

**Transfer of Northern hemisphere stocks of Minke Whales *Balaenoptera acutorostrata* (except the Yellow Sea, East China Sea and Sea of Japan stock) from Appendix I to Appendix II, with the following annotation:**

For the exclusive purpose to allow trade between Parties that are also signatories to the International Convention for the Regulation of Whaling and which have an effective DNA register system to monitor catches, introductions from the sea and imports from other States. To ensure that trade does not result in removals in excess of catch limits, the following additional measures shall be implemented:

- Notwithstanding the provisions of CITES Article XIV, paragraphs 4 and 5, any trade shall be subject to the provisions of Article IV.
- Calculation of safe catch levels using the IWC's revised management procedure (RMP).
- Establishment of export quotas that shall ensure that trade does not result in removals in excess of catch limits.
- Indication on the trade documents of the number of animals involved when shipment of products are only parts of animals, and tracking of this number through DNA monitoring of imports.
- Implementation of domestic legislation to ensure imports are from animals taken legally.
- DNA registers to monitor catches, introductions from the sea and imports and a requirement that all imports be accompanied by certified DNA profiles.

**Proponent: Japan.**

**Summary:** There are currently eight northern hemisphere IWC recognised stocks of Appendix I listed Minke Whales and one of these, the depleted Sea of Japan stock, is specifically excluded from the proposed transfer. *B. acutorostrata* is assessed as Lower risk: near threatened using the 1994 Red List Criteria in the IUCN 2000 Red List. According to the SS, only three stocks are likely to be directly targeted for trade: The Northeast Atlantic stock; the North Atlantic Central stock and the Okhotsk Sea West Pacific stock. (In addition, products from the Appendix II listed West Greenland stock are already in trade from Greenland to Denmark). The Northeast Atlantic stock has been estimated by the IWC as 112 000 whales based on 1995 data. Data from 1996-2001 indicate a preliminary estimate of 79 600. For the North Atlantic Central stock, the IWC accepted a best estimate of 28 000 animals in 1990. The Okhotsk Sea West Pacific stock is estimated at about 25 000 animals on the basis of data from 1989-1999. More recent surveys by Japan have been completed in some sub-areas, but the implementation process for the RMP for North Pacific Minke Whales has not yet been completed. The first RMP Implementation review for North Atlantic Minke Whales was completed in 1993 and an implementation review is scheduled for 2003. Under its objection to the IWC moratorium, Norway resumed commercial whaling in 1993, and over the last five years the harvest has averaged 591 animals annually. Norway has resumed commercial trade with Iceland under their CITES reservations. Japan has been taking around 100 Minke Whales per year from the North Pacific under Scientific Permit and products from these whales together with those taken in bycatch are sold on the domestic market. Some of Japan's bycatch is from the depleted Sea of Japan stock that is excluded from the proposed transfer. The current proposal is based on: 1) the biological criteria (Res Conf 9.24 Annex 1) for Appendix I listing are not met by the stocks under consideration; and 2) precautionary measures (Res. Conf. 9.24) will be fulfilled through the proposed annotation requiring that trade will only be between ICRW members, export quotas will be based on catch limits set using the RMP and that effective DNA registers are established and maintained.

**Analysis:** The three stocks of Minke Whales likely to be directly affected by trade (in addition to the West Greenland stock already in trade), the Okhotsk Sea, Northeast Atlantic and Central Atlantic stocks do not appear to meet Criteria A, B and C for inclusion in Appendix I individually, and so collectively, the northern hemisphere stocks do not. However, the status of some of the other northern hemisphere Minke Whale stocks encompassed by this proposal is unknown (e.g. Canadian East Coast, Indian Ocean). If all but one northern hemisphere stock are transferred to Appendix II (as proposed) then the main implementation challenge will lie in distinguishing the excluded sea of Japan individuals and distinguishing Minke Whale products from those of other great whale species. For transfer to Appendix II the species/stock must meet the precautionary measures in Resolution Conf. 9.24 Annex 4. Regarding precautionary measure B2a (Annex 4), international demand for whale products exists but provided that trade is conducted on the basis of a fully diagnostic register, the transfer is unlikely to cause trade enforcement problems for other Appendix I listed whales species, Regarding precautionary measure B2bi), the proposed annotation aims to ensure that Article IV will be implemented, through export quotas based on the use of the RMP to set catch limits. However, it is unclear whether the RMP would actually be used, and, if so, whether it would be used according to the Implementations recommended by the IWC Scientific Committee. Preparations for Implementation for the North Pacific Minke Whales stocks are scheduled for completion in 2003. The

Scientific Committee recommended an Implementation for North Atlantic Minke Whales in 1993, but an Implementation Review is scheduled for 2003-4. The proponent states that precautionary measure B2bii) will be met by the use of effective DNA registers, yet the most recent report of the IWC scientific Committee notes that the Norwegian register is not yet ready and that the IWC did not have information to assess the Japanese register. To determine if adequate controls are in place the Parties will need to decide what constitutes an effective DNA register in relation to the CITES requirement for "appropriate enforcement controls". Provided that the catch registration system requires that catch locality is recorded accurately, stock identification will be facilitated.

**Annotation:** According to the proposed annotation, trade in products would only be between Parties to the ICRW from whales taken legally. Consequently trade would be limited to products from whales taken under Scientific Permit and from bycatch by Parties to the ICRW, such as Japan (or any other IWC member that undertook whaling under scientific permit) or from commercial catches taken under objections to the IWC moratorium (only Norway and Russia hold objections, and only Norway is currently whaling under its objection)). Korean bycatch is largely from the Yellow Sea-East China Sea-Sea of Japan stock which is excluded from the proposal.

Supporting Statement (SS)	Additional information
<b><u>Taxonomy</u></b>	
Synonym: <i>Balaenoptera rostrata</i>	<i>The Pacific Minke Whale is considered a separate sub-species Balaenoptera acutorostrata scammoni (Rice, 1998).</i>
<b><u>Range</u></b>	
<p>The proposal refers to the transfer of northern hemisphere stocks of Minke Whales, <i>Balaenoptera acutorostrata</i> (except the Yellow Sea, East China Sea and Sea of Japan stock). However according to the SS the only stocks likely to be affected by trade are the Okhotsk Sea –West Pacific Stock and the North Atlantic Stocks (NE and Central stocks).</p>	<p><i>According to the IWC Schedule, the Appendix I listed northern hemisphere stocks of Minke Whales comprise the following stocks: in the North Atlantic, Canadian East Coast; Central; and North Eastern stocks; in the North Pacific, Yellow Sea, East China Sea and Sea of Japan; Okhotsk Sea West Pacific; and the Remainder stocks and the Northern Indian Ocean stocks. There is some confusion over the extent of the proposal, the current text, if adopted would result in a transfer of all but the excluded stock to Appendix II, but only three stocks are claimed likely to be in trade.</i></p>
<p><b>Okhotsk Sea –West Pacific Stock:</b> Minke Whales from this stock occur west of 170°E in the western North Pacific, but the western stock boundary is not clear. In summer this stock is found north of 35N. Range States: China, Federated States of Micronesia, Indonesia, Marshall Islands, Palau, Philippines, Russian Federation (Russia), United States of America.</p>	<p><i>The ICRW Schedule lists the limit as west of 180°. The number of biological populations, their breeding areas, movement patterns and ranges remains a point of debate in the Okhotsk Sea–West Pacific Stock area. In addition to the named range states, Minke Whales in this area also occur in international waters (see IWC Schedule).</i></p>
<p><b>North Atlantic Stocks (NE and Central stocks):</b> range States for at least one of the two stocks: Belgium, Denmark (including the Faroe Islands and Greenland), France, Germany, Iceland, Ireland, Netherlands, Norway, Portugal, Russia, Spain, Sweden, United Kingdom. The two stocks are genetically different. The Central stock feeds around Iceland, East Greenland and Jan Mayen Island during summer months, but the winter distribution is uncertain. The NE Atlantic Stock feeds north to the ice-edge including the Barrents sea area in the summer, but the winter distribution is uncertain.</p>	<p><i>The J-stock (Yellow Sea, East China Sea and Sea of Japan stock) is specifically excluded from the proposal. This stock, classed as a Protection Stock<sup>1</sup> in 1985 by the IWC (IWC 1986) was partially estimated in 1997 to number approximately 900 whales (IWC 1997) and occurs seasonally in the southern Okhotsk Sea and east coast of Japan, mixing with whales of the Okhotsk Sea West Pacific stock.</i></p>
<p><b>Other stocks:</b> the SS notes that the IWC recognises a number of other stocks in the North Atlantic, but these would not be subject to trade.</p>	<p><i>Morocco, Senegal, Mauretania are also confirmed range States for the Northeast Atlantic Stock and the Gambia is a probable range State (Van Waerebeek et al., 1999).</i></p>

Supporting Statement (SS)	Additional information
	<p>The IWC also recognises other stocks in the North Pacific- specifically, the Remainder stock to the east of 180W. The Northern Indian Ocean stock, is not mentioned at all, but is a northern hemisphere stock.</p> <p style="text-align: center;"><b><u>IUCN Global Category</u></b></p> <p>LR/nt, based on 1994 criteria (Hilton-Taylor, 2000).</p>

## Biological criteria for inclusion in Appendix I

### **A) Small wild population**

**(i) Population or habitat decline; (ii) small sub-populations; (iii) one sub-population; (iv) large population fluctuations; (v) high vulnerability due to biology or behaviour**

**Okhotsk Sea –West Pacific Stock:** The IWC-SC has accepted an estimate of 25 049 animals (95%confidence interval from 13 700 – 36 600). This is likely an underestimate due to methodology in which probability of detection on the track line [g(o)] is assumed to be one.

**North East Atlantic Stocks:** Based on a sightings cruise in 1995, the IWC-SC adopted an estimate of 112 000 animals with 95% confidence interval from 91 000 to 137 000. A previous survey in 1989 indicated 65 000 animals with 95% confidence interval from 44 000 to 94 000. The IWC Scientific Committee considered the 1995 estimate more reliable and that the numbers suggest an annual stock increase of at least 2%.

**North Atlantic Central stock:** In 1990, the IWC-SC accepted a best estimate of 28 000 with a 95% confidence interval of 21 600 to 31 400 Minke Whales based on 1987 data. On the basis of 1995 data, the North Atlantic Marine Mammal Commission Scientific Committee presented an estimate of 72 100 with 95% confidence interval of 44 700-116 400.

*The IWC provides the best estimate of North Atlantic Minke Whales excluding the Canadian East Coast Stock as Approx 149 000 with a 95% confidence limit of 120 000-182 000 (IWC web site). Data from 1996-2001 indicate a preliminary estimate of 79 600 for the North East Atlantic (IWC/SC/54/RMP5). For the North Atlantic Central stock, the IWC accepted a best estimate of 28 000 animals in 1990. Surveys in 1995 provided an estimate of 72 100 animals, but the analysis is currently being revised.*

*Planned survey cruises for the North East Atlantic Minke Whales in 2001/2002 were affected by the United Kingdom's refusal to allow entry to its EEZ (IWC/54/4/Annex D item 6).*

*Information on the Canadian East stock, the Remainder stock and the Northern Indian Ocean stocks are lacking from the proposal.*

### **B) Restricted area of distribution**

**(i) Fragmented or localised population; (ii) large fluctuations in distribution or sub-populations; (iii) high vulnerability due to biology or behaviour; (iv) decrease in distribution, population, habitat or reproductive potential**

Current distribution is considered similar to historic distribution – area of distribution is not restricted

### **C) Decline in number of wild individuals**

**(i) Ongoing or historic decline; (ii) inferred or projected decline**

**Okhotsk Sea –West Pacific Stock:** The above population estimate represents 61-88% of pre-exploitation abundance (IWC 1992)

**North East Atlantic Stocks:** the 1983 stock level was estimated to be 70% (95% confidence interval of 52%-94%) of the 1952 level (IWC Rep 44). The IWC-SC found that numbers suggest an annual stock increase of at least 2% from 1989 to 1995. The average annual catch from 1938-1983 was approximately 2 000 animals. This catch has since been reduced to some hundred animals annually

*In 1986 The North East Atlantic stock was classified as a Protection Stock<sup>1</sup> by the IWC on the basis that it was estimated to have declined below the IWC's protection threshold of 54% of initial abundance (IWC 1986). Schweder and Volden (1994) however estimated that the 1983 stock level was 70% of the 1952 level. Although the analysis was discussed by the IWC (1994), no conclusions were drawn. The*

Supporting Statement (SS)	Additional information
<p>with a pause in commercial catches from 1988 through 1992.</p> <p><b>North Atlantic Central stock:</b> subject to moderate levels of exploitation for a relatively limited period and scientists consider its present size to be similar to pre-exploitation levels (Rep. Int. Whal. Comm 41 1991 p68).</p>	<p><i>methods used to determine the original protection stock status are no longer used.</i></p>
<p><b><u>D) Status suggests inclusion in Appendix I within next 5 years</u></b></p>	<p><i>Unlikely with total harvest levels within catch limits set by RMP (IWC 1999b).</i></p>

## Trade criteria for inclusion in Appendix I

### The species is or may be affected by trade

Aside from "introduction from the sea" for Minke Whale products taken in Japan's scientific whaling programmes there is no trade in Minke Whale products.

From 1994 up to 100 animals (0.4% of estimated stock size) have been removed annually from the North Pacific stock; this was increased to 150 animals in 2002. In addition, a relatively small number of animals are taken incidentally in coastal waters.

The Northeast Atlantic stock has traditionally only been hunted by Norway which took a total of 2 657 Minke Whales between 1990-1999. Data included in the SS show that quotas and catches increased from 0 in 1991 to 753 in 1999, but quotas then decreased in 2000 and again in 2001 to 549, in 2001, all whales were taken.

The North Atlantic Central stock has been hunted by both Norway and Iceland and there is an annual catch of a few Minkes in East Greenland. No Minke Whales have been caught in Icelandic waters since 1985. Between 1990-1999 Norway took 272 Minkes from this stock.

Traditionally, (prior to the moratorium and Appendix I listing), Norway has exported small amounts of meat and most of the blubber to a limited number of countries. A small amount of whale meat was previously imported into Norway from Iceland but no trade has occurred from 1986.

*Greenland reports trade in whale products to Denmark. Norway has recently exported whale products to Iceland.*

*CITES Annual Reports indicate that Japan reported issuing introduction from the sea permits for Minke Whales for scientific purposes in 1994 (351 whales), 1995 (540), 1996 (456), 1997 (533), and 1999 (507). Between 1988- 2001 the reported catch from the Okhotsk Sea West-Pacific stock did not exceed 100 whales. In addition to the scientific harvest, Japanese government records show that in 2000, Japan reported a bycatch of 29 Minkes but in 2001 some 79 Minke Whales were recorded (IWC/54/Prog.Rep-Japan and IWC 54/4/item 7.1). Results from five market studies in Japan from 1999-2001, suggested that at least 97 individual North Pacific Minke Whale individuals were involved in the trade, 42% of which showed the characteristic mtDNA haplotype of the J stock (which is excluded from this proposal). Relatively few replicate products were found suggesting that products from many other individuals remained unsampled. Very few replicate samples were shared between surveys over seven months apart, suggesting that products from an individual are not stored long term (IWC/54/4 Annex D 6.3.1)*

*A demand for Minke products in international trade exists, especially for meat (see recent press release on trade between Iceland and Norway).*

## Precautionary Measures

### Resolution Conf. 9.24 Annex 4, Para B 2a)

The proposed annotation to the downlisting requires that despite the provisions of CITES Article XIV, paragraphs 4 and 5, any trade shall be subject to the provisions of Article IV.

The proposed annotation also requires that safe catch levels are calculated using the IWC's Revised Management procedure.

*CITES Article XIV paragraphs 4 and 5, states that Parties who are also contracting States of the IWC are relieved of the provisions of CITES for those species (i.e. permitting, reporting and non-detriment finding requirements etc.) but need to issue a certificate attesting that the specimens concerned were taken in conformity with the ICRW. Harvest under Scientific Permit and under Objection conforms with ICRW provisions, but the ICRW*

Supporting Statement (SS)	Additional information
	<p><i>maintains a zero catch limit for commercial harvest.</i></p> <p><i>Japan states it will not use Article XIV (under the ICRW no commercial catch is possible), but will implement Article IV, and if the annotation is adopted then all ICRW Contracting States who wished to trade in products from these stocks would have to do likewise. Implementing the non-detriment finding for a stock that occurs on the high seas will require collaboration with other States. The proposed annotations suggest that catch limits will be calculated using the RMP for the purposes of determining export quotas. However, the annual catch limits calculated from the RMP cannot be determined until the implementation preparation process (IWC 1999a) has been completed by the IWC Scientific Committee. Implementation trials for the North Pacific Minke Whales are due for discussion by the IWC in 2003 and a review of the North Atlantic RMP Implementation is scheduled for 2003. It is not clear if the RMP will be used with the Implementation recommended by the IWC. Until 2000 Norway used the RMP to set quotas for its harvest from the North East Atlantic Stock. Since 2001 a modified version of the RMP has been used (IWC/54/4/AnnexD/Appendix14).</i></p> <p><i>It is considered unlikely that there are fully recognised parties to the ICRW other than Norway and Japan that would trade under the proposed annotation in the near future.</i></p>
<b><u>Resolution Conf. 9.24 Annex 4, Para B 2b</u></b>	
<p>A tissue sample will be taken from each animal harvested by Japanese vessels as well as from animals caught as bycatch in set nets. The samples will allow animals to be identified individually (through the analysis of mtDNA control region sequences) and will form the basis of a control system implemented by Japan and Norway to distinguish between species and different stocks. In Japan the information will be registered in a searchable database in the Institute of Cetacean Research and for animals caught by Norwegian vessels, DNA profiles are maintained in a searchable database at the Directorate of Fisheries.</p> <p>Japan's imports will also be subject to a DNA control and monitoring system.</p>	<p><i>According to the SS Japan and Norway both have domestic legislation requiring hunting permits and government observers on whaling boats and a DNA register scheme. The annotation provides that only other ICRW members would be able to trade and only provided that they have an effective DNA register scheme. However, it is not clear what would constitute an effective system, nor who is to determine that the system is effective for CITES purposes.</i></p> <p><i>Market monitoring has reportedly been carried out since 1995 by The Institute of Cetacean Research according to information presented to TRAFFIC East Asia - Japan (2002). Management of the Japanese domestic whale meat market is viewed by that country as being outside the jurisdiction and competence of the IWC (IWC 54/4/7.2).</i></p> <p><i>With regard to the monitoring of bycatch, Japan is willing to provide data and receive collaborative scientists following review of any applications, but as a sovereign government Japan does not accept the proposal that this should be subject to third party oversight (IWC 54/4/7.2 ).</i></p> <p><i>According to the 2002 IWC report, the DNA register system of Norway is not yet fully operational and information on Japan's register was not available</i></p>

Supporting Statement (SS)	Additional information
	<p>(IWC/54/4 item 15.3)</p> <p><i>For effective control a register of highly variable markers such as microsatellites is needed to track individual whales through the market. In addition a library of less variable markers such as mtDNA sequences is need for species and stock identification (IWC 2000 Annex 0).</i></p>

## Other information

### Threats

The SS states that there are no serious threats to the survival of Minke Whales in the world's oceans.

*The J stock, (excluded from this proposal, but overlapping in distribution seasonally with the Okhotsk Sea stock) is apparently threatened by incidental bycatch in fishing nets in South Korea and Japan (IWC 2000b).*

*Officially reported levels of Minke Whale bycatch in South Korea have been 129 animals in 1996, 78 in 1997, 45 in 1998 (TRAFFIC East Asia, 2000), 56 in 1999, 77 in 2000 and 148 in 2001(IWC 54/Prog. Rep.- Korea). In 2000, Japan reported a bycatch of 29 Minke Whales but in 2001 some 79 Minke Whales were recorded following a change in legislation that makes it compulsory to register a bycatch in order to market it (IWC/54/4).*

### Conservation, management and legislation

The IWC has the responsibility for the management of Minke Whale Stocks, but has still not agreed the RMS.

*The IWC maintains a zero catch limits for commercial whaling. A proposal to adopt the RMS was tabled to the 2002 IWC Annual Meeting (IWC/54/35), but was defeated on a vote. The draft RMS envisages that catches under Scientific Permit and incidental take would be deducted from RMP catch limits, to ensure that total catches over time do not exceed RMP levels.*

Okhotsk Sea West Pacific- Japan has conducted annual systematic sightings surveys in the western North Pacific and adjacent waters since the 1980s.

North East Atlantic- Since 1996, 1/6 of the area has been surveyed every year by Norway in conjunction with the IWC SC so that the whole area will be surveyed every six years.

*Formal application of the IWC's RMP depends on agreement within the IWC forum on the appropriate Implementations. That agreement is not yet available for several stocks covered by this proposal.*

Central North Atlantic- sightings surveys are conducted every 5-6 years.

The RMP is a risk averse method for calculating harvest levels.

Japan prohibits imports from non-IWC countries. Under Japanese law all whale species are either protected or harvested under strict conservation and management measures. Whale capture can only be carried out with a licence from the Ministry of Agriculture, Forestry and Fisheries.

All whale species are protected under Norwegian law, but individual capture permits for a specific number of animals in a specified area are be issued by government. Since 1993 government inspectors have been on every whaling vessel throughout the catching operations and the area is patrolled by

Supporting Statement (SS)	Additional information
Coast Guard.	
<b><u>Similar species</u></b>	
<p>The West Greenland stock of Minke Whales is already on Appendix II. Only three other northern hemisphere stocks may be affected by trade, the Okhotsk Sea West Pacific stock, the north-eastern Atlantic and the North Atlantic Central stock. Antarctic Minke Whales are a different species <i>Balaenoptera bonarensis</i> and can be distinguished by DNA testing from Northern hemisphere stocks.</p>	<p><i>Since the proposal relates to geographically defined stocks, enforcement would require a diagnostic DNA register that includes profiles of all legally tradeable specimens together with information on capture location.</i></p>
<p>Other species are hunted under IWC quota for aboriginal/ subsistence purposes, but such products are for local consumption only. Whale products from non-IWC members, Canada and Philippines do not enter trade.</p>	

**Reviewers of IUCN review:** A. Bjorge, J. Cooke, B. Taylor, L. Walløw, TRAFFIC East Asia - Japan.

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