficiently attend to this issue. Now my comments, Mr. Chairman. The Greenpeace action concerning the boarding of the Japanese vessels in New Caledonia as just reported by the French were non-violent. Mr. Chairman, the relevant facts are known, there is a video tape available which accurately reports the event. Certainly the United States believes that the Greenpeace actions fall far short of any definition of sabotage or terrorism. When, in addition, it is widely reported and accurately reported that the fire was reported on the vessel, the *Nisshin Maru*, that the Greenpeace vessel actually sailed for four days to her rescue, offered to lend assistance. The captain at that time said that the fire was under control and thanked them for that offer. Mr. Chairman in respect of all this information we believe that the best approach would be to drop the removal of Greenpeace or failing that simply to call for a vote.

**Chairman**

Thank you US. Any other speakers? Norway.

**Norway**

Thank you Mr. Chairman. As also Norwegian whaling vessels have been harassed by Greenpeace in the past we would like to support what was said from the Japanese delegation and I can also give information to you that the Greenpeace vessel, *Rainbow Warrior*, familiar to many of you here is now in the North Sea following the Norwegian whaling vessels and we will hope that there will be no incidents this year. Thank you very much.

**Chairman**

Thank you Norway. Netherlands.

**Netherlands**

Thank you Mr. Chairman. Briefly just to say that from the information available to us we conclude that the type of action that has been carried out in Noumea is what we would consider, the Dutch Government would consider, as normal type of peaceful action that an organisation such as Greenpeace is liable to carry out. In fact we thought that in this particular instance the action was rather subdued, we had expected perhaps a bit more. Anyway be that as it may, I think I would also like to point out something that is not reflected in the report that was given to us in document 51/39 and that as soon as the fire broke out and an emergency call was put out by the Japanese ship, I understand that Greenpeace, who happened to have a ship in the vicinity, offered assistance which was subsequently denied by the Japanese vessel so I think suggesting that Greenpeace made use of the situation causing harassment to the Japanese crew is not a just representation of what has happened there. Thank you.

**Chairman**

Thank you Netherlands. I have Antigua and Barbuda and New Zealand. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. It is this very type of debate questioning the conduct of a powerful organisation as Greenpeace and a small vulnerable country like Antigua and Barbuda. How can we ever engage in a debate like this without fear? Irrespective of this fear Mr. Chairman, I am prepared to risk the economic well-being of my country by making a statement. As far as demonstration is concerned that is acceptable, everyone has a right to their point of view on matters which they hold at heart, but when you trespass on one's property, tie yourself to one's property in protest of a legitimate right that has been sanctioned by this organisation, this organisation needs to look at that situation. We must abide by just rules and I would like to appeal to members of this Commission to examine this matter carefully and arrive at a solution that can satisfy the members of this organisation, especially at a time when they were actually undertaking an activity that is sanctioned by this organisation Mr. Chairman.

**Chairman**

Thank you Antigua and Barbuda. New Zealand.

**New Zealand**

Mr. Chairman, New Zealand associated itself with the remarks already made by the United States and the Netherlands and simply adds that from our point of view we have seen, having watched the video of this demonstration, we are satisfied that it was a minor affair and certainly not one that would justify the intervention of this Commission, just as it did not justify the intervention of the local authorities. To be frank, Mr. Chairman, I have seen infinitely more robust demonstrations on the streets of my own country.

**Chairman**

Thank you New Zealand. Denmark.

**Denmark**

Thank you Mr. Chairman. In Denmark, as in many other countries, we would normally say that a person is not guilty until it is so to say proved beyond any reasonable doubt. I have listened to the information here and looked at the papers available and I think there is, in my opinion here now, a large degree of reasonable doubt so I would not participate in excluding Greenpeace based on these things. If this thing is going to be proceeded maybe it could be an idea to take it at a later stage in a Commissioners' Meeting. I don't know but it is up to you Mr. Chairman. Thank you.

**Chairman**

Thank you Denmark. I have UK and Australia. UK.

**UK**

Mr. Chairman peaceful non-violent demonstration is a function of a democratic society. Within our own government recently the Agriculture Ministry was lobbied by people dressed as giant tomatoes and a giant chicken. I think in this case there is no record of arrests, no record of damage and no record of prosecutions. I think the argument for excluding an organisation from a body such as this is not one I think the UK can support.

**Chairman**

Thank you UK. Australia.

**Australia**

Thank you Chairman. For the sake of brevity my delegation associates itself with the comments just made by the Minister from the UK. There is no justification from what we have heard in this case for the Commission to become involved. Thank you.

**Chairman**

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

**Dominica**

Thank you Mr. Chairman. Dominica would just like to associate itself with the comments made by Antigua and Barbuda. Thank you.

**Chairman**

Thank you Dominica. Before I give you the floor Japan, are there any other speakers who wish to speak for the first time? Japan.

**Japan**

There were many here irresponsible statements, comments made, therefore I would like to make a clear cut response. Well we have the detailed records of those activities carried out by Greenpeace and actually the screw was fixed by the chain and I think someone, a Japanese person in the organisation has written this warning letter to the *Nisshin Maru*, the vessel concerned, which clearly said that the propeller of this vessel was fixed with a chain and the diver of the organisation is in the water therefore you can not turn on the engine. A message from Greenpeace, quote.

We have also received a letter of apology written and signed by Mishida, the Director of Greenpeace, Japan office, which says that the inappropriate letter containing inappropriate content was submitted to you to the captain of the vessel from Greenpeace and we would like to express our sincere apology. That was an apology letter from Mishida and that letter was dated 7 December, very close to the certain date of the history that represents the relation between the Japan and the US in the past.

These photos and other evidence is clearly demonstrated those persons involved in those activities clearly violated the regulations and laws of not only against the Japanese domestic laws but also against the international laws as well because without the permission by the vessel captain and so forth they trespassed.

Some people attached themselves to the vessel, clinging onto the vessel and banners were displayed and attached to the vessel and so after the repair work was done on the vessel, the vessel was actually immobilised and stranded at that port for many days. So are you still saying that there was no damage incurred upon the vessel? Can you imagine how much cost and other damages incurred per day for having to moor the vessel at port for such a long period of time? I hope you will fully understand the cost implications and other damages.

I have a full list of the harassing and sabotaging activities carried out by Greenpeace members over the years. For example, in July 1994 four members of the Greenpeace got on board the Norwegian whaling vessel, *Sennet*, and occupied that vessel and then they have cut off and severed the rope used to connect the minke whale caught.

Again in the same year on the 20 July off the waters of Vancouver in Canada, they have sabotaged or harassed the Russian vessel operations targeted upon hake.

Another incident took place on 7 February in 1995 that was concerning the catcher boat sampling vessel, *Toshin Maru No. 18*, when one of the cruise members had an accident and his finger was cut off and he suffered from injury and so the vessel was heading towards the port of Wellington in New Zealand, and during that cruise to the port three members of the Greenpeace tried to get on board this vessel concerned to stop the vessel. These people concerned were eliminated by the police in New Zealand but anyway later on in March in the Antarctic Ocean the members got on board the slipway of the vessel and then took photographs and they have carried out such harassing and interfering activities. For example, on 16 August in 1996 off Seattle the American trawlers were trying to go into the port and their propellers were attached with a chain and interfered.

**Chairman**

Excuse me Japan, I think St. Lucia has a point of order.



**St. Lucia**

Sorry no. Continue Japan but can I ask you to be brief please.

**Japan**

Yes, I think St. Lucia would enjoy my intervention. On 16 April when the *Nisshin Maru No. 62* was operating for southern bluefin tuna the *Arctic Sunrise*, the vessel, made an abnormal approach to that vessel and then because of that abnormal approach one of the crew members fell off from the boat and he was about to drown himself.

Also on 22 July 1998 at the Auckland port of New Zealand when the Japan/New Zealand joint venture vessel, the tuna longliner, was getting ready to depart, the three members got on board this tuna longliner vessel and then two persons attached themselves to the bow of the vessel, one attached himself to a mast to try to prevent and stop the vessel departure.

I hope what you said the incident of the Noumea port was just the tip of the iceberg but I am afraid that it may not be because there are numerous cases I am afraid, and I suspect that they had carried out and so the case that happened in Noumea, New Caledonia, was just one of those problematical sabotage activities. I am really wondering really if such an international organisation or the international environmental organisation NGO which engages itself to sabotage activity are still accepted at the international fora like this one. I am wondering the validity of such an acceptance because they actually tried to inhibit and block the operation of our businesses and so I would like to re-assert and stress our statement that we at this forum must decide not to allow the participation of the organisation like the Greenpeace.

**Chairman**

Thank you Japan. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman, my delegation supports the position of Japan on this matter and we would like to recall an earlier vote this afternoon on the Norwegian amendment to the Rules of Procedure which has denied Contracting Governments from having recourse when agreeing through the actions of NGOs. This is not only an affront to Governments party to this Convention but it is seen as also condoning terrorism against states and individuals. That seven countries, Mr. Chairman, chose to abstain from the vote is seen as a reflection of the fear of these countries to vote against at least four G7 countries in this meeting which have strong NGO communities. Mr. Chairman if, in our organisation, there was the opportunity for secret ballot, I do believe that the like-minded anti-whaling nations would be swamped with Yes votes as opposed to the No's which we here. A true reflection of former colonial masters dictating to their nations. Mr. Chairman, there are sharks and sardines on both sides of the divide but the sardines on our side swim with the sharks. Mr. Chairman, the sardines on the other side get eaten by the sharks.

**Chairman**

Thank you St. Lucia. It is clear that there is no agreement on this proposal. It would seem to me that the majority is against the proposal. Japan do you accept this or do you want to go to a vote? Japan.

**Japan**

Japan's position is simple, clear and transparent. Japan has provided all the information we have to you and urged the Greenpeace to be excluded from this forum, and we have also presented just grounds for our request and if some countries say they cannot accept our request then I think this matter should be put to a vote.

**Chairman**

Thank you Japan. I will ask the Secretary to have a vote.

**Secretary**

Mr. Chairman, the matter before the Commission at this point is contained in document IWC/51/39 submitted by the Government of Japan. At the end of the penultimate paragraph there is a sentence "the

Government of Japan therefore requests that the Commission deny observer status to Greenpeace". We are voting on this request. If you vote yes you are voting with Japan to deny Greenpeace observer status. If you vote no you are voting against Japan's request and therefore Greenpeace has observer status. Let me repeat that. If you vote yes you are agreeing with Japan to deny observer status, if you vote no you are voting against Japan's proposal and therefore Japan would have observer status. Please know which way you have to vote.

The roll starts at St. Lucia - no.

**Secretary**

No? Mr. Chairman, let me say this again. This is a proposal by Japan. If you support Japan's proposal you vote yes. If you are against Japan's proposal you vote no. I will start the roll again. St. Lucia - yes; St. Vincent and the Grenadines - yes; Solomon Islands - yes; South Africa - no; Spain - no; Sweden - no; Switzerland - no; UK - no; USA - no; Antigua and Barbuda - yes; Argentina - no; Australia - no; Austria - no; Brazil - no; Chile - no; People's Republic of China - abstain; Denmark - no; Dominica - yes; Finland - no; France - no; Germany - no; Grenada - yes; 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. Kitts and Nevis - yes.

Mr. Chairman there were nine votes in favour, twenty-two votes against with three abstentions and so Japan's proposal to deny observer status to Greenpeace is defeated.

**Chairman**

Thank you Secretary. There are some other items in relation to observer status which I am expecting to be raised at this meeting. Japan you indicated at the Commissioners meeting that you would wish to raise other items in relation to observers? Japan.

**Japan**

I think we should say something to look forward to at a later stage and many of you may be getting tired of voting and may be quite worn out so I would like to discuss this at the Commissioners' meeting once again and decide whether we should bring it back here again or not. So for the time being with this Greenpeace matter I would like to announce moratorium. Thank you.

**Chairman**

I wish to close this item now. Japan.

**Japan**

No, what I mean is that perhaps if you and the floor would consent with Japan's understanding that we may come back on this matter, if appropriate. We could share this matter further at the Commissioners' meeting. We would like to come back after some kind of further discussion at the Commissioners' meeting. At this time we would like to say enforce moratorium on this matter. It doesn't necessarily mean that we close. If we so understood I don't necessarily take up this matter and taking up many times for other agenda items at this point, that is what I mean.

**Chairman**

OK thank you Japan. I did indicate this morning that I wouldn't keep items open in Plenary until a later date but I understand you are just taking it up in the Commissioners' meeting and we will close it in Plenary.

**Japan**

I think first part of your ruling is fine but the second part - if you strictly close then I have to raise this matter at this point but I was wondering whether we can take up this matter at the Commissioners' Meeting and satisfactorily conclude your words will be made. I don't necessarily bring back this matter again to the Plenary but if you strictly and simply conclude this matter at this time that causes some problems and therefore I must proceed with other two organisations which do you prefer? Anyway we are open, we are giving a fighting spirit.

**Chairman**

Can we compromise. I will adjourn it until the end of Technical Committee this afternoon and I will try and discuss with you your problems during Technical Committee and then I will seek to close it this evening but I will come back to it later this afternoon. OK? Thank you.

**225 ANNUAL MEETING ARRANGEMENTS**

The next Agenda Item is 22.5 - Annual Meeting arrangements. Japan has a document IWC/51/34 entitled "Expansion of Press Access to the Commission Meeting". Japan do you wish to speak to this one?

**Japan**

Thank you Mr. Chairman. We are of the view that transparency in the IWC can be secured by allowing sufficient access by relatively neutral press and we would like to support the participation of the press under the same conditions as NGOs which have been carried out on a trial basis at the moment.

At the same time when we expand the press access we must be careful that press registration will not be conducted in an unrestricted manner. Therefore, it is important that we follow the criteria for press registration that is being implemented by the United Nations and other international organisations. So we would like to ask the Secretariat to collect information on press accreditation methods of the United Nations and other international organisations.

I would also like to make a proposal on increased coverage by television. At the moment the TV video camera coverage is allowed only at the opening session of the Commission. The Government of Japan would like to propose that video camera coverage should be extended to all sections of the Commission in order to allow sufficient press access. Thank you very much.

**Chairman**

Thank you Japan. Norway.

**Norway**

Thank you Mr. Chairman. Here we have a proposal to provide real transparency on what is going on in IWC. I think that the arguments put forward by Japan are very valid. We think that full reporting of the activities in this Commission is of interest to the public and I will especially mention the last paragraph of this document. It is a problem that the public opinion is not aware of the fact that most whale species are not endangered so if it is possible to enlighten the public opinion by letting the press into this conference room I think that would be a good item. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. US.

**USA**

Thank you Chairman. My delegation has always favoured opening these meetings up for purposes of transparency and so forth. I feel that the current practices are working and before we entertain this proposal, however, we are worried about some of the practical implications of dealing with it. Unless it is handled very carefully such presence of these individuals could hinder our deliberations. I don't think it would be very productive to have a herd of video cameras wandering around the premises while we are trying to deliberate these issues. On the other hand it might be handled practically. I recall the meeting in Monaco where some of the NGOs had to be placed in a remote facility and we made arrangements, video arrangements for them and in that instance you had a couple of stations where video cameras were placed and the images were then projected into that other room. If we had such stationery arrangements that might work. Then the other thing to consider is who pays for this? If the press take care of it themselves, fine, if it is an obligation of the IWC, well then, we would have to look at the budgetary implications of that. So all in all we wouldn't mind doing this, we don't feel strongly either way, but on the other hand there are some practical things that need to be worked through. Thank you.

**Chairman**

Thank you US. I have France and Switzerland.

**Chairman**

Thank you Norway. US.

**USA**

Thank you Chairman. My delegation has always favoured opening these meetings up for purposes of transparency and so forth. I feel that the current practices are working and before we entertain this proposal, however, we are worried about some of the practical implications of dealing with it. Unless it is handled very carefully such presence of these individuals could hinder our deliberations. I don't think it would be very productive to have a herd of video cameras wandering around the premises while we are trying to deliberate these issues. On the other hand it might be handled practically. I recall the meeting in Monaco where some of the NGOs had to be placed in a remote facility and we made arrangements, video arrangements for them, and in that instance you had a couple of stations where video cameras were placed and the images were then projected into that other room. If we had such stationery arrangements that might work. Then the other thing to consider is who pays for this? If the press take care of it themselves, fine, if it is an obligation of the IWC well then we would have to look at the budgetary implications of that. So all in all we wouldn't mind doing this, we don't feel strongly either way but on the other hand there are some practical things that need to be worked through. Thank you.

**Chairman**

Thank you US. I have France and Switzerland. France.

**France**

Thank you Mr. Chairman. I think this proposition of Japan has some interest and deserves to be debated but for our delegation this problem poses again the problem of languages, because if we had to have broader participation and observation of the debate by large public it would be very difficult to gain this public interest if there is only one language used. So we think that this question which is a difficulty for many delegations should maybe be discussed together if we have to have another analysis of this proposition. Thank you very much Mr. Chairman.

**Chairman**

Thank you France. Switzerland.

**Switzerland**

Thank you Mr. Chairman. Just to say that we want to associate ourselves with the USA and France and we have an additional problem and that is the problem of the copyright because tapes that are taken continuously for instance can be re-edited and, of course, some statements etc could be put out of the context and that is a problem. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. Solomon Islands.

**Solomon Islands**

Thank you Chairman. I don't know where I begin but sitting through all this meeting in the morning and today the catch phrase of the day has been "transparency" and now we are hearing something different. Are we supposed to be reading your lips or are we hearing what you are saying to us. My delegation supports the proposal from Japan because if we are to allow other NGOs we are to stick to the principle of transparency and obviously there is a vital role that the media can play and I see no reason why they could not be allowed in. Thank you Mr. Chairman.

**Chairman**

Thank you Solomon Islands. Denmark.

**Denmark**

Thank you Mr. Chairman. I see one problem in this arrangement and that is if one person is running around and putting cameras into your face when you are talking, but an arrangement where you may have one or two fixed, and I underline fixed, positions in rooms then I think we should give it a try. Thank you.

**Chairman**

Thank you Denmark. Any other speakers? Finland and Brazil. Finland.

**Finland**

Thank you Mr. Chairman. We see no major problem with this proposal provided that this video recording can be made without disturbing the proceedings of the meeting and I would agree what was said by Denmark, that maybe if we have fixed positions for this camera it would be a solution. Thank you.

**Chairman**

Thank you Finland. Brazil.

**Brazil**

Yes, thank you Mr. Chairman. We certainly agree with the distinguished delegation from Japan that there should be more open and transparency at the meetings and indeed we have not been against more press recording of our proceedings. We are, however, concerned that this access should be construed as having anything to do with the last two paragraphs of the documents submitted with which we respectively disagree. The United States has raised some practical questions about the way such a decision would be implemented and perhaps we would like to see some guidance from you whether this wouldn't be a matter to be discussed in detail as far as implementation goes at the Advisory Committee. Thank you.

**Chairman**

Thank you Brazil. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman, we support this proposal because we think it is one which would bring more transparency to our organisation, the buzz word of today. Here we have started by giving the possibility to NGOs to attend most, if not all of our meetings. I see on the proposal it calls for maybe two cameras or whatever and not a herd of cameras, and also I watch foreign movies and I have learnt to read even if I don't understand the language so I think there is no problem about doing this thing only in English, Chairman.

**Chairman**

Thank you St. Lucia. I have Italy and Chile. Italy.

**Italy**

Thank you Chairman. First of all we do not agree like Brazil on the content of the last two paragraphs. We don't think that this has much to do with the previous contention. The second is that we could be in principle in agreement with the search for transparency that this proposition supports but I think it is very important that the Secretariat guarantees that this transparency is fully respected. The way it is phrased here is not very satisfactory for us. Thank you.

**Chairman**

Thank you Italy. Chile.

**Chile**

Thank you Mr. President. I think that to give access to the television, to the press, is very important because this is the way how the different countries are behaving today. The globalisation is precisely by this means of communication and I think that the International Whaling Commission cannot step outside. I agree with Brazil in the sense that all this new possibility of giving the press bigger access has to be guided by some kind of regulation. Thank you.

**Chairman**

Thank you Chile. Are there any other speakers? St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Mr. Chairman, I wonder if you can give my delegation some idea when you will get down to the substantial matters on the agenda. It is already 5.10.

**Chairman**

As soon as Commissioners finish these other items. No other speakers on this item? It seems to me that there is substantial support for the idea. There are some questions as to whether it could be limited to fixed position and there were questions about copyright problems and questions about payment. So how do you wish me to proceed? Japan do you wish to answer those questions about who pays and are you talking only about two cameras in fixed positions?

**Japan**

Thank you Mr. Chairman. I think it is the normal practice in the United Nations and other organisations to create the press corps and representatives cover the proceedings, and the fixed positions suggestion was also a very good one, so Denmark and other nations suggestions and proposals on this matter is quite reasonable in my opinion.

As far as the funding goes, NGO is being levied, if I am not mistaken, £800 so necessary expenses may be levied from the press while we have reserves in the General Fund and I think it is more important to use this Reserve Fund for transparency ensuring the Fund rather than diverting it to the Environmental Fund. The details can be, or maybe, discussed at the Advisory Committee or F&A Committee but the thing is that we would like to see a very early decision to realise press access proposal by the Government of Japan. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. Netherlands.

**Netherlands**

Yes, thank you Chairman. I am not sure how this question of costs crept into the discussion. As I understood it, the Japanese proposal purported to allow the press, if it was interested, to take video coverage of the Plenary sessions. So as far as we are concerned, you know we don't have a major problem with that, the same conditions as were suggested by Denmark, but I think there should be no costs involved that should be paid by the Commission.

**Chairman**

Thank you Netherlands. Can I suggest then that in order to move on that we should accept this proposal and allow the details to be worked out by the Advisory Committee who will report to the F&A Committee next year and we will work it out for our Australian Meeting. Is that acceptable?

**5. SOCIO-ECONOMIC IMPLICATIONS AND SMALL TYPE-WHALING**

Thank you. Our first consensus I think today apart from coffee breaks. I will close then Agenda Item 22.5 and move onto Agenda Item 5 - Socio-economic Implications and Small-Type Whaling. This item is not going to the Technical Committee obviously and we have a Japanese proposal for a Schedule amendment. So I give the floor to Japan.

**Japan**

Thank you Mr. Chairman. I would now like to switch to English as something new I would like to try. In the future I would wish to also speak in Italian as well.

Mr. Chairman, this is the twelfth year that the Government of Japan is requesting a modest allocation by fifty minke whales for the four small-type coastal whaling communities in Japan. Our request has been based on the well-documented socio-economic cultural, religious and dietary aspects of minke whaling

which are an integral part of the four coastal communities in Japan. The distress to these communities caused by the imposition of the Commission's moratorium, our request has been sincere but we are dissatisfied with the manner in which the Commission has responded so far. The cessation of minke whaling severely battered these communities because the small-type minke whaling had been deeply rooted and integral part of the socio-economic cultural, religious and dietary aspects of life. The Government of Japan has submitted approximately fifty documents to the IWC detailing the importance of the coastal minke whaling to the communities and the prevailing distress to the communities resulting from the imposition of the moratorium.

Although the IWC resolved in 1993 to work expeditiously to alleviate this distress, it has every year refused to grant an interim relief allocation requested by the Government of Japan. Last year I outlined our effort to make our request more acceptable by minimising the commercial aspects of the catching and distribution of the product and noted that there would appear to be a lack of goodwill among some members of the Commission to solve the issue in an expeditious manner as promised in 1993.

Mr. Chairman, I do not intend to repeat the arguments which we have used to support our request. I would, however, like to remind you of the widespread recognition in various United Nations Conventions and other documents of the importance of the communities to continue customarily request, resource use practice on a sustainable basis. These documents include the Report of the United Nations Conference on Environment and Development, UNCED Agenda 21, which specified coastal states individually or through bi-lateral and/or multi-lateral cooperation should implement strategies for the sustainable use of marine living resources taking into account the special need of the interest of small scale artisanal fisheries, local communities and indigenous people to meet human nutritional and other development needs, and that coastal states should ensure that in the implementation of international agreements on the development or conservation of marine living resources, the interest of local communities and indigenous people are taken into account, in particular, their right to subsistence.

As I have done in the past, I also want to remind Commissioners that the 1995 FAO Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security recognised the role of living aquatic resources are the important natural renewable resources of food and tradition and the essential role played by fisheries in providing high quality protein required for human use, and called for an increase in the respect and understanding of social economic and cultural differences among states and regions in the use of living aquatic resources especially culture, diversity in dietary habits consistent with management objectives.

Mr. Chairman, I am aware that these are not legally binding documents but I would like to suggest that they form a part of a broader framework of international cooperation within which our request for fifty minke whales for the four small-type coastal whaling communities in Japan should be considered, especially what I am suggesting is that rather than the response we have received for the past eleven years, that we cannot agree to this request because it is commercial whaling and we cannot agree to this because it would be a breach of the moratorium, we would like to see a response that says we acknowledge it, the IWC resolution of 1993, and that within the broader framework of international cooperation related to the sustainable use of marine resources we can accept a small interim allocation to the four small-type whaling communities until such a time that the RMS has been implemented.

Mr. Chairman, to these communities the implementation of the commercial whaling moratorium was unreasonable from the outset because the whalers had never depleted coastal minke whale resources and have maintained a sustainable harvest of around 320 animals annually. However, because of the blanket nature of the moratorium the coastal whalers were forced to suspend their operations despite the abundant resources at hand. Mr. Chairman, the Government of Japan remains committed to the restoration of the integrity of the local communities for which the resumption of minke whaling is indispensable. We request the Commission's support for our request for fifty minke whales for these communities on the basis of well documented socio-economic, cultural, religious and dietary needs on the basis of understanding of the distress to these communities caused by the imposition of the Commission's moratorium on the basis of international commitment related to sustainable use of resources and the need to respect cultural diversity and on the basis that there is no conservation reason to reject our request.

Mr. Chairman, we believe there is no legitimate reason for the Commission to continue to refuse our request. We therefore propose the following Schedule amendment which you have as document IWC/51/29. Adoption of this Schedule amendment would help alleviate distress to the four small-type coastal whaling communities.

We also propose the Resolution in separate part of this Schedule amendment proposal, document IWC/51/30. I hope that this explanation would be sufficiently satisfied for all the Commissioners present to hear and give us and extend us the sufficient support to alleviate income from the moratorium being put unreasonably. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. The Schedule amendment is contained in IWC/51/29. Are there any comments please? Sweden.

**Sweden**

Thank you Mr. Chairman. Sweden is of the position that the proposal may most appropriately be considered as part of a general solution to our conservation and management needs including the completion of the RMS such as this intended in the initiative step taken by Ireland towards this end. Thank you.

**Chairman**

Thank you Sweden. Denmark.

**Denmark**

Thank you Mr. Chairman. I think our position is well known. We will support this request of Japan. We see many reasonable aspects in it, among other things this is also an aspect of what I describe as this big world's many different cultural ways of life and we feel you have to respect such kinds of activities and we have no problems in supporting the Japanese proposal. Thank you.

**Chairman**

Thank you Denmark. I have Austria and Switzerland. Austria.

**Austria**

Thank you Mr. Chairman. As you certainly know I represent a country that does not want to see any whaling and therefore I cannot support Japan's proposal. Thank you.

**Chairman**

Thank you Austria. Switzerland.

**Switzerland**

Thank you Mr. Chairman. Just to say that we associated ourselves with Sweden.

**Chairman**

Thank you Switzerland. Norway.

**Norway**

Thank you Mr. Chairman. I would just like to associate myself with the comments made by Denmark. Thank you.

**Chairman**

Thank you Norway. Oman.

**Oman**

The same Mr. Chairman, we would like to associate ourselves with the points made by Denmark. Thank you.



**Chairman**

Thank you Oman. Australia.

**Australia**

Thank you Chairman. As the delegation of Japan himself precisely said, and with the greatest possible respect for the people of the communities concerned, we cannot support the creation of this new category of commercial whaling.

**Chairman**

Thank you Australia. US.

**USA**

Thank you Chairman. We do recognise that Japan has made similar requests since 1988 but we do continue to have the same concerns that we have had for all these years because of the commercial element and aspects of this activity. The United States considers Japan's proposal for this small-type whaling to be within the commercial whaling moratorium that was set in paragraph 10(e) of the Schedule and therefore such a modification would require a three quarter majority vote. We are sympathetic to the needs of communities that have been effected economically and we are committed to continuing a dialogue with Japan about how to approach and find relief for those communities.

**Chairman**

Thank you US. I have St. Vincent and the Grenadines, Netherlands, Germany, New Zealand and St. Lucia. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. We have always supported this request over the years and we do so again. We are particularly sympathetic to small communities and their problems and we don't feel that some technical argument to classify it as commercial should be used to deny the people from these small communities like ours their livelihood.

**Chairman**

Thank you St. Vincent and the Grenadines. Netherlands.

**Netherlands**

Thank you Chairman. I would simply like to associate myself with the views expressed by Australia and the United States. Thank you.

**Chairman**

Thank you Netherlands. Germany.

**Germany**

Thank you Mr. Chairman. I would like to associate myself with the view expressed by the US. Thank you.

**Chairman**

Thank you Germany. New Zealand.

**New Zealand**

Mr. Chairman, New Zealand associates itself also with the remarks by the United States, Australia and the Netherlands and Germany.

**Chairman**

Thank you New Zealand. St. Lucia.

**St. Lucia**

Thank you Chairman. The delegation of St. Lucia wishes to support the request by the Government of Japan.

**Chairman**

Thank you St. Lucia. France.

**France**

Yes, Mr. Chairman I would like to associate myself also with the previous speakers, especially the USA and Australia. Thank you.

**Chairman**

Thank you France. Dominica

**Dominica**

Thank you Mr. Chairman. Dominica wishes to support the proposal by the Government of Japan.

**Chairman**

Thank you Dominica. UK.

**UK**

Thank you Chairman. The United Kingdom would like to associate itself with the views expressed by the United States, Australia and numerous others. Thank you Chairman.

**Chairman**

Thank you UK Finland.

**Finland**

Thank you Mr. Chairman. We would like to associate ourselves with the comments made by Sweden.

**Chairman**

Thank you Finland. Solomon Islands.

**Solomon Islands**

Thank you Chairman. We would like to associate ourselves with the views expressed by Japan because we also come from small communities and that is our stand. Thank you Chairman.

**Chairman**

Thank you Solomon Islands. Spain.

**Spain**

We associate with the views expressed by Sweden and Switzerland.

**Chairman**

Thank you Spain. Grenada.

**Grenada**

Thank you Mr. Chairman. We would like to associate ourselves with the view expressed by St. Vincent and the Grenadines in support of Japan.

**Chairman**

Thank you Grenada. South Africa.

**South Africa**

Thank you Chair. We have similar views to that expressed by Sweden. Thank you.

**Chairman**

Thank you South Africa. Any more? I've got writer's cramp but I compliment you on your efficiency. In that case Japan do you want to have a vote? Japan.

**Japan**

Would this proposal be adopted by consensus? Unless it is adopted by consensus I think we have just to put this to vote. Is there consensus to support this?

**Chairman**

Thank you Japan. I think there probably isn't total consensus. If the Secretary would conduct the vote please.

**Secretary**

Mr. Chairman there is a double proposal to be considered here. Document IWC/51/29 sets out the proposal for a Schedule amendment for a new paragraph 10(f) put forward by the Government of Japan. The text of that proposed Schedule amendment is contained in IWC/51/29 which would have the effect of allowing a take of fifty minke whales from the North Pacific. Coupled with that is a Resolution, the text of which appears in IWC/51/30. I understand that both of these items are to be considered together and since this is a Schedule amendment a three quarters majority will be necessary to carry a Schedule amendment. So we are dealing with the text provided in IWC/51/29 and IWC/51/30 and a three quarters majority is necessary to carry a Schedule amendment. The roll starts at St. Vincent and the Grenadines - yes; Solomon Islands - yes; South Africa - abstain; Spain - abstain; Sweden - no; Switzerland - no; UK - no; USA - no; Antigua and Barbuda - yes; Argentina - no; Australia - no; Austria - no; Brazil - no; Chile - abstain; People's Republic of China - yes; Denmark - yes; Dominica - yes; Finland - no; France - no; Germany - no; Grenada - yes; Ireland - abstain; Italy - no; Japan - yes; Republic of Korea - abstain; Mexico - no; Monaco - abstain; Netherlands - no; New Zealand - no; Norway - yes; Oman - yes; Russian Federation - abstain; St. Kitts and Nevis - yes; St. Lucia - yes.

Mr. Chairman, there were twelve votes in favour, fifteen opposed with seven abstentions and so those proposals are not carried.

**6. WHALEWATCHING**

**Chairman**

Thank you Secretary. Can we move onto Agenda Item 6 - Whalewatching. Can I call upon the Chairman of the Scientific Committee?

**Chairman of Scientific Committee**

Thank you Mr. Chairman. Our Report on this matter begins under Item 13 on page 68 of IWC/51/4. I appreciate there are more than four pages of Report, Mr. Chairman and I will try and be brief.

We began by reaffirming the four priority areas we had identified three years ago and we agreed that there should be a further item on assessment of long-term effects included as a future priority, and on the first column Mr. Chairman, on the left we go through what had been reviewed by an intersessional group, four priority areas, I won't go through them one to four. Then we identified a number of priority areas for further work and these form the basis of the agenda for this year's meeting, and again they are items one to four in the left hand column. We added to that the concept of dolphin feeding which we believe did not concur with the principle that cetaceans should be allowed to control the nature and duration of interactions and agree to keep that item on our agenda.

Finally we noted a document 'A review of whalewatching guidelines and regulations around the world' as an ongoing matter that would be revised to include new developments and implementation of new guidelines and would be made available to the Committee for review.

Under item 13.1 Mr. Chairman, we reviewed what you had said to us last year and I won't go into the detail of that. Under item 13.2 we reviewed the guidelines and we had the Report of an intersessional correspondence group which in the course of discussion we discussed the effects of whalewatching vessels on research activities. We noted that whalewatching activities can hinder or assist research activities depending on the nature of the research. We focussed on information necessary to assist long-term effects of whalewatching on the status of the affected whale stocks and we propose a Workshop, Mr. Chairman, that I will detail to you in a moment or two.

Under 'Other items' in this agenda of ours we examined the expanding scale of whalewatching in the Caribbean and we noted that the existing extent and potential growth of whalewatching there underscored the importance of monitoring the potential effects of whalewatching in the region. We also looked at the regulation of whalewatching in the Azores. We agreed that in the context of conducting research aimed at evaluating the potential effects of whalewatching on whales, scientific research should be given high priority.

We then looked under item 13.3, and I am on page 69 on the left hand column at the top Mr. Chairman - the assessment of short-term reactions and there are several paragraphs there dealing with papers that were presented to us. In the right hand column we noted that the use of high speed vessels in areas populated by whales needs to be examined. The use of acoustic devices to warn whales to the presence of approaching vessels doesn't appear to be promising. We discussed methods of allowing more quantitative assessment of collision risk. Although this concern is raised in the context of whalewatching vessels it is clearly applicable to all vessels travelling at high speed and we have a conclusion there, Mr. Chairman, that vessels travelling at high speeds pose an increased risk of collisions with whales. We have a recommendation that authorities discourage the operation of vessels at high speed in areas where whales occur and where possible vessel operators should post observers on vessels when transiting through such areas.

We discussed several aspects of interactions between whalewatching and scientific research. We recognise that whalewatching activities can in some instances prevent the research from being conducted or confound results and we give you some examples of that. We agreed that researchers' efforts to inform the public about the importance of research and its objectives could improve the public's view of scientific research. We recognise that in some cases whalewatching provides the only means for researchers to gain access to whales for purposes of obtaining information that they would otherwise be unable to obtain. We agreed that depending upon the circumstances, whalewatching could aid or hinder scientific research.

In item 13.4 Mr. Chairman, we assessed long-term reactions. We discussed long-term reactions and we had some papers dealing with that. Going over onto page 70 we describe what those papers told us. Towards the bottom of the left-hand column on page 70 we report our discussions of several aspects of contributions from whalewatching for the long-term assessment of whales. We note that while there may exist concerns about short-term effects to whales from whalewatching, often those are not matched by concerns for long-term changes in the whales' utilisation of the areas where they are exposed to whalewatching activities. We noted that whales exposed to whalewatching may represent only some unknown portion of stock and that drawing inferences about long-term effects on the entire stock from information on only a portion of a stock could be biased. However, in contrast Mr. Chairman, we agreed that in instances where reproduction occurs in a specific location, any detrimental effects from exposure to whalewatching in those areas could affect an entire year's production and ultimately the status of the stock.

We discussed the issue of the reliability of information from non-scientific observers and agreed that data collectors should be trained scientists or naturalists. Research objectives need to be clearly defined. We also cautioned that encouraging whalewatching operators to obtain information such as photographs could encourage them to get as close as possible to whales and this could increase disturbance to them and possibly cause operators to violate regulations. We also recognise that there exist a successful 'citizen science' model programmes and we have some discussion of that at the top right hand column on page 70.

We discussed the scale of population changes that would need to be considered to assess the status of whale stocks and we discussed various experimental designs that can be used to assess long-term effects of whalewatching on whales and we have an Annex that deals with that. We recognise that there are a

number of models for the design of such experiments and we agreed that this topic requires further discussion and we invite members, Mr. Chairman, to submit examples of research and monitoring programmes that utilise various experimental designs and other research approaches that we will consider in our Workshop.

We agreed that whalewatching programmes have a limited capability to provide information to assess the long-term status of whales. However, to varying degrees they have the potential to contribute valuable information to dedicated scientific research programmes aimed at it. We have four items that we agreed Mr. Chairman, at the bottom of page 70 in the right-hand column. Firstly, that whalewatching programmes should include a scientific monitoring programme; and secondly, that such programmes should be conducted by qualified scientists; thirdly, that such scientific monitoring programmes should be impartial; and fourthly, that management authorities need to utilise the information generated by those programmes to review, evaluate and as appropriate, modify the regulations governing the operations to avoid long-term irreversible effects.

We have a recommendation at the top of page 71 on the left Mr. Chairman, and it is in four parts. Firstly, wherever practical and appropriate the assessment of the potential effects of whalewatching operations on cetaceans should be undertaken and overseen by independent scientists. Secondly, that whalewatching interests need to be sensitive to the need to effectively monitor cetacean populations that are the focus of whalewatching activities to ensure that whalewatching activities are sustainable and not otherwise detrimental to cetaceans concerned. Thirdly, the national licensing authorities or other regulatory bodies should firstly ensure that investigations into the effects of the industry on cetaceans and other scientific studies are accommodated along with the interests of the industry; and secondly, to encourage industry to recognise the value of scientific research. Fourthly, in instances where there are no national licensing authorities or regulatory bodies, the whalewatching industry should conduct the activities listed as part of their operations.

We reviewed comparative studies under item 13.5. We reviewed dolphin feeding programmes under item 13.6 and reiterate our view that the concept of dolphin feeding, as I said before, doesn't fit with the principle that cetaceans should be allowed to control the nature and duration of interactions and we agreed to keep this item on our agenda. Again we request member governments to provide new information next year.

Under item 13.7 we reviewed our work plan. I appreciate Mr. Chairman, that you may wish to look at this again under your agenda item 18.1 but perhaps it would be helpful if I just reviewed this quickly here.

We believe that the whalewatching workshop proposed for next year's meeting would expedite the collection, exchange and synthesis of information necessary to assess long-term effects and we recommend that it be convened immediately before next year's meeting of the Scientific Committee. We have terms of reference there Mr. Chairman, in the middle of the right-hand column on page 71, items 1 and 2. We have established an Intersessional Steering Group and we have accepted the workplan for next year's meeting which includes four items that are on the bottom of page 71 and over onto the top of page 72. These are to review the findings of the workshop, to review the updated report on national whalewatching guidelines, to prepare new information on dolphin feeding programmes and to review 'swim with' programmes that involve whales and dolphins.

Under 'Other Matters' Mr. Chairman, we were informed of a proposal for a Workshop to be held on Whalewatching in the Caribbean. We welcome that information, we encourage it to go forward and we look forward to seeing the Workshop Report. Thank you Mr. Chairman.

**Chairman**

Thank you very much Chairman of the Scientific Committee. Are there any comments on that Report bearing in mind that the workplan will be discussed separately under agenda item 18.? UK.

**UK**

Chairman, I very much welcome this debate particularly following on what was said earlier on about this socio-economic impact of isolated communities. I have had a long interest in whalewatching and during my time as Minister in the UK Government I have become increasingly impressed by its economic benefits and its economic potential. Potential I might add which has also been realised in the UK, and if people can make money from taking people whalewatching given our weather and sea conditions in the UK, then I think that other countries have much greater potential.

We are presenting three papers to this meeting on whalewatching. Officials and colleagues of mine will be briefly introducing others in a moment but I make no apology for taking a particular interest in paper IWC/51/WW2 - 'The potential of whalewatching in the Caribbean' since of the three it is of the most relevant to the general issues of development and economic progress which are the centre of national and international concerns. The author of this report, which is prepared independently, draws attention to the fact that many island economies around the world are dependent on tourism and embrace whalewatching as offering a powerful attraction and additional activity and a reason for visitors to stay on extra days. In fact the potential of whalewatching is now so strong there are a number of companies who are increasingly offering holidays based on whalewatching and there is no doubt, certainly in terms of the UK, there is considerable growth for this.

Focussing on the Caribbean, the author suggests the potential there for whalewatching is outstanding and largely untapped. His figures on the existing situation are very interesting. Tourism in the wider Caribbean area is already calculated to be worth something in the region of 13.5 billion US dollars a year. In an area where many economies are currently dependent on small scale agriculture and in need of diversification and development, tourism of this scale and this type, plainly offers enormous opportunities. It is calculated whalewatching already contributes 10million US dollars to the total of tourist income in the Caribbean area. Currently this activity is concentrated in the Dominican Republic, Bahamas, and Dominica. But it also makes the major contribution of around a quarter of a million US dollars here in Grenada. Moreover, its economic potential has only just begun to be exploited. There is no doubt that it has a considerable future here. In the light of debates in this round of IWC meetings perhaps we can understand, for example, why in St. Vincent and the Grenadines the currently estimated income from whalewatching at only 100,000 US dollars is presently so low and there is no doubt that there is considerable potential there for whalewatching.

The living resources that whales represent are evidently present in the Caribbean and available for the kind of truly sustainable use that whalewatching represents. The potential benefits in economic as well as other terms are already immense. The UK has, of course, has a very long association with many Caribbean states and is a major aid donor to this area and I look forward this week to presenting a new item of Braille equipment to a local charity here in Grenada and also visiting a substantial eco-tourism project in the Forestry sector which is supported by the UK. But the firmest long-term base of economic development is not aid but of soundly-based increase in economic activity which benefits local populations. Clearly whalewatching has an important role to play here for those who will seize the opportunities and develop it. Therefore there is a particular relation to the potential for development and for economic benefit in G7 countries and we believe that this paper although, of course, focussing on one particular region as an example, makes an excellent contribution to this general debate, not least of course because of where the IWC is being hosted this particular year.

We have not yet quite finished Chair. Mr. Chairman, Michele Fulford is from the Turks and Caicos in the British West Indies.

[Ms Fulford]

The potential for whalewatching in the Turks and Caicos has an enormous potential as a commercial industry in the islands of Grand Turks, Salt Cay and to a lesser extent Providenciales. We are hoping to host a whalewatching workshop in the year 2000 whose goals would look forward to bringing Caribbean countries involved in this activity in a common forum which will discuss economic benefits associated with whalewatching along with the much needed research efforts that can be incorporated into educational programmes. As well, we are looking to provide key information on measures for whale conservation. We are of the opinion that these efforts will further enhance eco-tourism in the islands through its publications

and promotion. The Turks and Caicos Islands welcome any suggestions and assistance from other countries. Thank you.

[UK]

I should like at this point, Chairman, to make quite clear the three documents which the United Kingdom is presenting for the Commission's consideration here. First there is IWC/51/WW2 "The Potential of Whalewatching in the Caribbean" about which we have just spoken. The second paper is IWC/51/27 "Whalewatching Disturbance Guidelines" which contains the text of two guidelines on whalewatching issued in March this year by the UK Government and addressed to operators and tourists engaged in whalewatching in the UK. The Guidelines are in particular intended to contribute to fulfilling the United Kingdom's obligations under the ASCOBANS Agreement reached under the Bonn Convention. I will not labour over the details of the guidelines which we widely welcomed in the United Kingdom and were very much in line with conclusions this year of the Scientific Committee, but I would be happy to endeavour to answer any questions. Thirdly there is a paper IWC/51/WW1 "Report of the Workshop on the Legal Aspects on Whalewatching". On this you may recall at the 50<sup>th</sup> Meeting of IWC, my predecessor in the UK delegation highlighted a Workshop held in Chile on the legal aspects of whalewatching and noted that the Report, which was not then available, would be valuable to the Commission. The paper now before us is that very Report and we are fortunate to have the Chair of the Workshop here, Professor Birnie, who will now briefly introduce the paper and will later be available to answer questions if required.

[Professor Birnie]

This report on the legal aspects of whalewatching emerges from the Workshop held in Punta Arenas, as you have heard, in which legal experts from several countries where whalewatching takes place and some scientists and administrators participated. Delegates will see that this Report complements those produced by three previous Workshops sponsored by IFAW. This one was held under the auspices of the same organisation. Previous Reports covered the economic, social and scientific aspects of whalewatching, the new Report highlights various activities and issues concerning whalewatching that are likely to require regulating or guiding to avoid any long-term adverse effects or threat thereof to the species watched. The participants noted in this respect the relevance of the precautionary approach advocated in Principle 15 of the Rio Declaration on Environment and Development and the need to ensure its application in developing regulations and guidelines. After examining a range of current applicable regimes concluded at the international and regional and national levels, under which guidelines have been or could be developed, the Workshop reviewed several examples of national legislation, administrative measures, guidelines and recommendations that were put before it. These are reproduced in the Annexes to the Report and they include legislation that have been compiled by the IWC.

Finally, the Report identified the many issues which such measures should address as well as the governmental levels at which they might be formulated and these include voluntary measures by the industry as well. It made a number of detailed recommendations which it hopes will be helpful to states undertaking, or planning to undertake, this activity and it puts these forward on pages 19-20 of the Report which I particularly commend to your attention as options for the development of legislation and guidelines related to whalewatching. These relate, these proposed options, to the conditioning of the conduct of the persons and vessels and even the aircraft that are engaged in whalewatching throughout the world. Their rights of access, the range of possible penalties and sanctions and the recommendations are put forward in the Report to assist states when considering the adoption of measures to choose from the available precedents, the formulations most appropriate to their particular needs. Thank you for your attention. I may say, as has already been mentioned, that I am available for questions should they arise.

**Chairman**

Thank you UK. I have Norway, Dominica, Antigua and Barbuda and Brazil. Norway please.

**Norway**

Thank you Mr. Chairman. Maybe I should not be surprised but I am somewhat surprised today to have whalewatching offered as a alternative to whaling from a politician who is in the lucky position to have both which is not a normal situation for a politician I think. In fact, to have both whalewatching and whaling, they will stimulate the interest in each other, that is what we see in Norway. The whalewatching

industry hasn't been harmed at all because of all the whaling, on the contrary we see it as a very prosperous industry. Maybe it is so because people like to see how we conduct whaling as well. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman, Dominica notes the work of the IWC Scientific Committee on whalewatching but however, Mr. Chairman, Dominica continues to question the competence of the IWC to regulate and manage whalewatching. Certain aspects of whalewatching cannot be applicable across the board as if it were level playing field. In this regard Dominica has reservations on some aspects of the Report presented by the Scientific Committee. However, we will implement where applicable and appropriate portions of the Report as we deem necessary. Thank you.

**Chairman**

Thank you Dominica. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Like Dominica, Antigua and Barbuda would like to congratulate the work that is done by the Scientific Committee on this issue. Antigua and Barbuda do believe whalewatching has potential in the eastern Caribbean with respect to augmentation of our tourism industry. But Antigua and Barbuda is also firm in its opinion that the regulation of whalewatching must be a national activity hence the competence of this body to regulate this industry is questioned by Antigua and Barbuda.

Mr. Chair, while a lot of countries in this Commission are promoting the economic virtues of whalewatching from a resource management standpoint, there are many other questions that must be asked before we come to the conclusion as to the cost and benefits of whalewatching. Mr. Chairman, we are looking at the resource that has been used over the years in terms of food and other uses apart from whalewatching, apart from recreation Mr. Chairman. Are we saying that our attempt to promote whalewatching should be at the expense of the traditional uses of this resource in the Caribbean?

Mr. Chairman, I had the privilege in the 1980s to look at the national park in the US Virgin Islands to see how legislation in an area, legislation on a resource that was previously used as a food source can displace a number of users. What happened in this aspect is that around the United States Virgin Islands most of their coastal waters was changed into protected areas, national parks with the intention that the fishermen that used to have as the resources in this area would have been able to convert their equipment and the activities into more recreational type activities utilising those resources, for instance, deep sea fishing, sports fishing, scuba diving etc. But lo and behold what happened is that the traditional users, the fishermen, the poor fishermen of the United States Virgin Islands were relegated into taxi drivers and bar tenders while these resources were utilised for sport fishing and other non-consumption aspect by what is termed in the United States Virgin Islands as "continentals". Fishermen were not able to continue the traditional use of these resources and indeed very few of them were enabled to convert their equipment into expensive sport fishing facilities, so in effect a number of fishermen were displaced and regulated into secondary occupations.

We in the Caribbean have to be very careful as to the regulations we put on the use of this resource. While we support the virtues of multiple use of this resource, it is important as a responsible government that we ensure that there is no displacement of traditional users of this resource. It is heartening, Mr. Chair, to hear one of our more friendly, more well-off governments expose the virtue of whalewatching on behalf of its former colonies and foreign friends in this region.

However, Mr. Chairman, there was absolutely nothing said this morning with regards to the plight that our economies are facing from the threat of international organisations and other members with regards to the way we vote in this organisation. We need a balanced playing field here Mr. Chairman. We are asking that we should allow, that we should be given the right to self-determination as long as the Scientific



Committee of this organisation has determined that this resource can be harvested or used without any serious depletion or threat to its very existence. Member states should be given the right to determine the way in which they need to use this resource. We welcome the studies of this organisation and we hope that these studies will enable us to pursue and not alternative with regards to the use of whale but it must not be at the expense of the traditional users of this resource Mr. Chairman.

**Chairman**

Thank you Antigua and Barbuda. Brazil.

**Brazil**

Thank you Mr. Chairman. Brazil attaches great importance to whalewatching as an legitimate use of whale resources through non-lethal means and recognises its economic, social and cultural values. This activity falls entirely within the scope of this Commission as it constitutes an appropriation of whale resources and we welcome the progress that has been made in the IWC towards its recognition as such.

Since the prohibition of whaling in Brazil's jurisdictional waters in 1987 our country has undertaken concrete steps to ensure that whale and dolphin watching is promoted in an orderly and adequate manner and that cetaceans subject to such use are properly protected from undue harassment and from degradation of their habitats. Thus we have established several federal sanctuaries where whale and dolphin watching occur under proper regulation including two national marine parks and an environmental protection area, and we are pleased to announce that a new sanctuary comprising approximately three hundred thousand acres of coastal waters will soon be established to protect the main breeding ground for southern right whales in Brazil.

Other initiatives aimed at integration of marine mammal conservation and tourism are also underway as is the case with the West Indian Manatees in our north-eastern coast, one among several success stories where non-lethal use has replaced hunting with much larger benefits for the coastal communities involved. We also welcome the initiative of the Scientific Committee in proposing a Workshop on whalewatching and we are confident that the Committee's Chairperson will strive to include experts from several developing countries who are undertaking relevant study on this matter which is, as we have already stated, of paramount importance not only to Brazil but also to several other countries where coastal people benefit from this benign and sustainable use of whale resources. Thank you.

**Chairman**

Thank you Brazil. I have three more delegations looking for the floor. Can I ask you to be brief please. We want to complete another agenda item tonight. Japan, South Africa and US. Japan and St. Lucia.

**Japan**

Thank you Mr. Chairman. As Norway and Antigua and Barbuda have rightfully pointed out, the whalewatching industry, whalewatching activity, and the whaling industry is not something like you take one and abandon other. They can co-exist and believe it or not, even in Japan we have a whalewatching industry. However, some of you might know that objective of this IWC is proper conservation of whale stocks and orderly development of the whaling industry. Therefore whalewatching is clearly outside the jurisdiction of ICRW or IWC organisation. The primary activities for the IWC is the management of the whale stocks. We don't deny to discuss about whalewatching activities as supplementary or secondary subject but still the discussions should be based on science and common sense and reason and by no means the activities of whalewatching should sacrifice whale industry for fishing industries of members countries concerned. Therefore the proposed workshop on whalewatching to be held in the year 2000 we cannot help saying that this workshop, the priority is very low in the activities of the IWC as well as in the budget of IWC. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. South Africa.

**South Africa**

Thank you Chairperson. First and foremost I wish to welcome not only the Report of the Scientific Committee but also the clear progress that has been made in research on whalewatching and also the promise of further advances as research proceeds. It is now very obvious that whalewatching world-wide is set to grow. It is spreading steadily throughout the world and where it has been established the number of people engaged in whalewatching is growing consistently. In my country we have held back on allowing the whalewatching industry to develop in order to make sure that when we initiated this activity it was done in a responsible manner. I am pleased to report Chairperson, that around twenty whalewatching permits were issued for the first time in South Africa during 1998. Permit conditions provide for state of the art guidelines to be followed and we have stringent legislation in place to ensure responsible participant behaviour. We are also committed to continue research in cooperation with the permit holders.

There is no doubt in my mind that the advent of whalewatching as a phenomenon is good both for the development of eco-tourism and for educating the general public about whales and also about the intrinsic value of whale resources for human kind. I believe that this phenomenon also provides an opportunity for the IWC to improve its image with the public image globally. In my opinion no other international body is better placed than the IWC to positively influence the development of whalewatching world-wide. It has already been proven that this body's scientists lead the world in terms of knowledge of the effects of whales and human interaction. However, globally information is still very limited. It is in this context that I wish to express my full support to the proposed whalewatching workshop recommended by the Scientific Committee.

It should also be remember that irresponsible practices during whalewatching has potential to harm both the whale resources through, for example, disrupting reproductive behaviour, and also the fledgling whalewatching industry through scaring whales away from convenient watching sites. I believe that now scientists are duty-bound to provide us with the best possible advice with regard to how to manage this activity and positively influence participant behaviour not only in our own countries but world-wide. Chairperson, it seems to me that much remains to be done. Apparently in many countries whalewatching is conducted without guidelines and in many more without regulations. We are aware that law enforcement in this activity is particularly difficult and therefore I believe that we should continue to seize the opportunity of getting together in a forum like this to learn from one another and to share experiences. Thank you.

**Chairman**

Thank you South Africa. US.

**USA**

Thank you Chairman. Just two quick points. Like other delegations have spoken of before, I would like to congratulate the Scientific Committee for its extensive discussions on this topic area this year. I had hoped that in our proceedings we could take note of their several recommendations which my delegation finds quite useful.

Next Mr. Chairman, I would like to thank the United Kingdom for its two submissions and I especially take note of document WW2 and would like to offer a few quick reflections on our whalewatching experience in Puerto Rico. Now Puerto Rico is a Commonwealth territory of the United States and for many visitors, especially from the United States, Puerto Rico offers their first introduction to the Caribbean. Mr. Chairman, only a few years ago commercial whalewatching was not thought to be possible or practical from Puerto Rico. However, in the mid 1990s whalewatching suddenly started to take off from the west coast. Community-based land and boat whalewatching operations continued to grow in popularity particularly on the west coast near the town of Rincon(?). Visitors to that town now total one half million people a year during humpback viewing months. On their web-sites west coast Puerto Rican hotels also advertise this activity as one of the pleasures of staying on that coast. Based on our experience in Puerto Rico my delegation's view is that the potential for whalewatching in the greater Caribbean is outstanding and a largely untapped possibility throughout most of the region.

In conclusion Mr. Chairman, we believe that whalewatching that provides the maximum benefit to the community and the whales will be successful and sustainable. Thank you Chairman.

**Chairman**

Thank you US. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman, the Scientific Committee's Report, page 71, top of the page recommends that wherever practical and appropriate the assessment of the potential effects of whalewatching operations on cetaceans should be undertaken and overseen by independent scientists. Chairman, I would like to send a message to scientists, independent scientists, that they have to get permission to come into our country and into our zones to conduct scientific research or to oversee work on cetaceans or any marine species. Chairman, I would like to thank the Scientific Committee for the work that it has been undertaking on whalewatching.

St. Lucia has used the work of the Scientific Committee Whalewatching Committee in the development of its regulations. But Chairman, we would like to feel independent enough to determine how and to what extent we develop whalewatching as part of our tourism product. We must also be very clear when we talk about the Caribbean, Chairman, the Caribbean has many parts. I was in Newfoundland and I saw five hundred whales, if it was not five hundred it was a hundred but I saw many, many whales. But you can't say the same thing in the Caribbean, especially in the southern Caribbean, and when we have the billions of dollars that can be made from whalewatching I would like to believe that this is true in our part of the world but I know for a fact that it is not so.

So I would like to remind us here that we should not take everything we hear and everything we read to be the gospel. We will continue to look at our development, we will continue to look at whalewatching as an opportunity which has economic potential but I don't want anybody shoving it down our throats saying that it is the answer to aid. We will grow bananas, we will export our bananas, we will develop our fishing industry, but we are not asking for aid and in exchange we must develop whalewatching. If we can get aid we will do what we have to do under our own steam and in our own pace but Chairman, we will not accept this wholesale shoving down our throats the whalewatching or nothing. Thank you.

**Chairman**

Thank you St. Lucia. I will now close this agenda item. We will note the Report of the Scientific Committee. Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

Two quick comments Mr. Chairman. Firstly in response to the last speaker. I think it should be made clear that we do not necessarily mean independent of the country, we mean independent of the operation. Secondly, I was going to ask if noting means that you have in fact endorsed our three recommendations, one invitation and one request in our Report, Mr. Chairman?

**Chairman**

Thank you Chairman of the Scientific Committee. I think we can endorse the Report. The question of the Workshop will come up again under agenda item 18.1 so we endorse the Report of the Scientific Committee and I will close this item and adjourn Plenary and we move straight to Technical Committee to take agenda item 7.

*[END OF SESSION]*

## VERBATIM RECORD

### 51<sup>ST</sup> ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

GRENADA, 24-28 MAY 1999

TUESDAY 25 MAY

#### 9. HUMANE KILLING

##### 9.1 REPORT OF THE WHALE KILLING METHODS WORKSHOP

###### **Chairman**

We resume this morning with agenda item 9 - Humane Killing and we start with agenda item 9.1 - The Report of the Workshop on Whale Killing Methods and I will ask the Chairman of that Workshop, the Vice-Chairman of the Commission, to introduce the Report. Vice Chairman please.

###### **Sweden**

Thank you Mr. Chairman. This Workshop was held here 17-19 May and Sam Ridgway who had been proposed as Chair for this meeting could, because of health problems, not attend and therefore I chaired the Meeting.

We had sixteen documents submitted to the Meeting and I will briefly present these documents under the respective agenda items. We started with adopting the Terms of Reference and went then into Methods in use and Development. There we had a paper WK9 which was the first paper we looked at and gives an overview of the hunting activities and results from the killing of whales in the Norwegian catch of minke whales in 1996-1998 and also describes new development and research on whale killing methods, particularly development of the new Norwegian penthrite grenade, construction of new harpoons, and there is a study of the pathological changes in the minke whales after the detonations. In 1998, 63% of the 625 whales caught died instantaneously. In the mean time from the shot until all signs of life ceased was 198 seconds. The longest time to death was 68 minutes for one animal that came loose and had to be found and re-shot. It was also stated that even if values of survival time from these years are somewhat different there is no statistical trend of difference between the three years.

In discussion, clarification was sought as to why there had been a change in minimum rifle calibre from 9 to 9.3 mm. That was explained and the rule now is that nothing less than 9.3 mm is used as a secondary killing method.

There was also discussion about cortisol as a measure of stress. Where it was explained that so far no changes had been seen in the hunted animals on the cortisol levels and that was explained that the minke whales are not chased, rather they are followed in the Norwegian hunt whilst under going normal feeding or migratory behaviour.

Then we had another paper WK11 also from Norway, also describing Norwegian programmes to improve weapons and hunting methods in the Norwegian minke whale hunt. There was also a description of obligatory courses for the license holders, the new harpoon again. Investigations of the effect of different calibre of second killing methods was also reported. The conclusions of these investigations of the rifle suggest that rifles with calibres 9.3, 9.5 mm and larger with round nosed full metal jacketed projectiles have sufficient impact energy and penetration force to kill a minke whale when the projectiles hit in or near the brain.

There were questions as to percentage of whales hit in the head and it was explained that animals, the harpoon grenade is aimed at the thoracic and neck region, and that more than half of the animals are hit in this region. Very few were hit in the head by the harpoon.

There were also questions as to what proportion of animals were killed by the first rifle shot, second shot and so on. It was explained that on some boats the rifles were used as a matter of routine when a whale was brought alongside a boat. If the animal showed any movement it was shot several times until no further movement could be detected. There was no information on hand to describe the number of shots used. This information would be available to the next Working Group. We had a question as to whether it was possible to see any video footage from the Norwegian whale hunt and video film showing a couple of hunting situations was available and shown during the break in the meeting.

Another question related to the efficiency between different boats since it had been reported that there was quite different, quite big differences in efficiency. Some boats had 100% instant kills with the first shot. Others showed 50% with one shot. The problems associated with low efficiency could usually be attributed to equipment failure it was explained. We came back to this problem on primary and secondary killing methods several times and it was explained that the primary killing method, the harpoon, is aimed at the thoracic/lung region and the secondary killing method, rifle, is aimed at the head and brain.

There was a question as to the percentage of minke whales killed instantaneously and survival times for minke whales killed in the traditional hunt using cold harpoons. The question was related to the lack of improvement during the last few years in the effectiveness of killing methods. The question was whether there was likely to be any further improvements in effectiveness where the answer was that Norway expected that the new grenade now in operation to provide improvements.

The next paper was number 13 which was a paper to determine the position of the brain in the minke whale in relation to external features to provide a target area for gunners and also an illustration chart which could be used for educational purposes on whaling vessels. We were shown this chart.

On the basis of these findings a proposed target for the compulsory rifle shooting test for the Norwegian whalers has come into use and this chart for educational purposes is to be placed on the whaling vessels.

There was a discussion on the problem of shooting into the spinal cord and not the brain and if there is a risk of paralysing or concussing and not killing the animals if only the spinal cord was severed and it was explained that it is generally accepted that the shot in the upper neck gives instantaneous unconsciousness in large terrestrial animals and there was no reason to doubt that the same happens when a whale's spinal cord is severed in the same region.

The next paper to be discussed was WK16 which contains Japanese scientific whaling. There the killing method research of the Japan whale research programme, was presented. The object of this killing method research is to improve whale killing methods to shorten the time to death by analysing the data related to catch and necropsy of sampled whales.

The data collection is on the sampling vessels for chase and catch data and another part of the programme is undertaken on the research base ship for necropsy data. Most of the data collected is analysed in real time on board which would allow immediate detection of any trend in the time to death and provide immediate and new information on effective whale killing methods during the research cruise. Crews of sampling vessels are briefed with results obtained from this research at every opportunity in the cruise and they are encouraged to shorten the time to death.

In the discussion some critical views were expressed as to the validity of the research. No statistical analysis had been presented in the paper and evidence on the reproducibility of the results was also missing and it was claimed that it was not possible to draw verifiable conclusions from the data presented.

In reply to this it was stated that the paper was not intended to present a statistical analysis of results but there was a figure in the report that clearly demonstrated the improvements that had been made in reducing time to death.

There was also discussion whether some of these results could be explained by bad weather and presence of pack-ice.

We had also questions related to data collected on the sampling vessels and blood chemistry analysis. Blood chemistry analysis had been undertaken but there were problems because they change after the whale had died so the results analysed were of doubtful value, and to take the fresh blood samples would require a lot of effort by researcher and crew on the sampling vessels under difficult circumstances. There was a plan to continue to study blood chemistry of whale but it was uncertain whether it would be possible to submit new information for the next meeting.

It was also answered that for every year 30% of the whales are killed instantaneously. Norway confirmed that necropsy data was recorded similarly to in the Japanese hunt.

Appreciation was expressed at the steps Japan had taken to change from the electric lance as a secondary killing method and it was explained that on no occasion since the introduction of the rifle as the secondary killing method had the electric lance been deployed as secondary killing method.

Following on from this it was asked whether Japan could volunteer any information on the use of electricity to kill other cetaceans but in particular the Dall's porpoise, and Japan stated that it would not enter into any discussions on this matter as it considers small cetaceans to be outside the competence of the IWC. This issue provoked considerable debate. The position of Japan was supported by a number of countries, namely Antigua, Denmark and Norway, while UK and Netherlands questioned the position with UK wishing to have it placed on record that it did not accept Japan's decision that IWC does not have competence to discuss small cetaceans.

There was also here a discussion about what calibre should be used and since 9.5 mm calibre is used in the Japanese whale hunt and that was stated to be powerful enough to penetrate the brain of the minke whale, this would probably continue for some while to be the preferred calibre while there was interest in trying larger calibre rifles.

There was a question on time to death for the 1998/1999 season but the work there was just completed and an analysis was still ongoing.

There was a detailed question on the proportion of whales killed instantaneously, the number of whales killed by each method, time to death for each method and so on where Japan expressed concern that it was always being asked to provide such data and yet when similar requests had been made to other countries concerning terrestrial hunts no information had been provided. Requests had been made of Australia for kangaroo culls, Sweden for moose hunts and UK for red deer culls. Norway said that this had been their experience too. In reply UK stated that they were aware of the outstanding request and a working paper had been prepared and is now attached as Appendix 4 to this report. Sweden presented some data on the Swedish moose hunt and here I have to say that unfortunately the third line from the bottom there is some words that have been jumping around so the last two lines should read on page 8 "The main problem with the hunt is not time to death in seconds and Fernholm has not found any data directly related to that". The problem is considered to be those animals that escape after being shot at. In the Swedish moose hunt after a search after the first kills 2.9 – 4.5% of the animals are not found. Of these, an unknown proportion are probably not hit while the remainder presumably are wounded. Japan returned to the question to Australia on kangaroo culls where Australia said that they did not have any information to hand and it was recalled that a commitment had been made by the Australian Commission at the Kyoto meeting to provide such information.

### **93 INFORMATION ON IMPROVING THE HUMANENESS OF ABORIGINAL SUBSISTENCE WHALING**

The next paper to be discussed was WK4 under the heading Aboriginal Subsistence Whaling. We got a detailed history of the Eskimo Whaling Commission's work on improvement programmes since 1987. The results with a penthrite grenade are very positive. There is currently work on improvements to the hand-held darting gun and they are being tested and the results so far appear to be very positive. The bowhead whale hunting captain from Barrow assisted in a demonstration of the darting gun with the old and new barrels and with a replica of the penthrite grenade. Here the target was discussed and demonstrated, also

here the gross and histologic methods used during post-mortem examinations were described and questions were put here as well to time to death to be provided yearly, and the problems that occur in this hunt with difficult environmental conditions were pointed out but the desirability to have these data was agreed upon.

There has been this improvement from black powder projectile to penthrite projectile. It seems to have been accompanied by a fifty per cent more reduction in time to death, to kill but results from more seasons' were needed to make further assessments.

There was a question here as well about the secondary weapons used and it was explained that the darting gun with a thirty five fathom line and float attached is used as the primary killing method and could be fired more than once before the shoulder gun was used as the secondary weapon.

After this we considered the Greenlandic whaling and there were working papers 6,7 and 8 presented to us. These were presented for impact to .....

**Japan**

Chairman, point of order.

**Chairman**

Sorry Japan, point of order.

**Japan**

Thank you Mr. Chairman. Japan's views is that this matter is outside of the terms of reference of this Commission. I would strongly wonder why you allow the summary of the Report be conveyed taking such a long time. We have plenty of other agenda which is of vital importance. I urge to you to cut short this irrelevant agenda. Thank you.

**Chairman**

Thank you Japan. The Chairman of the Working Group has said he will make it much shorter.

**Sweden**

Thank you Chairman. So there were discussions as to the Greenlandic whaling in relation to the Revised Action Plan. Answers and questions were put. Greenland referred to their improvement programme on harpoon cannons. Also in this case there was a hunter, the Vice Chairman of the Hunters and Fishermen's Association in Greenland that reported on the killing methods used in the Greenlandic whaling. The discussion here centred among other things on the calibre used and it was agreed that some of the calibre may not be completely efficient in killing the animals. Again, upon request it was agreed to provide struck and loss data and some more detailed data to the next Working Group.

The following paper that was discussed was WK14 which is on the methods used in the Makah whale hunt. We had updated whale research data since 1997. The question here was mainly related to where to aim to kill the whale the quickest way. The Russian gray whale hunt was discussed after this and we were explained that basically young whales in the coastal waters were taken using first six to ten manual harpoons with attached buoys to slow animal movements and then the kill was performed using darting guns obtained from Alaska, rifles and sometimes special spears. There was also discussion here about, among other things, how many shots were used and a detailed questionnaire can be found as Appendix 5 - that was not discussed during the meeting.

Whaling in St. Vincent and the Grenadines - there was a short discussion on that. Here again we had no answers but a detailed list of questions is attached as Appendix 6.

From the Faroe Islands the same thing. We have a detailed Appendix 7 with questions that is to be forwarded to the Faroe Islands Government.

The following paper was WK5 which relates to euthanasia of stranded whales. This was a description from New Zealand on a method where a very big calibre projectile was used to efficiently kill large whales that were stranded.

Agenda item 8 - Assessment of Methods. I think I have actually covered most of the discussion items in the earlier papers. This is rather detailed technical details so I think one should pass that fairly quickly relating to tissue damage. Brain damage, question of whether a bullet kills even outside the brain. We had under this agenda item a Working Paper 3 which described criteria to estimate time to death. This is a very difficult area where I don't think technical details are of interest at this point.

WK1 was a paper related to a survey of the legislation on 53 countries as to the practice in slaughterhouses and there the question is whether and to what extent this is comparable to the hunt that is being undertaken on whales.

Agenda item 9 - Time to death and evaluation. Another paper WK15 which is related to the determination of better criteria for determining the time of onset of permanent insensibility in whales. These are also technical details discussed which have a rather complicated physiological details involved.

Agenda item 10 - Review and evaluation of relevant data. WK2. This was a paper analysing efficiency and humaneness of whale killing methods where the Japanese and Norwegian data was compared. Some of those data I have already referred to.

The important thing is Agenda item 11 where the Revised Action Plan on Whale Killing Methods was discussed and where we adopted the Revised Action Plan with the discussed changes, it appears in Appendix 8.

I think that essentially concludes my Report. Thank you Mr. Chairman

**Chairman**

Thank you Chairman, and can I say on behalf of the Commission we would like to thank you for taking over the Workshop at short notice and it was a very difficult to handle and thank you for that. St. Vincent and the Grenadines and then Norway. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. You will recall I was going to answer those questions as the Committee Chairman mentioned on Monday and you suggested to me I may better to do them all together but the answers are very short and I am perfectly prepared to make them right now.

**Chairman**

Sorry, I would prefer to leave it until Thursday if that is OK please. St. Vincent and the Grenadines

**St. Vincent and the Grenadines**

I have been getting an impression here and there as if I don't want to answer. I would prefer to answer them now.

**Chairman**

St. Vincent and the Grenadines, I asked on Monday that we would defer the discussion and the answers until Thursday until the agenda items on Thursday so I really don't want to get into that discussion now. Norway.

**Norway**

Thank you Mr. Chairman. In the Workshop on Whale Killing Methods some new material was presented by the whaling nations concerning improvement of hunting methods. However, the discussion tended to concentrate on issues that have been discussed several times before in preceding Workshops and in Working Group meetings. There is reason to remind Commissioners that delegates to the Workshop should have technical expertise in the field of this Workshop. We experienced that contracting parties sent



persons to this Workshop who engaged in discussions without knowing the most basic elements of whaling techniques. Interventions that we answered or refuted at preceding Workshops were repeated. This shows little respect for research done by hardworking scientists at the request of the Commission.

The presentations and discussions of the Workshop show that considerable progress has been achieved on hunting methods and killing techniques in several countries. In particular, Norway will commend the important work done to improve hunting equipment in Japan, the improvement of the harpoon guns in Greenland and the introduction of penthrite grenades and adjustment of the weapons for delivering grenades in Alaska. These achievements will both reduce time to death and, not the least important, improve the safety of the hunters. Especially we want to congratulate the hunters of Chukotka for the work they intend to do to improve the hunting of gray whales. Finally, I would like to commend New Zealand for the work they have undertaken on improving methods to kill standard whales. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. New Zealand.

**New Zealand**

Mr. Chairman, first I would to extend my delegation's thanks to those countries, particularly Norway who made information available for debate and discussion .....[END OF TAPE] were killed instantly in the Norwegian hunt and 70% did not die instantly in Japanese research whaling. These are unacceptably high figures and while we remain opposed to the hunts in question we must ask that every effort be made to improve their efficiency.

New Zealand is also disappointed at the lack of information provided on some of the aboriginal subsistence hunts that were discussed in the Workshop and in particular I note that there was no data collected nor even required for the number of bullets used or the time to death for the collective hunt undertaken for minke whales in Greenland. New Zealand has expressed its concern at the conduct of this particular hunt at previous meetings and it is a matter of regret for my delegation that there are apparently no plans to hold training courses for hunters to improve the conduct of that activity.

I also note that the information received by both the Scientific Committee and the Workshop regarding the Russian hunt suggests that this activity requires a great deal of attention and improvement. The use of dozens, in some cases hundreds of rounds of ammunition, from military rifles is not an appropriate way to conduct this hunt. Mr. Chairman, I do however wish to thank the Faroese on providing information on their pilot whale hunt although my delegation at the Workshop found it regrettable that there wasn't then anyone there to allow a discussion of that particular item.

Finally, Mr. Chairman, I wish to reiterate the commitment made by my delegation at the Workshop to collect and provide information required from the euthanasia of stranded cetaceans *in extremis* and I particularly acknowledge the comments made by the Norwegian Commissioner on that issue a moment ago. I would hope that some of the nations who are still involved in the hunting of cetaceans might in the future be able to provide more substantive information than was available this year. From our point of view it was a very constructive exercise and we thank the Commission for providing the opportunity.

**Chairman**

Thank you New Zealand. UK.

**UK**

Thank you Chairman. We can associate ourselves entirely with the remarks made by New Zealand and I won't repeat them. We do believe the Workshop was constructive and that some useful progress was made and we too are grateful for the delegations who provided information for the Workshop and, in particular, to Norway for providing comprehensive information on many aspects of its whaling operations.

I would like to confine my remarks now to two areas in particular. One is aboriginal whaling and as I said, I agree very much with what New Zealand has said there. We are disappointed that more detailed

information was not supplied as requested in Resolutions 1997-1 and 1998-9. We are aware of problems in these hunts and it is not always easy to collect data, but we do need reliable comparative and standardised data on issues such as times to death and the proportion of instantaneous kills. We are looking here for a co-operative effort to improve techniques and training. The United Kingdom does support aboriginal subsistence whaling but if there is to be continued support for this activity from the wider public we do all need to be confident that every effort is being made to improve effectiveness and the humaneness of these operations. New Zealand has outlined some of the problems and we do need to be sure that these are being addresses.

We were also disappointed that the Workshop did not address small cetaceans. We are, of course, well aware of the differing views on competence and our view is recorded in the Report, but it is particularly disappointing that information was not forthcoming on beluga and narwhal hunts given that they are contained in the Action Plan. We do need to bear in mind that large numbers of small cetaceans are taken in directed hunts and there is really no available information on issues such as times to death and struck and loss rates. There is also very little if no information on killing methods used and we have considerable doubts about the effectiveness and humaneness of many of the methods used. Like New Zealand, we are particularly concerned about the use of electric harpoons in Dall's porpoises. As many of you will recall a great deal of information on the use of electric killing methods has been made available to this Commission and discussed here and I would just remind delegations of one point that came up in our previous discussions, that the use of electricity for killing wild animals is absolutely prohibited under the Berne Convention.

In the Workshop there were requests for further information and I look forward to the information from St. Vincent and I am grateful that the Commissioner is going to supply that and I also echo what New Zealand said about information from the Faroese. We are grateful for the information we have received and we look forward to receiving answers to the further questions that were asked in the Workshop. Thank you Chairman.

**Chairman**

Thank you UK. I have got Denmark, Sweden and Brazil, Denmark.

**Denmark**

Thank you Mr. Chairman. I will not speak on Greenlandic issues, part of my delegations are much better equipped to do so. They are experts, they know it, they deal with it daily which I don't do. I will just give you one brief explanation and I appreciate the thanks given from two delegations to the Faroe Islands concerning the information which naturally is in accordance with the agreement made, adopted in the Resolution there. I simply would like to explain that an important reason for the Faroese not having been able to attend this meeting, two things, it is a very tiny administration which for the time-being is engaged in rather complicated negotiations in veterinarian aspects with the European Union and that naturally is more or less the same people and further at the end of last week there has been a high level signing agreement at Ministers level between Denmark, Faroe Islands and United Kingdom in Torshavn relating final solution to the dividing line between the Faroese borders and the waters of the United Kingdom so that will explain why they did not have possibilities to participate but I will address the thanks to the Faroese Home Rule Government. Thank you.

**Chairman**

Thank you Denmark, Sweden.

**Sweden**

Thank you Mr. Chairman. Generally I can associate myself with the remarks from Norway, New Zealand and UK that relates both to the thanks to the whaling nations for providing information and especially to Norway. It also relates to the critical views expressed by Norway on two many old arguments being repetitively used in this meeting as well as the request for more data especially related to the aboriginal whaling. Thank you.

**Chairman**

Thank you Sweden. Brazil.

**Brazil**

Yes thank you Mr. Chairman. Brazil would also like to welcome the Report of this Workshop and especially thank Professor Fernholm for the very fine job that he did there. We think that this is an area where there is a lot of room for co-operation between nations and we also thank all the countries where cetacean hunts are conducted for submitting information and willing to discuss this information in the Workshop regardless of the political stance they take about humane killing. Brazil thinks that this matter falls within the competence of the Commission and especially as we try to advance in discussions about the future of this Commission, we think that the humane killing aspects will have to be thoroughly considered and debated as we advance on that. Thank you.

**Chairman**

Thank you Brazil. US.

**USA**

Thank you Chairman. First Mr. Chairman, my delegation believes that this topic, humane killing, is totally within the competence of the Commission. However, Mr. Chairman, we were pleased to have participated in the Workshop on Whale Killing Methods last week. During that Workshop we provided substantial information on the improvements in the Alaska Eskimo and Makah whaling practices. In particular, Mr. Chairman, the penthrite grenade has shown promising results in improving the efficiency and humaneness of the bowhead hunt. Additionally, prior to the successful landing of its first gray whale, the Makah tribe trained extensively and undertook further studies of rifles in order to ensure the efficiency and humaneness of that hunt. Now, Mr. Chairman, we hear the calls for improvements in reporting information on time to death and other matters regarding humaneness. It is difficult under some circumstances to provide accurate information in these matters as these traditional hunts are conducted to ensure the safety of the crews and at the same time minimise time to death and suffering in these whales. Nevertheless, Mr. Chairman, the United States remains committed to continue improvements in the humaneness of its aboriginal subsistence whale hunts as well as sharing with the Commission information on the efficiency of its hunts where possible. Thank you Chairman.

**Chairman**

Thank you US. Can we now accept the Report of the Working Group? Japan.

**Japan**

Thank you Mr. Chairman. Our position is this issue of whale killing methods is totally outside the competence of the International Whaling Commission. Therefore our participation in the discussion in the Workshop or Working Group and our provision of data to the Workshop is purely on a voluntary basis and courtesy basis. Of course we are interested in reducing the time to death because there is no point to unnecessarily prolong the time to death, and reducing the time to death will serve the efficiency of our research activities. In that sense we highly appreciate the cooperation with other whaling nations especially with Norway in handling this issue. But again our participation is purely on a voluntary basis. In that regard we keep hearing the argument for more data and more information about the activities of whaling. It is whaling countries who are collecting data and it is whaling countries who will receive direct benefits from that analysis. Therefore the provision of data to IWC and to non-whaling countries are purely voluntary and on a courtesy basis and often times when we submit data those are misused or as Norway pointed out, even though we submit the new data discussion is always going around old issues which is already either solved or answered correctly. No whaling countries should be forced to provide data or information, to who neither collect data nor receive benefits from that analysis. And again if data and the information are to be used, as times we did see, only to criticise whaling countries the whaling countries should not be in a position to provide data. Of course, we are willing to submit data to our legitimate scientific forum on bi-lateral basis when we have a good cooperation so we open up the data but when the data will be misused we will not submit data. Our position was clearly stated last year too.

Furthermore, we have a concern that the discussion in this Working Group or Workshop or IWC in general is trying to extend into the real where the IWC does not have any jurisdiction. Like the discussion or request or small cetaceans or more emphasise on rather remote environmental issues. Again we are willing to cooperate with other whaling nations because we will have a benefit for us and we appreciate other whaling nations working together with us to handle this issue.

Last point, there is still maybe intentional misuse of, we quote, "humane killing" and this is highly subject concept. That definition, I know there is a definition in IWC, quite actually restricted definition but usual interpretation of this word is different from country to country, from culture to culture, and even individual to individual. I see many other countries violence or degree of violence or large degree of violence from our point of view is allowed. The term of violence or humaneness has very different meaning from country to country. A discussion on this subject therefore involves situation like where one country or one group of countries tries to impose it value to others. We have to always be very careful to conduct discussion on a purely scientific and technical basis when it is necessary. Thank you Mr. Chair.

**Chairman**

Thank you Japan. I have Russian Federation, Netherlands, Solomon Islands and Norway looking for the floor. Can we close the list at that because I would like to get this agenda item finished before coffee. Dominica. Sorry Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. Mr. Chairman we agreed to, first of all, because New Zealand Commissioner brought wrong information concerning Russia using military arms. On the Workshop of Whale Killing Methods, the Netherlands Commissioner was astonished by using of automatic guns and number of bullets utilised during catching process. Mr. Chairman, the same question was discussed on the Commission Meeting in Aberdeen. That is why my delegation would like to clarify a few moments of this chair. In accordance with the Russian National Legislation the automatic military guns used is prohibited for hunting including whaling. All Chukotka whalers use just hunter rifles. Then I remember in the Monaco Resolution of Humaneness of aboriginal subsistence whaling called up to provide technical assistance for the countries realising aboriginal whaling. I have to note that most states haven't done any step in this direction except Japan and Norway. In this connection I would like to inform about the Alaska Eskimo Whaling Commission giving some number of darting guns for Chukotka's whalers. The experienced whalers using the darting guns are able to kill the whale by one or three shots. At the same time I have to recognise that there are not enough experienced whalers or at some aboriginal whalers that is why sometimes the number of bullets utilised may exceed hundreds. But the most part of these bullets were utilised like control shots because gray whale is very aggressive animal. This year the Alaska Eskimo Whaling Commission is going to give darting guns more and to organise the training seminar to seventy Chukotka whalers. They are sure that this seminar will give positive effect. However, Russian Federation fulfil a recommendation for humanitisation of aboriginal subsistence whaling accepted in Monaco and the call to up the part of the Monaco Resolution concerning technical assistance to the states realising aboriginal subsistence whaling. Thank you Mr. Chairman.

**Chairman**

Thank you Russian Federation. Netherlands.

**Netherlands**

Thank you Chairman. First of all a general observation. I would like to congratulate the Chairman and the participants of the Whale Killing Workshop for what they did. Reading the Report gives a very good overview of various issues that are highly relevant to the humane methods of killing whales. We think that the Report shows that certain amount of progress has been made here and we look forward to a continuing work on these issues. I would like at this point to highlight a few items that have emerged from the Report and that certainly draw the interest of my country.

As you will remember in the previous Workshop in Dublin it was recommended that better criteria should be developed for timing the onset of permanent insensibility in whales that have been caught. In the Report of this year's Workshop I think it shows that there was rather general agreement among the participants that

the present IWC criteria in this respect are not satisfactory, are not satisfactory for accurate determination of unconsciousness or death. Our expert at the Workshop introduced a discussion paper which aimed at the need to submit data of behavioural observations and tests of cranial nerve reflexes. The idea behind this was the hypotheses that these days I would provide more clarity about whether the whale caught is indeed unconscious and not for instance only paralysed. Although the relevance of these parameters is widely accepted in medical and veterinary practices in related research. It appears that in the Workshop no consensus could be reached even with regard to the relevance of testing cranial nerve reflexes. It is our opinion that observation and tests of this kind are very important for properly determining irreversible unconsciousness and improvement of killing methods. We will therefore feed the result of the Workshop back to interested scientists and scientific fora in order to promote further discussion in this field. My country will also support the development of protocols for describing the dying process in beached cetaceans, small and large.

We welcome the information that was provided in the Workshop by different delegations on the issue of humane killing in relation to aboriginal subsistence whaling but I must say that we regret the lack of clear information about the reduction in suffering and we have some serious problems with the use of rifles that are too light to kill without prolongation of suffering. We have at the Workshop noted a significant difference in the data provided between the percentage of immediate kills in the Norwegian hunt as compared to the Japanese operations. We note that Japan had identified weather and sea conditions as explaining these differences and in our opinion it would be useful for further discussions on this to have available more data on whether visibility and sea conditions in relation to the number of whales killed instantaneously and time to death. So we may come back to that later.

These were my comments. Thank you Chairman.

**Chairman**

Thank you Netherlands. Solomon Islands.

**Solomon Islands**

Thank you Chairman. First of all I would like to thank the Chairman for producing the Report to us this morning. I would ask Mr. Chairman Sir that perhaps in future the presentation should be made in a summary form rather than reading from the Report because it takes a lot more time here than giving time to the debate on the substance of the Report.

Let me now turn to the topic under discussion. My delegation feels that regulating the methods of killing does not take into account the factors such as diversity and cultural practices, weather conditions which could determine the life or death for the crewman involved. Secondly, my delegation also views that regulating the method of killing is one way of imposing one's value on others.

Thirdly, regulating the method of killing does not appreciate nor accommodate the cultural practices that have been passed down particularly in our part of the world. It has been passed down from generation to generation and I think that this is an important factor that should be taken into consideration. While, of course, we appreciate the views expressed for and against this topic. We believe that there is clearly a need for further co-operation in this area. We are also pleased to note that there is general willingness amongst interested parties to cooperate in finding a mutually acceptable method. Of course, taking into account cultural practices of island coastal communities. I say this because some cultural communities engaged in whaling activities may not necessarily have access to the methods that we are talking about and therefore they have a practice that has been passed down to them from generation to generation and I think that the Commission has a responsibility to appreciate that and also respect also this particular aspect because to us that is a value in our practices and traditional way of doing things and so I think that whatever method is used decided upon it should take into account the views of island coastal communities, the practice that we perhaps passed on to us may not necessarily be acceptable to the others on the other side of the spectrum and I think it is important that that respect is mutual. Thank you Mr. Chairman.

**Chairman**

Thank you Solomon Islands. Dominica.

### **Dominica**

Mr. Chairman I wish to support the views just echoed by the Solomon Islands that we need to respect the culture of different countries and many times the methods which were developed for hunting and fishing have been passed down by many generations and what we are seeming to do, we are working towards satisfying the needs of ones of some dominant nations by adopting a very subjective matter because humane killing is very subjective. In one community the use of a spear might be inhumane and in others the use of guns might be inhumane. So very subjective depends on the cultural development of the community. Dominica also supports Norway in that people attending these Workshops should really be competent to discuss the matters because many times people go to the Workshops and they are only there to sit and criticise or try to break down the scientific information that is provided. Mr. Chairman, once again Dominica would like to say that the hunting of small cetaceans is outside the purview of IWC and the management of small cetaceans and other small island states traditionally our fishermen sometimes kill small cetaceans and would not like that to be regulated by the IWC.

### **Chairman**

Thank you Dominica. Have I any other speakers before I give the floor to Norway and Denmark for second interventions. Seems not. Norway please.

### **Norway**

Thank you Mr. Chairman. The distinguished Commissioner for New Zealand in his intervention said that as much as 40% of the whales killed in the Norwegian hunt do not die instantaneously and that this number to him or New Zealand was unacceptable. I think we discussed in detail these numbers and in the Workshop and there is a reference to the discussion towards the bottom of page 21. The main point is that this death criteria which we have used when we state these numbers are very strict and we think that better criteria would give much lower number of whales which do not die instantaneously, or at least are not unconscious after being hit by the grenade harpoon. However, estimates from studying the behaviour of the whale and also performing some post mortems of whales afterwards is that between perhaps 10 or 15% of the whales are really not dead and conscious after they have been hit by the harpoon. Of course, this is something which needs to be studied and that is why we have embarked on a research project to study the behaviour of the whales after being hit by the harpoon, and Dr. Øen in collaboration with a neuropathologist will study the histology of brains of these animals after they have been lanced. So we hope that this kind of research will provide better information in the future and better death criteria or hopefully criteria of unconsciousness which in itself will reduce the number considerable from the 40% which is given in the papers down to perhaps 15 or 10 %.

The distinguished Commissioner of the Netherlands offered repeated claims which were made in the Workshop that tests of so-called cranial nerve reflexes would provide information in this context. I must say that when we in our first intervention referred to persons who did not have the basic knowledge of whale biology or hunting methods we were referring to these kind of interventions which are being referred to by the distinguished Commissioner of the Netherlands.

What has been suggested is that we in the hunting situation should go down in the water, touch the cornea of the eye of the animal and see whether it blinks; we should put some object into the anus of the animal and see whether the anus contracts; we should put something into the blow hole of the whale and see whether we get any response. These kinds of suggestions are ridiculous.

Norway claims we already have in the Norwegian hunt a very efficient hunting and this is due to development during the last twenty years. The development was originally started, initiated by Japan when they first started the development of their harpoon grenade, but during most of these twenty years the initiative has been in Norway and Dr. Øen has been the main person responsible for the improvement, and as you can read from the Workshop Report he is also has been involved in improving or trying to help hunters in other countries and Norway will be glad to offer help also in the future, and particularly I know that Dr. Øen is discussing with many of the hunting people around the world in how their methods can be improved and we will be happy to help also in the future.

Suffering in animals is difficult to quantify but to make a rather blunt statement at this point. We think that the hunting we are doing, the way we hunt whales in the Norwegian minke whale hunt, is better than hunting of large terrestrial animals, most of what is going on in the rest of the world. I think that was illustrated in this Workshop from the data presented by Sweden and UK on the hunt of elk in Swedish forests and red deer in Scotland. We claim that it is better than hunting methods carried out as far as we have seen in published data, it's better than all other hunts except perhaps the hunt of impala in South Africa and the killing of harp seals perhaps by Norwegian sailors. These two hunts have better results than the Norwegian minke whale hunting.

If we compare with slaughtering as is also suggested in the Workshop, we think that we have less to bring in the animals than all slaughtering processes going on in cattle, pigs, sheep as they are slaughtered today, because you have to take into consideration also the suffering of the animals when they are taken from the farm and brought to the slaughter houses and during the slaughtering process, and when all this is taken together our minke whale hunt is among the best killing of animals for human consumption you have when you consider slaughtering and when you consider hunting of large terrestrial animals.

One final point. During this Workshop and also in the last Workshop in Dublin, papers were presented which could perhaps be developed into scientific papers and published in scientific journals. On page 22 of the Workshop report under agenda item 12 - Any Other Business, I propose to the Workshop that scientific papers on technical improvements and killing methods such as those currently presented to the Workshops on Whale Killing Methods could be submitted for publication in the new Journal published by the IWC so it was not any agreement in the Workshop on that issue but Norway would like to raise the issue as a topic for the full Commission. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Could I ask that delegations not make personal references please. It is probably not helpful to the atmosphere. Denmark and then the Netherlands.

**Denmark**

Thank you Mr. Chairman. I will make no personal references. Let me simply shortly state that Denmark recognises that the International Whaling Commission in the beginning of the 80s adopted or set down a Committee to deal with whale killing methods. It was based on the creation of a regime for aboriginal subsistence hunt and we fully accept that as long as we are talking about large baleen whales naturally. But having said that, I think we have some conflicting points of views here that I will now take your attention to aboriginal subsistence whaling. It has been stressed upon by many that you should respect cultural differences. I will also say that I think we have a basic contradiction, maybe even at present a dilemma, within this organisation, that is on the one hand someone demands that aboriginal subsistence whaling shall be more or less without any money and as old fashioned and primitive as possible taking place in discretion, and on the other hand you demand them to use satellite tracking system and so on to maybe save a little in a little extreme manner. I think you may choose between those two things, you cannot have both, it doesn't make sense. It was clearly described in the aboriginal subsistence whaling group, I think it was that for ordinary hunters in north-west Greenland alone, the cost of a gun equals to six months income for hunters. That is a real lot of amount of money. Now I think you must take consideration that is very different circumstances in which aboriginal subsistence whaling takes place. You may jump into the water out of the coast of St. Vincent and the Grenadines or here in Grenada and that is a pleasant surprise but I will strictly warn you not to jump into the water outside the coast of Upernavik in northwestern Greenland because you are very likely to loose consciousness within fifteen or twenty seconds and that would be the end of your life, so thank you Mr. Chairman.

**Chairman**

Thank you Denmark. Netherlands.

**Netherlands**

Thank you Chairman. I would like to say that what counts is the relevance of the data on cranial nerve reflexes. I think in response to what has been said by Norway that it is rather easy to make this sound ridiculous by citing primitive methods that cannot be used in normal whaling operations. Suffice to say,

Mr. Chairman, that there are situations, for instance, when whales get stranded, where tests can be carried out that are not usable in whaling operation conditions. Further I think that when we have to conclude that certain methods are primitive then I think that it is important to strive to look for ways to determine better ways of getting the data that we want, and finally I think what is really crucial, or is really relevant in this respect is that we get agreement on the relevance and the need for certain criteria for determining irreversible unconsciousness and time of death. Better criteria than we have now. Thank you.

**Chairman**

Thank you Netherlands. Can I now accept the Report noting the comments? We will come back after coffee break and take the proposal from Norway and the UK resolution under 9.5. We have some other items to go through as well. If that is OK we will adjourn for coffee and back at 11.30. Thank you.

*[COFFEE BREAK]*

**92 NAME OF THE WORKING GROUP**

**Chairman**

.....as agenda item 9.2 - Humane Killing, name of the Working Group. Last year we had a very exhaustive debate and I think a very exhausting debate on this topic. I wonder is there any need to debate it again or could we just retain the present name? I see no comments, can we retain the name? Japan.

**Japan**

Thank you Mr. Chairman. As I stated during my previous intervention we oppose to use the name Humane Killing for this item. The Humane Killing word is very problematic and again this is highly subjective concept and often this word is used to ignore the culture or tradition or differences of opinion or imposing the value to others. Therefore we propose to change the name from Humane Killing to Whale Killing Methods. This should be accepted because already the name of the Workshop has been changed to Whale Killing Methods. Thank you.

**Chairman**

Thank you Japan. I see lots of speakers. I have got France, Norway and Antigua and Barbuda. France.

**France**

Thank you Mr. Chairman. We also last year spoke about this question in the meeting and we proposed to change the name and I think in fact the name that has been chosen for the Workshop was a result of this debate. We continue to think that it would be a good step for the Commission to change this name and to have a more neutral title for those activities about this subject which we consider very useful and very important of course. Thank you very much Mr. Chairman.

**Chairman**

Thank you France. Norway.

**Norway**

Thank you Mr. Chairman. I just want to associate myself with the intervention made by Japan.

**Chairman**

Thank you Norway. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Antigua and Barbuda would also like to associate itself with the recommendations that are made by Japan.

**Chairman**

Thank you Antigua and Barbuda. Can I take it that it is acceptable to the group to change the name to Whale Killing before I give the floor to Denmark? Denmark



**Denmark**

Thank you Mr. Chairman. I think this sounds like a good suggestion.

**Chairman**

UK

**UK**

Thank you Chairman. Well we do have some difficulty with simply Working Group on Whale Killing Methods. I know this is the name of the Workshop although the Workshop was always known traditionally as the Humane Killing Workshop and it was, as I recall, only after sometime that people noticed that technically it's title was something different. We do continue to attach importance, well we attach importance to the word humane, we attach particular importance to the concepts implied by that term. I think it is totally wrong to suggest that those concepts are in some ways unique to one culture, they are general concepts, the application may differ. In some areas it is possible to achieve more humane killing methods than in others and we accept that. By humane we mean methods which cause the minimum of pain and suffering, and we must accept that what we are aiming for is the very minimum. The ultimate aim would be instantaneous death and in scientific terms this may be impossible, but we must reduce pain and suffering to the minimum and we must make sure that in doing so we do take account of the practical considerations, but we do not regard practical considerations as somehow preventing us taking appropriate action. As I said, we would like to retain the name humane, the language of this convention is English, the word humane in English has a very clear meaning, a well understood meaning. However, we have had this debate for a number of years and we will not insist on retaining humane in the title but we do want some acknowledgement that in considering whale killing methods we are considering them with the objective of improving their humaneness, and we would suggest that for that reason that an alternative might be the Working Group on Welfare Considerations of Whale Killing Methods, so you insert on welfare considerations before whale killing methods. Thank you Chairman.

**Chairman**

Thank you UK. US.

**USA**

Thank you Chairman. My delegation believes that improvements in the effectiveness and efficiency of all whaling techniques should be a ultimate goal of all whaling operations. Furthermore we believe the review of the humaneness of these techniques is fully within the competency of the IWC. We note that the 1992 Resolution on Humane Killing which put forth the eleven point Action Plan urged members of the IWC to continue to promote the development of humane killing methods. It is important to us that the term humane be kept in the name of this group. However, we just heard the proposal from the UK delegation and will consider that, but whatever it is called it is important to us and indeed imperative that the Working Group continue to promote the development of humane killing methods. Thank you Chairman.

**Chairman**

Thank you US. Australia.

**Australia**

Thank you Chairman. Australia's view is very similar to that outlined by the UK. Our strong preference would be to retain the current title of the Working Group but clearly from the debate over more than one year in this body there are a number that find that unacceptable. We think the alternative suggested by the UK is a sensible one and would support it, but under any circumstances we consider that the remit of the Working Group must include consideration of issues of the humaneness of the kill. Thank you Chairman.

**Chairman**

Thank you Australia. New Zealand.

**New Zealand**

Mr. Chairman, New Zealand's preference would be to retain the wording that we presently have but like the UK and Australia we would be prepared to accept the modification that has been suggested by the UK and would support it accordingly.

**Chairman**

Thank you New Zealand. We have a compromise proposal by the UK which suggests that the title should be Working Group on Welfare Considerations of Whale Killing Methods. Would this be acceptable to Japan?

**Japan**

Thank you. We cannot support that proposal.

**Chairman**

Japan you do not support?

**Japan**

We do not support the UK proposal.

**Chairman**

Thank you Japan. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman, I note the concerns of the countries which are opposed to using the name whale killing. I think there seems to be a clear indication that these countries are beginning to tell us that there is hope at the end of the day that there will be whale killing in the future and they are concerned that we would kill these whales in a manner that is inconsistent with their ways of seeing humane killing, or the way that animals are killed or the way we deal with human beings. Chairman, if we are to concern ourselves very much with the way in which we kill the animals maybe we may consider the name of Whale Harvesting Methods which might satisfy them because we will harvest it one day. Thank you.

**Chairman**

Thank you St. Lucia. Denmark, can I just hold you for a moment please, you are on a second intervention. Can I just ask would the proposal by St. Lucia be acceptable to the UK? Whale Harvesting Methods? No. Thank you. Denmark.

**Denmark**

I think the more complicated you create a name or describe the name, the more the likelihood that you cannot reach any agreement because someone has some opinion about humane and in Denmark welfare is a very positive term but it has something different to do with quite different aspects of life, so I will simply repeat that my opinion is support for the word whale killing and I am sure that words like humane and harvest and whatever it is welfare will be mentioned in future reports maybe hundreds of times so we won't miss this nice wording so I think you should stick to the whale killing thing. Maybe you could put it on a vote? Thank you.

**Chairman**

Thank you Denmark. Antigua and Barbuda I am sorry I thought you had signalled you didn't want a second intervention but please take the floor.

**Antigua and Barbuda**

Thank you Mr. Chair. Mr. Chair, perhaps we should try to strive for some consistency here. Only yesterday when we were debating the matter of the whole question of observers and the whole question when should an observer be discredited from the organisation. The United States revised a Schedule proposal, Rules of Procedure proposal, stating that they need to be more general and wide, that is why they tried not to have in that revised proposal the whole question of specific legal conditions and so forth but a

more broader thing. Coming back to this issue this morning Mr. Chair, I think whale killing methods provides us with a great opportunity to have a wider scope than using the word welfare, we will limit ourselves to practically looking at welfare conditions. How about the cultural conditions, what if I want to ask if we can change it to the cultural conditions of whale killing? You know, so I would suggest that we leave it general whale killing methods and then we can encompass everything in our debate in the future.

**Chairman**

Thank you Antigua and Barbuda. France.

**France**

Thank you Mr. Chairman. I would accept the proposition made by the United Kingdom to take the wording welfare considerations. Thank you.

**Chairman**

Thank you France. Switzerland.

**Switzerland**

Thank you Mr. Chairman. We have seen that the word humane may give some problems to some countries that are not English speaking and we have listened carefully to the suggestion by the United Kingdom which we could also agree with, but since there seems to be problems also with that one why couldn't we change, just let the word welfare in the title but say whale killing methods and pertaining welfare issues? Thank you Mr. Chair,

**Chairman**

Thank you Switzerland. We have another proposal that the name should be Working Group on Whale Killing Methods and Pertaining Welfare Issues. St. Vincent and the Grenadines and then Solomons. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Mr. Chairman, I don't think we should have a judgement or an implied judgement in the title. We should keep it general and any judgements will then follow when the various discussions in the committee meeting. It would be a pity for us to have a problem over what is basically a simple matter like this where most people are pretty well in agreement by insisting that something of a judgmental nature goes into the very title of the Committee. People may feel bound therefore in attending that Committee by what they see as something binding them to particular judgement.

**Chairman**

Thank you St. Vincent and the Grenadines. Solomons.

**Solomon Islands**

Chairman, thank you. The Solomon Islands would like to associate itself with the comments that have been made by the last speaker. In fact if we want to take that discussion further, I referred earlier on cultural diversity. In fact when you consider this in the light of different cultures that are gathered here today there are different names for it. I think what the distinguished delegate from the United Kingdom has been saying is basically to suggest one name for this. I mean killing is killing whatever way we look at it and I think a spade should be called a spade and I think, as I said, the names and description labels we put on these methods sort of vary from one culture to the other, so you know, why can't we accept the name that is there and leave it to the different cultures to interrupt it because the name that has been suggested to our delegation it is a matter of opinion. It doesn't really remove what we are talking about. Killing as I mentioned before is killing. Thank you Chairman.

**Chairman**

Thank you Solomon Islands. UK.

**UK**

Thank you Chairman. I think we need to put this debate in context. We need to remember that the name of the group at the moment is the Humane Killing Working Group. Its primary focus is on Humane Killing. Now in the debates we have had on this issue there are two differing views on why humane is inappropriate. One view is that that is being expressed here by Japan and a number of other countries that we should not be looking at issues relating to the humaneness of killing methods. Japan has expressly said they think it is outside the competence of the Commission. Most countries disagree. There is the second view which fully accepts that issues to do with welfare, humaneness, whatever you call it are appropriate for this Commission and should be the primary focus of the Working Group. As far as that Group is concerned the problem with humane is primarily linguistic. It seems to me what has been happening here is that the first group has been taking advantage of linguistic hesitations raised by the second group to secure a fundamental change in the nature of the group, and that is what we are opposing and is not judgmental to try and retain the fundamental nature of this group which is why we feel very strongly that we need the reference to welfare. I think the suggestion from my Swiss colleague is a helpful one. I would suggest one change. We might call it the Working Group on Whale Killing Methods and Associated Welfare Issues. It is a bit of a mouthful but it is covering the ground. Thank you Chairman.

**Chairman**

Thank you UK. I propose to proceed. We've got four different suggested names for this Working Group. I don't think we can go backwards as we usually do with Resolutions and take the amendment from the previous ones. I propose to proceed by putting to the meeting the proposal by Japan to change the name to Whale Killing and then go down through each name until we get a majority. Is that OK? Sorry if I can just explain it again. The first proposal is from Japan to change the name to Whale Killing Workshop, second proposal was from the UK to change it to Working Group on Welfare, I can drop that one now can I UK? OK. I have got from St. Lucia to change the name to Whale Harvesting Methods – OK, we can drop that one, good. So we are down to two. Either Whale Killing Methods or Whale Killing Methods and Associated Welfare Issues. Could Japan accept that last formulation, with 'and Associated Welfare Issues'? No. OK. Well then I will put to the vote the proposal to change the name of the Workshop to the Workshop on Whale Killing Methods. Secretary.

Antigua and Barbuda - point of order.

**Antigua and Barbuda**

I am not sure that I fully understand the suggested name that is being put forward by the distinguished delegation of the United Kingdom. I was wondering when you say associated welfare issues is it associated welfare issues dealing with the users of the resources or the resource itself.

**Chairman**

I would suggest all of them. Can we proceed with the vote? St. Vincent and the Grenadines.

**Antigua and Barbuda**

Yes Mr. Chair, I just wanted to be sure exactly what we are voting on. Now doesn't it go in a little bit far and getting absurd to vote over a thing like this?

**Chairman**

Personally I agree but this is the will of the Commission. There is no agreement on the name of the Workshop so ....

**Antigua and Barbuda**

We can't even agree in here to put Whale Killing Methods you have to put something else and then go to the vote on that, what kind of Commission is it?. Can I ask then what exactly, in case I don't vote yes or no the wrong way, can you please tell me exactly what it is we are voting on? Is it the amendment now or what?

**Chairman**

I will ask the Secretary to explain the vote.

**Secretary**

Mr. Chairman, we are in plenary session to consider changing the name of the Humane Killing Working Group. We have two proposals on the floor. One put forward by Japan to call it the Whale Killing Working Group. There is a second proposal to call it the Working Group on Whale Killing Methods and Associated Welfare Issues. These are two proposals and we will vote on them in the order in which they were put forward so we will vote first now on the proposal put forward by Japan to call it the Whale Killing Working Group. In other words just to change the one word of humane to killing. The roll starts at Spain - no; Sweden - no; Switzerland - no, UK - no; USA - no; Antigua and Barbuda - yes; Argentina - no; Australia - no; Austria - abstain; Brazil - no; Chile - no; People's Republic of China - abstain; Denmark - yes; Dominica - yes; Finland - no; France - no; Germany - no; Grenada - yes; Ireland - abstain; Italy - abstain; Japan - yes; Republic of Korea - abstain; Mexico - abstain; Monaco - abstain; Netherlands - no; New Zealand - no; Norway - yes; Oman - abstain; Russian Federation - abstain; St. Kitts and Nevis - yes; St. Lucia - yes; St. Vincent and the Grenadines - yes; Solomon Islands - yes; South Africa - no.

Mr. Chairman, there were ten votes in favour, fifteen against with nine abstentions and so that proposed change of name is not adopted. We move to the second proposal which is to call it the Working Group on Whale Killing Methods and Associated Welfare Issues. This is the proposal .....

**Chairman**

Japan.

**Japan**

Thank you Mr. Chairman. To Japan's view I think the voting for the first proposal is sufficient and we don't foresee any necessity to proceed with voting on the second one and if voting is taking place I think it takes time and unnecessary split would be showing up again so Japan would like to seek understanding that we should not, we should refrain from voting on this matter. However, Japan would not like to hide our objection that we would not accept this terminology of the naming of the Working Group but we would not necessarily, you know what, would like to see the voting be taking place that is as far as Japan's objection is clearly recorded we would not want to see the voting taking place. It is up to the floor.

**93 INFORMATION ON IMPROVING THE HUMANENESS OF ABORIGINAL SUBSISTENCE WHALING**

**Chairman**

Thank you Japan for your co-operation. We will note your objection and I can take it then that the name as read out by the Secretary is accepted by majority with objections noted. Thank you. Can we move on to agenda item 9.3 which is Information on Improving the Humaneness of Aboriginal Subsistence Whaling and my understanding is that this has already been incorporated in the Report of the Workshop so can we pass on with that item? Thank you.

**94 OTHER MATTERS**

**95 ACTION ARISING**

9.4 - Other Matters. Are there any other matters? No. Agenda item 9.5 - Action arising and I have two proposals here. One is a proposal from Norway which arises under item 12 - page 22 of the Workshop Report and can I give the floor to Norway on this one?

**Norway**

Thank you Mr. Chairman. It is referred to in the Workshop Report on page 22, first paragraph under 'Any other business' and the proposal was that the Commission should accept that papers concerning, involving scientific papers on technical improvements in killing methods and in the relevant biology such as those that are currently being presented to this Workshop and the previous Workshop. If they are of sufficient scientific standard and of course subject to referee treatment etc as is usual in scientific journals, they should be considered for publication in the new journal that is now being published by IWC. That is our proposal.

**Chairman**

Thank you Norway. Are there any comments on this proposal by Norway? Australia.

**Australia**

Thank you Chairman. This seems to us to be an eminently sensible proposal and we would like to support it.

**Chairman**

Thank you Australia. Are there any objections? In that case that's agreed.

Can I move on to a Resolution which is in document IWC/51/44 Rev sponsored by Austria. Australia thank you.

**Australia**

Thank you Chairman. There are a number of other countries that have asked that their names be added to the list of sponsors of this Resolution. With your new guidelines on when these matters have to be submitted, we were under some pressure yesterday to finalise this and get it in. We did have the opportunity to consult with a number of other countries on the drafting, not all countries unfortunately, but I think we have a text for this Resolution which is generally acceptable. We have earlier this morning a fulsome Report of the Workshop that was held over three days last week, we've heard a range of views about the success and to some extent people's disappointment that issues weren't raised. Australia, as a number of other countries mentioned this morning, had a number of concerns, disappointments perhaps, that relatively little data on aboriginal subsistence hunts was provided to the Workshop and clearly in our view we would like to see more of this material where it is possible to get that material presented in future. We do understand the difficulties involved in obtaining hard data from hunters of that sort.

There are a number of issues highlighted in the Workshop which indicated progress in a number of areas. There were also a number of areas where it seemed relatively little progress had been made. For example, the data on the Japanese hunt suggested that over the past ten years or so there really hadn't been any change in the percentage of whales killed instantaneously. There was a suggestion also that those low numbers of instantaneous kills maybe a result of sea state and bad weather and I think it would be interesting to see that relationship explored in somewhat more detail.

However, the Workshop has provided, on its last page in Appendix 8 of its Report, a Revised Action Plan on Whale Killing Methods and the purpose of this Resolution, Mr. Chairman, is to commend the Report of that Workshop and accept the eleven point Action Plan as a basis for advice to members of the IWC. We are aware that some countries have some reservations about some aspects of the Action Plan but we would hope that those are not sufficient to prevent the adoption of the Action Plan by consensus. Thank you Mr. Chairman.

**Chairman**

Thank you Australia. Are there any comments on this Resolution? Japan? Sorry Netherlands, St. Vincent and the Grenadines and then Japan.

**Netherlands**

Thank you Mr. Chairman. We think that this is a good Resolution and we would like to co-sponsor it. I note that the Resolution encourages the submission of a range of data to the Annual Meetings of the Humane Killing Working Group which will have another name now we have just decided, and in view of the relevance of whether sea conditions in relation to time-to-death we would appreciate it if countries submitting data such as the data mentioned under operative paragraph 2, they could, where possible, also include information on weather and sea conditions correlated to time to death. Thank you.

**Chairman**

Thank you Netherlands. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Yes Mr. Chairman I was just wanting to make it clear, my country had never really taken part in that Committee work, especially when it was called Humane Killing. We might have been inclined to take part now if it was called Whale Killing Methods but with the additional appendage of welfare I don't know that we will be taking part and I would not want to state or leave the impression that we feel ourselves bound by what is in this Resolution. As and where we may answer questions, we do so voluntarily, not by being bound and so therefore if this goes to a vote we will not take part.

**Chairman**

Thank you St. Vincent an the Grenadines. Japan.

**Japan**

Thank you Mr. Chairman. Japan participated positively to the Workshop because that is the forum where scientific and technical discussions and considerations would be made constructively. However, it is another matter when these matters will be treated as a Working Group under the Technical Committee of the IWC. In the past, for the Working Groups, we have provided the data as has been requested and we exerted great effort and went to great trouble to collect data and then we provide valuable data and the value of the data we provided to demonstrate it as well. However, even though despite our efforts to provide such data, those data were used with malice quite often and that was used against us, against our legitimate whaling activities, either to apply pressure upon us or to force us to stop our activities and we are afraid that such attitude, malice, is likely to continue in the future against our sincere efforts.

As shown here in this document 44 Rev, there is a word 'humaneness' used which entails subjective connotations and so that would imply that actually entail the issue of the cruelty of killing the whales or maybe killing the animals on the whole, so that entails that kind of subjective elements. I think that some people, or actually many people, believe that killing animals in general is cruel and I think that kind of concept or thinking is correct. So when the data based on the physical aspects or the objective grounds are submitted to such Working Groups the major judgement is still made based upon subjective elements and subjective judgements are passed and so if that happens, even though we continue to try to have the earnest and serious effort at the Working Group, our effort of cooperation seems to be sort of wasted and used against us, and so I think the IWC should maybe shift its focus to more important areas of its priority in conformance to what is stipulated by the Convention itself in the priority areas, namely expeditiously complete the RMS or complete the stock assessment so that the IWC should dedicate itself to its inherent mission, task, namely to set the catch limit.

However, Japan is a responsible nation and therefore we will continue to make efforts to try and shorten the time to death and the resultant data of our research and efforts will be provided on a voluntarily basis and those parties who wish to have access to such data, if they contact us we are willing to provide such data. However, to those we provide the data we would not include those persons or entities which will misuse our data. In any rate I believe that this Resolution, it tries to deviate the IWC's focus away from its inherent, it's supposed to do missions and tasks. Actually it tries to disregard its inherent task and tries to deviate its focus and therefore I believe that this Resolution is outside the terms of reference of the Convention itself so we do not participate in voting concerning this Resolution. Thank you.

**Chairman**

Thank you Japan. Denmark.

**Denmark**

Thank you. Denmark on behalf of Greenland have several comments to the submitted Resolution arising from the Workshop on Whale Killing Methods. As St. Vincent and the Grenadines and Japan stated, I announce Denmark is not going to participate in the voting and the reason is that Denmark thinks that the requested information in the Resolution is out of common sense. However, I will comment on the first preparative paragraph which is dealing with the eleven point Action Plan which Greenland on behalf of Denmark have reflected on since 1995, except on point nine which encourages the incorporation of data collection and reduction of struck and lost rates in initiatives in Greenland relating to the beluga and

narwhal hunts. In this regard Denmark's position is very well known in this body that Denmark does not recognise IWC competence on small cetacean issues and will consequently not provide such information.

During the IWC Humane Killing Working Groups and Workshops on Whale Killing Methods the Greenland Home Rule Government through Denmark has reported on its work in Greenland Action Plan on Hunting Methods. Since 1987 Greenland Home Rule Government have submitted more than twenty documents dealing with the issue. Some of the documents have very detailed information on methods and equipment used. Throughout history Greenland hunters have adopted new whaling equipment and practices to meet nutritional and cultural needs and to ensure that hunts are as safe and effortless as possible. This flexible pragmatic approach has long been part of sustainable development strategies in Greenland. Equipment used in whaling today includes the harpoon cannons, penthrite grenades, fishing vessels, high calibre rifles, walkie talkies and skiffs equipped with outboard motors. Use of this new technology is not without costs however. They place additional demands on hunters and resource managers like economic demands from cost of purchasing and maintaining new equipment, demands for additional training regulation and monitoring, and cultural demands as older hunting traditions are transformed to incorporate new equipment and practices.

In the proposed Resolution arising from the Workshop on Whale Killing Methods before the Commission it demands to submit very detailed information. Some of them are already given every year and some will be very difficult to collect because in Greenland we are dealing with 71 vessels and about 565 skiffs and that means about 1200 persons involved in the whaling activities from 16 municipalities and more than 60 settlements.

In conclusion Mr. Chairman, Denmark has always been, and will continue in doing so, willing to provide available information given by the hunters. Some of the information might not be possible to collect because Greenland have not capable veterinarians or because the requested collection of data during the operations might disturb the whaling operations especially from operations in small vessels and skiffs. The hunters do not hold a stop watch during the hunt, they are holding their harpoon cannons and rifles. Discussions in the Whale Killing Workshop and some statements today requesting like 'check if the whale is unconscious' it is to request the hunters to jump in the water and this is a request that will not be given to the hunters ever due to the safety so Mr. Chairman, Denmark is not going to participate in the voting. Thank you.

**Chairman**

Thank you Denmark. Are there any other speakers? St. Lucia.

**St. Lucia**

Thank you speakers. Just to say that St. Lucia wishes to associate itself with the position of St. Vincent and the Grenadines.

**Chairman**

Thank you St. Lucia. Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman, Dominica associates itself with the position of St. Vincent and the Grenadines and won't participate in any voting on this issue.

**Chairman**

Thank you Dominica. In that case if there are no other speakers can I take it that this Resolution is adopted by majority and note that a number of delegations are not participating in the voting and note the other comments? OK. In that case I don't think it is worth ..... sorry Denmark.

**Denmark**

Yes Mr. Chairman, we will go along with that but under the assumption that the countries which have expressed that they have severe difficulties and not wish to participate are mentioned in your Report. Thank you.



**Chairman**

That was my intention Denmark. Antigua and Barbuda.

**Antigua and Barbuda**

The non-participation also includes Antigua and Barbuda.

**Chairman**

Thank you Antigua and Barbuda and Grenada?

**Grenada**

Grenada would like to indicate that it would follow the ideas expressed by St. Vincent and the Grenadines and will refrain from voting.

**Chairman**

Thank you Grenada. St. Kitts and Nevis.

**St. Kitts and Nevis**

Mr. Chairman, St. Kitts and Nevis would like to associate itself with the ideas expressed by St. Vincent and the Grenadines.

**Chairman**

Thank you St. Kitts and Nevis. We will note those items. In that case can we adjourn for lunch. During the lunch break Dr. Donovan, the Scientific Editor, will give a seminar for Commissioners or alternates in room 200 at 1.45 on the Environmental Projects proposed by the Scientific Committee and Plenary will resume at 2.30 and will move directly to Comprehensive Assessment. Thank you. Adjourned.

*[LUNCH BREAK]*

**12. COMPREHENSIVE ASSESSMENT OF WHALE STOCKS**

**Chairman**

The Plenary is resumed and we will go to agenda item 12 - Comprehensive Assessment of Whale Stocks and I will call upon the Chairman of the Scientific Committee. Chairman.

**12.1 REVISED MANAGEMENT PROCEDURE**

**12.1.1.3 NORTH PACIFIC MINKE WHALE TRIALS**

**Chairman of the Scientific Committee**

Mr. Chairman, under 12.1.1 in the Report of the Scientific Committee the first two items have already been reported to and discussed by the Revised Management Scheme Working Group and I assume that you will deal with those in looking at its Report, so I will go on now to item 12.1.1.3 - North Pacific minke whale trials. In the interest of time I will try to move expeditiously, Mr. Chairman.

Our Report on North Pacific minke whales is given in the Scientific Committee Report IWC/51/4 on page 12 under item 7.1 in the right hand column. First of all we reviewed the results of implementation simulation trials for which last year we revised the trials for North Pacific minke whales and during an intersessional period there was some work done. The trials were completed for the management option in which the small areas are equal to the sub-areas and for which the RMP is applied separately for each small area. We have summary statistics for the trials in one of our Annexes where results are shown for two options regarding the level of Japanese incidental take, and that is discussed in the remainder of that paragraph on the bottom of page 12 in the right hand column.

As was instructed last year, Mr. Chairman, the total catch for a sub-area was taken to be the catch limit set by the RMP or the level of incidental catch whichever was the greater, as I say, as you specified last year. The results of all implementation simulation trials considered suggest that irrespective of how the RMP would be used to manage commercial whaling the J stock which is found predominantly in the Sea of

Japan, the Yellow Sea and the East China Sea is likely to decline markedly because of the incidental catches in that area. The Committee expresses its concern at the implications of this result for the status of the stock. We noted the data for sub-areas 5,6 and 10 used to condition the trials are sparse and of uncertain reliability and we have some concerns expressed there. We noted that catch limits other than zero are set for some of the Small Areas in which animals from the J stock are occasionally found and we have a proposal to deal with that. We considered which of the trials specified last year could be omitted to obtain a final set and after considerable discussion the Committee selected the first nine of the ten trials listed in one of our Annexes.

We then went on to Sightings Surveys, this is in 7.1.2 in the right hand column of page 13. We received a Report on a Sightings Survey conducted last year in the Okhotsk Sea, the results from the survey won't be used for abundance estimation because the area was not covered sufficiently. We also received the research plan for a repeat sighting survey in the Okhotsk Sea in August/September this year. We reiterate last year's recommendation that methods in addition to visual observations such as telemetry be used to determine dive times and we urge that this work takes place as a matter of priority. We are pleased to note that the Russian Federation had granted permission for the 1998 survey to operate in its EEZ. We recommend that the Commission requests the relevant authorities of the Russian Federation to grant permission in timely fashion for Japanese vessels to survey its EEZ in 1999. We were also told of plans for a joint Korea-Japan sightings survey in sub-area 6.

We then went on to discuss uncertainty over incidental catches. The three paragraphs in the left hand column of page 14 relate information that was reported to us. At the bottom we conclude that we are unable to reach agreement on a best estimate of incidental catches in Japanese waters. We recalled that a working group had been established two years ago with the aim of specifying a time series of total incidental catches but that that initiative had not yet resulted in agreement. We encourage further collaborative work with the aim of determining best estimates of incidental take. Although it is necessary to agree a series of best estimates to implement the RMP, Implementation Simulation Trials only require the levels of incidental catch that span the plausible range and we have some discussion of how that might be obtained. We encourage the collection and analysis of data for the respective fisheries and nations and we have some information there in the guidelines for national progress reports.

As for specification of final trials, this is in item 7.1.4 in the right hand column of page 14. We discussed several issues related to new trials and we agreed revised specifications for North Pacific minke whale Implementation Simulation Trials and we recommend that the Secretariat conduct the trials during the next year for report to our next meeting.

We discussed the range to be used for the level of incidental catch and we had considerable discussion regarding the upper bound for the range, and considering all of the information presented and discussed and in the absence of agreement on a best estimate, we agreed that an appropriate range of annual incidental take of minke whales by Japan for these purposes would be 25-75.

Before we can make a recommendation on options for implementation of the RMP we will need to determine the best estimate of incidental take and that is discussed elsewhere in our Report, Mr. Chairman. I don't know whether you want me to pause there for a moment.

**Chairman**

Thank you, Chairman of the Scientific Committee. Any comments? UK.

**UK**

Thank you Chairman. I was struck by the comment by the Chairman of the Scientific Committee on the results of the Implementation Simulation Trials so far as the J stock in the Sea of Japan, the Yellow Sea and the East-China Sea is concerned. This is a point he mentioned on page 13 that the results suggest that irrespective of how the RMP would be used to manage commercial whaling, stocks are likely to decline markedly because of the incidental catches in that area. I mean that seems to be a worrying scenario. I would just like to comment at this stage that I hope the range states will be considering what they can do to

reduce by-catches given the problem that has now been identified by the Scientific Committee. Thank you Chairman.

**Chairman**

Thank you UK. Any other comments? Japan.

**Japan**

Thank you Mr. Chairman. I have a question to the Chairman of the Scientific Committee. I would like to refer to 7.1.4, Specification of Final Trials. My question is, when do you think you would be able to come up with the final calculations of the quarter of the coastal whaling? This initiative started in 1993 when we had a meeting in Kyoto and initially we assumed that there was only O stock on the Pacific side, but then the hypothesis came up that there may be three sub-stocks of O stock and also in the central Pacific there is W stock as well, and all these non-scientific and unrealistic hypotheses have been suggested by the member countries and it took time to disprove these hypotheses, and then we have this hypothesis that there may be J stock mixture as well and it will take time once again to disprove all these unrealistic hypotheses. So my question is, when do you think you would be able to come up with a final calculation? Thank you very much.

**Chairman**

Thank you Japan. Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

Mr. Chairman, of course I have no crystal ball, I can't predict the results of trials but ideally next year and, of course, I won't be responsible next year so I can say this quite easily. Next year we'll be able to finalise details and hopefully make recommendations in the following year. I hope that I shan't be bound by that but that would be my estimate, Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Republic of Korea.

**Republic of Korea**

Thank you Mr. Chairman. I would like to comment on the results of the simulation trials and this is simply simulation trials, the data used in these simulation trials was tested CPUE series and the by-catch data used here was 150 minke whales but in reality was not 150 minke whales. Korean by-catch hasn't exceeded 150 minke whales. You see Korean by-catch reported in the Scientific Committee and so I think Korea must conduct a new survey to renew the stock assessment made in 1987 so Korea will make effort to carry out survey in this area with the cooperation with adjacent nations. Thank you very much.

**Chairman**

Thank you Republic of Korea. Can we now endorse the Report of the Scientific Committee on this item 7.1 and endorse the recommendations? Korea.

**Republic of Korea**

Thank you Mr. Chairman. I would like to mention the Korean government's position on the use of the name Sea of Japan. Page 15, figure 1 and also in the Schedule of ICRW. I would like to mention the Korean position for the records. In continuation of request at the Annual Meeting of the IWC held in Monaco and Oman in previous years, the Korean delegation once again wishes to draw all delegations' attention to the necessity of changing the name of the Sea which lies between the Korean peninsula and Japanese archipelago. Korea stepped up its effort at various international fora occurring during the past several years in order to redress the situation. In this effort, recognising that Japan still insists on the use of Sea of Japan, the Korean Government has proposed therefore the names East Sea and Sea of Japan be used simultaneously until a mutually acceptable solution is found. In this connection it should be recalled that the Sixth UN Conference on the Standardisation of Geographical Names held in New York in 1992 suggested with respect to the designation of this particular sea area that relevant parties consult each other to resolve the issue in an agreeable manner, and at the Seventh UN CSGN held in New York in January 1998 the Republic of Korea reiterated its position that the term Sea of Japan is unjustifiable and

called for urgent ratification. Much earlier in 1977 the Third Conference held in Athens has recommended in its Resolution, paper 20, that when countries were sharing a given geographical feature and do not agree on a common name that it should be a general rule of cartography to recognise the name used by each of the countries concerned.

Finally, Korea would like to emphasise that it is not appropriate to name a sea only after a single country, not only because it may cause misunderstanding in the ownership but also because it is historically unjustifiable. Therefore Korea wishes to readdress the current name of the Sea in the Schedule to the Convention in accordance with historical background and the formal UN Resolutions. Thank you.

**Chairman**

Thank you Republic of Korea. We will note your position for the record. Japan.

**Japan**

Thank you Mr. Chairman. I regret that I have to take the floor to respond to the issues which is nothing to do with this Commission. The issue raised by the distinguished delegate of Korea is entirely out of the competence of this organisation and we don't think it appropriate to discuss this matter in this forum. Thank you.

**12.1.14 NORTH PACIFIC BRYDE'S WHALES TRIALS**

**Chairman**

Thank you Japan. We will note your position also. Can I move on to 12.1.14. Chairman of the Scientific Committee.

**Chairman of the Scientific Committee.**

Thank you Mr. Chairman. This is found on page 15 of our Report, item 7.2 - Western North Pacific Bryde's whales. Again we looked at Implementation Simulation Trials and first we looked at stock structure, and we looked first at inshore/offshore stocks structure. Last year we didn't have time to complete our discussions on this, on how to model the structure of inshore and offshore Bryde's whales around major island groups. We had new information about Bryde's in inshore waters off Kochi on the Pacific side and Kasasa on the East China side. We agreed that that information was a major contribution on the stock structure of Bryde's whales and we encouraged the authors to conduct their proposed photo-identification and genetic studies to understand the issue further.

On page 15 in the bottom left-hand column and over to the top of the next column, Mr. Chairman, we discuss the question of the extent to which the inshore form of Bryde's whales may occur in island waters. We couldn't reach consensus on the issue and there were two positions, essentially one that they are there and one that they are not. The Committee considered the issue in the context of the development of trials and after some discussion agreed to define an area around each island group in which inshore form animals could plausibly be located and to exclude that area when estimating abundance for conditioning the trials, and how we dealt with that, Mr. Chairman, is the main paragraphs towards the top of the right-hand column on page 15.

We had a note that the question whether inshore form Bryde's whales are in fact in and around island groups could be examined through surveys and biopsy work in the territorial waters of the countries involved in the island groups. We understood that Japan is prepared to extend support to countries to facilitate the work and we welcome that offer and encourage such research.

We then looked at the within-(offshore) stock spatial structure. Last year we agreed to two alternative stock structure hypotheses. Firstly, that there is only one stock of the offshore form Bryde's whales in sub-areas 1 and 2 and secondly, that there are two stocks. But we failed to agree on whether or not there was evidence for within stock spatial structure.

We then discussed this at some length, Mr. Chairman, over to the next page and after considerable discussion we agreed that the available data did not provide evidence of sub-stock structure in offshore

form Bryde's whales in the western North Pacific. The consequences of that are discussed in our document on page 16 underneath the map in the left hand column and over to the next column.

We agreed to develop a set of implementation simulation trials to assess whether some form of catch cascading is necessary to prevent possible local depletion, and the consequences of that are discussed at the bottom of the right hand column on page 16. There were three alternative hypotheses proposed and they are listed at the top of page 17. We agreed to divide sub-area 1 into eastern and western sub-areas as in the figure and to assume that when sub-area 1 is treated as a small-area all the catches are taken from the more depleted western sub-stock, this would be an extreme scenario.

We then discussed whether it was appropriate to divide sub-area 1 west further into northern and southern sub-areas and again there is some discussion of that and the Committee agreed that the probability that the coastal waters of northern Japan contained a local sub-stock was low and we give the reason for that. We discussed whether it was necessary to divide sub-area 1 by lines of longitude into more than two and we also discussed, I should say that it was therefore agreed not to divide sub-areas 1 further at this stage after some discussion, and we further discussed whether the trials should allow for the possibility that the boundary between stocks 1 and 2 differs from 180°.

We then went on to abundance estimates in item 7.2.1.2. First of all we focussed on data sources and desirable characteristics of abundance estimates for conditioning the implementation simulation trials for this stock. We noted that rough abundance estimates would be sufficient for conditioning as opposed to the actual abundance estimates to be used for calculating catch limits, and we had two potentially useful sets of sightings data. These are identified as 1 and 2 in the middle of the column on page 17. One of those, the Japanese scouting vessel data, have potential biases. We discussed how these surveys were conducted under standard line transect assumptions and we judged that it should be possible to obtain the rough abundance estimates required as input to the trials for the June-July period from the dedicated survey data and we have a comment on that at the bottom of page 17.

We then went on to discuss catches, Mr. Chairman. On page 18 in the left-hand column we have a number of comments including one from our Russian colleague about the status of catch statistics. There was considerable discussion about these, Mr. Chairman, as is recorded on that page. There was some discussion on whether Bryde's whales could have been reported as sei whales, and at the top of page 18 in the right hand column we record that we could not reach agreement as to whether Bryde's whales may have been reported as sei whales. We recommend further investigation of this matter intersessionally and we look forward to receiving a report at next year's meeting.

We then discussed biological parameters. We considered values for the biological operational parameters of the operating model and there was two points of discussions which are related in the bottom right hand paragraphs on page 18 and I won't go into the details, Mr. Chairman. At the top of page 19 we record our brief discussion as to which component of operation density dependence should apply in the RMP, and the points raised included whether or not this should be consistent between the RMP and the AWMP, the biology of the species concerned and any effect changing this in the RMP has in the context of tuning of the RMP. We agreed to consider this issue next year, taking due note of previous extensive discussions in the AWMP Standing Working Group, Mr. Chairman.

We then went on to discuss the specification of trials and we agreed the specifications as are listed in one of our Annexes, and we recommend that the Secretariat conduct the trials during the intersessional period and report to us at our next meeting. We discussed how catches for the trials should be specified. We noted that the main purpose of these trials is to examine the relative performance of different management options and that this is likely to be insensitive to the level of historical catch. We therefore agreed that these trials would be based on the base catch series in the 1996 assessment.

We then looked at sighting surveys. We had a report on a sightings survey of Bryde's whales conducted in August and September 1998 in an area specified at the bottom left hand column of page 19. We agreed that certain scientist should undertake our responsibilities for oversight of the survey and we agreed that it

would be useful to obtain estimates of the probability of detection on the transect line, and I think that concludes our discussion on North Pacific Bryde's Whales, Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Are there any comments? Japan.

**Japan**

Thank you Mr. Chairman. I used to attend the Scientific Committee all the time but I have been quite busy lately with other matters so I could not attend this Scientific Committee and therefore I would like to ask a fundamental, maybe basic question if I may.

You have shown us sub-area 1 and sub-area 2. Basically what is the concept of this sub-area? That is my first question.

**Chairman**

Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

Chairman, this is based on discussions of previous years and the trials, of course, are designed to cover a range of possible or plausible hypotheses and these seem to be a plausible hypotheses.

**Chairman**

Thank you Chairman of the Scientific Committee. Japan you have further questions?

**Japan**

The scientific discussion is quite difficult and I couldn't really understand at all. My second part of the question is as follows. We have stock 1 and stock 2, what is a definition, how are they different?

**Chairman**

Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

Mr. Chairman, I can only say they are two alternatives.

**Chairman**

Thank you Chairman. Japan have you further questions?

**Japan**

Thank you Mr. Chairman. Unfortunately that would not really lead me to ask further questions so I will stop asking. Thank you. Still I would like to take this opportunity to express my sincere gratitude to the great work done by the Scientific Committee and the members, I welcome their work and I really hope this work they are carrying out now would not take as much time as they did for the North Pacific minke whales, so that I hope that they could finalise their final implementation trial as soon as possible and then could set the quota expeditiously and make recommendations to the Commission itself soon. Thank you.

**Chairman**

Thank you Japan. Any other comments? In that case can we endorse the Report and the recommendations on this item? Thank you.

**12.1.2 ACTION ARISING**

**12.2 WHALE STOCKS**

Before I go back to Chairman, under 12.1.2 - Action Arising. Are there any other items? No. Can we go on to 12.2 - Whale Stocks and I go back to the Chairman of the Scientific Committee.

**12.2.1 REPORT OF THE SCIENTIFIC COMMITTEE**

**12.2.1.1 SOUTHERN HEMISPHERE BLUE WHALES**

**Chairman of the Scientific Committee**

Mr. Chairman, our first stock dealt with here is Southern Hemisphere blue whales, our discussions of this begins on page 39 of the Report under item 10.2. We first of all looked at the differentiation of sub-species in the Southern Blue Whale, that is between what are known as true-blue whales and pygmy blue whales. We had a report of some examinations of surfacing behaviour and blow hole shape using a considerable amount of data from video sequences from four previous cruises. The results were similar to, but not as clear as those that we have had from the first two cruises data analyses. We also had the results of a categorisation of the overall body shape of blue whales, over a hundred were categorised and it does seem possible that pygmy blue whales can be told from true-blues by the shape of the body, there is a typical tadpole shape and this may well be a strong field character for sub-species. This was the opinion of the authors of this paper, Mr. Chairman. We had information that rather few of the video-taped animals had actually been biopsied and we agree that, while the morphological and behaviour criteria discussed in that paper might allow statistical differentiation between the two forms, they don't appear to be adequate to make a positive allocation of an individual to a sub-species in the field.

We looked at the question of possible genetic distinction between the two sub-species. We earlier had thought that there might be an apparent separation between the two but this now seems to becoming less distinct with a larger sample size. We agree that voucher material is urgently needed, especially from true blue whales, and we understand that the laboratory doing this analysis, the Southwest Fisheries Center in La Jolla, is now looking at microsattellites to see if they can possibly provide a better basis for separation between the two sub-species.

We reviewed progress on distinguishing between the two sub-species acoustically. We heard records on recordings made in last year's SOWER cruise near Antarctic blue whales which show some features in common with recordings made on the previous series of cruises. All three Antarctic sets were different from those made in warmer waters south of Madagascar for example in December 1996, but we had to agree that acoustics have not yet provided a definitive answer on how to recognise the sub-species and what is needed is a positive link between the call types recorded and one or more of the other that is morphological features of the two sub-species.

We then discussed abundance estimation. We had provided to us, Mr. Chairman, estimates of abundance of blue whales from the IWC/IDCR SOWER sighting surveys, that is the minke whale cruises which have also, of course, recorded other species from 1978/79 to 1996/97. We describe what those estimates were based on, Mr. Chairman, in the top left hand column of page 40 and we have some abundance estimates recorded there which in the end we had to regard as preliminary.

The analysis used sightings recorded as 'blue whales' as true blue whales. There was an extensive and inconclusive sub-committee discussion and this is recorded in our Annex concerning whether and when pygmy blues might have been found south of 60°S, the effect this would have had on abundance estimates, and whether survey data were recorded in a way that would permit adjustment for them. Although the sub-committee, Mr. Chairman, that reported to our main Committee thought that a new best estimate could be proposed, the Committee had to agree that it was preferable for additional analyses to be completed first and we have listed four of those in the middle of the column on the left hand side of page 40 You will be

pleased to see, Mr. Chairman, that our hard working Scientific Editor has a small task to perform in relation to that.

We recommend that consideration of estimates of abundance of blue whales be accorded high priority in next year's meeting.

We also looked at some other information on blue whales. We had reports of recently retrieved data from blue whale catches by the *Slava*, the Soviet vessel from 1946-1957, true catches of blue whales were frequently smaller than those reported, this is apparently so that blue whale catch limits would not be reduced and to hide the undeclared catches of other species. Certain biological characteristics of the catch were also misreported. There were also significant alterations to the catch positions and we were informed that work was going to continue on restoring the actual Soviet catch data. We expressed our sincere appreciation to our Russian colleagues and Ukrainian colleagues for this very important work and we encourage them to continue, Mr. Chairman. I have already reported the view of our Russian colleague on that issue. Perhaps I could pause there.

**Chairman**

Thank you Chairman of the Scientific Committee. Are there any comments on this item? Seems not. Can we endorse the Report and the recommendations on this item? OK. Carry on Chairman.

**12.2.12 WESTERN NORTH ATLANTIC RIGHT WHALES**

**Chairman of the Scientific Committee**

We then went on to look at North Atlantic right whales, Mr. Chairman. This is in item 10.3 on page 40. First of all we looked at abundance, trends and vital rates. We had had a certain amount of intersessional work going on under a Steering Group. You will recall last year that we thought that there might be an intersessional meeting to look at this problem and it was decided that that meeting should not be held both due to insufficient progress and for other reason, and that we would review the situation later in this year.

Firstly discussions centred around a recently published analysis of trends in the survival probability of North Atlantic right whales and there are some details of that in the second last paragraph on the right column of page 40. We concluded that while the Committee had some questions about that analysis and particularly on the approach used, those questions do not alter the Committee's conclusion of last year that there are serious concerns over the status of this stock. Those concerns were based, among others things, on the small size, that is a little over 300 perhaps animals; an increase in calving interval from an average of 3.7 or so years some years ago to over 5 years now; poor recent calf production, there have only been 9 recorded calves in the past 2 years; the possibility of an unusually high degree of female senescence (only 38% of females are reproductively active); and a level of anthropogenic mortality which we will review later. In these circumstances, Mr. Chairman, the Committee strongly recommends that the four items (a)-(d) on the top left hand column of page 41 be undertaken.

In connection with that, particularly the first of those which is a comprehensive assessment of the stock, we recommend that the proposed Workshop should occur during the intersessional period provided that some things occur. We have some comments on the high anthropogenic mortality in the middle paragraph of page 41 on the left hand side. We reviewed the extent to which the Cape Town Workshop recommendations on this and other matters which was held last year, as you recall Mr. Chairman, in March 1998 have been acted upon, and we have a Report on that in items 1-3 going from the left hand to the right hand columns on page 41. We note that there was a moratorium on the attachment of satellite tags to North Atlantic right whales in effect, pending the results of a study of long-term effects of tissue reaction to tag implementation and we look forward to receiving a report on that issue at our next meeting.

**Chairman**

Thank you Chairman of the Scientific Committee. Are there any comments on this agenda item? Seems not. Then can we endorse the Report and the recommendations? OK. Thank you Chairman of the Scientific Committee.



**Chairman of the Scientific Committee**

We move now to Southern Hemisphere humpback whales, Mr. Chairman. This is item 10.4 on the same page. We had hoped that we might have been able to achieve a preliminary assessment this year but that was not possible. We recommend that we should attempt it intersessionally, or at least to make some progress with the modelling intersessionally, and that at our next meeting we should review the situation again. We looked at the establishment of a Southern Hemisphere Directory and an Antarctic Catalogue and we have some comments on that at the bottom of page 41. We agree that past researchers on IDCR SOWER cruises should be approached to submit pictures from their private collections using that Directory. We look forward to the progress on that and the question of access to the Antarctic Catalogue was discussed. There are some comments on that, Mr. Chairman, in the left hand column on page 42.

At the bottom of that page we have a recommendation that the funding of the maintenance of the Antarctic Catalogue should be discussed when we come to our Work Plan which we will discuss under item 18. We looked at comparative data from northern stocks with southern stocks on rate of increase, and we had an intersessional group that looked at that, Mr. Chairman, and the basic conclusions of that and the recommendations on following approaches are dealt with in items 1-6 in the right hand column of page 42.

We had some discussion of one area where apparently conflicting rates from the same population had been reported, that is the East Australian population, we had some information on a shore-based census and mark-recapture analysis which apparently at least initially appeared to be rather different but after considerable discussion it was concluded that not only were the two ..... [end of tape] ..... the other migratory stream and there is quite a lot of discussion of that at the bottom of page 42. However, we did conclude that both studies indicated continued growth in the East Australian population.

In another paper in response to the question of analyses of maximum theoretical rates of increase, these have been calculated using a range of reasonable values for post-first year annual survival rate, age at first parturition and annual pregnancy rate, and assuming that the sex ratio of calves was equal and that first year survival can't exceed that of post-first year survival. The results show that population growth rates of 10% or more could be obtained under certain conditions of average pregnancy rate of 0.5 and so on, so that the increase rates that have been seen in one or two places do seem to be practical. We have some comments on obtaining independent estimates of age at first parturition and pregnancy rate, that is detailed in the left hand column on page 43. We discussed the relative merits of various methods for estimating those parameters. Without data on them further investigation of differences in rates of increase between southern and northern stocks is unlikely to be productive. We noted that different rates of increase should not be unexpected from populations with different catch histories and potentially different environmental conditions. We recommend completion of a tabular summary of published vital rates for different humpback populations including data from the most recent periods of whaling. We also recommend incorporation of vital rates, where believed reliable, into the framework which we had received already.

As we had for blue whales, Mr. Chairman, we were provided with estimates of abundance of humpback whales from the IWC/IDCR SOWER surveys using the same approach as for blue whales. We had some estimates of abundance from the first, second and third sets of cruises but we had to admit that these corresponded to different extents of partial coverage of the area of south of 60°S. The figures we had from that were for the first cruise a figure of 7,400 and the CVs are given there, and for the second cruise 10,000, and for the third cruise 9,300. Extrapolating to the complete area south of 60°S by the same method as used for blue whales give totals respectively of 11,400, 12,400 and 14,200. We did have some concern over the method of extrapolation used. In particular there was a missing sector which included the whole of Area IV which in the second circumpolar set had contained the biggest population of all the Areas and was known to be increasing. In addition it was preferable, we believed, to standardise on common northern boundaries as proposed for the equivalent blue whale estimates. There was a suggestion also that there was a need for extrapolation further north, perhaps using JSV data.

We consider that the present situation, Mr. Chairman, in which the Commission has no agreed estimate at present was inappropriate given the amount of information available, and we agreed that the unextrapolated estimate of 10,000 for which the 95% confidence interval is 5,900-16,800 from the second circumpolar cruise represents the best estimate of the humpback whale abundance south of 60°S in summer in 1988, which is the median year of the set of survey, and we agreed that Southern Hemisphere humpback abundance will be considered again next year as part of our scheduled preliminary assessment.

As far as increase rates are concerned, we agreed that the surveys on the west and east coasts of Australia had shown that these populations are increasing at various rate, Mr. Chairman, and we quote those at the top of page 44 on the left-hand column. You will see they are in the region of 10-12% which as shown earlier is possible given certain parameter values.

We also had reported newly discovered recoveries of Soviet marks from the *Sovietskaya Ukraina* between 1959 and 1972, and we recommend that to facilitate the comprehensive assessment of southern humpback whales, surveys aimed at establishing population size and stock identity for these animals should be encouraged wherever possible, especially in areas where there is currently little published information. Thank you, Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Any comments on this item? Seems not, then we can endorse the Report and the recommendations on this item. Thank you. Chairman of the Scientific Committee.

**12.2.1.4 OTHER STOCKS**

**Chairman of the Scientific Committee**

Mr. Chairman, under 'Other stocks' there is quite a lot I have to report but I will try and do it briefly. Can I just review what I am going to suggest you may wish to hear about? North Atlantic humpback whales, eastern North Pacific right whales, eastern North Atlantic right whales, Southern Hemisphere minke whales, other stocks of bowheads and western North Pacific gray whales, and I try and get through those fairly quickly, Mr. Chairman.

North Atlantic humpback whales are considered on page 44 of our Report under item 10.5, in fact they follow almost exactly from the last item I was just discussing. We recommended last year, Mr. Chairman, that there should be an in-depth assessment of this stock in the year 2000 but there are uncertainties surrounding the population identity and status of these whales in the eastern Caribbean. We were informed of two pertinent studies that are proposed and these are detailed in the left-hand column of our Report, and for these and other reasons, Mr. Chairman, we believe that it would be appropriate to postpone our assessment to the year 2001.

We heard last year of the possibility of collaborative research on humpback whales in the south-eastern Caribbean which is being explored with national authorities in the area. Some US scientists developed a research proposal modelled on our successful IDCR/SOWER surveys which was presented to the Intergovernmental Oceanographic Commission, that is (IOC) IOCARIBE, which is an intergovernmental organisation responsible for co-ordinating scientific research on marine issues in the Caribbean. That organisation endorsed the proposed research programme, and recognising our competence and expertise, IOCARIBE has written to the Committee asking it to review and provide comment and we have some comments here Mr. Chairman, in the rest of this column. We recognise the value of the proposed programme and we request that the Commission encourages the relevant nations to consider participation in the research. Results from such a programme will be of great value to the assessment in 2001 and we note that the USA has offered to host, on behalf of IOCARIBE, a research planning meeting for participating nations during the 1999 summer. We recommend that a detailed research plan and protocol be worked out before and during the proposed 1999 planning meeting and we offer our support in the process. To facilitate matters we have established a Working Group and we thank IOCARIBE for drawing this matter to our attention.

**Chairman**

Thank you Chairman of the Scientific Committee. Are there any comments on this stock? Antigua and Barbuda.

**Antigua and Barbuda**

I note the Report of the Scientific Committee with regards to research and the humpback whale in the eastern Caribbean and the proposed work to be undertaken by IOCARIBE with the assistance of the United States. Mr. Chairman, while Antigua and Barbuda, who are part of the group of nations within the eastern Caribbean, while we welcome marine scientific research in our exclusive economic zone that can enhance knowledge to advance further effective management of all fishery resources, Antigua and Barbuda do believe that marine scientific research within its exclusive economic zone is an activity which needs much regulation, its an activity which needs to be discussed in detail before it is actually conducted. Mr. Chairman, Antigua and Barbuda is a small island state that sees its marine resources as very vital to future economic progress for us.

We believe that the sea and its resources offer significant opportunities for us as far as development is concerned and hence we are very keen to ensure that whatever research is undertaken on these resources must have significant cooperation with our people. In this regard, Mr. Chair, I will refer to the provisions of the Law of the Sea Convention which, while it advocates cooperation for research work, gives coastal states the sovereign rights to decide on the type of research that should be undertaken within the exclusive economic zone.

While it is said here that IOCARIBE have the authority with regards to organising marine scientific research in the eastern Caribbean, coastal states have, within that area, the overall right to decide and determine the type of research, the nature and the timing of this research within our exclusive economic zone. In this regard Mr. Chair, Antigua and Barbuda reserves its right to undertake other research activities on cetaceans in our exclusive economic zone. We urge those who are proposing for the undertaking of this particular project that is reported by the Scientific Committee to consult more deeply and closely with coastal states.

We do not understand the nature of this project and its implication to our future use of this resource, Mr. Chairman, and in this regard Antigua and Barbuda would like to state its reservation on this particular activity until more information could be made available to our country with regards to this activity, Mr. Chairman.

**Chairman**

Thank you Antigua and Barbuda. Any other comments? US and Dominica. US.

**USA**

Thank you Chairman. Just to respond. The United States made a good faith effort working through IOCARIBE to try to pull together this research. Information about cetaceans in this area is very limited. We work through IOCARIBE, many of the countries in the Caribbean were asked to participate in the development of the proposal. We also acknowledge the rights of coastal states to manage their affairs within their EEZs and if ever this research was undertaken, any vessels, any research activities would certainly respect the requirements, the permitting procedures and so forth of those coastal states. Mr. Chairman, we have offered , the United States has offered, to host a Planning Meeting, that's what the Report of the Scientific Committee indicates, we would like to proceed with this, we would certainly hope that Caribbean nations, here represented, would participate in that and make their concerns known so that the scientists would plan around them and meet their concerns. Thank you Chairman.

**Chairman**

Thank you USA. Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman, Dominica is concerned as to the attempt at short cutting the manner in which to undertake to plan and shortcut this activity and as such, Mr. Chairman, Dominica would like to associate itself with the comments made by the distinguished delegate of Antigua and Barbuda. Thank you.

**Chairman**

Thank you Dominica. Japan.

**Japan**

Thank you Mr. Chairman. Japan also hopes that the scientific research will be carried out in order to enable the appropriate management of the cetacean resources of the whales and porpoises in all the waters in the areas concerned, and therefore we really sincerely hope that research activities will be deepened and improved in the Caribbean waters as well. Therefore, in that regard, based in respect to the sovereign right of the Caribbean nations, if they would like to carry out their own unique research plans and implement their own such unique research projects, we are prepared to support their effort. For example to implement their own research planning meetings and so forth in the future, and in the future if there would be a need to procure or find a vessel to be engaged in such research activities, we are also willing to support such an effort as well.

So, I think it is up to the discretion and own decision of the Caribbean countries to decide upon this matter of the research of their own or maybe it is up to their own discretion to choose to accept the offer by the United States as well, but if they make a clear decision on their own to carry out their own research we are willing to support their plan. Thank you.

**Chairman**

Thank you Japan. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman, St. Lucia has signed and ratified the UN Convention on the Law of the Sea. We recognise the provisions for scientific research as well as the implications of conducting scientific research in the exclusive economic zone of a sovereign state, and even more importantly the sensitivity of conducting scientific research in the territorial sea of a sovereign country. We are being told, and I said we are being told, because the proposal was taken to IOCARIBE even when some of our countries were expressing reservation and were informing that we wanted to reserve our positions on the conducting of such scientific research. Chairman, we would wish that countries wishing to collaborate with us would be similarly minded in signing and ratifying the UN Convention on the Law of the Sea. Chairman, we reserve our right to work with the countries that have a deep interest in genuinely conducting marine research to further the work of this organisation. We would hate to think that there are other motives but we are prepared to work on this issue because we recognise that in conducting this research we would put to rest once and for all that there is only one stock of North Atlantic humpback whales and this I am sure would facilitate St. Vincent in getting its quota on a continue basis. Thank you Chairman.

**Chairman**

Thank you St. Lucia. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Yes, thank you Chairman. We associate with what has been said by our Caribbean colleagues. We are the only ones who use North Atlantic humpback whales. It seems to us there has not been full and proper discussion with our governments about this and I am even advised that this study would have to be not just in our EEZ but also in our territorial waters which is where whaling takes place. Thank you.

**Chairman**

Thank you St. Vincent and the Grenadines. Netherlands.

**Netherlands**

Thank you Chairman. I would just like to draw attention to the statement in the Report of the Scientific Committee where the Committee recognises the value of the proposed programme and requests that the Commission encourages the relevant nations to consider participation in the research. I think that given the uncertainties surrounding the population identity and the status of the humpback whales in the eastern Caribbean it is very important that these nations contribute to the research to the maximum extent possible. I think that in the one operation where whales from this stock are taken, which is in Bequia, the opportunities for cooperation by making samples of the whales taken available are obvious, but also otherwise I think that rather than concentrating on political issues such as competence in coastal waters the emphasis should be on the concern about the development of this stock and the scientific issues outlined in the Report of the Scientific Committee. Thank you.

**Chairman**

Thank you Netherlands. Are there any other speakers. I have Antigua and Barbuda and St. Vincent and the Grenadines looking for a second intervention. First I will take Grenada.

**Grenada**

Thank you Mr. Chairman. I would like to support the sentiments expressed by my eastern Caribbean colleagues, St. Vincent and the Grenadines and Antigua and Barbuda and St. Lucia because we also are part of the region and we cooperate quite closely in management issues and we would like to reserve the right to determine how we can together examine our research proposal that seeks to conduct studies within our exclusive economic zone and within the territorial waters, so we would like to reserve this opportunity to determine how we should examine any research proposal and with whom we would want to collaborate with. Thank you Mr. Chairman.

**Chairman**

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

**Antigua and Barbuda**

Thank you Mr. Chairman. Very quickly Mr. Chair. We have heard elaborate discussion on this issue as the managing organisation for whales we have also heard a member of this Commission offering its assistance to these islands by way of research on the humpback. Mr. Chair, I believe that we have to reconcile this situation as the authoritative management body and perhaps what we might need to do is to send correspondence to IOCARIBE urging them to delay their research until when we can examine whatever offer the Government of Japan may want to make with regards to the reconciling of boat research activities because we might end up with the research over-killing our region. We don't want that, so Mr. Chair, perhaps we can see how much we can reconcile about offers.

**Chairman**

Thank you Antigua and Barbuda. I have St. Vincent and the Grenadines, US and UK. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

I am sorry to have to ask again, Mr. Chairman. But very briefly perhaps I should add that on our takes last year and this year we have submitted samples for DNA analysis so it is not as though we are not doing anything ourselves.

**Chairman**

Thank you St. Vincent and the Grenadines. US.

**USA**

Yes Chairman, just to say that a casual visitor to these proceedings and hearing this discussion might come away with the impression that the United States has done something wrong. In my view the United States consulted appropriately, is concerned, not only about exclusive economic zones but also territorial seas and we did indicate that we are quite concerned about ensuring that whoever does this work, wherever it is

done, has the appropriate permits and gone through the appropriate processes relative to the countries involved. The United States also has made a commitment of some resources of a vessel which is not a small contribution to do this work. As I said in my beginning, it was a good faith effort but the final point, Mr. Chairman, is that this work is in furtherance of the goals of this Commission, it was in direct response to a Scientific Committee recommendation last year regarding the possibility of collaborative research on humpback whales in the south-eastern Caribbean and we have attempted to do that and we are sorry that it is not being accepted in the spirit in which it was offered. Thank you Chairman.

**Chairman**

Thank you US. If there are no further comments can we endorse the Report of the Scientific Committee on this item subject to the comments and the reservations which we noted? Thank you. Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

Mr. Chairman. I would now like to go on to eastern North Pacific right whales. There is a small part of our Report on this on page 44 at the bottom of the right-hand column and on to the left-hand column of the next page. We had a progress report on research on this stock and we believe that the situation of eastern North Pacific right whales is as bad if not worse than in the western North Atlantic. Numbers are of the order of 10s of individuals with only one sighting of a possible juvenile this century. We strongly recommend, Mr. Chairman, that research into the status of eastern North Pacific right whales be continued and intensified and we have three specific recommendations (a), (b) and (c) at the top of that page.

**Chairman**

Thank you Chairman of the Scientific Committee. Any comments on this item? No, can we endorse the recommendations and the Report? Yes. Thank you. Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

I would also like to refer briefly, Mr. Chairman, to eastern North Atlantic right whales which is the following paragraph in the middle of the left-hand column on page 45. We draw attention to the situation of right whales in the eastern North Atlantic where occasional sightings are still being recorded. I should say the occasional sighting is still being recorded suggesting that there might still be a remnant population and we encourage survey efforts by European members of our Committee, Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Any comments? No, we can endorse the Report in this case. Thank you.

**Chairman of the Scientific Committee**

I should now like to turn to Southern Hemisphere minke whales, Mr. Chairman. Our Report on these is on pages 36-39, item 10.1. First of all, Mr. Chairman, we do have some discussion of addressing outstanding issues from the Japanese Antarctic Research Programme and we will discuss that under another agenda item. There is a long discussion here, Mr. Chairman, under 10.1.1 about a particular kind of analysis dealing with age data and catch data which I won't go into. Those who are interested can read the debate. I understand the debate has been going on for a number of years and that we have almost reached finality. In fact going to page 37 in the top right-hand column you will see that there is agreement that what we discussed shows that parameters potentially important for management, that is natural mortality and trends in recruitment, can be estimated from age data obtained from the catch. However, there still remains some work to be done and there are some examples of what needs to be done. A fully agreed approach for computing abundance estimates used in these analyses from the JARPA is not yet available but we report on progress in the remainder of this part of our Report.

We turned to abundance estimates. Again, Mr. Chairman, there is a considerable discussion of this on page 37, two paragraphs in the right-hand column. At the top of the next page, page 38, we strongly encourage further work on this on something that is called the generalised additive models, and those who know about these things will understand what we are talking about. We agreed that these approaches offer a way to

correct biases in certain SOWER estimates as well as JARPA estimates and there is a discussion of all that, Mr. Chairman, on page 38.

We went to other analyses, including genetics. Again there are discussions of that in item 10.1.1.3 at the bottom of page 38 and over onto page 39 and I think at that point, Mr. Chairman, I can conclude the discussion on Southern Hemisphere minke whales at least in relation to this part. We shall come back to it when we discuss Permits.

**Chairman**

Thank you Chairman of the Scientific Committee. Any comments? No, we can endorse the Report on this item. Thank you. Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

If I can turn now, Mr. Chairman, to 'Other stocks of bowhead whales'. This is in pages 33-34 on item 9.2 in the bottom right-hand column. There is information summarised here, Mr. Chairman, under 9.2.1 on the catch of one animal from one of these small stocks that is reported on the next page. That was in fact discussed at the Aboriginal Subsistence Committee and is reported in its Report. On other stocks in the North Pacific, for example, in the Okhotsk Sea, that is in item 9.2.2 on page 34, we had a review of information on that. We had a report that a bowhead was retrieved dead in September 1995 from a Japanese type crab-trap in the north-central Okhotsk Sea and we recommend that the joint Russian-American research be continued on Okhotsk Sea bowheads. We have reports of additional work that is needed and we recommend that in addition to bowhead whale sightings being recorded, time be allocated to the collection of biopsy samples. We also had, Mr. Chairman, no information on other bowhead stocks although there just seems a possibility that bowheads may still be extant in the region of Franz Josef Land and western Spitsbergen in the Northeastern Atlantic or beyond.

**Chairman**

Thank you Chairman of the Scientific Committee. Are there any comments. Can we endorse the Report and recommendations on this item? Seems yes. If you carry on Chair.

**Chairman of the Scientific Committee**

Mr. Chairman, the final stock in this round is the West Pacific gray whales which follow on from what I have just been talking about under item 9.3. We had a number of papers on this western or Asian gray whale stock. We had a review of the history of exploitation and information on when the commercial catches were taken. In 1995 a joint American-Russian project was started on this stock in their summer feeding groups off Sakhalin Island. There is some information on the results of that. In May 1996 one gray whale was killed off the western coast of Hokkaido. Results from a recent review to consider the status of western gray whales, human-related threats to the population and research and monitoring were also reported and there was a summary of a ten-year research and monitoring programme throughout the range of the eastern gray whale. We endorse and encourage this joint research, Mr. Chairman. We recall that we had already identified this population as one of the most endangered baleen whale populations in the world. We again recommend that long-term research, monitoring and management programmes be continued and expanded for these whales and their habitat and we strongly request that the Commission urges the relevant authorities to develop and implement a comprehensive long-term conservation and monitoring programme for this stock.

**Chairman**

Thank you Chairman of the Scientific Committee. Are there any comments? No. Can we endorse the Report and recommendations on this item? Seems yes. Thank you.

**Chairman of the Scientific Committee**

Mr. Chairman, I should just note that the questions of work plans and so on for all these stocks will be given when you discuss item 18. Thank you.

**Chairman**

Thank you, Chairman of the Scientific Committee. Is there any other action arising other than the recommendations from the Scientific Committee? UK.

**UK**

Sorry Chairman, I have got a question for the Chairman of the Scientific Committee as well as an action arising a bit later. The question relates to Baird's beaked whales and I wondered whether the Scientific Committee had any plans to produce an abundance estimate or to revise abundance estimates? I mean the reason for this question at the moment is that I understand that Japan has increased the quota of Baird's beaked whales that can be taken from 54 to 62. My understanding is that the last assessment of the abundance of this stock was in 1990. Now I am aware that at that stage it tended to be treated as a small cetacean. I am not entirely clear why, given that it is substantially larger than a minke whale and is listed in the Schedule, but the question is primarily about abundance and whether there are any plans in the Scientific Committee to examine this. Thank you Chairman.

**Chairman**

Thank you UK. Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

I am afraid the answer is no, Mr. Chairman. Mr. Chairman, of course, if we get any information we may be able to consider it. Certainly it has in the past been considered as a small cetacean and if you look at our work plan for small cetaceans on page 67 you see it doesn't figure there but, of course, if the Commission believes we should concentrate on this species then we will do what we can.

**Chairman**

Japan.

**Japan**

Thank you Mr. Chairman. The issue of Baird's beaked whale is outside the competence of this Commission, that is quite evident if you look at the Convention as this is in the coastal waters of Japan and the Government of Japan is responsible for the stock management of the Baird's beaked whale and it is carrying out stock management with scientific basis justification. Therefore I think it is appropriate that this Commission stay away from this business of stock management of Baird's beaked whale.

**Chairman**

Thank you Japan. UK.

**UK**

Yes thank you Chairman. I suspect that in discussing the competence of the Commission to deal with Baird's beaked whales I am bringing up subjects that were discussed extensively in the 80s and have not been discussed very much recently, but I have looked into this and for those who are not familiar with the issue it is perhaps worth pointing out that in paragraph 1 in the Schedule on interpretation gives a definition of bottlenose whales and that includes Baird's beaked whale and in Table 3 to the Schedule, I can't entirely identify which paragraph, I think it relates to paragraph 10, there is indeed an entry for bottlenose whales. The only catch limit is set for the North Atlantic but there is an entry for bottlenose whales which suggested that it would be possible to enter a catch limit for other figures but I am not at the moment suggesting that. My question was merely about an assessment of the state of the stock and I think that it would be useful if the Scientific Committee could look into that. Obviously it would need information and I would hope that the Government of Japan would be able to provide that information. I think for the time being it would be extremely useful. Thank you Chairman.

**Chairman**

Thank you UK. Could I suggest that any suggestion on that line come under the Work Plan, agenda item 18. Japan.

**Japan**



Thank you Mr. Chairman. As far as the Baird's beaked whales of the Japanese coastal waters are concerned it is not included in the nomenclature attached to the Convention. Therefore it is clearly outside the competence of the Commission and this Convention and IWC should not intervene into this matter. The Japanese Government has been carrying out sighting surveys and based upon that have carried out the stock evaluation. The Japanese Government has been making responsible management and the Commission's intervention into this affair is considered inappropriate, so I make this point very clear and carrying out this discussion further is going to be a waste of time. Thank you.

**Chairman**

Thank you Japan. We note your points. Are there any other items for action? UK.

**UK**

Thank you Chairman. Well to show that I am even-handed I would like to make a statement on Norwegian whaling because last year we introduced a Resolution on Norwegian Whaling under this agenda item. I think I am on action arising or not? I hope I am on action arising.

**Chairman**

Can I adjourn for coffee break and I will check it out. This could take a long time.

**12.2.2 ACTION ARISING**

**UK**

Item 12.2.2.2.

**Chairman**

That's where we did the last too?

**UK**

Yes

**Chairman**

OK, please carry on.

**UK**

As I was saying before I was interrupted. Last year we introduced a Resolution on Norwegian Whaling under this agenda item. We would have done the same this year but in view of your ruling yesterday it is clear you would not wish us to do that. You also made very clear, however, that the Resolution that was adopted last year remains in force and that Resolution calls on the Government of Norway to reconsider its objection to paragraph 10(e) of the Schedule and halt immediately all whaling under its jurisdiction. It is a matter of great regret to the United Kingdom that Norway has not heeded this call. Indeed it has increased the quota for its commercial whaling operation for the current season. In the view of the United Kingdom, Norway's actions are contrary to the spirit, if not the letter, of the moratorium and I very much hope that Norway will reconsider its position. Thank you Chairman.

**Chairman**

Thank you UK. I have Norway, Italy and Netherlands and Germany. Norway please.

**Norway**

Thank you Mr. Chairman. I note that the UK does not challenge the legal right of Norway to conduct whaling. The UK could have added that when Norway sets the quotas for our whaling operations, the RMP worked out by the Scientific Committee is meticulously applied. Also, the Committee's unanimous abundance estimate for the stocks are applied. In fact, if the IWC had set a quota they would have been the same. Mr. Chairman, I cannot accept the operative calls on Norway in this statement. Norwegian whaling takes place within the sovereign rights of the Norwegian Government and is in full compliance with our international legal obligations. Thank you, Mr. Chairman.

**Chairman**

Thank you Norway. Netherlands. Italy.

**Italy**

Thank you Mr. Chairman. Italy wishes to associate itself with the statement that has been presented by the UK.

**Chairman**

Thank you Italy. Netherlands.

**Netherlands**

Yes, Chairman thank you. Netherlands would also like to associate itself with the statement by the UK. Thank you.

**Chairman**

Are there other countries who wish just to associate themselves and I will take a list? Netherlands, South Africa, Monaco, Finland, Brazil, France, Germany, Australia, .....[End of Tape] ..... New Zealand, Sweden, Oman, US, Mexico, Spain, Chile. OK. If there are no further comments we will record these statements. Japan.

**Japan**

Thank you Mr. Chairman. Well the statement made by the United Kingdom is quite inappropriate and so I think the statement itself should be withdrawn by the UK, because the Norwegian whaling is in conformance to the procedures stipulated and provided by the Scientific Committee of the IWC, and in conformance to the quota set by the SC and the Commission, and Norway has filed the objection under the Convention and so the Norwegians are carrying out whaling operations legitimately. It is legitimate whaling and so expressing opposition or filing objection to such a legitimate activity itself is against the letter and spirit of the Convention.

The Convention is like a contract among the nation states. If you use the terminology of the football game, it is like a rule book to abide. Therefore any country which violates the rules stipulated by the rule book should be issued a red card like a football game and such a country should be ordered to leave this Conference room.

Japan and Norway are the parties which are carrying out and participating in this room correctly in conformance to the rule book and so if this Commission is taking unfair, unjust measures against such fair game participants, I think that the fact itself demonstrates that this Commission itself has lost its significance, the reason for existence. Thank you very much.

**Chairman**

Thank you Japan. Denmark.

**Denmark**

Thank you Mr. Chairman. In a manner I would hope that we should have not had this debate repeated this year as we had no Resolution on Norwegian whaling. Now a number of member states have been given the opportunity to indicate that they were in favour of last year's Resolution, so maybe you could make a similar show of hands to those opposing, at least Denmark do still oppose it. Thank you.

**Chairman**

Thank you Denmark. Denmark has proposed that people should indicate those who are against the Resolution. I've got St. Lucia, Denmark, St. Vincent and the Grenadines, Dominica, Grenada. Thank you. Denmark you wish for the floor again? No, OK. UK.

**UK**

Thank you Chairman. Just to point out that I think that those delegations were disagreeing with my statement, the Resolution was adopted last year and remains in force. Thank you Chairman.

**Chairman**

Thank you UK. Can we conclude this item, conclude this agenda item? Norway.

**Norway**

Thank you Mr. Chairman. I think it would have been much more fair to have a Resolution so we could have a real debate about that instead of this statement with all the things that have happened afterwards with associating themselves. Many delegations have associated themselves with the statement without the others having the time to discuss it. I would have preferred a Resolution. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. I think in this case it may be a victim of the new rules. I did ask delegations not to do repeat Resolutions so perhaps we can look at that again. Can I close the debate on this one? We will adjourn Plenary and we will resume ..... Secretary has an announcement to make.

**Secretary**

Mr. Chairman, a most important announcement that delegates are told that a video on Adelaide lasting three minutes will be shown outside the meeting room during the tea break. It will be shown a couple of times and there will also be small souvenirs of Australia near the video. So enjoy your tea.

**Chairman**

Before you leave, we will resume in Technical Committee at 4.30 and I can't imagine anybody at this stage wanting to look forward to the next IWC meeting. Let's get this one finished first.

*[TEA BREAK]*

**Chairman**

I want to reopen Plenary for just a few minutes to give those countries that opportunity, and if I can remind you, Denmark opposed the statement by UK and asked that other countries be given the opportunity to associate with that. So if I can ask countries who wish to associate with that to indicate please. Japan, Antigua and Barbuda, Solomon Islands, St. Vincent and the Grenadines are already there, Grenada, St. Kitts and Nevis, Russian Federation. Thank you, I will note that in the Record. I have also been asked Argentina wishes to make a statement on this issue.

**Argentina**

Thank you Chairman. What I want to clarify is that Argentina didn't associate with the statement by the United Kingdom but I want to be on the record that the Resolution that is in force was voted yes by Argentina. Thank you.

**Chairman**

Thank you Argentina. I will now close this item and the meeting will resume in Technical Committee. Thank you.

*[END OF PLENARY SESSION]*

**Chairman**

Japan.

**Japan**

Before we go into the next agenda item we would like to clarify one point, may I? Regarding previous agenda item at the Plenary. May I?

I would like to clarify one point with regard to the earlier agenda item related to the possible research project in the Caribbean Sea, Caribbean waters, and we expressed our willingness to cooperate with, to extend cooperation, to provide them the means for the research activities, and if Japan will assist their effort, support their effort, it will be probably be the abundance estimate so fortunately it would be a non-lethal method so I would like to clarify that point.

**Chairman**

Thank you Japan. We will note that item. Can I move quickly please. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Yes thank you Chairman. I am just noting that we are heading past the time of the US reception and I am wondering if we shouldn't just take this matter and then hopefully it wouldn't be much more than 7.00pm and then go onto the reception then. I know you said you are not going to hold over anything but you have the CITES matter which would probably be taken tomorrow because we would, of course, all love to go to the US reception.

**20. THE FUTURE OF THE IWC**

**Chairman**

Certainly St. Vincent we appreciate the US generosity and we will try and cooperate as far as possible. Can we get through agenda item 20 and then look at it? Agenda item 20 - Future of the IWC and I just want to report on my own activity during the intersessional period. I have continued to discuss informally through that period the possibilities of reaching consensus within the Commission on the future of the IWC based on the proposals outlined by Ireland. Big surprise, consensus has not been reached at this time but I believe that progress has been made in reaching understanding of opposing positions and I am encouraged that there is a considerable will in most countries that consensus should be achieved, so I am hopeful of future progress. I will continue to work with delegations to try to reach an agreement and I will make myself available to talk to all delegations on the Irish proposals or indeed on any other initiative which might lead to consensus in IWC. If there are any comments? Oman.

**Oman**

Thank you Mr. Chairman. Oman wishes to reiterate its position in supporting the Irish proposal. Thank you.

**Chairman**

Thank you Oman. Norway.

**Norway**

Thank you Mr. Chairman. The IWC is not adhering to its legal basis, the International Convention for the Regulation of Whaling, that could be said to be one of the first environment Conventions ever. The Commission has developed into a protectionist organisation not an organisation for the conservation and utilisation of whale resources. Among many member states there is no will to lift the general moratorium on whaling. On the contrary, other proposals with the aim of preventing whaling are put forward. Today considerable whaling is conducted by non-members of the IWC in accordance with general international law. It is alarming for the future if the IWC that the organisation has made itself irrelevant by not accommodating member governments that want to continue sustainable whaling under the Convention, thereby also making the IWC unattractive for whaling nations that otherwise would be potential candidates for membership.

Norway has welcomed the Irish initiative for a compromise in the IWC. We are willing to contribute to secure the future of the IWC as a global organisation for the conservation and management of whales as specified in the International Convention for the Regulation of Whaling, However, a compromise must neither reduce the rights of Contracting Parties under the Convention nor attempt to expand the competence of the IWC beyond the Convention. It also must not establish provisions which are not incompatible with accepted principles of international law.

Norway is, Mr. Chairman, gravely concerned about the present health and future well-being of the IWC. If there was a genuine will to resume management of whale stocks it could be possible to restore IWC as a lead organisation for the proper conservation of whale stocks and the orderly development of the whaling industry. The continuing dysfunction of the IWC should be of concern to any true environmentalist. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. New Zealand and then Denmark. New Zealand.

**New Zealand**

Mr. Chairman, when the Irish proposals were first tabled we questioned whether they addressed some of the real problems that were facing this Commission. I won't repeat the detail of those questions two years later but I do think we've still got to ask ourselves whether the real difficulties of this Commission arise from things like the alleged slow progress on the RMS or unwillingness to agree a small-type coastal whaling quota, or do they result from the unwillingness of some to accept the international commons that has developed on whaling issues as reflected in the majority decisions of this Commission. Those questions in our view remain as valid today as they were when we first raised them two years ago.

Mr. Chairman, while decision making in this body isn't easy, one must say that it never has been easy nor did the original framers of our Convention intend that it would be easy. They required a three-quarters majority for Schedule amendments, it's never a simple task to get three votes for every one against, but that's been so from the very start and there are similar simple majorities in other functioning international organisations.

To those who argue here, and sometimes I must say in other forums, that the IWC is hopelessly deadlocked, let me remind you that every year we still reach a number of decisions by consensus and by formal Resolution. We are still able to pass some Schedule amendments and we still achieve negotiated outcomes on difficult issues such as the ending of the use of the electric lance. We may disagree a lot but we are also capable of making decisions and that is not a sign of hopeless deadlock. Not everyone will agree with all of those outcomes but again it does not follow that we are hopelessly deadlocked. The question is how do we move forward? For the moment the only proposals in front of us are those from Ireland.

As I have said before and others have said, we welcome the Irish proposals, but everyone welcomes the Irish proposals. That sort of talk is cheap and after two years one might have hoped that we have got just some distance past the welcoming doormat. The question is what are we prepared to do about the proposals? I have also said previously, but for the record I repeat without commitment to the outcome but also without any pre-conditions whatsoever, New Zealand is prepared to talk on all aspects of the Irish proposals. However, a dialogue requires several participants. I wish to acknowledge that last year in this forum Norway said that similarly, without at this stage conceding competency on issues like trade, it was prepared to talk all of the issues including trade. I would hope that this year Japan might be equally willing to give a public indication that without at this stage conceding any outcome or conceding competency, it is similarly prepared to discuss a possible end to pelagic whaling and a possible end to scientific whaling. Without such indications we have no dialogue, we have no process and we will certainly not have an outcome. Despite our reservations, Mr. Chairman, we remain prepared to engage in discussions on all of these issues and we simply ask that others of a different persuasion should do likewise.

**Chairman**

Thank you New Zealand. I have Denmark, UK, Spain. Denmark.

**Denmark**

Thank you Mr. Chairman. It is no surprise that we very much appreciate the Irish initiative which in our opinion was tabled what in the European Union normally would be called one minute before midnight. My idea behind this reasoning is quite simple, that we feel an urgent need to reach a compromise concerning an implementation of the RMS for a cautious limited commercial whaling within a very safe management

procedure. When you make compromise it is also important that all, and I underline all, parts give up some of their wishes. That goes for all sides of the spectrum of point of views so I invite movements from all sides. For Denmark it is estimated to be critically important for the global future common preservation management and research on large baleen whales to keep this organisation alive, but naturally it can only be kept alive if the relevant large group of member states are interested to become or stay as members here. Thank you.

**Chairman**

Thank you Denmark. UK.

**UK**

Chairman, I would like to very much support the comments that were made by New Zealand. We in the UK have given very careful thought to the proposals which have been put forward by Ireland and there has been a great deal of debate about this. I would like to make it clear that we are ready to participate constructively in all ideas for improving the conservation of whales. I would also like to be quite open and frank that the ultimate aim of the UK is a permanent world-wide moratorium on all whaling other than aboriginal subsistence whaling. I am sure that the distinguished Commissioners have recognised that we have to reflect the views of our own people in relation to their traditions and what their feelings are. But we recognise that this is not something we are likely to achieve overnight or something that can be imposed upon members of this Convention against their will. So therefore we are prepared to consider ideas for reaching solutions on the way to our ultimate destination, but any arrangements of this kind would have to deliver real benefits to whale conservation and in this context there are some aspects of the Irish proposals that we have grave reservations about. It does look increasingly unlikely that these proposals do represent a realistic way forward for this Commission.

The key elements of the proposals is that any whaling that took place under them would be confined to coastal waters and that all whaling on the high seas, including scientific whaling, would cease, but we have seen no indication that some of the whaling nations, and Japan in particular, is ready to even consider such a scenario and to take forward discussions there has to be some indication that has been set, that all aspects of this including a global whale sanctuary, including a ban on international trade, including an end to scientific whaling have to be considered in terms of taking these discussions forward. The proposals that have been put forward, although very helpful, aren't the only ones I think that we can consider.

We believe that there is a case to support the creation of new regional sanctuaries, we want to encourage a change of emphasise in the Scientific Committee in recent years away from advice on the management of whale stocks in the context of whaling and towards a much broader exploration of whale conservation issues. We think that is quite legitimate in terms of the international expertise that this body has.

We also believe that the Commission and the Scientific Committee should continue their efforts to fully assess the impact of environmental changes for cetaceans. The environmental changes are of great threats to cetaceans and both those people who wish to exploit whales and those who wish to conserve them should take this issue seriously.

We also would like to see greater involvement by the IWC in issues relating to small cetaceans and we share the view of many delegations that the IWC has full competence here. We also believe, and we have already spoken on, the issue of whalewatching. We believe that it provides a benign potentially very profitable and sustainable way of exploiting natural resources and that the IWC should continue to monitor its growth and effects. We also believe that the IWC should continue to involve itself in welfare issues and to encourage and develop a more efficient and humane killing method, particularly in aboriginal subsistence whaling which we accept will continue for a very long time.

Finally Chairman, the UK firmly believes that the IWC does have a future, it is the only international body with world-wide responsibility for the conservation of whales and as such the UK government believes that it has an essential role to play and we will therefore continue to participate actively and constructively in all its deliberations.

**Chairman**

Thank you UK. Spain.

**Spain**

Thank you Chairman. We think that IWC should have to control all whaling over the world as a unique way to ensure the conservation of whales and to allow the recovery of species. The capability of the Commission to assume this challenge is crucial for the future, for the future of whales. That means we are confronted to step forward to build a consensus between us. The Irish proposal, which is at this stage the only alternative we have, is still today a good possibility to make progress. We are aware that timing is also a crucial issue and without the willingness to reach step by step a consensus now we couldn't succeed and the Commission could even risk its leadership in some whaling issues.

**Chairman**

Thank you Spain. US.

**USA**

The United States would like to thank the Chairman for your leadership in trying to bring compromise and consensus to this body. It has been an important and in many ways a productive process especially to cause focus on the future of the IWC and for this we do thank the Chair.

The United States has been willing and continues to be willing to join international discussions of the Irish proposal. We have engaged both multilaterally and bilaterally in discussions on this matter. In those discussions we are concerned most 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. In our view it is tiresome that we have not made progress on key components of the Irish proposal including the ban on international trade, the phase out of lethal scientific whaling and the ban on pelagic whaling. Nevertheless, we are prepared for future discussions on these topics and again we thank the Chair for his continued efforts to build a compromise.

**Chairman**

Thank you US. Japan.

**Japan**

Thank you Mr. Chairman. The Irish proposal has been the focus, at least has been the depending matter of discussion since two years ago, and Japan would like to express our high appreciation to the great effort exerted by Ireland which is an effort to try to find a compromise between the pro-whaling nations and the anti-whaling nations.

After hearing the statement expressed by the honourable Minister of the Environment of the UK earlier, I felt one word of sort of encouragement that he used the word conservation, because up until last year the distinguished delegate of the United Kingdom stated that at any rate, irrespective of any matter, that the UK will oppose to the resumption of the commercial whaling. Of course, the previous attitude was against the letter and spirit of the Convention. However, today I heard the word conservation and the word conservation implies and includes the meaning of also the rational utilisation as well, and that definition was adopted by the CCAMLR as well and they have to have a discussion on that definition under CCAMLR.

Despite this effort being exerted by Ireland there is new movement or new initiative to try and set the new sanctuaries in the Southern Pacific as well as in the Southern Atlantic Ocean. However, up until last year they used the word 'gang of four' and they themselves claimed themselves to belong to this 'gang of four', including New Zealand, Australia, United States of America and UK, and they said they would oppose to any type of whaling at any rate. Amidst such a negative environment expressed against this positive effort by Ireland to show this proposal, I am really wondering is there good conclusive environment here to talk positively about this proposal. In the Irish proposal there are some negative elements also included, for example, the proposal said they would only allow the resumption of whaling limited to the coastal waters

or some known scientific elements, for example, the gradual halt or abolition of the scientific whaling or some of the matters which are outside the competence of the IWC, for example, the management of the distribution channel of the whale products. Therefore we cannot accept this Irish proposal as a package entailing all these, some of those are negative elements.

However, we would still like to respect this spirit to try and achieve a consensus or a compromise and we hope that this proposal will serve as a sort of a starting point to try to lead IWC to normalise itself, because currently the IWC is in a critical serious state and therefore Japan intends to make a positive active contribution to that effort, and from that standpoint we have made this draft proposal for the Schedule amendment in order to complete and perfect an RMS at this meeting. Therefore Japan intends to positively participate in the discussion related to the Irish proposal in the future. Thank you.

**Chairman**

Thank you Japan. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman, and we are also of course grateful to you for the efforts you have made to try and resolve the impasse in this Commission. I am wondering if it would not be helpful for those countries who are opposed to the resumption of commercial whaling regardless of the RMS could so indicate. Some have indicated publicly already, perhaps we could have a show of hands or they could indicate in some other way so that discussion on your proposal can proceed more intelligently. Thank you.

**Chairman**

Thank you St. Vincent and the Grenadines. Chile.

**Chile**

Thank you Mr. Chairman. First of all I want to express my high appreciation for the leadership that you have given to this organisation in a moment of special problems and difficult situations. In spite of those situations you have been able to make this organisation continue growing, continue research and make it a very respectable means of protecting the natural resource. At the beginning when the Irish initiative was presented it was difficult to see how many of the elements composed fitted in the whole picture, but as time has gone this very different element has begun to fit in the whole picture and today we can say that this picture has been formed, the colours match one with other, and the only thing we need in this moment is flexibility and to learn to use the word negotiate. I think this organisation unfortunately takes a very strong position for every problem and we need to work more in order to prepare for this initiative, to prepare to work by consensus. We have obtained some important goals in that sense but I think we would not reach a reformulation of the IWC by this style of working of confrontation. From the point of view of our Chairman, I suspect there is a need for a more continual relation with the Commissioners during the year in order to participate how the things are going, how the things could, it needed some kind of opinion, maybe in a moment, but it is a continuity of leadership not only here when we come at this meeting, so I am hopeful that this initiative will be successful. Thank you very much.

**Chairman**

Thank you Chile. Switzerland.

**Switzerland**

Thank you Mr. Chairman. We would like to associate ourselves in particular with the statements of Chile, Spain and the USA. We are concerned with the present unpleasant situation where whaling activities are increasing so it seems to us and to happen outside of IWC regulation and management, and thus we are also concerned, about the future of the IWC. Therefore, we support the Irish proposal for any effort to solve this situation. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. Australia.

**Australia**



Thank you Chairman. Chairman, I just recall for a moment that the topic of this agenda item is indeed the future of the IWC, and that is a pretty significant topic and it is certainly one that is all-encompassing, and again this year the focus of discussion on this grand issue has been the set of proposals which you outlined in an attempt to reach consensus on those matters which most divide the parties to the Convention. That was the case last year as well and I don't want to repeat last year's discussion, but we said then that some of the elements in the package that you proposed we strongly supported and some of them we could not support, particularly a return to commercial whaling. We heard then actually a very similar sort of analysis from other delegations, including some whose views on the issues were very different from ours, it was just that the lists of plusses and minuses were reversed. Our conclusion then was that the proposals did not seem to us to provide the basis for consensus and sadly Chairman nothing has occurred since then that would lead us to alter that assessment.

The discussion this afternoon hasn't changed matters although we have had a little conspiracy theory thrown in to lighten the discussion. We note Chairman your intention to leave your proposals on the table and we respect that and we express the ardent hope that will not paralyse development of the other business of the Commission, the future of the IWC can't be hostage to a consensus which to us appears to us to be unattainable at present. We are very hopeful, of course, that there will be consensus on these issues and as we have said, or have said previously, we believe that the evolution in attitudes which has occurred in the Commission will eventually produce that consensus. But meanwhile let's not stand still and hold our breaths and wait for it to happen. We believe that we should get on with the other matters on our agenda on which even if we do have differences, those differences are not as substantial or as entrenched as on the issues which are tackled in your set of proposals. There is a great deal we have to do, there is a great deal we can do. As other speakers have said this afternoon, the last year, the year that has passed since our last discussion on this topic shows a record of solid work and some real achievement under the Commission's auspices. Let's continue to build on that. If we continue to focus on issues where progress is possible, however difficult, we will ensure that the IWC has a very useful present and that is the only way we can secure the future and in time find consensus on what are now the most divisive issues on our agenda. Thank you.

**Chairman**

Thank you Australia. I have France, Sweden, Germany and People's Republic of Germany. France.

**France**

Thank you Mr. Chairman. We consider that in the present situation we can make a number of observations. First we have to find a way out in the permanent stalemate of the positions in this Commission. We have to prevent the further drifting away of different delegations in this organisation in order to ensure its future. We have to ensure an efficient protection world-wide for the whales and lastly we have to accommodate reasonably the needs of particular groups especially the communities who want to continue whaling. We are very thankful for the efforts which have been done but we must state that we have relatively pessimistic views about further possibilities. We think that at this stage the only opening which could be envisaged is of a procedural nature. Perhaps we could see if a small group of very qualified persons could not on the basis of propositions which would have the necessary ..... [End of Tape] ..... opening if such a group could not eventually try to bring us a little further. Besides such a procedural step we don't see unfortunately at this time where we could find a new common ground. Thank you very much Mr. Chairman.

**Chairman**

Thank you France. Sweden.

**Sweden**

Thank you Chairman. Sweden is of the view that IWC is the only international accepted organisation for conservation and utilisation of all whales. Therefore we think it plays an important role now and in the future. We are also grateful to you, Chairman, for the proposals you have put forward which we believe should form the basis for a comprehensive solution based on the precautionary principle as we find it expressed in RMP and the soon-to-be RMS. We also think the principle of sustainable use is also

embedded in the Irish proposal and those are the two basic views of the Swedish delegation that makes us support your ideas. Thank you.

**Chairman**

Thank you Sweden. Germany.

**Germany**

Thank you Mr. Chairman. Germany has been following the Irish proposal with great interest. This proposal has initiated a process of consultation that is very important for the future of this organisation. The Irish proposal is a package proposal that contains difficult elements for all of us. For my country no doubt the element of the limited possibility of resuming commercial coastal whaling is a difficult element, but nevertheless Germany is prepared to speak and to negotiate about all elements of the Irish proposal. I understand this proposal contains difficult elements for the whaling nations too, and in my view it is very necessary that we get concessions from these whaling countries concerning the elements contained in the Irish proposal. I am concerned that until now I do not see such concessions. If we want to have progress such concessions will be necessary. In future consultations and negotiations for Germany three main elements will be very important. First to ensure the credibility of this organisation, and further to ensure the ability of the IWC to make best use of its instruments, and further to effectively conserve the whale stocks. Thank you very much.

**Chairman**

Thank you Germany. People's Republic of China.

**People's Republic of China**

Thank you Mr. Chairman. As an organisation set up to conserve and utilise whale resources we think that IWC has paid much effort in this respect. For the natural resource like whale resource the Chinese delegation holds a very consistent view that the whale resources shall be conserved and utilised in such a guidance, a guidance is active conservation and a rational utilisation. It is only in this way that we can seek sustainable development in this regard. For the purpose of seeking consensus or compromise between us we think this organisation, we think that the better way is to make decisions based on any available scientific evidence, and the best available scientific evidence can make our decisions more obtainable, and they can push along Contracting Governments to accept the spirit of IWC. In this regard we think that the Irish proposal has made a huge step forward to do with consensus, so we would like to express our appreciation for that and we think that we can further exchange our views and after making further modifications, I think the Irish proposal can be a foundation for our future consensus. Thank you Mr. Chairman.

**Chairman**

Thank you People's Republic of China. Netherlands.

**Netherlands**

Thank you Mr. Chairman. As you are aware the Netherlands has welcomed your proposals as a good basis for trying to negotiate an outcome of the situation of conflict and deadlock which this Commission finds itself in. Now this was done on the understanding that a compromise for the Netherlands is acceptable provided it results in a better situation for the whale populations than the situation where they are in now. I mean to say that the crucial point for us is the effective conservation of the whale populations, that would be the test against which we will consider the compromise proposals. We continue to be prepared to cooperate with all interested parties towards the reinforcement and the maintenance of the International Whaling Commission as the most appropriate organisation for the conservation and management of cetaceans at a global level. The Netherlands will therefore continue to play a constructive role in the completion of the Revised Management Scheme and we will try to contribute to an outcome of any negotiations that can be accepted by all parties. At the same time the Netherlands will continue to oppose practices whether for commercial or other purposes that are not in conformity with decisions or criteria that have been adopted by this Commission before. Further we think that in the future work of this Commission much attention should be paid to subjects, issues, that are not directly related to commercial whaling such as research into the effects of environmental change on cetaceans, measures for the conservation of

threatened populations of small cetaceans, the development of humane hunting methods and the promotion of regulated whalewatching as a form of non-lethal and sustainable use of cetaceans. Thank you Chairman.

**Chairman**

Thank you Netherlands. I have Mexico, Antigua and Barbuda, Finland, Monaco and Brazil. Can I ask delegations to be as brief as possible please. Thank you.

**Mexico**

Thank you Mr. Chairman. My delegation recognises the great work that you have been doing for the future of the IWC and in order not to be repetitive we want to associate our position to the one expressed by the distinguished delegate of Sweden. Thank you.

**Chairman**

Thank you Mexico. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Like Mexico and the others who intervene, Antigua and Barbuda would like again to congratulate you for your brave proposal. Indeed Mr. Chairman, while Antigua and Barbuda think that this is a way forward in order to break the deadlock, we do believe that there are several other problems of this organisation which even though your proposal succeeds would see to the demise of this organisation. Mr. Chair, one of the first problems of this organisation is that our membership is too narrow, it is not a representation of the international community. We have a membership of about 40 states here and there are over 150 states in the international community. This was not the intention of the founders of the Law of the Sea Convention. When the Law of the Sea Convention was signed and duly ratified it was expected that the management of ocean resources must be the concern of all mankind especially coastal states and I am afraid, Sir, that the present composition of this organisation is not lending service to the great founders of that part of the Convention of which we should be governed here, Mr. Chairman. The future of this organisation will depend on its ability to attract more members to our corridors, Mr. Chairman. For instance we have a lot of whaling countries that are not members to this organisation. Some effort must be made to bring them in our fold.

Mr. Chair, yesterday I made an intervention with regards to the whole question of the shifting of ownership of a resource from traditional users to other prospective users. I am afraid that this organisation is facilitating that same process in terms of whale resources. Mr. Chairman, some NGOs are making over 150 million dollars per year from the whale lobby. This in fact is a rent being exerted from this resource. Some countries are making money from this resource when coastal states should be the ones that should benefit from this resource. What we are seeing is that this Commission is preventing members from earnestly seeking revenue from whaling from this resource while putting revenue in the hands of NGOs who are only providing employment and other opportunities to developed countries. This is untenable. We have to change this in this organisation Mr. Chair. It is all about economics, it is all about the resource and coastal developing countries must get more out of these resources and this is the forum to ensure this and it cannot be achieved with the current deadlock and a way in which the small majority, minority, is operating Mr. Chair. Thank you.

**Chairman**

Thank you Antigua and Barbuda. Finland.

**Finland**

Thank you Mr. Chairman. We have earlier expressed our support to the Irish proposal and we want to confirm it now and at the same time I would like to commend you for your efforts to make progress in this matter. We would like to associate ourselves with the comments made by some delegations like Germany, Sweden and Netherlands. It has been said that everybody must give up something in this process and of course we are looking to those delegations whose positions are furthest away from each other. We know

there are several elements in this package which are difficult for some delegations but we firmly believe that, of course, consultation must continue in this matter. Thank you.

**Chairman**

Thank you Finland. Monaco.

**Monaco**

Thank you Mr. Chairman. Looking at the present situation I think is quite impossible that the cessation of a yearly meeting can change the topics and attitude of the different participants. We hope for a new situation and some compromise, but I think we must change the rule because if the rule remains the same we cannot change anything. The discrepancy of this present situation is we have to rule about a long time programme, the good whales' life is long and to return the stock at the sustainable level needs many years and to manage such long-time problem we need altogether every ten or twelve months is to show if you need to change something you have to take the time. The Scientific Committee cannot in ten months as new evidence of new discoveries or new things to give us the opportunity to appreciate new situation, and ourselves we spend a lot of money and time every year to speak on the same topic and to have the same arguments. It is not serious. My feeling is that the future of the International Whaling Commission, if a future can be, must have a new organisation and a new approach. But, if you proceed every year like now, to make the same, to speak about the same thing, you cannot change anything so I like to better organisation I think, if necessary, to change some rule and if not we can proceed every year, every year, one third, one third, and sometimes one vote changing and so on but nothing change.

**Chairman**

Thank you Monaco. Brazil.

**Brazil**

Thank you Mr. Chairman. We have been following with interest the evolution of the Irish proposal which had been put forward by you and in this respect we recognise and warmly thank you for the efforts being made to accommodate different positions in the Commission. Our government attaches great importance to the work of the IWC. In fact, we have already stated and repeated our firm conviction that the Commission is the appropriate forum for discussion on management and conservation of cetaceans. Therefore it is our big interest that we can keep the spirit of cooperation in the work here. We want to reaffirm our disposition to keep discussing all aspects of the Irish proposal which we know still presents some problems to many of us here, but we are confident that discussions can be carried on and for this we could maybe consider the possibility of intersessional consultations like our colleague from Chile suggested. We believe that we can do something and we believe that we can negotiate something for the future of our Commission. Once again, Mr. Chairman, we thank you very much for your efforts on this. Thank you.

**Chairman**

Thank you Brazil. South Africa.

**South Africa**

Thank you Chairperson. I realise it is very late and therefore I will be very brief. Only to say that I would like to thank you for your efforts to date and that indeed you can continue to bank on my support in your efforts to break the deadlock in this organisation, not only in the interests of improving our ability to manage whaling operations but in particular in the long-term interests of the conservation of the whale resources themselves. Thank you.

**Chairman**

Thank you South Africa. Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman, this is almost becoming a talk shop where everybody gets up every year and comes back and tells you on that issue they wish to congratulate you for the work you have done. Mr. Chairman, the future of the IWC will remain bleak as long as we continue to perpetuate deadlock. Mr. Chairman, we are talking about managing a resource, unless there is equitable utilisation of

the resource we won't be able to go forward. Mr. Chairman, in the international community there is a complexity of cultural differences and cultural needs and this is one of the big issues that confronts this organisation, and that is one of the issues that is to be addressed in the future of this organisation and unless that becomes a focal point in the future of the organisation we will forever have problems. Mr. Chairman, this organisation spends a tremendous amount of resource in seeking scientific advice or in seeking scientific information. Mr. Chairman, we have seen many times that this Commission has not given the proper recognition to the advice of the Scientific Committee. The independence of the Scientific Committee in it must be considered in the future of this IWC. Mr. Chairman, as well we have heard of the RMS before it had another name, then came from the RMS, sorry the RMP, from the RMP came the RMS. Earlier on today Mr. Chairman, we just saw what that brings about, we are not willing to compromise, we will forever come here and do what we are supposed to do and it is just talk. The words of the Commissioner of Antigua and Barbuda I support and also the words of the Commissioner from Monaco. Thank you very much.

**Chairman**

Thank you Dominica. St. Lucia.

**St. Lucia**

Thank you Mr. Chairman. Chairman, my delegation views the future of this organisation as surviving from year to year with promises to bring closure to the most important aspect of our work, the conclusion of the RMS. Today we postponed this for another year. Our finances, Mr. Chairman, are controlled by a core group of members, only fifteen in number. The seven states or so who abstain on several issues can be made to see reason. The contributions that we pay are among the highest in any UN system yet we find it difficult to review such contributions, but we pay our dear Secretary a UN salary scale. We have forty members in this organisation Chairman, yet the world community, the UN system, is comprised of over 160 member nations. We have to free up this organisation Mr. Chairman, we have to free it up, we are dealing with matters of the sea and the earth's surface is covered by a lot of sea, there are many island states, there are many small developing states, in this organisation Mr. Chairman, we in the small islands have been asked what are we doing here? Nobody asks countries that are landlocked members of this organisation what they are doing here but they ask us what are we doing here. We have lived off the resources of the sea Mr. Chairman. Mr. Chairman, where is our future? You have taken a bold step to try to satisfy some members here and even when you have done this you have been criticised by those same members. Where can we go Mr. Chairman? Are we prepared to kill this organisation because we cannot be flexible? Are we prepared to deprive the rest of the world community from joining our ranks and taking decisions which would show how free we are in the free world? Is this a free organisation, Mr. Chairman? Is there a level playing field here? Chairman, where is our future, maybe you can answer that?

**Chairman**

I don't think I will try St. Lucia but I will close this agenda item now and I will close the session of Plenary and we will resume in the morning. Commissioners' meeting at 9.00, Plenary at 9.30. Sorry US I took so long.

*[END OF DAY TWO]*

**VERBATIM RECORD**

**51<sup>ST</sup> ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION**

**GRENADA, 24-28 MAY 1999**

**WEDNESDAY 26 MAY**

**22.3 GUIDELINES FOR OPENING STATEMENTS FROM OBSERVERS**

**Chairman**

Plenary Is now in session. We open the meeting with agenda item 22.3 - Observers and I want to report to the Commission that a serious incident took place yesterday at the Commission offices in Cambridge. A number of persons broke into the Commission's premises and terrorised our staff. Ladies and gentlemen, this is not acceptable behaviour, the organisation responsible, Breach Marine Conservation, issued a statement saying this was a protest. This type of violent behaviour is not acceptable to the Commission and should not be tolerated. I propose that the Commission should revoke the accreditation of this organisation. Can Commissioners indicate support for this action? It seems there is overwhelming support for this action so we will note the decision and I will ask the Secretary to immediately revoke this accreditation. On behalf of the Commission I also want to express our sympathy to the staff and hope that such incidents will not happen again. I would also like to place on record that the Secretary has received a letter from a large number of NGOs, observers, who have also condemned the action taken.

**15. ENVIRONMENTAL CONCERNS**

**15.2 REPORTS FROM CONTRACTING GOVERNMENTS**

We will now move onto today's agenda and I will be taking it in the order of 15 - Environmental Concerns, 16 - Scientific research, 17 - Cooperation with Other Organisations and then we break to Technical Committee to take Adoption of the Report of the Technical Committee, agenda item 13 - RMS, Item 7 - Sanctuaries and 14 - Scientific Permits. We will now go directly to agenda item 15.2 and the US will give us a presentation. US.

**USA**

Thank you, Mr. Chairman, for the opportunity to speak briefly to the issues of environmental concerns. This is one which is a critical one for the Commission and one that we wanted to emphasise. I will be brief, Mr. Chairman, in keeping with the tenor of the activities of the Commission but let me just say that, and could we have the next slide here, that whether natural or human induced, the predicted changes in the earth's climate and the environment of the ocean can have major impacts on human health, the environment, the economy and society. In 1993 our Commission responded to this need by pointing out that the Scientific Committee should give priority to research on the effects of environmental change on cetaceans in order to provide the best scientific advice for the Commission to determine appropriate response strategies. The Scientific Committee has concluded that environmental threats effect all species of cetaceans and the IWC may have to contemplate response strategies outside the direct management of whaling operations if it wishes to have these identified threats alleviated.

Next slide. Thus it is critical, you can hear some of the sounds of whales there, this is from the Hawaiian humpback whale sanctuary, just to remind us of the situation that we are dealing with here. Next slide please, in the words of our former Chairman, Peter Bridgewater, global climate change, pollution and the hole in the ozone layer that lead to more ultra violet radiation are greater risks to the world's whale populations than whaling. Thus, the adoption of environmental concerns agenda item at the 50<sup>th</sup> Annual Meeting in Oman reflected a significant step towards addressing the threats to cetaceans posed by global environmental threats, and most significant is the supplementing of the Scientific Committee research fund to provide seed money for environmental research.

Let me just show a few examples, next slide. Chemical contaminants, we know that stranded beluga whales from the St. Lawrence estuary in Quebec show a rate of intestinal cancers that are much higher than those observed in all animals and man. Next slide, in Greenland where more beluga and narwhal are consumed than anywhere else, something like 95% of women exceed the Canadian guideline limits. Next slide, we know that global temperature, surface temperature has been rising and is predicted to rise even further a couple of degrees Celsius. This changes the eco-systems that we face. If we look at the ozone problem we know that chlorofluoro carbons that have been put into the stratosphere cause the destruction of ozone that protects us from ultraviolet, the ultraviolet has an impact both on the plankton, on the krill and directly on marine mammals.

Next slide. Catastrophe outbreaks of disease. We know that there have been serious problems from morbillivirus in north-west Europe, a similar infection in the Mediterranean Sea. We know that organyl chlorine contaminants contribute to the mortality of marine mammals such as those I have just discussed.

Let's look at the next slide, these are global threats and we know that the ocean is changing globally. Here's an example of sea surface temperature from the 70s, 80s and 90s, and we can see with the red indicating warmer temperatures that the whole ocean is slowly warming, whether this is due to man-made effects or natural changes we don't know the full extent of that, but we do know that there are major global changes.

Next slide. Let's think about some initiatives that are important in our own country. We are promoting and funding these activities we call the NOAA initiatives, looking at chemical and nutrient contaminants, climate change, ozone depletion and UVB exposure. One of the most serious problems that I want to identify here today is that of the changing chemistry of the ocean. I believe that the changing chemistry of the ocean is as important, or more important, to our society today than the changing chemistry of the atmosphere which leads to global warming. Changing chemistry of the ocean affects all of the biology in the ocean, it affects fisheries, it affects marine mammals, it is a very serious issue and if we add that to the global climate change we know that the eco-systems are being affected. For example, here is a core-sediment analysis, it shows the trends in toxic contaminants of DDTs.

If we go to the next slide we can see the impact of harmful algal blooms as they tend to grow and we know that nitrogen and phosphorus are growing. It used to be just a few regions but now it's very broad.

Next slide We have seen marine mammal strandings as a serious issue as marine mammals are affected by these harmful algal blooms but we don't really understand the impacts. Why does the change in chemistry lead to harmful algal blooms, how does this have an effect on marine mammals? We need research and we need to understand the base lines.

Next slide. We need to have a series of studies looking at chemical and nutrient contaminants, increase in habitat, how this alters the habitat and then what are the impacts here. The invitation of experts in marine contaminants to the Scientific Committee Meetings is I think vital to the advancing research on these topics.

Next slide. As you know, and this is an issue that has been publicised, we have an increase both in carbon dioxide and also in other so-called greenhouse gases like methane that have an impact of absorbing radiation and causing the atmosphere to warm. We see this in causing increase in surface temperatures in the oceans, but we also see an impact in the sea-ice and here is a short film that shows how the Ross Ice Shelf in Antarctica has receded over the past twenty thousand years. This is the kind of change we are seeing now round the Antarctic peninsular and the Filchner Ice Shelf, these are the kinds of things that change the habitat in the polar regions for marine mammals, the loss of sea ice is a serious issue and in fact the next slide shows a picture of warming trend near the Antarctic peninsula. Now let's look at the sequence that occurs here, greenhouse gas increases, global temperature is then increased, polar sea ice coverage decreases and therefore it is imperative that we have the Scientific Committee look at these impacts of large-scale and smaller-scale whale habitat-prey interactions as they interact with these changing eco-systems, and that the IWC commit to providing initial financial support for interdisciplinary research that is focussed on the potential impacts of global climate change as well as involving scientists, these experts, to the IWC meetings.

Now let me go to the ozone question. As you know the number of CFCs that cause the impact on the ozone hole has been levelling off and will probably start to decrease. At the same time the ozone hole remains high and probably won't start to go down for another few years. The Montreal protocol has given us an opportunity now to start to solve that problem but if you look at the total impacts, chlorofluorocarbons increase, this is what causes the ozone hole to increase, allowing more UV, and therefore it is imperative that the IWC have some interdisciplinary research specially focussed on the potential impacts of enhanced ultraviolet radiation on cetaceans and their habitats and to have such scientists come to the meetings.

Next slide. At the 50<sup>th</sup> Annual Meeting the Scientific Committee noted that environmental concerns are linked to all of its other priorities, and the Scientific Committee stated that research on the effects of global environmental change on cetaceans is a top priority. Some of those efforts include a collaboration with the Southern Ocean GLOBEC programme, a review of potential role of whales as bio-indicators of climate change and other activities.

Next slide. As we have discussed, potential threats to cetaceans are extensive. The Scientific Committee has identified eight priority research areas and these are focused on climate change, chemical contaminants and polar issues. Therefore we believe that financial support is needed from the Commission to support the Scientific Committee's efforts on its highest priority items to enable the Scientific Committee to link its efforts to on-going environmental change research and to invite scientists with relevant expertise.

Last slide please. We've looked at some of the potential threats that are posed to cetaceans by global environmental change and some of the programmes. We now need to increase our efforts to respond to the Commission's charge that environmental research activities might enable the eventual prediction of the effects of these factors and to incorporate such knowledge into the conservation and management programmes of the IWC. To that end we propose supporting the work of the Scientific Committee on environmental concerns by supplementing the Scientific Committee research fund to provide seed money, initial funding for environmental research, and by sending scientists to IWC meetings who are experts in these topics, also by supporting domestic interdisciplinary non-lethal scientific research programmes, stranding networks and other national efforts to address the potential threats to cetaceans. As the recognised international body charged with cetacean conservation and management we believe that it is the Commission's responsibility to identify and to do research on what may prove to be the greatest threat to cetaceans global environmental change, and we believe that a commitment by the Commission will allow other funding sources to come forward and allow us to address this very high priority of the Scientific Committee. Thank you for this opportunity to address this Commission.

**Chairman**

Thank you US for an excellent presentation. Thank you. Agenda item - 15.2. I have two other papers, paper 51/22 from the Greenland Home Rule Government. Do you want to say anything on that Denmark or will I just note it?

**Denmark**

Thank you Chairman. This is a note regarding information requested in IWC Resolution 1998-11 which refers to Article V.2(d) where the Commission shall take into consideration the interests of the consumers of whale products. This paper is not going to present any scientific data but a list of references can be provided by request to the Greenlandic delegation. Thank you.

**Chairman**

Thank you Greenland. I also have a paper from the UK. Paper 51/46. UK.

**UK**

Chairman, can I start by congratulating Dr. Baker on the excellent presentation that he gave. I thought that in a very short presentation he ranged through some very serious environmental threats in relation to whales and indeed the whole global marine eco-structure dealing with changes to climate, ozone depletion, pollution and other influences and disturbances, and the paper that we are presenting deals with some of the



research that the UK has been involved in which we believe is very much relevant to the presentation that we have just had.

Mr. Chairman, the UK also believes that the evaluation of these threats is a vital element of any discussion relating to the conservation and management of cetaceans and we fully support the IWC in terms of taking this forward and giving the international reputation that it has in many of the scientific papers it has presented. I would really like to emphasise, Chairman, that environmental risks should be a key issue in relation to the IWC. It relates, of course, to the comments that the UK and other countries made yesterday in terms of the future of the IWC and the role it can play in relation to international whale conservation, and I think that really needs to be very strongly emphasised.

Environmental concerns and the threat to whale populations must be a core function of the IWC in terms of science, research and the advice that the IWC gives. As a contribution to this debate the UK's paper IWC/51/46 outlines examples of relevant work carried out in the UK. It involves government departments, agencies, universities, industry and various environmental bodies. In respect to resolution 1998-5 the UK focussed on two key areas. One is the interaction of Southern Ocean ecosystems and the other is efforts to address contaminants in the marine environment. Since the moratorium on commercial whaling was introduced in 1982 we have become increasingly aware of the potentially devastating effects of global climate change among marine ecosystems and the need to quantify the effects of pollution.

In the light of such threats there now exists considerably more concern about the ability of cetaceans to withstand direct hunting and we consider that they present a cogent reminder of the need to adopt a precautionary approach for cetacean conservation and management. This was specifically recognised by the IWC in 1993 when it directed the Scientific Committee to give priority to the effects of environmental change and cetaceans in order to provide the best scientific advice for the Commission to determine appropriate response strategies through the new challenges.

In terms of the paper that we presented I would just like to briefly draw attention to a few important areas of the study, and these include work by scientists from the British Antarctic Survey who are actively engaged in research into the Southern Ocean ecosystem. This also underpins CCAMLR. The UK has provided extensive series of data to this. There are three marine biological science programmes covering pelagic ecosystem studies, higher predator studies, and ecological and physiological adaptations. The results of these studies are due to be published later this year and I might also add, Chairman, that this is one of the benefits of having the Southern Whale Sanctuary so that you do have an area which is relatively undisturbed to carry out important research of this kind.

We have also done examinations in terms of the effects of man-made substances that have hormone disrupting properties in marine mammals, and we have also developed a database on stranded cetaceans and examinations of levels of contaminants. We have certainly found that there are areas of considerable concern. Statistically associations between death from infectious diseases and levels of contaminants in tissues of stranded porpoises have shown that there are areas of concern that support the hypotheses that high contaminant burdens may result in immuno-suppression and so increase disease susceptibility. Further work on this is underway.

We would certainly like from the UK to encourage the many governments who have done a great deal of important research to make this research available so that we can increase our understanding in these important areas and I come back to the point, Chairman, that the IWC has a key and probably unique role in co-ordinating and encouraging this kind of research. I don't believe there is any other body which has the international status to do that, and I come back to the point that this kind of work in terms of environmental threats must form one of the key and future issues of the IWC and its work as we go into the next Millennium.

**Chairman**

Thank you UK. Italy.

**Italy**

Thank you Mr. Chairman. With reference to the outstanding summary that the United States just gave us of disturbing and increasing environmental changes and their impact on cetaceans, and to the UK's intervention both yesterday under the agenda item 'The Future of the Commission' and today under this agenda item, and in view of the Opening Statement that Italy had made in which strong concern was expressed about the extent of threats that increasing degradation of essential cetacean habitat poses to the conservation status of these mammals, and about the uncertainties deriving from our incomplete understanding of the underlying mechanism which is essential for the adoption of appropriate management measures. All the above consideration, Mr. Chairman, points to the direction in which the IWC should move in the future, that is, that a full assessment of environmental threats to cetaceans be the appropriate focus of the IWC in the third millennium. In the light of this, Mr. Chairman, Italy believes that a resumption of commercial whaling even at a reduced scale as could be envisaged under the Irish proposal might be unsustainable and does not seem like an acceptable direction for the IWC to move on. Thank you.

**Chairman**

Thank you Italy. I have Norway and Denmark.

**Norway**

Thank you Mr. Chairman. Norway fully recognises the importance and seriousness of the environmental threats presented by Dr. Baker. From a scientific point of view the underlying scientific questions are in addition challenging and even interesting. Norway has been heavily involved both in the scientific discussion and in the research and in the political process from the very beginning when these problems were first recognised by the scientific community. As an example, Norwegian scientists working with chemical reactions in the atmosphere were among the first to publish papers on breakdown of ozone and related the chemical reactions. Norway was among the active nations behind the Montreal protocol on the release of CFS and I may say Norwegian science has its strength in these fields. When Robert May last year in the Journal of Science published his evaluation, based on scientific citations, on the relative merits of science in different European and some other countries, I am ashamed to say that Norwegian science came low, but there was one exception, research in the NY mental field where we were rated high. I say this to remind you that Norway has a high profile both scientifically and politically on these issues and that Norway most likely will continue to have a high priority of these issues. But, Norway seriously questioned whether the IWC and its Scientific Committee are the right fora for this scientific and political discussion. We already have a number of international bodies co-ordinating research in this field. I happen to personally chair one of them, the European Science Foundation Standing Committee on Life and Environment. But we have more important international bodies. The most important is probably the IGBP under ICSU but we have the CCAMLR for the Southern Ocean, we have GLOBEC both in North and South, we have cooperation between geologists in the world, we have cooperation between scientists working in oceanography etc, etc. We really don't see the importance of IWC to go into this field except when it is closely related to whales and we recognise these two areas on which IWC has a special position, where it can make a contribution to global research in the environmental field.

The first is the effect on cetacean populations from pollution in highly polluted areas like for instance the Baltic, some parts of the North Sea, areas outside Quebec and some other areas. For this reason Norway hosted the first Workshop on Pollution which IWC arranged in Bergen some years ago and, of course, the Norwegian research will continue to be engaged in these matters. We will support the proposed project on pollution on harbour porpoise and on some migratory species which feed partly in highly polluted areas, like, for instance the pilot whale in the North Atlantic. But Norway would like to point out that there is no indication of a general pollution problem in cetaceans. The minke whales, for instance, caught in the North Atlantic by Norwegian whalers have very low levels of all the relevant pollutants but we shall, of course, continue to monitor the situation and I think it is important to monitor to have some base line values, but there is no general pollution problem in cetaceans except for regional problems.

On the climatic change issue, Norway has great concern, as should all North European countries have, and it is not obvious as we all know that a general global heating will result in warmer climate in our part of the world. Small changes in the trans-Atlantic current may change the climate in Northern European to the opposite way and Norway will, of course, be the first country to suffer from that process and its related to

oceanographic processes like the formation of deep water in the Greenlandic Sea. But, what is the relevance to whales? I think in addition to human populations there are many other animal and plant populations which will be much more threatened because they don't have the possibility to move but the whales will probably be, at least the large migratory species of whales, will probably be among the most resilient species to climatic change even if the bloom areas of primary production changes the whales will find their feed in the new areas. That, and of course they survived the late glacial period and they will probably change, manage to change, future changes in climate much better than the human population would. The effect on whales would, in any case, go through the food chain and part of the food chain is the fish populations so we will have to be much more concerned about the effect on fisheries than really on cetaceans.

My other conclusion is that it is the view of Norway that the most important contribution that IWC can make to global and environmental research is through careful monitoring of abundance and distribution of populations of cetaceans, and to continue to monitor both the abundant species and the not so abundant species and stocks, and also the species threatened with perhaps close to extinction or very low population levels. In addition to this, of course, also to monitor changes in biological parameters in these animals and in addition, as I mentioned, to monitor accumulation of pollutants in those areas of the oceans where they are recognised pollution problems. From this central field which is within what should be the main task for a body like IWC to go into, this larger field, pollution and global warming in general, that would be to distract effort, money from this central more important field, and we are strongly worried that this will distract from the most important fields. In addition when I listen to the UK Minister presenting as his view that not only should we move into the new field, IWC move into the new field, but it should also close down its work on the monitoring of whaling and whales which are subject to whaling. That would even create a greater problem for Norway and we would have to move our management advice to another international body and we have of course established NAMMCO as a possibility. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Denmark please.

**Denmark**

Thank you Mr. Chairman. This is a brand new item on our agenda and quite naturally is of high interest for Denmark. We are very concerned about the environment and in two parts of the agenda, the eating of the meat from sea mammals of different kinds is very important for life in subsistence, so therefore I will be brief and just make what very short and general remark to this new agenda item. When we talk about pollution and degradation of the environment, the general or normal reaction here often is well that we must reduce or stop whaling ..... [End of Tape] .....

.....  
**Netherlands**

..... RMP at zero is not enough to promote recovery of those stocks and population. We have to know which environmental factors such as pollution have an adverse effect on cetaceans and hamper the growth of depleted populations.

Secondly there is no organisation that specifically addresses the possible adverse impact of environmental change on cetaceans. There are many *ad hoc* studies that cover specific aspects, for instance ecotoxicologically or other environmental problems, but there are no comprehensive projects with a potential off-spin to all cetaceans such as the 2000+ and SOWER 2000 programmes. The Dutch Government accords high priority to environmental problems and therefore welcomes further research in this field initiated by the Scientific Committee, and in particular we support the implementation of the Pollution 2000+ and SOWER 2000 programmes. Given the fact that the Scientific Committee nominated one of our leading scientists in the field of eco-toxicology and marine mammals as co-ordinator for Pollution 2000+ it is my pleasure to offer in-kind contribution by the Netherlands to this programme by enabling him to allocate time to perform that function. Thank you Mr. Chairman.

**Chairman**

Thank you Netherlands. Switzerland.

**Switzerland**

Thank you Mr. Chairman. Mr. Chairman, we also, of course, acknowledge fully the environmental threats that exist today. In fact we agree with the quotation by Dr. Bridgewater that environmental change is today more threatening to cetaceans than direct takes. We may indeed not know exactly what environmental threats are doing to cetaceans in particular but in the same time we are not ignorant. We already know quite a lot, the problems have been and are named such as global warming, ozone depletion, oil spills, pollution and so on. We fully agree that it is the task of the IWC to gather information on the effects of such threats to whales. We think, however, also that this is not sufficient. Even without having or knowing the final results of these studies there should be a parallel movement by our governments to tackle the problems at their base. Such as reduction of CO<sub>2</sub> production, taxing of fossil energy, reduction of waste, interdiction of CFC, DDT etc. You can be assured that my government is strongly moving in this direction and as such making and contributing to better the most alarming situation not only for cetaceans but world-wide for other plants, animals and human beings. We do this not only in this but also in other international fora. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. Austria.

**Austria**

Thank you. First of all I would like to thank the United States for their presentation. Second, we are quite happy about this new item on the agenda, environmental concerns. As I pointed out in our Opening Statement, we welcome all advances that the Standing Working Group on Environmental Concerns has made and a new quality that this work has given to the IWC as a whole. We support the two new environmental research initiatives developed by the Scientific Committee this year and encourage member states to identify and send appropriate experts to the scientific meeting in order to further the ecosystem approach to the management of whales. Above that, we encourage member states as well as international organisations to consider contributing in order to allow these two programmes to be executed as envisaged. The Scientific Committee will make a suggestion to compile an annual summary of the state of the cetaceans' environment. The Committee agreed to try this on an experimental basis. The Chair of this e-mail group is Michael Stachowitsch and we ask all delegations, all member states, to support this. Thank you.

**Chairman**

Thank you Austria. Australia.

**Australia**

Thank you Chairman. This is an issue about which Australia has had concerns for a number of years. I think that is evident from the quote from Dr. Bridgewater who was, as well as being the former Chair of this Commission, was at the same time the Commissioner for Australia. We have endeavoured to take an active role in the Scientific Committee group on environmental concerns, have contributed a number of papers to that group over the years. Contributions were made this year, I won't go into the detail of those, those are reported in the Scientific Committee Report, and we will continue to contribute in that way through Australia's domestic research programmes. This is, in our view, a major issue facing the IWC and one on which the IWC should take a leadership role and in that sense we would agree with the United Kingdom intervention that this is an area that we must as a Commission take forward and make an appropriate financial contribution. Thank you Mr. Chairman.

**Chairman**

Thank you Australia. If there are no further comments on this item I will go back to 15.1. Sorry, Japan.

**Japan**

Thank you Mr. Chairman. I would like .....

**Secretary**

Can I get all delegates to turn off their microphones if they are not being used.

**Japan**

Thank you Mr. Chairman. I would like to take this opportunity to express my appreciation to the great presentation made by the distinguished delegate ..... [problem with microphone] ..... on top of page 14 shows estimated annual food consumption based upon three methods and the 3-1 actually shows Southern Hemisphere including the Indian Ocean. Also at the bottom of page 14 you can see the 3-2 that is North Pacific, and on top of page 15 you can see 3-3 that is North Atlantic followed by 3-4 the total and so if you can look at 3-4, the total, the most conservative estimate figure of the consumption by the cetaceans in total is shown by model 1, method 1, that is left-hand side of this column at the bottom of page 15 which shows about 278 million tonnes of consumption were almost 280 million tonnes in consumption which is a most conservative estimate. The less conservative estimate is shown in method 3 at the bottom of this table 3-4, that is almost 500 million tonnes of food, prey are consumed by the cetaceans. Well please turn to page 16, at the bottom you can see figure 2 which is the recent estimate of the world-wide commercial fisheries catch in 1994 and including the fishery production on-shore, part of the fishery production, the total of the production is 100 million tonnes including the inland fishery. If you include just the sea captive fishery that is about 70 million tonnes, so if you include the inland fishery that is 100 million tonnes and if you just cite the marine surface fishery that is 70 million tonnes.

If you compare to the total annual consumption of food by the cetaceans calculated and estimated by the methods 1 to method 3 in earlier pages you can see the cetaceans does not include some of the marine mammals, for example, the sea lions nor sea otters. What they eat is not included in this estimate so if you add that up the post-war total estimate of the consumption by the cetaceans and marine animals is much higher than this figure. However, in conjunction to this fish consumed by the cetaceans actually there is the FAO statistics and information which says that the 60% of the global fishery resources are in deteriorated exacerbated condition, and there are different reasons contributing to that exacerbation of the status of the fish and one of the reasons could be the fishery. However, maybe more important than the fishery itself is due to the consumption and feeding by the cetaceans, so it is necessary and we must carry out the research in this matter expeditiously, urgently, otherwise in the future we may face the irreversible situation.

Last year in May an FAO Conference was held in Lisbon to commemorate the occasion on the International Year of the Ocean and then FAO declared that the vessel capacity must be reduced by 30%, and then in conjunction later on FAO also adopted the International Plan of Action on the Management of Fishery Capacity and according to this decision and announcement, Japan implemented the reduction of the fleet by 20%. So I think we have to have the comprehensive global outlook on the ecosystem in this connection so the matter is not only the relevant matter limited to the moratorium on the cetaceans. However, I think we have to have the more total view on the marine ecosystem bio-diversity and the food security of the human kind on the whole because these are all relevant matters and important matters. In conjunction to the future responsibility of the IWC I would like to urge and appeal to you that these points of consideration must be made. Thank you.

**Chairman**

Thank you Japan. I have New Zealand and US. New Zealand please and can I ask delegations to be as brief as possible please. We have a very long agenda today and I hope to finish it tonight and I mean night.

**New Zealand**

Chairman, like other delegations we join the appreciation that has been expressed to the United States and particularly to its Commissioner for today's presentation on environmental concerns. This provided for us, at least, a graphic illustration of the nature and extent of the environmental threats faced by cetaceans and highlighted the need for action by this Commission. I would also particularly endorse the comments made by the UK Minister and support the concerns he expressed and the course of action that he outlined, and indeed all of the matters raised by the UK in its paper 51/46.

Mr. Chairman, my delegation specifically wants to address the issues just raised by Japan based on paper 51/24 and which I guess are summarised in a headline in a publication that is actually being distributed to us at this meeting, 'Whales compete with Fishermen for Limited Resources', and we have just heard that argument repeated in somewhat more detailed form. Well I have got to say, Mr. Chairman, that despite its glib appeal we, and I know many others, do not accept that argument and I am going to discuss that in a little more detail in a moment. However, I have also got to say that we are concerned at the apparent tactic of raising this argument informally in other forums and then after a casual and inconclusive discussion claiming that there is support for the argument within those other organisations. We intend to be diligent in seeking out those instances and will be drawing attention to one in a later debate under another agenda item.

Mr. Chairman, not all baleen whales eat fish. Indeed, most in the Southern Hemisphere eat krill almost exclusively. Even where some baleen whales are known to eat fish, for example, in the North Atlantic and North Pacific, they do not consume significant quantities when compared to other commercial fish species, for example, grown cod are the major predators of young cod. Most of the prey of sperm whales, which according to the Japanese paper constitute the greatest biomass of cetaceans, are deep water squid and fish species that are of no commercial value and in that regard, Mr. Chairman, I would refer to a paper prepared by Trites, Christiansen and Pawley and published in the *Journal of Northwest Atlantic Fishery Science*, Volume 22, pages 173-187. This is a published and peer reviewed document, Mr. Chairman, and it concluded that a large fraction in excess of 50% of the food caught by marine mammals consisted of deep sea squids and very small sea fishes not harvestable by humans. This limited the extent of direct competition between fisheries and marine mammals. Moreover, the most important consumers of commercially exploited fish are other predatory fish not marine mammals, and the final conclusions of that particular document, Mr. Chairman, are very telling. The excess of build-up and over-capitalisation in the fishing fleets lead unavoidable to over-fishing and potentially threatened marine mammals with food-web competition, and finally it is clear that the Pacific fisheries cannot continue to expand as they have previously. None of those conclusions will surprise members of this body.

Mr. Chairman, it is misleading to claim or to blame cetaceans for declining fish captures. The fundamental problem facing the world's fisheries resource is the legacy of decades of over-fishing and gross over-capacity of fishing effort. We should all recall that in past times there were far more great whales than today and considerably more fish and since then both have been overexploited. Mr. Chairman, much of this is found in and dealt with in paper 51/36 prepared by Dr. Jock Young and submitted by Australia primarily in support of the South Pacific Whale Sanctuary proposal that was discussed in the Technical Committee but also to rebut the content of paper 51/24. It was discussed also in the Scientific Committee where it was noted in the Sub-committee in question and reported on page 24 of Annex H of the Scientific Committee Report that first, protecting whales from hunting will not disrupt the marine ecosystem, secondly there is little evidence of overlap between whales and commercial fishing at least in the South Pacific Ocean and thirdly, an increase in the number of whales in the South Pacific will not lead to a reduction in the number of tuna. Mr. Chairman, I expect that others will insist on running this unsubstantiated argument about competition from cetaceans in the future and I simply say now that we, as a delegation, intend to continue to confront and rebut it.

#### **Chairman**

Thank you New Zealand. I have US, Netherlands and Norway. US.

#### **USA**

Thank you Chair. If the conclusion dawn from the Report IWC/51/24 is that the primary cause of the world's fish decline is consumption by whales, we respectively disagree with the Government of Japan. Cetaceans fisheries conflicts have been reported from around the world for more than a hundred years but these situations are difficult to study and have rarely been examined in any detail. These conflict problems are very complex multi-species management issues and there is no, and I repeat, no scientific consensus that killing whales will enhance fish populations. However, there is widespread agreement that major fish stocks around the world are depleted because of vessel over-capacity that results in over-fishing. The major problem of declining stocks is man over-fishing, over-capitalisation, technology out-pacing conservation. We do agree another major problem in assessing fisheries around the world is the effect of

environmental change, specifically on El Niño events, regime shifts, decadal oscillations and general climate change. Many of the world's large whale populations are still very depleted and many of the resources eaten by these whales are not used by humans. For example, krill, copepods, anthropoids and some of the non-commercial species of squid. In the case of many small cetaceans, especially those found in warmer waters, the most frequently eaten fish are very species of lantern fish and some squid that are not utilised in commercial fisheries. Therefore, Mr. Chairman, we reject the simplistic idea that culling whales will allow depleted fish stocks to recover.

**Chairman**

Thank you US. Netherlands.

**Netherlands**

Thank you Mr. Chairman. I will keep it brief because some of the points I want to mention have already been covered by New Zealand and United States. Like New Zealand and United States, we have serious problems with this document IWC/51/24 basically for the following three reasons. First, some of the population estimates in this paper are evidently not correct. That has been pointed out not only in the Scientific Committee but in other international fora as well. There are in fact over-estimations of whale populations. Second, the estimate of total consumption of fish based on assumed individual energy demands of whales are questioned as well. Third, and most importantly, the suggestion that the fish consumed by cetaceans can be compared with human consumption of fish is not correct because it has never been demonstrated that fish consumed by cetaceans would, if they had not been taken by whales, have been available for commercial fisheries. So it is not proper to simply deduct the quantities of fish consumed by whales from fish harvested by humans and doing so would I think be simply comparing apples with pears. Thank you Chairman.

**Chairman**

Thank you Netherlands. Norway.

**Norway**

Thank you Mr. Chairman. Norway considered the problems raised in this paper IWC/5/24 as serious problems which have to be investigated scientifically and Norwegian scientists at the Institute of Marine Research in Bergen and a similar Institute in Tromsø Norway have been publishing papers also presenting papers to the IWC Scientific Committee during the last more than ten years on this issue, interaction between cetaceans and fish stocks. It is a difficult problem. We have chosen to take a fairly simple ecosystem, more simple than most in marine ecosystems, the Barents Sea system with three major fish species and two marine mammal species, the minke whale and the harp seal, the fish species being herring, capelin and cod, and we have published results, our scientists, in peer reviewed scientific journals, repeatedly over the last ten years and presented these results to this Scientific Committee. We agree with Japan that these problems should be considered seriously and it is not up to this Commission to make any kind of vote or whether these problems are serious or not. That should be based on scientific evidence, and we will continue to publish and investigate these problems and it has been put on the agenda for the Scientific Committee for next year by a small Working Group which will work by e-mail during the year. Just to remind the US Commissioner, I think you have some related problems in the inter-action between sea lions and salmon fisheries in the eastern coast of North America. Thank you.

**Chairman**

Thank you Norway. Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman, we speak of ecosystem approach when it is necessary in this body. We in Dominica believe in the ecosystems approach. On one hand we look at the environment and all the other factors that would affect whales and whale stocks but we forget to look at the whole issue in its entirety. The prey/predator relationship is a factor in the environment if we have to look at the whale stocks and that should be given due consideration, Mr. Chairman. Some of us here have difficulty with the paper IWC/51/24 and some of us have gone ahead and started making statements trying to denounce the validity of that paper. Mr. Chairman, ..... [End of tape] .....

## 15.1 REPORT OF THE SCIENTIFIC COMMITTEE

### Chairman

..... is unavailable at the moment so I will adjourn this item and move to 15.1. Chairman of the Scientific Committee.

## 15.1.1 POLLUTION PROGRAMME

### Chairman of the Scientific Committee.

Thank you Mr. Chairman. Our discussion of this item begins on page 47, item 11 - Environmental Concerns, your first agenda item 'Pollution and contaminant issues' is given in our item 11.1. We first review the report of the Workshop, the Planning Workshop to develop a research programme to investigate pollutant cause-effect relationships in cetaceans which we call POLLUTION 2000+.

### Chairman

Chairman can you excuse me? Please can we have silence and respect for the Chairman of the Scientific Committee please. Thank you. Sorry to interrupt you Chairman but please continue.

### Chairman of the Scientific Committee

Mr. Chairman, I am on page 47 of the Report, top left-hand column, reporting on the Barcelona Workshop just held earlier this year. We had an outline research proposal which has been agreed by the Committee and the Commission in 1997. Subsequently, the proposal was strongly endorsed by ASCOBANS and the ICES Working Group on Marine Mammal Habitats. The Barcelona Workshop was a direct result of that proposal and its terms of reference were to develop and update the outline into a full field and analytical programme and the rest of this section deals with the details of that.

The Workshop had a strong conclusion that the POLLUTION 2000+ Project represents fundamental research necessary if the effects of pollutants and contaminants on cetaceans are to be determined, and we have some comments on funding and so on which we will come to in due course. Our proposal to the Commission, Mr. Chairman, in relation to POLLUTION 2000+ is given in 11.1.2. Following the Workshop an Annex was developed presenting a budget and a revised work plan which is based on the results of the replies from potential collaborators, potential collaborating institutes. The Barcelona Workshop addressed the request of the Commission, the Scientific Committee and the Standing Working Group on Environmental Concerns to develop further the research proposal on cetaceans and pollutants. The starting point was established by the Standing Working Group, the Committee and the Commission in which the measured variables, that is pollutants and bio-markers, the bio-markers being indicators of exposure and/or effects and the target species had been identified and agreed upon.

PCBs were chosen as model compounds and the reason for that is given in the paragraph at the bottom of page 47 in the left-hand column. The programme will focus on harbour porpoises and bottlenose dolphins. We explain why those were chosen.

Last year the Committee stressed that the programme was intended to address specifically the main recommendation of the IWC Pollution Workshop. The priorities of POLLUTION 2000+ don't imply that other approaches are untenable but rather that it is important for the IWC to focus its efforts on particularly important questions that would have wide-ranging benefits to studies of cause-effect relationships in cetaceans. The programme is intended to produce a model for studies of other contaminants in other species and areas by bringing together biologists, toxicologists, pathologists, toxico-pathologists and others in a multi-disciplinary collaborative programme.

The short-term objectives for the programme are identified in the right-hand column under (a) and (b). They are firstly to select and examine a number of bio-markers of exposure to/or effect of PCBs and try to determine whether a predictive and quantitative relationship with PCB levels in certain tissue exists. The



second short-term objective is to validate/calibrate sampling and analytical techniques to address such questions for cetaceans and there are two specific sub-sections of that which I won't read out but are there, Mr. Chairman.

Given those objectives and the levels of resources and effort necessary to examine them, the Committee agreed that the work should be divided into two phases. Information from the first phase is important in providing the calibration/validation tools necessary to better focus and design Phase 2. Data from the first phase will provide information not only essential for completing the second phase but also of fundamental importance to many research programmes. Those programmes will examine issues of chemical pollutants and cetaceans. The first phase concentrates largely on Objective (b) in the objectives above, and there are two sub-projects which are detailed at the top of page 48 in the left-hand column.

The highest priority is to be accorded to sub-project 1 and phase 1 includes the field research component as well as analyses of bottlenose dolphins. A sub-project in the Sarasota Bay and field research component of a bottlenose dolphin sub-project on Mauritania, also in Bahamas and the Mediterranean, but we should note, Mr. Chairman, that only the PCB analyses are being undertaken as part of that phase.

The phase 1 data will be analysed initially in a specialist workshop before embarking on phase 2. That will result in a revised programme to be presented to the Committee and the Commission in due course.

The financial aspects of this programme are dealt with under our item 18, Mr. Chairman, which is on page 81 of our Report, and you do have the full Report of the Workshop which is IWC/51/Rep 3, and the last three pages of that give the costings including the cost for both phase 1 and phase 2.

Mr. Chairman, the Committee endorses and strongly recommends approval of POLLUTION 2000+. It encourages the Commission to fund what it can of the costs and work with national governments and other organisations to secure the rest of the funds.

#### **Chairman**

Thank you Chairman. Are there any comments on this item? In that case we will endorse the Report and the recommendations. Carry on Chairman, thank you.

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

Mr. Chairman, under item 11.1.3 on page 48 at the bottom of the left-hand column and onto the right-hand column there are other pollution related topics discussed. I won't go into the details of those but they are there for you to observe if you wish.

### **15.12 ANTARCTIC SOWER 2000 PROGRAMME**

The next main topic under this heading of environment for the Committee is the question of climate change and habitat and again we have a report of a Workshop. This time a report of a sightings workshop just held earlier this year in Edinburgh. The primary aim of that Workshop was to develop proposals for the IWC component of collaborative work in the Antarctic between the IWC, CCAMLR and SO-GLOBEC to address the aims of the SOWER 2000 research programme.

The next paragraph there, Mr. Chairman, gives information on CCAMLR and SO-GLOBEC programmes. As far as the cetacean components of the CCAMLR area programme are concerned and the SO-GLOBEC surveys are concerned, a specific objective of our programme is to relate distribution, abundance and biomass of baleen whale species to the same for krill in a large area in a single season. Conducting sightings surveys from the CCAMLR vessels in 2000, and from SO-GLOBEC vessels in 2000/1 will help achieve this objective. The Workshop recommended the framework of a broad design to accomplish those objectives. As far as using IWC survey vessels in 2000/2001 is concerned, it is anticipated there will two dedicated vessels available. The Committee agrees that there is a change of location for the 2001 collaboration and we believe that that change is appropriate and it will still allow the programme to achieve its objectives.

We draw the Commission's attention to the proposal to attach remote sensing devices including satellite tags to minke whales as part of this collaboration. For some member governments participation of their scientists will or may require the use of permits under relevant domestic legislation and detailed descriptions of the remote sensing devices to be used will be required in sufficient time to allow the permit process to be followed. We just draw this to your attention, Mr. Chairman, so that you are aware that we are consider it and relevant governments can take the necessary action.

In terms of the long-term objectives and collaboration, the studies proposed, that's in collaboration with SO-GLOBEC and CCAMLR, will greatly improve our understanding of many aspects of Antarctic whale ecology. However, we have to recognise that they are only a first step towards addressing questions about the present or future dynamics of Antarctic whales that are necessary to meet the long-term objectives of the programme. To make further progress a variety of practical and theoretical problems must be addressed. The Workshop strongly recommended continued close collaboration between the IWC and SO-GLOBEC in the long-term. It also strongly recommended continued close collaboration between IWC and CCAMLR in the long-term. Collaboration between the IWC and national programmes is already well established in some cases as is noted on page 50, Mr. Chairman, in the left-hand column towards the top. The Workshop recommended that specific links be established between those responsible for IWC work in the SO-GLOBEC area and those knowledgeable about plans for the Brazilian surveys in adjacent waters. The Workshop also recommended that member governments keep the IWC informed about relevant scientific activities that may be able to incorporate a cetacean component.

Given the importance of continuing IWC involvement in planning for these two programmes and particularly in modelling and analyses activities and the further work necessary to complete the practical details for the programme, the Workshop recommended that the Scientific Committee should establish a specific Steering Group to co-ordinate the planning exercise.

As far as the proposal in relation to SOWER 2000 is concerned to the Commission, in 11.2.2 we recognise that the Working Group had discussed the Workshop Report and found the details related to the scientific plan acceptable. The funding implications are discovered under our item 18 on page 81 and in summary, Mr. Chairman, the Committee strongly recommends endorsement and funding of the SOWER 2000 proposal. We established the Planning Steering Group as I've mentioned and the detailed Report is again given to you in IWC/51/Rep 2 and the funding details are in Annex F where all the details of the costings are given. Thank you Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Japan.

**Japan**

Thank you Mr. Chairman. As the Chairman mentioned in the Report of climatic change, Japan is quite interested in the climatic change of Antarctic on ecosystem.

As Chairman introduced to IWC of designated two vessels for this purpose and these two vessels have been provided by the Government of Japan since 1978, the funding provided by Japan and they are *No. 1 and No.2 Shonan Maru* vessels. As we see in the recommendations in the Report, the 95-99% of studies are carried out on climatic changes have been made with the use of these two vessels, and I am very happy to learn that the Japanese contribution has been quite substantial in this regard. The climatic change effect on cetacean is one of the priority study areas of Japan and last year, for the first time in fifteen years, El Niño phenomenon has become our focus. El Niño phenomena is observed both in Southern and Northern Hemisphere off Indonesia to off Peru with the equator in between, and this area is very important breeding area for a number of species of cetaceans. If we look at the effects, extensive effects of the climatic changes I think that of El Niño is probably greater than that in the Antarctic area if we consider the impacts on mankind and to the globe as a whole, so it is quite urgent that we elucidate the issue related to El Niño on mankind and the global environmental at large. As a result of this study we will be able to elucidate the effects on cetaceans that went to the Antarctic for feeding and therefore the Government of Japan believes that this is a very important subject area and give due respect to the Report of the Scientific Committee.

For the next austral summer for the Antarctic cruise we have to look at the global priority given focus on cetaceans and try to identify the most important waters for that cruise. Therefore, I would like to underline here on this occasion that depending on the outcome of this consideration the two vessels may not go to the Antarctic this time but maybe sent to other waters that maybe considered as high priority areas for us. Thank you very much.

**Chairman**

Thank you Japan. Are there any other comments on this item? Can we endorse the Report and recommendations of the Scientific Committee? Thank you. Chairman please.

**Chairman of the Scientific Committee**

Mr. Chairman, perhaps I could make two comments. Firstly, it might be perhaps useful if I reminded the Commission of what they agreed sometime ago with relation, in particular, to the results of the Climate Change Workshop which was held in Hawaii talking about the need to reduce, for example, UVB radiation and the general effects of climate change. I think that perhaps it might be worth reminding ourselves of this. It is on page 311 of the Commission's Report No. 47. Perhaps I could just quickly detail this. The Workshop recommended "that the IWC urges its member nations to abide by the provisions of the UN Protocol on Substances that Deplete the Ozone Layer (and its amendments). Notwithstanding the uncertainty about the predicted effects of climate change and the rates at which these changes might occur, concerns about the ability of at least some cetacean populations to adapt to future conditions are justified. The models predict that such changes will be heightened by increasing greenhouse gas emissions. The Workshop therefore recommends that the IWC urges its member governments to join international efforts to reduce greenhouse gas emission." Secondly, Mr. Chairman, if I could just query the remarks by the Japanese Commission in relation to our plans for our SOWER programme later this year which, of course, you will hear about in another agenda item but perhaps we can leave it until then.

**Chairman**

Thank you Chairman of the Scientific Committee. Before we leave this item can I thank Dr. Donovan on behalf of the Commissioners for his explanations of these agenda items yesterday. Thank you. Carry on.

**Chairman of the Scientific Committee**

Mr. Chairman, I take it that you have endorsed our strong recommendation? Could I just draw your attention to some other habitat use patterns considerations which are given in item 11.2.3 on page 50 of our Report, also some information on environmental research in the Southern Ocean Sanctuary which is given under 11.2.4. I think that then concludes, Mr. Chairman, the Committee's Report on items 15.1.1 and 15.1.2 apart from the financial aspects of course which will be discussed elsewhere.

**Chairman**

Do you want to move onto 15.1.3 - Arctic Matters?

<b>15.13 ARCTIC MATTERS</b>
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**Chairman of the Scientific Committee**

Thank you Mr. Chairman. This starts on page 51, item 11.3. This year we received two documents which together presented the basis for an Arctic Initiative that will address both climate change and pollutant concerns. These are prepared in response to a request by the Committee last year and the previous year. The details of these, Mr. Chairman, are given in the column and a half on page 51. I won't go into that but it is there for your information. The Committee recommends continued development of the Arctic Initiative and invites presentation of the revised framework for next year's meeting.

We established an Intersessional Working Group using the SOWER 2000 approach as a template to produce a draft ARCTIC initiative proposal provisionally name ARCTIC 2000 which will again be looked at next meeting.

We have some other concerns, Mr. Chairman, these again are in item 11.4 in our Report. First of all 'Noise'. There is some discussion of that and going on to page 52 in 'Summary', the Committee expressed

concerned over potential adverse effects of anthropogenic noise on cetaceans. It recognises that this is complex subject and that scientific study on this issue involved the integration of a broad range of disciplines and these are listed in the fourth paragraph in the middle of page 52 in the left-hand column. The Committee further recognises that with our current limited knowledge of cetaceans the risks associated with noise exposure can't easily be quantified for most species. The Committee discussed how it might better become informed on the subject of anthropogenic noise impacts on cetaceans without expending unnecessary amounts of time and energy. Over the past several years there have been several national and intersessional Workshops and Special Meetings as well as special major research efforts on the subject. We don't recommend convening a Special Workshop of our own on this subject in the near future since we don't think it would be an effective use of resources. We do note some other activities that are taking place, Mr. Chairman.

We also looked at ozone depletion and UVB. There is some information on that in 11.4.2 in the right hand column on page 52.

We looked at habitat degradation. We didn't have any specific papers on this but concern was expressed concerning possible habitat degradation for gray whales. It was pointed out that an environmental impact study is in progress there and that we should wait until we get the results of that until we give the matter further consideration. We had a Workshop proposal, Mr. Chairman, that came through last year. An intersessional Steering Group has been established and a final proposal will come to us a next year's meeting.

In 11.4.4 on page 52 at the bottom we have some discussion of disease and mortality events and there are some concerns expressed there.

In 11.4.5 we talk about ecosystem level effects and again there is discussion of our consideration there. At the bottom of that page in the left-hand column, page 53, we record that while the subject matter of these papers is important there was no consensus on whether any conclusions can be drawn from them. It was agreed that the topic should be considered at a future meeting of the Committee. We note that a quantitative modelling framework should be used in that consideration.

**Chairman**

Thank you Chairman. Are there any comments on this item? No, then we will endorse the Report and recommendations on this part. Japan.

**Japan**

Thank you Mr. Chairman. I think this agenda item 11.4.5, I have a paper distributed as IWC/51/24 and since this is related matter if I may, may I speak on this matter?

**Chairman**

I thought that paper came under 51.2? No? In fact we have now concluded 15.1 and I will return to 15.2 so where we interrupted you, or at least where the sound overloaded when you were on the last time, so please Japan. The paper is 51/24 and we are on agenda item 15.2. Japan.

**Japan**

Thank you Mr. Chairman. Japan has presented this document titled as 51/24 entitled 'Estimation of Total Food Consumption by the Cetaceans in the World's Oceans' which is co-authored by Dr. Kamura and Dr. Ohsumi and which depicts how much quantity of food that cetaceans consume and actually this picture shows the fin whales feeding on herring schools as a cover page, and then actually there are three models used to estimate and calculate the amount of food consumption by the cetaceans.

Well the point of this and the purpose of this paper and comment is that the cetaceans do not inhabit in the waters, stand alone by themselves, but rather the cetaceans are one of the elements in the waters and so they feed on the other prey species. They consume the other fish and other things in the waters, so we wanted to estimate how much food they consume per annum. So that is the purpose of this study, so that we could have sustainable management of the resources, and so this is to study the cetaceans as well as for the

conservation of the fish which are the prey species as well, so that the sustainable use of those relevant species could be achieved and to contribute to that purpose and so the data are included here accordingly.

With regard to the data to be referred to and used for this study, we used the world authorised data as much as possible, especially we paid due care to the abundance estimate as well as the average body weight. Basic data were taken from the globally accepted or well utilised information.

In order to estimate the volume of food consumed by the cetaceans you can refer to page 2 and 3 where you can find a model, model 2 and model 3 for the estimation. To further simplify and understand the situation please refer to page 14 and page 15 .....[End of tape] .....

**Dominica**

..... makes mention of that Report. If the Scientific Committee agrees to look into this matter further in the future, and as the speaker from Norway earlier on said, there is a group that has been formed to look into this in greater detail so it is very, very premature for us to just stand up here Mr. Chairman, and try to denounce the element of that paper. Mr. Chairman, there is a similar document IWC/51/36 that also makes reference to that document. Sometimes it chooses to accept parts of it and in some parts rejects parts of it. Mr. Chairman, the impact of an imbalance in the ecosystem is detrimental to all what exists there and in that we would like due consideration to be given to paper IWC/51/24. Thank you.

**Chairman**

Thank you Dominica. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Mr. Chairman, I sit and listen very briefly on the intervention on that paper that was presented by the Commissioner from Japan with regards to the whole question of the population dynamics and interaction between marine organisms, cetaceans being the particular target organism. Mr. Chair, the United Nations body that has given charge over the management of fisheries, the FAO, has acknowledged that this is a problem that needs to be investigated. Many members of this organisation are also members to the United Nations Food and Agriculture Organisation and the concept of predator/prey relationship as it relates to other marine organisms and cetaceans has been one of concern for the Food and Agricultural Organisation. Indeed, at the COFI Meeting, Committee on Fisheries Meeting, of this year this was a matter that was brought on to the agenda and was discussed with acknowledgement that there is need for studies to look at this potential problem or this existing problem.

I listen to some fellow delegates, not questioning whether or not there is a predator/prey relationship of significance but pointing out other problems that are causing the depletion of fishery resources throughout the world. No one is denying that they are not problems, but certainly we are compounding the issue if we do not take a broad outlook as to what is the reason for the significant depletion in our fish stocks and take every possibility into consideration, and the IWC that is responsible for cetaceans, large cetaceans that is, owes it to the international community to take its responsibility as far as investigating whether or not there is a significant predator/prey relationship that can cause some impact on the availability of other fishery resources.

So, for some of us here to cast a blind eye on this issue or act like the ostrich and bury our head in the sand is a sure indictment that we are not serious about the business which we are supposed to be dealing with here, Mr. Chairman. We are supposed to be the vanguards of cetaceans, we are supposed to be the vanguards of marine resource management, to sit here and let politics to get into the way of a simple issue of investigating this possibility is almost tantamount to a disgrace on our work we are doing here, Mr. Chairman, and I would like for us to look seriously into this problem and be responsible enough to perhaps suggest that our Scientific Committee take steps in collaboration with the FAO to really and truly investigate this problem and I hope that my other colleagues will agree to this very simple and logical approach.

**Chairman**

Thank you Antigua and Barbuda. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman, I have heard the two Caribbean colleagues before me and I applaud them. Chairman, my delegation is not surprised by the positions taken by the IWC like-minded core-group on this issue. This group will never change their minds, never. They are working under orders and anything that does not conform to their position will be discarded and they will attempt to discredit. Here we have one of the most senior scientists and a colleague in the IWC working on a paper for over thirty years and we try to discredit that. You know Professor Ohsumi, one of the longest-serving scientists in the IWC, and we try to discredit his work. We prefer to hide behind over-capacity you know, we prefer to hide behind ships taking too much fish to the extent that the FAO is asking countries to cut down, and in Rome in March they did agree, and Japan agreed to cut down their fleet by 20% to set an example, showing that if this is what you believe to be true we will begin by cutting back on our vessels.

But Chairman, this is only one part of the problem, this part of the problem we prefer not to address it. Like everything else the RMS we prefer to defer it and put it off and we have been doing this for years. Chairman, someone asked the question yesterday 'Do we have any idea as to when commercial whaling will recommence?' and this is what I am afraid, that this like-minded core group is very, very concerned about and have no intention to agree to, so everything that appears to make sense coming from the other side is discredited or attempts are made to discredit those things. Chairman, we have to be more realistic here, we have to behave like true statesmen, like serious scientists. You know, I sit in the Scientific Committee and I hear the scientists working together one side against the other side and what are we working to achieve, what are we trying to achieve? Are we realistic in a final determination that the IWC will really do what it is intended to do, regulate whaling not to keep the whales like the sacred cow? Chairman we have to work and we have to work seriously. Thank you.

**Chairman**

Thank you St. Lucia. Sweden.

**Sweden**

Thank you Mr. Chairman. I studied with interest the Annex H in the Report of the Scientific Committee where under the heading 'Community Level Effect' we have an interesting discussion of this matter and I am in agreement we have heard pointing out problems with simplistic views on these matters. There was one sentence that I like particularly in the Report and this I will cite. 'The lack of understanding of the complexities of marine ecosystems meant that controls at one end may give vastly different results to those expected at the other end' and I believe there are lot of examples where we have seen very unexpected results coming out of measures taken. Certainly my conclusion then is that the Scientific Committee should continue its valuable scientific work on this very difficult question. Thank you.

**Chairman**

Thank you Sweden. Can I now move onto agenda item 15.3 - Health Effects and hope that it won't be so long. Sorry it seems I can't, I've got Australia and Japan. Australia.

**Australia**

Thank you Chairman. I thought it would be appropriate if we were allowed to introduce paper 51/36 at this point, if my New Zealand colleague has not already done that. The issue of the consumption of marine products by cetaceans and by implication, the impacts of that on fisheries, has been debated in a general sense in a number of fora in recent years. It is pleasing to see Japan has now published its data which estimates the total food consumption by cetaceans in the world's oceans. The issue of consumption is somewhat different however from the impacts of that consumption on commercial fishing and so  
..... [microphone failure]

[LUNCH BREAK]

**Chairman**

Agenda item 15.2 and Australia were in the process of introducing paper IWC/51/36. Australia. Can we have silence please Australia is presenting a paper.

### **Australia**

Thank you Chairman. As I was saying before we broke for lunch, the issue of how much of the marine production is consumed by cetaceans and the impact of that consumption on fish and human consumption of fish is one that has been discussed loosely in a number of fora in recent years. For that reason the Australian Government asked the marine Research Division of the National Research Organisation to review the available data with specific focus on the South Pacific Ocean. The result of that review is the paper IWC/51/36 entitled 'The potential for impact of large whales on commercial fishing in the South Pacific Ocean'. The paper examines a number of questions. Do whales have an impact on fish in the South Pacific? Are they in competition with humans through commercial fisheries, and will increases in numbers of whales in the Pacific lead to a reduction in the number of fish, particularly tuna?

I won't go into the detail of the argument, Mr. Chairman, but just draw your attention to the conclusions of the paper that although there is evidence for increase in populations of large whales in the Southern Hemisphere, differences in feeding behaviour and migration patterns largely preclude direct competition between these and coastal and pelagic fisheries in the South Pacific Ocean. Even though consumption by whales is high, dietary overlap with commercially-fished species is relatively low as much of their feeding is in waters that are not exploited by fisheries. The partial recovery of some whales in relatively recent times cannot nearly explain the decline in fisheries world-wide. Mr. Chairman, I think like Norway we see this as a scientific argument and it was for that reason that the paper was also provided to the Scientific Committee. It is essentially a debate about complex ecosystem interactions. However, the view arrived at by Dr. Jock Young in the paper I think is one that warrants further consideration by this Commission. Thank you Chairman.

### **Chairman**

Thank you Australia. Can I now move onto agenda item 15.3 - Health Effects? Japan.

### **Japan**

Thank you very much Mr. Chairman. There seems to have been some of the points raised in a critical way to the Japanese presentation that was made earlier so I would like to make also some counter points. The IWC document 51/24 which I presented earlier this morning is of a preliminary nature and this represented to serve as a basis for the future continuing research by the scientists on this matter, so we are not saying that this document is 100% correct. However, I think that this estimate itself is quite right in its magnitude in others after listening to the advice and comments of the different scientists of the world, this magnitude of the prey feeding amount, consumption level is quite correct in that it is 100 million tonnes level.

However, there are some minor points where the some of the critical comments expressed earlier could be taken into account and considered. For example, some of the points raised by the distinguished delegate of the Netherlands and in others the need for better estimate of the population as well as some of the models to estimate the total amount of consumption and so forth. So for those minor points we would like to consider taking into account further suggestions and comments.

Another point is related to the krill in the Antarctic Ocean, the distinguished delegate from New Zealand pointed out that the sperm whales are not directly eating or feeding on the species which are consumed by the humans so that point I highly appreciate. With regard to the krill, we have been carrying out a study on the prey/predator relationship related to krill and, for example in the Northern Pacific, some of the species which eat the krill, ten years later would eat all the fish that we eat, the humans are interested in and therefore I am wondering if New Zealand has that kind of detailed data.

There are some other evidence which demonstrate that some bottom fishes are eaten by the sperm whales and therefore there is the competition between these species of whales and the humans and this amount of the feeding by the whales is quite enormous, and so maybe by via the sperm whales or the whales there is another way for humans to obtain or have access to the utilisation, the protein sources, and so rather than the bottom trawlers impacting upon the benthos, maybe we could catch the sperm whales to have a better utilisation of that resource.

In the morning my comment on the US presentation this morning was stopped due to the technical sound problem so I would just like to make a focussed comment on that now but my general comment, the gist of it, is the same as what has been expressed by Norway.

I have one question, please turn to page 4 of the handed-out document, the copy of the overhead of the US presentation, I have a question on that page 4. Please read the reading in that overhead copy, it says Chemical Contaminant, stranded beluga whales from the St. Lawrence Estuary in Quebec, Canada showed a rate of small intestinal cancers. Even though the caption said on top it is Canada but the actual caption at the bottom of this page on the right-hand side it shows the beluga whales stranded in Alaska. So I am really wondering this is a stranded case in Alaska, however you presented it as if it happened in Canada. Is that wrong information? I would like to clarify that point and I am really concerned about accuracy of other parts of the data. Is there any possibility of other errors of a similar kind I wonder? Thank you.

**Chairman**

Thank you Japan. Could I suggest that you take that up bi-laterally with the US later? I would like to move on with the meeting.

**Japan**

No, but I think that it for the merit of all the audience because that presentation is made in front of others so I think everybody is entitled to hear from US.

**Chairman**

OK, US can you respond please - briefly as well. Thank you.

**USA**

Well the information provided is correct. There is a paper cited in the caption by Martino and a variety of other authors done in 1995. In making the presentation we have taken some dramatic licence, if you will, to get a sexy picture of some stranded beluga whales to emphasise and dramatise the issue. These are stranded belugas from Alaska but the information about stranded beluga whales from the St. Lawrence Estuary in Quebec is correct. There was a scientifically peer-reviewed published paper. Thank you.

**15.3 HEALTH EFFECTS**

**Chairman**

Thank you US. Can I now move onto agenda item 15.3 - Health Issues. Sorry Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

Our Report on this, Mr. Chairman, is reasonably brief and is given on page 86 under item 23.1. We discussed this, Mr. Chairman, because we had, at the request of the UK Commissioner, looked at your Resolution 1998-11. You will note, Mr. Chairman, that in the second sentence there is a report of a discussion that you and I had last year, nevertheless we did discuss the matter briefly. The Committee agreed that it has insufficient expertise in this field to considered the effects on humans of consuming cetacean products although it could produce information on levels of pollutants in certain tissues for some species and some areas. We suggested that the way in which the Commission address certain issues within the Technical Committee might provide a suitable model and, of course, we were referring to your specialist workshop such as that on whale killing methods. That is all I have to report Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Can I move on to a paper 51/23 prepared by the Secretary. Secretary please.

**Secretary**

Mr. Chairman, the meeting will recall that last year a Resolution was adopted by the Commission which asked for member governments to submit reliable information relating to possible human health effects resulting from the consumption of cetacean products. I asked all Contracting Governments last October to



submit information and we have had replies from Australia and the UK, both of which indicated that they have no information to submit. I have attempted to make contact with the World Health Organisation but without any response, and the one useful thing that I did achieve was to get hold of a publication by the Arctic Monitoring and Assessment Programme called 'Arctic Pollution Issues: a state of the Arctic environment report from Oslo in 1997'. This was a six year study by the eight Arctic countries and reproduced on the back page of document IWC/51/23 is the summary section which sets out the current state of knowledge of the pollution problems in the Arctic as contained in that document. Thank you Mr. Chairman.

**Chairman**

Thank you Secretary. If there are no comments on that document I will move on. Denmark you wish to make some comments?

**Denmark**

Thank you. Denmark recognised that the environmental concerns are discussed within the IWC even though these issues prefer to be dealt in appropriate bodies. The reason it took to monitor the contaminants in the Greenlandic and Arctic food towards further impact on our wildlife resources and on the users, but we must also weigh those potential risks against the known health effects of all food. The information and facts given by the scientists must be dealt in a comprehensive and sound basis in order not to let the fear of contaminants cause more problems than the contaminants themselves. You must not only base your arguments from one fact. I am here referring to the US documents IWC/51/25, page 3, where it states that the PCB contamination in 95% of women in Greenland exceed the Canadian guidelines for limit for PCB contamination. You have to see the issue from several sides. Traditional foods, as *muktuk* and meat from seals, small cetaceans and large whales is culturally economically and nutritionally important for the Greenlandic people. Scientific reports from Greenland and some of the documents will be available ..... [End of tape]..... among Greenlanders has also been related to the high intake of marine food especially the high intake of omega-3 polyunsaturated fatty acids. The low incidences of mentioned diseases in Greenlanders has been related to the high intake of marine food especially from marine mammals. The mentioned diseases are found in high levels in industrialised countries like US, Denmark and western populations. Mr. Chairman, in conclusion Denmark requests the Contracting countries to ensure that the pollution of PCBs and all pollutant materials to be reduced and that it will lead to minor pollution in Greenland and other Arctic countries. Thank you.

**Chairman**

Thank you Denmark. I also have a paper 51/26 from Norway. Norway.

**Norway**

Thank you Mr. Chairman. Allow me to say a few words in addition to what has just been said by Denmark. A short introduction to the paper IWC/51/26 and also as a background for the Resolution text we are going to discuss later. Twenty-five years ago the low incidence of cardiovascular disease, thrombosis and atherosclerosis among Greenlanders was related to the high intake of marine food, especially the high intake of omega-3 polyunsaturated fatty acids from fat fish and from marine mammals in their diet. These epidemiological studies were later confirmed in epidemiological studies of other populations and in experimental clinical studies where oils containing high levels of omega-3 polyunsaturated acids were compared to intake of other oils like olive oil. The Greenlandic part of the Danish delegation have provided us and I guess some others here with a number of references to these early studies and to later studies.

The advice from medical bodies around the world like, for instance, the American Heart Association, therefore, now is to advise people to reduce the amount of saturated fat content in their diet and increase the intake of omega-3 acids explained to the public as an advice to eat more fat fish. The advice could in fact also include fats from marine mammals, that would also include omega-3 polyunsaturated acids. But, in addition to this, increasing evidence during the last few years have indicated that the content of omega-3 polyunsaturated acids cannot alone be the only explanation of the low rate of cardiovascular disease in Greenlanders. There must be some additional factor and the paper we are presenting is preliminary results from an ongoing randomised clinical study on some relevant biological variables, indicating that there are

even positive health effects of eating marine fat from seals or whales in addition to the content of the omega-3 polyunsaturated acids. Mr. Chairman, health effect, this agenda item should include not only the adverse effects of possible pollutants in the fat but also the possible healthy effect of eating these kind of marine products. Thank you.

**Chairman**

Thank you Norway. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Chairman. I don't know if you will rule me out of order but I am sure everybody has seen my whaler, 78 years old, 46 years whaling and eating whale meat all his life and I hope that some of us when we get to his age will look as good as he does. Thank you.

**Chairman**

Thank you St. Vincent and the Grenadines. I won't rule you out of order. Can I move on now to ..... sorry, Japan.

**Japan**

Thank you Mr. Chairman. Japan is a country where longevity is one of the longest in the world and Japanese people have traditionally eaten a lot of fish and whale meat. Norway and Denmark have made presentations on the positive effects of the consumption of the whale meat and we have asked Japanese scholars and scientists to study this matter as well and unsaturated fat EPA DHA which are considered for positive effects on humans are contained in whales in large quantities and these are considered to improve blood circulation, blood flow, and that will make your brain function better but even with that you can not go beyond the capacity of the brain you are born with.

We reported to the Scientific Committee that the result of the research take in the Antarctic shows that there is very little contamination on the whales in the Antarctic. We also made a report on the result of our research take on the North Pacific as well.

The Antarctic is the most unpolluted ocean in the world and it may not be an overstatement to say that it is not polluted at all and it is our mission to protect the Antarctic Ocean from the pollution. We provide the by-product of the research, take the whale meat to an established populations of those who are suffering from either asthma or atopic skin diseases and they were assumed to be effective in curing these diseases and they indeed have positive effects. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. From my observations it also seems to lubricate the tongue! May I move onto agenda item 15.4.2 - Action arising. Sorry Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. We would like to inform that Russian Chukotsk continue eating whale meat during a thousand years and continuing this way, Russian delegation supports the statement of the Norwegian delegation and we can confirm results of scientific investigation. Thank you.

**15.4 ACTION ARISING**

**15.4.2 OTHER**

**Chairman**

Thank you Russian Federation. Sorry for not coming back to you there. Can I move to 15.4.2 - Action Arising? I've got two Resolutions but I understand that there may be consultation going on. Is the consultation still going on. Monaco.

**Monaco**

Mr. Chairman, yes we did engage in some very preliminary consultations with Norway on this. I am not sure that Norway has had the time actually to review this proposal.

**Chairman**

Norway.

**Norway**

Thank you. I think we would like to stick to our text as it is now in 51Rev. Thank you.

**Chairman**

Thank you Norway. In that case, Spain did you want to speak?

**Spain**

Yes. It is difficult for us to make the choice between both Resolutions. We still think that we have to try to make progress, to try to find some arrangements to get a final Resolution. Can we ask the Chair if the Norwegian and the other sponsors of the Resolution to make a proposal and try to accept all the countries to be involved to try to come to a compromise.

**Chairman**

Thank you Spain. I'll hold this agenda item open until later in the afternoon, but not until tomorrow, to give you time to talk. OK?

**16. SCIENTIFIC RESEARCH**

In that case can I go on to agenda item 16 - Scientific Research. If I can go to the Chairman of the Scientific Committee please.

**16.1 REPORT OF THE SCIENTIFIC COMMITTEE**

**Chairman of the Scientific Committee**

Thank you Mr. Chairman. With your indulgence I would to report on two matters here. Firstly item 16 in our Report, that is Research Proposal on page 78 and then move onto our SOWER Cruise from last year and this year's proposals which is on item 10.6 on page 45.

Turning first to research proposals, Mr. Chairman first, as reported here on page 78, we reviewed our research results from last year. In fact we had no results to review because a report will be available next year on a proposal we funded last year. We then looked at new proposals for this year. We had four proposals and the details of those are given on page 78. We gave them scores from high to medium-high to medium-low. The results are given there. The one that we thought was highest, RP3, there is a description there in the right hand column and if successful it will provide a user-friendly data entry system for database estimation software system which will be designed to use on IWC SOWER and SOWER 2000 Cruises, and in fact the cost of that was included in our estimate for the budget which is discussed under our item 18 and will be discussed later in your discussions, Mr. Chairman.

Perhaps I could then turn to the other item which is item 10.6 on page 45. This deals with our most recent Southern Ocean Cruise. A report of that cruise is described on page 45 in the left-hand column. It was conducted in Areas III and IV in 1998/99. It had two components, a blue whale component for some ten days or so followed by a minke whale component. Unfortunately during the blue whale component there were no blue whales sighted although some were sighted during the minke whale component, and the details of that are given in the first paragraph. One encouraging development is the very successful use of the Larsen gun, which has been developed with assistance from the IWC, which is particularly effective in obtaining biopsy samples of blue whales which can be biopsied at considerably greater range than had been possible before. We drew attention to the high proportion of sightings scored on this cruise as undetermined minke and like-minke and there was concern that this proportion had increased recently and there is some discussion of that. We agreed that there should be a general review of the estimates from these cruises which is now overdue and we recommend that this should take place in the year 2001. We set up two *ad hoc* Working Groups to consider matters relating to the cruises, one on logistics and one on survey design, analysis and related matters.

As for this year, Mr. Chairman, the plans for that 1999/2000 cruise are given in item 10.6.2 in the right-hand column on page 45. Last year we recommended that firstly the third circumpolar set of cruises should be completed as soon as possible and, of course, as you know, secondly in 2000/2001 the vessels should be dedicated to working as part of the SOWER 2000 project. As far as the circumpolar set of cruises is concerned, the third circumpolar set requires four Areas to be completed and we recommend that in 1999/2000, that is this year, the region 80-60°W be surveyed which overlaps with the CCAMLR area. There will be blue whale research incorporated in the overall cruise and as in previous years, Mr. Chairman, the Japanese Government has offered two vessels. There will be a planning meeting held in Tokyo in September. A detailed budget has been prepared and again the financial implications of this have been discussed elsewhere.

The SOWER analysis group that we established this year examined a number of recommendations arising from recent SOWER cruises which require analytical input as well as queries of a similar nature referred to them by the logistics subgroup. The Committee welcomed their report and endorses its recommendations.

We wish again, Mr. Chairman, to express our gratitude to the Japanese Government for its generosity in providing the vessels, and we recommend that the survey as outlined be supported. We also recommend that the possibility of carrying out biopsy trials for minke whales during the cruise be considered, along with the implications that this might have for other components of the cruise programme.

We also noted that permission to undertake research within national EEZs would be required and that such permission should be sought as soon as possible.

Finally under this item, Mr. Chairman, we have some longer-term planning considerations. We have a schedule that we have agreed for future SOWER cruises to complete the cruise and that is given as items 1-4 under item 10.6.3.

## **16.2 ACTION ARISING**

### **Chairman**

Thank you, Chairman of the Scientific Committee. Are there any comments on these? May we endorse the Report and the recommendations? Thank you.

Under action arising I have got a Resolution IWC/51/50. US.

### **USA**

Thank you Chairman. The US wishes to introduce this Resolution IWC/51/50. As we said earlier today, Mr. Chairman, it is imperative that we begin now to identify and research what may prove to be the greatest threat to cetaceans, global environmental change. This Resolution calls for the addition of £126,000, of which £100,000 would come from the Commission's reserves, to add this amount to the Scientific Committee's Research Budget in accordance with the Resolution which we passed on this topic last year. These funds would be used to support priority research as identified by the Scientific Committee's Standing Working Group on Environmental Concerns. For 1999/2000 the Scientific Committee has strongly endorsed the SOWER 2000 programme which focuses on climate change and the POLLUTION 2000+ research programme and we urge Commissioners to support the recommendation. These funds would be used as seed funding. Much of the funding for these programmes would be obtained from other sources outside the IWC. While the United States continues to urge Commissioners to provide long-term support for research on environmental threats to cetaceans, we recognise that the Scientific Committee itself has several important priorities. Thus we are pleased to take this step to supplement the Scientific Committee's budget for one year to provide seed funding for research on environmental concerns. With this seed funding we can leverage money from other organisations and build the international and interdisciplinary linkages critical to understanding the impact of environment change on cetaceans.

Mr. Chairman, we believe that we must start now to establish the baseline data on the relationship between cetaceans and their environment so that we may be better able to understand the impact of future environmental changes on cetacean populations which are already fragile because of their depleted status.

Finally, Mr. Chairman, we urge the Commission to support the provision of funding for these programmes this year, a critical year especially for the SOWER 2000 programme. We urge them to allow the Scientific Committee to begin to establish this baseline data which is vital to enable us to responsibly manage the world's whale populations. Thank you Chairman.

**Chairman**

Thank you US. There are twelve co-sponsors to this so it would seem there is a lot of support. Are there objections to this Resolution? Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. It is really not an objection but Mr. Chair, Antigua and Barbuda would like the record to note that while we see some merit in this research work there must be some way in which this Commission can streamline its funding. You know developing countries are hard pressed at the moment to meet all the obligations as far as international organisations are concerned. We are not paying an equal amount of funds in this organisation as every other member of this organisation. St. Vincent indeed is paying even more money to this organisation than some G7 countries here and we think that is very untenable and I would like to suggest, Mr. Chair, that before we take money out of the reserves to look into this matter we should try to resolve the inequity in this organisation by way of our contributions, Mr. Chair.

**Chairman**

Thank you St. Lucia. The question of contributions will come up under agenda item 22 on Friday so I would prefer not to take interventions on that topic just now. I have Japan, St. Lucia and Dominica. Japan.

**Japan**

Thank you Mr. Chairman. Well after the substance of this proposal in this Resolution I could basically support except for the money and financial aspect, but there are some problems inherent in this Resolution so I would like to underline those problems. I am afraid that some of you, or many of you, may not have had much experience in the different international organisations and maybe that is why you have drafted this kind of Resolution. Therefore I would like to inform you of some of the internationally commonly agreed upon activities among the different international organisation. For example, there are different international organisations, the IPCC, IMO, UNEP, FAO and so on and so forth and there is international consensus or global consensus that those different organisations should try to avoid any duplication of the work they do. If other separate international organisation have a priority terms of reference or a mission to do certain activities those are the ones to be entrusted to do such relevant work, so if you are not clear about this you could consult with the Home Government and then you can confirm that your Home Government also agrees to that international understanding in consensus.

In other words, in principle and basically, this is not within the competence and range, scope, of the work of the mission of this Commission. Perhaps Monaco's microphone is on, could you stop it?

So actually there are important businesses or inherent businesses which the IWC is in charge of, that is the assessment of the whale population stock and what is the amount that could be taken from that and so on and so forth. That kind of activity is the main framework of IWC so that we can achieve the sustainable use and to try and sort of explore the possibility of that sustainable use of the populations concerned, and therefore the IWC should made the expeditious decision upon those matters within its competence and to pass judgement upon that, and so that is I think is the mission of the IWC according to the Convention itself. So rather than refuting the content of this draft resolution I think that the IWC should make a decision upon the mission based upon its own mission, relevant mission or suitable mission, and so from that standpoint I do not support this Resolution.

**Chairman**

Thank you Japan. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman, the two previous speakers drew the attention of this august body to the fact that other organisations are undertaking research already on environmental concerns and other fishery matters. Chairman, we are talking about taking money from our reserves to embark upon a programme of research which is not short-term in nature. Now I have a concern with money and when we start putting that kind of money in the pot to undertake scientific research, environmental research, particularly which will not take us closer to a resumption of commercial whaling which we are established to undertake, I have a serious problem. Chairman, the IWC like-minded core group are insistent that this research should go on, not taking account of the fact that when we deplete our reserves we would be moving towards increasing the contribution of the member countries. Decisions are taken by a majority of the like-minded group, Chairman, and there is nothing that we can do to stop this decision from going through, and then we are going to be asked to pay more money to support the decisions taken against our better judgement. Where is the level playing field in this organisation, Chairman? What can we do? There is no way. We can stop talking about the contributions and the decision-making in this body. We cannot win a decision unless we expand this organisation. Chairman, I have nothing against scientific research, the science is what brings us here and this is what makes our commitment as strong as it is. Environmental research is not advancing the cause of our organisation and we need to take account of that Chairman.

**Chairman**

Thank you St. Lucia. Dominica and South Africa and Denmark. Can I ask delegations to be as brief as possible? And Mexico. Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman, in the hope of being brief Dominica would like to associate itself with the comment made by Antigua and Barbuda and St. Lucia.

**Chairman**

South Africa

**South Africa**

Thank you Chairperson. My delegation appreciates the need for research on the impact of environmental changes on whale populations as has been outlined by both the Scientific Committee and various delegations today. There should also be no doubt about my delegation's full support in principle for such research.. I also believe that, in particular, the SOWER 2000 programme affords an unique opportunity to make a very meaningful start towards such research at a considerable discount. Mr. Chairman, it seems to me very apparent that the environment research envisaged by this Commission is first very expensive, and second very long-term in nature. I am, like St. Lucia, concerned that the Commission's reserves are being used towards long-term research because funding of such research from such a source is not really sustainable in the long-term. However, with a promise of this being only used as seed money with a strong likelihood that this will attract buy-in from other funding agencies such as member states, other states and other international bodies, I am prepared on this occasion to support the proposal but funding only for one year. Chairperson, as also a member from a developing nation I would like to sound a word of caution that any commitment now to such research should not in the longer-term result in increased member fees, especially for members that already find it difficult to meet current expenses. Generally I believe that it is the responsibility of richer nations to take the financial burden of such important work on their shoulders. Obviously, Chairperson, to the extent that my country is in a position to support this research especially in kind we will do our share. Thank you.

**Chairman**

Thank you South Africa. Denmark.

**Denmark**

Thank you Mr. Chairman. I will just on behalf of, not at least Greenland, the Greenland part of the Kingdom of Denmark, take your attention to the Greenlandic aspects in this draft Resolution as it still is, because it is not adopted yet which I hope it will be, and say that we appreciate that it is now recognised that there is a need for IWC assistance to rather complicated and also costly research related to fin and

minke whales off West Greenland. I have just here a few minutes ago been informed by some scientists being involved in the work in the Scientific Committee that we may have, so to say, left out two words in the last paragraph before 'Now therefore the Commission' and I would read these two words now because I think it will cause no problems to anyone. After take the middle of the line 'to provide advice to the Commission on stock structure' and then add the two words 'and abundance' of fin and minke whales and so on. I think that is to just make it logic and perfect from a scientific point of view. Thank you Mr. Chairman.

**Chairman**

Sorry Denmark, could you read the full text of that? We are not sure where it is. Is it the last paragraph starting 'Agrees'?

**Denmark**

No, it is the last paragraph starting 'Recalling'. That is a little below the middle of the page. I will take it all 'Recalling that the Commission has agreed that the Scientific Committee should develop a collaborative research programme that will enable it to provide advice to the Commission on stock structure' and then add 'and abundance' and then continue 'of fin ad minke whales off West Greenland.' Thank you.

**Chairman**

Thank you. The US is nodding that that is OK with them. Thank you Denmark. I have now got Mexico, Norway, Argentina and Solomon islands. Mexico.

**Mexico**

Thank you Mr. Chairman. The Mexican delegation recognises the relevance of the environmental aspects within the design and implementation of management strategies for marine mammals. Also we recognise the work that has been done within the six workshops since 1994 and that were presented some days before. However, we note that there are specific conventions and organisations that are involved directly with pollution and climate change issues such as MARPOL, the GBA initiative from the UNEP, IOC, the Protocol of Montreal, the Climate Change Convention and others. Therefore we must work in a more detailed scheme of co-ordination in order to take advantage of the work and the knowledge that already exists or is carried out by others. Recently at the CSD meeting was discussed the problem of co-ordination and cooperation within the UN bodies in programmes that are involved with oceans and seas. We think that we must focus our effort to answer these specific questions that arise from our mandate, and we have to do more effort for co-ordinating with other organisations this kind of work concerning environmental matters. Also Mr. Chairman, we are worried, as other delegations, for the high budget of this long-term project and that is why it should be more institutional co-ordination, that's why we think that there has to be more institutional co-ordination. That's our comments about this proposal. Thank you Mr. Chairman.

**Chairman**

Thank you Mexico. Norway.

**Norway**

Thank you Mr. Chairman. Norway cannot support this Resolution for the following reason. If we are to embark upon the SOWER 2000 and the POLLUTION 2000+ research programmes which are big programmes, it will take the focus of the Scientific Committee of the IWC away from its main task which is to advise the Commission on management questions. What we can support in this Resolution is a small part of POLLUTION 2000+ and, of course, we fully support the feasibility study recommended by the Scientific Committee concerning researches of fin and minke whales off western Greenland. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Argentina.

**Argentina**

Thank you Mr. Chairman. For the sake of brevity we would like to associate ourselves with the eloquent views expressed by the delegation of South Africa. We assess that if a resolution like that tabled is adopted

it could only be considered on a very exceptional basis and for this particular case I think several points have been made not only by South Africa but by other delegations. We deserve further considerations in any other case that may be similar to these and reserves should be only for financial emergencies and other hypotheses rather than for financing regular activities which are, of course, within the scope of the Convention and the Commission, but we have to leave finance through regular financial channels. Thank you.

**Chairman**

Thank you Argentina. Solomon Islands.

**Solomon Islands**

Thank you Chairman. We too would like to contribute to this debate on this Resolution. I think generally we support the idea of a research when its intentions are clearly stated. Unfortunately in our view this proposed research programme has a lot of ambiguity which seems to us to be steering the whole, as far as we understand, the aim of such a research is to establish whale stocks species by species and to distribution. Involving environment seems to us to be really outside what we are trying to achieve in the research. If it is for proper management of whale stocks and distribution and everything with it, that is OK but, as I said, it seems that this research is going away from this.

Now the point we want to raise is in relation to the difficulty we have, having expressed those views, we have difficulties in supporting such a research when the funding for it has to come from our contributions. I think, perhaps, one suggestion that should be looked at in future is those who sponsor such motions should perhaps be made to contribute more for that kind of research because the interest in there, and I know Mr. Chairman, you would appreciate this. We represent different interests in here and so there may be other interests that are sort of buried under the umbrella of a research programme, and perhaps the intentions are not made quite clear to us and so we would have difficulty, especially in the sort of sustaining such a research programme over a period of time. As I said before, Mr. Chairman, perhaps one consideration in future would be that those members who are in favour of carrying out researches that are outside the management for the whale stocks should perhaps be made to pay for that. Thank you Chairman.

**Chairman**

Thank you Solomon Islands. UK.

**UK**

Thank you Chairman. Well as one of the co-sponsors my delegation strongly supports this Resolution. I think as the speech we had this morning from Dr. Baker showed, the potential implications for cetaceans of environmental change could be very serious. It is true that there are many other bodies looking at aspects of pollution, aspects of climate change, but as my Minister has already said, the IWC and in particular its Scientific Committee does have unique expertise for translating that work into effects on cetaceans and examining the implications for whales, and I do think that that is central to what the IWC should be about.

The real reason I asked to speak was to cast some light on the funding because I have heard comments about use of the reserves, and reservations about the use of the reserves, and perhaps I would remind the Commission of the debate that we had over the past few years about the Commission's reserves. Due to prudent management by the Secretariat, and prudent level of contributions, the Commission's reserves have been steadily increasing and indeed they have reached a level at which many delegations feel that the Commission now has too much money in its reserves and it goes beyond prudent management. The Commission has broadly agreed that it should aim to keep its reserves at a level of about six months expenditure and that is around £600,000. Apparently there are over £900,000. We had a debate on this last year and the conclusion that it would be sensible to bring the reserves down to a more prudent level, and that it would also be sensible to use that money in a positive way to advance the objectives of the IWC, and it was in that context that we agreed a Resolution last year agreeing in principle to use £100,000 from the reserve. What this Resolution does is put that agreement in principle into practice. That is reflected in the draft budget which we considered in the Finance and Administration Committee and which we will look at



again tomorrow, but there is nothing in this Resolution which cannot be financed by the Commission and will not at the same time leave the Commission with a prudent level of reserves. Thank you Chairman.

**Chairman**

Thank you UK. I have Chile, Netherlands before going back to Japan. Can I ask any co-sponsors to please associate with others as far as possible, or at least keep in brief, and I have St. Vincent and the Grenadines and Japan is looking for the floor for a second time, so Chile first.

**Chile**

Thank you Mr. President. My country strongly supports this initiative because it goes in the line of the principle problems that the climate change is bringing into our earth. The interdisciplinary international survey programme in Southern Ocean which CCAMLR and SO-GLOBEC I think that in one of these programmes assures that it would be managed in the best way. CCAMLR has proved to be a technical body with a lot of effort, expertise and knowledge of people, so here is a programme that will work very well, and the other interdisciplinary enquiry programme of work to investigate polar cause/effect relationships in cetaceans is a well needed, very demanded situation that needs to be investigated, so I think that the decision taken during consultations that have been done is very well placed for the demands of today. Thank you Mr. President.

**Chairman**

Thank you Chile. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. Thanking also my colleague from Antigua for mentioning the name of my country. I just want to put two or three of the figures onto what he said. My country has 100,000 people with the US capita income of \$1,300. We pay a subscription of £34,000 to this organisation while G8 countries, France, Germany, Italy, UK, USA and whoever else I've forgotten, pay at the basic rate of £20,000. I just want to remind you as you have some new Commissioners here. I just what everybody to know Sir. Thank you.

**Chairman**

Thank you St. Vincent and the Grenadines. I would prefer to keep those figures for tomorrow at the budget. I've got Netherlands and France.

**Netherlands**

Thank you Mr. Chairman. As one of the co-sponsors of the resolution I will brief. I have made general remarks about the importance that we attach to environmental research earlier this morning, but I will now just like to react to some of the suggestions that I have heard which imply that too much emphasis, or any emphasis at all, on environmental concerns doesn't properly belong here in this organisation, and I would like to point out that the Commission has a general responsibility for conservation and management of cetaceans and in particular for depleted stocks. Now, I think that what is important here is that irrespective of what we want to do with these stocks, whether we want to protect them or exploit them, it should be our common interest to promote the recovery of depleted populations, and in order to do that we need to know which environmental factors are hampering the recovery of depleted whale stocks. There are many international organisations and programmes dealing with environmental change but none, except the IWC, has so far addressed in a comprehensive manner the effects of environmental change on cetaceans. I would like to finish by saying that we take it for granted that the co-ordinators of both these programmes, SOWER 2000 and POLLUTION 2000+, will be in close contact and cooperation with the other organisations. Thank you Chairman.

**Chairman**

Thank you Netherlands. France.

**France**

Thank you Mr. Chairman. I would like to say that France supports this Resolution. Thank you.

**Chairman**

Thank you France. Spain.

**Spain**

Thank you Mr. Chairman. We think that environmental research programme, these programmes are of the interest of other organisations so that is why it is important also as a matter of co-responsibility to strongly encourage other bodies to be involved in this issue, to be consistent and co-finance environmental programmes because it is in fact we have to face an important financial matter to deal with these questions.

**Chairman**

Thank you Spain. If there are no other speakers I will go back to Japan. Japan.

**Japan**

Thank you Mr. Chairman As I referred to in another agenda item, the SOWER project has been carried out by using two research vessels of Japan since 1978 so this programme implementation has been realised with the use of the two Japanese vessels. The purpose of these research vessels use is to carry out scientific research which is in conformity with the objective and purpose of the ICRW. However, as I read this Resolution our scientific research vessels will be used for the purposes other than that provided and stipulated in the Convention and that raises concern to us Japanese. That in our term in the Japanese government is the use other than the original purpose or objective. As I said earlier, if this is going to be used for the purposes stipulated in this Resolution we may have to make a decision that research vessels should be sent to other priority areas rather than SOWER cruise, and that may include some environmental concerns as well. We have been asked by a number of other countries in the world to carry out studies and investigations and we have our priority areas, and rather than using this for the purposes stipulated in this Resolution there are other ways that our research vessels can contribute to the world at large. So I would like to make this point abundantly clear to the other delegates here, and if you would like to carry out SOWER 2000 the co-sponsors of this Resolution can probably provide two or three vessels by themselves. It is easier said than done. Thank you.

**Chairman**

Thank you Japan. Are there any other further comments? In that case it seems to me that the Resolution has a majority support. Can I adopt it subject to the comments made? Seems so. Sorry, Norway.

**Norway**

Mr. Chairman I have clearly indicated that we cannot accept this Resolution. Thank you.

**Chairman**

Shall I put it to a vote then Norway.

**Norway**

I think so.

**Chairman**

Thank you. Secretary please.

**Secretary**

Mr. Chairman, this Plenary session has before it the Resolution in document IWC/51/50 which is sponsored by a number of governments. The text of the Resolution as printed has been amended by the addition of two words in the preambular text, the last paragraph beginning 'recalling ..', the last full line now reads at the end 'stock structure and abundance of fin and minke whales off west Greenland'. So the text is as amended with those two extra words in IWC/51/50. The Resolution requires a simple majority of those voting and the role starts at Sweden - yes, Switzerland - yes, .....[End of tape] ....., St. Vincent and the Grenadines - no; Solomon Islands - no, South Africa - yes; Spain - yes.

Mr. Chairman, there were twenty-one votes in favour, twelve against with one abstention so that Resolution is adopted.

## 17. CO-OPERATION WITH OTHER ORGANISATIONS

### **Chairman**

Thank you Secretary. Can we move on to agenda item 17 - Co-operation with other organisations. If I can go to the Chairman of the Scientific Committee.

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

Mr. Chairman, we had some discussion of relevant items under our agenda item 5, it's in our Report on pages 4-7. There are a number of organisations on which we have been represented and, of course, some of them are represented here. There is a fairly detailed report of what was recorded in respective reports from these various organisations meetings during the year. I don't think I need go through it in detail, just draw your attention to the fact that these reports are here, Mr. Chairman.

### **Chairman**

Thank you Chairman of the Scientific Committee. New Zealand.

## 17.3 FAO

### **New Zealand**

Mr. Chairman, I wish to refer to the FAO-COFI Report on page 7, the second full paragraph begins with the sentence 'the meeting adopted International Plans of Action on Management of Fishing Capacity and the issue of predation by cetacean and other marine mammals'. Mr. Chairman, I believe that that incorrectly conveys the outcome, the International Plan of Action related to management of fishing capacity only and did not relate to the issue of predation by cetaceans and other marine mammals. What should I think, I suggest, be included in this Report is probably a semi-colon after the word 'capacity' and after the word 'marine mammals' the words 'was raised'. So the second part of the sentence would read 'and the issue of predation by cetaceans and other marine mammals was raised'. Mr. Chairman, you will recall that I referred earlier to the fact that we were concerned that casual references to these matters in other forums were then subsequently being used to justify an argument that those forums, in fact those organisations, in fact supported the line that was contained in the Japanese research paper that we debated earlier. Mr. Chairman, I suspect the Chairman of the Scientific Committee will acknowledge that in fact that at some stage in the discussions on this draft Report there was a suggestion that those additional words be included and I think it may just be an omission in terms of the Report itself.

### **Chairman**

Thank you New Zealand. Chairman of the Scientific Committee.

### **Chairman of the Scientific Commission**

Mr. Chairman, this is a difficult one because we don't have any recollection of that actually being done. If it is a matter of fact and that can be checked then I think we could alter the Report.

### **Chairman**

Thank you Chairman of the Scientific Committee. Japan.

### **Japan**

Thank you Mr. Chairman. Since this is my report I think I know the best and it should read 'the issue of predation by cetaceans and other marine mammals was agreed to be examined'. That should be the correct statement that should go in here.

### **Chairman**

Thank you Japan. Any other comments on this document? No.

**Secretary**

Mr. Chairman, the Report from the IWC Observer to the Meeting is in document IWC/51/10G and paragraph six that 'the issue of predation by marine mammals including cetaceans were touched upon' and therefore I think we should perhaps use the wording that has been given to us.

**Chairman**

Thank you Secretary. Japan.

**Japan**

Thank you Mr. Chairman. I hope the statement, the sentence, that I referred to earlier should be included in the Report or it should read 'FAO's contribution to the study and research on ecosystem approaches was highly recommended and reflected in the Rome Declaration'. That is what it says here.

**Chairman**

Thank you Japan. New Zealand.

**New Zealand**

Mr. Chairman. Again we have got the problem of two concepts being contained in one sentence. The Secretary has rightly drawn our attention to the issue of predation by marine mammals including cetaceans being touched on and separately the FAO's contribution to the study and research on ecosystem approaches was highly recommended and reflected in the Rome Declaration. I wasn't at those meetings but it is clear that that is a reference to two different matters. On the issue of predation by marine mammals, the Secretary has rightly drawn our attention to the exact words and those are the words that I think should now come forward into the Scientific Committee Report.

**Chairman**

Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

Mr. Chairman, I am very reluctant to amend or in other ways alter the Scientific Committee's Report unless it is a matter of fact that has to be corrected. I think the simple way to deal with this would be to say that the observer reported that and then to use the paragraph that is in the Report of the Observer and that would, I think, obviate all the difficulties.

**17.1 CMS**

**Chairman**

Thank you Chairman of the Scientific Committee. Is that acceptable? Thank you. We also have a document from the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and the Secretary will address this.

**Secretary**

Mr. Chairman. Available listed as an Opening Statement OS/CMS there is essentially a request from the Convention on the Conservation of Migratory Species of Wild Animals that a Memorandum of Understanding between this organisation and that organisation should be considered, so this matter is laid before the IWC now to see what the reaction of the IWC is.

**Chairman**

Japan.

**Japan**

Thank you Mr. Chairman. I again have to make my statement with a sigh because we are again talking about this low priority area within the scope of the IWC and so I am really discouraged to talk about this because this is related to small cetaceans which is outside the competence of the IWC. This MoU might have a potential to just emphasise the protection aspect and therefore Japan cannot really support this MoU. In other words Japan opposes to this MoU.

**Chairman**

Thank you Japan. Are there any other views? Germany.

**Germany**

Thank you Mr. Chairman. The CMS is the organisation for protection of migratory species and it also deals with whales and I may mention that under the rules of the CMS two special organisations have been founded like ASCOBANS and the Convention on the Protection of Whales in the Black Sea and the Mediterranean. The CMS has a scientific council itself and I think because of this field of action of CMS concerning the whales, it maybe quite useful to have close contact between this organisation on the one hand and the IWC on the other hand, so I would like to support the application of CMS for closer cooperation with the IWC, and it would perhaps be quite useful if the Secretariat could explore the possibilities of working out a memorandum of understanding between IWC and CMS. Thank you.

**Chairman**

Thank you Germany. Netherlands.

**Netherlands**

Thank you Chairman. I would just like to associate myself with what has just been said by the German delegation. Thank you.

**Chairman**

Thank you Netherlands. Switzerland.

**Switzerland**

Thank you Mr. Chairman. Also we don't quite know which document we should have in front of us. We would like to associate ourselves with Germany.

**Chairman**

Thank you Switzerland. The document is IWC/51/OS. Sorry, Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. The Russian Federation is not a member of CMS but we use actively results of this Convention and we support the preparation between CMS and IWC. It would give positive effects and we support the Memorandum. Thank you.

**Chairman**

Thank you Russian Federation. Austria.

**Austria**

Thank you very much. I would also like to associate myself with the statement made by Germany. Thank you.

**Chairman**

Dominica.

**Dominica**

Mr. Chairman, Dominica has always questioned the issue of the competence of the IWC and outside bodies to control small cetaceans. This has implications to violate our position and so we hold reservations against it. Thank you.

**Chairman**

Thank you Dominica. UK.

**UK**

Thank you Chairman. We have the same position as Germany and a number of other countries.

**Chairman**

Thank you UK. France.

**France**

As a member of CMS we would like to associate to Germany and Netherlands.

**Chairman**

Thank you France. Finland

**Finland**

Thank you Mr. Chairman. We also support the views presented by the German delegation. Thank you.

**Chairman**

Thank you Finland. Any other comments? Sweden.

**Sweden**

Thank you Chairman. We associate ourselves with the views of Germany.

**Chairman**

Thank you Sweden. There seems to be general support or rather wide support to explore the possibilities so can I take it that it is OK to ask the Secretary to explore the possibilities and report back next year? Seems so. OK. Thank you.

**17.10 ACTION ARISING**

Action arising on this agenda item. 17.10 I have a Resolution IWC/51/43. US.

**USA**

Thank you Chair. Being mindful of your general instructions to the body we would like to point out that this Resolution is not duplicative of previous Resolutions regarding IWC and CITES. Previous Resolutions specified ways in which the two bodies might cooperate. This resolution gives guidance to the Secretariat from the Commission how to respond to CITES. Chairman, the IWC and CITES are both interested in whales; while the IWC provides for conservation and management of whale stocks, CITES regulates their international trade. As an international organisation providing for different aspects of regulations of the same species it's imperative that the two organisations cooperate as closely as possible. All species of whales in the Schedule to the IWC given listed in Appendix I of CITES, with one exception and that is the west Greenland stock of minke whales which is currently listed in Appendix II.

Among numerous examples of cooperation between the two organisations, the CITES Convention requires that CITES request the comments of IWC on listing proposals of any species under IWC jurisdiction. Anticipating such a request by CITES it is important the Commission provide the most accurate information possible about the conservation of these species. The IWC has made progress towards completing the Revised Management Scheme. This information should be transferred to CITES and therefore the United States is submitting this Resolution on behalf of ourselves and the Resolution's co-sponsors. It directs the Secretariat on any listing proposal by CITES parties on any whale species to advise CITES as to the status of the IWC management programme. Mr. Chairman, it is important what it does not, it does not and we should emphasis, give any direction to CITES on the appropriate response to a listing proposal.

Chair, our colleague from Switzerland has recommended a very small but useful addition to the fourth preambular paragraph. In the first line after the word 'Appendix I' and we agreed to add the words 'and Resolution Conf. 2.9'. This addition more thoroughly explains the regulatory regimes of CITES and the IWC.

Chairman, we believe that this Resolution will fulfil the IWC's obligation to cooperate fully with CITES to conserve the species whose regulations the two organisations share. Thank you Chair.

**Chairman**

US can you repeat the wording of the change please.

**USA**

I can. The change is again and I repeat ' and Resolution Conf. 2.9'. Mr. Chair, if it would help I could read the entire 'Whereas .... with inclusion'. It would then read 'Where as by virtue of the inclusion of these species in CITES and Resolution 2.9'. I am sorry Mr. Chairman, let me try again. 'Species in CITES Appendix I and Resolution 2.9 CITES requires that parties not issue any import or export permits for commercial trade in any whale stocks for which the IWC has set zero catch limits.'

**Chairman**

Thank you US. Any comments? I see there are a large number of co-sponsors and we can assume that they agree with the comments of the US, I hope. Any other comments? Norway.

**Norway**

Thank you Mr. Chairman. Norway sees this Resolution as another attempt to prevent CITES to adhering to its own legal basis, the CITES convention according to which only species or stocks that are threatened with extinction should be listed in Appendix I. Assessments from *inter alia* the Scientific Committee of this very organisation, the IWC, show that this criterion is clearly not met for some whale stocks and if the IWC should give any advice it should be as to the abundance of these stocks which would be the relevant advice regarding the criterion in the CITES Convention, namely whether or not the stocks are threatened with extinction. The IWC should not try to impose its own habits of diverting from the legal rules governing its activities on other organisations with independent responsibilities. So for this reason, Mr. Chairman, Norway opposes this Resolution. Thank you.

**Chairman**

Thank you Norway. Spain.

**Spain**

Thank you Chairman. Spain is prepared to endorse the Resolution but I would like to point it out that the approach that I have with this issue is related to the fact that commercial and market questions are competence of the European Community. I have been on charge on fisheries market topics during several years and I can't ignore these circumstances. In the European Community member states have competence only in inspection, control and environmental questions. Of course, this Resolution would have to be reported to the Commission of the European Community and that's why I look forward to clarifying as much as possible the background of the regime this Resolution, and I think we put out of the discussion that could be raised on this issue so to clarify all the different positions we would like to endorse this Resolution. Thank you.

**Chairman**

Thank you Spain. Denmark.

**Denmark**

Thank you Mr. Chairman. As in previous years we have some remarks to this draft Resolution. We are not quite happy with it. Our general remarks which you may recall from earlier are legal. We find that the task of this organisation is to preserve and manage whale stocks. If we recognise the need to regulate trade with different things including endangered species we think that CITES is well equipped to deal with that issue in more general terms. We also feel that the World Trade Organisation has competence to deal with trade issues world-wide, and as a matter of fact there are fifteen European countries where the competence to deal with international trade is transferred to the Common European Union. So, these legal concerns they give a general rule for Denmark to abstain on this activity simply because we do not see that it fits in the scope of the work here.

If I may have some further comments to the content as such, then I think that it maybe a little more validated or loaded than earlier. I mean it notes with satisfaction what has happened inside it all, I think it is a little maybe to give it some kind of advice to scientists. Another thing which I have read and that is the fourth last 'Recognising' on page one. It says here that recognising that the IWC has made progress towards completing the Revised Management Scheme. I will not fully agree with that, I agree that we, in principle, adopted the RMP in 1992 but the progress in the last seven years has not been very expeditious in our manner, so I have these problems from a legal point of view, and that is my main point of view so I'll leave my more substantial comments just for your information if you want to listen to them and, as I said, our position will be to abstain mainly based on the idea, it is not reasonable - too many cooks spoil the food. Thank you.

**Chairman**

Thank you Denmark. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chair. Antigua and Barbuda have many problems with this Resolution. First of all, Mr. Chairman, Antigua and Barbuda think that this Resolution is badly drafted. Paragraph 3 of this Resolution, Mr. Chair, acknowledge CITES action in terms of the downlisting of the minke whales to Appendix II and yet still Paragraph 4 came back and asks CITES not to issue permit for all whales that have been given zero catch limits. Now this is sort of ambiguous in my mind, Mr. Chair, because in one sense it has been downlisted to Appendix II, the West Greenland stock, and in the other paragraph we are asking that irrespective of it being downlisted to Appendix II, no trade should be engaged in it by way of permit or otherwise. I see some ambiguity in that one, Mr. Chair.

Secondly, Mr. Chair, under the flip page, page 2, the third to last paragraph. Mr. Chair, in Antigua and Barbuda's judgement this paragraph, the one that directs the Secretary when the IWC is requested etc. etc, we find that this is sort of confrontational and is tantamount to a subtle interference by the IWC in the affairs of CITES which should never be tolerated, and we think it is a way in which this organisation attempts to direct and influence the work of another independent organisation. This organisation has no competence in trade and it is engaged in an expansionist tendency which is reflective of the type of domination that is being attempted in this organisation by a few countries, a minority of countries, Mr. Chairman. Mr. Chairman, I think that this is one of the most dangerous Resolutions for this period, for this 51<sup>st</sup> Meeting, and we have to be very careful as to the way we pursue this, and Antigua and Barbuda would suggest that this Resolution be fully withdrawn from this forum, Mr. Chair. Thank you.

**Chairman**

Thank you Antigua and Barbuda. Grenada.

**Grenada**

Thank you Mr. Chairman. Mr. Chairman, Grenada would like to associate completely and fully with the ..... [End of Tape] ..... and we are almost not quite sure why it is that the Resolution asks for this kind of relationship when CITES has its particular functions and CITES can execute its independent function. We question what could be achieved by this Resolution. Maybe it can be explained and for that reason we have serious reservations about this kind of draft agreement between CITES and IWC. Thank You Mr. Chairman.

**Chairman**

Thank you Grenada. Switzerland

**Switzerland**

Thank you Mr. Chairman. As a delegate of the depository state for CITES and as a member of the CITES Standing Committee, and also as a member of a country where CITES has its international Secretariat, I take a little bit of time to say why we could support this Resolution. First of all, this Resolution says or recognises the competence of the International Whaling Commission which is responsible for conservation and management of whale stocks, and that is not contested. It is neither contested that CITES is responsible for the trade. IWC is a body of about 40 member nations and CITES is a body of about 140



member nations and the purpose of CITES is the regulation of international trade in endangered species of wild flora and fauna. Both Conventions have their own set of rules and regulations and both decide in principle on the basis of their own rules and independently of one another. I asked this question in Harare to the CITES Secretariat and it was clear that CITES does make its decisions independently of IWC. But, this said, in the Convention itself, in CITES itself, there is Article 15.2(b) which says that the CITES Secretariat has the obligation, if there is a proposal to uplist or downlist or delete any species or population that is managed by IWC, to contact the IWC Secretariat for advice and all actually this Resolution does, it says that the Secretariat of this IWC should then write to the Secretariat of CITES, that is the third last paragraph on page 2. That is all what we do here. The Resolution 2.9 which is also referred in that document, or in the Resolution which is still standing within CITES, says as it has been written here correctly that parties should not issue any import or export permits for commercial trade in any whale stocks for which the IWC had set zero catch limits.

This Resolution, CITES Resolution, is put or has been accepted to recommend to 145 CITES parties to assist the few IWC member nations in terminating the commercial utilisation trade in species and stocks protected by the IWC. CITES has its own criteria when every proposal is sent in for consideration by CITES parties. We have criteria laid down in CITES Resolution Conf. 9.24 and we examine these proposals on the basis of these criteria. We take in consideration when doing so information provided to us by the IWC Secretariat but, of course, all biological and trade data and parameters that are important for the judgement of a proposal are put forward not by the Secretariat of IWC but by the proponent itself, so I have no problem with the acceptance of this Resolution. It does not contest the competence of both organisations but it only makes directions to the Secretariat of this Convention here. Thank you Mr. Chair.

**Chairman**

Thank you Switzerland. Oman.

**Oman**

Thank you Chairman. Oman believes that IWC is the appropriate organisation for conservation and management of whaling and we therefore support this Resolution. Thank you.

**Chairman**

Thank you Oman. I have any other speakers or can I put this to the vote? I have Japan and Finland. It was worth a try!

**Japan**

Thank you Mr. Chairman. We would like to associate our view with that of Norway. In other words, this CITES should make its own judgement based on the scientific information provide by the IWC. However, this zero catch limit is a politically decided figure, it is irrelevant, it is not relevant to the resource of stock status. Therefore I think that this kind of Resolution to be sent to the CITES would actually make them prejudice their decision-making capability and therefore from that standpoint, if we sent such a Resolution to the CITES, it will further add up to mistakes.

As to the point raised by Switzerland, distinguished delegate of Switzerland, on the Appendix I and II, when we referred to Article 15, amendment to Appendix II, 2-B, what he has quoted or said is surely written. That was my quote, and then I would like to further pay urgent attention to the following item (d). So what is required here is the scientific information, that is what the CITES Secretariat wishes to receive. However, the political information, for example, zero catch limits, transmitted from this Commission, is irrelevant from that standpoint so that kind of information is not needed to be sent to the CITES Secretariat. What is really needed is a more accurate scientific information, for example, in the coastal waters of the United States of America, the gray whale population is now to a low level, like the virgin stock, oh sorry high level as a virgin stock level; or in the Antarctic Ocean, the minke is 760 thousand, the population is that abundant; and in the northern Pacific as well as in the waters of Norway, the stock population is quite healthy and the population is abundant which has been demonstrated, so that kind of scientific data should be the ones to be sent to the CITES Secretariat, and why should we draft such a Resolution to be sent to the CITES Secretariat which would curtail the flow of objective information sent to the CITES Secretariat. I

think this kind of action here at this Commission is quite a serious problem which demonstrates the serious nature of the problem encountered by this Commission. Thank you.

**Chairman**

Thank you Japan. Finland.

**Finland**

Thank you Mr. Chairman. Very shortly, we support the cooperation between the IWC and the CITES Convention among other things in an effort to prevent illegal trade in whale meat. As was mentioned several times here, all species of whales except one stock of minke whale, they are in CITES Appendix I which forbids commercial imports and exports. We had a very good clarification of the relationship between CITES and IWC by the Swiss Commissioner concerning the consultation process between these two Conventions and we agree with that explanation. The next conference of the Parties of CITES will convene in the spring of next year. In case that there are proposals to downlist whale stocks managed by IWC, we think that it is quite appropriate that the fact of zero catch limits is still in force for those stocks is one way to CITES Secretariat and the Conference of the Parties. Thank you.

**Chairman**

Thank you Finland. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman, there is a light at the end of the tunnel and this Resolution gives me an impression that there is desperation, desperation in the sense that we have to remind CITES that there exists a relationship between the two organisations. Chairman, try as we may, 140 countries next year will take the right decision, they did it a few years ago on the elephant and they know what to do. Chairman, I think while we understand the position of the core group, the IWC core group of like-minded states, we on the other side have to stand up and take a position. We can't always try to lock things up. I think we might even want to change the name of this organisation to the International Convention for the Lock Up of Whales, but Chairman next year CITES, an independent body with 140 countries around the world who believe in the sustainable use of living marine resources will take the right decision.

**Chairman**

Thank you St. Lucia. I have Russian Federation, Chile, Sweden and Solomon Islands. Russian federation.

**Russian Federation**

Thank you Mr. Chairman. Supporting cooperation between IWC and CITES, the Russian Federation objects strongly against this Resolution. At the same time we are absolutely agreed with the point of views of Norway, Denmark, Antigua and Barbuda and other countries which have the same position. Thank you.

**Chairman**

Thank you Russian Federation. Chile.

**Chile**

Thank you Mr. Chairman. First of all I must say that my delegation will support this Resolution and secondly I think that it will be of great value for the Secretariat to follow the recommendations by the representative of Switzerland. Thank you very much.

**Chairman**

Thank you Chile. Sweden.

**Sweden**

Thank you Chair. Just briefly to associate myself with the comments of the distinguished Commissioner from Finland please.

**Chairman**

Thank you Sweden. Solomon Islands.

**Solomon Islands**

Thank you Chairman. I think we recognise the importance of cooperation between the organisations but we oppose this particular Resolution on the basis that all that we have been voting on Resolutions that are carried by majority, and here we have two organisations, one with 40 members and one with 140, and 40 members are trying to decide on behalf of the organisation that has 140 members, that is a bit of a contradiction to the principle of fairness and therefore we oppose this Resolution. Thank you Chairman.

**Chairman**

Thank you Solomon Islands. Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman, Dominica recognises the importance of cooperation between the two organisations. However, Mr. Chairman, Dominica would like to strongly support the views already tabled by Antigua and Barbuda and Dominica and as well as Solomon Islands, Norway and the rest. Mr. Chairman, the issue of zero catch limits is something that has to come from the Scientific Committee. We should not preach in this organisation the notion that the Scientific Committee has recommended zero catch limits on all whale stocks. Thank you very much.

**Chairman**

Thank you Dominica. Australia.

**Australia**

Thank you Mr. Chairman. I would just like to point out to Japan that in no way does this Resolution impede the flow of scientific information. There is nothing in my reading of this Resolution which says that scientific information cannot be passed from this body to CITES. What the Resolution does do is direct the Secretary, when the IWC is requested to provide comment, to make a certain comment.

One of the reasons for this, Chairman, is that at the last CITES meeting, Japan moved a Resolution that relationships between CITES and the IWC should be radically changed so that CITES no longer requested the advice of this Commission. Fortunately, Mr. Chairman, that Resolution was defeated by a very large majority. Subsequently there was debate within this body as to whether or not appropriate information had been given in response to the request from CITES. There were concerns raised by a number of members. This Resolution therefore endeavours to make it clear to the Secretariat what is expected and for that reason it has Australian support.

My other comment, Mr. Chairman, would be that I find it intriguing that we have Japan arguing strenuously for increased cooperation between this organisation and others in one part of the debate when it would favour their position, but when they see perhaps the cooperation with another organisation may not favour their position, suddenly such cooperation is outside the competence of this body. Japan argues, and has argued loudly and long, within CITES that that body should have no jurisdiction in marine fisheries. It argues in this body that CITES is the appropriate organisation to have jurisdiction in whale fisheries. I find that logic a little inconsistent, Mr. Chairman, but Australia does support this Resolution.

**Chairman**

Thank you Australia. St. Kitts and Nevis.

**St. Kitts and Nevis**

Mr. Chairman, St. Kitts and Nevis always supports the idea of cooperation between organisations but we will not support a Resolution of this kind.

**Chairman**

Thank you St. Kitts and Nevis. I have Antigua and Barbuda and Japan looking for the floor for a second time so I presume there are no other speakers for the first time. Can I ask you both to be brief. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. I would like to field a question to the Secretariat and also after receiving the answer I would like to summarise my comments, Mr. Chairman. The question to the Secretariat is that I would like to find out from the Secretariat through its Secretary what is the current relationship that we have now with CITES. Is it a satisfactory relationship?

**Secretary**

Mr. Chairman, the IWC Secretary is completely satisfied in that when the CITES Secretariat asks for specific information on the status of whale stocks I respond as this Commission has instructed by sending the latest information available from the Reports of the Scientific Committee of the IWC.

**Chairman**

Thank you Secretary. Antigua and Barbuda.

**Antigua and Barbuda**

Mr. Chair, I would like to follow up with one more question please if you may. I would like to ask the Secretary whether or not in his view the submission that was made by the distinguished representative of Switzerland with regards to CITES obligation to consult, is he in his view satisfied that the CITES Secretariat consults with this organisation on matters .....

**New Zealand**

Point of order Mr. Chairman.

**Chairman**

Point of order New Zealand.

**New Zealand**

Mr. Chairman, I would first question whether it is appropriate for there to be a cross examination of the Secretary in this Plenary session, and secondly the particular question that is being used requires the Secretary effectively to pass judgement on comments made by another Commissioner. That would be grossly improper and I for one would strongly object to it. It is quite out of order.

**Chairman**

Thank you New Zealand. Sorry Antigua and Barbuda.

**Antigua and Barbuda**

Mr. Chair, I think these are matters of administration and the most appropriate person to ask these questions is our Secretary, and I would like to know if CITES is assuming its obligation to this organisation by enquiring of this organisation on matters of cetaceans when it needs to do so in accordance with its Convention. I just want to know if this has been done. I am a member of CITES .....

**Chairman**

Sorry Antigua and Barbuda, I don't think it is proper to ask whether CITES has done its job properly. That is not a matter for us.

**Antigua and Barbuda**

Can I rephrase my question? Anyway, Mr. Chair, let me leave that issue because it is very clear of the double standards on that matter. I would like to make one last comment with regards to the submission of Australia. Mr. Chair, Japan was right in their view that this Resolution is restricting scientific information from flowing between IWC and CITES because it restricts the Secretariat only to provide information on zero catch limits, our advice on zero catch limit, that is not scientific advice coming from this body, that's

political, and we think that the flow of scientific information must be made available between these two organisations and this Resolution is restricting that, Mr. Chair.

**Chairman**

Thank you Antigua and Barbuda we note your views. Japan and hopefully this is the last intervention on this topic. Japan.

**Japan**

Well thank you Mr. Chairman. I anticipated the questions to that effect from Australia so I had actually been looking forward to answering the questions. First, the Resolution that was mentioned, that Resolution was submitted by Japan to COP 10 of CITES in 1997 and we gave the support of twenty nine votes and unfortunately the Resolution failed, but that Resolution was intended to strengthen the relationship between CITES and the Scientific Committee of the IWC. Because the bottleneck of the problem of lack of flow of scientific information from the Scientific Committee of the IWC to the CITES is this Commission itself.

To your second point of enquiry, the FAO for instance is functioning normally in the light of this constitution, it is promoting sustainable use of resources which is in line with the main objective stipulated in the constitution FAO, so in that regard I believe that FAO is functioning normally. Therefore since the FAO has expertise on marine species, marine resources, the FAO should have practical responsibilities for the management of the marine species. However, as far as whales are concerned, this very Commission, the IWC is not functioning in accordance with the spirit and the letter of the ICRW, and that normal management of the whale stocks are not expected from this Commission and therefore we think it reasonable to ask CITES to manage whale stocks rather than leaving it up the IWC, so Japan's position on this point is very clear and simple. Thank you.

**Chairman**

Thank you Japan. It is never simple. Can I ask the Secretary to move to a vote on this item.

**Secretary**

Mr. Chairman, the matter before this Plenary session is contained in the Resolution in document IWC/51/43, the text has been amended by the addition of some words at the end ..... [End of Tape] ..... CITES Appendix I and Resolution Conf. 2.9, the addition of the words 'and resolution Conf. 2.9' so the text is IWC/51/43 plus those few words. A simple majority of those voting will carry the Resolution. The role starts at 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 - abstain; Dominica - no; Finland - yes; France - yes; Germany - yes; Grenada - no; 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. Kitts and Nevis - no; St. Lucia - no; St. Vincent and the Grenadines - no; Solomon Islands - no; South Africa - yes; Spain - yes; Sweden - yes.

Mr. Chairman, there were twenty-one votes in favour, ten against with three abstentions and so that Resolution is adopted.

**Chairman**

Thank you Secretary. We will now adjourn. I presume coffee has gone so I would like you to come back at a quarter to five and we will then immediately resume in Technical Committee to agree the Report. Thank you.

[BREAK]

**Chairman**

.....13 - RMS and he's gone again. Are people satisfied to work with their hand-amended drafts of the Technical Committee Report? If the Chairman of Technical Committee could present the Report please. Can we just take the Report of the Technical Committee as written and I will open the floor for Action Arising 13.2. I see a conclusion that the Technical Committee recommended that there should be a Working Group next year to meet for, sorry, the Commission should proceed as the Working Group had suggested, the Chairman of the Working Group indicated that he would ask for detailed comments with the latest text by mid-October from which he would prepare a revised draft to be circulated by the Secretariat. This process would finish by February 2000 and good time before discussion at IWC/52 in Australia. Japan.

**Japan**

Thank you Mr. Chairman. The Working Group Meeting took place on 20 May and yesterday this RMS was the subject of the Technical Committee and today we are dealing with this matter here and during the Working Group Meeting on the 20 May the US delegate among others said that they could not comment on this or respond to this because they did not receive instructions from the home government, but now that there has been some time since last week to now so I suppose they have contacted their home government and consulted with them about the text of this Japan's draft proposal. I am looking forward to hearing their comment and response after they have had a chance to look at this material for this session, and we are making a proposal to complete the Chapter 5 and therefore we are looking forward to hearing their good-faith effort meantime to indicate their comment on this.

**Chairman**

Thank you Japan. According to the Report a number of governments were not in a position to accept or reject at this notice so I presume that comment is addressed, are your questions addressed to all of those governments? Any comments? United Kingdom.

**UK**

Thank you Chairman. I would just like to put it on the record that the United Kingdom has consistently participated in a constructive way in discussions on the RMS. We provided detailed comments on Japan's first draft of an observation and inspection scheme and these were incorporated in the document prepared by the Chairman of the RMS Working Group, and we discussed that document in Oman last year. Japan undertook to produce a further draft taking into account the discussions in that Working Group. We expected this draft to be made available well before this year's Working Group meeting, if not in time for further comment in advance, at least in time to enable us to prepare for this year's debate. In the event the new document appeared the evening before in the shape of a Schedule amendment. This was a detailed complex text and it was not reasonable to expect delegations to provide definitive views on a text which they had only just received. Moreover, this was not a text produced by a neutral Chairman or a Secretariat. Japan, quite understandable, did not include options that it disagreed with, but given the timing of the document, there was no opportunity to produce an alternative text.

Japan has attempted to meet some of the concerns expressed at the Working Group meeting in its latest text but this does nothing to resolve our key problems which are; first, there has been no time to examine the draft produced by Japan, to discuss them within our administration and arrive at a considered position. Secondly, that there are key elements of the UK's long standing position on an inspection and observation scheme which are not covered. To give one example, we remain of the view which we have expressed since the Working Group Meeting in Reine in 1995 which is not exactly new, but international observers should have powers to conduct spot-checks on all land-based whaling facilities, on all points on the wholesale retail chain for whale products, and that full records of such products should be kept at all stages of the marketing and distribution chain.

Now the Working Group has identified a practical way forward and the UK will participate constructively in this work. But the suggestion that delegations are somehow not taking things seriously because they are not prepared to debate a Schedule amendment, a highly detailed Schedule amendment, produced at most a week's notice, is frankly ridiculous. Our Rules of Procedure require the subject of a Schedule amendment to be circulated sixty days in advance. If you are talking about a text of this detail it is surely logical to circulate the text within that notice, not merely to say that you are going to submit something on an inspection and observation scheme when what you are going to submit at the last minute is five or six pages or more of detailed and highly complicated text. As I have said Chairman, the United Kingdom will continue to participate in this process and we will continue to participate seriously, but we are getting a little tired at the games that some delegations seem to be playing at the moment. Thank you.

**Chairman**

Thank you UK. Any other comments? Seems to be no other comments. Japan.

**Japan**

Since the UK has made the previous statement I am forced to sort of make another comment on my behalf. I feel what the UK is stating and their comment seems to be repetition of the same content, same statement, nothing new has been added. Well actually this Japanese draft actually reflects an integrate point discussed in the last seven years, in other words integrating the views expressed by you as well, so in terms of substance there is nothing new. The distinguished delegate of the UK for example pointed out the word 'spot check' and he seems to have indicated there is a missing point there. If that is the case we would appreciate that he would submit the concrete text wording which I think would be a more constructive approach to this. So I am wondering which side, who is playing the game in this case. We are just sincerely expressing our wish and urge that please in good faith complete the RMS expeditiously quickly, and so we are urging you to agree to concede to this one point that we should exert our utmost effort to cooperate in that effort, and so that is a very simple expression of a simple request to urge from us that you urge to cooperate during this session. Thank you.

**Chairman**

Thank you Japan. US.

**USA**

Thank you Chairman. Just to make it clear that we are in complete agreeing with the UK's statement and do associate ourselves with it. We find ourselves in much the same sort of situation but Chairman, I would like to elaborate a bit further. I contrast the situation here with one that faced me as the Chairman of the Inter-American Tropical Tuna Commission about eighteen months ago. Mr. Chairman, I was responsible for overseeing the negotiation of a new agreement, the International Dolphin Conservation Programme Agreement, and that Agreement was involving an issue that was every bit as complex and contentious as the one before us here. Mr. Chairman, I was able to bring that successful negotiation together after two meetings six months apart, or within a six month period, and that was due primarily, Chairman, to the facilitative efforts of several parties. Negotiating text were provided weeks in advance of the meetings. This enabled parties to review them extensively and prepare in advance for the discussions coming, enabled them to undertake discussions with other departments, with other governments, to make sure their positions were consistent with other aspects of this contentious matter. Moreover, Mr. Chairman, there was ample time for bi-lateral and multi-lateral discussion to be undertaken so that groups of countries might feel comfortable with the provisions being discussed. Mr. Chairman, I contrast with the situation here, now I cannot speak to Japan's motive, but it is a fact that the text arrived the evening before the responsible Working Group met. Chairman, it is my delegation's view that this Commission should not be held accountable for Japan's failure to facilitate the discussion in an acceptable way. Thank you Chairman.

**Chairman**

Thank you US. I have a recommendation from the Chairman of Technical Committee which is in turn a recommendation from the Working Group. Can I proceed with that, that we adopt the recommendation from the Technical Committee. Seems so. So there will be a Working Group on this issue immediately before IWC/52. Detailed comments should be sent to the Chairman of the Working Group by mid-October and he will prepare a revised draft to be circulated by the Secretariat. Japan.

**Japan**

Thank you Mr. Chairman. That proposal is fine but I would like to see included in that timetable a deadline for the finalisation otherwise this may never be completed during our lifetime.

**Chairman**

Thank you Japan. We will note your comments. The Secretary would like to know, are there any views on how long this meeting should be. I have heard three days suggested but I am not sure. Netherlands or Chairman of the Working Group.

**Netherlands**

Yes Chairman, I've given some thought. I thought myself that we might need two or perhaps three days but perhaps it is best to let that depend on the outcome of the consultations, and this maybe a matter that may be taken up by the Advisory Committee when we reach that stage. Thank you.

**Chairman**

Thank you Chairman of the Working Group. In that case I'll close agenda item 13 and move to agenda item 7. Japan.

**Japan**

Mr. Chairman, would you please refer to the Schedule 10(e) and 10(e) says the deadline for setting the catch limit other than zero and that is by 1990, that's the latest and incidentally next year is the year 2000, so we are ten years behind that deadline already. So how many more years do you think we would need? I think there should be a clear statement that, for instance, by the year 2000 RMS should be completed and that quota other than zero should be established. Unless we make this clear statement in writing I think irresponsible discussions will go on and on forever.

**7. SANCTUARIES**

**7.1.1 SOUTHERN OCEAN SANCTUARY**

**7.2 ACTION ARISING**

**Chairman**

Thank you Japan. It is not possible for me to forecast when this Commission will decide on anything. Can I move on to agenda item 7. 7.1.1 we have the Report on the Southern Ocean Sanctuary from the Technical Committee and there is an action arising from Japan 7.2 which proposes a Schedule amendment. This amendment was defeated in Technical Committee and it is has not been put forward to Plenary. Can I note this? Japan.

**Japan**

Mr. Chairman, I haven't heard of the Rule that you have just mentioned. We have proposed two Schedule amendments, and the first Schedule amendment is indeed very important, and that is amendment should be made and whether the Sanctuary should be established based upon the scientific justification and scientific bases is clearly included in that Convention, Article V2(b), it has to be based upon scientific findings. If you look at Schedule 7(b), the third line which reads and I quote 'This prohibition applies irrespective of the conservation status of baleen and toothed whale stocks in this sanctuary' and this irrespective means disregarding the scientific basis and conservation status, and as a responsible Contracting Government Japan cannot accept this is included in the Schedule and I am sure other Contracting Governments that are responsible find it quite unacceptable. In the Antarctic Ocean there is a robust minke whale stock of 760,000 and we must respect the scientific fact. All we are asking is to replace the word 'irrespective' with the word 'in respect of' which means to respect the scientific basis and findings and I would like to see this amendment adopted in consensus here in this Commission. Thank you.



**Chairman**

Thank you Japan. Are there any comments on the Japanese proposal to adopt this Schedule amendment by consensus? US.

**USA**

Chairman, we are not in a position to do that. My delegation cannot support any erosion in the terms of the sanctuary we established five years ago. We were aware that the population of Southern Hemisphere minke whales is robust, we do that when we establish the sanctuary. The status of the population does not affect our opinion that a resumption of the commercial harvest of minke whales would not serve the objectives of the sanctuary. This is what we articulated last year in Resolution 1998-3. As for the other proposed revision, the third sentence in paragraph 7(b) was drafted to state that the prohibition was against commercial whaling in this sanctuary and would apply to all stocks no matter how abundant they might be. This sentence or that sentence cannot be interpreted to mean that the IWC does not respect scientific information, it just means that the ban on commercial whaling would apply to all species and stocks at least until the scheduled review in 2004. So, Mr. Chairman, my delegation prefers to wait until that year to review the provisions of paragraph 7(b). Thank you.

**Chairman**

Thank you US. Netherlands and Brazil.

**Netherlands**

Thank you Chairman. We would simply like to associate ourselves with the views expressed by the United States. Thank you.

**Chairman**

Thank you Netherlands. Brazil and New Zealand. I would ask delegations if possible not to repeat the debate of the Technical Committee because I would like to proceed if that's possible. Thank you.

**Brazil**

Thank you Mr. Chairman. Very briefly just to associate ourselves with the comments made by the US delegation. Thank you.

**Chairman**

Thank you Brazil. New Zealand.

**New Zealand**

Mr. Chairman, bearing in mind the vote that was taken in the Technical Committee and Japan's concession immediately afterwards as to what the effect of that was, I don't believe that the suggestion that this would be adopted by consensus is made at all seriously. Beyond that Mr. Chairman, I associate my delegation entirely with the comments made by the United States and we will vote to support the Southern Ocean Sanctuary as we did in 1994.

**Chairman**

Thank you New Zealand. Japan do you want me to put this to a vote or can I can that there was a majority against it? Norway.

**Norway**

Thank you Mr. Chairman. Norway didn't participate in the voting when the Southern Ocean Sanctuary was adopted in 1994 because we didn't think it had not enough scientific base and for this reason we support the Japanese proposal here today. Thank you.

**Chairman**

Thank you Norway. France.

**France**

Thank you Mr. Chairman. The Southern Ocean Sanctuary has been created by a decision of the Commission at its 1994 Meeting, this decision was taken on the basis of scientific data and with the objective of protecting all whales in their feeding zones in the Southern Hemisphere irrespective of the status of whale stocks in this area. This means the conservation of a part of an ecosystem and especially all species of whales. This is a global approach of Sanctuary and over protected areas and especially under the rules of IWC. Thus the Japanese proposal, if accepted, would break this global approach. It has previously been said by France when the Southern Ocean Sanctuary was adopted, it was also decided that the position should be reviewed ten years after its initial adoption. Thus, France considers that there is no need to reopen the debate at this stage and is strongly opposed to the Japanese proposal. Thank you Mr. Chairman.

**Chairman**

Thank you France. Chile.

**Chile**

Thank you Mr. President. I associate myself, my country, with the expression of France. Thank you.

**Chairman**

Thank you Chile. Australia.

**Australia**

Thank you Chairman. We support the continued integrity of the Southern Ocean Sanctuary and will oppose the Japanese proposal.

**Chairman**

Thank you Australia. Antigua and Barbuda.

**Antigua and Barbuda**

Antigua and Barbuda continue to support the integrity of the Scientific Committee of this organisation and wish to associate ourselves with Japan with regards to the amendment of this Schedule.

**Chairman**

Thank you Antigua and Barbuda. Dominica.

**Dominica**

Thank you Mr. Chairman. Dominica believes that the work and advice of the Scientific Committee is relevant to the operation of this body and in that regard I would like to support the amendment that has been proposed by Japan.

**Chairman**

Thank you Dominica. Solomon Islands.

**Solomon Islands**

Chairman we would also like to associate ourselves with the views expressed by Japan. Thank you.

**Chairman**

Thank you Solomon Islands. St. Lucia.

**St. Lucia**

Chairman, my delegation wishes to associate itself with the comments of both Antigua and Barbuda and Dominica.

**Chairman**

Thank you St. Lucia. Grenada.

**Grenada**

My delegation, Mr. Chairman, would like to associate ourselves with the view of Japan.

**Chairman**

Thank you Grenada. Monaco.

**Monaco**

Mr. Chairman, what the Southern Ocean Sanctuary requires above all is to be consolidated not to be eroded and therefore we will oppose the Japanese amendment.

**Chairman**

Thank you Monaco. St. Kitts and Nevis.

**St. Kitts and Nevis**

Mr. Chairman, St. Kitts and Nevis wishes to associate itself with the views of Japan.

**Chairman**

Thank you St. Kitts and Nevis. Japan do you want me to vote on this one? Japan.

**Japan**

Thank you Mr. Chairman. Listening to the comments made by France, the Sanctuary seems to have been established based upon scientific findings, but listening to the USA I am under the impression that the Sanctuary was established regardless of the scientific findings and I wonder if these countries are actually like-minded or not.

I think that it become quite clear that the views are divided on the point of scientific basis and that the delegates, the attendants even among the like-minded group, and those people with common sense who are listening to these discussions now understand that the factors other than science were used to establish the Southern Ocean Sanctuary and that I would no longer insist that be put to a vote and I will withdraw my right to put this to a vote. Thank you Mr. Chairman.

**7.1.2 SOUTH ATLANTIC SANCTUARY**

**Chairman**

Thank you for your cooperation Japan. The next item is the South Atlantic Sanctuary and I presume we can accept the Report of the Technical Committee on that item. Thank you.

**7.1.3 SOUTH PACIFIC SANCTUARY**

South Pacific Sanctuary, this will be discussed next year after consideration by the Scientific Committee so I presume we can accept that? Thank you.

**14. SCIENTIFIC PERMITS**

That completes this agenda item so if we can now go to agenda item 14 - Scientific Permits. So if I can go the Chairman of the Scientific Committee.

**14.1 REPORT OF THE SCIENTIFIC COMMITTEE**

**14.1.1 SOUTHERN HEMISPHERE MINKE WHALES**

**Chairman of the Scientific Committee**

Mr. Chairman, our Report on this item is given in section 14 starting on page 73. We first reviewed the results from existing permits and then 14.2.1 we look at the permit for Japan and the Southern Hemisphere. Last year Mr. Chairman, we had undertaken a detailed review of the JARPA programme and a number of areas for future work had been identified. We had information on progress on that work and this is included in the first paragraph under 14.2.1 and I won't go into the details but it is recorded there. In

addition to that we had discussed the question of sampling bias and the problem of representativeness of samples, and we have some comments on the progress that had been made.

We, of course, had a report that the research activities of the 1998/99 JARPA cruise had to be modified due to a fire on board the research mother-ship and there are some discussions there of the consequences of the seven weeks delay to the schedule, the timing of research and so on is given in the left-hand column in the bottom paragraph on page 73.

We had a summary of the programme and we have some comments on the research that was actually undertaken. We noted that minke whales predominated throughout the research period and compared with previous cruises in this region more minke whales and fewer fin, sperm and southern bottlenose whales were seen. We had information on the sampling. There were some questions about the likely influence of the change from the original plan on the results, and that is discussed in the main paragraph towards the middle of page 73 on the right. We heard some information on some experiments using satellite tags, but we were informed that they had been unsuccessful, or at least there was a lack of success, and the Committee suggested that the organisers might consult with a number of people who have actually had some success with this, or reasonable success with this, at least for the larger rorquals.

Mr. Chairman, perhaps we can continue on this Southern Ocean area and go to a review of new or revised proposals which is now on page 74 under item 14.3. 14.3.1 reviews a proposal to continue with this research in 1999/2000 which, of course, is a continuation of the programme that has been extensively discussed previously. This is the eleventh full-scale survey of a sixteen-year research programme and we understand that the objectives, survey items and methods are the same as in previous years. The reasons for this and the locations are given at the bottom of page 74 in the left-hand paragraph. Details of that are given in three items at the top of the right hand column on page 74. This was discussed and a number of points were raised and these are detailed in the separate paragraphs at the bottom of the right-hand paragraph on page 74.

Again, Mr. Chairman, we had some comments on satellite telemetry and we emphasise the contribution that this satellite telemetry could make to determining important breeding areas and the suggestion for collaborative studies was reiterated. That concludes our discussions on the Southern Hemisphere Permit, Mr. Chairman.

**Chairman**

Can we endorse the Report of the Scientific Committee on this one and accept the recommendations?

Seems so. Carry on Chairman.

**14.1.2 NORTH PACIFIC MINKE WHALES**

**Chairman of the Scientific Committee**

Mr. Chairman, our discussion of the North Pacific proposal which is your agenda item 14.1.2 is again on page 74, item 14.2.2 at the top left hand side of the left hand column. We had a summary of the 1998 JARPN survey which took place in the eastern part of sub-area 7 and sub-area 8 from April to June 1998. It also covered the early period of migration as had that in 1997, the details of this are given, Mr. Chairman, in that major paragraph. We noted that several documents relating to the JARPA programme has been presented to us and these are discussed in full in our Annexes.

We then go on to reviewing the new programme which is on page 75, item 14.3.2 in the middle of the left-hand column. We had first received a proposal for a special permit for these whales in 1994 and there has been subsequent discussion, of course, and last year we were, after some general discussion, we were informed that more detailed information would be presented. We had a research plan presented this year. After reviewing briefly the progress to date, two options for the 1999 JARPN Survey were proposed and we had details of those. This is detailed, Mr. Chairman, in the bottom of the left-hand column on page 75 and over to the top of the next column. There were some concerns expressed about this in discussion, these included the fact that the focus of the research plans described for 1999 is in areas where minke whales from a so-called J stock which we have heard about already, Mr. Chairman, mix with animals from the

genetically distinct O stock which occurs in the Pacific side of Japan. The specific objectives of this year's research includes estimating mixing rates of J stock animals with O stock animals in those sub-areas. The principle objective of the work is determining the mixing rate between the O stock and the putative W stock further to the east not between the O and J stock. Further, the concern expressed was that such information is not needed to improve the already specified implementation simulation trials.

There were other concerns raised Mr. Chairman, for example, that there was a prospect, it was expected that the programme would take 3-5 J stock animals and given the uncertain status of that stock owing to the continual incidental takes and historical over-exploitation which had been referred to under another item, those removals had the potential for an adverse effect on this stock which was not consistent with the precautionary principle. Concern was also expressed that to address mixing rates, greater statistical power is required than the proposed catches would allow. It was suggested that this could be remedied by using non-lethal biopsy sampling.

In response to those points, Mr. Chairman, the number of points raised which start at the bottom of page 75 in the right hand column. One was that the precautionary arguments raised must be weighed against the important information that a sample in Areas 11 and 7 will produce. This is elaborated in the following paragraph which goes over onto the top of page 76. With respect to adverse effects on the J stock, the mixing rates data available to try to estimate expected numbers of J stock animals were obtained in the time of commercial whaling, we were informed. The present mixing rate of J stock animals will be much smaller. This continues, Mr. Chairman, with respect to the usefulness of sampling with respect to biopsy samples from minke whales and so on, the remainder of those paragraphs on the left-hand column on page 76. In conclusion, after what was a full discussion, a majority of the Committee was unable to respond positively to a request from the Committee to ask the Commission to urge the Russian Federation to allow access for the JARPEN vessels to sample minke whales in sub-area 12.

There is the question, Mr. Chairman, of a full JARPEN review which was referred to last year and which we had agreed would occur comprehensively and be planned for in the year 2000. We had an *ad hoc* group convened to examine that further. The review is to be patterned on the review of the Japanese Southern Hemisphere Research Programme reported last year and the year before. However, one difference was that the previous review was a mid-point review while this one is a review at the end of the planned research period. We agreed that terms of reference which are listed there (1), (2), (3) Mr. Chairman, and we reminded ourselves that the main objectives of JARPEN, this programme, were to determine firstly whether or not the W stock exists, and if so to estimate mixing rates between O and W stocks, and to determine the feeding ecology of minke whales in the North Pacific.

It is expected that the report of the results of this review will inform the Committee concerning the plausibility of options being considered in the implementation simulation trials when those results are considered during the next Annual Meeting.

We recommend, Mr. Chairman, that the review meeting outlined in our Annex should be adopted and we established an Intersessional Steering Group as reported here, and the funding implications are dealt with elsewhere. Thank you Mr. Chairman.

## 142 REVIEW OF ETHICAL CONSIDERATIONS

### **Chairman**

Thank you, Chairman of the Scientific Committee. Are there any comments on this or can we endorse the Report and the recommendations? Seems so. The next item is 14.2 - Review of Ethical Considerations and the Secretary has prepared a paper IWC/51/16. Secretary please.

### **Secretary**

Mr. Chairman, at the 50<sup>th</sup> Annual Meeting a Resolution was adopted, Resolution 1998-4, that the Secretariat undertake a comprehensive review of the ethical considerations taken into account by other international scientific organisations with respect to scientific research. I therefore wrote to a number of international scientific organisations to seek information on this topic. The most useful comments came

back from the Council for International Organisations of Medical Sciences. The text of the response is included on the first page of the paper IWC/51/16 and appended is a copy of the International Guiding Principles. These principles emphasise that there should not be restrictions that would unduly hamper the advance of biomedical science, which is their particular area, but at the same time scientists shouldn't lose sight of their moral obligations to have a humane regard for their animal subjects, and as has been discussed much in the whale killing area, to prevent as far as possible pain and discomfort, and to be constantly alert to any possibility of achieving the same results without resorting to living animals.

We also had a response from the International Organisation for Standardisation and their response was largely that there is no international standard in this area but many national guidelines, national legislation and guidelines. I then turned to the scientific literature to see if there was any help from that and fell into forty four thousand records which have something to say on the subject. The overall conclusion from a brief survey of those records conforms to responses which I also received from the RSPCA and from the Council Directives of the European Communities, that broadly before you start using animals in experimental work, can you justify that use and can you reduce the suffering if there is to be pain inflicted, and if the animal is to be killed, that it must be done humanely?

So the broad conclusion must be that in the sense of legislation, guidelines and codes of conduct which exist, the main emphasise is in causing the minimum of stress and distress, suffering and pain and at the same time considering if the research results can be achieved using fewer animals or other non-lethal means. While I was looking at the scientific literature aspect, of course, I noted that there are a number of major scientific journals which have a policy on publication of research work which includes, besides the intellectual value of the submission, language which suggests that if procedures used in research involve pain or discomfort, the investigator must consider whether the knowledge that may be gained justified the stress and pain inflicted on the animals.

Just as a tail piece for those whose memory of the IWC is slightly less than mine, I recall a meeting held by this Commission in 1980 in Washington DC on Cetacean Behaviour and Intelligence and the Ethics of Killing Cetaceans. I feel that there are many cycles in the IWC history and so I have included the relevant extract from the Report of that Washington Meeting which is already within the IWC orbit. Thank you Mr. Chairman.

**Chairman**

Thank you. I have Japan and New Zealand. Japan.

#### **14.1 REPORT OF THE SCIENTIFIC COMMITTEE**

**Japan**

Mr. Chairman, I am sorry that I could not really follow the quick fast speed of the procedure of this meeting so may I go back to the page 76 of 14.1 of the Report of the Scientific Committee briefly.

I would like to clarify the following point and would like to ask this point to be recorded here clearly, that is to say, in case that the Scientific Committee comes to an agreement that the main objectives have ever been achieved, then that advice would be sent to the Commission Plenary and then for the management of the North Pacific, the research activity, the quota would be set and agreed upon by this Commission, and then in that case the three to five year, the research period, could be completed. However, that is up to this agreement to be reached but the agreement I understand has not been reached at the Scientific Committee on that point, so until the objective of the JARPEN will be satisfied and fulfilled we need to continue to collect necessary information. So I would like to record your attention to last year's Scientific Committee Report which describes this point, that until that objective is satisfied the necessary information will continue to be collected. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. We will note your comments. I have New Zealand and US. Are the comments on 14.1 or can we move on to 14.2? Japan asked to make a comment on 14.1. We will go back to agenda item 14.2 now and New Zealand first for the floor followed by US.

## 14.2 REVIEW OF ETHICAL CONSIDERATIONS

### **New Zealand**

Mr. Chairman I can be brief. The Secretariat is to be thanked for its Report on this issue of ethical considerations with respect to scientific research, although I have got to express my disappointment that there weren't more responses from the other international organisations that were canvassed on this issue, and so again I would like to complement the Secretariat on having been creative in getting into the literature search that was also conducted, because that does I think provide us with some very useful information as well as the responses that have been received. I am particularly attracted, Mr. Chairman, to the information provided by the Council for International Organisations of Medical Sciences and particularly its advice that biomedical scientists should not lose sight of their moral obligations to have a humane regard for their animal subjects to prevent as far as possible pain and discomfort and to be constantly alert to any possibility of achieving the same results without resorting to living animals. Mr. Chairman, I think the message is very clear. If there are non-lethal alternatives available that's what we should use. And we will have a resolution that will start to address those issues a little bit later in this agenda.

### **Chairman**

Thank you New Zealand. US.

### **USA**

First, Chairman, a general comment. We have heard the Japanese delegation make a number of statements that the upshot of these simulation implementation trials is to enable the Scientific Committee to determine a catch limit and then the Commission to set a quota. Well Chairman, that might be their view but it is certainly not our view. I recall Resolutions that Commissioners passed, 1994 and a couple of other years subsequently, that indicate that the only time, the only circumstance, under which we would have the Scientific Committee do that process of actually determining a catch limit is if the Commission approved it in advance and presumable that would require large number of steps to be accomplished, not the least of which is the establishing of the observation and inspection scheme has been laid out and discussed earlier. That is a general comment. We disagree with their point of view of this whole simulation implementation trial business.

The other issue is would related to agenda item 14.3. I don't know if we are there yet Chairman, are we? No. thank you.

### **Chairman**

Thank you US. UK just to be clear we are on agenda item 14.2 - the Report by the Secretary, document 51/16.

### **UK**

Thank you Chairman. Like the Commissioner from New Zealand, I would like to congratulate the Secretary on producing this Report. I thought it was helpful. I would just like to share with the Commission another example, and I am referring to the United Kingdom domestic legislation on the Use of Animals in Scientific Procedures. This is primarily aimed at laboratory animals but the principles I think are common and apply universally. Since 1 April this year any institution or body carrying out any such procedure has had to carry out an internal ethical review process, and the key to that is that the person carrying out the procedure, the institution, has to do their best to observe what are called the three Rs. Those three Rs are to replace the procedure with alternatives, not using living animals if that is possible; to reduce the number of animals being used; and to refine the procedures to minimise pain, suffering, distress or lasting harm, and that is an ethical procedure which now has to be carried out if any experiment or practice or procedure involving living animals is initiated. Thank you Chairman.

## 14.3 ACTION ARISING

### **Chairman**

Thank you UK. Are there any other comments on this paper? In that case we will note the paper. Can I move on to agenda item 14.3.2 and I've got two Resolutions. The first one is IWC/51/48. New Zealand.

**New Zealand**

Yes, Mr. Chairman, this Resolution really only does one, or depending on how you view it, two things. It asks the Scientific Committee to answer just two questions in respect of all research conducted under special permits. It does not specify what those answers might be and it certainly doesn't dictate what they should be. The preamble to the Resolution equally simply records the relevant provisions of the Convention and its Schedule. The information is sought for this Commission to enable it responsibly to review the various scientific programmes that are being conducted under Article VIII of the Convention. The information, Sir, is highly relevant so that we will know whether the data that is being obtained by lethal research is required for management purposes ..... [End of Tape] ..... the very same question that the Council for International Organisations of Medical Sciences asks of its members and that is the information, Mr. Chairman, that should enable us to make our judgements accordingly on the scientific programmes that come before us. Mr. Chairman, a couple of years ago I was criticised by one delegate for having raised these issues. It is very clear now that it doesn't trouble other international organisations to raise these questions. It is very clear that they do in fact ask them and I believe that we should do likewise. I urge support for the Resolution.

**Chairman**

Thank you New Zealand. Any other comments on this Resolution? Again can I ask that we presume the co-sponsors support New Zealand. Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

Mr. Chairman, I am not clear whether this Resolution replaces previous Resolutions or is in addition to them. Perhaps that could be clarified.

**Chairman**

New Zealand.

**New Zealand**

Mr. Chairman, it is very clearly intended to be in addition to and not to replace any of the previous Resolutions.

**Chairman**

Thank you New Zealand. Any other comments? Can I accept this Resolution? Japan.

**Japan**

Thank you Mr. Chairman. I am actually reluctant to take the floor but I have to speak, so please understand my feeling but anyhow there is information that can be obtained by the non-lethal method as well, but there is certain information that can only be obtained by the lethal method. In reality, and in fact there is information that can only be obtained through the lethal method to secure the accuracy and significance as well as the statistically significant and useful information, and if you only have the non-lethal method available that could be quite limited in a scope. For example, the information from the standalone case, single case, exceptional case or maybe from a very special stranded case or maybe incidentally-taken whale case and so forth. Such information, for example, includes the information on age or the speed of the growth or the degree of maturity or the state of pregnancy or the degree of pollution and so forth, that could only be obtained through the lethal research.

Even to elucidate the stock structure from a practical standpoint when you think of the sample size to be collected and so forth, the lethal method is really required. So these are the information that are quite necessary for the improvement of the stock management and to elucidate the status of the stock, and also the information required for the safe management of the cetacean resources, and so these are the information that can only be obtained by the Japanese research activities in the Antarctic as well as in the North Pacific. I would really like to see any plan for the non-lethal project which could obtain this kind of information that is currently only obtained by the lethal method, because if those non-lethal methods could



ever elucidate the ecology and status of the whales within the ecological chain or the ecology or ecosystem, or to elucidate and improve the safe management of the resources as well as utilisation and so forth. If such a programme plans are available we would like that to be indicated and proposed and to see it implemented. So if such a plan is available by using non-lethal method please indicate and propose here. Therefore I would like to appeal here that we should have the realistic standpoint, realistic view, to pass the correct accurate judgement here. Thank you.

**Chairman**

Thank you Japan. Monaco.

**Monaco**

Mr. Chairman, I want to react to what Japan just said as a co-sponsor on this Resolution. Japan implies that lethal takes of whales on the scale which if it is carried out is done for valid experimental purposes. I think this is an important but very controversial point of view and actually as everyone knows in this room at least, the loose regulations on scientific whaling have been the subject of much debate in the IWC and also in the scientific literature. You will look at the scientific evidence in journals such *Nature* and *Science* and you will understand clearly what I am referring to. As you know, many of us are concerned that whales continue to be killed to that extent unnecessarily in the name of science. We see no justification to 'scientific whaling' on that extent and to that scale. I am not saying that certain questions can be answered entirely by non-lethal takes, I am just questioning, and so does a large fraction of the scientific community, the fact that Japan is resorting to lethal takes to such a degree.

Finally, I will just say that non-lethal methods of research, they develop very quickly over the past decades and they have supplanted the need to kill whales in many instances, genetic samples from skin, biopsies from fetuses now produce a wealth of information on things such as stock structure, and we address this question in the form of a proposed intersessional Workshop under a different agenda item so I will come back to that because we think there is much work to do on this issue because the answers are not clear. This is a controversial issue and it deserves a clear answer. Finally, I will just draw also the attention of this assembly in the papers on ethical considerations that not only the Council for International Organisations of Medical Sciences made some very valid point but also on page 2 of the Council Directive of the European Communities which states clearly that the Commission and member states, this concerned at least fifteen states in Europe now, should encourage research in the development and validation of alternative techniques which could provide the same level of information as that obtained in lethal experiments. That's all I have to say, Mr. Chairman.

**Chairman**

Thank you Monaco. There are a large number of co-sponsors for this so I can we accept it? Norway.

**Norway**

As referred to, Mr. Chairman, in the first paragraph of this Resolution, every party to the Convention has a right to set quotas for scientific purposes and we think that's a right that should be maintained. We support the Japanese views. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Dominica.

**Dominica**

Thank you Mr. Chairman. Chairman, in one breath I would like to complement the proponents of this Resolution in that they are asking the Scientific Committee for advice. My concern is what will they do. Will they abide by the advice of the Scientific Committee? Thank you.

**Chairman**

Thank you Dominica. Can I adopt this as a majority view and note the comments made? Seems OK. Thank you. The next item I've got is Resolution IWC/51/49 and before I ask somebody to take the floor, can I refer back to comments I made on Monday where I had proposed to disallow Resolutions which I consider to be a repeat of something that was done last year. We tried out this procedure particularly in

relation to a statement by UK on Norwegian whaling and we found that it caused problems for a lot of non-English speaking delegations to deal with this procedure so I have accepted repeat Resolutions, So Australia.

#### **Australia**

Thank you Chairman. I would like to take the opportunity introduce this Resolution on behalf of its co-sponsors. Before moving to that operative part of my task I would like to make a couple of preambular comments on behalf of Australia. I would like to reiterate our view that information necessary for effective conservation and management of whales can be and should be obtained always by non-lethal means. We all recall that the scientific Working Group of the Scientific Committee met a couple of years ago to review the Japanese programme for taking minke whales under special permit in the Antarctic. The Scientific Committee concluded then that while the work could be useful in management it as not required for management. At this year's meeting of the Scientific Committee there was discussion of recent improvements in technology for non-lethal biopsy sampling of minke whales and that's reported in the Committee's Report. We endorse the development, testing and the use of non-lethal research techniques to obtain information that is essential for long-term conservation and management of cetaceans and we applaud the fact that these techniques are being utilised in the JARPA and JARPN programmes.

I want to thank the Secretary too, Chairman, for the review that he undertook of ethical considerations and scientific research. It wasn't an easy task, it was a complicated one. It certainly wasn't straight forward but his conclusion was, and he mentioned that earlier, that the broad sense of the legislation, guidelines and codes of conduct which exist emphasise causing the minimum of stress and distress, suffering and pain and at the same time considering if the research results can be achieved using fewer animals or by other means. Those other means would be non-lethal means. Given the Scientific Committee's conclusion at IWC/49 that lethal research wasn't required for management, given the recent improvements in non-lethal technology, and given the conclusion of the review by the Secretary, we urge all Contracting Parties to refrain from conducting lethal research on cetaceans. This research does cause stress, distress, suffering and pain which are entirely unnecessary for any purpose of the Convention.

Chairman, I now turn to the draft Resolution contained in IWC/51/49 and I just want to explain in light of your earlier comments why we and our co-sponsors have seen that it as necessary to propose this Resolution when you are asking us to avoid unnecessary repetition in the conduct of the Commission's business. Repetition is unnecessary when two factors apply, when a Resolution previously adopted continues to apply and when nothing has changed in the Resolution or in what it addresses. Now last year's Resolution asked Japan to refrain from issuing further permits under Article VIII, that Resolution continues to apply so that is the first factor that I mention. But since the Resolution was adopted, Japan has chosen to issue new permits under Article VIII. Something new has occurred in what last year's Resolution addressed. There has been a development and the Resolution itself has new elements, it takes account explicitly of developments since IWC/50, it bases itself in part on information provided in a Workshop that was conducted just a few days ago, it takes note of a review conducted by the Secretary earlier this year, and it addresses quite specifically the next occasion on which Japan will consider the issuing of new permits rather than just making a generally applicable request as last year's Resolution did. This year the draft Resolution asks that Japan decides to refrain from issuing permits next time it considers the issuing of permits.

Chairman, I hope that next year we will be able to record that something else has changed and that no new permits have been issued. So if I can just go back to the criteria I mentioned a few moments ago. If there is repetition in this draft Resolution it isn't unnecessary repetition, it is essential and I commend it to parties. Thank you Chairman.

#### **Chairman**

Thank you Australia. New Zealand.

#### **New Zealand**

Mr. Chairman, since 1988 nearly four thousand whales have been killed in an area that in 1994 was designated by the International Commission as the Southern Ocean Sanctuary, the decision strongly

endorsed at this meeting. That killing has been done in the name of scientific research, the results of which according to the Report of the Scientific Committee in 1997 are not required for management purposes. What's more, it is research that could be conducted by non-lethal means, the resulting whale meat is sold in the markets and finally as Monaco made clear in an earlier intervention under this agenda item, such a high level of lethal research would never be approved by any responsible domestic ethical review and approval body. All such programmes need a moral compass. Mr. Chairman, all this we have said before and we only say it again because this totally unacceptable activity continues. We acknowledge Japan's treaty rights mandated by Article VIII of the Convention to issue these special permits, but we do not acknowledge the legitimacy or the ethical basis of this so-called research. We find it especially hard to reconcile Japan's ongoing commitment to the JARPA and JARPN programmes with the lack of substantive scientific papers that have been produced and published in peer reviewed journals in the international literature.

Mr. Chairman, the Scientific Committee has reported to us on the successive development of the Larsen gun to biopsy whales, and I note with pleasure that the Scientific Committee has recommended that trials with the Larsen gun be carried out to biopsy minke whales. My delegation strongly supports that recommendation. Mr. Chairman, the only possible justification for special permit whaling would be if the information so collected were vital for stock management. As New Zealand has long argued, such information can be obtained from biopsy samples and now that we have a system that clearly has the capability of efficiently acquiring biopsy samples by non-lethal means, there can be no legitimate reasons for the further conduct of whaling under special permit.

**Chairman**

Thank you New Zealand. I have Sweden and France. Sweden.

**Sweden**

Thank you Mr. Chairman. Sweden continues to be concerned about and opposed to various scientific whaling programmes being carried out since the moratorium came into effect. While recognising that the Convention grants member nations the right to issue such permits it is not promoting a co-operative atmosphere within this body to issue permits for large-scale scientific whaling. We hope that an agreement of a phase-out of these kinds of activities can be reached as part of a general solution to our conservation and management problems which includes the completion of the RMS such as intended in the Irish Proposal. Thank you Mr. Chairman.

**Chairman**

Thank you Sweden. Any other comments? Japan.

**Japan**

Thank you Mr. Chairman. I have been told by the Chair a number of times that I should reduce a number of interventions and I am very sorry I have not been able to cooperate in that regard, but these folks have been making allegations to the Japanese scientific research take and I cannot help but rebut the arguments presented by those delegates. I am prepared to rebut for a day or two but I will try my best not to continue for that long. The ethical point was raised earlier and for Japan the whale is a very important marine resource and traditionally, if you look back at our history, the whale has been considered as the king of the fish, and if you look at the Chinese character, Japanese letter for whale, this is Kyoto of fish, the capital of the fish. We take or kill the whale as we kill or take fish with care, and when we eat fish or when we start our meals in the western culture you say '*Bon Appétit*' but in our language we say '*itadakimasu*' and that in Japanese literally translates 'Please let me take half your life and will treasure and cherish your life'. So that is the point on ethical issues and as far as scientific papers are concerned, we have averaged so far one hundred and fifty scientific papers to the journals and we also provided necessary information to the IWC. So please scrutinise the degree and level of the documents we have presented to IWC, quantity-wise and quality-wise, we have presented high level, high quality scientific papers.

We have conducted our research take in order to obtain information that is scientifically necessary and required and that is also required for the improvement of the management of the whale stocks, and as a result we are convinced that that would lead to the very safe management of the whale stocks which will

consequently lead to the sustainable utilisation of the whale stocks, and that point was agreed by consensus if you look at the JARPA Review in 1997.

But what is most important is the Article VIII of the Convention, and under Article VIII the Contracting Governments may carry out the scientific research and that is a sovereign right of a Contracting Government, and therefore from now on as well in order to provide information that is required for the management of whale stocks, that whale stocks, we will gather scientific information and for that purpose we shall continue scientific research whaling.

On the point of the use of the by-products, that is whale meat, the provision is given in Article VIII 2 of the Convention which says that proceeds of the by-product be used for the research to follow and this is the obligation and right under this Convention and we are carrying out activities in accordance with this Article. So this Resolution from the Government of Japan's point of view is far from acceptable. Thank you.

**Chairman**

Thank you Japan. France.

**France**

Thank you Mr. Chairman. Very short intervention. We associate ourselves to the declarations of Australia and New Zealand in particular. Thank you Mr. Chairman.

**Chairman**

Thank you France. Norway.

**Norway**

Thank you Mr. Chairman. The JARPA research programme was reviewed two years ago and the Scientific Committee, the special meeting concluded that very many valuable ..... [End of Tape] .....we have had a couple of outstanding or problems which have been discussed last year and this year and as was reported by the Chairman of the Scientific Committee on page 37 in the Report of the Scientific Committee. The Committee agreed this year that the paper show that parameters potentially important for management can be estimated from age data obtained from the catch, so we think that this has been a valuable research resulting in many published papers and in many reports to the Scientific Committee. We are quite sure that a similar judgement will be made on the JARPN research programme in the review meeting next year so we cannot go accept this draft Resolution. Thank you.

**Chairman**

Thank you Norway. Korea.

**Republic of Korea**

Thank you Mr. Chairman. I saw there were various views in the Scientific Committee on whether lethal or non-lethal ways should be used. Which of them fully meet management purpose, apart from whale management itself in the western North Pacific, relationship between the whales and fisheries are very important and serious not only for continuation of whale resources and fisheries resources. In this case a limited number of samples should be encouraged. Thank you Mr. Chairman.

**Chairman**

Thank you Republic of Korea. Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman, in deliberation on the previous Resolution the question was asked, this body was asking the Scientific Committee about the use of special permits in trying to see if we could manage the stocks but, Mr. Chairman, in the deliberations on this current Resolution I am hearing the questions that were asked earlier or have been answered already. I am wondering what is the purpose of this current Resolution. The delegate from Norway has quite rightly placed emphasise on some of the good results that have come out of the work of Japan under special permits. Mr. Chairman, Article VIII of the

Convention gives Japan and every Contracting State the right to engage in lethal research. Mr. Chairman, if we do not want that to happen we should move to change that Article and it would make life easier for all of us.

Mr. Chairman, in the Report of the Scientific Committee there is reference made to the use of satellite tagging, there is a reference made to how the US has worked and has mastered that act and is offering Japan advice. In that same line, Mr. Chairman, we talk about the pains and suffering and the stress that is caused to animals or to the whales when they are being used as research objects. Mr. Chairman, we have to start looking at the impact or the stress that it also created onto the whales when we insert satellite tags on them, there are problems. So we should not try to think of the ethics of research and pain and stress onto the animals just by killing, just by doing the other forms of research also causes stress onto the animal and in that regard, Mr. Chairman, I do not think that this Resolution, as drafted, would receive Dominica's support. Thank you.

**Chairman**

Thank you Dominica. Monaco.

**Monaco**

Mr. Chairman, very briefly Monaco supports this Resolution because we consider that whaling by Japan in the Southern Ocean Sanctuary under national special permits for scientific purposes is contrary to the spirit and to the intention of Article VIII of the Convention in both design and in scale. Over the years the abuse of scientific permits has undermined the credibility and effectiveness of this Commission. We urge and recommend all Contracting Governments to refrain from evoking Article VIII in the future except in very limited and exceptional research circumstances explicitly recommended by the IWC Scientific Committee and subsequently approved by the Commission. Thank you.

**Chairman**

Thank you Monaco. Japan.

**Japan**

Well thank you Mr. Chairman. We are just exercising our legitimate right guaranteed under the provisions of the Convention and if this exercise of the legitimate right itself is called to be against the, or undermining the, credibility of this Commission, if that kind of statement is made by one of the Commissioners or Monaco I think that maybe Monaco should be kindly requested to withdraw from this Convention because you do not respect these provisions in the Convention.

**Chairman**

Thank you Japan. Can I say that there is a majority in favour of this proposal and it's adopted subject to the comments or do you want to vote? Japan.

**Japan**

Vote.

**Chairman**

Vote, thank you. Secretary, can we proceed to a vote please.

**Secretary**

Mr. Chairman, the matter before this Plenary session is the Resolution on Whaling under Special Permit contained in the paper IWC/51/49. The text is as set out in that document. So we are voting on the Resolution IWC/51/49. A simple majority will decide the adoption or otherwise of this proposal. The role starts at the 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; Germany - yes; Grenada - no; Ireland - abstain; Italy - yes; Japan - no; Republic of Korea - no; Mexico - yes; Monaco - yes; Netherlands - yes; New Zealand - yes; Norway - no; Oman - abstain; Russian Federation - abstain; St. Kitts and Nevis - no; 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 with 10 against and 4 abstentions and so that Resolution is adopted.

## **8. ADOPTION OF REPORT OF THE TECHNICAL COMMITTEE**

### **15.3 HEALTH EFFECTS**

#### **Chairman**

Thank you Secretary. Can I now go to agenda item 8 - Adoption of the Report of the Technical Committee. I take it that it is adopted? Thank you. I have one other item before you can all go home. Well, I have two Resolutions on agenda item 15.3 and there was some consultation going on which may lead us to finish on a high note of a consensus. Norway.

#### **Norway**

Thank you Mr. Chairman. There seems to be the unusual situation that we have the possibility of a consensus. You have received in your boxes a draft Resolution on Health Effects from the Consumption of Cetaceans by Monaco, Austria etc. and that is document IWC/51/45 Rev2 and a document with amendments to that draft Resolution by Norway is document IWC/51/51 Rev. Now Monaco, Norway and Spain have consulted during the coffee break and there now seems to be a possibility of a consensus. I refer to the document with hand-written corrections, their document IWC/51/51 Rev but with hand-written corrections. There is in addition one small additional change in the proposal for consensus. In the first paragraph, well first of all the line stating that these amendments proposed by the Norwegian delegation, that line of course shall now be deleted. But the first paragraph 'Noting that whereas' the word 'whereas' shall be changed to 'while'. That is a small additional change. But, the first paragraph I may read it as it now is 'Noting that while the consumption of cetacean products may have positive health effects, scientific evidence demonstrates that some communities may be faced with health problems arising from the high levels of organic contaminants and heavy metal present in those products in their diet'. Then the three next paragraphs are from the original Resolution by Monaco and others. Under the operative paragraphs there is a new paragraph, the first paragraph 'Calls on' which is taken from the Norwegian proposal and the next paragraph, the second of the operative paragraphs 'Agrees to keep under review' etc. We change 'positive and negative', take out these words and substitute with 'all' so it will read 'Agrees to keep under review under the permanent agenda item on environmental concerns all effects of human health from the consumption of cetacean products'. So we believe that there is a possibility of a consensus on this document as it now is. If it is not a consensus we will have to return to the two original documents. Thank you.

#### **Chairman**

Thank you Norway. Denmark.

#### **Denmark**

Thank you Mr. Chairman. We very much welcome, it has succeeded at least one time at this Annual Meeting and I hope it will not be the last time, to agree to a consensus and we will happily support this draft Resolution, no problem but I will just use ten seconds to say that as to the operative paragraph where we request the Scientific Committee to collect data etc. As a matter of fact there are already some regional organisations doing that exercise and being in a position of a lot of information, and I will in particular take your attention to the Arctic Council where there is on-going work dealing with, among other things, these aspects, so just to facilitate work for the Scientific Committee but we are most happy with the Resolution as it looks now. Thank you.

#### **Chairman**

Thank you Denmark. Can I record this as consensus before anybody changes their mind? OK. In that case can I close agenda item 15.3? Do you need the floor Mexico?

**Mexico**

I just want to thank Monaco, Spain and Norway for such a proposal and for the consensus that has been reached. Thank you.

**Chairman**

We all thank them Mexico. Do you need the floor Monaco, Spain?

**Spain**

I just would like to say that it would have been a pity with so many countries, such a sample of human biodiversity to lose the opportunity for dialogue and approach.

**Chairman**

Thank you Spain. Norway.

**Norway**

Thank you. I need your advice Chairman on one point here. I wonder whether we have one open question and action arising. The Report of the Scientific Committee - Other Business on the page 86. It was referred by the Chairman of the Scientific Committee and there is an agreement there, I don't think we, maybe I'm wrong, but I am not sure that you have decided, or the Commission has decided, what to do with that recommendation because it opens more than one possibility. It is not only to accept it, you have to make a choice.

**Chairman**

Thank you Norway. Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

Mr. Chairman, I think the concern in the Committee is that we don't have the expertise to decided on the effects on humans of these contaminants. We may have expertise to review contaminant levels generally in cetacea, so our view was that this should be dealt with somewhere other than in the Scientific Committee. This is the judgement on the effects on humans.

**Chairman**

Thank you Chairman of the Scientific Committee. Monaco.

**Monaco**

Mr. Chairman, I am grateful for the opportunity to comment on this question. We have discussed that broadly among ourselves and we are, of course, of the general view that indeed this issue is not within the real competence of our Scientific Committee which is not made of medical doctors or else, but we request the Scientific Committee to collate information provided to them by national governments and then pass it on to appropriate health authorities at both national and international levels.

**Chairman**

Thank you Monaco. Does this meet your concern Norway? Yes, thank you. In that case congratulations to everybody for finishing the agenda for tonight. Sorry, UK wants the floor.

**UK**

Thank you Chairman. I just wanted to make one comment about Resolutions. When I made a statement on Norway yesterday I did at the time say that I would have preferred to have introduced a Resolution and I would really just like to remind the meeting of that. I will not try and reopen the event but on a closing note I can refer to a happier, at a least incident of Anglo-Norwegian cooperation. I understand that Manchester United has just won the European Cup in injury time and the winning goal was scored by a Norwegian.

**Chairman**

We congratulate the UK and Manchester United. There were at least two Irish guys in that. Commissioners' Meeting at 9.00 and Plenary at 9.30.

*[END OF SESSION]*

**VERBATIM RECORD**

**51<sup>ST</sup> ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION**

**GRENADA, 24-28 MAY 1999**

**THURSDAY 27 MAY**

..... [Beginning of Tape] .....

**10. INFRACTIONS, 1998 SEASON**

**10.1 REPORT OF INFRACTIONS SUB-COMMITTEE**

**Germany**

Thank you Mr. Chairman. The Sub-committee on Infractions met on last Friday 21 May. Concerning the admission of observers, agenda item 3 of the Group, two observers were excluded because of an objection of Japan. All other observers were admitted to the meeting. Concerning the documents available for the Group, you will find this on page one, and concerning the adoption of the Agenda, there have been some difficulties with item 10 but in the end it was agreed as in previous years that an exchange of views was useful. Then on the main points, that is item 6 - Infractions Reports from Contracting Governments. These Infractions Reports received by the Commission in 1998 are summarised in IWC/51/6 as amended.

**10.1.1 INFRACTIONS REPORTS FROM CONTRACTING GOVERNMENTS**

Then the USA expressed its concern about the report by St. Vincent and the Grenadines. It noted that the agreement of the Scientific Committee that there is a high probability that any humpback whale less than 8 metre in the breeding area during the winter season is a calf. It therefore was probable that the smaller animals caught in 1998 and 1999 were calves and if so those taken were in violation of paragraph 14 of the Schedule. By extension, it believed that the larger females taken were accompanying the probable calf given the hunting methods used for that fishery and that would also have been taken in violation of paragraph 14 of the Schedule. Given the terms of reference of this sub-committee and its past practice the Chairman asked the floor to limit discussions only to the take in 1998, noting that discussion of infractions for the 1999 season will take place next year. St. Vincent and the Grenadines emphasised that it did not believe that the takes constituted an infraction and had not reported them as such. Such takes had not been considered an infraction in the past and it believed that the precedent had been set.

New Zealand, Netherlands and UK noted that paragraph 14 of the Schedule prohibits first the taking of a suckling calf and second the taking of a female whale accompanied by a calf. Takes of either clearly constitute an infraction. The UK further quoted from a previous Chairman's Report that in 1993 St. Vincent had accepted that the hunting of a calf and a female accompanied by the calf was a possible infraction. St. Vincent argued that it had not accepted that it had committed such an infraction but that it had accepted that the case of taking a suckling animal would comprise an infraction.



Norway argued that paragraph 14 is part of the provisions established for commercial baleen whale catchers and does not apply to the aboriginal subsistence whaling by St. Vincent and the Grenadines. Aboriginal Subsistence whaling is regulated in special paragraph 13, the provisions of this paragraph expressly prohibits the take of a calf for female accompanied by a calf for bowhead whales and gray whales but there is no such provision in this section on the take of humpback whales by St. Vincent and the Grenadines.

New Zealand and the Netherlands disagreed with the interpretation of Norway, believing that paragraph 14 applied to all whaling operations for baleen whales including aboriginal subsistence whaling operations. Australia further noted that paragraph 17 contained an identical provision to paragraph 14 and this time referred to paragraph 16 and related to sperm whales. The US had concurred stating that the specific provision under paragraph 13(b)(1)(ii) had been introduced for emphasis when there was great concern over the status of the stock. It believed that there were now enough data to judge the take by St. Vincent and the Grenadines as an infraction, citing the agreement by the Scientific Committee. It therefore urged St. Vincent and the Grenadines to end its present hunting practice. It noted that this was a long-standing issue and that as long ago as 1987, St. Vincent and the Grenadines had indicated that in future it would make every effort to comply with paragraph 14.

Denmark questioned if such provision had existed before the introduction of the aboriginal subsistence whaling. The Secretariat replied that it had been included in the first Schedule, and had in fact been included as part of the London Agreement in 1938, well before the establishment of the IWC.

Sweden pointed out the need to take further advice from the Scientific Committee on the rationale for the prohibition on the taking of calves, believing that it may have been based on outdated management theory. In addition it believed that it might be easier, and hence quicker and more humane, to kill a small animal.

St. Vincent and the Grenadines responded to the Netherlands, New Zealand and the USA, that since it had been reported that the smaller animal had no milk in its stomach it was not suckling. Under such circumstances it believed that the sub-committee should follow precedent if a difference in opinion over interpretation exists.

Japan, recognising the existence of the two different views, agreed with Norway and believed that this clearly meant that no infraction had occurred. It further noted that the prohibition on the taking of calves had its origin in the period of major commercial whaling and considerations of economic efficiency. It believed that such a prohibition was inappropriate in this aboriginal subsistence whaling case, noting that the proposed catch of two was from a population now estimated at more than 10,000.

Antigua and Barbuda supported the interpretation by Norway as well as the idea of Sweden and suggested that the discussion should conclude with a request that St. Vincent and Grenadines submit more detailed reports in the future.

Then after this detailed discussion the Chairman concluded that there was clearly no unanimous view in the sub-committee. In such circumstances it was appropriate to forward the different views to the Commission. The discussion was summarised as follows. You will find that now at the bottom of page 2 and then following on page 3. Some delegations believe that Paragraph 14 of the Schedule only applies to commercial whaling of baleen whales, noting the specific reference to calves in Paragraphs 13(b)1(ii) and 13(b)2(ii) and its absence in Paragraphs 13(b)3 and 13(b)4. Those delegations therefore believed that no infractions could have occurred. Other delegations believed that Paragraph 14 applied to all baleen whale operations. Some delegations believed that as the small animal had no milk in its stomach it was not a suckling calf and thus not an infraction. They also referred to the precedent previously set by the sub-committee. Other delegations believed that the length information was sufficient to identify the animal taken in 1998 as a calf and hence that this constituted an infraction. By implication, the female taken was accompanying a calf and also therefore comprised an infraction. With respect to precedents, they believed that more data were now available than in previous years and that this was sufficient reason for the sub-committee to assert that infractions had occurred. Some delegations believed that the Scientific Committee

should re-examine the need for a provision to prohibit calves, from a management and conservation perspective.

The Netherlands noted a paper presented by the Russian Federation to the Scientific Committee. What I have mentioned now is all related to the St. Vincent case. Then after this case of St. Vincent some positions were put concerning the hunt by the Chukotka people. The Russian Federation was prepared to give additional information and you will find a note here saying that some information was given bilaterally to another delegation.

Concerning item 7. The Infractions Reports submitted by the USA and the Russian Federation stated that 100% of their aboriginal catches were under direct national inspection. Denmark reported that the IWC catch limits for minke and fin whales were not violated for Greenland.

Then concerning item 8. The Checklist, the information given you will find it on page 3.

Then concerning the submission of National Laws. There again you will find the information in the Appendix.

#### **10.1.2 REPORTS FROM CONTRACTING GOVERNMENTS ON AVAILABILITY, SOURCE AND TRADE IN WHALE PRODUCTS**

Concerning item 10. The reports of governments on availability, sources and shipments and so on.

##### **Chairman**

Can I stop you there, Chairman. Can we note the contents of the Report so far? The Chairman of the Infractions Committee has reported in great detail the interventions so I would hope that there is no need for delegations to repeat what has been said at this point, so if we can note the Report so far. Sweden.

##### **Sweden**

Thank you Mr. Chairman. On point 5 on the top of page 3 it says that some delegations believe that the Scientific Committee should re-examine the need for a provision to prohibit calves from a conservation perspective, I think it should be management and conservation perspective.

While I have the floor, given though we haven't come there, Sweden is not on the list of participants and we would like to be there.

##### **Chairman**

Thank you Sweden. We note your comments otherwise we note this section of the Report and if you can move on, Chairman of the Infractions Commission. Chairman of the Infractions Committee, agenda item 11.

#### **10.1.3 OTHER MATTERS**

##### **Germany**

Yes concerning the last item, any other business. Under this item some questions were raised concerning a gray whale found with several harpoon heads in Hokkaido, Japan in 1996 and another case of a take of Bryde's whales during the JARPN research survey in 1998. No additional information has been provided at this stage concerning the Bryde's whale take. Japan referred to Article VIII but it was prepared to provide information on a voluntary basis to any Contracting Government if so requested. Thank you Mr. Chairman.

#### **10.2 ACTION ARISING**

##### **Chairman**

Thank you Chairmen of the Infraction Sub-committee. Can we also note this section, interventions are reported in detail. Is there any action arising? There are no recommendations from the Committee and I

am not aware of any other. OK we will close this item. Thank you Chairman of the Infractions Committee for a difficult job. Thank you.

## 18. ADOPTION OF REPORT OF THE SCIENTIFIC COMMITTEE

Our next agenda item is agenda item 18 - the adoption of the Report of the Scientific Committee and we will take this in the order of 18.2, 18.3 before 18.1. So 18.2 is small cetaceans topic. Can I hand you over to the Chairman of the Scientific Committee.

### 18.2 SMALL CETACEANS

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

Thank you Mr. Chairman. Our report on our discussions of small cetaceans was given under our item 12 and begins on page 55 of our Report. This year we had two major topics, a review of the status of white whales and narwhals and secondly the question of bycatch mitigation using acoustic devices.

The first part of our report after 12.1 deals with the status of white whales. The last time we reviewed the status was 1992 and a great deal of work has been done since then. We had new information on life history and there is a discussion of that in the first main paragraph on page 55 in the left-hand column.

There was discussion of what is a stock or management unit and it was agreed that there should be the principle that management units should be established with the goal of maintaining white whales throughout the full extent of their historical range. To achieve this goal it is necessary to adopt the smallest reasonable population units. This precautionary approach is to start from the assumption that estuarine groups are separate stocks unless they are shown to be otherwise. As relevant information becomes available the small stocks that have been defined in that way as separate can be combined into larger units. Shifting the burden of proof in this way represents a fundamental change in the policy of this Committee towards white whale stock identity. This discussion, Mr. Chairman, and the rest of that item, the left-hand column, the bottom paragraph on page 55 of temporal components in stocks.

The question of whether contaminant data alone are reliable for identifying stocks, and it is believed that they are unreliable. We then went on to review current knowledge on a stock by stock basis. The previous time this item was discussed a total of 16 stocks were provisionally identified and there is discussion of that at the bottom of page 55.

The Committee discussed the evidence of stock identity for each part of the white whale circumpolar range and in Figure 1 which is on page 60 of our Report proposed stock divisions are shown and the evidence for those are summarised in the table which I think, Mr. Chairman, in your copy says Table 9, it should be Table 8 which is on page 57.

The available information on geographical range and migrations, abundance, directed takes, indirect takes, known and potential threats and status of each of the 29 putative stocks was reviewed and is summarised in Table 9 which is on pages 58-59.

The Committee noted, Mr. Chairman, that white whales are not currently commercially harvested anywhere throughout their range. However, direct takes are from aboriginal hunting. Indirect takes are primarily from incidental catch in fishery operations. Current known or potential threats includes a wide variety of human activities such as oil and gas development, over-harvesting, fisheries, vessel traffic, hydroelectric development, and industrial and urban pollution. The most immediate concerns are in relation to the continuing harvest from small and depleted populations.

The Committee expressed concerns about the conservation status of a number of stocks for various reasons, Mr. Chairman, these are detailed in the middle of page 56 in the left-hand column. There are four reasons

given there and the stocks to which they apply are listed. In a majority of stocks the Committee recommends that surveys be continued to determine current abundance and to assess trends. It is recommended that such studies be continued and expanded. In other regions no research of any kind has been conducted to determine stock boundaries. There is very little evidence other than summer distribution, for example, that supports the stock delineations of many of the Russian stocks that are proposed in Figure 1 and the Table. The Committee recommends that studies including genetics be undertaken to resolve the stock structure of white whales in Russian waters.

We have some priority recommendations, Mr. Chairman, that are listed in the right-hand column on page 56. They deal with those stocks that are of highest conservation concern. We recommend genetic and contaminant studies. We recommend sampling programmes to assess the health status of the species. We recommend that tagging and telemetry studies have provided important new information and we recommend that they continue. We recommend that surveys of the whales distribution and abundance continue and we recommend further research on age estimation.

That concludes our discussions on white whales Mr. Chairman. Would you like me to go on to narwhals?

**Chairman**

If you can pause for a moment there are some comments. UK.

**UK**

Thank you Chairman. I am grateful for the Scientific Committee for its work on white whales and we very much agree with the recommendations in the Scientific Committee Report and with the goal that has been agreed of trying to maintain white whales throughout the full extent of their historical range. I was particularly interested in Table 9 on page 58 of the Report and I was pleased to see that in many areas stocks are stable or increasing. I am, however, obviously concerned to see that in some other areas stocks appear to be threatened and I do very much hope that the governments and other bodies responsible for the management of these latter stocks will take any appropriate action. Thank you Chairman.

**Chairman**

Thank you UK. Austria.

**Austria**

Thank you. Mr. Chairman, last year a Resolution on direct takes of white whales was adopted. It is clear that this Resolution remains in force but nevertheless, based on the Report of the Scientific Committee which we just heard, Austria still remains very concerned about the declining numbers of certain stocks so we would again like to encourage all states that have white whales and narwhals in their waters especially Alaska, Canada, Greenland and Russia, that all killing of these animals be suspended and that all relevant scientific data be provided by non-lethal means. Thank you.

**Chairman**

Thank you Austria. Netherlands.

**Netherlands**

Thank you Chairman. I would also like to draw attention to the Resolution we adopted last year on the white whale in which this Commission encouraged all states having white whales in their waters to ensure that catch levels are properly monitored, to provide relevant scientific data and to send experts to the Scientific Committee. So I thought we should bear this mind when we deal with this agenda item and I think that in light of your ruling, that we should not have repeat Resolutions we can leave it at that. Thank you.

**Chairman**

Thank you Netherlands for your cooperation. Denmark.

**Denmark**

Thank you Mr. Chairman. I agree that we should not have any repeated Resolutions but now two delegations have been speaking in favour of last year's Resolution and I simply wish to state that we opposed last year's Resolution not because we have any problem as such in managing small cetaceans in an orderly manner, but this is in our opinion something which takes place in cooperation between relevant neighbouring states in the area and such an arrangement is as a matter of fact in place for these stocks. Thank you.

**Chairman**

Thank you Denmark, Any other comments? In that case we will note the Report and endorse the recommendations on this item. If you can carry on Chairman of the Scientific Committee. Sorry, before you go US.

**USA**

Well Chairman, there are a number of Resolutions that would normally be taken up under this agenda item at some stage. Could you tell me when that might occur?

**Chairman**

I have intended to take them at 18.3. OK, US? Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

Mr. Chairman, we next dealt with narwhals and our Report on them is given on page 61, item 12.2. Compared with the situation with white whales there is little new information available that has come to us since the Committee last reviewed the species some time ago. We had discussions on questions of stock identity, range and migrations, abundance, takes, threats and status and they are summarised in the relevant Sub-committee Report. The summer distribution of narwhals, including new areas identified, are shown in Figure 2 which is on this page. It is known that catches in Greenland and Canada are continuing, but none are thought to be at unsustainable levels. Nevertheless, information on both the biology and hunting pressure on this species is incomplete. We therefore, Mr. Chairman, draw attention to and reiterate our previous recommendations concerning the importance of genetic and telemetry studies in identifying stocks and also for improved catch reporting, including estimation of hunting loss in Canada and Greenland. Thank you Mr. Chairman.

**Chairman**

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

**Netherlands**

Yes Mr. Chairman, on this item I would like to draw attention to the lack of data on the narwhal. I think the Scientific Committee has noted that rightly and again here I think it is important that the countries having narwhals in their waters provide adequate information to this Commission so that the Scientific Committee in future will be in a better position to make recommendations about the narwhal. Thank you.

**Chairman**

Thank you Netherlands. No other comments? We will note the Report and endorse the recommendations. Chairman of the Scientific Committee carry on please.

**Chairman of the Scientific Committee**

Our second major topic this year, Mr. Chairman, as I said earlier, is bycatch mitigation using acoustic devices and we have a considerable amount of discussion of that starting on page 62. The need for such measures has long been acknowledged. The most prominent and widely-applied approach is in gillnets where there is the attachment of small sound generating devices called 'pingers'. Their effectiveness was considered in two previous international meetings which are given a reference here. We treated the Reports of those meetings as bench marks and our discussions focussed on new findings and on concerns not previously noted. We have a discussion of recent experiments including information on the most recent research on pinger use to reduce cetacean bycatch in various places. There are nine areas mentioned here,

Mr. Chairman, in the left-hand column of page 62. Most controlled experimentation has been with a single species, the harbour porpoise and with one type of fishing gear, that is bottom-set gillnets.

In Table 11 we have the characteristics of experiments considered by the Committee to be rigorously designed and have sufficient statistical power listed. With the exception of one experiment where no porpoises were captured in either pingered or control nets, all such experiments have shown substantial reductions in bycatch when the pingers were properly deployed. The Committee agrees that the results of these experiments can be generalised to other situations where harbour porpoises are taken in such nets or in such fisheries. I am sorry, here they are taken in set gillnet fisheries. So far no experiments have been carried out on the use of pingers to reduce harbour porpoise bycatch in driftnet fisheries. However, the results of studies has shown that the use of pingers may be effective in reducing the bycatch of harbour porpoises in driftnets. The Committee recommends that suitable scientifically monitored field trials be undertaken with pingers in driftnet fisheries. There is, however, a caveat about that Mr. Chairman, at the bottom on the right-hand column in the top paragraph in that column.

Currently results are only available for one scientific experiment that used pingers on driftnets to reduce the bycatch other than harbour porpoises. The results are, however, promising especially in relation to common dolphins. The Committee recommends further controlled experiments to be conducted to test pingers in fisheries that experience bycatch of delphinids and other small cetaceans.

We went on to consider implementation and were informed that pingers are already in use to reduce cetacean bycatch in many fisheries around the developed world. However, in most cases there was no attempt before implementation to test whether they would be successful, nor is any monitoring programme in place to investigate their effects after deployment. In only three areas, all in US waters, has pinger use both become mandatory in a commercial fishery and is also being monitored. Some details of this are given in the remainder of that page on page 62 and over to the next page, page 63, Mr. Chairman.

The Committee has a recommendation at the bottom of page 63 in the left hand column that when acoustic alarms are being considered to reduce the bycatch of a small cetacean species in a fishery, there should be approaches listed here undertaken, and there are three approaches recommended. We recall the recommendation of the 1990 Workshop on Gillnets and Cetaceans, that fishermen involved directly in the process should be involved directed in the process of developing and implementing bycatch mitigation measures. The Committee's concern is that there are a significant number of places around the world where pingers are being deployed without any apparent attempt either to test their efficacy before-hand nor to monitor their effects afterwards. Given the poor information on the subject of pinger use around the world, a survey should be conducted.

We then have some discussion of general issues concerning acoustic alarms. Firstly, why are they effective and that is given in the right-hand column on page 63. At the bottom of page 64 in the left-hand column we note that the harbour porpoise and the short-beaked common dolphin are the only cetacean species for which properly designed studies with sufficient statistical power have been conducted to evaluate pinger effectiveness. In all cases, significant reductions in bycatch have been achieved through the use of pingers. Nevertheless, some bycatch has occurred in nets with active pingers during experiments, sea trials and fishery implementation. They are therefore not 100% effective. However, we recognise the value of collecting data from observer programmes that would contribute to understanding why pingers are, or are not, effective. We recommend that observer programmes should collect data, for example, on where cetaceans are caught in nets (both in general and in relation to pingers), associated environmental information, pinger failure rates etc.

The question of habituation of animals to such pingers was discussed and that is given in the right-hand column at the top on page 64. Habituation could reduce the effectiveness of pingers over time. The Committee agrees that monitoring programmes are essential to detect the potential for habituation once pingers are implemented in gillnet fisheries.

We note some other concerns, Mr. Chairman. We agree that pingers may not be an appropriate solution to the problem of bycatch in all circumstances and some examples are given there. The Committee discussed

a number of practical features that should be incorporated into current and future pinger design. They should, for example, be quieter, have a longer battery life, possibly be incorporated into the headrope or have improved mechanisms for attachment, have an acoustic or visual mechanism for testing functionality, have a guaranteed life span for enforcement and replacement, stand up to operational rigours and be cheaper, and we recommend Mr. Chairman, that research and development emphasise these aspects in the future.

We went on to discuss one particular case of their use with vaquita and the Committee endorses the recommendation made by the International Committee for the Recovery of the Vaquita that pingers should not be used to reduce the bycatch of vaquitas in gillnet fisheries in the Upper Gulf of California. It was noted that these were not an effective solution for the reasons given in that top paragraph on the top of page 65 in the left-hand column. Two workshops had reached similar conclusions.

As far as further research is concerned, the Committee noted with great concern that for most of the world's fisheries there is still no information available on cetacean bycatch and that this precludes any attempt at mitigation in circumstances where it might otherwise be appropriate and possible. As in previous years, the Committee recommends that information on cetacean bycatch be collected from all marine fisheries, preferably using independent observers at sea. We also recommend that research on potential problems with wide-spread pinger use, including displacement of small cetaceans from important habitat, habituation, depredation of caught fish and effects on other species be examined. The Committee noted that pingers are only one of several potential tools to mitigate bycatch and recommends that research should be conducted to identify any other measures that could be effective.

#### **Chairman**

Thank you Chairman of the Scientific Committee. Are there any comments on that part of the Report? Seems not. We will note the Report and endorse the recommendations. Thank you Chairman.

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

Mr. Chairman, we had a number of other items that were discussed and these are reported briefly on page 65 and onto page 66. First of all we reviewed the progress of the IWC/ASCOBANS joint harbour porpoise Working Group and that is given at the bottom of page 65 on the left. Last year we established a joint Working Group with ASCOBANS to provide scientific assistance to its Advisory Committee on issues relating to assessment of the status of harbour porpoises in the North Sea and adjacent waters. We mentioned what that was to include. The Report of the Working Group was given to us and is in one of our Annexes and the Committee commended the Working Group for the successful outcome to its work and endorsed its project.

We reviewed the progress of the vaquita recovery programme. We were informed of the results of the second meeting of the International Committee for the Recovery of the Vaquita. We were told that the mandate of the group was to develop a recovery plan based on the best available scientific information taking into account the socio-economic impacts of any necessary regulations. The International Committee concluded that the vaquita is critically endangered and that bycatch was the most immediate and direct threat to the survival of the species. To prevent extinction, bycatch of vaquitas must be reduced to zero as rapidly as possible. Complete protection will need to continue for at least twenty-thirty years. The Committee called upon the international community and non-governmental organisations to join the Government of Mexico in this conservation initiative. Our Committee supported this request for help from the international community and noting the earlier recommendations and your Resolution, Mr. Chairman, 1994-3 strongly recommends that the Commission calls upon member nations to respond in a prompt and generous manner. The Committee welcomes the Report and commends the Government of Mexico for the process they have followed to develop a recovery strategy for the vaquita. The Committee endorses the recovery plan and urges the Commission to encourage the Government of Mexico to implement it urgently. The Committee looks forward to receiving an update of the implementation at its next meeting.

We had some other presented information on small cetaceans, Mr. Chairman, and this is reviewed in item 12.6 on page 66. We had presented to us the interim results of an ongoing bycatch monitoring scheme where independent observers have been monitoring gillnet vessel catches in the North Sea and to the west

of Scotland. The Committee welcomes the study and recommends that the pelagic sector and freezer-netter fleet should receive increased attention in this regard and that estimates of bycatch in the turbot fishery should also be refined.

We had information on the population structure of harbour porpoises in the Barents Sea and northern North Sea investigated using mitochondrial DNA analysis. We had information on a survey of small cetaceans in Ghana. The Committee expressed its concern over the apparent development of a directed fishery for small cetaceans from a pre-existing bycatch here without any accompanying controls on the level of take or assessment of the stock. The Committee recommends that such takes be monitored and their impacts on the stocks be assessed.

We had recent information on the directed take of Dall's porpoise in Japan. The most recent abundance estimates come from surveys in 1989/90 which estimate a central Okhotsk Sea *truei*-stock of 217,000 and the CV is noted there at the top of page 66, and a stock of *dalli*-type porpoises in the Southern Okhotsk sea numbering 226,000 but no corrections have been made for possible survey bias. We recommend that existing biological samples from the fishery are worked up in accordance with the recommendations made in 1991.

We recognise that there is a lack of current data on the bycatch of this species. We learnt that Russian observers are present on Japanese driftnetters working in Russian waters and we recommend that data on porpoise bycatch should be provided from this observer programme.

The Committee, Mr. Chairman, reiterated its previously expressed concern for these stocks. The estimate hasn't been revised since 1991 and population surveys planned for 1998 were not completed. We do note, however, that further survey work is planned for 1999.

Concerning the question of population structure. We had some information on recent genetic analyses and we welcome this information and recommend that further genetic analysis should be undertaken.

The Committee has offered advice on Dall's porpoise to the Government of Japan in the past and such advice has led to very positive responses from the Government of Japan. We look forward, Mr. Chairman, to continuing this productive process and we agree that the issue of Dall's porpoise should be reviewed in the near future.

**Chairman**

Thank you Chairman of the Scientific Committee. Are there any comments? Norway, Russian Federation. Norway please.

**Norway**

Thank you Mr. Chairman. Just a small remark on the item 12.4 - Review of the Progress of the IWC/ASCOBANS Joint Harbour Porpoise Working Group. As you may know, Norway has not been able to join the ASCOBANS Agreement because lethal research is not permitted under that Agreement. We are, however, participating in the work going on in ASCOBANS and providing a lot of data for the research going on there, and in addition we are providing the facilities for scientists from other countries of ASCOBANS to do the research in Norway if they need to do some lethal research. Thank you very much Mr. Chairman.

**Chairman**

Thank you Norway for that information. Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. We would like to draw your attention in concern of the statement of the representative of the Scientific Committee. If I can draw your attention to the Resolution on Dall's porpoise, document IWC/51/54. We can't agree with this Resolution.

**Chairman**



I haven't taken that one yet. Can I hold your comments until later please?

**Russian Federation**

Thank you.

**Chairman**

Brazil.

**Brazil**

Yes Mr. Chairman, I would just like to go back to the issue of the vaquita which has been discussed in the Scientific Committee and commend Mexico for its ongoing efforts for the protection of this highly endangered species and reaffirm the request for continuing international cooperation for Mexico to achieve its conservation goals for the vaquita. Thank you.

**Chairman**

Thank you Brazil. If there are no other comments we will note the Committee's Report and endorse the recommendations. Chairman of the Scientific Committee, I think I will give you a break for a few moments and I will take the Resolutions.

If we can go to the first one IWC/51/42. Resolution on small populations of highly endangered whales. US.

**USA**

Thank you Chairman. In several places within the Scientific Committee Report there are discussions regarding the status and issues of several small-sized populations of great whales. Among the problems noted are a Baffin Bay/Davis Strait bowhead whale that was taken in the summer of 1998 and an Okhotsk Sea bowhead being retrieved dead in September 1995 in a pelagic crab-trap fishery, a western gray whale was reported killed off the western coast of Hokkaido and at least 18 of 45 right whale mortalities in the western North Atlantic between 1970 and May 1999 were attributable to human impacts. Chairman, that is why we've proposed this Resolution IWC/51/42. Before I proceed with further comments, brief comments, I note that there is a need for one amendment. At the bottom of the page there is a sentence saying list of problems facing some of the world's most endangered populations and so on and then a number of examples given which I just referred to. Mr. Chairman that sentence and list was inadvertently included in this text and should be deleted from this amendment.

Continuing on, Mr. Chairman, my delegation is very concerned about the status and future of the various small populations of endangered whale populations around the world. In fact two of these populations, the western North Atlantic and eastern North Pacific right whales which are estimated around 300 and the small tens respectively are found in US waters. We have a very active research and management programme on the western North Atlantic right whales which is noted by the Scientific Committee and my research centre, the one I am responsible for, has started a long-term research programme on the status of eastern North Pacific right whales. The US is also very concerned about the status of the western gray whale. It is estimated at a number of about 100 animals. Various Russian/US and Japanese companies are developing the oil and gas reserves off the north east end of Sakhalin Island where this population feeds in the summer. Russian and US scientists are undertaking long term studies on the status of these whales in this region and more research is needed. We are also concerned that this population is not completely protected within its range. For example, the Scientific Committee noted that a western gray whale was killed off western Hokkaido, Japan in May 1996. So Chairman, this is a resolution which tends to bring together a lot of cats and dogs into one basket in hopes of highlighting the issues attended to there threatened status. Thank you Chairman.

**Chairman**

Thank you US. I hope we don't have more problems about competence for cats and dogs. New Zealand.

**New Zealand**

Mr. Chairman, our deliberations in this Commission tend to focus on populations of whales that are targets of various hunts and in recent years little attention has been paid to a number of small populations of highly endangered whales whose numbers were greatly reduced in years gone by. Some of these populations remain critically poised and I regret to say that they could easily slip away to extinction. I acknowledge, Sir, the work that has been carried out by the United States and Canada to address the problems confronting North Atlantic right whales and, of course, the SOWER cruises that have been conducting research on blue whales in the Southern Ocean. Regrettably, however, it appears that directed takes have occurred in recent years from at least two of the small populations listed in the second preambular paragraph of this Resolution. Delegates will recall that last year in Oman the Commission passed IWC Resolution 1998-13 which specifically referred to the Baffin Bay/ Davis Strait bowhead stock from which whales have been taken in recent years. I understand there is now further pressure on the Canadian Government to increase the quota for this stock. In my delegation's view it is essential that the Scientific Committee should closely examine the status and trends of these stocks. We are much better informed regarding the problems facing North Atlantic right whales as a result of first the IWC Right Whale Workshop held in March of last year and then the substantive discussions that took place on that topic in the Scientific Committee this year. New Zealand hopes that this Resolution might be adopted by consensus and we look forward to hearing the outcomes of the Scientific Committee's deliberations when we meet again next year.

**Chairman**

Thank you New Zealand. Are there any other comments? Denmark.

**Denmark**

Thank you Mr. Chairman. We have read this draft Resolution with great interest and we fully agree that we are here touching upon some stocks of baleen whales which are in more or less, normally more, severe conditions. To that respect we fully agree with the Resolution, this point of it. We think it is urgently necessary to research to do whatever we can to preserve this stock of great whales. My point to this draft Resolution, however, has something to do with the second last operative paragraph or maybe it is the last, I didn't quite understand the US amendment but nevertheless it is one line. It is saying 'request that the Secretariat transmit the text of this Resolution to the Government of Canada'. I feel that this is in a way inappropriate because if you read Article VI of the Convention it says and I quote 'the Commission may from time to time make recommendations to any or all Contracting Governments' and so on. As far as I know Canada is not a Contracting Government so the way I have learnt to approach a country who is not a member of an organisation to which you are a member is through normal diplomatic channels. I would like to take this opportunity also to add that Denmark naturally would welcome the membership of this organisation by Canada as another nation interested in the preservation and management of large baleen whales, but it is naturally up to the said governments to decide whether or not they wish to do so. So my proposal would simply be, we might have a consensus of this maybe if we simply deleted that sentence. Thank you.

**Chairman**

Thank you Denmark. Before I give the floor to Sweden and Netherlands can I ask is that acceptable? No it is not acceptable to the sponsors. So I have Sweden, Netherlands and Japan. Sweden please.

**Sweden**

Sweden would like to sponsor this Resolution. Thank you.

**Chairman**

Thank you Sweden. Netherlands.

**Netherlands**

Thank you Chairman. We would like to associate ourselves with what has been said by the distinguished Commissioner for New Zealand, and in reaction to what has just been said by the distinguished Commissioner for Denmark, I would like to point out that we adopted the Resolution last year, Resolution 1998-13 on Canadian membership to the IWC, in which we drew attention to the takes of bowhead whales in Canadian waters, reaffirmed our opposition to all whaling not conducted under the Convention, and

invited the Government of Canada to rejoin the IWC and in the meantime not to issue further licenses for any whaling not conducted under the Convention. Thank you Chairman.

**Chairman**

Thank you Netherlands. Japan.

**Japan**

Thank you Mr. Chairman. In principle Japan supports the idea that we should treasure and give importance to the depleted resources, the populations. On the other hand, when the scientific findings demonstrate that the resources stocks are in healthy condition then, if necessary, rational utilisation must be also guaranteed. In other words, this is a provision by the Convention. I think we should try to make efforts to create an environment where Canada can feel safe and comfortable to come to join this IWC, the Commission. I think Canada does not participate because they feel that when they join this organisation they no longer can harvest the whales. If you are saying that the bowhead stock condition is poor in the eastern oceans then the harvesters in the US and Russia which are utilising the western stock should share their portions to Canada. The following comment may not be directly relevant to the earlier matter but however, the non-member countries of whaling seems to continue while we do not have exact information on the stock status and population, so I think the correct and more appropriate way should be that those people, the non-members, should be invited to join this organisation and then under the framework of his organisation they should be allowed to continue whaling. Thank you.

**Chairman**

Thank you Japan. Spain.

**Spain**

Thank you. I wish to sponsor this Resolution.

**Chairman**

Thank you Spain. Solomon Islands.

**Solomon Islands**

Thank you Chairman. I would like to just put on record that our delegation appreciates the need to protect highly endangered species. However, the one area that perhaps this Commission needs to look critically at is a sentence in here which one of the delegations has raised already, and that is in relation to the Government of Canada. I don't think that anyone here needs reminding that since Canada is not a member of the IWC you can't force anything down anyone's throat when it is not obligatory on it. I think Canada as a sovereign nation has the right to decide for itself, like any other country, you know, what is in its best interest, and so I would think that the way to do this is not to force on Canada this sort of Resolution but to perhaps through the Commission Canada should be encouraged to be a member of the organisation so that there is constructive dialogue, so that they see things from the perspective of the Commission rather than a confrontational approach that is being promoted in this Resolution. I think, as I said before Mr. Chairman, no-one in this gathering needs reminding that sovereign nations have the right to either associate or disassociate itself with any organisation and that I believe also applies to the IWC. Thank you Chairman

**Chairman**

Thank you Solomon Islands. Any other comments? Monaco.

**Monaco**

Monaco wants to co-sponsor this Resolution.

**Chairman**

Any further comments? I have a proposed amendment from Denmark seconded by Solomons to delete the reference to the Government of Canada but the sponsors don't accept this. There are fourteen co-sponsors plus three added, seventeen, so can I take it that the amendment is not carried? Denmark.

**Denmark**

Yes I am sorry but you have convinced me that you are right, so I think we should save some paper for the environment and avoid a vote on this.

**Chairman**

Thank you Denmark. In that case can we take the Resolution as being accepted by the majority and we will note the views expressed.

The next one I've got is IWC/51/52 – Resolution on DNA testing. New Zealand.

**New Zealand**

Mr. Chairman, New Zealand has for several years been a very strong advocate of the use of DNA to track whale products through the distribution chain and into the market. I recall the critical comments that were made by some delegations four or five years ago about the reliability of DNA testing and I simply note that in a very short time it has become an accepted and powerful tool for both stock identification of whale populations and sampling and identification of whale products. For a transparent monitoring of whale products in any market, two items of information are required. The first, of course, is the genetic code of the sample that is being tested and the second is the type sequence against which to compare it. We have been advised of the reference database developed by Norway and indeed we welcome that but, as I understand it, the conditions for access to that database are at least for the moment, restricted. In the rapidly evolving area of molecular genetics it is important that the Commission is kept advised of the latest developments in DNA testing. Additionally, the Commission's interests will be best served by the Scientific Committee having an annual item on its agenda to consider not only the latest developments in DNA testing and techniques but also how best to use such techniques to differentiate between products derived from whales legitimately taken under the RMP and those that might be taken outside the RMP.

Mr. Chairman, those comments relate to the Resolution in itself and I simply add that for my delegation the development of a transparent and verifiable system of tracking whale products through the market chain must be a fundamental element of other things that we are developing in respect of the RMS particularly, Mr. Chairman, we need machinery, mechanisms, techniques to monitor progress on DNA testing and techniques. That information is best provided to us by our Scientific Committee.

**Chairman**

Thank you New Zealand. Denmark.

**Denmark**

Thank you Mr. Chairman. By immediately reading this paper I always start in a positive manner because naturally knowledge is a good thing. I have some uncertainties that is what is the intention of it. I mean tracking the produce, I guess that some may feel that this would be an exercise where you can follow a single piece of meat even when Mrs. Jones went back from the supermarket, and then naturally we think that is to overkill the whole exercise. Besides that Mr. Chairman, in a way I think that this draft Resolution prejudices the discussion we postponed for next year, namely an inspection and control system, where exactly this item is one of the items on that agenda that is open discussion whether or not to track, follow and control the produce nationally or not so. That gives me some concerns because it may prejudice next year's debate. Thank you.

**Chairman**

Thank you Denmark. Any other comments? Norway.

**Norway**

Thank you Mr. Chairman. Like my Danish colleague I can see some positive aspects of this Resolution and that is the point (a) under the paragraph that starts with 'Requests'. We will not object to the Scientific Committee studying genetic methods for species based on DNA samples but as you will know, we think that DNA testing for tracking of commercial trade in whale species is not within the competence of this organisation so we will vote against this Resolution. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. UK.

**UK**

Mr. Chairman, it is clearly a very good argument for introducing methods and procedures of this kind and indeed it is the case in many countries these days full traceability is being required more and more both in terms of conservation and in protecting the food chain. The UK would like to add its name to the list of sponsors.

**Chairman**

Thank you UK. Netherlands.

**Netherlands**

Thank you Chairman. We are one of the sponsors of this Resolution and we think it is important not only for the usefulness that DNA-based identification may have or for any future inspection or observation scheme. But in relation to what has been said by the Commissioner for Denmark, I would like to point out that development of this kind of work will be useful for the general scientific work that the Scientific Committee is carrying out, so I think it serves more purposes than just the inspection and monitoring of commercial whaling operations. Thank you.

**Chairman**

Thank you Netherlands. Spain.

**Spain**

Thank you. Well, I sponsored this Resolution because it is a very important issue, but I can't understand also that in the future we should reflect a little bit more on the wording, maybe using for instance the wording we can find in the Code of Conduct for Responsible Fisheries of FAO, because sometimes we must reflect on what is commercial marketing question, post-harvest use of fish, but I think and I am very confident, we will have next year the opportunity when we discuss RMS to find solution and I recall on to reflect also to you, think what has been agreed during discussion during many, many years in FAO which is the Code of Conduct for Responsible Fisheries. Thank you.

**Chairman**

Thank you Spain. Any other comments? Japan.

**Japan**

Thank you Mr. Chairman. I associate myself with the view expressed by Norway in that point (a) and paragraph starting with 'Request' is a positive element in this Resolution. However, basically I am against this Resolution because this is outside the competence of this Commission. The reference of RMS is made in this Resolution and I take it that this Resolution covers only commercial whaling and not does not cover other types of whaling. Although it is outside of the coverage, the Government of Japan is a responsible Government and has prepared a database to this effect already, so those of you who are interesting in accessing our database can file an application at anytime and we shall examine the applications and if necessary we shall provide market information and DNA information of the whales taken. FAO is considering the introduction of eco-labelling and we took this concept in advance for whale meat and for part of the whale meat in our country eco-labelling has been applied already. Just for your information, we have also introduced eco-labelling for tuna as well. Thank you.

**Chairman**

Thank you Japan. Would one of the sponsors like to respond to the question 'Does this apply only to commercial whaling or to all whaling?' New Zealand.

**New Zealand**

Mr. Chairman, the operative provisions of the Resolution are not restricted in any manner and thus the Scientific Committee would simply report on all aspects of whaling activities.

**Chairman**

Thank you for the clarification New Zealand. Norway do you need a vote on this one?

**Norway**

Yes, Mr. Chairman.

**Chairman**

Secretary, can we have a vote please.

**Secretary**

Mr. Chairman, the issue before this Plenary session is the Resolution on DNA testing set out in document IWC/51/52. Resolution on DNA testing in document IWC/51/52. A simple majority of those voting will decide the issue. The role starts at the USA – yes; Antigua and Barbuda – no; Argentina – yes; Australia – yes; Austria – yes; Brazil – yes; Chile – yes; People’s Republic of China – yes; Denmark – no; Dominica – no; Finland – yes; France – yes; Germany – yes; Grenada – no; Ireland – yes; Italy – yes; Japan – no; Republic of Korea – yes; Mexico – yes; Monaco – yes; Netherlands – yes; New Zealand – yes; Norway – no; Oman – yes; Russian Federation – no; St. Kitts and Nevis – no; St. Lucia – no; St. Vincent and the Grenadines – no; Solomon Islands – no; South Africa – yes; Spain – yes; Sweden – yes; Switzerland – yes; UK – yes.

Mr. Chairman, there were twenty three votes in favour with eleven against so that Resolution is adopted.

**Chairman**

Antigua and Barbuda. Is this an explanation of vote?

**Antigua and Barbuda**

Thank you Mr. Chairman. Antigua and Barbuda voted no on this Resolution mainly because the whole question of DNA testing the tracing of products needs the cooperation of those countries who are currently engaged in whaling, and I think that a Resolution of this nature is premature and would necessitate a lot more discussion between those proponents of this Resolution and those who this Resolution would directly affect. I think that a Resolution of this nature, that is brought to the floor without much widespread discussion for a consensus, can only lead this organisation into a further divide, and I do think that we should be more careful as to the way in which we table our Resolutions, that can get consensus if they are properly thought out and if they are properly discussed, and Antigua and Barbuda had no choice but to vote no on this matter.

**Chairman**

Thank you Antigua and Barbuda. Denmark, explanation of vote?

**Denmark**

Yes, as I said the idea of DNA sampling, we agree that it is fully natural in a modern world compared to a situation of inspection and control where the Convention we are living under was developed. No problems with that, but simply my point is that I did not get any real clear answer if there is any, what I would call, hidden agenda in this. We are adopting somewhere or agreeing that it might be a good idea to track local trade on the local market, and my most important concern is that I still feel that we prejudge the discussions next year on inspection and control. I would have preferred to give Bo a no one yes and no two vote if I may say, but my decision had then to be no. Thank you.

**Chairman**

Thank you Denmark. Australia, explanation of vote?

**Australia**

Thank you Chairman. In supporting this Resolution, Australia wishes to associate itself with earlier comments by the Netherlands on the broad application of these technologies. Thank you.

**Chairman**

Thank you Australia. Can I move on to the next document IWC/51/54 and have I a proposer? UK.

**UK**

Thank you Chairman. Well, the Commission has previous addressed the issue of Dall's porpoises and the draft Resolution refers to the Resolution that was adopted in 1990. But events have moved on since then and that Resolution is in many ways out of date. Various new developments are described in the preamble to the draft Resolution we have before us and the Chairman of the Scientific Committee has referred to them. There has been a new abundance estimate derived from surveys carried out in 1989 and 1990. The results of which were not available when the earlier Resolution was adopted. This gave an increased estimate of approximately 440,000 animals. There has, however, been concern expressed in the Scientific Committee about some aspects of this survey and it is, of course, itself somewhat out of date now.

Second, there is new information about possible bycatches, this to is referred to in the Scientific Committee Report and most importantly, the Scientific Committee now recommends a more precautionary approach concerning sustainable annual rates of removal for small cetaceans. For example, for harbour porpoises the Scientific Committee has adopted a figure of 1% of estimated abundance as the figure that should raise a flag of concern. Now maximum rates of population growth for Dall's porpoises may well be different, so this figure can not necessarily be applied directly. Nevertheless, rates of annual removal from direct takes and bycatches that are significantly higher than this may be problematic and this is an issue which the Scientific Committee will wish to consider.

In the light of these factors the Scientific Committee this year reiterated its concern for these stocks, as the Chairman of the Scientific Committee has said. The Scientific Committee noted that Japan in the past has responded very positively to its advice on the stocks and this is reflected in the Resolution. The Scientific Committee has already plans to review the issue of Dall's porpoises in the near future and the Resolution asks it to conduct the review at its meeting in 2001. For this review, new abundance estimates would be helpful and the Resolution welcomes Japan's plans to conduct the necessary surveys.

Finally, the Resolution urges Japan to reconsider the level of the quota it sets for the directed take of Dall's porpoises. The co-sponsors all recognise that this is a matter for the Government of Japan, but given the concerns that have been expressed in the Scientific Committee and the more precautionary approach that is now being taken with regard the safely sustainable rates of removal, we very much hope that Japan will look again at this quota pending completion of the new abundance estimate and the Scientific Committee's review. Thank you Chairman.

**Chairman**

Thank you UK. Russian Federation.

**Russian Federation**

Thank you Mr. Chairman you are very kind. The Russian Federation objects against this Resolution because we can't agree with the point (iii) of the second paragraph of this Resolution. We suppose it's the wrong way to include potential provisions to any official documents of the Commission and what is more, its very surprising for us that we use for example, Russian Economic Zone. In this connection we can comment if we need example, let's use Austrian or Switzerland Economic Zone. Thank you Mr. Chairman. Oh, excuse me, if we take out this point we can agree with this Resolution. Thank you.

**Chairman**

Thank you Russian Federation. UK.

**UK**

Thank you Chairman. Well I do take the point made by the Russian Federation and we would be very happy to take the example out so that would simply say that 'the potential for significant bycatch has been identified'.

**Chairman**

Thank you UK for your cooperation. Denmark.

**Denmark**

Thank you Mr. Chairman. We have one minor but important problem with this Resolution and it will not surprise anybody I guess, that it is the last operative paragraph which is contrary to our interpretation of the competence to manage small cetaceans. I would not suggest to delete it simply because it is my conviction that this would be refused, but this is a reason why we don't like this Resolution. Thank you.

**Chairman**

Thank you Denmark. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Mr. Chairman, Antigua and Barbuda cannot support this Resolution and it is based on a number of factors. One, we do not think that this Commission has jurisdiction on small cetaceans. We think that this Resolution is a tactical approach by the anti-whaling countries to institute creeping jurisdiction over member states exclusive economic zones. We think that this is a violation of international law as Articles 61 and 62 of the Law of the Sea Convention provide coastal states with the right for the management and determination of the law of the catch of all living resources within the exclusive economic zone. This international body cannot continue to flout international law in the face of developing coastal states, Mr. Chairman. We are the ones that should benefit most from the Law of the Sea Convention and we are seeing our rights keep being eroded year after year, day after day, in this Commission and it is something that must be stopped. With this Commission must respect the right of coastal states, it must respect the peculiarities of island states in accordance with Article 21 of the Rio Summit and Mr. Chairman it is my view that if we continue to table Resolutions of this nature that is so abrasive we will only lead to the destruction of this organisation, Mr. Chairman.

**Chairman**

Thank you Antigua and Barbuda. Solomon Islands.

**Solomon Islands**

Chairman, thank you. We would like to associate ourselves with the comments that have been expressed by the last speaker. In doing so, Mr. Chairman, I would also like to mention here that the way the trend of voting here appears to me to be that a noose is being put around the neck of island countries. We have lived off the marine resources for million of years and here we are, the same sort of practice that we thought had gone with colonialism is still being practised here, that people from other nations are deciding what is of interest to us, it seems like the whales are more important than the human beings. For example, in the Pacific it is not a habitat for just whales, there are about six million people who live in the islands there and I think the perception that the Pacific Ocean is just a body of water without people must be stirring up in some people's minds. There are people who live there, their interest must also be taken into account and I think that the Commission has a responsibility to ensure that the wishes and the desire of smaller island countries are also reflected in its deliberations. Mr. Chairman, my Government opposes this Resolution because we have inherent cultural values that are pertained to the use of porpoise, whale food, the meat and all that so that has been part of us, and what we are trying to do here is, anti-whaling bodies are trying to impose on us their values with complete disregard for our cultural values and I don't think that this is acceptable to us. Thank you Chairman.

**Chairman**

Thank you Solomon islands. Mexico.

**Mexico**

Thank you Mr. Chairman. My delegation wants to mention that we have been sharing information and we are very open for sharing information about small cetaceans. However, my country doesn't see the IWC competence about small cetaceans, that's what we want to share with you and to explain our position. Thank you Mr. Chairman.



**Chairman**

Thank you Mexico. Dominica.

**Dominica**

Thank you Mr. Chairman. Dominica recognises that the IWC has no competence to handle small cetaceans and as such we would like to associate ourselves with the comments from Antigua and Barbuda and the Solomon Islands. Thank you.

**Chairman**

Thank you Dominica. Any other comments? St. Lucia and Japan.

**St. Lucia**

Thank you Chairman. Chairman, we continue to insist that this Commission has no competence over small cetaceans and we therefore associate ourselves with the comments of Antigua and Barbuda and the Solomon Islands.

**Chairman**

Thank you St. Lucia. Japan.

**Japan**

Thank you Mr. Chairman. Japan is a responsible country, nation, and the Japanese scientists we have, more numerous scientists compared to other countries, and therefore we carry out a thorough and sufficient scientific research and stock assessment and then carry out the analysis scientifically as well to implement the responsible management measures under the auspices and responsibility of the Japanese Government. The Dall's porpoise is, of course, managed accordingly, responsibly, under the auspices of the Japanese Government and we have implemented the management measures accordingly and the maintaining of those measures. When there are scientific advice and opinions as one scientific identity or scientific advice we are willing to listen to such advice. However, when some of the parties wish to impose their views upon us we are not prepared to listen to such imposition of the views. However, when those advice are constructive we are open to listen to them so that those constructive advice could be utilised for the sake of future betterment of the management.

However, this IWC resolution that we are discussing now is the mere imposition of the views when we scrutinised the content substance of this Resolution, and I cannot find any constructive element in the substance of this Resolution. I feel, share, the words and feeling expressed by some other countries that IWC should stay away from these matters because it is a matter to be considered and decided by the responsibility of the Japanese Government which should be the reasonable logical way and correct way. The Japanese Government will make its own judgement with its own responsibility so that we can have sustainable use of the Dall's porpoise resources as fishery resources, populations, and we will try to develop and establish the management system accordingly, so on this occasion I would like to clearly declare this intention and again I would like to express my opposition to this Resolution.

One of the major reasons why we are opposed to this Resolution is that this matter relates to the issues within the EEZ of Japan, in other words it is a matter of the sovereign right of Japan so we would like to clearly point out that position as well. Thank you.

**Chairman**

Thank you Japan. St. Kitts and Nevis.

**St. Kitts & Nevis**

Mr. Chairman, the delegation of St. Kitts and Nevis associates itself with the views of Antigua and Barbuda and the Solomon Islands.

**Chairman**

Thank you St. Kitts. Can I ask the Secretary to proceed to a vote please. Grenada.

**Grenada**

.....[End of Tape] ..... expressed by Antigua and Barbuda and St. Kitts. We feel that porpoises as small cetaceans are not within the competence of the IWC and we think that we should reserve the right to manage such resources and we are not prepared to vote on the matter. Thank you Mr. Chairman.

**Chairman**

Thank you Grenada. Argentina.

**Argentina**

Taking into account the views expressed of both those who support this Resolution and those who oppose to some serious worries on it, I wonder whether we still have time to have this Resolution adopted by a vast majority and I would be focussing in the last two operative paragraphs and I wonder, just wonder, whether delegations from two parties in this agreement could focus particularly in the two last operative paragraphs. Within them in the two very first words respectively when it calls 'requests' and the last one 'urges'. I wouldn't think that it would be impossible that a compromise can be stricken if some will by both trends is present. I just wonder, it's a matter that we may consider and perhaps in a very small consultation time we may try, we may give it a try. If we fail we can proceed to the vote but I think it is always worth trying to avoid a straight vote on matters which accordingly to the speeches we heard are of very much importance. Thank you.

**Chairman**

Thank you Argentina. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Chairman. Year after year we say the same things over and over so I shall do so again. We do not consider the IWC to be competent to deal with these matters. My Government continues to be concerned at some of my thirty four thousand pounds is going to pay for the time spent to consider small cetaceans matters in this Commission.

**Chairman**

Chile.

**Chile**

Thank you Mr. President. I would like to know is there the paragraph (iii), the second part, for example in the Japanese drift-gillnet fishery .....

**Chairman**

That paragraph has been deleted by agreement. You are asking about the paragraph 'For example in the Japanese drift gillnet fishery'?

**Chile**

Yes

**Chairman**

UK can you confirm that?

**UK**

Thank you Chairman. The second half of that indent has been deleted. So the indent now reads: '(iii) the potential for significant bycatch has been identified' stop.

**Chile**

Stop OK.

**UK**

The rest goes.

**Chairman**

Thank you. Argentina I wouldn't be very hopeful but it is coffee time and it is late so I'll hold the vote until immediately after coffee break. If there are any signs then we can extend it further but otherwise we will go ahead with the vote. OK.

*[COFFEE BREAK]*

**Chairman**

Before the break we had a suggestion of consultation on Resolution IWC/51/54. The consultation has not been successful so we will now proceed to a vote and I will pass it over to the Secretary. Secretary. Sorry Monaco.

**Monaco**

Mr. Chairman, before we proceed to a vote I would like to propose a slight amendment to take into account some of the points raised by Argentina and Japan. I didn't express myself on this issue so far. We have, of course, great concern over the erosion of the stock of this species but we also have full respect for the sovereign rights of Japan, and in sensitivity to the text of this Resolution we propose that for 'request' in the penultimate paragraph, the verb 'Requests' be replaced by 'Encourages' and in the last clause that 'Urges' be replaced by 'Invites'.

**Chairman**

Thank you Monaco. That is acceptable to the sponsors. Secretary, can we now proceed to the vote. Antigua and Barbuda.

**Antigua and Barbuda**

Mr. Chairman, thank you very much. Antigua and Barbuda regard this Resolution with any change still a significant infringement on the sovereign rights of coastal states and their will to determine the way in which they manage their resources in their exclusive economic zone. On behalf of the other countries in the eastern Caribbean who are members of this body we will not take part in this vote, we will move outside in protest against this vote because we don't think that the IWC has any competence on this matter Mr. Chairman.

**Chairman**

Thank you Antigua and Barbuda. We'll note your comments. Japan.

**Japan**

Thank you Mr. Chairman. I would like to express my full support to the statement made by the distinguished delegate from Antigua and Barbuda, and this Resolution presents the content which is totally outside the competence of the IWC and which actually violates the sovereign rights of a nation state. Therefore the only solution to this dilemma or problem is to urge to request the sponsors to this Resolution to withdraw this Resolution itself otherwise we will not participate in this voting.

**Chairman**

Thank you Japan. The sponsors are not withdrawing. In that case Japan.

**Japan**

If and since this inappropriate Resolution is about to be put to vote we are now leaving this meeting room to express our protest.

**Chairman**

Thank you Japan. We will note your comments. Norway.

**Norway**

Thank you Mr. Chairman. I think that the sponsors of this Resolution should reconsider in putting it to a vote. I think if there should be a climate for discussing a compromise in this organisation we shouldn't

increase the problem by having a split on the status of small cetaceans in this organisation. We should postpone that discussion until a compromise has been reached. Thank you, Mr. Chairman.

**Chairman**

Thank you Norway. Do the sponsors wish me to proceed? Yes. Do we need to record a formal vote or can I take it that the majority pass now at this stage? Formal vote? OK. Secretary please.

**Secretary**

Mr. Chairman, the matter before this Plenary session is a Resolution on Dall's porpoise contained in document IWC/51/54. The text set out in that paper IWC/51/54 has been modified so that the indent paragraph (iii) the text starting 'For example ...' to the end is deleted. So (iii) reads only 'The potential for significant bycatch has been identified;'. In the last two operative paragraphs the first word now instead of 'Requests' is 'Encourages' and in the final paragraph 'Urges' is replaced by 'Invites'.

So with those three amendments to the document IWC/51/54 we will vote; a simple majority will decide the outcome and the roll starts at Antigua and Barbuda – absent; Argentina – yes; Australia – yes; Austria – yes; Brazil – yes; Chile – yes; People's Republic of China – no; Denmark – no; Dominica – absent; Finland – yes; France – yes; Germany – yes; Grenada – absent; Ireland – yes; Italy – yes; Japan – absent; Republic of Korea – no; Mexico – no; Monaco – yes; Netherlands – yes; New Zealand – yes; Norway – no; Oman – abstain; Russian federation – no; St. Kitts and Nevis – absent; St. Lucia – absent; St. Vincent and the Grenadines – absent; Solomon Islands – absent; South Africa – abstain; Spain – yes; Sweden – yes; Switzerland – yes; UK – yes; USA – yes.

Mr. Chairman, there were eighteen votes in favour, six votes against with two abstentions and so that that resolution is adopted.

**Chairman**

Thank you Secretary. I think that finishes agenda item 18.2. Chairman of the Scientific Committee – no?

**Chairman of the Scientific Committee**

Mr. Chairman, I have two small items that I wanted to raise if I may in relation to our Report on Small Cetaceans. On page 67 of our Report, Mr. Chairman, under item 12.7 we refer to takes of small cetaceans in 1998. We note that our table of recent small cetacean catches is incomplete, particularly it doesn't contain information about known or presumed high levels of bycatch in many parts of the world. We therefore reiterate a recommendation we've made on a number of earlier occasions, Mr. Chairman, that member nations should submit full and complete information about direct and indirect takes in their Progress Reports. Without such information the Committee is unable to carry out its work in assessing the conservation status of small cetacean populations and in identifying areas of particular concern.

We also have some comments on our work plan, Mr. Chairman, on 12.8. I will just draw your attention to the fact that we have a second bycatch mitigation measure topic which we think should be addressed next year, preferably in a separate two day meeting before the meeting, and we also agree that the status of freshwater cetaceans should be expanded. You will see when we come to it in our work plan for next year but that is included, and in this paragraph we say which particular species and groups of animals should be included. Thank you Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Any comments on those items? OK we can note the Report and endorse the recommendations. I think that finishes ..... sorry Monaco 12.2, no sorry, 18.2? No. Chairman of the Scientific Committee.

**18.3 OTHER**

**Chairman of the Scientific Committee**

Mr. Chairman, I assume you have gone on to 18.3. I have a number of items to draw to your attention here Mr. Chairman, and I will go through them in what may seem to be a slightly arbitrary order. If you look at

a sheet that was an addendum to the Scientific Committee Report which was circulated I think on Monday, you will find under item 18 on page 3, item 18.3 - Other, four items listed and I am sorry to say I have another three to add to those so I will just go through them as quickly as I can.

The first is mathematically based techniques and this is on page 46. You will see under item 10.7.1 we had a report on progress in developing methods of automated or computer-aided photo-identification. The advantages and disadvantages of these are reported in that paragraph. There was an extensive discussion of the risks of missing matches, use of multiple images and so on. We agreed that, you will recall last year Mr. Chairman, we did make a plea that there should be relevant people sent to our meeting last year and that action was not followed up very comprehensively but we did have a useful discussion this year. We agree that there is no need for an intersessional group in the coming year but will review it next year. In the meantime we would appreciate receiving reports of new advances in the development of automated matching methods. We also had a report on the status and planned future efforts in cetacean acoustic research and there is a statement about this in the top of the right hand column on page 46. We welcome the report and we encourage the continuation of such research. We recognise the major contribution it could make to an understanding of whale behaviour, distribution and assessment. That I think deals with mathematically based techniques and such like, Mr. Chairman.

If I could go on then to data processing and computer needs, and this is on page 79 under our item 17. You will see on that page, Mr. Chairman, that the Committee identified a number of requests for intersessional computing work and these are given in the very comprehensive table that occupies most of that page. Given our discussions on Committee priorities which we haven't yet come to, but given that, we did have a discussion, the Committee agrees that the work identified for furthering the AWMP and RMP should be accorded highest priority. There are final decisions needed to be made on priorities after this meeting and we have agreed on a way to handle that Mr. Chairman, and that is related in the right hand column top of page 79 and the details of that I think I should just leave you to read.

The next item, Mr. Chairman, is publications which you will find on page 83 under item 20. This again is essentially for your information. As you know we have had considerable progress on the new publications, the series that was agreed last year. We have already received the supplement to the Journal for Cetacean Research and Management, that is the Scientific Committee Report, that is the larger of the two volumes that you have received this year and also the Annual Report, the administrative papers related to the Chairman's Report and so on. We regret, Mr. Chairman, that through technical problems we weren't able to issue or distribute the first issue of the Journal which has been printed but will be delivered to you in due course. We have noted that the editorial board should be expanded to include expertise on new areas that the Committee's considering and that there are two special issues of the Journal almost complete, one on pollutants and cetaceans and the other on gray whales. The latter has been around for a while but we are very pleased to see that it is almost coming out and we congratulated our editor, Mr. Chairman, on the new series and expressed our appreciation to all his efforts to bring it about.

The next item, Mr. Chairman, is the question of advances in non-lethal methods for obtaining data and information. That is covered under item 23.2 on the last page of our Report. I believe there is a Working Paper that refers to this Mr. Chairman. We had received information that there was a proposal from Monaco for a Workshop entitled 'Advances in non-lethal methods available for whale research' that it was going to propose. The details are essentially that it was going to be a critical review with particular focus being given to the relevance of tools available for assessing stock structure, population dynamics and cetacean health and to include a comparison of lethal and non-lethal techniques. We discussed the proposal, Mr. Chairman, we noted that it is an extremely interesting topic. We believe, however, that a Workshop of this kind would be more appropriate to a relevant society such as the European Cetacean Society or the Society of Marine Mammalogy. We noted, Mr. Chairman, that the focus of our work is problem-orientated rather than methodology-orientated. We are, we believe, reasonably well informed on recent developments in such matters and given the intersessional workload we already identified, we thought that such a Workshop should not be accorded high priority in our work plan at this time. I don't know if you wish me to pause there Mr. Chairman?

**Chairman**

Thank you Chairman of the Scientific Committee. I will open the floor for comments and before I do can I, on behalf of the Commission, also congratulate Dr. Donovan on the new journals. Monaco.

**Monaco**

Monaco refers to paper IWC/51/51 which extends our invitation to hold an intersessional IWC Workshop on the topic just alluded to by the Chairman of the Scientific Committee.

**Chairman**

Monaco, sorry to interrupt you but for delegates it is 51/53.

**Monaco**

Yes thank you. I stand corrected on this important point. Mr. Chairman, the scientific relevance of using lethal methods today in whaling research is an important but still hotly debated question in scientific circles. A growing number of scientists affirm that on strictly scientific grounds lethal research is required to address questions critical to the conservation and management of cetacean populations only in very exceptional circumstances. Other scientists argue that lethal takes are still necessary on a large scale for multi-species and ecosystem studies among others. In our opinion Commissioners should have at their disposal some first hand assessment on the comparative advantages of lethal versus non-lethal methods in scientific whale research at their disposal so that they could come better prepared to assess relevant questions in this assembly every year. Hence, the invitation which we extended and which is available with documentation on the flip side in paper 51/53.

I am grateful, Mr. Chairman, that the Scientific Committee considers this topic quote 'an extremely interesting one' unquote. I take exception to what followed in the Report of the Scientific Committee, page 86. In discussing this outline proposal, the Committee noted that although the topic was extremely interesting, it believed that such a Workshop would be more appropriate in the context of the relevant society such as the European Cetacean Society or the Society for Marine Mammalogy. As the sentence 'the wide-geographical and disciplinary spread of Committee members meant that the Committee was well-informed of recent developments in the methodology and technology relevant to the specific issues it had to address'.

Well, I beg to defer. In our opinion such a question is of high relevance to this body and should be considered a high priority item in the work of the Scientific Committee, first of all enabling us to reach well advised decisions. It is well to refer this issue to specialist bodies, regional ones or cetacean scientists meetings except that only our body has jurisdiction over scientific whaling, and also please note that the other Scientific Societies are not well informed of the extent of the scientific lethal takes every year.

Secondly, it is well to know that members of the Scientific Committee are well aware and well informed of recent development and better technologies, but please then pass on the information to the Commissioners in a white paper or in a very well adjusted brief so that we know. I would like to know personally as a Commissioner and as a scientist what is the latest best informed opinion in this regard. Therefore, I invite my fellow Commissioners to pay due attention to this invitation and request that such a Workshop be given high priority in the near term work plan of this Commission. You will note that I understand fully well that I may stretch even financial considerations which may prevent this Workshop to take place in the coming year as proposed in early next year, so we would be quite prepared to hold it the following year of course. Thank you Mr. Chairman.

**Chairman**

Thank you Monaco. New Zealand, Italy, Netherlands. New Zealand.

**New Zealand**

Mr. Chairman, New Zealand strongly supports the proposal from Monaco that such a Workshop might be held either next year which would have been our preference or if that is not now possible, 2001 at the very latest. Mr. Chairman, we understand the response that has come from the Scientific Committee on this proposal. However, we do need to recall that since the Scientific Committee considered the matter this

Commission in Plenary session has passed a Resolution specifically seeking advice from the Scientific Committee regarding non-lethal methodologies. In other words Mr. Chairman, we ourselves have elevated that issue to one of greater importance than might have been the case when the Scientific Committee considered the matter about two weeks ago. I'll acknowledge that there might be other organisations internationally that could undertake such studies but that doesn't mean that this organisation should not do so, and bearing in mind our mandate, such work is as Monaco has said, in my view of high relevance to this body. I also remind the Commission that lethal research takes place under Article VIII of our Convention. We therefore have a direct and material interest in the conduct of that research and in the non-lethal alternatives that might be available. In those circumstances Mr. Chairman, a separate discussion focussed solely on advances in non-lethal methods available for whale research is timely and we should support that activity at the earliest possible opportunity.

**Chairman**

Thank you New Zealand. Italy.

**Italy**

Thank you Mr. Chairman. Italy would like to associate itself with New Zealand in expressing support to Monaco for its proposal and in particular we think that this Workshop is very important, be under the auspices of the IWC because what we really need is to have a stimulating debate on scientific grounds between non-lethal and lethal methods in research and that would be certainly facilitated if such a Workshop would be under the auspices of the IWC. Thank you Mr. Chairman.

**Chairman**

Thank you Italy. Netherlands.

**Netherlands**

Thank you Chairman. We also support the proposal by Monaco for having this Workshop on non-lethal methods. I actually wanted to say something about the new journal too. Can I do that now? Yes, you have already congratulated the Scientific Editor, Mr. Chairman on behalf of the Commission. We would gladly underline that congratulation and I think we should also congratulate ourselves with this new Journal of Cetacean Research and Management. We think that it will facilitate and promote the distribution of the excellent scientific work that is being done in our Scientific Committee to the wide scientific community. We think that can resolve in a kind of cross-fertilisation that will be very beneficial both to our work as well as that of other scientific disciplines. Thank you Chairman.

**Chairman**

Thank you Netherlands. I am sure everybody associates with your congratulations to the Scientific Editor. US.

**USA**

Thank you Chairman. In looking at the Scientific Committee Report we see that in many areas they are indeed receiving reports on progress in new methodologies and technologies. Indeed in one spot they are even asking for funding for Greenland Biopsy Feasibility Study which is to look at a non-lethal technique and its applicability so my delegation would join with others in supporting the proposal from Monaco. Thank you.

**Chairman**

Thank you US. Antigua and Barbuda

**Antigua and Barbuda**

Thank you Mr. Chairman. Antigua and Barbuda support any research that would lead to the advancement in the body of knowledge that will enable us to better manage and develop marine fishery resources. Antigua and Barbuda, however, is quite concerned that the pattern of research in this organisation is not necessarily leading towards developing a body of knowledge that will enable us to manage and develop our fisheries. In our mind Mr. Chair, we believe that there is a tendency in this organisation to utilise the contributions of member states to undertake research that will only benefit a few member states in this

organisation. We are hearing about comparative advantages with regards to lethal and non-lethal methods. However, there is nothing in this proposal that is suggesting that any regard will be paid to the comparative advantages of both systems of research.

Mr. Chairman, we believe that this Commission is developing a strategy whereby it is intended to lockout and I repeat, lock out any future in terms of the resumption of commercial whaling. I cannot see in my judgement, my years of experience in marine scientific research that a body that is supposed to be advocating the views of both sides can consistently, consistently, suggest research projects that will only be to the advantage of a few. Antigua and Barbuda is a very poor country, we make sacrifices to pay our bill in this organisation contrary to the belief of many, Antigua and Barbuda do pay from our treasury our contribution to this organisation, and I am very concerned in the way in which our money is being used in this organisation Mr. Chair. And because of that I would like to suggest that some more thought be put into this Workshop so that it can be more inclusive of the views of those of us who believe that lethal research is a critical aspect of generating a body of knowledge with regards to what we need to know about whales and their management and development, Mr. Chairman. Thank you.

**Chairman**

Thank you Antigua and Barbuda. Brazil.

**Brazil**

Thank you Mr. Chairman. Brazil supports the proposal put forward by Monaco and outlined by Professor Briand. As New Zealand has pointed out, this Workshop is timely in terms of the request that the Commission is making to the Scientific Committee to analyse the non-lethal methods for cetacean research, and our understanding is that broadening the scope of the work of the Scientific Committee in that regard will be of extreme value to developing countries like Brazil where non-lethal research on cetaceans is flourishing and which need help and guidance from the great expertise that has accumulated in the Scientific Committee of the Commission. Thank you.

**Chairman**

Thank you Brazil. If there are no other comments. Chairman of the Scientific Committee. Sorry I've got UK first.

**UK**

Sorry Chairman, I just wanted to say that the United Kingdom agrees with the proposal put forward by Monaco and we also very much agree with the remarks made by New Zealand and the Netherlands and a number of other countries. Thank you Chairman.

**Chairman**

Thank you UK. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman, my delegation wishes to associate itself with the sentiments expressed by the distinguished Commissioner from Antigua and Barbuda. More particularly Mr. Chairman, this delegation has continued to stress the fact that our money is being controlled by a small-core group of like-minded countries and I have to say that our money, and we have been in this organisation for years and we have been contributing and paying on time contrary to what some believe even when we see some of the big countries not paying on time and having to quarrel about papers and so on, but we pay and when Workshops of this nature are proposed and the final outcome is intended not to advance the work of this organisation as it relates to the regulation of whaling we have to express our concern and we are taking the floor one more time to express our concern on this issue.

**Chairman**

Thank you St. Lucia. Japan.



**Japan**

Thank you Mr. Chairman. As the delegate from St. Lucia stated, we also have great concern on this matter. It is quite evident that research take of whales would give us the most accurate information and that is indeed the conclusion of the discussions of the Scientific Committee in 1997 in Tokyo when we have a Review Meeting of JARPA.

I would like to emphasise here that some of the countries are trying to divert the focus to the low priority area of IWC. The ICRW clearly stipulates its focus on resumption of whaling, sustainable use of whale stocks, and this is an attempt to divert our focus from this main purpose. The examples include, among others, the issues related to small cetaceans, humane killing, environmental concerns and whalewatching. We are really serious about fulfilling our responsibilities stipulated in our Convention. From our point of view some of the countries are trying to introduce delaying tactics for RMS completion, so it is important that we fulfil our responsibilities in the Convention and focus our energy and attentions on the priority matters in the light of the Convention and I would like to reiterate my position again on this occasion.

So to what extent the useful data may be obtained as a result of this Workshop with regards the status of the whale stocks, I am looking forward very much to the results of the Workshop and looking forward to the extent that non-lethal research may be able to give data necessary on the points that I have referred to earlier. So I wonder if the result of the Workshop will be comparable to the results of the survey that we are currently carrying out in the Antarctic and Northern Pacific. We are proud that our research in the Antarctic and North Pacific gives the world's highest quality study results on the stock population and stock of the cetaceans, so I am looking forward to the results of the Workshop and to see what extent they may be comparable with the study that Japan is carrying out at the moment. Thank you.

**Chairman**

Thank you Japan. Switzerland and Dominica. Switzerland.

**Switzerland**

Thank you Mr. Chairman. We have no doubt that the Workshop could be rather interesting because it is always interesting for science to hear about development of research methods. On the other hand, we have a few questions to that proposal. Who is paying for that Workshop? Is the Workshop costs - should IWC be involved, is it included in the budget, has it been discussed? Furthermore, I see in the Report of the Scientific Committee that the Scientific Committee agreed that such a Workshop should not be accorded high priority in its work plan at the time. There must be reasons for that and I think it is quite a problem if the Commission does not take note of this agreement that has been agreed upon in the Scientific Committee. I would like the Chairman of the Scientific Committee to comment to that point. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. There are no other speakers so I will pass to the Chairman. Sorry, Dominica.

**Dominica**

Thank you Mr. Chair. Mr. Chair, I will be brief because Switzerland just asked the questions I was just going to ask, and I would like to state further that I fully support the comments made by Antigua and Barbuda and St. Lucia. Mr. Chairman, it is clear that apparently this Commission has too much money so we want to spend it and spend it where ever which way. Mr. Chairman, when the Monaco proposal was put forward to the Scientific Committee I never took it to mean that Monaco was asking the IWC to sponsor or to take charge of this Workshop. Right now we are hearing that the IWC should take charge and take it over and hence the question by Switzerland is very pertinent. Mr. Chairman, I don't think the Scientific Committee, in the document before us on page 86, has ever indicated that the Workshop was not necessary, but the Scientific Committee was stating that due to its work load it was not according high priority to this Workshop. What this Commission has done, most of us have just read, what we want to read in this Report and have started going on and trying to imply that the advice or the position of the Scientific Committee is not worthy. Mr. Chairman, we are not even doing that in the absence of those presenting that Report, who is presenting that Report is right here. I think the most pertinent and the first question should have been to ask an explanation from the Scientific Committee Chairman. Mr. Chairman,

it is clear that we are just too hasty in that organisation, we are just too selfish in that organisation, we are too one-track in our thinking and if that is how this body has to continue it will diminish to nothing. Thank you.

**Chairman**

Thank you Dominica. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. Democracy means majority rule ..... [*End of Tape*] ..... study lethal methods to and make a comparison between the two as to which is more scientifically efficacious, but nobody asked me anything and when I come and I complain as a small country about the amount of money I have to pay for other people basically to spend, nobody seems interested so why not consider lethal methods too in this proposal, what's wrong with that? To some people I know what's wrong with it is that they don't want any whale killed at all and they want to do scientific research with, I'm not a biologist but I am sure biologists know that lethal means are more effective than non-lethal, you get more information. Even I know that in school people used to, one of the main things people do in zoology was to kill the frog and then study it when it is dead in front of you on your table. So I would be inclined to support this quite strongly but why not include the comparison with lethal methods also, and I think I have some right to my humble opinion on this point in here especially when it is my money being spent. Thank you.

**Chairman**

Thank you St. Vincent and the Grenadines. South Africa,

**South Africa**

Thank you Chairperson. I would like to just make a couple of observations. The first is that we have earlier during this meeting adopted a Resolution asking the Scientific Committee to look into the question of lethal versus non-lethal research and clearly the Scientific Committee would be attending to this particular item at next year's meeting. Second, I note in the second paragraph under item 23.1 of the Scientific Committee Report on page 86 the statement that the Committee's work was more problem orientated rather than methodology orientated. Furthermore, just lower down in that paragraph there is a statement that the Committee was well informed of recent developments in methodology and technology relevant to the specific issues it had to address. Chairperson, I also note that the proposal by Monaco is that this Workshop be undertaken anytime during January to April of either the year 2000 or the year following that. Given this combination of factors I just wonder whether we are not perhaps rushing into this too quickly. I do not see any single reason why this proposal should not serve at the next meeting when we will have the benefit of a proper scientific comment on this one. Thank you.

**Chairman**

Thank you South Africa. I think that's helpful. I note there are questions on the terms of reference, questions on funding and Monaco has offered to host the Workshop in 2001 so being I give it to the Chairman of the Scientific Committee, would it be reasonable to suggest that the Scientific Committee considers at its meeting next year and the Finance and Administration Committee also consider it next year and we discuss it at that time? Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

Mr. Chairman, a number of questions were asked and I will try and address them fairly briefly. Firstly, we have, of course, already discussed this question in many aspects of our work, we do so and I've even reported on it over this meeting. You know that we already look at things like genetics, biopsy sampling, photo-identification and in fact I reported on that this morning, we look at telemetry. We have already reviewed in our review of scientific permits and research proposals such as those of Greenland the question of non-lethal sampling. In the questions that you have asked us to address in relation to scientific permits, we look at that question specifically. Even before your Resolution this morning we have been instructed to do that and we do so. We have many records of us doing it, indeed it was a major question that we tried to answer in respect of the JARPA Review in 1997. This year the question of our priorities comes up and I should say that we already are proposing two intersessional meetings, one on the JARPN Review and another to deal with AWMP matters and I think to add a third would be overloading our programme

assuming that you agree that we should do the other two. We also have a great deal of intersessional work to accomplish. If you do agree to have it in 2001 as the last speaker suggested, we could certainly review the proposal in depth at our next meeting. We would obviously set up a Steering Group with a Convenor that would detail the terms of reference, select agenda items and plan for a meeting in 2001. That may be one way to go. Thank you Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Would that be acceptable to everyone? Seems so. The Scientific Committee will look at it in detail next year. Monaco.

**Monaco**

First of all I would like to express my thanks to the delegations which has indicated that they consider this issue to be indeed a high priority item and as I suggested myself, we are quite prepared to postpone this thing until 2001. The few questions that were raised in the course of this debate and I will try to answer them briefly. Our friends from the Caribbean and Japan appear to believe that there is some kind of plot or manipulation attempt to move science and scientific evidence in the way we wish, in the way, as I said, anti-whaling nations wish. I please ask kindly our friends to listen. Scientific truth does not operate by majority rule, it has nothing to do with minority either, just plain truth, to subject it to testing, hypothesis, classifications etc, etc. I want to show you that I have no *a priori* with regard to the outcome of such a Workshop, I just don't know what the assessment will lead to and as further evidence of my good faith I am quite prepared to change the title as follows 'Comparative assessment of lethal versus non-lethal methods available for whale research'. That is one point.

As the Chairman of the Scientific Committee indeed repeated that the expertise on such issues is available in the Scientific Committee and is discussed here and there in their Report. Fine, but where is this assembled body of evidence, do we have to look and zig-zag through masses of material, did we take into consideration the latest evidence on the topic at the relevant scale and not just case by case, legal point by legal point and then assemble *a posteriori* puzzle? No. In Monaco when you move and you look and visit our Oceanographic Museum you first stumble into a very historic piece, a harpoon used in the first scientific whaling campaign in the world more than 120 years ago. I would like the Chair to give me one or two minutes to explain myself, thank you. So there is nothing wrong with scientific research on whaling. In the Oceanographic Museum we even display skeletons of whales killed by this process more than 100 years ago. We display them for the enjoyment of visitors and enlightenment of IWC cocktail parties even. There is nothing wrong intrinsically with using lethal takes when there is no alternative to answer important relevant questions. One hundred years ago we knew very little about feeding habits and even the anatomy of whales so this was good science. Today some scientists and growing numbers of them argue that this is bad science to continue killing animals on such a scale to answer questions which are of low priorities. OK so I beg our friends from the Caribbean and Japan to really take that into consideration.

Lastly, because time is limited, the budgetary question. Of course, we are not asking to divert huge sums of money from the IWC budget to carry this affair. This is going to be a modest affair, a Workshop, up to forty scientists. Our Government is prepared to pay, of course, part of the bill. We actually could do it ourselves you know. We could do it entirely by ourselves and then pass on our Report to this body but I don't think this would translate the real significance of this issue on the IWC agenda as several delegations have indicated. This is a body to deal with this item and again remember that under this Convention the largest number of whales being killed every year now is under this scientific whaling umbrella, so we have an obligation to consider this issue, not necessarily in the next twelve months, but very soon thereafter. Thank you all for your attention.

**Chairman**

Thank you Monaco for your offer. Can I move now to agenda item 18.1 – Future Work Plan. Sorry Chairman of the Scientific Committee.

**Chairman of the Scientific Committee**

I am sorry Mr. Chairman, I still have three items I have to draw to your attention. The first is stock identity. It wasn't listed under 18.3 but I think I did warn you I was going to come to this. This is in our

Report, item 6.4 on pages 10 to 12. Last year Mr. Chairman, we established a Working Group to deal with this matter to try and develop one or more operational definitions of stock, which are better suited to the types of data currently available to evaluate stock structure and which are based on the management context in which they are to be used. We talk about terms of reference for the work that was done intersessionally and the intersessional activities are detailed in item 6.4.1 at the bottom of page 10. For future discussion we have a number of issues that have been identified. The primary focus is to identify those issues that need to be resolved prior to developing a generic approach for defining stocks. First of all we considered the question of what unit is to be conserved. We agreed that management objectives must be defined before interpreting population structure data. One suggestion was that management should strive to maintain historical range, that is both breeding and feeding grounds, and that such a definition requires the calculation of the level of dispersal between small areas required to meet that objective. We agreed that it was premature to finalise the process for defining stocks until all aspects of the terms of reference developed last year are completed. There were several points of further discussion next year and these are identified, Mr. Chairman, in (a), (b) and (c) on the rest of that column and over into the next column on page 11.

For next year's meeting we have some preparations. We agreed that seven items should be handled to assist in the development of a standard process by which stock identification could be undertaken and those are listed under item 6.4.3. We recognise that some aspects of those provide information important to the work of the Standing Working Group on the AWMP and we thought that it would be useful if the relevant information were made available to participants in next year's AWMP intersessional Workshop. We agreed that the same Standing Group, Mr. Chairman, on stock identity should be re-established next year to review the Reports that will come in as a result of the work I have just detailed and other information. We have some other information on stock identification using geographic differences in whale calls. This is in item 6.4.4 and that is detailed there, but we recognise that call types must be related to other stock differentiation criteria to be useful in this matter. I think that is all I have to draw your attention to in this particular item Mr. Chairman.

#### **Chairman**

Thank you Chairman of the Scientific Committee. Are there any comments on these items? No, then we will note the Report and endorse the recommendations. Thank you.

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

I must also draw your attention, Mr. Chairman, to our discussions on North Atlantic minke whales which unfortunately slipped through a net yesterday I think, and they are on item 7.3, pages 19-20. First of all we dealt with abundance for the Central Stock, we had a revised 1987 estimate of minke whale abundance in the *CM Small Area* of the Central Area which addressed some questions raised last year, and there was an estimate given there and this on page 19 in the right-hand column at the top. We also had a report that the Icelandic Sightings Survey data from two sets of projects from the *CM Small Area* are now currently on file with the Secretariat and we expressed our appreciation to Walløe for his efforts in this regard and to the Icelandic authorities. We agreed that this further analysis and the arrangements for permanent access to the sighting survey data addresses all of our concerns about the estimate and we accept it for use in the RMP.

We looked at stock identity and area boundaries and there are three possibilities discussed in the main paragraph in the right-hand column on page 19. We expressed appreciation for the initial analysis of samples collected from commercial whaling operations. We noted that results from analyses of such data may help to reduce uncertainties in the *Implementation Simulation Trials* conducted previously for this stock. We noted that they could provide a basis for an *Implementation Review* in the next few years.

We looked at sightings surveys and we had the results from a minke whale survey in the *EN Small Area* of the Eastern *Medium Area* used in the RMP implementation for minke whales in the eastern North Atlantic. This is in 7.3.3 on page 20. Following Committee recommendation, adjustments had been made to ensure greater comparability over years. We noted that the survey plan for 1999 will cover the *ES Small Area* and its noted there where that is and this will be the target area. We noted that the sightings survey vessels were not allowed in Russian EEZ waters when this Small Area was surveyed in 1996 and we note, Mr.

Chairman, that if present difficulties in obtaining entry of Norwegian research vessels into that area continue, portions of that area may remain unsurveyed in this series.

We have some comments about surfacing rate at the bottom of that column. We thank the Norwegian scientist for his oversight role during 1998 and agree that he should serve in that capacity in 1999, and we recommend that the Commission contacts the relevant authorities of the Russian Federation to request that they grant permission in timely manner for future surveys. Thank you Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. If there are no comments we will note the Report and endorse the recommendations.

**Chairman of the Scientific Committee**

I have one final item for you Mr. Chairman. That is national progress reports on page 3, item 4.2. Mr. Chairman, the Committee has reaffirmed its view of the importance of national progress reports and we recommend that the Commission continues to urge member nations to submit them following the approved guidelines for national progress reports. We did a summary of what was contained this year and that appears in one of our Annexes. Thank you Mr. Chairman.

**Chairman**

Thank you Chairman, we will note that. Can we now move to 18.1? Chairman of the Scientific Committee.

<b>18.1 FUTURE WORK PLAN</b>
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**Chairman of the Scientific Committee**

I would like to take you, Mr. Chairman, to item 21, 21.2 on page 84. underneath the spider diagram. I think it is now a cicada, Mr. Chairman. I am afraid that is now an 'in joke' to members of the Scientific Committee who were at the dinner. Mr. Chairman, under 21.2 we talk about our longer term priorities and directions. We note that last year seven topic areas were identified which we believed were a priority in terms of the advice that you require and the perceived links between them and these you subsequently endorsed. This year the Committee agreed that the seven topics that are shown in the Figure above remain our priority topics. We've modified slightly the links between Whalewatching, Environmental Concerns and Comprehensive Assessment as shown in Figure 1. We recalled that a major function of the Committee is to review special permits in the light of guidelines developed by the Commission, and of course we have already had the discussion of that today and noted that aspects of the review are covered under several priority topics, including RMP, Comprehensive Assessment and Environmental Concerns, as reflected in the discussions this year. We also noted that this is also true with respect to discussions of Sanctuaries where, as you will recall, much of the relevant discussion in the context of your Resolution on Sanctuaries occurred in our Standing Working Group on Environmental Concerns.

As to our shorter term priorities Mr. Chairman. These are discussed on page 85 under item 21.3. This is our work plan for the coming year and our initial agenda for next year's meeting. As was the case last year, the Convenors for this year met after our meeting, Mr. Chairman, and drew up a list of those things that they considered should be the basis of an initial agenda for the this year's meeting. We took into account the priority items recognised under item 21.2 above that I have just discussed, and within them the highest priority items agreed by the Committee on the basis of sub-Committee discussions. We noted that priorities may be revised in the light of your deliberations here Mr. Chairman, and there are some comments there on what I, as outgoing Chairman, and the new Chairman will have to do as a result of these discussions.

Perhaps if I could just draw your attention now, Mr. Chairman, to the particular priority items that we believe should be discussed next year. These are in the groups on this page under the Revised Management Procedure for which we have three. Under the Preparations for Implementations of the RMP which we have four. There is one major item to be dealt with under the AWMP considerations. There are four items

under Aboriginal Subsistence Whaling. The next two items, Mr. Chairman, result in a division between the elements of what was previously called our Comprehensive Assessment of Whale Stocks into an In-Depth Assessments Group and an Other Stocks Group. In the In-Depth Assessments Group we have two particular items listed and in the Other Stocks Group we have three. I should perhaps draw your attention to the third one in those, Mr. Chairman, which is the Other Small Stocks – review available information on status and trends which has been discussed I think today and yesterday in relation to those small stocks about which we have practically no information but which are at very low levels, and that is where that will be dealt with. Under Environmental Concerns we have five items listed and under Small Cetaceans two and I have already referred to those today. Under Whalewatching we have four and again those were as reviewed in our earlier discussion earlier this week. I would like to commend these, Mr. Chairman, to the Commission for your endorsement.

**Chairman**

Thank you Chairman of the Scientific Committee. Are there any comments? UK.

**UK**

Thank you Chairman. Just really a clarification. This interesting diagram on Fig. 1, whatever creature it is, it's got some numbers down the left-hand side and I can't see a reference in the text as to what the numbers mean. I just wondered if the Chairman of the Scientific Committee could explain.

**Chairman of the Scientific Committee**

I'm sorry Mr. Chairman. These are priorities one to six. There is a debate as to whether the arrow should go up or down and it is in fact meant to say that the one at the top is of highest priority and the one at the bottom is of lower priority. They are all priority items in themselves but if we had to choose between them that is the order of priority we would give and they are supposed to line up with the boxes inside the creature. Thank you Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee. Are there any comments? UK.

**UK**

Just a comment Chairman. I am not suggesting re-drafting the box because I suspect that would be rather complicated. I just feel in light of our discussion yesterday, Environmental Concerns is perhaps rather low but I will just make that as a passing comment. Thank you Chairman.

**Chairman**

Thank you UK. I think the Chairman of the Scientific Committee did say they would be reviewed after the Commission Meeting. Oman you wanted the floor.

**Oman**

Thank you Mr. Chairman. Mr. Chairman, we reported to the IWC regarding false killer whales attacking tuna fish in Oman. Kindly, Mr. Donoghue from New Zealand responded to the last circulation suggesting different approaches to keep whales away from the area and we thank him for that. Last year the Scientific Committee Report, page 41-42, gave an indication of the necessity for research to be conducted in the area especially in relation to small cetaceans. Mr. Chairman, to our knowledge there was not much of a programme carried out in the Gulf of Oman and Arabian Sea with regards to species identification and distribution, feeding behaviour and environmental effects. Given the fact that the southern region of Oman is exposed to the upwelling phenomena from July to September each year. Therefore, Oman will submit a research programme to be carried out in the area and Oman wishes the IWC to fund this programme and to include it within the Scientific Committee programme. Thank you Mr. Chairman.

**Chairman**

Thank you Oman. Oman your document will be submitted to the Scientific Committee and they will then consider it next year. Thank you. Can we endorse the future work programme? Good then we can break for lunch and resume at 2.30.

[BREAK]

## 19. IWC'S COMPETENCE TO MANAGE SMALL CETACEANS

### **Chairman**

Apologies for being late but we were working. I want to go to agenda item 19 – IWC's Competence to Manage Small Cetaceans. You've got a paper IWC/51/20 and I'll give the floor to Switzerland.

### **Switzerland**

Thank you Mr. Chairman. Since Switzerland has adhered to the IWC the Swiss delegations have consistently taken the view that nothing in the Convention nor in its 1956 Protocol would prevent the Commission from taking decisions regarding the conservation and management of small cetaceans. This position is essentially determined by the perception of the Swiss authorities that whale means any species of the zoological order *Cetacea* because Article II of the Convention does not contain a definition giving a narrower meaning to them and the list of names in the Schedule is not conclusive. The issue, whether the Commission could or should take decisions on the management of small cetaceans, has been periodically discussed. The current majority view, and we are aware of that, is that the Commission is to give scientific advice but no management advice in relation to small cetaceans. However, small cetaceans today have, as confirmed by the Reports of the Scientific Committee and its Sub-committee on Small Cetaceans, not only to withstand the environmental threats about which we talked yesterday, but also a great number of direct and indirect takes, some of which may not be sustainable. We expect therefore that we cannot avoid that the matter of conservation management of small cetaceans will occupy us increasingly in the future. It may therefore be of interest to take note of the legal analysis that has come to our attention prepared by a Swiss Attorney at Law and Lecturer at the University of Zurich which supports the Swiss position by a series of arguments and which comes to the conclusion that there are not only no legal obstacles to the implementation of IWC conservation and management measures in regards to small cetaceans but it is indeed the Commission's obligation.

We have taken note of several statements made this morning to this matter and put on the table for further comments this paper. We are indeed not striving for a long debate seeing the time constraints we have but would appreciate one or two comments to the matter. Thank you Mr. Chairman.

### **Chairman**

Thank you Switzerland. Sweden.

### **Sweden**

Thank you Chairman. Sweden is of the opinion that IWC should be able to consider conservation and management of all whale stocks and in that respect we concur with the views expressed in the Swiss document. In particular we think that the Scientific Committee should be encouraged to continue its valuable work and give advice on conservation and management of small cetaceans. However, in the present situation it is obviously not feasible for IWC to manage small cetaceans, there are a number of pressing IWC items that first need to be resolved, suffice to mention RMS and scientific whaling. Furthermore, since there are other regional organisations for management of small cetaceans in some areas, ways for cooperation with these organisations need to be worked out. Thank you Chairman.

### **Chairman**

Thank you Sweden. Finland.

### **Finland**

Thank you Mr. Chairman. I would agree with what was said by the Swedish Commissioner. Thank you.

### **Chairman**

Thank you Finland. Netherlands.

### **Netherlands**

Thank you Chairman. In the past we have on a number of occasions explained our position with regards to this Commission's responsibility for all cetaceans, large and small. We think that the paper presented here by Switzerland is exactly in accordance with our views on this matter so we wholeheartedly support this. Thank you.

**Chairman**

Thank you Netherlands. UK.

**UK**

Thank you Chairman. Well we too agree with the conclusions reached by Switzerland, and the UK has long argued that the IWC has full competence to consider small cetaceans issues and, as has been said, the IWC already does valuable work through its Scientific Committee on small cetacean issues. Now this is something that does arouse considerable concerns in some governments as we have seen earlier today and I must say that I tend to feel that these are often excessive so I would like to clarify what we think the IWC's role should be.

First, I must make it clear that we do not think that the IWC should itself manage stocks of small cetaceans, this is for national governments, hopefully co-ordinating their efforts through regional organisations under the CMS, but the IWC does have an important part to play through the Scientific Committee in formulating advice on the status of stocks, in providing a centre of scientific excellence and a forum for advancing scientific knowledge of small cetaceans and I believe it does those three things very well. We should not put artificial constraints on the advice that the Commission provides on these issues. Where bycatches or directed takes are too high, for example, the Commission should be ready to advise that removals from the stocks should be reduced, and I do not think that such advice trespasses in any way on the national sovereignty of the country concerned or in its competence to manage small cetaceans in its own waters. It is advice and it is up to the government concerned whether or not they take it. But, as I said, we should not be constrained in providing that advice. Thank you Chairman.

**Chairman**

Thank you UK. I have a number of speakers. Brazil, Mexico, US, Spain, Germany and Denmark and France. Can I ask any of you who agree with the speakers who have already spoken please associate with them and we will move a little faster. Thank you. Brazil please.

**Brazil**

Thank you Mr. Chairman. Brazil has participated in the discussion of the questions related to small cetaceans for many years in this Commission. At the same time as we have attempted to help bring together differing political positions in past years. We have actively cooperated with the Scientific Committee in gathering and discussing relevant information on small cetacean species including river dolphins which live in our jurisdictional waters. The issue of small cetaceans as a matter of competence of the IWC has been referred to our national Working Group on aquatic mammals, a high level board composed of governmental officials and independent scientists, and it is based on its advice that the Government of Brazil can report to this plenary that we support the Swiss position. As the only international body which is legally competent for cetacean conservation and undisputedly the most respected depository of scientific data on these animals. The Commission has the responsibility to ensure that all cetaceans are accurately managed. We wish to reaffirm our interest in discussing the Commission's role in this respect. Thank you.

**Chairman**

Thank you Brazil. Mexico.

**Mexico**

Thank you Mr. Chairman. As I have said before, Mexico is prepared to share information about small cetaceans and to try those issues within the Scientific Committee. However, Mr. Chairman, within this legal framework of the document we appreciate the effort of Switzerland but we have to reserve our position. Thank you Mr. Chairman.



**Chairman**

Thank you Mexico. US.

**USA**

Thank you Chairman. The United States continues to believe that the IWC has full competence to manage the directed take of all cetaceans large and small. Mr. Chairman, the United States supports the activities of the Scientific Committee Sub-committee on Small Cetaceans and will continue to cooperate in the consideration of matters concerning small cetaceans. Thank you.

**Chairman**

Thank you US. Spain.

**Spain**

Thank you. Spain is of the opinion that according to the Convention the Commission has no competence in small cetaceans and therefore Spain has a strong reserve in this issue.

**Chairman**

Thank you Spain. Germany.

**Germany**

Thank you Mr. Chairman. Germany is of the opinion that the IWC does have competence for small cetaceans but on the other hand we have to realise that it is necessary to cooperate in this sector with other organisations and especially the countries in whose economic zones small cetaceans live. Thank you.

**Chairman**

Thank you Germany. Denmark.

**Denmark**

Thank you Mr. Chairman. First of all I can naturally associate myself with the remarks made by Spain. Let me add that you may say that the Convention itself is unclear. I normally say one thing is clear, that is that the Convention is unclear. It is also quite certain that the founding fathers never did imagine that this organisation should manage small cetaceans. Further, my point is that we in particular don't see any reason for IWC management when dealing with small cetaceans already being managed through regional agreements and organisations. Further, we have now spent thirteen years in not being able to agree to a RMS for nine species of baleen whales. If we should develop and agree to management arrangements new RMPs for almost seventy different species of small cetaceans, well at that speed it would take at least one hundred and fifty years to reach an agreement. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark. Thankfully I won't be here. Monaco.

**Monaco**

The position expressed by the delegate of the United Kingdom is the one closest to our own position Mr. Chairman.

**Chairman**

Thank you Monaco. Norway.

**Norway**

Thank you Mr. Chairman. I would like to associate myself with the intervention made by my Danish colleague. Thank you.

**Chairman**

Thank you Norway. France.

**France**

Thank you Mr. Chairman. We have taken note with interest of the study presented by the Swiss delegation. For us it is clear that, as has been the case since a number of years, the IWC is in a position to discuss elements concerning the small cetaceans whenever it is the wish of its members. We would not, however, like to have a legal interpretation which would extend formally the terms of reference of this Commission. Thank you Mr. Chairman.

**Chairman**

Thank you France. Chile.

**Chile**

Thank you Mr. Chairman. The position of my country is that we will give all the necessary information, we will receive all the Commissions that will want to go to my country, but we will not accept binding Resolutions. Thank you.

**Chairman**

Thank you Chile. Korea.

**Republic of Korea**

Thank you Mr. Chairman. The Korean delegation believes that it is preferable that coastal states and regional bodies competently manage their own respective small cetaceans and the element for the implementation of the provision for the United Nations Convention of the Law of the Sea clearly suggests that marine living resources can be conserved and managed by regional organisations. Thank you.

**Chairman**

Thank you Republic of Korea. Can I thank Switzerland for the document and note the views. New Zealand.

**New Zealand**

Mr. Chairman, New Zealand's position has always been that the IWC has jurisdiction in respect of all cetaceans and therefore we welcome the Swiss paper and thank the delegation for presenting it today. Our position is as outlined by the United States.

**Chairman**

Thank you New Zealand. So may I note the views? Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman, Dominica continues to challenge the competence of the IWC to manage small cetaceans. Mr. Chairman, we registered that in Dublin and in the Resolution that Dominica co-sponsored. Mr. Chairman, the ICRW makes no provisions for the management of small cetaceans and many of the previous speakers have echoed that issue. Mr. Chairman, when it is necessary we quote laws and we look for legal advice and legal statements to justify our case, the same thing applies when we want to talk about the Southern Ocean Sanctuary and other decisions that are taken in here. Mr. Chairman, the words of the Commissioner from Denmark has stated clearly, for thirteen years we have been struggling and I think those who want to give the IWC competence they can go ahead but Dominica will never support it. Thank you.

**Chairman**

Thank you Dominica. Austria.

**Austria**

Thank you very much. I would like to thank Switzerland very much for this paper and the Austrian delegation would like to associate itself with the statements made by the UK, USA and others. Thank you.

**Chairman**

Thank you Austria. Japan.

**Japan**

Thank you Mr. Chairman. The small cetaceans actually include so many species and different types and this Commission consists of only forty countries. However, small cetaceans are actually relevant to over 100 countries. Amidst such circumstances outside these members of the IWC, namely the non-contacting parties, in other countries they have some eminent issue related to management and research. However, the IWC is, and after listening to the discussion of this forum, I notice that your activities seem to be extending and expanding to include environment matters or other matters which do not seem to be so directly relevant to its intrinsic mission, so now you are trying to add additional items related to the small cetaceans and I am really wondering if this Commission is capable of doing all this. However, I do recognise that it is necessary to strengthen the research activities in management in those other relevant places and, if necessary, the regional fishery management organisation should be established.

At the time this organisation was established when the Convention was adopted they have decided upon the nomenclatures and that was provided in the wordings of the Convention, and so our interpretation of the Convention is that this Commission only deals with these species of cetacea described in those letters. Other categories of species are to be managed by the coastal states or by the regional management organisations. So I note that there is a serious difference of views with regards to the interpretation of the Convention itself, and I believe that this matter currently being discussed is outside the mandate of this Commission and so I think these are the serious matters that have to be discussed, deliberated on at the Contracting Parties Conference, and there is this serious difference of views and problems related to the substance of this discussion, topic as well as the difference of view on the interpretation. I am really afraid that the repeatedly idea or proposal is submitted here to actually sort of cause confusion to this fora of discussion and I would like to urge the party which submitted this kind of proposal to refrain from doing so.

Even though these matters are outside the scope of this Commission's mandate, we have tried to make concession to try to be co-operative to provide information and therefore we have made a great cooperation to the Scientific Committee by providing information, and domestically in Japan we have carried the research on this population level and then set the quota accordingly. However, despite our cooperation, for example, earlier the distinguished delegate of the UK submitted the proposal with regard to the Resolution on Dall's porpoise and so forth, and if such a suggestion will continue in this forum we would have to reconsider our approach to the Scientific Committee, namely we may not be able to provide the information. Thank you.

**Chairman**

Thank you Japan. I have Italy.

**Italy**

Mr. Chairman, in the view of Italy the competence of the IWC should extend over all cetacean species.

**Chairman**

Thank you Italy. Are there any other speakers? If so, I would hope they would associate with earlier ones. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman the delegation of St. Lucia wishes to associate itself with the comments made by the delegate of Dominica.

**Chairman**

Thank you St. Lucia. Can I note the differing views. Antigua and Barbuda.

**Antigua and Barbuda**

Antigua and Barbuda also associates itself with the comments made by Dominica and supported by St. Lucia.

## 11. ABORIGINAL SUBSISTENCE WHALING

### Chairman

Thank you Antigua and Barbuda. Any more? No, then we will note the differing views expressed and thank Switzerland for the paper. Can I move on to agenda item 11 – Aboriginal Subsistence Whaling. I will call upon the Chairman of the Aboriginal Subsistence Workshop and Chairman please, if you could be as brief as possible. I think you have produced a very comprehensive Report which gives details of the interventions and I would ask delegations to keep their interventions as brief as possible as well. Thank you.

## 11.1 ABORIGINAL SUBSISTENCE WHALING SCHEME

### Norway

Thank you Mr. Chairman. I will try to be very brief. I think that reporting from the work from this Sub-committee, it will either have to be very brief or very comprehensive and I hope that the delegates have had a chance to read the Report. The full Report is found in IWC/51/13 where you will also find our Appendices.

### 11.1.1 REPORT OF THE ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

#### 11.1.2 ACTION ARISING

The first substantive issue on the agenda of the Aboriginal Subsistence Whaling Sub-committee was the work on the Aboriginal Subsistence Whaling Scheme. The Chair of the Standing Working Group on the development of the Aboriginal Subsistence Whaling Management Procedure reported on the work in the Standing Working Group referring members to item 8 of the Report of the Scientific Committee. Under Action Arising it was agreed to forward our Report on this issue to the Commission.

### Chairman

Thank you Chairman, can you stop there and see if there are any comments on that. Can we accept the Report on this item? Thank you. Chairman.

## 11.2 REVIEW OF ABORIGINAL SUBSISTENCE WHALING CATCH LIMITS

### 11.2.1 REPORT OF ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE

#### 11.2.1.1 BERING-CHUKCHI-BEAUFORT SEAS STOCK OF BOWHEAD WHALES

#### 11.2.1.2 NORTH PACIFIC EASTERN STOCK OF GRAY WHALES

### Norway

We then moved on to the specific stocks that are hunted in the aboriginal hunt. The Chairman of the Scientific Committee reported that the Scientific Committee agreed that there is no reason to change the management advice given last year, neither for the Bering-Chukchi-Beaufort Sea stock of bowhead whales nor for the North Pacific eastern stock of gray whales. Information was given on the 1998 Alaskan hunt of bowhead whales and preliminary information on this year's Makah hunt was also provided.

#### 11.2.1.3 NORTH ATLANTIC WEST GREENLAND STOCK OF MINKE WHALES

The Sub-committee then moved on to North Atlantic West Greenland stock of minke whales and here the Chair of the Scientific Committee reported on this stock referring to section 9.1.3 of the Report of the Scientific Committee and Annex N. The Scientific Committee noted that it has never been able to provide satisfactory scientific advice on either fin or minke whales off Greenland. It strongly recommended the establishment of a research programme for fin and minke whales in this area. The Sub-committee endorsed the proposal of the Scientific Committee for a study on the feasibility to collect a large number of biopsy samples from minke and fin whales.

#### 11.2.14 NORTH ATLANTIC HUMPBACK WHALES

We moved on to the North Atlantic humpback whales. The Scientific Committee here repeated its advice from the 1997 meeting that the catch of up to three whales annually is unlikely to harm this stock. The Chair then drew attention to the request from St. Vincent and the Grenadines for a renewal of its quota of two humpback whales for the following three years. A comprehensive discussion followed where several aspects pertaining to this request were touched upon. In conclusion, the Chair noted that while many delegations had expressed support for the St. Vincent request there was no consensus including on the question of need.

Under Action Arising it was agreed that the Sub-committee's Report reflecting the discussions would be forwarded to the Commission.

#### **Chairman**

Thank you Chairman of the Aboriginal Subsistence Committee. Can we note the Report and then move on to the Action Arising? Thank you. Chairman, there is one other item.

#### 11.3 CATCHES BY NON-MEMBER NATIONS

#### **Norway**

Yes, thank you Mr. Chairman. I have just a couple of more sentences, then I will be finished. So the last issue before the Sub-committee was catches by non-member nations. The Chair of the Scientific Committee reported that the bowhead whale was taken at Pangmirtung, eastern Baffin Island in the summer of 1998. The Scientific Committee reiterated its advice that additional knowledge of the status of the Baffin Bay-Davis Strait and Hudson Bay stocks is crucially needed.

Under Action Arising the Sub-committee noted the Report on this item from the Scientific Committee and that concludes our Report. Thank you.

#### 11.2.2 ACTION ARISING

#### **Chairman**

Thank you very much Chairman. We will adopt the Report and we will go to Action Arising which is on 11.2.14 – North Atlantic humpback whales and the Government of St. Vincent and the Grenadines intends to apply for a renewal of its quota for two humpback whales for the following three years and proposes an amendment to Schedule paragraph 13.(4) by the substitution of the years 2000, 2001 to 2002, 2003. Can I ask St. Vincent and the Grenadines to introduce that.

#### **St. Vincent and the Grenadines**

Thank you Mr. Chairman. This request has been made before as Commissioners will know every three years since 1988. The present request is a repeat of the last one, a quota of two whales per year for a three-year period. Bequia whaling tradition goes back more than a hundred and fifty years. Their needs today are primarily cultural although the products of the whales are much appreciated by the people and are a traditional and an important part of their nutritional needs. The hunt is conducted in the coastal waters of a small island nation where food resources are limited and the sea plays an important part in providing for the needs of the people. Further, there is no question of a sustainable nature of the take of two whales from a stock estimated to number more than ten thousand animals.

The Commission recognised the aboriginal nature of the Bequia fishery 1987, it accepted documentation of the cultural and nutritional needs in 1994 and 1996. This year we have provided a summary of the need in IWC/51/41 and its Annex. A fifty page document by Natalie Ward, a biologist who has lived in Bequia and attended IWC meetings, that describes the Bequia fishery and its cultural heritage has been submitted and we consider that anything that has gone into the record of the IWC in the past on our fishery is available and relevant and should be looked at when we make subsequent quota requests. There is another

description of the Bequia fishery and a statement of a need for three to four humpback whales, that will be found in the article on the fisheries for North Atlantic humpbacks whales by Mitchell and Reeves, pages 195-198 of the 1983 Special Issue 5 of the IWC. These documents are available in the reference collections here at this meeting. Ms. Ward's book was submitted to the Commission in support of my last quota request in 1996.

I also refer the meeting to the Scientific Committee Report, page 33, here the quotation is 'he' meaning this delegate of St. Vincent and the Grenadines 'also noted that tissue samples for genetic analysis would be sent to Japan as last year for analyses in order to determine the relationship between the two whales taken'. That therefore was not clear. The Committee noted that in previous years it had urged that additional information be provided from this harvest and was pleased that more information was provided this year. Mr. Chairman, a concern over taking a calf in 1998 has been expressed by several delegations. The Government of St. Vincent and the Grenadines, although not believing that the provisions of Schedule paragraph 14 were intended to apply to the aboriginal subsistence provisions of the Schedule, did agree to make every effort to get our harpooner to comply with schedule paragraph 14 that forbids the take or killing of suckling calves or female whales accompanied by calves. In doing so we have applied a strict interpretation to this paragraph. The reason that it was intended to protect suckling calves and the mothers of suckling calves, that is lactating female whales accompanying the suckling calves. This interpretation is shared by other delegations. Since the small whales killed in 1998 and 1999 were not suckling calves and the large whales killed in 1998 and 1999 were not lactating females, the Government of St. Vincent and the Grenadines does not find that any infractions have occurred.

The Government of St. Vincent and the Grenadines recognises the concerns expressed by some members of the IWC over the taking of calves and the interpretation of the words 'female whales accompanied by calves'. Interpretation is the key point. The Schedule does not interpret or define what is meant by calf or accompanied but it does define lactating, and it does prescribe a penalty for killing lactating females which suggests that nursing is the criterion for a calf. The provisions of what is now paragraph 14 were entered into the regulation of whaling over sixty years ago, it applied to commercial whaling and it reflected the thinking of the management of wild animal resources that was in vogue at that time which advocated protected females and young animals.

Today's thinking on wildlife management has evolved and changed with regard to the need to protect young animals. Whaling is now regulated by the IWC, commercial whaling is practised on a much reduced scope and aboriginal takes have become relatively more important. In any case the point whether a calf is suckling or not is a better and more precise way of defining a calf for these purposes than the length criterion of the calf set at eight metres. This is a new definition which only was proposed this year but the calf being suckling indicated dependence on the female, the eight metre standard does not necessarily do this.

Our delegation has therefore always used the definition of a suckling calf as the operative one in deciding if a calf could be taken or not. We do not take suckling calves in our fishery. Furthermore, prior to our last request three years ago, a non-lactating female whale and a non-suckling small whale were also taken and reported to the Infractions Committee, no infraction was recorded. A precedent was then set which should be followed now. It would be clearly unreasonable for this Commission to reverse its decision only three years later without warning and make a decision on quota on that basis especially when there is a difference of interpretation at this meeting among member countries. The Commission is obliged to follow its own precedents rather than contradict itself. How can a Commission tell me one thing in 1997 and imply to me that I can continue to whale on a certain basis and then a short couple of years later reverse itself, say 'Gotcha' and then say that I have an infraction when I have been only following what the Commission itself decided a short time ago? This would seem to be entirely unreasonable and nobody in my Government would understand that even if it were an infraction, it doesn't follow from that that the quota would therefore be stopped, there are infractions in many other fisheries and this does not follow then, why should it follow in my case.

I also refer to the Schedule, Mr. Chairman. Number, section 13, section 13(a), where it says 'Catch limits for aboriginal subsistence whaling to satisfy aboriginal subsistence needs for the 1984 whaling season and

each whaling season thereafter shall be established in accordance with the following principles'. I am not a lawyer but I have heard lawyer's talk about the importance of that word 'shall' and then they give the list of points to be followed and there is nothing about infractions there. The problem of taking young whales, sucking calves and lactating females occurs in all aboriginal fisheries, Mr. Chairman, particularly when small boats are used. Therefore, the Government of St. Vincent and the Grenadines proposed that the Scientific Committee be instructed to consider the matter of the taking of suckling calves, small whales and females accompanied by calves and provide advice to the Commission of the biological implications and consequences of these practices as they occur or may occur in aboriginal fisheries. I would only add that even if there is a rule that you shouldn't take calves there has to be a reason for it and the reason should be biological, in other words whether it is lobster of whatever else it is, it will affect the stock if you take small ones but surely that cannot apply in this case where we are talking about ten thousand six hundred animals and a quota of two per year. Bearing in mind that some years you don't take any at all. We took two this year, two last year, the two previous years we took none, the year before that we took two and the three previous years we took none. What on earth is the problem with my little fishery in my little country?

The Government of St. Vincent and the Grenadines request renewal of its quota of two humpback whales annually in each of the next three years. Mindful of the fact that any aboriginal quota is subject to annual review by the Scientific Committee and the Commission. We note that this year the Scientific Committee has again advised the Commission that a catch of up to three whales annually is unlikely to hurt the stock. Our quota is still only two. We are to repeat, the stock of North Atlantic humpback whales is now estimated at ten thousand six hundred, up double from five thousand two hundred which was estimated some years ago.

Mr. Chairman, I am not obliged to supply any information to any Committee of this Commission called Humane Killing or including the words Animal Welfare. I do so voluntarily because I am a nice guy. The meeting of the Animal Killing Methods was outside of the normal days of this year's meeting. I happened to be here and so I went one morning, I'm not obliged to go and I don't usually go. The UK people seeing me there said 'Ah we have him and we are going to hit him some questions now' and they did. I don't necessarily mind but I was not obliged to answer any questions in that Committee Meeting and I asked the Chairman to tell them I would be happy to do so at Technical Committee. You yourself, Sir, subsequently on Monday, or was it Sunday, suggested I do everything at one time today but I seem to get this impression that I am trying to avoid answering these questions. I have every right not to but I will.

The first question is times to death from when first struck and I will only add that I gave in excerpts from the document I finally supplied at that time and these questions are largely answered between pages 16 and 18 of the document I submitted. However, times to death from when first struck of the whale. The harpooner estimates 20-30 minutes.

Question, when is the gunner bomb lance used? Response, we do not presently have or use a bomb lance. A shoulder gun was used after fastening to the whale.

Question, comparison of times to death for the harpoon only and the harpoon and the bomb gun or lance. Response, data for that is not available but the harpoon only does not kill the whale.

What is the struck and lost rate? Response, this is reported in Infractions since 1989, two struck and lost out of the twelve whales taken over the period.

Question, how often is a bomb lance or a bomb gun been used in the last ten years? Response, neither has been used in the last ten years.

Question, is a traditional steel tipped lance still used and if so how many attempts are needed to kill each whale? The answer is yes, one or two attempts.

Question, how many crew members were involved in the hunt especially in 1998 and 1999? Response, there are six men in a boat in 1998 and 1999 and two boats went out.

Question, are motorised boats and speed boats involved in the hunt? Response, not in taking the whale, only for helping in towing to the landing site after the kill. The noise of the outboard motors would frighten whales into taking evasive action and they would die. That is why only sails and oars are used for propulsion in the hunt.

I will add another question which I recall from New Zealand. The question was which whale when there are two is struck first, the larger one or the smaller one? Answer, the larger whale is always struck first. I repeat the large whale is always struck first, so those who follow newspaper reports, who listen to what society women with binoculars say and who listen to Greenpeace should be a little bit more careful about what they believe and if you have a question ask me and I will answer.

To give you one example Me. Chairman. Some woman on Mustique Island looked across the water a couple of miles and said she saw this and she saw that. She said that the small one was struck first and she saw that. What she didn't see was that the big whale was already struck but was underwater where she couldn't see it. As a result of that, reports have gone into the Times newspaper and all over the place people are having a fine time. This is one opportunity for me to reply to that.

Mr. Chairman, I am aware of the concerns and I respect the concerns of members here expressed before about the killing method. I can assure the Commission that while we are in something of a transition where we have the older whaler and one or two younger relatives of his who maybe continuing the tradition. It is a good time to look at new methods, more improved methods and we have already initiated discussions about that with certain technical specialist people. I would be happy to continue those and to report to the Commission on them next year.

Now but I'd only warn what I've warned before, that the hunt will therefore be improved and whereas for some years now we shall have taken no whales at all, the Commission can expect that with improved efficiency of the hunt we will be killing more whales and I don't know therefore which the Commission prefers. To have more whales killed humanely or to have less whales killed cruelly. Exactly, and now that the NGO people and so on have made such a fuss about our whaling over the years there is now heightened interest in the country, not because of me but because of their campaigns and advertisements and so on, so there is now more interest in eating whale meat and the demand is up Mr. Chairman.

So here we are. I had some other things to say but I won't bother. So all that remains for me to do is to hope that what I have said clarifies some of the loose talk all over the place about my small country and its small fishery, and I therefore put this request onto the mercy of the Commission. Thank you.

#### **Chairman**

Thank you St. Vincent and the Grenadines. I have Ireland looking for the floor.

#### **Ireland**

Thank you Chairman. Ireland would like to propose an amendment to the Schedule amendment proposed by St. Vincent and the Grenadines. The amendment is as follows. The addition of a further sentence to paragraph 13.4 reading as follows 'It is forbidden to strike, take or kill calves or any humpback whale accompanied by a calf'. I would like to make a short statement in relation to this proposed amendment.

Ireland does not engage in or permit whaling in its waters which have been declared a whale and dolphin Sanctuary. Nevertheless, we recognise that it is an important part of other cultures to take and use whales. For these and other reasons we've no objection to aboriginal subsistence whaling and the allocation of quotas by this Commission for this purpose. In this regard we note that the Scientific Committee has in their Report repeated its advice for 1997 that an annual catch of up to three whales annually from the humpback whales of St. Vincent and the Grenadines is unlikely to harm this stock. While Ireland supports the allocation of a quota we have serious concerns in relation to the taking of calves, the method of hunting and the provision of a comprehensive needs statement. For these reasons we strongly urge the St. Vincent and the Grenadines Government to take immediate steps to adopt the advice of the Scientific Committee in relation to the definition of calves and take appropriate steps to improve the efficiency of the hunting methods employed. In this connection for the purposes of clarity Chairman, can I ask at this point for



clarification by decision of the Commission as to what constitutes a calf. At that point you might return and we'll finish the statement.

**Chairman**

Thank you Ireland. As I understand it a calf is an animal less than eight metres and I propose we adopt this as a decision of the Commission subject to review by the Scientific Committee next year. If that's OK. Seems so. Sorry St. Vincent, did you want to come back on that point?

**St. Vincent and the Grenadines**

Thank you Chairman. That's alright with me and I certainly undertake to deal with the concerns raised by the Irish delegation.

**Chairman**

Ireland did you want to continue?

**Ireland**

Thank you Chairman. In considering this matter we have sought to balance the rights of peoples to pursue their traditional cultural practices in relation to whaling, but there are concerns regarding the taking of calves and the method of hunting. On balance we will support the allocation of a quota on this occasion. Thank you.

**Chairman**

Thank you Ireland. St. Vincent and the Grenadines you wanted to add something to your original comment.

**St. Vincent and the Grenadines**

Yes Mr. Chairman, perhaps I could be a little bit more specific although certain references were made in what I said already, but I know Commissioners have been concerned about the needs statement. Then there is the question of cooperation in scientific research with the Scientific Committee and the regulation of the hunt. I certainly undertake to do everything possible to satisfy the Commission on those points.

**Chairman**

Thank you St. Vincent. Can you accept the amendment proposed by Ireland to add to paragraph 13.4 'It is forbidden to strike, take or kill calves or any humpback whale accompanied by a calf'? Yes, this is acceptable. Are there any other comments or can we adopt this by consensus? Netherlands, US.

**Netherlands**

Mr. Chairman, I think I would like to give at this point some expression to our concerns. Of course we had a discussion about this in the Aboriginal Subsistence Sub-committee and you will find our position reflected at the bottom of page 4 of that Report. At previous meetings, Mr. Chairman, various delegations have expressed their serious concerns about this hunt and have indicated that they expected improvements if the quota was to be renewed. I am particularly referring to the fact that there have been no adequate needs statement, that there was no regulation of this hunt, that there have been insufficient scientific cooperation, that there have been a systematic violation of section 14 of the Schedule and that there has been a promise in the past that when the old whaler would retire this whaling operation would stop. Now, Mr. Chairman, I said in the Aboriginal Subsistence Whaling Sub-committee that under these conditions my country was not in a position to accept the request by St. Vincent and the Grenadines and I want to be absolutely sure before I make a decision here in the Plenary what it is that we are deciding upon. So I think that we should get clarification and I myself, I would need to be reassured that these concerns are going to be treated in a serious manner by St. Vincent. Thank you.

**Chairman**

Thank you Netherlands. I think I will take a break for coffee for fifteen minutes.

**[BREAK]**

**Chairman**

Ireland made a proposal to amend a Schedule amendment and I think people need a little time to look at that some more so I am going to close that item until tomorrow morning and I am going to move on now to the budget, but before I actually get to the budget St. Lucia had asked them to raise an item on the Scientific Committee Report which I missed. Sorry St. Lucia, but if you would like to do it now.

**St. Lucia**

Chairman, usually when I go to church I listen to the Good News being proclaimed but I cannot bring any good news here this afternoon because I am bothered by the way this Commission continues to encourage and perpetuate acts that are *ultra virus*. Chairman, I say this because from time to time we are asked to respect the findings of the Scientific Committee and earlier today it was in regards to Dall's porpoise. Fully aware that small cetaceans are beyond the competence of the IWC yet when it suits the core group of like-minded in this organisation they reject the work of the Scientific Committee particularly on the minke whale.

Mr. Chairman, two Saturdays ago the Scientific Committee was faced with a duty of electing a Chair and Vice-Chair. I am aware that the culture of this organisation has been for the Vice-Chair to assume the position of Chairmanship and by consensus the Scientific Committee identifies a suitable candidate to become Vice Chairman. Both of these parties are then acknowledged by acclamation without having to vote. Chairman, we had a problem this year, we had a very serious problem and the problem arose when there could not be consensus on either the position of Chairman or Vice-Chairman, and I must thank the outgoing Chairman of the Scientific Committee. He called the heads of delegations to three separate meetings because we did not want to embarrass this organisation by going to vote in the Plenary of the Scientific Committee and on three separate occasions we had problems, Chairman. We finally decided that the position of Chairmanship would be acceptable to us but there was a second candidate being put on the agenda which many of us on the other side could not understand the reasoning for doing so. Chairman, some of us wanted the distinguished Professor Walloe to be Vice Chairman but there was the talk among the like-minded that Professor Walløe was a controversial person and I couldn't understand that, Chairman, because this organisation is fraught with controversy. Chairman, we talked about it and we tried again and I mentioned the name of another eminent Norwegian scientist and I was told that one should first be the convener of a group to get into the ranks of Chairman and Vice Chairman. At that point I think I understood clearly that the country of Norway was the controversy and not Professor Walløe *per se* or the second name I had mentioned but it was Norway because they were a whaling nation. Chairman, even in the Scientific Committee we are playing politics. Chairman, I was told that this organisation should stop recycling its best scientists but Chairman from 1964 ..... [End of Tape] ..... organisation has recycled the United States, the United Kingdom and Australia in the leadership of its Scientific Committee but yet we could not accept Professor Walløe. Were we worried that in three years time he would assume the mantle of leadership of the Scientific Committee and guide it? Professor Walløe, as far as I am aware, in the execution of his professional duties, is above board and I was very, very appalled at the behaviour of scientists in this connection Chairman.

Chairman, I thought when I came to the IWC five years ago I was learning the science and the science was beyond reproach, and I when I came into the Commissioners Meeting I was taught that I should expect anything because we are all working under orders, political orders. Chairman, I am beginning to think that this organisation is like a bikini because it conceals more than it reveals and we talk of transparency, Mr. Chairman. We continue to maintain this organisation as a closed shop so we can control it and exact our pound of flesh from the natives and the attitude is to make them pay and lock them up.

**21. FINANCIAL STATEMENTS AND BUDGET ESTIMATES**

**Chairman**

Thank you St. Lucia. Can I now close this item and we will move on to budget item 21. Your comments have been noted. Agenda item 21 – the adoption of the budget. Can I go to the Chairman of the Finance and Administration.

## **21.1 REVIEW OF PROVISIONAL FINANCIAL STATEMENT, 1989/99**

**UK**

Thank you Chairman. I think the first item is 21.1 which is the review of the provisional financial statement for 1988/89. Now this was considered by the Finance and Administration Committee and the Report of that Committee is in document IWC/51/9. The preliminary financial statement which we looked at is in another document IWC/51/8 Table 1, and the Secretariat's presentation of the situation is covered in our Report and I will try to summarise it very briefly. Essentially, income last year exceeds the budget by around about £38,000. When the Table I spoke about, Table 1 was drafted, it looked as if expenditure was also going to be higher than forecast and that there would be a slight deficit. In the event some developments occurred since the Secretariat arrived in Grenada and they are listed in the Report, but the net result is that the out-turn for the budget for the current year 1998/99 is broadly neutral and the General Fund therefore remains unchanged at approximately £987,000 and the Committee recommended approval of the Provisional Financial Statement subject to audit. Do you want me to move on to the next item which is the budget itself?

**Chairman**

Can we accept the Provisional Financial Statement? OK. Thank you Chairman, please carry on.

## **21.2 CONSIDERATION OF ESTIMATED BASIC BUDGETS, 1999/2000 AND 2000/2001**

**UK**

We next looked at the budget proposed for 1999/2000 and the forecast for the years 2000/2001. The document we looked at was again in IWC/51/8, Tables 8 and 8a but a revised document IWC/51/57 is in the process of being circulated, or has been circulated, which sets out the proposed budget. The Secretariat presented this proposed budget noting that it takes into account the Commission's strong overall financial position, the express wish of a number of members that membership costs should not increase, discussions at the 50<sup>th</sup> Meeting which reaffirmed the target of maintaining reserves at a level of approximately six months costs, and taking measures to promote the reduction from the present high level to the target level. The budget projects income similar to the current years after allowance for non-budgeted receipts such as penalty interests on late contributions and voluntary contributions. It also assumes a similar level of activity for most expenditure items but with some significant expenditure variations and these variations are listed in our Report.

Now looking at the figures, Germany expressed its concern with the IWC's budgetary practices saying that the present distinction between realised and assessed contributions should not be maintained, and that the Commission's high level reserves showed over-budgeting and it considered both these to be unsound budgetary practices. Denmark, on the other hand, voiced concern regarding the swift reduction of the level of general reserves.

There were a number of specific questions about detailed tables which again can be found in the Report. I should perhaps note that the United States was concerned about the proposed increase in meeting attendance fees for NGOs, which the draft budget proposed should increase from £490 to £500 and the Secretary responded that the primary purpose served by the increase was to keep pace with inflation.

Sorry, I am just looking through the Report, Chairman and somewhere also I think it points out that the budget assumes that current contributions remain broadly at a current level and that is clearly set out in the revised Tables that were circulated at the Finance and Administration Committee.

## **21.2.1 SCIENTIFIC PROGRAMME**

Now in our discussion on the budget we had a detailed discussion of the Research Proposals put forward by the Scientific Committee and most of this discussion focussed on Pollution 2000 and SOWER 2000 which we have already discussed extensively so I won't try to repeat any of that discussion. As far as the Finance and Administration Committee is concerned, its summarised on page three of our Report. I think that the key point to note is our conclusion, halfway down page four, which was a general agreement on the amount of the total budget and on the items in it other than research, including the proposed fees for observer and

press and the proposed level of the severance pay provision. On research, the Committee agreed the Scientific Committee's recommendations on regular expenditure and these were the 'below the line' items which were set out in the Scientific Committee Report, page 80, Table 13.

Now the agreement that has now been reached on environmental research in fact is as forecast by the Secretariat so the revised budget which has now come round, and that is document IWC/51/57, is substantially the same as the previous version which appeared as Table 8 in document IWC/51/8. The only significant difference is that for research the £100,000 which it has been agreed will be drawn from the reserves is now incorporated in the expenditure figures, so you have a figure for research of £386,971, and over the page there is a revised table setting out the proposed expenditure over 1999/200 and also forecast expenditure for the following year and this is on the lines which have already been agreed by the Commission.

So although the Finance and Administration Committee did not specifically recommend the budget for adoption I think I can safely say that its adoption is consistent with the general conclusion it reached. Thank you Chairman.

**Chairman**

Thank you Chairman of Finance and Administration. Can we then adopt the budget? Japan.

**Japan**

Thank you Mr. Chairman. I would first like to clarify my understanding. The budget you are talking about is shown in document 51/57, the sections of income and expenditure. Is that the correct understanding? We especially feel and see a problem related to the Environment Research Fund. Such a huge amount is allocated for that category when actually there are other priority areas under the Convention where the budget should be allocated, but now the huge amount is proposed to be allocated to the Environment Research Fund and I think we are talking about using, extending, our valuable fund of this budget of the Commission. I think the money should be spent correctly. In this kind of proposed spending I think it is misuse or abuse of the budget. Japan has been generous to consistently support the activities of the Scientific Committee to this international cooperation, for example, IDCR/SOWER Cruise project and so forth. However, in this proposal the low priority areas seem to be given priority and then the Research Fund is to be used for the areas which are outside the provisions of the Convention, and so we really would like to express our concern that such a way of appropriating the budget would actually undermine our efforts here to try and fulfil the mission given to the Commission, namely the management of the population stock.

Well if those vessels which Japan has despatched and offered for the other contribution to the SOWER cruise are used for the other purposes than inherent intrinsic purposes, objectives of this Convention, these two concerned vessels, as I stated twice earlier at this Commission, would have to be retreated for the other purposes than this particular proposed area here, so I would again clearly state our intention of a possible retreat of these two vessels. Therefore I would like to suggest to you to make appropriate amendment, revision to this proposed expenditure. Thank you.

**Chairman**

Thank you Japan. Any other comment? Japan, in review of the Resolution which was carried two days ago, at least I think it was two days ago, you get confused up here, in relation to the Environment Fund, I don't think there would be a willingness to take away that item at this stage, so can we adopt the budget and note your comments? Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Mr. Chairman, Antigua and Barbuda is of the opinion that before we proceed to adopt this budget serious analysis must be made of the future financial implications of contributions to this organisation. Some decision has to be made, Mr. Chair, with regards to how we are going to go forward on that matter before any budget should be approved, Mr. Chairman.

**Chairman**

I think that is the next agenda item Antigua and Barbuda and your proposal will come up under that, so if we could adopt the budget in the meantime and then move on to that one. Antigua and Barbuda.

**Antigua and Barbuda**

Mr. Chair, that is exactly what I am saying. I think that we should move to that item before we proceed to the adoption of the budget.

**Chairman**

We will take that item next. Chairman

**21.2.2 ASSESSMENT OF CONTRIBUTIONS FROM CONTRACTING GOVERNMENTS**

**UK**

Right Chairman, well our discussion on this item is at the bottom of page 4 of the Finance and Administration Committee Report, and the Committee noted the estimate of financial contributions circulated in Table 14 of the paper I previously mentioned, and it recognised that the figures are dependent on budget decisions by the meeting and final delegation sizes, so the figures will be revised after the meeting.

Antigua and Barbuda asked that the Committee give consideration to the idea of moving to the UN system of country assessments and Dominica supported this, asking for the establishment of a Committee to investigate this possibility and this view was supported by St. Lucia and St. Vincent and the Grenadines. A number of other countries, United States, Germany, New Zealand, the UK are listed in the document and pointed out that the current system was entered into after long and difficult discussions and said they would be reluctant to enter into any new discussions concerning the system of assessments, and it was clear from our discussion that there was no agreement on the proposal to establish a Committee to examine this proposal. Thank you Chairman.

**Chairman**

Thank you Chairman of the Finance and Administration. We have a proposal from Antigua and Barbuda, document 51/28 on this topic. Antigua and Barbuda do you want to introduce it?

**Antigua and Barbuda**

Thank you Mr. Chairman. Mr. Chairman, the importance of the sea and its marine resources to the sustainable development of coastal states provides a significant basis for coastal states and indeed international community to participate and cooperate in the management of these shared resources. Developing countries like Antigua and Barbuda, are dependent on the fishery resources and therefore we should be allowed to participate in international organisations such as the IWC where management regimes for the world ocean living resources are developed and implemented. This is important in order to develop better fisheries management schemes taking into account the relationship between whales and other marine living resources. In this connection, the membership of the IWC should be extended to include more developing coastal states and indeed other members of the international community. Special consideration for membership must be given to small island states whose economies, cultural and environmental vulnerability is greater owing to the geographic location and the size and scales of our economies.

Like many other Hemispheric partners in the Caribbean and Latin America, Antigua and Barbuda, as well as other Caribbean states recognise the importance of sustainable use of their natural resources and the right to use these resources by their people of this Hemisphere. At the summit conference on Sustainable Development in 1986 heads of Governments in their declaration of Santa Cruz de la Sierra stated 'We recognise that the needs and responsibilities facing countries of the Hemisphere today are diverse. Sustainable development does not assume that all countries are at the same level of development or can necessarily use the same model to obtain it. In view of the different contributions to global environmental degradation, states have common but differential responsibilities. Efforts must be made to ensure that the benefits of sustainable development reach all countries in the Hemisphere, in particular those that are relatively less developed, and all segments of our populations.'

Current membership of the IWC does not include all countries that hunt whales, in part, their reluctance to join may be due to the heavy financial burden of the current system of assessing member states contributions. A system that places disproportionate cost on poor nations, the membership cost of one developing country, that is St. Vincent and the Grenadines is more than the cost of one G7 country, example France.

In the Finance and Administration Sub-committee, Antigua and Barbuda stated its intention to place a proposal before the Commission concerning the calculation of contributions to the IWC. This proposal is to examine the ways contributions are assessed and to consider the adoption of a system more in line with that used by the United Nations and similar international organisations. Such a system would result in a fairer division of costs amongst the wealthier and poorer nations, and might both encourage additional whaling countries to regularise their activities by joining this Commission and ease the financial burden on the less wealthy nations that are currently members of the IWC.

Mr. Chairman, the Commission should be committed to a continuous review of its structure and its operation with the view to ensure that it functions with maximum cost effectiveness and an equitable payment of contributions by its members. Antigua and Barbuda's proposal fits easily within this context. The IWC must be continuously monitored to ensure its value, utility and cost effectiveness, and encourage decisions that must be taken to ensure streamlining of its functions and the payment of its contributions.

Antigua and Barbuda, and indeed other developing member countries of this organisation, are aware of their obligations and their benefits as being members of this organisation. However, Mr. Chair, we can only fulfil our obligations and realise our benefits if a more equitable sharing of this organisation's financial responsibilities are put in place. This accompanying Annex of this document illustrates how such a system might affect the payment contribution of member states. If we will turn to this Annex of this document, Mr. Chair, it outlines exactly how Antigua and Barbuda propose that such a system would work. We are proposing that 10% of the budget of this organisation be shared in accordance with the existing system that is in place and the additional 90% be shared in accordance with the United Nations system of assessment. In this regard the very right hand column of this Annex illustrates the current model of contribution and the amount that each state is paying to this organisation. The other column just before that last one is showing exactly how the payments would be if the system that is being proposed is put in place.

Mr. Chairman, many members of this organisation would benefit significantly from such a system. It would ease our financial burden and allow us to participate more meaningfully in this organisation. Mr. Chair, one is aware that there will be added financial burdens to some members of this organisation. This is why Antigua and Barbuda, rather than asking for a decision on this matter at this meeting, is asking that a Committee be put in place to examine this proposal and to make representation to the next meeting of this Commission with an emphasis of instituting this proposal before us Mr. Chairman.

**Chairman**

Thank you Antigua and Barbuda. Do I understand from your last comments that you've slightly changed the proposal? The proposal, as I read it, item one, is a Committee be established by the Commission to make recommendations towards implementation and I think from your last remarks you are suggesting a Committee be established by the Commission to examine this system and make recommendations. Would that be OK?

**Antigua and Barbuda**

No, Mr. Chairman. What I am suggesting is exactly what is on this paper here. I am suggesting that a Committee be established by the Commission to make recommendations to us, the implementation of the proposed contributions system presented in the accompanying Annex and (2) Prior to the convening of this Committee, members of the Commission should provide written comments to the Secretariat for consideration by the said Committee.

**Chairman**

Thank you Antigua and Barbuda. Any comments? St. Lucia.

**St. Lucia**

Thank you Chairman. This whole week the delegation of St. Lucia has been putting forward the question of contributions, not contributions for the sake of just lowering what we pay, but Chairman, my delegation believes firmly that a right accorded to this organisation under the UN Convention on the Law of the Sea which is to look after whales and whaling should not be the right of a privileged few. There are over one hundred and fifty members in the United Nations community and my delegation is of the firm opinion that we should give the opportunity to every country whether they are coastal states, land locked states, island developing states or others to take part in the globality of the decisions we take here. We take far-reaching decisions on matters which pertain to countries that have serious impact on the future of those countries and they are not present here. We have the possibility of passing Resolutions one on top of the other without being able to counter and bring a level of rationality to the decision-making process in this body. Chairman, as we move to support this proposal put forward by Antigua and Barbuda, I would urge the other member countries present here to view this as an opportunity to open up this organisation to the world community. We are moving into the new millennium, we are talking about transparency. Chairman, let it not be said that this is the only organisation which follows the UN system in part that does not adhere to all of the things that are done in the UN system.

**Chairman**

Thank you St. Lucia. Any other comments? New Zealand.

**New Zealand**

Thank you Chairman. Mr. Chairman, when this matter was first discussed in the Finance and Administration Committee it was on the basis that a Committee might be established to examine the issue of contributions. Now, Mr. Chairman, the proposal that I see now in front of us is that in fact the Committee's task will not be simply to examine the issue and report to us but it will in fact be to make recommendation towards implementation of a specific contribution system. Now, Mr. Chairman, I don't believe that this Committee, if it is established, and in the Committee itself I said I didn't actually see a need for the change but I won't block a move to establish a Committee, but I don't believe that a Committee of this nature should be established to implement or make recommendations for the implementation of just one system that is proposed. There may be others, the *status quo* may be the most satisfactory and indeed for the moment that is our position. Now we haven't really had an opportunity to consider this proposal against any other options but in fact what we are being asked to do as I read the document is to set up a Committee to make recommendations towards the implementation of one system and that, Mr. Chairman, is unacceptable and I would suggest should be unacceptable to all members because we don't want the Committee to prejudge the outcome.

**Chairman**

Thank you New Zealand. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Chairman. What I like about this proposal is that if I am reading it correctly, my country contribution goes down from £34,000 to £3,422. I think that's great. Thank you.

**Chairman**

Thank you St. Vincent and the Grenadines. Any other comments? US.

**USA**

Thank you Chairman. Certainly the United States is keenly aware and sympathetic to the specific needs of developing countries. We would note that the current system of members' assessment was agreed to after long and difficult discussions both in 1983 and again in 1989 so we are reluctant to enter into any new discussions on these subjects. Specifically the US would reject the proposal put forward by Antigua and Barbuda in IWC/51/28 as submitted but I would note, and in concurrence with New Zealand, that the issues of contributions is worthy of further discussion.

**Chairman**

Thank you US. Netherlands.

**Netherlands**

Thank you Chairman. We also expressed our reservations about the wisdom of going into discussions about the contributions system having in mind the long and argued procedure that was at the base of the current system decided upon some time ago. However, if it were the wish of the majority of this Commission to look at the issue of contributions again we, like New Zealand and United States, would not stand in the way of that.

**Chairman**

Thank you Netherlands. Any other contributions? Sorry I have Argentina, Germany, France, Denmark, Monaco.

**Argentina**

Thank you Mr. Chairman. We note with deep interest this proposal by Antigua and Barbuda. It is a need which we should consider to explore possibilities of introducing some equity elements within the contributions system. I could admit on my own that the proposal and the Annex in particular is not necessarily for us the outcome of any work which will be later performed by the Commission or prior to the Commission by Committee. I think I would take it that that proposal within any range of other options or combination of options. What I would think is worthwhile trying to give some thought to this proposal, I mean the whole proposal of trying to include some equity elements within the contributions system and as it is suggested in the proposal, to request written opinions from members of the Commission to be considered prior to the setting up of any Committee. If I may, I don't want to offend the Antigua and Barbuda delegation, but I think it is quite a modest proposal, it's calling only for written opinions for the time being and can give us time for reflection. It embodies an equity element underlying thought and it wouldn't hurt at all to give consideration individually by countries, and those who want to respond can respond in any direction either this direction or any other direction of course, and then at the time of the 52<sup>nd</sup> Meeting the relevant decision may be taken, not necessarily to establish this particular system but to continue the consideration or finish the consideration of this approach. I think it is quite justifiable and very little effort to do so and we will certainly be ready to proceed along these lines. Thank you.

**Chairman**

Thank you Argentina. Germany.

**Germany**

Thank you Mr. Chairman. I want to associate myself with the remarks made by New Zealand the USA. Thank you.

**Chairman**

Thank you Germany. France.

**France**

Thank you Mr. Chairman. We have some sympathy for the proposition presented by the distinguished delegate of Antigua and Barbuda but we consider that the contribution system in this Commission is only one of the particularities of the IWC. With other elements which are very unusual in international organisations like contributions depending on the number of participants in a delegation and the use of only one working language, and others that I will not mention here, so we will not support for the time being although the situation, the proposition to establish a Committee with only one pre-determined objective. Thank you very much Mr. Chairman.

**Chairman**

Thank you France. Denmark.



**Denmark**

Thank you Mr. Chairman. I have no instructions on this from my Government so I will just make some preliminary remarks on it. First of all I naturally have sympathy with poor and developing countries. I mean this is a general Danish attitude. I think it is a well known fact that we are among the, if not the, country that pays most contributions to developing countries in the world per capita. That is not my point, I have another point here that even though I think that the Danish taxpayers will be most happy with this proposal, the other point is that this organisation is not in any respect to be similar or expected to be similar to the UN system. I am working in other organisations dealing mainly with fisheries and they are in the normal way paying contributions, that is some shares or whatever you call it for membership and then some shares related to the benefits so to say, the catches. I agree with France, I see one at least strange thing with this organisation, that is that you also pay here according to meeting attendance. I really don't know why but naturally there must be some historical explanation to this but I will in no way block future discussion about this but I foresee naturally that it is most likely to be complicated. Thank you.

**Chairman**

Thank you Denmark. Monaco.

**Monaco**

Mr. Chairman, I just want to say also in the form of previous remarks that there are elements in this proposal with which we have a lot of sympathy, particularly the fact that there is a lot to show perhaps a certain interest for more equity between, let's say, rich and poor countries in this body, unless you say also we have considerable sympathy for a scenario which will reduce our contribution by 90%. But more fundamentally we have some experience in this kind of business because in our own regional Commission, I mean that the Commission which I attend to the rest of the year in the Mediterranean Sea, we have member states which come from very different economic background and we had to devise our own scale of contributions and we know that it is very useful for Commissions to periodically attend with great transparency for the health, for the health of this organisation it is very important to revise periodically the basis for assessing contributions. When we did that in our own Commission we were impressed by the large spectrum of formula used in various international bodies. We did not particularly adopt the UN system which has its own particularity and is very rigid. We paid attention to other criteria which are very specific. If you look at, for example, the International Hydrographic Organisation, they take into consideration the tonnage capacity of ships you know and it turns out that small countries with large shipping tonnage like Panama and Cyprus are the largest contributors to such organisations. We might choose another formula or integrate some components in our own organisation perhaps, but I would strongly recommend that this approach be taken very rigorously and based on a comparative analysis of organisations with very specific aims like our own and come up with a variety of scenarios with a rationale backing different scenarios, and then this would provide a basis for helpful discussion in the future. That's all I have to say.

**Chairman**

Thank you Monaco. Chile.

**Chile**

Thank you Mr. President. I think in the organisation the revision of the contribution system is normal and I think the IWC is not an exception in that sense. I think the proposal made by our friends from Antigua and Barbuda is a good calling about this matter and I don't see in the proposition made for the creation of the Commission, I don't agree with the idea of implementation of the proposed contribution system. I see more that they make a study to see what is being made in other countries, in other systems, and to propose ideas and not to implement ideas. I mean in that sense I agree with New Zealand what is said about this.

**Chairman**

Thank you Chile. Spain.

**Spain**

Yes, we share a big sympathy for this proposal, for its principles but we have some doubt upon the utilisation of the UN system as the Danish delegate pointed out to solve the problem, the difficulties of developing countries.

**Chairman**

Thank you Spain, Norway.

**Norway**

Thank you Mr. Chairman. We think about the proposals submitted by Antigua and Barbuda, it deserves to be discussed so we will be in favour of looking into this matter. If you look at the current contributions you see that, for instance, St. Vincent and the Grenadines are paying a lot more than Germany so there is reason to discuss the contributions for certain countries. Thank you Mr. Chairman

**Chairman**

Thank you Norway. Oman.

**Oman**

Thank you Mr. Chairman. Well it is alluring to find that my country contribution decreases from £21,336 down to £2,557. However, I am not an expert in such kind of a system and just I am wondering whether other systems might be much better than this system or the system which the IWC is working on. Therefore we are willing to discuss it and at the same time I need to discern what to discuss the issue with my Government and probably report back to the Secretariat. Thank you Mr. Chairman.

**Chairman**

Thank you Oman. Republic of Korea.

**Republic of Korea**

Thank you Mr. Chairman. The Korean delegation supports the proposal submitted by the distinguished delegate of Antigua and Barbuda. The Korean delegation thinks that the current contributions system has some equity problems compared to the other fisheries organisations contributions system, according to the current system there are small difference on the country and therefore the Korean delegation would like to support the proposition made by Antigua and Barbuda. Thank you.

**Chairman**

Thank you Republic of Korea.

*[End of Tape]*

**Switzerland**

..... could be problems especially for developing nations and it may be that sometimes the contribution which should be paid could be an obstacle to join this body and we would have liked, I think, that all the whaling nations could be members of that body, so we certainly are also in favour of a look into a change of that system. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. Mexico.

**Mexico**

Thank you Mr. Chairman. We want to thank Antigua and Barbuda for this proposal and we think that in general terms we agree with a review of this system and I want to associate my position to the one that one was made by the delegate from Monaco. Thank you.

**Chairman**

Thank you Mexico. Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman the proposal by Antigua and Barbuda is in keeping with what Dominica was proposing at the F&A Committee Meeting. It has merit Mr. Chairman. I know that it increases the subscription of certain member states and as well it decreases that of others and Mr. Chairman if we have to truly have an organisation that can attract some of the other states in the world that do have marine mammals and cetaceans then Mr. Chairman I think we should do everything possible to bring these people into this organisation. In that regard Mr. Chairman the proposal is asking for a setting up a Committee and in the words of the Commissioner from Argentina, if a Committee is set up or if we have to look into this thing it will be a way forward. I think it is a good idea and we should not let it die. Thank you.

**Chairman**

Thank you Dominica. Grenada.

**Grenada**

Thank you Mr. Chairman. I would like to say that we are pleased with the proposal advanced by the delegate from Antigua and Barbuda. It has a lot of merit especially the element of equitability and I think it is a tremendous effort to look at the system as was mentioned by New Zealand that it should be one of those systems, and in fact the lead system that should guide us in the matter of considering revising the system. I think this was the intention of the delegate of Antigua and Barbuda, probably he thinks that this is the best system, maybe he would have judged it against other systems, most likely and he advanced this one. We feel that it is a tremendous effort and other systems could be considered for the purpose and it should be considered in the intersessional period. Thank you.

**Chairman**

Thank you Grenada. It seems there is very wide support to setting up a Committee to look at the options. There is some resistance to the particular system and can we take a decision to set up a Committee to look at the options and the issues in relation to the contribution system, and take the second suggestion that prior to the convening, members should provide written comments. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. I was listening to all the comments of course and first of all I would like to say thanks to everybody who support this proposal. I would hope, Mr. Chair, that it is not watered down to the extent where we are looking at other options. What I would suggest is that we look at this along with other options. This option in particular along with other options as a compromise and we are prepared to go with that.

**Chairman**

I don't think that should be a problem. Look at this option along with other options. France.

**France**

Yes, thank you Mr. Chairman. I would also suggest that if we have to consider election on this proposition that the Administrative and Financial Committee, at its next session, prepare a detailed mandate about the subjects, different subjects, not only financial contributions which could be examined in a review of the functioning of the IWC but I would not favour personally that a mandate be given to a group on just one point. Thank you very much Mr. Chairman.

**Chairman**

Thank you France. At the same time there is very wide support for a Committee to look at all options including this one in relation to contributions and can we adopt that. Can I come back tomorrow to the actually constituents or the people who will be in the Committee? OK. Thank you. Can we now go back and adopt the budget? Thank you, budget adopted. The words you have all been waiting for. I think we should now close this session and adjourn until tomorrow morning.

**[END OF SESSION]**



**VERBATIM RECORD**

**51<sup>ST</sup> ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION**

**GRENADA, 24-28 MAY 1999**

**FRIDAY 28 MAY**

**11.2.2 ACTION ARISING**

**Chairman**

Plenary is now in session. We are returning to agenda item 11.2.1.4 which is related to the quota requested by St. Vincent and the Grenadines. We have a proposal for a Schedule amendment which is in paragraph 13.4 of the Schedule to delete '1996/97 to 1998/99' and replace this with '2000 to 2002'. There is just a technical matter there that we have dropped the double year as the season normally starts in February so we can work on the calendar year, and add to paragraph 13 an amendment proposed by Ireland to add to paragraph 13.4 'It is forbidden to strike, take or kill valves or any humpback whale accompanied by a calf'.

I understand there is consensus within the Commission on this Schedule amendment as amended and I understand that in reaching that consensus the Commission took note of (1) that its decision that a humpback whale calf is an animal less than eight metres in length subject to review by the Scientific Committee next year; and took note of commitments of the Government of St. Vincent and the Grenadines that they will review and improve hunting and killing methods, ensure that the hunt is properly regulated, ensure cooperation in research related to this hunt, and submit a detailed needs statement when the quota is next considered for renewal. So can I take it that the Commission so decides. OK and so decided. Now some countries want to give explanations and can I ask you to be brief. This was a difficult decision and I would congratulate the Commission on its maturity in taking this decision and I would ask that the explanations be as brief as possible. Thank you. Australia.

**Australia**

Thank you Chairman. Chairman, Australia has stated its reservations about the justification of this quota on previous occasions. Those reservations remain and we therefore welcome the commitment of the Government of St. Vincent and the Grenadines to provide a comprehensive needs statement in future. That will enable a full and certain assessment. We also welcome the change to the Schedule amendment originally proposed. This change serves to place this quota on the same basis as other aboriginal subsistence whaling. There can no longer be any room for doubt that the hunt must be very different in its conduct in future. Finally, we welcome the other solemn commitments by the Government of St. Vincent and the Grenadines to see regulation of the hunt put in place, improvements in its conduct and to scientific research. In all of these circumstances we were able to agree not to withhold consensus. Thank you.

**Chairman**

Thank you Australia. I have Denmark, Netherlands, US.

**Denmark**

Thank you Mr. Chairman. On behalf of the Danish delegation and also at least naturally by Greenlandic friends, we are very satisfied that we have been able to reach an agreement on this Schedule amendment. In our opinion it would have been an incredible wrong message to the outside world if we hadn't agreed to continue a very limited traditional and sustainable aboriginal subsistence hunt. Thank you.

**Chairman**

Thank you Denmark. Netherlands.

**Netherlands**

Mr. Chairman, you are aware of the observations we have made on previous occasions about this hunt, our grave concerns about the way in which it is conducted. I acknowledge that the commitments given here by the Government of St. Vincent and the Grenadines will address these concerns in a serious manner. We

will keep close watch on the future conduct of this hunt. We understand that we will be in a position next year to review the progress. We hope that sufficient information will be forthcoming from the Government of St. Vincent and the Grenadines and I think the proof of the pudding will be in the eating and I would like to leave it at that Mr. Chairman. Thank you.

**Chairman**

Thank you Netherlands. US.

**USA**

Thank you Chairman. As an aboriginal subsistence whaling nation the United States has always tried to support native groups from other countries that could show their need to take whales for subsistence and cultural purposes, and that exhibited their willingness to abide by the conditions the Commission has set on their harvest. In past years, however, we have been troubled by the lack of documentation and need by St. Vincent and the Grenadines and by reports that Bequian hunters might have taken calves and females accompanied by calves. Like many other delegations we were reluctant to support a request based on very brief and diluted needs statement and in light of clear evidence that a calf and accompanying female humpback were taken in 1998. My delegation is somewhat encouraged that St. Vincent will accept the amendment offered by Ireland to clarify that the hunt may not target on calves and accompanying whales. The decision of the Commission to accept the Scientific Committee's findings that humpback whales under eight metres are considered to be calves will also help clarify the situation.

Mr. Chairman, we will therefore go along with a consensus to grant the request as amended. The United States will be watching very carefully, however, to see that St. Vincent carries out the commitments it has made at this meeting. Most importantly, we will scrutinise reports by St. Vincent and others on the hunt itself and will review each year the circumstances under which any animals are killed. As we said in the Infractions Committee, targeting calves and accompanying whales is a practice that for the United States is simply unacceptable. Thank you Chairman.

**Chairman**

Thank you US. UK.

**UK**

Thank you Chairman. Well, the United Kingdom said last week that we would need to be satisfied that there was a genuine subsistence need for this quota and that it will be properly regulated before we could agree to its renewal, and like other delegations we were particularly concerned by the killing of calves. I can therefore welcome the change to the Schedule on calves, the Commission's decision on the definition of a calf and the commitment made by St. Vincent to improve the regulation of this hunt. I also welcome the commitment to try to improve the methods used to kill whales so making them more humane. I continue to have reservations on the issue of need and I regret that we still have not had what I would regard as a satisfactory needs statement. However, I note the commitment by St. Vincent to provide a full and detailed statement of subsistence needs when it next applies for a renewal of quota and on this basis the United Kingdom was able to join the consensus. But I must put on record that it is essential that that commitment is fully honoured. Thank you Chairman.

**Chairman**

Thank you UK. Are there any other speakers? New Zealand.

**New Zealand**

Mr. Chairman, New Zealand associates itself with the comments made by the Australian Commissioner.

**Chairman**

Thank you New Zealand. Monaco.

**Monaco**

Mr. Chairman, we welcome the efforts of St. Vincent and the Grenadines to take on board the concerns expressed by many delegations on this issue. Furthermore, we believe that clarification on excluding the

killing of mother and calf is essential for the future working of this Commission because in our minds, of course, this does not apply simply and only to one country and we hope that this signal will send a very clear message to other cases in future quotas. Thank you.

**Chairman**

Thank you Monaco. Japan.

**Japan**

Thank you Mr. Chairman. I would like to welcome that the agreement has been finally reached but I am also very much disappointed by the fact that such a non-issue, the item that is not considered as an issue, has taken us so much to deliberate on and I am very sorry that that was recorded in our history once again. So what is wrong with taking calves if we have an abundant population and stock? In the United States a chicken is eaten before they have grown up, in New Zealand don't they eat lamb and in Italy don't they eat veal. So what is wrong with eating these small animals, and in the case of this humpback whale there is a stock of over ten thousand, so I think this is a ridiculous deliberation without scientific justification? So I stop here and my intervention is very brief but I just wanted to make this point. Thank you very much Mr. Chairman.

**Chairman**

Thank you Japan. Many of us have an ambition to eat some of these things at lunch time or least some thing. Solomon Islands.

**Solomon Islands**

Chairman thank you. First of all let me congratulate you for guiding us through this very difficult issue and I just want to congratulate you for the job well done. In doing so I also want to put on record our appreciation for the understanding that many of the other countries have shown and demonstrated in reaching a consensus on this difficult issue. I, as a small island nation, we specifically in our part of the world, we always expect that our views and our wishes and whatever is important to us receives equal consideration, and I think perhaps this is in reaching a consensus on this particular issue, perhaps it is a beginning for better understanding and cooperation in future and I would encourage the Commission that perhaps, this is since we are on the verge of the new millennium, perhaps this is the way to go instead of being confrontational, we should perhaps be looking at an approach that is mutually acceptable to everyone around the table. Thank you Chairman.

**Chairman**

Thank you Solomon Islands for your encouraging remarks. St. Vincent and the Grenadines and Chile.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. Just to say thank you to the Commission for its consideration of this matter and particularly your good self for all your efforts.

**Chairman**

Thank you St. Vincent and the Grenadines. Chile.

**Chile**

Thank you Mr. Chairman. I would like to stress that in this issue there were two parts and I would like to congratulate both parts; the Chairman for his ability to negotiate, and on the other side St. Vincent and the Grenadines to look forward and try to cooperate some problem, but overall that what strikes in this negotiation is the understanding of the other countries to this difficult nature. Thank you Mr. Chairman.

## 22. ADMINISTRATIVE MATTERS

### **Chairman**

Thank you Chile. It is because I get paid so well! Can I now move on and close this item and go to agenda item 22 – Administrative Matters and if I can call on the Chairman of the F&A Committee.

## 22.1 ADMINISTRATIVE REVIEW

### **UK**

Thank you Chairman. Well I would again refer the Commission to the Report of the Finance and Administration Committee, IWC/51/9 and the record of our discussions on the Administrative Review which is the first item under this agenda heading is on page 5 and 6. The Report lists the various documents we looked at and I won't read them out as there are quite a lot of them. This is all slightly complex because there are a number of different recommendations, a number of different ideas and responses to the recommendations and they are spread across a number of different papers. Also in our discussion it was not always entirely clear which recommendation of the Administrative Review we were addressing at which particular moment, but what I will do is refer here to the main issues that we discussed and the conclusions that we reached. I think that it will be for the Secretary in his Report of this Commission to pull them together and relate the discussions to the recommendations.

There was an exchange of views on current practices for reporting Commission meetings and I am pleased to say that there was unanimous praise for the Chairman's Report in its current form and agreement that it should be retained.

The same is not true of the Verbatim Record. The Committee considered the time and costs associated with the Verbatim Record compared it to the Report's utility and concluded that it was not cost effective. But the Secretary confirmed that if the Verbatim Report was not produced the audio tapes of the meeting would remain available in the event of any disagreement about what had been decided and would be sent to Contracting Governments at their request at no cost. The public and other organisations would be able to purchase a copy of the tapes at a little above cost. I suggest Chairman that I pause briefly after each discussion item just to see if there are any comments.

### **Chairman**

Thank you Chairman of F&A. I have to confess at this point that the Secretary does all the work on the Chairman's Report so I cannot take the credit for it being a good Report – I just check it. US.

### **USA**

Yes Chairman, just to record a view that on reflection my delegation does feel that there is value in retaining the Verbatim Record. We know that there is time involved in it but we also know that once the Secretariat has done this, by virtue of word processing programs such as Word Search and things like that, it is very easy for them to locate certain topics and very quickly search through the tape or through the material, whereas if we asked them to hunt for something on a tape someone would have to spend hours searching and listening to the tapes, so I think there is a trade-off that needs to be considered here. Thank you Chairman.

### **Chairman**

Thank you US. Perhaps we should continue it for this year and look at it again next year? Japan.

### **Japan**

Mr. Chairman, I would like to support the opinion expressed by the United States for the first time.

### **Chairman**

I am getting scared, consensus is breaking out. Can you move on Chairman of F&A before things change.

### **UK**

I'll be as swift as possible Chairman. We then went through a paper on Agenda and Meeting Management, this was paper F&A 5 and there was general support for the recommendations, subject to some detailed



comments. One of the issues that we discussed was the question of Resolutions but I think in view of the events this week we needn't spend any time on those, I think that has perhaps been overtaken. There was also support for the idea that the IWC might make recommendations or decisions instead of Resolutions and the Secretary strongly supported the idea as a way of avoiding the long discussions that sometimes occur on preambular texts. It seemed to me that there was general support for this idea but it would clearly be important for any decision to be identified as such. So I think we have agreement in principle but whether it will ever be translated into practice I am not quite so sure. I think I can move on there because it is something that can either happen or will not happen.

We then looked at the Advisory Committee's comments on the recommendations of the Administrative Review which are summarised in a paper F&A 6. Now the recommendation (2) of the Administrative Review suggests possible changes to the structure, duration and frequency of Annual IWC and Intersessional Meetings and in this connection the Advisory Committee had concluded that the Technical Committee was redundant. In the Finance and Administration Committee, Denmark, United Kingdom and Norway agreed and the Chairman concluded that there was general support for this view and I will pause there Chairman.

**Chairman**

Thank you Chairman of F&A. I think maybe we will experiment next year and not schedule the Technical Committee and see if we need it and then we can hold one at short notice. Perhaps that would be the way to proceed? OK. Please carry on.

**UK**

There was then some discussion of a paper presented by the UK, F&A 9 on Improving the Commission's Interaction with the Scientific Committee. You can read the discussion in the Report but the Chairman concluded there was not sufficient support for the proposal for it to move forward.

We then looked at recommendation (3) of the Administrative Review about a restructured Finance and Administration Committee and there was a paper by the Secretary. The paper's conclusion noted that the Advisory Committee had suggested the designation of a Budgetary Sub-committee of the Finance and Administration Committee made up of a small number of members to carry our detailed work on budgets. The F&A Committee was happy with that and endorsed it and I presume from the fact that you have now appointed a Chairman to the Sub-committee that you are happy with it as well.

**Chairman**

I have suggested a Chairman. I propose to appoint Mr. Daven Joseph of Antigua and Barbuda to a Contribution Sub-committee and Mr. Jim McLay of New Zealand as Chairman of the Budgetary Sub-committee, assuming that you approve of that. Seems OK. Please carry on.

**UK**

We then looked at recommendations (5) – (8) and discussion focussed on whether the Commission needed to meet annually, and a number of views were expressed and these are included in our Report. New Zealand suggested that the Secretary should make a list of the range of issues which would be likely to impact on such a decision and that he should report on this next year and that is what we decided to recommend.

We then looked at recommendation (9) – communication between the Scientific Committee and the Commission. Again a paper presented by the Secretariat dealt with a number of topics including the idea of informal contact meetings on specific topics. There was general support for this idea.

Finally Chairman, we looked at the Advisory Committee's recommendations on the implementation of the recommendations of the Administrative Review. Sorry, it does get bit complicated because there are rather a lot of Committees involved, but we did agree with the Advisory Committee's comments that essentially these were matters of administration which were best left for the Secretary and it was not the role of the Commission to try and manage the Secretariat. If the Commission is not satisfied with the performance of the Secretary in this respect the ultimate sanction is not to renew the Contract given that the

incoming Secretary is likely to be appointed on a time-limited contract, and this view was fully endorsed by the F&A Committee. Thank you Chairman.

**Chairman**

Thank you Chairman of F&A. If there are no comments that seems OK. We will move on.

**22.2 RECRUITMENT OF NEW SECRETARY**

**UK**

Thank you Chairman. Well we then moved on to point 22.2 – Recruitment of the new Secretary. This was looked at by the Advisory Committee and its recommendations again are set out in an F&A paper, F&A 8. This included a draft advertisement. There was a question about the role of the Advisory Committee and how the system would work, and the Chairman of the Commission explained that the intention was that the Advisory Committee would reduce the original applicants to a short list of eight, and it would then interview the applicants and the Commission would be presented with three names in order of preference. Now there was some discussion about this and about the wording of the advertisement. This is recorded on page 7 of the F&A Report, but we concluded that there was general agreement on the recommended procedure and on the advertisement subject to a number of really quite minor amendments. Thank you Chairman.

**Chairman**

Thank you Chairman of the F&A. If that is OK we can move on. Yes, thank you.

**UK**

22.3 – Guidelines for Opening Statements from Observers. At the 50<sup>th</sup> Annual Meeting Commissioners requested the Secretary .....

**Chairman**

Sorry Chairman. Japan you wanted the floor on the last item or on this one?

**Japan**

22.2.

**Chairman**

OK Japan.

**Japan**

Thank you Mr. Chairman. The current idea that is indicated and proposed is the three years as an initial period and then to be extended. However, when we take a look at examples of the other ordinary practices of the United Nations Organisations and Agencies, usually the principle is that up to two terms could be served by that position after going through the renewal of the Contract. However, in the case of the IWC there has been sort of abnormal practice compared to the other international norm that the current Secretary has served the position almost semi-permanently and over the years the nature of the Commission has changed and is changing, and so if the position is given to a person for so many years I think it may not really suit to the changing needs and conditions of the times. Therefore our proposal in our year is that we will have one initial year and one term should be three years and renewed up to just two terms. Thank you.

The first one initial year I mean is one trial year and this one trial year is included in the first term of three years. Thank you.

**Chairman**

Thank you Japan. Can we allow the Advisory Committee to work out the details of that? OK. Japan is a member of the Advisory Committee. OK? Chairman of F&A.

### 22.3 GUIDELINES FOR OPENING STATEMENTS FROM OBSERVERS

**UK**

Thank you Chairman. Well I will revert to 22.3 – Guidelines for Opening States from Observers. At the 50<sup>th</sup> Annual Meeting the Commission requested the Secretary to draft Guidelines for Opening Statements by Observers. The Secretary has done this and his proposal is set out at the top of page eight of the F&A Report, but the paper also offered an alternative solution to the problem which is adopted from a suggestion in the Administrative Review, consideration should be given to not including NGO Opening Statements within the Commission's officially issued set. Now in discussion it was clear that the key issue was whether Opening States of Observers were included in the official documentation of the IWC. There were differing views on this but I think it was generally agreed that the current practice should be retained and we should therefore concentrate on possible rules. There was broad support for the rules drafted by the Secretary but a number of delegations did have problems with the details of the wording and there was also a discussion over whether if such rules were agreed, opening statements should be vetted by the Secretariat before they were issued or whether the rules would be used to decide after a statement had been issued whether it was actually in order, and there was no agreement on this and we referred the matter to the Commission.

**Chairman**

Thank you Chairman of F&A. It seems to me that it is a topic that needs more discussion and can we refer it back to F&A next year to look at it again? That seems to be agreed. Monaco was looking for the floor on 22. Sorry Monaco I didn't see you on 22.2 – the Secretary. Monaco.

### 22.2 RECRUITMENT OF NEW SECRETARY

**Monaco**

Yes I just want to make a brief remark on the suggestion that the qualification would require that only persons from member states of IWC could apply for this position. This point was raised before by Austria in the F&A Committee and there was a reply by the Secretary that this restriction follows the procedure of IMO, the International Maritime Organisation, which is a major organisation based in London, in the UK which is used by the IWC Secretariat for guidance. I think that this is an inappropriate model in this circumstance because IMO consists of more than one hundred countries so you can be sure that you are not going to exclude much competence with this provision in the IMO restrictions. This Commission should seek the best talents and should not censure itself unnecessarily, it only has at this moment thirty-three or thirty-four member states I believe, so I would recommend that this provision be removed.

**Chairman**

Thank you Monaco. As I remember the discussion, the feeling was that we should be able to find good talent within our forty members. Is there any support for the Monaco and Austria proposal? It seems not, so can we leave this condition? Thank you. Chairman F&A can you move on please.

### 22.4 COMMUNICATION

**UK**

Thank you Chairman. Well we then moved on to 22.4 on Communications. The first item is about communications between the Secretariat and Commissioners and Contracting Governments. I think we introduced a new system last year and it was agreed that it would be reviewed this year and in view of the lateness of the hour at F&A Committee the Chairman proposed that we carry out the review next year and I suggest we do the same.

**Chairman**

Is that agreed that we look at this next year? Seems OK. Carry on Chairman.

## 22.5 ANNUAL MEETING ARRANGEMENTS

**UK**

The next item under this 22.5 – Annual Meeting arrangements and the key issue there was press access and we have already discussed that.

## 23. AMENDMENT OF THE RULES OF PROCEDURE

**Chairman**

Thank you Chairman F&A. That would seem to complete agenda item 22. Can we move on to agenda item 23 please.

## 23.2 ENVIRONMENT RESEARCH FUND

**UK**

Thank you Chairman. Well we've dealt with 23.1. 23.2 was a possible change to the Rules of Procedure to create an environment research fund but I think that has been made redundant by the decisions that we have taken on the funding of environmental research. 23.3 is about observers and we've dealt with that.

## 23.4 SCIENTIFIC COMMITTEE

23.4 is the Rules of Procedure for the Scientific Committee and the Chairman of the Scientific Committee introduced paper IWC/51/15 which contains amended Rules of Procedure for the Scientific Committee as they have now been agreed by the Scientific Committee and they are a slight revision from last year. There was a brief discussion on these. Some discussion first of all on invited participants and the language of the preambular clauses was generally welcomed. It was also agreed, after Australia had pointed out that one of the paragraphs covering the letter of invitation that the Chairman of the Scientific Committee sends to invited participants was inappropriate. The relevant phrase actually says that the Chairman may at his or her discretion rule them out of order and this was to do with interventions from invited participants. It was felt that it was a slightly peculiar phrase to include in a letter of invitation and it was agreed that, while clearly the Chairman's competence to rule people out of order would remain, it didn't actually need to be referred to in the letter of invitation so it was agreed that this would be removed. In response to a further question the Chairman of the Scientific Committee confirmed that the proposed procedure for invited participants of notifying Governments of domicile of invited participants that were being invited was intended simply to provide more flexibility within the budget and not as a means of vetting or vetoing participants.

There was also some discussion of section 9(f) of the paper covering review of Scientific Permits and Japan said that they agreed with the proposed changes in principle but wanted to retain the ability for Special Permits to be reviewed by postal procedures, email or fax. The Chairman of the Scientific Committee explained by saying that the Scientific Committee believe that past experience had shown the need for face-to-face dialogue in the review process and such discussion often led to improvements in proposals in the past.

Finally, there was some discussion under this item of the question and definition of guidelines issued by the Commission, because there is a reference to that and I think the Chairman of the Scientific Committee made it clear that the Scientific Committee did not think that such guidelines unduly fettered their discretion. Thank you Chairman Oh, and sorry, we agreed that with the one deletion that I've mentioned the Rules of Procedure should be endorsed and recommended to the Commission for adoption.

**Chairman**

Thank you Chairman of F&A. Can we adopt these procedures and note the comments made? I have Japan.

**Japan**

Thank you Mr. Chairman. Could I clarify my understand. Did we already adopt this Report?

**Chairman**

The Finance and Administration Committee recommended these procedures for adoption subject to the amendments spelt out.

**Japan**

No, I myself are asking whether we adopted this Report of the Finance Committee?

**Chairman**

No, that is agenda item 25 but the Report was adopted within the Finance and Administration Committee on 22 May.

**Japan**

OK may I? Thank you Mr. Chairman, in principle we agree and support the amendment of the procedure. I would like to clarify this description of this Report that we are currently discussing having possibly the Plenary Commission Meeting in the fall, in the autumn. If the Scientific Committee would also to be held in the fall, then it will physically become impossible for us to provide the information of the plan and the content of the plan for the Special Permit to be issued for our scientific research and for that information to be reviewed by our Scientific Committee prior to the implementation of our research. That is why we have reserved our right to exercise this communication by e-mail, fax or by post so that the information could be conveyed and transmitted. One suggestion also for the change of the wording. The first word of the third paragraph on page 10, it says 'several countries expressed concerns' but it was 'Japan expressed concerns'. Thank you.

**Chairman**

Thank you Japan. People's Republic of China.

**People's Republic of China**

Thank you Mr. Chairman. First of all in principle we have no problem with the Rules of Procedure of the Scientific Committee before us. I need some clarification on some points. I refer to the paragraph under 6(b), it reads as 'a letter will be sent to the Government of the country where the scientist is domiciled for the primary purpose of enquiring whether that government would be prepared to pay for the scientist's participation. If it is, the scientist is no longer an invited participant but becomes a national delegate'. So I would like to ask (1) the government of the country where the scientist is domiciled as to my understanding, that government must be a contracting government. Only under this condition that a scientist could have possibility to become a national delegate. This is my first point and my second point is that the country where the scientist is domiciled, I wonder that the country of domicile refers to the country of nationality or to the country of residence? So these two points I raise only out of pure professional concern. Thank you Mr. Chairman.

**Chairman**

Thank you People's Republic of China. I'll test the wisdom of the Secretary on that one.

**Secretary**

Mr. Chairman I understand the point of the question. I can't immediately think of how to use language to explain that I use my common sense if a scientist is coming from a non-member government location, clearly I can't write to that government, and this occurs in more than one situation, and so I use common sense. But I can't immediately think of language to put in here which addresses your concern, I would have to rely on an appreciation of each situation to act responsibly. ....[End of Tape] .....

**25. ADOPTION OF REPORT OF FINANCE AND ADMINISTRATION COMMITTEE**

**Chairman**

Can we adopt the Report and having done that, it is probably not the most appropriate point, I should have done this yesterday at the adoption of the Report of the Scientific Committee but I wanted to place on record my appreciation and thanks for the great work that the outgoing Chairman of the Scientific Committee, Dr. John Bannister, has done and I would ask you to show your appreciation please.

*[Applause]*

He has certainly been a joy from the Chairman's point of view as they go through fast. Dr. Bannister.

**Chairman of the Scientific Committee**

Mr. Chairman, I hope in the next two minutes I will continue to be a joy to you. I should say that I have enjoyed some of it some of the time. I wonder if I could though just for a few minutes express some appreciations because I think they are due. I would first of all to express my personal appreciation to all my Committee colleagues over the past three years, not only Committee members as such but those who have contributed to its work as invited participants or in other ways. There is a lot of work done, a lot of people do a lot of it and I hope that you appreciate that. I should also like to pay tribute to the person who actually happens to be absent at the moment who is rapporteur and Scientific Editor, without whose attentive care the task of Committee Chairman and certainly mine would be well nigh impossible, and I would also like to pay appreciation to the Secretary for his special interest in and assistance to the Committee in many ways. He always attends the Committee meetings, he is usually sitting at the back, he rarely sits on the head table and when he does his wisdom is very much appreciated. I would like to record my indebtedness to the Secretariat staff for everything they have done to smooth at least this Chairman's path. Finally I would like to wish the very best of fortune to my successor who is sat patiently on my right-hand side wondering what on earth is in store for her next year. In an Australian phrase I'd wish her and the cohorts under her control 'no worries mate' as she pre-ambulates, and those of you haven't met that will find it somewhere in our Report, through her term of office in the hereafter. Thank you Mr. Chairman.

**Chairman**

Thank you Chairman of the Scientific Committee and we welcome Dr. Judy Zeh, hope you enjoy it next year! Can I move on.

**26. ADVISORY COMMITTEE**

The next item is the Advisory Committee and I don't think there is a lot to report. Mexico's term of office on the Advisory Committee has come to an end and I thank Mexico for their help and service on that and I have a nomination for Netherlands to join Japan as the Advisory Committee representatives, so I thank you for that.

**27. ANNUAL REPORT 1998-99**

I don't think there is anything else on that item so can I move onto agenda item 27 – Annual Report for 1998/99 and that is in document IWC/51/11. Can I take it that that document is in order? Yes, thank you.

**28. ANY OTHER BUSINESS**

In that case can we go to Any other Business. I see no other business so I will get to the best part of my job which is to wind up this session. I want to thank all the Chairpersons and the rapporteurs for a lot of hard work. I want to thank the delegations for being co-operative when they were co-operative, and that was most of the time this year. Thank you for your assistance in keeping the meeting running, I feel we ran well this year. I wasn't too happy last year going home but I feel good about it this time. So can I finally thank the Government of Grenada – we've had a good time, we've had to work fairly hard but we've enjoyed it and because we've got out early we will get an afternoon on the beach. Can I thank the Secretary also and the Secretariat for, as always, having all the answers, thank you Secretary. I'll give the floor to Grenada.

**Grenada**

Thank you Mr. Chairman. I would like to express our pleasure at having all the Commissioners and delegations here together with the NGOs, and on behalf of the Government of Grenada say that it was a special experience for us and a very educative experience, and that we look forward to our special contacts and engagement with the Commission, and we were especially pleased that the tune in which we ended our

meetings and that we can feel very good about it. Again I would like to express our pleasure at your coming here. Thank you.

*[Applause]*

**Chairman**

Thank you Grenada. Can I complement you on a fine facility which worked very well for us. St. Lucia you wanted the floor,

**St. Lucia**

Thank you Mr. Chairman. Mr. Chairman, I noticed that there has been no indication as to the venue for the 53<sup>rd</sup> Meeting and I am wondering whether this is an indication that the delegates would like to return to the Caribbean. In that event the Caribbean would continue to show an interest in offering hospitality, not that I am offering St. Lucia but we would like to get an indication as to whether or not delegates would like to return to the Caribbean.

**Chairman**

St. Lucia, I met a delegation or maybe a deputation from the Caribbean on the beach this morning and we reached a tentative plan which got us to the Caribbean for six years but we would wait for some formal offers. Japan.

**Japan**

Thank you Mr. Chairman. Before the actual opening of the session we had a little bit of worry about this implementation of the meeting sessions but now everything turned out to be so successful, thanks to the great effort exerted by the distinguished Government of Grenada and all the members of the organisation, so I would like to take this opportunity to express my pleasure and gratitude to all these distinguished members of the host country. Actually I was almost determined to have to work throughout till late at night tonight for this meeting. However, thanks to the great chairmanship we are now about to conclude this meeting so early, so we still have half a day here to enjoy the beautiful nature of Grenada today. So again I would, like to take this opportunity to express my respect and gratitude to the distinguished Chairmanship of the Chair. Again I would like to take this opportunity to express my gratitude to Dr. Bannister who was a great Chairman of the Scientific Committee, despite the fact that he came from the anti-whaling home country, but he still served as a fair and just chairperson of the Scientific Committee and thanks to his efforts the proceedings went on very smoothly, and I really hope that the Scientific Committee will continue to function fairly and justly and successfully in the future, and with this I would like to conclude my words. Thank you.

*[Applause]*

**Chairman**

Thank you Japan and thank you delegations. I think it only remains for me to wish to all safe home and see you in Australia next year, and thank you all for your cooperation and my good moment – the session is closed!

*[CLOSE]*