



**INTERNATIONAL WHALING COMMISSION**

**52nd ANNUAL MEETING**

**Adelaide, 3-6 July 2000**

**V E R B A T I M   R E C O R D**

**The Red House  
135 Station Road  
Impington  
Cambridge CB4 9NP**

**March 2001**

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VERBATIM RECORD

52nd ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

ADELAIDE, AUSTRALIA, 3-6 JULY 2000

OPENING SESSION  
MONDAY 3 JULY

**Chairman**

It is my pleasure now to invite Senator, the Honourable, Robert Hill, Leader of the Government and the Senate and Minister for the Environment and Heritage of Australia to give us the opening address. Senator Hill please.

**1. ADDRESS OF WELCOME**

**Senator Hill**

Mr Chairman, Commissioners, Ministers, distinguished delegates and observers, ladies and gentlemen.

It gives me great pleasure to welcome you all, on behalf of the Australian Government, to this fifty-second meeting of the International Whaling Commission. The Commission's first meeting of the new millennium has the potential to be a particularly significant one in determining the direction we wish to take in moving our work forward. The passing of the old century was a time for reflection – the dawning of the new century is a time for renewal and recommitment. This is particularly so for those of us charged with responsibility for managing and protecting our natural environment. Future generations will judge us harshly if we fail to reflect on the mistakes of the old century and commit to a new course of environmental responsibility for the new century.

It is over 20 years since the Commission last held one of its annual meetings in Australia. The world has changed greatly in the intervening decades – as indeed have attitudes towards marine resources management. An example of that change was the decision of this body in 1982 to establish a global moratorium on commercial whaling. But there has also been a growing recognition of the broader need for global action and cooperation to conserve our oceans and their biological diversity. The world's marine biodiversity is facing serious and worsening threats as a result of pollution, over-exploitation, conflicting uses of resources, and damage to or destruction of habitat. A global effort is required to overcome such threats. Australia is conscious of its responsibilities in contributing to that effort.

In 1998 we released *Australia's Oceans Policy*, the first time worldwide that a national government brought together all marine and coastal actions under a coordinated framework. Part of that policy approach has been efforts to protect all of our marine creatures – whether they be great or small. Apart from our well-known interest in the protection of whales, we have also acted responsibly to protect other marine creatures which do not enjoy such a high public profile. We have, for example, established the world's first system of sanctuaries for dugongs and have implemented controls on the export of some of the ocean's smallest but quirkiest creatures – seahorses and seadragons.

We have also made great advances in developing a National Representative System of Marine Protected Areas. The Great Barrier Reef Marine Park, declared progressively since 1975, has long been the world's largest and perhaps the best known example. The Australian Government has recently created five new Marine Protected Areas, including the Great Australian Bight Marine Park, which provides special protection for southern right whale calving habitat. We have also been heartened by international support for Australia's proposal for a system of marine protected areas in international waters.

Mr Chairman, the world's whale populations were hunted unsustainably, many species were hunted to the point of extinction. Over 1.5 million whales were taken from the Southern Hemisphere alone last century.

The Commission's moratorium on commercial whaling has had some positive benefits in the recovery of whale numbers but we are still not sure if it came in time to save particular species.

We now hear the arguments of those opposed to a continued moratorium that numbers of certain species have recovered enough to allow the resumption of full-scale whaling. But when it comes to conserving our animals

and marine creatures, second chances are rare. For those species of whales which were not hunted to extinction, it appears we have been given that second chance – a chance which must not be lost.

Of course, as an Australian, I speak with some authority on this issue. Our record on whaling has not always been one to be proud of. Whaling was a significant industry in Australia for a very long time, dating back to the early days of European settlement. Too many whales were killed; populations, particularly the magnificent Southern Right whale, were devastated almost to extinction. Ignorance and greed had brought their inevitable reward. But we did learn. In 1980, just three years after hosting the IWC meeting as a whaling nation, the then government of Malcolm Fraser passed legislation banning the hunting of whales in Australian waters. The actions of the Fraser Government helped spark an increasing public awareness and interest in the conservation of whales. This in turn has led to the growth of a significant whale watching industry in Australia.

In 1998, more than 800, 000 people travelling in Australia reported that one of their holiday activities was organised whale watching, and its importance for tourism continues to grow steadily. This activity pours millions of dollars each year into regional economies. I know that some of you had the opportunity over the weekend to visit Victor Harbour – just one of the many regional townships to have recently prospered from whale-related tourism.

It is fair to say that the Australia economy now generates more revenue each year from protecting whales than it ever did from hunting and killing them. And it is an experience shared by other nations. I am pleased that whale watching is now regularly on the IWC agenda. Australia is keen to share experiences in the development and proper regulation of this industry.

In the week ahead the Commission has a number of significant matters to consider. Amongst these is a proposal from Australia, New Zealand and supported by the Pacific Island States which seeks the protection and conservation of whale stocks in the South Pacific, through the creation of a South Pacific Sanctuary. The proposed Sanctuary will complement the existing Indian Ocean and Southern Ocean Sanctuaries, providing protection from commercial whaling for many whale populations throughout their ranges. The Southern Ocean Sanctuary protects the feeding grounds of these species while the proposed South Pacific Sanctuary will protect their breeding grounds. We believe that this proposal will make a significant contribution to the protection of whales in the region, while promoting research and the development of sustainable whale watching industries.

Can I particularly thank my ministerial colleagues Elliot Morley and Sandra Lee who have travelled from the UK and New Zealand respectively to support the proposed sanctuary. I have no doubt that this, and the other proposals before the meeting will be subject to robust debate, which is entirely appropriate.

Mr Chairman, since the International Convention for the Regulation of Whaling was signed in 1946 community attitudes towards whales and whaling have changed considerably in many parts of the world. Like other international legal instruments, the Convention provides a framework for the regime of regulation to evolve in line with changing international community values.

We must embrace our responsibility to carefully and sensitively manage our marine environment in line with these changing community values. I would hope that everyone involved in this 52<sup>nd</sup> meeting of the International Whaling Commission would continue to work to achieve these aims.

Thank you Chairman, ladies and gentlemen. I wish you well with your meeting and trust that your stay in Australia is both enjoyable and memorable.

#### **Chairman**

Can I say on behalf of the Commission I would like to thank Senator Hill and the Australian Government for their invitation to host our meeting. The facilities in this Convention Centre and in the local hotels are absolutely excellent and I think more importantly we have received a truly warm and friendly welcome from the people of Adelaide so I hope the quality of these facilities and the friendly atmosphere will influence our meeting and help us to acknowledge our differences and maybe lead us to reach consensus on some of the difficult issues that we will be debating over the next four days. Thank you very much Senator Hill and thank you Australia.

## **2. OPENING STATEMENTS**

The next item on our Agenda is Opening Statements and it is our custom that Opening Statements are distributed only on paper but that when we have a new member we invite the new member to speak to us and it is my

pleasure this year to welcome a new member from the Republic of Guinea and I will offer the floor to the Republic of Guinea for an Opening Statement.

### **Republic of Guinea**

Thank you Mr. Chairman. Mr. Chairman, distinguished Commissioners, ladies and gentlemen. As Guinea is a francophone country please allow me to speak in French. It is a great pleasure and a great honour for me to speak in the name of the delegation of Guinea to salute the assembly at the occasion of the 52<sup>nd</sup> Meeting.

I would like to express in the name of the Minister of Fisheries and Aquaculture my satisfaction at joining my country to your organisation, one of the oldest international organisations for the management in the marine sector. With an important opening on the Atlantic Ocean, and important and varied marine resources, our country actually has the presidency for the Ministries of the Regional Commission of Fisheries and also the presidency of the Conference of Ministerial Cooperation between Riverine States of Africa and the Atlantic Ocean.

In addition, the Republic of Guinea is a member of FAO and of its Commission on Fisheries and a Party of the United Nations Convention for the Law of the Sea and of the Responsible Code of Conduct for Fisheries. We adhere to the principles in these instruments and we are conscious of the role of cooperation in relation to the management of marine resources and Guinea has opted to join this Convention.

After a familiarisation period our country would like to contribute to the progress of the debate concerning the management of marine resources, including cetaceans. Our contribution will be based on the principles of sustainable management, a principle which applies to all living species for generations, for future generations, based on the respect of ecosystems. I wish you every success in the forthcoming debates and I thank you for your attention.

[Applause]

## **3. ARRANGEMENTS FOR THE MEETING**

### **Chairman**

Thank you Republic of Guinea. We are glad to have you here. If I can move on to Agenda Item 3 – Arrangements for the Meeting. Before I hand over to the Secretary could I ask all the camera crews and the photographers to please return to the fixed positions. We are carrying out an experiment this year to allow full TV coverage throughout the meeting and we would like that the people comply strictly. Thank you.

In relation to the Agenda, I will be circulating this morning a draft Order of Business and today we will be dealing with items 14 on the Agenda, Agenda Item 6 – Whalewatching, Agenda Item 8 – Whale Killing Methods and Associated Welfare Issues, Agenda Item 16 - Cooperation with other organisations except for 16.2 which we will deal with on Wednesday. We will then deal with Agenda Item 11 – Comprehensive Assessment of Whale Stocks. So my plan is to complete Items on the day that they are listed. I will not carry forward any items until a later day in the week. We have a four-day meeting so we need to be brief and efficient.

I will ask parties to keep Resolutions to the minimum necessary and when you do prepare a Resolution I would ask you to please consult widely before you present it to the Commission and that will keep debate as brief as possible. I am asking all the Chairpersons of Committees or Working Groups to be brief in their presentations. I have asked them to introduce the items in the Report and summarise the conclusions. I hope they will not repeat the arguments and I would hope the delegations will not repeat the arguments unless necessary. I am asking all speakers to be as brief as possible. I won't allow a second intervention from any country until all other countries have finished their interventions other than possibly if there is a need to respond to questions and I would ask that delegations, where possible, to associate with earlier speakers who have similar views. So if we can follow those we will finish by Wednesday night, sorry Thursday night, a Freudian slip there – I am feeling the pressure already. I will now hand over to the Secretary for the details of the meeting arrangements.

### **Secretary**

Thank you Mr. Chairman. I will just point out one or two particular items about the arrangements which have been circulated but just to emphasise that the way in which the Secretariat communicates with you the delegates is through the pigeonholes in Hall E next door and if you need any help or assistance you come to the Secretariat office which is behind us here.

Any documents which you are submitting for the meeting, please hand in to the Secretariat and we will arrange for the appropriate distribution and if you are able to provide us with an electronic copy at the same time that makes life much easier. There is upstairs in Room 9 facility for delegate word processing and computing, e-mail connections and so on so we are very well fitted out in this facility and because everything is working so smoothly here we should be able to get on quite comfortably.

One particular thing which I'm asked to tell you about is the reception this evening. You have had a notice about this, the host Government reception in the South Australian Museum which is just along the road of North terrace starting at 6.0'clock. Please bring your invitation with you because that is your means of access plus your Convention name badge. You must have both of those in order to gain access to the reception. Please also wear your name tag in this building all the time and have it when you arrive at the door otherwise you won't be allowed in.

Finally, just to tell you that there is a break in the proceedings at 10.30 and 3.30 and there will be refreshments served courtesy of the host government in Hall E and there will be a buffet provided at lunchtime which you have to pay for but which provides very good light meals, I can recommend them. Thank you Mr. Chairman.

**Chairman**

Thank you Secretary. Japan.

**Japan**

Thank you Mr. Chairman. We have no particular objection to this suggested arrangement for this conference by the Chair. However, at this opportunity I would like to, we were sort of forced to make the following statement. If I may I would like to make the following statement.

Japan would like to request that the Commission withdraw the credentials of Greenpeace as observers to the 52<sup>nd</sup> Meeting. This request is consistent with past decisions of the Commission concerning attendance of observers.

At its meeting last year the Commission withdrew the credentials of a non-government organisation following a demonstration at the IWC headquarters in the UK. Previously, the Commission also withdrew the observer credentials of another organisation for its illegal actions against whaling vessels. Mr. Chairman, contrary to their claims of peaceful protect the Greenpeace campaign against Japan's research programme in the Antarctic earlier this year involved illegal and violent actions that caused a collision with a Japanese research vessel and risked the lives of scientists and crew. Their campaign of violence against a programme authorised by the ICRW should be strongly condemned by the Commission.

Scientific research is an essential part of conservation management of all marine resources including whales and the International Convention for the Regulation of Whaling requires that its regulations shall be based upon scientific findings and that is why Japan is continuing its whale research programme in the Antarctic. The research is providing valuable information on the role of whales in the ecosystem and the effects of environment changes on whales.

I would also like to stress that while Greenpeace has labelled our research programme in the Antarctic as illegal it is perfectly legal under the Article VIII of the Convention. Mr. Chairman, Greenpeace has over the last year alone a long list of arrests for violent and illegal actions and whilst Greenpeace is entitled to its views it is not entitled to try to impose their views on others by violent means.

Last year as well Japan requested that the IWC respond to Greenpeace's illegal and violent activities in exactly the same manner that it did to another non-government organisation last year and thus we asked for the withdrawal of their credentials last year as well. Then the IWC should strongly condemn such behaviour and remove Greenpeace from this meeting as well. So therefore Japan requests that the IWC respond to Greenpeace's illegal and violent actions in exactly the same manner that it did to another non-government organisation last year. Therefore, the IWC should strongly condemn such behaviour and remove Greenpeace from this meeting. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. US.



## **USA**

Thank you very much Mr. Chairman and Commissioners. First let me note that we certainly do not speak for Greenpeace nor do we represent Greenpeace but I would like to provide my delegation's opinion on these matters and share some information that I believe is relevant. This very same incident of the bumping of vessels of Greenpeace and the Japanese whaling vessel was considered at a recent CITES Meeting with no resulting action and our views are these. This is an incident that occurred on the high seas. We have sharply differing descriptions of what occurred. There are appropriate marine review bodies that either can or we understand are evaluating the facts and that to take an action to remove Greenpeace at this time would certainly potentially prejudice that outcome of such a review. We believe in the principle that you are innocent until proven guilty and therefore we do not believe that this body should remove Greenpeace.

## **Chairman**

Thank you US. New Zealand.

## **New Zealand**

Mr. Chairman this is yet another attempt to exclude from our proceedings a non-governmental organisation with a long and legitimate interest in our affairs. The incident in question occurred in waters adjacent to the Antarctic areas that are claimed by New Zealand and Australia. It was a legal and legitimate protest against so called scientific whaling activity. An activity that I might say Mr. Chairman attracts the condemnation of the majority of people in my country and I believe in many others besides. Now, Mr. Chairman, I would accept that Japan would prefer not to have these activities exposed to the world's media and that is evident by the fact that while they have been filmed, crew members of the vessels in question have held up English language signs protesting the legality of what they are doing. That Mr. Chairman has its own flavour of protest and certainly reflects a wish to convey their view to the world. Mr. Chairman, the continued use in debate of words such as "illegal" and "violent" doesn't make those actions illegal and violent. I have viewed a video of the incident in question and while it was robust protest it was far from being illegal and violent. There are no grounds for excluding Greenpeace in respect of this incident and I believe we should reject the question from Japan accordingly.

## **Chairman**

Thank you New Zealand. Netherlands.

## **Netherlands**

Thank you Mr. Chairman. On the basis of the information available to us it is our opinion that again the type of action carried out by Greenpeace during the last confrontation with the Japanese whaling fleet is a normal type of peaceful action that an organisation such as Greenpeace is liable to carry out. In our view, this is a form of legitimate protest and in no way constitutes a reason for excluding Greenpeace as an observer from this organisation. Thank you.

## **Chairman**

Thank you Netherlands. Norway.

## **Norway**

Thank you Mr. Chairman. Norway would like to support the Japanese proposal on the basis of the very same considerations that were mentioned by Japan. In this context I would also like to add that there was another incident last year where a Greenpeace vessel harassed or perhaps I should say attacked a Norwegian whaling vessel by the name of *Kato* that was carrying out perfectly legitimate whaling activities in the North Sea. So part of the story I might add also is that the Greenpeace vessel in question was arrested by the Norwegian coastguard and later on charged and sentenced by a Norwegian Court of Law. Thank you Mr. Chairman.

## **Chairman**

Thank you Norway. Sweden.

## **Sweden**

Thank you Mr. Chairman. I will just be brief and say that we support the view expressed by the United States and others that there is no present evidence that would support such a movement to exclude Greenpeace. Thank you.

## **Chairman**

Thank you Sweden. Thank you particularly for being brief. UK.

**UK**

Thank you Chairman. Well I can be equally brief. We agree with those countries who have spoken against the expulsion of Greenpeace. Thank you Greenpeace.

**Chairman**

Thank you UK. The brevity is improving. Germany and then France. Germany.

**Germany**

Thank you. I would like to associate myself with the remarks by the USA. Thank you.

**Chairman**

Thank you Germany. France.

**France**

Thank you Mr. Chairman. France would like Greenpeace to be maintained as an observer to this meeting.

**Chairman**

Thank you France. Italy.

**Italy**

Thank you Chairman. Italy associates with the United States and all the countries that support Greenpeace as a status of observer.

**Chairman**

Thank you Italy. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Like Japan and Norway, Antigua and Barbuda is very concerned with regards to the action of so called NGOs with regards to countries that are carrying out legitimate activities on the rules of this organisation. Antigua and Barbuda has witnessed in the past where the same organisations have attempted economic terrorism on our very vital tourism industry and so we are quite concerned and in sympathy with Japan and Norway on this issue. While I would agree with the United States that a person is innocent until proven guilty at least this organisation owes it to its members to take into consideration their complaints and if we cannot reach the extent of expulsion we have an obligation to investigate the matter. The Caribbean, especially Antigua and Barbuda, is quite concerned because we have witnessed the acts of these powerful so-called NGOs that are benefiting economically from the whale resources at the expense of countries who want to fish whales for their cultural and nutritional values and I would like for this organisation, at least, to take Japan's and Norway's concern into consideration and launch an investigation on that matter Mr. Chairman.

**Chairman**

Thank you Antigua and Barbuda. I have Monaco, Austria, Spain, Finland, Australia and Mexico. Could I ask you all to be brief please? Thank you. I give the floor to Monaco.

**Monaco**

Thank you. Monaco opposes the expulsion of Greenpeace and we also wish to record our position to the use of inflammatory language which does not assist the resolution of conflict in this assembly. Thank you Mr. Chairman.

**Chairman**

Thank you Monaco. Austria.

**Austria**

Thank you very much. Austria would like to associate itself with the statements made by New Zealand, US and others. Thank you.

**Chairman**

Thank you Austria. Spain.

**Spain**

Thank you Mr. Chairman. Spain would like to associate itself to the comments made by US and others. Thank you.

**Chairman**

Thank you Spain. Finland.

**Finland**

Thank you very much Mr. Chairman. Very briefly we would also like to join those delegations who are opposing the Japanese proposal. Thank you.

**Chairman**

Thank you Finland. Australia.

**Australia**

Thank you Chairman. We also associate ourselves with the United States and other delegations opposing the proposal.

**Chairman**

Thank you Australia. Mexico.

**Mexico**

Thank you Mr. Chairman. Mexico also wants to associate our position with the argument expressed by US delegation. Thank you.

**Chairman**

Thank you Mexico. I have St. Lucia and St. Kitts & Nevis. St. Lucia.

**St. Lucia**

Thank you Mr. Chairman. Chairman, it is unfortunate that our organisation can condone the illegal and violent actions of Greenpeace when it suits its purpose. We hear that the illegal and violent actions don't necessarily make them illegal and violent. Chairman, the anti-whaling countries call Japan's scientific whaling illegal. This is perfectly legal under the ICRW from looking for the consistency in our organisation, Mr. Chairman; my delegation Chairman supports the call of Japan to remove Greenpeace from this meeting.

**Chairman**

Thank you St. Lucia. St. Kitts and Nevis.

**St. Kitts and Nevis**

Thank you Mr. Chairman. St. Kitts and Nevis feels that this organisation, the IWC, has a responsibility to protect its members from harassment and violent actions by NGOs and others. We want to support Japan in its request. Thank you.

**Chairman**

Thank you St. Kitts and Nevis. Denmark.

**Denmark**

Thank you Mr. Chairman. Naturally, as I take it we all are feeling, if some illegal operation happens there are ways to deal with this. As this situation is described now it is my opinion that I will associate myself with, among others, Sweden and Finland. Thank you.

**Chairman**

Thank you Denmark. It is quite clear to me that there is no consensus on this issue to understate the matter. It would appear ..... Japan.

**Japan**

Thank you Mr. Chairman. After listening to the views expressed by different delegates, I felt quite disappointed and actually for almost a month starting in December last year the Greenpeace are members who are engaged in the very dangerous activities which sometimes threatened the lives and safety of the crew and researchers on board the vessel. Due to the Greenpeace protest they were really exposed to such danger and we have taken the

photographs of that activity, so if some of the delegates would like to obtain that photographs we will be willing to provide those to you, and if the press and media would like to obtain those photos we will be prepared to submit that as well. Thank you.

**Chairman**

Thank you Japan. If I may summarise I think there is not a clear majority for your proposal and we will note your views. Is that acceptable? Thank you Japan for your cooperation. I think we will now adjourn for tea. What time do we return Secretary? We return at 11.00. Thank you very much.

[BREAK]

**Chairman**

..... The Government of Japan sent a letter to the Secretary on the 5 May proposing the inclusion in the Agenda of an amendment to the Rules of Procedure and three amendments to the Schedule. On the strict application of the Rules of Procedure the material was late but the Government of Japan explained that the late submission of this material which it very much regretted was an inadvertent consequence of the Golden Week holiday. As Chairman I propose on this occasion that I should suspend the standard procedures and include these items in the Agenda in the interests of furthering discussion and exchange of views. The Government of Japan has agreed that in the interest of speeding up our meeting this year they will not seek to pursue the proposal to amend the Rules of Procedure in relation to the secret ballot. So these items are included in the Provisional Annotated Agenda which has been circulated. Japan.

**Japan**

Thank you Mr. Chairman. I would like to support and welcome the decision of the Chair and as far as the secret ballot is concerned this procedure has been adopted by a number of international organisations and international fora and the use of this option is quite important, for use of this procedure in all voting is quite important, the possibility should be given, and I am sure this will improve the functioning of this Commission to a great extent so we will submit this proposal again next year. Thank you very much Mr. Chairman.

**4. ADOPTION OF AGENDA**

**Chairman**

Thank you Japan. If there is no objection I take it that these items are included in the agenda? Thank you. Are there any other comments on the Agenda before I proceed to adopt the Agenda? Seems not. We will adopt the Agenda.

We will now move on to Agenda Item 6 – Whalewatching. Sorry Japan.

**Japan**

Thank you Mr. Chairman. I would like to speak on credentials of the delegations and we would like to reserve the rights to check the credentials of the delegations. Thank you very much.

**Chairman**

Thank you Japan. We will have a Credentials Committee to look at the credentials. I presume Japan will be a member and anybody else want to be a member of a Credentials Committee? Australia. So Japan and Australia will look at the credentials with the Secretary. OK. Thank you.

**6. WHALEWATCHING**

**6.1 REPORT OF THE SCIENTIFIC COMMITTEE**

Can I move on now to Agenda Item 6 – Whalewatching and the first item is the Report of the Scientific Committee, Agenda Item 6.1. The relevant section of the Scientific Committee Report is at pages 66 to 70 and if I can call upon the Chair of the Scientific Committee. Chair.

**Chair of the Scientific Committee**

Thank you Mr. Chairman. The Whalewatching group started this year with a Workshop just before the main meeting, the goal of which was to assess long term effects of whalewatching on cetaceans to figure out what we need to do to do that, and also figure out what kinds of data collection can be done in connection with whalewatching operations which can contribute to a general assessment of the status of whale populations.

In the main meeting the priority topics were to review the findings of this Workshop, review the updated report on national guidelines, review new information on dolphin feeding programmes and new information on swim-with programmes that involved whales and dolphins. The terms of reference of the workshop are given under item 15.1 on page 66 and I won't go through them, you can read them, but the Workshop agreed that the focus should be on biologically significant effects of whalewatching rather than focussing on long term versus short term.

It had agreed that there were a number of parameters that can be observed and measured in a standard way while whalewatching is occurring; things like number of boats, times spent with whales and so forth that can be used in models to develop critical response thresholds which will be a way, hopefully, to identify potential impacts with biological significance for the individual which in some cases can be extrapolated to individual effects at the population level. The Workshop also agreed that population abundance trends and distribution should be monitored independently of whalewatching efforts and some of the things that whalewatching data can help with, most particularly estimates of survival and productivity parameters from photo-identification data, can help with interpreting any trends or changes in distribution that are observed.

In looking at interpreting changes in population parameters studies need to have controls and we discussed several ways to do that. We discussed kinds of data that can be collected from whalewatching platforms and those are described in the first column on page 67, and we agreed that photo-identification data were among the most useful that could be collected in connection with whalewatching operations although in some areas where cetacean populations are poorly known, simply knowing about the presence or absence of particular species is useful, and there are a number of other things listed there that photo-identification data can help us to estimate.

We agreed that there were three levels of data collection that could be done in a whalewatching operation ranging from level one which are simple observations that any whalewatching operation could be encouraged to collect and basically can be recorded by any knowledgeable person, which maybe a boat operator or a naturalist, not necessarily a scientist, but then at higher levels getting down to level three this is more directed scientific data which would have to be done with collaboration with scientists.

We agreed that all the information should be, if possible, collected with the oversight of an experienced researcher. The Committee endorsed the Report of the Workshop and agreed that an intersessional e-mail correspondence group should work further on drafting forms for the collection of these various types of data and should also consider the question of important research needs relating to the assessment of parameters that will yield information about whalewatching impacts of biological significance.

The next priority item was an update of national whalewatching guidelines and we heard about regulations and compliance in a number of countries including Australia, UK, Canada, Patagonia, and in light of the review the Committee recommended that the Scientific Committee principles for whalewatching should be taken into account when regulations are being formulated; that we should continue to gather information on national guidelines and regulations and perhaps place it on the internet; that there should be more research on compliance with and effectiveness of guidelines and regulations; and that laser range finders should be used where possible to measure distance of boats from whales.

We then went on to review new information on dolphin feeding programmes and we had some information from the dolphin feeding at Monkey Mia in Australia and a report on illegal feeding actually at Panama City Beach, Florida, where there were some disturbing bits of information that we heard in connection with these things which are given in the second column on page 68. We stress that dolphin-feeding programmes do not follow the IWC's suggested principles for whalewatching, specifically the one that says cetaceans are allowed to control the nature and duration of the interactions. From what we heard we judged that the practice of dolphin feeding can be detrimental to both dolphins and humans and express serious concern about it and recommended that such programmes should be prohibited.

We then went on to consider swim-with programmes and got reports on a swim-with programme with dwarf minke whales on the northern Great Barrier Reef and some studies of behavioural indicators of stress in sociable odontocetes, and these included identification of some short-term reactions that might represent biologically significant responses. We found that in some cases the animals were shown to demonstrate more stress-related behaviour when swimmers were present than when only boaters were present. Behaviour exhibited towards swimmers was found to be similar in context and form to that towards conspecifics. There was a paper that

reviewed concern about possible transmission of infectious diseases either from dolphins to humans or the other way.

There were some very good studies that looked at differences in dolphin reactions to swimmer introduction strategies and these represented the type of research that should be conducted to evaluate all swim-with programmes, where you try to get information that you can then use in formulating regulations about the nature of how the swimmers should be allowed, if they are going to be allowed. In such studies a neutral response may be the ideal management goal and management strategies should be developed that minimise avoidance by the animals being swum with and we thought that methods to assess impact of whale and dolphin watching should include, whenever possible, studies from land so that the animals behaviour can be observed in the presence of boats and swimmers compared with their absence, because if you do your research from a boat then the research boat is a confounding factor.

We looked at several New Zealand studies that had specifically collected the kind of data that could be used to make appropriate regulations and thus we have reviewed three kinds of swim-with programmes; boat-based where swimmers are attached by ropes to the boat; boat-based where swimmers are dropped in the water; and shore-based. I guess the bottom line after reviewing all this information is that our conclusion was that the impact of swim-with programmes will vary among species and needs to be assessed on a case-by-case basis.

The available evidence indicates that these programmes could be considered as being highly invasive and so they should be further evaluated, and our work plan for the coming year was to review for the next meeting, the report of the intersessional correspondence group which I mentioned earlier, review information on noise from vessels and aircraft involved in whalewatching and its potential effect on cetaceans, and continue to review research on effectiveness of and compliance with whalewatching guidelines in regulations, and the other topics that we had considered this year.

#### **Chairman**

Thank you Chair of the Scientific Committee for a very succinct presentation and I should have actually welcome you before you started but let me welcome the new Chair now formally to the Commission. Thank you. Are there any comments? US and Italy. US.

#### **USA**

Thank you Chairman. I will be brief. The US welcomes the Report of the Workshop conducted prior to this year's Scientific Committee's meeting on addressing the long-term effects of whalewatching on cetaceans. We support the continued work of this Committee, especially its e-mail correspondence group and other activities to better understand these interactions. The United States continues to believe that whalewatching, when conducted properly, contributes to our understanding of whale populations and ultimately to their conservation. Chair, I just note, along with other members of the US delegation, I had the opportunity to travel to Victor Harbour to see a magnificent example of the recovery efforts to recover the southern right whale and we personally contributed, I can attest, to the booming economy of an area benefiting from the number of tourists attracted by whalewatching.

#### **Chairman**

Thank you US. I hope to get there myself before I go home. Italy please.

#### **Italy**

Thank you Chairman. Italy would like to commend the work of the Scientific Committee on whalewatching because we think that this topic is becoming of increasing interest and relevance to the International Whaling Commission, and Italy is particularly interested in the development of whalewatching in a way that the scientific, economic, cultural and educational values for mankind can be assured. In this respect I wanted to bring to the attention of the Commission the fact that there was a Workshop on Whalewatching organised in Italy jointly between the International Fund for Animal Welfare and ICCRAM, the Government Institute for Marine Conservation, last February 2000 and the Report of that Workshop is being written at the moment but there is a document, which is document IWC/52/18, which briefly described that Workshop and its main outcome. We will be very happy to entertain any discussion with Commissioners or delegates who are interested in this. Thank you.

#### **Chairman**

Thank you Italy. I have New Zealand and UK. New Zealand.

## **New Zealand**

Mr. Chairman, it is my pleasure to speak to paper IWC/52/19 on the Economic Benefits of Whalewatching in the island group of Vava'u in the northern part of the Kingdom of Tonga. It is a paper prepared by Dr. Mark Orams of Massey University at Auckland and it is a summary of a much longer sixty-five report, copies of which my delegation can make available, if required.

Mr. Chairman, very relevant to the current state of this industry is the history of exploitation of humpback whales in the South Pacific during the 20<sup>th</sup> Century in which New Zealand and whalers based on our shores played no small part. Between 1911 and 1963 New Zealand-based whalers took humpback whales as they migrated between their tropical breeding grounds and Antarctic feeding grounds. In its attempt to manage this activity the IWC classified these humpbacks as the New Zealand Tonga Stock. Also humpbacks from the same population were killed in their thousands in the Antarctic feeding grounds by industrialised pelagic fleets. Following the collapse of the whaling industry in 1963, New Zealand ceased whaling operations but despite a lull of almost 40 years, humpbacks are only rarely seen in our waters.

In 1991 this Commission approved a grant to support a vessel-based research season in Tonga which revealed that there were still some whales to be found in the waters around Vava'u. Since then, annual surveys using non-lethal techniques, and I underline that, Mr. Chairman such as photo-identification and molecular genetics have been undertaken by New Zealand and Tongan scientists and at this stage, Mr. Chairman, I want publicly to acknowledge the permission granted by the Tongan Ministry of Fisheries for this programme and welcome to this meeting the Secretary of Fisheries, Honourable 'Akau'ola as a member of the delegation of the South Pacific Regional Environment Programmes (SPREP), and also acknowledge the support for the programme provided by SPREP. Mr. Chairman, all this work has shown that by the late 1970s the Tongan population of humpbacks was on the verge of extinction. Against that background I am pleased now to report a slow but noticeable recovery in the whale population. The presence of humpback whales against the stunning backdrop of coral reefs and small islands of the group has encouraged the development of a whalewatching industry, the subject of Dr. Oram's research.

Mr. Chairman, like several members of this Commission, Tonga is a small island, a developing state, relying heavily on sustainable utilisation of its marine resources. The island group of Vava'u has some 16,000 inhabitants and marine based tourism is an extremely important factor in providing jobs and income. The Tonga visitors bureau has utilised the strong and positive images associated with whales in attracting tourists. The results have been spectacular. In less than ten years whalewatching has become the single most important tourist attraction in Vava'u with an estimated economic benefit of over one million Tongan perhanger, each winter season., most of it retained within the community. Many humpbacks annually return to the same area to breed and may be repeatedly observed by paying customers. Dr. Orams estimates that over a fifty year life span an individual humpback may be worth many millions of perhanger to the Vava'u community.

Mr. Chairman, that is the situation in Tonga today with but a tiny fraction of the original humpback population returning to these waters each winter. We can only speculate how much more popular whalewatching might be in Tonga if the population recovers further. However, we can get some indication of that from two other local examples of flourishing whalewatching enterprises, Hervey Bay in Queensland where humpbacks are again the main attraction, and Kaikoura on the north east coast of the South island of New Zealand where sperm whales are the species under observation.

In Kaikoura the local Maori sub-tribe or Marunga? has built up a community-based enterprise that has won international awards and has become one of my country's major eco-tourism attractions visited by 14% of all inbound tourists. I want to stress, Mr. Chairman, that the development of whalewatching doesn't usually require further investment in infrastructure but it does require the reliable presence of reasonable numbers of whales. Most Pacific island countries whose populations of humpback, fin, sperm and blue whales were almost completely wiped out by the commercial whalers of the last century have effectively been denied that resource. Given time and adequate protection at least some of these populations may recover to provide the basis for future whalewatching industries in other parts of the Pacific.

Mr. Chairman, I draw attention to the final part of Dr. Orams' report in which he presented visitors to Vava'u with a questionnaire to assess their attitudes towards whaling. He found that the great majority would be much less likely to visit if it was a visit where whales were also hunted and that, Mr. Chairman, led him to an obvious conclusion in his final sentence. "It appears" he said, "unlikely that a whalewatching industry could co-exist with a lethal use of whales in Tonga." I couldn't agree more.

**Chairman**

Thank you New Zealand. UK.

**UK**

Thank you Chairman. Like a number of other delegates I have also been to Victor Harbour to see the whales and I can certainly testify to the popularity of that and also the benefits to the local community. I was also very struck, however, that in a recent history written of Australia, written by Robert Hughes, he wrote about the huge numbers of whales that were formally seen off the Australian coast and in fact he wrote in the early 1800s "Hobart's estuary was dangerous to small boats which could scarcely steer between the pregnant and calving black whales". Now that, of course, is no longer the case because of the over-exploitation of whales over the decades, but that comparison is a vivid reminder that if we have uncontrolled, and often foolish and greedy exploitation of the world's ocean resources, then of course we can have the catastrophic events which in some cases have led to the extinction of certain marine species. We all know that whales take a long time to recover their population and the situation in many cases remains uncertain, and that is certainly the case in the South Pacific waters which run through the continent of Australasia.

It is against this background that I address the question of whalewatching. Since 1987 the world has been committed to sustainable development and the United Kingdom has given its full commitment to that. We have been active in the negotiation of all the main environmental conventions and our overseas aid programme is, we believe, targeted on the poverty agenda and not the pursuit of our own national goals, and when it comes to the issue of whaling I think we see the concept of sustainability very clearly, and equally well see the need to put the wider interest of the world community above domestic concerns.

We need to apply the precautionary principle, and given the nature of the whale, we need to apply it very conservatively. In our view there can be no question of returning to commercial whaling save for the limited whaling which is needed for aboriginal subsistence purposes. The part that whales should play in sustainable development is not through crude exploitation and destruction but through aspects such as whalewatching which brings wider economic benefits to many communities.

The United Kingdom presented to last year's meeting of the Commission a number of papers on whalewatching. One found that whalewatching was making a significant and growing contribution through a number of small island developing states, in that case in the Caribbean. I welcome the confirmation of those findings elsewhere by an important paper on our agenda today which details the economic contribution through whalewatching which whalewatching is now making in the South Pacific.

Our own work in this field, of course, continues. The Government of the Turks and Caicos Islands, for example, organised this year a highly successful Workshop on Caribbean whalewatching which took forward the development of skills and expertise in that area. Moreover, it is not only in the developing world that islands are at a disadvantage which can be lessened by the benefits of whalewatching. We recently commissioned a research contract on the economic rewards of whalewatching in the Hebrides off the west coast of Scotland, following a preliminary study which is reported to this year's Whalewatching Sub-committee. We shall bring the results of this work through next year's meeting of the IWC and we are very happy to share the findings of that with other delegates.

The UK warmly welcomes the Whalewatching Workshop at this year's Scientific Committee which I understand was well supported and widely regarded as valuable and successful, and the useful report of the Whalewatching Sub-committee is through the Scientific Committee. The Commission's work in this area continues to be both practical and helpful to Contracting Governments and I can assure Commissioners that we in the United Kingdom shall continue to play our full part in taking this forward which we believe offers a wide range of benefits both economically for conservation terms and biodiversity terms. Thank you Chairman.

**Chairman**

Thank you UK. I have South Africa, Netherlands, Switzerland and Antigua and Barbuda. South Africa please.

**South Africa**

Thank you very much Chairman. I shall be fairly brief in my intervention. We simply want to add our voice to those that have actually welcomed the report from the Scientific Committee. We do believe that the redefined focus by the Scientific Committee is appropriate. We have noted that there has been positive spin-offs from the work that has already been conducted, such as information regarding the abundance estimates that are now becoming available. I don't think that we foresaw that such information will, in fact, be in due course be



collected but it seems that it is a very positive development. We are also very happy with the planned intersessional work and we certainly would like to contribute from South Africa's side towards that work. Thank you very much.

**Chairman**

Thank you South Africa. Netherlands.

**Netherlands**

Thank you Netherlands. Unfortunately the Netherlands at the present time does not have enough cetaceans in its waters to warrant the establishment of a whalewatching industry. I have also been to Victor Harbour yesterday and I have seen what benefits it could bring but nevertheless we have been actively involved in the discussions on this topic both in the IWC and in the ASCOBANS framework. We attach great importance to the further development of well-regulated whalewatching as an interesting and profitable form of non-lethal and sustainable use of cetaceans, and we would therefore like to congratulate the organisers of the Workshop held in Italy earlier this year and we consider the Report of the Workshop as a very useful contribution to the further development of this activity. Thank you Chairman.

**Chairman**

Thank you Netherlands. Switzerland.

**Switzerland**

Thank you Mr. Chairman. Mr. Chairman, we are somehow concerned that this activity especially performed on an industrial basis may include some aspects of disturbance and harassment of cetaceans in the wild. We have stated this also in the past. We welcome, therefore, that the impact of whalewatching on cetaceans will now be scientifically studied and are very interested in the outcome of these studies. In this respect we are also pleased that national whalewatching guidelines are constantly reviewed and updated. We assume and hope that there is, in these national regulations, also provision for efficient control measures to certify that these guidelines are indeed followed. We are concerned about the upsurging of new and different touristic activities including wild cetaceans, especially small cetaceans, and which obviously go on largely, that is our impression, unregulated and are commending the Scientific Committee that this situation is looked at carefully. We surely hope that this activity of the Scientific Committee is carried on and are interested in future results and in this we will join South Africa in its statement. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. Antigua and Barbuda

**Antigua and Barbuda**

Thank you Mr. Chairman. Antigua and Barbuda acknowledges and congratulates the work of the Scientific Committee on this issue. Antigua and Barbuda note the cautionary advice of the Report of the Scientific Committee with regards to the activities of whalewatching and, like Switzerland, we urge the Scientific Committee to continue its work with regards to the investigation of the impact of whalewatching on the whale resources.

Mr. Chairman, as I listen to the debate on this issue, Antigua and Barbuda has confirmed its opinion that the whole question of whalewatching has now become a very strong economic issue for those countries that are promoting this act. Antigua and Barbuda realise that there is a realignment as to the economic benefits that can be derived from the whale resource by countries that are involved in this organisation. While some countries are condemning the use of whale for food resources, they are promoting the use of whales for economic benefits in their own country. While these countries are preventing the cultural use of whales they are promoting the economic benefits by their nationals with regards to the whale resources. This is not fair, Mr. Chairman. This is economic imperialism, this is a recolonisation of the world's resources and as developing countries we would be short in our effort if we allow this to happen in this august body.

Many delegations here, Mr. Chair have shown that Caribbean countries are benefiting from whalewatching. This is just a farce Mr. Chairman. We have seen in the Caribbean where the traditional users of resources have been displaced in favour for newcomers who are now benefiting from whalewatching. These newcomers are ....., interlopers, not belonging to the Caribbean and are benefiting from the resources of the Caribbean at the expense of native people. While we want to see the resources are shared and provide benefits for the world community, it must not be like in the past where one set of people control the world resources at the expense of Caribbean people and smaller indigenous people of this world. We need a balanced and level playing field when

we are discussing the status of world resources and I am appealing to members of this Commission to set a balanced and level playing field so we discuss the work of this organisation, Mr. Chairman.

Whalewatching is an occupation for the rich, for those who can afford new and large boats to engage in that activity. The taking of whales is a cultural and nutritional need for poor communities which we must promote, therefore there must be a balance of these two activities and that is the appeal of Antigua and Barbuda in this Commission Mr. Chair.

**Chairman**

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

**Japan**

Thank you very much Mr. Chairman. I would like to explain the basic position with regards to whalewatching of the Government of Japan. IWC should keep within the objective and purpose of the Convention and focus on management and conservation of the whale stocks for the purpose of sustainable use of large cetaceans, and that whalewatching basically is not an issue over which the IWC should have jurisdiction and, just as in the case of small cetaceans, this industry is operating in limited areas of coastal waters and that there is no rationale for international organisations such as IWC to get involved in this issue. So I would like to make this point very clear at the outset.

Based upon the IWC Resolution 1996-2 in 1996 the Scientific Committee set up the Sub-committee on Whalewatching since 1997 to discuss this matter. The Resolution itself does not refer to the direct management of whalewatching but covers the scientific research on evaluation of the effect of whalewatching on whale stocks and the guidelines. Japan accepts the IWC's involvement on whalewatching only within this scope and I would like to remind the Commission and make this position very clear once again. We would also like to request the Scientific Committee that it should continue discussions on this matter giving full recognition of this fact.

At this year's Scientific Committee, in addition to the ordinary discussion a two-day Workshop had been held, and this Workshop had an objective of evaluating the long-term effect of whalewatching on cetaceans. At the same time we heard that discussions on possible use of whalewatching operations for evaluation of whale stocks was carried out. In other areas of stock management the intensive discussions are ongoing in order to obtain high-accuracy data for the research of whale stocks, so this approach seems too simple-minded and we believe that in order to evaluate the effect independent dedicated survey which separate from whalewatching operations should be carried out and we would like to request the Scientific Committee to make this point clear.

Given the possible danger associated with dolphin feeding programmes and the problem related to swim-with programmes, we associate ourselves with the view that these programmes are not necessarily safe from a viewpoint of appropriate use of whale stock but we suspect if IWC's involvement in this matter is justifiable. Therefore, in order to continue discussions on this matter we would like the Scientific Committee to make sure that their activities will not contradict with the objective and the purpose of the ICRW and this concludes my intervention. Thank you very much Mr. Chairman.

**Chairman**

Thank you Japan. We will note those comments. Brazil.

**Brazil**

Thank you Mr. Chairman. The Brazilian delegation welcomes and commends the Report of the Scientific Committee. Brazil considers highly important the activities of whalewatching which our country increasingly develops. Whalewatching is without any doubt responsible in many countries for revenues that are significant as or even more significant than the trade of products from whale hunting. The experience of Brazil with whalewatching is very positive. Such activities have been having an important impact on the conservation process of different species on the Brazilian coasts. The Brazilian Government and various NGOs have developed specific programmes in this area which have proved themselves very successful. As a result of that Brazil considers that this specific item must be kept in the agenda of the Whaling Commission as well as of its subsidiary bodies. Thank you Mr. Chairman.

**Chairman**

Thank you Brazil. Norway.

**Norway**

Thank you Mr. Chairman. Mr. Chairman, I must admit that I took great pleasure and comfort in listening to the distinguished UK representative and indeed the UK Minister of Fisheries himself hailing the principle of sustainability. This principle, however, that seems to be commonly accepted elsewhere has had a rather hard time to be recognised by the majority member states of the IWC, witness their rejection, their sustained rejection actually of sustainable use of whale resources. Mr. Chairman, I understand from some of the interventions that whalewatching is offered as an alternative to whaling. While noting that both these activities take place in Norway, both these activities indeed being perfectly legitimate and honourable commercial activities, we also note that we see no contradiction between these two very same activities. Our main point, however, is that the very topic of whalewatching falls well outside the scope of questions which this Commission should focus on and we also fail to see why this should be a priority subject of investigation by the Commission's Scientific Committee. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Sweden.

**Sweden**

Thank you Mr. Chairman. Sweden is grateful to the Scientific Committee for the valuable work that they have undertaken and we think that they have a lot of things to do doing comparative work resulting in general guidelines. We certainly think that IWC is the proper place to provide for sustainable utilisation of whale resources and we also believe that non-consumptive utilisation is likely to be more sustainable than consumptive utilisation of whale resources. Concluding, I will just say that IWC certainly has the competence to work in this field. Thank you.

<b>6.2 ACTION ARISING</b>
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**Chairman**

Thank you Sweden. If there are no further comments I would suggest that we move on to Action Arising and that we note the comments that have been made so far and that we accept the recommendations and the Work Plan of the Scientific Committee. That seems to be acceptable. Thank you.

<b>8. WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES</b>
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In that case we will close that Agenda Item and we will move to Agenda Item 8 which is Whale Killing Methods and Associated Welfare Issues and I will call on Monaco as the Chairman of the Working Group on Whale Killing methods and Associated Welfare Issues. I think we will have to try and get a shorter title. Chairman of the Working Group please.

<b>8.1 REPORT OF THE WORKING GROUP ON WHALE KILLING METHODS AND ASSOCIATED WELFARE ISSUES</b>
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**Monaco**

Thank you Mr. Chairman. The Meeting of the Working Group on Whale Killing Methods and Associated Welfare Issues was attended by 57 delegates representing 21 countries. Under the Agenda Item 3 – Review of Documents. The meeting started with a controversial request by Japan that the UK withdraw documents and video tape relating mostly to a bottlenose dolphin drive hunt that took place in October 1999 in Futo Port. Among Japan's argument was the view that the documents fell outside of IWC competence, that they were not scientifically based and were simply emotional. The UK declined to withdraw the document stating that they illustrated problems of clear concern to the Working Group. The Chair considered that while the IWC has no competence in regulating killing methods of small cetaceans, a view contested by New Zealand, it has, nevertheless, a role to play as a forum for receiving and exchanging information on the subject. The Chair ruled, therefore, that the document on the dolphin drive hunt would be tabled as a reference paper but not discussed, and out of regard for Japan's sensitivity that the video film could only be shown outside of the meeting room. Japan insisted that the documents should not be made available as reference at all. The Chairman upheld his ruling. Japan walked out in protest. This closes item number three.

You want me to continue?

Under the next item, following the adoption of the Agenda, it was noted that the Working Group was operating without defined terms of reference. New Zealand proposed a text based largely on the terms of reference adopted in 1993 for the previous Working Group on Humane Killing but without mention of this last two words which have created semantic difficulties in the past. The text which was accepted by the participants reads as follows: "The Working group is established to review information and documentation available with a view to advise the Commission on whale killing methods and associated welfare issues." That closes Agenda Item 4.

**Chairman**

Thank you Chairman. Can I ask if there are any comments on the terms of reference or are these terms of reference acceptable to the Commission? That seems to be OK. Carry on.

<b>8.1.1 INFORMATION ON IMPROVING THE HUMANENESS OF ABORIGINAL SUBSISTENCE WHALING</b>
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**Monaco**

Under Agenda Item 8.1.1 documents were presented by Denmark and USA detailing steps taken for improving the humaneness of aboriginal subsistence whaling. Denmark reviewed recent initiatives taken by the Greenland Action Plan on Whale Hunting methods such as overhaul programmes, training courses for the maintenance of harpoon cannons and for improving methods and gears so as to reduce time to death.

The USA reported on the 1999 Makah tribe gray whale hunt which had resulted in one whale being struck and landed. The necropsy of the whale concluded that the four shots fired were likely to have caused instantaneous loss of consciousness. USA reported also on the latest progress of the Weapons Improving Program on bowhead hunting in the Alaskan Arctic. In particular, a new darting gun barrel had been developed to ensure better penetration of the bomb and so achieve instantaneous death. Early data suggest that this new barrel will also make the hunt safer for the whaler. That closed Item 8.1.1.

**Chairman**

Thank you Chairman. Are there any comments on Agenda Item 8.1? Seems not. Please carry on.

<b>8.1.2 DATA ON WHALES KILLED</b>
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**Monaco**

Under Item 8.1.2 documents were presented by Denmark, Russian Federation, Norway and the USA in response to the request of IWC Resolution 1999-1. Denmark provided detailed information on the 1999 Greenland hunt of minke whales with statistics on most parameters requested with the exception of time to death due to the absence of veterinarians. The brief report provided by the Russian Federation on the 1999 gray and bowhead whale hunt by the indigenous people of the Chukotkan Autonomous District did generate quite a few questions and comments. These mostly addressed the large number of shots needed to kill the whales, the inadequacy of the rifles and ammunition and the cause of the strong smell from ten gray whale bodies which had to be disposed of to sledge dogs. Russian Federation replied that they hoped to improved aboriginal whaling conducted in Russia with a greater number of darting guns, new boats, more fuel and modern equipment.

Norway provided the requested data on whales killed during the 1999 minke whale hunt. In particular, a new type of penthrite grenade developed in Norway in the last three years had been used for the hunt in parallel with the previous model so as to provide useful comparisons. So the new grenade significantly increased the ratio of instantaneous death from 58% to 72% and it reduced the survival times for animals not killed instantaneously.

The USA provided statistical data requested on their gray and bowhead whales 1999 hunts. These are summarised in Appendix 4 on page 6 in our Report. I will add that Japan had provided a brief, but interesting document, on the efficiency of their whale killing methods used during their 1999/2000 JARPA campaign but, in the absence of Japan, the document was naturally not discussed and this is all I have to say under this agenda item Mr. President.

**Chairman**

Thank you Chairman. Are there any comments on this item? Seems not. Please carry on.

**Monaco**

Thank you. Under agenda item 6 - Other Matters. In a brief document the UK developed its view that the IWC could provide coastal states with helpful advice on improving small cetacean killing methods. Many delegates agreed on the usefulness for IWC to gather information on this subject but there were widely divergent views expressed as usual on the broader question of IWC competence on small cetaceans. That is all I have to say on this item. If you want me to close. So finally before adopting this Report the Working Group recommended that under the item 'Action Arising' the Commission formally adopt its proposed Terms of Reference. Thank you Mr. Chairman.

**Chairman**

Thank you Chairman for your very brief presentation, very clear. Are there any comments? US.

**USA**

Thank you Chairman. Under the discussion of 'Other Matters' the UK introduced a topic regarding small cetaceans and a problem has emerged in my reading of the Report. While the US did make a statement indicating it would be useful to have such discussions, have a forum in which such discussions about small cetaceans could come up, we had expressed another view which did not quite emerge in the Report as we had hoped so I just wish to clarify, here in Plenary, that our point of view is that while it would be useful to have such a forum we note that gathering such information from aboriginal subsistence hunts for small cetaceans would be quite difficult. So Mr. Chairman I just wish to make that small clarification about our attitude on this topic. Thank you.

**Chairman**

Thank you US. Japan.

**Japan**

Thank you Mr. Chairman. We are already discussing item 7 and 8 but with regards to the general aspect of this topic I would like especially refer to item 3 here in the document.

Actually Japan has really taken a lot of time and many years to try to develop this humane way of killing the animals and especially in 1980 in response to this Commission's suggestion we have actually developed this explosive grenade and our technology was highly praised by the Commission as well. This technology has become accepted by the other countries, like Norway, and has become widely used. Actually we have continued to make this effort to try to shorten the time to death in our research activities in the Antarctic. For example, last year we succeeded to further shorten this time to death to the two minute level. Actually this level is the top level technology to kill the whales in the world, in other, the shortest time required, shortest time to death.

On the other hand when we look at this situation with regard to the aboriginal subsistence whaling, their time to death is much longer compared to that required for Japan but that is the difference of the technology and their technique may not be really modern so it is something that cannot be helped.

Let me touch upon the basic principle as well because when we were talking about the time to death required for the wild animals, that is different from the situation in the slaughterhouse where the animals are kept fixed and set in immobile positions, and so therefore compared to that slaughterhouse conditions in the case of wildlife the time to death may take 5-10 times more which is the common sense among the experts.

For example, or in case of the Europe and the US, when the deer are hunted or killed it takes as long as 15 minutes but in the case of Japan this whaling time to death is 2 minutes. Another international common sense is that when the animals are slaughtered the slaughtered animals are not actually exposed or shown to the general public which I think is a common sense of rules internationally. Therefore, the slaughterhouses are not in general made public to the public. When I think of the situation of this Japanese small-type coastal inshore fishermen engaged in the driving hunt of the porpoises I think the sense they had is that it is if they are catching fish, and I looked at the video clip and I felt that the situation is identical to the slaughterhouse, and maybe that is how the people who saw it felt. Maybe that is why the distinguished delegate of the UK felt he would like to show the video clip.

If other people felt that video clip showed the cruel image and looked cruel I think it is not appropriate to try to show that to outside or to expose it to the media. That kind of reaction I think is totally inappropriate especially from the standpoint of ethics. However, the UK insisted to include that document as reference document and

tried to show the video and so then let us look at the past practices of our sub-committees and Working Group activities. The documents which had no scientific and technical merits were forced to be withdrawn from the past, such activities under the framework of this Commission and then those non-relevant documents were not tabled for discussion at all, which has been the past practice and the rule of the conduct of this Commission. In addition, the small cetaceans are outside the competence and scope of the IWC Convention.

These are the reasons and grounds why we declared that we could not participate in that discussion of that Whale Killing Methods Working Group. So we should really focus upon the cetacean situation where this time to kill or time to death should be shortened and the shortening of this time to death should be the discussion where we should focus upon and which is within the mandate of the Commission and the Convention *per se*. If the current situation would escalate I think it would really create a situation where we would talk about a lot of other matters, for example in the case of this mother kangaroo having the joey in the pouch or something or holding a joey in its hands, and people may start discussing how to reduce the time to death for that kangaroo mother by demanding the immediate removal of its head or maybe try to crush its cranial bone immediately so that the brain should be exposed immediately or something like that. If such a discussion were to start to escalate, to be discussed in that kind of a killing methods forum, I think we will really be outside of the scope so it is high time for us now to seriously consider the main focus of what we should be discussing. Thank you.

#### **Chairman**

Silence please, observers are not allowed to comment or make noise. Thank you. Thank you Japan. I now have UK, Netherlands, Denmark and Norway. UK please.

#### **UK**

Thank you Chairman. Can I start by congratulating Monaco for the presentation of the Report. As you know Chairman, my Government attaches great importance to these issues and I believe the IWC are striving to ensure that if whales are killed then it should be done humanely. Humane killing of an animal means causing its death without pain, stress or distress perceptible to the animal, and while we note the improvements in technology and time to kill particularly in the Norwegian situation, even in that the fact is that 30% of the whales are not being killed instantly. We have very serious concerns about those figures from the UK and while we've heard earlier on that there is an issue of sustainability in relation to whales, of course, where you are dealing with advanced mammals there is also an issue of welfare, and I think it is quite appropriate that those issues of welfare are addressed and there are very clearly major problems in relation to welfare and it is particularly clear that improvements are needed not just in whaling generally but especially in the killing of small cetaceans.

Now I know that some Contracting Governments do not consider that the IWC has competence with small cetaceans but, as you know Chairman, the UK does not share that particular view. Nevertheless, I would suggest we put aside our differences on the question of competence and instead seek to work together to ensure that the necessary improvements are achieved in dealing with these very real problems.

Unfortunately, information on the methods used to kill small cetaceans is generally sparse as is expert advice on the most effective killing methods. The vast majority of small cetaceans being deliberately killed are subjected to unacceptable cruelty and prolonged times to death. As you have already heard, the UK provided the Working Group with graphic video evidence of one example yet there is no forum to collectively address these particular problems. We believe that the information we provided to the Committee was entirely appropriate and since it has been raised by Japan, we very much hope that they will take urgent steps to improve the regulation and humane killing methods of these particular hunts.

For two and a half decades the IWC Small Cetacean Sub-committee has considered the status of small cetacean populations and during this time it has created a unique database of information and provided advice which has contributed significantly to the conservation and management of small cetaceans by national governments and regional organisations including ASCOBANS. The UK believes that this is a prior example of how we can work together for mutual benefits and we would like to build on this. If I may make a suggestion Chairman, as a first step my government would like to see the establishment of a database for the collection of data on small cetacean hunts around the world, including the killing methods used and other information such as national legislation, times to death and struck and lost rates.

The UK presented a document to the Working Group Meeting on 30 June which could form the basis for such data collection. We are also exploring the possibility of establishing a Workshop on Small Cetacean Killing Methods where national experts could discuss informally ways in which to address these problems collectively

and constructively. I want to stress this is not about compromising the responsibility and jurisdiction of national governments which we recognise from the UK, but about addressing a serious welfare problem.

Finally Chairman, we firmly believe that there is a need to improve the humaneness in killing methods in all hunts, including those for aboriginal subsistence purposes, where we recognise there is an even potentially greater problem. This must be a common objective and priority for all IWC Contracting Governments regardless of our respective views on whaling and I would strongly urge all parties to work together to try and achieve this important goal and recognise what I think it acknowledged across all parties, that there is a serious problem here that we need to do something about.

**Chairman**

Thank you UK. Netherlands.

**Netherlands**

Thank you Chairman. We would wholeheartedly support the intervention just made by the United Kingdom including the proposal to set up a database on kills of small cetaceans. The Working Group on Whale Killing Methods is doing important work in monitoring the progress in the implementation of last year's Resolution which requires countries where whaling operations are carried out to provide specific information on hunting methods, times to death, methods to determine unconsciousness and other aspects. We attach great importance to the provision of such information and we therefore regret that a situation arose in this year's Working Group that made it impossible to consider all the information available to the Working Group. We note that information has been made available on progress achieved in the development of humane killing methods in the aboriginal whaling hunts. We think that this is also very important as in these whaling operations the same criteria should be applied as in commercial operations with regard to the need to avoid unnecessary suffering of the whales. Furthermore, we were shocked to see the video of the Japanese drive hunt for dolphins and this shows in our opinion the urgent need to apply internationally agreed criteria and effective regulations to the killing of these animals as well. Thank you Mr. Chairman.

**Chairman**

Thank you Netherlands. Denmark.

**Denmark**

Thank you Mr. Chairman. Just to be brief. A while ago the United States had some points related to this agenda item and I fully agree with the point of view mentioned by the United States that a collection of that kind of information in aboriginal subsistence whaling for small cetaceans is very, very difficult. Thank you.

**Chairman**

Thank you Denmark. Norway.

**Norway**

Thank you Mr. Chairman. Norway would first like to repeat its regret that the Working Group and UK could not accommodate the concerns expressed in the Working Group by Japan especially regarding document 9. The history of IWC over the last ten years shows that real improvements in whale killing were achieved when members of the Commission were able to soften their more extreme rhetorical positions mainly aimed at the media and managed to reach consensus for a more pragmatic position. We need the cooperation of all members of the Commission to obtain real improvement in whale killing methods.

Secondly, the UK Minister of Fisheries stated in his intervention that 30% of the whales killed in the Norwegian whaling operations were not killed instantaneously and he thought that that number was too high. The figure of 72% whales killed instantaneously by the new grenade developed by Dr. Øen is clearly a minimum number. In this connection I am referring to the Report from the Workshop last year. Many of the remaining 30% of minke whales hit by harpoons in the Norwegian hunt are most likely either already dead and only show some movements either passively or actively after death or they are unconscious. We need, of course, better methods to ascertain the real numbers, but they are certainly much smaller than the 30% mentioned by the UK Minister of Fisheries. Thank you.

**Chairman**

Thank you Norway. Are there any other comments on this matter? In that case I will note that there is a proposal from the UK and Netherlands that a database be set up but I also note that this is not a recommendation from the Working Group so could I suggest that it be presented to the Working Group again next year? UK.

**UK**

Thank you Chairman. We are certainly suggesting that it would be very useful to have a database. We were not proposing that it should be an IWC database necessarily because I think that might cause some problems. Thank you Chairman.

**8.3 ACTION ARISING**

**Chairman**

Thank you UK for the clarification. In that case can we note the Report and adopt the Terms of Reference? That seems to be OK. In that case I think we can close this agenda item and timing is rather good and appropriate and I think we will adjourn for lunch and resume at 2.00 and sharp this time please.

Sorry New Zealand.

**New Zealand**

Mr. Chairman, just a reminder that the Finance and Administration Committee will reconvene at 1.45 in the upstairs Committee Room.

**Chairman**

Thank you New Zealand and I would ask delegates to cooperate with the Finance and Administration. We want to finish in 15 minutes. Thank you.

[BREAK]

**16. CO-OPERATION WITH OTHER ORGANISATIONS**

**16.1 CITES**

**Chairman**

..... agenda item 16 - Cooperation with Other Organisations and the first item is 16.1 - Cooperation with CITES. Can I ask the Chair of the Scientific Committee please. This item is dealt with in the Scientific Committee Report on page 7, item 5.8.

**Chair of the Scientific Committee**

I think that people can read for themselves the Reports of Observers in our Report so I just won't talk about anything but people can ask questions if they have any.

**16.3 CCAMLR**

**Chairman**

Thank you Chair. I agree completely. I should also refer to document IWC/52/10F which is my own Report of attendance at the CITES Meeting in Nairobi. Are there any comments on this item? Seems not. We will note it and move on to agenda item 16.3 which is CCAMLR. Chair of the Scientific Committee do you wish to make any comment in relation to CCAMLR?

**Chair of the Scientific Committee**

Yes Mr. Chairman. I would just note that there are some comments in our Report but actually you will be hearing a lot more about our cooperation with CCAMLR and Southern Ocean GLOBEC when you hear about the work of the Environment Group.

**16.4 FAO**

**Chairman**

Thank you Chair. I should have referred also to IWC/52/10D. Are there any comments on these items? No then we will move to 16.4 - FAO. Again if I can go to the Chair of the Scientific Committee.



**Chair of the Scientific Committee**

No nothing that I wanted especially to call attention to.

**16.5 GLOBEC**

**Chairman**

Thank you. It is at page 7 in the Scientific Committee Report. Does anybody want to make any comments on this? Seems not. I move to 16.5 - GLOBEC and GLOBEC is referred to at 5.6 in the Scientific Committee Report, page 7.

**Chair of the Scientific Committee**

Again you will hear more about that when we talk about the Environment Group.

**16.6 ICES**

**Chairman**

OK thank you Chair. If there are no comments we will move on to ICES and ICES is at page 5 of the Scientific Committee Report, item 5.2. The Chairman of the Scientific Committee doesn't wish to make any comment here. Are there any other comments? No.

**16.7 IATTC**

16.7 - IATTC and this is covered in IWC/52/10C and on page 5 and 6 of the Scientific Committee Report. Anybody wish to make any comments here? No. Thank you we will note that.

**16.8 ICCAT**

16.8 - ICCAT. We don't have any Report in cooperation with ICCAT so unless anybody wants to makes a comment we will continue on.

**16.9 NAMMCO**

16.9 - Cooperation with NAMMCO. That is at item A of IWC/52/10 and it is in the Scientific Committee Report at page 6, item 5.5. Are there any comments on these documents? No. Is there anything else anybody wants to raise in connection with cooperation with other organisations? If not that has been .... Japan. I knew I was feeling too lucky. Japan.

**16.1 CITES**

**Japan**

Thank you Mr. Chairman. Even though the Chair earlier referred to the agenda item 16.1, CITES, I was not really listening to the details so may I still make a comment on that CITES?

**Chairman**

Yes.

**Japan**

Thank you. As the Chair, Mr. Canny, explained to us earlier that the COP 11 of the CITES was held where 150 member countries attended and similar to the previous CITES Meetings, Japan and Norway made a proposal to downlist the following species of the whales from the Appendix I to the Appendix II, namely the Antarctic minke and the Northwest Pacific minke, North Atlantic minke as well as the Northeast Pacific gray whales where these will be downlisted to the Appendix II from the Appendix I, which prohibits the commercial utilisation and actually many countries expressed their support to our downlisting proposal, namely almost fifty countries which is actually more than the number of the signatories to IWC.

This result actually shows that the proposal and contention by Japan and Norway, namely the management of the whale stocks should be based upon the scientific science is now well accepted by the many countries of the world and actually this result reconfirms that the views expressed by the anti-whaling group, namely that the whaling ban is international public opinion, is actually wrong.

In relation to this, Mr. Canny, Chairman of the IWC, who took part in the 11<sup>th</sup> CITES stated during the meeting and I quote "IWC is now close to completion of a Revised Management Scheme and this Scheme will facilitate sustainable commercial whaling".

In the fall of the year 2002 the next COP Meeting of CITES is scheduled to be held and I take it that CITES has given IWC a two year of grace period. That means by the next COP of CITES unless we start sustainable commercial whaling with the completion of RMS the international society will consider IWC as having abandoned its responsibility for the management of whale stocks and that IWC is going to lose its credibility.

So until the next meeting of the Conference of the Parties of the CITES, IWC will have held three Annual Meetings of the IWC, and before these three meetings have been completed IWC is expected to complete RMS and that we've got to resume sustainable form of commercial whaling. I do hope that all the members of IWC will focus their efforts in order to become able to complete its mission. Thank you very much Mr. Chairman for your attention.

**Chairman**

Thank you Japan. I have attached a copy of my intervention at CITES to the Report. Brazil.

**Brazil**

Thank you Mr. Chairman. Brazil believes that the synergy between CITES and IWC can only serve the purpose of maintaining the competence of the Whaling Commission for the conservation of whales. Any proposition by CITES COP on these matters must take into consideration the moratorium on whale hunting which was determined by the Whaling Commission in 1982 and put into force from 1986. COP in our view shall not be used to question the validity of this moratorium. As the Brazilian delegation pointed out during the last Conference of the Parties of CITES, without the conclusion of negotiation on the RMS by the Whaling Commission any initiative to reopen the international trade of whale products would be premature and detrimental to adequate continuation of those negotiations in the Whaling Commission. Any such initiative can have a negative impact in our view on the harmonious relationship which exists between CITES and IWC. Thank you very much.

**Chairman**

Thank you Brazil. If there are no other comments on agenda item 16. I see New Zealand.

**New Zealand**

Mr. Chairman, in the Working Group discussions regarding the RMS, and I am conscious we are not discussing that at this stage, I said that New Zealand would not any longer allow to go unchallenged claims that particularly the anti-whaling countries within this Commission are delaying progress on the Revised Management Scheme. Mr. Chairman, I would normally have reserved by comments for discussion under that agenda item but they have been raised here under the question of CITES and I am aware that claims have been made to non-IWC countries who are members of CITES that the anti-whaling countries are delaying progress in the RMS. In the interests of brevity, Mr. Chairman, I will simply record that it is not the anti-whaling countries that deliver text, draft texts of a new RMS the night before they are due for discussion. It is not the anti-whaling countries that deliver text one year and then contradict it twelve months later, and it is not the anti-whaling countries that disagree with proposal for inclusion in the RMS in 1995 and finally agree to include them in 1999.

**Chairman**

Thank you New Zealand. I would ask delegates please not to get into the RMS debate here. We will have enough time at it on Wednesday. Norway.

**Norway**

Thank you Mr. Chairman. I will not go into the RMS debate here. I just want to confirm, and not unexpectedly I hope, that Norway would like to associate itself with the views expressed by Japan. With regard to what was mentioned by Brazil about the synergy between the organisations CITES and the IWC, I am afraid that in our impression that synergy has been a negative one. It is almost, if I may use a popular expression, a Catch-22 situation, where you see the CITES hiding behind the back of the IWC on the issue of transferring the minke whale from Appendix I to Appendix II. So to repeat Mr. Chairman, I would like to associate myself with the views stated by Japan but point out that really we don't have all that much time as was indicated by Japan, it is less than two and a half years until the next CITES meeting and the sooner this issue is resolved the better. Thank you.

**16.11 ACTION ARISING****Chairman**

Thank you Norway. I think some delegations were having trouble with hearing Norway. Is that a general problem? Can you hear me? OK. I will try and carry on and ask the sound engineers if they can adjust the sound. Could I ask people to speak more slowly. There seems to be a big echo here. Can I now close agenda item 16 - I don't see any action arising other than I have kept one item open 16.2 for Wednesday and that is Cooperation with the Convention on Migratory Species and we will be discussing that on Wednesday otherwise I will close this agenda item. OK.

**11. COMPREHENSIVE ASSESSMENT OF WHALE STOCKS****11.1 REVISED MANAGEMENT PROCEDURE**

In that case we move onto agenda item 11 - which is Comprehensive Assessment of Whale Stocks and the first item on this is 11.1 - Revised Management Procedure and we will go to the Report of the Scientific Committee.

**11.1.1 REPORT OF THE SCIENTIFIC COMMITTEE****11.1.1.1 CLA PROGRAM REVISION AND TUNING****Chair of the Scientific Committee**

Thank you Mr. Chairman. The Revised Management Procedure work is covered in the Scientific Committee Report in section 6 and 7. The first item here, the CLA program revision and tuning, is in item 6.1 on page 8. The work we did in the past year involved examining the new program CATCHLIMIT and we agreed that this program performed better in that it obtained more accurate answers more rapidly than the program that the Secretariat had been using and we recommend its use by the Secretariat.

You will see under 6.5 on page 9 in our work plan the steps that need to be taken to accomplish that. The program needs to be incorporated into the Secretariat's suite of programs and the previously established approach to computing a more accurate tuning to meet the Commission's specifications needs to be carried out. Then a comparison of the difference between catch limits computed using the new catch limit program and those from the older program needs to be carried out for a limited number of the simulation trials, and this has been referred to an intersessional Steering Group. Shall I pause at the end of each little section?

**Chairman**

Yes please. Thank you Chair of the Scientific Committee. Are there any comments on this item? Seems not. Please carry on.

**11.1.1.2 ABUNDANCE ESTIMATION****Chair of the Scientific Committee**

OK, I am going to skip over 6.2 because that was already covered in the RMS Sub-committee or Working Group whatever it is, so I will go right on to abundance estimation, item 6.3 on page 8. The Working Group that worked on this intersessionally worked on multi-year data and estimates used in the RMP when assumptions of the estimation technique are violated, and there are some details there about what they reported. The Committee agreed that the most appropriate analytical method to be used in the future depends on the desired performance, information collected and ease of implementation, and several other things that this Working Group might investigate were suggested. As far as the issue of multi-year survey estimates goes, the Committee agreed that the outstanding technical and RMP implementation issues had been resolved and recommended that the intersessional group continue work and draft annotations to the RMP to reflect this Resolution. That concludes that section.

**Chairman**

Thank you Chair. Are there any comments on this section? Japan.

## **Japan**

Thank you very much Mr. Chairman. As far as the North Pacific minke whale stock is concerned the Scientific Committee has already completed comprehensive evaluation of this stock and if the parameter setting for RMP and implementation simulation are completed it becomes possible to start sustainable use of this particular stock. However, although the efforts have been ongoing for the past eight years for parameter setting this has not been completed yet. This is because the scientist who belong to anti-whaling group came up with putative hypothesis saying there are a number of independent groups of minke whales in the North Pacific. This is not based upon data and only a putative hypotheses but in order to defeat this putative hypotheses Japan started from 1994 the study of minke whales in the northwestern Pacific. This is part of the research take and as a result of this study this putative hypotheses was virtually denied, defeated. Therefore, the Government of Japan believes that even if we start whaling from this year we will be able to maintain the stock at a very sound level. But American scientists without any physical evidence, but based upon putative hypotheses, still contend that minke whales swim all the way from the United States to Japan.

In this series of implementation simulation trial including the parameter setting and so forth the past commercial whaling data from Korea were used. However, according to the recent analyses it was revealed and it was found that the minke stock distributed in the Sea of Japan is not in a serious condition at all as used to be thought. So suddenly after this was revealed the anti-whaling groups which had supported this data suddenly changed their attitude and started to deny these data, and so this kind of attitude and the treatment actually generated a protest from the serious and earnest scientists in the Scientific Committee. So when this kind of thing occurred within the Scientific Committee the work cannot make any progress and this, I think, is the groundless obstruction and intervention of the work to complete the RMS. I think we should recognize that this kind of thing would undermine the credibility of the Scientific Committee of the IWC.

In this trial we need to know the number of the minkes incidentally caught in these stationary nets in Japan and Korean waters. Every year a certain group of anti-whaling scientists had submitted a huge or large number which they calculated based upon the so-called DNA analysis of the whale meat sold in the Japanese market. We have always insisted that this kind of analysis is not at all reliable and its reliability or credibility is extremely low and at the Scientific Committee Meeting this time, prior to this plenary, our point was accepted by the scientists.

Thus you can see that the due to numerous reasons the implementation of the RMP is delayed at the Scientific Committee. However, in order to realise the expeditious and early implementation of the RMP, the Government of Japan has carried out different research activities, for example, the Northwest Pacific cetaceans research, as well as the Japan-Russia joint sightings survey in the Sea of Okhotsk, as well as the Japan-Korea joint sightings survey in the Sea of Japan and so on and so forth. We intend to further strengthen and enhance our scientific activities with an aim of early implementation of the RMP in the future. Thank you Mr. Chairman.

### **11.1.1.3 NORTH PACIFIC MINKE WHALE TRIALS**

#### **Chairman**

Thank you Japan. We note your comments. I think they may be more appropriate to 11.1.1.3 - the North Pacific minke trials. Chairman of the Scientific Committee if you would like to go to 11.1.1.3. Thank you.

#### **Chair of the Scientific Committee**

Yes, I can do that. Actually Japan has already presented part of my report but I am a bit more optimistic about the progress we made so let's see if I can summarise the progress. We reviewed the trials that were run intersessionally and in fact already in the JARPN Review Meeting it had become clear that there would be a need to specify some new trials. There were concerns expressed about the J stock and that is discussed in some detail on page 10 of our Report in the second column. The procedure used to condition the trials in the past would not necessarily constitute an adequate basis for an reassessment of the J stock, and the Committee agreed that a future reassessment of this stock would need to be based on a comprehensive review of the available information, including the new Korean CPUE data and some of the results from the surveys that Japan mentioned. The Committee agreed that future trial results would distinguish between commercial and incidental catches when listing the catches for the J and O stocks.

We had some new information about incidental catches which we considered was important to think about, and new information from both Korea and Japan. Skipping through the details rather quickly, we agreed that for the purposes of the trials the range for incidental catch that had been used last year of 25-75, even though use of these options for trial purposes did not constitute agreement by all members of the Committee that the entire

range was possible or indeed that this was the entire plausible range, it still was an adequate range to use in future trials. We agreed not to modify the approach agreed last year to include incidental catches off Korea in the trials and use the incidental catch off Korea of 56 for 1999.

There were a number of other considerations regarding by-catch but nothing I need to call particular attention to.

We then considered mixing and stock structure which is one of the things that Japan was remarking on. As always, in the trials it is not that we were trying to say what reality is, we were just trying to cover a range of possibilities, so that whatever reality is we would be protected if we were to start using the RMP in this area. So we considered several papers presenting analyses in response to recommendations from the JARPN review regarding the trial assumptions regarding the J and O and putative W stocks. The Committee - I will skip over this whole long section on page 12 telling you all the things we considered and I think I can skip over page 13 as well about more things that we considered - and basically at the top of page 14 we see that based on the results presented in the JARPN Review and the new information reviewed at this meeting, the Committee agreed to consider three stock structure hypotheses in the Pacific. One of them is, there is no W stock, one is that the O stock occurs in sub-areas 7 and 8 and the W stock in sub-area 9 and the other that the O stock occurs in sub-areas 7, 8 and 9 and the W stock also in sub-area 9.

We also agreed that for trial purposes sub-areas 7 and 8 would be combined but that J stock animals will be assumed to be found in sub-area 7 only. So in summary, a great deal of research has been done that has helped us narrow down the plausible hypotheses and reduce them to this list which we think covers the plausible alternatives.

We then talked about re-specifying the final trials which is always a very technical and detailed process, and we agreed the revised specifications and recommended that the Secretariat conduct the trials during the intersessional period and report the results to next year's meeting. We were assured that this could be done within the Secretariat's time schedule for computing work and the details of the agreed re-specifications fill up most of pages 14 and 15. I don't think you want to hear those technical details, not even the ones that have bold face agreed because they are basically just taking care of the details for getting those trials specified right.

We reviewed reports of sighting surveys which, of course, are crucial for providing the abundance estimates that go into the trials and the eventual implementation. We heard about a joint Japanese and Russian survey in 1999 in the Sea of Okhotsk which we agreed was appropriate for use in the RMP, and received a research plan for another such survey in 2000 and made some comments on it and that will also have Scientific Committee oversight.

Here is something important for the Commission. We recommend that the Commission request the relevant authorities of the Russian Federation to grant permission in a timely manner for Japanese vessels to survey in Russia's EEZ including both the Southern and Northern portions of the entire Sea of Okhotsk and associated Gulfs and Bays because of the apparent higher density in the immediate near-shore areas.

We also received reports, as has already been mentioned, of a joint Korea-Japan minke whale sighting survey in 1999 and another survey in May of 2000 in the eastern waters of Korea, and of plans for a further survey in that area in September of 2000 and yet further surveys in western waters of Korea in 2001. One of those plans was presented by Kim and this was something that he wanted to do as a survey that could be used in the RMP. The Committee considered that this was acceptable and would not impact our work load in any way so we asked Miyashita to provide Committee oversight on the cruise and suggested that the collection of biopsy samples would provide additional valuable information for the implementation simulation trials.

And that is what we did on that item.

#### **Chairman**

Thank you Chair of the Scientific Committee. New Zealand.

#### **New Zealand**

Mr. Chairman, following up on your ruling that the previous Japanese intervention under 11.1.1.2 really arose under 11.1.1.3 and I wish to respond to that intervention at this time.

Mr. Chairman, I have got to say that I regret the characterisation of members of the Scientific Committee as being pro- or anti-whaling, and I would express the hope that the Commission would be guided by the quality of

the scientific data presented by those scientists rather than the perceived anti- or pro-whaling stance of the country in which they happen to live.

Mr. Chairman, the intervention that I referred to earlier criticised what was clearly regarded as being the unreasonable assertions of these so called anti-whaling scientists, so I have got to say that I appreciate the confirmation given by the Chair of the Scientific Committee that those very assertions actually represent plausible hypotheses that were accepted by the Committee.

Mr. Chairman, it has been claimed specifically that the market surveys themselves were largely discounted and that the concerns had been accepted by the Scientific Committee. Yet I read on page 11 of the Scientific Committee Report that one of the scientists involved in the presentation of the material noted that although the market surveys were not designed to be random there is considerable consistency among the results of surveys conducted in different years, and Mr. Chairman, as I understand it, at least two of those surveys were in fact conducted by the Japan Fisheries Agency itself.

Mr. Chairman, all this in my view reinforces our conviction that the use of molecular genetic analyses is a fundamental tool for this Commission in developing and implementing the RMS whether through non-lethal research in the field or through tissue samples from animals killed in whaling operations or from by-catch.

**Chairman**

Thank you New Zealand. The Republic of Korea.

**Republic of Korea**

Thank you Mr. Chairman. I would like to welcome the new abundance indication of minke whales of East Sea-Yellow-Sea-East China Sea stock realised in the Scientific Committee using the CPUE data of Korea past commercial fishery. Although the estimators indicate the abundance exceeds the 50 per cent of its pre-exploitation level the results are fully supported by various information and also Korea has recently conducted a research activity off the Korea waters. Further, the systematic survey to be conducted until 2002 could demonstrate the real situation of the stock and also contribute to the comprehensive assessment of the stock. Thank you very much.

**Chairman**

Thank you Republic of Korea. The Chair of the Scientific Committee.

**Chair of the Scientific Committee**

Yes, because of our jump from one agenda item to another I missed telling you about one of the things we are planning to do. We agree with New Zealand that by-catch is an important issue and that we need to figure out proper ways to estimate it in order to meet the Commission's goal of making sure that total catches over time do not exceed what the management procedure assumes. We have planned for a Working Group to meet at next year's meeting to address the issue of estimation of incidental catch and other human induced mortality of baleen whales, particularly with respect to stocks of current interest in the development of implementation simulation trials. The Scientific Committee had quite a discussion of this issue and agreed that there are very difficult scientific problems in making sure that the market sampling and the analyses are done in such a way that we do get unbiased estimates of by-catch, with reasonable estimates of their precision so we are going to begin working on that.

**Chairman**

Thank you Chair of the Scientific Committee for additional information. Republic of Korea.

**Republic of Korea**

Thank you Mr. Chairman. The Korean delegate would like to take this opportunity to stress Korea's firm position on the name of the Sea of Japan used in the Schedule of the Convention. As the distinguished delegates of member countries may recall, the Government of the Republic of Korea has requested to change the name of the Sea that lies between the Korean Peninsula and the Japan's archipelago from the Sea of Japan to East Sea since Monaco Meeting heard in 1997. However, the name Sea of Japan has still been used in our documents and therefore my government once again wishes to draw all delegations' attention to this matter. Korea has stepped up its effort for the past several years in order to redress the situation. In these efforts, the Korean Government has proposed that both names East Sea and Sea of Japan be used simultaneously until mutually acceptable solution will be made.

Mr. Chairman, it was advised at many international meetings concerned that the issue should be settled through the bilateral negotiation between the governments directly involved. Respecting their advice the Korean Government has made its utmost effort to find the solution at a series of bilateral meetings of both governments concerned. However, the solution has reached only stalemate due to the ..... position of our counterpart country to address this issue. Korea strongly believes that it is not appropriate to name a Sea only after a single country, not only because it can may cause a misunderstanding, but also because it is historically unjustifiable. Therefore, Korea wishes to use both the East Sea and Sea of Japan simultaneous in the Schedule of the Convention. Thank you.

**Chairman**

Thank you Korea. We will note your Government's concerns in our Report. Japan did you wish the floor?

**Japan**

Thank you Mr. Chairman. As you can imagine, the Japanese government has to ask you to take note of their counter comment against the second intervention, not the first one, that IWC is not a suitable place for discussing about geographic names. IWC is a forum for the discussion of the sustainable use of the whale resources. Thank you very much.

**Chairman**

Thank you Japan. We will note your views. Are there any other comments in relation to the North Pacific minke whale trials? If not we will move to agenda item 11.1.1.4 - North Pacific Bryde's whale trials. Chair of the Scientific Committee.

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

**Chair of the Scientific Committee**

Thank you Mr. Chairman. This is dealt with under our agenda item 7.2 on page 16 of the Scientific Committee Report. The RMP implementation simulation trials for western North Pacific Bryde's whales had been given low priority last year and no progress had been made. If you will look over to our work plan on page 17 you will see that we are again giving our highest priority to completing the trials for the North Pacific minke whales and we are giving the Bryde's whale trials relatively lower priority, and so it is quite likely that we will not make substantial progress in the coming year either and we would like the Commission's guidance as to whether this is the correct prioritising of things.

To continue with what we considered about the Bryde's whales this year. We were presented with a detailed analysis to address a question raised last year about the validity of species identification of Bryde's and sei whales in some of the early commercial catches in the 1970s and the Committee agreed that this analysis resolved the uncertainties raised last year. We reviewed reports of sighting surveys in August and September 1999 and were agreed that this survey had been conducted acceptability for use in the RMP and were pleased that some biopsy sampling had been done on that survey. We made a few suggestions about that survey and we also received a description of the planned survey and made some suggestions about that, and again we have a recommendation that the Commission request the relevant authorities of the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands and the USA to grant permission in a timely fashion for Japanese vessels to conduct this planned survey in their respective EEZ waters.

**Chairman**

Thank you Chair of the Scientific Committee. Are there any comments on this point? Japan.

**Japan**

Thank you Mr. Chairman. In the similar way as the minkes, the Bryde's whale stock in the North Pacific completed its comprehensive stock assessment by the Scientific Committee and then the simulation trial parameters setting for the application of RMP was complete at last year's Scientific Committee. However, the priority given to this work was rather low at the Secretariat and the work has not made any progress since last year which is quite regrettable. I understand that at this year's Scientific Committee this was given a little bit higher priority in the future, for the future trials, and so I strongly urge that the steady progress should be made in this area of work. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. Any other comments? Switzerland.

**Switzerland**

Thank you Mr. Chairman. Mr. Chairman, we have a question to the Chairwoman of the Scientific Committee concerning by-catch reports. If I am correct in following the text of the Report of the Scientific Committee there was talk about reporting by-catches by Korea and Japan. First, is this correct and secondly, are there other nations that have reported by-catches or incidental catches of whales in the last year? Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. Chair of the Scientific Committee.

**Chair of the Scientific Committee**

Yes, you are correct. We did receive reports from both Japan and Korea. In Annex R we have a table of all the by-catch information we have received. We noted that we haven't taken into account in trials any information we don't have and so basically we urge that all countries report by-catch information so that they can be used.

**11.1.2 ACTION ARISING**

**Chairman**

Thank you Chair of the Scientific Committee. Are there any other comments? Can I then move onto 11.1.2 - Action Arising. The action arising would seem to me to be do we agree to accept the recommendations of the Scientific Committee and the items in the work plan at 7.4. Chair of the Scientific Committee.

**Chair of the Scientific Committee**

There is one item in our work plan that wasn't part of your agenda but perhaps I should describe it briefly now and you should consider what you think about it. We are on page 16 and we received reports of sighting surveys of North Atlantic minke whales which are part of ongoing survey programmes, but we also agreed that the surveys continued to be conducted in a manner suitable for use in the RMP, and we also need to ask the Commission to request that authorities of the Russian Federation be asked to grant permission in a timely fashion for Norwegian research vessels to survey in its waters. We received some information about stock structure in the North Atlantic minkes which is briefly summarised under 7.3.2 but the most important thing that we wanted to draw to the Commission's attention is that the Committee proposed in response to a suggestion by Walløe that an RMP implementation review for North Atlantic minke whales be conducted in 2002 when a new estimate of abundance from Norway's series of annual surveys and analyses of samples collected over the last five years would be available. The Scientific Committee believed that it was important to do this since Norway is, in fact, harvesting whales using the RMP under objection and therefore they would be due for an implementation review if the RMS were in effect, so I would like the Commission's advice about whether we should proceed with this.

**Chairman**

Thank you Chair of the Scientific Committee. Norway.

**Norway**

Thank you Mr. Chairman. As a non-scientist, but representing the very country in question, I would just like to confirm that we put a very great emphasise of having the possibility of extending our sighting surveys also into these particular waters as an essential part of the whole scheme of collecting information which is necessary for our management of the Northeast Atlantic minke whale. Thank you Mr. Chairman.

**11.2 WHALE STOCKS**

**11.2.1.1 SOUTHERN HEMISPHERE MINKE WHALES**

**Chairman**

Thank you Norway. Any other comments? Seems not. Can we accept the recommendations from the Scientific Committee on these items? Seems so. Thank you. We will now go onto 11.2 - Whale Stocks and we will go to 11.2.1.1 - Southern Hemisphere minke whales and I will go back to the Chair of the Scientific Committee.

**Chair of the Scientific Committee**

Thank you Mr. Chairman. Consideration of this is under the Scientific Committee agenda item 10.2 on pages 37-40 of our Report. With Southern Hemisphere minke whales we are preparing for a review of abundance estimates in 2001 and an intersessional Steering Group developed a list of topics that could be included in the review, and those are listed on page 37 in the second column. The first four all deal with the abundance estimates and clearly need to be included in the review. There was a question whether we should go on and do



item 5 which was to actually incorporate the abundance estimates into population dynamic models to provide an assessment of Southern Hemisphere minke whales. While recognising that it involved a considerable work load, the Committee agreed that this work should be undertaken and that planning for an in-depth assessment of Southern Hemisphere minke whales should begin, but it was recognised that even without doing that the review would take more than one year to complete.

To carry out item 1 on the list of the things that need to be done we need to get all the changes that have already been specified for the DESS system have been made. If you remember DESS is the data management and analysis system that we use for computing standard line transect estimates of abundance. The changes included updating definitions of species codes in response to recommendations made by a Working Group over the past year, and the Committee recommends that their proposals be adopted and we also endorsed a recommendation of the Working Group that data from JARPA be analysed to determine the proportion of dwarf minke whales both in the minke whale catch data and in sightings in the area covered by JARPA. The issue of dwarf minke whales versus minke whales versus like minke whales in the coding is one of the difficulties we have to deal with in doing these estimates.

We also agreed, pending the review, on a way to deal with the first five IWC/IDCR surveys which used a different design from subsequent surveys and on an option for RMP small-area abundance estimation.

We heard reports on the 1999/2000 IWC/SOWER cruise and in the Scientific Committee we begin talking about SOWER Circumpolar cruises to refer to the cruises that are estimating the abundance of minke and other whale species, and to differentiate those cruises from the cruises like the CCAMLR cruises which we also heard reports on that were carried out under the aegis of the Environment Working Group. Both those cruises saw relatively few minke whales in the area where they were surveying but what that means awaits the analyses of the data of course.

Another issue that was raised in discussions was the possibility of consistent differences between a detection function shapes in closing mode and IO mode. There are quite a few issues that have to be dealt with in reviewing these abundance estimates and that is just an example.

We welcomed reports of sightings surveys off Northeastern Brazil and recommended that these be expanded to include the entire breeding ground and that consideration be given to estimation of  $g(0)$  which is the probability of detecting on the trackline. There are plans to expand the surveys to include photo-identification and biopsy work which we look forward to seeing the results from.

We then discussed progress on GAM based estimators for JARPA and closing mode data. These are designed to get away from the bias in the standard line transect estimates and GAM stands for generalised additive models. These estimators were tested by simulation and proved to perform consistently better than the conventional line transect estimators, but there was still bias with its amount being somewhat sensitive to the degree of clustering of minke schools. The Committee recommended that the spatial modelling methods that are able to estimate the degree of clustering reliably without strong assumptions about its nature or degree should be investigated. If these can be developed then they have the prospect of providing objective estimates of the degree of clustering on real surveys and of being able to accommodate clustering which varies in degree within a single survey and of providing unbiased GAM based estimators.

We also received some preliminary information on stock structure which would be important in getting the abundance estimates done in the right areas, and we received some further information on whale tags that had been recovered.

We then went on to talk about how we were going to finalise plans for the review and we noted that estimates of Southern Hemisphere minke population sizes accepted in the comprehensive assessment some ten years ago total 760,000 but those were the best available estimates at the time and they are no longer appropriate estimates of current abundance. However, because the third circumpolar hasn't been completed and all the estimates have not been completed, we could only do some crude initial extrapolations of the current abundance and these led to the suggestion that estimates seem to be lower than the total of the previously point estimates by area. However, we note a number of factors, (a), (b) and (c), that make us very cautious in interpreting these results and basically without calculation of confidence limits we don't even know whether they are statistically significant. A number of points were made about how we might interpret the trend, if indeed there was one, and basically the main point to take from this whole discussion on pages 39 and the first part of page 40 is that we agreed that there was an urgent need to address trend-related issues and to provide up-to-date estimates of minke whale abundance

since the IWC has invested a great deal in getting these estimates and we need to not just collect data but get it analysed as well.

In our work plan in this regard, this is in the second column on page 40 in the bottom - actually up at the top of that column - we agreed that it is very important to complete the third circumpolar and so we recommended participation in the 2000/2001 SOWER circumpolar cruise. We recommended an integrated approach to future analyses of the data collected on these cruises and we recommended the following tasks be assigned high priority. First, to enter all the existing sightings data sets into DESS, to update DESS in some way to allow use of a fuller complement of the analyses options available in the programme Distance; to complete a conventional line-transect analysis; and then to complete methodological development and analyses to estimate trend and address the issue of inter-survey comparability of abundance estimates. We recommended that an intersessional workshop to start work on all these topics be held and that a sub-group start planning for this intersessional workshop so I think that completes what we had to say about your item 11.2.1.1.

**Chairman**

Thank you Chair of the Scientific Committee. Are there any comments on this item? Japan, Monaco and Australia. Japan please.

**Japan**

Thank you very much Mr. Chairman. The abundance research on Antarctic minke is the issue that Japan has the strongest interest in. We have been carrying out research take under Special Permit in order to elucidate the stock structure and biological parameters. For IWC itself this stock is the most important stock and since 1978-79 under the programme of IDCR and/or SOWER intensive circumpolar sighting surveys have been carried out mainly for the minke whales and our country has provided vessels, equipment and human resources which are equivalent to 1.5 million dollars per year and we provided all the data and materials that were obtained through this survey. This is because we believe that IWC is the global responsible organisation for the management of large cetaceans and as long as IWC carries out its activities in line with the objective and purpose of ICRW we would like to continue this contribution.

Correction from the interpreter, earlier I said Antarctic minkes but I should have said Southern Hemisphere minkes - I am sorry.

IWC Scientific Committee in 1990 carried out comprehensive assessment of Southern Hemisphere minkes and according to the survey the abundance of these minkes in areas south of 60° south was estimated to be 760,000 and at the JARPA Review Meeting which followed later also demonstrated that this stock was healthy and robust and the Scientific Committee proposed the review of the minke whales this year and we think that their suggested work plan is generally appropriate and we would like to strongly request that the discussions will be carried out in detail and with caution as this is a very important matter. Thank you very much Mr. Chairman.

**Chairman**

Thank you Japan. Monaco.

**Monaco**

Thank you. While the Chair of the Scientific Committee reported that current estimates of South Pacific minke whales will appear to be appreciably lower than the total 760,000 estimated from the surveys carried out more than 10 years ago, well this happens to be relatively important because this figure of 760,000 minke whales is widely quoted, has been widely quoted in a lot of discussions in this assembly over the years, and while I realise without calculation of confidence limits it is not possible to say now whether this lower estimate would be statistically significant. I would like to ask one question to the Chair of the Scientific Committee and that is in the absence of quantitative figure on pages 39 and 40 of the Report on this point what were basically the new low figures, the new window provided by the different models and estimation? Thank you.

**Chairman**

Thank you Monaco. I have Australia and US looking for the floor but I propose to ask the Chair of the Scientific Committee to respond to that question first. Chair of the Scientific Committee.

**Chair of the Scientific Committee**

Yes I will glad to. Perhaps I was a little too brief in my summary. The Scientific Committee considered a number of possible explanations for this decrease, if it is a decrease, and we are not even sure that it is, but it could be because the resource has actually overshot carrying capacity and it is now returning to carrying capacity

in its size. It could be because there have been some environmental changes that would effect the health of the population like changes in krill abundance. It was also noted that some of the estimates from JARPA surveys suggest that there is no decline at all in the areas where JARPA was operating so with all these things we could not come to any conclusions with the information available to us at this meeting and so I didn't want to put too much emphasise on them. The main message that we have is that we need to complete these analyses properly and complete the third circumpolar survey and then we will be able to provide better information.

**Chairman**

Thank you Chair of the Scientific Committee. Can I go to Australia and US.

**Australia**

Thank you Chairman. I would like to start by agreeing with the distinguished delegate of Japan that this is perhaps one of the most important figures and estimates that we have to deal with. We do need to recall that this is the population which Japan harvests in the Southern Ocean Sanctuary under a research permit. The figure of 760,000 for Southern Hemisphere minke which was generated in 1990 is perhaps the most banded about figure of any within the IWC. It has been used regularly in this forum and in other fora to indicate that the current level of harvesting is not problematic. So, therefore, quite a concern for us to now find that the more recent data is suggesting that population sizes maybe appreciably lower than those estimated in 1990 but more concern perhaps is that we now no longer have an estimate of abundance for Southern Hemisphere minke. If we take that uncertainty and also consider that later in the Report of the Scientific Committee under the item dealing with nomenclature it now appears that this is not the single species population but a population of more than one species, the uncertainty increases. In those circumstances it is very difficult for this Commission perhaps to ask the Scientific Committee for advice on what maybe the impact of harvesting on this population of unknown size. What is the impact of the current harvest by Japan in the Southern Ocean Sanctuary? Therefore, we strongly agree with the conclusion of the Committee that there is an urgent need to address the trend related issues and to provide a more up to date estimate of minke whale population abundance in this particular region. As I said the figure is being banded about, it is being used in papers presented to this meeting, I will nominate one which is IWC/52/22 which uses that figure as an argument against the Australian and New Zealand proposal for a Southern Pacific Sanctuary. Thank you Mr. Chairman.

**Chairman**

Thank you Australia. US.

**USA**

Thank you Chairman. Just to associate myself with the views just expressed by Australia. Thank you.

**Chairman**

Thank you US. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman, some of us continue to grasp at every opportunity to show that there are not enough minke whales in the Southern Ocean Sanctuary to allow a level of capture. We have heard from the Chairman of the Scientific Committee that we are not sure that we have used the figure of 760,000 for several years and the third circumpolar was inconclusive and the Scientific Committee cannot, at this time, give guidance on whether the apparent decline is realistic but we start talking about the numbers and our concerns are beginning to rise again. Why are we doing this Mr. Chairman. We need to be consistent in this organisation. I am very disturbed at the way we are dealing with these numbers and these issues and I would urge our people to listen to the Scientific Committee. Every time they give us guidance because from time to time we take what they say when it appears to be negative in favour of the anti-use groups and when it is positive advice and guidance we turn it away and we ask for more advice, advice that would show that things are bad. We need to be consistent Chairman.

**Chairman**

Thank you St. Lucia. New Zealand.

**New Zealand**

Mr. Chairman we are really dealing here with two issues are somewhat separate but finally inter-related. The first becomes apparent on page 47 of the Scientific Committee Report at the top left-hand corner where it is clear that the Committee has agreed to recommend that in fact the definition of minke whales should now list two

species, the common minke whale and the Antarctic minke whale and indeed in parenthesis Mr. Chairman I should say that I am informed that the latter species may in fact itself divided into at least two further species.

Now, Mr. Chairman, the short point of this is that there are several different stocks and future assessments should therefore be made on a per stock rather than on a per species basis. Now that is particularly significant because over the years there have been several attempts to persuade the Committee, that is the Scientific Committee, to support trials based on old data and on an assumption that there is just one stock. Indeed, Mr. Chairman, we have become accustomed in this forum, one might almost say inured, to the proposal that there are at least 760,000 minke whales in the Southern Hemisphere and as this has already been pointed out by Australia much of the material distributed to us is based on that assertion.

Now, Mr. Chairman, now we have, and here I refer particularly to page 39 of the Scientific Committee Report, a clear indication that initial crude extrapolations of the incomplete third circumpolar set of surveys led to a point estimate that was appreciably lower than the total of the previously agreed point estimates by area from the comprehensive assessment.

I want to make one point very clear here Mr. Chairman. We are not talking about a decrease but a revised abundance estimate or potentially so, but as I understand it at present, this Commission now no longer has a reliable estimate for minke whale abundance in the Southern Hemisphere and New Zealand certainly looks forward to receiving revised estimates for what I understand now to be effectively two and possibly more species in the Southern Hemisphere and for our part Mr. Chairman will be particularly interested to receive agreed estimates for minkes in Area V where much of the "so called" scientific whaling under JARPA has taken place.

**Chairman**

Thank you New Zealand. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. I find it difficult for us Commissioners to sit here while we party to the Convention that is guiding our work while we agree to adhere to the rules of the Convention to refer to scientific research that is accepted by us all here as "so-called" scientific research. Mr. Chair that should never be allowed. Mr. Chairman I hope in the future that as we are discussing the scientific research that we all have approved we will not posture and malign member states in this organisation by referring to their research work as "so-called" scientific research. It is wrong and should not be encouraged.

**Chairman**

Thank you Antigua and Barbuda. I have Sweden, UK, France and I will return to you Monaco for a second intervention later. Sweden.

**Sweden**

Thank you Mr. Chairman. This is just to associate myself with the views of New Zealand requesting better data. Thank you.

**Chairman**

Thank you Sweden, particularly for being so brief. UK.

**UK**

Thank you Chairman. Well I too would like to associate myself with the remarks made by New Zealand and a number of other delegations and if I could just comment briefly on the comments made by Antigua. If the delegate from Antigua would like I could certainly list to him the Resolutions from this organisation calling on Japan to halt its so-called Special Scientific Whaling Operations in the Southern Hemisphere, in the Sanctuary and indeed in the North Pacific. It is therefore not true in any conceivable sense of the word to say that this organisation, this Commission, has approved those activities. Thank you Chairman.

**Chairman**

Thank you UK. Could I suggest that be the subject of a bi-lateral meeting rather than do it here. I have France and then Dominica. France.

**France**

Thank you Mr. Chairman. No France also takes note about the estimation appreciably lower than the total of the previously agreed point and shares the views expressed among others by Australia.

**Chairman**

Thank you France. Dominica

**Dominica**

Thank you very much Mr. Chair. Dominica would like to associate itself with the comments made by Antigua and St. Lucia. Thank you.

**Chairman**

Thank you Dominica. Italy.

**Italy**

Thank you Chairman. In the light of the fugues that have been discussed recently I think there is a very strong case for exercising a very careful precautionary approach to the management of minke whales in the Southern Hemisphere and hereby management I intend conservative management not exploited management. Thank you.

**Chairman**

Thank you Italy. Switzerland.

**Switzerland**

Thank you Mr. Chairman. Just to say that we associate ourselves with New Zealand and Sweden. Thank you.

**Chairman**

Thank you Switzerland. Are there any other comments on this item? Japan.

**Japan**

Thank you Mr. Chairman. Since there are many comments expressed I would also like to express Japan's comment as well. At an earlier agenda item I think the New Zealand delegate said that it is not suitable to use the name of certain scientists as anti-whaling scientists. From our standpoint the word definition of this anti-whaling nations or anti-whaling scientists are rather simple. For example, if we refer to all these Opening Statements which have been published so far, some of the nations have repeatedly mentioned that at any condition, regardless of the condition, no resumption of commercial whaling can be accepted and so those countries that expressed that view in their Opening Statement repeatedly are clearly the anti-whaling nations so that is our definition of these anti-whaling nations. It is a very simple definition. Therefore, the national scientists who belong to those nations generally we call them under this name.

Another point, different figures were expressed earlier with regard to the Antarctic minke whales and our concern is that, the figures was also I think touched upon by the Chair of the Scientific Committee about the possibility that maybe there is overshoot condition of the carrying capacity. In other words overshooting carrying capacity maybe occurring there which was something which was experienced by the gray whale situation as well so if that overshooting to the carrying capacity occurred for the minkes I think lots of minkes are under the pack ice of the Antarctic and maybe they are drowned or dead under the sea so wastefully without being utilised at all.

In the meantime the blue whales are at the beginning of this century used to have the population estimate to be around 200,000 but they became almost depleted because of the UK harvesters. At that time in history the estimate of the minke whale population at that time was about 85,000. Then the minke whale population has really expanded remarkably to 760,000 or maybe a little less than that but does that pose any problem?

In the meantime in the JARPA survey of the Antarctic Ocean we have actually seen the huge amount of numerous minkes in the Antarctic Sea. An Australian scientist who used to be the scientist of the CSIRO, he went to the Antarctic recently and he also confirmed that there are numerous minkes in the Antarctic.

The recent data also indicated that the blue whales which were hit at the lowest level, bottom level, seem to have recovered now. The humpback whales also seem to be recovering rapidly. The increment rate per annum is 11% or said to be 13% per annum and then they say that it could have reached the MSY level over 30,000 or more and its pristine level used to be 50,000. So we would expect and hope that the Scientific Committee would carry out a detailed study on these points.

I would like to clearly state here that the vessels which can be engaged in this situation in the Antarctic is only available from Japan. The Japanese vessels have been, and are being used, to carry out this kind of survey to

elucidate whether minke stocks are increasing or maybe changing slightly and also with regard to changing blue whale stock status as well as the humpback whales, only the Japanese vessel is being utilised and I am really wondering whether the other countries have ever dispatched a vessel to carry out such surveys.

A mention was made about the possibility of two types of minke whales in the Antarctic and which has also been confirmed by the Japanese scientific survey carried out under the Special Permit and it is referred to as this dwarf type minke whale which is a kind of the common minke which was touched upon by the New Zealand delegate earlier. However, in the estimate work for the Antarctic minke whale stock of 760,000 this dwarf minke whale was not included because this dwarf minke whale was distributed in the northern part of the waters other than this ordinary distribution range for the ordinary minke whale. So this dwarf type is a virgin stock minke whale and it is estimated to exist about 100,000. So we would like to urge you to carry out a thorough and full investigation in research on these matters and next year we are willing to provide a vessel and to carry out research work together in cooperation so I am really looking forward to the research result next year. Thank you.

**Chairman**

Thank you Japan. I have Norway, Germany, People's Republic of China looking for the floor and I have Monaco and St. Lucia looking for second bites. So I think we will adjourn for coffee. Can we be back at 4.00 please.

[BREAK]

**Chairman**

Norway are you ready to proceed?

**Norway**

Thank you Mr. Chairman. About an hour ago the Chair of the Scientific Committee gave a detailed and carefully worded statement concerning a possible decline in the abundance of minke whales in the Southern Ocean over the last 10-15 years. Norway would like to express its support both to the Chair's presentation of the facts and of the possible hypothesis which could explain them and her judgement and also the recommendations of the Scientific Committee. There is a strong need to complete the third circumpolar and an urgent need to address agenda related issues in the analysis of the primary data. This analysis is relevant not only for minke whales in the Southern Ocean but also for the abundance estimates of blue whales and humpback whales and the related trends as mentioned by Japan. The crude blue whale estimate from the same cruises show a great increase over the same period. However, Norway would like to emphasise that there is absolutely no reason for any immediate action or concern related to the current harvest by Japan. The small number of animals taken out of this large stock even if there is a decline is only a very small fraction even if there are sub-stocks and subdivisions of the minke whales in the Southern Ocean. So we have time to wait for the advice of the Scientific Committee for the two or three years needed to get a much more precise result. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. It is hard to believe that it is only an hour ago that the Chairman of the Scientific Committee spoke on the subject. Germany

**Germany**

Thank you Chairman. It is important to note I think that the Scientific Committee takes the view that the old assessment of the minke whale stock in the Antarctic waters is no longer appropriate so at the time being we don't have a reliable assessment of this stock and we are waiting for a new assessment undertaken in the year 2001 and in the meantime I think, and it is important for us, we have to be very cautious about this stock. Thank you.

**Chairman**

Thank you Germany. People's Republic of China.

**People's Republic of China**

Thank you Mr. Chairman. My delegation listened to the current debate very carefully. Some delegations cannot accept the suggested 760,000 minke whales. It is my suggestion that the country are not in a position to accept the preamble that should conduct scientific survey like Japanese did in the past and give us an preamble. Before the coffee break the Japanese delegation made a reasonable suggestion to conduct cooperative scientific survey.

In my mind the suggestion is a good one, it needs to be considered. In the meantime, Mr. Chairman, I want to inform the Commission that the position of the Chinese Government on the issue of the South Pacific and the Southern Hemisphere is based on the current preamble of whales that we have. Thank you very much Mr. Chairman.

**Chairman**

Thank you people's Republic of China. I now have Monaco wishes to seek clarification on something other than seek a second bite as I described it earlier. Monaco.

**Monaco**

Well I am grateful to the Chair of the Scientific Committee for responding to my question with a brief listing of hypotheses advanced to account for the newly recognised uncertainty about previous estimates but I am afraid that she misunderstood my question so my question was about the following point. Given the uncertainty now concerning the various population estimates of Southern Ocean minke whales and since we have only been playing with the 760,000 magic figure in the past ten years and given that on page 39 of the Scientific Committee Report it is pointed out that new extrapolations lead to 'appreciably lower' point estimates. What is meant roughly by significantly lower? Is it 20,000 less, 50,000 less, 100,000 less or perhaps more. Now Mr. Chairman since 1992 Rio Conference we all know that uncertainty leads automatically in the mind of responsible nations to the application of the precautionary principle. In the absence of a proper estimate for the total Southern Ocean minke whale population obviously we should apply this principle to ourself. I would like to therefore pose again this question to the Chair of the Scientific Committee but before she has an opportunity to reply I would ask your – bienveillant, as we say in French - to remark on something that the distinguished delegate from Japan said which triggered my curiosity. I was very interested to hear that early, in the past century that is 100 years ago, when the blue whale stocks were flourishing the estimates, he said about the minke whale population in Southern Oceans were, if I understood properly, in the order of 80,000 or 85,000 individuals. Now this is a first time that I hear such figure, maybe this is a reflection on my ignorance and I would like to know so that if those figures are extracted from the previous official documents from this Commission or if they have been published in the internationally recognised scientific literature. Thank you Mr. Chairman.

**Chairman**

Thank you Monaco. Japan would you briefly like to respond?

**Japan**

The reference material is Dr. Ohsumi's paper in 1979. Thank you.

**Chairman**

Thank you Japan. Brevity is the soul of clarity. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman I continue to highlight the inconsistency of our organisation and I want to refer to an intervention by the distinguished Commissioner of the United Kingdom when he referred to Resolutions on Japan's scientific whaling. Chairman we have Article VIII to guide us and we all know what Article VIII says. You know I was two years old, now I am an old man, when the United States and the United Kingdom adhered to this Convention but in the 1960s Chairman the United States had a scientific programme which targeted the protected gray whales and they took 200 whales in the name of feeding habit studies, maybe Chairman the Richman California Plant had no meat to process. Now I really want to enquire from the delegate of the UK whether they prepared Resolutions and gave the kinds of pressure to the United States that they now bring to bear on Japan on scientific whaling?

**Chairman**

Thank you St. Lucia. Chair of the Scientific Committee are you in an position to respond to Monaco's question?

**Chair of the Scientific Committee**

If I understand Monaco's question, Monaco would like to have a number and so Greg and I have been pouring through the Sub-committee report and the answer is that the Scientific Committee does not, at least as far as we have found, have a number to offer because we don't believe we can give a reliable number at this time. We do do our abundance estimates by stock which in the Southern Oceans amounts to doing it by area and we have not completed the third circumpolar so we are missing all or part of some of the areas. We can't give a number for the total population at the present time.

**Chairman**

Thank you Chair of the Scientific Committee. Monaco.

**Monaco**

I don't want to drag this any further but just to point out that in the absence of any sort of estimates we should dispose in the same way of this figure of 760,000 minke whales and consider that we just don't know what is a realistic estimate of this stock at present. Thank you.

**Chairman**

Thank you Monaco. UK.

**UK**

Thank you Chairman. Well I was asked a specific question. As a Historian I often find our debates interesting and I certainly learn a lot about the past but I am afraid I cannot, off the cuff, record what position the UK took in the 1960s was but I would just make the observation that that was, of course, when commercial whaling was taking place, that it pre-dated the moratorium. Certainly, in the view of my delegation the moratorium fundamentally altered the situation. While we acknowledge that Article VIII exists and that countries have rights under Article VIII we continue to take the position that whaling under Special Permit is wholly contrary to the spirit of the moratorium if not the letter of the Convention. Thank you Chairman.

**11.2.1.2 SOUTHERN HEMISPHERE HUMPBACK WHALES**

**Chairman**

Thank you UK. Can I now move onto Agenda Item 11.2.1.2 – Southern Hemisphere humpback whales and let us hope that it will not be as long drawn out as the last one. Chair of the Scientific Committee.

**Chair of the Scientific Committee**

Thank you Chair. You will find our deliberations on Southern Hemisphere humpback whales in section 10.1 of our Report starting on page 34. This year saw the results of a very preliminary assessment of Southern Hemisphere humpback whales. Estimates of population trajectories, carrying capacity and intrinsic growth rates came out of that preliminary work. The method was a rather crude population model, sex- and age-aggregated, the one used in the catch limit algorithm and which used a single estimate of current abundance and an estimate of rate of increase for each putative humpback stock for which those estimates are available. The model also takes as inputs definitions of stock boundaries on the feeding grounds and data on historic catch sizes and locations.

Putative breeding grounds, feeding grounds and migratory routes are as shown in Figure 1 on page 34 of our Report. We had abundance estimates for several of the stocks - the Madagascar stock, the west Australian stock and the East Australian stock, but we had rate of increase estimates only for the latter two. So in order to carry out the estimation, a sort of average of the given rates of increase were used for the other stock and this was quite a crude estimate and was not claimed to be the best way to do things but it was what could be done in the absence of increase data.

We also had the problem that the location of a proportion of the catch data was not known but sensitivity studies were carried out which indicated that the results were quite insensitive to that, however, the results were very sensitive to estimates of rate of increase in current abundance as one would expect. The Committee agreed that the first step at a preliminary estimate of Southern Hemisphere humpback whales contained in SC/52/IA5, the paper in which this was presented was useful and had focussed attention on what information and additional work was necessary for a fuller assessment. There were some aspects of the results from this paper which seemed implausible and the Committee further agreed that it was premature to draw strong conclusions about stocks status and trajectories on the basis of these results. It considered revisions of the analyses that might usefully be conducted and those are listed near the end of the text on page 34.

There was also a report on a couple of exercises in connection with this assessment. One on calibration of humpback earplug readings which the Committee recommended should be carried out because it had not yet been able to be carried out in the intersessional period and we also received an update on the Antarctic Photo-identification catalogue. 249 photographs were catalogued in the last year and an Antarctic catalogue world-wide web-page was being developed. The Report included an application for some maintenance funds for the forthcoming year and the Committee recommends that this work be done. As you will see if you read on



through this section of our Report the photo-identification data is proving to be extremely useful for helping to better delineate stock structure and find out other things about these populations.

We had estimates of population size and rate of increase from JARPA data. There was an indication that densities increased over the period 1989-1990 to 1999-2000 at a significant rate but as with many of the humpback rate of increase estimates, this one seemed to be somewhat implausibly high, given what we know about the biology of humpbacks. So that is still something that we are working on to get more precise estimates of rate of increase.

We also had abundance estimates for humpbacks from the IDCR/SOWER circumpolar cruises and I guess there is not a great deal to be said in conclusion about those again because the third circumpolar is not complete – we are awaiting more data to get a better estimate and there were some methodological issues that also remain to be addressed.

We had information from the 1999-2000 SOWER circumpolar cruise survey in which a large number of humpbacks were sighted and biopsies were obtained from quite a few and this is one of the very encouraging things that we are getting biopsy samples from both the feeding grounds and the breeding grounds now and these will help us as they are analysed in pinning down the stock structure better.

The next section 10.1.6 on stock structure presents quite a bit of information about the genetic work and other work that is being done and again I point to the photo-id work in the various parts of the South Pacific and the biopsy sampling and the Committee recommends that this work continue with expanded biopsy sampling, collection of data and additional analyses from the breeding stocks and with comparisons to the high latitude feeding areas of the putative stocks.

There are quite a few details here about various studies that are ongoing, but the bottom line from these studies is that they were generally compatible with the breeding/feeding stocks scenario given in the preliminary assessment or used in the preliminary assessment. However, there was a suggestion from some of these results that there were perhaps some finer divisions of stocks than had been assumed and it was suggested that sensitivity of the model to these further sub-divisions should be looked at.

There were also some further details of Soviet catches and several other papers on sighting surveys and photo-id results which are described under 'Other New Information' and a great deal of humpback research was done during the 1999/2000 JARPA survey, a great many whales were seen and photographed and biopsied.

I think that pretty well sums up the information that was presented. So, I am now over on page 37. The Committee agreed that further runs of the model used in the paper that take account of the new information presented on stock structure, rate of increase, abundance and catch data would be useful to its deliberations and these should include the factors that are described in more detail on the page. But it was also suggested that later on it would be useful to investigate more complex models than the simple one that had been used. However right now, the biggest need is to focus on data and try to essentially get more of the data that will allow refining of this assessment. That is discussed in this next part of the Report. There is a paragraph about the catch data and the CPUE data that should be used to make further investigations with the model and incorporate into it. A strong recommendation that rate of increase and abundance estimates be obtained in these cases where there are photo-id studies that are on-going and a shore-based survey in Mozambique if its possible. We would like to get estimates in these cases and for any of the stocks for which abundance and rate of increase data is currently unavailable and, of course, that is more than a year's project that will be a long-term goal.

It was noted that an additional survey was being conducted off east Australia this year and we recommend that this work be completed. You will see some further comments about the estimated rates of increase. The shore-based surveys as well as the one I mentioned earlier, have tended to give quite high estimates of rate of increase and in particular the upper confidence limits are implausible given what we know about humpback life history so that is something again that we hope will sort out with more research.

Our work plan for humpbacks is on page 40 and we stress the new data-gathering activities. We suggest revising the preliminary assessment in the light of the new data which are currently available, and we recommend maintaining the Antarctic photo catalogue and continuing the ear-plug calibration study. But I must say that in our total sorting out of priorities for next year we sort of felt that some of the humpback work could perhaps be postponed for a while until some of this new data gets gathered and analysed.

**Chairman**

Thank you Chair of the Scientific Committee. Are there any comments on this item? Japan.

**Japan**

Thank you Mr. Chairman. I feel very happy that the progress that the Scientific Committee on comprehensive assessment of this stock is underway and it has been quite smooth. Since 1987/88 we have been continuing the JARPA survey and we have been contributing to the monitoring of this stock in Areas IV and V through this survey. As a result, it was found that area V has a stock of 12,000 and that recent increase rate is very high at 13.4% which is more or less equivalent to that of the breeding ground off the west coast of Australia. We think that we have been able to prove that the reliability of both surveys is quite high. According to a certain paper published at the Scientific Committee this year the Southern Hemisphere humpback whale stock has already reached the MSY level and I would like to call the attention to this and in order to promote the comprehensive assessment of this stock. We have provided the ear-plug which is a very important age trait in order to evaluate the age of the whales and we would like to contribute further through continuing JARPA surveys and the provision of our vessels for IWC/SOWER. Thank you very much and I would like to make one correction. Earlier I said the stock level of Area V is 12,000 but it should have been Area IV. Thank you very much.

**Chairman**

Thank you Japan. Chair of the Scientific Committee.

**Chair of the Scientific Committee**

Yes I would just like to make a couple of remarks indeed thank Japan for their contributions and for providing the earplugs for the earplug calibration study. That will help us know things like age at sexual maturity of Southern Hemisphere minke whales which in turn will help us to better understand whether the rates of increase are plausible or not and I might add about that. The rate of increase data from all the different surveys is a perfect example of how one ought not to take point estimates too seriously. All the estimates have fairly large CVs and somewhere in the confidence intervals the true rate no doubt lies.

**Chairman**

Thank you Chair of the Scientific Committee. Are there any other comments on this item? Seems not. Can we move on then to 11.2.1.3 – Western North Atlantic right whales. Chair of the Scientific Committee again.

**11.2.1.3 WESTERN NORTH ATLANTIC RIGHT WHALES**

**Chair of the Scientific Committee**

Thank you Chair. I am going to spend perhaps a little longer on this section of the Report than on some because this is one of the stocks about which the Scientific Committee has the greatest concern. The Scientific Committee reviewed the Report of the Intersessional Workshop on the Status and Trends that was held last year in the context of the Committee's serious concerns over the status of the stock. We also received the Report of a Workshop on the Causes of Reproductive Failure in North Atlantic Right Whales because there is a concern that they seem to be doing not as well in the 90s in that regard as they were doing in the 80s. We also had a Report on a Workshop on the Effects of Tagging which had detected swelling at the implantation site of satellite tags and we had some concerns about that which are described on page 41 of our Report. We recognise that time-scale information on the effects of tagging would be useful, notably, the timing and type of tissue response at the site of implantation and ask for such an analysis and in spite of the concerns that were expressed we recognised that the risk of tagging must be balanced against the benefits of the information derived but we did recommend that further analysis of the risk be taken, paying particular attention to possible differences in reproductive success in tagged versus non-tagged females. There was also a recommendation that implantable tags that are proposed for use on right whales should be tested on harvested bowhead whales to find out such things as the depth and nature of the wound, extent to which epidermal material is carried into the wound and the holding strength of the attachment devices.

I won't go into all the details about what the Workshop Report told us, the Workshop on Status and Trends and the one on Causes of Reproductive Failure, instead I will just go right along to our recommendations on page 42 and we basically got about a full page of recommendations here. We noted that the Workshop on Status and Trends had agreed that there were at least two aspects which should be separated out when future research strategy is decided. First, there is research permitting documentation and scientific insights into population dynamics and ecology of this whale population that has been reduced both to very low absolute numbers and a small fraction of its original population size but second, research permitting implementation of appropriate management actions and evaluation of their performance is another area and we confirmed that while both of

those areas are important the highest priority must be accorded category 2, the research permitting implementation of appropriate management actions and evaluation of their performance.

The evidence that this population, possibly the only potentially viable population of this species, is in serious danger is compelling and the need for further research under category (1) above, the scientific insights into population dynamics and ecology, should not be seen as a reason for delaying immediate and highest priority action under category (2). In short, the population is at very low absolute abundance unless highly vulnerable stochastic variation in population dynamic processes. It is, unlike a number of Southern Hemisphere populations, not recovering despite protection from whaling since the 1930s. It appears to be decreasing at present as a result of a decreased rate of survival in the 1990s versus the 1980s and an increase in effective calving interval in the 1990s. It is subject to known direct anthropogenic removals (ship strikes and entanglements in fishing gear) that have been increasing in recent years.

The Committee recommends that the highest priority be assigned to research into means of reducing mortality from entanglements and vessel collisions. It further recommends that an international multi-disciplinary workshop be held to review progress and identify priorities for further work and the most promising approaches to management action to reduce this mortality. It recommends that good temporal and geographical information on vessel traffic, fishing gear effort and distribution is obtained from the relevant governments, that is that governments should make sure that such data are recorded, collated and made available and we recommend that a Geographic Information System project be conducted to overlap effort data onto information on right whale distribution together with that of fishing gear, shipping activity and other threats.

The Committee also recognised that the reduced calving success may reflect the impact of a variety of human activities that alter coastal habitats and recommend that research on these sorts of things.

The Committee concurred with the Workshop in reiterating that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality in the population to zero. This is perhaps the only way in which its chances of survival can be directly improved. There is no need to wait for further research before implementing any currently available management actions that can reduce anthropogenic mortalities.

The Committee recommended that the Secretary of the IWC write to the International Maritime Organisation to underscore the severity of the current status of North Atlantic right whales, and to request that organisation's assistance with implementing measures within the International Maritime community for the conservation of this critically endangered population.

We further recommend that the data on number of ships entering the area where the whales are and the speeds at which they are travelling be investigated, and this geographic information system idea is reiterated here.

In addition we recommend that for the immediate future annual updates of survival rate estimates be presented to, and considered by, the Committee so that we can see whether this problem in the 1990s is a temporary thing or whether it continues.

We also recommend that it would be useful to include other right whale populations in a comparative analysis of genetic diversity and reproductive rates.

We draw the Commission's attention to the problems with transfer of biological samples under CITES regulations and we ask for the Commission's help in doing anything it can do to facilitate the transfer of such samples.

It is important that the reasons for the reproductive dysfunction be established as soon as possible and so we recommend the programme of research discussed in the paper that talks about that be supported to the fullest extent possible and there were different factors that were considered as possible causes of the reproductive dysfunction and in fact is likely that there isn't just one factor that is responsible, it is probably a combination of things so it is important that the proposed research programme consider all possible factors and be interactive and multidisciplinary in nature. To have that happen there needs to be strong central coordination so we endorse the recommendation that a Steering Committee be established to try to get all these different pieces of research coordinated. We also recommend the development of a comprehensive database coordinated through the North Atlantic Right Whale Catalogue linked for all whales across all research programmes which would allow for multivariate analysis using data from photo-identification studies, health assessment, genetics, pathology, contaminant and biomarker studies, biotoxins and so forth and we give our full support for the continuation of

the photo-identification programme since the right whale catalogue has been and must be an integral component of the future research and continuity of the time series of sighting data will be essential for determining whether reproductive performance continues to decline or improves.

The Committee agrees that the Secretary should be asked to write to the US National Marine Fisheries Service and the Canadian Department of Fisheries and Oceans informing them of the Committee's serious concerns over the status of this stock, and seeking their support for implementation of the various actions recommended. In our work plan on page 47 we just repeat that in our next meeting we will review progress on the various recommendations, most of which I have talked about but not all, they are all in Table 1 of Annex H on page 8. We will review the progress on those recommendations and the results of the Genetics Workshop that I mentioned in our next Meeting.

**Chairman**

Thank you Chair of the Scientific Committee. Are there any comments? UK

**UK**

Thank you Chairman. Well I am very grateful to the Chair of the Scientific Committee and indeed to the Scientific Committee itself for their work on this topic. It is clear that we are facing a very serious and indeed a very worrying situation and I would underline in particular the recommendation that it is a matter of absolute urgency that every effort be made to reduce anthropogenic mortality in the population to zero. I think we have some far reaching and very sound recommendations from the Scientific Committee and I hope that we can endorse them. Chairman, work is going on on a Resolution on this issue and normally I think the time to move it would have been under action arising under this particular item but as we didn't know that we would be discussing it today until last night obviously that was not possible so I hope you will agree that we can move a Resolution under 17.4 on our agenda which is action arising from the adoption of the Scientific Committee's Report. That would seem an equally appropriate place. Thank you Chairman.

**11.2.1.4 SOUTHERN HEMISPHERE BLUE WHALES**

**Chairman**

Thank you UK. I'll accept a Resolution on 17.4 on this item. Can I use this opportunity to remind delegations that Resolutions must be in the Secretariat by 6.00 on the evening before they are to be taken. I didn't announce this this morning but this is a good opportunity to remind people. So the 6 o'clock rule still applies. Also could I ask any delegations who are proposing Resolutions to let me know in advance what is likely to come up, I just like to keep in touch. If not, can we move on to 11.2.1.4 – Southern Hemisphere blue whales. Chair of the Scientific Committee.

**Chair of the Scientific Committee**

Yes Mr. Chairman. The story is happier here fortunately. We have been struggling for some years now with the differentiation between pygmy blue whales and true blue whales so you've heard about that before. We renew our request for additional specimen material from whales that are known for sure to be one or the other so that we can do further genetic analyses and try to find out if there is any way to resolve these two species or sub-species genetically. We heard some work on acoustic work to differentiate and while more rapid progress with the acoustic work is desirable, I am now on page 44 of our Report, for that to work well would depend on more frequent contacts with blue whales and in particular it is noteworthy that although the SOWER circumpolar cruise conducted in 1999/2000 had as its mandate to spend up to 25% of its time researching any blue whales it encountered, they saw only 1 blue whale on that cruise so it makes it a little difficult to do detailed studies if you don't see any. We agreed that the present way that the SOWER circumpolar cruises are being done with flexibility to take advantage of blue whale encounters when they do occur is probably the best way to do things at present so whenever blue whales are encountered during the minke whale abundance estimation cruises we try to learn as much as we can about them. The Committee also received proposals for analysis of existing recordings from SOWER and IWC research cruises and agree that this work should be undertaken.

Two studies had attempted to determine from catch data the proposition of pygmy blue whales likely to be present in waters south of 60°S. Both of them basically agreed that small number of pygmy blue whales were clearly found in those waters but in low numbers compared to true blue whales. The conclusion was that they were unlikely to constitute more than 5% of the catch in the analysis that was looking at catch data. The Committee noted that on the 1999/2000 JARPA cruise in Antarctic Areas IV and IIIE there had been 53 primary sightings of blue whales in 25 schools so I guess it just depends on where you are in the Southern Oceans whether you see any blue whales or not.

We reviewed abundance estimates derived from the three IWC/IDCR/SOWER circumpolar cruises and we agreed that an abundance estimate for blue whales not designated by sub-species because we still can't sort out the pygmy and the true blues south of 60°S over the last two decades of the 20<sup>th</sup> century was in the range of 400 (CV=0.4) to 1,100 (CV=0.4). The estimate is negatively based because the areas south of 60° S were incompletely surveyed.

The Committee also agrees that as in the case of minke whales, inferences about trends and their statistical significance could not be made at this time using the above estimates for a number of reasons and we list those reasons below which are not terribly different from the reasons we were hesitate to put forward new minke whale estimates.

We discussed some other technical matters related to past research plans, I think we can skip over those details, and over to the top of page 45 where we see what was accomplished with one of our agenda items which was identifying potential areas of concentration for future study and there were areas off the coast of Chile which the Committee recommends be investigated further. In the eastern tropical Pacific and there it might be useful to identify areas of warm water euphausiid concentrations. We suggested tagging pygmy blue whales to see where they migrate. We noted a wintering ground for true blue whales off Namibia and a new aggregation of blue whales, we are not sure which kind, in southeastern Australian waters during Austral summer and Autumn.

Our recommendations regarding blue whale research are on page 47 and what we plan to do at our next meeting is review progress in sub-species differentiation including acoustic analyses and prepare for stock assessment of Southern Hemisphere blue whales including pygmy blues. I think we have pretty well decided that in the near future we are unlikely to be able to carry out separate assessments and that completes what we did with blue whales.

**Chairman**

Thank you Chair of the Scientific Committee. Are there any comments on the blue whales? Japan.

**Japan**

Thank you Chair. I would like to thank the Chairperson of that Committee for detailed reports on this matter. Japan was one of the major sponsors of the proposal for the recovery survey of the blue whales and the reason why we suggested this is that the largest life in the history of earth, the blue whale, has depleted to such a low level because of the over harvesting which started in the 1920s and those whaling nations at that time and the IWC we believe had the responsibility to recover the stock of blue whales so our government has not only made this proposal but also provided the vessels and also human resources to the Scientific Committee in very concrete form of support which incurred some expenditures.

As the Chairperson of the Scientific Committee explained earlier, with the final goal of the recovery survey of blue whales in mind we have been informed that various activities are ongoing including firstly, the identification at sea of pygmy blue whales and true blue whales and the revision of the stock size of blue whales. Japan plans to continue its support and we request the Scientific Committee to achieve its initial stage of goals so that we could go onto the second stage and we would like to request the Scientific Committee to become able to give advice with a view to recovering blue whale stock and those nations who had been involved in whaling of blue whales in the past should provide economic and other concrete forms of support for the blue whale research of the Scientific Committee. So I would like to make strong request to those nations on this point. Thank you very much Mr. Chairman.

**11.2.1.5 OTHER SMALL STOCKS**

**Chairman**

Thank you Japan. Are there any other comments on this item? If not, can we move onto 11.2.1.5 – Other Small Stocks. Chair of the Scientific Committee.

**Chair of the Scientific Committee**

Yes Mr. Chairman. We considered the first of these other small stocks, the Baffin Bay/Davis Strait and the Hudson Bay/Foxe Basin stocks of bowhead whales in two parts of our Report so let me point you first to 9.4 on page 32. We were very pleased to receive information of aerial surveys that were carried out on the summer range of the Hudson Bay/Foxe Basin Stock which had indicated that there are several hundred whales in that stock and had given a total number. However, the Scientific Committee was a little hesitant to give a number, it is certainly in the low to mid hundreds but we would like to see a little more survey work and analysis before we

draw firm conclusions about that number. There is less information about the Baffin Bay/Davis Strait Stock but Findley reviewed some information on that stock and suggested that it was in the low hundreds and even perhaps even more vulnerable than the Hudson Bay stock because it was more subjected to killer whale predation and perhaps also had been hunted more by the commercial whalers. We had quite a discussion on the vulnerability of such small populations to even low levels of persistent take and so we were worried not only about the killer whales but also about the subsistence harvest on this stock although it is extremely small. We welcome the information from Canada on the surveys that they carried out and hope that they will continue to do further surveys and research particularly on the Davis Strait stock where it is urgently needed.

Then we go over to page 45 where there is probably some slight duplication but not too much on the information on the bowhead whales from the two stocks I just mentioned. There is also some information on bowheads being seen in recent years on the west coast of Spitzbergen and that is very interesting because that is one of the stocks which was probably originally one of the largest and now is very rarely seen so we have about that stock no knowledge of its current abundance and not even knowledge for sure of whether the whales seen in those areas are from the original Spitzbergen stock or are strays from the other North Atlantic stocks. We were told that work on the final bowhead population, the Okhotsk Sea population, will continue in the summer of 2000. There are some new details about whaling which took one hundred and thirty three animals as recently as 1968 in that part of the Okhotsk Sea and that is where we are still finding bowheads and there is quite a bit of studying of them that is being done. Would you like me to pause now that I am done with bowheads and see if there are comments?

**Chairman**

Yes please. Are there any comments? Austria.

**Austria**

Thank you Mr. Chairman. This is just to inform you that we intend to table a Resolution which was under two agenda items, this one item 11 and item 10. With your allowance we will present this Resolution on Thursday under item 10 – Aboriginal Subsistence because, as we just heard, certain bowhead stocks are very vulnerable. Thank you.

**Chairman**

Thank you Austria. That will be OK. US.

**USA**

Thank you Chairman. The US is concerned about the status of these small populations of bowhead whales in eastern Canadian waters, and while we are appreciative that Canadian scientists provided new information about the status and estimates of abundance, we are pleased that the Chair of the Scientific Committee did clarify the fact that that estimate of 345, which was proposed in the Canadian document, was not accepted by the Scientific Committee. She further clarified that indeed further work is needed and we look forward to those results. Thank you.

**Chairman**

Thank you US. Can we move on Chair of the Scientific Committee. Thank you.

**Chair of the Scientific Committee**

We also had some information on western North Pacific gray whales on research on the feeding ground off northeast Sakhalin Island. 88 individuals had been photo-identified and 42 animals biopsied. There seemed to be no fixed differences genetically between this population, this western North Pacific gray whale population and the eastern gray whales although there were statistically significant differences in haplotype frequencies. Thin whales were seen for the first time this last year were again suggests that there maybe food limitation problems perhaps related to environmental effects that effected both the western and the eastern North Pacific gray whale stocks. Fieldwork will continue in the summer of 2000 and the guess at this time is that the total population size of this population is perhaps about 100.

There was also a report of analysis of a market sample that turned out to be a gray whale with a haplotype identical to a haplotype from the eastern North Pacific population and again this points to the fact that these two populations are not clearly distinguishable genetically at least at this point in time. It was guessed that this was unlikely to be an eastern North Pacific gray whale and it might have been from the whale that was killed off Hokkaido in 1996.

Well perhaps I should pause and see if anyone has any comments on that stock.

**Chairman**

Thank you Chair of the Scientific Committee. Are there any comments on that? Japan.

**Japan**

Thank you Mr. Chairman. Under this agenda item with regard to the western North Pacific gray whales mention was made with regard to the finding of the gray whale meat in the market. However, according to our whale meat market survey this fact was not at all confirmed and the Government of Japan recognises that the stock condition is deteriorating due to the deteriorating living environment for the particular stock concerned so we are making efforts to protect this stock and that we are instructing the Fishery Operators to never conduct any unlawful activities and so we provide the rigorous enforcement measures accordingly. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. If there are no comments. Chair of the Scientific Committee you may move on.

**Chair of the Scientific Committee**

We had a few other papers that gave some details on some other small stocks that we haven't studied in great detail - minke whales off Chukotka, right whales in the south-eastern Bering Sea and there five males were seen and one photo-identified individual was matched with one seen in 1998 so I guess the prospects for the right whales in the North Pacific are not real great based on the limited information we have.

We had some whale observations from Bering Sea fisheries surveys that gave us some rough abundance estimates for fin, humpback and minke whales. There is some information about western North Pacific humpback whales and surveys have been undertaken in conjunction with humpback whalewatching in southern Japan.

We also some papers on southern right whales and some details about those are in the next few paragraphs and we had abundance abundances for fin, sei and sperm whales south of 60°S from the three sets of SOWER circumpolar cruises. Again, I don't think you want to hear all the numbers, you can read them in our Report and our recommendations regarding these other small stocks. First going back to the bowheads and gray whales to review any available information on their status and trends as we get it and for southern right whales we would like to review research progress and for fin and sperm whales we would like to review available information on stock status but these things are not at the top of our priority list for the coming meeting but if we get information that seems important and interesting we can always set up a Working Group to look at it.

**11.2.2 ACTION ARISING**

**Chairman**

Thank you Chair of the Scientific Committee. Are there any comments on these other stocks. If not, can I thank the Chair of the Scientific Committee for her very comprehensive presentation. It has been a difficult and long first day for her and can we move on then to 11.2.2 – Action arising. If there are no other items can I suggest that we note the Report of the Scientific Committee and accept the recommendations. That seems to be OK. In that case, I will close agenda item 11 and I'll close the meeting for today. We will adjourn until tomorrow morning. Plenary 9.30, Commissioners' Meeting at 9.00. Before you leave, does the Secretary have any announcement about anything?

**Secretary**

Just to remember your badges and invitations for the host government party tonight.

**Chairman**

Thank you very much. We have achieved quite a lot today. See you tomorrow.

[END OF SESSION]

VERBATIM RECORD

52nd ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

ADELAIDE, AUSTRALIA, 3-6 JULY 2000

TUESDAY 4 JULY

**7. SANCTUARIES**

**7.1 SOUTHERN OCEAN SANCTUARY**

**Chairman**

..... agenda item 7 – Sanctuaries and we start with 7.1 – Southern Ocean Sanctuary and if I can start with the Report of the Scientific Committee. I call on the Chair of the Scientific Committee.

**7.1.1 REPORT OF THE SCIENTIFIC COMMITTEE**

**Chair of the Scientific Committee**

Thank you Mr. Chairman. We didn't discuss research in the Southern Ocean Sanctuary or research under the Sanctuary agenda item in detail but the research that has been going on has been discussed under the relevant sub-committee agenda items and in particular you will hear more about that research when we talk about the environment later today. So that is all I have to say on the Southern Ocean Sanctuary.

**7.4.2 ACTION ARISING – SOUTHERN OCEAN SANCTUARY**

**Chairman**

Thank you Chair of the Scientific Committee. Are there any general comments on this or can I move directly to action arising on the Southern Ocean Sanctuary? I will move to action arising on the Southern Ocean Sanctuary and I have a paper IWC/52/25 'Proposed amendment to the Schedule concerning the Southern Ocean Sanctuary'. Japan.

**Japan**

Thank you Mr. Chairman. In 1994 the Commission adopted the Southern Ocean Sanctuary in the absence of advice from the Scientific Committee that such measure was necessary. Further the Commission has been provided with a comprehensive legal analysis by Professor Burke of the University of Washington which concludes that the IWC exceeded its authority under the Convention and that the Southern Ocean Sanctuary is illegal.

Mr. Chairman it is the strong view that both for scientific and legal reasons the Sanctuary should be abolished but we are also aware that given the current situation in the IWC a proposal of this nature would not gain the required three quarter majority. We do believe, however, that the Commission cannot reasonably reject a proposal to make its regulations consistent with the Convention. In fact, we believe that the Commission has an obligation to do so. The Government of Japan is of the view that paragraph seven of the Schedule must therefore be amended to make it consistent with the Convention and in particular Article V to thereof. Article V too requires that the Commission's regulations be based on scientific findings.

Mr. Chairman, the existing paragraph seven of the Schedule applies to Southern Ocean Sanctuary irrespective of the status of stocks. Clearly, this is not scientific. Further, our Scientific Committee's findings are that not all species are depleted and that, in particular, minke whales could sustain a substantial harvest. This is another reason that the Sanctuary is not based on scientific findings.

In addition, the IWC already has a moratorium on commercial whaling which will be lifted when the very conservative and risk-averse RMP is implemented. Why then do we need a Sanctuary to prohibit commercial whaling? Clearly, it is redundant and unnecessary.



Mr. Chairman, although the current wording of paragraph seven of the Schedule makes reference to Article V(1) of the Convention it omits an essential reference to Article V(2) that requires that regulations be based on scientific findings.

Our proposal therefore is to amend the Schedule as follows. To delete the third sentence of paragraph 7(b) and adding a new sub-paragraph (c) as follows:

‘The prohibition described in sub-paragraph (b) above shall apply only on the basis of scientific findings in accordance of Article V(2) of the Convention’.

Mr. Chairman, this proposed amendment has been circulated and if adopted, this would change the way that Southern Ocean Sanctuary is currently applied. That indeed is our intention to bring the existing paragraph 7 into conformity with the Convention and the document that I am referring to at the moment is IWC/52/25. In the back of this paper, the summary of what I have stated is also written. Thank you very much.

**Chairman**

Thank you Japan and particularly for your very brief, succinct presentation. Thank you. US and Denmark.

**USA**

Thank you Mr. Chairman. The third sentence in paragraph 7(b) of the Schedule is very similar to the corresponding sentence in paragraph 7(a) on the Indian Ocean Sanctuary. This language does not imply as we have heard last year and again today that the Sanctuaries are ‘unscientific or contrary to scientific advice’. Rather it means that the prohibition on commercial whaling in these areas was considered appropriate by the vast majority of the members of the Commission no matter how depleted or abundance the stocks in the area. The Schedule amendment proposed by Japan would attempt to delegate to the Scientific Committee the powers to over-ride the Commission’s decision to prohibit commercial whaling in the Southern Ocean Sanctuary. It would create a rather strange paragraph with a first sentence prohibiting commercial whaling and the third sentence apparently allowing the Scientific Committee to annul the prohibition.

Mr. Chairman I would see this as confusing at best. We have read differing legal views and my delegation cannot support the amendment.

**Chairman**

Thank you US. Denmark.

**Denmark**

Thank you Mr. Chairman. As you are all aware Denmark supported the Southern Ocean Sanctuary in 1994 and therefore it is not surprising that in our opinion this is not an illegal provision. I will take you further to what is mentioned in the Schedule and we are very much aware that it is described as I quote now ‘ This provision applies irrespective of the conservation status of baleen and toothed whale stocks in the Sanctuary’. We are perfectly aware of that and it is in perfect harmony with the attitude of the Danish Government, namely keep hands off that Antarctic area. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark. Norway.

**Norway**

Thank you Mr. Chairman. There seems to be a slight inconsistency between the two versions of the Japanese proposal as presented on the two pages of document IWC/52/25. On the first page the operative text reads, that is the last paragraph, ‘the prohibition described in sub-paragraph (b) above shall be applied on the advice of the Scientific Committee etc’. On the other side or the other page of the same document the same sentence reads ‘the prohibition shall be applied or shall apply only on the basis of scientific findings in accordance with Article V(2) of the Convention’. Mr. Chairman, we would for the sake of good order appreciate a clarification of which of the two versions would be the authentic one? When that being said, I would also avail myself of this opportunity to note that in view of the substance of the proposal, that the proposal made by Japan and also the explanation given for the proposal, are both consistent with the views held by Norway which means that Norway will support this Proposal. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. I give Japan the floor to give the clarification requested by Norway. Thank you. Japan.

**Japan**

Thank you Mr. Chairman. I would also like to thank the Norwegian delegation for pointing this out. To make clarification, the IWC/52/25 version is correct and on the back of that page, second paragraph from the bottom, that should be corrected to become consistent with the top page which is IWC/52/25. Thank you.

**Chairman**

Thank you Japan. My understanding is then that we are working off page one of IWC/52/25 – this is the correct version. Thank you. I now have Netherlands, Australia and Mexico. Netherlands please.

**Netherlands**

Thank you Chairman. Netherlands would like to associate itself with the views expressed by the United States. Thank you.

**Chairman**

Thank you Netherlands – you were so brief I got caught. Australia please.

**Australia**

Thank you Chairman. As you say we should be brief, particularly since we have debated this issue before so I will be. In relation to the science Chairman, the Sanctuary was, of course, established on scientific findings that identified the depleted state of the whale stocks in the region of significance of the Southern Ocean as the location and major feeding grounds for many species and the need for zero catch limits to allow recovery. Similarly, there is no question about the legal validity of the Sanctuary. It was established, the Schedule amendment was in accordance with Article V and having been voted on and adopted by three quarter majority it was quite firmly established and its redundant too Chairman to reiterate the requirements of V(2) of the Convention in a new paragraph in the Schedule. So Chairman we associate ourselves with previous delegations who have made similar points. Thank you.

**Chairman**

Thank you Australia. Mexico.

**Mexico**

Thank you Mr. Chairman. Mexico can support the South Pacific Whale Sanctuary with sympathy but we think that this proposal has to show and add value of this protection status of the area. Also, we think that in order to assure the success of the Sanctuary goals a management programme is needed and in this sense we want to ask to the countries that are promoting this Sanctuary, if accepted, to prepare a management programme and a report of the action that will be taking place there for the next IWC meeting. Thank you Mr. Chairman.

**Chairman**

Thank you Mexico. I now have New Zealand, UK, Germany, Finland and Antigua and Barbuda. New Zealand.

**New Zealand**

Mr. Chairman New Zealand associates itself with the comments made by the United States, the Netherlands and Australia and will vote against the Schedule amendment.

**Chairman**

Thank you New Zealand. UK.

**UK**

Thank you Chairman. The United Kingdom has a very similar position. We have discussed Professor Burke's views on a number of occasions. Some of you will recall that Professor Birnie who once served as a member of my delegation, has put forward an opposite and I think much more convincing legal case. I won't reiterate the arguments that have just been made. As I said, I agree with them. I would just emphasise one point that so far as the legal meaning of necessary is concerned you do need to look at it in a legal context and in that context the term is better defined as being appropriate and well adapted to fulfilling an objective. Now that is an interpretation which has consistently been applied in courts in the United States and Australia and a number of other jurisdictions. It is a very usual legal interpretation of the term necessary and I would just say that in our view the Southern Ocean Sanctuary is indeed appropriate and well-adapted for fulfilling its objective which is the protection and conservation of whale stocks. Thank you Chairman.

**Chairman**

Thank you UK. Germany.

**Germany**

Thank you. Germany associates itself with the view expressed by the United States. Thank you.

**Chairman**

Thank you Germany. Finland.

**Finland**

Thank you Mr. Chairman. We also would like to associate ourselves with the views of the USA, Denmark and others who were opposing this proposal. Thank you.

**Chairman**

Thank you Finland. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chair. Mr. Chair Antigua and Barbuda have looked at the Australian proposal very carefully and about two months ago Antigua and Barbuda have submitted our concerns to Australia regarding this Sanctuary. Sorry Mr. Chair we are debating the Southern Ocean Sanctuary, we are debating the Pacific Sanctuary. Anyway a Sanctuary is a sanctuary is a sanctuary, that is what Antigua is trying to come from and that brings me to the third point on my submission Mr. Chair where we have established so many sanctuaries around to protect whales that it is actually confusing us as to what these sanctuaries are actually doing. Indeed, Mr. Chair, we have the Southern Ocean Sanctuary, we have the Indian Ocean Sanctuary and we have done absolutely no analysis with regards to the effectiveness of these sanctuaries as management tools as far as the status of whales are concerned and we are very concerned about that situation.

In our concerns though, with regards to this Sanctuary, we ask Australia a number of pertinent questions which we were hoping they would have responded to and Mr. Chair these questions relate to the whole question of the sustainable Utilisation of renewable resources in the Sanctuary, our commitment with regards to agenda 21 of UNCED with sustainable utilisation. The question of what effect will Sanctuaries have on the completion of the RMS. We have asked that question, we have asked whether or not the reign states are unanimous with regards to the acceptance of the Sanctuary. We further went on to ask how will this effect our goal of sustainable utilisation of the whale resources and these questions so far have not yet been addressed so we do not believe that we are in a position to even pursue further discussion on this matter. I think Sanctuaries are controversial, our organization is very divided, a vote on this Sanctuary would create more division in this organization so I would propose that Australia withdraw this proposal at this time and proceed to make it clear to the members of this organisation during the intersessional period as to what effectiveness will this Sanctuary have on the status of whales and bring it back to the 53<sup>rd</sup> Meeting and that is my proposal Mr. Chair.

**Chairman**

Thank you Antigua and Barbuda. I have now Monaco, Italy, Republic of Korea and Sweden. Monaco.

**Monaco**

Mr. Chairman to return to the subject at hand, proposed amendment to the Schedule, our delegation associates itself with the view expressed by the USA and we shall vote against the proposed Schedule amendment. Thank you.

**Chairman**

Thank you Monaco. Italy.

**Italy**

Thank you Chairman. Italy expresses the same views that were expressed by the United States and other countries and will oppose this amendment. Thank you.

**Chairman**

Thank you Italy. Republic of Korea.

**Republic of Korea**

Thank you Chairman. Korea is in the position of the Japanese proposal. Thank you.

**Chairman**

Thank you Korea. Sweden.

**Sweden**

Thank you Mr. Chairman. Sweden supported the establishment of the Southern Ocean Sanctuary. We continue to support the Sanctuary and we will oppose the proposed amendment. Thank you.

**Chairman**

Thank you Sweden. I have Austria, France, Chile. Austria please.

**Austria**

Thank you very much. We would also like to associate ourselves with the views expressed by US and Australia and others. Thank you.

**Chairman**

Thank you Austria. France.

**France**

Thank you Mr. Chairman. Being at the origin of ..... we cannot but share the views expressed among others by the UK and New Zealand.

**Chairman**

Thank you France. I have Spain, Oman, St. Lucia and India. Spain please.

**Spain**

Thank you Mr. Chairman. Spain wants to associate its comments to the comments made by Sweden and others. Thank you.

**Chairman**

Thank you Spain. Oman.

**Oman**

Thank you Mr. Chairman. Oman wishes to associate itself with the views raised by USA and other delegates. Thank you.

**Chairman**

Thank you Oman. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman our organisation is one that is based on scientific findings. A decision was taken many years ago which had absolutely no science involved in it yet we read our rules and laws tell us that we should use science as the basis for the decision making here. At this time the Government of Japan is asking that scientific findings be included in the decision making process and that we should use the distinguished scientists which we bring together on an annual basis to review all other items other than the science of Sanctuaries. We should give the scientific community, which we bring here, the opportunity to guide us in a scientific context Chairman and it is for this reason that the delegation of St. Lucia can support the Resolution put forward by the Government of Japan.

**Chairman**

Thank you St. Lucia. India.

**India**

India shares the remarks made by our colleagues from Australia and we support it. Thank you.

**Chairman**

Thank you India. Switzerland.

**Switzerland**

Thank you Mr. Chairman. I shall be brief. We associate ourselves with the remarks made by Sweden. Thank you.

**Chairman**

Thank you Switzerland. Grenada.

**Grenada**

Thank you Mr. Chairman. The issue of a sanctuary Mr. Chairman I agree with the statements made by St. Lucia and as far as I know the IWC is a scientific organisation and its findings should be based on science and not politics. If whales are in danger Mr. Chairman then the whole oceans of the world will be a sanctuary and therefore if we want to create a sanctuary Grenada needs scientific evidence to prove how many whales we have, if they are endangered and what can be done. I am reading from a document here and from what I have been hearing the United States, the United Kingdom, Australia and New Zealand have explicitly stated that they will not support any reopening of commercial whaling under any conditions. As far as Grenada is concerned Mr. Chairman the IWC should base its decisions on science and not political considerations and that is why I have to support St. Lucia on that last statement that has been made.

**Chairman**

Thank you Grenada. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. Just to endorse the statements that have been made by the delegate of St. Lucia. Thank you.

**Chairman**

Thank you St. Vincent and the Grenadines. Dominica.

**Dominica**

Thank you very much Mr. Chairman. Dominica would also like to lend its support to the statements made by Antigua, St. Lucia, St. Vincent and Grenada and support the proposed amendment. Thank you.

**Chairman**

Thank you Dominica. St. Kitts & Nevis.

**St. Kitts & Nevis**

Thank you Mr. Chairman. The delegation of St. Kitts and Nevis wishes to express its support for the amendment put forward by Japan.

**Chairman**

Thank you St. Kitts & Nevis. Ireland.

**Ireland**

We associate ourselves with the comments of the US and UK delegations. Thank you.

**Chairman**

Thank you Ireland. Chile.

**Chile**

Thank you Mr. President. Chile thinks it important to this Sanctuary as the establishment of which in 1994 my country support outstandingly. Therefore Chile is in favour of the strengthening and regret any attempt to impair its legality. Accordingly, our country will vote against any Resolution which attempts to abolish it. Thank you Mr. President.

**Chairman**

Thank you Chile. It seems to me there is actually a majority against this Proposal. Japan can you accept that conclusion or do you wish to out it to a vote? Japan.

**Japan**

Thank you Mr. Chairman. We feel that we have to accept this remark now expressed by the Chair. However, I would like to clearly state that Japan is not really opposing this Sanctuary *per se* but rather we are talking here about establishment of a Sanctuary which should be based upon the scientific grounds and that it should be in accordance with the provision of the Convention. That is a matter of course.

It seems like, however, that the other member countries for them it seems to take more time to grasp and then understand the principles stipulated by this provision of this Convention and therefore I would like to give a time to many of us, the other delegates, to think about this to pass the adequate judgement upon this matter. Therefore, for this year I would like not to table this to vote for this year. However, we would like to reserve our right until next year and so therefore we would like to postpone the voting until next year.

**Chairman**

Thank you Japan for your cooperation. Can I now move on. I have another Resolution on the Review of the Southern Ocean Sanctuary under this agenda item. It is document IWC/52/27.

**Japan**

Thank you Mr. Chairman. The list of the co-sponsors are here but we would like to add the Russian Federation as another co-sponsor here. Thank you.

I think this explanation is maybe not really needed because if you read this Resolution it is self-explanatory. The gist of this proposed Resolution is rather simple. It merely directs its Scientific Committee to prepare scientific criteria by which it can be its meeting in 2004 at the latest review the necessity of the prohibition on commercial whaling for the conservation, development and optimum utilisation of whale resources in the area designated as the Southern Ocean Sanctuary.

Since this Resolution and its substance is dealing with a matter of course ideas therefore we would like to see this Resolution to be adopted by consensus. Thank you very much.

**Chairman**

Thank you Japan. Are there any comments on this Resolution? Can I take it that it will be adopted by consensus? I thought that was hopeful. US.

**USA**

Mr. Chairman. I will be brief. The decision to create or to review a Sanctuary in our view is one for the Commission not for the Scientific Committee. Any decision to amend the Schedule must be based on scientific findings. The Commission itself must evaluate whether a ban on commercial whaling in certain areas is useful in the conservation of whale stocks in that area. The United States therefore believes that this proposed Resolution calls for an inappropriate charge to the Scientific Committee. Therefore Mr. Chairman we do not support it.

**Chairman**

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

**United Kingdom**

Thank you Chairman. Well I agree with what has just been said by the United States and I would draw the Commission's attention to the Scientific Committee's Report on page 82 where the Committee noted that it has not received guidance from the Commission on how it should review Sanctuary proposals although it has received guidance on how it should review scientific permits. Now that seems a reasonable request from the Committee and it is one that the Commission I am sure should try to address but I am also sure it should try to address it in a comprehensive way taking account of a range of issues. This isolates one particular point to be looked at in the review and if this is taken as the Commission's directions and guidance to the Scientific Committee it is bound to result in a partial review of Sanctuaries. I accept that guidance is needed but its needs to be more comprehensive guidance and it needs to cover a range of issues and this does not meet that criteria at all and for those reasons the United Kingdom could not agree to this Resolution.

**Chairman**

Thank you UK. France.

**France**

France doesn't accept this proposal either.

**Chairman**

Thank you France. New Zealand.

**New Zealand**

Mr. Chairman New Zealand associates itself with the comments made by the US and others and does not accept the proposed Resolution.

**Chairman**

Thank you New Zealand. I have Netherlands, Italy and Germany. Netherlands.

**Netherlands**

We also would like to associate ourselves with the vies expressed by the United States and United Kingdom. Thank you Chair,.

**Chairman**

Thank you Netherlands. Italy.

**Italy**

Thank you Chairman. Also Italy associates itself with the position as expressed by the UK.

**Chairman**

Germany.

**Germany**

Germany cannot support this Resolution for the reasons given by the USA. Thank you.

**Chairman**

Thank you Germany. Australia.

**Australia**

Thank you Chairman. We too have shared the concerns that the UK and US and other delegations have expressed and looking at the text of the Resolution we are just wondering whether, I apologise that I don't have words to provide to you at this stage, we are wondering if some amendment to the first operative paragraph of the draft Resolution which might provide a means of giving more precise guidance to the Scientific Committee or at least of avoiding a situation in which they receive the same imprecise guidance that they have complained about before might be avoided. Perhaps the proposers of the Resolution understanding the concerns that a number of delegations have might be able to find a solution to that before others. Thank you.

**Chairman**

Thank you Australia. Australia is proposing consultation and before I give the floor to anyone else can I suggest that Australia and some of the sponsors may consult over coffee and then we can take it first item after coffee. South Africa do you want the floor?

**South Africa**

Thank you Chair. Simply to support your suggestion. Thank you.

**7.2****SOUTH ATLANTIC SANCTUARY****Chairman**

Thank you South Africa. I will hold that item open until after coffee but before we go to coffee I don't want to get too pampered here and I would like to do some more work. I think the South Atlantic Sanctuary maybe a relatively brief item and can I give the floor to Brazil on this one.

**Brazil**

Thank you Chairman. The Brazilian delegation wishes to maintain the agenda item open for future examination. The postponement of the presentation of the proposition for the establishment of a Sanctuary for whales in the South Atlantic does not mean in anyway a lack of interest in the part of the Brazilian authorities on this matter.

On the contrary, our wish to keep this item on the agenda of the Commission testifies the importance Brazil gives to the matter itself. The Brazilian interest is explained by the policy of research and protection of cetacean species in Brazil based on the non-lethal use of such species. For Brazil, the Sanctuary should therefore encompass not only the high seas but also all coastal areas bearing in mind the fact that such areas are vital for the whales life cycle. It is important, however, that the initiative of a Sanctuary in the South Atlantic be pursued in close coordination with the other coastal countries of the region with which Brazil shares the situation of a developing country as well as conservationist objectives. In this sense the Brazilian government is totally open to seek, together with its neighbours, a proposition that can be acceptable for all with the aim of establishing such a Sanctuary as soon as possible. Thank you very much.

**Chairman**

Thank you Brazil. If there are no other comments on the South Atlantic Sanctuary. Denmark.

**Denmark**

Thank you Mr. Chairman. I just noted the positions here made by Brazil and I just make two very brief remarks. First of all we have some general concerns as to starting a closing procedure for whaling operations in the Atlantic Ocean but on the other hand naturally in the future we will obey to a possible clear recommendation for establishing habitats in that area based on advice from the Scientific Committee. Thank you.

**Chairman**

Thank you Denmark, If there are no other remarks I will close that agenda item 7.2 and Action Arising from that item and now you can go for coffee and be back at 11.00 and I would urge consultations take place. Thank you.

[BREAK]

**7.3 SOUTH PACIFIC SANCTUARY**

**Chairman**

I understand that there is some progress in the consultations in relation to the Resolution on the review of the Southern Ocean Sanctuary and I propose to allow more time. We will return to that matter after lunch. We will now go to agenda item 7.3 – South Pacific Sanctuary and I will call upon the Chair of the Scientific Committee.

**7.3.1 REPORT OF THE SCIENTIFIC COMMITTEE**

**Chair of the Scientific Committee**

Thank you Chair. You will find the Scientific Committee's deliberations on this in our section 17, pages 79 through 82. We had been asked to comment by the Governments of Australia and New Zealand and we heard several papers with information about the sanctuary and discussed it in some detail. The proposed sanctuary is shown in Figure 2 in our Report. Its longitudinal range encompasses Areas IV and VI and is contiguous with the Southern Ocean sanctuary in this band.

The proposal is that no commercial whaling be allowed within the proposed sanctuary area which is basically the equator to 40°S and 130°E to 120°W. The Committee agreed that we wouldn't discuss legal, political or economic issues so you don't want to hear anything about that.

We heard about the eleven species of whales found in the sanctuary. Almost all of these have at some stage been commercially harvested. Blue, fin and right and humpback whales are probably depleted but we don't have firm evidence on the status of most of them. Information on the breeding grounds and migration routes of whales in the region is poor apart from the humpback whale but we did have information that the sanctuary would include the wintering grounds of all Group V and most, if not all, of Group VI humpback whales.

It was emphasised that in this regard that the sanctuary, together with the Southern Ocean sanctuary, would cover the entire feeding and breeding areas and migration routes for several of the stocks of humpbacks in this region. Humpback and right whales are probably the best studied species. There is presently no commercial or subsistence whaling in the area. There is little information on bycatches and I guess that about summarises the information that was provided about the sanctuary.

Over the last twenty years we have had several major discussions of sanctuaries and we reviewed these discussions and agreed that the major points made in the past relating to the desirability or otherwise of a sanctuary also applied to this proposal so the Committee was unable to reach a consensus view and so we just



offer the major arguments from this and previous meetings both in favour and not in favour of sanctuary proposals.

The arguments in favour are at the bottom of the first column on page 81. They are that a sanctuary provides a focus for regional cooperation, a focus for the development of non-lethal research programmes, a non-lethal research framework that will enable the Commission to make appropriate decisions to ensure the effective conservation of whale stocks in the region. It provides an area to study whales undisturbed by any whaling activities, provides an insurance against unforeseen problems with the RMP and protects all whales within a large habitat.

The arguments not in favour of the sanctuary are in the next column. The first is that sanctuary proposals only address direct catches and likely future management strategies of the IWC would only allow exploitation of abundant whale stocks and then at conservative and sustainable levels. Therefore, sanctuaries provide no extra protection for the most vulnerable depleted stocks from actual threats that they face such as habitat destruction, pollution, shipping, fisheries interactions and so forth and also a large sanctuary such as this does not distinguish between areas of critical habitat and those of little importance for these depleted whales.

Thirdly, sanctuary provisions may prevent Utilisation of stocks for which a sustainable catch would be allowed under the RMP/RMS. The sanctuary is irrelevant to whether or not research is carried out in the area and the need to provide information relevant for management and Utilisation of one species may stimulate research that is also of value in monitoring depleted species.

We had some further discussion of catches and levels of depletion which I will skip over. You could read it on the rest of that page and there was quite a debate whether a sanctuary led to increased research. A debate, which as indicated in the parts I have read already from our Report, there was not agreement about. Clearly both Japan and non-use nations have carried out extensive research in the Southern Ocean sanctuary and attention was also drawn to non-lethal research that is already occurring in the proposed area of the South Pacific sanctuary, particularly providing valuable information on stock structure and trends in abundance of humpbacks whales in the region which has proved valuable to the in-depth assessment of that species.

We remarked that very little scientific work has been done to investigate whether the sanctuary is a good management tool in a quantitative way. Attention was drawn to a couple of 1994 papers which used simulation studies to investigate whether parameters of interest for management are better estimated in the Southern Ocean with or without a sanctuary but the Committee did not come to agreement about whether these simulations were actually useful and definitive or not. So in closing the Committee agreed that advice from the Commission with respect to reviews of sanctuary proposals would be useful in the future as we weren't sure what the Commission really wanted from us. That is all I have Mr. Chairman.

### **7.3.2 PROPOSAL TO AMEND SCHEDULE TO ESTABLISH SANCTUARY**

#### **Chairman**

Thank you Chair of the Scientific Committee. I intend to proceed now to look at the Schedule amendment rather than discuss the Report of the Scientific Committee and repeat the debate so I will straight to the Government of Australia and New Zealand and Australia you have the floor please.

#### **Australia**

Well thank you Mr. Chairman. On behalf of Australia, New Zealand and the other co-sponsors I am pleased to formally introduce our proposal to amend the Schedule to establish a South Pacific sanctuary. Mr. Chairman a South Pacific sanctuary is, in our view needed in order to protect whale stocks that have been severely depleted by whaling in the 19<sup>th</sup> and 20<sup>th</sup> centuries and allow their recovery, to complement and improve the effectiveness of the Southern Ocean sanctuary in protecting migratory whale species, to foster and allow for long-term ecosystem based research on whale stocks that are not being harvested and to manage whale stocks in accordance with the goal of long-term conservation of biodiversity and the precautionary principle.

Mr. Chairman, more broadly based the benefits of establishing a South Pacific sanctuary are that it would effectively conserve whales and ecosystems, it would foster research and increase knowledge about whales. It would provide economic benefits through whalewatching and it would increase public awareness and understanding. Mr. Chairman, the text of the proposed amendment to the Schedule is provided in the annotations to the provisional agenda, document IWC/52/2 and the scientific justification for the sanctuary has been more fully elaborated in our agenda paper IWC/52/20 which I commend for consideration by delegates.

Mr. Chairman I wanted to say a few words on two obviously important aspects. The first is the scientific basis for the sanctuary and I take the opportunity to thank the Scientific Committee for its help in this regard and secondly I wanted to say something about the support for the sanctuary within the South Pacific region. On the first issue let me start by reminding delegates that in 1994 by an overwhelming majority the Commission adopted a proposal to establish an Southern Ocean sanctuary and in doing so the Commission accepted that there was a strong scientific justification for establishing sanctuaries and that the Convention provided the legal capacity to do so. The Southern Ocean sanctuary achieves only part of the task of protecting the whales which migrate between their feeding grounds in Antarctica and their calving and breeding grounds in the South Pacific. Conservation science has established that in providing protection for migrating species, those habitats essential for reproduction of the species should be the ones provided with the highest level of protection. The present proposal focuses on providing protection for these breeding grounds.

Mr. Chairman, there is clear evidence from the information provided to the Scientific Committee that whale populations in the South Pacific region have been drastically reduced by commercial whaling. Evidence suggests also that populations are only just beginning to recover from this massive overexploitation. The Scientific Committee recalled at this year's meeting that most populations of great whales in the Southern Hemisphere have been severely depleted. Over 1.5 million whales were removed from the Southern Hemisphere last century. Exploitation in the South Pacific sector took place later than in other parts of the Southern Hemisphere which explains why some of these populations are still so depleted. At the end of the 20<sup>th</sup> century more than 200,000 blue whales had been removed from the Southern Ocean. This year the Scientific Committee agreed that the current total Southern Hemisphere population of blue whales is only between 400 and 1,100 animals. So 200,00 removed, we believe only between 400 and about 1,000 remaining. More than half a million fin whales were also removed from the Southern Ocean last century. In the case of sperm whales almost 30% of the total Southern Hemisphere catches were in fact taken from the South Pacific. Mr. Chairman there is good evidence that some populations of great whales are increasing. We in Australia have been monitoring the recovery of the East Australian humpback whales now for 20 years. We have evidence that the population is increasing but we still believe that what we now have is possibly as low as 10% of the original stock. Mr. Chairman, of course, the Eastern Australian population of that particular species forms only part of the humpbacks. Others within Group V and Group VI migrate from Antarctic islands throughout the South Pacific. So Mr. Chairman the fact remains that the status of all large whales found in the South Pacific is poorly known. We can only assume from the large removals last century that many populations are still depleted. All the available information shows very clearly that the whale populations of the region require protection in order to enable them to recover to safe levels. The question then is how best to provide that protection. The Scientific Committee said when it reviewed these matters went on to say 'the Committee reviewed these discussions and agreed that the major points made in the past related to the desirability or otherwise of a sanctuary also applied to the South Pacific proposal'. The Commission has in the past accepted that there is clear scientific justification for establishing sanctuaries, the same scientific justifications is equally applicable to this scientific proposal, particularly so as I said Mr. Chairman because we are linking the feeding grounds now of these species with their breeding grounds within the South Pacific.

Mr. Chairman I said that I would also mention something about the regional support for the proposal which we regard as vitally important. Australia and New Zealand has consulted extensively with the countries of the South Pacific about the sanctuary proposal. The principal political body in the region, the South Pacific Forum, which comprises the heads of government of all the independent states of the region discussed the proposal at its meeting in August 1998. The forum meeting and I quote 'gave its full support to the development of a proposal to establish a South Pacific whale sanctuary for great whales to complement the existing Indian and Southern Ocean sanctuaries'. The forum also noted and I quote 'the need to protect forum members traditional and cultural practices and the sustainable use of their marine resources'. So the principle political body within the region gives its full support for the development of a South Pacific whale sanctuary.

We have also consulted with the principal environmental body of the region, the South Pacific Regional Environment Programme, SPREP, and I am pleased that SPREP is represented here today by its director and a delegation. SPREP has been a strong supporter during the development of this proposal and we appreciate our links and our work with SPREP and in the event that we might be successful Mr. Chairman we look forward to working with SPREP with the effective management of such a sanctuary in the South Pacific.

In addition, the Oceania Regional members of IUCN, the World Conservation Union, provided strong support in a Resolution adopted unanimously at a recent regional meeting. Mr. Chairman, in addition, again those countries with overseas territories in the region, France, United Kingdom, the United States of America, you will

have noticed are co-sponsoring the proposal so that I can confidently say that the proposal that we bring to the Commission today has strong support from across the Pacific and something that the Pacific look forward to achieving.

Mr. Chairman there are just a couple of other matters that I should mention. The first is that I wish to clarify one matter in relation to scientific data as it appeared in IWC/52/20 that it draws together the relevant scientific issues considered both in the deliberation of the Scientific Committee and the papers submitted to it. The point I wanted to make is that those papers were prepared, of course, by scientists acting independently and Australia and New Zealand have noted that some of the data cited does not have an official character and I thought that I should make that clarification.

Two remaining points I wanted to make Mr. Chairman. The first is our belief that the creation of a Southern Ocean sanctuary has the potential to stimulate a major programme of ecological research looking at cetaceans within their whole environment. In other words the research that has been stimulated by the Southern Ocean sanctuary we believe can be replicated within the South Pacific which will in due course give us a much better understanding of the animals in that region and their current state of being, research that will be vitally important for the Commission in all its future deliberations.

The last point I wanted to make before concluding was to mention the economic benefits, in fact stress the economic benefits, that could flow to the South Pacific region from adoption of this proposal in relation to development of whalewatching within the tourist profile of the island states. It is already in existence in a modest form in Tonga, the potential exists elsewhere within the region and Australia and others have indicated a willingness to work with the island state to better identify the migratory tracks of the whales, the times of their presence and to help the island states in development of this tourism industry which can bring major economic benefits to the region.

So, Mr. Chairman, in conclusion, we would say that the eyes of the world are upon us today. We urge the Commission to take an historic decision today to support the proposal and establish a sanctuary. A sanctuary which will effectively protect severely depleted whale stocks in the South Pacific, a sanctuary which is well justified on scientific grounds, a sanctuary which has strong support within the region and will effectively complement the existing Southern Ocean and Indian Ocean sanctuaries and a sanctuary which will enable economic benefits to flow to the island states of the South Pacific. Thank you.

#### **Chairman**

Thank you Australia. New Zealand.

#### **New Zealand**

Mr. Chairman. In opening I have said that my mountain is all that is a cloud piercer, my river is Arahura. My iwi is Poutini Ngai Tahu and my ancestor is Tuhuru. I bring greetings from my country to the chiefly people gathered and to the people of this land. Mr. Chairman my name is Sandra Rose Te Hakamatua Lee and I am the New Zealand Government's Minister of Conservation. I am here to speak on my Government's proposal and support for the South Pacific whale sanctuary proposition. It seems to my government at least, Mr. Chairman, that it is logical to protect the feeding grounds of the great whales it is only logical also to protect the breeding grounds of the great whales. I would like to reiterate the words of Senator Hill also when he made the point that the people of the Pacific island nations through the forum in August 1998 also endorsed and mandated this government, my government, and the Australia government to esteem and advancing a proposal for a South Pacific whale sanctuary.

May I, given some comments made earlier Mr. Chairman on the issue of indigenous people, say a little bit about the Tangata Whenua, the indigenous people of my country and our view on this matter of taking a precautionary approach and preserving the migratory paths and the whales of the South Pacific. My own people have had a long and abiding relationship with tohora, the great whales of the Pacific, they have been our guardians and our own migrations throughout Polynesia. I come from a canoe, a great canoe called Takitimu, my people's custom is that on our journey to Aotearoa - New Zealand we were guided and indeed saved in a time of trouble by a whale who took us to our home land and them stayed in the Bay while our people settled there. It is because of these stories that my own Polynesian people perceive these important marine mammals as ancestors - taonga - treasure, treasures to be preserved. Indeed Maori in most Pacific Island people indeed consider whales to be the chiefly people of the people ocean world.

Mr. Chairman we are very desirous of encouraging nations who are here today who may think that we are taking an extreme approach in putting up this proposal. To consider the opportunities that have been created as a result of taking and approach our nation at least of not whale hunting but whale watching. I listened carefully and with interest yesterday to the comments of one of the speakers who described that argument as economic imperialism. May I say, in fact, that in my nation this new economic opportunity has provided significant dividends for my country and my people. Yesterday our Commissioner referred to the fact that in the South Island of New Zealand, in Kaikoura, the whale watch enterprise there has been extremely successful, economically and indeed has been recognized nationally as a successful eco-tourism operation. One of the things that wasn't said was that there are other benefits that our people derive from such activities, the opportunity again for Maori people to interact in an important way with these important species not only provides the economic benefits but has also helped restore the self-esteem of our people.

Mr. Chairman we are aware also that in the South Pacific and other nations they too have been taking advantage of the opportunities that whale watching provides. Now in New Zealand there are over 40 such operations and we are desirous of them continuing and we believe that part and parcel of that is to ensure that the South Pacific whale sanctuary is achieved. We have listened with interest to the material that has been provided through the Scientific Report and we are acutely aware that at the very least the Commissioners here may conclude that not enough is known to take a reckless approach in this area. So, therefore it seems entirely appropriate to us that we should take the precautionary approach and allow the sanctuary to occur.

Mr. Chairman one of the themes that has been generated, the discussions on the day that I have had to study this Commission, has been that there seems to be a perception of the position taken by the New Zealand and Australian Governments comes with some form of moral judgement. Certainly that is not the case. My own country has a very poor historical track record when it comes to the protection of whaling last century. The humpback whales in my nation were wiped out, essentially they were hunted almost to extinction and so that even today in New Zealand, forty years on since the conclusion of whaling and the end of the last station, we very rarely see a humpback whale in our waters. What we are saying to the nations who might oppose this proposition is that we don't put it up as a moral judgement of others but simply for the Tangata Pasifika, myself, my country, my government and Australia and our region at least, we would like to see a new sanctuary provided so that we can take new opportunities of that situation.

In conclusion, can I say that my government is quite determined and focused on the fact that we will continue to argue forcefully for the creation of a South Pacific whale sanctuary. It is our sincere hope that that can be achieved today, that we want to advise the Commission that in the event that we are not successful we will come again and advocate in support of this sanctuary until it is achieved in our region for our region.

In conclusion, can I thank Mr. Chairman the Australian government and the people of Adelaide for the way that they have hosted our delegation here at this conference. It has been a wonderful opportunity for me. I have mulled the speech that I would give for a very long time. I have thought very hard about the scientific material. I have re-written and re-written and I guess as Bertolt Brecht once wrote 'so that is all but it is not enough but it is like the man who carried a brick with him to show the world what his house was like'.

#### Waiata (Māori Song)

Ma wai ra  
E taurima  
Te Marae I waho nei  
Ma te tika, ma te pono  
Me te aroha e

Who are these alighting on the marae  
Through righteousness, faith and love  
They shall be nurtured

#### **Chairman**

Thank you New Zealand. That was memorable. Brazil.

#### **Brazil**

Thank you Mr. Chairman. Brazil considers that the proposition put forward by Australia and New Zealand in favour of the establishment of a sanctuary in the South Pacific is a logical and necessary complement to the

existing sanctuaries in the Southern and Indian Oceans. It aims at not only protecting different species but also protecting and fostering the growing regional interest in scientific operations. Besides this proposition is totally in line with the purposes of conservation that guide the Brazilian policy for the protection of large cetaceans especially as far as the non-lethal use of these animals is concerned. In fact, many scientific questions about cetaceans remain unsolved and the sanctuary in the South Pacific can effectively promote international cooperation for this research. In this sense it would be useful to listen to the views of interested intergovernmental organisations on this issue. For all these reasons Brazil supports the initiative of Australia and New Zealand for the principles and objectives in encompasses and for its scientific basis. Furthermore, Brazil has decided to co-sponsor this proposition and would appreciate that its decision be duly noted. Thank you very much.

**Chairman**

Thank you Brazil. Netherlands, St. Lucia and the US. Netherlands.

**Netherlands**

Thank you Mr. Chairman. The Netherlands believes that any commercial whaling to be allowed by this Commission in the future should be restricted to the waters under the jurisdiction of countries that have a tradition of coastal whaling. Our vision of the future of whaling and whale conservation entails that the world's oceans should remain free from commercial whaling operations. In previous years this Commission has agreed to the establishment of sanctuaries in the Indian Ocean and the Southern Ocean thereby protecting the feeding grounds of large numbers of great whales, many of which have been seriously depleted and I realize that the Dutch whaling operations in the area at that time have contributed to that over-exploitation and the Netherlands must share the blame for having created the situation where at the present time many of the whale populations are still far below the level at which they should be. We believe that the establishment of a sanctuary covering the entire South Pacific is a logical step as it will protect the same whales in their breeding grounds and along their migration routes as well. We believe that the proposal is scientifically sound and it meets the requirements of the Convention. We are therefore very pleased to co-sponsor it. Mr. Chairman I understand that the observer from the South Pacific Regional Environment Programme would like to speak to this issue. We think that it is appropriate for this Commission to hear the views of countries in the region besides Australia and New Zealand and I would therefore propose that the observer from SPREP is given opportunity to address this meeting. Thank you Mr. Chairman.

**Chairman**

Thank you Netherlands. St. Lucia.

**St. Lucia**

Thank you Chairman. In the words of the Australian Minister, the eyes of the world are upon us today. We have to be responsible. Mr. Chairman, the delegation of St. Lucia believes that any credible discussion on the adoption or non-adoption of the South Pacific whale sanctuary would necessarily begin with the objectives and purposes to be found in Article V, paragraph 2(a) of the Convention itself. Of primary consideration will be the implications of the answers supplied in response to the questions posed in the two limb requirement of Article V, paragraph 2(a). The first limb asks is a sanctuary necessary to carry out the objectives and purposes of the Convention? If this answer is in the affirmative only then would one go on to consider the second requirement, namely does the sanctuary provide for the conservation, development and optimum Utilisation of whale resources? Both requirements Chairman are to be read conjunctively and answer in the negative to any of the requirements would thereby serve to invalidate the adoption of any proposed measure.

However, Chairman, if one were to entertain, however fleetingly, the notion that under the objectives and purposes test, the South Pacific whale sanctuary could be validly adopted a further examination of the measures, the validity under the requirement for scientific findings, Article V, paragraph 2(b) is essential. A number of pertinent questions must therefore be asked, the answer to which are highly relevant. These include the following. Is this requirement advisory or mandatory and what are the implications of either? Is the Commission entitled to forego recost to scientific data on abundance estimates? Does the precautionary approach provide a means of circumventing the requirement for scientific data? Scrutiny of the manner in which both the precautionary principle and the United Nations Conference on Environment and Development UNCED Declaration of Sustainable Utilisation are employed by the IWC reveals that this organisation would not be capable of justifying any implementation action with regard to the South Pacific whale sanctuary.

Chairman, the IWC derives its power to establish a whale sanctuary from Article V, paragraph 1(c). That Article provides for the Commission may amend from time to time the provisions of the Schedule by adopting

regulations with respect to conservation and Utilisation of whale resources, fixing open and closed waters including the designation of sanctuary areas. As one would rightly appreciate Chairman this is subject to the preliminary qualification that any measure adopted must have as its guiding impetus a desired mutuality of conservation and Utilisation. A natural consequence of this premise is the possibility of instituting measures geared to us conserving a resource for future Utilisation while at the same time enjoying the present and competent use of that resource. By its very nature Chairman the proposed designation of the South Pacific whale sanctuary negates this concept. In fact, the very wording in the Schedule amendment flies in the face of the spirit of the Convention. It states that the prohibition applies irrespective of the conservation status of baleen and toothed whale stocks. This is a blatant attempt to ignore the express provisions of the Convention which insist not only on the mutuality principle herein before stated but that scientific data be used as the basis of such a stringent measure.

The Convention does not provide leeway Chairman for placing more emphasise on one limb to the exclusion of the other. Any proposed adoption by the IWC would therefore be inexplicable on the basis of the Article because it bears no resemblance whatsoever to the inextricably linked and mutual concept of Utilisation and conservation. This is so because it champions the cause of a complete ban on all whaling within the designated area. Not only does this position run contrary to the spirit of the ICRW and its meaning as extrapolated from the preamble but it is strikingly lacking in a scientific foundation as well Chairman. Article V, paragraph 2(b) provides that. These amendment to the Schedule (b) shall be based on scientific findings. Any analysis of this provision must consider whether it is intended to be advisory or mandatory in its effect. I would respectfully submit Chairman that it is meant to be mandatory. Adherence to the strict letter of the Convention is always to be favoured.

Support for this proposition is to be found in the use of the term 'shall' in the provision Chairman and Professor William Burke in his article 'Legal Aspects of the IWC Decision on the Southern Ocean Sanctuary' inserts his belief that this word connotes a mandatory action and he eludes to the fact that the derogation from this reasoning would only serve to further render the ICRW an absurdity.

It is my considered opinion Chairman that the provision of paragraph 2(b) requires that the Commission have recast the scientific findings as a pre-requisite to designating the sanctuary. The cogency of the scientific findings required would be of the kind expected from a reputable body charged with conducting the necessary tests Chairman. This means that idle speculation of the uninformed, the wishes of certain NGOs and the desires of certain governments to appease their electorate would not satisfy this requirement Chairman. Further, informed scientific opinion could not in good conscience advocate the establishment of a whale sanctuary in the South Pacific on the basis that such action was necessary to conserve whale stocks. Chairman, the delegation of St. Lucia cannot support this sanctuary proposal.

**Chairman**

Thank you St. Lucia. US.

**USA**

Thank you Chairman. The United States is proud that considers it is privilege to be a co-sponsor of the South Pacific sanctuary. We didn't take our agreement to sponsor lightly. As America's Samoa, a territory of the United States is within the proposed area of the South Pacific Sanctuary. Therefore, we had an obligation as a range state to carefully consider the requirements including the scientific justification to create a sanctuary. Further, as a member of the South Pacific Regional Environmental body, SPREP, we took into account other regional states' views and noted there overwhelming level of support for the sanctuary. It is important to listen to those that are most affected. This proposal is a natural extension of the Southern Ocean sanctuary which we helped create in 1994. These two sanctuaries together will protect the entire range of all large whales in the region by including their feeding and breeding grounds. The South Pacific sanctuary will facilitate development of national and international research programmes on depleted stocks and on the effects of environmental change on all whale stocks. In our view this proposal is not inconsistent with the completion of the Revised Management Scheme. Mr. Chairman we would urge that all delegations support this proposal.

**Chairman**

Thank you US. I have Monaco, France, Denmark, People's Republic of China, Sweden, UK, Germany, Norway, Italy, Spain and Mexico looking for the floor. Monaco please.

**Monaco**

Mr. Chairman first can I remark that in establishing a sanctuary within the South Pacific island area we shall finish now by what it would have been better to start when we spoke about the sanctuaries in Norfolk six or seven years ago. I stress at such a meeting the most sensitive area for the protection and the comprehensive question of the whales in the Pacific area are the breeding grounds. We don't have to make any other argument when we look in the Scientific Committee Report, in page 34, Figure 1 and the map of where are the breeding ground of the humpback. It is an absolute necessity to join the protection of the breeding ground to the protection of the feeding ground so I don't remain on such argument and I think that all over some consensus must be agreed that is scientifically justified to extend the South Pacific Sanctuary within the South Pacific island area.

My second remark is to return to the present status of the area concerned. If we look at such a very particular area we must remember that the proposed suffice of the coverage of the sanctuary is only 20% international waters, 80% of the area concerned by the sanctuary are national 200 mile economic exclusive zone and the status of these 80% is quite particular. In the South Pacific, it was more than a fifty year consensus about common management of the main problems, the main problems as for island and for the sea. First the South Pacific Commission after 1947 and after with the independent states covering much more area in the sector, it was the forum of the South Pacific states which take the delegation by the states to have a common policy all over the marine and oceanic problems so it would be a reconciliation between the necessity of the protection of the island states and the protection of the international waters to have such sanctuary. I hope and I support the proposal of the Netherlands to urge some voice from the region with responsibilities as SPREP must be tell something because the foreign and all the states and territories of the South Pacific area give the specific delegation the transfer the power to take care and to save the environment of the island and the seas to this agency and looking about these very special status and organisation of the political body on the South Pacific is land area I think it would be convenient to have some intervention about such agency within its responsibility.

So my conclusion is we have a very, very special opportunity to open the way for the cooperation between the International Whaling Commission and all these island states and territories where the whales are much more than an edible product, they are a totemic emblem. In conclusion, can I remember that in the ancient Fiji where the fighting and the war was unusual .....[END OF TAPE].

**France**

.....as for South Pacific we have also taken note with interest of the opening statement from SPREP, South Pacific Regional Environment Programme, which shows the strong interest of the countries in the area for a Sanctuary and we will be also happy if SPREP could develop their views further on this occasion.

French territories in the area, Wallis and Futuna and ....., French Polynesia, New Caledonia are strongly supportive of this initiative. New Caledonia sent one representative whom I am glad to welcome in the delegation. All that shows for us how meaningful and beneficial the sanctuary will be in the region. Thank you Mr. Chairman.

**Chairman**

Thank you France. Denmark.

**Denmark**

Thank you Mr. Chairman. First of all, I will take this opportunity to regret a bit that I have learnt that the number of member states, both those for and those against this draft proposal, have already decided their voting prior to the presentation of the Report from the Scientific Committee of this Commission. For us the advice from the scientists is highly important if not decisive. A clear majority recommendation would, as I say, have been decisive from Denmark. Such a recommendation is however lacking.

Now I will take your attention to the legal provisions for this area. First we have in our Schedule Article VIII(c) and (d) which make large scale whaling operations for all baleen whales except minke whales illegal in this area.

The second is that our Schedule Tables 1 and 3 which set zero catch limits for all large whales including toothed whales in area. I am well aware of the fact that Article VIII does not apply to land operations or small-type whaling operations or aboriginal subsistence whaling in this area but these whaling operations are not conducted, as far as I know, by IWC members in this Area. Based on these realities there is no urgent need for a sanctuary here to preserve whale stocks because of on-going whaling operations because there are none. So if this had been the situation Denmark would clearly have supported such a sanctuary.

I will further take your attention to a meeting in Norfolk Island in February 1994 where an agenda item was a Southern Ocean, or as we call it, Antarctic sanctuary. One of the key arguments in favour of the Southern Ocean sanctuary included its proposed boundaries was that the Southern Ocean sanctuary combined with the existing provisions in the Schedule would create a comprehensive protection of whale stocks in the South Pacific. As nothing has changed, we think that this is still a valid point of view. A possible future implementation of the RMS followed by implementation trials will take a number of years. I don't know if and when an implemented RMP may set catch limits other than zero in this area but I am convinced that our RMP will only allow whaling which is beyond any doubt sustainable. Further, the International Whaling Commission has not even started to develop an RMP for toothed whales. A most hypothetical resumption of sperm whaling will therefore not be possible for decades.

I agree that it is certainly from time to time a good idea to establish protected area or seasons based on scientific biological science for different species. If you wish to establish a protected area or habitat which it is normally called, for example, covering important breeding size for animal species a ban on hunting if that occurs is only a minor detail. It is further necessary also to ban or restrict most other humane activities in a habitat such as fishing vessel traffic, tourism, seismic surveys, exploration and exploitation of oil and gas and so on. This is naturally not IWC business but I am not informed that such provisions having been decided to be adopted simultaneously. A ban only on whaling does not, in our opinion, apply to a criteria for establishing marine protected areas. As you know, we are in no way generally against sanctuaries, we have supported the Indian Ocean sanctuary and we have further supported the Southern Ocean sanctuary which I earlier have said is in perfect harmony with Denmark's attitude related to the Antarctic, namely hands off.

What is not left for a implementation of our RMP is the Atlantic Ocean and the Pacific with the exception of its southern parts. If we start a closing procedure this year for part of the Pacific Ocean and maybe next year continue to close part of the Atlantic Ocean then we, at least in our opinion, in reality are starting a closing procedure for the International Whaling Commission. We are, in particular here, now starting a closing procedure for the Irish Initiative. Under such circumstances and that is what Denmark will fear you may foresee a development whereby whaling operations for large whales, at least to a certain or large degree will take part outside the IWC. We will then lose the worldwide cooperation in preservation and management of large whales. We may further lose the international co-operation on research.

Mr. Chairman. my instructions are not to accept further sanctuaries unless based on scientific evidence and advice and in this organisation naturally, in particular, a clear recommendation from the Scientific Committee of this organisation. Denmark would have very much welcomed further considerations in the Scientific Committee related to this draft proposal as in a certain manner indicated by its Chairperson regarding sanctuaries. For these reasons Denmark cannot support this draft proposal and let me end by saying that it is particularly important for the northern parts of the Kingdom of Denmark that limited controlled whaling operations is recognized as an accepted way to sustain a livelihood. Denmark will not and never accept any unsustainable or cruel commercial whaling operations. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark. People's Republic of China.

**People's Republic of China**

Thank you very much Mr. Chairman. On the issue of the South Pacific Sanctuary proposal by Australia and New Zealand and supported by some like-minded governments, the Chinese delegation has a view on the issue as follows.

First, we read the Report of the IWC Scientific Committee this year very carefully and we found the Committee did not reach any agreement on the matter and that means the suggestion put forward by our friendly countries has no sufficient scientific support.

Second, my delegation also questions the need for establishment of such a sanctuary since the moratorium on commercial whaling is in effect at present and if the commercial whaling can be resumed in the near future the conduct of commercial whaling shall be restricted in accordance with the conditions set up in the Revised Management Scheme. Therefore, in my view, there is no need to worry about the whaling nation who take as many whales as they like in a commercial whaling operation. The history of unrestricted whaling which occurred in the last two centuries will have no chance to happen again.



Third, sustainable utilisation is the key to the conservation and the management of living marine resources including whale resources. We know the condition required to establish a sanctuary is that a three-quarters majority of voting IWC member governments must be in favour. Considering the practice and history of IWC meetings it will be very difficult to have another three-quarters majority in favour to abolish one established sanctuary even if the IWC Scientific Committee suggested to do so. In other words, once a sanctuary is established the sanctuary may be in place forever. If other oceans and the seas in the world would become sanctuary areas there will be no place to carry out the principle of sustainable Utilisation. My delegation believes that whalewatching is not the only way to carry out the sustainable Utilisation principle and that only the coastal states can enjoy the benefit from whalewatching, not distant water whaling nations.

Fourth, China is not a whaling nation and we have no plans to conduct whaling in the near future. However, Mr. Chairman, China has a strong fisheries interest in the South Pacific Ocean. We have much concern about the competition between the whales and the fisheries in the area. We believe that with the suggested ten year sanctuary the competition would become more serious which may affect the fisheries interests of their country in the area.

Finally, Mr. Chairman, with the above mentioned reasons the Chinese delegation is not in a position to support the suggested Sanctuary. Thank you very much Mr. Chairman.

**Chairman**

Thank you People's Republic of China. Sweden.

**Sweden**

Thank you Mr. Chairman. Sweden is much in favour of sanctuaries in all seas where this is the wish of the range states. Here we look forward to supporting this proposal. In fact we would like to see even bigger sanctuaries and have all the high seas protected. Sweden will continue to participate in IWC work to achieve this. Thank you Mr. Chairman.

**Chairman**

Thank you Sweden. UK.

**UK**

Thank you Chairman. Can I start by congratulating Senator Hill and Minister Lee in their comprehensive and persuasive arguments to as to why the IWC should endorse this proposal to create a whale sanctuary in the South Pacific. They also set out scientific justification which has been presented to the IWC so I will not attempt to reiterate that. From both a personal perspective and in my capacity as a member of the UK government co-sponsoring this proposal I am delighted to be here in Australia on such a historic occasion. Anybody reading the newspapers, watching television or indeed simply stepping outside this Conference Centre would be left in no doubt about the strength of public support for the proposal, not just here in Australia but internationally and I might also express my gratitude in a way that the support has been expressed in such a dignified way as part of the warm welcome we have all received here in Adelaide.

I mentioned yesterday during a discussion on whalewatching that I was privileged to see at first hand two right whales in Victoria Harbour. The UK firmly believes that collectively and individually we have the responsibility to ensure that future generations can experience and enjoy the simple pleasure of seeing whales in their natural environment as well as indeed the commercial benefits that can come from whalewatching. For all these reasons the UK strongly supports the establishment of a South Pacific whale sanctuary.

The arguments in favour have been put eloquently to the Commission and I will not repeat them. I would, however, like to challenge some of the arguments that have been developed against the sanctuary. First of all there is the legal issue of Professor Burke but I think that has been decisively dismissed by Professor Birnie. It is also claimed that the sanctuary is unnecessary because of the moratorium. If whales do need protection as most whales in the South Pacific certainly do it is for the Commission to determine how best to achieve this. One of the options of that is clearly a sanctuary, something that is explicitly provided for in the Convention. An absolute prohibition on whaling through a sanctuary is a rational and realistic choice and one that is entirely compatible with the Convention. It is also claimed that a sanctuary is not based on scientific findings. However, the Scientific Committee's Report makes it clear that stocks of the whales found within the proposed sanctuary have been heavily depleted and that knowledge of the current state of stocks within a sanctuary is limited. There is thus clear scientific evidence that whales within the area of the sanctuary need continuing protection. Moreover, our understanding of many aspects of whale biology and of the impact of environment change on

whales also remains limited. To urge caution where such large uncertainties exist is in line with the precautionary approach and it is not to reject the importance of science or the scientific approach. Indeed the precautionary approach is increasingly being applied to marine resource management and as a Fisheries Minister we apply it ourselves within the Common Fisheries Policy within the EU and there are many cases where science is imprecise or not available and that should not be used as an excuse for exploitation.

It is also claimed that the sanctuary will not provide for optimum utilisation of whale resources but we heard yesterday the value of whalewatching through Tonga worldwide, world watching, maybe worth over half a billion dollars a year much of it spent in remote and often developing countries. This is far in excess of possible value of commercial whaling and while in theory whaling and whalewatching could co-exist in reality there is no doubt as studies have already shown that those who wish to watch whales will not tolerate continued whaling activities. The two activities are in practice alternatives and it shows a perverse logic to argue that pursuing the lower value one represents optimum Utilisation of resources. For these reasons we consider the adoption of the sanctuary would be fully compatible with the provisions of the Convention. The key issue is also the support that has been expressed from range states, all of whom are represented in the Pacific Forum. As they themselves support the sanctuary and they themselves of course have been taking action to conserve whales in their territorial waters in many cases it seems to my government it would be wholly wrong not to endorse this proposal through the IWC. Many of the countries concerned are small island developing states and as we have heard whalewatching and associated tourism represents for them a practical way that they can benefit from the presence of whales in their waters. Creating a IWC sanctuary would identify the South Pacific as an area where whales are valued and protected and this can help developing countries make best use of their natural resources. It would also signal our opposition to pelagic factory-ship whaling, a ban on pelagic whaling was a key feature of the proposals put forward by Ireland and one which had very wide support. There were other features of the Irish proposals that we have concerns about within the UK and which we are prepared to discuss but we strongly support the proposed ban on pelagic whaling. I believe that view is widely shared within the IWC. More than that, creation of a sanctuary would show the world that the IWC has learnt the lessons of the past and that we will not again allow whales to be hunted close to extinction., More even that that it would show that we have learnt to value whales as a vital and awe-inspiring part of our natural ecosystem not simply a source of oil or meat for crude exploitation. Opposition to this proposal will simply suggest that exploitation comes before conservation and will give the wider international audience little confidence that those countries that support whaling can be trusted to implement it in a sustainable way. Thank you Chairman.

**Chairman**

Thank you UK. I have Germany, Norway, Italy, Spain, Mexico, Finland, Japan, Antigua and Barbuda, Chile and Republic of Korea and St. Vincent and the Grenadines. Could I ask people to be as brief as possible please and I will go to Germany.

**Germany**

Thank you Chairman. Germany welcomes the proposal to establish a whale sanctuary in the South Pacific and I may say that this proposal does have our full support. Germany has supported in 1994 the establishment of the Southern Ocean Sanctuary and this sanctuary has led to a protection of whales on the feeding grounds. In our view it is a logic development to establish another sanctuary in the adjacent waters in order to protect the same stocks on the breeding grounds. This can be achieved by the establishment of the South Pacific sanctuary. We expect that the establishment of this sanctuary will facilitate and enhance non-lethal scientific research on the whale stocks in this area. We have noted with interest that the range states in this area have expressed their view that this sanctuary in the South Pacific would be of very high value. In our view we should respect the views expressed and the wish of the people and the states living in this area. Thank you.

**Chairman**

Thank you Germany. Norway.

**Norway**

Thank you Mr. Chairman. Norway will wholeheartedly associate itself with the points made in the intervention by the distinguished Commissioner for St. Lucia. St. Lucia's intervention was so exhaustive especially with regard to analysing the concept of sanctuaries in terms of the relevant provisions of the International Convention for the Regulation of Whaling and more particularly Article V of that Convention. As I said the intervention was so exhaustive that there isn't really much to be added on that score. I would, however, like to re-emphasise a couple of points.

First of all that the pre condition for a Schedule amendment and that is what we have in front of us here is that there is scientific advice. That is a pre condition which is notably absent in the Australian proposal and that was incidentally also the case when the Southern Ocean Sanctuary was established but Mr. Chairman that is really no reason why that mistake should be repeated.

The second point I would like to make is that one of the grounds given for the proposal, that is consideration for the precautionary principle, that consideration is in our view abundantly taken care of by the Revised Management Procedure, the RMP. The distinguished delegate from the United Kingdom claims that rejection of the sanctuary proposal would mean that one puts exploitation before conservation. We certainly do not share that view bearing in mind that the RMP is quite to the contrary an extraordinary conservative measure so we believe that the idea or the proposal of a sanctuary is clearly redundant.

In conclusion Mr. Chairman, Norway will not support the proposal. One more thing Mr. Chairman, I happen to take note of the request from Netherlands, I believe it was supported by a couple of other delegations, a request that a regional organisation which is called SPREP should be given the opportunity to address our meeting with a presentation. This Mr. Chairman is a highly unusual request and although we do live in unusual times I am not quite at all quite sure that this is such a good idea. If, however, a decision to that effect is made I shall have to propose that also other relevant regional IGOs, notably organisations like OLDEPESCA and NAMMCO whose representatives are present in this room at the moment, that such organisations are given the same opportunity. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Italy

**Italy**

Thank you Mr. Chairman. Italy is proud to be a co-sponsor of the proposal by Australia and New Zealand for the establishment of a South Pacific sanctuary. In 1999, Italy signed an agreement with France and Monaco on the establishment of a cetacean sanctuary in the Mediterranean and firmly believes in sanctuaries as a major tool for the conservation of cetacean populations. Now the Mediterranean sanctuary is very recent in its history that is already having a remarkable effect on the region in terms of an unprecedented investment in research, education and public awareness and also in terms of the economy of the region. We certainly in the Mediterranean don't need to invent new tricks to get tourists to the area – we already have several hundred millions every year but I tell you people are already coming to the Mediterranean also to watch whales. Italy believes that the establishment of the Southern Pacific sanctuary is fully justified and that such establishment rests on very firm scientific grounds so we hope that the sanctuary proposal will be adopted by the Commission. Thank you.

**Chairman**

Thank you Italy. Spain.

**Spain**

Thank you Mr. Chairman. Spain supports the establishment of the South Pacific sanctuary for the reasons already expressed by several delegations, in particular the scientific ones. Nevertheless, Mr. Chairman, on the other hand we also believe that in the interests of the Commission some progress must be achieved in the RMS issue, desirable through consensus. Thank you.

**Chairman**

Thank you Spain. Mexico.

**Mexico**

Thank you Mr. Chairman. First of all I want to support what has been said by the distinguished delegate from Spain and I am sorry Mr. Chairman because I got confused in the former discussion and I appreciate your consideration. As I said before, Mexico recognizes the effort of the delegation of Australia and New Zealand for this proposal and my delegation supports the adoption of the South Pacific whale sanctuary. Mr. Chairman, I just want to remark the need of our regional management programme in order to increase the regional cooperation as has been mentioned in the Scientific Report for this sanctuary as well as the Report for the action and activities that will take place during the time between this meeting and the next one. Thank you Mr. Chairman.

**Chairman**

Thank you Mexico. Finland.

**Finland**

Thank you very much Mr. Chairman. You asked us to be brief and that is why I don't want to repeat what was said by earlier speakers in support of this proposal. I just want to refer to the statements of the Ministers from Australia and New Zealand which very well established the reasons behind the South Pacific sanctuary proposal. We believe that the proposal meets the requirements under our Convention and I want particularly to note that it has extensive support from the region in question and therefore we can support this proposal. Thank you.

**Chairman**

Thank you Finland. Japan.

**Japan**

Thank you Mr. Chairman. My reaction to this absurd proposal is that of bewilderment and resentment. It is, as far as Japan is concerned, we do not think that it is scientifically and legally justifiable. Japan as a responsible contracting party to the ICRW recommends that proposers of this proposal should withdraw this immediately. Japan strongly believes that the proposers should accept our sincere recommendations and that if they are not prepared to accept the Commission should turn down this proposal immediately.

Firstly, the sanctuary which is proposed here does not have any scientific basis and the document that we submitted to you, IWC/52/22, summarises our position but just briefly in these waters there are a number of large cetacean stocks which are quite abundant and can allow sustainable use and at the same time in these waters the catch is not carried out which would threaten the stock. Also, the wording of this proposal goes that this sanctuary is applicable irrespective of the conservation status of baleen and toothed whale stocks and this is a pronouncement of the complete disregard of science. Therefore, we do not believe that there is any reason what so ever that would require comprehensive sanctuary as IWC's conservation measure.

Secondly, as I stated earlier this sanctuary would mean a total ban on commercial whaling in these waters no matter how robust the stocks might be or how much increase we might witness in the size of the stocks. There is no doubt therefore that this sanctuary proposal does not consider the objectives of the Convention which is the sustainable use of marine living resources, namely whales.

Thirdly, the sanctuary is not necessary for the protection of cetaceans. The commercial whaling moratorium has not been lifted yet and to create a sanctuary in these waters would mean redundancy and it is not necessary. There is no meaning, no effect. Even if the moratorium is removed, by then we will have a risk-averse RMP and there would be no adverse affect on cetaceans from commercial whaling because of RMP. RMP is a calculation method for safe catch limit for commercial whaling to ensure there would be no adverse effect even if there should be over harvesting or radical changing environment. Further, in this Southern Pacific oceans which under the proposal of sanctuary it is for bidden to use a factory ship for the purpose of taking baleen whales except minkes as this is provided for by paragraph 8(c) and (d) of the Schedule. Therefore creating a sanctuary in these waters would mean nothing.

Fourthly, the sanctuary is not necessary for the research and survey either. It is impediment rather than the Indian Ocean, the research and survey has been quite inactive and given this fact the creation of sanctuaries may need more debating to the research and survey.

As we all know the IWC has established sanctuaries in the Indian Ocean and Southern Ocean but think of Japanese cetacean research which is highly reputed in the Scientific Committee. Think of the IDCR, think of the SOWER. These have been carried out in an excellent manner even without sanctuary and have been producing results. So what is needed in research and survey is not the creation of sanctuaries but specific research purposes and detailed plan and humane physical and economic resources to carry out such plans. I would like to ask the proposers of the sanctuary whether they have will and ability of provide such resources and whether they are specific preparedness to carry out this.

Fifthly, the interests of consumers of whale products and whaling industry has not been considered at all. In the Southern Pacific area where the sanctuary is proposed there are a number of island nations which heavily depend upon marine living resources from nutritional, social and cultural aspects and we have to give considerations to this. The sanctuary may have adverse effects on fishery resources in this area and this may mean a serious blow to the life of people who live in these islands.

IWC has as this agenda item predation of marine living resources by cetacean and importance of ecosystem approach has been widely recognized for the conservation and management of marine living resources. However, the proposed sanctuary's basic concept is the absolute protection of cetacean and cetacean only and this is contrary to the ecosystem approach which means the balanced use of elements of all stages of ecosystem.

According to the Report of the FAO, 60% of the fishery resources of the world are either over utilized or utilized to a maximum extent. Given such circumstances, the FAO has called for a reduction of fishery effort worldwide and Japan took initiative and scrapped 20% of tuna fishery vessels. On the other hand, in the Southern Hemisphere the cetaceans consumes 140 million to 270 million tonnes of marine living resources a year. While humans are trying to reduce a fish catch the cetaceans are consuming as much marine living resources as they want and the lives of fishermen, especially those in the developing countries, would become distressed because of this.

This sanctuary ignores the sustainable use of marine living resources and the importance of related aspects, nutritional, socio-economic or cultural and sharply contradicts with the current trend of thought of the world which highly evaluates the importance of these including the 1995 Kyoto Declaration. As a responsible fishing nation and as a responsible consumer of marine resources we oppose very strongly the irresponsible proposal which would threaten the live, marine environment and fishery resources of the people in these areas.

The delegate from St. Lucia referred to the paper by Professor Burke of the University of Washington, he carried out a legal analysis and he concluded that this proposal is against the guideline which this Commission itself adopted earlier.

In 1997 the Chairman of Ireland came up with the so-called Irish Proposal to try to search for the compromise within the IWC. The proposal of this sanctuary neglects these attempts for compromise and try to put in place only what they want or what they like in advance. Therefore this proposal destroys the premises, the preconditions, for the Irish Proposal and make it impossible to resolve the issue. The adopting of this proposal means a death sentence to the Irish Proposal.

Listening to the previous interventions we got the impressions that they are saying that all the nations of SPREP or range states support this proposal but we do not believe that all the nations are in support of this proposal.

Earlier the delegate from New Zealand stated that whalewatching is quite popular in New Zealand and that a sanctuary is quite important from that perspective as well but I would also like to point out that there are also some people in New Zealand who call for the utilisation of New Zealand which is the ..... Commission.

From all these reasons Japan is against this proposal. As the Norwegian delegate stated, international governmental organisations such as NAMMCO and OLDEPESCA should be allowed to give interventions if necessary. Thank you very much.

#### **Chairman**

Thank you Japan. I have eight countries requesting the floor so I would ask them to be ... now it has gone to ten. I would ask them to be as brief as possible please. I would like to proceed to vote before lunch so I will now give the floor to Antigua and Barbuda.

#### **Antigua and Barbuda**

Thank you Mr. Chairman. Antigua and Barbuda is very concerned about this proposal. We believe that this proposal would contravene the objectives of the International Convention for the Regulation of Whaling. In that it does not provide for the conservation, development and optimum Utilisation of whale resources. As whale resources continue to increase, sustainable use can be achieved under the Revised Management Procedure of the IWC. A permanent ban on all forms of whaling in this sanctuary would be counter-productive. The proposal does not conform to Article V of the ICRW, our Convention, because a sanctuary is not necessary for the conservation of whales as the IWC has already provided two mechanisms for this purpose. That is the commercial whaling moratorium and the RMP.

In addition Mr. Chair, there does not appear to be any scientific justification for it and it does not provide for the optimum Utilisation of whale resources as is required in Article V. The establishment of a sanctuary would not necessarily encourage scientific research. As we have seen in the Indian Ocean sanctuary there was no significant increase in scientific research in that area. On the other hand Mr. Chairman, the prospect of allowing

some sustainable take of abundant whale stocks in that area under IWC control would act as a greater stimulus to research and a more balanced approach towards the use of resources in that area.

As far as we know, the sponsors have not shown any evidence that the proposal is supported by all range states and I repeat, all range states. At the 1998 South Pacific Forum Meeting, a statement was made that the states would consider supporting the proposal. However, Mr. Chairman, since that meeting there is no evidence of support by all of the range states. The support of all range states must be prerequisite before this issue can be debated by the IWC as we agreed at the 51<sup>st</sup> Annual Meeting in Grenada that this should be the case.

At the recent CITES Conference of Parties in Nairobi, Kenya this year, a majority of member states supported the downlisting of the abundant minke whales showing that the international community is at least divided in the support for the continued protection of whales. Moreover, Mr. Chair, the RMP and the Revised Management Scheme of the IWC would provide all of the protection the whales of the world would need. The sanctuary proposal would negate years of work by the IWC Scientific Committee. In effect Mr. Chair it is calling the RMP and the RMS worthless since it is intended to displace those measures entirely. The Sanctuary's purpose is more of a political nature than it is of a resource management tool. Its proposed intention is dangerous if not a sinister motive denying the nine coastal states in the Pacific the right to choose between the use of whale meat or resort to whalewatching.

Mr. Chair, like many governments in this forum, Antigua and Barbuda endorsed the sustainable utilisation of all renewable resources and all other natural resources as is provided for by UNCED, Agenda 21 on the Convention for Biological Diversity. Mr. Chair in this regard Antigua and Barbuda cannot support this proposal.

**Chairman**

Thank you Antigua and Barbuda. Chile.

**Chile**

Thank you Mr. President. I will try to be very brief. Chile will support this proposal presented by Australia and New Zealand but understanding that the sanctuary does not include our exclusive economic zone and this is consistent with our position during the negotiation of the Southern Ocean Sanctuary in 1983/84. So according to the information supplied by the Australian and New Zealand delegations the eastern limit of the South Pacific Sanctuary will be Meridian 120°W as we can see on the map while our exclusive economic zone west of Easter Island extends to Meridian 113°W. Consequently should the present limit be maintained to 120°W it will not be a problem to give it our approval and repeat we will vote it favorably. Thank you Mr. President.

**Chairman**

Thank you Chile. Republic of Korea.

**Republic of Korea**

Thank you Mr. Chairman. Referring to the Scientific Committee Report, the sanctuary concerned was reviewed regarding the abundance of whales and the verity of research and management. It is seen that there are not any really scientific support to the dissemination of sanctuary. Korea believes that the sanctuary should be established in compliance with the Article VIIb which previous amendment of Schedule should be based on scientific finding. Therefore, my government would like to wait for the time being until Scientific Committee have given us more understandable information related to this specific topic and Korea is associated with the Chinese statement. Thank you very much.

**Chairman**

Thank you Republic of Korea. Austria.

**Austria**

Thank you. Austria also proud for being a co-sponsor of this proposal fully recognizes the importance of whale sanctuaries and supports the establishment of further sanctuaries, especially the South Pacific sanctuary. Whales breed in this area and the South Pacific sanctuary is therefore a logical extension of the Southern Ocean sanctuary and even the Indian Ocean sanctuary because it joins the important feeding grounds with the whales breeding grounds. This development is therefore fully in accord with the conservation approach used with other migratory species. Further scientific justification for the sanctuary comes from the recognition that in order to protect whales adequately areas have to be large enough to incorporate the entire habitats. Additional benefits will include the stimulation of non-lethal research of whalewatching industry and of public awareness and education. Austria believes that the designation of this sanctuary would be an entirely appropriate gesture that

whales continue to organize special protection and the application of the precautionary approach and we should respect the wish of people living in this area. For these reasons we ask all to support the proposal. Thank you.

**Chairman**

Thank you Austria. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. Most of what I wanted to say has already been said and in the interest of brevity I will maintain a very short intervention. Mr. Chairman the proposal seems to be part of a strategy to completely and totally and finally and everything else exclude the resumption, the possibility of the resumption of commercial whaling at the same time to fly in the face of the sustainable use of all living marine resources.

Mr. Chairman we seem not to have learnt from the example of the African elephant where all protection led to the loss of human life and it took a bitter pill for CITES to swallow to downlist the African elephant. It did so only after human life was lost. We heard yesterday the Scientific Report that indicated that the minke whales in the Southern Ocean had over shot the carrying capacity. With a sanctuary of this nature Mr. Chairman all these effects could take place and the results that we are trying to obtain would never be obtained because over populating an ecosystem is what we are trying to prevent by sustainable use and at the same time provide food for particularly members of the developing countries. We also seem to have forgotten Mr. Chairman the experiment in northeast Canada with the seal, when there was a total ban and what happened when that ban was implemented on the taking of seal, the cod population rose and up to a few years ago the Government of Canada had an extremely large bill paying fishermen and fishermen had problems selling their boats, the fishery just about almost collapsed. Again, over protection.

Mr. Chairman there is no need for this proposal, a moratorium is in place there is a ban on activity of factory ships as well as catching ships associated with these factory ships. There is no place for this moratorium Mr. Chairman. In addition to this I wish to refer to the comment that was made by the Scientific Committee on page 82 in its Report. "In conclusion, the Committee noted that whilst it has received guidance from the Commission on factors of interest to the Commission in reviews of scientific permits, this is not the case for sanctuary proposals. A Technical Committee Working Group met in 1982 to consider requirements for the listing of sanctuaries but its report was not adopted by the Commission. The Committee agreed that advice from the Commission with respect to reviews of sanctuary proposals would be useful in the future." Mr. Chairman St. Vincent and the Grenadines cannot lend any support to this proposal on the following basis. 1. It is in contravention of its own 1946 Treaty. 2. It lacks the sound scientific credibility as we can see from the uncertain and indecisive comments and conclusive comments by the Scientific Committee. It contradicts the 1982 UNCLAS 3 Convention, United Nations Conference on the Law of the Sea and finally it contravenes the Agenda 21 of the 1992 Conference on the Environment and Development. Mr. Chairman my country does not support this proposal.

Finally, with respect to the request that was submitted by the distinguished delegate from the Netherlands to allow SPREP to participate in this debate. If it should be your wish to grant that to fulfill that request my delegation would like to know under what rule you will permit this to take place since there clearly is no precedent for such an event to take place. Thank you Mr. Chairman.

**Chairman**

Thank you St. Vincent and the Grenadines. I have India, Dominica, Ireland and Switzerland. India please.

**India**

Mr. Chairman thank you. I will be very brief. India wholeheartedly supports the Australian and New Zealand proposal for the establishment of a South Pacific sanctuary for great whales. Thank you.

**Chairman**

Thank you India particularly for the brevity. Dominica.

**Dominica**

Thank you very much Mr. Chairman. The proposed South Pacific whale sanctuary as put forward to this Convention is contrary to the letter and the spirit of the International Convention for the Regulation of Whaling. This body is again heading in the same direction as it did on the establishment of the Southern Ocean sanctuary. There has not been sufficient scientific dialogue on the matter and what we see is too much political consideration. Mr. Chair the Scientific Committee in its Report this year stated that there is no commercial or

aboriginal subsistence whaling in the area at present. Mr. Chairman, whaling activities is not the biggest threat to whale stocks in the area at issue. Factors such as marine traffic, military exercises, mining, coastal degradation and other land based sources of pollution have been cited by many scientists and scientific documents as the biggest threat to whale stocks in this habitat. This sanctuary proposal contains nothing to address these factors and is only aimed at provoking illegal activities. Mr. Chairman this organisation is not listening to the Scientific Committee which concluded in its Report that it has not received any guidance for sanctuary proposals. It is for this reason therefore Mr. Chairman that Dominica is afraid that this proposal is premature and therefore cannot support it. Thank you.

**Chairman**

Thank you Dominica. Ireland.

**Ireland**

Thank you Chairman I will be brief. Delegates here will all be aware of the considerable efforts made by the Irish delegation in 1994 in securing the designation of the Southern Ocean sanctuary. Indeed it could be said that it was primarily through the efforts of the Irish and a small number of other designations that the current Southern Ocean sanctuary was secured. We worked very hard at that time to ensure that the Southern Ocean sanctuary boundary was set at 40°S rather than at a significantly smaller area. While normally Ireland would support a sanctuary proposal such as this we feel that in this case there should be further consultations to secure consensus on the proposal. Without consensus, and particularly the agreement of whaling nations, it will not achieve the maximum long term conservation of whales and will not address the major global threats to whales such as research whaling and the international trade even in the sanctuary area. We would have preferred to defer a vote to achieve the consensus and we believe there are proposals before the Commission to facilitate that process. Without consensus we have decided to abstain on this vote. Thank you.

**Chairman**

Thank you Ireland. Switzerland.

**Switzerland**

Thank you Mr. Chairman. Switzerland is in favour and supports comprehensive conservation measures for whale stocks. In particular protection measures for depleted whale stocks. In this respect we would favor an agreement where all pelagic whaling would cease and if at all only some limited coastal whaling would be allowed under stringent conditions of the revised management Scheme and the aboriginal whaling management procedure. Our idea of comprehensive conservation and protection does also include far reaching measures such as efforts for the reduction of bycatches and the protection of the ecosystems, in particular by reducing among others the CO2 Output, the emission of CFC and other toxic waste as well as noise. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. St. Kitts & Nevis.

**St. Kitts & Nevis**

Thank you Mr. Chairman. The delegation of St. Kitts & Nevis wishes to remind this meeting that the IWC is mandated to regulate whaling and not to prevent whaling. There is already a moratorium in effect which effectively curtails the taking of whales. Furthermore, we believe that the decision to establish such a sanctuary must be based on scientific data which so far we have not heard of or seen. We therefore strongly oppose the establishment of the proposed sanctuary. Thank you.

**Chairman**

Thank you St. Kitts & Nevis. It seems that there are no other delegations looking for the floor. I have a request to hear the views of the observer from South Pacific Regional Environment Programme and also requests to hear the views of OLDEPESCA and NAMMCO. Under the Rules of Debate A.2, a Commissioner or Observer may speak if called upon by the Chairman so I have authority under the Rules to call observers. It has been my policy as Chairman to operate the meetings in as open a manner as possible. This is a major issue of importance and while we don't normally call upon observers to speak I think it may be of interest to Commissioners to allow relevant observers to speak in this situation and I would propose to call on the South Pacific Regional Environment Programme which has, I understand, fifteen members within the region and also OLDEPESCA which has fifteen members within the region. I do not propose to call upon NAMMCO who operate in a different region. Norway.



**Norway**

Mr. Chairman. I had indeed hoped that you would make a ruling against inviting outside organisations but apparently you are not doing so. With regard to your ruling or your invitation that has been extended to two of the organisations in questions but not to the third one. I would like to wholeheartedly agree with you that the relevant organisations should be allowed to speak. Now what in this context Mr. Chairman is relevance, is it just geographic proximity or is it the substance with which those organisations are preoccupied? Mr. Chairman I don't really know very much about the substance of SPREP, the dealings we do however know is that NAMMCO is a regional inter-governmental organisation primarily preoccupied with, or mandated to, the management of marine mammals which is actually at the core of what our organisation deals with. So with that in mind Mr. Chairman I would propose that you reconsider your decision about the invitation. Thank you.

**Chairman**

Thank you Norway. I note your views. In fact NAMMCO is the only one of the three organisations with which I am personally familiar. I would feel that we are talking here about the South Pacific. The requests I have had from the floor have been in relation to views of range states so I think it is appropriate to stay with my ruling on SPREP, South Pacific Regional Environmental Programme and OLDEPESCA and I hope you can accept that.

**Japan**

Thank you Mr. Chairman. With regard to this sanctuary that you have indicated that you would allow to listen to the views to be expressed by the range states. However, it is of course naturally very important to listen to the views expressed by the intergovernmental organisation which is involved in actual similar type of management of the substance concerned so it is very important and natural for us to listen to such management aspect and experiences from that kind of intergovernmental organisation and therefore we support the view expressed by Norway. Thank you Mr. Chairman.

**Chairman**

Thank you Japan. Before I give the floor to Denmark..... I give the floor to Denmark.

**Denmark**

Thank you Mr. Chairman. It is more or less a new procedure we are now entering into here. Denmark is very much in favour of transparency. The subsistence of this proposal is in our opinion, not only as I touched upon, what is to happen as related to management in the Pacific area but we foresee that it may have an important impact of the future of the IWC and the worldwide cooperation in preservation and management of whale stocks so if it is your wish to give the floor to international organisations, and I agree with you that it is an important question, then I think you should allow all three of them to just do it briefly. Thank you.

**Chairman**

Thank you Denmark. Monaco.

**Monaco**

Mr. Chairman the peculiarity of this area covered by the proposed South Pacific sanctuary was underlined by our delegation previously. Most of the waters are not international waters but under the direct EEZ control of sixteen Pacific Island Range States. Therefore the point of view of these coastal states is capital in our mind. It would be foolish to reach to impose a sanctuary against the wish of the local populations. Therefore we think that your ruling is absolutely adequate and we do not wish to entertain further discussion. Maybe some delegations wish to challenge the ruling by calling a vote, fine but I think it would be an embarrassment to the IWC to further entertain debate on this issue. It is customarily international law to accept that inter-governmental organisations that are relevant to the debate are encouraged to express briefly their point of view. We just do not wish to entertain the debate any longer Mr. Chairman so please let us proceed.

**Chairman**

Thank you Monaco. My feeling is that is not so much an issue of management as of range which we have been asked for advice and I wish to confirm my ruling. If you wish to challenge it I would ask for two brief speakers for and against. Sorry, St. Lucia do you wish to challenge my ruling?

**St. Lucia**

Chairman I had my flag up before you repeated your ruling. Chairman this is a transparent organisation, an organisation which takes decisions on the management of whale stocks. It is expected that our organisation should be looking as well primarily after the regulation of whaling. Chairman in our organisation we have land locked states taking decisions on issues that pertain to coastal states. We talked about this at length earlier in the

week and we thought that it would not be good for our organisation to be seen as one depriving intergovernmental organisations to speak and we know what they are going to say. Chairman we possibly or maybe should allow them to speak tomorrow and if that is the case then we can allow the two you have selected to speak tomorrow but if they are going to speak before we take a vote everybody should get the opportunity. Thank you Chairman.

#### **Chairman**

Thank you St. Lucia. I am trying to achieve balance in this organisation so to do so I am ruling that two IGOs representing range states may speak. I propose to call upon them unless someone is challenging my ruling. I take it nobody ..... OK thank you, thank you for your cooperation on that one. If I can call on the South Pacific Regional Environment Programme representative and please ask him to be brief. Thank you.

#### **SPREP**

Mr. Chairman, distinguished delegates, Secretary of the IWC, Observers, it is a singular honour for me to be present amongst you all for the first time representing the IWC'S most recent addition to its official list of observers, the South Pacific Regional Environment Programme.

I am conscious that many of you from outside the Pacific islands region are not familiar with this regional intergovernmental organisation since we exist to serve the Pacific islands. Nevertheless, it is pleasing to note that five of your members are also members of SPREP, Australia, France, New Zealand, Solomon Islands and USA. It is also a source of humble pride for me to have, as part of SPREP's delegation, representatives of two of our member countries, the Honourable Akau'ola, Secretary for Fisheries for the Kingdom of Tonga and Mr. Veari Kula, Office of the Environment of Papua New Guinea. Our membership encompasses all of the remaining nineteen Pacific island countries and territories. Incidentally, there was a royal decree in 1978 which led to the banning of all whaling in the Kingdom of Tonga. I also note with pleasure the presence of the distinguished representatives of some of the countries of the Caribbean region, countries which in other international fora we work very closely with through the alliance of small island states. In this context I refer in particular to the ongoing global debate on climate change in which all countries represented here are vitally involved. It was, in fact, in the climate change global arena that AOSIS was born and it is in this arena gradually extending into other areas that the island nations of the Caribbean, Indian Ocean, the Pacific and other parts of the world continue to work together for common goals. Indeed the Pacific islands receive assistance from several countries represented here through SPREP on various environmental issues, either directly or through other international agencies and instruments including the UMDP, UNEP, UNESCO, WMO, IMO, FAO, ADB, World Bank, Global Environment Facility, IUCN, WWF and the secretariats of various international conventions including the Biodiversity and Deification Conventions.

Although SPREP is the most recently established of the eight regional organisation working for the Pacific islands we have existed as a Regional Programme housed within another regional agency since 1982. Since that time SPREP has been and continues to be part of UNEPs Regional Seas Programme. We in the SPREP secretariat have kept a close watch over the work of the IWC especially in recent years. This is consistent with our increasing capacity to assist our island members in matters environmental with the introduction by Australia and New Zealand of the initiative to create a South Pacific whale sanctuary at the 1998 Annual Pacific Islands Forum comprising 16 heads of governments of our region and the IWC's 51<sup>st</sup> Annual Meeting and given the background provided in our Opening Statement to this 52<sup>nd</sup> Meeting it was a logical step for SPREP to seek direct involvement in the work of this Commission through seeking official observer states. This is especially so given the fact that the 1998 Pacific Islands Forum, as already referred to by other speakers before me, and I quote "gave its support to the development of a proposal to establish a South Pacific Whale Sanctuary for great whales to compliment the existing Indian and Southern Ocean sanctuaries, with particular attention to the need to protect forum members traditional and cultural practices and the sustainable use of their marine resources". It also seemed logical to us that we, as a regional agency serving the Pacific islands, should seek the opportunity to speak on the proposal for a South Pacific sanctuary for whales especially given the paucity of membership by those same islands in this Commission. Article 2.1 of the Agreement establishing my organisation states and I quote "the purposes of SPREP are to promote cooperation in the South Pacific region and to provide assistance in order to protect and improve its environment and to ensure sustainable development for present and future generations". It therefore came as a surprise, even a tint of sadness, for me to learn that my request was cause for concern to a few of the members of this Commission. Such an introduction is hardly an auspicious beginning for one of the Pacific islands regional agencies into any international fora and it is one that I would have liked to avoid. Proudly passionate as we are it is also not in our nature, or in our custom as Pacific islanders, to embrace a confrontational approach unnecessarily.

Let me there first conclude Mr. Chairman and distinguished delegates by emphasizing that we in the SPREP secretariat believe that a South Pacific sanctuary should maximise opportunities to build capacity in Pacific island states for marine mammal conservation and management, also provide opportunities for international cooperation in marine mammal issues including research, training, information exchange, education and awareness initiatives. The promotion of Pacific island whalewatching tourism and that the creation of the sanctuary is meaningful and beneficial to our region. We further recognise that a South Pacific sanctuary is a logical extension to the existing IWC sanctuaries and would extend protection to breeding, calving and migratory pathways of the great whale species. Such a sanctuary declared under the IWC would pave the way for gaining widespread international support for this management measure. We welcome the IWC's consideration of the proposal to create a South Pacific sanctuary. We emphasise the need to effectively engage the South Pacific region and we look forward to working with the IWC in this regard. Thank you Sir.

**Chairman**

Thank you SPREP. Can I call on the delegate from OLDEPESCA? Thank you.

**OLDEPESCA**

Thank you Mr. Chairman. So much expectation I feel like I have to sing after Pavarotti so I will be very careful. Let me, just for the benefit of all, say that I was elected by the Ministers of Fisheries of fifteen Latin American Caribbean nations in 1993. We are the largest intergovernmental regional fisheries organisation in Latin America. It is our view that men and whales are competing for the sometimes compromised or poorly managed fish stocks. The extent of that competition needs to be further examined in science validated by there is competition. If any precautionary principle applies here food security is paramount to any other concern. I am perfectly aware that nobody here wants to reduce the availability of fish protein to the one billion users and by the same token nobody here could even suggest that whales should be harvested to prevent that from happening. This latter scenario insinuated by some as sensationalist and over dramatised and it is simply unrealistic and unacceptable to all of us. Fisheries and whales need to be scientifically and coherently managed as a unit so that they and the marine ecosystem that supports them can co-exist in harmony with nature and the needs of human kind. That is why we are apprehensive about the proposal to create a South Pacific Ocean sanctuary. We fail to see scientific merits and it seems to be redundant from a management perspective to add a sanctuary to a moratorium. Over protection of a species often works in detriment to other species and the ecosystem. The Fisheries Sector represented in OLDEPESCA also feels that it has not had a say on the matter but due to the highly migratory nature of whales and some fish stocks in the South Pacific could have a negative impact on fisheries. Furthermore, I respectfully submit to you that in our view this is a politically sensitive issue and would not be appropriate to have it decided here without consultation with the international community at large. Thank you very much Sir.

**Chairman**

Thank you OLDEPESCA. There is clearly no consensus on this one so I will ask the Secretariat to please proceed to a vote. Sorry Japan, point of order.

**Japan**

Thank you Mr. Chairman. Before we go on to vote I would like to confirm whether all the countries here do have the voting rights because with regard to one country, whether that country has paid the contribution or not is not yet confirmed before we start this voting. In other words we would like to propose to reserve our right with regard to this decision to go ahead with the voting procedure that is to say as follows. That if this country concerned has paid their contribution before this voting takes place, in other words if we can confirm that country has already paid the contribution then the voting takes place and then that vote is to be regarded as effective. However, after the voting takes place and it was revealed afterwards that this country's contribution payment had not been confirmed then the vote should be nullified afterwards. If that understanding of the procedure is shared and confirmed before we go on voting we will agree to go ahead with voting.

In other words I would like to clarify if the payment takes place after this voting procedure that vote casted before the payment is nullified, ineffective.

**Chairman**

Thank you Japan. My understanding is that the money was transferred yesterday after banking hours in Cambridge and my ruling would be that if that money is confirmed to have arrived when the banks open in Cambridge today that the vote will stand otherwise that vote may be nullified. Japan.

**Japan**

Thank you very much Mr. Chairman for this additional information. If that is the case it will be appropriate but of course we would like to confirm our official right to confirm if that has actually taken place. Thank you.

**Chairman**

We will confirm it as soon as we get the opportunity. Can I now proceed with the vote? Secretary please.

**Secretary**

Mr. Chairman the proposal before the Commission by Australia, New Zealand and a number of co-sponsors is to amend the Schedule by adding a new paragraph number 7(c). The text of this proposed additional new paragraph is contained in the Revised Provisional Annotated Agenda for the meeting IWC/52/2 Rev on page 8. It is rather long so with your permission I will assume that you can all read and know that this is what you are voting for. The text is to add new paragraph 7(c) starting "In accordance Article V(1)(c) of the Convention", a paragraph this sanctuary comprises the waters and designating the boundaries and a third paragraph stating that this prohibition applies and so on. So that full text, those three paragraphs are the proposed additional text to go into the Schedule. To amend the Schedule requires a three quarters majority of those governments voting yes or no. We have a rolling start system for our procedures, it happens that we start with Antigua and Barbuda. Antigua and Barbuda – no; Australia – yes; Austria – yes; Brazil – yes; Chile – yes; People’s Republic of China – no; Denmark – no; Dominica – no; Finland – yes; France – yes; Germany – yes; Grenada – no; Republic of Guinea – no; India – yes; Ireland – abstain; Italy – absent; Japan – no; Republic of Korea – abstain; Mexico – yes; Monaco – yes; Netherlands – yes; New Zealand – yes; Norway – no; Oman – abstain; Russian Federation – abstain; St. Kitts & Nevis – no; St. Lucia – no; St. Vincent and the Grenadines – no; Solomon Islands – absent; South Africa – yes; Spain – yes; Sweden – yes; Switzerland – yes; UK – yes; USA – yes. Mr. Chairman there were eighteen votes in favour, eleven votes against with four abstentions. The proposal therefore did not receive the three-quarters majority necessary to amend the Schedule.

**Chairman**

Thank you Secretary. The next item on the order is Resolution 52/29 and I presume that will not now proceed? Thank you Australia. In that case I think we will adjourn for lunch and resume at 2.30 and we will seek the results of the consultation on Resolution 52/27 and can I ask you to be as quick as possible this afternoon as we have a long agenda to get through. Thank you.

[BREAK]

**Sweden**

..... I am here in my capacity as Vice-Chairman and the Chairman asked me to Chair this afternoon’s session. Secondly, we are running late and I will again urge everybody to be short and brief in the interventions and we have delayed the coffee break until 4.00. I anticipate to stop this meeting by 6.00 in order for us to be able to attend the social events this evening.

The first thing is to give the floor to Italy. I understand that is a point of order. Italy has the floor.

**7.3 SOUTH PACIFIC SANCTUARY**

**Italy**

Thank you Mr. Chairman. I would like to express my regrets for having been absent from the room at a time of the voting on the South Pacific sanctuary that Italy had co-sponsored. The reason for this being that I had pre-arranged a meeting during lunch break with the Italian Diplomatic Representation here in Adelaide and when I stood up at 12.30 I had no information whatsoever that there was going to be a change in the timing of the lunch break. This is particularly difficult in cases of delegations that are made of one person as is Italy now. In any event I would like to express my regrets particularly to the sponsors of the proposal, namely Australia and New Zealand. Thank you very much.

**7.1 SOUTHERN OCEAN SANCTUARY (CONTINUED)**

**Chairman**

Thank you Italy. Then I would like to turn to the remaining 7.1 where we had discussions going on between two members on the proposed Resolution on the review of the Southern Ocean sanctuary and I would like to ask if there has been any progress on that?

## **Australia**

Thank you Chairman. There has been progress but we haven't yet concluded the consultations.

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

### **Chairman**

So you want it delayed further until after coffee? OK we will come back to 7.1, the proposed Resolution 52/27 after coffee then. Now we go to agenda item 5 – SEST which is Socio-Economic Implications and Small-type Whaling and I open the floor for that agenda item. First is 5.1 – Action arising where Japan proposes to add a new paragraph after Schedule paragraph 13 to permit the take of fifty minke whales from the Okhotsk Sea West Pacific Stock of the North Pacific for the year 2000 to alleviate the hardship in the community-based whaling communities. Does Japan want to speak to that proposed new paragraph? Japan.

## **5.1 ACTION ARISING**

### **Japan**

Thank you very much Mr. Chairman for giving me the floor. Mr. Chairman for the thirteenth year the Government of Japan requests an interim relief allocation of fifty minke whales for our four small-type whaling communities. We have thoroughly documented the socio economic, cultural, religious and dietary aspects of minke whaling which through history has made minke whaling an integral part of the community life in Abashiri in Hokkaido, Ayukawa in Miyagi Prefecture, Wadoura in Chiba across to Tokyo but it takes two and a half hours by very express train and Taiji is very far away even from Osaka.

We have repeatedly shown the ever-increasing distress to which these communities are subjected as a result of the Commission's moratorium. Each year without whaling hurts our communities more and now we are hearing complaints not only from the whalers but also from the small scale fishermen in addition to the fact that they both see many whales off our shores, the fishermen are seeing that whales are competing seriously with fishermen for fish. This reinforces on a personal scale for these communities the work Dr. Ohsumi and others are doing as regards to the tremendous impact of the cetaceans' fish consumption can have on commercial fisheries. This is especially hard for the small-type whalers, not only are they being deprived of their own livelihoods by IWC moratorium but now they are also hearing from their own feral fishermen of the negative impact of the moratorium is having on fishing operations.

From the beginning the moratorium was never reasonable in Japan's case because the Japanese whalers conducted only a sustainable annual harvest. The moratorium is now even more unreasonable because it appears to be risking local ecosystem balance. In 1993 the IWC resolved to work expeditiously to alleviate the distress the moratorium had then already caused to our small-type coastal whaling communities. To have done so would have only been consistent with the members responsibilities and ICRW to act without causing widespread economic and nutritional distress. For all the subsequent delay your responsibilities remain, our request for the interim relief allocation is entirely consistent with international conservation and sustainable use practices.

Agenda 21 from the United Nations Conference on Environment and Development states that coastal states should ensure that in the implementation of international agreement on the development or conservation of marine living resources the interest of local communities and indigenous people are taken into account and in particular, their right to subsistence. 1995 FAO, Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security, not only recognised that there are all of living aquatic resources as an important natural renewable resources of food and traditional and essential role played by fisheries in providing high quality protein required for human use but also added an increase in the respect and understanding of socio-economic and cultural differences amongst states and regions in the use of living aquatic resources, especially cultural diversity in dietary habit consistent with management objectives. While neither Agenda 21 nor FAO Kyoto Declaration is legally binding, both of them reinforce not only the conservation for orderly development for which the ICRW calls but also the long standing international support for the principle of sustainable use of natural resources.

The Commission's anti scientific blanket moratorium contrasted dramatically with these international agreements and, as members have acknowledged, is causing considerable distress for our four small-type whaling communities. In 1989, only two years after the moratorium took effect in Japanese coastal waters, the Chairman's Report of the 41<sup>st</sup> IWC Meeting summarised the impact of zero catch limit for minke was already having for these communities. Briefly, in Japan zero catch limit has affected individuals economically, socially, culturally and in respect to health. The effect includes disruption and failure of small business, job loss,

employment at less valued positions and/or limited work in temporary or seasonal positions. Because of the nature of small-type whaling, the zero catch limit affects the individuals in small villages more than in the industrial centers. These impacts pose serious threats to the continued survival of these traditional small communities. Tragically, this is even truer today, the communities involuntary adaptation have cut populations in half with imbalance of the elderly. This injustice should never have happened and certainly it should have not have been allowed to continue for so long given the untiring mediate effort we have made to address each and every concern which member have raised.

Mr. Chairman, once again, we say the Government of Japan remains committed to restoring the integrity of our communities for which resuming minke whale whaling is imperative. Once again, we add Commission's support for our long standing request for fifty minke whale interim allocation. Once again we base our request on the well documented socio-economic cultural, religious and dietary needs of our communities. Second, an awareness and appreciation of distress to these communities which continued imposition of the Commission's blanket moratorium is causing. Thirdly, the members international commitment to the principle of sustainable use of natural resources and to the ICRW itself and internationally agreed upon need to respect cultural diversity and finally the fact that there is no conservation reason to reject our request despite all our effort however Commission has denied our request.

We are more and more disappointed and increasingly frustrated by the Commission's persistent refusal to mitigate temporarily this distress even though it acknowledges seven years ago the seriousness of what its inaction is causing. There are no legitimate and no legal reasons for Commission to deny our request for this interim relief allocation. We are therefore proposing Schedule amendment documented IWC/52/26 which had permit the take of fifty North Pacific minke whales in this year. By adopting this Schedule amendment the Commission would begin to honour the commitment it made seven years ago.

We are also proposing Resolution IWC/52/24 accompanying our proposal Schedule amendment. This Resolution would ensure that the take of fifty minke whales would be allocated entirely to Japan's small-type coastal communities, Abashiri, Ayukawa, Wadoura and Taiji. A document which I referred was self explanatory so that I don't think I don't have to necessarily go into the detail for the further explanation. Thank you very much Chairman.

#### **Chairman**

Thank you Japan. I understand you want to have the Schedule amendment discussed first and perhaps we can have a discussion on that right now and you have made a very detailed intervention so I suppose we can be short and brief for the rest of the interventions. People's Republic of China please.

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

Thank you Mr. Chairman. Regarding to the small-type whaling, in particular to the request of the fifty minke whales by the Japanese delegation. The Chinese delegation would like to reiterate the principle of the whales conservation. The Chinese government believes that it is necessary to protect positively the whale resources in the world's oceans and sea and if the scientific information available reflected that the whale resources concerned are abundant the resource should be allowed to have some limited views in a sustainable manner. These don't about mention the principle it is the will of the Chinese delegation to support the Japanese request for the following reasons.

First, the IWC Scientific Committee concluded that there are twenty-five thousand minke whales in the northwest Pacific Ocean, that means the minke whales are abundant and taking fifty minke whales cannot create a worse impact on the rest of the fish in the region. Therefore, the Japanese request is in line with the principle of sustainable utilisation. Second, we need to consider the unique cultural background of the four Japanese coastal communities and respect the cultural diversity in various regions as the IWC did in the past for aboriginal subsistence whaling. We believe that the four Japanese coastal communities request for whaling needs to be treated as equal as such aboriginal subsistence whaling as the term aborigines cannot apply in east Asia area for historical reasons. So the only information we have from Japanese scientists after they conducted the research is that the minke whale eats too many fish, some of which are target species of fishing vessels from coastal states in the area. From that information we believe that the coastal states of the northwest Pacific Ocean should have a more consideration in regard to the issue of competition between minke whales and the fishermen of the same fish stocks. There is a need to take a precautionary approach and take a limited number of minke whales in the northwestern Pacific Ocean for the purpose of ensuring that the fishermen fishing in the area have fish to catch that are not eaten by more and more minke whales.

Mr. Chair, my delegation thinks that since taking fifty minke whales cannot impair the population on the one hand, on the other hand we should allow the take, to help the fishermen in the region. Mr. Chairman I was taught that this year is the thirteenth year that the Japanese delegation has asked for the fifty minke whales and has not met with success. Number thirteen may be a unlucky number for the ....., however it might be a lucky number in their creation. I wish this would be the case for the fifty minke whales requested by the Japanese coastal community whose culture is heavily reliant on whaling.

Finally, Mr. Chairman I would like to take this opportunity to urge the parties in the room which expressed opposition against the Japanese proposal in the past to reconsider the positions and an understanding the real situation in the Northwest Pacific Ocean. Such understanding in my will is very important. For a more collaborative future of the IWC and a more cooperative IWC can bring us together to obtain a common objective of us all, that is the conservation, development and optimum utilisation of the whale resources stipulated in paragraph 2, Article V of the International Convention for the Regulation of Whaling. Thank you very much.

**Chairman**

Thank you People's Republic of China. I now give the floor to Norway.

**Norway**

Thank you Mr. Chairman. Mr. Chairman as a point of departure I would like to point out that Norway is not in general in favour of a situation which might lead to an increasing number of whaling categories. We would certainly not see the scene as contributing to a proliferation of such categories. However, we do consider the situation that underlies the Japanese request as an extraordinary one. We have to take into account the real need and the need which is actually the result of the actions of the IWC itself. What I have in mind is the 1982 moratorium decision and in addition to that the failure of the IWC to develop or adopt rather and implement an RMP by 1990 at the latest. We are still in that situation that those people who otherwise would have been able to conduct legitimate commercial whaling are prevented from doing so. So having this situation in mind I would be inclined to look at the request as one for a temporary relief measure. So our position would on the balance be quite clear, we are in favour of the Japanese proposal. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Netherlands.

**Netherlands**

Thank you Chairman. I will be brief because I don't see a need to repeat the discussion every year. With respect to this request the Netherlands has consistently taken the view that this issue should be resolved in the framework of the discussions about the RMS and the moratorium on commercial whaling. In our opinion as long as the moratorium remains in existence there should be no changes in the situation and we therefore cannot support this request. Thank you.

**Chairman**

Thank you Netherlands. The US.

**USA**

Thank you Chairman. My delegation would certainly associate itself with the views of the Netherlands. From the extensive documentation presented by Japan over the years my delegation has analysed that data and has come to the conclusion that these community based operations are commercial in nature and consequently we believe that paragraph 10(e) applies to them. Therefore, Mr. Chairman the United States would not be able to support this proposal. Thank you.

**Chairman**

Thank you US. New Zealand please.

**New Zealand**

Mr. Chairman New Zealand takes the view that this proposal amounts to adding a further category of commercial whaling to the Schedule and to do so at a time when the moratorium against commercial whaling remains in force and for that reason we join with the United States and the Netherlands in opposing the Schedule amendment.

**Chairman**

Thank you New Zealand. I now have Brazil.

**Brazil**

Thank you Mr. Chairman. As an ex-hunter of whales Brazil considers that the prohibition of whale hunting has not caused notably negative effects of a socio-economic nature to our countries small-coastal communities. Brazil reiterates its opinion that the non-lethal use of cetacean species as, for example, whalewatching constitutes an efficient and resourceful alternative to hunting activities with vast socio-economic advantages. Therefore Brazil opposes any initiative bound to establish quotas for capture with the aim at solving problems supposedly faced as a result of the suspension of whale hunting. Thank you very much.

**Chairman**

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

**Denmark**

Thank you Mr. Chairman. For my delegation it is obvious that you cannot compare this type of operations with large scale industrial commercial whaling. They may have naturally some economic impact on the communities but having been to two of the places I am convinced they also satisfy some socio cultural needs which my part of the world may not fully understand but I have learned that it also has ancient roots so Denmark will support this draft proposal. Thank you.

**Chairman**

Thank you Denmark. I now have Australia, Antigua, Korea and the UK on my list and Germany. Can we close this agenda item with those speeches? We need St. Lucia and Dominica and Ireland. OK so we have Australia, Antigua and Barbuda, Korea, UK, St. Lucia, Dominica and Ireland on the list and I close the list with that. So I give the floor to Australia.

**Australia**

Thank you Chairman. I would like to associate with the remarks made by the Netherlands, the US and a number of others. As the Republic of China pointed out, this is the thirteenth year we have discussed this proposal and Australia concerns and objections to the proposal have been elaborated in detail over that thirteen year period and I wouldn't want to go through them all again, they are all on the record. In the debate this morning Mr. Chairman the Japanese Commissioner suggested that Australia withdraw a proposal that was being discussed for the first time and I would therefore suggest to Japan that it withdraw this proposal which has over a thirteen year period failed to get even a majority vote of the Commission let alone a three-quarters majority necessary to amend the Schedule. Thank you Mr. Chairman.

**Chairman**

Thank you Australia. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Mr. Chairman as we all know the United Nations have identified food and food security as the most important challenge that will be facing the increasing global population during this century and the next century and beyond. Mr. Chairman within the whole concept of globalisation and the global village that is now facing us cultural heritage is a very important component for communities to maintain the identity. The nine small communities such as those in Japan that have been requesting a quota of whales, the right to their culture, the right to food security will be a step in the wrong direction. We will be sending the message out there that within the process of globalisation no consideration should be given to small communities or indeed small developing countries and that is why Mr. Chairman Antigua and Barbuda have no choice but to support Japan's request.

**Chairman**

Thank you Antigua and Barbuda. Korea please.

**Republic of Korea**

Thank you Mr. Chairman. The Korean delegation understood that the IWC had commitment to seek solution in a way possible according to its Resolution adopted in 1993. To our observation traditional and cultural implication have been identified in the Japanese small-type coastal whaling through the previous several meetings. It should not be ignored and accordingly I believe that this issue should be solved by adoption of the RMS as early as possible. Thank you.



**Chairman**

Thank you Korea. UK.

**UK**

Thank you Chairman. Well not for the first time I disagree with my colleague from Antigua. I don't think I regard Japan as a small developing country nor do I think that food security is a major issue there. I can say though that I agree entirely with the comments made by Australia. Thank you Chairman.

**Chairman**

Thank you UK. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman it is seven years since our Commission has reaffirmed its commitment to work expeditiously to alleviate the distress caused by the cessation of minke whaling to the communities of Abashiri, Ayukawa, Wadaura and Taiji. Chairman working expeditiously does not necessarily mean closing the debate. We have to talk on things like this because it shows again the inconsistency of our organisation when we promise to work expeditiously we should do just that Chairman and we have deprived these people from continuing to catch their whales, to keep their communities and their people alive. Thirteen years is not a long time to ask for consideration of this august body Chairman and if it takes another thirteen years I think Japan should continue to ask this organisation to work expeditiously to alleviate the plight of these people. Thank you Chairman.

**Chairman**

Thank you St. Lucia. I now give the last word to Ireland.

**Ireland**

Thank you Chairman. Ireland would associate in general with the comments of Australia, Netherlands and a number of other delegations that a proposal before the Commission that can address this matter. Thank you.

**Chairman**

Can we agree that we have exhausted the arguments on this? I would think so. Germany did I actually put you on the list? I think I did. Germany was on the list before it was closed so I will give the word to Germany as well.

**Germany**

Thank you Mr. Chairman. I just wanted to associate myself with the views expressed by the Netherlands and the USA. Thank you.

**Chairman**

Thank you Germany. Dominica was also there.

**Dominica**

Thank you very much Mr. Chairman. I just want to shortly associate with the comments made by China and to support the Resolution before us. Thank you.

**Chairman**

Thank you Dominica. So the last speaker on my list is Ireland. Ireland please. We had Ireland already. Sorry I didn't delete you from the list. We had two more people raising their hands here – do you have new things to come with? St. Kitts & Nevis what do you want?

**St. Kitts & Nevis**

A point.

**Chairman**

Very brief please.

**St. Kitts & Nevis**

Thank you Mr. Chairman. I would just like to associate myself with the comments made by Antigua and St. Lucia. This one is a matter of access to food. We are being told that eight hundred and forty million people in the world today are starving and are undernourished because of lack of access to food. The Director General of

the United Nations has urged all member governments to do all that they can possibly do to alleviate hunger and malnutrition among our people. We are sitting here as representatives of our governments and we cannot deny people their rights to utilize their God given resources for use as food. I don't think that this is right. Therefore I have to support the Resolution.

**Chairman**

Thank you St. Kitts & Nevis. I understand we have exhausted the debate here. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines.**

Thank you Mr. Chairman. I apologise for my late return from lunch but it was not due entirely to my fault and I wish to make an intervention because my delegation is a co-sponsor of this resolution and therefore I feel it is up to me to make an intervention. Mr. Chairman in co-sponsoring this Resolution St. Vincent and the Grenadines does so as a country which itself has a community based small cetacean fishery and it has had this fishery for generations now. It is a traditional fishery and it is well integrated into the community. If, for example, such a fishery were to be closed inconceivable hardships would penetrate through all sectors of the community, Mr. Chairman we therefore can identify with this stress that has been caused to these four Japanese communities and therefore we co-sponsored this Resolution and we at this point call on the Commission to address this matter which was laid before it some seven years ago. Thank you Mr. Chairman.

**Chairman**

Thank you St. Vincent and the Grenadines. Well we have had one suggestion from Australia to Japan to withdraw this proposed Schedule amendment and I would like to ask Japan if they are willing to do that?

**Japan**

Thank you Mr. Chairman. The earlier request of ours about the earlier agenda item was a request from us was made to withdraw that proposal was because it actually was in contravention to the Convention. However, the one Resolution, rather the Schedule amendment we are proposing, is in conformance to the letters of the Convention therefore we cannot withdraw.

**Chairman**

Thank you Japan. Then I would like to ask the Secretary to go for a vote here. Please Secretary.

**Secretary**

Mr. Chairman the proposal before us is the Schedule amendment language contained in document IWC/52/26. If I may I would just like to confirm that Japan wishes to add this as a new paragraph 10(f) because the annotations to the agenda placed it at the end of paragraph 13. There is a division between what was first said and what is now presented so could I get clarity on that initially.

The annotation provided by Japan for the agenda on page 7 of the document IWC/52/2 Revised refers to paragraph 13.

**Japan**

Thank you Mr. Chairman I would like to clarify. Even though the annotation seems to indicate its Schedule paragraph 13 but actually the correct one is to add new paragraph of 10 so please have a correct understanding that it is paragraph 10 we are talking about.

**Secretary**

Thank you Mr. Chairman then we do take the language from IWC/52/26. Japan and other co-sponsors proposes to add a new paragraph 10(f) and the text of that is spelled out in the document.

“Notwithstanding the other provisions of paragraph 10 and those of paragraph 12, the taking of 50 minke whales from the Okhotsk Sea-West Pacific stock of the North Pacific is permitted in the 2000 season in order to alleviate the hardship in the four community-based whaling communities.”

This is a proposed amendment to the Schedule and requires a three quarters majority of those governments voting yes or no. The rolling start begins with 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; Republic of Guinea – absent; India – absent; Ireland – no; Italy – no; Japan – yes; Republic of Korea – abstain; Mexico – no; Monaco – no; Netherlands – no; New Zealand – no; Norway – yes; Oman – yes;

Russian Federation – yes; St. Kitts & Nevis – yes; St. Lucia – yes; St. Vincent & the Grenadines – yes; South Africa – no; Spain – no; Sweden – no; Switzerland – no; UK – no; USA – no; Antigua and Barbuda – yes.

Mr. Chairman there were twelve votes in favour, eighteen votes against with two abstentions and so that Schedule amendment is not adopted.

**Chairman**

Thank you Secretary. Is there anything more under agenda item 5? We have the Resolution. Japan.

**Japan**

Yes, you mentioned that we have a Resolution which I briefly introduced previously and this Resolution is co-sponsored by the countries which are listed here so I urge and hope that this Resolution would be adopted by consensus.

**Chairman**

Japan has suggested that Resolution IWC/52/24 Draft Resolution on Community Based Whaling in Japan be adopted by consensus. Netherlands.

**Netherlands**

Yes thank you Chairman. Well apart from the fact that we have in the past already adopted a Resolution very similar to this and under the current practice I think that it would not be proper to consider a Resolution that is so similar to one that we have adopted in the past apart from this fact it seems to me that this Resolution suggests that the Commission is not working expeditiously to do what Japan requests and I would suggest that since we adopted the Resolution in 1993 I believe it was or was it 94, I am not sure, we have been working on the RMS towards the completion of the RMS and I would then therefore take exception to the suggestion that the Commission has not been working diligently so I cannot support this wording Mr. Chairman. Thank you.

**Chairman**

I understand there is no consensus on this. South Africa.

**South Africa**

Thank you Mr. Chairman. I think the Commission will remember that on earlier occasions South Africa has indicated that it is very concerned about the fate of this coastal community and we are very much aware of the fact that the continuation of the moratorium and the slow progress with achieving the final situation with the RMS is causing hardship to people. For this reason Mr. Chairman we have a great deal of sympathy with this particular proposal from Japan and whereas we were not able to support the Schedule amendment to allow Japan to resume its community based whaling for the reasons that it contains elements of commerciality we are very happy to associate ourselves with this particular draft Resolution and I do think Mr. Chairman that even though we may have worked very hard to try to reach a completion of the RMS we cannot blame Japan for saying we should work harder and perhaps more expeditiously. Thank you.

**Chairman**

Anything more on this? Switzerland.

**Switzerland**

Thank you Mr. Chairman. Just to associate ourselves with South Africa. Thank you.

**Chairman**

I understand there is no consensus and I propose we go to a vote on this draft Resolution. Can I ask the Secretary to undertake the vote please.

**Secretary**

Mr. Chairman we have before us the document IWC/52/24, a draft Resolution on Community-Based Whaling in Japan. This has a number of proponents, the text is contained in the document and a resolution of this character requires a simple majority of those voting for or against. The rolling start begins with Austria – no; Brazil – no; Chile – abstain; People’s Republic of China – yes; Denmark – yes; Dominica – yes; Finland – no; France – abstain; Germany – no; Grenada – yes; Republic of Guinea – absent; India – absent; Ireland – yes; Italy – no; Japan – yes; Republic of Korea – yes; Mexico – no; Monaco – no; Netherlands – no; New Zealand – no; Norway – yes; Oman – yes; Russian Federation – yes; St. Kitts & Nevis – yes; St. Lucia – yes; St. Vincent and the

Grenadines – yes; South Africa – yes; Spain – abstain; Sweden – no; Switzerland – yes; UK – no; USA – no; Antigua and Barbuda – yes; Australia – no.

Mr. Chairman there were sixteen votes in favour, thirteen votes against with three abstentions and therefore the Resolution is adopted.

## **9. INFRACTIONS, 1999 SEASON**

### **Chairman**

Thank you Secretary. That concludes agenda item 5 and I close that agenda item now. If we look in our draft order of business Contributions should be next but we have postponed that until after coffee. Coffee is at 4 o'clock and we will have time to go into Infractions before coffee and that is agenda item 9. Agenda item 9.1 – Report of the Infractions Sub-committee. We have that available as document IWC/52/7 and I wonder if the Chairman would like to talk to that. Denmark please.

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

### **Denmark**

Yes thank you Mr. Chairman. As agreed upon I will not read all the pages, even I have been a little luckier than others because we only have three pages but I will give you a summary of it. The first point, appointment of Chairman and rapporteur goes equally, admission of observers – no more problems, we have a list of documents mentioned here. The first discussion as such started at agenda item 5 – Adoption of the Agenda. The concerns here were that two member states, Norway and Japan, still were having the opinion that trade issues, excuse me, these stock piles of whale products and straight questions was not within the terms of reference and this was disagreed by other member states and we agreed to take note of this reservation and exchange some points of view if there were any.

Number 6, that was Infraction Reports from Contracting Governments and at this agenda item I will say that most of the time was spent with a discussion related to the taking of humpback whales in St. Vincent and the Grenadines aboriginal subsistence whaling operations last year. We had the discussions much similar to what had been discussed last year. First of all, whether or not it is an infraction in accordance with the old Schedule provisions to take a calf and the second question was, was it a calf or not? The only information on that matter was given by the Scientific Committee at a document in Aboriginal Subsistence Working Group where it reconfirms the belief that the taking of a whale less than eight metres during that season is likely to be a calf. But I think the debate was much similar to last year's debate and also like last year we were unable to reach any conclusions, not to say consensus, so it was concluded, and I regret, to refer this matter to the plenary.

Under item 7 – Surveillance of Whaling Operations, the debate primarily related to a question from Australia put to St. Vincent and the Grenadines as to whether there were surveillance of the operations compared with the information in the Infraction Sub-committee that there were no national regulations for that hunt and St. Vincent and the Grenadines confirmed that they had observed this hunt and in their opinion, therefore, there was a direct national inspection of this operation. I don't think agenda item 8 or 9 should be very interesting to go through here.

Then we have agenda item 10. It may look a little strange because as a starting point we had something which naturally refers to point 5 related to stockpiles of whale meat and the Secretariat has reported that no new information was available and New Zealand raised a question which, as a matter, it was related to Greenland and as a matter of fact this is naturally not an item under this agenda number, it is an agenda item 6 but the Chair ruled that New Zealand was allowed to put this question to Denmark. To make a long story short, the problem is that some years ago a whale was taken in Greenlandic waters, it has been counted against a minke or fin whale catch limit but then later we have learned, by using among other things DNA analysis, that it is from a sei whale which is very rare in Greenland and then we had a discussion about whether or not, I say all agree that it was an incidental and not intended take, but there was some discussions about whether this was an infraction or not and the conclusion was that the Secretariat would look through the archives and see what is precedence for such situations.

Finally under, Any other business, we touched upon the gray whale matter which was also discussed last year and Japan stated that they could not accept the competence of this infractions sub-committee to deal with domestic market and trade matters but they, upon a question from New Zealand, would deliver information outside the meeting to New Zealand and this information closed the debate under this agenda item.

As stated the Report was adopted by post and I think I would like to take this opportunity to thank both the rapporteur and Greg Donovan from the Secretariat for helpful assistance when making the Report. Thank you Mr. Chairman.

**Chairman**

Thank you Denmark. I have New Zealand requesting the floor. New Zealand please.

**New Zealand**

Mr. Chairman in the course of the work of the Committee there was some discussion about the fact that a particular Contracting Government, although it had promised on many occasions to enact appropriate legislation or regulations to regulate an aboriginal subsistence whaling hunt that fell within its jurisdiction, had in fact failed to do so.

Now Mr. Chairman I don't intend, on this occasion, to address that matter again other than in passing to serve notice that we will raise the matter again next year and hope that by that time it is resolved.

However, Mr. Chairman I do draw the Commission's attention to the fact that in the Second Report of this Commission in 1951 it was noted at paragraph 11 on page 4 that a questionnaire should be sent to all Contracting Governments designed to obtain the fullest information as to the legislation and regulations implementing the ICRW and as a matter of record Mr. Chairman that by the 3<sup>rd</sup> Meeting the Commission was in fact collecting such information about these laws. Mr. Chairman, the Schedule itself records that a Contracting Government shall transmit to the Commission copies of all its official laws and regulations relating to whales and whaling.

Mr. Chairman if I can turn now to the Report of the 33<sup>rd</sup> Annual Meeting, the meeting in 1983 at page 23, paragraph 13, the Commission asked the Secretariat to remind the Contracting Governments of, and then there are several governments so named, of their obligation under paragraph 31 of the Schedule to provide copies of their laws and regulations concerning whaling. The USA asked that it be recorded that failure to so submit their laws is in itself an infraction. Now, Mr. Chairman it is a fact that neither the Convention or the Schedule appears to provide us with a specific definition of what might in these circumstances amount to an infraction. I would like, however, to ask that we include in the terms of reference for next year's Infractions Committee, a specific request that it address this issue and determine the extent to which a failure to provide information about laws or regulations or indeed a failure to enact them after giving undertakings over a number of years, whether that also might be regarded as an infraction and it would be an appropriate matter for the committee to address in the first instance and then for the Commission itself.

**Chairman**

Thank you New Zealand. I take it that is a suggestion for an agenda item for Infractions Sub-committee next year and can we all agree on that? I take it that that is agreed on. Are there any more comments to this Report? Japan please.

**Japan**

Thank you Mr. Chairman. The Chairman of the Infraction Sub-committee has just made a report on its Sub-committee's discussions and during the course of the discussions of this Sub-committee a very harsh criticism was raised against St. Vincent. The discussion was concentrated on whether it constituted an infraction to catch a cow accompanied by calf which is applied to commercial whaling.

In deciding this year's catch limit a provision was included as a condition, however, I would like to say that the form of operations of aboriginal subsistence whaling and that of commercial whaling are quite different and in the case of aboriginal subsistence whaling, the whaling operation is quite under developed and therefore to begin with the decision that banned the catching of the cow accompanied by calf was probably a wrong decision.

I would also like to bring your attention to page 30 of the Scientific Committee's Report, Table 9, which shows the impact of taking two whales and if two cows are taken the impact would be 65.6 per cent whereas if it is a cow and a calf the impact is 31.3 per cent which is half that of cows only and this is quite self evident so I would like you to take a quick look at this Table. That was the impact on stock and therefore it is my belief that as far as the aboriginal subsistence whaling is concerned it is important that we discuss and change the definition of the concept of infraction. Thank you very much Mr. Chairman.

**Chairman**

Thank you Japan. UK please.

**UK**

Thank you Chairman. Well I certainly don't want to reopen the debate we had last year. I will remind you that we actually changed the Schedule last year to try to resolve some of the ambiguities that were revealed by our discussions. I would just like to put it on record that as far as my delegation is concerned we still consider that catch last year was an infraction but, as I said, that is not something that I think is worth debating, it is the United Kingdom's view and I would like it put on record. I would also like just to make the point in view of the comments that have been made by Japan that if there are rules, and if we change our Schedule to adopt a strict definition of a calf, those rules must be observed and breaching those rules is an infraction. The fact that those rules may not be right, that there may be scope for further consideration of them is something we can debate under another agenda item but as far as infractions is concerned it is irrelevant. What is relevant and this is something that I am sure we will discuss next year, what is relevant is that the rules that are in force, that are observed, and that Contracting Parties meet their obligations under the Convention to enforce the existing Rules of the Schedule. Thank you Chairman.

**Chairman**

Thank you UK. USA.

**USA**

Thank you Chairman. Two points. First to associate my delegation with the views just expressed by the UK but a second point Mr. Chairman is the matter arising under 'Other Business' of this Report. Now in that Mr. Chairman is this exchange regarding the DNA profile from a gray whale and I note that in the exchange of discussion here that Japan considered this to be a marketing matter or a trade matter but in our view it is not that Mr. Chairman. Rather we are trying to obtain the information to determine whether or not an infraction has occurred. We note that if no match is attempted between the Hoikkaido sample with the gray whale market samples then my delegation would have to view these market samples as having come from a new animal. Now Mr. Chairman this is a highly endangered population of gray whales, it numbers only about 100 and we must view any additional removals as being a matter of grave concern. Consequently we note in this paragraph under 'Other Business' that Japan has expressed a willingness to exchange this information. We are very pleased with that Mr. Chairman. Thank you Mr. Chairman.

**Chairman**

Thank you US. Any more points under this agenda item? We have two hands raised. New Zealand and Netherlands. New Zealand first.

**New Zealand**

Mr. Chairman New Zealand was one of the other countries involved in the discussion on the western gray whale in the Infraction Committee. It was agreed that we would seek to resolve the matter in a bilateral exchange with Japan separate from the meeting. I won't burden the Commission with the details of those discussions other than to record that we were unable to resolve the matter in those bilateral discussions and therefore, like the United States, we will have to take the same attitude and view the market samples as another take from what the United States has rightly identified as a highly endangered population of western gray whales.

**Chairman**

Thank you New Zealand. Netherlands.

**Netherlands**

Thank you Chairman. On the matter of a taking of a humpback calf we would also, like the United Kingdom, have it put on record that in our opinion this take constituted an infraction of the Schedule and indeed also the take of the mother that was accompanying the calf would, in our opinion, have constituted an infraction. Whether this rule is proper or not, is like the United Kingdom has explained, a matter that we are not discussing here. The fact that the rule is there means that it should be applied and that activities in this hunt should be according to those rules and therefore I think it is quite proper and important that we conclude here that this take is to be regarded as an infraction. Thank you.

**Chairman**

Thank you Netherlands. Norway please.

**Norway**

Thank you Mr. Chairman. Since we have some debate on this last item raised by the Netherlands I would just like to put on record that in our view what took place in 1999 before the rules were changed, that was not an infraction. We would also like to support what Japan said about the very interesting material we have in the Report of the Scientific Committee that will enable us to have a discussion on the appropriateness of this rule and we think that we should change this back to its original wording. Thank you.

**Chairman**

Thank you Norway. I take it that we are now on agenda item 9.2 – Action arising. Japan wants the floor. Japan please.

**Japan**

Thank you Mr. Chairman. Allow me to take the floor for the second time because Japan was referred to by the earlier interventions and I think it is appropriate for Japan to respond to the previous interventions.

So in 1996 the head of the gray whale with the harpoon drifted to the shore of Hokkaido and we conducted extensive study on this and we reported the findings in 1997/98 and 1999. We came to a conclusion that further efforts would not reduce any new additional findings and that we decided to suspend this effort on a provisional basis so while we are carrying out other studies and research if additional information is obtained on this we shall certainly report these findings again.

On the market information we are prepared to cooperate with those countries concerned and New Zealand has taken out information out of Japan so if that information is provided back to Japan we are more than willing to analyse such information so please do return this information back to us. You do not have to carry out studies or analyses on our behalf we shall do it ourselves.

On an additional note you are making such a big fuss over this one single gray whale. We made our utmost efforts and we regretted very much. If you have time to continue focusing on this gray whale I think the time can be better spent investigating the causes for some 300 gray whales that have been stranded over the shores of the United States. Thank you very much for your attention.

**9.2 ACTION ARISING**

**Chairman**

Thank you Japan. I am eager to close this agenda item before coffee break and I think we can continue onto Action arising. I understand there are recommendations from the Infractions Sub-committee – do we have such recommendations? There are no such recommendations. Are there any other points that you would like to raise under agenda item 9? That doesn't seem the case. We will break now for coffee and return by 4.30. Thank you.

[BREAK]

**7.1 SOUTHERN OCEAN SANCTUARY (CONTINUED)**

**Chairman**

We are pressed for time so I ask you again be brief and first thing we should do after the coffee break was to come back to agenda item 7.1 and the proposed resolution on the Review of the Southern Ocean Sanctuary. Can we hear from the two members that were supposed to work on that whether they have succeeded or not. Is that Australia? Australia please.

**Australia**

Thank you Chairman. I think we came much closer to together but we haven't got a text that would generate consensus at this stage nor do I think we would achieve one rapidly.

**Chairman**

What do you propose to do then?

**Australia**

I am sorry Chair. I thought that was your decision rather than ours. We have a proposed Resolution from Japan in front of the Commission. We did try and work out a language that would allow that to go through by consensus but it hasn't been possible. I presume the Resolution is still before the Commission.

**Chairman**

Well under those circumstances and if you cannot come up with a text that is agreeable to all the proposers we might just go to a vote on the proposed Resolution on the Review of the Southern Ocean Sanctuary. We have had the debate already so we will just go directly to that vote. Switzerland please.

**Switzerland**

Thank you Mr. Chairman. Just could you tell me the document you are talking about. Thank you.

**Chairman**

I am talking to document IWC/52/27 – Proposed Resolution on the Review of the Southern Ocean Sanctuary. We had it in the morning session, we kept it open because we hoped for an improved version that might give consensus but that does not seem to be the case that we can achieve this consensus and therefore I propose we have to vote on this. Does everybody have this proposed Resolution on the Review of the Southern Ocean Sanctuary in front of them? I see no other suggestions so I will ask the Secretary to go for a vote on this Resolution. Secretary please.

**Secretary**

Mr. Chairman we are looking at document IWC/52/27 – proposed Resolution on the Review of the Southern Ocean Sanctuary proposed by a number of governments.

**Chairman**

Sorry Secretary – Japan please.

**Japan**

Thank you Mr. Chairman. I would like to confirm which we are voting on. Is this 52/27, the original text by Japan. Is it what we are going to vote on?

**Chairman**

Yes Japan we have no other text in front of us so that is the text.

**Japan**

I would also like to confirm the position of Australia. The distinguished delegate from Australia made a comment earlier. We came quite close to a consensus document but not yet and we have worked with goodwill. Does the intervention of Australia mean that Australia has given up on trying to come to a consensus document?

**Chairman**

That is the way I understood the Australian intervention earlier but Australia please.

**Australia**

Thank you Chairman. I thought it was a consultation rather than Australia being responsible for being responsible for coming up with a consensus document. In discussions with Japan, as the representative of the proposers of the Resolution, we suggested a number of changes. We did develop some new language but we were unable to reach agreement on I think one critical issue and my informal conversations with other delegations suggests that it was unlikely we could reach agreement on that one issue which was whether the Scientific Committee should be directed to go away and prepare criteria for the review of the sanctuary or whether the Commission should provide some direction to the Scientific Committee and then ask it to go away and prepare some criteria. There is quite a difference of view on that and I don't think we could, in a short time, resolve that matter.

**Chairman**

Thank you Australia. So unless Japan has some proposed changes to this Resolution or the proposers have we will go to that vote. Can we confirm with Japan that that is the way to proceed? Japan please.

**Japan**

Mr. Chairman there are some differences in views between Australia, Japan and other countries concerned and if you may allow me I would like to explain our understanding of where the areas are where we see differences. Would that be acceptable?



**Chairman**

Japan I think we had a very discussion of this under the proper agenda item. We just postponed this Resolution for now so unless you could make that extremely short I am reluctant to get into this debate again. Japan please.

**Japan**

Then I shall be very short and succinct.

**Chairman**

Go ahead.

**Japan**

Well the floor pointed out the problem of the Scientific Committee coming up with criteria without directions from the Commission and that is maybe going beyond the authority of the Commission and Scientific Committee acting at its own discretion. However, Japan did not intend to mean that Scientific Committee supercedes the authority of the Commission. So we tried our best to sort out the functions of that Committee versus the Commission. However, we have not been able to come up to the final wording of the Resolution. As a result the Japanese original text remains and it is going to put to a vote but now I would like to clarify once again that this is not the intension of the proposers to make Scientific Committee supercede the authority of the Commission. The Scientific Committee should work within its authority in preparing the scientific criteria for the review and that is what we tried to incorporate in the operative paragraph of this Resolution so once again we are not trying to change the relationship, the function, authority of the Commission versus the Scientific Committee. Therefore it simply means that the Scientific Committee should do its work of preparing the criteria within the scope of its authority and based upon that understanding of the text of this Resolution I would like you to vote on this Resolution. Thank you very much.

**Chairman**

Then we will go to the vote on the Resolution and I give the word to the Secretary to perform the vote. Secretary please.

**Secretary**

Mr. Chairman we return to document IWC/52/27 – Proposed Resolution on the Review of the Southern Ocean Sanctuary proposed by a number of governments to which has been added the Russian Federation. The text is as it appears in document 52/27 with no changes. A simple majority of those voting for or against this Resolution will decide the outcome. The rolling start begins with Brazil – no; Chile – no; People’s Republic of China – yes; Denmark – no; Dominica – yes; Finland – no; France – no; Germany – no; Grenada – yes; Republic of Guinea – yes; India – absent; Ireland – no; Italy – no; Japan – yes; Republic of Korea – yes; Mexico – no; Monaco – absent; Netherlands – no; New Zealand – no; Norway – yes; Oman – no; Russian Federation – yes; St. Kitts & Nevis – yes; St. Lucia – yes; St. Vincent & the Grenadines – yes; South Africa – no; Spain – no; Sweden – no; Switzerland – no; UK – no; USA – no; Antigua and Barbuda – yes; Australia – no; Austria – no. Mr. Chairman there were twelve votes in favour, twenty against and so that Resolution is not adopted.

<b>19.</b>	<b>FINANCIAL STATEMENT AND BUDGET ESTIMATES</b>
<b>19.2</b>	<b>REPORT OF CONTRIBUTIONS SUB-COMMITTEE</b>

**Chairman**

Thank you Secretary. We close agenda item 7. We return to agenda item 19.2 – Contributions and I give the floor to the Chairman of the Finance and Administration Sub-committee.

**New Zealand**

Thank you Mr. Chairman. I think I can be relatively brief. The matter is dealt with on page 3 of the Finance and Administration Committee’s Report, paper number IWC/52/9. It will be recalled that at last year’s Annual Meeting a Contributions Sub-committee chaired by Antigua and Barbuda was established. It met in the course of the preliminary round of meetings prior to this Plenary session and as a result of that Mr. Chairman a task force comprising of Dominica, Antigua and Barbuda, United States, Monaco, Australia and South Africa was created according to the record Mr. Chairman which sounds somewhat biblical and charged with the task of coming up with a revised set of principles to guide the IWC in the development of an alternative contributions proposal. Now Mr. Chairman I understand that Sub-committee has since met and it would be appropriate I think to call on the Chairman for a further report.

**Chairman**

Thank you New Zealand. I give the word to Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. As the Chairman of the F&A Committee rightfully said the task force was constituted and it duly met during this week. During that meeting of the task force comprising Antigua and Barbuda, Dominica, South Africa, USA, Monaco and Australia a number of options were discussed. However, because of the time constraints no specific parameters were established. A number of issues that were discussed which we believe could constitute to the establishment of parameters including the use of a wealth factor as a means of assessing states' contributions. The question of a premium contribution from land locked states, reclassification of the aboriginal subsistence whaling contribution into perhaps three separate categories, a cap on the highest amount that any one country in the organisation should pay, a share system for the number of delegates per delegations, a share system for scientific whaling. Mr. Chair those issues were duly discussed and we agreed that the task force should continue to discuss these issues with a effort to arrive at a number of parameters and specific recommendations which will come before the 53<sup>rd</sup> Meeting of this Commission. Mr. Chairman that is the Report of the Chairman of the Sub-committee.

**Chairman**

Thank you Antigua and Barbuda for your efforts in this respect. We appreciate that. US please.

**USA**

Thank you Chairman. Just very briefly let me complement the leadership of the Chairman, especially his openness to develop alternatives and we do look forward to working with him in the task force.

**Chairman**

Thank you US. So I guess we can conclude that item and look forward to France please.

**France**

Thank you Mr. Chairman. We also think there shouldn't be excessive financial up takers to participation and obstacles and enlargement. We consider that the wealth of nations, participation, IWC activities and new resources to come such as whalewatching should be taken into consideration. We can be imaginative, progression and pragmatic at the same time and ensure that the Working Group on this basis could rapidly find a solution agreeable to all. It means, of course, that several of us will have to pay more and France is prepared to that provided that the procedure is not too stringent. It also means that as IWC will extend a solution should be found to question very important for us and for all the countries such as Guinea, I mean the use of French in international organisations. Thank you.

**Chairman**

Thank you France. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. Antigua and Barbuda would also like to thank the Commission for the great sympathy it has shown with regards to our call for more equitable means of calculating the contributions of member states of this Commission. Antigua and Barbuda hope that during the intersessional period we will make much progress on this matter and Antigua and Barbuda would also like to place on record that if we are not satisfied with the progress that is made by this task force we reserve our right to bring back to the Commission next year our original proposal.

**Chairman**

Thank you Antigua and Barbuda and that concludes our deliberations on agenda item 19.2 – Contributions and we look forward to the Report of the Task Force at the coming meeting. Thank you.

<b>14.</b>	<b>ENVIRONMENTAL MATTERS</b>
<b>14.1</b>	<b>REPORT OF THE SCIENTIFIC COMMITTEE</b>

Now we turn our attention to agenda item 14 – Environment. 14.1 is the Report of the Scientific Committee and I see the Chairman is here. Could you please report on that agenda item.

#### 14.1.1 POLLUTION 2000+ PROGRAMME

##### **Chair of the Scientific Committee**

Yes Mr. Chairman. You will find your agenda item here in our agenda item 13 on pages 54-59 of the Scientific Committee Report and in Annex J. The first section of our Report deals with Pollution 2000+, one of the main environmental initiatives that we have been working on for some years. Some refinement of protocols and quality assurance, quality control standards and so forth has taken place in the past year but I am afraid that quite a bit of the discussion in the first column and part of the next column deals with the financial problems we have had in carrying out this ambitious project.

We very much appreciate the contribution of the Netherlands of the salary of the Project Coordinator but that didn't get started on until late in the financial year and that slowed the group down somewhat. Other funding sources have been explored getting enthusiastic support for the work but not financial support. The United States has contributed to part of the field work for the bottlenose dolphin sub-project and we are very appreciative of that. So progress on the two sub-projects under phase one is described in more detail in Annex J and it mainly consisted of getting the protocols refined before embarking on field work. There was a contract which identified potential laboratories that would be involved in analysing the various variables and information on methodologies was collated and after taking into account the commonalities and contradictions the protocols were examined to ensure the feasibility of sampling with the proposed techniques and alternatives were developed when necessary and the resultant draft on the unified field protocol has now been circulated for final comments.

The Scientific Committee strongly endorses the continuation of phase one of Pollution 2000+ and again thanks the Netherlands for the commitment of salary support for the Chair of the Steering Group for the entire next financial year and strongly encourages other IWC member nations to contribute to this research programme and the status of the various projects under Pollution 2000+ is given in Table 11. I won't talk about the funding requirements because this has already been presented to the Finance and Administration Budgetary Subcommittee. Shall I stop between sections or just go right through the Report and save the discussion for later?

##### **Chairman**

I think we could take discussions now on this part and see if we can endorse the recommendations of the Scientific Committee. That seems to be the case so those recommendations are endorsed and please continue.

#### 14.1.2 SOWER 2000 PROGRAMMES

##### **Chair of the Scientific Committee**

SOWER 2000 is our next big initiative and we heard reports of the details on methods and initial results from the first highly successful collaboration with CAMMLR which took place from December 1999 to February 2000 in the Antarctic Peninsula region using three national vessels provided by the US, UK and Japan. These are CCAMLR Synoptic Surveys all using standard methodology which was directed at obtaining estimates of krill biomass and also included oceanographic sampling. The IWC whale observation teams on the ships collected visual line transect data during daily hours simultaneously with the zooplankton sampling and one of the vessels was also equipped with a passive acoustic system. There was some adaptations to our preferred double platform methodology because there were limited berths for the IWC observers on the ships but overall it was a very successful effort. We list the cetacean sightings, a total of 883 with humpback whales being the most frequently sighted species and minke next and fin next. The passive acoustic component was aimed at monitoring odontocete vocalizations and was an automated system that allowed the equipment to be operated by a member of the visual observation team without the need for any additional personnel. Satellite and CTD data revealed frontal zones with cold water representing the Antarctic Circumpolar Current and we do not yet have reportable results on krill biomass estimates because of CCAMLR's schedule for their analyses. There are many questions to pursue with the data and some initial areas of interest to CCAMLR and IWC would be comparisons of overall biomass of krill from acoustic data and whale biomass and the role of the Antarctic Circumpolar Current in determining the distribution and abundance of whales and their prey. The full analysis will require IWC collaboration at CCAMLR Workshops which will occur I believe the first in August of 2001 and the Scientific Committee agreed that the collaborative work had been extremely successful work and congratulated those who had made it happen and believe that this combination of cetacean and krill work along side oceanographic and other research achieved much. The IWC gained significant information at relatively little cost and we strongly endorse the continuation of the collaboration on future CCAMLR projects and stress the critical need for the IWC to participate in and complete the analysis workshop process with CCAMLR.

Future studies are planned with Southern Ocean GLOBEC. We have had to revise our plans given that the two Japanese sighting vessels which were expected to be available for cetacean dedicated survey and tagging work will not be able to participate. Although the fine scale work is no longer feasible we do have an opportunity to do year round oceanographic and krill sampling together with cetacean sightings and get temporal and spatial information on baleen whales at the meso-scale. So the Committee agreed that it would be extremely useful to obtain cetacean observer berths similar to the work we did with CCAMLR and participate in this year round study in the 2001/02 austral season and if possible the German GLOBEC survey in March through May 2001. Again I won't go through the budget request because this was later hashed out in the Scientific Committee discussions of the budget and has been presented to the Finance and Administration Budget Sub-committee but one of the things we stressed here was to make this work happen we really need member contributions from other IWC nations, for example to fund the teams of observers for the cetacean component. Shall I pause there?

**Chairman**

Thank you Chairman. It seems obvious that it was a very successful collaboration with CCAMLR and I take it we can endorse the recommendations of the Scientific Committee here? That is the case, its endorsed. Would you like to proceed?

**14.1.3 ARCTIC AND OTHER MATTERS**

**Chair of the Scientific Committee**

Yes those were our two major projects so I think I can go through the rest in one block. First we talk about the Arctic Initiative and give a number of reasons why the Commission and the Scientific Committee are particularly interested in large scale research programmes in the Arctic. There is considerable potential for the IWC to conduct or be involved in synergistic research with existing national and international Arctic research programmes but given the limits on funding by the IWC it was agreed not to proceed with the full development of a new Arctic initiative requiring IWC support at this time. Instead the Committee strongly encourages the expansion of existing national and international collaborative research programmes and the provision of advice to the Committee of opportunities to participate.

The rest of our agenda was devoted to habitat related issues. The state of the Cetacean Environment Report which had been proposed at last year's meeting was more fully developed and produced and provides information on the eight topics of concern to the Commission summarised by region so we will plan on doing that as an annual report.

We also discussed the Workshop on Habitat Degradation which has the objectives of determining and estimating the parameters which define cetacean habitat and evaluating how changes in these parameters affect cetaceans particularly with respect to physical and biological degradation. Defining these objectives are the first steps in a process which is intended to identify and develop objective criteria to measure such changes and develop an approach to assess the significant of habitat degradation. We had hoped to hold a scoping meeting that would develop appropriate terms of reference and background material for a full workshop and the Committee endorsed this meeting and recommend that it take place if funding is available but we did not include it in our budget so again we'd hoped that some member nation might decide it is worth whole enough to fund it.

The next item of this sort was the agenda item on competition between cetaceans and fisheries and an intersessional e-mail correspondence group had been given the responsibility for developing terms of reference for a conference on competition between fisheries and marine mammals and the Committee recommends that such a conference take place. This will require quite a bit of preparation and it could not take place before March 2002 at the earliest and this would also allow members of the Standing Working Group to participate in an FAO Conference organized for September 2001 on Fisheries in the Ecosystem. The Committee agreed that the foundation for evaluating the impacts of fisheries and marine mammal populations on each other should be based on quantitative models and given the amount of preparatory work required the Committee established an intersessional working group to develop suitable marine regions where modelling efforts should be focused, evaluate the extent to which the necessary data are available for modelling and so forth as described on page 58. The primary question to be addressed at the Conference was agreed as being 'How are changes in abundance of cetaceans likely to be linked in the short term and the long term to changes in fishery catches?'. The Committee recognised that the quantitative modelling approach would lead to conclusions regarding the effects of fisheries on marine mammals and marine mammals on fisheries and this was considered an advantage of the adopted approach.

Next we considered the agenda item of linking environment measures and cetacean demographics. One of the key aspects of evaluating the impact of environmental change on cetacean populations is the ability to ascertain the extent to which environmental change causes predictable changes in the survival and reproductive rates of cetaceans. One way to do this is to use a population model to fit specific population data to obtain estimates of recruitment and then correlate the residuals resulting from such an analysis with environmental covariates and there was an example of that presented. There was also the suggestion that photo-identification studies could be used to address the issue and that the approach that had been presented looking at the residuals from model fits while promising was one of several which could be used another approach more commonly referred as a process oriented approach attempts to understand the underlying environmental processes responsible for population demographics. The Committee agreed that this topic should be on next year's agenda and members were encouraged to prepare and submit papers for review. Several papers at this year's meeting presented the environmental data necessary to link changes in the environment with changes in demographic parameters of cetacean populations.

We also heard about the information contained in the environmental impact assessment for the San Ignacio Salt Works Project which had been requested by the Committee last year and the Mexican Government had decided to suspend the proposed salt works expansion and the Committee thanked the Mexican delegates for providing us with this information which was exactly what we had requested.

Our final agenda item dealt with health effects from the consumption of cetaceans and work on this was done in response to IWC ....

**Chairman**

Chairman could we stop at 13.5 because that is a separate agenda item here and take the discussion on what you have reported under 13.4. Are there any reflections on 13.4 that you would like to come forward with here from the floor. Mexico first.

**Mexico**

Thank you Mr. Chairman. Only to remind you that in this part of the Scientific Committee Meeting, Mexico presented the results of the environmental impact study of San Ignacio Salt Work Project and also to give the thanks to the IWC for the important role that they played for recommending the experts, suggesting names for the experts that compose the Scientific Committee that its supposed to review this project. Also to inform you that the President of Mexico, Ernesto Zedillo Ponce de León, took the decision to ..... permanently cancel the project of expanded activities to San Ignacio Lagoon in the World Heritage Site of Laguna San Ignacio. Thank you Chairman.

**Chairman**

Thank you Mexico for that information. Italy please.

**Italy**

Thank you Chairman. Is this the appropriate time for proposing a Resolution on item 14.1?

**Chairman**

I think we should have the general discussion completed first before we have action arising so just wait a little bit. We won't forget it. Any more discussion points here? Norway please.

**Norway**

Thank you. The United States of America has introduced a paper under this agenda item and that is document IWC/52/16. Norway would like to have confirmation that it understands the covering letter which seems to indicate that although the United States of America endorse that the paper is tabled it does not endorse the content of the paper which I think is a wise decision since this paper contains many misleading statements but I would like to have that confirmed and for that reason I would like to ask this question. Thank you.

**Chairman**

We will come back to that. US please.

**USA**

Thank you Chairman. Yes in answer to that the United States does endorse the contents. This document was compiled by scientists from our National Oceanic and Atmospheric Administration. The format may seem a bit

unusual but it is in the same format as many similar sorts of documents which have been distributed to IWC in the past Mr. Chairman. Thank you.

**Chairman**

Thank you US. UK.

**UK**

Thank you Chairman. I was actually just seeking clarification precisely where we were on the agenda. Are we still discussing the Scientific Committee Report or have we moved to reports from Contracting Governments?

**Chairman**

It is still the Report of the Scientific Committee, 14.1. We haven't proceeded any further than that. Any other reflections here? France has asked for the floor please.

**France**

Thank you Mr. Chairman. I wanted to thank the United States of America for this very important document which is very useful and very precise and also thanks to the US for the fact that it was also translated in French.

**Chairman**

Thank you France. Japan please.

**Japan**

Thank you Mr. Chairman. I would like to raise a couple of points with regard to agenda 14.1. For example I would like to touch upon the Pollution 2000 which is the plan which is currently ongoing and with regard to the subject species under the programme we have concern because it seems to be limited to the small cetaceans. However, the species which are subject to be managed by the IWC are listed in the Convention and most of them are actually the large cetaceans. However, we are concerned that those large cetaceans are not included under this Pollution 2000+ and therefore in the final report scheduled to be submitted might not include the impact upon such large cetaceans and therefore we strongly urge and hope that this activity will be targeted to the cetaceans species which are very important under the Convention and which are supposed to be managed under this Convention.

I would like now to touch upon this SOWER 2000 Programme which is agenda item 14.1.2. This has been originally included as the IDCR but recently it has advanced and developed as IWC SOWER. However, in the last several years the sum of those research elements related to the environment seemed to have deviated from the original primary purpose of this programme, namely the stock assessment and so this environmentally related element has expanded to a large scale and then for example there are joint researches carried out together with CCAMLR or Southern Ocean GLOBEC but the new element has begun to develop into the situation which is contradictory to the original purposes for Japan to provide the vessels concerned as well as the human resources for the research. Therefore Japan explained the need for the Circumpolar research which has been the conventional research and then we have made a proposal accordingly for the research even though the initiative in the environment problems are very important. However, in order to implement the protection and the management of the healthy whale stocks which is within the scope of the Convention and objective of the Convention I think the most fundamental research activities should be focused upon the stock survey and these kind of conventional activities are very important and I would like to stress that point.

I would also to refer to agenda item 14.1.3 – Arctic Matters.

**Chairman**

Excuse me Japan. Japan sorry I think we did not have the Report from the Scientific Committee on Arctic Initiatives so let that rest for a moment. Arctic Initiative is coming later.

**Japan**

Thank you Mr. Chairman. I understand that.

**Chairman**

Thank you Japan. Does that conclude the discussions on 14.1.1, 14.1.2 – Pollution 2000 and SOWER 2000 Programmes? Scientific Committee Chairman and Netherlands after that.

### **Chair of the Scientific Committee**

Perhaps I went through things too quickly but I did present the Arctic Initiative and the other items under 13.4.

### **Chairman**

We will return to the Arctic matters. Netherlands please.

### **Netherlands**

Thank you Mr. Chairman. The Netherlands notes with satisfaction the progress made by the Scientific Committee on the two high priority items, Pollution 2000+ and SOWER 2000 both of which programmes we as a Commission last year endorsed and provided core funding for. One of the examples of this progress is the publication of this book on Chemical Pollutants and Cetaceans, the first Special Issue of our Journal of Cetacean Research and Management. The book describes the course of IWC activities in this field starting with the Bergen Workshop up to the Pollution 2000+ Research programme which is being carried out at the moment. The Netherlands endorses strongly this work and as the Chair of the Scientific Committee has already mentioned we will provide in kind support for the Pollution 2000+ programme by sponsoring the coordinator of this programme, Dr. Peter Reijnders for the coming year.

The Netherlands commends the standing working group on environment concerns with its work plan for the coming year which is detailed in Annex J. The topic items, Pollution 2000+ and SOWER are naturally indicated and closely followed by initiatives to investigate habitat degradation and we consider this work in the Commission and its Scientific Committee on the quality of cetacean environment of high importance and will continue to support it. Thank you Mr. Chairman.

### **Chairman**

Thank you Netherlands. US please.

### **USA**

Thank you Chairman. The United States would like to join in with Netherlands in congratulating the Scientific Committee for its work on Pollution 2000+ and SOWER 2000. We note especially with regard to the collaborative work with CCAMLR on SOWER 2000 the Committee has indicated in its Report its view that that had been a successful, an extremely successful, undertaking and the point of view of my government, which belongs to both organisations, I am pleased to see that there is scientific support for the view that this is a very successful effort. We note that this is a significant contribution to research in the Southern Ocean Sanctuary. Thank you Chairman.

### **Chairman**

Thank you US. Beg pardon if I have introduced some confusion by having the discussion on Pollution 2000 and SOWER 2000 continue in parallel but I think we are through now with 14.1.1 and 14.1.2 and we can turn to 14.1.3 – Arctic Matters which I now open for discussion. Japan please.

### **Japan**

Thank you Mr. Chairman. The Circumpolar regions are important from the viewpoint of the environmental problem take also the whole problem alone it is quite evident. In the Arctic region many people use marine mammals as their source of food including the aboriginal subsistence whaling and therefore we should pay due attention to this issue and we should also pay similar attention with regards Antarctic. A number of baleen whales which live in the Southern Hemisphere also use the Antarctic Ocean and in order to manage and utilise the whale resources in the Southern Hemisphere it is important to monitor the Antarctic and our country has been monitoring the yearly changes of the Antarctic minke whales blubber and livers, organic chlorides and the heavy metals and the result of this has been presented to JARPA Review meeting and at the time of the 51<sup>st</sup> IWC SC. Concentration of PCBs in the blubber and the mercury in the liver are still at low levels if we look at the level globally but we see an increasing trend. The Antarctic is considered the final point of the global movement of such pollutants and it is important to monitor the changes on a continuing basis and we believe that JARPA has been contributing to this study as well. Thank you Mr. Chairman.

### **Chairman**

Thank you Japan. Any other comments on Arctic matters? That then concludes the discussion under 14.1 and 14.2, Reports from Contracting Governments. Would there be any continuation of discussions there? UK please.

## 14.2 REPORTS FROM CONTRACTING GOVERNMENTS

### UK

Thank you Chairman. I just wanted to say a word on this in relation to the Reports from Contracting Governments and the UK's contribution. Since the moratorium on commercial whaling in 1982 we have all become increasingly aware of the changes in the world's marine ecosystems as a result of human induced factors and the potentially serious effects of these changes may have on whale populations. The effects of climate change, ozone depletion, marine pollution, over fishing and by catch and even ship strikes all need to be assessed when considering the future conservation and management of cetaceans. A prime example of this relates to the northern right whale which was massively depleted by commercial whaling and has failed to recover despite a complete ban on hunting. Human induced factors, noticeably ship strikes and entanglement now threaten this species with extinction. This highlights the need to adopt a precautionary approach, the importance of this principle has been recognised by previous IWC Resolutions including Resolution 1996-8.

In 1993 the Commission first identified that the study of the effects of environmental threats on cetaceans should be a priority. A year later the Scientific Committee of the IWC concluded that it should focus its attention on addressing the questions of the environmental influences in their own right and not merely in the context of catch limits. Since then the Scientific Committee has worked hard to increase our understanding of these issues. IWC members must ensure that this work is able to continue the promotion of non-lethal research under the auspices of the IWC and other relevant processes. Last year's Resolution for the funding of high priority scientific research endorsed the SOWER 2000 survey programme in the Southern Ocean. The UK has demonstrated its commitment to this international collaborative interdisciplinary survey programme and has already provided £20,000 towards this programme. We hope and expect other states will also feel able to contribute to this important project as the data it produces will be one of the keys for determining the effects of environmental effects on whale populations.

Last year I highlighted the value of the Southern Whale Sanctuary in providing a relatively undisturbed area in which to carry studies of this kind. This is one reason why the UK will continue to support the creation of further sanctuaries to facilitate further non-lethal research. The UK is also participating in Pollution 2000, the other priority environmental research programme recommended by the Scientific Committee last year and endorsed by IWC Resolution 1999-5. As part of a pilot study the UK has already submitted blubber samples from fifteen of the UADZ Bahamas biopsies for analysis. The UK also supports ongoing work by the Scientific Committee on habitat related issues. We recognise the importance of determining the significance of habitat degradation and the cumulative effects of environmental changes to cetaceans. Our Foreign and Commonwealth Office is therefore contributing funding towards a Scoping Workshop to further this work. I also want to highlight the importance of action at national and regional levels. For example, the UK is investigating possible effects of contaminants on cetacean health through research on cetaceans stranded in the UK. We encourage others to develop similar databases and share this information in the IWC. We also work through the agreement on small cetaceans of the Baltic and North Sea to monitor and review the effects of environmental degradation on cetacean habitats in Europe. Similarly, we strive to build such work through other regional agreements conducted under the auspices of the CMS. Addressing environmental impacts on cetaceans is now an integral part of the Commission's work. The UK intends to continue to play a leading role in this. The IWC has a vital coordinating role to play in this process. We very much welcome the efforts of all those countries which have made a positive contribution to this issue but there remains much to be done. We therefore strongly urge Chairman the IWC and member states to ensure that core funding is devoted to this important issue and that it continues to remain a central consideration for the Commission. Thank you.

### Chairman

Thank you UK. Do we have anymore reports from Contracting Governments? That does not seem to be the case. Can I then ask the Chairman of the Scientific Committee please to proceed with Health Effects.

## 14.3 HEALTH EFFECTS

### Chair of the Scientific Committee

Thank you Mr. Chairman. Under our agenda item 13.5 on page 59 we talk about what we did at this meeting regarding the health effects issue. Papers presented are given in table 12 on that page and they all dealt with potential or negative effects and no papers were presented on positive health effects of cetacean products on humans and we just noted that such reports would be welcome and certainly existed. As to how the Commission and possibly the World Health Organisation would like information on human health effects reported, very late in the meeting we received a letter from the Food Safety Programme of the World Health Organisation



identifying a new manual that provides information on presentation of data to be submitted to the WHO. It was agreed that DeMaster would form an intersessional working group to review the information contained in this report and report back to the Committee. Should questions remain following this review DeMaster will work with me to draft a letter to be sent on behalf of the Committee to the WHO addressing any remaining questions.

**Chairman**

Thank you Chairman. Are there any more interventions under Health Effects? I remind you that Action Arising will take up the Resolutions later on. Monaco please.

**Monaco**

Thank you Mr. Chairman. Well there is mounting evidence on the scientific front that a diet based substantially on the meat and organs of cetaceans acts as a vector for deadly environmental contaminants particularly organics and heavy metals such as mercury and cadmium level and we do welcome the attention placed by the Scientific Committee on this matter particularly now that we know from recent studies that these compounds, PCBs, dioxins, methyl mercury and cadmium notably tend to bioaccumulate in the fatty tissues of cetaceans in much greater concentration than in fish. In other words to paraphrase a famous label found on cigarette packs it is fair to say at this stage that consuming whale products may be dangerous to your health. For instance, recent toxicological studies have revealed unacceptable dioxin and mercury level in many cetacean products that are found in markets. Mercury levels are found to exceed the tolerated threshold by sixteen hundred times in whale meat sold in Japan particularly as bacon blubber and doubts in levels found to exceed the acceptable level by one hundred and seventy times.

Now, Mr. Chairman who in her or his right mind would wish to get poisoned? Surely not the aboriginal whalers, their wives, children, babies. Surely not the innocent consumers who may not be aware of the risk. Hence the steps taken by our delegation and others in the past meetings of the IWC to set up mechanisms to properly gather, record and transfer the relevant information to national authorities, particularly national ministries of health and international agencies, notably WHO. We do congratulate therefore WHO for having responded now favorably to this IWC initiative and step forward and we encourage the free flow of information between WHO, IWC and national, agencies and consumer groups on this sensitive issue.

To conclude at next year's meeting we shall be looking particularly forward to getting reassurance that consumers of whale meat are properly informed about what they are really buying and about the risk they are really facing, the latest scientific information available. Thank you Mr. Chairman.

**Chairman**

Thank you Monaco. Did UK want to speak to this agenda item? OK. Denmark, Norway and US.

**Denmark**

Thank you Mr. Chairman. I will take your attention to what may be a kind of logistic problem here. As a matter of fact and as many of you may recall we had a document prepared by the Greenland Home Rule Government and the University of Aarhus tabled at a meeting in aboriginal subsistence whaling dealing with traditional foods and dealing with pollution and environment related to whale and whaling. It was agreed that a minor part of this document, namely the traditional food issue was introduced in this Sub-committee but that a major part of the document should be introduced here. I am well aware of the fact that when I look at my watch we have only ten minutes left or twelve so I am in your hands but if it is a way you would wish to proceed then we have no problems with postponing the presentation of this document tomorrow morning some time and then take comments and questions if you want to conclude the rest of the agenda but I am in your hands Mr. Chairman.

**Chairman**

I think we will try to see if we can possibly finish this agenda item without this, postpone this presentation until tomorrow. Would that be OK for you?

**Denmark**

Yes Mr. Chairman naturally that would be in principle OK with us but as I said we have made a lot of effort in it and we have a Professor brought with us from the other side of the globe so I don't think we can deal with this in just a few seconds or minutes. Thank you Mr. Chairman. So that was simply my suggestion to have it as maybe a introduction, a little relaxed introduction to Greenlandic things tomorrow morning after the Commissioners' Meeting or something when we start.

**Chairman**

I propose that we try to go onto Action Arising and have a look at the two Resolutions that we have and we postpone the presentation of the paper until tomorrow if that is agreeable with Denmark? Thank you. I think we have Norway and US on the speaking list. Norway please.

**Norway**

Thank you Mr. Chairman. The level of contaminants both organochlorines and heavy metals in whale products vary largely between the species of whales and also within the species between geographical areas and in one whale between the different tissues. Norway is conducting ongoing research on the level of the different contaminants found not only in whales but in fish species and in most marine mammals including the minke whales killed in the Norwegian whaling operations. I can assure you that the level we have found so far in the minke whales killed in the Norwegian hunt are very low. But, of course, we continue to monitor the level of contaminants and we will present the results in the Scientific Committee in the years to come.

I would also like to remind you that Denmark last year presented, for information, a number of papers, or rather abstracts of papers, showing the positive health effect of the consumption of whale products. Norway will encourage Denmark to present the full papers from these epidemiological studies, performed mostly in Greenland, to the Scientific Committee next year. Thank you.

**Chairman**

Thank you Norway. USA.

**USA**

Thank you Chairman. Very briefly like Monaco we are pleased by the exchange of correspondence between the world health organisation and the IWC secretariat. We encourage the continuing dialogue between WHO and IWC. We note that, in particular, the Scientific Committee is seeking some clarification on contaminant reporting requirements as we see that they wish to find further information from that organisation regarding that topic. Finally, Chairman we would note that our delegation is not interested solely in the impact of pollutants, contaminants on human health but also we would hope that the scientists in their normal review of the biology of the whales be able to take account of the impact of contaminants and pollution upon whale health. Thank you Chairman.

**Chairman**

Thank you US. Are there any more interventions on health effects? Japan please.

**Japan**

Thank you Mr. Chairman. Well in conformance to this IWC Resolution 1999-4 these matters are being discussed which is important on its own. However, this matter is not a priority matter for the Scientific Committee and so therefore I think we should really entrust more work to the expert organisation, for example, WHO to try to further illustrate this matter as well as each country including Japan should make its own effort with its own responsibility for the health of the people.

Surely, with regard to this fact of contamination Japan has collected lots of information, maybe we do have the quantity of information which is word one or two level. However, there are merits in some of the benefits gained from eating the whales and whale meat, for example, it is demonstrated that there is a low occurrence and prevalence of heart disease or cardiovascular diseases among the people eating whales or the lower incidence of asthma patients as well and so maybe that is because whales are smart, maybe that kind of thing is actually occurring as a benefit and so it shows that the mat or the oil of the whale contains some of the beneficial elements. As you maybe aware that Japan, especially the whalers engaged in the whaling, seem to show the very high longevity and you are aware that Japan has the world's almost highest figure with regard to longevity. People in Japan live longer than anybody, especially women in Japan, and quite often many widows actually survive after their husbands die almost for over ten years.

We have collected this enormous amount of data through our research activities of JARPA, JARPN in the North Pacific as well as the coastal operations and the driving operation and these information actually indicate the certain future. For example, the minke whales caught in the Antarctic Ocean tend to show a very low level of contamination, hardly any contamination at all in the minke. For example, when you look at the level of the dioxin or methyl mercury or PCB or DDT, hardly any significant level at all is detected from the minke whales obtained in the Antarctic Ocean. In others their muscles as well as organs are very clean, not contaminated. For example, when we look at this daily allowable intake level of the core planner PCB before the human

consumption. If human body weight is 50kg, that is maybe average weight for a Japanese person, up to 13kilo of this minke meat could be digested or taken. For example, if you look at this North Pacific minke whales, the contamination level and concentration seems to be slightly higher than that obtained in the Antarctic Ocean and especially when we look at and analyse the level of the contamination in the toothed whales the oil or the contaminant or pollution tends to bioaccumulate in the blubber especially in the fatty tissue and so in that case the dioxin level may seem to show a slightly higher figure. However, we have already submitted and have been submitting all these cumulated and collected data to the Scientific Committee as well as made this information available to the public domestically. With regard to this pollution related research findings, Japan would like to make every possible effort to try to collect such information and to continue the research as well as to continue to provide such information obtained as well. Thank you Mr. Chairman.

#### **14.4 ACTION ARISING**

##### **Chairman**

Thank you Japan. I would really like to conclude and finish off agenda item 14 – are there any more speakers under ‘Health Effects’ or I take it then we can move to Action Arising 14.4 – Recommendations from the Scientific Committee and as I understand it we have already endorsed the recommendations that are contained in the Work Plan 13.6 in the Scientific Committee Report so if that is acceptable we just endorse this work plan. Thank you. We have ‘Other’ 14.4.2 – Action Arising. We have two Resolutions that I would like to finish off quite quickly. The first one is 52/21 – Resolution on POPS and Heavy Metals. Denmark please.

##### **Denmark**

Thank you Mr. Chairman. I shall be very brief. I think this draft Resolution and before going into details I will say it is proposed by Denmark, Finland and Sweden. I have been approached by the United States of America which wishes to co-sponsor it and that is naturally pleasant for Denmark. As to the content itself, I think it is very clear and straightforward referring to what is assigned by a large number of states here also touching upon the real concern that we have as to this two portionings of the marine environment and whales with this negative effect both on whales and on whaling. In accordance with, that it is in our opinion a clear article VI Resolution, as I may call it, because it addressed simply concerns related to whales and whaling to the members of this Commission. Further I would also like to underline that there is no intention in this Resolution to give any competence to the IWC as to set limits for different things, we have not instructed the Secretariat to do something, it is simply a way to encourage Contracting Governments to underline the necessary very important steps in order to reduce and stop these terrible types of pollutions. Thank you.

##### **Chairman**

Thank you Denmark. Switzerland.

##### **Switzerland**

Thank you Mr. Chairman. Mr. Chairman I would like to announce that Switzerland would like to appear as a co-sponsor of this Resolution. At the same time I can inform you that we have signed the two protocols and envisaged to deposit the instruments of ratification in the near future. Thank you very much.

##### **Chairman**

Thank you Switzerland. Instead of getting into who could co-sponsor could we perhaps suggest that we take this by consensus right now? I see no objections. Oman wants to object to that?

##### **Oman**

Thank you Mr. Chairman. It is just a matter of question. What are countries who are a member of this protocol outside the European Union. Whether Oman is one of them or not? Thank you Mr. Chairman.

##### **Chairman**

Can Denmark answer that question? Denmark.

##### **Denmark**

I will just have to find my way through all this huge amount of paper. The signatories were in addition to the European Union Armenia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America. Thank you.

**Chairman**

Thank you Denmark, Instead of indulging into this much more could we go for my suggestion. I see Oman and Japan. Oman please.

**Oman**

Thank you Mr. Chairman. Since my country is one of those countries which the distinguished delegate of Denmark has just mentioned I would like to reserve my rights to comment on this Resolution based on not knowing what my officials would think about this proposal. Thank you Mr. Chairman.

**Chairman**

We take note of that Oman. Thank you. Japan.

**Japan**

Thank you Mr. Chairman. I understand that Japan is not among the thirty-five countries which are signatories to this and since Japan is not a Contracting Government I do not think it is appropriate for Japan to take positions on whether or not to support or oppose this proposal so therefore please place on record that Japan will not take part in the decision making of this particular Resolution. Thank you very much.

**Chairman**

Thank you Japan. I now have Norway.

**Norway**

Thank you Mr. Chairman. We certainly appreciate the concern shown by the Denmark on the need for international actions on persistent organic pollutants and we certainly do share the assessment of Denmark of the seriousness of the problem and the need for doing something about it. However, we are not convinced that the IWC is the appropriate forum for handling these matters so we would just like to reserve our opinion on the usefulness of proceeding with the matter here. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. People's Republic of China

**People's Republic of China**

Thank you Mr. Chairman. Like the Japanese delegation mentioned that we would like for the purpose of the Report China will not participate in the decision making of this Resolution. Thank you Mr. Chairman.

**Chairman**

May I then suggest that we take this Resolution by consensus noting those reservations that have been expressed? Seems to be acceptable. We shall do so.

There is one more Resolution that I would like to finish off before ending this session and that is 52/28. Resolution on Environmental Change on Cetaceans. I give the word to Italy.

**Italy**

Thank you Mr. Chairman. This resolution has been proposed by Italy, Australia, Austria, Brazil, Monaco, Netherlands, New Zealand, UK and USA. In view of the growing importance that is being attributed to environmental change on cetacean conservation and also in view of the endorsement by the Scientific Committee for a number of initiatives including among others the SOWER 2000 and the Pollution 2000+ Research Programmes, the development of a Workshop on Habitat Degradation and the development of the SOCER Report. Noting however that the current funding available to the Scientific Committee for such activities is insufficient although several countries are contributing to such efforts with both financial and in kind resources and incidentally I am pleased to state that Italy will be hosting soon the Scoping Meeting for the Habitat Degradation Workshop because this is a very important issue given the semi-enclosed nature of the Mediterranean Sea. We feel that it is very important that the Commission continues its commitment to develop this vital work which we think is an essential element of whale conservation and management. Therefore we are proposing this Resolution and we hope that it might be accepted by the Commission. Thank you.

**Chairman**

Thank you Italy. Oman please.

**Oman**

Thank you Mr. Chairman. Oman wishes to support this Resolution and co-sponsor it. Thank you Mr. Chairman.

**Chairman**

Thank you Oman. Switzerland please.

**Switzerland**

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

**Chairman**

Thank you Switzerland. Do we have consensus on this? Norway.

**Norway**

Thank you Mr. Chairman. Norway, of course, is interested in most of what is stated here in the draft Resolution but we have to reserve our position concerning the last operative paragraph. We think that this matter, that this research should take place outside the IWC and we also feel that this will be too binding on financial support as it is worded here. We can be part of the consensus but perhaps not vote for it.

**Chairman**

Thank you Norway. Japan.

**Japan**

Thank you Mr. Chairman. In order to cooperate with you to conduct this business as quickly as possible I simply address my association with a comment made by the Norwegian delegation.

**Chairman**

Thank you very much Japan. That was very helpful. Can I suggest we do the same thing here, that we take this by consensus noting the reservations by Norway and Japan. That seems to be the case. Thank you very much.

That concludes as I see it agenda item 14 except for the presentation that we are postponing until tomorrow from Denmark. Are there any comments under agenda item 14? That doesn't seem so, so agenda item 14 is closed. Thank you very much. The meeting is adjourned and we will carry over the last agenda item that we couldn't finish today until tomorrow when we will start at the same time as today 9.30. Thank you very much. I remind the Commissioners that there is a meeting for Commissioners at 9.00.

[END OF SESSION]

VERBATIM RECORD

52nd ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

ADELAIDE, AUSTRALIA, 3-7 JULY 2000

WEDNESDAY 5 JULY

**14. ENVIRONMENTAL CONCERNS (CONTINUED)**

**14.3 HEALTH EFFECTS**

**Chairman**

Thank you. Can I now call on Denmark please.

**Denmark**

Thank you Mr. Chairman. I pass on the floor to my colleagues from Greenland and the Professor.

Thank you Mr. Chairman. Denmark recognised that the environmental changes are discussed within the IWC even though those issues preferred to be dealt in appropriate bodies such as in the Arctic Monitoring Assessment Programme (AMAP) under the Arctic Council where there are appropriate expertise available. Greenland sees the marine mammals, especially the whales and seals as a crucial and important food source for its people. Both for cultural and not least nutritional reasons. Our traditional food cannot be replaced by imported and westernized food. Therefore Greenland will continue today as well as in the future to utilise whales and products thereof. The air bound and sea cure(?) and lead pollution from the industrialised countries causes great problems for the whole environment especially for the sensible Arctic areas. There is a need to monitor the contaminants in the Arctic Wildlife Resources towards further impact on our traditional food. Let me in this context stress that we must weigh these potential risks against the long healthy ethics of our traditional food. As users four thousand years back we will not tolerate or accept further pollution of marine environment and here of all food fish, seals and whales, I stated before, IWC is not the appropriate body and it is therefore a wish from Greenland Home Rule Government that IWC seeks advice not only from WHO but also from AMAP to get the most reliable information and advice in this matter. In light of the adopted IWC Resolution 1998-11 and 1994 it is my pleasure that Jens Hansen from the Centre for Arctic Environmental Medicine in Aarhus, Denmark has accepted to make a presentation of his document that has been submitted to the Commission as IWC/52/AS2 Rev. Thank you.

Thank you Mr. Chairman. Sorry to start a little too early, I apologise. It is a great pleasure for me to have the opportunity to give you a short introduction to the paper presented by the Greenlandic Government. As mentioned earlier, I have had the opportunity to give a short introduction under the Aboriginal Subsistence Whaling Sub-committee meeting on Friday with the focus on the traditional food and the beneficial effects of this. In order not to repeat myself I will today concentrate on the contaminant side of the document. It has been documented by the Arctic Monitoring and Assessment Programme (AMAP) that contaminants such as heavy metals and persistent organic pollutants are bio-accumulated and bio-magnified in the marine food chain and that some cultural groups, for instance the Inuit's in the Arctic areas are exposed to level of contaminants which have concern from the public health point of view. However, also the whales are effected as both man and whales are exposed to the same contaminants. The population of beluga whales in the polluted area of St. Lawrence River has been investigated through the last two decennia and high concentrations of organochlorine compounds have been detected in tissues from these whales and it is has been found that there are multisystemic lesions and tumours were observed suggesting an important role of industrial contaminants in the observed decrease in this population. Further investigations from this area have confirmed a high prevalence of tumours which suggests an influence of contaminants through direct carcinogenic effects or a decreased resistance of the development of tumours in this population. Later tests on beluga tissues have supported the hypothesis that contaminants induce immune suppression in these animals thus making them susceptible to infections and development of malignancies.

The literature on contaminants and possible effects on baleen whales are more sparse than on toothed whales. However, existing literature show that concentrations of DDTs and PCBs in baleen whales appear to be higher in the Northern Hemisphere than in the Southern Oceans perhaps due to great contamination in northern

ecosystems. In general the concentration levels are lower in tissues of baleen whales than they are in toothed whales and other marine animal species both on a global and local scale. This is predictable based on the trophic level of baleen whales. Reviews on laboratory studies on the effect of selected organochlorine contaminants and direct mortality and impaired reproduction in other mammals and critically examined observation attempting to link organochlorines to reproductive and population effects on marine mammals have indicated that there is no firm basis to conclude that the contaminants have affected baleen whale populations.

However, as recently demonstrated the baleen whales are influenced by contaminants as increased enzyme expressions have been found and related to the exposure and consequently there is also concern for baleen whales.

Turning to possible effects on humans. In the AMAP Report from 1998 it was concluded that existing epidemiological evidence on the adverse effects of Persistent organic pollutants POPs and methyl mercury in humans is inconclusive and needs to be replicated due to the specific context of the Arctic in which there are differences in genetics, climate, food consumption patterns, and lifestyle among population groups.

For POPs there are both scientific and public concern about the possible adverse effects and pregnancy outcome, fetal development, child development, reproduction, male and female fertility and the immune system disorders. Several of these effects may be mediated through endocrine disrupting properties of some POPs. The high exposure of some Arctic peoples to methyl mercury is a matter of concern because of its neurotoxic effect on the fetus.

There exist increasing evidence to show that both wildlife and man at the present level of exposure are negatively influenced by environmental contaminants. Except under extreme exposure situations the effects are subtle and the causal relationship is difficult to establish due to lack of specificity of epidemiological methods, which limit their ability to detect subtle associations including possible links between exposure to low levels of environmental contaminants and disease. This does not mean that we should neglect the contaminant problem as present knowledge from animal experiments combined with existing epidemiological evidence even if it is inconclusive have given rise to concern and indicate the need for a reduction of environmental contaminants in order to improve living conditions for man and animals.

In the future work of AMAP effect studies will have high priority and another priority area is temporal trends. At present a decline in global contaminant levels is indicated showing that regulations already enacted have been effective. However, some populations and animal species are still exposed at a level giving rise to concern and this warrants a strengthening of the international effort to control man made contaminants and one important step in that direction would be if the two protocols on the International Actions on Persistent Organic Pollutants and Heavy Metals under the Convention of Low Range Transparently Air Pollution signed in August 1998 were ratified and it was a great pleasure for me to see that this organisation agree that this Protocol should be ratified.

Ideally environmental conservation should serve the objective to preserve nature, including the diversity of human cultures and devote the efforts towards a reduction of global contamination to create better living condition for all species. Of importance to this question of animal and human welfare is that to reduce or eliminate the global contamination at the source and hereby create a better environment for the animals leading to healthier animals with better capacity of reproduction. As a consequence this would allow sustainable and equitable harvest for the benefit of populations with tradition for subsistence whaling. Thank you Mr. Chairman. Thank you ladies and gentlemen for your attention.

**Chairman**

Thank you Denmark. Are there any comments or observations to be made on this presentation. US.

**USA**

Chairman my delegation wishes to thank Denmark for this very informative and helpful paper on human health consequences of contaminated marine mammal products. Chairman, my delegation recalling the Resolution of last year would encourage the submission of more such information from other members for discussion under this agenda item. Thank you Chairman.

**Chairman**

Thank you US. UK.

**UK**

Thank you Chairman. I too am grateful to Denmark for the paper. I thought it was very informative and useful and I believe it is a topic which is of continuing interest to the Commission. I would just like to inform members of the Commission that some UK NGOs are indeed giving a Press Conference at 12.00 on issues relating to the nutritional value and public health value of whale meat and among other things they will be announcing the findings of a study by UK expert body, the Food Commission. I would just say that I am making this announcement in order to inform the debate, I think that is the phrase and does not imply endorsement by the Government of the findings of this body but I think it is a helpful study as I have had a look at it and Commissioners may find it of interest. Thank you.

**Chairman**

Thank you UK. Japan.

**Japan**

Thank you Mr. Chairman. Like the US and UK delegations the Government of Japan would also like to thank Denmark for the presentation and we agree that whale is quite good in terms of nutritional value and otherwise. However, the purpose of the food is not only nutritional but one also enjoys the taste of the food as well and there are a number of people from Japanese NGOs who prepare very good whale dishes so if you have the time please contact these ladies who used to be very young but you might as well contact them for whale cooking. Thank you very much.

**15. SCIENTIFIC RESEARCH**

**Chairman**

Thank you Japan for the invitation. Are there any other comments? No if there are no other comments I will leave this agenda item and move on to agenda item 15 – Scientific Research. If I can call on the Chair of the Scientific Committee.

**Chair of the Scientific Committee**

Chair you will be pleased to know that we don't really have anything to present under this item. Our agenda item 19 on pages 82-83 summarises preliminary results from one ongoing contract resulting from a research proposal and everything else including our item 21 on pages 83-87 has already been presented to the Finance and Administration Committee through its Budgetary Sub-committee.

**Chairman**

Thank you Chair of the Scientific Committee. That is good news. In that case I assume nobody has any comment to make on the fact that there are no comments. I will close that agenda item and we can move onto agenda item 12 – Revised Management Scheme and if I can call on the Chairman of the Working Group.

**12. REVISED MANAGEMENT SCHEME**

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

**Netherlands**

Yes Mr. Chairman following the decision of last year the Working Group on the RMS met over two days just prior to this Commission Meeting on 28 and 29 June. As delegates will recall, the Terms of Reference of the RMS Working Group include completion of work on first, an effective inspection and observation scheme and second, arrangements to ensure that total catches over time are within the limits set under the RMS and third, incorporation into the Schedule of the specification of the RMP and all other elements of the RMS.

**12.1.1 INSPECTION AND OBSERVATION SCHEME, INCLUDING DNA IDENTIFICATION AND TRACKING**

As I will take you through the Report which you find in document IWC/52/14 you will see that the Working Group has not been able to resolve all the outstanding issues but that it did however make some progress both on the substance of the issues under consideration and on the question of how to take the work forward. As you see under item 5 on the first page of document 52/14, in fact it is page 2 under item 5, the Working Group first dealt with the inspection and observation scheme and this was done on the basis of a draft which I had prepared using the Japanese draft which we discussed last year and the comments which I received from several countries



during the intersessional period. The Government of Japan had also submitted a revised draft which it used as a basis for commenting on the Chairman's draft.

The Working Group had a general discussion of the process of dealing with the issue of inspection and observation and of some of the principles involved. You will find this reflected under item 5 on pages 2 and top of page 3. Following this the Working Group considered the text of the Chairman's draft, revised chapter V of the Schedule, paragraph by paragraph. Following this process the Working Group was able to get rid of quite a few of the square brackets in the text that had been used to indicate the various alternative options and it agreed on some new text also.

Rather than going through all the paragraphs which the Working Group discussed Mr. Chairman let me try to identify the major areas where the Working Group has not been able to reach agreement. First of all there remained disagreement over the requirement to register vessels and landing sites or land stations involved in whaling operations with the IWC with Japan and Norway holding the view that such registration would give rise to security problems and they were not able to accept this. Also, in the view of Norway there should only be two points of control, that is on vessels and at land stations but not at landing sites as this would in their view be a duplication of effort. You will see this difference of opinion reflected all through the new text of the draft revision which is appended to the Report.

A similar problem remains concerning the requirement that all whaling vessels should be equipped with a system that allows continuous satellite tracking of the vessel while it is at sea and that discussion you will find reflected on page 3 under paragraph 2.

Then there was a wide ranging discussion on the question of competence and whether DNA tracking and market sampling should form part of the inspection and observation scheme as was proposed in the Chairman's draft. Several countries supported this but other countries kept to the view that control of markets and trade in whale products was outside the competence of the IWC and under the sole jurisdiction of national authorities.

Then on the issue of the International Observer Scheme which is dealt with in the paragraphs 7-18 of the draft revised text and you find the discussion reflected on pages 4, 5 and 6 of our Report. One area of disagreement remains the requirement to have an international observer on all vessels and all landing sites with Norway holding the view that in small type whaling operations this would be impracticable and an observer may only be present on a vessel having a national inspector on board if there is room for both.

Also, the matter of the frequency of reporting by the observers on whaling vessels was left unresolved with several countries supporting the view that there should be daily reporting of any whales hunted, struck and killed and some countries considering that this was not necessary. Mr. Chairman an important area of remaining disagreement is the question of who should bear the costs of the inspection and observer scheme. While I believe there was general agreement that the costs of the national inspection schemes should be borne by the whaling countries concerned the question of the costs of the international observer scheme was a different one. The Chairman's draft which was supported by a number of countries was based on the view that either the whaling industry or the national governments of the countries where whaling takes place should bear the full cost of the observer scheme. Other countries, however, kept to the view that this scheme benefited the Commission as a whole and therefore the Commission should meet these costs.

Then, Mr. Chairman at the bottom of page 6 of our Report you will find the conclusion of our discussions on the Review Committee which was proposed in the Chairman's draft. Some countries supported the establishment of such a Committee as it would not only deal with infractions but review the working of an inspection and observation scheme as a whole and thereby enhance the transparency of the system. Other countries, however, were of the opinion that a Review Committee was unnecessary and that the Infractions Sub-committee should deal with these matters instead.

Finally, Mr. Chairman on the issue of DNA identification and tracking the Working Group considered the findings of the Scientific Committee that had dealt with the matter at this year's meeting in response to the Resolution that this Commission adopted last year 1999-8. You will find this reflected in the top half of page 7 of our Report and you will see that in respect of the development of genetics methods for species, stocks and individual identification, the Scientific Committee recommended that a diagnostic register should be developed under which all of the registered individuals are defined as permitted and any others are defined as non-permitted. Following the discussion of this item New Zealand presented a new draft text for paragraph 19 of the draft inspection and observer scheme under the title 'Verification of Catch Data by genetic Monitoring'. This

text built on the Chairman's draft reflected the discussion in the Scientific Committee and the Working Group and set out the underlying principles and justification for market sampling. Although there was wide support for this approach the discussion of the issue of conducting genetic surveys in domestic markets remained and remains one of the more fundamental differences of opinion which the Commission eventually will have to resolve.

Mr. Chairman this concludes my report of the discussion regarding Chapter V of the Schedule, Supervision and Control. However, before leaving this subject I should point out that the computer apparently has not been able to follow all the intrinsics of our discussions on this issue and it has inadvertently omitted some square brackets in the text so may I draw your attention to page 4 on the new revised draft text, section 15(e) which is the third paragraph from the top of page 4. There should be square brackets starting with 'Landing site and/or land stations' so in the first line which reads 'the owner or captain of the ship or owner/manager of a' and then there should be a square bracket 'landing site and/or land station' should be square bracket again after 'land station' and then at the end of that sub-paragraph the square brackets with 'Norway', delete 'landing sites' should immediately follow those other square brackets. So this is a typographical thing but anyway I thought it was important to point it out as Norway has made a reservation to this.

### **12.1.2 TOTAL CATCHES OVER TIME**

Chairman, on the matter of total catches over time the Working Group heard the Report of the Chair of the Scientific Committee which had provided language for inclusion in the Schedule in response to a Resolution of this Commission adopted in 1998. After discussion of the wording it was eventually agreed to revise it slightly in the manner explained under item 12.1.2 which you will find in the middle of page 8 of our Report.

### **12.1.3 OTHER MATTERS**

Mr. Chairman under 'Other Matters' the Working Group discussed a paper submitted by the United Kingdom which contained a list of data related to welfare aspects which in the opinion of the United Kingdom supported by others should be collected under the RMS. Japan and Norway stated their opposition to this. The UK recognised that not all parties were in favour but it undertook to provide suitable language in square brackets on the collection of welfare data for discussion at some future date.

Talking of a future date Mr. Chairman the Working Group finally discussed the possible actions which the Commission may take in order to make progress in the completion of the RMS. You will find our recommendations under 'Action Arising' on page 9 of our Report. First of all the Working Group recommends endorsement of the text on total catches over time as suggested by the Scientific Committee and amended by the Working Group. Then the Working Group recommends that a new draft revision of Chapter V – Supervision and Control of the Schedule should be considered at an intersessional meeting or a meeting of the RMS Working Group immediately preceding next year's Annual Meeting. Third, the Working Group recommends transcription of agreed elements of the RMS into language suitable for incorporation into the Schedule and then lastly the Working Group recommends further consideration of data collection and other parts of the Schedule to determine if they require revision and the Secretary confirmed that the Secretariat would be able to undertake some work to implement these later two items.

Mr. Chairman this concludes my report of the RMS Working Group. I would like to thank all participants in the Group for their constructive contributions and I would also like to thank our rapporteur, Mr. Rob Bowman of the United Kingdom for producing this detailed report which will be of great help to me and others for the further work that is to be undertaken. Thank you Mr. Chairman.

#### **Chairman**

Thank you Mr. Chairman and may I congratulate you personally on great work done on the Report and quite a bit of progress achieved and particularly on a very clear presentation of a very complex subject just now. Thank you. I will open the floor for comments on the Report now. Norway.

### **COMMISSION DISCUSSIONS**

#### **Norway**

Thank you Mr. Chairman. First of all I would like to express our sincere appreciation of the very thorough work done by the Chairman of the Working Group. Very thorough work which is reflected in his report. I would then

like to highlight a fundamental problem in the present operation of this organisation and that is that whaling apparently is regarded as some kind of abnormal activity.

The general principles for utilisation of natural resources seemingly do not apply to the sustainable use of whale resources and one may even get the impression that whaling is almost a criminal undertaking or in any event some thing that should not occur. By implication for ethical or moral reasons. I would like to stress, however, that a notion that the ethics of anti-whalers are superior to those of the whalers is not only insulting but preposterous. I would have to say that it is the other way round but that is besides the point. Such a point of departure on whether whaling should occur or not is totally out of line with the legal basis of this organisation and the legal basis is the International Convention for the Regulation of Whaling. Now this general attitude is seen in different ways and also in how many countries approach the questions relating to supervision and control. We see an attempt to force clearly excessive requirements on whaling operations and what many countries are advocating truly amounts to both belts and suspenders. National inspectors, international observers on board and ashore, real time reporting and satellite tracking all at the same time and around the clock. These requirements Mr. Chairman are highly unreasonable and out of proportion and it is very easy to get the feeling that some may see the discussions on rules on supervision and control as yet another opportunity to prevent whaling operations from resuming.

Fairly recently issues related to monitoring production processes and domestic as well as international marketing and trade have been brought into these discussions. It is a well-known fact that many of the Contracting Parties hold the view that such issues fall outside the IWC scope of responsibility in general.

The IWC is, or at least it should have been, an organisation for the management of whale hunting and what we have been trying to develop for years now are rules for supervision and control of the hunting operations and the introduction and insistence on discussing questions regarding whale products can only add to the difficulties in reaching a solution. If there is a real wish to go forward, if there is a real wish to attempt to reverse IWC'S withering relevance as an organisation for the conservation and management of whales a different approach has to be taken. Lets all try to view the use of healthy whale stocks as other forms of sustainable use and natural resources and act accordingly on their management including supervision and control. This, Mr. Chairman, is the way to move ahead. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Japan.

**Japan**

Thank you Mr. Chairman. The Chairman of the Revised Management Scheme Working Group has just presented his Report and in front of us is the draft of the Inspection and Control System submitted by the RMS Working Group. The Government of Japan strongly hopes that the Commission will finalise the inspection and control system which is the last pending matter of RMS based upon this text.

From the Secretariat we received the hopes that CITES the Chairman wishes to be carried out by the Chairman of IWC, Mr. Canny. This request states that CITES hopes that the IWC would finalise RMS as quickly as possible. As the delegate from Norway has just pointed out there is a large gap of views within IWC with regards to this issue. We shall spare no effort so that we can come to an agreement through discussions at this Commission. We do hope that the revised Schedule draft which my delegation has submitted should be discussed under this agenda item and I would like to take this opportunity to present the basic position of the Government of Japan on the issue of the inspection and control system of RMS. Not only Japan but other nations that are interested in the balanced conservation management and utilisation of marine environment and marine resources would have no objections with regards to the three points that I am going to elaborate next. First, the system must comply with the purposes of the Convention and each provision of the Convention and for the purpose of this Convention it must be built in such a way that it becomes a system that is necessary and reasonable for the purpose it is established to serve and it must ensure that it would not exceed the catch limit established by the RMS. It must also ensure that the data collection, information collection, will be carried out as part of RMS and the measures that will be established must be within the scope that is necessary for achieving the purpose. Secondly, it must reflect the actual whaling operations and it must be implementable, in particular, small type whaling operations. In this case the ships are smaller and the operation is small in scale and therefore a somewhat different conservation must be given from the factory ship operations. Thirdly, the inspection and control method that are commonly seen in other fishery organisations should be taken into consideration when we come up with IWC inspection and control system. Whaling is nothing unique or special form of the utilisation of marine resources.

I do not think that it is appropriate at this juncture to go into the details of each paragraph but I would like to point out in advance some important areas where the Government of Japan would like to explain first in light of the basic position that our Government takes. First, the issue related to market control of the member countries, these are outside the competence of the Convention, namely Article 1, Clause 2. The Article 1, paragraph 2 of the Convention reads as follows and I quote 'This Convention applies to factory ships, land stations and whale catchers under the jurisdiction of the Contracting Governments and to all waters in which whaling is conducted by such factory ships, land stations and whale catchers'.

We believe that the identification of whale products and tracking of marketing and distribution channel using DNA method for market control is outside the competence of IWC and that these issues should be brought under the jurisdiction of each Contracting Government. Just as in the case of Norway for the purpose of preventing poaching and illegal trade we are reinforcing DNA registrations system and making our utmost efforts for the market control ourselves.

We have already carried out the market control at a very large scale within Japan and we have been providing reports to the Technical Committee and Scientific Committee of the IWC on a voluntary basis and we plan to continue such survey.

The second point I would like to make is on observers. The observers must be placed with due consideration to the size of the whaling vessels and taking into consideration the reality of the actual operations and it should be placed within the limit that is required.

Thirdly, on the Review Committee, we do not see any necessity for the Review Committee. Please look at the roles of the Review Committee proposed. These are the same as what have been taken up by the Infraction Subcommittee. We do not need two Committees for a single job. Thank you very much Mr. Chairman.

**Chairman**

Thank you Japan. Are there any other general statements? I will take general statements now before coffee and then we will come back to the Schedule amendment and the recommendations and the action arising afterwards if that's OK. Once I don't get a lot of general statements. People's Republic of China, US, UK, Antigua and Barbuda. On second thoughts maybe we will go to coffee. I will give China the floor.

**People's Republic of China**

Thank you Mr. Chairman. I will be very brief. Regarding to the RMS issue, the delegation of China believes that the finalisation of the RMS is an urgent issue. Second, trade and the marketing infraction issue are beyond the IWC function. The outcome of RMS should be in the framework of the ICRW. So we believe that the infraction should be carried out under international observer shall be on board of each large sized whaling vessel and the cost of the observer can be paid by the Commission, however, a international observer has no function as a law enforcement officer. Fourth, the vessel monitoring system, the VMS, should be equipped on board. Thank you very much Mr. Chairman.

**Chairman**

Thank you People's Republic of China. We will adjourn for coffee and return here sharp here at 11.00. Thank you.

[BREAK]

<b>12.2 ACTION ARISING</b>
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**Chairman**

..... introduction of a Schedule amendment by Japan and then discuss other actions arising from the Report of the Working Group and a Resolution from Sweden which is IWC/52/34 but for now are there any other comments on the Report of the Working Group? I have US, UK, Antigua and Barbuda, US please.

**USA**

Thank you Chairman. You caught me unawares. I have a brief comment. We've heard in some previous interventions the terms used excessive requirements. That term was used to characterize some of the features in the draft text which the Working Group has provided us. Chairman, my delegation wouldn't view these as onerous burdens. Provisions such as one hundred per cent international observers on vessels, satellite tracking,

daily if not real time reporting of catches are common features of many contemporary domestic and international management regimes. Chairman, these bodies have adopted such measures to ensure compliance with their agreed measures and also to provide for transparency. In my delegation's view, it is reasonable, indeed essential, for IWC to similarly adopt a contemporary supervision and control scheme. Thank you Chairman.

**Chairman**

Thank you US. UK.

**UK**

Thank you Chairman. Well I very much agree with the remarks just made by the United States and certainly a number, indeed most of the provisions, which we are looking for in the Inspector and Observation Scheme are in place in other Fisheries Conventions and indeed UK vessels have to observe them but I wanted in fact to speak on a specific point because you will note that in the Working Group there was a discussion about total catches over time and the UK is recorded as having a reservation on an amendment agreed by the Working Group to some words provided by the Scientific Committee. I would like to address that issue and that reservation and what I would like to do first, if you are happy with that, is to ask a couple of questions to the Chair of the Scientific Committee and then depending on the answer I would like to make some further comments. If I could ask those two questions first.

The first is I would like to know if I am right that any other human induced mortalities, for example those that could be attributed to pollution would be taken into account in the catch history and when the next block catch under the RMP is calculated. The second question is if there was a large scale mortality caused by, to take one example, a major pollution incident, am I right that the RMP provides for an immediate implementation review which would take these mortalities into account? If I could have responses to those two questions there are then some further comments I would like to make. Thank you Chairman.

**Chairman**

Thank you UK. Chair of the Scientific Committee please.

**Chair of the Scientific Committee**

Yes, the answer is that any human induced mortality that can be clearly pinned on humans, certainly by-catch and things of that sort and I suppose a pollution event if it were clearly an oil spill that directly killed a bunch a cetaceans, those things would be taken into account in the catch history. More subtle things like somebody thinks that this whale might have died because they had a high level of some pollutant in their tissues would not be directly included. But if, at any point, and this is in answer to the second question, there were evidence that there was some considerable impact of either a direct or a more subtle sort of human induced mortality, then there would be a implementation review and it would be carefully considered whether this required some further trials or any changes in what the management procedure was doing.

**Chairman**

Thank you Chair of the Scientific Committee. UK you may continue.

**UK**

Thank you Chairman. Well that was very helpful. Chairman, the Report of the Working Group makes it clear that the amendment that was agreed to the Scientific Committee text, agreed with one exception, was made at the request of Norway. However, the Report also indicates that Norway and Japan remain opposed to the basic principle in Resolution 1998-2, namely that catch limits for commercial purposes should be calculated by deducting all human induced mortalities that are known or can reasonable be estimated other than commercial catches from the total allowable removal. Now Chairman I would like to know whether this remains the Norwegian and the Japanese position or whether they can now go along with, not just the wording agreed in the Working Group, but also the underlined concept. So the point I am really making is does the new text represent a genuine consensus embracing all parties and covering not just the wording but the principle. If it does the UK can lift its reservation and I could go along with it. If it does not I would prefer the original Scientific Committee text. Thank you Chairman.

**Chairman**

Thank you UK we will note your comments. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chair. Mr. Chair I would first of all like to congratulate the Chairman of this Committee for a job which we think was well done. In my estimation the RMS Working Group Committee is one of the most difficult in this organisation, it also represents the watershed upon which this organisation will work in future will be based and I want to encourage him to continue to persevere to ensure that the work of that Committee is completed. We are seeing where many organisations are scrutinizing what we are doing, especially with respect to the RMS because they think that the completion of the RMS is critical for the future work of this organisation as far as it concerns the management and sustainable utilisation of the whale resources. The question of the inspection and control observation scheme is of critical importance and I think that there needs to be some sort of convergence of views on this one. There have been ideas thrown out about an independent group to assist the organisation with regards to coming up with the acceptable observer program. I think that we should not treat that lightly and we should look at it to see its merit and Mr. Chair I hope that we'll be able to have a good intersessional meeting that will be able to allow us to finalise our work on the RMS. Again I would like to congratulate the Chair of that Group and this one and urge him to continue to pursue this very critical aspect of our work.

**Chairman**

Thank you Antigua and Barbuda. Republic of Korea.

**Republic of Korea**

Thank you Mr. Chairman. I would like to thank the Chairman of RMS Working Group for this Report,..... I see the Working Group read most of the specification required by the Resolution except some of the topics, that is market survey of whale meat. Korea doesn't think it is necessary to include those into the inspection and observation scheme. To my understanding market survey is simply to find out the whales from the outside of the RMS or the IWC. CITES already covered this matter of international trade. As far as domestic market survey is concerned the national authorities in accordance with RMS should ..... in cooperation with member nations or NGOs. Therefore I am sure that in case this topic is raised at the RMS Working Group it can be ruled out and that the RMS is able to reach consensus as quickly as possible. Thank you.

**Chairman**

Thank you Korea. Norway.

**Norway**

Thank you Mr. Chairman. We would like to respond to the question that was asked by the UK Commissioner. It has been our point of departure that we don't really see the necessity of these specific provisions to secure that total catches over time are within the RMP. It has been our understanding that what is often referred to as the feedback mechanism in the RMP would, to a sufficient degree, take account of such possibilities if they occur. However, in the Working Group we arrived at a specific text that is specifying, if I am not mistaken, five categories and that will be taken into account though you may use mortalities other than catches and in the spirit of good cooperation and compromise we can go along with the concept of having that kind of rule in the RMS and, of course, then in that specific wording that was agreed upon in the Working Group with a possible reservation from the UK but I understand that will now be lifted. Thank you.

**Chairman**

Thank you Norway. Japan.

**Japan**

Thank you Mr. Chairman. I would like to comment upon the one aspect related to this time to death, for example, in the RMS Working Group activity there was one proposal to collect the information with regards to the aspect of this harvest related time to death and so forth but we do not at all believe that this topic is necessary to be discussed because it is completely different from the adherent objective of the RMS and therefore it is outside the competence of the IWC. With regard to the information which needs to be collected by the RMS, there was already an agreement reached by the Plenary, the Commission, in 1994 which agreed as long as six years ago and now we are in this very last stage to complete and finalise this RMS and this proposal raised at this late stage I think would merely confuse the discussion and I think that kind of attitude should be regarded as the delay tactic.

**Chairman**

Thank you Japan. UK.

**UK**

Thank you Chairman. Well I would still like a answer from Japan on the question I raised earlier on catches over time but just to respond to that latest point about delaying tactics. I would remind Japan of the point I made in the delegation that all the points that the UK made there about the need for data in order to assess welfare effects of whaling, all those points were made at the intersessional meeting in Reine in 1995. There is nothing new about this position, it has been a consistent UK position for five years and it is the position we continue to support strongly. Thank you.

**Chairman**

Thank you UK. Japan

**Japan**

Thank you Mr. Chairman. I would like to ask the following question to the distinguished delegate of the UK, the US as well as Australia or one of them. In other words there is no demand for the collection of the information on the welfare aspect or DNA and so forth and after all the discussion would take place and if we would agree to owe the detailed requirements of those information would you be willing to accept the resumption of whaling? I would like to make this point clear because after all that effort to be putting in and all the information collected, and we accept all that and satisfy those requirements. However, if at the end you deny and reject the resumption of whaling then I think it seems to be inappropriate and therefore, and finally, we look at the Opening Statement of the respective country concerned. I think you generally state that, irrespective of the conditions and whatsoever, the resumption of whaling cannot be accepted or you are opposed to the resumption of whaling. And so now I listen to these specific statements with regard to the specific items but after all the specifics are satisfied and discussed would you be willing to accept the resumption of whaling and I would like to hear a clear response from them. Thank you.

**Chairman**

Thank you Japan. There seems to be no further comments on this item. UK.

**UK**

Just very briefly Chairman. The UK position has been set out in the Opening Statement. I think that is very clear.

**Chairman**

Thank you UK.

**UK**

Sorry Chairman could I just also revert to catches over time. I think the response from Japan to my question is probably no. There hasn't been a direct response but I wouldn't say a silence but certainly they haven't answered the question that I asked in which case I would need to retain my reservation on the text agreed in the Working Group.

**Chairman**

Thank you UK. I don't want to get into bilateral discussions. I would suggest that bilateral discussions be held bilaterally and we will note both sets of comments. Netherlands.

**Netherlands**

Thank you Mr. Chairman. On this particular issue I would like to draw your attention to the last line of the second paragraph under 12.1.2 on page 8 of our Report where you will see that I have pointed out in the Working Group that the Commission has already taken a decision on this matter some years ago and it had most recently been confirmed in a Resolution 1998-2. So I don't really see the need for reiterating this debate again. Thank you.

**Chairman**

Thank you. I am not sure whether that was Netherlands or the Chairman of the Working Group but thank you either way.

**Netherlands**

Chairman of the Working Group and the Netherlands.

**Chairman**

Thank you either way. Can I move on to discuss the Schedule amendment proposed by Japan. Japan.

**Japan**

Thank you Mr. Chairman. We have circulated the document entitled IWC/52/35. The correction from the interpreter, the document is 52/30 and it is rather simply structured in three different parts. In page 2 you can see Chapter V – Supervision and Control. This part is just the content which is already agreed upon over the seven years of discussion. This part is just other extracts from this agreed upon portion which are not in the brackets of this Appendix 4 of the Report of this Working Group in other words Draft of the Revised Chapter V of the Schedule which we have been discussing, that is the document number 52/14 so this is this general section for this Chapter V. That is a general concept for the drafting this Chapter V. In other words there is no controversial points because controversial points were already omitted. Chapter VII shows the data collection and analysis under the Revised Management Scheme which is actually the Annex of the Scientific Committee's Report of the 1994, in other words the 44<sup>th</sup> Meeting. Because this Annex O is entitled 'Guidelines for Data Collection and Analysis under the Revised Management Scheme' other than those required as direct input for the Catch Limit Algorithm. In other words, these are the extracted versions of those old compulsory items from that Annex.

Turning to Chapter VIII which is from the Scientific Committee's Report from the 46<sup>th</sup> Scientific Committee Meeting, the Annex K. Annex K of that 1997 Meeting is entitled 'Requirements and Guidelines for Conducting Surveys and Analysing Data within the Revised Management Scheme'. In other words, Chapter VII and Chapter VIII are all the sections which have been already agreed upon. Let us turn to page 1, you can see Chapter III - Chapter and Chapter IV – Treatment. Chapter IV only deals with the cosmetic changes, it's a simple cosmetic change. With regard to this Chapter III – the Capture, the paragraph 10 is deleted and replaced with this new one assuring this ban and limit on whaling. This actually guarantees and ensures a total ban on whaling. It says that there is the condition to lift the ban on whaling and its say that basically other than the calculated figure based upon RMS and RMP other than that catch limit basically the catch limit shall be zero. In other words, the portion where the catch limit can not be calculated then the global ban is applied. That means there is no need for sanctuary.

Please return to page 3. I would like to make some minor changes, corrections. I would like to make the correction to this paragraph 29(a) and the second line after the words 'struck and killed' I would like to delete this period and replace it by 'and' and then continued with 'and other relevant observations' and I would like to insert the word 'they have made such reports period' and then start a new sentence starting with 'They have made period' and then a new sentence will start 'That such report shall be made at the end of each whaling voyage'. So the timing when the report is made is now clarified here. Therefore all these points are fully and thoroughly considered and taken into account and the agreement was made and so I would like to urge that be adopted by consensus. Therefore starting from next year the limited scale whaling could be resumed. Thank you and I again would like to urge that this should be adopted by consensus.

**Chairman**

Thank you Japan. Chairman of the Working Group.

**Netherlands**

No Chairman it is the Netherlands this time. Mr. Chairman it is our opinion that the structure of the RMS on the development by this Commission is clearly laid out in previous Resolutions, notably Resolutions 1994-5 and 1996-6, both of which were passed by consensus, a consensus which in each case included Japan. According to that agreed structure the Commission will retain full authority for the implementation of the RMS, catch limits will remain zero except where no zero limits have been calculated by the Scientific Committee using the RMP and approved by the Commission, such approval only to be given when all provisions of the RMS have been complied with. This element, Mr. Chairman, is missing from the draft Schedule amendments submitted by Japan. Other important safe guards agreed in the previous Resolutions of this Commission are also absent from this draft Schedule change, such as arrangements for total catches over time which the Commission has repeatedly agreed are an essential component of the RMS. The authors of this draft Schedule change have been selective in our view about the parts of the, as yet, incomplete observer and inspection scheme which they have chosen to include. Items of great importance to many delegations, albeit square bracketed, have been omitted without comment while alternative square bracket text has been included. The RMS Working Group has been working very hard to develop a workable and acceptable scheme, a satisfactory solution will only be found if all concerned parties continue to work together sincerely on the completion of the draft scheme. The proposals in



this document Mr. Chairman represent, in our view, a divergence from our real business and do not help to expedite this Commission/s work. Thank you Mr. Chairman.

**Chairman**

Thank you Netherlands. New Zealand.

**New Zealand**

Mr. Chairman New Zealand endorses entirely the comments that have just been made by the Netherlands but wishes to add some further comments as well. Mr. Chairman there are two documents that are relevant to this discussion. The first is IWC/52/RMS 3, a document Mr. Chairman that is, as the record shows, tabled by its sponsor, the Government of Japan, the night before the RMS Working Group met for the first time last week.

The second Mr. Chairman is a document IWC/52/30 which contains the text of this particular Schedule amendment proposed by the Government of Japan and circulated again the night before this debate. Mr. Chairman I draw attention not only to the two documents but also to the circumstances of their tabling and being provided to delegations because yet again we hear allegations of delay and an implication that it is one group within this Commission that is effecting that delay. Mr. Chairman I might say that they are allegations that are repeated in other fora as is regrettably confirmed by the letter from the Secretary General for CITES, a document circulated to Commissioners for their information and dated 4 July. Mr. Chairman that document refers to the apparent lack of progress even the alleged obstruction of progress in respect of the RMS.

Mr. Chairman let me state for the record, as I did earlier in this Commission's debates, that it is not the anti-whaling countries that produce draft texts at the last minute the night before debate and expect not only debate on those matters the following day but decision. Mr. Chairman in introducing this particular Schedule amendment it was suggested that many of the changes in the document were either cosmetic or were simply a transplant of text from previous documents. Mr. Chairman they are not merely cosmetic as is clear on any quick reading, and in so far as the transplants they have very considerable impact and are far from being benign. The old text, for instance, included a national database for DNA, the new one does not include this. The new text moves away from the previous Japanese proposal for an independent contractor, one which I might say my delegation opposed, and now has many of the points discussed in the RMS Workshop included in the document but often in a different manner. Now Mr. Chairman some aspects of that synthesis might be acceptable but others certainly are not. There is insufficient time to give full consideration and yet that is what is demanded of us. Mr. Chairman there is one fundamental reason why we cannot agree this Schedule amendment, it is clear from the intervention from Japan in introducing the Schedule amendment that its effect is and is intended to be the lifting of the commercial whaling moratorium and to make it in future applicable only in specific circumstances.

Let me turn to page 1 of the document to confirm that. Under the heading 'Catch Limit' about one third of the way down the page the following text appears 'Paragraph 10 to be deleted' and we all know what paragraph 10 contains, paragraph 10 be deleted and replaced with new one 'Catch limits for the killing for commercial purposes of whales from all stocks of baleen and toothed whales in Table 1, 2 and 3 shall be zero unless a catch limit other than zero is given by the Revised Management Procedure as detailed in reference 1.

It is little wonder Mr. Chairman that in introducing the Schedule amendment the comment was made by the Government of Japan that this would enable the resumption of limited commercial whaling next year. That is its intention Mr. Chairman and for that reason alone the majority of this Commission which has clearly in the past favoured the retention of the moratorium on commercial whaling should refuse to agree the Schedule amendment.

**Chairman**

Thank you New Zealand. Oman

**Oman**

Thank you Mr. Chairman. Oman has clearly stated that the salaries and other expenses of the observer should be paid by the industries of the countries where the whaling activities are conducted. We therefore cannot accept no. 35 in this draft. At the same time if the intention of this paper to resume commercial whaling next year we reserve our rights to not accept it because I have no clear indication or instructions from my government to do so unless the Scientific Committee supports this indication. Thank you Mr. Chairman.

**Chairman**

Thank you Oman. China.

**People's Republic of China**

Thank you Mr. Chairman. I just want to ask one question technically and since the intervention made by the New Zealand Commissioner mentioned that, as always, the Japanese delegation provided a draft Resolution one day before or just last night but it is my first time to attend this meeting and I think the other documents should be I mean in order draft Resolutions subject to the discussion I received one day earlier so I don't know. Maybe its best to ask the Secretariat is there some practice or not. IWC/52/35 should be subject to discussion today but I received it only this morning so I don't know, is it practice of IWC or not? So it is only a technical question. Thank you Mr. Chairman.

**Secretary**

Mr. Chairman the Convention requires that any amendment to the Schedule should be notified to Contracting Governments sixty days in advance of the meeting and we have had legal opinions in the past which indicate that whilst Schedule amendments might be subsequently modified during the course of discussion, there is a need to provide rather clear indications of the subject matter and of the proposed text which are to be the subject of discussion and possible voting as amendment to the Schedule.

**Chairman**

Thank you Secretary. China.

**People's Republic of China**

Apologies for asking for the floor again. My question is the vote of Resolution itself and not the amendment of the Schedule. My second question is that. Thank you Mr. Chairman.

**Secretary**

As I understand it you are asking when Resolutions should be submitted - by 6 o'clock the night before they are discussed.

**Chairman**

Thank you. I have US, Denmark and Switzerland. US.

**USA**

Thank you Chairman. My delegation was looking at the note attached to the proposal by Japan. It has a statement that says this draft should pose no problems to members. However, on quick reading of it I note that most if not all of my delegation's suggestions regarding the supervision and control text have been ignored. Consequently, like Netherlands and New Zealand, we could not support this proposal. Thank you.

**Chairman**

Thank you US. Denmark.

**Denmark**

First of all I will take this opportunity naturally to give a thanks to Japan being course of their many efforts to table documents in English which is not their mother tongue although I naturally regret that these documents from time to time has arrived a little late. I should not hear according to a discussion about whether or not this can be tabled at all but I will just take the opportunity to say that one aspect of this proposal I do agree to is the general overall idea to complete the RMS as soon as possible but I do, however, find this draft proposal to some degree premature. It is my impression that we have made progress this year in the RMS Working Group. It is a fact that an adoption of a RMS in this Commission must necessarily be based on at least three quarters majority naturally based by consensus. We have another draft Resolution tabled here today which connects this year's progress with a plan for an expeditious further work plan to complete the RMS. Accordingly I, as you can see, have some difficulties with this proposal besides the legal concerns mentioned and therefore I recommend Contracting Governments to support the alternative draft Resolution which is also tabled. Thank you.

**Chairman**

Thank you Denmark. Switzerland.

**Switzerland**

Thank you Mr. Chairman. We would like to associate ourselves with the remarks made by the Netherlands and Denmark. Switzerland has cooperated in the completion of the RMS and is interested to continue its work there but we think that this should be done through the process that has been initiated in this Commission and is going on in this Commission, in particular through the RMS Working Group which in our opinion also has made some progress this year and is showing a way out of the tunnel right now. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. I have UK, Norway, Spain. UK.

**UK**

Thank you Chairman. Well in the light of what the Secretary told us earlier I do wonder whether we are actually in a position to reach a decision on this issue should Japan seek one. I noted the annotated agenda simply says that Japan proposes to replace as a whole or partly Chapters III, V and VI of the Schedule as appropriate. That doesn't seem to me to provide the, I can't quite remember what the words of the Secretary were, but they seem to be that there needed to be a reasonably clear indication of the text. We haven't had that, in fact the text that we are meant to be looking at becomes increasingly obscure. I notice that the covering note refers to a document IWC/51/RMS 1. However, that document last year was, as far as I remember withdrawn and replaced by another document, which was discussed in Plenary. That document in turn was, I assume, withdrawn because it was replaced by another document which came to the Working Group and that document has now been replaced by this document which now refers to the first document. Do you understand Chairman that there is a certain amount of confusion in my delegation about the documentation. Thank you Chairman.

**Chairman**

Thank you UK. I propose to allow the discussion to continue and I will rule under question of whether it is allowable at a later stage but at the moment we will continue the discussion on this document. I have Norway and Spain. Norway please.

**Norway**

Thank you Mr. Chairman. We would welcome this Schedule amendment from the Japanese delegation and in particular the part that outlines the provisions on supervision and control. We think here where it's possible to read the full scheme without all the confusing brackets that you will find in the Annex to the Working Group's Report one gets a very good picture of how such a scheme could look. I would, however, like to add that you also get a very clear illustration of what we mention in our Opening Statement in a debate today that this scheme is fairly excessive as it is in this form and is only a result of accommodation on the part of the whaling nations to the various demands requirements that have been forwarded during the debate over many years and this is not something we really think is necessary. However, this is along the lines of what we could accept for again the sake of compromise and making progress.

I would like to make another comment and that is on the necessity of the repeal of the moratorium. It must be very clear that that has to be a part of the process we are now involved in. There is no meaning at all to a situation where we work for years developing very strict rules and then when this one day is finalised someone is just saying 'well that was it' and nothing happens. The moratorium obviously is part of this and has to be deleted from our Schedule when we are adopting this Scheme and the RMS in general.

Final observation is the reference, I think it was made by the Netherlands, to the Resolutions that have in the past been adopted by consensus, that may be so but I think it has been clear all the time from the Norwegian side that in particular regarding the tuning level of .72 we have always reserved our position in the sense that we know from the work of the Scientific Committee that other tuning levels are just as appropriate, there is a range of possible tuning levels and we have reserved our position on the specific level. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Spain.

**Spain**

Thank you Mr. Chairman. Spain would like to associate its comments to those made by the delegation of Denmark. Thank you.

**Chairman**

Thank you Spain. Japan it would seem clear to me that there is not a three quarters majority support for your document and with your permission I would suggest that we note the arguments and that we move onto discuss the Resolution on this item. Japan.

**Japan**

Thank you Mr. Chairman. As the Chair has rightly pointed out, there was no consensus on this proposal which is quite regrettable to us. The US pointed out earlier that we should be studying the supervision and control system of other fishery committees and we did some extensive studies of the system of other fishery committees and gave due considerations and to the best of our knowledge no other committee had any provisions on the market control or animal welfare. We tried to accommodate all the points made by the US by studying other fishery committees systems.

The procedural matter was also raised and for the record we did inform sixty days in advance of this point. Of course, that was during Golden Week holidays in Japan.

I would like to make one final confirmation. I would like to ask this question. I would like to know why the UK, USA and New Zealand delegations take part in RMS discussions while they take the position that they are against the resumption of commercial whaling irrespective of the condition no matter what. So what is the point of these countries taking part in the discussions of RMS. I can understand the position of Australia because Australia is against commercial whaling no matter what and they do not take active part in the discussions of RMS and that seems to be quite reasonable to us. Thank you very much.

**12.2.2. OTHER**

**Chairman**

Thank you Japan. I won't ask anybody to answer rhetorical questions. Can I proceed as I suggested? I will now ask Sweden to introduce the Resolution on the Revised Management Scheme, IWC/52/34. Japan.

**Japan**

Thank you very much Mr. Chairman. It is regrettable that no consensus was reached on this document but we would like to request that we submit this document again at an appropriate time. Thank you.

**Chairman**

Thank you Japan and can I suggest the appropriate time is before you go for the Golden Week Holiday. Sweden please.

**Sweden**

Thank you Mr. Chairman. I am talking to Resolution 52/34 and to paper 52/35 proposed by ten members. Sweden is of the view that IWC shall be the international organisation for conservation and management of whales operating on a precautionary principle and the principle of sustainable use. Sweden is therefore concerned about the fact that major whaling operations take place outside the control of IWC. A necessary step to gain this control is to have agreed rules in IWC on this for which the Revised Management Scheme will form the central part. The Working Group for RMS in its Report, paper 52/14 considered to ask the Secretary to produce a new draft revision of RMS to be considered at an intersessional meeting or a meeting of the RMS Working Group. Resolution 52/34 picks up on this suggestion and specifies a way forward to produce an RMS text for inclusion into the Schedule, in particular we propose a timetable for this process that may allow us to agree on a text. The operating paragraphs on the second side of the paper instructs the Secretariat to circulate draft text to Commissioners by November this year and for the Working Group on RMS to meet before February next year and further instructs the Secretary to circulate the Report from the above meetings in good time before the next Annual Meeting.

We believe it to be a common objective for all members of IWC to decrease or eliminate whaling outside the control of IWC and therefore we hope for the unanimous adoption of this Resolution. I want to point out a minor point in paper 52/35. Page 2 there is one sentence in the paragraph starting 'Other requirements for data (f)' put in square brackets. Those square brackets are there just because this is the only new element and it was picked up from this Scientific Committee Meeting that stated that this is especially important. Accommodation of that sentence will need a couple of small purely editorial changes that I don't think I need to spell out.

Mr. Chairman there is a serious effort from ten members of IWC to make the organisation move and reach concrete results. There are some points for both whaling and anti-whaling countries that may be difficult but I would urge members to adopt this Resolution by consensus. Thank you Mr. Chairman.

**Chairman**

Thank you Sweden. I have Antigua and Barbuda, Netherlands, South Africa and China.

**Antigua and Barbuda**

Thank you Mr. Chair. I would like to first of all congratulate the components of this Resolution but I would like also to have some explanation from the sponsors with regards to the last paragraph of this Resolution. I would like to have an explanation mainly because Mr. Chair we know that Resolutions are not binding and this Resolution will not obligate any country to any commitment with regards to paragraph 10(d) and 10 (e) of the Schedule, hence I am of the opinion that that last paragraph might be redundant but before I make a statement and propose a possible amendment with regards to that last paragraph I would like some explanation from the sponsors as to why they think this paragraph was necessary.

**Chairman**

Thank you Antigua and Barbuda. Before I give the floor to any of the others would any of the sponsors like to give the clarification or explanation? Sweden.

**Sweden**

I think those paragraphs maybe necessary and I note that Resolutions as you stated are not binding. Thank you.

**Chairman**

Thank you. Antigua do you want to continue?

**Antigua and Barbuda**

Yes I would like to follow up Mr. Chairman. Well since we have agreed that resolutions are not binding I would submit Mr. Chair that this paragraph is redundant and Antigua and Barbuda is proposing an amendment to this Resolution for the removal of that paragraph and I think that we will be able to reach some consensus then.

**Chairman**

Can you clarify which paragraph, last or second last?

**Antigua and Barbuda**

Both paragraphs, the second to last one and the last one.

**Chairman**

Thank you. So the proposal for an amendment is to delete the paragraphs beginning 'Notes' and 'Confirms'.

**Antigua and Barbuda**

Thank you Mr. Chair.

**Chairman**

Thank you. Sorry I have Netherlands.

**Netherlands**

Yes thank you Chairman. First of all a minor point. At the top of page two of document 52/34 you will see one of the dates mentioned as a deadline which is 31 November and I would suggest that we may to wait rather longer than the sponsors of this Resolution intended before it becomes the 31 November so that should be the 30<sup>th</sup> I would imagine and then the whole time schedule, I am speaking from the Netherlands now as you realize Mr. Chairman, we do not really think it is necessary to have an intersessional meeting. We think that this process could be followed up with a meeting immediately preceding next year's Annual Meeting and of course a lot of necessary and useful work can be done in the intersessional period, for instance by the Secretariat. There is in the second operative paragraph on page two of document 34, there is a suggestion or implication that the Working Group should finalise the draft text in the Appendix of our Report so that's the draft text for revision of Chapter V of the Schedule, and I would like to point out that, but now and of course I am also drawing on my experience as Chairman of the Working Group, that it would not be reasonable to assume that the Working Group as such can finalise the text. I think that there are many important issues remaining that will have to be

resolved by the Commission in some way or another but it is not reasonable to expect that the Working Group can do this work. That's it for the time being Mr. Chairman. Thank you.

**Chairman**

Thank you Netherlands. South Africa.

**South Africa**

Thank you Mr. Chairman. First I would like to associate our delegation with the statements made by the distinguished delegate from Sweden and also just to say that we are extremely pleased to be co-sponsors of this Resolution and draft text. I believe Mr. Chairman that it hardly necessary for me to have to speak at any length in support of the adoption of this Resolution. As far as my delegation is concerned the case for the IWC to be seen to be making progress towards the adoption of the Revised Management Scheme is overwhelming. It is a well known fact that the Commission is lagging far behind its original intentions in terms of the noble goals it set itself time wise when the moratorium on commercial whaling was adopted. It is therefore hardly surprising that the apparent lack of expeditious progress has been a source of much internal controversy especially in recent years. Only yesterday when the issue of small-type coastal whaling was considered we had another demonstration of this phenomenon. Mr. Chairman you and I am sure many other distinguished representatives will recall that on several occasions at recent meetings my delegation has expressed concern that slow progress in this regard not only contributes to internal polarization but that it also impacts negatively on the lives of those that look towards this Commission for getting on with its function as defined in the preamble to the Convention. We have witnessed restlessness if not impatience with the IWC in circles outside this Commission.

Mr. Chairman we received a letter earlier today from the Secretary General of CITES to the IWC that reflect some of the sentiments expressed at the recent COP Meeting, the 11<sup>th</sup> COP Meeting of CITES in Nairobi. I regret that you Mr. Chairman were personally placed in an embarrassing situation because of a broadly spread public perception that this Commission is incapable of making progress with its own agenda and hence with performing its task efficiently. Against this background my delegation on the one hand is very pleased to have witnessed some progress at the present meeting with the further development of the draft text of Chapter V of the Schedule concerning supervision and control and on the other hand our delegation would have been pleased to see even more progress.

Notwithstanding our own preferences Mr. Chairman we do believe that now is a good time for the Commission to take a bold step forward and to work all out towards achieving a more tangible result of our endeavors over the past number of years. We believe that this will serve to demonstrate both internally and to the outside world our collective determination to keep making progress. So against this background I would strongly urge all other delegations to lend their full support to this initiative. Thank you.

**Chairman**

Thank you South Africa. China.

**People's Republic of China**

Thank you Mr. Chairman. As mentioned by the distinguished Commissioner of South Africa I would like to strongly support his intervention. Thank you Mr. Chairman.

**Chairman**

Thank you China. Denmark..

**Denmark**

Thank you Mr. Chairman. Let me start first of all by very wholeheartedly agreeing with the points made by Sweden in his opening remind the concern for the future of the IWC I think Denmark has expressed this concern with a more and more enforced voice of starting already in 1991 so support for that concern is naturally appreciated.

I noticed that some member states proposed amendment to this. This is naturally their full and logical right. Let me underline naturally that all member states may have wished something different but this is the text which is agreed among the proposers so naturally Denmark sticks to the agreement we have agreed to with the other proponents. No discussion about that.

One last thing which is important for me to say, is that, in our opinion, it is highly important that the provision agrees to reconvene the Working Group etc. etc. remains unchanged. The reason is quite clear, we have seen

from time to time discussions about Schedule amendments having been tabled too late to be dealt with at a meeting. It is for us crystal clear that you have to call in an intersessional meeting in due time to allow a future process of developing and completion on RMS to continue at the next Annual Meeting without being delayed one further year due to reasons of procedure and protocols. Thank you.

**Chairman**

Thank you Denmark. Germany.

**Germany**

Thank you Chairman. Germany is prepared to take part in the process of completing the RMS in a constructive attitude but I have some problems with the proposal to arrange for an intersessional meeting of the RMS Working Group concerning the mandate given to this Group I think, like my Dutch colleagues, that the Group will not be able to finalise a text on RMS taking account of the political problems which are being involved there. These problems I think can only be solved in a Commission meeting. Thank you.

**Chairman**

Thank you Germany. Norway.

**Norway**

Thank you Mr. Chairman. First of all we would like to thank the sponsors of this draft Resolution for their good intentions and their initiative in trying to speed up the process of finalizing the RMS. We think that this is very important just like the sponsors do. We don't have any problems with the time lines proposed trying to have this speedy and expeditious process. However, like Antigua and Barbuda, we have problems with the two last paragraphs and I think you can understand that from our last intervention on the Japanese Schedule amendment. We see the amendment of the Schedule and the lifting of the moratorium as absolutely necessary as part of the total process of establishing the RMS and of course also in bringing the IWC back more in line with what it is supposed to do and trying to restore its credibility. So we would agree with Antigua and Barbuda to delete the two last paragraphs and Mr. Chairman we also have another amendment to offer in the third operative paragraph. We don't see the need for any specific reference to one possible way of drafting Schedule amendments in this process that is to be undertaken by the Secretary and possibly also utilizing an independent legal advisor so we would propose to delete in the second line, middle of the second line, from 'making' and then I would read what we would propose to delete 'making use where appropriate of the proposals contained in document IWC/52/35'. So the text would only read 'to prepare the draft text for a Schedule amendment that would incorporate the structure' and so on. With these amendments we could support this Resolution. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. US.

**USA**

Thank you Chairman. While my delegation agrees with the intent of this serious effort by Sweden and other co-sponsors, we do have substantial concerns with the Resolution and in this regard we would associate ourselves with Netherlands remarks regarding timing and other issues. My delegation has an additional concern regarding the second operative paragraph. We would not wish to preclude the ability to include within the RMS other items should the Commission decide to do so in the future. The second operative paragraph currently is silent on this matter. Finally Mr. Chairman, my delegation could not agree with the deleting of the two last operative paragraphs as proposed by Antigua and Barbuda. Moreover, we would have difficulties with the suggestion made by the Norwegian delegation. Thank you Chairman.

**Chairman**

Thank you US. Spain.

**Spain**

Thank you Mr. Chairman. I had the opportunity yesterday to say that Spain believes that in the interests of this Commission some progress must be achieved in the RMS issue desirably through consensus. Therefore, Spain associates its comments to those made by Sweden and South Africa. Thank you.

**Chairman**

Thank you Spain. Italy.

**Italy**

Thank you Chairman. Italy fully recognises the need that the IWC makes progress with respect to the RMS and is very grateful to the Chair of the Working Group for his good work. Therefore a step forward in this direction such as what is implied by the Resolution which is tabled now is welcome. However, we believe that this cannot be done by sacrificing what we have been recognizing in the past as essential elements of the RMS such as the need for DNA control to be put in place, welfare issues and particularly environmental matters. Now supposing the major ecological disaster happens to the detriment of a whale population that has been hunted. We don't see at the moment a clear provision to incorporate such an event into the management scheme so for these reasons I think that we have reservations to add to those that have been already expressed by the Netherlands and the US. Thank you.

**Chairman**

Thank you Italy. Japan.

**Japan**

Thank you Mr. Chairman. With regard to the completion of RMS. Since 1990 different efforts have been exerted and especially a progress is observed in the last one year thanks to the work of the Working Group the recent progress was achieved which is demonstrated in this form, for example the Resolution here that urge for the early completion of the RMS.

I would like to turn to the second page and the second operative paragraph in second page which talks about the Working Group on the RMS to be reconvened before the end of February 2001 and Japan would like to host that Working Group. However, there are some problems that we are concerned about in this Resolution in details. However, our most concern is related to the two last paragraphs in the second page. Therefore we would like to express our support to the views expressed by Antigua and Barbuda and Norway. However, we would like to express our appreciation and evaluation for this effort exerted by the co-sponsors, Sweden and other countries, who drafted this Resolution and submitted it. Thank you very much.

**Chairman**

Thank you Japan. UK.

**UK**

Thank you Chairman. Well I too am grateful for the efforts by the sponsors but my delegation does share the reservations that have been expressed, in particular by the Netherlands, Germany and the United States. I agree very much with the Netherlands on the problems that intersessional meetings can cause. I think it is particularly important on this issue to involve as many members of this Commission as possible and I know that a number of delegations do find it difficult to get to intersessional meetings and I suspect that the process would be better and more complete if we held the meeting of the Working Group immediately prior to the next Annual Meeting.

Can I also support the United States suggestion that we amend the second operative to make it clear that this is not an exhaustive list and that there can be additions to the RMS. As you know there are a number of extra elements which delegations think important, a DNA registry is one, my own delegation attaches particular importance to collecting data for welfare purposes. My reading of the current text is that it does not preclude further additions by the Commission if that is necessary but I think that that should be made explicit.

An important final point which is that I am totally opposed to the deletion of the final two sentences. Thank you Chairman.

**Chairman**

Thank you UK. Switzerland.

**Switzerland**

Thank you Mr. Chairman. As a co-sponsor of these two documents we, of course, share our comments with the ones made by Sweden and Denmark and South Africa. Concerning the time schedule we have a few other words to say. In 1997 at the CITES Meeting in Harare, that means under the close scrutiny of then a little bit less than one hundred and fifty nations of this world, the Chairman of the Commission has told the audience that the IWC is close before finishing the RMS. Two years later or even three years later in the year 2000, this year in April in Nairobi the Chairman of the IWC now in a audience of more than 150 nations said again that the IWEC is very close before closing the work on the RMS. I doubt if in the year 2002 when the next CITES Meeting is going to be held the Chairman should be forced to say the same statement again. I don't think the world will understand



why this body takes more than seven years to finalise what is now a document of about five pages. That is why we think it is important that we have this time frame in the document. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. Oman.

**Oman**

Thank you Mr. Chairman. Since Oman is a co-sponsor of this Resolution we would like to associate ourselves with the comments raised by the distinguished colleague of Sweden and South Africa. Thank you Mr. Chairman.

**Chairman**

Thank you Oman. Monaco.

**Monaco**

Thank you Mr. Chairman. First of all Monaco wishes speedy progress towards a completion and adoption of the Revised Management Scheme and we really commend the efforts of the co-sponsors of this Resolution towards this goal. We honestly hope that the text which would provide adequate safeguards on a rigorous system of registration, certification and monitoring could be agreed preferably by consensus by this assembly. However, we do have certain reservations which I would like to express.

First of all we share certainly the reservation of the Netherlands and UK among others regarding the feasibility or the desirability of an intersessional meeting we would also favour rather to hold a meeting just prior to the next Annual Meeting. We also share the reservation of the USA and would support amending the second paragraph accordingly. We are opposed to the deletion of the final two operative paragraphs and we would like to see also a particular point taken care of in a amended text. We would like to see more explicit reference to be made on the incorporation of the latest scientific tools that are available now and would be available in the future concerning particularly DNA, tracking and inventory. We feel that this proposed Resolution is not clear enough in this regard and we would particularly like to see a possible evolution of the incorporation of latest techniques which we feel are so critical to work towards a very rigorous RMS.

We have a final remark to make. We wish to express our growing unease with the notes, messages and even faxes of displeasure expressed by certain international organisations towards IWC. We feel that such expressions are totally inappropriate. They represent undue interference in the business which is that of our Commission and they tend to indicate that the image, we have an image perhaps of weakness, and we should not certainly bow to such pressure. I think that IWC would certainly not mingle with the business of their organisation, we would not tell them what they have to do and we except the same in return. So, Mr. Chairman, I hope that your reply to such organisations will reflect firmness on our part. Thank you.

**Chairman**

Thank you Monaco. In relation to the letter from CITES. We did invite them to appear as an observer at this meeting and I would tend to treat their letter as being equivalent to an Opening Statement. I now have New Zealand and Mexico. New Zealand.

**New Zealand**

Thank you Mr. Chairman. We join with those who have complemented the sponsors of this Resolution on their efforts to achieve progress and recognise that the document that is in front of us in the form of a Resolution and the other document which is effectively annexed to that Resolution represents something of a compromise and we join in the spirit of that compromise and in that respect Mr. Chairman we will be able to join a consensus subject to certain matters that I will be mentioning in a moment.

I particularly, Mr. Chairman, want to associate myself with the comments previously made on various issues by the Netherlands, US, Italy, UK, Germany and Monaco and I particularly endorse the comments just made by Monaco about the material that has come to us from other organisations and I express again Mr. Chairman my concern at the origins of those comments which are inevitably based on claims made in other fora about the progress or more correctly the alleged lack of progress on the RMS and as to who is responsible for that I don't intend to repeat my comments on that yet again.

Mr. Chairman I indicated earlier that we can join a consensus on this matter subject to certain comments particularly, Mr. Chairman, I want to make it clear that we reserve the right to seek the inclusion in the RMS of

other matters other than those specifically mentioned in these two documents, matters that we have consistently urged in discussions on this matter since 1994 and 1995 particularly those that have been mentioned by the US, Italy, UK and others. Mr. Chairman, furthermore, we cannot agree the amendment that has been suggested by Antigua and Barbuda and I finally say that we certainly do not accept the views expressed by Norway regarding the lifting of the commercial moratorium as part of the RMS.

**Chairman**

Thank you New Zealand. Mexico, Brazil and Ireland. Mexico.

**Mexico**

Thank you Mr. Chairman. Well first of all Mexico wants to express that we really believe in the cooperation among the organisations [break in tape]..... Sweden and Spain. Thank you very much Mr. Chairman.

**Chairman**

Thank you Mexico. Brazil please.

**Brazil**

Thank you Mr. Chairman. Brazil is able and willing to join a consensus on this proposal as we do favour progress towards accommodating the differing views and needs of member states of the Commission. We would like, however, to make the following statement for the record. While fully participating in the negotiations towards achieving a workable RMS Brazil has repeatedly stated its view that any resumption of commercial whaling must not threaten the rights of developing countries which sovereignty opted for a non-lethal sustainable use policy for the management of whale resources. Our strenuous efforts to protect coastal breeding grounds are to be met therefore at least in the Southern Hemisphere by proper safeguards to prevent the resumption of predation over the very species and stocks we regard as an invaluable part of our natural heritage. As for the resumption of whaling elsewhere, an agreement has to be reached on stringent monitoring measures aimed at preventing any possibility of illegal whaling and effectively curtailing the illegal trade in whale products. We are concerned that while the Commission may be very soon adopting measures towards lifting the moratorium it has been extremely difficult to get agreement in inspection and observation tools which we regard as essential. To our country a permanent vessel tracking system, DNA monitoring of catches and markets in a comprehensive international observer scheme are the very minimum components of supervision and control. Brazil does hope that future efforts on the RMS will concentrate on this vital questions and looks forward to seeing a proper inspection and observation scheme approved by the Commission. Thank you Mr. Chairman.

**Chairman**

Thank you Brazil. Ireland.

**Ireland**

Thank you Chairman. As a co-sponsor we will associate ourselves with the comments of our co-sponsors Sweden, Denmark, Mexico, Oman, Spain and Switzerland and would hope that the Resolution can be adopted by consensus.

**Chairman**

Thank you Ireland. St. Lucia and France and Dominica. St. Lucia.

**St. Lucia**

Chairman I would like to commend the sponsors of this Resolution as they seek to find a Resolution to this vexed problem that we have been discussing for some time. This is my third meeting of the IWC and I find the process to be repetitive. As I said at the meeting in Oman, a certain degree of compromise is absent from the proceedings. I get the feeling that some states are afraid of a Resolution of this matter and I would like to encourage the IWC to find a mechanism to encourage greater tolerance of the nations right to determine the extent to which they will truly practice the doctrine and the principle of sustainable use of the resources available to them at all times. Chairman I repeat the amendments suggested by my colleague from the state of Antigua regarding the deletion of the two last paragraphs of IWC/52/34 and to suggest Chairman that the idea of the Workshop to expedite the work of this process should be reconsidered by delegates. It is inconceivable that this process can be completed in time for a meaningful or very conclusive decision in 2001. If it were to be left until the technical sessions prior to the 2001 Meeting I think the process could be more conveniently dealt with by a Working Group and considering that it has been proposed by Japan that they would be prepared to host that process I don't think the refusal should be taken lightly.

Finally Chairman let me just say that we need to be realistic about the question of traditional use of resources. Yesterday evening Chairman I participated in a process that I had not realized that I would have participated in and I should be hopping into this meeting this morning because I sampled for the first time kangaroo meat. I am 57 years old and I did not realize until last night that Australia did in fact consume kangaroo meat. I very delicious experience I might add and I would like to do it again and so we have to learn to co-exist with each other and to accept the right of the nations who traditionally have always consumed the flesh of mammals, animals that we are perhaps are not accustomed to and I think the fear that the hunting or the catch of the resources might become extinct should be more realistically examined.

**Chairman**

Thank you St. Lucia. You may have the opportunity again tonight. France.

**France**

Thank you Mr. Chairman. Frogs are not mammals so I am not going to elaborate on that. France considers this draft as a very good basis and would be ready to join the consensus on this draft provided that remarks made by Italy and New Zealand for instance on DNA and the last two paragraphs are taken into consideration.

**Chairman**

Thank you France. Dominica.

**Dominica**

Thank you Mr. Chairman. Mr. Chairman Dominica joins the many other member states that have expressed support for the expeditious completion of the RMS. Dominica is convinced that this 52<sup>nd</sup> Meeting of the IWC should make progress in that regard. Mr. Chairman Dominica views as through the tabled Resolution is that it contains positive elements and therefore Dominica supports the reconvening of a Working Group to do further work on the RMS before the next general meeting of the IWC. However, Mr. Chairman Dominica in supporting this Resolution reserves its right as to the placement of the last two paragraphs in this document and as such supports the intervention by Antigua and Barbuda in this regard. Thank you.

**Chairman**

Thank you Dominica. Chile.

**Chile**

Thank you Mr. President. My delegation associate with the comments of the distinguished representative of South Africa, Denmark and Sweden and particularly with the last intervention of the Commissioner of Mexico so as a co-sponsor of this Resolution I am favour in joining the consensus. Thank you.

**Chairman**

Thank you. St. Lucia started the taste buds going so rather than go through the votes on the series of amendments I think we will go to lunch and maybe the sponsors can see whether there can be any agreement on the proposed amendments and we will return at 2.00 and try to finish this item. Thank you.

[BREAK]

**Chairman**

Take your seats please and we will resume the meeting. At the break I had asked the sponsors of IWC/52/34 to have some consultation and to look at the amendments which had been proposed and I see there is a revised version of that Resolution been circulated. Sweden do you want to talk about the revisions?

**Sweden**

Thank you Mr. Chairman. On behalf of all the sponsors we are grateful for the words of appreciation that we received and we believe that the wide interest demonstrated in the debate indicates the importance of this matter. We have now tried in a balanced way and in the spirit of compromise to accommodate some of the ideas expressed in the debate and put on the table a revised version with four changes indicated and they are as follows:

In the second operative paragraph which starts 'Reaffirms ...' we introduce five words 'but not be limited to' and the following paragraphs we delete one part of the first sentence 'making use where appropriate of the proposals contained in document IWC/52/35' and over the page we have corrected the date of November and in

the paragraph 'Agrees to reconvene' on the little one we have put in 'making further progress' instead of 'finalising'. And that Mr. Chairman would be the changes that we propose and we appeal to the members after this not to block the consensus that we believe that we are very close to achieving. Thank you Mr. Chairman.

**Chairman**

Thank you Sweden. Are there any comments on the amendments made by Sweden? Norway.

**Norway**

Thank you Mr. Chairman. We appreciate that the co-sponsors of this Resolution have made one of the suggestions or have included one of the suggestions we made. However, I note that the very important last two operative paragraphs are still in this draft and you would recall that we had great problems with those two paragraphs. I would also like to add that the inclusion of 'but not be limited to' is moving this process in a totally different direction than what it should be. This is a very good example of what may be referred to by the moving target tactic. We have seen several elements being added to the RMP which should have been sufficient in itself for the resumption of management of whales, now we have heard from several delegations that they would not like to be bound to the elements that have been added over the years but be free to add new elements and I think this just illustrates the difficulties of the process therein and this is definitely not the way to do it. We don't think all the elements of the RMS should have been there in the first place but one of the better parts of this original proposal was blocking for this kind of moving target tactics and we cannot agree to this. Thank you.

**Chairman**

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

**UK**

Thank you Chairman. Well I am grateful to the sponsors for their efforts here and certainly the revised text is an improvement from our point of view and it does meet our main concern. We do retain reservations about the intersessional meeting but we would be prepared to go along with a consensus on this. However, if that was to happen I should put on record that what we would be accepting here is a process for moving forward work on the RMS and there is nothing here that commits the UK to do anything that we have not previously endorsed in earlier Resolutions and moreover the references to those Resolutions in this text are simply that there references and the Resolutions themselves contain the authentic text. Thank you Chairman.

**Chairman**

Thank you UK that would be helpful. Netherlands.

**Netherlands**

Thank you Mr. Chairman. Netherlands takes the same view as has just been expressed by United Kingdom and could go along in a consensus on this revised Resolution. Thank you.

**Chairman**

Thank you Netherlands. US.

**USA**

Thank you Chairman. To express similar views as those expressed by Netherlands and the UK. Thank you.

**Chairman**

I have New Zealand, Germany, Italy, Japan, Monaco. So I will take New Zealand.

**New Zealand**

Mr. Chairman likewise New Zealand joins with the comments made by the US, UK and the Netherlands.

**Chairman**

Italy.

**Italy**

Thank you Chairman. Yes, Italy at this point with this new version agrees and will agree with what has been said before by the UK, New Zealand and Netherlands and will approve the Resolution. Thank you.

**Chairman**

Thank you Italy. Japan.

**Japan**

Thank you Mr. Chairman. I want to make a clear statement concerning the lack of substance rather kind of aggression on the completion of RMS by putting the new sort of language 'but not limited to' in the second operative paragraph. Before lunch break Mr. Chairman we had a comment from Netherlands, US, UK, New Zealand, Italy and Monaco that they deserved the right to include other things in the RMS and in particular inspection of the market and welfare issues. Mr. Chairman by putting this language of 'but not to be limited to' it is precisely because those members of the Commission keep adding things to RMS, including a proposal received just this year from UK concerning what I repeatedly mentioned that animal welfare issues, that we have been unable to complete RMS, this is the reason for the delay. Because of this language further delay might be strongly suspected and another further delay may be observed, that its exactly what happened in the past, what could happen in the future.

Mr. Chairman I would like to remind the Commission that Article I, paragraph 2 of our Convention clearly says 'this Convention applies to factory ships, land stations and whale catchers under the jurisdiction of the Contracting Governments and to all waters in which whaling is prosecuted by such factory ships and land station and whale catchers'. I suggest that if the members of the Commission took note of this we could complete any implement an RMS with very little additional work so I must resist this concern and together with Norwegian delegation that we must reaffirm our concern that last operative paragraph. Thank you Chairman.

**Chairman**

Thank you Japan. Germany.

**Germany**

Thank you Chairman. Germany could go along with the consensus. Thank you.

**Chairman**

Thank you Germany. Monaco.

**Monaco**

Thank you. Mr. Chairman some of our concerns have also been taken care by some of the adjustment both by Sweden and others, particularly in the second operative paragraph we insisted earlier this morning that new scientific tools should have the possibility to be developed in among the elements and in fact the RMS in 1992 and we can go along with the adjustment proposed. We still have some objection to the timing of the intersessional Working Group and would have preferred to see it later but when you reach a compromise you have to give some and take some. We actually think we are close to probably the vote to achieve a complete RMS with a large majority and since we are very much in favour of very speedy progress on completion of RMS we would not wish to block the process any longer and we will vote for this text.

**Chairman**

Thank you Monaco. Denmark.

**Denmark**

Thank you Mr. Chairman. This is a very sensitive business and it has been a long process to reach a kind of agreement about a draft formulation. I can in the spirit of compromise go along with this but I would have to mention that from our point of view its not necessary to add any more aspects to the RMS than already on the table. Thank you.

**Chairman**

Thank you Denmark. Republic of Korea.

**Republic of Korea**

Thank you Chairman. Korea wanted to have the same views with the comments made by Denmark. Thank you.

**Chairman**

Thank you Korea. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chair. With respect to the last two paragraphs of this Resolution Antigua and Barbuda would be prepared to withdraw its proposal for amendment in the interests of cooperation and in the interests of good spirit

to move the work forward. However, Antigua and Barbuda would like it to be recorded that we strongly reserve, we have strong reservations with regards to these two paragraphs in what otherwise is a very, very, very good Resolution. Thank you Mr. Chairman.

**Chairman**

Thank you Antigua and Barbuda that is very helpful. Sweden.

**Sweden**

Thank you Mr. Chairman. On behalf of the sponsors of document 52/35 the proposed draft text, I just want to put on record that we still think that is the most useful document for the Secretary to use in undertaking the work that we ask the Secretary to do. Thank you.

**Chairman**

Thank you Sweden. France.

**France**

France can accept this text.

**Chairman**

Thank you France. A good lunch seems to help a lot. I take it we can adopt this Resolution if we note the very strong reservations expressed by a number of countries. There seems to be a broad degree even if not absolute consensus. I give the floor to Australia.

**Australia**

Thank you Chairman. I won't comment on the substance of the Resolution. I will note though that for established policy reasons which were eluded to earlier in the debate Australia cannot be part of any consensus on this Resolution and I would ask that our position be reflected fully in the record of the meeting. Thank you.

**Chairman**

Thank you Australia for not blocking. In that case we will adopt the Resolution with all the reservations and comments noted. Thank you. I think I can now close agenda item 12 – RMS.

<b>13. SCIENTIFIC PERMITS</b>
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We move on to agenda item 13 – Scientific Permits and before I give the floor to the Chair of the Scientific Committee Japan wished to give a presentation on this programme which will hopefully guide our discussion.

**Japan**

Thank you Mr. Chairman. Mr. Chairman before we will make our presentation let me briefly state the position of Japan on this matter and I would ask followed by brief intervention of Dr. Kawahara, Director for Far Seas Laboratory to make a presentation to facilitate your understanding on this matter.

Mr. Chairman our proposal programme is important for the management of whales but it is also important from a broader perspective. It is research corresponding to real issues such as consumption of marine resources by cetaceans and pollution. Cetacean fishery interaction has become a major issue worldwide. It is an important issue in the context of wild food security since the estimates are that cetaceans consume 3-6 times the amount of marine resources harvested for human consumption.

In the waters around Japan we have a situation of declining catches in certain fisheries while at the same time the sampling from our research programme reviews that minke whales are eating at least ten species of fish including the Japanese anchovy, Pacific sword fish(?), Wall Eye Pollock and other commercially important species. This issue must be addressed from a scientific perspective and we should not delay given the impending imbalance of wild food supply and demand. For this reason feeding ecology is one of the primary objectives of our proposed research program in the North Pacific. I also need to emphasise that this programme is a continuation of programme conducted from 1994 to 1999 and I must stress that this research will be conducted in the Japanese EEZ and our sovereign right and its very adjacent waters.

In February of this year our Scientific Committee Workshop concluded that the information obtained during this programme had been and will continue to be useful for management of minke whales in the North Pacific. The

Workshop also requested further information on a number of issues and our proposed programme therefore includes sampling to address these questions including stock identification.

Mr. Chairman, with regard to review of Japan's research programme by the Scientific Committee I would like to note that we appreciate its comments and questions received. We made very concerted effort during the Scientific Committee to provide detailed response to all of the questions and indicated our willingness to answer any further questions. It is indeed satisfying that there were substantial scientific interest in the proposal on the part of scientific Committee and that there was no serious questions or opposition to the stated purpose of the research. There was some questions concerning methodologies related to some parts of the programme. We responded to these questions but we also noted that this is a feasibility study and that part of the reason for conducting feasibility study is to examine questions of methodology.

Mr. Chairman, in summary I would like to stress the following points. Japan's whale research programmes are providing valuable information and are addressing real and important resource management issues. Secondly, the whale research programme are perfectly legal under Article VIII of the Convention and sampling does not pose any risks to the whale populations. So, Mr. Chairman, accordingly, allow me to introduce the brief presentation of the North Pacific research programme in using a power point for assisting and facilitating the understanding on the part of Commissioners and the participants here present. Dr. Kawahara will explain.

Thank you Mr. Chairman, ladies and gentlemen, we would like to present you with the research plan for the cetacean studies under the JARPN II. This plan is for the full scale research schedule for year 2000/01 so this a preliminary research plan. Actually this one is half the length of the one we have shown earlier last week so I think you can feel relaxed and enjoy this presentation. So I hope you could move over Chairman and the Secretary to the place where you can see the screen as well.

#### **Chairman**

Thank you Japan. You may not have been aware but the Secretary and I have a private television set in front of us. Thank you for your consideration.

#### **Japan**

The final objective or ultimate objective of this research is to try to make contribution to the conservation of the marine resources including whale stocks as well as the sustainable utilisation of them in the 200 mile zone of Japanese waters, especially in the western North Pacific. So, in conjunction with this research plan we have this conventional stock assessment type research plan for the marine resources as well as different other types of research included and we need to combine them all. So, in this context JARPN II actually focuses upon the ecosystem including the cetaceans. This graph shows the change of the catch around the Japanese waters in the last three decades. The catch continues to decline in 1990 and afterwards. In 1997 for the first time Japan introduced a TAC (Total Allowable Catch). The major purpose for us is to carry out the management and sustainable utilisation of these resources concerned based upon the scientific grounds. So I would like you to understand that this is the background for this research.

There are three objectives of JARPN II, the feeding ecology and ecosystems studies are the subjects which are given the highest priority. For example this includes the prey consumption by the cetaceans as well as the prey preference of the cetaceans and ecosystem model, especially this prey preference of the cetaceans is a very challenging subject over study where we would like to really elucidate so that for the first time we are combining this research on cetaceans as well as the prey species in this.

The second objective is the stock structure to be elucidated, namely minke, Bryde's and sperm whales especially with regard to the minke research, it is to be carried out according to the request by the Scientific Committee. The further objective is the monitoring of the impact upon the cetaceans and the marine ecosystem by the environment. For example, we will implement research on the pollution problem, for example, by the organic-chlorine compounds as well as by the metal metals, for example, organic chlorine compounds include PCB and we will also implement a study upon the abnormal testes observed in 20% of the mature males of the minke in this particular waters concerned in the North Pacific. So, the types of species concerned here are as follows: 100 minke whales per year, 50 Bryde's whales and 10 sperm whales. There will be no selection of size, age nor sex. We have chosen both three species because, as I will mention later on, that these are abundant species and they are supposed to play important roles in the ecosystem. So, more important is not the number of the individuals in the ecosystem but rather the biomass figure in terms of tonnage is more important. When we look at the biomass in the western North Pacific the sperm whale biomass is 3.2 million tonnes, the Bryde's whales

300,000 tonnes and minke 150,000 tonnes and these three species actually comprise the top three species in the biomass. So this pie chart actually or the graph indicates the relative size of the biomass.

Another important point is the ecological niche. As we have selected the subject species taking into account these points as well the current state of the stock. This is an example of the ecosystem model. This model shows that the minke feed on the anchovy and krill in the Pacific Soury and then there seems to be some kind of interaction among the prey species as well. Of course, the fishery will be taken into account into this model so that in the future we hope to make contribution to use this for the future multi-species management in the waters near Japan.

The second point is the objective, stock structure elucidation which is necessary for the management of the cetacean species. Especially that the minkes and the Bryde's whales are necessary for the RMP implementation trials which is currently carried out at the Scientific Committee. Sperm whale study should make a contribution for the future Comprehensive Assessment.

This one is environmental effects on the ecosystem which is for the monitoring for conservation of marine ecosystem. The samples concerned here are as follows: blubber, liver, kidney, muscle and blood samples as well as with regard to the prey species, prey species in the zooplankton and sea water sampled and then the latest equipment is used for the analysis. This shows the necessary sample size and this has been set for the estimation of a prey consumption and to consider the sufficient amount of this prey consumption. We have also taken into account and referred to the necessary number of samples for the other studies, for example, genetic studies and contamination studies. With regard to the sperm whale study, the current research technique is for the minkes and therefore we feel it maybe required to have some modification to the current technique. Therefore initially we need to start out with the limited number of samples. So taking into account all these factors we have determined the required necessary number of samples.

With regard to the impact upon the stock, we determine that we can ignore the impact upon the stock taking into account all these factors for all these species concerned. For this effect on the minke and Bryde's whale, there are different standardised analytical technique in methodologies being considered at the Scientific Committee so we have used them to come up with this technique. However, in this case of the sperm whales, this analytical methodology cannot be applied so we have compared the number of sample size and that of the recent abundance estimate to come up with this figure. As I said at the beginning, that based upon this result we judged, we calculated, that there is no impact upon the stock. This is research methods in case of JARPN, there are two methods used, lethal methods and non-lethal methods. In case of lethal methods the main important area Or point is that we can identify the prey composition in the stomach which is the most important reason for this lethal method. Also, we can obtain the age and internal organ related information as well. Also in a short time the large quantity of data can be obtained which is also the merit of this method. As the non-lethal methods we will implement the biopsy and sighting survey.

I would now like to introduce this latest development of technique in technology to analyse the stomach content. The ingested eaten prey species digested in the stomach in a very short period of time so actually only the hard tissues are observed to remain in the stomach. However, recently the technology was developed to be widely utilised to try to reproduce and then estimate the original prey species from the remaining hard tissue in the stomach. This photo shows the beak of the squid which is equivalent to the teeth of humans. From the shape of the beak we can identify the species of the squid and we can identify the positive correlation between the length, the size of the beak and the body length of the squid. By using this correlation we can estimate the size of the original squid from the size of this beak. The key organisation participating in this are the National Fisheries Research Institute and the Institute of Cetacean Research and the Reports will be submitted to the IWC Scientific Committee and other scientific research organisations. The by-products obtained from all research activities will be processed according and in conformance to the provisions of the ICRW, the Convention. The future research will be configured and designed based upon the results of this feasibility study and the different comments to be submitted from Japan as well as from other countries.

As a conclusion, we can say that this research will provide a significant scientific data and also this is fundamental for resource management and there is negligible impact on whale populations. Thank you very much Mr. Chairman. This concludes my presentation.



## 13.1 REPORT OF THE SCIENTIFIC COMMITTEE

### 13.1.2 NORTH PACIFIC MINKE WHALES

#### Chairman

Thank you Japan for your presentation. Can I now call on the Chair of the Scientific Committee and can I just remind everybody that we on agenda item 13.1.2 – North Pacific minke whales. We will come back later to Southern Hemisphere minke whales. Thank you.

#### Chair of the Scientific Committee

Thank you Mr. Chairman. You will find our deliberations on scientific permits for North Pacific minke whales under our item 16 and in particular 16.2.2, pages 71-74 of our Report and 16.3.1 pages 74-78 and also our Annex P which contains some of the questions and answers and further discussion of some of the sub-committee discussion of the proposal.

I would like to thank the Government of Japan for presenting this very interesting, and much livelier than I could have done from the Scientific Report, summary of the new permit request or proposal. Perhaps I should start however with the review of results from the existing permit and in particular the JARPN Review Meeting. Is that right? Yes I will do that so that is in 16.2.2. We held a Workshop this year to review the JARPN Proposal and its very timely since there is now a new proposal so its nice to see where we've got to with the previous work. The Workshop's Terms of Reference were to review methods and results of the research programme between 1994-1999, assess the further potential of existing data for meeting JARPN and other objectives, evaluate whether the objectives have been achieved. The main objectives of the original JARPN were to determine whether or not the W stock exists and if so to estimate mixing rates between the O and W stocks and secondly to examine the feeding ecology of minke whales in the North Pacific. So they are sort of the other way around from the new proposal. The JARPN surveys started in 1994 with the primary objective of elucidating stock structure and the Committee had expected and indeed found that the workshop report provided it with information on the plausibility of options being considered in the RMP Implementation Simulation Trials for North Pacific minke whales. So, the original three sub-objectives were to assess whether the W stock exist, provide data on mixing rates between the W and O stocks and assess the validity of the O sub-stock hypothesis and quite early in the programme in 1996 the Committee had agreed that the O sub-stock structure scenario should be dropped from the *Implementation Simulation Trials* for North Pacific minke whales and since then that third sub-objective had not been considered. The feeding ecology objective was added in 1996 and in 1999 a sub-objective to estimate the mixing rate between the J and O stocks was added. There have been substantial discussions of the programme by the Committee at the programmes inception and then planning for the review, basically I won't go through that early discussion and I won't go through all the history as you are more interested in what this meeting decided. So, the Workshop reviewed the reasons for the selection of the boundaries for the sub-areas specified for North Pacific minke whales and reviewed sampling methodology and results. Again, I think I can skip through some of the details about where and when samples were collected because the main emphasis is stock structure discussion since that was the primary objective so I am now in the second column of page 72.

The Workshop reviewed past discussions of stock structure and methods of analysis and received detailed reports on investigations of DNA and allozyme structure and other data that might elucidate stocks. There were preliminary views which helped in reaching conclusions which are summarised in annexes to the Report of the Review Meeting and the conclusions were first that from DNA analysis, the revised analyses carried out during the Workshop with commercial data both excluded and included gave a significant effect when sub-areas 7 and 8 on the one hand were compared with sub-area 9 on the other when commercial data were excluded and a small but not significant effect when they were included. So, the Workshop agreed that further analyses should be carried out to explore these findings further and in light of the results agreed that the possibility of some group of minke whales to the east of Japan that differed from the O stock could not be ruled out but the data nevertheless provided a basis to restrict the number of W stock hypotheses that need to be considered in the RMP trials. There were some results from allozyme analysis and the Workshop noted that in theory allozymes provide less resolution of stock structure but nevertheless it is useful to consider results from various genetic analysis and combination and there was also discussion of biological parameter evidence and the conclusion was that while differences in mean conception dates comprise strong evidence for more than one stock, it is less certain what inferences can be drawn in the reverse situation.

Going over the page there were further considerations from morphological and morphometric analyses and pollutants, parasites, stable isotopes and other analyses but more information on the latter are needed, more information on residence time and accumulation effects are needed to interpret the latter and in the case of the

former there were many tests done so it is a little hard to assess what is test significant at the five per cent level meant.

In summary the Workshop agreed that some of the difficulties experienced in discussing stock structure arose from lack of clarity in the Committee as to what constitutes a stock and this is one of the things the Scientific Committee has been struggling with. It basically relates to dispersal, that is whether you need to define separate stocks for management purposes relates to how much dispersal there is between different populations or areas. So in that context we get into trying to define mixing rates between stocks for the purposes of the trials and the Workshop agreed that it would be premature to draw conclusions on the extent of the possible presence of W stock animals west of sub-area 9 prior to completion of further analyses. The Workshop agreed that if there was a W stock there had also to be a non-negligible level of dispersal between this and the O stock.

Going on to the next column which deals with estimation of mixing rates between J and O stocks. Estimates of the proportion of J stock animals in sub-area 11 by month and sex were reviewed and there was a need to examine sensitivity of these results to the omission of the samples for the west of sub-area 9.

As far as implications for *Implementation Simulation Trials* it was noted that the variety of assumptions about the proportion of animals in sub-area 12, the Okhotsk Sea, that may originate from the hypothesised W stock. We don't have data from JARPN for this sub-area in the Russian EEZ so to clarify what hypotheses are plausible it would be very useful to have further genetic samples from particularly sub-areas 12 and 9 and possibly 8 to narrow down this W stock hypotheses.

Feeding ecology was considered briefly and I think I won't go into details there because, as I say, the main focus of the Workshop was the stock structure work but it was noted that consumption calculations were performed only for August and September which was all that could be done with the sampling design used in JARPN so far and if you really wanted to get a quantitative measure of temporal and geographical changes in minke whale diets you'd have to do more extensive sort of sampling and therefore the first JARPN couldn't really extrapolate to annual consumption of the entire population and the Workshop noted that these ecology investigations were only a feasibility study so it is not surprising that conclusions couldn't be drawn. Basically the Workshop considered the study to be successful within the limitations that it was really designed primarily for the stock structure investigations.

I think I can skip down to the conclusion that it is necessary to obtain an improved understanding of the distribution and abundance of prey species to better understand the dynamics of minke whale food choice and consumption so it recommended that acoustic and trawl surveys designed to address such questions should be conducted concurrently with future whale surveys if possible and clearly in designing JARPN II that is exactly what Japan is doing.

There was a note about Commission Resolution 1999-2 and the Workshop noted that it had not discussed item (b) namely whether the information could have been obtained by non-lethal means but it did agree that information in response to item (a) that information obtained during JARPN had been and will continue to be used in the refinement of *Implementation Simulation Trials* for North Pacific minke whales.

There were two more recommendations which were that research potentially employing new technology should be undertaken to find the breeding grounds of these whales and that age composition data should be analysed further to provide more useful information that could be used in the *Implementation Simulation Trials*. The Scientific Committee endorsed the recommendations of the Workshop and some of the matters that the Workshop dealt with were considered further by the Sub-committee on the Revised Management Procedure and actually used in re-specifying trials.

With respect to the question of non-lethal research methods, the Committee referred to its previous discussions on this subject noting that no consensus view was reached.

So that concludes our discussion of the review of the existing proposals. Shall I go right ahead and talk about our comments on the new one? OK I will do that.

I can skip over quite a bit here because Japan has presented in a much nicer way the background and the substance of the proposal so I will start at the top of page 75. The major discussion of the components related to the stock identity of minke and Bryde's whales took place in the Sub-committee on the Revised Management Procedure whilst that related to pollutants took place in the Standing Working Group on Environmental

Concerns and I had asked Committee members to produce Working Papers with questions and comments on the proposal because I felt that having things in writing would make it much easier given our limited time during the meeting to consider things so these Working Papers as well as the Sub-committee discussions are all included in Annex P which gives things in much more detail than I am going to be able to here so I refer to you that Annex if you are interested in details.

The Commission's attention is drawn to the fact that there was insufficient time to fully discuss each of the questions or comments made to the proposers of the proposal nor the responses they received. However, the authors of Annex P3 which was the questions whilst appreciate of the effort made to answer their points indicated that the replies given in Annex P4 did not fully satisfy all their concerns even though considerable time was spent addressing some of the questions raised. The proposers indicated at the end of the discussion as I believe Japan has indicated this afternoon that they had tried to respond to the questions in detail and they were willing to respond to further comments and questions after this meeting so what follows on the next couple of pages is a sort of summary of discussions of the proposal broken down under the headings and the guidelines that the Commission has asked us to use in evaluating research proposals. So, I won't repeat those guidelines because you make them so you know what they are and they are all printed at the beginnings of each section so regarding the proposal you've already heard in Japan's presentation about what the objectives of the research and the numbers of animals taken and so forth will be and one of the guidelines wants to know the sex and size of animals and as Japan noted since they will be doing random sampling they can't specify that at this time.

There were some questions raised about the more detailed objectives of the sub-projects and I am not sure whether I should go into a lot of detail about the discussion back and forth. I think you can read it if you want to see it and I think maybe I will close and let people ask questions if they have questions because I have a sense I am talking too long.

#### **Chairman**

Thank you Chair of the Scientific Committee. You have done well. Can I open the floor for any comments on the JARPN II proposal or the matters raised by the Chair of the Scientific Committee? Italy.

#### **Italy**

Thank you Chairman. The IWC has spent several years developing and refining a research programme to study pollution, this is called Pollution 2000+ and it features certain species and biomarkers and it focuses on PCBs mostly. This research proposal, the JARPN proposal has no relationship to the IWC Pollution Programme and this point was made in the Scientific Committee. Furthermore Italy had sent a team of three scientists to the Scientific Committee who were experts in pollution and biopsy. Their working paper can be found in Annex B, page 11 of the Scientific Committee Report. My understand is that their paper was never discussed but was tabled alongside a response from the Government of Japan and now I see that Japan's response is presented as document IWC/52/31. I would like to know why non-lethal approaches were not properly discussed. Non-lethal approaches have been repeatedly advocated by the Commission and once again Japan has refused to acknowledge the usefulness and appropriateness of this rapidly evolving non-lethal approach. Thank you.

#### **Chairman**

Thank you Italy. Any other comments? Netherlands.

#### **Netherlands**

I am not sure Mr. Chairman whether I should make this comment now or under action arising but I think that I would to say something both about the general aspects and the scientific aspects of this programme. So, if you would allow me I will do it now. The Netherlands is of the opinion and this is not new Mr. Chairman but it is still relevant to our discussion of this programme and therefore I repeat it. We are of the opinion that the granting of special permits for research involving the killing of cetaceans should be limited to exceptional circumstances where the research programme addresses critically important research needs for the management of whaling and where alternative sources of data are not available and non-lethal methods of research cannot be used. We regret that despite various IWC Resolutions affirming that the current lethal research programmes of Japan do not address critically important research needs, Japan continues to grant permits under these programmes and to allow the meat and the other products of the catch to be traded commercially.

The Netherlands is particularly concerned about the proposed extension of the North Pacific research programme by an annual catch of 50 Bryde's whales and 10 sperm whales. It would be the first time that these species would be hunted since the moratorium took effect in 1986 and this will widely be regarded by the outside world as a new threat to these depleted species. In addition, we have serious misgivings about the scientific merits of

the proposed JARPN II. First of all we think it is highly unlikely that with the same size and the methodology proposed the objectives of the programme will be achieved. This is particularly true for the sperm whale and the Bryde's whale component.

With respect to the pollution component the proposed technique will not allow in any view in our view adequate monitoring of pollution trends, neither for temporal not for spatial variation. So in our opinion this pollution component does not contribute to the overall objective of ecosystems monitoring. For monitoring pollution trends as part of a comprehensive environmental monitoring system, there are other much more appropriate organisms and a biotic element than cetaceans to measure geographical changes as well as changes over time.

So Mr. Chairman, the Netherlands is of the opinion that the Japanese research whaling programme as proposed is not in conformance with the spirit of the International Whaling Convention and ignores the opinion of the majority of the International Whaling Commission's membership and we therefore urge Japan to review its programme by limiting the use of lethal research methods to exceptional situations and by totaling refraining from the use of such methods, of course, in the Southern Ocean Sanctuary and not to extend the JARPN Programme to new species. Thank you Mr. Chairman.

**Chairman**

Thank you Netherlands. Monaco.

**Monaco**

Thank you. Well Monaco has always expressed its serious reservations on the scale and appropriateness of lethal takes to answer scientific questions in the JARPN Programme and we certainly associate ourselves with the relevant comment made by Italy and Netherlands in this regard but we have a further comment.

Italy has related that certain scientific papers which have been prepared with care have been tabled at the Scientific Committee level and Monaco has often raised doubts also, serious doubts, about the internal procedures of the Scientific Committee as far as allowing flow of information during its meetings. Science proceeds by free exchange of information and access to serious data provided by scientists who are doing their job and we would like to ask the Chair of the Scientific Committee if she would mind commenting on the basis for the decisions that she must have made. Thank you.

**Chairman**

Thank you Monaco. New Zealand.

**New Zealand**

Mr. Chairman I wish to associate New Zealand with the comments that have been made by Italy, Netherlands and Monaco. I would also like to draw the Commission's attention to page 75 of the Scientific Committee's Report where at the bottom of the first column reference is made to Annexes P3 and P4. Annex P3 was drafted by a number of scientists who presented a list of twenty-six questions to the proponents of JARPN II seeking clarification on a wide range of issues. That list of twenty-six questions Mr. Chairman was euphemistically described by Japan in introducing this topic as some questions and I have got to say Mr. Chairman that is fairly typical of attempts to downplay the opposition and play up the support for this particular proposal from the Scientific Committee perspective. Annex P4 was the response by Japanese scientists to those questions.

Mr. Chairman before I turn to substantive matters I also draw your attention to footnote number four on page seventy five in which the authors of P3 record their strong objections to the opening sentences of P4 and indeed that opening sentence is to all intents and purposes repeated in the document IWC/52/32 which has been tabled by the Government of Japan for consideration in this debate but quoting from the Scientific Committee document P4 the Government of Japan said that it 'appreciates the detailed comments submitted in regard to the proposed JARPN II Plan'. These comments claim Japan indicate substantial scientific interest in the proposal on the part of the Scientific Committee as well as its recognition expectation concerning the value of the expected research results. Mr. Chairman I have got to say that on my understanding that is a totally incorrect interpretation of the comments in question within the Scientific Committee. Now Sir I have remarked on previous occasions about the use of comments taken out of context to provide a totally misleading impression of the view of the Committee. Here again is an example of that sort of misrepresentation, misrepresentation of the facts of the debate and I am not surprised that the authors of P3 registered their strong objection to this attempt to characterize their views as being in any way supportive of JARPN II or the value of its results. Mr. Chairman, my understanding is that the authors of Annex P3 and indeed many other members of the Scientific Committee were dissatisfied with all but one of the answers provided to the twenty six questions. I could provide a very

long list of the concerns that were raised but I intend Sir just to focus on three of them and indeed they are three that have actually been highlighted in the presentation that we saw a short time ago.

First it is very clear that the primary objective of the proposal is more concerned with the feeding ecology of whales than with management issues that are of vital importance in the comprehensive assessment. You will recall, Mr. Chairman, frequent references to feeding ecology and competition with fish.

Secondly, historical samples from previous commercial whaling operations aren't being used in JARPN II allegedly because fresh samples are required. I am advised, however, that historical frozen samples have been used very recently by a Swedish scientist who found that the DNA extracted from these was of very high quality and eminently suitable to establish stock structure.

Thirdly non-lethal sampling of Bryde's and minke whales may in fact provide the best information on stock structure. Indeed, the US National Marine Fisheries Service reports a 36% success rate for biopsy sampling of Bryde's whales during its research cruises. It appears, Mr. Chairman, that with a bit of practice the concerns identified by Japan in IWC 52/31 can indeed be overcome. Mr. Chairman we had presented to us earlier what was described as a feasibility study and, of course, we all know that feasibility studies do not necessarily represent the final outcome and that in many respects there may be changes, there may well be even further changes to which we object. All in all Sir this is an inappropriate and ill considered proposal, it deliberately and in a quite calculated manner, raises the whaling debate to a new and unnecessary level.

New Zealand strongly urges the Government of Japan to take account of the comments made by the Scientific Committee, all of the comments, and the opposition expressed by delegations to this meeting and indeed by public opinion around the world to reconsider the JARPN II proposal and to withdraw all elements of lethal research from the programme.

**Chairman**

Thank you New Zealand. China.

**People's Republic of China**

Thank you Mr. Chairman. I heard very carefully the interventions before me, the five speakers. Geographically speaking these five countries are far away from the North Pacific Ocean so as one coastal country in that area we are much concerned, as I said yesterday, about the competition between the cetaceans and fisheries. China has eleven million people directly involved in the fisheries so we should have much concern for this issue so in that case we would like to support the Japanese scientific permit project. Thank you Mr. Chairman.

**Chairman**

Thank you China. Sweden.

**Sweden**

Thank you Mr. Chairman. I just wanted to pick up on one of the comments by New Zealand that was they were referring to a Swedish scientist in their intervention. This Swedish scientist happens to be on our delegation and we can confirm that historical samples are well suited both for mitochondrial DNA controlled region sequence analysis as microsatellite analysis. He can give further details if that is needed. Thank you.

**Chairman**

Thank you Sweden. Does the Chair of the Scientific Committee wish to comment on the questions raised? Thank you.

**Chair of the Scientific Committee**

Yes since a direct question was raised to the Scientific Committee I would like to say that perhaps I stopped too soon. Perhaps I should have gone through our deliberations because in fact many of these points that are being made you will find in the discussion and I completely agree that concerns such as using frozen samples were raised and discussed.

Regarding the issue of lethal versus non-lethal research on the second column of page 77, we record what our discussion was about that towards the end of that column and basically reflect that the Scientific Committee could not reach agreement on this issue. But certainly a question was raised that there are some papers that we do not consider always in the Scientific Committee. We consider all papers that are submitted that address agenda items and that we have time to consider so I am not sure what the speaker was referring to but there was

certainly no censoring of papers and there was certainly no censoring of discussion on the lethal versus non-lethal issue.

I think the paper in question is referred in that discussion and its Annex P5. So it is there.

**Chairman**

Thank you Chair of the Scientific Committee for that clarification and can we move on to action arising? No. Norway, UK and US. Norway.

**Norway**

Thank you. Japan emphasises that the main scientific questions addressed in this JARPN II research proposal is related to feeding ecology of three important whale species in the western North Pacific. This information is critical for future multi-species management of the fish resources in these waters. All other research objectives will be by-catch, if I may use that expression, since the main objective is related to the management of fisheries most of the guidelines on objectives on page 76 in the Scientific Committee Report from this Commission, most of them related to comprehensive assessment of whale stocks are irrelevant but guideline 4 in the first column on page 76 specifies the research addresses questions that should be answered in order 'to meet other critically important research needs other than what is related to the management of whales and comprehensive assessment of whale stocks'. Knowledge on species interaction with the aim to improve the management and harvesting of living marine resources is certainly critically important research need today.

The debate today gives me a kind of déjà vu feeling. Back in 1988 Norway presented very similar plans for a similar feasibility study of the feeding ecology of minke whales in the Barents Sea and the North Atlantic and three years later our plans for a full scale three years research programme was presented. On both occasions the Norwegian research plans were criticized in very similar language by leading countries in this Commission. The plans were immature, Norway did not have sufficient background knowledge, there was a lack of methodology etc etc and most important the view of scientists from other countries, the research objective was not important. Thirteen years have passed since these very critical comments were made by members of this Commission. However, the critical comments have all been proven wrong. The research has, of course, not been completed and it has been difficult and it has taken time and we have made some faults and corrected the faults just as research is usually done and there is much work still to do. But Norwegian scientists, in collaboration with Icelandic scientists, are now making valuable contributions towards multi-species modelling and management of fish stocks and marine mammals in the North Atlantic. Our model calculations and our results are currently of great interest to fishery scientists including scientists of the US Fishery Labs and as one of the senior scientists told me only a couple of months ago 'it's a very important research you are carrying out and Norway is the only country in the world that could carry out this type of research programme'. Well there is one other country, Japan. To Norway, it is very important that another country with very large research facilities seriously enters this important field and we are looking forward to close cooperation. It is difficult for me today to listen to the same kind of critical comments as we heard thirteen years and ten years ago and I am sure Japan and Norway together will supply the world with critically important research needs for the future management of marine living resources, fish and marine mammals. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. I wouldn't worry too much about déjà vu. A lot of us have experienced it. UK.

**UK**

In speaking on this Chairman am I right in thinking we can move onto matters arising?

**Chairman**

I want to finish the general comments and then I will move onto matters arising. I have one other speaker. US do you want to speak on general or matters arising? St. Lucia can you wait also or do you want to speak now? Can you wait until matters arising? In that case I will move to matters arising and Japan can you wait for matters arising as well? A different point, OK I will take Japan then.

**Japan**

Thank you Mr. Chairman. I felt I had to respond. I lived in Italy for three years so I think I am clear what Italy is doing in the Mediterranean Sea. There were different comments indicating that the non-lethal methods could be used for all types of applications and it could serve for all the purposes. However, to refute to that we have circulated IWC/52/31 which shows why the non-lethal method alone cannot solve those matters and then especially the back page of this document 52/31 clearly shows a list of the things.

I think it was the distinguished delegate of New Zealand who referred to this success rate of biopsy in the US. I think for biopsy success rate of some percentage of Bryde's whale and actually in the North Pacific this success rate is .17 as shown in the IWC document IWC/52/31.

So if there is such a high success rate of biopsy sampling data available we would really like to be supplied with such information. For example, as shown here at the bottom of this document it says the biopsy sample figure like .07 and so on is indicated but if you have a better success rate information please let us know as I am interested but generally speaking the species of whale subject to the whalewatching and so forth are different from the species who are studied and researched. For example, humpback whales that people go whalewatching tend to move so slow so the success rate for such animals, the biopsy sampling success rate should be higher than the minke or sperm whales we are talking about and Bryde's as well.

I think it was the distinguished delegate of the Netherlands commented that the Bryde's whales and sperm whales stock in depleted condition was something I think he said that. However, if you are talking about the minke population in depleted condition and say such a thing at the CITES forum. In other words, such a statement I think is so misleading or misinformation and therefore I would like you or maybe you do not know exactly the status of the stock population of the ones that you are concerned so I would like you to correct that point.

With regard to this sample or the historical sample being analysed by the Swedish scientist. Well the Japanese scientists were kind enough to provide a sample to the Swedish scientist, that is a sample of the sperm whale, so we appreciate that they analyse as well and the analysis can take place on those historical samples as well. However, now we are talking about the different samples, for example, the plan considers the possibility of this sampling in the inside and the near waters of Japanese EEZ, 200 mile zone, and those samples were never taken and actually the situation will change in twenty years so what was true with a sample twenty years ago is not relevant or does not represent a status quo, it's just like your child growing like a weed and they change and grow so big and different.

Returning to the question raised by the New Zealand delegate saying that out of twenty six questions raised he received only one satisfactory answer. We are always willing and prepared to be engaged in scientific discussion at anytime and we are prepared to be engaged in that discussion any time. However, I am not really here to defend the Chairperson of the Scientific Committee. However, the Scientific Committee, they had nine hours of discussion on this. After that long discussion at the Scientific Committee if you feel you didn't exhaust the discussion, of course at the end we said clearly that we are always prepared to have a scientific discussion and if you have those twenty five questions and you would like to continue discussion we are willing and prepared to be engaged in such discussion and we clearly stated that at the end of the Scientific Committee Meeting but it has been some time since the end of the Scientific Committee Meeting but in the meantime we didn't get any contact from your scientists about those points or to have a discussion and so forth. Your scientists seem to have just said that they didn't have enough time or they are just concerned.

Japan is an archipelago island country surrounded by the sea so we have a higher and very important dependence upon the fish and cetaceans, the whales, and that such resources around our waters which is fundamentally different from the position of New Zealand, Australia and the US because food security is an important concern for us and therefore we truly and sincerely want to protect the ocean and then we are in a position to utilise this blessing, the riches from the ocean and from that standpoint we are very serious and earnest in this matter and over several thousands of years since time immemorial we have been using the ocean and then we would like to continue to receive that benefit from the ocean so I would like to clarify that point. Thank you.

#### **Chairman**

Thank you Japan. Could I ask delegates to be brief please. We don't want to spend another nine hours. I have Netherlands, Italy and St. Lucia who I understand want to talk on the general comments. Could I ask you to be brief please and I want to move to matters arising and try to finish the matter arising on this at least before coffee. Netherlands.

#### **Netherlands**

Thank you Chairman. I shall be brief but I wanted to respond because I have been accused of making misleading statements and I want to put that right. What I said was that the programme as proposed by Japan was an extension of fifty Bryde's whales and ten sperm whales causes us concern. It would be the first time these species would be hunted since the moratorium took effect in 1986 and this will widely be regarded by the

outside world as a new threat to these depleted species by which I meant Bryde's whales and sperm whales. Now while there are no exact estimates of the current population sizes of the Bryde's whales they are estimated to number between forty and eighty thousand animals but it is noted that tens of thousands were killed. Now, only the sperm whale, the estimated pre-whaling populations numbered possibly three million species and now it is generally recognised that the total populations number well below two million animals so I think it is fair to say that these species are to be considered as depleted species. I have never mentioned the minke whale neither here in this Commission nor in CITES framework as a depleted species. But the point was, of course, with regard to the Bryde's whale and the sperm whale that including these species in the JARPN programme does not contribute at all to, in our view, to the stated objective. In fact I think that if, we do not agree with the objectives of the JARPN Programme on this point, but if Japan was serious about meeting that objective, I think that the catch would have to be much higher than what they are proposing. Thank you.

**Chairman**

Thank you Netherlands. Italy.

**Italy**

Thank you Chairman. While I feel compelled to commiserate the distinguished delegate from Japan to having to spend three full years in Italy I want to tell him that maybe that was several years ago and just by having a quick glance at the Annual Reports that countries provide to the IWC on their scientific results, the situation might have changed slightly from where he was suffering in my country. The other thing I wanted to say and then I close because I certainly don't want to transform this plenary into a bilateral is that actually my understanding that although there were nine hours of discussion of this subject the scientists from Italy didn't have a chance of discussion. Their paper was tabled and perhaps a great part of that discussion was taken by translation from Japanese into English and back. I close it here. Thank you.

**Chairman**

Thank you Italy. St. Lucia and after St. Lucia I am closing for comments and moving to matters arising. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman I come from a small island in the Caribbean region which neither has the human capacity nor the financial resources to undertake large scale research in support of fisheries. The research which Japan proposes to undertake under JARPN II with all the right under our Convention of course Chairman will hopefully give us some idea on the competition which exists between cetaceans and fish among other things. At a time Chairman when the FAO is concerned with the decline in world fish catches and likewise my government's concern with food security and feeding our people I want to associate myself with the work which Japan proposes to undertake and we wish to give them all support and encouragement to do this.

<b>13.2 ACTION ARISING ON NORTH PACIFIC MINKE WHALES</b>
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**Chairman**

Thank you St. Lucia. OK can I now move to matters arising in relation to the North Pacific minke whales. We can note the Report of the Scientific Committee and there is a Resolution IWC/52/36. UK.

**UK**

Thank you Chairman. In speaking to this Resolution I listen with interest to the presentation by Japan of its proposed JARPN II programme and it is very clear from the concern of scientists and also the comments of a number of countries, countries like New Zealand and others of which I would like to associate myself with but there are grave reservations about this particular proposal. Might I also say at this point Chairman that in relation to how it relates to fish stocks I have been involved in fishery management policy since 1989 and in relation to fish stocks and I have seen many graphs of declining fish stocks over those years. Compared to increased fishing effort, improved technology, gear, horsepower and design of vessels, over fishing, discards of fish, illegal international fishing, poor enforcements and control, pollution, global warming, loss of coral reefs, estuary siltation, coastal development, whales and the impact on fish pale into utter insignificance compared to those particular issues and frankly it seems to me a very strange set of priorities in dealing with fisheries research and management that a programme of this would be implemented.

But our concern Chairman is not just on the scientific basis and indeed as we have heard there are serious reservations about that but also we have political concerns about this particular proposal. This proposal, and in particular the plan to extend whaling under special permit to take sperm and Bryde's whales raises major issues



which is why the UK together with a number of other countries have raised this issue with the Japanese government at a very high level and if the programme proceeds we will vigorously continue to do so and we will not hesitate to raise this issue in every way that is available to us.

Since 1985 when the moratorium was introduced, most members of the IWC are opposed to whaling under special permit and it is clear from the majorities obtained for successive Resolutions condemning Japan's so-called scientific whaling and asking for it to halt this activity, and I speak here for all the co-sponsors, do not believe that scientific research can justify the large scale killing of whales and that, except in the most exceptional circumstances, such research should be conducted by non-lethal means. Studying cetacean prey interactions is in the sponsors view not such an exception. Killing whales on this scale as part of a research programme raises questions of scientific ethics.

I will remind the Commission of Resolution 1998-4 which quotes the views of a number of eminent members of the international scientific community who have grave concerns over the continuation of lethal whale research programmes which were specified in a letter to the Chairman of the Commission. In particular they stressed that moral and ethical issues are properly raised when a single research programme results in over two and a half thousand cetaceans being killed over eight years with a prospect of another eight years to come and that whale meat and other whale products resulting from lethal scientific whaling are being sold in commercial markets while a moratorium on commercial whaling remains in force.

I also note the commercial value to the Japanese government of special permit whaling which is now almost the only legitimate source of baleen whale meat on the Japanese market. This value would be considerably enhanced if fifty Bryde's whales which can be four times as large as a minke whale and I understand yield higher value whale meat were killed.

Chairman we have heard a lot this week about the original purposes of our Convention. In this connection I do wonder whether the drafters of Article VIII could have envisaged this Article being used to permit whaling on a commercial scale outside the control of the IWC. For all these reasons the UK government, and I know I speak for the other co-sponsors, remain strongly opposed to Japan's whaling activities under special permit. We have consistently made our concerns known to Japan but Japan's current plan to extend its whaling to take two additional species of great whale raised our concerns to new levels. Both sperm and Bryde's whales were heavily hunted in the past and the extent of their recovery is uncertain. More than this these plans represent a major extension of pelagic factory ship whaling. It was such whaling driven by commercial pressures which brought many whale species close to extinction and if commercial factory ship whaling ever resumed I do not believe that the most sophisticated management system could withstand the commercial pressures there would be to maintain returns on investment. Moreover, are Japan's plans limited to Bryde's and sperm whales, there were hints in our discussions on Monday that humpback whales are next on the list. My government is concerned that these plans represent not just a feasibility study for research programme but also a feasibility study on the resumption of full-scale pelagic whaling. I hope these particular concerns are unfounded. I also hope that Japan will reconsider its plans on JAPN II. As I have said the UK regards this as a very serious issue and it is one we will continue to pursue the Japanese government both bilaterally and multilaterally. I very much hope therefore that Japan will decide not to proceed with this planned programme which very much flies in the face of world opinion as well as having dubious scientific ability. Thank you Chairman.

**Chairman**

Thank you UK. US.

**USA**

Thank you Chairman. The United States is a supporter and a co-sponsor of Resolution 52-36. With respect to Japan's research whaling in the North Pacific, the United States has grave concerns. So let me state as clearly and as strongly as I can that the United States does not support the expansion of lethal scientific whaling in the North Pacific and we have raised our concerns to the highest levels in the Japanese government. In fact we continue to have serious concerns about the minke whale portion of the proposal and do not believe that the objectives of that portion is providing useful information to the Scientific Committee. We note that the minke whale products that are taken under the scientific permit are sold and widely distributed in domestic markets which perpetuate consumer interest in whale products even though public interest has been on the decline for a number of years. Our concerns are magnified due to the proposed expansion to Bryde's and sperm whales. Further we are very concerned where this expanded research programme may be heading.

We are not at all comforted with Japan's comments on this matter when their scientific representative said at the Scientific Committee Meeting that and I am quoting from the Scientific Committee Reports 16.3.1 'this was a feasibility study for a highly ambitious research programme involving multi-disciplinary research and involving a wide number of Japanese research institutes'. The Scientific Committee has in no way endorsed the original programme and the Commission has past Resolutions against this programme in the past.

The Scientific Committee has particularly raised very significant concerns with regard to Japan's proposed expansion to Bryde's and sperm whales. Specific concerns raised in the Scientific Committee include the new research on Bryde's and sperm whales is not required for the purposes of management. Second, Bryde's whale samples do not relate to implementation simulation trials and sperm whale samples will not provide any useful information needed by the Scientific Committee or Commission. Third, in addition many of the objectives of the proposals could be studied using non-lethal means.

For these reasons the United States takes major exception to Japan's proposed expansion this year and urges Japan in the strongest terms not to proceed with its programme. Our proposal simply says two things. First, that the science is not necessary and second, that the information on stock structure should be obtained using non-lethal means and third, ask the Government of Japan to refrain from issuing a special permit for whaling under JARPA III. Thank you Chair.

#### **Chairman**

Thank you US. Australia.

#### **Australia**

Thank you Chairman. We would like to strongly endorse the remarks made by the United Kingdom and the United States. We would, however, like to introduce another line of argument into the debate. Japan and others have frequently presented to this meeting and to previous meetings legal opinions about the validity of actions and decisions taken by the Commission. Mr. Chairman, Japan in its opening remarks on this agenda item made reference to its right under Article VIII of the Convention to issue permits in this regard. There have, however, been some recent developments in international law which pertain to that right and with your discretion Chair I would like to pass the microphone to my legal adviser to expand on those.

Thank you Mr. Chairman. As my colleague has just stated, Japan has at this and at previous meetings referred to its legal rights under the Convention in particular situations and indeed in the context of scientific permits it relies on the clear words spelt out in Article VIII of the Convention as giving its sovereign rights unilaterally to issue such permits. However, Mr. Chairman, I would now like to bring to the attention of the Commission some recent developments in international legal practice and precedent which for many international lawyers raise the possibility that Japan might not be acting properly within its legal rights when it issues scientific permits. These reservations are based on the proposition that the rights set out in Article VIII while very wide are not unfettered, rather they are qualified by the well recognised international legal doctrine known as abusive rights.

If I may Mr. Chairman, very briefly, amplify for the benefit of the Commission the principles of this concept. Let me say it is one of the so-called general principles of law which are recognised as sources of international law under Article 38(1) of the Statutes of the International Court of Justice. The concept has been variously defined with the eminent international legal scholar, G.T.S. Taylor, characterizing it as follows. He said that no state may exercise a power for a reason contrary to the purpose for which international law contemplates the power will be used. Similarly this concept is expressly adopted by the 1982 Convention on the Law of the Sea where Article 300 of that Convention provides the maritime rights of states must be exercised so as not to abuse the rights of others. Now the abusive rights doctrine has long been referred to by international courts, for instance, in the cases entitled 'Certain German interest in Polish Saleesia of 1926', 'The Free Zones Case of 1932', 'The Barcelona Traction Case of 1955', 'The South-West Africa Case in their second phase of 1966' and so on. This confirms that the doctrine is a general principle of international law but until recently the courts had not had occasion to actually apply the concept other than as an indication of what the law would have held if the facts had been different and because of this the principle has arguably lacked legal content.

The recent decision, however, in late 1988 of the World Trade Organization's appellate body in the shrimp turtle case had however expressly found liability to apply under the abusive rights doctrine. That court found and I quote 'it found that a balance must be struck between the right of a member to evoke an exception and the duty of that same member to respect the treaty rights of other members'. That case further stated that the doctrine of an abusive right would serve to and I quote 'prohibit the abusive exercise of a state's rights and in joins that

whenever the assertion of a right impinges on the field covered by a treaty obligation it must be exercised bona fide, that is to say reasonable' and I end the quote.

So, Mr. Chairman, I think it is clear that there is no doubt that the principle is established. The question is does it apply in the case and in recent years various legal academics including one of Australia's leading international lawyers, Professor Gillian Triggs, have raised the possibility that Japan could be judged to be abusing its sovereign rights when it issues scientific permits to take whales. Specifically, in a leading academic law journal, Professor Triggs, has asserted that the concept may apply to Japan because to quote her, firstly Japan undertook no scientific whaling prior to the adoption of the zero quota and of the moratorium and only issued permits after that moratorium came into effect. Secondly, that Japan continues to do this despite its repeated Resolutions to the IWC calling upon it to halt all its whaling activities including in sanctuaries and including under scientific permits and thirdly, Professor Triggs, asserts that the evidence available indicates that whaling by Japan is conducted for overwhelmingly commercial and cultural purposes and not primarily for the purpose of scientific research. In her view this could be judged to constitute an abusive rights under the doctrine that I have just described. Thank you Mr. Chairman for allowing Australia to draw these relevant legal opinions to your attention.

**Chairman**

Thank you Australia. Norway.

**Norway**

Thank you Mr. Chairman. We have now heard, or a little while ago heard the Japanese presentation of the JARPN II programme as well as the professional evaluation or assessment provide by the IWC scientific Committee and we have also heard the additional remarks by a member of my delegation who is also a member of the Scientific Committee. Mr. Chairman to say, as I believe the United States delegate did, that the Scientific Committee has not endorsed the programme is in my view stretching the matter a bit far. Obviously, it's the very task of the Scientific Committee to formulate pertinent questions, questions pertinent to any research proposition because that's the very way scientific investigation works. So, we believe that the scientific merits of the Japanese programme should provide sufficient ground for us to oppose the Resolution proposal and even if that was not so we would like to point out that in terms to the International Convention for the Regulation of Whaling, Article VIII, such a Resolution as this one should have not been tabled in the first place. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Japan.

**Japan**

I observed that since the people who had expressed a repugnant views do not feel that they can have the scientific discussion on equal footing with Japan and maybe that is why you are resorting to use political aspects or trying to do it at a different level or higher level or whatever that you say which seems to be irrelevant from the point of discussion. That is what I observed and then after observing your attitude I felt disappointed and I think that shows rather that with regard to the scientific knowledge is concerned I think your capability or capacity may not be really deep enough to refute to our scientific discussion.

With regard to this Article VIII, it refers to the by-products and then the primary products are the scientific information and then I think the legal expert I think from Australia was talking about that quite often. I had experience in other international legal framework that quite often jurists or the so-called legal experts do not sometimes really understand the actual situation. The Article stipulates the by-product meat should be sold but however in your respective country's past whaling industry during that era I think you discarded the meat in the ocean.

Referring to what happened at the CITES, that is to represent the global and world opinion on these matters especially with regard to the concept of sustainable use, when Norway made the last proposal for the downlisting of the CITES actually the majority of the countries continuously supported the Norwegian downlisting proposal two times consecutively and actually Japan's proposal also received more than fifty countries support so that shows the majority actually globally so your view which seems to be expressed here represent the minority.

I think earlier the distinguished delegate of the US referred to the fact that something like research or science is not necessary or not required, I think that was something he said and in RMS and other schemes if you just try to set the quota of the catch level to zero catch limit then for that kind of approach no information or no research is

needed for that type of approach. However, in order to sustainably manage and with safety to manage the resources you need the information and the research and that is a sort of simple fact there.

Some of you are advocating strongly to promote the non-lethal research. If you are that earnest and enthusiastic please go ahead and design such non-lethal research and then implement it on your own just like Japan is doing its own research work and in the last seven years the people seem to be talking about this non-lethal research promotion but nobody has actually designed and implemented such a thing on your own so I would like to really see that you do it.

The word ambitious seem to have been used rather derogatively earlier by the distinguished delegate of the US but this highly ambitious word is taken rather positively in Japan because of our past experience with Dr. Clark who came to Japan a long, long time ago and then encouraged the Japanese students by saying 'boys be ambitious'.

We heard the explanation by the Australian legal expert and the lawyers I think tend to be quite creative but let us now recognise the real actual situation. Actually the moratorium is now in place and then you said that the Japanese research was not carried out before the moratorium was put in place but actually the moratorium itself was introduced without founding or grounds of scientific information by disregarding the scientific information so actually this moratorium itself is in contravention to the provision of the Convention by the majority force the moratorium was just put in place so if the lawyers are interested in criticizing or suing or whatever I think the people who introduce the moratorium themselves should be the target of the criticism.

#### **Chairman**

Japan. I am sorry to interrupt you but I am ambitious too. I am ambitious to finish this item before coffee and I am also ambitious to finish our agenda by 5.30 so could I ask you respectfully to be brief please.

#### **Japan**

OK. Turning to the Southern Ocean Sanctuary, the Southern Ocean Sanctuary itself is in contravention, is against this provision of the Convention and Japan has filed objection to that. Actually those who are abusing the stipulations of the law itself is your side and not us and then actually I have experience of going through this legal case of the Southern blue fin tuna and so I am used to dealing with these matters and then if you believe the particular course of action is suitable for you please go ahead and I think I have acquired a lot of legal knowledge recently through those experiences. Thank you.

#### **Chairman**

Thank you Japan. I have three speakers and I would like to close the list at that. I have Antigua and Barbuda, Monaco and Sweden and then we will proceed with the Resolution.

#### **Antigua and Barbuda**

Thank you Mr. Chair. Mr. Chair first of all Antigua and Barbuda would like to congratulate Japan, on explaining to us in detail the way in which they wish to pursue their research programme. Mr. Chair, Antigua and Barbuda as a coastal state is a vanguard with regards to the Law of the Sea Convention. We believe that this Convention is very important to us as coastal state. In that regard we are committed to uphold the provisions of that Convention and to protect that Convention Mr. Chairman. One of the most important pillars of that Convention is the undertaking of marine scientific research. Marine scientific research is very critical in order to assess the status nature and abundance of marine living resources hence as the Convention said marine scientific research must be promoted.

Mr. Chair, this Convention is becoming a victim of our own short sightedness. The fact that we have restricted our Scientific Committee with regards to the type of decision, the type of research they can engage in, the type of judgment they can make by setting terms of references as to how they should undertake their work is becoming to haunt us. We can get no objective judgment from this Committee because the scientists hands are tied, they are not as free as they should be to provide us with informed judgment with regards to research proposals so the chicken is actually coming home to roost Mr. Chairman.

Mr. Chairman it is time for us to realise how valuable the Scientific Committee is to our work and free their hands so that they can inform us in a professional way as to the use and value of scientific research proposals. Mr. Chairman, the whole doctrine of sovereign rights as is expounded in this organisation and annunciated by colleagues from Australia is indeed one that we have to look at. But not only with regards to marine scientific research, we have to look at it with regards to the restriction of the rights of coastal states to exploit marine living

resource as their culture and their needs see fit within a sustainable manner Mr. Chair. Let us not take our grievances outside of the halls of this organisation, we are professional people inside here, we have to solve our problems because a lot of us can go to the ICJ, a lot of us can go before the Law of the Sea Tribunal with regards to our grievances but that is not how a mature organisation should function. We have to collaborate and solve our problems in this hall and Mr. Chair I urge all members here to think and let us put this organisation on a good footing so that we can pursue the work in harmony and in the spirit of compromise that all international relations should expect and international organisations should pursue. Thank you Mr. Chair.

**Chairman**

Thank you Antigua and Barbuda.

[END OF TAPE]

**Secretary**

..... Oman – yes; Russian Federation – no; St. Kitts & Nevis – no; St. Lucia – no; St. Vincent and the Grenadines – no; South Africa – abstain; Spain – yes; Sweden – yes; Switzerland – yes; UK – yes; USA – yes; Antigua and Barbuda – no; Australia – yes; Austria – yes; Brazil – yes.

Mr. Chairman there were nineteen votes in favour twelve against with two abstentions so that Resolution is adopted.

**Chairman**

Thank you Secretary. South Africa.

**South Africa**

Thank you Chair. I would like to explain that in matters of scientific research South Africa prefers to be guided by the Scientific Committee. We sincerely regret that on this occasion the Scientific Committee was not able to come up with clear guidance. Thank you.

**Chairman**

Thank you South Africa. Oman.

**Oman**

Oman wishes to associate itself with the views raised by the distinguished Commissioner of South Africa. Thank you Mr. Chairman.

**Chairman**

Thank you Oman. I will adjourn the meeting for ten minutes and I will resume sharp with Southern Hemisphere minke whales. We have a number of items to get through so please be prompt.

[BREAK]

<b>19. FINANCIAL STATEMENTS AND BUDGET ESTIMATES (CONTINUED)</b>
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<b>19.1 REPORT OF BUDGETARY SUB-COMMITTEE</b>
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**Chairman**

In the absence of the Chair of the Scientific Committee I will move onto Finance and Administration and that is agenda item 19 and we want the Report of the Budgetary Sub-committee. Can I call upon the Chair of the F&A? Thank you Chair.

**New Zealand**

Thank you Mr. Chairman. The Report of the Finance and the Administration Committee is contained in paper IWC/52/9. The written report is available and I will try not to simply read what is in front of you but deal with issues specifically requiring attention by this Commission.

As you know, last year a Budgetary Sub-committee of the Finance and Administration Committee was established under the Chairmanship of Japan and its role is set out in the discussion in the Report and it dealt with three matters. First the review of the Provisional Financial Statement 1999/2000 and there were three issues that arose in respect of that particular financial statement and they are shown in the first paragraph -

Income exceeding budget by 36,000 primarily for the reasons stated in the Report. Expenditure is nearly £164,000 below budget, again for the reasons stated and the projected deficit for the year was £158,260 rather than the £220,000 provided for and the balance of reserves is shown in the last sentence of that paragraph.

Mr. Chairman there was discussion of various issues and the F&A Committee agreed to recommend that the Commission approve the Provisional Financial Statement subject to audit.

#### **Chairman**

Thank you Chairman. If there are no comments. We will accept the recommendation of the Finance and Administration Committee. Seems OK. Please carry on.

#### **New Zealand**

Mr. Chairman consideration of estimated basic budgets for the following two financial years is covered at the bottom of the first and the first half of the second page and again there were five issues that were raised and I will endeavour to summarise them very quickly Mr. Chairman.

First, that income for these years is shown in the second to last line. I don't think it requires any comment. Expenditure estimated is also shown at the bottom of the first page.

Comments about uncertainties on expenditures, recoveries from a severance pay fund and reserves estimated at the levels shown in the second to last and last lines of the first paragraph on page 2.

Mr. Chairman I think there are two significant issues arising from this Report. The first is that the budgets for these two years project an increase of contributions of 2.5% in the second of those two years - a consequence of balancing expenditure to hold reserves close to the target level. And the second issue that arises Mr. Chairman is that as a result of other decisions that have recently been dealt with by either the Advisory Committee or the meetings of Commissioners or as the result of the decision to hold an intersessional meeting on the RMS between now and IWC/53 there will be certain items of expenditure over and above the budget in the financial year 2000/2001. My suggestion Mr. Chairman and I acknowledge this is not part of the F&A Report but my suggestion to this Commission is that intersessionally those matters be dealt with by the Advisory Committee and reported through the F&A Committee to this Commission next year for endorsement or otherwise as the Commission sees fit. It seems to me Mr. Chairman that that is a very appropriate use of the powers and functions of the Advisory Committee to deal with administrative matters of consequence to the Commission in the intersessional period and in addition to the recommendation therefore that the budgets for those two years be approved I would also recommend that those particular matters of over expenditure on the projected budgets be dealt with in the manner I have suggested.

#### **Chairman**

Thank you very much Chairman of the F&A. That seems very reasonable. If there are no comments we will adopt the budget. Seems no comments. Thank you Chairman.

#### **New Zealand**

Mr. Chairman agenda item 19.1.3 deals with the scientific programme and was discussed at some considerable length by the Committee. What had effectively happened was that the Scientific Committee had developed a preferred budget of £432,000, I am rounding this numbers Mr. Chairman, and a reduced budget of £225,000 but that latter figure was still £40,000 more than originally projected by the Secretariat. In the view of the Scientific Committee that reduced budget was the absolute minimum necessary to meet research needs.

There was considerable discussion on this issue within the Committee Mr. Chairman. We effectively considered three options. To approve the reduced budget offered by the Scientific Committee thus resulting in increased expenditure for the 2000/2001 year which would have to be funded from reserves, that is one of those issues that I referred to a moment ago. Secondly to reduce the present budget by £40,000, that is the Scientific Committee's budget by £40,000, and require the Committee to reprioritise its projects or to do the same thing but to do the reprioritise within the F&A Committee. There was discussion on this Mr. Chairman. It is recorded in the Report and the recommendation of the Committee is to recommend approval of the budget for 2000/2001 and to note that the Committee recommends also the approval of the additional £40,000 for the items shown in what is colloquially described as the Scientific Committee's reduced budget except that we increased to meet the reduction.

**Chairman**

Thank you Chairman of F&A. Is this recommendation acceptable? Seems so. Thank you.

**New Zealand**

Mr. Chairman there were a number of other items dealt with under 19.1 and they are recorded at the bottom of the page. Several of them related to staffing matters and it was agreed that a process for dealing with these was agreed and is contained set out in the Report and the other matters are also dealt with there as well.

**Chairman**

Thank you Chairman. Are there any comments on that or can we accept the recommendation of the Finance and Administration Committee? Seems so. Accepted.

**20. ADMINISTRATIVE MATTERS**

**20.1 GUIDELINES FOR OPENING STATEMENTS FROM OBSERVERS**

**New Zealand**

Mr. Chairman we then moved on to deal with administrative matters, the Report of the Contributions Subcommittee has been dealt with separately and I assume you don't want me to refer to that any further. We then went on to deal with some administrative matters starting first with 20.1 – Guidelines for Opening Statements from Observers. After some discussion the Committee agreed to recommend that the Commission should endorse the Secretary's language for dealing with this on effectively two understandings. First that there is no intention that the Secretariat should conduct advance or ex-anti reviews of such statements and secondly that there is a clear understanding that these new requirements do not preclude remarks about individual countries in Opening Statements provided the statement is still addressed to the Commission as a whole and I recommend accordingly.

**Chairman**

Thank you Chairman. Is this acceptable to the meeting? Seems so. Thank you. Please carry on.

**20.2 COMMUNICATIONS**

**New Zealand**

Mr. Chairman item 20.2.1 dealt with general communications. There was some discussion about the desirability, the very obvious desirability of achieving communication by electronic means, preferably e-mail if that is available and if not by fax but it is recognised that there are still some governments where there is not feasible or possible and therefore the recommendations contained at the end of the first paragraph were adopted by the Committee for recommendation, they are of a mechanical nature and I recommend accordingly.

**Chairman**

Thank you. Is that acceptable? Seems so. Please carry on.

**20.3 ANNUAL MEETING ARRANGEMENTS**

**20.3.1 NEED FOR ANNUAL MEETINGS**

**New Zealand**

Mr. Chairman Annual Meeting arrangements for the two years 2001 and 2002 were discussed by the Committee and the discussion is recorded on page 4 of the Report. They are largely mechanical matters, administrative matters and unless you want me to I won't detail them.

**Chairman**

Please carry on.

**20.3.2 PRESS**

**New Zealand**

Thank you Mr. Chairman. 20.3.2 dealt with the presence of the Press at our Annual Meetings. Mr. Chairman it is probably appropriate that I should therefore be a little more explicit in explaining these matters. There was

obviously wide spread support for the presence of the media at our meetings but it has to be acknowledged that that will result in increased expenditure for the Commission both in terms of the size and nature of the facilities in which we hold our Annual Meetings which will preclude some countries from being hosts in the future. Also Mr. Chairman some concern at the direct cost of providing copies of materials to the media and some feeling that in the circumstances there may have to be some charge made to the media in the same manner as is made to NGOs. Nonetheless it was agreed that the experiment to allow the press in this year should be continued, obviously it will be reviewed.

**Chairman**

Thank you Chairman. If there are no comments we will continue on and accept the recommendations. Thank you.

**20.3.3 VERBATIM RECORD**

**New Zealand**

Mr. Chairman it was a recommendation of the Administrative Review conducted two years ago that consideration be given to discontinuing the Verbatim Record of this meeting. While there was obviously a feeling that perhaps in the medium to long-term it may not be appropriate it was considered that at least for the next year it should be continued and will be reviewed again next year.

**Chairman**

Thank you Chairman. Is this agreed? Yes.

**20.3.4 TECHNICAL COMMITTEE**

**New Zealand**

Chairman 20.3.4. Very obviously the meeting of the Finance and Administration Committee took place prior to what would normally have been the Technical Committee and thus we weren't really in a position to comment on the desirability or otherwise of not having a Technical Committee Meeting this year and therefore that matter stands referred to the Advisory Committee for intersessional consideration.

**Chairman**

Thank you Chairman. UK.

**UK**

Thank you Chairman. Not having a Technical Committee this year has meant that there has been some issues, in particular one important issue, which didn't benefit from any preliminary discussion in any group in this Commission and came straight to Plenary. I think that this is perhaps an issue that the Advisory Committee might like to look at. It doesn't necessarily mean that you need the Technical Committee but it might be worth considering the need to have special working group meetings if there are important issues which might benefit from preliminary discussion. Thank you Chairman.

**Chairman**

Thank you UK. We will note that and ask the Advisory Committee to look at it. Chairman of the Finance and Administration.

**20.4 AMENDMENT TO THE RULES OF PROCEDURE**

**New Zealand**

Mr. Chairman 20.4 – Amendment to the Rules of Procedure. There was no particular discussion on this and as the matter wasn't raised in the Plenary I will make no further comment.



**13. SCIENTIFIC PERMITS**

**13.1 REPORT OF THE SCIENTIFIC COMMITTEE**

**13.1.1 SOUTHERN HEMISPHERE MINKE WHALES**

**Chairman**

Thank you Chairman. I think that completes Agenda Item 20. If you can pause there I will go back to agenda item 13. I want to go to agenda item 13.1.1 – Southern Hemisphere minke whales if I can call upon the Chair of the Scientific Committee.

**Chair of the Scientific Committee**

Thank you Chair. You will find the material that deals with Southern Hemisphere minke whales on pages 71, 16.2.1 and 78 and 79, 16.3.2 and also a bit in 16.1 of our Report. Before I start going quickly through that I would like to say that I was very disturbed at the way the Scientific Committee's deliberations were misrepresented by some representatives in the last discussions. The Scientific Committee neither endorsed nor rejected the Japanese research proposal. We do not consider it our duty to do that. What we try to do is provide constructive criticism and report our views to the Commission, our criticisms and comments. The Committee was clearly divided as it will no doubt will always be dealing with research proposals so next time I am afraid you will have to sit through the entire Committee discussion so it will be clearly laid out for you what the Committee did and didn't say.

Now I will go on and hopefully briefly talk about what we said about JARPA.

**Chairman**

Chair before you start can I thank you for that clarification. Please carry on.

**Chair of the Scientific Committee**

OK. Under 16.1 we noted that we had for some years had problems with giving advice on the effect on stocks of scientific permit catches. There are a couple of approaches to do that either using RMP simulations or using HITTER FITTER now called BALEEN II. There was some thought that we should ask the Commission for advice about how to do this but others thought we could probably make our own decision about a first attempt and you will hear more that later in connection with JARPA. One of the things we did agree in this section which is important is a general principle that when addressing the question of the effect of scientific permits on catches both the effects of the proposed catches assuming that they were on-going as well as assuming that they are for a shorter period should be examined even if the proposal was initially presented as a feasibility study.

In 16.2.1 we look at our review of JARPA research and I don't think I actually need to go through that in detail. It is ongoing research, it has been collecting sightings, collecting biopsy data from humpback, blue and right whales and photographic data. Doing hydro acoustic surveys, that carried out an experiment to try an alternative sampling strategy proposed by Schweder which they thought should continue for a proper evaluation of the proposed method and they did the usual sampling that they had been doing. So I think unless people have questions I will just move on and turn to 16.3.2. We received the JARPA survey plan for the 2000/01 season, the objectives, survey items and methods are the same as previous years. It would focus on the issue of distribution of the stocks in Area V and the western half of Area VI. Progress on JARPA tasks and other studies using JARPA samples were presented in a number of papers that were considered by the various Sub-committees. The schedule for the 2000/01 JARPA survey is given at the bottom of page 78 in the second column.

Under Comments and Discussion we didn't hold the major review of this since we had done that in 1997 and we draw the attention of the Commission to our previous considerations. However, there were concerns expressed last year and again this year that investigation of the boundaries outside the areas originally proposed for the JARPA work were somewhat worrisome. There were also some questions of sample size and the thought that this needs to be properly investigated and reviewed by the Committee and some concerns about a multi-year programme which might result in inter-annual variability if there was not a sufficient sample obtained in a single year. The question of whether the information could be obtained by non-lethal means has been discussed at several meetings and the Committee has reached no consensus on this matter and the alternative views are elaborated in the Report of the JARPA Review Meeting.

Now I think the most important thing we accomplished this year which we ask for the Commission's endorsement of essentially is that we believe that we should try to do a quantitative job of assessing the effect of

the permit catches on the stock and we agreed to use the validated Secretariat version of BALEEN II to examine this issue through a few simple trials to see if we can get some results which we allow us to provide advice to the Commission. This work will be carried out intersessionally and a Steering Group was established convened by Punt with Allison, Brown, Cooke, Walløe and others who will provide guidance to the Secretariat on the precise details. We emphasise this will be a small study and not a major effort but it may give us a little bit of more quantitative advice for the Commission.

Finally, basically it was thought it was important to do this because of some concern about possible declines suggested by the third Circumpolar Survey. I think that concludes our discussion on JARPA.

**Chairman**

Thank you very much Chair of the Scientific Committee. Before I throw the floor open for comments can I ask that we deal with matters arising at the same time and can I remind delegates that we have had a long discussion on the policies about and the issues surrounding special permits so if we can be as brief as possible this time please. I have Japan seeking the floor and New Zealand. Japan.

**Japan**

Thank you Mr. Chairman. We really appreciate this hard work exerted by the members of the Scientific Committee and this is a twelfth minke research in the Antarctic and then we are planning to carry our research scheduled in Area V and VI and in the previous research the *Nissin Maru* unfortunately had a fire incident and so it was a very difficult condition surrounding the vessel and however despite that they found some new findings. For example, the Ross Sea was closed by pack ice but they identified different ice distribution patterns than usual years so numerous information was collected. We are planning the survey substance in a similar way as the previous years and in the stock survey of the research in the Antarctic the useful information based upon the different standpoint than IWC SOWER is collected and at this year's meeting we have submitted numerous documents to the Scientific Committee with regard to the minke whale stock information which is, of course, the main objective but also we have provided information on the increasing trend of the bowhead stock as well as the possible relationship of the distribution pattern between the stations and the krill as well as some others and so we would like to see valid appreciation and understating to this contribution and then we would like to seek your support for the implementation of this research. Thank you very much.

**Chairman**

Thank you Japan. New Zealand.

<b>13.2 ACTION ARISING REGARDING SOUTHERN HEMISPHERE MINKE WHALES</b>
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**New Zealand**

Mr. Chairman among other things I want to speak to the paper IWC/52/37 which contains a Resolution on Whaling under Special Permit in the Southern Ocean Sanctuary moved by Australia and New Zealand and indeed ten other sponsors. Mr. Chairman there was an interesting discussion of an item entitled 'Taking of Whales for Scientific Purposes' at this Commission's fifteenth Annual Meeting in 1963, an occasion which I am sure Commissioners recall as if it was only yesterday. Mr. Chairman the item report reads this 'Both the Scientific Committee and the Infractions Sub-committee had directed attention to the provisions of Article VIII of the Convention.' Mr. Chairman I may just add a comment that it is interesting that Article VIII whaling in those days was also addressed by the Infractions Sub-committee, a precedent that we might want to evoke again in the future. 'The Scientific Committee noted in paragraph 15 of its Report that there had been recent instances of special permits having been given by Contracting Governments for the taking of much larger numbers of whales under this Article than in the past. The Committee agreed that wherever possible the Committee should be consulted before the granting of such permits'. I am paraphrasing a bit here just to save time. 'It should always be advised by correspondence or report of each permit given showing the reasons for such permits, the numbers shown in each permit should be the lowest necessary for the purposes indicated in the permit.' Let me read that again. 'The numbers shown in each permit should be the lowest necessary for the purposes indicated in the permit and the Committee should be informed fully and specifically of the results obtained by taking whales under each such permit'. Now Mr. Chairman it was agreed by the Commission to endorse those recommendations and indeed they were agreed without objection by all present.

Now Mr. Chairman each year by a very substantial majority this Commission calls for an end to Japan's continued whaling under special permit under the JARPA programme, that whaling occurs in areas IV and V which are adjacent to those Antarctic areas claimed by New Zealand and Australia and it is strongly condemned in both countries. But above all it occurs in the area designated by this Commission in 1994 as the Southern

Ocean Sanctuary. In that sanctuary every year four hundred and forty minke whales are killed. Since 1988 nearly five thousand animals have died in the cause of this so-called research. Research, the results of which the Scientific Committee has found not required for management purposes, research the design of which the Scientific Committee has previously identified as defective in at least ten respects and above all research that as far as management purposes are concerned could have been conducted by non-lethal means. We have said before and we say again there is no need to kill whales in order to research them. There are adequate non-lethal means of conducting research and obtaining the information required for management purposes. These include, Mr. Chairman, DNA analysis from biopsy sampling, use of whales accidentally killed as by-catch or from vessel strikes and standings and thus obtaining securing internal examination of organs and tissues. Pollutant analyses can be undertaken from biopsy sampling and photo-identification can be used in the case of some species.

Mr. Chairman if this research was conducted domestically in my country it would be governed by domestic law and controlled and only authorized by an ethics committee. If this research was conducted domestically in Japan it would be governed by that country's domestic law. For instance, Mr. Chairman, Japan's 1973 law concerning the protection and control of animals stipulates that and I quote 'Where an animal is used for scientific purposes it shall be so used by methods that cause the animal minimum pain possible within the limits of the said purposes'.

Japan to its very great credit also has a string of professional codes on these issues and its animal experiments committees consider questions of necessity of the research that is being performed. There is no way that ethical committees in either country would approve a programme that killed four hundred and forty animals annually, about seven thousand over the life of the programme and yet yielded results not required for the stated purpose of management and indeed if such a proposal had been exposed to the vigorously peer review of our Scientific Committee one might anticipate that the programme would have been appropriately modified by removal of the lethal element of the research.

Mr. Chairman there is now another reason for us to be concerned and it's touched on in this year's Resolution. As this Commission is aware, there is now no accepted abundance estimate for southern minke whales. We now do not know the impact of the four hundred and forty annual removals from these stocks because we do not know how many animals are to be found in the areas where the JARPA programme is prosecuted and this Sir was touched on in page 79 of this year's Scientific Committee Report where it notes that some members commented that if the declines suggested by the Third Circumpolar Survey data proved to be real then the need for the Committee to provide advice on the effect of the catches from JARPA was even more pressing. In short Mr. Chairman what we have is a programme that kills four hundred and forty whales a year and will continue to do so until at least 2004 and I venture to suggest probably beyond that would never be approved domestically, the results of which are not required for the stated purposes of management that takes place in a whale sanctuary whose primary objective could have been achieved by non-lethal means that removes four hundred and forty minke whales from a stock of unknown size and, of course, where the resulting meat is sold to consumers on a commercial basis to fund the operation of the agency conducting the research. Mr. Chairman there couldn't be more powerful reasons for supporting the Resolution and rejecting the JARPA programme.

#### **Chairman**

Thank you New Zealand. We have had a general debate on the principles so I would ask the countries who are supporting New Zealand to as far as possible associate rather than repeat the arguments and similarly on the other side. I have got Australia, Germany, Sweden. Australia.

#### **Australia**

Thank you Chairman. I will endeavor to adhere to your request for brevity. We fully endorse the remarks made by New Zealand. We note that we've had the discussion on the results of the Scientific Committee's consideration of Southern Hemisphere minke stocks and the uncertainty that results from the absence of an agreed estimate and our views are on record, I needn't repeat them here. I would stress Mr. Chairman that the legal issues which were raised in our previous intervention relating to the issue of scientific permit whaling are equally pertinent to this particular issue. Mr. Chairman several delegations are drawn attention during the course of our discussions to the results of votes taken at the CITES Conference of Parties earlier this year claiming that world opinion was supportive of a resumption of whaling. The representatives of Japan have on several occasions made reference to the fact that those proposals obtained over fifty votes. For the record Mr. Chairman five votes were taken at this Conference of Parties on proposals to reduce the level of protection provided to whale species. It is true that two of the five received more than fifty votes and one actually obtained a majority, fifty three votes in favour, fifty-two votes against. A lower majority than the equivalent proposal received at the

previous Conference of Parties. Hardly convincing evidence in our view that world opinion is supportive of a resumption of whaling.

I would also like to stress Mr. Chairman that none of the proposals put forward by Japan obtained fifty votes and significantly none obtained a majority or anything close to a majority. In relation to the Southern Hemisphere minke proposal the vote was forty-six in favour of the Japanese proposal, sixty-one opposing. Mr. Chairman it suggests therefore that Japan acknowledged that world opinion clearly does not support whaling in the Southern Ocean Sanctuary. Thank you Chairman.

**Chairman**

Thank you Australia. Germany.

**Germany**

Thank you Chairman. Germany wants to be co-sponsor of the proposed Resolution on whaling under special permit in the Southern Ocean Sanctuary. Thank you.

**Chairman**

Thank you Germany. Sweden.

**Sweden**

Thank you Mr. Chairman. Sweden would like to associate itself with the views expressed by Australia and New Zealand and also be a co-sponsor to this Resolution. Thank you.

**Chairman**

Thank you Sweden. Netherlands.

**Netherlands**

Thank you Chairman. Well our views on this matter are well known I think. I referred to them earlier on when we discussed the JARPN Programme and we can associate ourselves with the remarks made by New Zealand and Australia. Thank you.

**Chairman**

Thank you Netherlands. Brazil.

**Brazil**

Thank you Mr. Chairman. Brazil is a co-sponsor of the proposed Resolution presented by New Zealand. In the same way Brazil has supported the Resolution a little while ago about whaling in the North Pacific Ocean. Brazil considers that the propositions presented by the Japanese delegation with the aim of extending further the quotas of Japan for scientific research weakens even more the possibility of dialogue among the different parties involved in the work of this Commission. Our country believes that this proposed extension can only make it more difficult to reach new ways of understanding and does affect negatively the credibility of the Whaling Commission as a forum for negotiation. Thank you Mr. Chairman.

**Chairman**

Thank you Brazil. US.

**USA**

Thank you Chair. We support resolution 52/37. We align ourselves with comments made by both New Zealand, Australia and others that are in support.

**Chairman**

Thank you US. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. Mr. Delegation wishes to point out what appears to be at least two factual statements, two factual errors sorry. One it is not correct to indicate that the Scientific Committee did conclude on this matter and I will read from page 39, the penultimate paragraph on the bottom of the left column. 'In addition, without calculation of confidence limits for the crude point estimate, it was not possible to conclude whether the appreciable difference noted above was statistically significant' and this appreciable difference must be noted Mr. Chairman.

The second point I wish to draw to your attention is that there is only one species of minke whale that is of importance to the JARPA programme, the other is rarely encountered south of 60°S and is in any event not commonly encountered. Therefore the third paragraph of the Resolution 52/37 seems to be totally irrelevant to this Resolution.

The implication of the Resolution Mr. Chairman is that JARPA is somehow related to the appreciable difference but this was not suggested in the Report of the Scientific Committee. On these grounds Mr. Chairman my delegation cannot support this Resolution.

**Chairman**

Thank you St. Vincent and the Grenadines. I have France, Norway, South Africa and UK and I propose to close the list at that. France.

**France**

We share the view expressed by Australia and New Zealand and co-sponsored the Resolution.

**Chairman**

Thank you France. Norway.

**Norway**

Thank you Mr. Chairman. In introducing this draft Resolution a number of claims were made by the distinguished Commissioner of New Zealand which somewhat distorted the underlying reality. Among these claims was the statement on what the Scientific Committee might have said if it had commented on the research programme. The fact is that the Scientific Committee reviewed the research program in a special meeting three years back and gave a by and large positive response to the research obtained so far and the future plans and it also found that information this programme provided was of value also for the management purposes. Norway opposes this Resolution. Thank you.

**Chairman**

Thank you Norway. South Africa.

**South Africa**

Thank you Chair. My delegation firmly believes in the preservation of the integrity of the Southern Ocean Sanctuary and as far as we are concerned this particularly sampling programme runs counter to this principle and therefore we have decided to co-sponsor this Resolution and will support it. Thank you.

**Chairman**

Thank you South Africa. UK.

**UK**

Thank you Chairman. The comments that the United Kingdom made in the earlier discussion on scientific whaling in general apply equally to JARPA. We are one of the sponsors of this Resolution and we strongly support it and we share the views expressed by New Zealand, Australia and other countries. Thank you Chairman.

**Chairman**

Thank you UK. Before I ask the Secretary to have a vote the Chair of the Scientific Committee wishes to comment.

**Chair of the Scientific Committee**

Yes Mr. Chairman I am concerned about this note that we recommend that the minke whale be listed as two species because I think there is some confusion here. The two species that we agreed should be recognised are the Northern Hemisphere and the Southern Hemisphere minke whale. There is some thought that there could be sub-species but nothing was recommended in that regard because it is uncertain at this time so reference to two species isn't really relevant to this Resolution.

**Chairman**

Thank you Chair of the Scientific Committee for the comments. Japan I have closed the list and I want to go to a vote. Is it necessary? Will I be brief please?

**Japan**

The distinguished delegate of New Zealand mentioned different things so I would like to make comments to respond to that. He referred to the Antarctic Treaty I think. However, Japan is unclaimant and then the US I think also is that and so even though New Zealand insists upon the territorial waters whatsoever we do not accept that.

There are views that the Antarctic resources of stocks are fluctuating up and down and therefore we will be dispatching the research vessel so that we can make a contribution for the future agreement on the level.

In the JARPA research we came to the finding that the minke migration range is much broader than originally contemplated, a broad range of migration and so in this RMP this stock unit is based upon the ten degree unit but actually the research finding shows this should be expanded to sixty or maybe one hundred and twenty degrees unit so based upon that the calculation of the minke catch limit should be expanded to two thousand or four thousand even ten thousand level. So compared to that figure four hundred and forty is a very small negligible level.

To respond to the comment made by the distinguished delegate of Australia I would like to refer to the voting that took place at the CITES for Norway. I just mentioned that in the last two voting the Norwegian proposal received a majority. Excuse me, in the two consecutive meetings of CITES they received the majority. Thank you.

**Chairman**

Thank you Japan. I will now ask the Secretary to put this Resolution to a vote. Secretary.

**Secretary**

Mr. Chairman the proposal before this meeting is the Resolution contained in paper IWC/52/37, a Resolution on Whaling under Special Permit in the Southern Ocean Sanctuary proposed by Australia and a number of other governments. IWC/52/37. A simple majority of those voting yes or no will determine the result. The vote starts at the People's Republic of China – abstain; Denmark – yes; Dominica – no; Finland – yes; France – yes; Germany – yes; Grenada – no; Republic of Guinea – no; India – absent; Ireland – yes; Italy – yes; Japan – no; Republic of Korea – abstain; Mexico – yes; Monaco – yes; Netherlands – yes; New Zealand – yes; Norway – no; Oman – abstain; Russian Federation – no; St. Kitts & Nevis – no; St. Lucia – no; St. Vincent and the Grenadines – no; South Africa – yes; Spain – yes; Sweden – yes; Switzerland – yes; UK – yes; USA – yes; Antigua and Barbuda – no; Australia – yes; Austria – yes; Brazil – yes; Chile – yes.

Mr. Chairman there were twenty votes in favour, ten against with three abstentions and so that Resolution is adopted.

**Chairman**

Thank you Secretary. I will now close agenda item 13 and I will adjourn the meeting until 9.30 in the morning. Commissioners Meeting at 9.00.

[CLOSE]

**VERBATIM RECORD**

**52nd ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION**

**ADELAIDE, AUSTRALIA, 3-7 JULY 2000**

**THURSDAY 6 JULY**

**Chairman**

I am going to start this morning with agenda item 16.2 which is cooperation with the Convention on Migratory Species. After that I am going to agenda item 10 – Aboriginal Subsistence Whaling and then we will go to 21 – Date and Place of Annual Meetings, 22 – Adoption of Report of Finance and Administration and after that as shown in the draft Order of Business.

If I can go to the Secretary for agenda item 16.2.

**16. COOPERATION WITH OTHER ORGANISATIONS (CONTINUED)**

**16.2 CMS**

**Secretary**

Mr. Chairman the operative document here is IWC/52/17. Last year the Commission received a request from the Secretary from CMS (Convention on Migratory Species) suggesting that there should be a more formal association between the two organisations through their secretariats and they proposed that a Memorandum of Understanding should be established between the two. This matter was referred by last year's meeting to the Advisory Committee to look at intersessionally. It was discussed by the Advisory Committee in November and a number of proposed amendments to the original text were put forward by the Advisory Committee. That text was then sent to the CMS secretariat in Bonn and that has been accepted on that side and so a copy of the proposed Memorandum of Understanding is attached in document IWC/52/17. What we have to do at this year's meeting is to decide formally to adopt this Memorandum. Thank you Mr. Chairman.

**Chairman**

Thank you Secretary. Are there any comments on this or is this acceptable? Japan.

**Japan**

Thank you Mr. Chairman. The ASCOBANS which has been already operating and ACCOBAMS which comes into effect this year. These institutions have a purpose of protecting small cetaceans and they set up a protected area in certain waters which they are covering and they have been denying the use of cetaceans as resources and at the meetings of these organisations they concentrate on protection of cetaceans. This is in contradiction to the IWC's Convention, the ICRW, which has at its purpose the utilisation of cetaceans as living marine resources and therefore we believe that it is inappropriate to have cooperative relationship with this organisation and I do not think it is necessary to send observers to the meetings of these organisations. In addition, the scientific committee has been requesting a large amount of research budget for Pollution 2000+ programme and we would like to strictly caution the Commission that the money should not be diverted to the activities of these organisations. Thank you very much.

**Chairman**

Thank you Japan. We will note your comments. Germany.

**Germany**

Thank you Mr. Chairman. Last year I supported the idea that a Memorandum of Understanding and Cooperation should be negotiated between the IWC and CMS. The IWC is a competent organisation for the conservation and management of whale stocks and in our view it does have some responsibility not only for the large whales but also for the small cetaceans. At least this organisation undertakes very useful work in the field of information and giving advice not just management of small cetaceans. On the other hand we find the CMS and its specialised organisations, they are dealing with migratory species and in this context also with whales as

ASCOBANS and other organisations show. I think that there should be established a basis for cooperation between these two organisations. That is in our view very necessary and very reasonable. Thank you.

**Chairman**

Thank you Germany. Norway.

**Norway**

Thank you Mr. Chairman. The Norwegian researchers have a very good and I believe mutually beneficial cooperation with the ASCOBANS. We are not, however, a member of that organisation since this is primarily a protection organisation and not a management one. We believe that since it is a protection organisation and mainly because it is a organisation which deals with small cetaceans we would like to associate ourselves with the comments by Japan in that respect. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. France.

**France**

Thank you Mr. Chairman. As a member of CMS since 1989 France considers that the Convention on Migratory Species and its agreement such as ASCOBANS and ACOBAMS dealing with cetaceans, whale and small cetaceans respectively in Baltic, North Sea and Mediterranean and Black Sea provide a wide and useful body for the conservation of all migratory species and their wide issues. The Memorandum of Understanding such as proposed here provides a good opportunity to develop information and cooperation between the two bodies and we strongly support it.

**Chairman**

Thank you France. Monaco.

**Monaco**

Thank you. I will mostly address ACOBAMS. This agreement has been deposited in Monaco and I want to just add so far five range states have ratified it. Most coastal states of the Black Sea and Mediterranean Sea have signed it and the agreement will come into force very very soon with the ratification of one or two more countries. Contrary to what some delegations have said, I mean, this particular agreement at least is far ranging. It covers not only small cetaceans but large cetaceans as well. It encompasses the large whales which we find in the Mediterranean region and there are quite a few species of them. It goes beyond just the direct concern, it goes into indirect disturbance, bycatches and all kinds of things. It is far encompassing agreement and it had the support of all coastal states so this cannot be ignored. I would strongly suggest Mr. Chairman that our links with UNEP and with other UN agencies are quite good that we could consolidate it even further by going and formally endorse cooperation with CMS. Thank you.

Thank you Monaco. I have Finland, Netherlands, Sweden and People's Republic of China. Can I ask delegates to be brief please. Thank you.

**Finland**

Thank you very much Mr. Chairman. We see a lot of merit in this cooperation with CMS and would like to associate ourselves with the views expressed first by the German Commissioner and later by France and Monaco and so we support this Memorandum of Understanding. Thank you.

**Chairman**

Thank you Finland. Netherlands.

**Netherlands**

Thank you Chairman. Well both the International Whaling Commission and CMS are working on issues related to conservation and management of cetaceans. We note that the CMS priority areas are pollution, fisheries interactions, influence of noise surveys, all of which are also concerns of the IWC. So in our view there is a natural connection between these two organisations and we wholeheartedly support the proposed Memorandum of Understanding. Thank you.

**Chairman**

Thank you Netherlands. Sweden.



**Sweden**

Thank you Mr. Chairman. Just to associate myself with Germany and Finland in this respect. Thank you.

**Chairman**

Thank you Sweden. People’s Republic of China.

**People’s Republic of China**

Thank you very much Mr. Chairman. My delegation would like to support the view expressed by the Japanese delegation and the Norwegian delegation. Thank you very much Mr. Chairman.

**Secretary**

Thank you China. Switzerland.

**Switzerland**

Thank you Mr. Chairman. Just to say that we support this Memorandum of Understanding. Thank you Mr. Chairman.

**Chairman**

Spain.

**Spain**

Thank you Mr. Chairman. Spain is one of the states that has already ratified ACOBAMS agreement so we support this document we are dealing with. Thank you.

**Chairman**

Thank you Spain. There seems to be a wide degree of support for adopting this Memorandum so I propose to regard it as adopted and note the comments made. Thank you.

Before I go onto Aboriginal Subsistence Whaling I just want to wish Mr. Elliott Morley, Minister for the UK, happy birthday. I believe he is slightly over 21. Happy Birthday Minister.

**10. ABORIGINAL SUBSISTENCE WHALING**

I will now move to Aboriginal Subsistence Whaling and I call on the Chair of the Working Group. Chairman.

**10.1 ABORIGINAL SUBSISTENCE WHALING SCHEME**

**10.1.1 REPORT OF ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

**Norway**

Thank you Mr. Chairman. I would like to present the Report of this Sub-committee. The Sub-committee met on the 30 June and the members of the Commission will find our full report in IWC/52/13. I will here try what may be a risky task of making an extract of the Report.

Under the first substantive item on our agenda, Aboriginal Subsistence Whaling Scheme, the Chair of the Standing Working Group on the Development of an Aboriginal Management Procedure presented briefly the relevant extract from the Report of the Scientific Committee. He noted that some good progress had been made during the last year in implementing the work plan adopted in 1999. He reported that the Standing Working Group is investigating a number of potential strike limit algorithms, so called SLAs, for the Bering-Chukchi-Beaufort Sea stock of bowhead whales. For the eastern North Pacific stock of gray whales no SLA was suggested for this year’s meeting but it may be possible to modify the SLA being adopted for the bowhead whales also for the gray whales.

With respect to the Greenland Fisheries, the Chair of the Standing Working Group reiterates that with the current data it is very difficult, if not impossible, to develop a SLA that would address all of the Commission’s objectives and in this context he drew attention to the Greenlandic Research Programme developed by the Committee. With respect to the Standing Working Group’s work plan and advice, the Chair reported that it was felt possible to do the faster timetable for bowhead whales which would mean recommendation of an SLA at the 2002 Meeting. This will, however, involve considerable work and an intersessional workshop will be essential.

One issue to be further discussed is the treatment of unused strikes or carryovers. An example was provided of how this might be accomplished and in particular the Chair of the Standing Working Group sought advice as to whether this was generally appropriate way to handle the issue and specific advice on what the length of the block should be and what percentage value is suitable to allow for inter-annual variation in catches. It was agreed to convene a small working group under the Chair of the Chairman of the Standing Working Group and that this Group report directly to the Plenary. However, I have been asked to include their short report here in my report.

The small working group met on Sunday morning. Present were the UK, Netherlands, Denmark, USA and the Russian Federation. The latter delegations contained members familiar with aboriginal subsistence whaling operations. The small working group agreed that blocks of five years with an inter-annual variation of fifty per cent were satisfactory in terms of allowing for the likely variability in hunting conditions. It therefore agreed that these values are appropriate for use in trials. It recognised that this does not commit the Commission to these values in any final aboriginal whaling management procedure. Under agenda item 10.2 – Review of Aboriginal Subsistence Whaling Catch Limits.

## **10.1.2 ACTION ARISING**

### **Chairman**

Sorry Chairman can I stop you there a moment to see if there are any comments on the Report of the Standing Working Group. Is this acceptable? Seems so. Please carry on. Thank you.

## **10.2 REVIEW OF ABORIGINAL SUBSISTENCE WHALING CATCH LIMITS**

### **10.2.1 REPORT OF ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

#### **Norway**

Thank you Mr. Chairman. So under item 10.2 – review of Aboriginal Subsistence Whaling Catch Limits. The Chair of the Scientific Committee reported that the Scientific Committee had no reason to change the management advice given previously for any of the aboriginal subsistence whaling catch limits. In a statement by the Russian Federation the importance of whales for hunting and of their use as a traditional food was stressed. The Russian Federation also stated its concern to reduce time to death in whaling operations and expressed its appreciation to the US, Japan and Norway for the help and support it had received in this regard. Mr. Chairman I am making a note that in the written Report from our Sub-committee on page 3 it says Alaska in a couple of places but that should be corrected to the US.

The Russian Federation also reported that since last year more whales are being found that smell badly and are unfit for human consumption and Russia asked that ten such whales from the 1999 hunt be given a special status and excluded from the quota. The primary interest for the Russian Federation in raising the matter was to draw the attention of the Sub-committee to the problem and put it on notice that if the full number of whales allowed are taken in the remaining years of the five year quota there may be a problem with the total allocated catch of six hundred and twenty whales at the end of the quota in 2002. The Russian Federation does also consider that the Scientific Committee of the IWC should conduct research on these whales. In the longer term it would also like the formula for calculating quotas changed so that it provides for adjustment in cases where whales caught are not suitable for human consumption.

Mr. Chairman do you want me to pause here. We have a recommendation under action arising especially on this point but I was planning to take that since that is the only action arising later on and go on through the other stocks first? OK. Thank you.

#### **10.2.1.4 NORTH ATLANTIC HUMPBACK WHALES**

So under item 10.2.1.4 – North Atlantic humpback whales. The Chair of the Scientific Committee reported that the Committee reiterated its view that there is a high probability that any humpback whale less than eight metres in the breeding area during the winter season is a calf. Catch information was also provided about two whales, a large female and a male calf. A discussion took place on the takings by St. Vincent and the Grenadines in connection with last year's renewal of their quota. Comments were made and questions asked as to the refusal of issuing research permits, the preparation of a detailed needs statement and the drafting and enforcement of regulations for the humpback hunt. Some delegations put great emphasis on the speedy fulfillment by St.

Vincent and the Grenadines of such undertakings for the continued renewal of the quota. These delegations questioned whether St. Vincent and the Grenadines was following up on some of these commitments to a sufficient degree. St. Vincent and the Grenadines evoked its right as a sovereign state to make its own choices as regards scientific research programmes and take the time needed to work out appropriate regulations. As to its needs it pointed out that increased population resulted in increased needs. Some delegations were very disturbed to see in the Report of the Scientific Committee that a calf has been taken this year. As it was quite clear in their opinion that this was forbidden under the Schedule, this practice had to stop. St. Vincent and the Grenadines requested that any discussion of this year's catch cease immediately as it had submitted its Report. It further drew attention to the note in the Report of the Scientific Committee that the catch of up to three whales is likely to have no impact on the stock. One delegation made a similar point while another noted the economic situation in St. Vincent and the Grenadines and its need for scarce animal protein. It was emphasised that St. Vincent and the Grenadines does not have sheep and cattle but does have fish and whales. One delegation held the view that the amendment made last year to paragraph 13 of the Schedule was inappropriate and foreshadowed to the possibility of future removal of this provision as well as paragraph 14. In pointing to the relevant parts of the Scientific Committee Report another delegation stated its view that the sentence introduced in the Schedule last year was premature and that what should be encouraged is the taking of more calves not less.

## **10.2.2 ACTION ARISING**

Then I come to the only item under Action Arising that was discussed in the Sub-committee and that was with respect to the North Pacific stock of gray whales. Here the Sub-committee noted the problem contaminated whales are posing to the Russian aboriginal hunters and recommended to the Commission that it request the Scientific Committee to study the problem of contaminated whales not suitable for human consumption.

### **Chairman**

Thank you Chairman for a very succinct presentation.

## **10.3 CATCHES BY NON-MEMBER NATIONS**

### **10.3.1 REPORT OF ABORIGINAL SUBSISTENCE WHALING SUB-COMMITTEE**

#### **Norway**

Excuse me I have some other points. You don't want me to pause there? We moved onto item 10.3 – Catches by non-member nations. In response to a question by Austria the observer from Canada confirmed that the Canadian Fisheries Minister had agreed with the Nunavut Wildlife Management Board to issue one permit during 2000-2001 to take one bowhead whale or two strikes from the Hudson Bay-Foxe Basin stock if application is made for such a permit. No such application has been received to date. Under Other Business Denmark in reference to IWC Resolution 1998-11 on IWC concern about human health effects from the consumption of cetaceans made a brief presentation on paper IWC/52/AS2 - Traditional Food and Environment and Health Concerns. In conclusion Mr. Chairman I would again like to thank the Rapporteur, Ms. Pam Eiser from Australia and the members of the Sub-committee for their contributions and cooperation and in particular, since I forgot to do so in the Sub-committee, I would also like to thank the Chairman of the Standing Working Group on the development of an aboriginal management procedure and the Chair of the Scientific Committee. Thank you Mr. Chairman.

#### **Chairman**

Thank you Chairman. Sorry for interrupting you there but I was just trying to move things along so every time anyone draws breath I try to cut in. Now are there any comments on this? UK.

### **10.2.1.4 NORTH ATLANTIC HUMPBACK WHALES (CONTINUED)**

#### **UK**

Thank you Chairman. I read with interest the Report of the Working Group and I also would like to thank the Chairman's introduction which I thought was very comprehensive. I was, however, surprised by what was said during the discussion of the St. Vincent quota. The situation, as far as the UK is concerned, is a simple one. Members will recall that it was a difficult discussion last year about the St. Vincent quota and a crucial factor in achieving consensus was the commitments given by the Government of St. Vincent and they included a commitment to ensure that the hunt is properly regulated. In the Scientific Committee this year St. Vincent reported that a large female humpback and a male humpback calf were taken in March this year. The calf was

6.1metres in length and had milk in its stomach. This take was therefore clearly a contravention of the revised paragraph 13(b) 4. of the Schedule which we agreed last year which specifically prohibits the taking of a calf or of a humpback whale accompanied by a calf. As an infraction I appreciate that this matter will be dealt with by the Commission next year and I am only raising it now because it demonstrates a failure so far by the Government of St. Vincent to meet one of the key commitments it gave this Commission to ensure that the hunt is properly regulated. Against this background, it is surprising that in the Working Group some delegations apparently defended this take on a variety of grounds. These included references to the Scientific Committee's examination of the effects on stocks of killing calves and the alleged dependence of the people of St. Vincent on whale meat. But, in fact, these points are irrelevant, they do not affect the obligation St. Vincent has to observe the provisions of the Schedule and the commitments it gave last year. If the Scientific Committee has shown that the taking of calves is better for whale conservation than taking of adults and frankly we remain to be convinced of that in the UK, that is a separate argument for changing the Schedule, it's not an argument for ignoring it.

As the UK pointed out in the Working Group Chair, proper regulation involves effect enforcement. The UK is therefore very concerned that there are no domestic regulations governing the conduct of this hunt and that the provisions of the Schedule are not apparently in forced. The Government of St. Vincent gave these commitments last year and we look to them to honour them and I am quite sure that they will do that but I do regret that the delay that seems to have been taken on this and I would also note that the UK attaches equal importance to the other commitments that were given last year by St. Vincent including those concerning improved hunting methods and a needs statement. As with many other delegations, the UK obviously will be influenced by the extent to which these commitments have been met when there is a discussion on future quota allocations. Thank you Chairman.

**Chairman**

Thank you UK. Netherlands.

**Netherlands**

Thank you Chairman. Last year, as the Minister for the United Kingdom has just pointed out, the Commission renewed the aboriginal subsistence whaling quota for St. Vincent and the Grenadines on the basis of commitments made by St. Vincent and the Grenadines to review and improve hunting and killing methods and ensure that the hunt is properly regulated and ensure that cooperation in research related to this hunt and submit a detailed needs statement when the quota is next considered for renewal. Now Mr. Chairman during the discussion in the Sub-committee for Aboriginal Subsistence Whaling it became clear to us that despite the undertaking by St. Vincent and the Grenadines it has made no progress towards regulation of the hunt since our last meeting and that another humpback cow and calf, as well as a Bryde's whale, were taken by St. Vincent and the Grenadines in 2000. We would therefore like to underline the comments just made by the United Kingdom delegation and we would urge St. Vincent and the Grenadines to work towards a proper regulation of the operations with all due speed. Thank you Mr. Chairman.

**Chairman**

Thank you Netherlands. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. In the interest of brevity I will not lose any time in responding to these statements because the distinguished delegates all know that our Report on these matters is not due until next year and it is a total waste of time and against your wish that I should pursue this discussion. All the responses to the questions were in my opinion satisfactorily dealt with in the Committee meeting but Mr. Chairman on a relative matter we seem to be straining at mats and losing focus on where we should really go, spending so much time on small matters and this is why organisations like CITES and IUCN have had to make the statements that they have made. We are losing time, we are wasting time on small matters. The accusations, the statements made in those statements by those organisations are totally correct and we must get up and face those instead of diverting attention to small matters. I have responded quite adequately. My country is a sovereign state, as I said, we are working on our regulations and we are not going to be coerced by any timetable by any delegation and when next year arrives we will deal with that matter. The question of Bryde's whale is entirely out of order and you should have ruled that delegation out of order for mentioning this Mr. Chairman. It is not relevant to this and it is not relevant now anyway. Thank you Mr. Chairman.

**Chairman**

Thank you St. Vincent and the Grenadines. Japan.

**Japan**

Thank you Mr. Chairman. The Government of Japan would like to strongly support the comment made by St. Vincent and the Grenadines. I made this statement already at the Sub-committee and I would like to repeat again. The regulations which are meant for modern commercial whaling should not be applicable to the aboriginal subsistence whaling. The Scientific Committee also reported that the current abundance estimate is 10,600 and the catch of 2 whales out of this stock will not adversely affect the stock. We suggest that we rather concentrate our efforts on amending the present Schedule. In relation to this we heard that there had been cases of bycatches and stranding of humpback whales off the eastern coast of North America and when we carry out comprehensive assessment of North Atlantic humpback whales next year we would like to hear the Reports on only of the number of these whales but also the body length, sex and maturity rate and the present state of bycatches and standings. Thank you very much.

**Chairman**

Thank you Japan. Switzerland.

**Switzerland**

Thank you Mr. Chairman. Just to say that we associate ourselves with the United Kingdom. Thank you.

**Chairman**

Thank you Switzerland. Australia.

**Australia**

Thank you Chairman. In the discussion of this issue in the Working Group we noted the progress that St. Vincent had made in meeting the commitments it made to the Commission at IWC/51 and we thank them for that progress report. We look forward to receiving a progress report or rather a report at next year's meeting that their commitments have been met. Thank you.

**Chairman**

Thank you Australia. US.

**USA**

Thank you Chairman. Like the UK, Netherlands and Australia the US has concern about the lack of regulations to monitor and control this hunt. We believe that this has led to the continuing takes of cows and calves and even of Bryde's whale this year. These are major problems for us Mr. Chairman and we hope that St. Vincent and the Grenadines meets its commitments of last year and then acts appropriate domestic regulations as a matter of urgency. Thank you.

**Chairman**

Thank you US. Germany.

**Germany**

Thank you Chairman. I want to associate myself with the remarks made by the UK.

**Chairman**

Thank you Germany. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman the delegation of St. Lucia wishes to support the statements made by the delegate Commissioner of St. Vincent and the Grenadines. Chairman we discussed this at length in the Committee, at length. St. Vincent indicated that they have done as much as is possible on their timetable as it relates to the regulations. They also indicated that the whaling is conducted from a small boat and when you are on the high seas on a small boat it is very difficult to see anything that is small so Chairman I think we have to understand the situation of St. Vincent and the regulations have been done and they have given you information that 61% of the people at whale meat and there is a growing need for more whale to be taken in St. Vincent so Chairman I think we need to understand the situation of St. Vincent and just leave them alone. Thank you.

**Chairman**

Thank you St. Lucia. Norway.

**Norway**

Thank you Mr. Chairman. Norway would like to confirm that we have the fullest confidence in the assurances given by St. Vincent and the Grenadines concerning what will be done with regard to regulations and the way that the regulations will be enforced or practiced in the future so for that reason we really don't see the need for any repetitive debate where the same criticism against St. Vincent and the Grenadines is repeated over and over again. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. St. Kitts and Nevis

**St. Kitts and Nevis**

Thank you Mr. Chairman. As was said before many of these statements are mere repetitions of what have been said before. St. Vincent and the Grenadines has already made its statement on the matter and therefore St. Kitts and Nevis is in full support of St. Vincent and the Grenadines. Thank you.

**Chairman**

Thank you St. Kitts and Nevis. I have Sweden and Antigua and Barbuda and I propose to stop at that. Sweden.

**Sweden**

Brief Mr. Chairman. Thank you. Sweden wants to associate itself with the views expressed by UK, Netherlands and Switzerland.

**Chairman**

Thank you Sweden. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chair. Mr. Chair Antigua and Barbuda would like to first of all congratulate St. Vincent for the effort it is making with regards to the regulations. Mr. Chair one of the things that we have to be careful of is setting our expectations too high as far as the type of regulations that will be expected. The development of regulations, of course, have to be based on people's cultural augmentation, the ability to enforce those regulations and the whole acceptability of that regulation within the whole framework of the fishery that you are trying to pursue. Hence, I just want to caution some developed countries here not to expect that St. Vincent will be able to develop the type of regulations that would require high tech enforcement capabilities and equipment because it just will not work in St. Vincent and the Grenadines. That is why the Caribbean countries that are members of this organisation will work with St. Vincent during the intersessional period to ensure that St. Vincent develop the type of regulations (1) that can regulate that fishery and (2) that will be generally acceptable within the framework of the capability of St. Vincent to enforce them.

We are pleading to the understanding of these developed countries to have a little patience with St. Vincent. I am not going to go back into an old lengthy speech or anything but just to have a little patience with St. Vincent and have the confidence that St. Vincent and the rest of the Caribbean states will be working on these regulations to make sure that there is some sort of regulation in the fishery and Mr. Chair I know that a lot of warnings have been sent out to St. Vincent that next year they have to come with the regulations and so forth. I have not heard one country that is saying that they would be prepared to give any Caribbean country any sort of technical assistance in developing framework legislation and you know this is a sort enditement you know with regards to the help that we should be giving to each other in this organisation. Antigua and Barbuda will be prepared to help St. Vincent and we are going to develop the regulations in St. Vincent and other Caribbean countries within the framework and culture of our region and I do hope that that will be respected and acceptable to all Mr. Chair.

**Chairman**

Thank you Antigua and Barbuda. UK is it a new point. I am reluctant to reopen the list on this.

**UK**

Just very briefly Chairman. I appreciate what has been said by St. Vincent and the Grenadines. The only point that I would say is that assurances were given and it is not unreasonable for the IWC to expect those assurances to be honoured and I hope and I am quite confident that they will be. I am also very concerned about the attitude of the honourable delegate from Japan who seemed to say that having agreed rules in this organisation if they were small issues and stocks not under great threat then those rules could be ignored. I think that is an irresponsible position to take and its certainly is a reason why I think that when we look at issues like the

moratorium the fact that we are being told here that in some cases rules can be ignored is one reason we should be very careful about considering lifting such a moratorium .....

**Chairman**

Sorry UK. Japan point of order or do you just wish to reply?

**Japan**

No wish to reply.

**Chairman**

Yes. Can I give the floor to Japan? Japan.

**Japan**

Thank you Mr. Chairman. The point that Japan raised is rather simple that the rule was changed and then the new rule was established last year and that says that the cow accompanied by a calf should not be taken. However, we think that new rule is itself is wrong from a scientific standpoint as well as the rule is this new rule is against the spirit of the Convention itself so when this kind of error or wrong rule is recognised then I think this error should be immediately corrected and amended and that is the point that we raised.

**Chairman**

Thank you Japan for the clarification. I propose to close discussion now on this item. Can we ..... St. Vincent and the Grenadines you want the right of reply. I think I will give you the floor.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. Mr. Chairman I wish to thank those delegates that supported St. Vincent and the Grenadines and, as I said, we have given a commitment to do what we can but I think it is very important in these closing comments on this agenda item Mr. Chairman to put the entire thing into focus so we can see where we are and the conditions under which we operate. In January of this year we did a survey of all marine consumption patterns on the island and we discovered that 61% of the respondents of over 1,000 questionnaires, 61% of the people of our country consume cetacean meat, 61%, 11% did so because of health associated benefits, 16% because of tradition and 71.4 did so because of the taste. Less than 0.6% of these people Mr. Chairman eat marine mammals on a daily basis, while 75% of the 61% of consumers do so at least once per month. Mr. Chairman this is the environment in which this whole thing must be seen and is not only a question of complying with the regulations, I agree, but we must have the background and it is very relevant that we operate on this and the delegates here know these conditions surrounding our operations. Thank you Mr. Chairman.

**Chairman**

Thank you St. Vincent and the Grenadines. I take it that we adopt the Report of the Sub-committee and before I close this agenda item Denmark you wish the floor?

<b>10.4 OTHER BUSINESS</b>
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**Denmark**

Thank you Mr. Chairman. I think this would be the proper agenda item. We have among us the Minister, Simon Olsen from the Greenland Home Rule Government who is responsible for, among other business, hunting and fishing in Greenland and he wishes to address to this Commission some Greenlandic points of views related to whaling. His point of view will be read by the Minister in Greenlandic followed by a English version by Mrs. Amalie Jensen here of the Department Greenland Home Rule. Thank you.

Mr. Chairman, distinguished Commissioners, ladies and gentlemen. I would like to take this opportunity to express my view on whaling. As known, my ancestors in Greenland have harvested both bowhead, humpback whales among other marine mammals in the past. They harvested what they needed to survive in the harsh Arctic environment. Today whaling contributes tremendously to our culture and nutrition and we simply cannot live without whaling. Anyway, the difference today is that the decisions and limitations are made by the International Whaling Commission and we respect that. It is our opinion that we preferably should focus on the positive health effects by eating whale meat, mactak and blubber rather than the uncertain side effects made by pollution. The focus should be addressed more to the polluters and make more demands to them. I will appreciate that we receive whale quota from the IWC, the West Greenland quota is equivalent to 558 metric tonnes of whale meat from minke whales and fin whales. In this respect I would like to draw your attention to

the IWC accepted needs of aboriginal populations in West Greenland of 670 metric tonnes of whale meat from minke and larger whales which the Commission endorsed at the 1990 Annual meeting. The West Greenland quota we have today is 112 metric tonnes less than the documented need the IWC endorsed for ten years ago.

The Greenland population is growing and accordingly the needs of whale meat so I expect that the Commission will fulfill the endorsed needs of what meat from minke whales and larger whales in the future. It is my view that the increasing number of whales and seals observed in our waters is causing serious concern in relation to our fish stocks which is the most economical important resource in my country. Greenland supports both balanced and sustainable use of all living resources managed through international or regional bodies. We have all obligation in doing so. Having said that, and in conclusion Mr. Chair, I would like to express my support for the socio-economic needs of fifty minke whales for small type whaling communities in Japan and regret the result two days ago. Thank you Mr. Chairman.

### **10.3.2 ACTION ARISING REGARDING CATCHES BY NON-MEMBER NATIONS**

#### **Chairman**

Thank you Greenland. I have one item left on agenda item 10 and it is Resolution IWC/52/38 sponsored by Austria. Austria.

#### **Austria**

Thank you very much. This Resolution is more or less self explaining. We heard that the Hudson Bay-Foxe Basin-Bowhead stock is in the low hundreds. Nevertheless the Government of Canada has agreed to grant one license on request to take one bowhead whale from this endangered stock. As this stock is very endangered we urge Canada to refrain from issuing this license and above that we would welcome Canada to rejoin IWC. There will perhaps be the argument that the Hudson Bay Stock is not highly endangered but only endangered but we also learn that small stocks are vulnerable even to low levels of take and there might be the argument that we cannot address a Resolution to non-member states but last year and in previous years we could so why shouldn't we do this this year too. For those reasons we hope that this resolution can be adopted by consensus. Thank you.

#### **Chairman**

Thank you Austria. Are there any other comments? Denmark.

#### **Denmark**

Thank you Mr. Chairman. I think that in a certain manner this may also be described as a déjà vu exercise. We had this Resolution two years earlier. Denmark naturally are fully in line with the point of view that it is critically important that whaling operations are sustainable. Denmark would also very much welcome the membership of Canada in this organisation. Maybe a membership of non-member states whaling would be a little more easy if the RMP and other matters were solved but that it is not the item of this agenda here now.

I have two problems with this Resolution. I think it is improper to address a Resolution to a non-member state. I will take your attention to the Convention Article VI which clearly states that Resolutions shall be directed to any or all Contracting Government and Canada is, as you all know, a non Contracting Government. It is a Danish Foreign Service point of view that under such circumstances you approach Canada through normal diplomatic channels. Thank you.

#### **Chairman**

Thank you Denmark. I have Norway looking for the floor and then I propose to give the floor to the observer from Canada. Norway.

#### **Norway**

Thank you Mr. Chairman. Norway would like to simply but clearly associate itself with the views just expressed by Denmark. Thank you.

#### **Chairman**

Thank you Norway. Can I call on the observer from Canada if you can get to a microphone?



**Canada**

Thank you Mr. Chairman and I do appreciate this opportunity to address this Resolution. As a start I would remind the meeting that the aboriginal people in Canada have a constitutional right to harvest the resources off the coast subject only to conservation concerns and I believe that this is at the root of this matter.

There have been Resolutions in the past that have addressed the continued aboriginal hunt in Canadian waters. Sometimes it has been addressed specifically to Canada and sometimes it has been anonymous but there is a new element this year and that is the inclusion of the phrase 'highly endangered'. Now the Resolution itself actually would seem to imply that the previous Resolutions had also used this phrase but this is not correct. More importantly, however, it is the matter as to whether or not the stock that is really the subject of this Resolution, the Hudson Bay-Foxe Basin stock, is indeed highly endangered. Perhaps my concern about this is because of the rather emotive nature of this phrase as indeed it should be when it is applied correctly.

The Chair of the Scientific Committee has indicated that the Committee reviewed new research results from Canada but did not reach consensus about the numbers in the population. This is not really that surprising as this was new data which was rather different from the information available in the past. In Canada our scientists have had longer to consider these new estimates and are quite confident about them and indeed have prepared a domestic advisory note to conclude that there is a minimum of about 345 whales in the population. We believe that this is a minimum estimate as we have made no corrections for areas not surveyed nor for whales which were too deep in the water to be seen from the aircraft. Now, 345 whales does not seem to be many and I think this is perhaps the source of concern. Indeed, we have just heard the concern about harvesting small stocks.

I am aware that in the deliberations of the Scientific Committee last year there were papers presented that suggested that if there were no other stress factors the catch of 1% from a population of even 100 animals would not create an unsustainable situation. However, turning back to the Hudson Bay-Foxe Basin bowhead. This is a stock that was not harvested heavily in the past and indeed it seems quite likely that the original population may not have exceeded 600 or so whales. Again I draw from information from documents that have been provided to the Scientific Committee and not the one that presented this estimate of the population. This implies that this population is not severely depleted as are many of the great whale stocks around the world. Neither in this case are the traffic concerns as we have for instance with respect to right whales, nor of killer whale predation which as mentioned in the Scientific Committee Report and in the Report of the Aboriginal Whaling Committee, is a concern but for the other bowhead stock in this area.

I recognise, therefore, Mr. Chairman that this may seem a rather strange request but we believe that to evoke the phrase 'highly endangered' would be used by others in a way not intended and we would stress that the proposed take of 1 whale from this stock has been subject to scientific review and that by using a catch model called the *Potential Biological Removal* and using conservative estimates of the values in that model we have found that there is no danger to the population status by implementing this management scheme that has been requested by the Aboriginal Management Board. Thank you for this opportunity.

**Chairman**

Thank you Canada. Canada could I ask you if I am being too simplistic to suggest that if the phrase 'highly' was removed you would not have a problem with the Resolution. Is that too simple Canada?

**Canada**

Thank you Mr. Chairman. Of course, I would have to say given the opportunity to say my full preference it would be that there isn't a Resolution and the Commission takes understanding of the work that we have done. However, yes we believe that removing the word 'highly' would in fact since we are talking about the Hudson Bay-Foxe Basin population improve the situation. Thank you.

**Chairman**

Thank you Canada. Can I put that to the sponsors? Japan.

**Japan**

Thank you Mr. Chairman. Japan has a concern to Canada's policy to whaling. When we listened to the distinguished delegate of Canada now it sounds like Canada supports this principle of sustainable use of the resources. However, when we look at Canada's approach in the other fora, for example, with regard to the sustainable use for the other cetacean species we cannot really interpret that they support sustainable use.

When we look at Canada's policy on the other species like sustainable use of Hawksbill Turtle even though the Canadian delegate now sounded like Canada supports the sustainable use I think actually the Canadian Government attitude in other places does not seem to coincide or be consistent with this statement just made.

Having said that, of course, Japan does not block this consensus adoption of this Resolution at all but, however, we would like our statement right now to be recorded. Thank you.

**Chairman**

Thank you Japan. We will note your comments. I propose to adjourn for coffee to let the sponsors consider the suggestion by the Chair rather than Canada and we will come back to this after the coffee break. Be back here for 11.00.

[BREAK]

**10.3.2 ACTION ARISING**

**Chairman**

I am returning to agenda item 10.3.2 – Resolution IWC/52/38. There has been consultations during the break and there is no agreement so I am going to proceed immediately to a vote and I hope that concentrates some people's minds.

Mr. Secretary can I ask you to proceed with the arrangements for the vote.

**Secretary**

Thank you Mr. Chairman.

**Chairman**

Sorry, Austria.

**Austria**

First I think we should wait a bit to allow everybody to come into this meeting and second I would like to remind the plenary that last year we had a Resolution on these stocks and they talk about 'highly endangered' stocks because everything numbering 500 or less is to be considered as 'highly endangered' stock and the Scientific Committee just says the stock numbers in the low hundreds and doesn't say anything about 'endangered' or 'highly endangered'. This is for the record. Thank you.

**Chairman**

Thank you Austria. Mr. Secretary I think we should now proceed with the vote. We are ten minutes over time. Please carry on.

**Secretary**

Mr. Chairman the proposal before this plenary session is the Resolution contained in document IWC/52/38, a Resolution on Whaling of Highly Endangered Bowhead Whales in the Eastern Canadian Arctic sponsored by Austria and a number of other governments. The document is IWC/52/38 and there have been no changes made to the original text before you. In this plenary session a simple majority of those voting in favour or against will determine the result. On this occasion the rolling vote starts at Denmark – abstain; Dominica – no; Finland – yes; France – yes; Germany – yes; Grenada – no; Republic of Guinea – no; India – absent; Ireland – yes; Italy – absent; Japan – no; Republic of Korea – abstain; Mexico – yes; Monaco – yes; Netherlands – yes; New Zealand – abstain; Norway – no; Oman – yes; Russian Federation – no; St. Kitts and Nevis – no; St. Lucia – absent; St. Vincent and the Grenadines – no; South Africa – yes; Spain – yes; Sweden – yes; Switzerland – yes; UK – yes; USA – yes; Antigua and Barbuda – abstain; Australia – yes; Austria – yes; Brazil – yes; Chile – abstain; People's Republic of China – abstain.

Mr. Chairman there were 17 votes in favour, 8 against with 6 abstentions and so that Resolution is adopted.

**Chairman**

Thank you Secretary. I have New Zealand and Japan. New Zealand please.

### **New Zealand**

Mr. Chairman I wish to make an explanation of our vote. New Zealand has considerable sympathy with many of the sentiments in the Resolution. We are particularly concerned about any take of such a species whether 'endangered' or 'highly endangered'. We would, however, prefer to deal with this matter on a bilateral basis at least at this stage and reserve our future position depending on the outcome of those discussions.

### **Chairman**

Thank you New Zealand. Japan.

### **Japan**

Thank you Mr. Chairman. I would also like to explain the vote of Japan. Earlier I stated that we would not block the consensus. However, since there seem to be no consensus reached we decided to pursue our principle and voted in accordance with how we voted in the past years. Thank you.

### **Chairman**

Thank you Japan. St. Vincent and the Grenadines.

### **St. Vincent and the Grenadines**

Thank you Mr. Chairman. St. Vincent did not support the proposal because we thought that the response of the Canadian observer was sufficient guidance for us and we also found a very unusual situation in the penultimate preambular paragraph, I am sorry the very last one, where it refers to the Law of the Sea Convention and we were not comfortable into believing that all these sponsors have signed that Convention. If any country has not signed we therefore see a contradiction in it and could not support that Mr. Chairman. Thank you.

### **Chairman**

Thank you St. Vincent and the Grenadines. I will now close agenda item 10. Sorry Australia.

### **Australia**

Thank you Chairman. Just to say that our vote in favour of the text was one made on balance given the significance of the issue. We were disappointed that the text was not one which attracted consensus and we voted yes with some reservations about the text. Thank you.

### **Chairman**

Thank you Australia. Antigua and Barbuda.

### **Antigua and Barbuda**

Yes Mr. Chairman Antigua and Barbuda believe that this matter could be solved more realistically through bilateral pursuit also as Denmark said we believe that if a country is not a member of this organisation we should not be directing Resolutions towards them and that is why Antigua abstained on this matter.

### **Chairman**

Thank you Antigua and Barbuda. Now if there are no other explanations I will close agenda item 10 and move to agenda item 21 which is Date and Place of Annual Meetings. 21.1 I will pass to the Secretary.

<b>21. DATE AND PLACE OF ANNUAL MEETINGS</b>
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<b>21.1 53<sup>RD</sup> ANNUAL MEETING, 2001</b>
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### **Secretary**

Mr. Chairman because there had been no offers to host the meeting next year in 2001 the Secretariat have made arrangements for the meeting to be held in London. It will be held in the Novotel London West which is a modernised facility with hotel accommodation and conference facilities under one roof. Leaflets describing this facility have been put into the pigeonholes and the dates of the meeting are the 2-27 July for the whole suite of meetings for the 53<sup>rd</sup> Annual Meeting and the preceding Scientific Committee, Sub-committee and Working Group sessions.

<b>21.2 54<sup>TH</sup> ANNUAL MEETING, 2002</b>
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### **Chairman**

Thank you Secretary. I move onto 2002 and I give the floor to Japan.

**Japan**

Thank you Mr. Chairman. With regards the host of the 54<sup>th</sup> Annual Meeting of the IWC in 2002 it is a great pleasure for Japan to announce that the City of Shimonoseki in Japan is prepared to host the 2002 IWC Meeting and as part of our delegation we have Kiyoshi Ejima of Shimonoseki City and with your permission I would like to ask Major Ejima to say a few words.

**Chairman**

Please carry on Mayor

**Japan**

Thank you very much Mr. Chairman, distinguished delegates, ladies and gentlemen. I am a member of the Japanese government delegation and mayor of Shimonoseki City, Kiyoshi Ejima, with ten of our citizens joining this IWC Meeting held in Adelaide. It is a honour and pleasure for the City, and for me personally, to be candidate for the host of the Annual Meeting of the IWC in 2002. It will indeed give us a great honour if this august body elects us as the host of the 2002 IWC Meeting. Shimonoseki, located on the beautiful peninsula, has powerfully influenced Japan, colouring its long history changing currents and unique culture. It is a great pleasure for us to host the IWC meeting and to contribute to its success in addition the City of Shimonoseki will celebrate our hundredth anniversary on 2002. I personally, along with the citizens of Shimonoseki, will be expectantly preparing for your visit. We hope that people from many countries will discover the warmth and friendliness of our people and various facets of our intriguing Japanese culture. Once again the City of Shimonoseki would like to welcome you all to our city and be the host of the IWC meeting in 2002. I would appreciate your support for Shimonoseki City, Japan. Until 2002 I would like to say from all the people of Shimonoseki our doors and our hearts are open to you. Thank you very much.

**Chairman**

Thank you Japan for that generous offer.

**Japan**

Thank you Mr. Chairman. We have heard the Mayor of Shimonoseki and we can tell how enthusiastic the City of Shimonoseki is in hosting this meeting and we would like to communicate with the Secretariat as to the timing of the Annual Meeting. Thank you.

**Chairman**

Thank you Japan. I think New Zealand wants the floor.

**New Zealand**

Thank you Mr. Chairman. On behalf of my Government and the people of New Zealand I am pleased and proud to extend an invitation to this Commission to hold its Annual Meeting in New Zealand in the southern spring of 2002. Mr. Chairman this invitation comes as a consequence of a meeting between the New Zealand Minister of Conservation, the Honourable Sandra Lee who addressed this meeting two days ago and the Chairman of the Commission earlier this week. When Dr. Canny informed the Minister that the Commission was still seeking a host country for the 2002 meeting she immediately telephoned our Prime Minister to seek permission to invite the IWC to New Zealand. She received a very swift confirmation and a personal message from the Prime Minister that the Commission will receive a warm and genuine welcome from our people.

Mr. Chairman the host city will be either Auckland or Christchurch. Auckland is New Zealand's largest city and, as the present home of the Americas Cup, is rightly known as the City of Sails. The City surrounds the shores of the Waitemata Harbour which means sparkling waters, its Maori name is Tamaki Makaurau which means the place of a hundred lovers.

Mr. Chairman, Christchurch often known as the Garden City is the largest city on the South Island and it has a back-drop of the Pacific Ocean on one side and the Southern Alps on the other. It is incidentally a sister city of Adelaide, our host for this meeting.

New Zealanders are very proud of their maritime heritage, borne of our proximity to the sea and nurtured by a series of great migrations, first of the Polynesian canoes and then later of the white sails and steam ships of Europe and elsewhere. As the Minister explained on Tuesday, we have a long and close relationship with whales, first as the guardians of the great Polynesian migrations and also through strandings as a source of bone for carving. Whales later became an important source of economic activity beginning in 1793 and continuing

through to 1963. In recent times whales have become an important national symbol of conservation and a real source of economic benefit from whalewatching. As such, our interest in, and long involvement with the International Whaling Commission has been, as I say, long standing.

Mr. Chairman our invitation is extended to both the Commission and to the Scientific Committee. We propose to use existing major conference facilities comparable to those of this fine convention centre. As our Australian hosts did before deciding to hold this meeting in Adelaide we propose to implement a competitive bidding process to secure the best possible arrangements for the 2002 meeting. Representatives of the hosts will attend next year's meeting in London to facilitate the process of reservations, travel and likewise. Mr. Chairman, both Auckland and Christchurch are modern, cosmopolitan cities offering a range of hotel accommodation to suit a range of tastes and pockets. Both have hundreds of restaurants and cafes providing a wide range of cuisines and again to suit many pockets. Through direct flights to Australia and the United States and a number of Asian cities both Auckland and Christchurch international airports provide direct and easy communications to both major international destinations.

Many of our countries most popular tourist destinations are also easily reached from both cities, in the case of Christchurch it is near to Kaikoura one of the world's best known whalewatching locations. At the time of the year that is proposed the temperatures will be moderate as befits New Zealand's temperate climate.

Mr. Chairman twenty per cent of this Commission's active members are from the Southern Hemisphere and yet over the past twenty-three years it has held its Annual Meetings in our Hemisphere only three times. In 2001 we will meet twice in the Northern Hemisphere, once in Japan for the proposed RMS Intersessional Meeting and then in London for the Annual Meeting. It is therefore I think Sir appropriate that we should meet again in the Southern Hemisphere during the following year. I am Sir very proud to present this invitation and strongly commend it to the International Whaling Commission.

**Chairman**

Thank you New Zealand. You always like to have the last day of simple choices but this is going to be difficult. Japan.

**Japan**

Thank you very much. As we just heard that New Zealand would also like to host the meeting and since the intersessional meeting that we will be hosting next year was mentioned by the delegate from New Zealand I would like to explain this a little further because of this intersessional meeting next year, the next Annual Meeting he said should go to the Southern Hemisphere in 2002 but if this intersessional meeting is going to become impediment Japan is willing to ask another nation to host the intersessional meeting in 2001. Thank you.

**Chairman**

Thank you Japan you are just making it even more difficult for us because we were looking forward to that one. There are new Rules of Procedure which provide for a secret ballot on this issue and I will ask the Secretary to proceed with the secret ballot. There is no possibility of compromise. We can go to either one or the other and hopefully we can go to both in turn but I hope we can treat it as a vote for order of attendance rather than either or. Can I pass it to the Secretary please for the arrangements.

**Secretary**

Mr. Chairman the members of the Secretariat staff will pass out voting forms now on which are indicated three choices for Japan, New Zealand or you may wish to abstain. Please put a cross in the appropriate box, one per country by the Commissioner and I will ask you to bring your voting form up and we will put them in a suitable container and I understand that the Chairman and the Secretary are given the responsibility of counting the votes.

Mr. Chairman we have counted the votes. For Japan there were nineteen votes, for New Zealand ten with three abstentions.

**Chairman**

New Zealand.

**New Zealand**

Mr. Chairman on behalf of New Zealand can I congratulate Japan on being chosen for the 2002 Meeting. We certainly look forward to the hospitality that we know is traditional of that country and certainly welcome the

opportunity to participate in meetings there. I will in due course be able to advise the Commission whether there is an invitation to be extended. I haven't instructions at this stage but look forward to the opportunity sometime in the future of hosting the meeting in New Zealand. Thank you.

**Chairman**

Thank you New Zealand for your generous response. Japan.

**Japan**

Thank you Mr. Chairman. The Commission has elected the host for the 54<sup>th</sup> Annual Meeting of the IWC as Japan and we would like to thank many delegations which have supported Japan as the host for this meeting. Personally I would very much like to go to New Zealand so I appreciate New Zealand's continued interest in hosting this meeting sometime in the future and I would like to thank you all once again. We shall make sure that together with Mayor Ejima of Shimonoseki City that this meeting is going to be a success. Thank you very much.

<b>22. ADOPTION OF REPORT OF FINANCE AND ADMINISTRATION COMMITTEE</b>
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**Chairman**

Thank you Japan. We look forward to it. Can I move now to agenda item 22 – Adoption of the Report of the Finance and Administration Committee. Are there any matters arising Chairman of the F&A?

**New Zealand**

No Mr. Chairman. I would move the adoption of the Report.

**Chairman**

Norway.

**Norway**

Thank you Mr. Chairman. Mr. Chairman I would like to refer to Appendix 5 to the Report of the Finance and Administration Committee, that is the Report of the Contributions Sub-committee, page 13, fifth paragraph, which reads as follows 'South Africa and Oman refer to the proposal by the United States for the nomination of a Task Force to come up with a revised set of principles to guide the IWC in the development of an alternative proposal. The Chairman indicated a report of the meeting could be produced for submission to the Finance and Administration Committee. There was a consensus on these proposals and it was agreed that Dominica, Antigua, USA, Monaco, Australia and South Africa would comprise the Task Force charged with progressing the matter.'

Mr. Chairman as is well known Norway is a major contributor to the IWC and we take a very active and great interest in this particular matter so we would certainly appreciate if our wish to be included or added to the list of countries in this Task Force if that wish could be accommodated. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. I am sure that is acceptable to the meeting. That's so. So you are on it Norway. Brazil.

**Brazil**

Thank you Mr. Chairman. As we move the approval of the Report of the Finance and Administration Committee I wish to draw the attention of the Commission to item 6 in 'Other Business' where the Brazilian proposal for a consultation on enhancing the participation of developing countries in the Scientific Committee was discussed. The Brazilian delegation welcomes the productive results of the discussions under that agenda item on that proposed consultation. We are grateful for the broad support that this proposal has received as stated in the Report and we must say that we definitely look forward for participating in this exercise and will, of course, encourage all other interested delegations in doing so. Thank you.

**Chairman**

Thank you Brazil. If there are no further comments we adopt the Report. OK the Report is adopted.

## 17. ADOPTION OF REPORT OF THE SCIENTIFIC COMMITTEE

The next item on the agenda is item 17 – the Adoption of the Report of the Scientific Committee. Chair of the Scientific Committee.

### Chair of the Scientific Committee

Yes Mr. Chairman I believe under this agenda item I need to very quickly go through a few items that we have not yet covered and in particular go through the work plan and small cetaceans. I wonder if you have any strong preferences as to the order in which I do that? Good in that case I would like to leave the work plan for last and do all the parts of Report first so the work plan is already addressed, all the parts of it are addressed.

## 17.2 SMALL CETACEANS

So let me begin with the Report on Small Cetaceans. This year the Small Cetaceans Sub-committee considered freshwater dolphins and porpoises, the first paragraph of the Report tells you about the problems with those species and I am going to go very quickly through the Report and in fact I am not even going to read you all the recommendations because they are actually summed up in the final recommendations of the Sub-committee. We are on agenda item 14 in the Scientific Committee Report starting on page 59. So I am going to very quickly tell you the species we considered and what the main points about their status are and then I am going to do all the Committee's recommendations at the end.

So the first species was the boto and it lives in the Amazon and Orinoco watersheds and in the Beni river system in Bolivia and there are a lot of details about that species in the next couple of paragraphs of the Report but the good news is that densities of botos appear to be high for the present throughout much of its range and then there are a couple of recommendations which are almost identical to the ones for the Tucuxi which is the next species considered. It also lives in South America, Brazil, Peru, Ecuador, Columbia and parts of Venezuela. It appears to be relatively abundant throughout its range and so perhaps I will just touch on the recommendations here. The Committee recommends that research should be directed towards detecting trends in abundance by making repeatable and statistically rigorous estimates of density in a range of regions and habitats and also recommends that information be collected to allow evaluation of the relative levels of incidental mortality associated with different fishing methods.

The next species is the Indus susu and this exists in three sub-populations that are isolated from each other by barrages and please don't ask me what those are because I don't know but they have something to do with water management. Hunting is now banned but poaching still occurs. The greatest future threat to the survival of this species is the continuing decline in water supply due to the construction of new diversion structures and from increasing extraction from aquifers. I might mention that in all these parts of the Report we list the IUCN listing for the species, this one is endangered and that was the starting point of discussion for each species but it was pointed out during the Scientific Committee meeting that there is a little bit of circularity here because the IUCN often uses IWC deliberations to decide on its classification. This species has a low absolute abundance and a reduced and geographically fragmented range. The Committee commended the Sindh Wildlife Department for their initiative to return Indus dolphins to the Indus River from irrigations canals which is one of the particular problems with this species and recommends that future operations be conducted with development and application of a protocol that has been reviewed by specialist with prior experience with capture and safe release of cetaceans and as with many of these we also ask for research on the effects of the water management system, paying particularly attention to the design of these structures.

Next was the Ganges susu. Deliberate killing is believed to have declined in most areas but still occurs. Entanglement in fishing gear is a problem for this species. It has been reduced compared to historic levels but is still large enough to be viable in the long term if adequate conservation measures are taken soon and we recommend several sorts of research on these populations.

The Irrawaddy dolphin is next and it lives in the tropical and subtropical Indo-Pacific over quite a wide range. There have been live captures, direct killing and entanglement in gillnets and even fishing with explosives may adversely affect this species in some areas. The status of the Irrawaddy dolphin is largely unknown in all the areas so again we recommend primarily research for this species.

The Finless porpoise lives in the Persian Gulf around the rim of the Indian Ocean to the eastern islands of the Indo-Malay archipelago and central Japan. There are a number of local populations in Japan and there is need for taxonomic re-examination of the genus because we don't even really know whether some of these different

populations are different species. Estimates of abundance have been made only for specific areas in China and Japan. They are live-captured for public display and there is a by-catch problem with these so the story is pretty similar in many of these cases. This is a case where we lack very good data and it is believed that the species is in no immediate danger of extinction as a whole but several populations which could be separate species are apparently declining so again we need to do more research here particularly looking at the effects of by-catches.

The Baiji is the species of the most serious concern considered by the Committee. This is the Yangtze river dolphin. The population size was estimated to be 300 in 1986 and rapidly declining since then so that only 13 animals were seen in a survey of the entire range in 1997 and it is not believed that the current population size is a few tens of animals. There have been no directed takes in recent years but because of where this species lives other human activities account for the deaths of more than 95 per cent of all collected specimens. It is critically endangered, probably the most endangered of all cetacean species. The primary strategy for preventing extinction of the Baiji has been to capture and translocate as many as possible into a semi-natural reserve but this strategy has not proved successful so far since to date only one has been relocated and it died so it was recognised that notwithstanding the Committee's lack of consensus domestic authorisation for continued baiji captures was likely and therefore the Committee strongly recommends that a number of requirements be met prior to any further removals of the Baiji from the wild and they are listed at the bottom of page 62. I won't go through them but they are things we think need to be done if this project is to have any hope of success. Given the critically endangered status of the Baiji, the Committee requests the Secretary of the IWC to ask the Government of China to report progress on the conservation of this species to the Scientific Committee on an annual basis.

And now we come to the general recommendations on freshwater cetaceans. They are similar for many of the species as I said before. The first one under 14.1.8 on page 63 is that impacts of water development on freshwater cetaceans should be investigated and that future plans for water development projects and usage should take account of the habitat requirements of these species and the demographic implications of population fragmentation. The Committee recognised that value of protected areas but was concerned that many of these offered little real protection due to insufficient size, inadequacy of regulatory measures or failure to enforce these measures. It recommends therefore that any future protected areas or time/area fishery restrictions intended to conserve populations of freshwater cetaceans be of appropriate size and location, that potential threats be eliminated or greatly reduced in such areas and, further, that such measures are enforced adequately.

The next recommendation deals with the problem of increased fishing effort and bycatch. The Committee recommends that the relative magnitude of this threat be assessed and that, where necessary, appropriate mitigation strategies be developed.

The next recommendation has to do with investigating the effects of contaminants and pollutants in highly polluted areas where some of these species live and finally an importantly we noted that few reliable estimates of abundance were available for any species of freshwater cetacean and recommended that scientists with appropriate theoretical and/or analytical skills should be directly involved in river cetacean studies so that surveys result in statistically robust estimates or indices of abundance using a variety of techniques and we give further specifications in the Annex that deals with small cetaceans for such a programme.

Shall I just go right on through or shall I pause now and then?

#### **Chairman**

Seeing you have paused we will see if there are any comments on these issues. There are action arising items but I think we will probably run straight through the Report and come back to action arising.

#### **Chair of the Scientific Committee**

OK that's what I'll do. The next section of the Small Cetaceans Report 14.2 deals with bycatch mitigation measures, non-acoustic approaches which were the topic of a Workshop held just before the meeting. One such approach is spatial or temporal restrictions on fishing effort, in other words closed or protected areas and the Committee recommended that flexibility should always be incorporated into the determination of boundaries of such areas so that, if necessary, they can be adjusted if it turns out that they don't encompass an adequate part of the range of the species in question and the vaquita was an example of that. Closures may be effective if instituted in times and areas where the bycatch rates of small cetaceans in predictably high but the effectiveness of the closure scheme also depends on the relationships between fishing catch and effort and bycatch so these things have to be considered in designing closures.



The Committee reviewed tests of acoustically reflective gillnets and noted that this was potentially a practical long-term alternative but that acoustic reflectivity of the new materials should be evaluated in relation to the acoustic abilities and behaviour of the cetacean species of concern and experiments should take into account previous and largely negative experiences in modifying the acoustic properties of gillnet materials. So far this hasn't proven to be too successful. There was discussion of approaches to trying to determine what aspects of fishing gear and practices may contribute to or reduce bycatch and there was a discussion of some modelling done in the US using generalised additive models to explore relationships between bycatch in a given haul and various features of that haul and identified variables to consider in an experimental framework. Mesh size and twine size appeared to show the most promise in this particular study.

Alternative gear is another thing which the Committee recommends that further development should be considered. Basically designs to reduce bycatch of small cetaceans are a good idea but any new fishing methods should be tested for other ecological effects before they are implemented on a commercial basis, particularly entanglement of large whales would be an unwelcome change so bycatch quotas had been another thing to be considered but there was no new information available on this. There had been concern in the past that widespread use of pingers might ensonify large portions of the marine environment, perhaps displacing small cetaceans from important habitat and the Committee considered one study from the North Sea that indicated that less than one per cent of the total area would have been ensonified which was promising result and the Committee recommended that empirical studies of porpoise distribution be conducted in areas where pingers were used.

We reiterated our previous recommendation that information on bycatch be collected preferably using independent observers and noted that pingers are unlikely to be a workable solution in developing countries so we recommend particular effort be devoted to developing strategies for reducing bycatches of small cetaceans in the developing world and if time area restrictions are to be used a great deal of information on spatial and temporal distribution of small cetaceans, rates of bycatch and fishing effort are needed and proper enforcement must occur. Monitoring schemes are a good idea and finally we recommend further research to identify alternative fishing gear and methods.

The next section of our Report 14.3 deals with various items that were essentially action arising from the 1999 meeting. Issues related to the assessment of the status of harbour porpoises in the North Sea and adjacent waters were considered and modelling work will be completed by the end of this year and we should see results at next year's meeting. We congratulated the Government of Mexico on its work on conservation of the vaquita and look forward to receiving an update on further progress. They have convened an international committee to create a recovery plan and are working on regulations and their socio-economic impacts.

Several white whale stocks were considered and there was some concern that some that are considered endangered are being harvested in a directed hunt for commercial purposes for the first time and there are some live captures in the Sea of Okhotsk.

Finally under 'Other information on small cetaceans', 14.4, I think perhaps the main concern of the Committee was that we need more information on Baird's beaked whales in Japan to know whether the quotas that are rightly under national administration are adequate for a sustainable harvest so we are hoping that we will get more information on that at the next meeting.

I think that that is really all we have to deal with here. I will talk about the work plan when I get to the overall work plan. So that takes care of this agenda item and the other things, the odds and ends that are left, I can go through quite quickly.

11.4 – Nomenclature on pages 46-47 of our Report and Annex U suggested that we need to revise the list of names we use for cetaceans based on a publication by Rice in 1998 and other even more recent work. We recommended amending the Schedule in 2001 to clarify that there are three species of right whales and two species of minke whales and I need to apologise for my intervention yesterday which was based on inadequate understanding. I am told that whales that are at least closer to acutorostrata than to the Antarctic whales are present in the Southern Hemisphere.

The next agenda item that I want to talk very briefly about is stock identification which is on pages 47-54 of our Report and in Annex I. I won't talk about the DNA identification and tracking part of that because we already presented that to the RMS Working Group. The purpose of the stock identification working group is to try to 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. This work is needed for better RMP implementations so this year the group considered case studies of bowheads and gray whales and found that while haplotype frequencies differ both between the two gray whale stocks and the five bowhead stocks, and these are stocks which are clearly delineated geographically, nevertheless an individual whale can't be assigned to stock with certainty using genetic information. That was one major finding that I at least drew from the Report.

Another important thing for the Commission to know is that the Aboriginal Whaling Management Procedure testing that is being done treated both the B-C-B bowheads and the North Pacific gray, the eastern North Pacific grays, as single management stocks at this time, in the absence of clear indication of sub-stock structure which could lead to local depletion. Considering the nature of the hunt in both cases this is considered to be unlikely to be a problem but if further information becomes available that would lead us to change that we will, of course, take it into account.

The other main ideas from the Stock Definition Group were that stock definition depends on management objectives. For example, management has to make decisions about the unit to be conserved in terms of how local a population needs to be conserved. The group agreed that more work was needed on models and statistical methods relevant to stock definition for IWC purposes and ways to use both genetic and other information. They looked at extirpations or near extirpations of stocks to provide some clues to things that might be considered and noted that there were particular problems when stocks were reduced to the low hundreds when neighbouring sub-populations were also depleted and when there were continued low levels of exploitation. Again I can cover the work plan under the overall work plan.

All the other items that we haven't talked about are quite small ones. Agenda item 22 – Communications and 23 – Publications are on page 87. We had some consideration of how to make e-mail documents shorter to ease things for the recipient. We had reports on the first year of the Journal of Cetacean Research and Management which was very successful and we congratulated Donovan on this successful year of the Journal and a request was made that libraries should subscribe to the Journal so if any of you have contacts with libraries who would be interested, like University libraries, you should encourage this.

We didn't have elections and under other business there were several things. First, we considered a Working Paper which appears as our Annex W regarding ways to streamline the working methods and organisation of the Scientific Committee and there was a good discussion on it and we will consider it further next year.

Second we noted with great pleasure the attendance of two of the original Committee of Three Scientists, Kay Allen and Sidney Holt at this year's Scientific Committee Meeting and finally we rose in appreciation in honour of the Secretary, Ray Gambell, as it approaches his retirement. When we adopted our Report we gave thanks to our Australian hosts, the Commission and the South Australian Museum for hosting the Scientific Committee Dinner and Ray and Greg and all of the Secretariat staff for their help throughout the meeting. So that is the Report part except for the work plan so shall I just go right ahead with the work plan?

#### **Chairman**

Thank you Chair of the Scientific Committee. If I may give you a break here and we will take some comments on those items and then come back to the work plan. UK.

#### **UK**

Thank you Chairman. Well I wanted to make some comments on the paragraphs on small cetaceans. In particular I wanted to comment on the section on bycatch mitigation measures. This is something which we are concerned about, we are concerned about the bycatches rather than the mitigation measures and we were glad to see that there have been workshops on this carried out by the Scientific Committee and we continue ourselves to work actively towards the assessment and reduction of cetacean bycatch. Now much of the action in the United Kingdom on the bycatch of small cetaceans is linked to our membership of the ASCOBANS Agreement. For example, we are continuing and extending our observer programme to assess bycatch in fisheries throughout the UK and our scientists have also been testing the efficiency and practicality of pingers in reducing harbour porpoise bycatch in set gillnets in the Celtic Shelf and results are very promising and much has been learnt about the practical implications of using this technology to reduce bycatch throughout the ASCOBANS area and we particularly commend the efforts of our Danish colleagues in this respect and following the recommendations of the joint IWC/ASCOBANS Meeting on Harbour Porpoises in 1998 we are also undertaking modelling work to define the most appropriate conservation strategies and under the UK's Biodiversity Action Plan we are now developing a comprehensive conservation strategy for the harbour porpoise. I should also add that at the

Conference of Parties of the CMS held in Cape Town in November last year the UK put forward a comprehensive Resolution on Bycatch which was adopted by consensus. So I think some progress is being made on bycatch measures and I am pleased to see the recommendations in the Scientific Committee Report on this, all of which my delegation would certainly endorse.

One other topic caught by attention Chairman. I also note that the Committee considered the possibility of reviewing the abundance of Baird's beaked whales, something I mentioned last year, and invited member governments to provide information to the Committee so that it could determine whether sufficient new data exists to review the status of this species and I do hope that governments who have relevant data will provide them to the Committee. As the Committee itself pointed out, the last review of the species was in 1990 and I think a review of its status now would be timely. Thank you Chairman.

**Chairman**

Thank you UK. Japan.

**Japan**

Thank you Mr. Chairman. Since the Chairperson of the Scientific Committee and the UK both referred to this point I would like to reiterate this point once again. The Government of Japan considers the small cetaceans to be outside the competence of the IWC and at this year's Scientific Committee the Baird's beaked whale was taken up without valid reason as a priority species and we do not see much validity and the Japanese scientists are very much dissatisfied with the decision. We have been providing survey and collecting data on small cetaceans as this is our jurisdiction and provide report to the Scientific Committee on a voluntary basis but if such approach continues we might as well consider whether we should provide information on small cetaceans from next year onwards. Thank you Mr. Chairman

**Chairman**

Thank you Japan. People's Republic of China.

**People's Republic China**

Thank you Mr. Chairman. I would like to appreciate the effort made by the Scientific Committee and would like to thank the Chair of the Scientific Committee. Regarding the Baiji dolphin, some suggestions made by the Scientific Committee I think should be initiated by one of the Chinese scientists to raise the question. I think all the main suggestions are good ones and the Bureau of Fisheries, the fisheries authority in China, is for years, trying very hard to do so and I think your suggestion is very good one and for the request, the secretariat of IWC to ask the Government of China to report progress on the conservation of this species I would like to say for the legal interpretation that Chinese Government thinks that the IWC has no legal jurisdiction to manage the small cetaceans, in particular the freshwater cetaceans so we would do our best to keep the information known by the Secretariat of IWC on a voluntary basis, that's for the understanding. Thank you very much Mr. Chairman.

**Chairman**

Thank you China. If there are no other comments. Netherlands.

**Netherlands**

Thank you Chairman. First of all I would like to thank the Scientific Committee for the hard work that it has done this year and for the Report that it has produced and I would also like to express our appreciation for the Chair of the Scientific Committee for her excellent presentation of it. We would, like the United Kingdom, use this opportunity to state that we also attach a high importance to solving the problems related to the bycatch of small cetaceans in fishing operations and I would like to note that research in the Netherlands is being conducted on the possibilities of preventing bycatch of small cetaceans by increasing the detectability of fishing nets and this work is complementary to the work that other countries are undertaking in this field. Thank you Mr. Chairman.

**Chairman**

Thank you Netherlands. If there are no other comments I will ask the Chair of the Scientific Committee to proceed to the work plan.

**Chair of the Scientific Committee**

Thank you. You will find our work plan under our agenda item 4 on pages 87-89 and I will try to go through it fairly quickly but in some detail since we are telling you what we plan to do and we want your input if you want us to do anything different and I might add that we worked very hard to pare down our agenda because we have had a big problem in the past few years of having way too much on our agenda so if the Commission were to decide that it wanted to add any further responsibilities I would appreciate a chance to comment on those and let you know the way I'd see of dealing with them and ask for your input but for now I will just tell you what's on our present work plan.

As I said, we decided that we really needed to reduce our work load and as far as possible streamline our system to avoid conflicts and the need for personnel. So in light of that and in light of our discussions over the budget which were held in the full Committee the Convenors, after the meeting, drafted this work plan.

Under RMP which will be convened by John Bannister in the coming year we plan to incorporate the new programme catch limit which should be Programme Name in capital letters into the secretariat suite of programmes that implement the RMP and its trials, do the re-tuning of the RMP that is needed, using it and compare some trial results to make sure that nothing makes us believe we need to re-run any trials. We also want to work on estimation of incidental catch and other human induced mortality and this will be undertaken by a Working Group that will be established at the beginning of the meeting. Abundance estimation, especially adopting annotations to the RMP regarding multi-year surveys, is an important agenda item. Then item 4 is something that we sort of need to work out for ourselves to get consistency and good comparisons with the RMP and the AWMP, make sure that things match up when they should.

Under preparations for implementation the North Pacific minke whales are the number one priority. We will also discuss western North Pacific Bryde's whales and review progress and plan for an implementation review in 2002 of North Atlantic minke whales. I talked about both those things earlier and if the Commission thinks these are good ideas we would probably, given the work plan, the North Atlantic minke whale review would probably have somewhat higher priority than the Bryde's whale work because there is some problem with computing resources to complete both the minke and the Bryde's whale trial work.

Under AWMP our plan is to select strike limit algorithms for the Bering-Chukchi-Beaufort Seas bowheads to consider those algorithms for eastern North Pacific gray whales, consider progress on the development of potential strike limit algorithms for the Greenland fisheries, review and revised trials as necessary, review results from the Greenlandic research programme and revise the programme if necessary and consider scientific aspects of an aboriginal whaling scheme and we have sort of rearranged our Sub-committee structure a bit this year to reduce, well we haven't quite really reduced the number of Sub-committees, but to try to put things that belong together together and so this Sub-committee will also carry out the annual review of catches and management advice for the minke and fin whales off Greenland for the subsistence catch.

The next item, the comprehensive assessment of North Atlantic humpback whales which will be convened by Hammond is not a permanent agenda item, this is something we hope can be done in one or at most two years and the major work of this Sub-committee will be to review results of the YoNAH programme with respect to stock structure, movements and abundance, review progress towards obtaining a complete catch series, carry out an assessment if possible and if not determine the work needed before one can be completed and then this Sub-committee this year will also carry out the annual review of catches and management advice for humpback whales off St. Vincent and the Grenadines.

We've made a new Sub-committee this year, bowhead, right and gray whales which will be convened by Walløe which will do the annual review of catches and management advice for B-C-B bowheads and eastern North Pacific gray whales. It will also review information on other stocks, small stocks of bowhead and gray whales. It will consider progress on recommendations relating to the western North Atlantic right whales and review progress on Southern Hemisphere right whale research in light of the Report of the Cape Town Workshop which we had I guess at the previous meeting.

The next Sub-committee will be In-Depth Assessments convened by Borchers and the major work of this Sub-committee will be consideration of issues relating to the abundance estimation of Southern Hemisphere minke whales and, where relevant, other species such as blue and humpback whales. It will also review data from the 2000/2001 SOWER circumpolar cruise if this takes place and plan for future cruises in that series. It will devote a very limited time to planning for an assessment of Southern Hemisphere blue whales and progress on

assessment of Southern Hemisphere humpback whales and consider the possibility if it has time and information presented of a future assessment on Southern Hemisphere fin whales.

Stock definition is the group which I just gave you a brief report about its work. It will consider case studies of North Atlantic minke whales and humpback whales worldwide, recoveries of cetacean stocks after severe depletion, the utility of non-genetic information for stock definition and how to develop a framework which would incorporate both genetic and non-genetic information, consideration of archetypes of stock structure, harvest regime and management objectives, consideration of statistical issues and its most important goal is to develop ways to define stocks for harvested or potentially harvested cetaceans.

Under Environmental Concerns, Pollution 2000+ will be the priority item and we'll review additional information under that heading, we will look at progress on SOWER 2000 including results from the 1999/2000 CCAMLR Survey and our plans for collaboration with Southern Ocean GLOBEC. Then there is a list of other topics which will be covered as time allows and an important one is linking environmental measures and cetacean demography in a quantitative way. The others I talked about when I presented the Report.

Small Cetaceans will consider Dall's porpoise in response to your resolution 1999-9, it will consider progress on previous recommendations and as always look at takes of small cetaceans in 2000.

Whalewatching will review the Report of the Intersessional Correspondence Group. It will focus on noise and its potential effects on cetaceans connected with whalewatching and it will review research on effectiveness of and compliance with whalewatching guidelines and regulations and then new information on previously discussed topics. That's it.

**Chairman**

Thank you Chair for a very comprehensive presentation. I'll take comments now on the work plan and then I will move to action arising. I have three Resolutions so UK.

**UK**

Thank you Chairman. I have one comment on an issue related to the work plan. It concerns essentially, I think, how the Scientific Committee assesses the effect of Special Permit whaling on stocks. Now there is a conclusion about how the Committee is going to do that at the bottom of page 79 of the Scientific Committee Report. Now I don't pretend to understand what this is about, or what the Committee agreed, but I am told that there is a certain ambiguity in it and it might be helpful to the Committee if that ambiguity was resolved. Clearly it is not for the Commission to try to give anybody in the Scientific Committee any advice on matters of technical detail such as which computer model to use or how to analyse a set of data. I mean these are clearly things that we have to leave to the expert judgement of the Scientific Committee but I do think that one piece of general advice we might give them is that we would wish them to base their advice to us on due consideration of the full range of plausible scenarios and available analysis consistent with the available data and making best use of that data which is what the Scientific Committee already does in other instances where it provides the Commission with advice. I mean that sounds to me Chairman rather like trying to instruct your grandmother on how to suck eggs but I am ensured that that advice might be helpful and since I think the Convenor is on my delegation I have to assume I am being helpful. Thank you Chairman.

**Chairman**

Thank you UK. Sweden.

**Sweden**

Thank you Mr. Chairman. First to associate ourselves with the remarks of the Netherlands on the importance of continued work by the Scientific Committee on bycatch mitigation where Sweden expects to continue participation. Secondly, if I may to raise the question again on having the Scientific Committee separated in time from the Commission in order for the Commission to make optimal use of all the rather detailed and complicated advice from the Scientific Committee. Thank you Mr. Chairman.

**Chairman**

Thank you Sweden. Japan.

**Japan**

Thank you Mr. Chairman. I didn't raise my flag but since you nominate me I am prepared to .....

**Chairman**

Japan it is time for me to go when I make a mistake like that.

**Japan**

I have two comments to make. First, regarding page 87 reference is made to the priority area of North Pacific minke whale implementation simulation trials. Japan noted that this issue initiated in 1993 at the Kyoto Meeting and this work had been continued. However, we couldn't see any result and the completion of this work because of the limitation of the availability of the work allocated in the Secretariat and other priority area. This area is directly related to the future minke whale fisheries in the Japanese small-type coastal whalers and they have been waiting many many years and in particular this year we reaffirmed the distress caused by the moratorium so again we would like to urge through this Commission meeting that the Scientific Committee, by the next year, this work to be completed as the most prioritised area.

Secondly, I have to make my comment referred to the number one sub-item under small cetaceans. Reference is made to the Resolution of 1999-9, this Resolution was concerning the small cetaceans which was adopted last year but because this Resolution touched upon the small cetaceans which occurs under the territorial water as well as the EEZ in Japan, Japan strongly opposed last year for the adoption of this Resolution and walked out if you remember correctly in Grenada. Regarding this fact we are not prepared to respond to this Resolution and we must alert to you that if Scientific Committee is to keep this agenda item as the priority area under small cetaceans, they must be prepared in the situation where there will be no provision of the data for this agenda item. Therefore the Scientific Committee should prepare for such circumstances. Thank you.

**Chairman**

Thank you Japan. Australia.

**Australia**

Thank you Chairman. Just a footnote on the work plan and it is a very similar one to that made by the UK a moment ago in relation to the abundance estimates of Southern Hemisphere minkes. We are now in the Commission in a quite uncertain position here with the Scientific Committee having abandoned their previous estimate and with the best that they are able to do at the moment being a notion that the new estimate that would be appreciably lower than that is the best forecast they can give based on some recent crude estimates so this is an important issue and we are very pleased that the Scientific Committee is giving it priority. We would like their work to be as rigorous as possible and we envisage that they would use the full range of models and other tools available to them so that they can bring us an estimate in which we can have greater confidence. Thank you Chairman.

**Chairman**

Thank you Australia. New Zealand.

**New Zealand**

Mr. Chairman like the UK and Australia, New Zealand is also very concerned about the Scientific Committee's work plan in respect of Southern Hemisphere minke whales. Mr. Chairman this year the Scientific Committee agreed that the population sizes of Southern Hemisphere minkes which were accepted in 1990 totalling 760,000 animals are no longer appropriate estimates of current minke whale abundance and noted that recent preliminary estimates were appreciably lower. The Scientific Committee then said discussed the consequence of this in relation to the effects of the JARPA catches on the stocks. I think Mr. Chairman we need to clarify exactly what work will be undertaken by the Scientific Committee intersessionally and during the proceedings immediately prior to next year's Annual Meeting. As I understand it Sir the Scientific Committee did not achieve a consensus on what model to use to examine the effects of the catches on the stocks but it did recommend that some initial analyses be conducted using the BALEEN II model and there is the discussion of that on page 79 of the Committee's Report. Now Mr. Chairman that is the model that was widely used in the final years of the new management procedure which has, of course, been now superseded by the RMP and therefore New Zealand questions whether this is the best model to use and whether it is the best way to proceed given that other models including the RMP are available and that in any event the Scientific Committee is in the process of revising the estimates of abundance and that will include revising all the estimates obtained so far from the IDCR and SOWER surveys.

Mr. Chairman like the UK Commissioner, I don't claim a technical understanding of these issues but I do have to say that New Zealand does not believe that it is appropriate for the Scientific Committee to examine the effects of the JARPA catches on the stock using the old estimates, that is those accepted in 1990 in light of the

Committee's more recent view about the fact that the estimates are likely to be appreciable lower. It seems to my delegation Sir that the best course of action for the Scientific Committee is first to proceed with the revision of the abundance estimates and then either to seek advice from the Commission or to consider a full range of possible models including the RMP to examine the effects of the JARPA catches on the stocks but it should not take those later steps until it has first revised the abundance estimates.

**Chairman**

Thank you New Zealand. Switzerland.

**Switzerland**

Thank you Mr. Chairman. We would also like to commend the Scientific Committee and the Chairperson for the impressive work and also for the excellent presentation. We would like to associate ourselves with Sweden concerning the timing of the meeting of the Scientific Committee. We think it would be good to have more time between the meetings of the Committee and the Commission and like Australia we also think the resolving of this problem of the estimates of the Southern Hemisphere minke whales is a quite important matter. Thank you.

**Chairman**

Thank you Switzerland. US.

**USA**

Thank you Chairman. My delegation also has concerns about these estimates of abundance of Southern Hemisphere minke whales and we associate ourselves with the views of Australia and New Zealand. Finally, Mr. Chair we would also like to congratulate the Chair of the Scientific Committee for her successful completion of her first Annual Meeting. Thank you.

**Chairman**

Thank you US. Netherlands.

**Netherlands**

Thank you Chairman. On the question of the Scientific Committee's work regarding the Southern Hemisphere minke whales we would like to associate ourselves with the views expressed by the United Kingdom and New Zealand and US. Thank you.

**Chairman**

Thank you Netherlands. Mexico.

**Mexico**

Thank you Mr. Chairman. Mexico would also like to congratulate the Scientific Committee for its hard work and the Chair for her very clear presentation on the Report of this Committee. Thank you Mr. Chairman.

**Chairman**

Thank you Mexico. If there are no other comments I propose to ..... Japan.

**Japan**

Thank you Mr. Chairman. I forgot to mention one thing so I would like to add with regard to the Southern Hemisphere minke. Thanks to the statements made by New Zealand and the US and the Netherlands I remembered what I wanted to say. Japan also highly appreciates and evaluates this agreement reached at the Scientific Committee with regard to the Southern Hemisphere minke whale count that they will now consider this abundance estimate for the future. The information will be provided from the different sources, for example, SOWER, IDCR and JARPA. All these information is collected through the contribution by Japan. Whatever the likely figure of the future abundance estimate the one thing for sure and clear and there is no doubt about it is that there are plenty of minkes. The distinguished delegate of New Zealand referred to this description here on effect of this catch upon the whale stocks concerned. Well actually in the Antarctic migration range of this minke is now from 60-120° and so if we applied a catch limit algorithm (CLA) the catch limit could be calculated to 10,000 or more. So whichever model they might apply, for example, HITTER FITTER or whatever, when the scientists get together and then come up with the reasonable level of the catch limit figure and then they can calculate and estimate the possible effect upon the stock of the whales. There is a likelihood that the Japanese research has no effect upon the stock status at all and that is a likely scenario as well and then maybe the scientists calculation could also come up with a higher calculated number of catch limit as well. Thank you.

**Chairman**

Thank you Japan. We will take note of the comments made and can I ask that we adopt the Report of the Scientific Committee having regard to those comments, in particular I think we want to note the comment by the Government of Japan in relation to the small cetaceans work plan which will require the Scientific Committee to adjust that plan. Can I take it that that Report is adopted? Thank you.

**17.4 ACTION ARISING**

I have three Resolutions so if you can be brief we can get to lunch so the first one is IWC/52/39 a Resolution on western North Atlantic right whales. Netherlands.

**RESOLUTION ON NORTH ATLANTIC RIGHT WHALES**

**Netherlands**

Thank you Mr. Chairman. Mr. Chairman the western North Atlantic right whales have shown few if any signs of recovery in the sixty years since being granted protection from commercial whaling in 1935. The species is critically endangered with only around 3000 individuals left in the western North Atlantic. The past three years have been the worst calving years on record. In 1998, just 6 calves were recorded, in 1999 the total number of calves was just three and during the present calving season 2000 only one was seen. In addition to declining birth rate the species is under increasing threat from two principle human activities, ship strikes and entanglement in fishing gear. Today ship strikes account for over 80% of all western North Atlantic right whale deaths that are attributable to human induced mortality. The situation which is further exacerbated by the overlap of prime right whale habitat with one of the busiest shipping routes in the world. Canada's Bay of Fundy, for example, is one of four critical habitats for the population and is also an area traversed by a mandatory shipping lane established by the International Maritime Organisation. In addition more than half of all North Atlantic right whales bear scars from fishing gear, particularly lobster trap lines and fixed gillnets. With mortality presently around 7% annually now greater than the birth rate the continuation of this trend will result in the species becoming extinct. Clearly stopping this trend is a high priority for the Commission. At this year's meeting of the Scientific Committee all the recommendations from the recent Workshops on Status and Trends and Causes of Reproductive Failure were endorsed. In addition the Scientific Committee concurred with the Workshop's findings that 'it is a matter of absolute urgency that every effort be made to reduce and anthropogenic mortality in the population to zero' and 'this is perhaps the only way in which its chances of survival can be directly improved'. Perhaps Mr. Chairman the seriousness of the situation was further highlighted in the Committee's further warning that is no need to wait for further research before implementing any currently available management actions that can reduce anthropogenic mortalities.

This Resolution, of course, recognises and commends the efforts of the two principle range states, the United States and Canada, for investing in related research and implementing a range of management actions in an effort to reduce human induced mortality. It should be noted, however, that given the urgency of this matter there is a very real need and a role for the Commission in monitoring and encouraging the implementation of the necessary management actions. Mr. Chairman securing a future for the western North Atlantic right whale is surely one of the highest, if not the highest, conservation priority facing the Commission today.

This Resolution calls upon the principle range states to continue to pursue practicable actions to reduce as far as possible ship strikes and it urges to consider appropriate fishery measures to reduce right whale mortality and injury in fishing operations. It encourages the United States and Canada, as well as other countries, and I would like to underline the shared responsibility of other countries that use the shipping lanes in the northern right whale habitat to continue and expand educational programmes to help avoid collisions with right whales. The Resolution endorses the research and a management recommendation of the Scientific Committee on this issue and requests the Secretariat to transmit the text of the Resolution to the IMO for distribution at its Maritime Safety Committee and Marine Environment Protection Committee.

Finally, it requests range states for this species to report back to the Commission on progress made in the implementation of the management recommendations. As you will have seen Mr. Chairman the draft resolution is supported by a large number of countries and we hope that it can be adopted by consensus. Thank you Mr. Chairman.



**Chairman**

Thank you Netherlands. I do note that there are seventeen co-sponsors on this issue. Is there opposition or can it be adopted by consensus? Norway.

**Norway**

Thank you Mr. Chairman. Norway will support this Resolution but we have some comments to add to the Resolution. We know that the North Atlantic right whales have been intensively studied for the past twenty years and a considerable number of the animals, 55 have been tagged and monitored with implantable radio-transmitters and blubber and skin samples have been sampled from at least 250 animals which counts for maybe three quarters of the whole stock. However, I read the Report of the Workshop on Causes of Reproductive Failure in North Atlantic right whales which was SC/52/OS14 with great concern.

We have particular concern to some of the research methods that have been used and might have adverse effects on the health status of these animals and also might contribute to the poor condition and the decline of the reproductive success. In the Report it is reported that radio-transmitters that are used causes severe tissue reactions and the most alarming of this reactions is the huge swellings which can reach up to 90 centimetres in diameter and which are caused by the implantation methods or the implant itself. This indicates inflammation that is caused by an infection and it will easily be infected when the radio-transmitter that are used which are so large, they are protruding out of the skin of the animal and then infectious agents can be introduced through the wound. This infection can easily spread to other and vital organs and it might be dangerous to the animals but there is also another concern and that is that this condition is certainly very painful to the animal and that gives welfare concerns and it cannot be excluded that this painful situation will effect the animals reproductive behaviour. I can add that if such a body was introduced into a body by subsistence hunter it would be struck. Another method of concern is the increasing number of animals that suffer from skin disease with papilloma-like lesions. The increase in this condition has coincided with the decline in reproduction and it might be an etiological link between the two trends. From the Report, however, you can understand that this increase also coincide with the increase activity in tissue sampling.

In other mammals Mr. Chairman papillomatosis is usually caused by virus. If the situation for the North Atlantic right whales is like for most other animals there is reason for an assumption that this skin disease might be spread by insufficient clean sampling dart and in that way can be man-induced and OK but the radio-transmitter and satellite link transmitters and tissue sampling is anyway very important to monitor and also to help manage wild animals and whales are included there. But some of the transmitters maybe and are unpleasant to the animals but however this will usually have to be balanced against the benefits of the information derived from the monitoring.

Norway fully recognises and acknowledges the effort done by the various scientists to try to find or solve the reasons for the problems with this endangered stock but in this case maybe the balance has been allowed to tip to much to one side as 60% of the tagged animal suffers from wounds and inflammation during and after the tagging and these methods Mr. Chairman should be taken into critical consideration in the continuation of this research. It should be investigated if the skin disease has been induced by the tissue sampling and it should be investigated whether alternative tagging techniques could be used. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. I have Spain and Brazil. Spain.

**Spain**

Yes thank you Mr. Chairman. Spain would like to be included in the list of co-sponsors. Thank you.

**Chairman**

Thank you Spain. Brazil.

**Brazil**

Thank you Mr. Chairman. The Brazilian Right Whale Research and Conservation Project has a seat in the North Atlantic right whale Consortium and in that capacity our country's authorities have closely followed the efforts undertaken by the United States Government and its scientists to try and prevent the extinction of northern right whales. We highly commend these efforts and we look forward to continue the review of progress on this matter. Thank you Chairman.

**Chairman**

Thank you Brazil. Can I take it this Resolution is adopted by consensus? Denmark.

**Denmark**

Thank you Mr. Chairman. Yes I take it you can take it, I just have to table one point of view. You may find it a little formalistic but I have to take a parliamentary reservation related to a decision on revised fisheries management in Greenland/Faroe Islands if relevant at all for this part of the Kingdom. Thank you.

**Chairman**

Thank you Denmark. If there are no other comments I will move onto Resolution IWC/52/40. France.

**RESOLUTION ON VERIFICATION OF CATCH DATA BY GENETIC MONITORING**

**France**

Thank you Mr. Chairman. This Resolution is sponsored by a number of countries concerned with the development of supervision and control scheme that will include a mechanism able to verify that whale products are derived from whale taken under the RMP.

First Mr. Chairman such a system is not intended to impose any requirement on the sovereign governments and in respect of domestic trade or to control international trade. It is intended to verify the catches are derived from quotas calculated using the agreed Revised Management Procedure and authorised by the International Whaling Commission. It is widely recognised that completion of the RMS and implementation of the RMP depends on the demonstrated ability of the International Whaling Commission to verify whale catch records and assess levels of other human induced mortality including bycatch.

In a Resolution passed last year, International Whaling Commission 1999-8, the Scientific Committee was charged with providing advice on the development of such a system. An exert from that Resolution forms the first preambular paragraph of the draft Resolution presented here. Unfortunately progress towards providing the advice requested in the Resolution 1999-8 was unsuccessful at this year's meeting of the Scientific Committee and as the argument that I quote 'this question related to the design of future market tracking schemes was not allowed'.

Mr. Chairman, the result of this limitation is that the request for advice made by the Commission has been answered only partially. Significant progress was made on technical aspects of DNA identification and advice about those aspects has been provided to the Commission by the Committee but no progress was allowed on the development of the design of a system for verification of catch records. As a consequence of the limitation placed on discussions, the Scientific Committee has had to request for the direction from the Commission to assist in guiding and focussing its work in development of the DNA based catch verification system. This is noted in the first two preambular paragraphs of the draft Resolution.

Mr. Chairman, the first operative clause of the Resolution speaks specifically to the Scientific Committee's request for definition of what objective genetic monitoring system is expected to achieve. For example, verification of catch records estimating levels of undocumented catch and stock and species identification.

Mr. Chairman, additionally the data collected under the scheme can also contribute towards the Commission's wider management and conservation objective such as clarification of the genetic status of whale species and stocks and to be brief because the field of research in molecular genetics evolved rapidly and begin to offer perspective in preparation there makes..... The second operative clause clarifies the task of the Scientific Committee in developing the mechanism by which genetic monitoring system would detect undocumented products at all levels of the distribution chain. Mr. Chairman, France hopes that the Commission will recognise the importance of the Scientific Committee's works in this area and will accordingly adopt this Resolution by consensus. Thank you Mr. Chairman.

**Chairman**

Thank you France. There has been a very full debate on these type of issues earlier. Is it likely that we can have consensus? Norway.

**Norway**

Thank you Mr. Chairman. No I actually don't think so. As has been stated on several occasions by Norway we do not see the monitoring of whale products as part of the responsibility of the IWC. When some countries want

to introduce genetic monitoring of products at all levels of the distribution chain in parts of the RMS, this clearly illustrates our previously stated points on excessive requirements due to a distorted view of whaling as something abnormal that should never occur.

Norway does not see the development of such a system as a priority of the Scientific Committee, of course not. It would rather be a diversion of the focus and resources of the Scientific Committee from issues that are relevant and important in preparation for the resumption of whaling operations so Mr. Chairman we cannot support this Resolution. Thank you.

**Chairman**

Thank you Norway. I have a number of delegations seeking the floor. We have had a long debate on these issues. I think views have been stated several times on these general issues and if delegates would agree could I go directly to a vote? New Zealand.

**New Zealand**

I have just got a procedural matter Mr. Chairman. As you aware, there has been a suggestion there might be a modification to this Resolution to meet certain concerns that have been expressed by the Scientific Committee and a draft has been prepared. Unfortunately because the Chair of the Scientific Committee was involved in presenting her Report for a good part of the morning we haven't had an opportunity to consult with her on that. If you could hold the vote over there will be a draft text available assuming that it has been agreed with the Chair of the Scientific Committee.

**RESOLUTION ON THE CONSERVATION OF FRESHWATER CETACEANS**

**Chairman**

Thank you New Zealand. That is helpful. I will hold it over until after lunch. Can I get one more out of the way though before lunch. We've agenda item IWC/52/41. Switzerland.

**Switzerland**

Thank you Mr. Chairman. Like the bowhead whales in the eastern Canadian Arctic and the western North Atlantic right whales there is another group of cetacean species which is indeed highly endangered. If I quote from the Report from the Scientific Committee on page 59 it says 'Freshwater dolphins and porpoises are among the world's most threatened mammal species'. This highly endangered group of species is indeed the freshwater cetaceans. They should therefore be given special attention by our body and this Resolution is just taking care of that. In particular it calls upon the Contracting Governments to submit information on all known direct and incidental catches of freshwater cetaceans and measures to conserve these cetaceans to the Scientific Committee. This Resolution is actually a logical consequence of the recommendations by the Scientific Committee contained in its Report. We hope that this Resolution can be adopted by consensus. Before I finish I would like to inform you that New Zealand wants to be listed as an additional co-sponsor. Thank you Mr. Chairman.

**Chairman**

Thank you Switzerland. People's Republic of China.

**People's Republic of China**

Thank you Mr. Chairman. We have no difficulty to accept the Resolution. I also hope that the Resolution can be adopted by consensus. However, I would like to have the following words to be recorded in the Report as a condition. The delegation of China believes that IWC has no jurisdiction to manage the freshwater cetaceans. However, taking into account the current situation of freshwater cetaceans and it is necessary to cooperate among the Contracting Governments for the purpose to enhance the conservation capacity in developing countries. China has no objection to the Resolution. Thank you Mr. Chairman.

**Chairman**

Thank you China. Spain.

**Spain**

Yes thank you Mr. Chairman. Spain is ready to support this Resolution but we would like to state the following declarations. Spain is willing to continue to share information on small cetaceans but as stated in previous meetings reserves its position on the legal question. Thank you Mr. Chairman.

**Chairman**

Thank you Spain. Can I ask delegates who want exact text produced such as Spain and People's Republic of China to give a copy to the Secretary, save him some grey hairs! Denmark.

**Denmark**

Thank you Mr. Chairman. Like China we could go along with a consensus just noting our general reservations related to the management of small cetaceans. Thank you.

**Chairman**

Thank you Denmark. Norway.

**Norway**

Thank you Mr. Chairman. We would like to associate ourselves with the remarks made both by China and Denmark.

**Chairman**

Thank you Norway. Mexico.

**Mexico**

Thank you Mr. Chairman. Mexico wants to have the same comments as the one made by the distinguished delegate from Spain. Thank you.

**Chairman**

Thank you Mexico. Japan.

**Japan**

Thank you very much. The comments made by the Government of China should be taken note of and the Government of Japan believes that the small cetacean is outside the jurisdiction of the IWC. However, we do not block the consensus of this Resolution. Thank you very much.

**Chairman**

Thank you Japan. Before anyone else gets a chance to put the flag up we will accept this Resolution by consensus and I'll adjourn until 2.00. We have a lot of business to do and some delegations have to get early planes. Thank you.

[BREAK]

**Chairman**

I am sorry that I didn't start on time but the Secretary was late and it is hard to keep him in order and then I got distracted! I just want people to note that in relation to the Scientific Committee Report, St. Vincent and the Grenadines, St. Kitts and Nevis, Antigua and Barbuda, Grenada, Dominica and St. Lucia asked us just to note their reservations and the competence to deal with small cetaceans so we've noted that. I will now go back to Resolution 52/40. France.

**ACTION ARISING**

**RESOLUTION ON VERIFICATION OF CATCH DATA BY GENETIC MONITORING (CONTINUED)**

**France**

Thank you Mr. Chairman. There is a revised paper which is IWC/52/40 Rev which fall in your pigeon hole. In fact after discussion with the Chairman of the Scientific Committee the revised document was produced and this revised document differs from the first by a new paragraph at the end of the document at the back of the page. In fact this new paragraph ..... with operational terms. Thank you Mr. Chairman.

**Chairman**

Thank you France. New Zealand.

**New Zealand**

Thank you Mr. Chairman. First of all we would like to commend everybody else who has worked together to put together this Resolution and particularly the work that has gone in over lunch time to further specify the

amendment here. Just a very few points. The purpose of this Resolution is to clarify some issues that the Scientific Committee seem to have some difficulty with this year and to make it clear that they should proceed in a way that is acceptable to the Commission and so it is mainly for further guidance. We have consulted with the Chair of the Scientific Committee as my distinguished colleague from France pointed out and we know that this is a complex issue, progress we feel is extremely important to ensure that catches over time under the provisions of the RMP are effectively monitored and we don't expect an instant resolution of these complex issues but we would expect the Scientific Committee to report annually to the Commission to allow refinement of the process. We also recognise that there will be some modest financial implications for convening the Working Group identified in this amendment and we hope that perhaps some member countries can make contributions to that. We do note that since the meeting is in London next year and several of the people who can probably provide the necessary expertise are based in Europe then this is in fact a very good opportunity to take advantage of the helpful location of the meeting and we would hope that this Resolution could in fact be adopted by consensus. Thank you.

**Chairman**

Thank you New Zealand. I see some heads shaking so it is not acceptable to adopt it by consensus. Does anyone want to make comments before I call for a vote? I have Switzerland, Japan, Denmark. Switzerland.

**Switzerland**

Thank you Mr. Chairman. We have some problems with this Resolution. First we cannot see a very big difference between the first paragraph in the preamble and the first paragraph in the operative part. We doubt if this Resolution really gives the Scientific Committee the direction the Scientific Committee asks for from the Commission. We would certainly like to know from the Chair of the Scientific Committee if this is what is needed by the Scientific Committee if indeed the Scientific Committee could do the work it was asked for because we have heard that the Scientific Committee at the moment lacks the people familiar with markets on individual countries, it lacks experts on food surveillance systems, it lacks experts on market sampling at the statistical design analysis level and it lacks geneticists to advise on methods of collection, storage and analysis. Hearing that we, of course, wonder about the timetable and we would certainly want to know what would be the timetable to complete the work that this Resolution asks the Scientific Committee to do. Thank you Mr. Chair.

**Chairman**

Thank you Switzerland. Chair of the Scientific Committee.

**Chair of the Scientific Committee**

Of course, the Scientific Committee is happy to take on any work that the Commission asks us to do but I think that it is very important that people be clear about the time scale involved in doing it this way. When we were working with the RMS Working Group we suggested that an appropriate way to handle this would be with a specialist working group or workshop that would be a Commission group that would have the experts in all these areas. We have good geneticists to advise on methods of collection, storage and analysis and we have a fair number of statisticians who can give good statistical advice although not ones I think who specialise in sampling of this sort but if we are asked to do the work as the Resolution sort of indicates it will be a rather slow process. The suggestion was that this Working Group should meet for two days prior to the meeting and the way the words read its to identify the necessary expertise outline the components and identify the data needs.

I would have hoped that if we were to have such a meeting it would get a little further than that but that's the words in the Resolution so it is a sort of a scoping meeting and I had understood that from time to time, the Resolution was going to be changed to make it quite clear that if it is to be done this way it is a multi year process in which we will have to come back to the Commission with suggestions and questions many times no doubt. And the other point is that we don't have the experts within the Scientific Committee so this would impact on our work in that we would have to invite an entirely new set of experts and basically the work we did on this would take away from some of our other work and so I would like to get a sense from the Commission if they assign us to do this how urgent it is because I would have to re-prioritise some of our other work if there was a desire for us to make extremely rapid progress.

**Chairman**

Thank you very much Chair of the Scientific Committee. I have Japan and Denmark, Monaco. Japan.

**Japan**

Thank you Mr. Chairman. Of the things that we discussed at RMS Working Group, things that Japan opposed very strongly are included in this Resolution. We reiterated time and time again that trade issue is outside the

competence of the IWC. That is to say that trade and the distribution and marketing of whale meat within the national market are outside the competence of the IWC. We also regret very much that this operative paragraph includes such wording as to undertake this development process and developing this hasn't been decided at RMS Working Group yet. However, that aspect is included in this Resolution. As was mentioned by the Chair of the Scientific Committee. If this work is to be taken up by the Scientific Committee it may have an impact on other work of the Scientific Committee and other work of the Scientific Committee may be delayed by this and for these reasons Japan strongly opposes to this Resolution. Thank you.

**Chairman**

Thank you Japan. Denmark.

**Denmark**

Thank you Mr. Chairman. I listen to the remarks from some of the participants in a debate Denmark can agree that you may foresee that adoption of this Resolution could complicate and delay the RMS process and postpone end of this exercise to a more distant future. As to DNA registers we think it's a real fine idea if national states wish to create such registers for the purpose of controlling trade. It may be very useful but we absolutely oppose the idea of establishing a kind of international control system to, so to say, survey the day to day retail market in national states. Thank you.

**Chairman**

Thank you Denmark. Monaco.

**Monaco**

Thank you Mr. Chairman. In the discussion that is opportunity to return to the position of the President of the Scientific Committee. I regret this year it was missed the opportunity to have some interesting communication about these topics. But in a general view now the biological science are progressing very fast and the genetic studies are among the more efficient tools to found a great mammal population dynamics analysis so the Scientific Committee must use the new approaches for a accurate appreciation of the present status and trend of the whale population. That the present composition of the Scientific Committee is with many scientists with a long experience of the whale studies but the new approach and the new technology need the new brood and it will be a opportunity for the different governments to appoint at the Scientific Committee other experts with other branch and the problem of the genetic analysis is not only for tracking the way and the sources of the whale products but also in general now you cannot make any modelisation and any dynamic analysis without an approach by genetics and by other technology and so it would be a opportunity to open new ways of the Scientific Committee and to give report for the next year on these field and perhaps with another one. Thank you.

**Chairman**

Thank you Monaco. I have Chair of the Scientific Committee and Norway. Chair of the Scientific Committee.

**Chair of the Scientific Committee**

In response to Monaco I just wanted to say that the Scientific Committee does in fact have state of the art expertise in genetic techniques and so we don't need new people for that, we have that expertise in the Committee. It's only the marketing experts. This is not something the Scientific Committee has even been asked to do before is to examine marketing systems.

**Chairman**

Thank you Chair of the Scientific Committee. Norway.

**Norway**

Thank you Mr. Chairman. As is well known we hold a firm view that matters relating to trade distribution and marketing of whale products fall outside the competence of the IWC. We also noted and full share the remarks comments by Denmark concerning the possibility of DNA registers. It is also I believe fairly well known to this audience that we have developed such a register in the context of the overall CITES proposal which is the appropriate organisation for dealing with such matters. But it also falls outside the scope or matters which are appropriate to discuss here in this organisation. In other words we broadly speaking associate ourselves with the comments made by Japan and more specifically with those made by Denmark and we are going to oppose the Resolution. Thank you.

**Chairman**

Thank you Norway. Ireland.

**Ireland**

Thank you Chairman. Ireland would support and fully endorse the work provided for by this Resolution but have serious concerns in relation to the time scale the work would require under the terms of the Resolution. We note the comments by the Chair of the Scientific Committee and share her concerns. On this basis we would be unable to support this proposal as it stands. Thank you.

**Chairman**

Thank you Ireland. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman we again we note the position of some member countries to introduce a new element into the rules of the IWC and here I refer to the marketing of whale products and we are trying to do this using science, DNA and so on and so forth but we have not thought it fit to use science to establish sanctuaries and to do a number of other things that we do here. I think we have to be consistent Chairman. We cannot use science to get at the marketing.

**Chairman**

Thank you St. Lucia. It is clear that there is no consensus here so I will ask the Secretary to proceed to a vote. Secretary.

**Secretary**

Thank you Mr. Chairman. The proposal before this plenary session of the Commission is document IWC/52/40 Rev. It is the revised version of the document which we are looking at. The one which has the additional operative paragraph on the back. IWC/52/40 Rev, the Resolution on Verification of Catch Data by Genetic Monitoring proposed by France and other governments. A simple majority of those voting yes or no will determine the outcome so we vote on IWC/52/40 Rev and the roll starts at Dominica – no; Finland – yes; France – yes; Germany – yes; Grenada – no; Republic of Guinea – no; India – not here; Ireland – abstain; Italy – not here; Japan – no; Republic of Korea – no; Mexico – abstain; Monaco – yes; Netherlands – yes; New Zealand – yes; Norway – no; Oman – abstain; Russia Federation – no; St. Kitts & Nevis – no; St. Lucia – no; St. Vincent and the Grenadines – no; South Africa – abstain; Spain – abstain; Sweden – abstain; Switzerland – abstain; UK – yes; USA – yes; Antigua and Barbuda – no; Australia – yes; Austria – yes; Brazil – yes; Chile – abstain; People’s Republic of China – no; Denmark – no.

Mr. Chairman there were 11 votes in favour, 13 against and so that Resolution is not adopted.

**Chairman**

Thank you Secretary. I think that brings us to the end of agenda item 17 – Adopting the Report of the Scientific Committee and move onto agenda item 18 – The Future of the IWC.

**18. FUTURE OF THE IWC**

I just want to report to the Commission that I have continued informal discussions to see whether there is support for compromise or at least a process to develop compromise. I must put on record that there is still not consensus but I feel there is still wide support for continuation of the search. I would note that this year the extension of scientific whaling to additional species demonstrates clearly to me that the Commission needs an approach to addressing such questions other than passing Resolutions exhorting one country to accede to the views of other countries. We need to make serious efforts to understand the differing points of view and to seek compromise and consensus. I also note the view of the CITES Secretariat which while is not necessarily the view of the Conference of Parties of CITES is a clear signal that we need to finalise the RMS otherwise decisions taken elsewhere may have an enormous impact on IWC. I would ask delegations to consider how they would envisage IWC in five years time and consider how their vision can be achieved. In most cases our vision cannot be achieved because of the broad divisions between us so what I would encourage everyone is to consider where we can have a compromise and achieve a consensus where everybody gains something and everybody concedes something. This is my last term as Chairman but I will continue it as Irish Commissioner to seek to promote consensus in this organisation and I am encouraged by the wide support I’ve got so far.

I will open the floor for any comments on the future of the IWC. South Africa.

**South Africa**

Simply to associate ourselves very strongly with the words you have spoken. Thank you.

**Chairman**

Thank you South Africa. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chair. Antigua and Barbuda also associates itself with the words by you but also feels that the whole question of a new system of contributions in order to allow for more countries to participate in the work of this very important organisation especially developing countries is very important for the future of this organisation. Antigua and Barbuda believes that the IWC have a significant role to play in an effort to bring management strategies to bear on the use of ocean resources and I do believe, as in any international organisation, the spirit of compromise is very necessary for decision making. Just this morning on the television I heard President Clinton speaking with regards to the upcoming Summit for the Middle East when he said there is a deadlock now and the only way in which any progress can be achieved is if both parties come together in a spirit of compromise. This is indeed the essence of any international relationship and I do urge that in the future this organisation will be able to pursue that goal Mr. Chairman.

**Chairman**

Thank you Antigua and Barbuda. Denmark.

**Denmark**

Very brief Mr. Chairman. It is a well known fact that Denmark has not only supported but greatly supported and appreciated your initiative. We may not be in an agreement of all details but that is not the point. I think the item here of key importance that is to create compromise and as you correctly stated a compromise has a necessary consequence that everyone will have to give something up, feel a little hurt but also gain something. Thank you.

**Chairman**

Thank you Denmark. Oman.

**Oman**

Thank you Mr. Chairman. I would like to reiterate our confirmed position in supporting the Irish Proposal. Thank you.

**Chairman**

Thank you Oman. St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman we have been talking about the future of the IWC for a while now and you have done everything possible to ensure that the future of the IWC remains one which would bring the parties together and in international organisations there are always divergent views. But Chairman my concern is for the perception of other organisations of our organisation and we had a letter from CITES which I think condemns the way we behave in this organisation. Yesterday somebody was boasting about the votes on the downlisting of the whales. Chairman in international organisations countries recognise and respect Resolutions and agreements. The agreement which we have with CITES not to do anything to undermine our organisation stands and this is the only reason why the whales have not been downlisted, this is the only reason and they have given us an ultimatum, they have said that by their next meeting if we don't clean our act up we are going to be in trouble with them and that is my concern, not the way that we behave in here, we can behave the way we want in here but we must give something to the world to show that we are responsible and Chairman I continue to say our inconsistency is one of the core issues which is holding up the advancement of our organisation and I hope we behave more responsibly so let us look at next year and let us see if we can conclude the RMS. Let us see if we can get away from this marketing thing that we are trying to use science to achieve and let's stop talking about a global sanctuary for whales, let's stop talking about things that are not realistic Chairman.

**Chairman**

Thank you St. Lucia. Norway.



**Norway**

Thank you Mr. Chairman. Norway fully shares the views and comments just expressed by St. Lucia. Mr. Chairman I believe that we are all well-meaning people here in this organisation and there is no doubt that everyone would like to wish the IWC a bright future. Nevertheless, we have repeatedly made comments on the work ability or rather the lack of work ability of the organisation as it functions today. Last year we commented that the IWC is not adhering to the Convention, that it has become a protectionist organisation with no will to lift the moratorium. We know that whaling is carried out by non-members and for those the IWC is irrelevant. We are and we have repeatedly confirmed our readiness and willingness to continue to work within the Commission in the spirit of the Convention and with a view of contributing to establishing whatever kind of compromise that is acceptable to all members. Compromise, any compromise, Mr. Chairman must not establish provisions incompatible with general international law. I would like to add that the continuing dysfunction of the organisation is a concern to conservationists but it is even a greater concern to everyone who believes that international agreements should be workable and credible and we are talking about international agreement, a whole system of contemporary international agreements within the area of environment conservation and resource management. The credibility of the IWC and our ability to prove the credibility will or might be a decisive element in the credibility of this broader international system of agreements. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Germany.

**Germany**

Thank you Mr. Chairman. I think it is always difficult to look into the future and this is especially true I think for this organisation, the IWC. It might be helpful, let me say, to send the Chairman and the Secretary to Greece so that they could ask the oracle in Delphi and they may get the right answer about the future of this organisation.

Germany is concerned that despite the fact that the moratorium is in place since 1986 most of the whale stocks are still depleted. Two main reasons have led to this situation. The past overexploitation of whale stocks and the environmental stress like climate change and chemical contaminants to which more or less all whale stocks are exposed. Germany welcomes the emphasis that has been given by the IWC to environmental concerns. For Germany the conservation of whale stocks does have absolute priority. The IWC should be an effective organisation for the conservation of whale stocks. The Irish Proposal contains important elements to us, the ban on high seas whaling, the ban on international trade with whale products and the ending of scientific whaling. Germany had asked the whaling countries for substantial concessions concerning these elements but we did not see any concession at all. On the contrary, the Irish proposal has been put into question by the continuation of commercial whaling despite the moratorium the continuation and possible extension of scientific whaling and the attempt of downlisting whale stocks at the last CITES conference. Behind this background and taking account of the numerous threats to which whale stocks still are exposed Germany does not see a basis for the resumption of commercial coastal whaling that is offered by the Irish proposal. I have to make the position of my country clear, Germany is opposed to the resumption of commercial whaling. It may be too early to look into the future of the IWC. We should concentrate on the work that lies before us. Germany will actively participate in the review of the moratorium and will insist on effective regulations on supervision and control. We are looking forward to the results of the comprehensive assessment and to further advice by the Scientific Committee on the status of whale stocks. Thank you Mr. Chairman.

**Chairman**

Thank you Germany. Netherlands.

**Netherlands**

Thank you Mr. Chairman. As you know Mr. Chairman 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. To quote from our Opening Statement Mr. Chairman, the Netherlands will continue to work towards the reinforcement of the International Whaling Commission as the most appropriate organisation for the conservation and management of cetaceans at a global level. We will therefore continue to play a constructive role in the completion of the Revised Management Scheme and we will contribute to an outcome of the wider negotiations that will be acceptable to all parties. At the same time the Netherlands will continue to oppose practices whether for commercial or other purposes that are not in conformance with the decisions and criteria adopted by the Commission in previous years. As to your question of where this Commission should be in five years time Mr. Chairman, I think it is relevant that we state our position here that the future work of this Commission should pay more attention to subjects or issues that are directly related to commercial whaling such

as research into the effects of environmental change and 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 Mr. Chairman.

**Chairman**

Thank you Netherlands. Japan.

**Japan**

Thank you Mr. Chairman. I would like to take this opportunity to express our gratitude and high appreciation to the distinguished Commissioner of Ireland who has taken great effort to try to find the solution to this deadlock situation of the IWC. Already what I wanted to say was covered by the distinguished delegate of St. Lucia and Norway so I associate with them. However, I would like to emphasise that in future effort we should try to identify and find a solution which are based upon the provisions of the letters of the Convention as well as the scientific grounds. Another point I would like to add is that as a direction of the future work I think the priorities should be given to the areas which are in conformance to the objectives of the Convention itself. Thank you very much Mr. Chairman.

**Chairman**

Thank you Japan. UK.

**UK**

Thank you Chairman. We always admired your courage in bringing forward the Irish proposals and they have been a welcome catalyst for discussion in this organisation. The United Kingdom's views have been consistent and they have been clear. They are set out in our Opening Statement which is in the name of my Minister and we emphasise there that we are opposed to whaling and we make no apology for that. We would like to see all whaling ended except aboriginal subsistence whaling and we deeply regret that Japan and Norway continue to carry out whaling activities while the moratorium remains in place. Since most of the focus of our attention during this meeting has been on Japan I should perhaps record that my delegation continues to be deeply disturbed by Norwegian whaling, by the number of whales taken by Norwegian whalers. It is something that I know concerns other members of this Commission which has been addressed in previous IWC Resolutions.

We have also said that we are ready to consider the ideas you have put forward and perhaps here I can quote from the statement that was made in our parliament before the beginning of this meeting setting out the position of the UK delegation. We said that while we are prepared to discuss constructively all ideas for improving whale conservation and strongly support some elements of the Irish proposals we have significant reservations about others, in particular those relating to coastal whaling. Nevertheless, we are prepared to consider interim solutions on the way to our ultimate destination provided that these deliver very real benefits to whale conservation. Now I have to say Chairman that despite your calls for compromise I haven't really seen any willingness to compromise from what I might say 'the other side'. Two key elements of the Irish proposals are a ban on international trade in whale products and an end to pelagic whaling. Since you put forward your proposals Japan and Norway have actively sought the downlisting of a number of whale species in CITES in order to permit international trade and Japan has expanded its pelagic whaling activities and is certainly planning to expand them to new species, a point made by my Minister yesterday. I also have to say that in the three years or so since you put forward the Irish proposals I haven't actually noticed any growing spirit of compromise in this organisation, if anything positions seem to be more aggressive, there seems to be a lesser willingness to compromise on some of the minor issues. Certainly when I took over as UK Commissioner in 1994 although the divisions were very clear certainly on the main issues, there was a readiness to work together on some of the more minor issues which frankly I don't see now and I think would be very welcome and would help us as an organisation work. It is not going to be easy to reach a compromise on something as divisive and politically important as whaling but there are things on which we could compromise on and if you start on small things sometimes the larger things become slightly easier to deal with.

Now CITES, of course, does add an extra and interesting dimension and I don't want to deal with that at any length but I would just like to emphasise that the letter you received from the Secretariat of CITES expresses the views of the Secretariat, it doesn't express the views of the organisation, it isn't an ultimatum and certainly my reading of the letter was not a demand that the IWC get its act together, it was rather a plea not to take our quarrels into CITES where they have got enough problems of their own.

So Chairman looking ahead, yes I hope the IWC has a future. It is not very clear what that future is going to be but I think that it is going to require a greater willingness to compromise than has been apparent in the last few years. Thank you Chairman.

**Chairman**

Thank you UK. Australia.

**Australia**

Thank you Chairman. I begin by associating us with the comments that the UK delegate made particularly in relation to Norwegian whaling and the CITES issue. But in your final session as Chairman I would like to say that we have greatly admired your persistence and your efforts to find consensus in this organisation on some very fundamental issues and yet still that consensus remains elusive. I won't reiterate Chairman the detailed comments that we have made before in this discussion on the Irish proposals but just to note that the passage of another year has served to confirm our views but we are pleased that despite this lack of consensus on some intractable issues the Commission is getting on with a great deal of valuable and vital work. Thank you Chairman.

**Chairman**

Thank you Australia. Republic of Korea.

**Republic of Korea**

Thank you Mr. Chairman. On behalf of the Government of the Republic of Korea I would like to express my impression in the context of the future IWC. Along with the decision on the moratorium the IWC commit itself to decide other catch limit by at least 1990 with a comprehensive assessment of whale stocks. Therefore, tremendous work of the Scientific Committee gave rise to a risk-averse RMP which was duly adopted by this organisation. Furthermore, the revised management system is being developed, the next step can be transparently foreseen. However, I see that the IWC ..... foreseeable way over to the orderly development of whaling industry. At the ..... it is for future generations to insist on the protection of whales which is to my understanding not compatible with the current Convention. Animal welfare ..... economic benefit of whalewatching etc. are not directly related to management issues which is the primary function of this organisation. This should be treated in other ways ..... The value of whalewatching is not universal but varies from region to region. In the western North Pacific region, countries with a big population highly depend on fish compared to other regions. It is very difficult and not appreciated by the fishermen to replace the fisheries industry by whalewatching and tourism. Tourism cannot compete with the fishes in socio-economic value in the region. Cetaceans occupy more fishing ground and sometimes give damage to fishing gear. Mr. Chairman, Korea welcomes the Irish proposal and encourages you to continue to develop your idea to protect the Convention and this organisation. Finally, my comment will pursue sustainable use of cetacean resources in each jurisdiction waters under the RMS to be adopted by the IWC. Thank you.

**Chairman**

Thank you republic of Korea,. Sweden.

**Sweden**

Thank you Mr. Chairman. My delegation would like to associate itself with the statements by the Chairman and the Netherlands. Thank you.

**Chairman**

Thank you Sweden. Switzerland.

**Switzerland**

Thank you Mr. Chairman. In the interests of time we will be very short. I would like to, as Sweden, associate ourselves with the statements made by the Chairman, yourself and the Netherlands. Thank you.

**Chairman**

Thank you Switzerland. US.

**USA**

Thank you Chairman. Briefly the US has been willing to join in discussions of the Irish proposal with the intent of making our views known and to ensure that a floored compromise was not achieved. We associate ourselves with the views of the UK and Australia. Others here have spoken of the need to compromise Mr. Chairman.

The Irish proposal was offered as that sort of compromise and as has been pointed out we have not seen any apparent movement from the other side towards this compromise. Thank you Chair.

**Chairman**

Thank you US. Finland.

**Finland**

Thank you very much Mr. Chairman. For the sake of brevity I would also like to associate with your own comments and also Netherlands, Sweden and Switzerland and would hope that you will still continue your efforts with the various elements of the Irish proposal. Thank you.

**Chairman**

Thank you Finland. St. Vincent and the Grenadines.

**St. Vincent and the Grenadines**

Thank you Mr. Chairman. Mr. Chairman I would like to associate my delegation with the views expressed by St. Lucia and in order to enforce this I think it is necessary to read from that letter from CITES because I think there has been some misinterpretation or deliberate distortion and for the benefit of those delegates that might have not received I think I would like to, with your permission, read certain parts of it.

**Chairman**

St. Vincent I would prefer if you didn't seeing that it has been circulated to Commissioners.

**St. Vincent and the Grenadines**

In that case Mr. Chairman I would just simply voice my strong disagreement with the interpretation that was given to it by the leader of the British delegation Sir. Thank you.

**Chairman**

Thank you for your cooperation. I have no other comments so I will close this. Sorry Norway you had looked for the floor a second time.

**Norway**

Mr. Chairman I must seek your guidance on the matter whether I should perhaps be given the rights to respond to the statement by the United Kingdom which was supported by others because the statement contained direct criticism and even accusations directed expressly at my country.

**Chairman**

I would always give you the right to respond. Please carry on.

**Norway**

Thank you Mr. Chairman. The United Kingdom stated that they were deeply concerned about Norwegian whaling and of the number of whales taken by Norwegian whalers. Of course, United Kingdom knows perfectly well that Norwegian whaling is conducted in conformity with the relevant provisions of the International Convention for the Regulation of Whaling and that the number of whales taken by Norwegian whalers are in accordance with the methods developed by this organisation and approved or not implemented by this Commission. There was also mention of the UK parliament discussing or giving the instructions to the UK delegation here and if I understood it correctly there was some degree of understanding of the fact that certain temporary arrangements would have to be made as some kind of concession on the way to our ultimate destination if I am not quoting incorrectly. Now our ultimate destination, I don't know what the ultimate destination of the United Kingdom is and I've never heard about the ultimate destination of our organisation but I know about the rules of this organisation which are clearly spelt out in the International Convention for the Regulation of Whaling and I think we should stick to those precepts and not to some kind of destination which is as yet not defined and which certainly are not been adopted by this Commission.

There was also mention of no will to compromise and I believe that Norway was mentioned as one of those countries that has not shown any such will. Mr. Chairman please look at our track record in the IWC. We have now for eighteen years been patient, even if the moratorium was adopted in violation of the Convention. We have shown patience by staying on in this organisation even when the IWC in 1990 showed its unwillingness or inability to fulfil the very provisions of the decision back in 1982 that at by 1990 at the latest there should be a

comprehensive assessment and new catch limits should be set to replace the temporary moratorium which we never accepted in the first place because it was in contravention of the Convention but that is something else.

Thirdly, in 1992 when the RMP was finally in place and had been elaborated and even in principle accepted by the Commission the Commission refused to implement it. We stayed on in this Commission still working constructively together with the rest of the member states which was witnessed by our act in 1994 when we even went along with the majority of the IWC in accepting, although with grave reservations, the Resolution 5 concerning the foundations or the main principles of the RMS. Since then we have been working constructively with open mind at achieving the very RMS which in our view we don't really need because it shouldn't be there in the first place but as a measure of our will to compromise. Please Mr. Chairman we have been bending over backwards, we have turned the other cheek and we have been willing to walk that extra mile in order to achieve the kind of compromise that would satisfy members of this Commission but at the same time would not be in violation of international law. Thank you Mr. Chairman.

**Chairman**

Thank you Norway. Japan.

**Japan**

Thank you Mr. Chairman. I would also like to respond to the comment earlier raised by the distinguished delegate of the UK. I think his statement may mislead other people to believe the fact in the wrong way. Therefore I would like to make the following comment that he said that Japan, actually Japan is engaged in the research activities, however, he said that he has given the impression as if Japan's activity is a whaling operation carried out while the moratorium is in place and Japan is now trying to expand the scope of this research to include other species. So I would like to clarify here that research activity is totally in conformance to the Article VIII of the Convention and actually according to the Article V, Section 2, the research activity is conformance to that provision that it should be based upon the scientific ground and so that is why we have dedicated so much funds and manpower to carry out those research activities and it is totally legitimate activity and so if his earlier statement has misled people to believe it was illegal that is not the case at all, it is totally legitimate activity. Thank you.

I would like to strongly associate with the statement made by the Norwegian representative that in the future activity RMS should be given the priority and that activity should be expedited. Thank you very much.

**Chairman**

Thank you Japan. Can I now close item 18? Netherlands.

**Netherlands**

I will keep it brief Mr. Chairman but I would like just for the record to state my view that the interpretation of Article 10(e) of the Schedule as given by Norway and Japan is in my view totally incorrect. At no time has this Commission undertaken to set other quota than zero quota under the moratorium at that time. All it did was to commit itself to a comprehensive assessment and a consideration of a modification of the provision. It did nothing else so I just wanted to make that clear again. Thank you Mr. Chairman.

**24. ANNUAL REPORT 1999-2000**

**Chairman**

Thank you Netherlands. I am now closing this item. Can we go on to agenda item 24 – the Annual Report. Its document IWC/52/11. Can we accept this Report? A little consensus breakout? US.

**USA**

Thank you Chairman. We won't break the consensus but we do have a reservation to express. The US wishes to note its reservation about the manner in which the catches of gray whales are recorded in table 1 at the end of this report. While the Russian Federation did report 2 animals that were struck and lost and the US would do likewise if such circumstances occurred in our hunt, we do not believe it is appropriate to record strikes in this format since the aboriginal subsistence quota for this stock is expressed in terms of animals taken. We request this be corrected in next year's documents. Thank you.

**Chairman**

Thank you US. Russian Federation.

**Russian Federation**

Thank you Mr. Chairman. Russian Federation has the same position in this problem. Thank you.

**23. ADVISORY COMMITTEE****Chairman**

Thank you Russian Federation. We will note those comments. Can I adopt the Report? OK. I now move to agenda item 23 – Advisory Committee. The Advisory Committee comprises Chairman, Vice-Chairman, Chairman of Finance and Administration, Secretary and two Commissioners to broadly represent the interests within the IWC forum. The appointment for the Commissioners is for two years on alternative years. Japan will have served for two years and the Netherlands one at this point and I presume Japan will retire and I would seek a nomination for a replacement. Japan.

**Japan**

Japan would like to nominate St. Lucia. Thank you.

**Chairman**

Thank you Japan. St. Lucia is willing?

**St. Lucia**

I hope willing and able Chairman. Thank you.

**27. APPOINTMENT OF NEW SECRETARY****Chairman**

I believe both St. Lucia. Thank you. My next agenda item is item 27 – Appointment of a new Secretary to the Commission. We agreed last year to advertise and select a new Secretary and the Advisory Committee sought applications and interviewed a number of candidates and make a recommendation and this was endorsed by you by postal vote. It only remains for me to introduce the new Secretary, Dr. Nicky Grandy and invite Dr. Grandy to say hello.

**New Secretary**

Thank you Mr. Chair. I will also be very brief. I just wanted to say that I am very honoured to have been appointed to what I think is an extremely important job. Ray I think will be an extremely hard act to follow but I want to ensure you that I will do my very best and I'm very willing and hopefully able, to follow St. Lucia's words, and I consider myself very lucky that I am actually going to be working with an extremely efficient Secretariat who are also extremely friendly so I think that is going to really help. So I just wanted to say that I'll look forward to working with you all in the future and in fact there is actually no going back for me as my job has just been given to somebody else. So hope to see you all next year. Thank you.

[Applause]

**25. ELECTION OF CHAIRMAN****Chairman**

Thank you Nicky. We all wish you well. I move on now to replacement of somebody who won't be missed quite as much at all – election of Chairman. My time is up so have I a nomination for Chairman?

**South Africa**

Thank you Chairman. Yes our delegation would like to nominate the distinguished Commissioner for Sweden and our current Vice-Chairman, Professor Bo Fernholm as candidate for this post. I believe that Professor Fernholm has got extensive knowledge and experience of the business of the Commission and is certainly in our opinion shown himself to be a very capable, fair and efficient Chairman. Thank you.

**Chairman**

Thank you South Africa. Oman.

**Oman**

Thank you Mr. Chairman. We would like to second that nomination. Thank you.

**Chairman**

Thank you Oman. Are there any other proposals? If there are no other proposals may I deem Professor Fernholm elected?

[Applause]

Professor Fernholm you can't back out now. You may have the floor.

**Sweden**

Please allow me just to say that thank you very much for trusting me to be your Chairman. I am honoured and I can only hope that I will not disappoint you in performing this difficult task. I intend to strive to do my best in an impartial way to achieve progress within this organisation. Thank you.

<b>26. ELECTION OF VICE-CHAIRMAN</b>
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**Chairman**

Thank you. I will now move to agenda item 26 – Election of Vice-Chairman. Sorry Professor Fernholm.

**Sweden**

I would like also if I may say a word to the outgoing Chairman. These are the words. Dr. Michael on behalf of all the members, and I am certain also the Secretariat, I would like to thank you for your years of Chairmanship. Personally I would also like to state that it has been a pleasure to be involved as Vice-Chair with such a helpful and resourceful person as Michael as the Chair. When thinking about the ways Michael has conducted the work the first word that comes to my mind is openness. He has always been willing to listen to all of you and give a fair representation. In fact at times we have listened to the views until we get bored or exhausted and just let him rule, probably a very deliberate tactic. I also come to think about kindness. Michael has a gift for giving matters a personal touch that is both pleasant and helpful for the deliberations. You can't avoid mentioning the Irish proposal. As a Chairman, and an ardent Irish man, Michael could not help having something called the Irish proposal hanging over him. This situation he has managed in a very balanced way and I believe we can all agree that the proposal has been very helpful in provoking thoughts and discussions. While IWC will live a more insecure life without the experienced Chairmanship of Michael we hope that we may be able to see him with us down on the floor in the future. There we will continue to take advantage of the friendly and positive atmosphere that our esteemed out-going Chairman always creates in his surroundings. Thank you Michael.

[Applause]

**Chairman**

Thank you all. I have to confess I did enjoy it, most of the time, even though there were some bad moments but thank you all for your cooperation.

Can I move on to a much more major task I think under 'Any Other Business'. Oh sorry I've still Vice-Chairman to do yet. That is why a Secretary is useful here when the Chairman gets confused which is quite often. Item 26 – Election of Vice-Chairman. Have I any nominations for Vice-Chairman? St. Lucia.

**St. Lucia**

Thank you Chairman. Chairman the delegation of St. Lucia wishes to nominate Mr. Daven Joseph, the Commissioner for Antigua and Barbuda. Mr. Joseph has been here, this is his fifth year as the Commissioner for Antigua and Barbuda and we have absolutely no doubt of his capacity and willingness to serve.

Chairman, earlier we talked about the future of the IWC and we are beginning to see the future of the IWC unfold. We must look back at the former leaders of this organisation, whether the Chairman or the Vice-Chairman. We must look at the new Advisory Committee which was established a few years ago and St. Lucia has had the pleasure of being proposed for this position and we have graciously accepted.

Chairman we saw today another new activity and we had a secret ballot and the secret ballot worked just like it's supposed to work Chairman. There are many countries here which would not have done what they did if they had to put their flags up and earlier in a statement by the distinguished Commissioner of the United Kingdom,

he said that the whaling issue is a divisive issue and I disagree completely. I am of the view Chairman that the rich and famous countries bring pressure to bear on smaller and poorer countries so they have to fall in line and this is where the secret ballot works Chairman so I would ask that we give consideration to changing the face of the IWC and electing Mr. Joseph to be Vice-Chair of this organisation. Thank you.

**Chairman**

Thank you St. Lucia. St. Kitts and Nevis.

**St. Kitts and Nevis**

Thank you Mr. Chairman. The delegation of St. Kitts and Nevis would like to second the nomination of Mr. Daven Joseph, the distinguished Commissioner of Antigua and Barbuda. Thank you.

**Chairman**

Thank you St. Kitts and Nevis. Do I have any other nominations? Finland.

**Finland**

Thank you very much Mr. Chairman. Our delegation would like to propose our distinguished Danish Commissioner, Mr. Henrik Fischer to be the Vice-Chairman. He is a very experienced man in this Commission and has been Commissioner for more than fifteen years and we have all heard his very wise and balanced opinions on many difficult matters we are dealing with. Thank you very much.

**Chairman**

Thank you Finland. Is there a seconder for Mr. Fischer? Switzerland.

**Switzerland**

Certainly Chairman. We would like to second this proposal.

**Chairman**

Thank you Switzerland. Are there any other nominations? Seems not so we will then employ the secret ballot and I will ask the Secretary to arrange the vote. Secretary.

**Secretary**

Because this is all so new to us may I just explain to you again what we are doing. The secretariat staff will bring round one voting slip per delegation, they have the names of the two candidates on because we have second sight and we ask you to put a cross against the proposed person that you would like to see as the Vice-Chairman and you also still have the option of record an abstention. When you have put the cross in place we would ask you to bring your voting slip up to put into the box. The Chairman says you should come up alphabetically just to make life easier for us.

Mr. Chairman for Antigua and Barbuda there were 12 votes, for Denmark 19 votes with 1 abstention so Mr. Fischer is elected.

**Chairman**

Mr. Fischer.

**Denmark**

Thank you Mr. still Chairman. Thanks to all of you. I will start by saying that I fully respect that you may have different preferences, it doesn't cause any problems with me and I will try to do my best. I'll take my starting point in the reality as Finland as mentioned the fact that I have been here for sixteen years, fifteen years as Commissioner for the Kingdom of Denmark. In my opinion this is a good starting point because the Kingdom of Denmark is in reality some kind of micro mirror of the International Whaling Commission. You know very well that Greenland has been dependent on taking marine mammals including large baleen whales for at least four thousand years. You are also aware of the fact that the Faroe Islands has since at least the Middle Ages been taking small cetaceans for subsistence purposes. As for Denmark proper we have never, at least in reality, never been a whaling nation. I would say that in my impression of the Danish population is that it is divided between those who would accept some kind of commercial small-type whaling as I prefer to call it and those who are more or less against whaling operations. It has been my duty within the Kingdom through fifteen years to try each year to create compromises between these interests reflecting the maybe from year to year new items on our agenda and this is exactly what I will do, or at least try to do, here. I can assure you that all interests and view



points will be taken into consideration on an equal footing and I shall try to remember to speak a little more loudly. Thank you Mr. Chairman.

**Chairman**

Thank you Mr. Fischer. Antigua and Barbuda.

**Antigua and Barbuda**

Thank you Mr. Chairman. First of all Antigua and Barbuda would like to congratulate the distinguished Commissioner, Mr. Fischer, for winning this first election that we have had in secret ballot in this organisation with regards to position of office. Antigua and Barbuda would also like to thank those who have enough confidence in me to give me their vote and support.

Antigua and Barbuda believe that this organisation is a very important international organisation and this organisation needs to pursue a democratisation process that would have more involvement of developing countries and the decision making of this organisation.

Antigua and Barbuda also believe that geographical allocation of positions is a very important concept in international organisations and over the years this organisation is heavily represented at the executive level by European countries and its on that basis why Antigua and Barbuda felt it was important for us to pursue officers in this organisation.

Antigua and Barbuda also believe that the question of the fees of this organisation is something that needs serious review and that this organisation needs to go through a reform process. From the floor of this organisation Mr. Chair Antigua and Barbuda will continue to pursue these honourable goals. Antigua and Barbuda will work with the executive of this organisation to ensure that these goals stay on the front line of the burner of the stove of this organisation. With that in mind I wish that all Commissioners here will put the process of this meeting behind and we all get together and work for the good of this organisation and ensure that we go from strength to strength and ensure the survival and sustainable use of all cetacean resources Mr. Chairman. Thank you.

[Applause]

<b>28. ANY OTHER BUSINESS</b>
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**Chairman**

Thank you Antigua and Barbuda. I have only one other item under Any Other Business and that is to mark the retirement of our Secretary, Ray Gambell. Netherlands always wants the floor. Netherlands.

**Netherlands**

Indeed Chairman. Well any other business of course very often is not the most interesting item, it usually contains issues that have sort of dropped off the table when the agenda was put together but at this time I think it is different, I think it is a very important agenda item and I think I will stand up for the occasion.

Mr. Chairman when I was asked this morning in the Commissioners Meeting to express the sentiments of all my fellow Commissioners on the event of Dr. Gambell's approaching retirement I was temporarily overwhelmed. Indeed, it seemed a heavier burden even than Chairing the RMS Working Group although it will be over much sooner. I have been besieged all day with suggestions from other delegations of items I could include in this intervention and I have the benefit of cribbing from a text delivered last evening on behalf of our former Chairman, the witty Peter Bridgewater, so I am somewhat more relaxed.

Of course, I could not accept all the suggestions that I received such as the one recognising Ray as a Chief Architect indeed the Construction Foreman of the splendid new Conference Centre at last year's venue in Grenada. But Peter Bridgewater called Dr. Gambell the very model of a modern Commission Secretary and I am sure we can all agree with that. He has the scientific expertise one would want in a science-based organisation. He has the administrative and financial skills to run both a very efficient staff and four or more weeks of logistically challenging meetings each year in sites ranging from luxurious resorts to gritty industrial parks. He has the ability to enunciate clearly the rules of the Commission, the amendments and the Resolutions we vote on and the voting procedures.

Your retirement approaches Ray but this afternoon we are still paying you. We need to take advantage of your vast experience and expertise to get answers once and for all to some of the Commission's perennial questions. The first one is what is a whale? The second, what does humane mean? Third, who is an aboriginal? Fourth, how many minke whales are there? Fifth, what is the competence of the IWC? Sixth, why is it so cold in here? Seventh, why is it so hot in here? I will remind you Ray of the Chairman's ruling earlier this week that there is no need to respond to rhetorical questions.

Finally and on a slightly more serious note I want to mention Ray's personnel characteristics that have enhanced the operation of this Commission for so many years. He is patient, he is unfailingly courteous, he is sensitive to the needs of all participants no matter where they come from or their points of view. He also manages almost all the time to walk the tight rope between the often opposing factions within this body. Ray's warmth and friendliness has obviously rubbed off on his staff, they make all participants feel as welcome at far flung venues as they would visiting the Red House in Cambridge. Ray's rye sense of humour, his twinkly smile and his traditional boutonniere today a flashy orchid, is it still there Ray? Yes. No it must have dropped off. There it is. They have all brightened our meetings for twenty-four years. We will all miss him and we wish him the very best in his retirement. Thank you Ray and fair thee well.

#### **Chairman**

He can sit down for another moment then I'm still Chairman. I just wanted to say a few words as well. I may not get the floor next year. For me, I just wanted to say that Ray has been an institution within an institution. He has been anchor in the IWC for almost a quarter of a century in a situation where all of us generally last only a few years. He has been an efficient and loyal servant to the Commission. As you can see the meetings run like clockwork, occasionally we run a little late but that's usually the Chair or the Commissioners talking too much but it is all due to his organisation and advice, it certainly isn't due to the front man in the Chair who if he has any sense just listened and does what Ray says. This may sound like Ray is just an efficient machine and Netherlands have already referred to his humanity. He is a great human being, he has been good humoured and helpful at all times and I think in his dealings with the Secretariat he reminds me of a mother hen the way he looks after them and indeed any delegate who has a problem gets the same treatment. It is tribute to him that he is liked by all sections of our little IWC community and it is a particular acknowledgement that the Secretariat behind his back have been receiving contributions for six months from literally all over the world and with these contributions we have acquired a little gift for Ray. It has been my personal privilege to work closely with him as Chairman for the last three years. As I say, I depended greatly on his advice during that time and developed an even greater respect and liking for him than as a mere delegate and now it is great privilege for me to present to him on your behalf a gift which will remind him of all his friends and colleagues at IWC and if somebody can do the unveiling.

Sorry I am having withdrawal symptoms from not having a microphone. It is a Huggins South-Sea Whale Fishery print from the 1820s. Huggins was official marine painter to King William III and the subject is the sperm whale which I believe is Ray's speciality so on your behalf I want to present this to Ray.

[Applause]

#### **Secretary**

Mr. Chairman I have never made a speech in the IWC. This is my first and my last time. I have to say at the outset that the hideous complicity of my secretariat overwhelms me because I knew nothing about this at all so thank you for your great secrecy. But after thirty-seven years working in this organisation I hope that you would allow me a little time to reminisce and to reflect on the changes that have occurred during those years. The world around us has changed in many ways including such things as communications if you will turn off that mobile phone, technology and the values which we put on the natural resources of the planet, planet earth, including the whales. When I started my career in whale research and many of you probably don't know that I am a whale biologist really, or at least I would like to think I was, when I started in 1963 the reported world catch in that year was over 63,000 whales and in fact probably many more because there was underreporting. In the Antarctic there was 16 floating factory expeditions from Japan, Norway, the Netherlands, UK and USSR with 190 catcher boats and the rest of the world there were 37 land stations and 7 floating factories operating. The nations involved in that catching operation included Australia, Brazil, Canada, Chile, Iceland, Japan, New Zealand, Norway, Peru, Portugal, Spain, South Africa, UK and the USA and it is good to see nearly all of you here now still although some of you may now have a different position on whaling.

The first IWC Commission meeting I attended was as a UK scientist and it was actually a special meeting held in 1965 because of the crisis surrounding the attempts to reach an agreement on suitably low quotas in the Antarctic

whaling season and that was followed very soon afterwards by the seventeenth Annual Meeting in London and that ended on 2 July, thirty-five years ago nearly to the day. There were sixty-four delegates from fifteen governments and four NGOs at that meeting. It is a very different Commission today not least that there are nearly 200 delegates, we have a membership of forty one governments, ninety five observer organisations assembled here and, of course, there were the media. Perhaps you've heard of the definition of a conference, as a gathering whose members singly can do nothing but who together decide that nothing can be done. Well I am glad that as I leave here I know that cannot be said of the IWC this year, at least I don't think it can after this year's meeting and that is a great encouragement after .... I won't go into the politics.

When the Commission decided in the mid-1970s to set up a permanent Secretariat it advertised the post of Secretary and, of course, there was considerable interest in who would get the job. There was also, I have to say, a great deal of interest in who should not get it and I have a copy of an advertisement from the US press that appeared at that time which says 'write to Dr. Robert White, Chairman of the US delegation to the International Whaling Commission and ask him to stand firm on the ten year moratorium and to vote against the possible appointment of Dr. Ray Gambell, the infamous British Commissioner' so I hope that I have established better relationships with the NGO community in my time here rather than how it started.

I have had the great privilege of working with eight Chairmen over the years. When I was first appointed the Chairman was an Australian, Arthur Bollen, and he was followed by Thordur Asgeirsson of Iceland and what a great pleasure that was for me to find him as the Icelandic observer at this my final meeting. He was followed by Eduardo Iglesias of Argentina, Ian Stewart of New Zealand who sent a nice message, Sture Irberger from Sweden, Luis Fleishcer of Mexico and Peter Bridgewater of Australia who has also sent a message during this meeting before we came to our current and soon to be past Chairman Michael from Ireland. There have been very many Commissioners, many delegates, many NGOs but I will remember them with particular pleasure as colleagues and as real friends.

By some curious circularity of fate the first IWC Annual Meeting that I organised because the 1976 had already been set up by the UK Ministry of Agriculture in London, that first meeting organised in 1977 was here in Australia in Canberra. We have been to many other of your countries since then and it has been a rare opportunity and a privilege to live and work with and get to know some of the local people in each place as we have arranged and run the ever expanding activities which come under the umbrella of an IWC Annual Meeting.

In closing I must pay a special tribute to all the other members of the Secretariat, particularly I would mention Martin Harvey, Daphne Ransom who is holding the fort back in Cambridge and Greg Donovan who have been involved for nearly as many years as I have and together with a surprisingly small number of other people who have worked in the secretariat we/they have tried to ensure that everything that the Scientific Committee and the Commission has wanted has happened both at the meetings and intersessionally and I suspect we have organised some things that you'd rather we hadn't done too but I do want to thank them all most sincerely for the support and the friendship that they have given me.

I started by saying that the world has changed a lot and the IWC has certainly changed a lot since I first became involved in it and now you are going to at least have one much prettier face to look at at the Chairman's table in future meetings. The world has changed but for many people the whale is still a powerful symbol of our natural environment and our hopes for a well managed future, a resource which must be sustained however it is to be utilised, a source of wonder and of pleasure, a pleasure in creation for which we have the responsibility of care so I wish you all and your new Secretary Nicky well in this endeavour. Thank you.

[Applause]

### **Chairman**

Thank you Ray. There is nothing I can say to follow that so I'll just draw the meeting to a close. Before I do that I have some small, I won't call them duties, it's a privilege, I want to thank the Government of Australia, Senator Hill, for inviting us here, Environment Australia, Howard Bamsey and the team for doing everything for us, the Government of South Australia, it gets complicated over here, the city of Adelaide, the Convention organisers, Jane Carter, Robyn McCullough and Georgian Fien and thank them all for the wonderful facilities we've had here and the good time we've had here. I also want to thank on my own behalf the Vice-Chair, the Chairpersons of the Working Groups, particularly Judy Zeh who had a really large role and did it extremely well on her first time out and all the rapporteurs who made everything work for us. I would also like to thank the secretariat for their three years support, I see they have disappeared on me, for three years support and friendship I would say and thank you the Commissioners for your cooperation, it has made life easier up here in the Chair

when you are prepared to help out and all the delegates including the observers, IGOs, government organisations, NGOs. I have generally tried to follow the rules, just bent them a little bit now and again, but hopefully to make things work better so thank you all for everything and I wish you safe home and I'll bring the meeting to a close. Thank you.

[Applause]

I promised to finish by 4.00 and look at that!!

[END]