A: **PROPOSAL**

In accordance with the provisions of Article XV, paragraph 1 of the Convention, any Party may propose an amendment to Appendix I or II for consideration at the ninth meeting of the Conference of the Parties. Norway propose, as notified in a letter of 10 Dec. 1993 to the Secretariat, delisting of the Northeast Atlantic stock and the North Atlantic central stock of the Minke Whale *Balaenoptera acutorostrata* from Annex I to Annex II of the Convention.

B: **PROPONENT**

Norway

DISCUSSION OF THE PROPOSAL IN RELATION TO THE RELEVANT PROVISIONS OF THE CONVENTION

The following quotes of the provisions of the Convention are taken from the book "The Evolution of CITES" by Willem Wijnstekers. The comments are from the Norwegian Management Authority.

"Article II contains the following fundamental principles with regard to species to be included in Appendices I and II.

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade.
2. Appendix II shall include: a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in subparagraph a) of this paragraph may be brought under effective control."

Norwegian comments: The intention was clearly 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. This was clearified upon adoption of the Berne criteria.

In 1976, the Conference of the Parties adopted criteria for the addition of species to Appendices I and II, and for the deletion of species from Appendices I and II. These criteria are known as the Berne criteria.

"Appendix I criteria with regard to the biological status states that:

To qualify for Appendix I, a species must be currently threatened with extinction. Information of any of the following types should be required, in order of preference:

a) scientific reports on the population size or the geographic range of the species over a number of years.
b)scientific reports on the population size or geographic range of the species based on single surveys.
c) reports by reliable observers other than scientists on the population size or geographic range of the species over a number of years, or
d) reports from various sources on habitat destruction, heavy trade or other potential causes of extinction.

Genera should be listed if most of their species are threatened with extinction and if identification of individual species within the genus is difficult. The same should apply to the listing of any smaller taxa within larger ones.

If most of the smaller taxa are not threatened, but identification of individual species is difficult, the entire larger taxon should be placed in Appendix II.

Taxa listed in Appendix I because of difficulty in separating them from endangered forms within the same taxa, should be annotated as such in the Appendix."

"Appendix I criteria with regard to the trade status:
Species meeting the biological criteria should be listed in Appendix I if they are or may be affected by international trade. This should include any species that might be expected to be traded for any purpose, scientific or otherwise. Particular attention should be given to any species for which such trade might, over a period of time, involve a number of specimens constituting a significant portion of the total population size necessary for the continued survival of the species.

The biological status and trade status of a species are obviously related. When biological data show a species to be declining seriously, there need to be only a probability of trade. When trade is known to occur, information on the biological status need not be as complete. This principle especially applies to groups of related species, where trade can readily shift from one species that is well-known to another for which there is little biological information."

"Appendix II criteria with regard to the biological status:
To qualify for Appendix II, species need not currently be threatened with extinction, but there should be some indication that they might become so.

Information on the biological status should be one of the types required for Appendix I species.

Genera should be listed if some of their species are threatened and identification of individual species within the genus is difficult. The same should apply to listing any smaller taxa within larger ones."

"Appendix II criteria with regard to the trade status:
Species meeting the biological criteria should be listed if they presently are subject to trade or are likely to become subject to trade. The latter situation can arise where heavy trade in one species is extended to include similar species if demand grows or if supplies of the one species are depleted.

The amount of trade that a species can sustain without threat of extinction generally will be greater for species in Appendix II than for those in Appendix I, so there should be evidence of actual or expected trade in such a volume as to constitute a potential threat to the survival of the species."

"Criteria laid down in Resolution Conf. 1.2 for the deletion of species and other taxa from Appendices I and II.
It was resolved that the deletion of a taxon from Appendix I or a transfer to Appendix II was a serious matter that should be approached with caution for the following reasons:

The addition to and deletion from the appendices require a different approach. If an error is made by unnecessarily placing a taxon on an appendix, the result is the imposition of a documentation requirement. If, however, the Conference errs in prematurely removing a plant or animal from protection, or lowering the level of protection afforded, the result can be the permanent loss of the resource. If it errs it should therefore be toward protection of the resource.

Criteria for deletion or transfer should require positive scientific evidence that the plant or animal can withstand the exploitation resulting from removal of protection. This evidence must transcent informal or lay evidence of changing biological status and any evidence of commercial trade which may have been sufficient to require the animal or plant to be placed on an appendix initially.

Such evidence should include at least a well documented population survey, and indication of the population trends of the species, showing recovery sufficient to justify deletion, and an analysis of the potential for commercial trade in the species or population."

"The eight meeting of the Conference of the Parties noted in Resolution Conf. 8.20:

- that the appendices to the Convention now include a very large number of species, many of which may not be threatened by commercial trade;

- that certain species may not be appropriately listed in the appendices, and

- the failure of mechanisms approved by the Conference of the Parties to delete from the appendices or to transfer between appendices inapropriately listed species.

Conscious of the growing feeling amongst many Parties that the present composition of the appendices may not be enhancing conservation of some wild fauna and flora, the

Conference believed that, to some extent, the difficulties arise from a lack of appropriate criteria to define the term "threatened with extinction" in Article II and recognized that trade in wildlife products can be beneficial to the conservation of wild fauna and flora."

Norwegian comments: Although the Norwegian proposal concerns the transfer of only two populations of Minke Whale from Appendix I to Appendix II, it should be evaluated keeping in mind that the information which supported placing the Minke Whale on Appendix I in 1983 has since been shown to be highly insufficient and incorrect. Where lack of information was used to support the proposal in 1983, there is now available a large amount of information for the Northeast and Central Atlantic populations of Minke Whale. No scientist in the International Whaling Commission (IWC) or elsewhere has claimed, on the basis of the infomation now available, that any of these stocks are threatened with extinction.

According to the Berne criteria, a species must be currently threatened with extinction (biological criteria) to qualify for Appendix I. If a species is threatened with extinction it must also be an object for commercial trade in order to belong on Appendix I.

The present knowledge shows that the two stocks of whales are not clearly threatened with extinction and for that reason consistent with the fundamental principles of Article II of the Convention, and do not belong on Appendix I.

Most of the information presented in the proposal is therefore concerned with the biological status rather than the trade status of the species.

C: SUPPORTING STATEMENT (According to Resolution Conf. 2.17)

1. TAXONOMY

1.1 **Class:** Mammalia
1.2 **Order:** Cetacea
1.3 **Family:** Balaenopteridae
1.4 **Species:** *Balaenoptera acutorostrata* (Lacépède 1804)
1.5 **Common names:**

English:	Minke Whale, Piked whale, Pikhead whale, Sharp-headed finner whale, Bag whale, Sprat whale, Least rorqual, Bay whale
Norwegian:	Vågehval, minkehval, minke
Russian:	Malyi, karlikovji
Japanese:	Koiwashi kujira, minku kujira, minku
French:	Rorqual a museau pointu, rorqual a rostre
German:	Zwerghval
Swedish:	Vinkhval, vikarehval, vikhval
Danish:	Sildeskiper
Icelandic:	Hrefna, hrafnreyour

2. BIOLOGICAL DATA

2.1 Distribution

a) 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 more uncertain. The limited number of observations during winter, in both the southeastern and southwestern parts of the North Atlantic, makes it difficult to determine whether the Minke Whale 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 last alternative seems most likely.

b) North Atlantic central stock. The 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.

Considerable effort has been given in recent years to population estimation of North Atlantic stocks of Minke Whale.

The historical distribution of both stocks are assumed to be similar to the present distribution.

Specificially, the numbers for the Northeast Atlantic stock are found in the 1992 IWC report of the Scientific Committee on page 15. The numbers for the Central Atlantic stock are found in Annex F, page 138 in the 1989 Report of the Scientific Committee. There are of course numerous other references for these data to be found in the IWC documentaion. A reference for the world population of the Minke Whale is the press release from the 1991 meeting of the Scientific Committee.

2.2 a) Northeast Atlantic stock. the most recent estimate accepted by the IWC Scientific Committee is 86.736 animals, with a 95% confidence interval from 60.736 to 117.449. The 1983 level of the stock has been estimated to be 70% of the 1952 level. The catch level from 1982 until present has been reduced to a small fraction of previous levels. It is therefore fair to assume that the stock has increased in the last 10 years.

b) North Atlantic central stock. The estimate accepted by the IWC Scientific Committee is 28.000 animals, with a 95% confidence interval from 21.600 to 31.400. The population has experienced only a short period of utilization. Its initial size is unknown, but it was probably similar to the present population.

Great alterations in the whales habitats have not occured. However, as a result of successful fisheries management the availability of food for the whales in the Northeast Atlantic has improved markedly in the last 5-year period. Ref. the International Council for the Exploration of the Seas (ICES) and the 1993 report to the Government of Norway.

The largest populations of Minke Whale are found in the southern hemisphere. There are also populations in the western Atlantic and North Pacific Oceans. The world population of Minke Whale is estimated to be approximately 1 million individuals.

3. TRADE DATA

3.1. In Norway the Minke Whale is used for human food consumption. Some whales have also been taken for scientific research purposes in the last 5 years. The total take in 1993 was 226 individuals. Thirteen of these belonged to the central stock, and were taken in the vicinity of Jan Mayen Island (NOR).

3.2 Presently there is no international trade in the species. Norway has previously exported meat from Minke Whale to Denmark, Sweden, former Czechoslovakia, Netherlands, Germany and Japan. A small amount was also imported to Norway from Iceland.

3.3 In 1993 the Norwegian Ministry of Fisheries issued a regulation prohibiting export of whale products from Norway, combined with an increase in the control towards illegal export. In 1993 an attempt of unlicensed export of whale meat from Norway to Japan was thus detected. This case is now being investigated by the Norwegian Police.

3.4 Since the hunting of whales require specialized boats with harpoon-guns it is unlikely that a catch and subsequent landing from national waters or the open sea could be made unnoticed. In 1993 inspectors were placed onboard every Norwegian whaling vessel.

4. PROTECTION STATUS

4.1 All whale species are protected under Norwegian law, but individual permits for catching whales may be issued by the government. In 1993 a total catch quota of 296 Minke Whales was licensed for commercial and scientific purposes.

4.2 The IWC is at present the organisation responsible for the management of Minke Whale stocks. According to the International Whaling Convention the IWC should set quotas for stocks of whales that can sustain harvest. The IWC is in the process of revising its management procedures. The Commission has in its 46th meeting May 1994 accepted the Revised Management Procedure as the main scientific component in the development of a Revised Management Scheme for commercial baleen whaling.

5. INFORMATION ON SIMILAR SPECIES

The Minke Whale cannot be confused with other species of whale. It may be difficult to distinguish between whale meat from different species of whales. However, with the control and inspection system that exists at the Norwegian national level, it is highly unlikely that any other than the target species of whale will be harvested. At the international level, the IWC is engaged in improving its systems for supervision and control.

6. COMMENTS FROM COUNTRIES OF ORIGIN

Refering to two resolutions adopted by the IWC in 1978 and CITES in 1979 and further to the zero catch limit set in Paragraph 10 (e) of the ICRW schedule the Management Authority of Sweden recommends to await the IWC final view on the Minke Whale status and the IWC recommendations on commercial whaling, before considering a revision. The Management Authority of the United States of America does not believe that it would be appropriate for the CITES parties to withdraw their support for the IWC moratorium on commercial whaling by considering at this time a revision of the CITES Appendices for these populations of whales. The Government of Iceland (a non-party to CITES) welcomes the proposal and is of the view that the status of the Minke Whale populations do not require listing of the species under Appendix I of CITES. No other countries have submitted their comments.

7. ADDITIONAL REMARKS

From 1938 to 1983 the average annual catch from the Northeast Atlantic stock of Minke Whale was approximately two thousand individuals. The present abundance as a percentage of initial stock size has been much debated, but thought to be within the range of 40-70%, while maximum sustainable yield level for baleen whales presently is thought to be around 60% of the carrying capacity (pristine poopulation level). Recent surveys have given an estimate of 86.700 Minke Whales in this stock area. Any future level of harvest will be based on application of the Revised Management Procedure developed by the IWC Scientific Committee.

Large whales are certainly one of the animal groups that have the most extensive protection today. Much of the information and many of the assumptions that resulted in the classification of the Northeast Atlantic Minke Whale as a protected stock in the IWC, and as an endangered stock on CITES Appendix I, have later been shown to be incorrect.

The following are quotes from the Seychelle proposal (1983) in support of listing Minke Whale on Appendix I:

"Reduction in the fish/shellfish stocks by fishing therefore probably reduces the carrying capacity of the marine environment for whales, and it can do so rapidly under modern fishing conditions. It is most unlikely that such an effect would itself threaten the survival of any species or population, but it would enhance the threat from continued whaling. In the North Atlantic these dietary items of the bottlenose whale and the minke whale have been greatly depleted in recent decades" (page 678).

Comment: As a result of successful fisheries management combined with favourable environmental conditions, the major stocks of commercial fish in the Northeast Atlantic (the Norwegian and Barents Seas) are presently at high levels.

"A general point is that the level of scientific research has been so universally low relative to what is needed to provide clear evidence of the status of whale populations, and the scientific methodology for assessing them has been shown recently to be so inadequate, that it is not surprising that even for the better known species evidence of depletion and endangerment is conclusive." (page 678).

Comment: The Northeast and Central Atlantic populations of Minke Whale have been well estimated. The development of scientific methods for the estimation of such populations have received much attention the last 6-7 years.

"There is no positive evidence that any putative population of minke whales is endangered in terms of the literal interpretation of the Berne criteria for CITES. On the other hand, given the total absence of scientific assessment for <u>any</u> minke whale stock we cannot reasonably assume that they are <u>less</u> endangered that are some of the stocks of other baleen whale species that now enjoy full protection by the IWC and by inclusion on CITES Appendix I." (page 683).

Comment: On the basis of the scientific assessments that now have been conducted it is safe to assume that the Northeast and Central stocks of Minke Whale are in good condition.

<u>Conclusion:</u>

Scientific assessments of the Northeast Atlantic and North Atlantic central stocks of Minke Whale have shown them to be near their initial size. The Berne criteria requires an organism to be "currently threatened with extinction" to be placed on Appendix I. Therefore, these stocks of whales do certainly not qualify for Appendix I and should rather be placed on Appendix II.

8. REFERENCES

- Reports of the IWC Scientific Committee, especially from the period 1988-1993.

- Report IWC/44/4 page 14.

- Report SC/45/NAS.

- Report SC/44/NAB 12.

- Press release from the 1991 IWC Scientific Committee meeting.

- The Evolution of CITES. 1992. Third edition. Willem Wijnstekers. CITES Secretariat.

- Report form the Proceedings of the 4th meeting (at Gaborone) of the Conference of the Parties. pp. 677-683 (the proposal by The Republic of Seychelles regarding Cetaceans).

- Vågehvalen - valgets kval. 1993. Nils Chr. Stenseth, Alf Håkon Hoel og Ingunn B. Lid (eds). Ad notam Gyldendal AS. 358 pp.

- International Council for the Exploration of the Seas (ICES). The 1993 report to the Government of Norway.

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Date
10. August 1994

CITES - COMMENTS TO THE NORWEGIAN AMENDMENT PROPOSAL

Refering to the Norwegian amendment proposal to the next Conference of Parties.

Since our proposal was forwarded to the Secretariat the Canadian CITES Management Authority have presented their comments to the Norwegian proposal.

The following should thus be added under "Comments from countries of origin":

The Management Authority of Canada argues that although the arguments for dowlisting seems well documented, they want to await IWC's validation on the population size. They also point at the difficulty of distinguishing between stocks and the need to confirm origin of specimen in trade. If the population data are verified it might be better to propose downlisting of all North Atlantic populations as the West Greenland population is already on Appendix II.

Yours

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Acting Head of Department

Øystein Størkersen