

Paragraphs for inclusion in Chair's Report

At IWC 63, the delegations of Argentina and Brazil presented a proposal for the establishment of a South Atlantic Whale Sanctuary.

The establishment of a sanctuary has been on the Commission's agenda for many years. It would require a consensus decision or a three-quarters majority.

The sponsors asked for consensus on the proposal. The debate showed that there was a majority of Commissioners in support of the proposal. Five countries spoke in opposition to the proposal and three said they were not in a position to join a consensus. Russia requested the sponsors to withdraw the proposal.

The delegation of Japan, on behalf of Cambodia, Cameroon, Cote d'Ivoire, the Gambia, Iceland, Norway, Nauru, Mongolia, Mauritania, Guinea-Bissau, Grenada, Kiribati, Morocco, Korea, Ghana, Palau, Togo, Russian Federation, Tuvalu, St Kitts and Nevis and St Lucia, said they were not willing to participate in a vote on the proposal because they considered that reverting to voting could be harmful to the constructive dialogue and atmosphere in the Commission that have been achieved in recent years.

The sponsors of the proposal made it clear that they wished the proposal to be put to the vote if consensus was not possible. Many other speakers supported the right of sponsors of a proposal to have that proposal put to a vote if consensus could not be achieved.

The Chair ruled that consensus could not be achieved and asked the Secretary to prepare for a vote.

At that point, Japan, Cambodia, Cameroon, Cote d'Ivoire, the Gambia, Iceland, Norway, Nauru, Mongolia, Mauritania, Guinea-Bissau, Grenada, Kiribati, Morocco, Korea, Ghana, Palau, Togo, Tuvalu, St Kitts and Nevis and St Lucia left the meeting room.

There were extensive informal consultations on the procedural situation facing the Commission. There was no agreement on how the quorum rule in the Commission's Rules of Procedure applied to this situation or on how to resolve the procedural impasse facing the Commission.

The Commission decided to establish an intersessional Group to consider the interpretation of the Commission's Rules of Procedure regarding the quorum necessary for a decision to be taken and, if appropriate, to present for the consideration of the Commission at IWC 64 a proposal to amend the Rules so as to clarify the matter.

While recognizing the diversity of views in the Commission on the issue, the Commission recognizes the importance of a South Atlantic Whale Sanctuary to many member Governments. The Commission resolved:

- a) to continue to discuss the establishment of a South Atlantic Whale Sanctuary as the first substantive agenda item at IWC 64;
- b) that, if consensus cannot be reached on the item, a decision will be taken in accordance with the Commission's Rules of Procedure.