Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

Eleventh meeting of the Conference of the Parties (COP11), Nairobi, Kenya 10. – 20.4.2000

Proposal submitted by Norway to transfer the Northeast Atlantic and North Atlantic Central stocks of minke whale *Balaenoptera acutorostrata* from Appendix I to Appendix II

A PROPOSAL

Norway proposes to transfer the Northeast Atlantic stock and the North Atlantic Central stock of minke whale *Balaenoptera acutorostrata*[1] from Appendix I to Appendix II, since Appendix I species according to Article II, paragraph 1 should only be species threatened with extinction which are or may be affected by trade.

This proposal is presented in accordance with Resolution Conf. 9.24 with particular emphasis on the following:

- The biological criteria (cf. Annex 1, Res. Conf. 9.24) for Appendix I species are not met for these stocks.
- The precautionary measures (cf. Annex 4 paragraph B2b, Res. Conf. 9.24) are fulfilled through national measures and establishment of a trade control system based on DNA analysis techniques.

Scientific research shows that the Northeast Atlantic and North Atlantic Central stocks of minke whales are in a healthy state and in no way threatened with extinction. The Northeast Atlantic stock was most recently estimated by the Scientific Committee of the International Whaling Commission (IWC) in 1995, at 112.000 animals. An IWC Scientific Committee estimate from 1990 set the size of the North Atlantic Central stock at 28,000. A new estimate for this stock based on surveys conducted in 1995 (NASS-95), was presented by the North Atlantic Marine Mammal Commission (NAMMCO) in March 1997 (Anon. 1998). Now the number of minke whales in the North Atlantic Central stock was calculated to 72.000. These estimates clearly demonstrates that the two stocks of minke whale may not in any way be regarded as threatened with extinction and therefore do not qualify for inclusion in Appendix I.

Norway has established a trade control system based on DNA analysis

[1] Cf. IWC 1995. See also 1.5.

techniques with samples taken from each individual whale. This system makes it possible to identify and monitor trade in Norwegian whale products and distinguish such trade from any trade in whale products from other sources. Norway will ensure that systems for proper monitoring and control of trade are implemented by potential importing countries before any export of minke whale products from Norway take place.

BRIEF HISTORY OF MINKE WHALE IN CITES

Minke whale *Balaenoptera acutorostrata* was put on CITES Appendix II in 1979 when all cetaceans not already on Appendix I was included en bloc. Despite the recommendation of the Secretariat that this would be in contravention of the Convention, 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 effective as of 1st of January 1986. Norway, however, formally entered a specific reservation on the transfer of the minke whale to Appendix I, pointing to the fact that such a listing was not based on scientific advice. Other countries entered reservations as well.

At COP9 (Fort Lauderdale, 1994), Norway presented a proposal to transfer the Northeast Atlantic stock and the North Atlantic Central stock of minke whale from Appendix I to Appendix II of the Convention. This proposal was rejected by the Conference of the Parties. Also at COP10 Norway submitted a proposal to transfer these two stocks to Appendix II. Although this proposal was accepted by a majority in the vote, it did not achieve the 2/3 majority needed to go through. For COP11 Norway is submitting a new proposal to transfer these two stocks to Appendix II.

B PROPONENT

- Norway

C SUPPORTING STATEMENT

1 TAXONOMY

1.1 Class

- 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)(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
- Faroese: Sildreki
- Icelandic: Hrefna, hrafnreyður

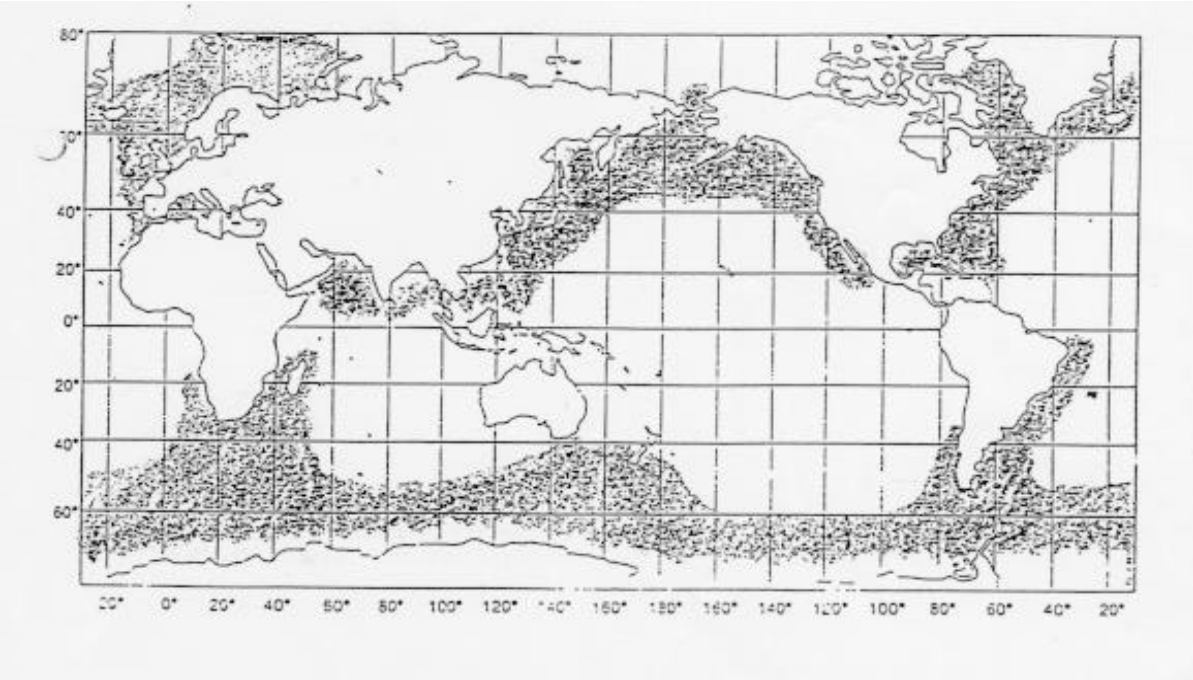
1.7 Code numbers

The code number for minke whale *Balaenoptera acutorostrata* 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 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[2], and most of the biological parameters provided below relate to these two stocks. There is a distinct genetic difference between the stocks. The historical distribution of both stocks is assumed to be similar to their present distribution. Known range States (for at least one of the two stocks) are Belgium, Denmark (including the Faroe Islands and Greenland), France, Germany, Iceland, Ireland, the Netherlands, Norway, Portugal, the Russian Federation, Spain, Sweden and the United Kingdom.The map below (taken from *Rep. Int. Whal. Commn 42*, 1993) shows the distribution of these two stocks of minke whale.

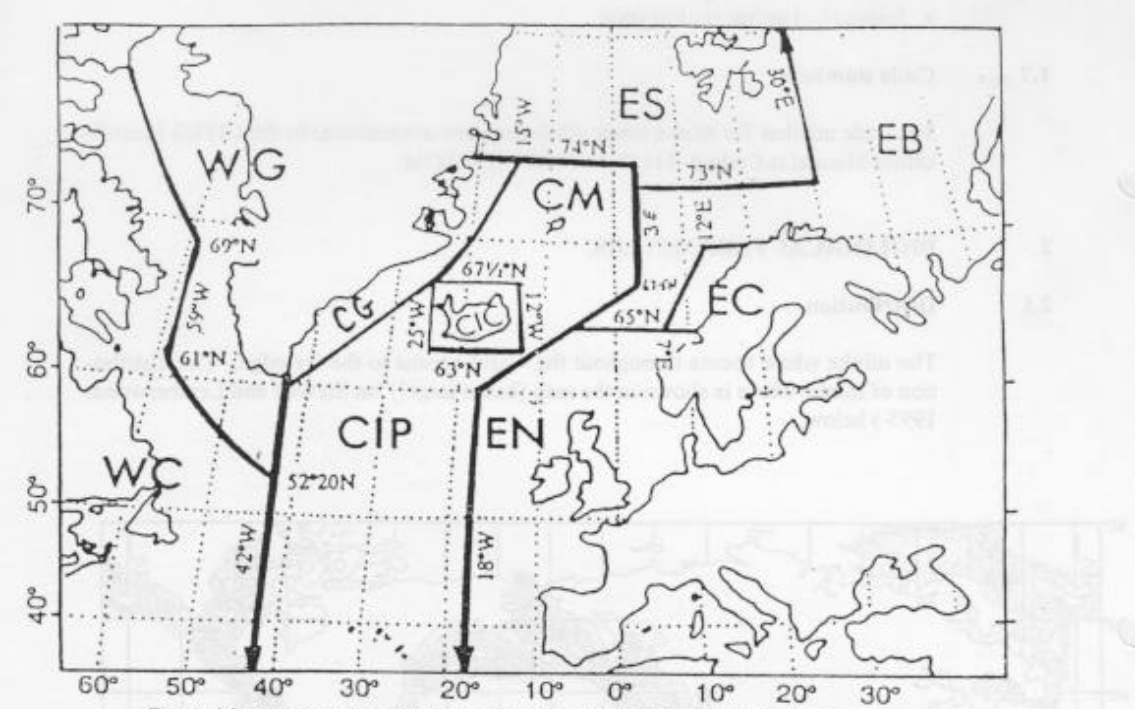


Fig. 1. Management Subareas for 'mixed coastal and pelagic' whaling trials.

Abbreviations in map

Other stocks	**North Atlantic Central stock**	**Northeast Atlantic stock**
WG West Greenland	CG Central Greenland	ES East Svalbard
WC West Coastal	CIC Central Icelandic Coastal	EC East Coastal
	CIP Central Icelandic Pelagic	EB East Barents Sea
	CM Central Jan Mayen	EN East North Sea

[2] 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 possible for *inter alia* national or continental populations, cf. Annex 3 to Resolution Conf. 9.24 (Special cases). 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).

Northeast Atlantic stock
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 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 the winter is also uncertain.

2.2 Habitat 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. Furthermore, as a result of improved fisheries management and favourable environmental conditions, the availability of food for whales in the Northeast Atlantic have improved markedly in the last ten-year period.

2.3 Population[3] status

The total number of minke whales throughout the world is estimated to be around 1 million animals (*Rep. Int. Whal. Commn 41, Int. Whal. Commn 42, Rep. Int. Whal. Comm 43, rep. Int. Whal. Commn 48)*, but this estimate is acknowledged by the IWC 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 populations, except one specific stock in the Sea of Japan, are in a healthy state.

[3] In this context population means a biological subdivision of a species, while stock is used when describing a management unit. Quite often these two concepts overlap.

Northeast Atlantic Stock

The most recent estimate adopted by the IWC Scientific Committee for use in the 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 in the summer of 1995 that was conducted according to new guidelines for such surveys developed by the IWC Scientific Committee.

A corresponding revised estimate based on a large-scale survey conducted in 1989 indicated 65,000 animals, with a 95 % confidence interval from 44,000 to 94,000. The Scientific Committee of the IWC gives several explanations why the 1995 estimate is so much higher than the 1989 estimate[4]. The main points are that the 1995 estimate for a number of plausible 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. 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 based on surveys conducted in 1995 (NASS-95), was presented by the Scientific Committee of the North Atlantic Marine Mammal Commission (NAMMCO) in March 1997 (Anon. 1998). The number of minke whales in the Central stock area was calculated to 72,100 with a 95 % confidence interval of 44,700 – 116,400. This estimate was preliminary discussed by the Scientific Committee of the IWC in 1997.

2.4 Population trends

Northeast Atlantic Stock

On the basis of sighting surveys there are indications that the Northeast Atlantic stock has increased over the recent 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 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 some hundred animals annually,

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

with a pause in commercial catches from 1988 through 1992. For further information on catches in the period 1988 to 1998, please refer to 4.2.3 below.

North Atlantic Central Stock

This stock has only been 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. Commn 41*, 1991, p. 68).

2.5 Geographic trends

Several sighting surveys conducted over the period 1987-1995[5] 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 constant level (Rep. Int. Whal. Comm 44: 323-332). There is no evidence of a decline or increase in range area for minke whales in the North Atlantic. As mentioned in 2.2 above, habitat availability is also good for this species.

2.6 Role of the species in its ecosystem

Norway attaches great importance to the conservation and sustainable use of marine living resources. Fisheries policies and regulations are increasingly being based on multispecies considerations and the ecosystem approach. As top predators in the ecosystem minke whales consume a great variety of fish and crustacean species.
Their diet varies according to season, geographical area and what is available. In the North Sea mackerel and sandeel are thought to be the dominating prey. In the Northeast Atlantic and in the Barents Sea a variety of prey is consumed, the most important species being krill, capelin and herring, but gadoids, notably cod, saithe and haddock, are also significant prey items. Predation from minke whales may have a significant impact on mortality in many fish populations. It has been calculated that for the years 1992-1995 the minke whales of the Northeast Atlantic annually consumed on average 633.000 tonnes of herring, 256.000 tonnes of cod, 142.000 tonnes of capelin, 128.000 tonnes of haddock and 54.000 tonnes of other fish species (Haug et al. 1996, Haug in prep. and *Rep. Int. Whal. Commn. 46:371*). Consumption of commercially exploitable species is large enough to be of concern to those living from the resources of the sea and will have to be taken into account in the management of relevant fisheries. Adult minke whales are not known to have predators.

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

2.7 Threats

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

3 UTILISATION AND TRADE

3.1 National utilisation

Traditionally, the Northeast Atlantic stock of minke whale has been hunted only by Norway, while the North Atlantic Central stock has been hunted by Iceland and Norway. There is also an annual catch of a few minke whales from this stock in East Greenland. No minke whales have been caught in Icelandic waters 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, on average some 65 feet long. The vessels are generally owned and operated by families and carry a crew of 4 - 8 men, including the owner. In the one to two months whaling season they are equipped with a harpoon gun and other gear for the hunt. The harpoon gun is used with pentrite granades which are highly effective. Whales are flensed at sea and catches are usually landed at short intervals. In the period 1990-1999, a total of 2,929 minke whales were caught by Norway, 2,657 from the North East Atlantic stock and 272 from the North Atlantic Central stock. 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 human consumption. Blubber is no longer in demand because the food processing industry found substitutes for blubber when the supply of whale products was discontinued. Research is being 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). Blubber which have not been subject to DNA analysis, will be domestically used.

3.2 Legal 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 into Norway from Iceland.

3.3 Illegal trade

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

In 1993 an attempt at unlicensed export of minke whale meat from Norway to Japan was detected. A thorough police investigation could not reveal any systematic, large-scale export. This case is now awaiting court decision, which is expected in 1999.

Report of one seizure of four tons of whale meat allegedly smuggled from Norway to Japan in 1996 was under police investigation both in Japan and Norway. No proof was found of any connection to Norway and the case is now closed by the Norwegian police.

Pursuant to Resolution Conf. 9.12, cf. also Decision of the Conference of the Parties 10.40 – 43, the Secretariat will be kept updated with regard to any developments in the first of these cases as well as any other developments regarding possible illegal trade in whale products.

3.4 Actual or potential trade impacts

It should be noted that, a**s** long as catch limits will be kept at sustainable levels, the actual or potential impacts of trade would be non-existent for these stocks.

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, since Norway lodged a reservation against this decision. Exports from Norway are consequently not dependent on transfer to Appendix II of the two stocks. 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.

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

Not relevant for this species.

4 CONSERVATION AND MANAGEMENT

4.1 Legal Status

4.1.1 National

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

Whaling Act of 1939 (*Lov om hvalfangst*). The Sea-Water Fisheries Act sets out general provisions for fisheries activities, whereas the Whaling Act requires special permits for whaling.

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 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, (3) the practice and procedures for the hunt, including obligatory training programs and **(**4) the requirement of having an inspector on board**.**

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

4.1.2 International

One of the main principles in the United Nations Convention on the Law of the Sea is that all nations have the right to exploit their marine living resources, including marine mammals. The Convention states that in the case of cetaceans states shall co-operate through the appropriate international organizations for their conservation, management and study.

In 1946 the International Convention for the Regulation of Whaling (ICRW) was adopted. Norway is one of the original signatories to this convention that was established to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry.

To achieve the objectives of the Convention the International Whaling Commission (IWC) is established. According to the Convention decisions of the IWC shall ”provide for the conservation, development and optimum utilisation of the whale resources”, “be based on scientific findings” and ”take into consideration the interests of the consumers of whale products and the whaling industry”. Thus, the objective of the IWC is not to protect whales from being hunted but to manage sustainable whaling on a scientific basis.

However, the IWC over the years diverted more and more from its legal basis. In 1982 the Commission adopted a moratorium on all commercial whaling, which entered into effect in 1986. 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. Norway lodged an objection to the moratorium[6], and it is thus not binding for Norway according to Article V of the ICRW.

The moratorium itself states that this ”provision will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will

[6] Cf. IWC 1995.

undertake a comprehensive assessment of the effects of this decision on whale stocks and consider modification of this provision and the establishment of other catch limits." In 1983 initiatives were taken to have the IWC Scientific Committee prepare for such assessments and also revise the old management procedures. After some delay these tasks were completed in 1992 when the Scientific Committee unanimously recommended the Commission to adopt the Revised Management Procedure (RMP). The RMP would *inter alia* give quotas for the Northeast Atlantic and North Atlantic Central minke whale stocks. However, as we enter a new millenium, there is no sign of willingness to put the RMP to work.

In 1993 Norway invoked its legal right flowing from the objection to the moratorium by resuming traditional whaling operations.

The moratorium was adopted in a time where there was uncertainty about the size of many whale stocks. Today much more is known, especially about the adundance of minke whale stocks. The general moratorium, therefore, is now even more in contradiction with the management objectives of the ICRW. This underlines the fact that the IWC does neither function according to scientific advice nor adhere to its own legal basis. The IWC moratorium on commercial whaling is maintained due to political considerations.

In 1977 CITES adopted a Resolution (Res. Conf. 2.9) recommending the Parties not to issue any import or export permit for species or stocks protected from commercial whaling by the IWC. Based *inter alia* on this Resolution CITES in 1983 decided to list all whale species covered by the IWC moratorium in Appendix I[7]. However, Res. Conf. 2.9 does not deal with the issue of listing whale species in the CITES Appendices.

Furthermore, as an independent organization CITES must make its decisions in accordance with the criteria set out in the Convention. It can not be bound by non-biological considerations of the IWC. For the necessary CITES assessments data from the IWC Scientific Committee will be highly relevant.

4.2 Species Management

4.2.1 Population monitoring

The results of the population monitoring are contained in 2.3 above. Since 1996, 1/6 of the area has been surveyed every year, and it is planned to continue this survey pattern, thus covering the whole area every six years. The sighting surveys are conducted by Norway according to the guidelines laid down by the Scientific Committee of the IWC, including oversight by that body. Scientists from many countries participate in the surveys.

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

4.2.2 Habitat conservation

The minke whale migrates through large marine areas when feeding in Norwegian waters during the summer. The habitat consists of the water itself, where the minke whales prey on fish and invertebrates.

To conserve the habitat of the minke whale, as well as other marine species, 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 and the Arctic region. This work is primarily done through the OSPAR [8] Convention and the North Sea Conferences, as well as the MARPOL[9] and London Conventions.

4.2.3 Management measures

In the Northeast and Central Atlantic, minke whales are at present exploited by Norway and Greenland. Norwegian quotas are set by application of the Revised Management Procedure (RMP) developed by the IWC Scientific Committee in 1994 (*Rep. Int. Whal. Commn 44*: 145-167). The RMP of the IWC is based upon the 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.

All whale species are protected under Norwegian law, but individual permits for catching whales may be issued by the government. In the period 1988 through 1992, no commercial whaling was allowed in Norway. Over this period, 146 minke whales were caught for scientific purposes[10]. Commercial hunting was resumed in 1993. In the years 1993-1998, a little over 30 vessels have annually participated in the minke whale hunt. The table below shows the total Norwegian quotas and catches of minke whale in Norway in the period from 1990 to 1998.

[8] The Oslo and Paris Conventions for the Protection of the Marine Environment in the North East Atlantic.
[9] The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.
[10] 29 whales in 1988, 17 in 1989, 5 in 1990, 0 in 1991 and 95 in 1992.

Year	Total quota	Total catch	Of which is North Atlantic Central Stock
1990	5	5	0
1991	0	0	0
1992	95 (110)	95	0
1993	296	226	13
1994	301	280	41
1995	232	218	42
1996	425	388	40
1997	580	503	20
1998	671	625	57
1999	753	589	59

4.3 Control Measures

4.3.1 International trade

Trade regulations under CITES and the Agreement Establishing the World Trade Organisation (WTO) are the relevant legal instruments regarding international trade in species. As Norway is not bound by the listing of minke whale in Appendix I, Norway treats this species as if it were listed in Appendix II.

4.3.2 Domestic measures

Trade/commerce

In addition to requirements set out by CITES regulations related to the control of trade in minke whale products[11], Norway in 1993 introduced a specific regulation requiring a licence also from the Ministry of Fisheries for export of minke whale products from Norway. The export of whale products from Norway without such a licence is a criminal offence subject to prosecution under the Norwegian Penal Code. No export licences for commercial purposes have been issued since the scheme came into effect.

Norway will ensure that systems for proper monitoring and control of trade are implemented by potential importing countries before any export of minke whale products from Norway will take place.

[11] 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.

DNA-register

Norway has developed a DNA based register for all whales taken in the Norwegian hunt since 1997. This system makes it possible to identify and monitor trade in Norwegian whale products and distinguish such trade from any trade in whale products from other sources. Thus it will be an important tool in the enforcement of trade regulations.

The key element in this system is a tissue sample taken from each minke whale caught in the Norwegian hunt by the government inspectors onboard the vessels. A genetic (DNA) profile analysis of each individual whale is performed by a genetic laboratory and registered in an official and searchable database at the Directorate of Fisheries. The DNA profile can not only distinguish between species and different stocks of minke whale but also between individual animals from the same stock .

Because the register will be accessible to interested parties, it will be useful to all authorities involved in enforcing regulations on international trade in whale products. Local authorities throughout the world can sample any whale product and determine whether it is derived from the legal Norwegian minke whale hunt or from another source. It will thus help in distinguishing between products from legal and illegal catches and to solve the "look alike" problem for whale products.

Hunting

As mentioned in 4.2.3 above, the hunt is regulated through quotas set by applying the Revised Management Procedure (RMP). Each of the participating vessels are given a licence and the right to hunt a certain number of whales in specified areas. Hunting of whales in Norway requires vessels with special equipment. Since 1993 government inspectors have been onboard every Norwegian whaling vessel throughout the catching operations. Furthermore, the 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 proficiency tests, including knowledge of regulations and laws, as well as technical issues concerning the hunt itself. The inspectors are authorised to stop the hunt if the rules are not abided by.

All meat and blubber is also controlled on shore by the health authorities.

5 INFORMATION ON SIMILAR SPECIES

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.

By visual inspection it is not possible to distinguish between whale meat and blubber from different species of baleen whales and between different populations of a

species. The meat and blubber of the relevant minke whale stocks can however be distinguished from other species of baleen whales or other stocks of minke whales through the use of DNA analysis.

The techniques necessary are used by several commercial and non-commercial laboratories in many countries and can be carried out at relatively low costs. It is therefore possible, on a routine basis, to use DNA analysis as a trade control measure to distinguish the products from legally caught minke whales from other whale products that may possibly be traded. If, in a concrete case, there is reason to believe that whale products for sale are of illegal origin, a DNA analysis of a sample will reveal whether they stem from the Norwegian hunt.

Reference is also made to 4.3.2 about Norway's newly developed system based on DNA analysis.

Hunting

The minke whale cannot be confused with other species of whale at sea. It is easily recognized by skilled hunters, and when it comes to the surface it is particularly easily recognizable because of a white band over the pectoral fins. Furthermore, it rarely blows and the tail-fin does not show before diving. Also, the control and inspection system in Norway secures that no other than the target species of whale is harvested.

6 OTHER COMMENTS

According to the provisions of Article XV, paragraph 1 of the Convention; the criteria adopted at the ninth meeting of the Conference of the Parties (Res. Conf. 9.24) on amendments of Appendices I and II; and according to Res. Conf. 8.21 on consultation of range states, a draft proposal was presented to the range states of the Northeast Atlantic stock and the North Atlantic stock in a letter dated July 26th 1999 for comments within 1st of November. The draft proposal was also sent to the International Whaling Commission. By 10th of November comments have been received from the CITES Management Authorities of Germany, Ireland, the Netherlands, Spain, Sweden and United Kingdom.

The comments received are of a general nature and do not point to any specific elements in the document itself. A central issue is that species covered by the moratorium adopted by the International Whaling Commission should remain on Appendix I as long as the moratorium remains in place. Germany also points to the last IWC meeting in Grenada (May 1999) and the Resolution on cooperation between the IWC and CITES. United Kingdom states that the position of the IWC and the ICRW in the field of conservation and management of whale stocks is recognised as important in a number of existing CITES Resolutions. Further that the 1983 COP in Gaborone agreed that all whale species subject to the moratorium should be placed on Appendix I. The UK does not agree that it is inappropriate to make reference to these decisions. The UK also note that IWC Resolution 51/43 confirms that the IWC

response to any CITES downlisting proposals will be that there is no revised management regime (RMP) in place and that zero catch limits remain in force for species managed by the IWC. Sweden also state that downlisting is not acceptable before the RMP or other internationally accepted management plan is in place. Spain is of the opinion that minke whale ccording to its current conservation and biological status should remain on Appendix I.

7 ADDITIONAL REMARKS

Objective criteria are fundamental when making decisions on listings in CITES. 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 decisions based on sound and updated scientific information concerning the species and stocks in question.

According to Article 2 of the Convention, Appendix I shall include all species threatened with extinction which are or may be affected by trade. The intention of Article 2 when negotiating CITES was that species not threatened with extinction should not be included in Appendix I. However, such species could be included in Appendix II depending on their trade status and their risk of becoming threatened because of trade.

The placing of the minke whale on Appendix I in 1983 was already then highly inadequate and incorrect. While lack of information was used to support the proposal in 1983, abundant scientific information is now available for the Northeast Atlantic stock and the North Atlantic Central stock of minke whales. Thorough scientific assessments of the two stocks have proved them to be healthy and viable populations, that 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 I of Resolution Conf. 9.24, the Northeast Atlantic stock and the North Atlantic Central stock of minke whale therefore do not qualify for inclusion in Appendix I.

Regarding the precautionary measures provided by Annex 4 to Resolution Conf. 9.24, with particular relevance to paragraph B. 2. b), these are satisfied through the described system of existing and proposed control mechanisms.

8 REFERENCES

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