

Interpretation and Implementation of the Convention

ILLEGAL TRADE IN WHALE MEAT

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| <ol style="list-style-type: none"> 1. This document has been submitted by the United States of America. 2. At the ninth meeting of the Conference of the Parties, the United States of America requested that an item on "Illegal Trade in Whale Meat" be added to the agenda of the meeting, and submitted document Doc. 9.57. As a result of discussions in the meeting, Resolution Conf. 9.12 was adopted. It expresses concern about illegal trade in specimens of Appendix-I whale species and encourages the International Whaling Commission (IWC) and the CITES Secretariat to co-operate and exchange information on international trade in whale products. 3. Since the ninth meeting of the Conference of the Parties, two resolutions have been passed by the IWC, at its meetings in 1995 and 1996, reiterating the need for this co-operation. These resolutions are attached. In addition, at both these meetings of the IWC, documents were submitted to the IWC Sub-Committee on Infractions, detailing illegal shipments of whale meat seized by enforcement authorities in Japan. These documents are also attached. 4. In April 1995, a meeting was convened in Tokyo to facilitate prevention of illegal trade in whale products by providing a venue for information exchange among experts who are directly involved in regulating trade in | <p>whale products. Representatives of China, Indonesia, Japan, Norway, the Republic of Korea, the Russian Federation and the United States of America were present at the meeting. Although a significant amount of information was exchanged, unfortunately the meeting was not able to agree on any recommendations. Topics for which it was suggested that recommendations might be appropriate were: (1) the disposal of stockpiles of specimens from protected species; (2) a ban on the domestic sale of such specimens; and (3) a recommendation to the IWC that it consider establishing a committee of experts to take random samples of whale meat for sale in domestic markets and identify them using DNA analysis.</p> <ol style="list-style-type: none"> 5. The United States of America welcomes the co-operation that has been generated on this matter by the resolutions in both CITES and the IWC. The attached documents show the important enforcement activities that are currently being undertaken. However, they also indicate that illegal trade in specimens of Appendix-I whale species remains a significant problem for some CITES Parties. 6. Even further co-operation in this area is encouraged. Therefore, the United States of America asks that this issue be included in the agenda of the tenth meeting of the Conference of the Parties. |
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Doc. 10.40 Annex

List of Attachments

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| <ul style="list-style-type: none"> - <i>IWC Resolution 1995-5 Resolution on Northeast Atlantic minke whales</i> - <i>IWC Resolution 1996-3 Resolution on improving mechanism to restrict trade and prevent illegal trade in whale meat</i> | <ul style="list-style-type: none"> - <i>IWC/47/Inf.5 Known smuggling attempts of whale meat</i> - <i>IWC/48/Inf.3 Catch of a sperm whale by a driftnet vessel</i> - <i>IWC/47/Inf.3 Minutes of the first informal meeting relating to the control of trade in whale products</i> |
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Note from the Secretariat:

These attachments are in the original form in which they were provided, and are in English only.

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Interpretation and Implementation of the Convention

ILLEGAL TRADE IN WHALE MEAT

Background

1. This document, which is submitted by the United States of America, is intended to provide additional information on the above topic and to serve as a supporting document to document Doc. 10.40.
2. At its ninth meeting, the Conference of the Parties (CoP9) adopted Resolution Conf. 9.12, voicing concern about illegal trade in Appendix-I whale species. The Resolution encourages the International Whaling Convention (IWC) to keep CITES Parties fully informed of all developments regarding illegal trade in whale products, invites all countries concerned to co-operate to prevent illegal trade in whale meat and to report to the CITES Secretariat on any development regarding this issue, and directs the Secretariat to share with the IWC any information it collects regarding illegal trade in whale meat.

Description of events since CoP9 (1995)*First Informal Meeting Relating to Control of Trade in Whale Products*

3. The Japanese Government convened an international meeting on 19-20 April 1995 to provide a venue for information exchange among experts who are involved in regulating trade in whale products. Whale meat inventories and markets were discussed. The United States suggested that Japan dispose of pre-moratorium stocks of meat to make illegal trade easier to detect. Japan replied that such steps could infringe on the property rights of the meat owners. Japan also noted that whale meat could be stored for up to 10 years. The Japanese delegation provided summaries of eight cases of attempted smuggling of whale meat into Japan (one from the Republic of Korea, one from the Russian Federation, and the remainder from Taiwan, Province of China). During discussions of methods used to enforce regulations pertaining to whale meat, Japan listed various steps taken to prevent illegal trade. While Japan has regulations prohibiting illegal imports of whale meat, it has no laws making possession of such meat, once imported, a crime. Concrete results from this meeting were meagre, but having a forum to discuss the problem with other governments was a step forward.

Asian Regional CITES Meeting

4. At the Asian regional CITES meeting in Tokyo, during October 1995, Japan reported a recent case (see below, 12 September 1995) of suspected whale meat being imported by Japanese nationals. A discussion followed that centred on the need for second-party confirmation of DNA identification. Japan accepted the offer of the United States to do this work; the results were reported to the IWC.

Resolutions in IWC

5. Since CoP9, the IWC has passed two resolutions (in 1995 and 1996) reiterating the need for co-operation between the IWC and CITES. At both IWC meetings, documents were submitted to the Sub-Committee on Infractions, detailing illegal shipments of whale meat seized by enforcement authorities in Japan (details of these cases are discussed below, together with a new case from Hong Kong).

Illegal whale meat shipments since CoP9

6. 11-12 February 1997 – The Hong Kong Government seized three suspected whale meat samples from local Japanese restaurants investigated by TRAFFIC. In a co-operative effort with Hong Kong, the United States determined that one sample was a short-finned pilot whale but the other two samples were fish. The pilot whale is not covered by the IWC moratorium, but is listed in Appendix II. Since possession of an Appendix-II species without a licence is illegal in Hong Kong, authorities will prosecute this case.
7. 6 April 1996 – Five tons of whale meat mixed with five tons of fish were seized in Japan. During the last IWC meeting, the United States referred to reports that the shipment had originated in Norway. The Norwegian delegation replied that it was committed to dealing with the issue of illegal trade in whale products in the appropriate forum. No additional details are available; no second-party DNA confirmation was conducted.
8. 20 December 1995 – In Osaka, Japan, Customs officials confiscated 5.4 tons of Bryde's whale meat from a Korean vessel. No additional details are available; no second-party DNA confirmation was conducted.
9. 12 September 1995 – Japanese police seized 6.1 tons of sperm whale meat and blubber from a Japanese driftnet vessel in the port of Kesennuma, Japan. The whale had been taken on 10 September 1995 within the Japanese exclusive economic zone. The United States confirmed the species identification using DNA analyses.

NGO actions

10. Various efforts by NGOs (begun in 1993) to monitor whale meat markets in Japan and the Republic of Korea using DNA analysis continued in 1994, 1995, 1996 and 1997, and have uncovered several interesting cases. Southern hemisphere minke whale meat was discovered in the Republic of Korea, as well as meat from Bryde's whales and pygmy Bryde's whales. The meat from these cases (with the possible exception of the Bryde's whale) must have come from whales taken outside of the Korean EEZ and imported into the Republic of Korea, because these whales do not occur within Korean waters. In Japan, DNA analysis showed that meat from various species of baleen whales (fin, Bryde's, and humpback) was being offered for sale. Fin whale meat was last imported from Iceland in 1991 from scientific whaling conducted up to 1989. Bryde's whales were last taken commercially by Japan in 1987; the last imports were from Peru in 1986. Humpback whales have been protected by the IWC since the mid-1960s. The source of these meats could have been stranded animals, by-catch in fishing gear, or illegal catches.
11. In a recent co-operative effort between the Republic of Korea and the United States, facilitated by TRAFFIC, no evidence of illegal importation was found. DNA analysis was conducted on 18 samples of suspected cetacean meat from markets in the south-eastern part of the Republic of Korea; all of the source species occurred in Korean waters. The absence of these species in this analysis does not mean that they are not currently sold in Korean markets, since timing/location of sampling differed from an earlier study reported to the IWC, in which meat reported for sale in 1993-95

was determined to be from species not found in Korean waters. We hope that future joint efforts can take place between the Republic of Korea and the United States to monitor the species and origin of whale meat sold in Korean markets.

Increasing supply of whale meat

12. Since CoP9, scientific whaling by Japan has increased in both the Antarctic and the North Pacific, as have incidental catches of whales in both Japan and the Republic of Korea. The existence of stockpiles of cetacean (whale, dolphin and porpoise) meat, meat from scientific whaling, and whale meat from incidental catches makes the monitoring of trade in whale meat all but impossible. These "legal" sources can provide 'cover' for any illegal whale meat that enters Japan or the Republic of Korea.

New conservation questions

13. TRAFFIC (1997) reported a by-catch of 128 minke whales in waters of the Republic of Korea during 1996. This catch, from an IWC-designated Protected Stock, is higher than during the last two years of Korean commercial whaling, when 122 and 69 minke whales were taken in 1985 and 1986 respectively. The large number of minke whales reported as recently taken in Korean fisheries as by-catch increases the potential that the meat will make its way illegally into Japan, using routes established in the past for illegal trade in Bryde's whale meat from Taiwan, Province of China.
14. Pygmy Bryde's whales appearing in the market place are of particular concern because little is known regarding its conservation status and biology. Also, these whales tend to be highly localized in their distribution.

Description of U.S. DNA sequencing capabilities and co-operative efforts

15. The Molecular Genetics Laboratory at the Southwest Fisheries Science Center (SWFSC) of the National Marine Fisheries Service, La Jolla, California, United States of America, can identify the species of suspected cetacean meat and other products. The technique involves determining the DNA sequence of portions of the mitochondrial genome known to provide taxon-specific information.
16. – The SWFSC has expanded its cetacean database of type DNA sequences to about 70 of the approximately 80 species.
17. – Recently the SWFSC has worked co-operatively with the Russian Federation, Japan, the Republic of Korea and Hong Kong to identify or confirm the identification of unknown samples.

18. – The SWFSC invites interested parties to contact the Center if situations arise where a determination of the species of suspected cetacean material may be needed for matters related to CITES or to international or national wildlife conservation regimes. For such purposes, the services of SWFSC are usually available at no cost. The SWFSC also reminds interested parties that the normal CITES provisions apply when exporting potentially restricted species, and that the most restrictive provisions of CITES should be applied to the unknown sample(s). The Management Authority of the United States will also need to issue appropriate permits to allow the interested party to import the sample(s) in question. Please address correspondence to:

Dr Michael F. Tillman, Director
Southwest Fisheries Science Center
P.O. Box 271
La Jolla, CA 92038
United States of America

Tel: (1619) 546-7067
Fax: (1619) 546-5655.

Topics for discussion

19. The United States believes that the resumption of commercial whaling and international trade in any form should not be considered until there is a reliable and transparent system in place to prevent illegal trade in whale meat.
20. The United States offers the following suggestions to improve control of illegal trade in whale meat:
21. – To inventory all frozen whale meat by quantity, species and geographic origin.
22. – To make illegal trade easier to detect, dispose of all baleen whale meat stocks in Japan by 31 December 2000 (except minke whale meat imported into Japan from Japanese scientific whaling operations).
23. – To report all by-catch and direct catch of baleen whales and collect and to inventory skin or meat samples for DNA species identification when any products of these whales enter into commerce.
24. – Increase international co-operation to determine sources of whale meat.

Reference

25. TRAFFIC (1997) Mills, J.; Ishihara, A.; Sakaguchi, I.; Kang, S.; Parry-Jones, R.; and Phipps, M. 1997. Whale meat trade in East Asia: a review of the markets in 1997. TRAFFIC International, Cambridge, UK (ISBN 1 85850 1253).