CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II

Other proposals

A PROPOSAL

Norway proposes, as notified in a letter of 10 January 1997 to the Secretariat, to transfer the Northeast Atlantic and the North Atlantic Central stocks of minke whale *Balaenoptera acutorostrata*[1] from Appendix I to Appendix II of the Convention on International Trade in Endangered Species of flora and fauna (CITES).

This proposal is presented in accordance with the format for such proposals as set out in Annex 6 to Resolution Conf. 9.24, and in accordance with the precautionary measures specified in Annex 4 of Resolution Conf. 9.24.

Scientific research shows that the Northeast Atlantic and North Atlantic Central stocks of minke whales are in a healthy state and in no way are threatened with extinction. The most recent abundance estimates, from the Scientific Committee of the International Whaling Commission (IWC) which is composed of the world's leading scientists in this field, for the Northeast Atlantic stock is 112.000 animals and for the North Atlantic Central stock 28.000 animals. This clearly indicates that these two stocks of minke whale may not in any way be regarded as being threatened and therefore do not qualify for inclusion in Appendix I. This also demonstrates that the IWC moratorium on commercial whaling[2] is not founded on science, but on political considerations. Consequently, there is not either a scientific basis for the decision made by CITES in 1983 resulting in all whale species covered by the IWC moratorium being listed on Appendix I[3]. It would therefore not seem appropriate to make a reference to this decision when considering the present proposal to downlist the Northeast Atlantic and North Atlantic Central stocks of minke whale to Appendix II.

Objective criteria are fundamental for assigning species to a particular category. Progress was made at COP9, where new criteria were adopted for amendment of Appendices I and II, cf. Resolution Conf. 9.24. It is assumed that the application of the new criteria will result in species being listed according to sound and updated scientific information from relevant international bodies concerning the species and stocks in question.

It should also be noted that at its 48th Annual Meeting in Aberdeen in 1996, the IWC acknowledged that the present IWC classification of whale species is no longer relevant, stating that «The Commission […] agreed that the Scientific Committee should not spend time providing advice on stock classification under the […] now discredited (but legal) NMP[4]» (RIWC, 1996, p. 21).

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[1] Cf. IWC 1995.

[2] This moratorium, which was adopted in 1982 and entered into effect in 1986, is, however, not binding for Norway, as Norway lodged an objection to the general moratorium in 1982.

[3] Cf. Resolution Conf 2.9 on «Trade in certain species and stocks of whales protected by the International Whaling Commission (IWC) from commercial whaling».

[4] NMP = New Management Procedure of 1974.

BRIEF HISTORY OF MINKE WHALE IN CITES

Minke whale *Balaenoptera acutorostrata* was put on CITES Appendix II in 1979. Based *inter alia* on Resolution Conf 2.9 on "Trade in certain species and stocks of whales protected by the International Whaling Commission (IWC) from commercial whaling", COP4 (Gaborone, 1983) decided to list all cetaceans in Appendix I for which catches were regulated by the IWC and for which the IWC had set a zero catch limit for commercial whaling. This decision meant that minke whale (with the exception of the West Greenland population) was transferred to Appendix I. Norway has, however, formally reserved its position on the transfer of minke whale to Appendix I, pointing to the fact that such a listing was not based on scientific advice.

At COP9 (Fort Lauderdale, 1994), Norway presented a proposal to downlist the Northeast Atlantic stock and the North Atlantic Central stock of minke whale from Appendix I to Appendix II of the Convention. Following a vote, this proposal was rejected by the Conference of the Parties. For COP10, Norway is submitting a new proposal to downlist these two stocks to Appendix II.

BPROPONENT

Norway

CSUPPORTING STATEMENT

1TAXONOMY

1.1Class Mammalia

1.2 Order Cetacea

1.3 Family Balaenopteridae

1.4 Species*Balaenoptera acutorostrata* (Lacépède 1804, cf. CITES Secretariat 1988)

1.5 Scientific synonyms*Balaena rostrata* (Fabricius 1780)
Balaenoptera bonaerensis (Burmeister 1867, as quoted in CITES Secretariat 1988 and IWC 1995)

1.6 Common names English: Minke Whale, Little piked whale, Pike-headed whale, Sharp-headed finner, Bag whale, Sprat whale, Lesser rorqual, Bay whale (see e.g. IWC 1995)
Norwegian: Vågehval, minkehval, minke
Russian: Malyi, karlikovji
Japanese: Koiwashi kujira, minku kujira minku
French: Rorqual a museau pointu, rorqual a rostre, petit rorqual
German Zwerghval
Swedish: Vinkhval, Vikarehval, vikhval
Danish: Vågehval, Sildepisker
Greenlandic: Tikaagullik

Icelandic: Hrefna, hrafnreyður

1.7 Code numbers The code number for minke whale *(Balaenoptera acutostrata)* in the CITES Identification Manual is Code A-111.007.001.001 [1987 (1)].

2. BIOLOGICAL PARAMETERS

2.1 Distribution

The minke whale occurs throughout the world oceans to the ice-edge. The distribution of minke whale is shown in the map (based largely on Stewart and Leatherwood, 1995) below.

The historical distribution of both stocks is assumed to be similar to their present distribution. Range states (for at least on of the two stocks) are Belgium, Denmark, Faroe Islands, France, Greenland, Germany, Iceland, Ireland, Netherlands, Portugal, the Russian Federation, Spain, Sweden and the United Kingdom.

The Norwegian proposal relates to the two continental populations defined (IWC 1995) as the Northeast Atlantic stock and the North Atlantic Central stock of minke whale[5], and most of the biological parameters provided below relate to these two stocks. It may be mentioned that there is a distinct genetic difference between these two stocks. The map on the next page (taken from *Rep. Int. Whal. Commn 42*, 1993) shows the distribution of these two stocks of minke whale.

[5] It may here be mentioned that while the listing of a species in more than one Appendix should be avoided in general in view of the enforcement problems it may create, split listing is, cf. Annex 3 to Resolution Conf. 9.24 (Special cases) possible for *inter alia* national or continental populations. In the case of the Northeast Atlantic and the North Atlantic Central stocks of minke whale, such continental populations have been clearly identified, cf. this map and (IWC 1995).

During the summer months the stock feeds in the Northeast Atlantic Ocean north to the ice-edge, including the Barents Sea area. The location of the stock during the winter months is less certain. The limited number of observations during winter in both the south-western and south-eastern parts of the North Atlantic makes it difficult to determine whether minke whales aggregate in specific areas or whether they are more or less randomly distributed throughout the southern part of the North Atlantic Ocean during the winter. The latter alternative seems most likely. Some individuals, apparently immature animals, may stay in northern waters throughout the winter.

North Atlantic Central stock

The Central stock feeds in the area around Iceland, East Greenland and Jan Mayen Island during the summer months. The distribution of this stock during winter is also uncertain.

2.2Habitat availability

As mentioned in 2.1 above, the minke whale occurs throughout the world oceans to the ice-edge, and habitat availability is therefore not regarded as a crucial issue for this species.

Large alternations in whale habitats have not occurred, and habitat availability is therefore good for this species. Furthermore, as a result of improved fisheries management and favourable habitat conditions, the availability of food for whales in the Northeast Atlantic have improved markedly in the last ten-year period.

2.3Population status

The world population of minke whale is estimated to be 1 million animals, but this estimate is acknowledged to be biased downwards, and the true number could possibly be much higher. The largest populations of minke whale are found in the Southern Hemisphere. There are also populations in the Western Atlantic, the North Pacific and the Northern Indian Oceans. It may here also be mentioned that all known minke whale stocks are in a healthy state.

Considerable effort has been made in recent years to estimate abundance of the two stocks of North Atlantic minke whale. Estimated abundance for the Northeast Atlantic stock is found in the 1996 Report of the Scientific Committee[6], while the numbers for the North Atlantic Central stock are found in the 1991 Report of the Scientific Committee [7].

Northeast Atlantic stock

The most recent estimate adopted by the IWC Scientific Committee for use in their recently developed Revised Management Procedure (RMP) is 112.000 animals, with a 95% confidence interval from 91.000 to 137.000. This estimate is based on data collected during a large-scale sighting survey with two independent observer platforms in the summer of 1995, and the analyses have been thoroughly discussed in the IWC Scientific Committee. A corresponding revised estimate based on a large-scale survey conducted in 1989 is 65.000 animals, with a 95% confidence interval from 44.000 to 94.000.

The Scientific Committee of the IWC gives a number of reasons why the 1995 estimate is so much higher than the 1989 estimate[8]. The main points are that the 1995 estimate for various reasons is considered more reliable than the 1989 estimate, and that the numbers also suggest an annual stock increase of at least 2%.

North Atlantic Central stock

In 1990 the IWC Scientific Committee accepted 28.000 as the best estimate of the number of minke whales in the Central stock area, with a 95% confidence interval of 21.600 to 31.400 as calculated by the Scientific Committee Sub Committee on North Atlantic Minke Whales. The calculations were based on 1987 Icelandic aerial and vessel surveys and 1987 Norwegian surveys around Jan Mayen, as well as Icelandic surveys South of 60°N in 1989 (*Rep. Int. Whal. Commn 41*: 66, 138). A new estimate for the size of the North Atlantic Central stock will be presented by the North Atlantic Marine Mammal Commission (NAMMCO) in March 1997, based on surveys conducted in 1995 (NASS-95). Preliminary results from this multinational sightings survey indicate similar or higher densities compared to earlier surveys (Sigurjönsson, Johan (Iceland), 1997, personal communication).

2.4Population trends

Northeast Atlantic stock

On the basis of sighting surveys it is assumed that the Northeast Atlantic stock has increased over the recent 10 years. The 1983 level of the stock has been estimated to be 70% (95% confidence interval of 52%-94%) of the 1952 level (*Rep. Int. Whal. Commn 44*: 323-332). As mentioned in 2.3 above, the

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[6] IWC/48/4, 1996. Report of the Scientific Committee, Aberdeen, June 1996 (Item 8.3 - North Atlantic Minke Whales), pp. 14-22.

[7] *Rep. Int. Whal. Commn 41*, 1991. Report of the Scientific Committee, p. 66 and Annex F - North Atlantic Minke Whales, p. 138.

[8] IWC/48/4, 1996. Report of the Scientific Committee, Aberdeen, June 1996 (Item 8.3 - North Atlantic Minke Whales), p. 19.

Scientific Committee of the IWC has found that the numbers suggest an annual stock increase of at least 2% from 1989 to 1995 for this stock.

The average annual catch over the period 1938-1983 was approximately 2,000 animals. This catch level has since been reduced to a few hundred animals annually, with a pause in commercial catches from 1987 to 1992. For further information on catches in the period 1988 to 1996, reference is made to 4.2.3 below.

North Atlantic Central stock

This stock has only been subject to a relatively limited period of and moderate level of exploitation, and scientists consider its present size to be similar to pre-exploitation levels (*Rep. Int. Whal. Commn 41*, 1991, p. 68).

2.5Geographic trends

Several sighting surveys conducted over the period 1987-1995[9] and distribution of catches as shown from compulsory catch reports from 1938 onwards indicate that density distributions in the Northeast Atlantic may shift locally between years, most probably due to shifts in the availability of prey items. Specific studies based on Barents Sea catch data over the period 1952-1983 indicate that local minke whale density shows a cyclic variation around an almost stationary level (Rep.int.Whal.Commn 44: 323-332). There is no evidence of a decline in range area for minke whales in the North Atlantic. As mentioned in 2.2 above, habitat availability is also good for this species.

2.6Role of the species in its ecosystem

Minke whales are top predators in the ecosystem. Although krill is an important food item, a wide range of fish species, of which capelin, herring and sandeel are the most frequently found, dominate the diet in the Northeast Atlantic. Predation from minke whales may significantly increase mortality in commercially exploited fish populations (Haug et. al, 1996, pp 225-239, and *Rep. Int. Whal. Commn 46*: 371). Adult minke whales are not known to have predators. It may also be mentioned that the North Atlantic Marine Mammal Commission (NAMMCO) in 1996 established a working group to study more closely the role of the minke whale in the ecosystem.

2.7Threats

There are at present no threats to the survival of the minke whale stocks in the North Atlantic.

3UTILISATION AND TRADE

3.1National utilisation

Traditionally, the Northeast Atlantic stocks of minke whale has been hunted only by Norway, while the North Atlantic Central stock has been hunted by Iceland and Norway. No minke whales have been caught in Icelandic waters (from the North Atlantic Central area) since 1985.

Whaling has always been an important means of livelihood for Norwegian coastal communities and a seasonal activity for some fishermen. All whaling vessels are ordinary fishing boats, 40 - 80 feet long, specially fitted out for whaling. The vessels are generally owned and operated by families and carry a crew of 4 - 8 men, including the owner. In the period 1990-1996, a total of 1.211 minke whales were hunted by Norway. For more details about legislation, management and control relating to minke whale hunting in Norway, reference is made to 4.1.1, 4.2.3 and 4.3.2 below.

Although whale meat is much in demand in Norway, whale blubber is not currently used for either human consumption or other purposes. Blubber is no longer in demand because the food processing industry found substitutes for blubber when the supply of whale products was discontinued. Consequently, blubber from whale catches amounting to 415 tons is presently stored in Norway. Research is being

[9] *Rep. Int. Whal. Commn 39*:395-455; 41: 433-437; 41: 559-572; Annual meeting 1996

done to develop alternative uses of blubber in Norway, *inter alia* with regard to health care and medical treatment (see for example Østerud et. al. 1995). Outside Norway there is a demand for blubber in some countries.

3.2Legal international trade

At present there is no legal international trade in minke whale products.

Traditionally, Norway has exported small amounts of meat as well as most of the blubber to a limited number of countries. A small amount of whale meat was previously also imported to Norway from Iceland.

3.3Illegal trade

The export of whale products from Norway without a licence is a criminal offence subject to proceedings under the Norwegian Penal Code.

In 1993 an attempt at unlicensed export of whale meat from Norway to Japan was detected. Charges have been brought and the matter will be dealt with in Norwegian courts in January 1997, and is expected to be completed by July 1997.

Report of one seizure of four tons of whale meat allegedly smuggled from Norway to Japan in 1996 is under police investigation both in Japan and Norway.

Pursuant to Resolution Conf. 9.12, the Secretariat will be kept continuously updated with regard to any developments in these cases as well as any other developments regarding possible illegal trade in whale products.

3.4Actual or potential trade impacts

As mentioned in the introductory part of this proposal, Norway is not bound by the decision made by CITES in 1983 to transfer minke whale from Appendix II to Appendix I, as Norway lodged a reservation against this CITES decision in 1983. Exports from Norway is consequently not dependent on a downlisting to Appendix II of the two stocks. This means that there is no automaticity between the export policy of Norway and the listing of the two stocks in either Appendix I or II. Reference is also made to 4.2.3 (management measures) and 4.3.2 (control measures) below.

3.5Captive breeding or artificial propagation for commercial purposes (outside country of origin)

Not relevant for this species.

4CONSERVATION AND MANAGEMENT

4.1Legal Status

4.1.1National

In Norway, the Ministry of Fisheries is the responsible authority for the management of marine mammals. The Sea-Water Fisheries Act of 1983 *(Lov om saltvannsfiske)* and the Whaling Act of 1939 *(Lov om hvalfangst)* contains the principal legislation for the management of whaling in Norway, with the Ministry of Fisheries as the responsible management authority.

In addition, a number of provisions are set out in relevant regulations made pursuant to these two Acts. Of particular relevance are the annual regulations set for (1) the hunting of minke whales, including quotas and catch periods, (2) the permission to hunt minke whales, including rules for vessels and crew, and (3) the practice and procedures for the hunting of minke whales, including obligatory training programs.

For more information on management and control measures taken pursuant to these Acts and regulations, reference is made to 4.2.3 below.

4.1.2International

The management of the minke whale stocks is covered by the Schedule to the International Convention for the Regulation of Whaling (ICRW) of 1946. An objective of the ICRW is to ensure "increases in the numbers of whales which may be captured without endangering these natural resources". Moreover, the Convention states that the harvesting level shall "be based on scientific findings", shall provide for "the conservation, development and optimum utilisation of the whale resources [...] and [...] shall take into consideration the interests of the consumers of whale products". In other words, the objective of the Convention is not to protect the whales for their own sake, but to regulate catches of whales for the benefit of mankind both now and in the future.

The International Whaling Commission (IWC) adopted a moratorium on commercial whaling in 1982, which entered into effect in 1986. This moratorium is not binding for Norway according to Article V of the ICRW, as Norway lodged an objection to the general moratorium in 1982[10]. In Norway's view, the moratorium was not based on scientific data as stipulated in the Convention, and furthermore entailed a departure from the management procedures set out in the Schedule to the Convention. The moratorium was passed in a time of uncertainty of the size of most whale stocks. Today, much more is known about many stocks, especially the minke whale stocks. The general moratorium, therefore, is now in contradiction with the management objectives of the ICRW and reflects the fact that the IWC does not function according to scientific advice.

Norway exercised its legal right under the objection to the moratorium to resume commercial whaling in 1993 based on the new scientific knowledge of the whale stocks concerned.

The IWC is in the process of revising its management procedures. With reference to resolution 1994-5, the Commission at its 46th meeting in May 1994 accepted the Revised Management Procedure (RMP) as the main scientific component in the development of a Revised Management Scheme for commercial whaling. The implementation of the RMP gives quotas for the Northeast Atlantic and North Atlantic Central minke whale stocks, but the IWC has refused to complete the work on the RMP.

4.2Species Management

4.2.1Population monitoring

A sighting survey of the total area in the Northeast Atlantic[11] was conducted in 1995. The results of these sightings are contained in 2.3 above. In 1996, 1/6 of the area was surveyed, and it is planned to continue surveying 1/6 of the area every year from now on, thus covering the whole area every six years. The sighting surveys are conducted according to the rules laid down by the Scientific Committee of the IWC. International scientists participate in the surveys.

4.2.2Habitat conservation

As a result of improved fisheries management combined with favourable habitat conditions, the major stocks of minke whale prey species in the Northeast Atlantic (the Norwegian and Barents Seas) are presently at high levels.

It may in this regard also be mentioned that Norway places great emphasis on the conservation of the marine environment, *inter alia* through active involvement in international co-operation related to the North Sea, the Barents Region and the Arctic region.

4.2.3Management measures

In the Northeast and Central Atlantic, minke whales are at present exploited only by Norway. Norwegian quotas are set by application of the Revised Management Procedure (RMP) developed by the IWC Scientific Committee (*Rep. Int. Whal. Commn 44*: 145-167). The RMP of the IWC is based upon the

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[10] Cf. IWC 1995.

[11] It should be mentioned that this survey area is larger than the area defined for the Northeast Atlantic stock, in that it also includes some of the area for the Central North Atlantic stock area, including Jan Mayen.

precautionary principle, and is designed to minimise the probability of accidentally reducing the stock to below a certain protection level. The procedure has been widely tested by computer simulations to ascertain its proper function under a large variety of risk assumptions.

As mentioned in 4.1.1 above, all whale species are protected under Norwegian law, but individual permits for catching whales may be issued by the government.

In the period 1986 to 1992, no commercial whaling was allowed in Norway. Over the period 1988 to 1992, 146 minke whales were caught for scientific research purposes[12]. Commercial hunting was taken up again in 1993. In the years 1993-1996, a little over 30 vessels have participated in the commercial hunting of minke whale. The table below shows the total Norwegian quotas and catches of minke whale in Norway in the period from 1990 to 1996.

Year	Total quota	Research catch (quota)	Commercial catch (quota)	Total catch	Of which is North Atlantic Central Stock
1990	5	5 (5)	0	5	0
1991	0	0	0	0	0
1992	95 (110)	95 (110)	0	95	0
1993	296	69 (136)	157 (160)	226	13
1994	301	74 (130)	206* (189)**	280	41
1995	232	0 (0)	218	218	42
1996	425	0 (0)	388	388	40

* Following an increased quota as a result of lower research catches than planned.

** The quota was increased from the originally planned 171 to 189 already before the start of the commercial catch season due to lower research catches than planned in spring 1994.

For 1997, a quota has been set on the basis of the Revised Management Procedure for 580 minke whales. Approximately 40 vessels are expected to be allowed to participate.

4.3Control Measures

4.3.1International trade

Trade regulations under CITES and the Agreement Establishing the World Trade Organisation (WTO) are the relevant legal instruments regarding international trade with threatened species.

4.3.2Domestic measures

Trade/commerce

In addition to requirements set out by CITES regulations related to the control of trade in minke whale products[13], Norway in 1993 introduced a specific regulation about the need for a licence also from the Ministry of Fisheries for export of minke whale from Norway. The export of whale products from Norway without such a licence is a criminal offence subject to proceedings under the Norwegian Penal Code. No export licences have been issued since the scheme came into effect.

In addition to the hunt being supervised by an officially appointed inspector on each vessel as described below, all meat and blubber that is landed is also controlled by the health authorities before sale and subsequent consumption in Norway.

Norway will ensure that systems for proper monitoring and control of trade are implemented involving importing countries before any export of minke whale products is considered.

Norway is presently exploring a control system aiming at *inter alia* detecting any attempts at illegal trade in products from other stocks of minke whales or other species of baleen whales. It is the intention to take DNA samples of each animal caught, which would be analysed and registered in a database. Such a system will be fully transparent and will be useful to all authorities involved in controlling the distribution

[12] 29 whales in 1988, 17 in 1989, 5 in 1990, 0 in 1991 and 95 in 1992.

[13] Where no CITES export licenses have been granted for minke whale products since 1983, despite Norway having entered a specific reservation to the listing of minke whale on CITES Appendix I.

and marketing of whale products. Norway will provide to COP10 more detailed information about the control system being explored.

Hunting

As mentioned in 4.2.3 above, harvest is regulated through quotas set by applying the Revised Management Procedure (RMP). Each of the participating vessels is given a licence and the right to hunt a certain number of whales in specified areas in accordance with the RMP. Hunting of whales in Norway requires vessels with special equipment. Since 1993 officially appointed inspectors have been onboard every Norwegian whaling vessel throughout the catching season. Furthermore, the national coast guard patrols the catch areas. The whalers and inspectors are trained before every season to make sure that the rules and regulations for the hunt are well understood. The whalers also have to pass hunting tests. The inspectors are authorised to stop the hunt if the rules are not abided by.

5INFORMATION ON SIMILAR SPECIES

Trade/commerce

As in most cases involving CITES species, there is a need for mechanisms to ensure that the removal of species from Appendix I does not jeopardise the control of trade in other Appendix I species, cf. also Annex 4 to Resolution Conf. 9.24.

It is in practice not possible to distinguish between whale meat and blubber from different species of baleen whales and between different populations of a species by visual inspection. One valuable and promising mechanism for distinguishing the meat and blubber of North Atlantic minke whale stocks from other stocks of minke whales or other species of baleen whales, however, is the use of DNA analysis.

If the stocks belong to different biological sub-populations, as is the case of the Northeast Atlantic and North Atlantic Central stocks of minke whale, DNA analysis for example makes it possible to distinguish between meat from different stocks of minke whale. By using currently available standard genetical techniques it is also possible to distinguish tissues from different species of whales. The techniques necessary are used on a routine basis by several commercial and non-commercial laboratories in many countries and can be carried out at relatively low costs. It is therefore possible to on a routine basis use DNA analysis as a trade control measure to distinguish the tissues of minke whale from those of other species.

Reference is also made to 4.3.2 above about Norway's efforts to explore a control system based on DNA analysis.

Hunting

The minke whale cannot be confused with other species of whale at sea. Furthermore, the control and inspection system that exists at the Norwegian level secures that any other than the target species of whale is not harvested. At the international level, the IWC is engaged in improving its systems for supervision and control. It should be noted that the NAMMCO Council has adopted the joint Control Scheme for Hunting of Marine Mammals, which includes both common elements for a national inspection of coastal whaling as well as an international observation scheme for hunting of all marine mammals.

6OTHER COMMENTS

In line with the recommendations set out in Resolution Conf 8.21, Norway has, in a letter of 30 September 1996, presented a draft proposal for comments from the range states of the Northeast Atlantic stock and the North Atlantic Central stock of minke whale for consultation. Comments were sought by 31 December 1996. Comments were received from the CITES management authorities of Ireland, Sweden, the Netherlands, Spain, Germany and Denmark. Comments relating to specific elements in the proposal have been sought accommodated as far as possible and appropriate. A summary of the general opinions received from range states is provided below.

In a letter of 17 December 1996, Ireland states that they are opposed to the proposal, pointing out that the International Whaling Commission (IWC) has adopted a moratorium on commercial whaling of minke and other species. In a letter of 19 December 1996, the United Kingdom opposes the transfer to Appendix II of any species of cetaceans while the IWC moratorium on commercial whaling exists. Denmark, in a letter of 20 December 1996, points out that the population estimates and the current catch regime

clearly indicates that minke whales in the North Atlantic can be used in a sustainable manner and that it from a scientific point of view is evident that minke whale in the North Atlantic are not threatened with extinction or likely to be so and therefore dies not fulfil the biological criteria for inclusion in Appendix I. Germany, in a letter of 23 December 1996 points out that they will follow Resolution Conf. 2.9 which recommends that Parties will not issue any import or export permit for commercial trade in species or stocks protected from commercial whaling by the IWC. In a letter of 20 December 1996, Sweden states that it cannot support the proposal as long as the IWC has set zero quotas for the hunting of minke whale. Spain, in a letter of 23 December 1996, point out that they due to conservation and biological reasons do not wish any change in the present CITES listing of minke whale, and that they will await any changes in IWC's consideration of abundance estimates and catch quotas. In a letter of 23 December 1996, the Netherlands states that it will not support the proposed downlisting and that it will oppose the transfer to Appendix II as long as the IWC moratorium on commercial whaling is in place.

The draft proposal was also sent to the International Whaling Commission (IWC) as an intergovernmental body having a function in relation to minke whale. Comments were sought by 31 December 1996. In a letter of 9 December 1996, the IWC informed that the proposal was circulated to Commissioners, Contracting Governments and Members of the Scientific Committee of the IWC with a request for any comments. The Secretary to the Commission points out that since the IWC has not considered the issue as a body, it was not possible to submit the views of the Commission as such. However, comments were passed on that had been received from the governments of Australia, France, New Zealand, Switzerland and the USA, as well as from one individual member of the IWC Scientific Committee, Dr. P. B. Best. Reference was also made by the Secretary to the Commission to the work and conclusions of the Scientific Committee on the analysis and agreed assessment of the status of the North-eastern stock of North Atlantic minke whales[14], to the latest analyses and assessments of the Central stock of North Atlantic minke whales[15] and to Resolutions passed by recent IWC meetings dealing with various aspects of trade in whale meat and products[16]. In a letter of 13 December 1996, the IWC also enclosed copies of comments they had received from the governments of Austria and the United Kingdom. In this letter, the Secretary to the Commission also makes a reference to IWC Resolution 1994-5, which, while accepting the scientific component of the Revised Management Procedure (RMP), defers implementation until all aspects of the Revised Management Scheme are incorporated into the Schedule.

7ADDITIONAL REMARKS

According to Article II of the Convention, Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorised in exceptional circumstances. The intention of Article II when negotiating CITES was that species not threatened with extinction (biological criteria) should not be included in Appendix I. However, species could be included in Appendix II depending on their trade status.

Although this proposal concerns the transfer of only two populations of minke whale from Appendix I to Appendix II, it should be underlined that the information which supported the placing of the minke whale on Appendix I in 1983 has later been proven to be highly inadequate and incorrect. While lack of information was used to support the proposal in 1983, scientific information is now available for the Northeast and Central Atlantic populations of minke whales. Thorough scientific assessments of the two stocks have rather proved them to be largely healthy and viable populations, and this scientific knowledge shows that the two stocks of minke whale may not in any way be regarded as being threatened with extinction.

According to the text of the Convention and the criteria set out in Annex 1 of Resolution Conf. 9.24, the Northeast Atlantic and the North Atlantic Central stocks of minke whale therefore do not qualify for Appendix I, but should rather be placed on Appendix II.

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[14] As contained in the report of the Scientific Committee presented to the 48th Annual Meeting of the Commission (paper IWC/48/4 section 8.3 and paper SC/48/Rep 1 the report of the Abundance Estimation Group to the IWC Scientific Committee).

[15] As published in *Rep. Intl. Whal. Commn 41*: 66, 138.

[16] Specifically IWC Resolutions 1996-3, 1995-6 and 1994-7.

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Annex