

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA

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Twelfth meeting of the Conference of the Parties  
Santiago (Chile), 3-15 November 2002

Committee I meeting

Sixth session: 8 November 2002: 09h10-12h00

Chairman: D. Morgan (United Kingdom)

Secretariat: W. Wijnstekers  
T. De Meulenaer  
M. Lindeque  
S. Nash

Rapporteurs: H. Gillett  
J. Gray  
T. Inskipp  
K. Lochen

The Chairman noted that the delegation of Japan had previously queried an event that had taken place on the steps outside the Conference centre. He confirmed that the Bureau had concluded that there had not been a breach of the Rules of Procedure.

The Chairman asked for corrections to document CoP12 Com. I Rep. 2. The delegation of the United States of America asked that the words 'Request Parties to provide, for discussion at the technical workshop,' at the beginning of paragraph c) of agenda item 45, be replaced by Contract the preparation of a document for discussion at the technical workshop. This document should contain. The report was then approved.

**Consideration of proposals for amendment of Appendices I and II**

**66. Proposals to amend Appendices I and II**

The delegation of Japan introduced proposal Prop. 12.4 to transfer northern hemisphere stocks of Minke whale *Balaenoptera acutorostrata* (except the Yellow Sea, East China Sea and Sea of Japan stock), and proposal Prop. 12.5 to transfer Bryde's whale *Balaenoptera edeni* western North Pacific Stock from Appendix I to II, each with an annotation and export quotas to meet the precautionary measures of Annex 4 of Resolution Conf. 9.24. They referred to proposal Prop. 4 Amendment and proposal Prop. 5 Amendment. They stated that they would lift their existing reservations on these species if the proposals were adopted, and that the recommendations by the Secretariat and the IUCN/TRAFFIC analyses both agreed that the stocks in question do not meet the criteria for listing in Appendix I. Finally they requested that both proposals should be subjected to a secret ballot.

The Chairman stated that the proposed amendments would have to be dealt with before discussion of the proposals. The Secretary-General explained that the proposed amendments would extend the scope of the proposals, and that this would be contrary to Rule 22.2 of the Procedures. The delegation of Japan responded that the amendments were intended to clarify the proposals rather than extend their scope. The Chairman then ruled that the amendments were not admissible. This ruling was challenged

by the delegation of Japan. The Chairman, following Rule 18, moved to an immediate vote and the results were 55 in favour of the Chairman's ruling and 24 against. The amendments were therefore rejected. The delegation of Antigua and Barbuda raised a point of order asking why there had been no debate prior to the vote, but this was over-ruled by the Chairman.

Opening the debate on the original proposals, the Secretary-General referred to the Secretariat's recommendations in Annex 2 of document CoP12 Doc. 66, noting that the precautionary measures contained in Annex 4 of Resolution Conf. 9.24 were unlikely to be met. He also expressed concern on technical issues, particularly querying the ability of the different existing DNA marker systems to act together to track parts of individual carcasses, and varying estimates of catch by Parties that were interpreting the Revised Management Procedures (RMP) in different ways. He queried the benefits of the delegation of Japan's offer to withdraw the reservations on these species, because other trading countries could maintain their reservations, which could lead to mixing of whale products from different sources in the Japanese trade. The delegation of Japan then explained that Japan had developed a DNA system capable of separating whale products from different sources.

The delegation of Mexico supported the comments from the Secretary-General, and referred to Resolution Conf. 11.4, which recommends Parties not to trade in specimens from species or stocks protected from commercial whaling by the International Whaling Commission (IWC), which included the stocks in question. This was echoed by the delegation of Switzerland. Also speaking against the proposals were the delegations of Australia, Brazil, Canada, Chile, Denmark, on behalf of the Member States of the EU, Fiji, Georgia, India, Israel, Kenya, Monaco, New Zealand, Peru and the United States of America, and the observers from the International Fund for Animal Welfare, International Environmental Law Project and the World Wide Fund for Nature. Specifically, the delegation of Australia expressed concern that an endangered stock of *B. acutorostrata* mixed with one of those proposed for exploitation and failed to see how these could be differentiated by whalers. The delegations of India, New Zealand and the United States stated their belief in the primacy of IWC in matters relating to whale conservation. The last two delegations, supported by the delegation of Canada, also thought that the precautionary measures required by Annex 4 of Resolution Conf. 9.24 had not been fully addressed by Japan in their proposals. The delegations of Canada, New Zealand and the United States were worried that the systems in place for control of the trade using DNA diagnostic mechanisms were not yet adequate.

The delegation of Denmark asked that the representative of Greenland on their delegation be allowed to make a brief statement. The latter expressed support for the proposals. The delegation of Norway supported the proposal but noted concern with the sentence "For the exclusive purpose to allow trade between Parties that are also signatories to the International Convention for the Regulation of Whaling and which have an effective DNA register system to monitor catches, introductions from the sea and imports from other states" and the trade restrictions this would impose. They also noted that the RMP does include a precautionary element which has been tested and found to be a conservative measure. The delegation of Antigua and Barbuda strongly supported the proposals and expressed the view that the mixing of stocks was an irrelevant issue in the context of the proposal; they also stressed the traditional rights of coastal peoples. The delegations of the Benin, Botswana, Côte d'Ivoire, Cuba, Dominica, Gabon, Grenada, Iceland, Pakistan, Uganda and Zimbabwe, and the observers from the Africa Resources Trust and IWMC-the World Conservation Trust also supported the proposals. Several of these delegations stated that they believed there was no scientific basis for inclusion of the species in Appendix I while others voiced their support for the general concept of the sustainable use of wildlife. The delegation of the Russian Federation also supported transferring the species to Appendix II but had two points of concern regarding the proposal. First, they were concerned that trade would be possible only between IWC countries and second, it would be difficult for developing countries to establish technical controls necessary for trade under the terms of the proposal. The delegation of Iceland pointed out that Japan had gone a long way towards addressing the concerns Parties had expressed regarding whale proposals they had tabled at previous meetings of the Conference of the Parties.

The delegation of Japan were invited by the Chairman to respond to points raised by previous speakers in the debate. The delegation of Japan stressed they were not trying to circumvent IWC regulations but,

on the contrary, to operate legally within their framework. Regarding the intervention from the delegation of Australia concerning the mixing of stocks, the delegation of Japan pointed out that their proposals were not concerned with harvest of whales, but just with trade. On the subject of DNA registration, they stated that they registered all whale specimens, including those caught as by-catch which were then sold as meat. The delegation also explained that there was no specific management scheme mentioned in their proposals, but whatever quota level they set would be based on the IWC's Revised Management Procedure and would use a tuning level such that the catch would be sufficiently conservative to pose no threat to the stocks in question.

The observer from IWC explained that, while it was not possible to give a date when the Revised Management Scheme might be finalized, real progress had been made recently and referred the meeting to document CoP12 Inf. 12. In response to an enquiry from the delegation of Norway, the Secretary-General informed the Committee that comments on document CoP12 Inf. 12 could be made during the afternoon plenary session.

The delegation of the Republic of Korea referred to issues over nomenclature of the sea area between the Korean peninsula and Japan, requesting that 'Sea of Japan' should be replaced by East Sea/Sea of Japan in all relevant documents for the meeting.

The chairman observed that there appeared to be no consensus of opinion within the debate. The delegation of Japan referred to their earlier request for a vote by secret ballot. The required minimum of 10 Parties showed their support for this request. Voting ensued on proposal Prop. 12.4. The result was 54 votes against the proposal, 41 in favour, five abstentions and six spoiled papers. The proposal was therefore rejected. Voting by secret ballot on proposal Prop. 12.5 was also requested by the delegation of Japan and this received the necessary support. The Chairman announced that voting should proceed, but that the votes would be counted after the session had closed.

The session was adjourned at 12h00.