

CANADIAN DELEGATION REPORT
32ND ANNUAL MEETING
INTERNATIONAL WHALING COMMISSION

July 21-26, 1980

M.C. Mercer, Commissioner

Submitted to the Honourable Roméo LeBlanc
Minister of Fisheries and Oceans

October, 1980

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EMPLOYER CATALOGUE

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SUMMARY

The 32nd Annual Meeting of the International Whaling Commission took place in Brighton, U.K., July 21-26, 1980. The Canadian delegation was headed by M.C. Mercer, Commissioner, and included representation from the Department of Fisheries and Oceans, the Department of External Affairs, the Minister's Advisory Committee on Whales and Whaling and the Inuit Tapirisat of Canada.

Moratorium proposals including a moratorium on all commercial whaling, a moratorium on all commercial whaling to begin in 1982, a 3 year moratorium on the taking of sperm whales and a 3 year moratorium on the taking of sperm whales to begin in 1981 all failed to achieve the required $\frac{2}{3}$ majority. Canada voted against these proposals in reflection of a policy which recognizes that marine mammals are a harvestable resource subject to the needs of conservation. Canada took the position that, in the absence of a clear and scientifically justified recommendation from the Scientific Committee in support of a moratorium, such action was unnecessary and that conservation requirements could be adequately met under the "New Management Procedure" of stock classification and quotas which in essence provides for selective moratoria (zero quotas) based on scientific analysis of stock status. The moratorium on pelagic whaling as passed at last year's meeting was with Canadian support, extended to include killer whales.

The Commission adopted quotas for the 1980/81 pelagic season and 1981 coastal season totalling 14,076 whales, a reduction of 1,729 from last year's total. It should be noted that 50% of the whales to be taken under the quotas adopted at this year's meeting will be minke whales from the southern hemisphere and that the Scientific Committee considered that these stocks were in a robust state. Canada supported the recommendations of the Scientific Committee with regard to stock classifications and quotas.

For the Bering Sea stock of bowhead whales, the Commission also adopted a block quota of 45 landed/65 struck for 1981-83 with a maximum of 17 landed in any one year. The Commission also decided to maintain the exemption in the schedule allowing to take of 10 humpback whales at Greenland, against the recommendations of the Scientific Committee. Canada supported the recommendations of the Scientific Committee for a zero quota for the Bering Sea stock of bowhead whales and to remove the exemption allowing a take of 10 humpback whales at Greenland.

With regard to small cetaceans, the Commission adopted a joint Canada/USA resolution establishing a procedure whereby scientific advice on small cetaceans generated by the Scientific Committee may be passed directly to Contracting Parties.

The Commission agreed to establish three Technical Committee working groups which will meet prior to next year's Annual Meeting with the following tasks: (1) to develop management principles for subsistence catches of whales, and in particular for the setting of allowable catches; (2) to examine all questions relating to whaling operations outside the present Convention and; (3) to prepare specific proposals related to revision of the "New Management Procedure".

The Commission passed a regulation banning the use of the cold grenade harpoon in commercial whaling from the start of the 1980/81 season except for minke whales and adopted a resolution banning the use of the cold grenade harpoon for the killing of minke whales for commercial purposes from the start of the 1981/82 pelagic and 1982 coastal seasons. A resolution urging member Governments to prohibit whaling by operations failing to supply all data stipulated was also adopted.

Finally, the Commission agreed to urge governments to convene another preparatory meeting to improve and update the present Convention.

INTRODUCTION

This report summarizes the results of, and Canadian participation in the 32nd Annual Meeting of the International Whaling Commission (IWC) which took place in Brighton, U.K., July 21-26, 1980. The meeting was preceded by a meeting of the IWC Scientific Committee which met in Cambridge, and by meetings of two Working Groups of the IWC Technical Committee. The Technical Committee Working Groups met in Brighton during the week preceding the Commission meeting. One of the Working Groups considered the implications for whales of management regimes for other marine resources; the other examined questions relating to the implementation of a ban on whaling and social and economic trends in the whaling industry.

PARTICIPATION

Twenty-four member governments, including Oman and Switzerland as new members, were represented. In addition, five non-member governments and 45 international organizations participated as observers. Panama's withdrawal from the Commission became effective June 30, 1980 and Panama was thus not represented at this year's meeting.

The Canadian delegation to the 32nd Annual Meeting comprised:

M.C. Mercer	Commissioner and Head of Delegation, Fisheries and Oceans, Ottawa
D. Goodman	International Directorate, Fisheries and Oceans, Ottawa
E.D. Mitchell	Research Scientist, Fisheries and Oceans, Arctic Biological Station, Ste. Anne de Bellevue
P.J. Deacon	Science, Environment and Transportation Policy Division, External Affairs
I. McTaggart-Cowan	Chairman, Minister's Advisory Committee on Whales and Whaling
L. Pilakapsi	Inuit Tapirisat of Canada
C. Towtongie	Inuit Tapirisat of Canada
J. Merritt	Inuit Tapirisat of Canada.

SCIENTIFIC COMMITTEE

The Scientific Committee met June 30-July 10, 1980 in Cambridge, U.K. A total of 64 scientists from 18 member governments participated along with 6 invited participants and 8 observers from international organizations.

Canadians participating in the Committee and Sub-Committee sessions included E.D. Mitchell and P. Brodie.

J.L. Bannister of Australia and M. Tillman of the USA served as Chairman and Vice Chairman respectively.

TECHNICAL COMMITTEE AND PLENARY SESSIONS

The provisional agenda was adopted in the opening Plenary Session with the exception that item 14, aboriginal/subsistence whaling, was moved up between items 5 and 6 of the agenda. The agenda and voting record for votes taken in Technical Committee and Plenary Sessions are attached as Appendices 1 and 2 respectively. Where a vote is taken on any matter before the Commission, a simple majority of those casting an affirmative or negative vote is decisive, except that a three-fourths majority of those casting an affirmative or negative vote is required to amend the schedule.¹

AGENDA ITEM 14: ABORIGINAL/SUBSISTENCE WHALING

Management Principles and Guidelines for Subsistence Catches of Whales

Both Technical Committee and Plenary session approved by consensus an Australian proposal that an ad hoc working group be established to develop management principles, and in particular for the setting of allowable catches for the whale stocks involved. The ad hoc working group is to include representatives of the Technical Committee, the Scientific Committee and indigenous people who take subsistence catches. The working group is to meet prior to next year's annual meeting and report its findings to the meeting of the Technical Committee in 1981.

West Greenland Stock of Humpback Whales

The Scientific Committee recommended that the humpback whale continue to be classified as a Protection Stock and that the exemption allowing a Greenland catch of 10 humpbacks be removed from the schedule.

In Technical Committee a proposal by the Netherlands, seconded by New Zealand, to remove the exemption from the schedule allowing a take of 10 humpback whales at Greenland was adopted (10(Cda)/4/10)² (see vote 1 in Appendix 2 attached). In Plenary Session the proposal to remove the exemption from the schedule was defeated (8(Cda)/3/13) (see vote 2); the exemption will thus remain in the schedule.

The statement made by the Canadian Commissioner explaining Canada's support for removal of the exemption from the schedule is attached as Appendix 3. The statement also refers to the mortality of humpback whales off the east coast of Canada and outlines Canadian research programs on humpback whales for 1980.

¹ The schedule is a body of regulations which forms an integral part of the International Convention for the Regulation of Whaling and is therefore binding on the Contracting Parties unless an objection to an amendment to the schedule is presented to the Commission prior to the expiration of a 90 day period following notification of the amendment.

² (10(Cda)/4/10) indicates 10 YES votes, 4 NO votes, 10 abstentions and that Canada voted YES.

Bering Sea Stock of Bowhead Whales

The Scientific Committee estimated that the present population is 6 to 23 per cent of its initial size. Simulation models indicate that with "moderate or pessimistic" parameters the bowhead population would decline from 1980, even in the absence of catches, and with "optimistic" parameters would only increase slowly. The Scientific Committee confirmed its recommendations of the last three Annual Meetings that, from a biological point of view, the only safe course is for the kill of bowhead whales from the Bering Sea stock to be zero.

The Scientific Committee further noted that the Commission has consistently rejected this recommendation on grounds other than scientific ones. It recommended that if the Commission chooses to do so this year, removals of any kind should be (a) of sexually immature animals (less than 12 meters long) in order to maximize reproduction in the short term, and (b) taken in a manner that will reduce the struck and lost rate to zero in order to minimize total removals.

The United States Commissioner referred to a recently completed report which reviewed Alaskan Inuit requirements for bowhead whales for each of cultural, historic and nutritional needs. Estimates of need for 1981 for cultural purposes were 18-22 whales, for historic reasons 19-33 whales, and for nutritional requirements 32-33 whales. The United States Commissioner noted that, although the number of bowhead whales required for cultural purposes was lower than for other purposes, this requirement was the most important. He urged the Commission not to reduce the quota for 1981 below that in effect for 1980 i.e. 18 landed/26 struck. He emphasized a fundamental change in the position of the USA this year which meant that they recognized that a sustained harvest would endanger this species. He noted that his Government is investigating all possible alternatives for subsistence by the Alaskan Inuit.

In Technical Committee, Australia seconded by France proposed that the quota for the Bering Sea stock of bowhead whales in 1981 be zero. Japan seconded an amendment to this proposal put forward by the United States for a quota of 18 landed/26 struck. The amendment failed in Technical Committee (7/11(Cda)/6) (see vote 3) and the motion for a zero quota passed (8(Cda)/6/10) (see vote 4). Canada supported a zero quota as recommended by the Scientific Committee.

In Plenary Session the Technical Committee recommendation for a zero quota seconded by the Netherlands failed (7(Cda)/7/8) (see vote 5). The statement made by the Canadian Commissioner on this issue is attached as Appendix 4. A quota of 8 landed/12 struck as proposed by the Seychelles, seconded by Sweden, also failed (5/9(Cda)/10) (see vote 6). A proposal for a block quota of 45 landed/65 struck for 1981-83 with a maximum of 17 landed in any one year was then passed by Plenary Session (16/3(Cda)/5) (see vote 7). Again Canada supported the recommendation of the Scientific Committee by voting against proposed quotas greater than zero.

Eastern Pacific Stock of Gray Whales

The Scientific Committee recommended that the Eastern Pacific stock of gray whales remain classified as a Sustained Management Stock and that a reanalysis of the stock and its productivity should be undertaken before the next meeting.

The Scientific Committee recommended in the interim, a catch limit of 179 animals (as last year), as catches at this level have apparently allowed the stock to increase. A quota of 179 was adopted in both Technical Committee and Plenary without vote. A resolution requesting Contracting Governments to document annually the utilization of the meat and products of any whales taken for aboriginal/subsistence purposes was likewise adopted.

AGENDA ITEM 6: WORLD-WIDE BAN ON THE WHALING

The report of the Technical Committee Working Group which examined questions related to the implementation of a ban on whaling and the social and economic trends in the whaling industry was accepted in both Technical Committee and Plenary Session. The report is essentially a factual document, without recommendations, containing summaries of employment in the whaling industry, production of oil and meat by tonnage and value, as well as investment in the whaling industry. The report also contains an evaluation of the social and economic effects of a ban on whaling and addresses some of the procedural requirements that would be necessary to institute a ban on whaling. The Canadian delegation participated in the work of this Technical Committee Working Group and submitted a paper titled "The Canadian Whaling Ban: Its Implementation and Impact" for consideration by the working group. This report is attached as Appendix 5.

AGENDA ITEM 7: MORATORIUM ON ALL COMMERCIAL WHALING

In Technical Committee, the USA proposed, seconded by France, an amendment to paragraph 9 of the schedule to provide for a moratorium on the taking, killing or treating of whales except of subsistence purposes. This proposal passed (14/9(Cda)/1) (see vote 8).

In Plenary Session, Sweden, seconded by Seychelles, proposed an amendment to postpone the moratorium for 2 years. This amendment and the original moratorium proposal were both defeated (13/9(Cda)/2) (see votes 9 and 10). Canada voted against these proposals in reflection of a policy which recognizes that marine mammals are a harvestable resource subject to the needs of conservation and in the absence of a clear and scientifically justified recommendation from the Scientific Committee in support of a moratorium on commercial whaling. Canada was also concerned that in response to passage of the moratorium proposal, Commission members might lodge objections and then conduct whaling operations at levels above those which would have been acceptable under the existing management regime. The statement made by the Canadian Commissioner explaining Canada's vote is attached as Appendix 6.

AGENDA ITEM 8: MORATORIUM ON THE TAKING OF SPERM WHALES

In Technical Committee, the Seychelles, seconded by Sweden, Netherlands, France, New Zealand and the U.K., proposed an amendment to the schedule setting quotas for sperm whales of both sexes at zero for a minimum of 3 years. This proposal passed Technical Committee (13/8(Cda)/3) (see vote 11).

In Plenary Session, the Seychelles seconded by the USA, moved an amendment to the proposed 3 year moratorium on the taking of sperm whales which had the effect of postponing the proposed moratorium for one year. Both the amendment and the original proposal were defeated in Plenary Session (14/6(Cda)/4) (see

votes 12 and 13). Canada voted against these proposals in the absence of a clear and scientifically justified recommendation from the Scientific Committee in support of a moratorium on sperm whaling, recognizing that such action was unnecessary and that conservation requirements could be adequately met under the "New Management Procedure" of stock classification and quotas which in essence provides for selective moratoria (zero quotas) based on scientific analyses of stock status.

AGENDA ITEM 9: REVIEW OF PRESENT MANAGEMENT PROCEDURE

The Chairman of the Special Scientific Working Group on Management Procedures reviewed the report of the group's meeting in Hawaii, March 20-26, 1980. A proposal by Australia, seconded by the USA, New Zealand, South Africa, Sweden, and the U.K., that a Working Group made up of members of the Technical Committee, Scientific Committee and the Special Scientific Working Group prepare specific proposals for consideration at the 1981 Annual Meeting was adopted by consensus in both Technical Committee and Plenary Session. It is intended that this meeting take place early enough to allow the Scientific Committee to utilize the recommendations of the Working Group in their work prior to the next Annual Meeting.

During Technical Committee, the Netherlands seconded by Seychelles proposed that the Scientific Committee recalculate its recommended quotas in accordance with one of the elements of the Special Working Group's proposals. The chairman of the Scientific Committee advised the Technical Committee that this would be impossible given the short time available. The proposal was defeated (6/9/(Cda)/9) (see vote 14). Canada voted no in consideration of the advice from the chairman of the Scientific Committee.

The key recommendations of the Special Scientific Working Group on Management Procedures included a proposal that, for whale stocks in a stable environment and for which sufficient information is available, a target level should be identified and management measures aimed at bringing the stocks to these levels within a set period, and that catch limits set in accordance with this proposal should be reduced by a factor taking account of the uncertainties of the estimates involved. Provisional target levels proposed were 70% of the initial exploitable stock size for baleen whales, 95% for female sperm whales and 50% for male sperm whales.

AGENDA ITEM 10: CONSIDERATION OF THE IMPLICATIONS FOR WHALES OF MANAGEMENT REGIMES FOR OTHER MARINE RESOURCES

Professor J.D. Ovington (Australia), chairman of the Technical Committee Working Group which met to consider this issue, reviewed the Working Group report which recommended that a firm link be established between the IWC and the proposed Commission for the Conservation of Antarctic Marine Living Resources. Recommendations of the Working Group report were adopted without vote in Technical Committee and Plenary Sessions including a resolution requesting that the IWC be given appropriate status in order that it can contribute to activities of the proposed Commission for the Conservation of the Antarctic Marine Living Resources and that the IWC offer a corresponding contributory role in its activities to the representatives of the proposed Commission.

AGENDA ITEM 11: WHALE SANCTUARIES

A recommendation from the meeting of the Indian Ocean Coastal States that an international meeting of scientists be arranged by UNEP, in cooperation with the IWC and IUCN to plan a program of monitoring and research for marine mammals in the Indian Ocean which was endorsed by the IWC Scientific Committee was adopted in both Technical Committee and Plenary Session. It was further agreed that the IWC would make a financial contribution towards sponsoring of this meeting which is to be held in the Seychelles sometime during the next 12 months.

A proposal by the Seychelles for removal of the southern boundary limit of the present Indian Ocean Sanctuary was withdrawn and therefore not considered in either Technical Committee or Plenary. A further Seychelles proposal to include all cetaceans in the Indian Ocean Sanctuary was defeated in Technical Committee (11/11 (Cda)/2) (see vote 51) and was therefore not brought forward to Plenary. Canada voted NO to this proposal since the inclusion of all cetaceans in the sanctuary would have meant that the IWC had assumed the competence to manage small cetaceans.

Both Technical Committee and Plenary adopted the Scientific Committee recommendation to defer consideration of an Australian proposal that the Commission examine the general concept and characteristics of whale sanctuaries until next year, after the meeting in the Seychelles referred to above.

AGENDA ITEM 12: WHALE STOCKS AND CATCH LIMITS

Southern Hemisphere

Minke Whales

The Scientific Committee considered that the southern hemisphere stocks of minke whales were in a robust state. The Committee recommended catch limits of 1,178, 2,272, and 445 for Areas III, IV and VI respectively, but was unable to agree on a procedure for calculating quotas for Areas I, II and V. Some members of the Scientific Committee, believing the stocks be in healthy state, considered that, pending further analysis, it was appropriate to recommend the same catch limits as last year for these areas as an interim measure, these limits being: Area I-962; Area II-1,244; and Area V-1,322. Other members of the Scientific Committee supported Holt's calculation of replacement yields for Areas I, II and V, these being 270, 858 and 745 respectively.

In Technical Committee the Netherlands, seconded by the Seychelles proposed adoption of quotas for Areas III, IV and VI as recommended by the Scientific Committee and quotas of 270, 858 and 745 respectively for Areas I, II, and V with deletion of the 10% allowance between areas from the schedule. Japan, seconded by the USSR, then moved an amendment such that quotas for Areas III, IV and VI remain at last year's figures of 2,471; 1,857; and 243, respectively. The amendment was defeated (6/15(Cda)/3) (see vote 15), and the quotas as recommended by the Scientific Committee for Areas III, IV and VI were adopted (17(Cda)/3/4) (see vote 16). Canada voted NO to the proposal that quotas remain as for last year, and YES to the proposed quotas of 1,178 for Area III; 2,272 for Area IV; and 445 for Areas VI in support of the clear recommendation from the Scientific Committee. The amendment proposed by Japan, seconded by USSR

that quotas for Areas I, II and V remain at last year's levels of 962; 1,244; and 1,322 respectively was defeated in Technical Committee (7/14(Cda)/3) (see vote 17). The proposal for quotas of 270 for Area I, 858 for Area II, and 745 for Area V was then adopted (14(Cda)/5/5) (see vote 18). Canada supported the lower quotas wishing to be conservative in the absence of a clear recommendation from the Scientific Committee.

Japan, seconded by the USSR, then proposed that the 10% allowance between Areas as presently provided in the schedule should be continued. This proposal was defeated (7/11/6(Cda)). Canada abstained in this vote since the issue is largely an operational matter and because of the lack of any recommendation from the Scientific Committee.

In Plenary Session a proposal by the USSR that quotas for southern hemisphere minke whales in Areas III, IV, and VI, remain as for last year with the 10% allowance failed (6/16(Cda)/2) (see vote 20). Quotas for these Areas of 1,178, 2,272 and, 445 were then passed (17(Cda)/4/3) (see vote 21). Canada supported these quotas as recommended by the Scientific Committee.

Proposals for southern hemisphere minke whale quotas in Areas I, II and V of 962, 1,244 and, 1,322 with a 10% allowance (last year's quotas) failed (6/16(Cda)/2) (see vote 22) as did the proposal for quotas of 270, 858 and, 745 (15(Cda)/8/1) (see vote 23). Canada supported the proposal for the lower quotas in the absence of a clear recommendation from the Scientific Committee. A proposal for quotas of 867 for Area I, 1,120 for Area II, and 1,190 for Area V, and a reduction in the 10% allowance to 5% was finally adopted in Plenary Session without vote as a compromise consensus.

Fin Whales

Both Technical Committee and Plenary adopted by consensus the Scientific Committee's recommendations that these stocks remain classified as Protection Stocks with zero catch limits.

Sei Whales

Both Technical Committee and Plenary adopted by consensus the Scientific Committee's recommendation for continued Protection Stock classification with zero catch limits for these stocks.

Bryde's Whales

The Technical Committee accepted the recommendations of the Scientific Committee as follows:

<u>Stock</u>	<u>Classification</u>	<u>Catch Limit</u>
South Atlantic	- Initial Management Stock (IMS) ³	0
Solomon Islands	- Initial Management Stock	0
Indian Ocean	- Initial Management Stock	197
Western South Pacific	- Initial Management Stock	237
Eastern South Pacific	- Initial Management Stock	188

These stock classifications and catch limits were also adopted in Plenary without vote. It should be noted that there is at present no whaling from these stocks.

Bryde's Whales - Peruvian Stock

The Scientific Committee recommended classification as Sustained Management Stock (SMS)⁴ (provisional), and a catch limit of either the average of the last five years' catches (359) or a catch limit of 164.

In Technical Committee a proposal by the Seychelles, seconded by France and the USA, for a catch limit 164 was adopted (15(Cda)/7/2) (see vote 24). Canada voted YES to the proposed quota of 164, since it was the lower of the two alternative recommendations from the Scientific Committee.

In Plenary Session the proposed quota of 164 for the southern hemisphere Area I (Peruvian) stock of Bryde's whales was defeated (16(Cda)/8/0) (see vote 25), and a quota of 264 was adopted by consensus as a compromise.

Right, Blue, and Humpback Whales in Southern Hemisphere

Technical Committee and Plenary adopted by consensus the Scientific Committee recommendations that these species should all continue to be classified as Protection Stocks.

Killer Whales

The Scientific Committee recommended classification as an Initial Management Stock, with zero catch limit for what they believe are probably several stocks in the Antarctic.

³ An Initial Management Stock (IMS) is a stock more than 20 per cent of MSY stock level above MSY stock level.

⁴ A Sustained Management Stock (SMS) is a stock which is not more than 10% of MSY stock level below MSY stock level, and not more than 20% above that level.

An amendment to paragraph 9.(d) of the schedule, drafted by the Canadian Delegation, which extended the pelagic moratorium to include killer whales was adopted in both Technical Committee and Plenary Session without vote. The USSR registered their objection to this proposed amendment during the Technical Committee session.

North Atlantic

Minke Whales

The Technical Committee and Plenary Session endorsed the following classifications and catch limits as recommended by the Scientific Committee:

<u>Stock</u>	<u>Classification</u>	<u>Quota</u>
Northeast Atlantic (formerly Svalbard-Norway-British Isles stock)	SMS	1,790
Central North Atlantic (formerly East Greenland-Iceland-Jan Mayen stock)	(SMS) provisional	320
West Greenland	SMS	1981-85 1,778 (maximum 444 in any one year)
Canadian East Coast	Unclassified	0

Fin Whales

Both Technical Committee and Plenary adopted by consensus the following classifications and catch limits as recommended by the Scientific Committee:

<u>Stock</u>	<u>Classification</u>	<u>Quota</u>
Nova Scotia	Protection Stock	0
West Greenland	SMS	6
North Norway	SMS	61
West Norway - Faroe Islands	Protection Stock	0
Newfoundland - Labrador	IMS	90

Fin Whales (cont'd):

East Greenland - Iceland

The Scientific Committee made two alternative recommendations for this stock: (a) that the stock should be classified as a Sustained Management Stock

with a catch limit of 304 in any one year (and a total catch limit not to exceed 1,524 between 1977 and 1982) or, (b) that it should be classified as a Protection Stock with a zero catch limit.

In Technical Committee Iceland, seconded by Norway, proposed a continuation of the present classification and catch limit. This proposal was amended by the Seychelles, seconded by France, such that the classification would become Protection Stock with a catch limit of zero. This amendment passed (13/7/4(Cda)) (see vote 26).

Because of the two very different alternatives for this stock advanced by the Scientific Committee, members of the Canadian Delegation expended considerable effort reviewing scientific analyses and consulting members of the Scientific Committee. On the basis of this review it was decided that the Canadian delegation would abstain on proposals for a zero quota, support quotas up to 152, and oppose quotas higher than 152.

In Plenary, the Technical Committee recommendation that the stock be classified as a Protection Stock with a zero quota was defeated (11/9/3(Cda)) (see vote 27). Australia, seconded by the USA and Seychelles then proposed a quota of 152 for 1981. Iceland seconded by Spain amended this proposal such that the quotas for 1981 and 1982 would be 254. This amendment failed (10/12(Cda)/2) (see vote 28), as did the Australian proposal for a quota of 152 (13(Cda)/9/2) (see vote 29). Failure to adopt a new quota means that the 6 year block quota of 1,524 with a maximum in any one year of 304, as presently in the schedule, remains in effect. The Commissioner from Iceland stated that Iceland will nevertheless not catch more than 254 whales per year from this stock.

Fin Whales (cont'd):

Spain - Portugal - British Isles

The Scientific Committee recommended classification as SMS with catch limits of 220 for 1980 and 1981.

In Technical Committee Spain, seconded by Iceland, proposed that for 1980 the quota be set at 220. This proposal passed Technical Committee (11(Cda)/10/3) (see vote 30). Canada voted YES in support of the recommendation of the Scientific Committee. The Netherlands, seconded by New Zealand, then proposed that the 1981 quota be set at 143 which is the average of the 1970-1977 catches. This proposal passed (12/8/4(Cda)) (see vote 31). Canada did not support the proposal for a quota of 143 for 1981 since it did not reflect the recommendations of the Scientific Committee.

In Plenary Session, the quota for 1980 of 220 as brought forward by the Technical Committee was adopted without vote. The proposed quota of 143 for 1981 was defeated (13/7/5(Cda)) (see vote 32). Again, Canada abstained since this proposed quota was substantially lower than the quota recommended by the Scientific Committee. Spain, seconded by Japan, then proposed a quota of 240 for 1981 and undertook to refrain from catching sperm whales in that year (approximately 82) if the proposal were adopted. The proposal was defeated (6/15(Cda)/3) (see vote 33). Canada voted NO since the proposed quota of 240 was higher than that recommended by the Scientific Committee. A quota of 440 for 1981 and 1982 with a maximum of 240 in either year was then adopted by Plenary without vote as a compromise consensus.

Sei Whales

The following Scientific Committee recommendations on stock classifications and catch limits were adopted by consensus in both Technical Committee and Plenary:

<u>Stock</u>	<u>Classification</u>	<u>Catch Limit</u>
Nova Scotia	Protection Stock	0
Iceland - Denmark Strait	SMS	1980-85 block 504: maximum 100 in any one year
Eastern	Unclassified	0

Sperm Whales

North Atlantic

The Scientific Committee recommended that this stock remain unclassified and that catch limits set for 1981 should not exceed 230 for males and 42 for females.

In Technical Committee a proposal by the Seychelles seconded by Switzerland that the stock be classified as Protection Stock with a zero catch limit was amended by Iceland, seconded by Canada, such that the stock be unclassified with catch limits of zero females and 130 males. This amendment was adopted (17(Cda)/5/2) (see vote 34). Canada seconded this proposal since the only country fishing this stock had proposed a quota lower than the limit recommended by the Scientific Committee. The quota of 130 males, zero females was adopted by Plenary Session without vote.

Southern Hemisphere (Division 9)

The Scientific Committee recommended that both males and females be classified as Protection Stocks with zero catch limits.

In Technical Committee, Chile proposed, seconded by Spain, that the present wording in the schedule referring to "25% of the 1978 catch" should be deleted. This proposal was defeated (6/17(Cda)/1) which resulted in Technical Committee recommending to the Plenary that the schedule remain unchanged. Canada voted NO to this proposal since its adoption would have resulted in a 1981 quota of 300.

In Plenary Session it was agreed without vote that reference to "25% of the 1978 catch" be removed from the schedule.

Western North Pacific

The Scientific Committee recommended that males be classified as a Protection Stock with a zero catch limit and that a zero catch limit be set for females.

In Technical Committee the USA, seconded by Seychelles, proposed that both males and females should be classified as Protection Stocks with zero catch limits. Japan, seconded by Spain and the USSR, proposed an amendment to the effect that consideration of quotas for this stock be deferred until after a special meeting of the Scientific Committee could be held. This amendment failed (9/10/5(Cda)) (see vote 36). The proposal for a zero quota for both males and females then passed (15(Cda)/7/2). Canada supported the proposed zero quotas as recommended by the Scientific Committee.

In Plenary Session the proposal for a zero quota for both male and females failed (14(Cda)/7/3) (see vote 38). Again, Canada supported a zero quota. After lengthy debate, the Chairman, seconded by Spain and Korea, put forward a compromise proposal for a quota of 890 males and zero females with an 11.5% by-catch provision and a minimum size limit of 35 feet. This proposal failed (13/5(Cda)/6) (see vote 39). A proposal for a quota of 890 males including an 11.5% by-catch of females with a maximum size limit of 45 feet and a minimum size limit of 30 feet was then adopted by Plenary Session (18/4(Cda)/2) (see vote 40)⁵.

Other Stocks

Stock classifications and catch limits for species and stocks not referred to above were adopted in both Technical Committee and Plenary Sessions as recommended by the Scientific Committee. A summary of catch limits for the 1977/78 pelagic season and 1978 coastal season to the 1980/81 pelagic season and 1981 coastal season is shown Table 1.

AGENDA ITEM 13: MEASURES TO DISCOURAGE WHALING OPERATIONS OUTSIDE IWC REGULATIONS

Two resolutions put forward by New Zealand under this agenda item were adopted by both Technical Committee and Plenary Session without vote. These resolutions, one of which establishes a working group to examine all questions relating to whaling operations outside the present Convention, are attached as Appendices 7 and 8.

AGENDA ITEM 15: STOCKS OF SMALL CETACEANS

Because of the importance of this item to Canada, the Canadian Commissioner, who serves as Chairman of the Technical Committee, passed the chair to the Vice-Chairman (G. Newman).

⁵ Canada voted NO to both these proposed quotas in accordance with the advice from the Scientific Committee. Note that many countries including Argentina, Australia, Brazil, Denmark, France, Mexico, New Zealand, Sweden, U.K., and USA which had supported a moratorium on sperm whales voted in support of a quota of 890 males for the Western North Pacific stock of sperm whales, against the recommendation from the Scientific Committee. Since the Scientific Committee recommendations could not be adopted in Plenary, Canada indicated its preference for a special meeting to consider the issue, rather than adopting a large quota contrary to the scientific advice.

TABLE 1

SUMMARY - CATCH LIMITS OF WHALE STOCKS

<u>Southern Hemisphere</u>	<u>1977/78</u>	<u>1978/79</u>	<u>1979/80</u>	<u>1980/81</u>
Sei	771	0	0	0
Minke	5690	6221	8102	7,072
Bryde's (Area I)			264	264
Sperm - Male	4538	4222	550 (Div 9), 30 (Div 1)	300
- Female	1370	1214		
<u>North Pacific</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Minke (Western)	400	400	5 yr block 1678 max 1 yr. 421	Block continued
(Sea of Japan)	-	-	5 yr block 3634 max 1 yr. 940	Block continued
Bryde's (Western)	524	454	460	510
(East China Sea)	-	-	19	19
Gray (Eastern)	-	178	179	179
Sperm (Western)	-	2698	1350	890
(Eastern)	-	1102	0	0
<u>North Atlantic</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
Sei (Iceland-Denmark Strait)	84	84	6 yr block 504 max 1 yr. 100	Block continued
Minke (West Greenland)	397	394	385	5 yr block 1778 max. 440
(Can-East)	48	48	48	0
(East Greenland-Iceland)	320	320	320	320
(Norway-British Isles)	1790	1790	1790	1,790
Fin (Newfoundland- Labrador)	90	90	90	90
(Iceland-Denmark Strait)	304	304	6 yr block 1524 max 1 yr. 304	Block continued
(North Norway)	61	61	61	61
(West Greenland)	4	15	6	6
(Spain, Portugal, British Isles)	-	-	143	440 for 1980 + 81 Max. 240 per year
Sperm	685	685	273	130

The Canadian Commissioner initiated discussions under this agenda item noting that Canada is strongly opposed to the listing of narwhal and beluga on the schedule of the IWC despite the recommendations from the Scientific Committee that: white whales and narwhal be defined as "whales" and listed in paragraph 1 of the schedule, and that the Cumberland Sound stock of white whales be classified as a Protection Stock and a catch limit of zero placed on it. The Canadian Commissioner made a lengthy intervention (see Appendix 9) which included a summary of management initiatives and research programs for narwhal and beluga in 1980. He stressed that schedule amendments were unnecessary and recommended that the Technical Committee adopt a resolution outlining a working procedure to deal with small cetaceans (see Appendix 10). This procedure would have the scientific advice on small cetaceans generated by the Scientific Committee passed to Contracting Parties, coastal states and other interested governments, and interested intergovernmental organizations by the IWC Secretariat. The USA then presented an alternate resolution, (see Appendix 11) which would have had the Commission make recommendations concerning small cetaceans. After lengthy debate during which Argentina, Denmark, and Japan expressed support for the Canadian position, it was agreed to defer further consideration of this item to allow Canadian and U.S. delegations to work on a joint resolution. The joint Canada/USA resolution is attached as Appendix 12.

In later Technical Committee consideration of this item, Sweden, seconded by the Netherlands, proposed a resolution (see Appendix 13) recommending that the Scientific Committee, through the Commission, provide such scientific advice concerning small cetaceans as may be warranted to Contracting Governments, coastal states and other interested governments and interested intergovernmental organizations. The Canadian Commissioner seconded by Iceland amended this proposal to the effect that it read as the joint Canada/USA resolution. The amendment passed (13(Cda)/5/6) (see vote 47).

In Plenary Session, Australia, seconded by Sweden, proposed an adjournment to the debate for an indefinite period. This motion failed to receive the required simple majority (11/11(Cda)/2). The USA then moved to close debate concerning the Canada/USA joint resolution. This motion seconded by Canada passed (17(Cda)/7/0) (see vote 49), and the Canada/USA joint resolution on small cetaceans was adopted (15(Cda)/6/3) (see vote 50).

AGENDA ITEM 16: INTERNATIONAL DECADE OF CETACEAN RESEARCH

Both Technical Committee and Plenary adopted by consensus a resolution put forward by Iceland that the International Whaling Commission accept the government of Iceland's offer to establish an International Whale Research Centre in Iceland.

A resolution proposed by Australia resolving that responsible member governments of the IWC should take every possible measure to ensure that degradation of the marine environment, resulting in damage to whale populations and subsequent harm to effected peoples, does not occur and that responsible governments submit reports to the IWC on activities which might adversely affect whale populations, and describe appropriate measures to prevent such damage, was also adopted by the Commission.

AGENDA ITEM 17: COLLATION AND DISTRIBUTION OF ANNUAL SUMMARY OF NATIONAL RESEARCH PROPOSALS, PROJECTS AND REPORTS ON CETACEANS BY THE COMMISSION

An Australian proposal that the Scientific Committee consider, in conjunction with the Secretary, the desirability of the Commission arranging for the collation and distribution of an annual summary of national and regional research proposals, projects and reports on cetaceans was referred by the Commission to the Scientific Committee for development of specific proposals.

AGENDA ITEM 18: CETACEAN BEHAVIOUR, INTELLIGENCE AND ETHICS OF KILLING CETACEANS

Professor J.D. Ovington, Australian Commissioner, and chairman of the meeting on cetacean behaviour and intelligence, and the ethics of killing cetaceans (April 28 - May 1, 1980 in Washington, D.C.), reviewed the report of that meeting. The meeting recommended that:

- a) A workshop be established by the Scientific Committee of the IWC for further detailed examination of those matters identified as being of greatest significance to the assessment and management of cetaceans, and
- b) A workshop be established by the Technical Committee of the IWC to further develop the dialogue begun at the meeting between philosophers and people concerned with the IWC with respect to the ethics of whaling. Only the first of these recommendations was put forward by Technical Committee to the Plenary Session. Plenary Session adopted the recommendation by consensus.

AGENDA ITEM 19: HUMANE KILLING

Both Technical Committee and Plenary Session adopted a proposal that a workshop meeting of invited experts be convened in the fall of 1980 to consider questions related to humane killing.

In Technical Committee the U.K. proposed a schedule amendment that would ban the use of the cold grenade harpoon from the start of the 1980/81 pelagic and 1981 coastal season except for minke whales and, ban the use of the cold grenade harpoon for minke whales from the 1981/82 pelagic and 1982 coastal season. Both these proposals passed Technical Committee with Canadian support. See votes 41 and 42.

In Plenary Session the proposed schedule amendment to ban the use of the cold grenade harpoon in commercial whaling from the start of the 1980/81 season except for minke whales passed (Canada votes YES), however the proposed schedule amendment to ban the use of the cold grenade harpoon in commercial minke whaling from the 1981/82 pelagic and 1982 coastal season failed (see vote 44). Plenary Session then passed a resolution, proposed by Australia, that the use of the cold grenade for the killing of minke whales for commercial purposes should cease as from the beginning of the 1981/82 pelagic and 1982 coastal seasons and that an amendment to the schedule to this effect should be considered at the 1981 Annual Meeting.

AGENDA ITEM 20: COLLECTION OF DATA IN LOG-BOOK FORMAT

An Amendment to Appendix A of the Schedule to the Convention was passed without vote by both Technical Committee and Plenary as recommended by the Scientific Committee last year and reiterated at this year's meeting.

AGENDA ITEM 21: PROHIBITION OF WHALING BY OPERATIONS FAILING TO SUPPLY ALL DATA STIPULATED

In Technical Committee the Netherlands proposed an amendment to the schedule adding a new paragraph to paragraph 6 as follows:

"It is forbidden to use a factory ship, whale catcher or land station for the purpose of taking, killing or treating whales, for a period of not less than one year, unless substantially all the information required under Section 6 has been submitted with respect the previous season for which the same particular factory ship, whale catcher, or land station was engaged in taking, killing, or treating whales covered by the Convention and was subject to the reporting requirements of Section 6, unless failure to submit information was beyond the control of the factory ship, whale catcher, or land station (to become effective as of the 1981/82 pelagic and 1982 coastal seasons)."

This proposal passed Technical Committee (12(Cda)/6/6) (see vote 46) and was adopted without vote as a resolution (see Appendix 14) rather than as a schedule amendment in Plenary Session. The USSR reserved its position on this matter.

AGENDA ITEM 22: REVISION OF THE SCHEDULE

Revisions to the schedule (intended only to improve drafting) as proposed by the Technical Committee Working Group which met prior to last year's Annual Meeting were adopted in both Technical Committee and Plenary Session without vote, with the exception of the definition for "local consumption". It was agreed that the definition of "local consumption" would be dealt with by the Technical Committee Working Group on aboriginal/subsistence whaling.

AGENDA ITEM 23: INFRACTIONS AND REPORTS FROM INTERNATIONAL OBSERVERS, 1979 and 1979/80 SEASONS

Technical Committee and Plenary Session adopted without vote the recommendations of the Infractions Subcommittee on these matters.

AGENDA ITEM 27: FINANCE AND ADMINISTRATION

The total required national contributions in order to finance the 1980/81 budget involves a reduction from last year of approximately 15%. Consideration of alternative methods of calculating contributions from contracting governments was deferred until the next Annual Meeting as recommended by the Finance and Administration Committee.

Other recommendations of the Finance and Administration Committee were adopted by the Commission without vote.

AGENDA ITEM 28: DATE AND PLACE OF 1981 ANNUAL MEETING

It was agreed that the 33rd Annual Meeting of the IWC will be held in Brighton, U.K. July 20 - 25, 1981.

AGENDA ITEM 29: ADMISSION OF PRESS TO PLENARY SESSIONS

The Commission agreed that the present arrangements concerning admission of the press to Plenary Sessions should continue.

AGENDA ITEM 30: REVISION OF THE INTERNATIONAL CONVENTION
FOR THE REGULATION OF WHALING, 1946

The Chairman of the IWC convened an informal meeting of interested parties to consider whether or not a revision of the Convention could be usefully pursued.

An invitation had been extended to all member governments of the IWC and other parties which had attended earlier meetings on this subject. The meeting elected Mr. I. Rindal (Norway) as Chairman and recommended to the IWC that: "it is generally agreed at minimum, some changes to the 1946 Whaling Convention are necessary to bring it into conformity with current policies as expressed within the UNCLOS and to improve the effectiveness of the management regime. It is proposed that this can be best achieved by calling a meeting of interested parties. The IWC should therefore urge a government to convene another preparatory meeting to improve and update the present Convention." This recommendation was adopted in Plenary Session without vote.

The Canadian position on the matter of revision of the Convention is contained in the statement attached as Appendix 15.

AGENDA ITEM 31: COOPERATION WITH OTHER ORGANIZATIONS

The Commission agreed that an IWC observer would be sent to the upcoming CITES meeting.

LIST OF APPENDICIES

<u>Appendix Number</u>	<u>Title</u>
1.	Provisional Agenda - 32nd Annual Meeting
2.	Voting Record - 32nd Annual Meeting
3.	Canadian Statement-Northwest Atlantic Humpback Whales
4.	Canadian Statement - Bering Sea Stock of Bowhead Whales
5.	The Canadian Whaling Ban: Its Implementation and Impact
6.	Canadian Statement - Moratorium on all Commercial Whaling
7.	Resolution to establish Working Group re: whaling outside IWC.
8.	Resolution re transfer of whaling vessels and equipment.
9.	Canadian Statement on the Question of the Responsibilities of the IWC regarding the Management of Narwhal and Beluga.
10.	Canadian proposed resolution - small cetaceans
11.	USA proposed resolution - small cetaceans
12.	Joint Canada/USA Resolution - small cetaceans
13.	Swedish Proposed Amendment to joint Canada/USA resolution
14.	Resolution re: Prohibition of Whaling by Operations failing to supply all data stipulated.
15.	Canadian Statement on Revision of the International Whaling Convention, 1946

PROVISIONAL AGENDA

32ND ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION
21-26 JULY 1980, AT THE BRIGHTON METROPOLE HOTEL

1. ADDRESS OF WELCOME
2. OPENING STATEMENTS
(Paper IWC/32/OS ---)
3. ADOPTION OF AGENDA
4. ARRANGEMENTS FOR MEETING
5. APPOINTMENT OF COMMITTEES
(*Rules of Procedure, Rule J.1.*)
6. WORLD-WIDE BAN ON WHALING
(*Chairman's Report of 31st Meeting, paragraph 6 and Appendix 1*)
 - 6.1 Report of Technical Committee
 - 6.1.1 Procedures necessary to institute a world-wide ban on whaling
 - 6.1.2 Economic aspects of current commercial whaling
 - 6.2 Action arising
7. MORATORIUM ON ALL COMMERCIAL WHALING
(Proposal may be implemented by amendment of the Schedule, paragraph 9(d) or other paragraphs, or the addition of new paragraphs)
8. MORATORIUM ON THE TAKING OF SPERM WHALES
(Proposal may be implemented by amendment of the Schedule)
(Paper IWC/32/17)
9. REVIEW OF PRESENT MANAGEMENT PROCEDURE
(*Chairman's Report of 31st Meeting, paragraph 7*)
 - 9.1 Report of Special Scientific Working Group
(Paper IWC/32/13)
 - 9.2 Report of Scientific Committee
 - 9.3 Consideration of proposed amendments to the Schedule.
 - 9.4 Action arising
(Changes in criteria, stock categories, or procedures will require amendment of the Schedule, including paragraph 9 or the addition of new paragraphs)

10. CONSIDERATION OF THE IMPLICATIONS FOR WHALES OF MANAGEMENT REGIMES FOR OTHER MARINE RESOURCES
(Chairman's Report of 31st Meeting, paragraph 8 and Appendix 2)
 - 10.1 Report of Special Scientific Working Group
(Paper IWC/32/13)
 - 10.2 Report of Technical Committee
 - 10.3 Observer's report on the Diplomatic Conference on the Conservation of Antarctic Marine Living Resources (IWC/32/25)
 - 10.4 Action arising, including adoption of a proposed Resolution

11. WHALE SANCTUARIES
(Chairman's Report of 31st Meeting, paragraph 9)
 - 11.1 Scientific Research in the Indian Ocean Sanctuary
(Chairman's Report of 31st Meeting, Appendix 3)
 - 11.1.1 Report of the Scientific Committee
 - 11.1.2 Action arising
 - 11.2 Removal of the southern boundary limit at 55° south to the Indian Ocean Sanctuary (IWC/32/18)
(Any changes in the defined boundaries will require amendment of the Schedule, paragraph 5)
 - 11.3 Inclusion of all cetaceans in the scope of the Indian Ocean Sanctuary
(Any changes in the scope will require amendment of the Schedule, paragraph 5)
 - 11.4 Examination of the general concept and characteristics of whale sanctuaries

12. WHALE STOCKS AND CATCH LIMITS
(Chairman's Report of 31st Meeting, paragraphs 10 and 11)
 - 12.1 Report of Scientific Committee
 - 12.1.1 Effect of by-catch of female sperm whales on the stocks and their dynamics
(Chairman's Report of 31st Meeting, paragraph 10.2)
 - 12.1.2 Review of the North Atlantic Spain-Portugal-British Isles Stock of fin whales, 1980 season
(Chairman's Report of 31st Meeting, paragraph 11.3.2)

- 12.2 Action arising, 1980/81 Southern Hemisphere pelagic season and 1981 pelagic and coastal seasons elsewhere
(Changes of catch limits, of effort limitations, or areas or sub-areas, or of size limits will require amendment of the Schedule including paragraphs 2,3,8,10,11,12,14,15,16 and 18)

- 12.2.1 Southern Hemisphere
- 12.2.2 North Pacific
- 12.2.3 North Atlantic
- 12.2.4 Arctic
- 12.2.5 Northern Indian Ocean

13. MEASURES TO DISCOURAGE WHALING OPERATIONS OUTSIDE IWC REGULATIONS
(Chairman's Report of 31st Meeting, paragraph 24 and Appendix 9)

- 13.1 Prohibition on importation of whale products from and export of whaling vessels and equipment to non-member countries including reports by member nations
- 13.2 Register of whaling vessels (Paper IWC/32/14)
- 13.3 Additional measures aimed at restricting whaling operations working under flags of convenience
- 13.4 Action arising

14. ABORIGINAL/SUBSISTENCE WHALING
(Chairman's Report of 31st Meeting, paragraph 12 and Appendix 4)

- 14.1 Management principles and guidelines for subsistence catches of cetaceans by indigenous peoples
- 14.2 Bering Sea stock of Bowhead whales
 - 14.2.1 Report of Scientific Committee, including results of research by the USA
 - 14.2.2 Documentation of aboriginal needs by USA
- 14.3 Eastern Pacific stock of Gray whales
- 14.4 West Greenland stock of humpback whales
- 14.5 Any other aboriginal/subsistence whaling in the Arctic determined to be under the management of the IWC
- 14.6 Action arising
(Changes in or the establishment of catch limits will require amendment of the Schedule, paragraphs 11,12 or Table 2)

15. STOCKS OF SMALL CETACEANS
(Chairman's Report of 31st Meeting, paragraph 13)
 - 15.1 Report of the Scientific Committee
 - 15.2 Consideration of the Commission's responsibilities for small cetaceans
 - 15.3 Extension of the Commission's responsibilities to include small cetaceans
(The classification of stocks and the regulation of catches may require amendment of the Schedule including paragraphs 1,12, or Table 2, or the addition of new paragraphs)

16. INTERNATIONAL DECADE OF CETACEAN RESEARCH
(Chairman's Report of 31st Meeting, paragraph 14)
 - 16.1 Report of Scientific Committee
 - 16.2 Extension of whale research in world oceans and establishment of special contribution to scientific fund obligatory for all member-countries of IWC
 - 16.3 Action arising

17. COLLATION AND DISTRIBUTION OF ANNUAL SUMMARY OF NATIONAL RESEARCH, PROPOSALS, PROJECTS AND REPORTS ON CETACEANS BY THE COMMISSION

18. CETACEAN BEHAVIOUR, INTELLIGENCE AND THE ETHICS OF KILLING CETACEANS
(Chairman's Report of the 31st Meeting, paragraph 15 and Appendix 5)
 - A 18.1 Report on co-sponsored meeting (Paper IWC/32/15)
 - 18.2 Report of Scientific Committee
 - 18.3 Report of Technical Committee
 - 18.4 Action arising
(Schedule amendments may be required)

19. HUMANE KILLING
(Chairman's Report of 31st Meeting, paragraph 16 and Appendix 6)
 - 19.1 Value of data presently being collected
 - 19.2 Further field observations concerning rapidity of unconsciousness and death and the nature of the injuries caused by harpooning
 - 19.3 Workshop meeting of invited experts
(Circular Communication from the Secretary dated 8 January 1980, ref: RG/CAB/3006)
 - 19.4 Prohibition on the use of cold grenades for killing cetaceans
(An amendment to the Schedule will be submitted)
 - 19.5 Effectiveness of techniques used in primitive whale fisheries and small cetacean fisheries
 - 19.6 Action arising
(Schedule amendments may be required)

20. COLLECTION OF DATA IN LOG-BOOK FORMAT

(Report of the Technical Committee IWC/31/5 "Other Matters")
paragraph 2 and Circular Communication from the Secretary dated
11 October 1979, ref: RG/CAB/2774)

20.1 Report of Scientific Committee

20.2 Proposed amendment to the Schedule

21. PROHIBITION OF WHALING BY OPERATIONS FAILING TO SUPPLY
ALL DATA STIPULATED

(Chairman's Report of 31st Meeting, paragraph 18)

(Prohibition of whaling will require amendment of the Schedule
or the possible addition of new paragraphs in Section VI)

22. REVISION OF THE SCHEDULE BY LAWYERS

(Chairman's Report of 31st Meeting, paragraph 19 and Circular
Communications from the Secretary dated 26 October 1979 and
26 February 1980, refs: RG/CAB/2752 and RG/CAB/3113)

22.1 Report of Technical Committee

22.1.1 Revisions proposed by the Working
Group

22.1.2 Insertion of date in paragraph 5

22.2 Action arising

(Any changes will require amendment of the Schedule)

23. INFRACTIONS AND REPORTS FROM INTERNATIONAL OBSERVERS,
1979 and 1979/80 SEASONS

(Chairman's Report of 31st Meeting, paragraph 20)

23.1 Report of Technical Committee

23.1.1 Infractions reports from Contracting
Governments (Paper IWC/32/6)

23.1.2 Reports from Observers (Paper IWC/32/7)

23.1.3 Matters raised at 31st Annual Meeting
(Chairman's Report of 31st Meeting, Appendix 7)

23.1.4 Clarification of coastal whaling seasons

23.2 Action arising

(Schedule amendments may be required)

24. INTERNATIONAL OBSERVER SCHEME
(Chairman's Report of 31st Meeting, paragraph 21 and Appendix 8)
 - 24.1 Report of Technical Committee
 - 24.1.1 Expansion of existing schemes, including funding arrangements
 - 24.1.2 Extension of schemes to cover minke whaling in the North Pacific
 - 24.1.3 Provision of Inuit observers in Greenland
 - 24.1.4 New schemes for whaling operations by Brazil, Chile, Peru and Spain
 - 24.1.5 Inclusion of other functions in duties of observers
 - 24.2 Action arising
(Changes to observer schemes may require amendment of the Schedule, paragraph 21)

25. ADOPTION OF REPORT OF THE SCIENTIFIC COMMITTEE
(to be circulated as Paper IWC/32/4)

26. ADOPTION OF REPORT OF THE TECHNICAL COMMITTEE
(to be circulated as Paper IWC/32/5)

27. FINANCE AND ADMINISTRATION
(Chairman's Report of 31st Meeting, paragraph 22)
 - 27.1 Review of Provisional Financial Statement, 1979/80 (Paper IWC/32/9)
 - 27.2 Consideration of Estimated Budget and Contributions from Member Governments 1980/81 (Paper IWC/32/9)
 - 27.3 Consideration of methods of reducing cost to the Commission of running the Annual Meeting
 - 27.4 Consideration of alternative methods of calculating contributions from Contracting Governments
 - 27.5 Consideration of sanctions against governments falling into arrears on annual contributions
(Report of the Finance and Administration Committee, IWC/31/13, page 6)
 - 27.6 Consideration of advance budget estimates for 1981/82 (Paper IWC/32/9)

28. DATE AND PLACE OF ANNUAL MEETINGS 1981 and 1982
(Rules of Procedure, Rule B1 and Report of the Finance and Administration Committee IWC/31/13, page 7)

29. ADMISSION OF PRESS TO PLENARY SESSIONS
(Chairman's Report of 31st Meeting, paragraph 29)

30. ADOPTION OF REPORT OF FINANCE AND ADMINISTRATION
COMMITTEE
(to be circulated as Paper IWC/32/10)

31. REVISION OF THE INTERNATIONAL CONVENTION FOR THE
REGULATION OF WHALING, 1946
(Chairman's Report of 31st Meeting, paragraph 25)
 - 31.1 Report on Drafting Group meeting held in
Portugal, November 1979
 - 31.2 Report on the meeting convened by the Chairman
of the Commission, 19 July 1980
(Circular Communication from the Secretary dated 22 April
1980, ref: RG/CAB/3290)

32. CO-OPERATION WITH OTHER ORGANISATIONS
(Paper IWC/32/11)
 - 32.1 Observer's Report on ICES
 - 32.2 Observer's Report on ICCAT
 - 32.3 Observer's Report on ICSEAF

33. 31st ANNUAL REPORT
(draft to be circulated as Paper IWC/32/12)

34. ANY OTHER BUSINESS

IWC - 1980 VOTING RECORD

	1. Tech. Com. Remove exemption from schedule al- lowing take of 10 humpback by Greenland			2. Plenary Remove exemption from schedule allowing take of 10 humpback by Greenland			3. Tech. Com. Bering Sea bowhead quota 18/26			4. Tech. Com. Bering Sea bowheads: 0 quota		
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina			X			X			X			X
Australia	X			X				X		X		
Brazil			X			X			X			X
Canada	X			X				X		X		
Chile			X			X	X					X
Denmark		X			X		X				X	
France	X			X				X		X		
Iceland			X			X			X			X
Japan		X				X	X				X	
Korea			X			X	X				X	
Mexico	X			X					X			X
Netherlands	X			X				X		X		
New Zealand	X			X				X		X		
Norway			X			X		X				X
Oman	X			X				X		X		
Peru		X				X	X				X	
Seychelles	X					X		X		X		
South Africa	X			X				X				X
Spain			X			X			X			X
Sweden	X				X			X		X		
Switzerland			X			X			X			X
USSR			X			X	X				X	
UK			X			X		X				X
USA		X			X		X				X	
TOTAL	10	4	10	8	3	13	7	11	6	8	6	10
PASSED/FAILED	P			F			F			P		

	5. Plenary Bering Sea Bowheads: 0 quota			6. Plenary Bering Sea Bowhead quota .8 landed/ 12 struck			7. Plenary Bering Sea Bowhead Whales 3 year block quota 45/65 max. 17 landed in any one year.			8. Tech. Com. Moratorium on commercial Whaling		
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina			X			X			X	X		
Australia	X			X			X			X		
Brazil	Absent					X			X	X		
Canada	X				X			X			X	
Chile		X			X		X				X	
Denmark		X			X		X			X		
France	X					X			X	X		
Iceland			X			X	X				X	
Japan		X			X		X				X	
Korea		X			X		X				X	
Mexico			X	X			X			X		
Netherlands	X					X		X		X		
New Zealand	X					X	X			X		
Norway			X			X			X			X
Oman			X			X	X			X		
Peru		X			X		X				X	
Seychelles	X			X			X			X		
South Africa	X					X		X			X	
Spain		X			X		X				X	
Sweden			X	X			X			X		
Switzerland			X	X			X			X		
USSR		X			X		X				X	
UK			X			X	X			X		
USA		X			X				X	X		
TOTAL	7	8	8	5	9	10	16	3	5	14	9	1
PASSED/FAILED	F			F			P			P		

	9. <u>Plenary</u> Moratorium on Commercial Whaling two year postponement			10. <u>Plenary</u> Commercial Whaling Moratorium			11. <u>Tech. Com.</u> Sperm Whales three year moratorium			12. <u>Plenary</u> Sperm Whales Postponement for one year of proposed morato- rium.		
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina	X			X			X			X		
Australia	X			X			X			X		
Brazil			X			X	X			X		
Canada		X			X			X			X	
Chile		X			X			X				X
Denmark	X			X					X	X		
France	X			X			X			X		
Iceland		X			X			X			X	
Japan		X			X			X			X	
Korea		X			X				X		X	
Mexico	X			X			X			X		
Netherlands	X			X			X			X		
New Zealand	X			X			X			X		
Norway			X			X			X			X
Oman	X			X			X			X		
Peru		X			X			X				X
Seychelles	X			X			X			X		
South Africa		X			X			X				X
Spain		X			X			X			X	
Sweden	X			X			X			X		
Switzerland	X			X			X			X		
USSR		X			X			X			X	
UK	X			X			X			X		
USA	X			X			X			X		
TOTAL	13	9	2	13	9	2	13	8	3	14	6	4
PASSED/FAILED	F			F			P			F		

	13. <u>Plenary</u> Sperm Whales Moratorium for three years.			14. <u>Tech. Com.</u> Recommended Sci Comm. Re-calculate quotas in accor- dance with special working group formula			15. <u>Tech. Com.</u> S. Hemisphere Minke Whale quotas Area III - 2471 Area IV - 1857 Area VI - 243			16. <u>Tech. Com.</u> S. Hemisphere Minke Whale quotas Area III - 1178 Area IV - 2272 Area VI - 445		
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina	X					X		X		X		
Australia	X					X		X		X		
Brazil	X					X	X				X	
Canada		X			X			X		X		
Chile		X			X		X					X
Denmark	X					X		X		X		
France	X			X				X		X		
Iceland		X			X				X	X		
Japan		X			X		X				X	
Korea		X			X		X					X
Mexico	X			X					X	X		
Netherlands	X			X				X		X		
New Zealand	X					X		X		X		
Norway			X		X			X		X		
Oman	X			X				X		X		
Peru			X		X		X					X
Seychelles	X			X				X		X		
South Africa			X			X		X		X		
Spain			X		X				X			X
Sweden	X			X				X		X		
Switzerland	X					X		X		X		
USSR		X			X		X				X	
UK	X					X		X		X		
USA	X					X		X		X		
TOTAL	14	6	4	6	9	9	6	15	3	17	3	4
PASSED/FAILED	F			F			F			P		

	17. Tech. Com. S. Hemisphere Minke Whale quotas			18. Tech. Com. S. Hemisphere Minke Whale quotas			19. Tech. Com. S. Hemisphere Minke Whales retain 10% allowance between areas			20. Plenary S. Hemisphere Minke Whale quotas		
	Area I - 962	Area II - 1244	Area V - 1322	Area I - 270	Area II - 858	Area V - 745	Area III - 2471	Area IV - 1857	Area VI - 243	with 10% allowance		
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina		X		X				X			X	
Australia		X		X				X			X	
Brazil	X				X		X			X		
Canada		X		X					X		X	
Chile	X					X			X	X		
Denmark			X			X	X				X	
France		X		X				X			X	
Iceland	X				X				X			X
Japan	X				X		X			X		
Korea	X					X	X			X		
Mexico		X		X				X			X	
Netherlands		X		X				X			X	
New Zealand		X		X				X			X	
Norway			X			X	X				X	
Oman		X		X				X			X	
Peru	X					X			X	X		
Seychelles		X		X				X			X	
South Africa		X		X					X		X	
Spain			X		X		X					X
Sweden		X		X				X			X	
Switzerland		X		X					X		X	
USSR	X				X		X			X		
UK		X		X				X			X	
USA		X		X				X			X	
TOTAL	7	14	3	14	5	5	7	11	6	6	16	2
PASSED/FAILED	F			P			F			F		

	21. Plenary S. Hemisphere Minke Whale quotas Area III - 1178 Area IV - 2272 Area VI - 445			22. Plenary S. Hemisphere Minke Whale quotas Area I - 962 Area II - 1244 Area V - 1322 with 10% allowance			23. Plenary S. Hemisphere Minke Whale quotas Area I - 270 Area II - 858 Area V - 745			24. Tech. Com. S. Hemisphere Area I Peruvian Stock Brydes Whales quota 164.		
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina	X				X		X					X
Australia	X				X		X			X		
Brazil		X		X				X			X	
Canada	X				X		X			X		
Chile			X		X			X			X	
Denmark	X					X			X	X		
France	X				X		X			X		
Iceland	X			X				X				X
Japan		X		X				X			X	
Korea			X	X				X			X	
Mexico	X				X		X			X		
Netherlands	X				X		X			X		
New Zealand	X				X		X			X		
Norway	X				X		X			X		
Oman	X				X		X			X		
Peru			X	X				X			X	
Seychelles	X				X		X			X		
South Africa	X				X		X			X		
Spain		X				X		X			X	
Sweden	X				X		X			X		
Switzerland	X				X		X			X		
USSR		X		X				X			X	
UK	X				X		X			X		
USA	X				X		X			X		
TOTAL	17	4	3	6	16	2	15	8	1	15	7	2
PASSED/FAILED	P			F			F			P		

	25. <u>Plenary</u> S. Hemisphere Area I (Peruvian Stock) Brydes Whales quota 164			26. <u>Tech. Com.</u> North Atlantic East Greenland- Iceland Fin Whales 0 quota			27. <u>Plenary</u> North Atlantic E. Greenland- Iceland Fin Whales quota 0			28. <u>Plenary</u> North Atlantic E. Greenland- Iceland Fin Whales 1981-82 quota 254		
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina	X			X			X				X	
Australia	X			X			X				X	
Brazil		X				X			X			X
Canada	X					X			X		X	
Chile		X				X		X		X		
Denmark	X				X			X		X		
France	X			X			X				X	
Iceland		X			X			X		X		
Japan		X			X			X		X		
Korea		X			X			X		X		
Mexico	X			X			X				X	
Netherlands	X			X			X				X	
New Zealand	X			X			X				X	
Norway	X				X			X		X		
Oman	X			X			X				X	
Peru		X				X		X		X		
Seychelles	X			X			X				X	
South Africa	X			X					X			X
Spain		X			X			X		X		
Sweden	X			X			X				X	
Switzerland	X			X			absent			X		
USSR		X			X			X		X		
UK	X			X			X				X	
USA	X			X			X				X	
TOTAL	16	8	0	13	7	4	11	9	3	10	12	2
PASSED/FAILED	F			P			F			F		

	29. Plenary North Atlantic E. Greenland Iceland Fin Whales 1981 quota 152			30. Tech. Com. Spain-Portugal British Isles Fin Whales 1980 quota 220			31. Tech. Com. Spain-Portugal British Isles Fin Whales for 1981 quota 143			32. Plenary Spain-Portugal British Isles Fin Whales 1981 quota 143		
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina	X					X			X			X
Australia	X				X		X			X		
Brazil			X	X				X				X
Canada	X			X					X			X
Chile		X		X				X			X	
Denmark		X		X					X	X		
France	X				X		X			X		
Iceland		X		X				X			X	
Japan		X		X				X			X	
Korea		X		X				X			X	
Mexico	X					X	X					X
Netherlands	X				X		X			X		
New Zealand	X				X		X			X		
Norway		X				X	X			X		
Oman	X				X		X			X		
Peru		X		X				X			X	
Seychelles	X				X		X			X		
South Africa			X	X					X			X
Spain		X		X				X			X	
Sweden	X				X		X			X		
Switzerland	X				X		X			X		
USSR		X		X				X			X	
UK	X				X		X			X		
USA	X				X		X			X		
TOTAL	13	9	2	11	10	3	12	8	4	12	7	5
PASSED/FAILED	F			P			P			F		

	33. <u>Plenary</u> Spain-Portugal- British Isles Fin Whales 1981 quota 240			34. <u>Tech. Com.</u> North Atlantic Sperm Whales 130 males 0 females			35. <u>Tech. Com.</u> S. Hemisphere Division 9 Sperm Whales remove 25% from schedule			36. <u>Tech. Com.</u> Deferral of decision on W.N. Pacific Sperm Whales quota for special mtg.		
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina		X		X				X				X
Australia		X			X			X			X	
Brazil			X		X			X				X
Canada		X		X				X				X
Chile	X			X			X			X		
Denmark		X		X				X			X	
France		X		X				X			X	
Iceland			X	X					X	X		
Japan	X			X			X			X		
Korea	X			X			X			X		
Mexico		X		X				X			X	
Netherlands		X				X		X			X	
New Zealand		X		X				X			X	
Norway			X	X				X		X		
Oman		X				X		X			X	
Peru	X			X			X			X		
Seychelles		X			X			X			X	
South Africa		X		X				X		X		
Spain	X			X			X			X		
Sweden		X			X			X			X	
Switzerland		X			X			X				X
USSR	X			X			X			X		
UK		X		X				X				X
USA		X		X				X			X	
TOTAL	6	15	3	17	5	2	6	17	1	9	10	5
PASSED/FAILED	F			P			F			F		

	37. Tech. Com. W.N. Pacific Sperm Whales Protected stock 0 quota males and females			38. Plenary W.N. Pacific Sperm Whales 0 quota			39. Plenary W.N. Pacific Sperm Whale quota 890 males including 11.5% by catch of females			40. Plenary W.N. Pacific Sperm Whales 890 males including 11.5% by catch females with max. size 45 ft. and min. size 30ft.		
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina	X			X					X	X		
Australia	X			X				X		X		
Brazil	X				X		X			X		
Canada	X			X				X			X	
Chile		X			X		X			X		
Denmark			X			X	X			X		
France	X			X			X			X		
Iceland		X				X	X			X		
Japan		X			X				X	X		
Korea		X			X		X			X		
Mexico	X			X			X			X		
Netherlands	X			X				X				X
New Zealand	X			X					X	X		
Norway	X			X			X			X		
Oman	X			X					X		X	
Peru		X			X		X			X		
Seychelles	X			X				X			X	
South Africa			X			X			X			X
Spain		X			X		X			X		
Sweden	X			X				X			X	
Switzerland	X			X					X	X		
USSR		X			X		X			X		
UK	X			X			X			X		
USA	X			X			X			X		
TOTAL	15	7	2	14	7	3	13	5	6	18	4	2
PASSED/FAILED	P			F			F			P		

	41. Tech. Com. Ban on use of cold grenade harpoon from start of 1980-81 season except for Minke Whales			42. Tech. Com. Ban on cold gre- nade harpoon in commercial Minke whaling from 81-82 pelagic 82 coastal season			43. Plenary Ban on cold gre- nade harpoon from start of 1980-81 season except Minke Whales			44. Plenary Ban of cold gre- nade harpoon in comm Minke whaling from 81-82 pelagic & 82 coastal		
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina	X			X			X			X		
Australia	X			X			X			X		
Brazil		X			X				X		X	
Canada	X			X			X			X		
Chile		X			X				X			X
Denmark	X					X	X					X
France	X			X			X			X		
Iceland	X				X		X				X	
Japan		X			X			X			X	
Korea		X			X			X			X	
Mexico	X			X			X			X		
Netherlands	X			X			X			X		
New Zealand	X			X			X			X		
Norway	X				X		X				X	
Oman	X			X			X			X		
Peru		X				X			X			X
Seychelles	X			X			X			X		
South Africa	X			X			X			X		
Spain		X				X			X			X
Sweden	X			X			X			X		
Switzerland	X			X			X			X		
USSR		X			X			X			X	
UK	X			X			X			X		
USA	X			X			X			X		
TOTAL	17	7	0	14	7	3	17	3	4	14	6	4
PASSED/FAILED	P			P			P			F		

	45. Plenary Australian resolution re banning use of cold harpoon on Minke Whales as of next year			46. Tech. Com. Prohibition of whaling operations when data required by IWC is not submitted			47. Tech. Com. Canada/US joint Resolution on Small Cetaceans			48. Plenary Australian motion to adjourn debate on Cda/US Resolution on Small Cetaceans		
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina	X					X	X				X	
Australia	X			X				X		X		
Brazil		X			X		X				X	
Canada	X			X			X				X	
Chile		X			X				X			X
Denmark			X			X			X	X		
France	X			X			X			X		
Iceland		X				X	X				X	
Japan		X			X		X				X	
Korea		X			X		X				X	
Mexico	X			X			X				X	
Netherlands	X			X				X		X		
New Zealand	X			X					X	X		
Norway		X		X			X				X	
Oman	X			X				X		X		
Peru		X			X				X		X	
Seychelles	X			X					X	X		
South Africa	X					X	X				X	
Spain		X				X	X					X
Sweden	X			X				X		X		
Switzerland	X			X				X		X		
USSR		X			X				X	X		
UK	X					X	X			X		
USA	X			X			X				X	
TOTAL	14	9	1	12	6	6	13	5	6	11	11	2
PASSED/FAILED	P			P			P			F		

	49. Plenary US motion to close debate on Cda/US Resolu- tion on Small Cetaceans			50. Plenary Cda/US Resolution on Small Cetaceans			51. Tech. Com. Seychelles propo- sals to include small cetaceans in the Indian Ocean Sanctuary					
	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.	Yes	No	Abs.
Argentina	X			X				X				
Australia		X			X		X					
Brazil	X			X				X				
Canada	X			X				X				
Chile	X			X				X				
Denmark	X					X			X			
France		X				X	X					
Iceland	X			X				X				
Japan	X			X				X				
Korea	X			X				X				
Mexico	X			X				X				
Netherlands		X			X		X					
New Zealand		X			X		X					
Norway	X			X			X					
Oman		X			X		X					
Peru	X			X				X				
Seychelles		X			X		X					
South Africa	X			X			X					
Spain	X			X				X				
Sweden		X			X		X					
Switzerland	X					X	X					
USSR	X			X				X				
UK	X			X					X			
USA	X			X			X					
TOTAL	17	7	0	15	6	3	11	11	2			
PASSED/FAILED	P			P			F					

INTERNATIONAL WHALING COMMISSION

32nd Annual Meeting

Canadian Statement - Northwest Atlantic Humpback Whales

Mr. Chairman. The Scientific Committee has again recommended that the exemption permitting the take of 10 humpback whales in Greenland waters be removed from the Schedule. As in the case of the Bering Sea stock of bowhead whales, we are dealing with the issue of subsistence harvests of species which are highly endangered. We note that with the take of 14 humpback in 1979, the catch in Greenland waters has for the second successive year, exceeded the quota adopted by the IWC for this endangered species and are concerned with the recent increase in landings. While Canada must support the Scientific Committee advice for a zero quota, in doing so we are fully cognisant that a very significant portion of the removals from this stock result from entanglement in fishing gear off the east coast of Canada.

With regard to the mortality of humpback whales off the east coast of Canada, the Commission is aware that this is the second year of a two year study to develop methodologies for reducing the frequency of whale collisions and entanglements in fishing gear. This problem is not only serious for the whales but also for our fishermen who last year suffered damage and lost earnings estimated to be in excess of one million dollars. Canada will be presenting a paper on this subject at next year's meeting to report on the results of our two-year program. Mr. Chairman, I have attached to the printed version of my statement, a summary of Canadian research programs on humpback whales for 1980.

M. C. Mercer
Commissioner

Canadian Humpback Whale Research Programs for 1980

1. Distribution and abundance

a) Research by Department of Fisheries and Oceans, St. John's (approximate cost \$80,000)

i) Vessel Surveys

The two annual capelin cruises on the research vessel GADUS ATLANTICA also carry two observers who log whale sightings. These surveys are generally systematic in design and consist of equally-spaced transects during which a transducer is deployed and monitored for capelin schools. Mid-water trawl sets are also taken to confirm the presence of survey of whales in two large geographical areas: the Grand Banks from June 11 to July 7 (now completed) and the northeast Newfoundland shelf and South-eastern Labrador (Hamilton Bank) from October 23 to November 18. The crowsnest (67 feet A.S.L.) is used for observation and recording, and environmental conditions are logged hourly or as required. The approach is systematic, including rangefinder estimates of right-angle distances of groups from the track line. These surveys also afford an opportunity to study the interactions between whales and capelin. During the first cruise, fluke shots of about 30 humpback whales on the Southeast Shoal of the Grand Banks were obtained.

ii) Aerial Surveys

During the month of August a random-stratified sampling survey for large baleen whales will be carried out, from 47°48'N to 55°00'N and from the coast of Newfoundland and Labrador to the 2,000 m contour. The five bays of insular Newfoundland will be given 20% aerial coverage each and each of 10 offshore blocks will be given 5% coverage (4 transect lines per block), assuming a transect width of one nautical mile. The transect lines have been selected randomly within each block or bay. One hundred flying hours have been allocated for the survey, with about 50% of the time for on-track census work and the other 50% for circling, photography, and transit. The approach is essentially the same as that used by the Cetacean and Turtle Assessment Program at the University of Rhode Island, with whom consultations on survey design have been made.

a

Prepared by Canadian Department of Fisheries and Oceans, Newfoundland Region for the information of the International Whaling Commission, 32nd Annual Meeting, 1980.

The aircraft to be used will be a bubble-nosed Beechcraft AT-11 with photographic capabilities. In addition to the standard on-track census, photographic assessment of large herds or concentrations will be carried out by flying random transects through the herd with continuous overlapping 70 mm vertical colour photography. Estimates of whale density and patch area should produce estimates of the numbers of whales occupying these feeding concentrations. These will be minimum estimates and will provide a back-up to the overall census, should variance of the latter prove to be excessive.

The purpose of the census is to estimate the population size of humpback and fin whales in the eastern Newfoundland and southeast Labrador area during late summer when most northward migrants should be present. Ground truthing using a helicopter will be carried out concurrent with the fixed-wing survey, mainly to determine species composition of whale concentrations and submergence/surface times of whales. This ground-truth information should enable corrections of population estimates derived from the aerial census and the photographic assessment of concentrations.

- b) Research by MacLaren-Marex, Inc., Dartmouth, N.S.
(approximate cost \$100,000)

Wildlife data are being collected during 1980 as part of the Grand Banks biological program undertaken by Mobil Oil Company of Canada Ltd. An aerial survey program is dedicated to collecting information on distribution, seasonal movement and relative abundance of marine birds and mammals. Additional data are being collected from a research vessel incidental to intensive oceanographic studies along the perimeter of the Grand Banks.

The aerial survey program is designed to collect information on marine birds and mammals. A standard transect pattern is flown twice a month.

In addition, special surveys are flown 3-4 times a year for marine mammals. The survey design followed for whales is based in part on programs developed for the Bureau of Land Management by the Cetacean and Turtle Assessment Program and is modified to fit the study area, aircraft availability, and the concerns of the client.

The Grand Banks have been partitioned into 6 blocks, each of which takes one day of flying to complete (4 transect lines are selected at random from each block). The aircraft to be used is a twin-engine high-winged aero-commander. Standard transects are flown at an altitude of 120 ft and special surveys for whales, at 750 ft.

The standard surveys will be carried out from April 1980 to April 1981. Dedicated surveys for marine mammals will be flown in June, July, August, and February. These surveys should provide information on onshore-offshore distribution plus abundance data complementary to the more northern August survey to be carried out by DFO.

2. Net-entanglement study, Memorial University of Newfoundland
(approximate cost \$150,000)

During this field season Dr. Jon Lien of Memorial University of Newfoundland will be completing his two-year DFO sponsored study of the problem of whales (mainly humpbacks) entangling in inshore fishing gear. The main purposes of this research are to:

- 1) Evaluate historical and current collision rates and associated damages and costs, and to evaluate incidental mortalities of humpback whales.
- 2) Devise, demonstrate, and implement a feasible whale release methodology.
- 3) Devise measures to reduce the frequency of whale collisions and entrapments.

Objectives 1 and 2 have largely been accomplished during 1979, although documentation of collision rates and damages and releases of live or dead whales at the request of fishermen will be carried out during 1980.

Enhancement of the detectability of fishing gear using active acoustical alarms appears to be the most promising approach to satisfying objective 3. From 1979 field work, low frequency "clangers" which operate on tides and wave action appeared to substantially lower the collision rate with cod traps, and a large-scale test of the effectiveness of clangers will be carried out on cod traps in the southern Newfoundland area during 1980. Independent variables in these experiments include the type, amount, and location of devices.

Alarms for groundfish gill nets were not tested during 1979. Electronic pingers of low and variable frequency will be developed and tested during this field season.

3. Behaviour and ecology study, Hal Whitehead
(approximate cost \$10,000)

Hal Whitehead of Cambridge University, England, is completing his DFO-sponsored study of the ecology and behaviour of humpback and finback whales in the Bay de Verde area, Newfoundland. The main objectives of the study are:

- 1) Estimating the number of whales using the study area and migration rates, by means of censusing from a 10 m sailboat.
- 2) Gaining knowledge of the feeding behaviour and distribution of humpback whales as it relates to the distribution, abundance and quality of prey.
- 3) Gaining an understanding of the social behaviour of this species.
- 4) Obtaining fluke photographs of humpbacks to assist in studies of social behaviour and in estimation of population parameters.

Submergence/surface times of whales determined from a cliff-top near Bay de Verde will provide additional ground-truthing information for the August census by DFO.

INTERNATIONAL WHALING COMMISSION

32nd Annual Meeting

CANADIAN STATEMENT - BERING SEA STOCK OF BOWHEAD WHALES

Mr. Chairman. I would like to provide some comment to my fellow Commissioners regarding the position which Canada has adopted on the question of quotas for the Bering Sea stock of bowhead whales.

Commissioners may recall that during last year's meeting Canada abstained on the Technical Committee vote for a quota of 18 landed or 27 struck and also abstained on votes during plenary sessions for quotas of zero, 18 landed or 27 struck, and 18 landed or 26 struck. Our abstention on these votes recognised that aboriginal subsistence harvests are different than commercial whaling and that some low catches by Alaskan Inuit from this stock might have been further justified for cultural reasons.

This year, Canada supports a quota of zero. Indeed, because of our recognition of and concern for the subsistence and cultural needs of the Inuit people involved, this is not a position the Government of Canada has taken lightly. In this regard, the crux of the issue is that we are faced with the possible extinction of a species, rather than the depletion of a stock. In this situation the long term interests of both the whales and those who depend on them as a harvestable resource are better served by taking strong conservation action now.

It should be noted that because the Commission chose not to take precipitous action, removals from the Bering Sea bowhead stock have been permitted by the institution of quotas over the last few years. Now we see that the level of effort in the 1980 spring season, at 99 crews, was the highest recorded since 1973 and that the quota as adopted by the I.W.C. at its meeting last year has been exceeded. The trends are in the opposite direction to those warranted.

There have now been three years of extensive scientific research and analysis for which the U.S.A. is to be complimented. However, the results of this comprehensive program have confirmed the highly endangered status of the species and the continuing serious threats to its survival. The Scientific Committee continues, for the fourth year, its advice that the only safe course

for the Bering Sea stocks is a zero take. Recent analyses continue to show very low gross recruitment and support the conclusion that the population will decline even in the absence of catching.

Given these factors Canada has now reached the serious decision to support a zero quota. In allocating fisheries resources (which include all cetacean resources) it is the Canadian Government's policy to give first priority to aboriginal subsistence thereby ensuring that the traditional and cultural needs of the aborigines are adequately safeguarded. In this regard Canadian Whaling Regulations are without prejudice to the aboriginal rights of Canadian Inuit.

M.C. Mercer
Commissioner

THE CANADIAN WHALING BAN: ITS IMPLEMENTATION AND IMPACT¹Summary

The 1972 Canadian Government-imposed ban on commercial whaling on the Atlantic coast affected three whaling stations, over one hundred whalers, and less than two hundred plant workers. The landed value of whales was about one million dollars, and their marketed value was about three million dollars per year.

The companies and employees were compensated, following detailed financial and technical reviews by a Task Force and two consultative committees. Ex gratia payments totalled about three million dollars, including the purchase and disposal of redundant vessels, equipment and supplies.

The industry adjusted to the whaling ban through increased landings of groundfish, pelagic fish and invertebrates.

Canadian Atlantic Whaling (1964-1972)

Canada's most recent period of commercial whaling in the Northwest Atlantic Ocean was during the years 1964 to 1972, the primary species taken being Fin, Sei, Minke and Sperm whales. Whaling was conducted from Blandford in Nova Scotia, Dildo in south-eastern Newfoundland, and Williamsport in northern Newfoundland (see figure).

The Karlsen Shipping Company, with interests in shipping and sealing, established a whaling station at Blandford in 1964. Experimental whaling began with the vessels "Minna" and "Horoyford", and commercial whaling was conducted with the vessels "Chester" and "Thorrarin", which were used in the spring for sealing, and in the summer and fall for whaling. Comeau Sea Foods Ltd. of Lower Saulnierville in Western Nova Scotia carried out an exploratory operation in 1965, with products processed at Blandford.

Arctic Fishery Products, Ltd., a subsidiary of H.B. Nickerson Ltd., established a whaling station at Dildo in 1965-66 to supplement processing of groundfish and blueberries as frozen products. This was a sequel to a fishery for Northern Pilot Whales (Potheads), primarily during the years 1947 to 1964, based on the practice of driving the animals ashore. Experimental "modern" whaling began with the "R.D. Evans" and the Japanese whaler "Kyo Maru No. 17", and the "Westwhale 8" carried out most of the commercial whaling.

Fishery Products Ltd., through a joint venture with Taiyo Gyogyo Fishery of Japan, formed the Atlantic Whaling Company, and set up operations in 1967 at an abandoned whaling station at Williamsport. The Japanese Company supplied the whale catcher "Fumi", and this vessel was used until operations were terminated at the end of 1972. Following an extensive fire at the Williamsport plant in 1971, the processing operation was transferred to St. Anthony, where Fishery Products Ltd. was setting up a new fish processing plant.

1

Prepared under contract by Dr. W. R. Martin and submitted by the Government of Canada, Department of Fisheries and Oceans, for the information of the International Whaling Commission (32nd annual meeting, 1980).



LOCATION OF CANADIAN ATLANTIC COASTAL WHALING PLANTS 1964-72

These whaling operations were developed with assistance from federal and provincial Departments of Fisheries. Resource management was imposed by the Canadian Government, to conform with regulations recommended by the International Whaling Commission, and in response to scientific information developed in Canada. Thus, Blue, Humpback, and Right whales could not be taken. Size limits were followed, and shore stations were required to fully utilize the parts of all whales intended for human food and animal feeding. From 1967 to 1972 each station had an annual quota for fin whales, the largest and most economically important of the species taken.

Canadian whaling catches for the period 1967 to 1972 are shown in Table 1.

Canadian Whaling Ban (1972)

Three significant and related events during 1972 preceded the Canadian ban on commercial whaling on the Atlantic Coast at the end of that year.

In June 1972 at the United Nations Conference on the Human Environment in Stockholm, whales became a symbol of the worldwide concern over man's impact on his environment. Most stocks of the large-whale species had suffered from overexploitation, and had shown few signs of recovery, despite the conservation efforts of the International Whaling Commission (IWC). The Stockholm Conference almost unanimously adopted the following resolution:

"It is recommended that governments agree to strengthen the International Whaling Commission, to increase international research efforts, and as a matter of urgency, to call for an international agreement, under the auspices of the International Whaling Commission and involving all governments concerned, for a 10-year moratorium on commercial whaling." Canada supported the resolution.

At the annual meeting of the International Whaling Commission, two weeks later, steps were taken to strengthen the Commission through agreement to develop a full-time secretariat and to urge non-member whaling nations to adhere to the Convention. Further support of the Stockholm resolution took the form of a proposal for a decade of intensified research on cetaceans. However, the Scientific Committee advised the Commission that there was no scientific basis for a general moratorium on all commercial whaling; the Commission thus proceeded with its newly adopted management process of proposing separate catch quotas, including zero quotas where necessary, for all whale species, and for identifiable geographical stocks of those species.

The Commission supported its Scientific Committee's recommendations that Canada adopt a further reduction in fin whale quotas and set a quota for sei whales.

The Canadian exploitation of fin whales was then subjected to more rigorous national scrutiny in 1972. Biological studies of commercial catches, and from a chartered whale catcher, continued under the leadership of Dr. E.D. Mitchell, and stock assessments were carried out by Mr. K.R. Allen, both scientists on the staff of the then Fisheries Research Board of Canada.

TABLE 1

CANADIAN ATLANTIC WHALING CATCHES 1967-72

YEAR	FIN*	SEI	SPERM	HUMP**	SUB-TOTAL	OTHER***	TOTAL
1967	745 (800)	62	2	-	809	786	1,595
1968	700 (700)	104	-	-	804	311	1,115
1969	533 (600)	152	5	5	695	50	745
1970	575 (600)	94	27	15	711	241	952
1971	418 (470)	234	37	21	710	75	785
1972	360 (360)	183	43	-	586	97	683

(* Quotas in brackets)

(** Taken for scientific purposes)

(*** Minke, Bottlenose, Pilot and Killer Whales)

Downward trends in fin whale catches and quotas occurred during the years 1967 to 1972 (Table 2) accompanied by downward trends in estimated populations as indicated by catch-per-effort and analyses for fin whale catchers operating from each whaling station (Table 3). Estimates of the 1972 sustainable yields which could be taken without further reduction of stocks, and of the maximum sustainable yields, indicated the need for sharp reductions of quotas in 1973. Allen's paper, as submitted to IWC, is attached as Appendix I.

Canadian scientists recommended, for the 1973 season, overall quotas for the three whaling stations of 143 fin whales and 70 sei whales. The net effect of the quotas meant that the Blandford Station would be allocated a quota of 53 fin whales and most of the quota of 70 sei whales. This left only 90 fin whales for the two Newfoundland stations. The Blandford station indicated that it would continue operations with the reduced quotas and the unrestricted opportunity to take sperm whales. The two Newfoundland stations indicated to the Department of Fisheries that it would be uneconomic for them to continue operations.

The overall economic importance of whaling to Atlantic fisheries was relatively small. The average landed value of whales was about one million dollars, and the average processed value was about three million dollars. The number of men employed on whaling vessels was about 110, and of employees in shore-based operations was about 175. In each case, employment was for about six months per year. These values and numbers were small fractions of the total values and employment in Atlantic commercial fisheries.

In the context of the foregoing sequence of events, and on December 22, 1972, the Minister of Fisheries announced a ban on Canadian commercial whaling on the Atlantic coast. Whaling had already ceased for economic reasons on Canada's Pacific coast.

Industry Compensation (1973-1975)

In announcing the whaling ban, the Minister stated that he would make recommendations to the Canadian Government to assist with compensation of the industry, and to assist individual fishermen and plant workers in adjusting to other employment.

The Minister had no legal obligation to pay compensation since Section 7 of the Fisheries Act of Canada provides that he may rescind or revoke fishing licenses at his absolute discretion. However, the Minister decided that ex gratia payments should be made, while explicitly stating that the Crown accepted no liability.

Task Force

A Task Force on Whaling Compensation was set up "to compensate the companies and employees of the whaling industry in an equitable manner so that they will not suffer undue economic hardship from the ban on commercial whaling activity". The three Task Force members, all federal fisheries employees, were instructed to hold discussions with the whaling companies and their employees, and to present recommendations for their compensation.

TABLE 2*

Catches and Canadian national quotas for fin whales:

Shore Station	1964 C/Q	1965 C/Q	1966 C/Q	1967 C/Q	1968 C/Q	1969 C/Q	1970 C/Q	1971 C/Q	1972 C/Q
Blandford	56/-	108/-	263/-	318/300	262/262	154/224	170/150	117/110	95/95
Lower Saulnierville	-/-	27/-	-/-	-/-	-/-	-/-	-/-	-/-	-/-
Dildo	-/-	6/-	164/-	168/250	219/219	168/188	181/225	117/160	115/115
Williamsport	-/-	-/-	-/-	262/250	219/219	188/188	225/225	184/200	150/150
Total	56/-	141/-	427/-	748/800	700/700	510/600	576/600	418/470	360/360

* Table copied from Progress Report on Whale Research, May 1972 to May 1973, by Edward Mitchell
-International Commission on Whaling, 24th Rept. Comm., London p. 196-213, 1974.

TABLE 3*

Catch per Effort Estimates of Northwest Atlantic Fin Whale Stocks

Year	Blandford, N.S. Catch per catcher day		Dildo, Nfld. Catch per catcher day		Williamsport Catch per catcher day		Total Est. Pop.
	C/E	Est. Pop.	C/E	Est. Pop.	C/E	Est. Pop.	
1966	2.97	1,180	--	--	--	--	--
1967	2.41	970	--	--	1.49	2,410	4,500
1968	2.33	690	1.49	1,120	1.27	2,160	3,970
1969	1.44	500	1.52	930	1.17	1,960	3,390
1970	1.04	410	0.89	770	0.88	1,800	2,980
1971	0.78x	330	1.10x	640	0.94	1,610	2,580
1972	--	320	--	550	--	1,500	2,370
1972 SY		53		25/		65/	143
MSY		52		145		96	293

x Adjusted in 1971 for bad weather at Dildo and for sei whale catching at Blandford.

/ Note that number of recruits should increase as recruitment from reduced population comes through.

* Table copied from K.R. Allen's paper, attached as Appendix I.

The Task Force grappled with the issue of achieving "equity" in its compensation recommendations, i.e. fairness to all parties: the public, the federal government, and those in the whaling industry. Compensation payments had to reflect the various peculiarities of the Atlantic whaling industry, such as the financial position of the various companies, methods of operation, hiring practices, labour-management relations, and a host of unforeseen problems. A comprehensive understanding of the industry was achieved by an extensive series of discussions with the principals of the three companies, representatives of the employees, and two independent whale catchers in Newfoundland.

Affected Operations

The Blandford station was developed from a former plant that had gone bankrupt. The two whale catchers, which had been used alternately for whaling, were also used for sealing operations. A high quality production of whale meat was exported for human consumption in Japan. An examination of the Company's financial records for the Blandford station revealed two major operations, the processing of seal skins and the processing of whale products. It was thus difficult to sort out the effect of the whaling ban on the Company's operations in other sectors.

The Dildo station was part of a complex of fish processing companies, with a variety of corporate linkages. The Dildo plant, by producing whale products, frozen fish and blueberries, was able to maintain operations over a long season and, as revealed by financial records, made profits because each of the operations contributed to overheads. It was contended that, with the loss of whale production, fish processing and blueberry operations would probably not be enough to sustain the plant. An examination of the operations and financial records of the two independent whalers at Dildo revealed that their chief source of livelihood was whaling, and that the whaling ban effectively destroyed their only source of income.

The Williamsport station had been burned out in 1971, and the small quota did not justify large capital expenditures at the alternate base, St. Anthony. In economic terms, there were no fixed costs, but there were variable costs associated with starting up and operating the station. At the time of the ban the company had a number of assets and liabilities which would have an impact upon each of the joint-venturers' consolidated financial statements. An examination of financial records revealed that the physical assets consisted of the Williamsport facility, a fish-meal plant in transit to Newfoundland, and an inventory of supplies.

Task Force evaluations of the three stations were based upon financial positions, disposition of physical assets, and the employees' welfare. The objective was to keep each plant site viable, thereby allowing reemployment of some workers, without financial hardship to the companies or their creditors.

Basis of Compensation to Owners

Canada had no hard and fast rules related to government compensation for losses suffered by companies and individuals in the fisheries, which could apply to the situation of the whaling ban. Generally, government intervention might be justified upon one or more of the following grounds:

1. Disaster.
2. Failure of a resource or markets.
3. Economic hardships as a result of government regulations.

Three previous fisheries compensation experiences provided background for determining a basis for compensation to the whaling industry:

(1) Fisheries Prices Support Board assistance to the Atlantic groundfish industry.

In order to maintain industry stability during a period of financial crisis, frozen groundfish inventories were bought and marketed, and "soft" loans were made to the fishing industry.

(2) Lake St. Clair Compensation.

When industrial mercury pollution of fish in Lake St. Clair rendered fish unsaleable, the government provided cash advances, to be repaid after the fishermen received full compensation from the polluters.

(3) Atlantic Swordfish Compensation.

When the swordfish market collapsed, as a result of mercury levels above the 0.5 parts per million established by health authorities, payments were made to compensate for gear made redundant and to facilitate conversion to other types of fishing.

In developing the basis for the whaling ban compensation, the fundamental issue that provided most difficulty was the one of equity. The industry proposed settlements based upon expected future earnings (appropriately discounted to current values) or the book value of assets. The Task Force had difficulty with this proposal since book values of assets were much higher than break-up values, and because there appeared to be no consistency or guidelines for assessment of what "normal" profits would have been.

The Task Force finally proposed that settlements should consider the long-term debt structure of each company as the best "bench mark" for negotiations, and this was more or less accepted, as each of the companies had a similar ratio of long-term debt to book value of assets and profits.

Thus, payments were made on the basis of long-term debts (mortgages, debentures, loans, etc.) and the Department purchased assets rendered useless such as vessels, harpoons, etc. for disposal by the Crown Assets Disposal Corporation.

The settlement with companies was conditional upon the companies, in good faith, orally agreeing to use the money to keep the people in affected communities employed, by converting their whaling plants to fish processing, if at all possible. There was a further obligation on the whaling companies to withhold sale or transfer of whaling equipment, including vessels, to nations that had not adhered to the International Convention on Whaling. This understanding resulted from a 1972 Commission recommendation to this effect and addressed to member Governments.

A comparable approach to compensation was taken with the two independent Newfoundland whalers and their crews.

Basis of Compensation to Whalers and Employees

The process of compensation to individuals in the Whaling industry was delegated to the Department of Manpower's Joint Consultative Committee under its Manpower Assessment and Incentive Agreement. Two tri-partite committees, each involving industry, labour and government, were set up under independent chairmen, to provide recommendations on eligibility and formulae for compensation. The reports of the Nova Scotia and Newfoundland Joint Consultative Committees are attached (Appendices II and III)

The Nova Scotia Committee recommended that eligible employees and crew members should be compensated on the following basis:

- (1) For those employed from 1970-72, twice the amount of the highest annual earnings, with settlements over \$3000 to be paid in three equal installments, and under \$3000 as a lump sum payment.
- (2) For those who worked for only 2 of 3 years 1970-72, two-thirds of the highest earnings multiplied by two, with the same provisions re annual payments.
- (3) For those who worked only one year, one-third of their earnings multiplied by two.
- (4) Other eligible workers, on the same basis.

The Newfoundland Committee developed a slightly different basis and formula:

A person employed in 1972 and who earned \$250 or in excess of that amount, or for reasons acceptable to the Committee was not employed in 1972 but was employed in 1971 or who earned less than \$250 in 1972, and who was employed for:

- (1) Three or more years, would receive the highest two years salary of his last three years salary spread over the following three years; however, persons entitled to a total of \$1500 compensation or less would receive it in a lump sum payment.
- (2) Two years, would receive his higher year's salary in one lump sum payment.
- (3) One year, would receive one-half his salary in 1972 in one lump sum payment.

Thus, whalers on vessels and shore employees were compensated on the basis of annual pay and seniority.

Ex Gratia Payments

The recommendations of the Task Force and the Committees were accepted by the Canadian Government and ex gratia payments totalling 1375 thousand dollars were made to the companies forced to close their Whaling operations.

TABLE 4
Frequency distribution of total compensation
to employees and crew members

<u>Thousands</u> <u>of dollars</u>	<u>Blandford</u> <u>Nova Scotia</u>	<u>Dildo</u> <u>Newfoundland</u>	<u>Williamsport</u> <u>and St. Anthony</u> <u>Newfoundland</u>	<u>Total</u>
0-1	10	40	86	136
1-2	15	12	32	59
2-3	12	2	11	25
3-4	12	2	10	24
4-5	5	6	6	17
5-6	3	14	7	24
6-7	5	3	8	16
7-8	2	2	6	10
8-9	4	1	2	7
9-10	16	1	7	24
10-11	3		3	6
11-12	1		3	4
12-13	4	1	4	9
13-14				
14-15	2			2
15-20	6		2	8
20-25				
Over 25			1	1
	<hr/>	<hr/>	<hr/>	<hr/>
	100	84	188	372

Payments were based on:

- (a) The remaining value of the plant for other purposes such as a reduction plant or a freeder plant for fish.
- (b) The companies' ability to effect the diversification process to this alternate purpose.
- (c) The long-term possibilities of the plant site.
- (d) The outstanding liabilities of the whaling operation.
- (e) The effect of the loss of whaling on other company operations, i.e. contribution to company overhead.

In addition the companies were paid a total of about 250 thousand dollars for redundant vessels and production inventory. Purchases were based on the net book value of the vessels and current supplies. These assets were turned over to Canada's Crown Assets Disposal Corporation for disposal. It was reported that the whaling vessels were converted for other uses such as seismic work in South Africa and tug work on Canada's west coast. The vessel sold in South Africa sank off Cape Town in 1976. Action was taken to ensure that whaling vessels and equipment were not sold or transferred for use in whaling operations of any other country.

Payments to whaling plant employees and crew members, as compensation for loss of employment as a result of the ban on whaling, totalled 1360 thousand dollars. The frequency distribution of total compensations paid to employees over a three-year period have been tabulated for each whaling station as as totals (Table 4). About one third received less than one thousand dollars; another third were paid one to five thousand dollars; and the final third received more than five thousand dollars.

Thus, the total ex gratia payments by government as compensation for the Canadian whaling ban were about three million dollars.

Fisheries Adjustments

Consultations with former whaling plant managers and an examination of fisheries statistics for years since 1971 have shown that increases in fishing operations for groundfish and pelagic fish and invertebrates have provided alternatives for employment of those affected by the whaling ban (see table 5).

At Blandford, processing of herring and mackerel has replaced the whaling operation, and the number of plant workers remained the same as it was during the last year of whaling in 1972.

At Dildo, landings of capelin and squid have increased, and large increases have occurred in numbers of fishermen and plant workers employed.

At St. Anthony landings of redfish, flounders, greenland turbot, herring, mackerel, capelin, and shrimp have greatly increased, and the number of fishermen and plant workers have increased to over one thousand.

It is clear that the companies have fulfilled their accepted responsibilities by providing ample opportunities for employment of individuals affected by the whaling ban.

TABLE 5

Numbers of fishermen and plant workers, and fish landings,
by whaling-ban communities, for years 1972-79

<u>Fishermen</u>	<u>Blandford Plant</u>	<u>Dildo</u>	<u>St. Anthony</u>
1972		44	67
1976		54	125
1979		126	211
<u>Plant Workers</u>			
1972	85		
1976	85	247	364
1979	85	627	829
<u>Fish Landings in metric tons</u>			
1972	100	573	561
1976		2,561	829
1978		1,782	3,062
1979	1,600		

Conclusion

As a general observation based on the Canadian experience, it is apparent that the ban on whaling caused some short-term hardships that were offset by the cash payments to the companies and employees. The dislocation and uncertainties that did arise were minimized by the efforts of the government to deal with the economic realities in a practical manner that was acceptable to both primary and secondary components of the whaling industry.

Acknowledgements

I am particularly grateful to Dr. D. A. Pepper of the Department of Fisheries and Oceans, Ottawa, a former member of the Task Force, for the opportunity to make liberal use of his notes and recollections of the events in the implementation of compensation following the Canadian whaling ban.

Dr. E. D. Mitchell, the whale scientist and Dr. W. M. Sprules, the Canadian Commissioner for IWC, at the time of the ban, provided helpful information on the build up to the ban.

N. Stevenson of the Department of Fisheries and Oceans, Ottawa, provided useful financial information on ex gratia compensation paid to companies and employees.

Messrs. H. and S. Henriksen described the impact of the whaling ban on plants, vessels and employees at whaling stations which they had managed in Nova Scotia and Newfoundland.

Messrs. P. Hart and T. M. Donahue of the Department of Fisheries and Oceans provided statistics on the impact of the whaling ban on numbers of fishermen, plant workers, and on fish landings.

Finally, Mr. M. C. Mercer, the Canadian Commissioner for IWC was responsible for arranging and facilitating the preparation of this report.

To all these individuals, I record my sincere thanks.

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Catch per Effort Estimates of Northwest Atlantic
Fin Whale Stocks

by

K. Radway Allen
Pacific Biological Station
Nanaimo, B. C., Canada

Fin whales are fished from three coastal stations in eastern Canada; Blandford in Nova Scotia, Dildo in southern Newfoundland, and Williamsport in Northern Newfoundland. There is good evidence that the Nova Scotia station is operating on a section of the population which is largely though not entirely distinct from the components fished from Newfoundland. There is a much greater degree of mixing between the components fished by the two Newfoundland stations. This is to be expected since their grounds have overlapped to some extent, particularly in recent years as the Dildo station has worked further north.

Catch and effort data are available for all three stations and in each case a diminishing trend in catch per unit effort has become apparent over the years. The most convenient unit of effort has been the catcher-days-work with modification in some cases where vessels have been changed.

For Blandford, catches and efforts for the period June through August have been used as a basis for population estimates since in several years' effort in other parts of the season was diverted largely to other, species of whales. In 1971 some additional periods in which catching was concentrated on fin whales have been eliminated also. In some years two vessels were used at Blandford but effort has been standardized in terms of days worked by the catcher "Chester" which was used in most years. For other vessels a conversion factor based on relative catch rates in seasons when both were operated has been used.

At Dildo, where two vessels were used in some years, effort has been standardized on the catcher "Westwhale 8" following a similar procedure. In 1971 weather conditions were bad in the area worked by this station and an adjustment for this effect has been included.

At Williamsport and, to some extent, at Dildo the reduction in catch per catcher day is associated with greater distances travelled by the catchers to find whales rather than with longer time spent in searching on the same grounds. Since, however, catch per day, even in this situation, provides a measure of the abundance of whales over the total grounds worked by the station, it appears satisfactory to use the data as a basis for population estimates.

The table shows catch per unit effort and population estimates for fine whales in the grounds worked by the three stations. It also shows estimates of the 1972 sustainable yield, which could be taken without further reduction in stocks, and of the maximum sustainable yield. At Dildo and Williamsport it appears that present sustainable yields are below the maximum because recruitment is at present derived from the largely unexploited stocks of four or five years ago, and will therefore be below the level to which it should rise when it is derived from reduced stocks.

Year	Blandford, N.S. Catch per catcher day		Dildo, Nfld. Catch per catcher day		Williamsport Catch per catcher day		Total	
	C/E	Est. Pop.	C/E	Est. Pop.	C/E	Est. Pop.	Est.	Pop.
1966	2.97	1,180	--	--	--	--	--	--
1967	2.41	970	--	--	1.49	2,410	4,500	
1968	2.33	690	1.49	1,120	1.27	2,160	3,970	
1969	1.44	500	1.52	930	1.17	1,960	3,390	
1970	1.04	410	0.89	770	0.88	1,800	2,980	
1971	0.78*	330	1.10*	640	0.94	1,610	2,580	
1972	--	320	--	550	--	1,500	2,370	
1972 SY		53		25 ¹		65 ¹	143	
MSY		52		145		96	293	

* Adjusted in 1971 for bad weather at Dildo and for sei whale catching at Blandford

¹ Note that number of recruits should increase as recruitment from reduced population comes through.

REPORT OF THE NOVA SCOTIA WHALING BAN
JOINT CONSULTATIVE COMMITTEE

1. INTRODUCTION

This Committee was established under the Manpower Assessment Incentive Agreement dated April 19th, 1973, between The Minister of Manpower and Immigration, The Minister of Fisheries, Karlsen Shipping Company Limited and Alexander Fraser as representative of employees of Karlsen Shipping Company Limited.

The Committee consisted of:

- G. R. Matheson - Chairman
- Peter M. Hart - Appointed by the Minister of Fisheries
- Harald L. Henriksen - Appointed by Karlsen Shipping Company Limited
- Alexander Fraser - Appointed by employees of Karlsen Shipping Company Limited
- Paul E. Giguere - The representative of the Manpower Consultative Service of the Department of Manpower and Immigration as advisor and consultant to the Committee.

The Committee met formally on ten occasions. It also examined the facilities of Karlsen Shipping Company Limited at New Harbour (Blandford) Nova Scotia and held one meeting with employees of the Company.

The Chairman met with members of Arctic Fishery Products Limited at Dildo, Newfoundland and of Atlantic Whaling Company Limited at St. Anthony. The two Committees maintained close contact throughout and communication and exchange of views between them will be reflected in their findings and recommendations.

2. History of Karlsen Whaling Operations

The following background information was prepared by Mr. Henriksen at the request of the Committee.

"Our Plant at Blandford started out as a seal processing plant and was built in the summer/fall of 1948, starting operations in the Spring of 1949. The land the Company purchased for this operation is on the South side of the Harbour and this land as well as the land on the North side was originally divided into fishing lots and owned by the local residents, all inshore fisherman, but since there was no road to the land on the South side and every fisherman owned land on both sides, their activity was restricted to the north side of the harbour. There has therefore never been any fishing activity on the South side.

When acquiring the land, an agreement was made with the sellers that should there be any hiring at the Plant, those that sold the land should have first refusal for employment.

At that particular time, the fishing cycle for local fishermen was that they would generally go after lobsters in the month of May and after the lobster season would then go fresh fishing, which they salted in their stages and later in the fall, sold as pickled fish. During the summer and late fall they would also go after mackerel and herring and again these products would be salted for later sale. Fishing generally ended by the middle or end of October and the fishermen then went lobster fishing in the month of December.

The hiring for the Seal Plant operation generally started the middle or end of March and the main production was completed by the first or second week of May. During this time the company employed as many as 35 to 50 men, recruited from the Blandford area and also Little Tancook and Tancook Island. The men from the two islands commuted the open stretch of water to the Plant by boats, generally one from each Island. The men who wanted to go back to fishing left our employ generally at the beginning of May, but a nucleus force of 12 to 16 men stayed with our Company and continued working on the seals grading, packing, etc. and together with this

work, the necessary maintenance and also expansion of the Plant, which took place almost yearly, these men had additional employment of 4 to 5 months. These men gradually became completely dependent on employment at the Plant as they had now sold their fishing boats and gear.

The Plant's activity was exclusively seals up until the beginning of the 1960's when the Company began experimental fishing for whales with our M/S MINNA. The result was encouraging to the extent that a small coastal whaler was chartered for the purpose of ascertaining the size of the stock. After two years of experimental fishing it was decided that a sustainable yield whaling operation was feasible and in 1966 the Plant extended so that the whales could be cut up ashore according to International rules and regulations. At the same time a regular antarctic whaler was acquired abroad for the purpose of bringing the whales to the Plant. This year our summer employment expanded to approximately 70 men. As the additional employees now understood that employment at the Plant could be offered from 7 to 9 months of the year instead of just 2 to 3 months in the Spring, a large number decided to stay on at the Whale Plant and gradually over the year, they disposed of their inshore fishing gear and also quite a number disposed of their boats as these were not used. As these communities, especially Little Tancook and Tancook are rather isolated and there is no other industry in the area, the ban imposed on whaling, very seriously affects their future existence. As you surely realize, they lack the necessary capital to return to inshore fishing.

As an employer, we can only say that we have had a long, close and happy association with our men, who have been both hard working, willing and interested in their work all these years."

3. Employees Affected by the Whaling Ban

The Committee was provided with all the details and information it required from the payroll and other records of the Company. The other members of the Committee were also greatly assisted by the personal knowledge of Messrs. Henriksen and Fraser of local conditions and the problems created for individuals by the discontinuance of whaling operations

The Committee's Terms of Reference include the development of a manpower adjustment program but the Committee early concluded that its first priority must be the question of compensation for employees affected by the whaling ban. Any program of readjustment whether through training, re-employment in the area or relocation will necessarily be slow and the concern of the employees over their loss of future employment makes compensation a matter of great urgency to them.

Most of the employees have lived all of their lives either on the the Blandford Peninsula or on Tancook Island or Little Tancook Island. As a group they have little mobility and the relative remoteness of this area makes it difficult for them to find employment within commuting distance of their homes. Most of them do not have the skills that would enable them to find employment even if adequate transportation facilities were available. Most of them belong to families which have lived in this area for many generations and they will undoubtedly resist efforts to move them to areas where employment is available. The Committee has not decided whether it should itself initiate a program of readjustment or whether such efforts should be made through the local facilities of the Department of Manpower and Immigration. The Committee has been informed that the Karlsen Company is making every effort to convert the whaling plant to other purposes but at this moment we must assume that the prospect of establishing a viable operation which will employ a significant number of persons is uncertain. The Committee had no difficulty concluding that plant workers engaged in processing whales at Blandford were directly affected by the whaling ban. We had some difficulty with the crew of the whaling vessel operated by the Karlsen Company but finally agreed that these employees were directly affected according to the criteria adopted by the Committee.

Some maintenance workers posed a special problem in that they are based at Halifax where they were normally engaged full time carrying out maintenance and repairs to other ships and vessels of the Karlsen Company. None of them has been laid off as the result of the whaling ban. We are satisfied however that these employees have been directly affected in that much of the work that they performed at the Blandford Plant was done on an overtime basis so that their income has been substantially reduced. For some of them the closing of the Blandford Plant may result in a lay-off unless the Company can find another use for this facility which will require their skills. We have decided that the basis of compensation for maintenance employees should be the amount of overtime earned by them during the period being considered for calculating the compensation for production workers.

The Committee also considered recommending that compensation be spread over a period of five years with payments to terminate upon resumption of whaling by the Karlsen Company or the finding of suitable employment by a recipient of compensation. We finally rejected this condition partly because no such conditions are recommended by the Newfoundland Committee but also because some of the members of the Committee were fearful that it would deter some of the employees from seeking other employment or taking advantage of any adjustment program offered to this group.

4. Recommendation and Basis of Compensation

The Committee recommends:

(a) That the employees listed on Schedule "A" annexed hereto be compensated to the extent indicated in the Schedule. For the purpose of selecting the persons to be compensated the Committee defined an affected employee to be

an employee who worked in the whaling processing operations of Karlsen Shipping Company Limited in 1972 and who would normally have been re-engaged by the Company if whaling operations had continued in 1973. Employees who had worked for the Company prior to 1972 but who did not work during 1972 solely because of injury or illness have been included.

(b) That the compensation to be paid to those plant workers who were employed during all three years of the period from 1970 to 1972 inclusive should be twice the amount of the highest annual earnings during such period. Where the compensation exceeds Three thousand dollars (\$3,000.00) this compensation should be paid to them by three annual equal instalments, the first of such instalments to be paid immediately upon acceptance of this recommendation and the remaining instalments to be paid respectively on approximately July 1, 1974 and July 1, 1975. Where the compensation is Three thousand dollars (\$3,000.00) or less it should be paid in a lump sum.

(c) That the compensation to be paid to these plant workers who were employed during only two years of the period 1970 to 1972 inclusive should be two-thirds of twice the amount of their highest annual earnings during the two years they were employed. Where the compensation exceeds Three thousand (\$3,000.00) this compensation should also be paid by instalments in the same manner as compensation is paid to the employees who were employed for all three years. Where the compensation is Three thousand dollars (\$3,000.00) or less it should be paid in a lump sum.

(d) That the compensation to be paid to those plant workers who were employed during only one year of the period from 1970 to 1972 inclusive should be one-third of twice the amount of their wages for the year they were employed. This compensation should be paid in a lump sum immediately upon acceptance of this recommendation.

(e) That the basis for calculating compensation to be paid to employees engaged in maintenance and repairs of the Blandford Plant and the Company Whaling Vessel M. V. Thorarinn be twice the highest annual overtime earned during the period 1970 through 1972 with the same differential and method of payment to be applied as recommended for plant workers.

(f) That the compensation for crew members of the Whaling Vessel M. V. Thorarinn be calculated and paid according to the recommendations relating to plant workers.

(g) That Norwegian Citizens employed on the whaling vessel not be compensated.

(h) That any employee whom the Committee has determined is not eligible for compensation should have the right of appeal to the Committee for reconsideration of its decision. Any employee found to be eligible for compensation may similarly appeal the amount of compensation awarded to such employee.

The Committee has unanimously approved these recommendations.

Respectfully submitted

Nova Scotia Whaling Ban
Joint Consultative Committee

G. R. Matheson
Chairman

September 26th, 1973

NEWFOUNDLAND WHALING BAN JOINT CONSULTATION COMMITTEE

I N T E R I M R E P O R T

1. Introduction

The Committee was set up under the Manpower Assessment Incentive Agreement entered into between the Minister of Manpower and Immigration and The Minister of the Environment, The Government of Newfoundland and Labrador (as represented by the Minister of Fisheries), Fishery Products Limited and Atlantic Whaling Company Limited and Arctic Fishery Products Ltd., and Newfoundland Fishermen Food and Allied Workers Union, Local 1252. Because of the need to compensate those employees materially affected by the Whaling Ban, the Committee set about to consider its first objective:

"to devise a formula for equitable distribution of compensation to employees as a result of the Atlantic Coast Whaling Ban."

2. Employees eligible for compensation

To determine this the Committee had to obtain accurate information concerning the names, addresses and earnings of all employees of the Whaling Stations in Newfoundland affected by the Ban. The Companies involved, Arctic Fishery Products Ltd., operators of the Whaling Station at Dildo, and Fishery Products Limited and Atlantic Whaling Co. Ltd., operators of the Whaling Stations at Williamsport and St. Anthony, provided the Committee with this information.

The lists of employees were scrutinized by the Union representing the majority of the employees and by both Management and Government representatives on the Committee, who satisfied themselves that the lists were complete and accurate.

The Committee then set about to determine those employees on the list who would be eligible for compensation. In gathering information on the employees affected by the Ban it became obvious that the Companies (Arctic Fishery Products Ltd. and Fishery Products Ltd.) continued to employ many of these employees processing other species of fish. The problem therefore became, for a majority of the employees involved, one of loss of earnings rather than loss of employment and the need for a cushion to assist them in finding new employment.

In the Arctic Fishery Products Ltd. plant at Dildo the firm, in addition to processing whale meat, was also engaged in freezing and packaging ground fish. Thus many of the employees were engaged in both operations. This enabled an employee to get some nine months work each year. With the imposition of the Whaling Ban the employees' period of available work has been reduced to six months or less.

In the Arctic Fishery Products Ltd. plant at Dildo the firm, in addition to processing whale meat, was also engaged in freezing and packaging ground fish. Thus many of the employees were engaged in both operations. This enabled an employee to get some nine months work each year. With the imposition of the Whaling Ban the employees' period of available work has been reduced to six months or less.

In the Fishery Products Ltd. and Atlantic Whaling Co. Ltd. plants the operations were more defined. Employees worked exclusively at whale meat and did not alternate between that and ground fish. The Company has however endeavoured to utilize its facilities for processing other species and thus many people in the St. Anthony area have received limited employment. The exception of course would be the employees in communities such as Williamsport, Harbour Deep, etc., who would not have an alternate source of employment available to them.

The Committee concerned itself with the question of high school students and college students who may appear on the list. After much consideration the Committee came to the conclusion that it is a way of life in Newfoundland outports that boys and girls when they are old enough go to work in the fish plant or fishing with their father to supplement the family income or to help them through college.

In examining the lists of employees affected it was noted that the list for Arctic Fishery Products Ltd. was much larger than that for Fishery Products Ltd. and Atlantic Whaling Co. Ltd. This question was gone into very thoroughly and it was determined that the reason for the difference was two fold as far as Arctic Fishery Products Ltd. operation is concerned

- (1) The practise in Newfoundland of providing as much work as possible for eligible people in a community.
- (2) The effects of the seniority clause in the Collective Agreement covering employees in the total operation which allowed the more senior employees to bump the more junior ones. Thus the number of people in the plant fluctuated with the rise and fall of the supply of whales and ground fish.

These factors did not affect the Fishery Products Ltd. and Atlantic Whaling Co. Ltd. operation. The whaling operation was separated from the fresh fish operation and there was no collective agreement affecting the employees of Atlantic Whaling Co. Ltd.

3. Consideration of Compensation

In dealing with the matter of compensation the Committee received proposals from a sub-committee set up for that purpose which were as follows:

" ALTERNATIVE #1

On the basis of certified employment at the whaling station during 1972 a payment of 100 per cent of 1972 salary from the whaling station plus 40 per cent of 1972 salary for each other year (season) employed at the whaling station to a maximum of 300 per cent of the 1972 salary.

In cases where other employment has been secured, or is being guaranteed, the payment will amount to 50 per cent of what it would be under the formula described above. This condition will apply if the employment referred to has been secured or arranged by August 1, 1973.

ALTERNATIVE #2

On the basis of certified employment at the whaling station during 1972, a payment of 100 per cent of 1972 salary from the whaling station plus 40 per cent of the salary in each preceeding year of employment at the station to a maximum of 300 per cent of the 1972 salary.

In cases where other employment has been secured or is being guaranteed the payment will amount to 50% of what it would be under the formula described above. This condition will apply if the employment referred to has been secured or arranged by August 1, 1973.

ALTERNATIVE #3

On the basis of certified employment at the whaling station during 1972 a payment of 100 per cent of 1972 salary from the whaling station plus 40 per cent of 1972 salary for each other year (season) employed at the whaling station to a maximum of 300 per cent of the 1972 salary.

Where other employment is obtained during 1973 and the next two years the average yearly payment arrived at from the formula above will be reduced by the amount of earnings from other employment in 1973, 1974, and 1975. This difference will be paid on presentation of T4 slips for earnings in each of the years mentioned above.

ALTERNATIVE #4

On the basis of certified employment at the whaling station during 1972, a payment of 100 per cent of 1972 salary from the whaling station plus 40 per cent of the salary in each preceeding year of employment at the station to a maximum of 300 per cent of the 1972 salary.

Where other employment is obtained during 1973 and the next two years the average yearly payment arrived at from the formula above will be reduced by the amount of earnings from other employment in 1973, 1974, and 1975. This difference will be paid on presentation of T4 slips for earnings in each of the years mentioned above."

Counter proposals were received from the Union representatives as follows:

" PROPOSED PLAN FOR COMPENSATION

- 1) That compensation, unless special circumstances warrant it, should be for those who made a minimum of \$250.00 in 1972.
- 2) That in 1973 all those affected by the ban should be paid their 1972 earnings but for those who have found work elsewhere that the amount of assistance be diminished by \$1.00 for every \$2.00 earned.
- 3) For those who worked in the industry less than 3 years that they be guaranteed an additional 3 years at at least 80% of their top year's earnings. Once again that any income earned would effect this assistance and be diminished by \$1.00 for every \$2.00 earned.
- 4) For those who worked in the industry for more than 3 years they should get assistance. The above programme would carry on in relation to the number of years they were in the industry."

The Committee in part disregarded these proposals because it felt that the compensation should be a means to help a person adjust rather than pay a person not to work.

4. Nova Scotia Whaling Ban Joint Consultation Committee

The Chairman worked closely with the Chairman of the Nova Scotia Committee and visited the whaling stations in each Province. The recommendations of this Committee I believe in general are similar to the Nova Scotia Committee's, although there are differences as there are differences in the operations of the stations in each Province.

5. Recommendations

(1) High School and College Students

Because of the reasons outlined in Section 2 of this report, it was the unanimous decision of the Committee that they should be considered as eligible for compensation.

(2) Employees employed at processing ground fish

Since these employees were materially affected by the Whaling Ban, it was the unanimous decision of the Committee that they should be considered as eligible for compensation.

(3) Special Cases

- (a) W. J. O'Brien - Manager - Arctic Fishery Products Co. Ltd. plant, Dildo. The Committee considered the matter of compensation for Mr. O'Brien and felt that since he was engaged in other activities for the Company compensation would be limited to 80% of the eligible amount.

- (b) Adolph Prince - Charleston Plant - Arctic Fishery Products Co. Ltd. Since Mr. Prince was involved in freezing whale meat at the Charleston Plant, compensation would be limited to 50% of the eligible amount.
- (c) Wallace Tremblett - Chief Engineer - Arctic Fishery Products Co. Ltd. Since Mr. Tremblett was involved as the Company's engineer for both plants at Charleston and Dildo compensation would be limited to 75% of the amount eligible.

(4) Formula for Compensation

The Committee unanimously approved the following formula:-
An employee employed in 1972 and who earned \$250.00 or in excess of that amount, or for reasons acceptable to the Committee was not employed in 1972 but was employed in 1971 or who earned less than \$250.00 in 1972, and who was employed for:

- (a) Three or more years would receive the highest two years salary of his last three years salary spread over the following three years, however persons entitled to a total of \$1,500.00 compensation or less would receive it in a lump sum payment.
- (b) Two years would receive his higher year's salary in one lump sum payment.
- (c) One year would receive one-half his salary in 1972 in one lump sum payment.

The above payments would be made with no conditions attached.

Note: In (1)(a) it is the intention of the Committee that the payments be made annually in one lump sum.

(5) List of Employees

The Committee unanimously approved the list of employees set out in Appendix "A" as those eligible for compensation in the amounts as shown on the list.

(6) Appeals

The Committee unanimously agreed that each employee eligible for Compensation would be so advised stating the amount of compensation and the criteria on which compensation was based. In addition a list of the names and addresses only of persons eligible for compensation would be posted at the Whaling Stations. The employees would be advised that employees dissatisfied with their eligibility for compensation or the amount of compensation would be afforded an opportunity to appeal to the Committee. Note: Action on this matter has been deferred pending acceptance of this Interim Report.

6. Total Cost of Compensation

A breakdown of the number of employees and the total cost of compensation is as follows:

Employees eligible for compensation	
Arctic Fishery Products Ltd.	188
Atlantic Whaling Co. Ltd. and Fishery Products Ltd.	<u>84</u>
Total Employees	<u>272</u>

Compensation:

Total amount of compensation = \$808,566.30

Total amount of compensation
1st year = 359,193.79

Total amount of compensation
each of following two years = 224,686.30

Respectfully submitted

Newfoundland Whaling Ban
Joint Consultation Committee

C. S. Rennie
Chairman

September 6, 1973

INTERNATIONAL WHALING COMMISSION

32nd Annual Meeting

Canadian Statement - Moratorium on all Commercial Whaling

Mr. Chairman - I would like to elaborate on the position of the Government of Canada regarding the proposed moratorium on all commercial whaling. Canada votes against the proposed moratorium in reflection of a policy which recognizes that marine mammals are a harvestable resource subject to the needs of conservation. Such is implicit in the Whaling Convention under which we, in good faith, must operate. It is our view that, in the absence of a clear and scientifically justified recommendation from the Scientific Committee in support of a moratorium on commercial whaling, such action is unnecessary and that conservation requirements can be adequately met under the "New Management Procedure" of stock classification and quotas which in essence provides for selective moratoria (zero quotas) based on scientific analyses of stock status. In opposing the moratorium on all commercial whaling we are also cognisant of the fact that the operation of the present management regime, while not without significant room for improvement, has been generally acceptable in that the recommendations of the Scientific Committee have nearly always been accepted and that they have resulted, in most cases, in significant quota reductions and full protection of many stocks. We are also concerned that, in response to passage of the moratorium proposal, Commission members might lodge objections and then conduct whaling operations at levels above those which would have been acceptable under the existing management regime. This would clearly be a retrogressive development that none of us would wish to see.

Finally Mr. Chairman, Commissioners are aware that Canada is an advocate of negotiating a new convention of broader scope and which would cover all cetaceans. It is our view, however, that a moratorium on all commercial whaling, not based on scientific grounds, is inconsistent with the expressed purposes and with Article V of the present Convention.

M. C. Mercer
Commissioner

Resolution

The International Whaling Commission

Taking Note of the existence of whaling operations outside the International Whaling Convention,

Concerned that such operations have adverse effects on the objects of the International Whaling Convention,

and

Considering that it is essential that urgent attention be given to further measures to restrict such operations.

Decides

To establish a Working Group to examine all questions relating to whaling operations outside the International Whaling Convention,

That the Working Group shall report to the 33rd Annual Meeting of the IWC on measures it considers appropriate and desirable to restrict activities outside the present Convention.

The International Whaling Commission

Recalling the resolution adopted by member nations at the 31st Annual Meeting to prohibit the importation of whale meat and products from non-member countries and operations, and

Taking note of the reports submitted to the present session by some Contracting Governments of the measures they have taken in accordance with that resolution.

Decides

To urge Contracting Governments which have yet to take measures in accordance with the resolution of the 31st Annual Meeting to do so immediately.

That member states shall prevent the transfer of whaling vessels and equipment and, as far as possible, the dissemination of whaling information and expertise, or the provision of any other type of assistance specifically designed for and likely to be used for whaling to any nation or entity under the jurisdiction of such a nation which is not a member of the IWC,

That member states shall take all practicable steps within their competence to prohibit their nationals from offering services or expertise directly relevant to whaling to any vessel belonging to any nation, or entity under the jurisdiction of such a nation, which is not a member of the IWC.

That member states shall consider taking the necessary appropriate steps to enforce the above measures,

That nothing herein shall be construed as preventing the Scientific Committee from providing advice to nations not yet party to the IWC in respect of the conservation of whale stocks.

That the question of adopting amendments to the Schedule to give effect to the above measures be placed on the agenda of the 33rd Annual Meeting.

INTERNATIONAL WHALING COMMISSION

32nd Annual Meeting

Canadian statement on the question of the responsibilities of the I.W.C. regarding the management of Narwhal and Beluga.

At its 31st Annual Meeting in July 1979, the Commission agreed that the matter of listing narwhal and beluga in paragraph 1 of the Schedule to the Convention be referred to the 32nd Annual Meeting and that, in the interval, Contracting Governments should seek legal and policy advice on their positions. The issue arose as a result of the recommendations of the Scientific Committee that:

- "(1) the white whale (beluga) and narwhal taken in aboriginal/subsistence fisheries should be defined as "whales" and listed in paragraph 1 of the Schedule so that appropriate management procedures may be discussed and implemented; and
- (2) the Cumberland Sound, Baffin Island population of white whales should be classified as a Protection Stock."

The Canadian position, as stated last year, is that the species should not be added to the Schedule.

I would like to comment first with regard to the legal competence of the Commission to manage narwhal and beluga. It is clear that the Preamble to the Convention makes specific reference to "all species of whales". We note however, that "whale" is not defined in the Convention. There thus arises the question of the precise ambit of the word and particularly the issue of whether narwhal and beluga are in fact "whales". A lack of clarity on this latter point is present in usage of the word "whale". Indeed, the fact that the Scientific Committee recommendation referred to above includes the phrase "should be defined as whales" is a reflection of the uncertainty among the scientists as to whether narwhal and beluga are or are not "whales".

It is very clear that the scientists do not consider that all cetaceans are whales or consider that the present Convention covers all cetaceans. At the 28th meeting the Scientific Committee endorsed the recommendation of

the Sub-committee on Small Cetaceans that "...the present Convention for the regulation of whaling should be revised so that the Convention covers all cetaceans and all forms of exploitation...". This recommendation was advanced to the Commission for attention of its working group on redrafting the Convention.

However the question of the definition of whale is patently not a scientific one. One cannot look to rules or practice in animal taxonomy as terms such as "whale", "porpoise" and "dolphin" have no formal biological meaning i.e. the International Rules of Zoological Nomenclature apply only to Latin names. Thus no species are technically (i.e. biologically) "large cetaceans" or "small cetaceans". The question of small cetaceans versus large cetaceans is thus a red herring and the question of relevance to the Commission is "whales" versus "other cetaceans". For this we may refer to the Treaty itself and to common usage.

While the Treaty is silent on the matter the Final Act of the International Whaling Conference (December 2, 1946) recommended by resolution "that the chart of Nomenclature of Whales annexed to this Final Act be accepted as a guide by the governments represented at the Conference". The chart listed all the baleen whales (including the pigmy right whale) but among the toothed whales only the sperm and bottlenose whales were included.

While beluga are sometimes referred to as "white whales", both the Shorter Oxford Dictionary on Historical Principles (3rd Edition, 1966) and the New Webster's Dictionary of the English language (1975) refer to beluga as a member of the dolphin family. As one example of common usage I would also like to draw your attention to the July 5, 1980 issue of Today Magazine, the widest circulation magazine in Canada, which contains an article on beluga which are consistently referred to as dolphins. I would further refer to the French version of the definition section of the Canadian Regulations for the Protection of Beluga which defines beluga as "marsouin blanc" i.e. white "porpoise", the common French term for the species.

Article 31 of the Vienna Convention on the Law of Treaties indicates that treaties should be interpreted "in accordance with the ordinary meaning

to be given the terms of the Treaty in their context and in the light of its object and purpose". This is germane to the question of interpretation of the term "whale". The object and purpose of the 1946 Whaling Convention, as reflected in its preamble, is "to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry". This would clearly argue against the construction that "whale" = cetacean, e.g. would we list on the Schedule and regulate the take of a rare freshwater dolphin in order to "thus make possible the orderly development of the whaling industry".

The Canadian Government's interpretation of narwhal and beluga as not being "whales" is not a new one arrived at for the convenience of our debate here today. Upon ratifying the International Convention for the Regulation of Whaling, Canada passed enabling legislation in the form of the Whaling Convention Act. Regulations made pursuant to this Act were used to control commercial whaling during the time when Canada had a commercial whaling industry, as well as to control the harvest of "right whales" including bowheads. The Whaling Convention Act has never been used to regulate takes of narwhal and beluga. Such harvests have been regulated by the Narwhal Protection Regulations and Beluga Protection Regulations made pursuant to the Fisheries Act.

I note that while some might argue that recent addition of species to the Schedule has established a precedent for the inclusion of narwhal and beluga it is significant that the species recently listed are those taken by multi-species high-seas whaling vessels where minke whales are also an important component of the catch; it was critical to have full data on the entire whaling operations in order to allow partition of effort by species and thus allow valid assessments to be conducted. It was upon this basis and this basis only that the pilot whale and killer whale were listed. Such is not the case for the narwhal and beluga stocks which occur in waters exclusively under coastal state jurisdiction and are taken in Canada only in aboriginal/subsistence harvests by our Inuit and Indian people.

I would also refer to Article V(2) of the International Convention for the Regulation of Whaling which states in part that amendments of the Schedule

"shall be such as are necessary to carry out the objectives and purposes of the Convention and to provide for the conservation, development, and optimum utilization of the whale resources". The operative phrase here is "as are necessary" and I would strongly suggest to you that the recent and continuing management and research initiatives taken by the Government of Canada in relation to narwhal and beluga make it unnecessary for the I.W.C. to amend its Schedule to include these species on the basis of any advice which has been provided by the Scientific Committee. In this regard the same Article requires that amendments to the Schedule be "based on scientific findings". I would point out that the Sub-committee on Small Cetaceans has met six times prior to this year. No specific management recommendations followed the first such meeting in 1974. In 1975 the recommendations, which focussed on the collection of data and research priorities, did not mention narwhal or beluga. In 1976, the Sub-committee referred to the need for immediate action with respect to the northern bottlenose whale, the striped dolphin, Dall's porpoise and harbour porpoise; no recommendations were made concerning narwhal or beluga. Again in 1977 there were no recommendations from the Sub-committee concerning the management of narwhal or beluga stocks. However, the Report of the Scientific Committee specifically noted that for narwhal, "there is no evidence of over-exploitation". Neither did the recommendations from the 1978 meeting of the Sub-committee express a concern regarding the status of narwhal or beluga stocks. 1979 was the first time that the Sub-committee or the Scientific Committee made recommendations concerning beluga and narwhal stocks. In this instance the recommendation concerning narwhal was not a scientific/management recommendation. It merely advocated that the Commission assert management authority rather than advising on any management actions that should be undertaken. Such action is thus not "necessary" as required pursuant to Article V(2)(a) nor is it "based on scientific findings" as required under Article V(2)(b).

In response to the concerns expressed by the scientists last year, Canada has undertaken a number of management and research initiatives. These include the monitoring of the beluga hunts in the Mackenzie Delta, Cumberland Sound, James Bay and Northern Quebec to obtain more accurate catch records and to increase hunting efficiency. In addition we have instituted a program to assess and improve narwhal hunting efficiency in

Pond Inlet and Arctic Bay. The foregoing management programs have been initiated at a cost to the Government of Canada of approximately \$ 228,000.

Revised Beluga Protection Regulations became law in May 1980, while the revised draft of the Narwhal Protection Regulations is presently under review for early adoption. The revised Beluga Protection Regulations set a quota for the aboriginal take of the Cumberland Sound, Baffin Island population of beluga at 40, representing a substantial (43 per cent) reduction from the 1979 voluntary "quota" of 70 which was agreed to and self-imposed by the local Hunters and Trappers Association. This represents the first legal quota on beluga and a 78 per cent reduction from the harvest level of 178 which occurred in 1977. The quota of 40 approximates the net recruitment rate. Further, Government and industry research programs costing in excess of \$ 750,000 have been recently initiated on the distribution, migration, population size, critical habitats, reproductive rates and other biological parameters of narwhal and beluga in Canadian waters. Further information on our research and management efforts is summarized in the attachment to the printed copies of my statement.

This year Canada will consider the advice of the Scientific Committee along with the results of this year's field work and consider additional measures that may be necessary or desirable. To do this effectively we must be in a position to continue to work co-operatively with the Inuit people involved. The foregoing information should demonstrate clearly that Canada, as the competent coastal state, is being responsible in the management of narwhal and beluga stocks in the Canadian arctic and that an amendment to the Schedule to include narwhal and beluga in paragraph 1 thereof is unnecessary and would in fact be contrary to the conditions set out in Article V(2) of the Convention.

Further and with specific reference to narwhal I would emphasize that there have been no recommendations for management actions from either the Scientific Committee or the Sub-committee on Small Cetaceans. As I have already noted the Scientific Committee did however state in 1977 that "there is no evidence of over-exploitation". It is in our view therefore inconceivable that listing this species is either necessary, based on scientific findings, or consistent with the object and intent of the Convention.

In addition to the question of what measures are necessary pursuant to Article V(2), many delegations have undoubtedly considered the fact that the only exploitation of narwhal and beluga in Canada is by the Inuit and Indian peoples. The "New Management Procedure" which automatically results in classifying stocks below 90% of MSY level as "Protected" with a zero quota was designed for commercial whaling. I think most Commissioners would agree that this system is inappropriate for local subsistence harvests of any species.

With respect to the possible argumentation drawing analogies between narwhal and beluga and bowhead whales I would re-emphasize the following points:

- a) The bowhead whale was explicitly recognized and listed in the Schedule to the Convention in its original form and the Commission's mandate is thus not at issue. Such is not the case for narwhal and beluga.
- b) For narwhal there has been no scientifically based management advice while there has been scientific advice that there is no evidence of over-exploitation. As we are all well aware, such is not the case for bowheads.
- c) With regard to the Cumberland Sound stock of beluga referred to by the Scientific Committee, aboriginal subsistence takes have been reduced from 178 to 40 (i.e. by 78%) in the last 3 years without the need for Commission intervention. There has been no such similar reduction in the case of bowheads in spite of scientific recommendations and Commission action.
- d) In the last year, immediately subsequent to the receipt of scientific advice, harvest levels were reduced by 40%. Canada has not delayed in reacting responsibly to the scientific advice. In the case with bowheads restriction in catch awaited Commission action.
- e) The harvest levels of beluga in Cumberland Sound are already at about the level of sustainable yield, whereas the harvest of Bering Sea bowheads is far in excess of such levels.

- f) Whereas with bowhead the concern is for the very survival of the species, in the case of beluga we are talking about the integrity of a population - a much different situation.

I would further emphasize that not only did Canada respond in a responsible and immediate manner to the scientific advice concerning beluga, but the Canadian Inuit have agreed to the established quota and that we are co-operating in this matter. There is little doubt that this co-operation is greater than it would be if the Commission were to impose management measures on narwhal and beluga stocks.

It is the position of the Government of Canada that not only would it be contrary to the Convention for the International Whaling Commission to assert management of these stocks but that the exclusive sovereign rights in respect of the conservation, management and exploitation of all living resources within the Canadian 200 mile zone, include narwhal and beluga. In this regard I should emphasize that beluga and narwhal are found entirely inside 200 mile zones unlike such species as the bottlenose which range across the high seas. In addition, while Canada accepts the obligations under Article 65 of the L.O.S. Conference Negotiating Text (ICNT/REV2) which obliges coastal states to co-operate with a view to the conservation of marine mammals, and in the case of cetaceans to "work through the appropriate international organizations for their conservation, management and study", Canada does not consider that Article 65 of the ICNT in any way over-rides Canadian sovereign rights in respect of conservation, management and exploitation of beluga and narwhal in the Canadian 200-mile zone.

Canada supported the recently accepted formulation of Article 65 at the LOS Conference just as we supported the establishment of the I.W.C. Sub-committee on Small Cetaceans. It is our view that Canada can meet its obligations under Article 65 of the ICNT and that the I.W.C. can play an appropriate role in respect of the conservation, management and study of narwhal and beluga stocks occurring within waters under Canadian jurisdiction in the following ways:

1. Canada would continue to submit scientific data and other information to the Scientific Committee of the I.W.C. for discussion and comment.
2. The IWC Scientific Committee would continue to review the status of these stocks and to provide advice to be passed to the Government of Canada which is the only authority in a position to ensure conservation of these stocks and their rational use by native peoples (by virtue of its exclusive sovereign rights within its 200-mile zone.)

It is the position of the Government of Canada that this approach would be consistent with Canada's international obligations and with the responsibilities of the I.W.C. This approach is also consistent with our proposal for a new "International Cetacean Convention" and the approach to narwhal and beluga reflected therein. Canada remains strongly committed to this proposal.

In summary, Mr. Chairman, in arguing against amendments to the Schedule to include narwhal and beluga I have made the following points:

1. That the interpretation of narwhal and beluga as "whales" is highly arguable and we cannot accept that "whale" = "cetacean".
2. That even if it were construed that these animals are "whales" according to common usage of the word, they do not appear to be "whales" in the context and light of the object and purpose of the 1946 Whaling Convention and therefore should not be so interpreted according to the Vienna Convention on the Law of Treaties.
3. That amendment to the Schedule to include Narwhal and Beluga in paragraph 1 thereof is unnecessary and therefore contrary to Article V(2) of the Convention because:
 - (a) The Scientific Committee has not made specific recommendations concerning the management of narwhal, and its listing would not be based upon scientific findings as required by Article V of the Convention.

- (b) Canada has acted responsibly in relation to the recent scientific concerns regarding these stocks as exemplified by the recent management and research initiatives - particularly the institution of a quota for the Cumberland Sound, Baffin Island population of beluga.
 - (c) Narwhal and beluga stocks to which recommendations of the Scientific Committee refer are harvested only in aboriginal/subsistence fisheries which should not be regulated in the same manner as commercial operations.
 - (d) Catches of Cumberland Sound, Baffin Island beluga have been reduced from 178 in 1977 to 40 in 1980. Such catches are approximately equal to the net recruitment rate.
 - (e) Canada has exclusive sovereign rights in respect of the conservation, management and exploitation of all living resources within the Canadian 200 mile zone, including narwhal and beluga.
4. That Canada has presented a draft text for a new International Cetacean Convention and views re-negotiation of the Convention, rather than manipulation of the existing Convention, as the only reasonable means of effecting control over those cetaceans presently not covered by the International Whaling Convention. It is, in our view, totally inappropriate to attempt to fundamentally alter the intent and purpose of an international convention by perverting interpretation of words therein. Some members, until recently, were strong advocates of the position that a new convention was required in order to deal with all cetaceans. After several years of preparatory work towards this end it would appear rather facile to suddenly reach the determination today that the present convention does, within the spirit of its intent and purpose, cover all cetaceans.

In summary, Mr. Chairman, Canada is very strongly opposed to the listing of narwhal and beluga on the Schedule to the International Convention for the Regulation of Whaling and would view such action by the Commission as a matter of serious concern.

M. C. Mercer

Canadian Beluga and Narwhal Management
and Research Programs for 1980*

I GOVERNMENT AND GOVERNMENT-SPONSORED PROGRAMS

Management Programs

A. Beluga

Mackenzie Delta: Monitoring of the hunting camps to obtain accurate catch records and ensure efficient hunting techniques to reduce loss ratios.

Costs: Approximately \$20K

Continuation of program established in 1978 by the Northwest Territories Government and which continued through 1979. Monitors are Inuit who have become very effective after two years of experience.

Results to date have reduced loss ratio from 33.5% to 11.6% over the two-year period. Indications are that this can be reduced even further.

Cumberland Sound: Monitoring of the hunt by a Fishery Officer will occur, in order to record accurate catch data, increase hunting efficiency and ensure that the quota for 1980 (40 whales) is not exceeded.

Costs: Approximately \$5K

Although the hunt was monitored previously, the proposed program will be more intense in view of the status of the population and the need to enforce the first "official" quota (imposed by law in the Schedule to the Beluga Protection Regulations).

James Bay and Northern Quebec: Monitoring of the catch by hunters from settlements in James Bay, Eastern Hudson Bay and Hudson Strait will continue under the terms of the James Bay and Northern Quebec Agreement. Under this Agreement a Hunting, Trapping and Fishing Coordinating Committee was established whose primary task has been to establish present levels of harvest of renewable resources by the Indian and Inuit peoples in the area. Both the actual catch figures from hunters who submit reports and from them the estimated total catch figures based on the total number of potential hunters in each settlement are being determined.

Costs: Over \$200K

Figures are now becoming available for the first time from this area. Estimated catch data is available for each settlement from 1974 (those for 1974-76 have been determined post facto, but are considered to be reliable). Due to data analysis, however, catch figures are running approximately 12 months late. This will hopefully be rectified in the near future.

B. Narwhal

Pond Inlet and Arctic Bay: A program to assess and improve hunting efficiency utilizing harpoon guns and nets.

Costs: Approximately \$3K

This program will build on the work carried out for Government by G. Findlay of LGL Limited, in Pond Inlet in 1979. It will be carried out by the Fishery Officer with assistance from local Inuit.

C. Beluga and Narwhal

The Revised Beluga Protection Regulations became law in May 1980 (copy attached) while amendments to Narwhal Protection Regulations are presently in draft.

Research Programs

A. Beluga

Mackenzie Delta: No new Government work is proposed in this area in 1978 as a major program has only recently been concluded. Reports on this work have been made available to the Scientific Committee. Industry will be funding research in this area, however, and details are given in Section II Industry Programs (P. 7-8)

Cumberland Sound: Further work on the size and distribution of this stock is proposed for this field season.

The low number of whales in Clearwater Fjord, and deep water which permits them to dive out of range, and the disturbance created, rule out streamer type tagging at least until a long-lasting tag can be developed. The streamer type of tag has been used in dolphins, with a similarly low return rate and has been replaced by a tag pierced through the dorsal fin. As beluga lack a dorsal fin, there remain only tail flukes or flipper as a site for a tag of the dorsal fin type,

or Petersen disc tag. Tags should be tested if possible on aquarium animals, and we are soliciting views from oceanarium directors on whether they would be willing to test tags on beluga in their collections.

It is planned to charter a twin-engined aircraft based at Fort Chimo which has a port in the floor aft suitable for temporary installation of a camera. A Hasselblad 70 mm camera with Ektachrome 64 and 200 ASA film will be utilized.

The aircraft will fly from Frobisher Bay airport and coastal regions of Cumberland Sound will be searched en route to and on return from the target area of Clearwater Fjord. The survey will take place in the week beginning August 4th. Enough flying hours (20) have been budgeted for to allow repeated survey if hunting or wind prevent successful photo runs on earlier survey. The previous experience of MacLaren Marex Inc. who used the same camera have indicated altitudes which will allow sufficient lateral as well as forward overlap for the construction of a photo-mosaic from vertical photographs.

Low level photos will be taken on more than one day of survey in order to attempt to use scarring in the back and other sites as a natural tag, and thus obtain a capture-recapture estimate of numbers. For this purpose obliquely forward photos may be necessary. Ground based photos were considered but it is possible that from a fixed point, habitual or territorial behaviour of the animals could produce non-randomisation of "tags" and "returns".

Costs: Approximately \$40K

James Bay and Northern Quebec: A major program is presently getting underway in this area. It will be a unique program in that northern (Inuit) and southern expertise will be integrated. A major goal of the study will be the transfer of biological expertise and techniques to Inuit hunter/biologists so that a program of biological sampling and population monitoring can be instituted to complement the existing resource harvest study being carried out under the auspices of the James Bay and Northern Quebec Agreement. The specific biological objectives comprise the following: evaluate harvest study data; determine the size of the beluga population(s) that summer(s) in Ungava Bay, Hudson Strait and along the east coast of Hudson Bay, their summer distribution and critical areas and habitats; migration, timing and routes of fall migrations along the Quebec coast; distribution of beluga wintering in Hudson Strait and adjacent areas; obtain biological samples and begin assessment of the identity of stock(s) of beluga in Hudson Strait and Hudson Bay.

The achievement of these objectives will permit determination of the size of the beluga population(s) along the Quebec coast, movements and distribution, some critical habitats, and potential relationships to other stocks, particularly the west Hudson Bay and the Cumberland Sound stocks.

Costs: Approximately \$206K

This program dovetails with the management program described earlier in the document. The results of this major effort will provide a solid foundation on which future management strategies can be based.

Lancaster Sound/Cunningham Inlet: This will be the site of a study of beluga mother/calf relationships. The population will also be monitored to see if there is any evidence of a drop in

reproductive rate and calf production due to the unusually adverse environmental conditions observed in the last two years. A general study of all known beluga summer concentration sites in the area will be conducted by fixed wing aircraft. Census data will be compared with similar data collected in 1975 in order to determine trends, if any, in numbers and distribution. This survey will probably yield additional data on narwhal.

Costs: Approximately \$50K

Future studies in this area might include: an assessment of vessel noise on beluga; and the relation of this stock to that exploited by the Greenland Inuit, utilizing tags which might be recovered through the Greenland fishery. To this end, information on suitable tags, the size of the Greenland beluga fishery and the likely success of tag recovery is being collected and evaluated.

St. Lawrence Estuary: A preliminary program to determine the effects of whale watchers on this stock of whales will be undertaken this summer.

Costs: Approximately \$5K

The population seems to be declining for reasons unknown, but harassment is believed to be a factor. The effects of this new activity on whales therefore needs to be evaluated in order to determine if special protective measures are necessary.

Labrador and Newfoundland: Historical data on the whaling industry off Canada's east coast is being gathered. This study should yield some information on beluga.

Costs: Approximately \$8K

This study is being sponsored by the federal Government in relation to proposed exploratory and developmental drilling programs.

II INDUSTRY PROGRAMS

A. Beluga

Esso Resources Canada Limited have sponsored a whale study in the Mackenzie estuary and eastern Beaufort Sea region for the 1980 field season. The present project will build on information gathered in studies for both industry and Government since 1976, while utilizing standard methods employed in the earlier work.

The current study, which will gather data on both beluga and bowhead whales, has the following broad objectives:

- (1) The further gathering of basic biological data on the beluga in the Mackenzie estuary region, including information on distribution and abundance, movements, and sex and age composition of the harvest; and
- (2) The monitoring of offshore oil/gas exploration activities to determine any effects on whales and, where appropriate, to recommend mitigation measures.

No whales will be taken by any scientist on this project, nor will any hunter be requested to take a whale for this project.

Beluga harvested by the local hunters will be examined and measured and samples will be taken (with permission of the hunters). It is intended to examine and sample up to 150 harvested beluga and any stranded bowhead whales.

Costs: Approximately \$85K

Mobil Oil will be conducting aerial surveys of sea birds and marine mammals off the Newfoundland and Labrador coasts over a twelve-month period. Data on species abundance, migration times and routes and hopefully feeding areas will be gathered. Although the program is wide in coverage, some data on small cetaceans should be forthcoming, including possible data on beluga.

Costs: Approximately \$349K

B. Beluga and Narwhal

Extensive studies in Lancaster Sound, Baffin Bay and Davis Strait by Petro Canada, Norlands Petroleum and Imperial Oil have recently been concluded. Some data are still being analysed; results of studies will become available in the form of supporting documents for environmental impact statements prepared in association with applications to conduct exploratory drilling for oil and gas. Arrangements have been made for the material so gathered to be prepared in the form of scientific papers to be published by the Department of Fisheries and Oceans in a special series of publications.

Similar studies were completed earlier in the Mackenzie Delta and the western Beaufort Sea by Imperial Oil and Dome Petroleum, in conjunction with extensive government-supported studies.

In both the western and Arctic important data on beluga populations, distribution, numbers and migration timing and routes have been gathered during such studies. Similar data for narwhal have also been gathered in the eastern Arctic.

In summary, industrial programs in the Arctic are essentially in the data analysis and presentation stage following a period of intense data gathering in both the western and eastern Arctic. These programs have provided valuable information on the distribution of small whales, their numbers, migration times and routes, which have complemented ongoing government and government-sponsored research and management programs.

Department of Fisheries
and Oceans
Ottawa June 1980

AGENDA ITEM 15
Canadian Resolution re Small Cetaceans

Whereas the International Convention for the Regulation of Whaling, 1946, specifies a decision by Parties to "conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry".

Whereas the Final Act of the International Whaling Conference, 1946, recommended that governments accept a chart of nomenclature of whales which included, in toto, the baleen, sperm and bottle-nose whales.

Whereas the Convention itself does not define the species covered by the term whale and Contracting Governments are not of one view on such a definition as regards to the Convention.

Whereas the rights and responsibilities of Parties with respect to the conservation, management and study of cetaceans are matters under the continuing consideration of the U.N. Conference on the Law of the Sea.

Whereas Parties to the Convention and other interested parties have been and continue to consider the question of possible amendments to or renegotiation of the present Convention reflecting consideration of, inter alia, the developments in the Law of the Sea and the interests of Parties in all cetaceans.

Whereas the Scientific Committee of the International Whaling Commission has a sub-committee on Small Cetaceans and biological expertise in this field.

Be it therefore resolved that until such time as Parties are able to deal with the foregoing matter, the Commission adopt a working procedure as follows:

1. The Scientific Committee, in part through the sub-committee on Small Cetaceans will consider all cetaceans.
2. Scientific advice on small cetaceans thus generated be made available to Contracting Parties, coastal states and other interested Governments, and interested intergovernmental organizations.
3. The Secretariat refer to the Scientific Committee for comment any requests for advice on stocks on small cetaceans submitted by the competent coastal states.
4. The Secretariat relay advice so generated directly to the requesting State.

UNITED STATES PROPOSAL
RESOLUTION OF THE
INTERNATIONAL WHALING COMMISSION
32ND ANNUAL MEETING
JULY 1980

AGENDA ITEM 15.3 - Extension of the Commission's Responsibility for
Small Cetaceans

WHEREAS, the Commission has a deep concern for and long standing practice
of considering the status of stocks of small cetaceans;

WHEREAS, this year the Scientific Committee has examined the condition
of the Cumberland Sound stock of white whales, and the condition of
narwhals in the Canadian Arctic, and has recommended on biological grounds
that the former stock be placed in protection status;

WHEREAS, the take of small cetaceans by aboriginal people of Canada
could raise similar questions with respect to cultural and nutritional
needs as other aboriginal hunts;

WHEREAS, the Commission also recognizes that the regulation of small
cetaceans relates to questions whose resolution is the subject of detailed
consideration at the Third United Nations Conference on the Law of the
Sea and in connection with the possible revision of the International
Convention for the Regulation of Whaling, 1946; and

WHEREAS, the Commission believes it appropriate for coastal states to
take action to protect cetacean stocks within their jurisdiction;

NOW, THEREFORE, the Commission, without prejudice to positions of
contracting governments with respect to nature and extent of coastal
state jurisdiction,

CALL UPON the Government of Canada to take note of the Scientific Committee's recommendations with respect to white whales and narwhals and to take appropriate management action within the areas of its jurisdiction in accordance therewith;

REQUESTS the Government of Canada to develop additional information with respect to the status of these stocks and the utilization thereof by aboriginal people of Canada;

ASKS the Government of Canada to report to the Commission at its 1981 annual meeting concerning the information developed and management measures taken; and

SUGGESTS that the Ad Hoc Working Group on Subsistence Whaling may wish to consider the harvest of these stocks in connection with its deliberations.

R E S O L U T I O N

AGENDA ITEM 15.3. EXTENSION OF THE COMMISSION'S
RESPONSIBILITY FOR SMALL CETACEANS

WHEREAS, the International Convention for the Regulation of Whaling, 1946, specifies a decision by Parties to "conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry";

WHEREAS, the Convention itself does not define the species covered by the term whale and Contracting Governments are not of one view on such a definition as regards the Convention;

WHEREAS, the Final Act of the International Whaling Conference, 1946, recommended that governments accept a chart of nomenclature of whales which included, in toto, the baleen sperm and bottlenose whales;

WHEREAS, this year the Scientific Committee has examined the condition of various beluga and narwhal stocks and has recommended on biological grounds that one stock be classified as a Protection Stock;

WHEREAS, the rights and responsibilities of the Contracting Governments with respect to the conservation, management and study of cetaceans are matters under the consideration of the U.N. Conference on the Law of the Sea;

WHEREAS, the Contracting Governments and other interested parties have been and continue to consider the question of possible amendments to or renegotiation of the present Convention reflecting consideration of, inter alia, the developments in the Law of the Sea.

WHEREAS, the Scientific Committee of the International Whaling Commission has a standing subcommittee on Small Cetaceans and biological expertise in this field;

NOW, THEREFORE, the Commission, without prejudice to positions of Contracting Governments with respect to nature and extent of coastal state jurisdiction;

RECOMMENDS that the Scientific Committee, in part through the subcommittee on Small Cetaceans, continue to consider the status of cetaceans and provide such scientific advice as may be warranted to Contracting governments; coastal states and other interested governments and interested inter-governmental organisations as appropriate.

REQUESTS all Contracting Governments to consider such advice, and to provide appropriate information to the Scientific Committee,

REQUESTS Governments to continue submitting reports to the Scientific Committee concerning the status of, inter alia beluga and narwhal stocks and any management measures taken with respect thereto.

A M E N D M E N TProposal by SwedenTO JOINT CANADIAN/USA RESOLUTION ON
EXTENSION OF THE COMMISSION'S
RESPONSIBILITY FOR SMALL CETACEANS

WHEREAS, the International Convention for the Regulation of Whaling, 1946, specifies a decision by Parties inter alia to "conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry";

WHEREAS, the Convention itself refers to the need to protect all species of whales but does not define the term whale, and Contracting Governments are not of one view on such a definition as regards the Convention;

WHEREAS, the Final Act of the International Whaling Conference, 1946, recommended that governments accept a chart of nomenclature of whales which included, in toto, the baleen sperm and bottlenose whales;

WHEREAS, this year the Scientific Committee has examined the condition of various beluga and narwhal stocks and has recommended on biological grounds that one stock be classified as a Protection Stock;

WHEREAS, the rights and responsibilities of Governments with respect to the conservation, management and study of cetaceans are matters under the consideration of the U.N. Conference on the Law of the Sea;

WHEREAS, the Contracting Governments and other interested parties have been considering and continue to consider the question of possible amendments to or renegotiation of the present Convention;

WHEREAS, the Scientific Committee of the International Whaling Commission has a standing sub-committee on Small Cetaceans and biological expertise in this field;

NOW, THEREFORE, the Commission, without prejudice to positions of Contracting Governments with respect to the nature and extent of coastal state jurisdiction;

RECOMMENDS that the Scientific Committee continue to consider the status of stocks of small cetaceans and the extent of harvesting such cetaceans in all waters in which whaling is pursued, and through the Commission provide such scientific advice as may be warranted to Contracting Governments; coastal states and other interested governments and interested inter-governmental organisations as appropriate.

REQUESTS all Contracting Governments to consider such advice, and to provide appropriate information to the International Whaling Commission,

REQUESTS, all Contracting Governments to continue submitting reports to the International Whaling Commission concerning the status of, inter alia, beluga and narwhal stocks and any management measures taken with respect thereto.

REQUESTS the Commission to set up a workshop on small cetaceans to report to the International Whaling Commission before its 33rd Annual Meeting on the desirability of introducing into the Schedule different species of small cetaceans giving priority to the most endangered species.

Agenda Item 21

RESOLUTION

The International Whaling Commission

Convinced that to enable full and proper scientific analysis of whale stock it is essential to obtain all the data required pursuant to Section 6 of the Schedule to the International Whaling Commission.

Taking note of the actions taken by some Contracting Governments to ensure that whaling operations under their jurisdiction comply with their obligations pursuant to Section 6.

Taking note however of the concern expressed by the Scientific Committee, the Infractions Sub-Committee and at the present Annual Meeting about the failure, or delay on the part of some operations, to provide all the data required,

Decides

To urge Contracting Governments which have yet to do so, to implement measures to ensure compliance by whaling operations under their jurisdiction with Section 6 of the Schedule to the present Convention.

To further urge Contracting Governments to consider taking measures to prohibit the use of any factory ship, whale catcher or land station under their jurisdiction, for any whaling operations in each year following the year in which any such factory ship, whale catcher or land station, fails to provide substantially all of the information required pursuant to Section 6 of the Schedule.

Meeting of Interested Parties - 19 July 1980

Canadian statement on Revision of the International
Whaling Convention, 1946.

Mr. Chairman. Canada's position regarding the need for a re-negotiated convention to replace the existing International Convention for the Regulation of Whaling is well known. One of our major concerns in this issue relates to the recent extension of fisheries jurisdiction to 200 miles by most coastal states, and the consensus which has emerged at the law of the Sea Conference concerning the sovereign rights of coastal states in respect of the conservation, management and exploitation of all living resources within their exclusive fisheries and economic zones. This fundamental change in coastal state competence has contributed very significantly to rendering the existing Whaling Convention signed, in 1946, out of date.

We note that with this extension of jurisdiction, some coastal states here present served notice of withdrawal from almost every marine resource management convention to which they were party and that subsequent negotiations have fundamentally altered or replaced several of these conventions. It is important that the existing Whaling Convention similarly be reconciled with the changing circumstances which have evolved from the Law of the Sea Conference. In this regard Canada has made a particular proposal, modelled on the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries, which we believe offers a reasonable basis upon which to develop such reconciliation. You will note that in this proposal we are advocating an International Scientific Council which would provide advice on all cetaceans. We believe it desirable to have a process in which coastal states could expect to receive objective scientific advice on managing such resources within their zones.

Under the Canadian proposal as tabled in Copenhagen at the 1978 Preparatory Meeting on the Revision of the International Convention for the Regulation of Whaling, species currently managed by the IWC would continue to be managed by the International Commission established under the new convention. Addition of further stocks or species occurring in waters under coastal state jurisdiction would require the consent of the coastal state concerned whereas

addition of other stocks would be subject to a voting procedure.

We are also concerned Mr. Chairman, that there are proposals to be discussed at this year's meeting of the International Whaling Commission which appear in conflict with the expressed object and purpose of the existing convention. It is our understanding that the obligations conferred by the objects and purposes of the existing convention must be honored and that we must either be prepared to operate in good faith under this instrument or otherwise seek to replace it. The extensive debate on the preambular parts of the proposed new Convention at the time of our preparatory meeting in Copenhagen is reflective of the importance attached by interested states to this issue.

Since Canada extended its fisheries jurisdiction on January 1, 1977 we have continued to remain party to the International Convention for the Regulation of Whaling and to work actively within the Commission. However, the issues I have mentioned and possible developments over the next week are of serious concern to Canada. For these reasons we retain our commitment to the need for a re-negotiated Convention and would urge other Parties to consider initiatives which could lead to further discussions with the object of establishing a new convention which meets the requirements of all concerned.

M. C. Mercer
Canadian Whaling Commissioner