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CANADIAN DELEGATION REPORT
SPECIAL MEETING
OF THE INTERNATIONAL WHALING COMMISSION

DECEMBER 6 - 7, 1977

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W.R. MARTIN, COMMISSIONER
(Retired December 1977)

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SUBMITTED TO THE HONOURABLE ROMEO LEBLANC
MINISTER OF FISHERIES AND THE ENVIRONMENT

INTRODUCTION

This report summarizes results of the Special Meeting of the IWC convened at Tokyo, December 6 - 7, 1977. The meeting was preceded by a Special Meeting of the Scientific Committee on North Pacific sperm whale assessments which took place in Cronulla, Australia, November 21 - 26, 1977.

A copy of the meeting agenda is attached (Annex I). The report of the IWC Chairman is also attached (Annex II) and the following report comprises supplementary notes to provide details regarding Canadian participation on the principal items under discussion at the meeting.

CANADIAN DELEGATION

The Canadian delegation to the Special Meeting comprised:

W.R. Martin, Commissioner, Ottawa

B.I. Applebaum, Alternate Commissioner (DFE - FMS, International Directorate,
Ottawa)

M.C. Mercer, Senior Policy/Program Adviser (Marine Mammals), (DFE - FMS Resource
Services Directorate, Ottawa)

Sam Raddi, Chairman, Committee on Original Peoples Entitlement

Mr. Randall Pokiak, Committee on Original Peoples Entitlement

REVIEW OF TECHNICAL COMMITTEE MANDATE AND FUNCTIONS

The Canadian delegation presented a paper (copy attached as Annex III) outlining the need for changes in the role and functioning of the Technical Committee and proposing that the Committee establish an ad hoc Working Group to discuss the question with a view to bringing proposals forward for Commission action. Iceland, Norway, Japan, Australia, New Zealand and USA spoke in favour of the Canadian proposal which was adopted unanimously. It was agreed that the Working Group would be convened by Canada to meet in Cambridge, England for two days prior to the 30th Annual Meeting and report to that meeting.

SPERM WHALES

Details of Commission discussions on sperm whales are included in the Chairman's Report (Annex II). In speaking to the Item, Canada stressed the

need for further research on north Pacific sperm whale stocks. The Scientific Committee recommendations regarding stock divisions and closed seasons were carried unanimously. The dividing of quotas between eastern and western Pacific should decrease the possibility of over-exploitation of stocks in one area. Institution of a closed season to protect breeding bulls resulted from recommendations generated in a paper by Canadian and USA scientists. The Scientific Committee recommendation regarding classification and catch limits was supported by all parties present except France which voted against and the UK which abstained.

BOWHEAD WHALES

The Scientific Committee reiterated its statement that any take could adversely affect the stock and contribute to preventing its eventual recovery. However, the United States delegation proposed that the native exemption be reinstated for the Bering Sea stock of bowheads permitting the USA to implement a regulation of 15 bowheads landed or 30 struck for 1978. Canada made a lengthy intervention on the subject (Annex IV) suggesting that a take of 6 be permitted. In proposing this number, the Canadian delegation noted that the average number of bowheads landed in Alaska from 1945 to 1970 was 10, and that in 10 of those years 6 or fewer whales were landed. The Canadian delegation suggested that a Working Group be struck to draft a proposed amendment to the Schedule and a resolution for consideration by the Technical Committee. This procedure was adopted and the Working Group brought draft wording before the Technical Committee without having agreed on the actual numbers of struck and lost whales to be inserted in the text. Following a series of votes in the Technical Committee and Plenary (voting record attached as Annex V) the Commission adopted a limit of 12 landed or 18 struck whales. Canada voted against this proposal since the numbers adopted were in excess of those which could be supported by the Canadian delegation pursuant to its instructions.

A resolution was also adopted including among its operative clauses "That all necessary measures be taken to ensure that the reduction in the take of bowhead whales does not affect the take of beluga whales to any significant degree". This item was incorporated at the initiative of Canada, pursuant to instructions which had been written to take into account concern on this subject expressed by Canadian Inuit regarding possible impacts on stocks of beluga which are harvested in the Mackenzie Delta.

REVISION OF THE INTERNATIONAL WHALING CONVENTION

The Danish Commissioner suggested that the preparatory meeting in Denmark concerning re-negotiation of the International Whaling Convention be

scheduled during the week following the 1978 Commission meeting, ie. during the first week of July. Mr. Lemche indicated that he wished to invite participation only by present Commission members and other whaling nations. Canada, supported by the USA, proposed that invitees include the full list of approximately 100 nations developed at earlier Working Group discussions. However, the Danish position was supported by Japan, Iceland, South Africa, USSR and Norway.

ACTION RELEVANT TO NON-MEMBER WHALING NATIONS

Three resolutions dealing with whaling operations in Chile and Peru were adopted with Canadian support (copies attached to Chairman's Report, Annex II).

Japan reported that it had investigated the transfer of one of its vessels to Chile. The Japanese Commissioner indicated that a small Japanese fishing company had exported a vessel to a Panamanian company, this vessel having been built as a trawler and used as such until sold for the understood purpose of shrimp trawling off Panama. He indicated that the vessel had subsequently been converted to a whaler and chartered to a Chilean company in which there was no Japanese involvement.

PROVISIONAL ANNOTATED AGENDA FOR THE SPECIAL MEETING OF
THE INTERNATIONAL WHALING COMMISSION

(Scheduled provisionally to be held in Tokyo on 6 & 7 December 1977)

1. Address of welcome
2. Opening statements
 - (a) Member governments
 - (b) Observers from other countries
 - (c) Accredited international organisations
3. Adoption of agenda
4. Arrangements for meeting
- P* 5. Appointment of Committees (*Rules of Procedure, Rule XVII*)
- TC* 6. Review of Technical Committee Mandate and Functions
(*Rules of Procedure, Rule XVII*) *[IWC/SPEC 77/7]
- P* 7. Report of the Technical Committee
*[To be circulated as IWC/SPEC 77/5]
- TC* 8. Classification of North Pacific sperm whale stocks, their management and catch limits, and implementation of any recommendation to the Commission pursuant to Scientific Committee Agenda item 13.
 - (a) Review of criteria for the management of whale stocks, including possible "step" procedures
 - (b) Report of Scientific Committee *[IWC/SPEC 77/4]
 - (c) Action arising

(Changes in classification, catch limits, effort limitations, of areas or sub-areas, or of size limits, will require amendment of the Schedule* dated November 1976, paragraphs 6, 12, 15.)
*[Schedule dated November 1977 paragraphs 8, 15, 17 and Table 2].
- Commissioner P* 9. Amendment to Rules of Procedure, Rule III. (*Chairman's letter to Commissioners, dated 26 July, 1977*)
- P* 10. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
 - (a) Report on special working session of the Conference of the Parties, Geneva, 17-28 October 1977*. (*Circular communication dated 19 July 1977, ref. RG/DG/1042*) *[IWC/SPEC 77/6]
 - (b) Action arising

11. Revision of the International Convention for the Regulation of Whaling, 1946.
- (a) Arrangements for preparatory meeting
 - (b) Further action
12. Bering Sea Stock of Bowhead Whales
- (a) Report of action taken by member governments
 - (b) Action arising
- (A change from elimination of aboriginal whaling for right whales would require amendment of the Schedule dated November 1976, as amended in June 1977, paragraphs 6 and 7.* A printed draft of the revised Schedule containing these amendments (which become effective on 25 October 1977) will be available to Commissioners at the Meeting.
*[Schedule dated November 1977 paragraphs 8 and 11].
13. Action relative to non-member whaling nations
- (a) Action by member governments on the resolution on transfer of vessels and equipment
 - (b) Action by member governments on the resolution on import of whale products of non-IWC nations
 - (c) New resolutions to non-member nations
 - (d) Responses to IWC invitations and resolutions from non-member nations
14. Arrangements for Press Release
15. Any Other Business

NOTES TO PROVISIONAL AGENDA

(These annotations have been compiled by the Secretariat from the information available. They are not intended to define the subject areas under any agenda item, nor limit discussion to the matter noted.)

Item 2 OPENING STATEMENTS

The usual practice at Annual Meetings is to give Commissioners and Observers five minutes to present their opening statements. *[To be presented in writing on this occasion].

Item 3 ADOPTION OF AGENDA

Concern has been expressed that the amount of business contained in the Provisional Agenda is excessive for a 2-day meeting. Japan wishes to make it clear that in her opinion the Commission's purpose in holding the Special Meeting is to discuss catch quotas on sperm whales in the North Pacific for the next whaling season and that adequate time must be permitted for full consideration of this matter.

Item 4 ARRANGEMENTS FOR MEETING

Details will be circulated as soon as these are known.

Item 6 REVIEW OF TECHNICAL COMMITTEE MANDATE AND FUNCTIONS

Canada has proposed the addition of this item, commenting that "the Committee will be asked in the course of this review to develop new terms of reference for the Technical Committee, providing *inter alia* for the implementation and development of the Commission's Management Scheme."

Item 8 CLASSIFICATION OF NORTH PACIFIC SPERM WHALE STOCKS, THEIR MANAGEMENT AND CATCH LIMITS; AND IMPLEMENTATION OF ANY RECOMMENDATION TO THE COMMISSION PURSUANT TO SCIENTIFIC COMMITTEE AGENDA ITEM 13

The wording underlined has been added at the request of Canada with the object of ensuring that there is no procedural obstacle to the Commission acting on any recommendations that the Scientific Committee may make in relation to the proper management of the stocks under discussion.

- (a) Review of criteria for the management of whale stocks, including possible "step" procedures.

Japan has proposed the inclusion of this item with the comment: "It was in our view, understood at the last Annual Meeting that the Scientific Committee would examine a flexible formula such as possible 'step' procedures when the catch quota was reviewed at the coming Special Meeting. Based on this understanding, 'possible step procedures' has been placed in item 13 of the draft agenda for the Scientific Committee. So, we think that we should place this item in the agenda for the Special Meeting too."

- (b) Report of the Scientific Committee

The Scientific Committee will meet at Cronulla, NSW, Australia from 21-26 November 1977, and its report will be available at the opening of the Commission Meeting.

- (c) Action arising.

Item 9 AMENDMENT TO RULES OF PROCEDURE

Mr. Bollen, as Chairman of the Commission, has proposed the following amendment of Rule III

"(a) Any Government not a party to the Convention * may be represented at meetings of the Commission by an observer or observers, if such nonparty government * has previously attended any meeting or if it submits its request in writing to the Commission 30 days prior to the meeting and the Commission issues an invitation with respect to such request.

(b) Any international organisation with offices in more than three nations may be represented at meetings of the Commission by an observer, if such international organisation submits its request in writing to the Commission 30 days prior to the meeting and the Commission issues an invitation with respect to such request."

(* indicates that wording is omitted which appears in the current Rule III. Underlining indicates new wording.)

Item 10 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

This item has been included at the suggestion of the Chairman. It is intended only to provide an opportunity for the Commission to hear a brief report of the special working session of the conference of the parties to CITES (which is to take place in October and be attended by the Chairman and Secretary) and to note any action necessary.

Item 11 REVISION OF THE INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING, 1946

This item has been included at the suggestion of the Chairman to note any arrangements which may have been made for a preparatory meeting in the Spring on the revised Whaling/Cetacean Convention and to take any necessary action.

Item 12 BERING SEA STOCK OF BOWHEAD WHALES

The United States of America has requested the addition of this item in order "to inform the Commission of actions taken to ensure protection for the Bering Sea Stock of Bowhead Whales, and to present a proposal relating to reconsideration by the Commission of its decision to end the native take of this species."

Item 13 ACTIONS RELATIVE TO NON-MEMBER WHALING NATIONS

This item has been added at the request of the United States of America, with the comment that "it is useful to check on the progress on implementation of the resolutions passed in June. Also, whaling operations of Chile and Peru were not addressed in resolutions in June. Therefore, the USA expects to propose resolutions to be adopted under (c) of this agenda item." (Attached).

RESOLUTION OF THE INTERNATIONAL WHALING COMMISSION

1977 SPECIAL MEETING

WHEREAS it is the purpose of the International Whaling Commission to provide for the effective conservation and management of whale stocks,

WHEREAS the Commission has classified the stock of Bryde's whales in the South Pacific Ocean as an Initial Management Stock and recommended that, until estimates of stock sizes are completed, catching effort on this stock should not be increased,

WHEREAS the Commission has noted that this stock is exploited primarily by Peru which is not a member of the Commission, and by Japan and the Union of Soviet Socialist Republics, which are members of the Commission,

WHEREAS member countries have agreed to take no Bryde's whales in the South Pacific until estimates of stock sizes are completed,

BE IT HEREBY RESOLVED by the International Whaling Commission

- (a) that all necessary measures should be taken to ensure that catching effort on Bryde's whales from South Pacific does not exceed present levels; and
- (b) that all Governments concerned be encouraged to provide to the Commission, concerning the Bryde's whale stocks in question, biological data and catch per unit of effort data from their whaling activities.

The Commission requests that the Chairman transmit the text of this resolution to the Government of Peru requesting with regard to the conservation of the Bryde's whale stocks of the South Pacific Ocean and the development of scientific information related to these stocks, and urging them to join the Commission.

RESOLUTION OF THE INTERNATIONAL WHALING COMMISSION

1977 SPECIAL MEETING

WHEREAS it is the purpose of the International Whaling Commission to provide for the effective conservation and management of whale stocks,

WHEREAS the Commission has adopted a regulation related to the taking of sperm whales in the South Pacific Ocean, and has declared the sperm whale stock in the area bounded by the Ice Edge of Antarctica and the Equator and by 100° West longitude and 60° West longitude, to be a Protection Stock, or one from which no animals may safely be taken, using information now available,

WHEREAS the Commission has noted that this stock is exploited by vessels under the jurisdiction of Chile and Peru, which are not members of the Commission,

WHEREAS the Commission has noted with appreciation the statement of the observer representing the Government of Peru at the Commission's 29th annual meeting, describing Peruvian whaling activities.

BE IT HEREBY RESOLVED by the International Whaling Commission that all necessary measures should be taken to ensure that no sperm whales are taken in the area of the South Pacific Ocean described above in the 1978 season.

The Commission requests that the Chairman transmit the text of this resolution to the Governments of Chile and Peru, requesting their cooperation with regard to the conservation of the sperm whale stocks of the South Pacific Ocean and the development of scientific information related to this stocks, and urging them to join the Commission.

RESOLUTION OF THE INTERNATIONAL WHALING COMMISSION

1977 SPECIAL MEETING

WHEREAS it is the purpose of the International Whaling Commission to provide for the effective conservation and management of whale stocks,

WHEREAS the Commission has adopted a regulation related to the taking of sei whales in the South Pacific Ocean in the area bounded by the Ice Edge of Antarctica and the Equator, and by 120° West longitude and 60° West longitude, establishing a catch limit of 353 animals as the number which can be safely removed from this stock, using information now available,

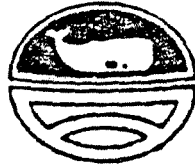
WHEREAS the Commission has noted that this stock is exploited by vessels under the jurisdiction of Japan and the Union of Soviet Socialist Republics, members of the Commission, and by vessels under the jurisdiction of Chile and Peru, which are not members of the Commission,

WHEREAS the Commission has noted with appreciation the statement of the observer representing the Government of Peru at the Commission's 29th annual meeting, describing Peruvian whaling activities.

BE IT HEREBY RESOLVED by the International Whaling Commission

- (a) that all necessary measures should be taken to ensure that catches of sei whales in the South Pacific Ocean in 1978 do not exceed catch limit which has been established by the Commission, to prevent the overexploitation of this stock; and
- (b) that the Government of Chile and Peru be encouraged to undertake appropriate research programs on South Pacific sei whales, and provide the Commission with the results of these programs.

The Commission requests that the Chairman transmit the text of this resolution to the Governments of Chile and Peru, requesting their cooperation with regard to the conservation of the sei whale stocks of the South Pacific Ocean and the development of scientific information related to these stocks and urging them to join the Commission.



**International
Whaling
Commission**

C H A I R M A N ' S R E P O R T

of the

SPECIAL MEETING

Tokyo



International Whaling Commission

Chairman's Report of the Special Meeting of the Commission,
6-7 December 1977

1. Date, Place and Purpose

The Special Meeting was held, at the kind invitation of the Government of Japan, at the Ministry of Foreign Affairs, Tokyo on 6 and 7 December 1977.

The proceedings were conducted by the Chairman of the Commission, Mr. A. G. Bollen (Australia). He reminded participants that the prime purpose of the Special Meeting was consideration of the management of North Pacific sperm whale stocks including classification, the setting of catch limits and implementation of any recommendations of the Scientific Committee arising from a special meeting of the Committee held specifically to consider the problems and review the assessment of these particular stocks. A second important item for the attention of the Special Meeting was the reconsideration by the Commission of its decision in June to prohibit the take by Alaskan Eskimos of bowhead whales from the Bering Sea stock.

2. Representation

Commissioners and delegates attended from fifteen of the seventeen member countries, Brazil and Panama being absent. Observers were present from the Governments of:

Chile
Korea, Republic of
Peru

and the following international organisations:

Food and Agriculture Organisation of the United Nations
International Union for the Conservation of Nature
and Natural Resources
African Wildlife Leadership Foundation
Fauna Preservation Society
Friends of the Earth
Friends World Committee for Consultation
Greenpeace Foundation
Inuit Circumpolar Conference
International Transport Workers Federation
Project Jonah
World Federation for the Protection of Animals
World Wildlife Fund

3. Address of Welcome

An address of welcome on behalf of the Japanese Government was given by Mr. Imai, Vice-Minister of Agriculture, Forestry and Fishery.

He reviewed briefly the achievements made by the Commission since its establishment and noted its efforts in preserving and conserving whale resources. However, he regretted that there were continuous accusations against the whaling nations which did not give a fair appreciation of the efforts of the IWC. He realized that the aim of the present meeting was to review the provisions of the Schedule with regard to the sperm whale quota in the North Pacific, and in wishing every success to the meeting, hoped that it would arrive at a fair and proper decision based on the assessment of the Scientific Committee.

4. Statements by Commissioner and Observers

In order to make the most economical use of the time available Commissioner and Observers had been asked to present written rather than oral statements. These were collated and circulated during the course of the meeting.

5. Adoption of Agenda

The provisional annotated agenda, circulated sixty days in advance of the meeting in accordance with the Rules of Procedure, based upon a draft agenda distributed 100 days before the meeting, was adopted.

6. Review of Technical Committee Mandate and Functions

The Technical Committee supported the important initiative contained in a paper put forward by Canada. This outlined the need to develop a truly technical role for this Committee by bringing in all the necessary expertise so that it can act as an intermediary stage between the Scientific Committee and the plenary session. The Commission agreed to establish an ad hoc working group to discuss this question, and to develop terms of reference for a reconstituted Technical Committee, together with appropriate rules of procedure and other relevant proposals for Commission action. Canada was asked to convene the working group, which would meet in Cambridge for two days prior to the 30th Annual Meeting and report to that meeting.

7. North Pacific Sperm Whale Stocks

The Scientific Committee had carried out a detailed review and analysis of the available information at a special meeting of the Committee held in Cronulla, NSW, 21-26 November 1977. Their three

recommendations were endorsed by the Technical Committee and adopted by the Commission. The decisions were that:

1) Management of the North Pacific sperm whale stocks should be based on two divisions divided by a line from the ice edge south along the 180° west meridian of longitude to 180° west, 50° north, then east along the 50° north parallel of latitude to 170° west, 50° north, then south along the 170° west meridian of longitude to 170° west, 40° north, then east along the 40° north parallel of latitude to 160° west, 40° north, then south along the 160° west meridian of longitude to the equator.

2) Stock classifications and catch limits for 1978 should be:

		Classification	Catch Limits
Western Division	Male	SMS	2,987
	Female	SMS	784
Eastern Division	Male	IMS	2,118
	Female	IMS	555

The changes in the recommended catch limits since the June 1977 meeting resulted mainly from changes in the estimated current population sizes compared to the original and were not caused by any significant change in the relative population levels in the model. The increased estimated relative populations, particularly for males, were caused principally by the effect of changes in effort modifiers.

3) In order to protect the breeding bulls during the pairing season, there should be a closed season for males over 45 ft in length South of 40° North for four months, March through June.

Recommendations 1 and 3 were adopted unanimously, and recommendation 2 by 13 votes to 1, with 1 abstention.

The Commission accepted the Scientific Committee's view that with the introduction of these management arrangements it was not necessary to consider step procedures to minimise the economic dislocation resulting from the analyses at this time, but that consideration of the principles involved should be included in the agenda of the 30th Annual Meeting. Further information, particularly on the effect of Asdic, should be made available before that review.

8. Amendment to Rules of Procedure, Rule III

The Chairman reported that Commissioners had discussed suggested amendments to Rule III governing the admission of

Observers to meetings of the Commission. The matter was still under review and would be put on the agenda of the 30th Annual Meeting. In the meantime there would be no change in the Commission's policy.

9. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

The Secretary reported on the special working session of the CITES held in Geneva, attended by the Chairman and Secretary on 25-28 October 1978. Cross-representation between the two conventions would be of mutual benefit, and the CITES was to offer Observer status to the IWC at meetings of the Parties. The Commission agreed that the CITES should be granted Observer status at its meetings and those of the Scientific Committee.

10. Revision of the International Convention for the Regulation of Whaling, 1946

The Commissioner for Denmark extended on behalf of his Government an invitation to hold a preparatory meeting in Copenhagen next year. The Commission accepted this offer with gratitude and considered that a four day meeting, 4-7 July 1978 would be adequate. The Secretary was instructed to circulate the agreed negotiating text to IWC member nations and 10 other whaling nations.

11. Bering Sea Stock of Bowhead Whales

Following the total ban agreed by the Commission at its 29th Annual Meeting, the USA presented a proposal for a modest take of bowheads in 1978 to satisfy the subsistence and cultural needs of the Alaskan Eskimos, together with a scientific programme and regulatory measures. The Scientific Committee had reiterated its statement that any take could adversely affect the stock and contribute to preventing its eventual recovery. The Technical Committee, after a number of votes, agreed by a majority to recommend an amendment to the Schedule and a supporting Resolution limiting the bowhead take to 18 struck whales in 1978. This proposal failed to gain the necessary three quarters majority in plenary session (6 votes for, 6 against, 3 abstentions). An amendment by the USA, seconded by Denmark, to limit the take to 15 landed whales failed when it received 5 votes for and 3 against, with 7 abstentions. The Commission then adopted, by 10 votes to 3 with 2 abstentions, the proposal by Norway seconded by the USSR which limited the take to 12 landed or 18 struck whales. The Commission also agreed to the addition of a final paragraph to the Resolution proposed by the UK and seconded by the Netherlands. The Schedule amendment is shown in Appendix 1 and the Resolution in Appendix 2.

12. Action Relative to Non-member Whaling Nations

Japan reported that it is their practice not to authorise the transfer or sale of whaling vessels and equipment to non-member whaling nations. No Japanese firms are involved in Chilean whaling operations. With respect to restrictions on imports of whale products from non-IWC nations, there are difficulties arising from other treaty obligations such as GATT, but steps are being taken to discourage such imports.

The USA put forward three Resolutions dealing with whaling operations in Chile and Peru. Amendments to take note of a statement by the Observer for Peru indicating his Government's actions to limit whaling activities, and correction of a misunderstanding were agreed, and the Commission adopted the Resolutions shown in Appendices 3, 4 and 5.

13. Constitution of Technical Committee

All member nations present.

Chairman: Mr. T. Asgeirsson (Iceland)

14. Amendments to the Schedule

The amendments to the Schedule approved by the Commission are shown in Appendix 1.

A. G. Bollen
Chairman
8 December 1977

Amendments to the ScheduleParagraph 7

Add new sub-paragraph:

(d) Geographical boundaries in the North Pacific

(1) Western Division

West of a line from the ice edge south along the 130° meridian of longitude to 130° W, 50° N, then east along the 50° N parallel of latitude to 170° W, 50° N, then south along the 170° W meridian of longitude to 170° W, 40° N, then east along the 40° N parallel of latitude to 160° W, 40° N, then south along the 160° W meridian of longitude to the equator.

(2) Eastern Division

East of the line described in (1).

Paragraph 11

Amend to read (new wording underlined):

Notwithstanding the provisions of paragraph 8 the taking of 10 humpback whales not below 35 feet (10.7 metres) in length, per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose, and the taking of gray whales, and of bowhead whales from the Bering Sea stock, by aborigines or a Contracting Government on behalf of aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided, with respect to the Bering Sea stock of bowhead whales that:

- (a) in 1978, hunting shall cease when either 18 have been struck or 12 landed,
- (b) it is forbidden to strike, take or kill calves or any bowhead whale accompanied by a calf.

Table 2. NORTHERN HEMISPHERE

Amend to read as follows (changes underlined):

NORTHERN HEMISPHERE - 1978 season

	MALES		FEMALES	
	Classi- fication	Catch limit	Classi- fication	Catch limit
NORTH PACIFIC				
<u>Western Division</u>	<u>SMS</u>	<u>2,987</u>	<u>SMS</u>	<u>784</u>
<u>Eastern Division</u>	<u>IMS</u>	<u>2,118</u>	<u>IMS</u>	<u>555</u>

NORTH ATLANTIC

Total	
Classification	Catch limit
SMS	685

Paragraph 17

Add new sub-paragraph:

- (c) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the North Pacific Ocean and dependent waters south of 40° North latitude during the months of March to June inclusive.

Bering Sea Bowhead Whales

RESOLUTION OF THE INTERNATIONAL WHALING COMMISSION

1977 SPECIAL MEETING

WHEREAS it is the purpose of the International Whaling Commission to provide for the effective conservation and management of whale stocks,

WHEREAS at its 29th annual meeting, held in Canberra, Australia in June 1977, the Commission, acting upon the advice of its Scientific Committee, agreed on the establishment of a total moratorium on the hunting of bowhead whales,

WHEREAS the Commission has recognized that these stocks are seriously depleted, and that information is at present inadequate to provide any satisfactory guide to management of this population with a non-zero quota,

WHEREAS the Commission has reviewed its June 1977 decision as regards the Bering Sea bowhead stock, taking into account representations made concerning aboriginal subsistence and cultural needs, the degree of risk inherent in related proposals, and the management and research program prepared by the USA,

WHEREAS the Commission has concluded that a harvest, limited to the striking of 18 whales or the landing of 12, should be permitted from this stock for 1978, and has noted that, pursuant to undertakings by the Governments of Canada and the USSR, this harvest will be taken exclusively by persons under the jurisdiction of the Government of the United States,

BE IT HEREBY RESOLVED by the International Whaling Commission

- a) that the Commission calls upon the Government of the United States to take all necessary measures to minimize adverse effects upon the Bering Sea stock resulting from the aboriginal hunt, through controls on hunting techniques and equipment, size limits, seasons, and the kill or striking of calves, and females accompanied by calves,
- b) that the Commission welcomes the undertaking of the Government of the United States to implement management and research programs of the comprehensiveness of those tabled at the meeting of the Scientific Committee held in Australia in November of 1977, and to establish surveillance and enforcement measures for the 1978 hunt adequate to ensure that the number of whales struck does not exceed the limit established by the Commission,

- c) that the status of the Bering Sea bowhead whale stock be reviewed at the Commission's 30th annual meeting in June, 1978 in the light of information resulting from the proposed research program, with a view to establishing regulations based on the advice of the Scientific Committee, which should include comment on risks associated with different levels of removals from the stock,
- d) that all necessary measures be taken to ensure that the reduction in the take of bowhead whales does not affect the take of beluga whales to any significant degree,
- e) that all necessary measures be taken to preserve the habitat of bowhead and beluga whales.

Bryde's Whales in the South Pacific Ocean

RESOLUTION OF THE INTERNATIONAL WHALING COMMISSION

1977 SPECIAL MEETING

WHEREAS it is the purpose of the International Whaling Commission to provide for the effective conservation and management of whale stocks,

WHEREAS the Commission has classified the stock of Bryde's whales in the South Pacific Ocean as an Initial Management Stock and recommended that, until estimates of stock sizes are completed, catching effort on this stock should not be increased,

WHEREAS the Commission has noted that this stock is exploited primarily by Peru which is not a member of the Commission, and by Japan and the Union of Soviet Socialist Republics which are members of the Commission and take a certain number for scientific research as authorised by the relevant provisions of the International Convention for the Regulation of whaling,

WHEREAS member countries have agreed to take no Bryde's whales in the South Pacific until estimates of stock sizes are completed,

BE IT HEREBY RESOLVED by the International Whaling Commission

- (a) that all necessary measures should be taken to ensure that catching effort on Bryde's whales in the South Pacific does not exceed present levels; and
- (b) that all Governments concerned be encouraged to provide to the Commission, concerning the Bryde's whale stocks in question, biological data and catch per unit of effort data from their whaling activities.

The Commission requests that the Chairman transmit the text of this resolution to the Government of Peru requesting with regard to the conservation of the Bryde's whale stocks of the South Pacific Ocean the development of scientific information related to these stocks, and urging them to join the Commission.

Sperm Whales in the South Pacific Ocean

RESOLUTION OF THE INTERNATIONAL WHALING COMMISSION

1977 SPECIAL MEETING

WHEREAS it is the purpose of the International Whaling Commission to provide for the effective conservation and management of whale stocks,

WHEREAS the Commission has adopted a regulation related to the taking of sperm whales in the South Pacific Ocean, and has declared the sperm whale stock in the area bounded by the Ice Edge of Antarctica and the Equator and by 100° West longitude and 60° West longitude, to be a Protection Stock, or one from which no animals may safely be taken, using information now available,

WHEREAS the Commission has noted that this stock is exploited by vessels under the jurisdiction of Chile and Peru, which are not members of the Commission,

WHEREAS the Commission has noted with appreciation the statement of the observer representing the Government of Peru at the Commission's 29th annual meeting, describing Peruvian whaling activities,

BE IT HEREBY RESOLVED by the International Whaling Commission that all necessary measures should be taken to ensure that no sperm whales are taken in the area of the South Pacific Ocean described above in the 1978 season.

The Commission requests that the Chairman transmit the text of this resolution to the Governments of Chile and Peru, requesting their cooperation with regard to the conservation of the sperm whale stocks of the South Pacific Ocean and the development of scientific information related to this stocks, and urging them to join the Commission.

Sei Whales in the South Pacific Ocean

RESOLUTION OF THE INTERNATIONAL WHALING COMMISSION

1977 SPECIAL MEETING

WHEREAS it is the purpose of the International Whaling Commission to provide for the effective conservation and management of whale stocks,

WHEREAS the Commission has adopted a regulation related to the taking of sei whales in the South Pacific Ocean in the area bounded by the Ice Edge of Antarctica and the Equator, and by 120° West longitude and 60° West longitude, establishing a catch limit of 353 animals as the number which can be safely removed from this stock, using information now available,

WHEREAS the Commission has noted that this stock is exploited by vessels under the jurisdiction of Japan and the Union of Soviet Socialist Republics, members of the Commission, and by vessels under the jurisdiction of Chile and Peru, which are not members of the Commission,

WHEREAS the Commission has noted with appreciation the statement of the observer representing the Government of Peru at the Commission's 29th annual meeting, describing Peruvian whaling activities.

WHEREAS the Commission has further noted with appreciation the statement of the observer representing the Government of Peru at the Commission's Special Meeting in December 1977 describing the action taken by Peru to establish a limitation on whaling activities,

BE IT HEREBY RESOLVED by the International Whaling Commission

- (a) that all necessary measures should be taken to ensure that catches of sei whales in the South Pacific Ocean in 1978 do not exceed the catch limit which has been established by the Commission, to prevent the overexploitation of this stock; and
- (b) that the Government of Chile and Peru be encouraged to undertake appropriate research programs on South Pacific sei whales, and provide the Commission with the results of these programs.

The Commission requests that the Chairman transmit the text of this resolution to the Governments of Chile and Peru, requesting their cooperation with regard to the conservation of the sei whale stocks of the South Pacific Ocean and the development of scientific information related to these stocks and urging them to join the Commission.

NEW APPROACH TO THE TECHNICAL COMMITTEE: DISCUSSION PAPER
PREPARED BY CANADIAN DELEGATION

Background

The IWC operates through three major procedural stages—the Scientific Committee, the Technical Committee and the Plenary. The role of the Scientific Committee is unique and fairly well defined, and the Scientific Committee seems to be managing well in performing this role, subject to certain pressures which will be discussed below. The Technical Committee, while perceived to have a particular and unique role, in fact operates as a kind of "advance Plenary," debating the background and details of the Scientific Committee reports and presenting recommendations to the Plenary which are adopted more often than they are changed.

The real difference, at the present time, between the role and function of the Technical Committee and of the Plenary must be obscure to most observers and participants in Commission meetings. An outsider, reading about the three procedural stages, would assume that the Technical Committee does, in fact, do something technical, i.e. that participation is in some way different from participation in the Plenary, and that the form and the purpose of discussion is also different. The outsider must, accordingly, register some surprise if he attends a Commission meeting and finds that the participants in both stages are the same, and, more importantly, that there is little, if any, difference in the focus and purpose of discussions in the two stages. The sole difference of any significance seems to be that, in the Technical Committee, proposals are accepted by a simple majority, while in Plenary a three-quarters majority is required. The sole effect of any significance of the Technical Committee stage would appear to be that it gives the members of the Commission a basis for a final negotiation by indicating the problem areas and the positions taken by the various delegations.

What should be the Role and Function of the Technical Committee

It seems clear that an intermediate stage is needed between the Scientific Committee and the Plenary. It also seems clear that what

is needed is a review of the Scientific Committee's recommendations to see how best they can be put into practice, to move from the science to the management, from options to implementation. Very rare would be the problem that would admit of only one obvious solution. It should, accordingly, be the responsibility of the Technical Committee to review the scientific advice presented by the Scientific Committee, and to develop technical options for implementation.

If the Technical Committee is to perform this function it seems obvious that what is required is technical expertise, including some varieties not now being called upon in the Commission's work. Experts contributing to the work of the Committee should include, as required, persons involved in the hunting of whales, managers of the industry, representatives of consumer groups, economists, sociologists, lawyers and government administrators.

A Technical Committee, with input from such experts, could deal with problems now arising in administering the New Management Regime, and relieve the pressure periodically put on the Scientific Committee to deal with issues which should not be its concern.

The challenge will have to be met effectively with limited resources of personnel and funds. Very few countries have been sharing the load, and with shrinking quotas the availability of professional expertise will pose more of a difficulty. For these reasons we will not be able to draw sharp boundaries between scientists, other technical experts and Commissioners - good people can change hats as required to get the job done.

Priority should be given to the development of definitions, principles, categories and criteria that will enable the Commission to deal objectively with individual cases as they arise. The New Management Regime for commercial whaling should evolve in the light of experience, and schemes should be developed for aboriginal and subsistence whaling.

The following list of problem areas which might be addressed by a reconstituted Technical Committee is intended to be illustrative and not exhaustive:

- 1) Operational problems posed by Scientific Committee proposals to hunters, fleets, industries and consumers. The proposal for "step procedures" placed on the agenda for the November 1977 meeting of the Scientific Committee might be appropriate for consideration by the new Technical Committee, aiming to smooth out the occasionally drastic fluctuations in quota proposals which result from the rigidity of the New Management Regime. Such Technical Committee action must not, of course, prejudice the conservation requirements.
- 2) The problem of transition, in managing a stock in the IMS category, from allowing a take of 5 percent of the estimated initial stock to allowing a take of 90% of MSY. The regime is less conservative when only an estimate of population size is available than it is when we also have information on sustainable yields, since 90% of MSY for a baleen whale population will be considerably less than 5% of initial stock. For instance, in the case of North Pacific Brydes whales the two possible quotas for 1978, under the rules, were 1214 and 524.
- 3) The problem posed by environmental change. As pointed out by the Scientific Committee at the last annual meeting, the effect of an environmental improvement for a stock (e.g. an increase in available food) could be to increase the MSY level for a stock and lower its current status in relation to this level. A stock that has never been hunted or only hunted lightly and which could, in fact, sustain a reasonable harvest, could thus be classified as a Protection Stock. The effect of an environmental deterioration, (e.g. destruction of calving grounds) would depress the MSY level and could, in the case of a protected stock, be reflected in the New Management Regime as an increase in quotas, an action contrary to the conservation needs.
- 4) The problems posed by aboriginal hunting on endangered stocks. Information may be needed on minimum requirements of the native peoples, effects on other living resources of changes in the management regime, details regarding the efficiency of hunting

- methods, the utilization of whales, and other factors.
- 5) The problem of further development of the New Management Regime to incorporate considerations such as discussed at the 29th meeting with regard to the IUCN resolution on management principles replacing MSY. Consideration should be given to possible conservation and economic consequences of seeking, over the long term, to maintain stocks at levels which may be higher than MSY level.

Proposal

It is proposed that the Commission establish an ad hoc working group to discuss this question, and to develop terms of reference for a reconstituted Technical Committee, together with appropriate rules of procedure and other relevant proposals for Commission action.

It is proposed that the working group meet for 2 days prior to the next annual meeting of the Commission in June, and report to the Commission at its annual meeting.

CANADIAN INTERVENTION ON BERING SEA BOWHEAD WHALES AT IWC
TECHNICAL COMMITTEE MEETING, DECEMBER 6, 1977

Mr. Chairman:

1. Canada has listened with great interest to the USA proposal on Bering Sea Bowhead whales. The issue is of special concern to Canada since we share common marine resources on the Canada-USA border in the Arctic.
2. At the Canberra meeting last June the Commission was shocked by the full realization of what was happening to the Bering Sea stock of Bowheads. The stock had been reduced below 10% of its original size, and there had been a rapid escalation of the kill during the 1970's to probably over 75 in 1976. It was the unanimous view of the IWC Scientific Committee that we were facing possible extinction of the Bowhead and they recommended that a general moratorium be imposed. This was agreed by all IWC countries, with the abstention of the USA. The Commission did not act in ignorance of or disregard for native interests and needs. Far from it, the Commission viewed this action as being essential to the protection of the long-term interest of aboriginal peoples.
3. Since the Canberra meeting, we have followed closely the intense public debate in the United States and the international interest resulting from the IWC action. Despite the Commission's concern for aboriginal needs it has become clear that there is a credibility gap, and that something must be done to ensure the cooperation of the people who are most directly concerned, because they hunt the whale. Certain questions have been raised: Were the

statistical and biological data accurate and adequate?

Should the IWC be intervening in aboriginal whaling?

Did we have to propose such a drastic remedial measure?

4. The extensive discussion within the United States has resulted in a great amount of valuable documentation, and we wish to compliment the USA for making it available to IWC member countries. We were relieved to learn that the whole process of hearings and court actions resulted in a final decision that the USA would not file an objection with the Commission.
5. Now that we have a new USA research and management proposal on Bering Sea Bowheads before us, we believe that it should receive very serious consideration. The IWC is quite familiar with moratoria on commercial whaling, but this is the first occasion on which we have dealt with a moratorium on aboriginal hunting of whales.
6. As an emergency problem, we believe that it warrants short-term action at this meeting, and more thorough consideration at the next annual meeting; in June we will have the full benefit of participation of our Scientific Committee and greater representation of all Commissioners and advisors and the greater amount of time that this serious issue deserves.
7. We support a greatly increased research program as proposed by the United States and wish to endorse the advice of our Scientific Committee that the top priority is the direct-count survey to be carried out during the first half of 1978. This count should enable us to have a better estimate of

the number of Bowhead whales left in the stock. We would like to be assured that this program will be carried out and that we will have a report on the results when we meet next June.

8. The United States conservation and management proposals are a basis for discussion. We believe that we need resolution and Schedule actions at this meeting which will assure the world community and the people most directly concerned that the IWC is acting in a responsible way to ensure the long-term preservation of these resources, and doing the best it can to accommodate the cultural and subsistence requirements of the aboriginal hunters involved.
9. The scientific papers and Committee report prepared last month in Australia add little new information. The Committee was preoccupied with its major assignment of North Pacific Sperm Whale assessments, and could give only brief attention to Bowhead whales. The scientists reiterated the same zero quota recommendation made last June. A useful paper was presented by Breiwick and Chapman and the Committee gave us some indication of the long-term effects of various levels of removals from the stock. The cultural, subsistence and practical management considerations were left to us.
10. In order to ease the immediate impact of our last decision on management of Bowhead whales, we believe that a series of actions should be taken for the year 1978 to curtail drastically the kill and waste of Bering Sea Bowheads. We must minimize the risk, while buying time for more research and further action at subsequent meetings, to establish

regulations which could be either more or less severe, depending on the results of that research. The actions which we suggest are as follows:

- (a) We must be extremely careful to ensure that the number of whales which we permit to be killed is less than a conservative estimate of the sustainable yield of the population. The limit which we feel might meet this constraint is six. In proposing this figure we note that the average number of Bowheads landed in Alaska from 1946 to 1970 was 10, and that in 10 of those years, six or fewer whales were landed. We believe that, with proper utilization, six whales would be consistent with the traditional cultural and subsistence utilization before 1970.
- (b) The Commission should be formally assured that there will be a sharp reduction in the number of Bowheads struck but not landed, as we believe that most of these die after escaping from the hunters. Wasteful practices could be reduced through controls on size limits, seasons, and the kill of pregnant females and calves.
- (c) The Commission should ensure that the reduction of the kill of Bering Sea Bowheads does not result in offsetting action by sharply increasing the kill of, or affecting traditional hunting patterns on Bering Sea Beluga whales. Preservation of this resource and its exploitation are of great interest and concern to Canada.

11. Mr. Chairman, after reviewing the general consensus at this meeting, we suggest that you strike a working group to formulate a proposed amendment to the Schedule and probably a resolution which can be considered at our next Technical Committee session.
12. Thinking ahead to June 1978, we believe, as we have said under the agenda item dealing with mandate and function of this committee, that we must develop a set of principles, categories, criteria and management procedures for exploitation of aboriginal and subsistence whale hunting. We were pleased to note from the report of the Scientific Committee last June that the Committee plans to review the aboriginal hunts of all whales. This will help us to re-examine the Bowhead situation with a much better overall perspective, and develop objective, rather than ad hoc, management actions.

As a final note, we must remember that we are dealing with a stock of Bowheads which is of interest to the USSR and Canada as well as to the United States. The Inuit people of Canada have informed us that they do not wish to take a whale from this stock in 1978.

Thank you Mr. Chairman.

ANNEX V
INTERNATIONAL WHALING COMMISSION

Special Meeting - December 6 - 7, 1977

V o t i n g R e c o r d

	Technical Committee			Plenary			Plenary		
	Yes	No	Abstain	Yes	No	Abstain	Yes	No	Abstain
	1. SC recommendations p. 30 No. 1, 2, 3 re sperm whales December 6 adopted 1035			2. SC recommendations 1 and 3 ie. stock division plus closed season sperm whales (Iceland/Norway) December 6 adopted 1056			3. SC recommendation 2 re classification and catch limits sperm whales (Iceland/Norway) December 6 adopted 1059		
ARGENTINA	X			X			X		
AUSTRALIA	X			X			X		
BRAZIL		absent			absent			absent	
CANADA	X			X			X		
DENMARK	X			X			X		
FRANCE			X	X				X	
ICELAND	X			X			X		
JAPAN	X			X			X		
MEXICO	X			X			X		
NETHERLANDS	X			X			X		
NEW ZEALAND	X			X			X		
NORWAY	X			X			X		
PANAMA		absent			absent			absent	
SOUTH AFRICA	X			X			X		
U K	X			X					X
U S A	X			X			X		
U S S R	X			X			X		
T o t a l	14	0	1	15	0	0	13	1	1
	CARRIED			CARRIED			CARRIED		

INTERNATIONAL WHALING COMMISSION

V o t i n g R e c o r d

Technical Committee	Technical Committee	Plenary
4. Bowhead Whales 15 landed or 30 struck (USA/Denmark)	5. Bowhead Whales 18 struck (no limit on no. landed) (Norway/USA amended by USSR)	6. Bowhead Whales 18 struck (no limit on landings)
December 7 adopted 1211	December 7 adopted 1222	December 7 adopted 1607

	Yes	No	Abstain	Yes	No	Abstain	Yes	No	Abstain
ARGENTINA	X			X			X		
AUSTRALIA		X			X			X	
BRAZIL		absent			absent			absent	
CANADA		X			X			X	
DENMARK	X			X			X		
FRANCE			X			X			X
ICELAND		X			X			X	
JAPAN			X	X			X		
MEXICO	X			X			X		
NETHERLANDS		X			X			X	
NEW ZEALAND		X		X					X
NORWAY		X			X			X	
PANAMA		absent			absent			absent	
SOUTH AFRICA			X			X			X
U K		X			X			X	
U S A	X			X			X		
U S S R		X		X			X		
T o t a l	4	8	3	7	6	2	6	6	3

FAILED

PASSED

FAILED

INTERNATIONAL WHALING COMMISSION

V o t i n g R e c o r d

Plenary

Plenary

7. Bowhead Whales
18 struck or 15 landed
(USA/Denmark amending
Norway)

8. Bowhead Whales
18 struck or 12 landed
Norway/USSR

December 7 adopted 1615 December 7 adopted 1616

	Yes	No	Abstain	Yes	No	Abstain	Yes	No	Abstain
ARGENTINA	X			X					
AUSTRALIA		X			X				
BRAZIL		absent			absent				
CANADA		X			X				
DENMARK	X			X					
FRANCE			X	X					
ICELAND			X			X			
JAPAN	X			X					
MEXICO	X			X					
NETHERLANDS		X			X				
NEW ZEALAND			X	X					
NORWAY			X	X					
PANAMA		absent			absent				
SOUTH AFRICA			X	X					
U K			X			X			
U S A	X			X					
U S S R			X	X					
T o t a l	5	3	7	10	3	2			

FAILED

PASSED

SH 381 C34 1977 c.2
Martin, W.R.
Canadian delegation report
: special meeting of the...
218143 12071661 c.2