

CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II

A. Proposal

Transfer from Appendix I to Appendix II of the Okhotsk Sea – West Pacific stock, the north-east Atlantic stock and the north Atlantic central stock of *Balaenoptera acutorostrata*, in accordance with the provisions of Article XV 1. of the Convention and Annex 6 of Resolution Conf. 9.24 (Rev. CoP12).

The primary basis for the proposal is that the biological criteria [cf. Annex 1, Resolution Conf. 9.24 (Rev. CoP12)] for Appendix I stocks (and the proposed revisions to these criteria) are not met for the following common minke whale stocks: the Okhotsk Sea - West Pacific Stock, the Northeast Atlantic Stock and the North Atlantic Central Stock. In addition, the precautionary measures [cf. Annex 4, Resolution Conf. 9.24 (Rev. CoP12)] are fully satisfied by the “appropriate enforcement controls and compliance with the requirements of the Convention (paragraph 2 b. ii). The West Greenland Stock of common minke whales is already on Appendix II, and the Yellow Sea, East China Sea and Sea of Japan Stock is not included in the proposal.

In accordance with Annex 4 to Resolution Conf. 9.24 (Rev. CoP12), Iceland, Japan and Norway will remove their reservations on the listing of above mentioned 3 stocks of common minke whale within 90 days of the adoption of this proposal.

Although Annex 3 of Resolution Conf. 9.24 (Rev. CoP12) says that “the listing of a species in more than one appendix (split-listing) should be avoided in general in view of the enforcement problems it creates”, the use of DNA registers means that such enforcement problems would not result from the transfer to Appendix II of northern hemisphere common minke whale stocks while leaving the Yellow Sea, East China Sea and Sea of Japan stock on Appendix I.

The Scientific Committee of the International Whaling Commission (IWC, 1999a; b) endorsed a population estimate of 25,000 animals for the Okhotsk Sea – West Pacific stock. The Northeast Atlantic stock and a small area around Jan Mayen in the North Atlantic Central stock was most recently estimated by the Scientific Committee in 2003 at 107,000 animals (Skaug *et al.*, 2003). The IWC Scientific Committee estimate from 1990 set the size of the North Atlantic Central stock at 28,000. A new estimate for this stock (72,000) based on surveys conducted in 1995 (NASS-95), was presented by the North Atlantic Marine Mammal Commission (NAMMCO) in March 1997 (NAMMCO, 1998). These estimates clearly demonstrate that these stocks of common minke whale can in no way be regarded as threatened with extinction and therefore they do not qualify for inclusion in Appendix I. Maintaining the listing on Appendix I is inconsistent with the fundamental principles of Article II of the Convention.

Although the IWC currently imposes a moratorium for commercial harvest of whales, it should be noted that the IWC Scientific Committee has never provided scientific advice in support of this measure. Therefore, it is critically important for the Parties to support this downlisting proposal in order to demonstrate that the CITES makes its decisions on the basis of scientific and objective information, not for political reasons.

In 1979 the CoP adopted a Resolution (Resolution 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. The application of Resolution Conf. 2.9 (now included in Resolution Conf. 11.4) to proposals to transfer certain whale stocks from Appendix I to Appendix II at CoP10, CoP11 and CoP12 has meant that the Parties have in fact imported into CITES the political difficulties and dysfunctional nature of the IWC. This proposal attempts to resolve this matter by proposing that the transfer to Appendix II based on scientific advice and CITES' own criteria.

BRIEF HISTORY OF COMMON MINKE WHALE IN CITES

Common minke whale *Balaenoptera acutorostrata* was listed in CITES Appendix II at CoP2 (San Jose, 1979). 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 common minke whale (with the exception of the West Greenland Stock) was transferred to Appendix I effective as of 1st of January 1986.

B. Proponent

Japan.

C. Supporting statement

1. Taxonomy

- 1.1 Class: Mammalia
- 1.2 Order: Cetacea
- 1.3 Family: Balaenopteridae
- 1.4 Species: *Balaenoptera acutorostrata* (Lacépède 1804)
- 1.5 Scientific synonyms: *Balaena rostrata* (Fabricius 1780)
- 1.6 Common names:
- | | |
|------------|---|
| English: | Common minke Whale, Pied whale, Pike-head whale, Sharp-headed finner whale, Bag whale, Sprat whale, Least rorqual, Little finner, Bay whale, Summer whale, Lesser finback, Davidson's whale |
| French: | Rorqual à museau pointu, rorqual à rostre, petit rorqual, baleine d'este a bec |
| Spanish: | Rorcual enano |
| Danish: | Sildepisker |
| German: | Zwerghval |
| Icelandic: | Hrefna, hrafnreyour |
| Japanese: | Koiwashi kujira, minku kujira |
| Norwegian: | Vågehval, minkehval, minke, |
| Russian: | Malzi, karlikovji polosatik, zalivov, ostromordyi, ostrogolovyi polosatik |
| Swedish: | Vinkhval, Vikarehval, Vikhval, Spetsnabbad finnfisk |
- 1.7 Code number: The code number of common minke whale, *Balaenoptera acutostrata*, in the CITES Identification Manual is Code A-111.007.001.001 (1987(I)).

2. Overview

See section A above.

3. Species Characteristics

Minke whales (*Balaenoptera acutorostrata* and *Balaenoptera bonaerensis*) are abundant and widely distributed from the tropics to the ice edges in both hemispheres all over the world's oceans (Miyashita et al., 1995). As with other balaenopterids, they seasonally shift their habitats in accordance with their life cycle moving to higher latitudes for feeding in summer and to lower latitudes for breeding in winter. Although they occur offshore as well, minke whales (*Balaenoptera acutorostrata* and *Balaenoptera bonaerensis*) are often seen in coastal and inshore areas.

3.1 Distribution

Okhotsk Sea-West Pacific Stock

Common minke whales from the Okhotsk Sea – West Pacific stock occur west of 170° E in the western North Pacific based on genetic evidence (Goto and Pastene, 1999) while the western boundary of this stock is not clear. They are present in waters north of 35° N in summer. According to Hatanaka and Miyashita (1997) the common minke whales appear off the Sanriku coast as well as offshore waters there in early summer and they migrate to north during summer. Finally they enter into the Okhotsk Sea and spread there in mid-summer. The historical distribution of the Okhotsk Sea – West Pacific common minke whale stock is assumed to be similar to the present distribution shown in Fig. 1 (attached).

Range states are China, Federated States of Micronesia, Indonesia, Marshall Islands, Palau, the Philippines, the Russian Federation, and the United States.

North Atlantic Stocks

The distributions of the Northeast Atlantic Stock and the North Atlantic Central Stock are shown in Fig. 2 (attached) taken from Report International Whaling Commission 42, 1993. There is a distinct genetic difference between the stocks (Danielsdottir et al 1995). 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.

3.2 Habitat

As noted above, the common minke whale occurs throughout the northern hemisphere oceans to the ice-edge. Habitat availability is therefore not regarded as limiting for this species. There are no indications of large alterations in minke whale habitats.

3.3 Biological characteristics

The common minke whale is the smallest member of the genus *Balaenoptera*. Maximum length is about 10.7m for the female and 9.8m for the male. Mature females give birth every year. Pregnancy rates are high (> 0.90) (Zenitani *et al.*, 2002).

3.4 Morphological characteristics

Northern hemisphere common minke whales (*B. acutorostrata*) are separate from the Antarctic Minke Whale (*Balaenoptera bonaerensis*) and the "dwarf" minke whale, *B. a.* subsp., which are found in parts of the Southern Ocean (Rice 1998).

3.5 Role of the species in the ecosystem

Whales are top predators in the ocean ecosystem. In the North Pacific, their diet varies according to year, season, geographical area and prey availability. Kasamatsu and Tanaka (1992) reported that the change of prey of common minke whales from chub mackerel (*Scomber japonicus*) to Japanese pilchard (*Sardinops melanostictus*) off the Pacific coast of Hokkaido in 1977 corresponded with a change of the dominant species taken by commercial fisheries in the same area in 1976. In recent years, prey species of common minke whales sampled during summer (July to September) were mostly Pacific saury (*Cololabis saira*). Moreover, prey species of common minke whales also differs depending on the season. Japanese anchovy (*Engraulis japonicus*) is an important prey species during early summer (May to June). On the other hand, in the coastal Japanese waters of the Okhotsk Sea, krill (*Euphausia pacifica*) are thought to be the dominant prey species. Common minke whales consume various prey of pelagic zooplankton and pelagic schooling fishes and are adaptive to oceanic conditions and prey abundance in the North Pacific (Tamura 1998). Tamura and Osumi (1999) reported that the annual consumption by common minke whale in the North Pacific was calculated to be

1.5 – 2.2 million tons. Thus, common minke whales are considered one of the key species and play an important role in the ecosystem in the North Pacific Ocean.

Norwegian scientists have also reported that the diet of common minke whales in the North Atlantic varies according to season, geographical area and what is available. In the North Sea mackerel and sand eel are thought to be the dominant 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 common minke whales may have a significant impact on mortality in many fish populations. It has been calculated that for the years 1992-1995 the common minke whales in the Northeast Atlantic annually consumed on average about 633.000 tons of herring, 256.000 tons of cod, 142.000 tons of capelin, 128.000 tons of haddock and 54.000 tons of other fish species. (Haug et. al, 1996, and Rep. Int. Whal. Commn 46: 371). In Icelandic and adjacent waters common minke whales have been estimated to consume around 1 million tons of finfish annually (Sigurjonsson and Vikingsson, 1997). 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.

4. Status and trends

4.1 Habitat trends

See section 3.2 above.

4.2 Population size

The total number of minke whales throughout the world (*Balaenoptera acutorostrata* and *Balaenoptera bonaerensis*) is estimated to be around 1 million animals (*Report International Whaling Commission 41, Report International Whaling Commission 42, Report International Whaling Commission 43, Report International Whaling Commission 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 (*Balaenoptera acutorostrata* and *Balaenoptera bonaerensis*) are found in the Southern Hemisphere. The IWC Scientific Committee is currently conducting a reassessment of Antarctic minke whales. There are also populations in the Western Atlantic, the North Pacific and the Northern Indian Oceans. All known common minke whale populations, except one stock, the Yellow Sea, East China Sea and Sea of Japan stock, are abundant. The Yellow Sea, East China Sea and Sea of Japan stock is excluded from this proposal to transfer northern hemisphere common minke whale stocks to Appendix II.

Okhotsk Sea-West Pacific stock

Buckland *et al.* (1992), using sighting data from Japanese sighting cruises, estimated the population abundance for the Okhotsk Sea – West Pacific stock to be 25,049 animals (95%CL., 13,700 – 36,600). This estimate was accepted by the Scientific Committee of IWC at its Comprehensive Assessment (CA) on the North Pacific common minke whales. However, it is important to note that this abundance estimate is likely an underestimate because it was assumed that the probability of detection on the track line $[g(o)] = 1$. This leads to an underestimate of the abundance.

Since the estimate above represents 61% to 88% of the initial (before-exploited) stock level as described in detail in the following sections of this proposal, the abundance of the Okhotsk Sea – West Pacific common minke whale stock is far from any protection level from a view point of stock management and does not meet the biological criteria for listing on Appendix I of CITES.

Northeast Atlantic Stock

The most recent (2003) estimate adopted by the IWC Scientific Committee is 107,000 (Skaug *et al.*, 2003) animals, which is similar to the 1996 estimate of 118,000 (Schweder *et al.*, 1997). These estimates demonstrate that this stock is large and does not meet the CITES criteria for Appendix I.

North Atlantic Central Stock

In 1990 the IWC Scientific Committee accepted 28,000 as the best estimate of the number of common 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 (*Report International Whaling Commission 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 (NAMMCO, 1998). The number of common minke whales in the Central stock area was calculated to 72,100 with a 95 % confidence interval of 44,700 – 116,400.

4.3 Population structure - *provide basic information on the current structure of the population and any past or current changes over time.*

4.4 Population trends

After cessation of commercial whaling in 1987, stocks of common minke whales are obviously expected to have increased.

At the Comprehensive Assessment of North Pacific common minke whales by the Scientific Committee of the IWC in 1991, the population trajectory for this stock was calculated using available information. Population level (at 1991) was 61% (MSYR=0%) to 88% (MSYR=6%) of initial stock level under the large area option (which is the option mostly scientifically verified by the current JARPN) as reported in IWC (1992).

The recent abundance estimate for Northeast Atlantic stock (Skaug et al 2003) corroborates the general population level estimated in 1996 (Schweder et al 1997). Therefore, the population trend of this stock does not meet the CITES criteria for Appendix I. The 1983 level of the stock has been estimated to be 70 % (95 % confidence interval of 52 % - 94 %) of the 1952 level (*Report International Whaling Commission 44: 323-332*). As noted 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 North Atlantic Central 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 (*Report International Whaling Commission 41, 1991, p. 68*).

4.5 Geographic trends

Common minke whales are in lower latitudes (at least lower than 30N) in the Northwestern Pacific in winter for breeding. According to Hatanaka and Miyashita (1997) they appear in early summer in waters off Pacific northern Japan and move northward during several months, subsequently they penetrate into the Okhotsk Sea. They also occur in waters off the west coast of Kamchatka Peninsula, Kurile islands and Hokkaido in summer, and genetic and morphological evidence suggests they spread west to 170E (Pastene et al., 1999). It is also known there is sexual and reproductive segregation as; immature individuals dominate in waters of the Pacific coast of northern Japan in early summer whereas pregnant females dominate in the Okhotsk Sea and mature males in waters off eastern Hokkaido in late-summer (Kato, 1992).

In the North Atlantic, several sighting surveys conducted over the period 1987-1995 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. There is no evidence of a decline in range area for common minke whales in the North Atlantic, and the geographic ranges of the North Atlantic stocks do not meet the CITES criteria of Appendix I.

5. Threats

Habitat loss and/or alteration or degradation is not a threat to this species. There is no over-exploitation and although some by-catch occurs it is at low levels and is not a threat to this species. Some toxins and pollutants are present in the meat and blubber but generally at low levels.

6. Utilization and trade

6.1 National utilization

Whaling has always been an important means of livelihood for coastal communities of Japan. At the present time, the meat from common minke whales hunted in the North Pacific for research purpose under Article VIII of the ICRW, is consumed in Japan. This utilization of whale meat after obtaining scientific data and sample tissues is required by Article VIII (2) of the ICRW and the proceeds from the sale are used to partially offset the costs of the research for the following year. From 1994, Japan initiated a research program under special permit involving an annual take of up to 100 animals from this stock. This represents 0.4% of the estimated stock size and has negligible effects on any population trend. The research take of common minke whales was increased to 150 animals in 2002. A relatively small number of animals are also taken incidentally by set net fisheries in coastal waters.

Traditionally, the Northeast Atlantic stock of common 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 common minke whales from this stock in East Greenland. No common minke whales were caught in Icelandic waters between 1985 when Iceland stopped its commercial whaling and 2003 when they took 38 common minke whales for research purposes in accordance with Article VIII of the ICRW.

Whaling has always been an important means of livelihood for Norwegian coastal communities and a seasonal activity for some fishermen. Recent catches have ranged from 217 in 1993 to 647 in 2003. Details about legislation, management and control relating to common minke whale hunting in Norway are presented below. Although whale meat is much in demand in Norway, whale blubber is not currently used for human consumption.

6.2 Legal international trade

Aside from "introduction from the sea" for common minke whales taken in Japan's whale research programs there is no trade in common minke whale products originating from Japan. Bilateral discussions are underway between Norway and Japan and, Iceland and Japan on the subject of whale meat imports to Japan and test of the DNA registry systems and pollutant analysis of the meat are being conducted but no imports for the market have taken place yet. Trade between Norway, Iceland and Japan is legal international trade since all three countries have reservations on the CITES listing of common minke whales on Appendix I. Japan last imported whale meat from Norway in 1988.

Under Japan's Decree of Import Trade Control, all imports from non-IWC member nations are prohibited. Importation from IWC member nations is not allowed unless the Japanese Government confirms the authenticity of the certificate of origin by way of its diplomatic channels or other means. Further, imported products will also be subject to Japan's DNA monitoring and control system in order to prevent possible illegal trade. Norway and Iceland have also implemented DNA register systems.

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 legally exported to the Faroe Islands in 2003 and several small shipments were legally exported from Norway to Iceland beginning in 2002 after a hiatus in whale meat trade between these two countries from 1986.

6.3 Parts and derivatives in trade

Parts and derivatives in trade include only meat and blubber. Customs tariff codes are 020840011.

6.4 Illegal trade

Under the strict trade control mechanism and effective enforcement activities, Japan has successfully prevented attempts of illegal imports of whales into Japan in the past. Monitoring and enforcement capability has been significantly strengthened with the implementation of DNA registers and market sampling.

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

There is no evidence confirming either IUU fishing for whales or illegal trade in whale products.

6.5 Actual or potential trade impacts:

Common minke whale stocks will not be threatened by trade because:

- a) Precautionary measures specified in Annex 4 of the Resolution Conf. 9.24 (Rev. CoP12) are fully met by the "appropriate enforcement controls and compliance with the requirements of the Convention [paragraph 2 b) ii)". These measures will ensure that the transfer does not stimulate illegal whaling or illegal trade in whale products.
- b) Members of the IWC are bound by the IWC's moratorium on commercial whaling which will only be lifted when all elements of a "Revised Management Scheme" [including an observation and inspection system and a risk averse system for setting catch quotas (RMP)] has been agreed. However, Norway is not bound by the moratorium because of its objection. Norway currently uses the IWC's Revised Management Procedure with tuning level of 0.62 for setting catch quotas for the 2003 and 2004 seasons. This will ensure catches and international trade will pose no threat to the stocks;

7. Legal Instruments

7.1 National

Under the Japanese domestic laws, all the whale species are either protected or utilized under strict conservation and management measures. Unless a license is issued by the Ministry of Agriculture, Forestry and Fisheries, no whaling for common minke whales can be conducted (Fisheries Law, Article 52). Currently, only research permits for catching are issued by the government in accordance with the provisions of the ICRW. The research is conducted by the Institute of Cetacean Research (ICR), a non-profit organization. Governmental officers are on board the research vessels or at the land research station to inspect all of the activities. No commercial harvest for minke whales (*Balaenoptera acutorostrata* and *Balaenoptera bonaerensis*) has been conducted since the 1987/88 season.

The scientific research in the northwestern Pacific (JARPN: the Japanese research program under the special permit in the North Western Pacific) was initiated in 1994 for the purpose of collecting data on stock structures and feeding ecology of the common minke whales in the area (Fujise *et al.*, 1995, 1996, 1997; Ishikawa *et al.*, 1997; Zenitani *et al.*, 1999). Up to 100 whales were taken annually between 1994 and 2001. In 2002, the catch of common minke whales was increased to 150 whales.

In Norway, all whale species are protected under Norwegian law, but individual permits for catching whales may be issued by the government. The Ministry of Fisheries is the responsible authority for the management of marine mammals. The principal legislation for the management of whaling is the Sea-Water Fisheries Act of 1983 (*Lov om saltvannsfiske*) and the Act of 1999 relating to the right to participate in fishing and hunting (*Deltakerloven*). The Sea-Water Fisheries

Act sets out general provisions for fisheries activities whereas the Act relating to the right to participate in fishing and hunting gives the conditions for doing so. 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 common minke whales, including quotas and catch periods, (2) the permission to hunt common 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 on-board independent inspection system and sampling routines of all harvested whales for the DNA register. All meat and blubber is also controlled on shore by the health authorities.

In Iceland it is illegal to conduct whaling or process whale products without a specific permit from the Icelandic government, according to the Act on Whaling (No. 26/1949). The Act furthermore obliges the Minister of Fisheries to seek scientific advice from the Marine Research Institute before any such permit is issued. The Act on Whaling sets out several limits on whaling operations in addition to giving the Minister of Fisheries wide-ranging powers to put conditions in any permit issued. The Act includes provisions on penalties for breaking it, including the possibility of both fines and imprisonment. The only permits that have been issued since the 1980s are for limited catches of minke whales for scientific purposes, controlled by the Marine Research Institute. This operation began in 2003, when 36 animals were taken. The catches are in accordance with the provisions of the ICRW.

7.2 International

The International Whaling Commission (IWC) has responsibility for the management of common minke whale stocks. The objective of the 1946 International Convention for the Regulation of Whaling which established the IWC is "to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry."

In 1982, the IWC adopted a moratorium on commercial whaling which became effective in 1986. Since 1994, the IWC has been working to complete a revised management scheme which would include *inter alia*, a conservative method of calculating catch quotas (RMP) as well as an observation and inspection scheme. This scheme which could replace the moratorium remains the subject of political debate within the IWC because of its polarized and dysfunctional nature with some members opposed to the resumption of commercial whaling irrespective of the status of stocks and others favoring a resumption of whaling on a sustainable basis.

It is this problem that the Secretary General of CITES was referring to when he said he did not want the political problems of the IWC imported into CITES (see CITES Secretariat's COP 11 Provisional Assessments p.4)"...The Secretariat is concerned that the difficult political discussion that has divided that body for so many years now is "exported" to the CITES conference of the Parties with the risk of causing similar negative effects on the relationship between the Parties." (see also July 4, 2000 letter from CITES Secretary General to the Chairman of the IWC which basically repeats this expression of concern.) Adoption of this proposal to transfer the northern hemisphere stocks of common minke whales to Appendix II would mean that CITES was acting on the basis of scientific advice to ensure no threat to the stocks while avoiding the political problems of the IWC.

Other international resource management conventions support the principle of sustainable use. Note for example the preamble of the Convention on Biological Diversity which says "*Noting* that, ultimately, the conservation and sustainable use of biological diversity will strengthen friendly relations among States and contribute to peace for humankind".

8. Species Management

8.1 Current management measures

The IWC's Revised Management Procedure is a risk-averse method of calculating catch quotas. Quotas are only provided for abundant stocks. No quotas are provided for stocks that are below 54% of their initial population size. RMP includes built in safety factors including possible impacts of environmental changes, possible error in abundance estimates of up to 50% and

unequal sex ratios in catches. RMP calculations are based on thousands of simulation trials over a period of 100 years. RMP is a feedback system requiring new abundance surveys every 5 years.

Other management measures include licensing requirements and other measures described in section 7.1 above.

8.2 Population monitoring

In the western North Pacific and adjacent waters, Japan has been conducting systematic sighting surveys annually since the early 1980's to provide data for abundance estimates. Surveys have also been conducted in the Okhotsk Sea (Miyashita and Kato, 1999). Population monitoring of northeast Atlantic stocks has been and will continue to be conducted by Norway and Iceland.

8.3 Control measures

8.3.1 International

There are no international trade measures related to whales other than CITES.

8.3.2 Domestic

The DNA register systems of Japan, Norway and Iceland will ensure that legal trade does not stimulate IUU fishing or illegal trade. In addition, under Japan's Decree of Import Trade Control, all imports from non-IWC member nations are prohibited.

8.4 Captive breeding and artificial propagation

Although a small number of common minke whales have been held in captivity in Japan for short periods, captive breeding is not thought to be feasible from a practical point of view or even useful for conservation purposes.

Habitat conservation

To maintain favorable conditions in the habitats of common minke whales Japan, Norway, Iceland and many of the range states of the northern hemisphere common minke whale stocks have been active in many of the international arrangements for the conservation of the marine environment such as the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL).

Safeguards

The DNA register systems of Japan, Norway and Iceland are a safeguard against IUU fishing for whales and illegal trade. Risk-averse catch quotas will ensure catches are sustainable. Although there are other species of large whales that do not meet the criteria for listing on Appendix I and could be harvested and traded on a sustainable basis, the fact that other species of large whales remain on Appendix I means that this proposal will not result in unsustainable trade in similar species.

9. Information on similar species

Antarctic minke whales taken in Japan's whale research program in the Antarctic (up to 440 per year) conducted in accordance with Article VIII of the ICRW also enter trade as introductions from the sea. Antarctic minke whales are classified as a different species (*Balaenoptera bonaerensis*). Since DNA testing can distinguish southern hemisphere from northern hemisphere stocks, introduction from the sea from Japan's whale research program does not pose a problem related to the transfer of northern hemisphere stocks to Appendix II.

Other species of large whales are hunted in the United States, Russian Federation, Greenland and St. Vincent and the Grenadines for aboriginal/subsistence purposes under IWC quota. This includes gray whales, humpback whales, bowhead, fin and common minke whales. Products derived from aboriginal/subsistence hunting are for local consumption only. Products from whaling by non-IWC member countries including Canada and the Philippines do not enter into international trade.

10. Consultations

Range states have been consulted however only a few have responded. Of these, some were supportive while others were opposed to the proposal. Technical comments from two of the range states (Iceland and Norway) have been incorporated in this document.

11. Additional Remarks

Scientific data shows that the northern hemisphere stocks of common minke whales, except the Yellow Sea, East China Sea and Sea of Japan stock (which is specifically excluded from this proposal) are not threatened with extinction and for that reason, their listing on Appendix I is inconsistent with the fundamental principles of Article II of the Convention. DNA registers, national regulations and enforcement measures of Japan, Norway and Iceland together with the commitment to remove their reservations on the listing of these stocks in CITES appendices fully satisfies the precautionary measures specified in Annex 4 of Resolution Conf. 9.24 (Rev. CoP12). Transfer of these stocks to Appendix II does not pose a risk to the stocks and will not stimulate illegal whaling or illegal trade in whale products.

With the adoption of Resolution Conf. 11.4 (which was a consolidation of previous resolutions related to whales), CITES Parties carried forward their earlier recommendation that Parties agree not to issue any import or export permit, or certificate for introduction from the sea, for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling by the ICRW. However, the IWC has been at a political impasse (as described above in section 4.1.2) since the adoption of the moratorium on commercial whaling in 1982. This means in effect that the anti-whaling majority of approximately 20 IWC members is holding to ransom the work of over 150 countries that are Parties to CITES. Parties to CITES constitute an independent organization. Consistent with the express wishes of the CITES Secretary General, the Government of Japan urges that the political difficulties that prevent the IWC from carrying out its mandate not be imported into CITES. This means that the above recommendation contained in Resolution Conf. 11.4 should be set aside and that decisions within CITES on matters concerning the listing of species on its Appendices should be made on the basis of the best scientific advice available.

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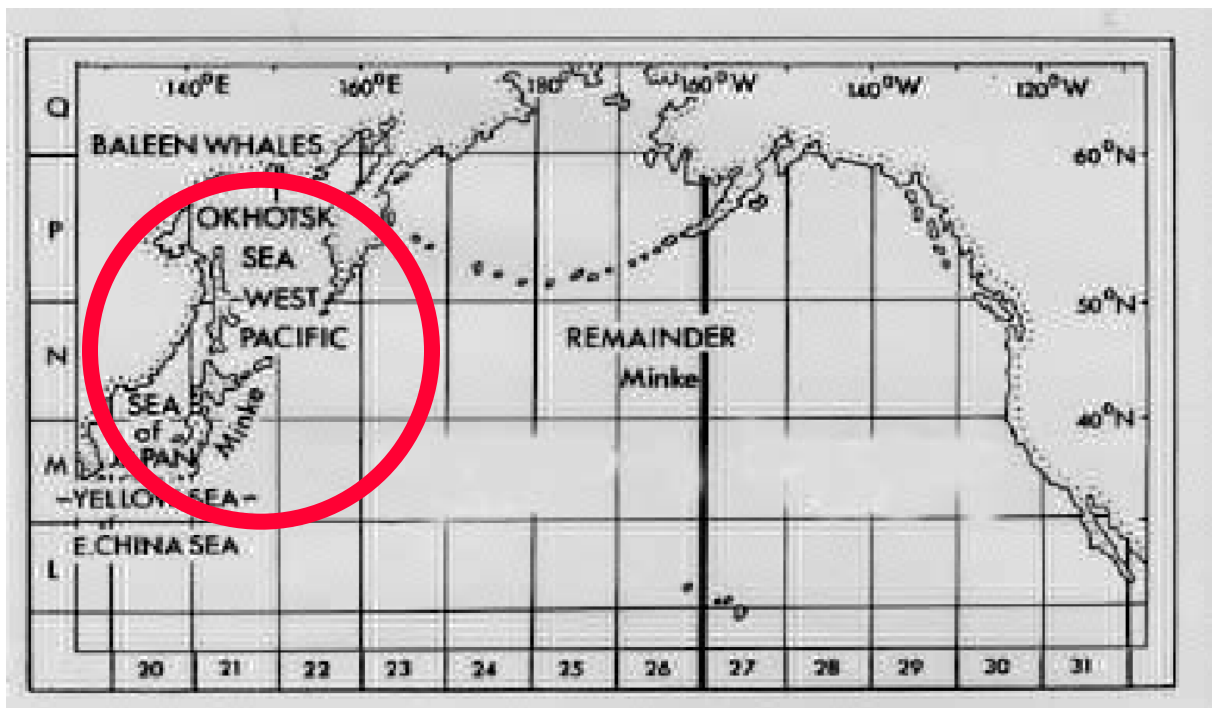


Figure 1: Distribution of the stocks of common minke whales in the Pacific Ocean [Report of the International Whaling Commission (1987)]

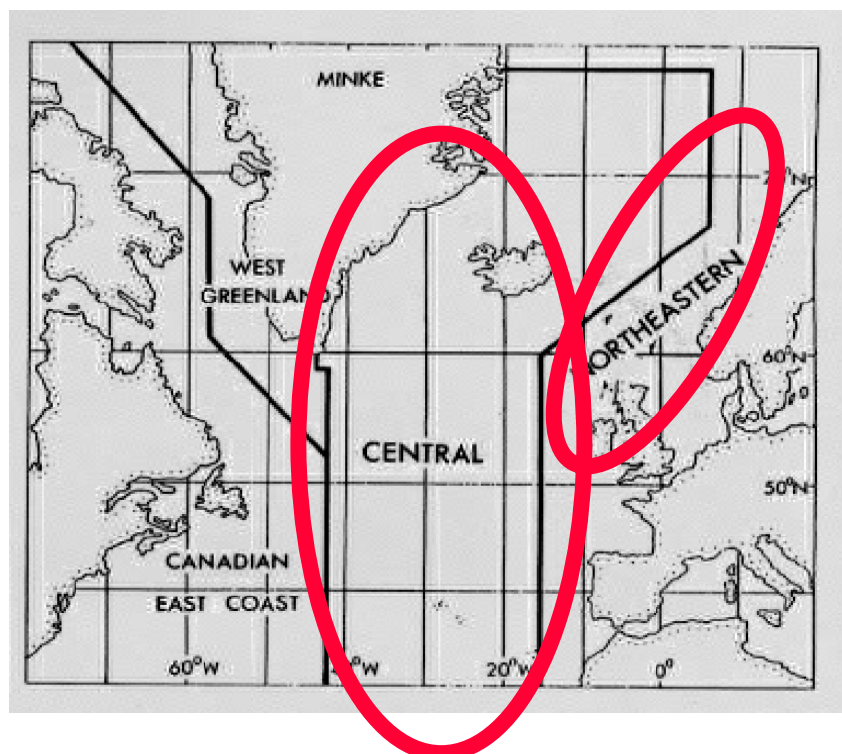


Figure 2: Distribution of the stocks of common minke whales in the Atlantic Ocean [Report of the International Whaling Commission (1987)]