

Transfer of western North Pacific Stock of Bryde's Whale, *Balaenoptera edeni* 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, introduction from the sea and imports from other states. To ensure that trade does not result in removal in excess of catch limits, the following additional measures shall be implemented:

1. Notwithstanding the provision of CITES Article XIV, paragraphs 4 and 5, any trade shall be subject to the provisions of Article IV.
2. Calculation of a safe level of catch using the IWC's Revised Management Procedure (RMP).
3. Establishment of an export quota that shall ensure that trade does not result in removals in excess of catch limits.
4. 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 animals involved when shipment of products are only parts of animals, and tracking this number through DNA monitoring of imports.
5. Implementation of domestic legislation to ensure imports are from animals taken legally.
6. DNA registers to monitor catches, introduction from the sea and imports and a requirement that all imports be accompanied by certified DNA profiles.

Proponent: Japan.

Summary: The IWC lists three stocks of Bryde's whale in the North Pacific Area, the East China Sea stock, classified as a Protection Stock; The Eastern North Pacific stock and the Western North Pacific stock. The subject of this proposal, the Western North Pacific stock of Bryde's whales occurs beyond the East China Sea stock from 130 E and 150 W in the North Pacific. As a result of a "Comprehensive Assessment" for this stock, the population size was estimated at 22 136 whales in 1996 and the stock to be between 51% and 65% of pre-exploitation level. Although subsequent surveys have been conducted, and results submitted to the IWC, the status has not been re-assessed by the IWC. There have been recent suggestions that historic catches may have been under-reported, but to date this has not been confirmed. The stock definition for the Western North Pacific stocks still requires clarification by the IWC Scientific Committee and this is due for examination in 2003. With regard to the DNA control system, little information is presented in the SS about how the proposed system would be implemented, but additional information is presented in proposal 12.4. No commercial catches have been taken from this stock since 1987, but in 2000 Japan resumed whaling under Scientific Permit on this stock and has taken a total of 93 whales in 2000 and 2001, the products of which are sold within Japan. 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 stock 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 western North Pacific stock of Bryde's whales would not appear to meet criterion A or B for inclusion in Appendix I. The case for criterion C is less clear-cut, but on the basis of available information it seems unlikely that the population has declined by 50% in two generations, which is the guideline (not a threshold) for inclusion in Appendix I. There is no evidence that the population is currently decreasing. For transfer to Appendix II to occur, if the species/stock does not meet the criteria for Appendix I then the relevant precautionary measures in Resolution Conf 9.24 Annex 4 must be met. With respect to 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. With regard to precautionary measure B2bi) the proposed annotation is designed 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 or how the RMP would actually be used in this context, given the catches are currently regulated through the issuance of Scientific Permits without reference to the RMP. Current trade in this species is limited to introductions from the sea, with no reported exports. The proponent states that precautionary measure B2bii) will be met by the use of effective DNA registers. The most recent report of the IWC Scientific Committee notes that the Norwegian register is not yet ready and the Committee did not have information to assess the Japanese register. To determine if adequate controls are in place

the Parties will need further information and will need to determine what constitutes an effective DNA register in relation to the CITES requirement for "appropriate enforcement controls".

Annotation: According to the proposed annotation, trade in products would only be from whales taken legally and between Parties to the ICRW. This would restrict trade to products taken under Scientific permit, such as conducted by Japan or from catches taken under Objections to the IWC moratorium (only Norway and Russia have these in place).

Supporting Statement (SS)	Additional information
<u>Taxonomy</u>	
<p><i>Balaenaoptera edeni</i></p>	<p><i>The taxonomy is unsettled (Kato in Perrin et al., 2002). Wilson and Reader, treats B. brydei as a synonym of B. edeni. The IWC schedule lists both B. edeni and B. brydei under Bryde's whale. In 1996 a study suggested that the Bryde's whale complex consists of at least three species: B. borealis (the Sei whale), B. edeni the pygmy form and B. brydei the standard form (Dizon et al., 1996). Perrin et al., 2002 recognise two species of Bryde's whale. According to Pastene (2002), the proposal refers to the larger common form (so-called offshore form) which is differentiated genetically from the other forms (Yoshida and Kato, 1999), but this is not clear from the supporting statement.</i></p>
<u>Range</u>	
<p>The Western North Pacific stock is found in waters off the Pacific coasts of Japan, China, Taiwan POC, and the Philippines to 180°W, to about 40°N and 2°S. This includes international waters and waters under the jurisdiction of Japan, China, Federated States of Micronesia, Indonesia, Papua New Guinea, Kiribati, Palau, Philippines, Nauru, Marshall Islands, Republic of Korea, Vietnam, Russian Federation (Russia) and the United States of America.</p>	<p><i>Ohsumi (2002) notes that the range of the stock is from 130E to 150W, and that China, Taiwan POC, Philippines, Republic of Korea and Viet Nam are not range States for this stock. The stock in question does not mix with the East China Sea stock (Kato et al., 1996.).</i></p> <p><i>The IWC Schedule lists the stock area for the Western North Pacific Bryde's Whale as West of 160° W excluding the East China Sea Stock.</i></p>
<u>IUCN Global Category</u>	
	<p><i>The Stock under consideration has not been assessed separately by IUCN. In 1996 IUCN classified B. edeni globally as Data Deficient, using the 1994 Red List criteria (Hilton-Taylor, 2000).</i></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

In 1996, the IWC SC agreed a population abundance estimate of 22, 136 (CV=0.186) for this stock.

The IWC currently considers two alternative stock hypotheses, but the proponent maintains there is no strong evidence that the Western North Pacific stock is divided into additional stocks.

The IWC will discuss the stock definition further in 2003 (IWC 54/4 item 6.4).

Supporting Statement (SS)	Additional information
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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

Habitat availability is not regarded as a critical issue for this species.

C) Decline in number of wild individuals

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

As commercial hunting of this stock ceased in 1987 the SS argues that "the stock is almost certainly increasing". Density indices based on numbers of whale schools and individuals seen per 100 nautical miles of survey are presented as evidence of increase:

Density indices table.

	'94	'95	'96	'97	'98	'99	2000	'01
DIS	0.00	0.01	0.20	0.01	0.00	0.19	1.33	0.40
DIW	0.00	0.02	0.23	0.01	0.00	0.23	1.76	0.52

In 1996 the IWC SC, estimated the mature female population size to be 51-65% of the pre-exploitation level (IWC 1997 – Rep Int. Whal. Commn. 47 p84).

There is no indication that the increases apparently indicated by the density indices are statistically significant.

The 2002 IWC meeting was presented with information suggesting that there may have been under-reporting by whaling companies of past catches of Bryde's whales occurring off the Pacific coast of northern Japan. An intersessional working group was established to investigate the quality and nature of data provided in the past. As Japan had been unable to check and verify the data referred to above, it noted that the statistics already provided are the official data and declined to join the working group (IWC 54/4 item 6.4).

D) Status suggests inclusion in Appendix I within next 5 years

Trade criteria for inclusion in Appendix I

The species is or may be affected by trade

From 1946-1987 a total of 16 866 western North Pacific Bryde's whales were reported taken by Taiwan POC, Philippines, Japan and the former USSR. No commercial hunting has occurred since 1987. In 2000 and 2001 Japan took a total of 93 Bryde's whales for scientific purposes. Apart from introduction from the Sea by Japan, there is no international trade in products of Bryde's whales.

No reports of illegal trade of this species.

In 1996 Bryde's whales were reportedly caught legally in the Philippines which is not an IWC member (Perrin et al., 1996).

CITES Annual Report data from 1984-1999 indicate the few instances of trade in specimens from Bryde's whales are primarily for scientific specimens. Instances of illegal trade in products from this species have been documented in the past (IWC, 1994).

Market surveys in Japan have found Bryde's whale products in the market, and because most samples were from different individuals it was suggested that these samples were unlikely to be from pre-moratorium stockpiles, but could have been from by catches or strandings (IWC/54/4 item 7.2).

Supporting Statement (SS)	Additional information
Precautionary Measures	
<u>Resolution Conf. 9.24 Annex 4, Para B 2a CoP satisfied with Implementation of Article IV</u>	
<p>The proposed annotation to the downlisting requires that notwithstanding the provisions of CITES Article XIV, paragraphs 4 and 5, any trade shall be subject to the provisions of Article IV. Trade will only be between contracting States to the IWC and export quotas will be derived on the basis of catch levels calculated using the RMP.</p> <p>The proposed annotation also requires that safe catch levels are calculated using the IWC's Revised Management procedure.</p>	<p><i>According to the provisions of CITES Article XIV paragraphs 4 and 5, 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.) except for the need to issue a certificate attesting that the specimens concerned were taken in conformity with the ICRW.</i></p> <p><i>The annotation suggests that catch limits would be calculated using the RMP, but it is unclear what is actually envisaged. The IWC Scientific Committee is still working on the pre-implementation review (IWC/54/4/ item 6.4) that must be completed prior to implementing the RMP for this stock (IWC 1999c).</i></p> <p><i>It is unclear whether the annotation refers to the published version of the RMP (JCRM 1 (Suppl.):251-258), or a modified version, and whether or not the IWC agreed Implementation would be used, and if this meets the provisions of Article IV.</i></p>
<u>Resolution Conf. 9.24 Annex 4, Para B 2b bii CoP satisfied with implementation of enforcement controls</u>	
<p>Japan's import regulations and DNA register system will ensure no whale products derived from hunting contrary to IWC rules or hunting by non-IWC member countries will be permitted</p>	<p><i>This SS provides no further information on the status of DNA identification of this stock of Bryde's whales or details of Japan's control system. However Japan's proposal to transfer certain northern hemisphere stocks of Minke whale contains the text relevant to enforcement, whether or not it also applies to potential trade in products from the Bryde's whale stock in question is not clear. Text from the Minke Whale proposal: 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 species identification (through the analysis of mtDNA control region sequences), individual identification (using a set of microsatellite primers and gender determination (through analysis of the SRY gene). This 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 database in the Institute of Cetacean Research and for animals caught by Norwegian vessels, DNA profiles are maintained in a database at the Directorate of Fisheries.</i></p> <p><i>Japan's imports will also be subject to a DNA Registration system.</i></p>

Other information

Threats

There are at present no threats to Bryde's whales in the North Pacific. The population is abundant. There is no evidence to suggest that environmental

Supporting Statement (SS)	Additional information
contaminants are impacting this stock.	
<u>Conservation, management and legislation</u>	
Bryde's whales are currently protected under Japan's laws and the laws of range states.	
The IWC is the international body responsible for conservation of whale stocks to make possible the orderly development of the whaling industry. However the IWC has failed to agree the RMS, eight years after adoption of the RMP.	
<u>Similar species</u>	
	<i>The Bryde's whale complex is thought to consist of three species.</i>

Reviewers of IUCN review: J. Cooke, B. Taylor, S. Ohsumi, L. Pastene, TRAFFIC East Asia - Japan.

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