

WHALES & CITES

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Introduction

Japan and Norway, the only two countries still killing whales in defiance of the International Whaling Commission's (IWC) moratorium on commercial whaling, have set their sights on reopening the trade in whale meat.

At the 11th Conference of Parties (COP) of the Convention on the International Trade in Endangered Species (CITES) which takes place in Nairobi from the 10th to the 20th April, Japan and Norway are proposing that certain populations of whale have their protected status removed by 'downlisting' them from Appendix I of the convention to Appendix II. In addition, Japan has put forward a resolution that would sever the historic links between CITES and the IWC, links which have been forged in recognition of the IWC's special expertise on whales and its status as the body recognised in UNCLOS and UNCED as "*responsible for the conservation and management of whale stocks and the regulation of whaling.*"

To maximise their chances of success both Japan and Norway have invested heavily in lobbying other CITES member countries to support their positions in Nairobi. Japan has mounted an initiative using foreign aid to encourage small, developing countries to support its position at CITES and the Norwegian government is spending over US\$ 300,000 on public relations alone in the lead up to the meeting.

If Japan and Norway are successful the consequences for whales will be dire – both countries can be expected to massively increase their self-allocated quotas and other countries such as Russia and Iceland (which currently don't hunt whales) may resume whaling to take advantage of the demand for whale meat in Japan.

A return to large-scale whaling of the type that decimated whale population after whale population is just a hair's breadth away.

The downlisting proposals

Japan and Norway have put forward four whale downlisting proposals to be considered in Nairobi. Three proposals concern the minke whale *Balaenoptera acutorostrata*, two submitted by Japan for the Okhotsk Sea-West Pacific and Southern Hemisphere stocks and one submitted by Norway, for the Northeast Atlantic and North Atlantic Central stocks. In addition Japan is also proposing that the Eastern Pacific stock of gray whales *Eschrichtius robustus* is downlisted.

If the downlisting proposals are agreed in Nairobi, all CITES parties would be allowed to trade in whale meat – not just the proponents. In the supporting statements to their proposals neither Norway nor Japan takes this fact fully into account. The potential of a highly lucrative Japanese

market and the high value of individual whales may entice countries such as Russia and Iceland to start whaling. The resumption of a legal trade in whale products would also open the door to illegal whaling carried out by pirate whalers.

Japan

Since 1987, as a means of circumventing the IWC moratorium, Japan has been exploiting a loophole in the IWC rules which allows countries to issue permits to kill whales for lethal research. However as Japan's domestic press reported when the programme was launched, the real purpose of Japan's so-called 'scientific' whaling is to keep its commercial whaling industry alive and the domestic market supplied with whale meat.

In 1997 Japanese officials announced that the year's catch from the Antarctic, which amounted to 1,995 tonnes, would be sold initially for 3.5 billion yen (US\$ 33 million dollars) and that it would retail for three times that amount. Japan's whaling is primarily a commercial activity and is conducted for profit.

Japan has made clear it wants to return to large-scale high seas factory ship whaling. Whaling industry sources speak of starting quotas of 2,000 to 4,000 whales a year and observers believe Japan would press for these to be raised to over 10,000 whales a year.

Norway

Unlike Japan, Norway openly carries out commercial whaling – having lodged an objection to the IWC moratorium it is not bound by the decision. Norway's domestic market for whale meat is already saturated and unlike Japan there is no demand for whale blubber in Norway. Prices for whale meat in Japan are also several times higher than in Norway.

For these reasons the Norwegian whalers are keen to see the trade ban lifted and have been demanding higher quotas so that they can increase their profits. As one whaler said in the Norwegian press: "When the export ban is lifted, whoever has a license to whale will be sitting on a gold mine".

Russia

Like Norway, Russia lodged an objection to the IWC moratorium on commercial whaling and so is not bound by it. Recently Russia has indicated a strong interest in resuming commercial whaling. For instance, Russian representatives have attended meetings convened by Japan purportedly to discuss, amongst other things, the formation of a regional organisation for the study and management of marine mammals, including whales, of the north-western North Pacific. Such a body if formed would seriously undermine the authority of the IWC.

It has been suggested that 20 tonnes of beluga meat (equivalent of 30-50 whales) shipped to Japan in 1999 was a trial run by Russia intended to gauge the level of opposition to the export of whale meat to Japan. (Russian subsistence hunters have had local takes of belugas for centuries but this kill was conducted by a company with no previous links to the hunt and intended specifically for export to Japan). Bowing to international pressure, the Russian government subsequently ordered an end to the hunt and refused to issue further export permits for this Appendix II species. The company had originally planned to take up to 500 belugas to sell on the lucrative Japanese market.

Three of the four whale populations put forward for downlisting are accessible from Russia.

Iceland

Iceland is another ex-whaling nation that may recommence commercial whaling. In a parliamentary discussion last November, Iceland's Foreign Minister, Mr. Asgrimsson declared that there was a strong possibility of Iceland re-joining the IWC and that Iceland would join CITES. In January Iceland acceded to CITES within the timeline required for obtaining voting rights at the Nairobi meeting. It has also lodged reservations on 14 species of whales and dolphins including the endangered blue whale.

Pirate whaling and illegal trade

Even with the current trade ban afforded by an Appendix I listing, illegal whale meat continues to be uncovered in the commercial markets of Japan and Korea. DNA analysis has revealed meat from Brydes whale and Southern Hemisphere minke for sale in Korea which could not possibly have come from Korean waters; likewise humpback whale has been found on sale in Japan which could not have come from Japanese waters.

Historically legal trade has acted as a catalyst to illegal trade and, should downlisting be agreed at the CTES meeting, it will inevitably result in an explosion of pirate whaling which will put both abundant and endangered species of whales at risk.

As a means of addressing such illegal trade, rules were agreed at the 9th CITES COP (Annex4, resolution 9.24) which state that a species should be retained on Appendix I if downlisting "*would be likely to stimulate trade or cause enforcement problems for another species*". Japan and Norway's downlisting proposals are contrary to CITES own rules.

DNA Registers - not a means of preventing illegal trade

In the past commercial whaling has proved impossible to control. The IWC has set out to address the problems previously encountered and is

currently engaged in developing a Revised Management Scheme (RMS). The DNA registers proposed by Norway and Japan do not constitute an effective monitoring system and in any case, a monitoring system is only one element of a number of control and enforcement measures that would be required in any future management scheme.

Although DNA analysis can be a useful tool in detecting illegal whale products it is not in itself a means of preventing pirate whaling, yet both Japan and Norway present the setting up of DNA registers as an effective mechanism for controlling illegal trade.

The DNA registers outlined in the Japanese and Norwegian proposals would comprise of samples taken from all the whales killed by their respective hunts, against which samples taken from markets could then be matched. Whale products derived from the hunts of other countries which might begin whaling as a result of downlisting are not considered by Japan or Norway. For this reason alone the proposed registers would not be sufficient to identify illegal whale products.

Norway has refused to file a copy of its DNA register with the IWC secretariat. This refusal, and the lack of transparency it brings, does not foster any confidence in any system that might result.

So far Japan has not put in place any mechanism to be sure of the origins of all the whale meat that is on sale in the Japanese market, whether from 'scientific' whaling, stranded and by-caught animals or from whale meat stockpiles. Until that is done, it is not possible to determine the provenance of any whale meat that is currently on sale.

The fact that illegal whale meat is regularly appearing on the Japanese domestic market suggests that Japan is unable to carry out the frequent and comprehensive market testing required to police the current market, let alone the level of testing that would be necessary to police a market greatly enlarged by the resumption of international trade.

Furthermore to ensure that enforcement action could be taken where necessary a much larger DNA library would be required including samples taken from all whale and dolphin species over their full global ranges and as far as we know there is no programme underway to provide such samples. Any such programme would require considerable investment of resources.

DNA testing itself has limits - it is not always possible to establish the stock or population from which a particular sample is derived.

CITES & the IWC - a special relationship

Whales are very vulnerable to over-exploitation and commercial whaling during the 20th century led to the devastation of one whale population after another. When the IWC was formed in 1946, the preamble to the convention said:

“Considering that the history of whaling has seen over-fishing of one area after another and of one species after another to such a degree that it is essential to protect all species of whales from further over-fishing”.

However the IWC was to fail spectacularly in preventing further over-exploitation by the whaling industry. For example, under the IWC’s attempts to carry out scientific management, the blue whales of the Antarctic were pushed to the verge of extinction with the loss of 99% of their biomass, the fin whales lost 95% of their biomass and the sei whales 80% of their biomass. Despite complete protection since 1964 the Antarctic blue whales show no signs of recovery.

Finally recognising its own failure to protect whale populations and the formidable difficulties of managing whaling, the IWC decided to impose a moratorium on all commercial whaling which came into effect in 1986.

It is therefore not surprising that CITES recognises the competency of the IWC as the lead organisation when dealing with the management of whales and whaling. The IWC has fifty years of experience and is advised by a Scientific Committee of over 100 scientists. The close relationship between the two bodies has developed since the 2nd CITES COP in 1979 and has been formulated in a number of resolutions. Of special importance is Conference resolution 2.9:

“RECOMMENDS that the parties agree not to issue any import or export permit, or certificate for introduction from the sea, under this Convention for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling; and REQUESTS that the Secretariat circulate to the parties and revise as necessary a list of species or stocks referred to by this resolution.”

Accordingly when the IWC moratorium came into effect in 1986, CITES agreed to place all the species of whale protected by the IWC on Appendix I, thus banning the international trade in whale products.

Japan and Norway are keen to break the historic link between CITES and the IWC. At the last CITES meeting in Harare in 1997 Japan submitted a draft resolution which if passed would have destroyed the special relationship between the two conventions. This resolution was strongly opposed and failed.

At its 1999 meeting the IWC passed a resolution which welcomed this decision of the 10th CITES COP to reaffirm the special relationship between the two bodies.

Japan refuses to accept the decision of the last COP and will try again in Nairobi to have a resolution passed by the COP which will

sever the link between CITES and the IWC and weaken the IWC's authority over whaling.*Downlisting with a zero quota*

It has been suggested that it would be a good compromise to allow the four whale downlisting proposals to go ahead, but with a zero quota. This, the proponents say, would continue to prevent international trade in whale meat.

However, under CITES rules, such a move could still open the doors to a resumption of commercial whaling. One provision essentially states that any country which is a member of another international body charged with protecting a particular marine species (for example the IWC) does not have to follow the CITES rules if that species is listed on Appendix II.

Therefore a downlisting to Appendix II – with or without zero quota – would exempt IWC members including Norway, Japan and Russia from any CITES restrictions. Countries which subsequently join the IWC would also be exempt. The zero quota would only restrict non-IWC members. IWC members would be free to trade in whale meat at whatever levels they see fit.

Japan and Norway on the offensive

Of the 146 countries that are Parties to CITES only about a quarter are also members of the IWC. Many countries are therefore not necessarily well informed about whaling or understand why the IWC has primacy over CITES in matters relating to whales and whale management. At the last COP held in 1997 in Harare, Norway and Japan put forward a similar set of downlisting proposals to the ones they are putting forward this year and these received a significant level of support. Indeed the last Norwegian downlisting proposal gained a simple majority but not the two thirds majority necessary for it to be passed. Since then both Norway and Japan have invested heavily in gaining support for their proposals to overturn the trade ban and, as a recent report of a meeting between the Fisheries Ministers shows, are coordinating their efforts closely.

Norway is spending over US\$300,000 on public relations alone. Much of this money has been given to pro-whaling lobby groups, such as the High North Alliance, on the express condition that it is spent by the time of the Nairobi COP. In addition Norway has appointed a roving "ambassador of whaling", who has been visiting dozens of CITES countries in the lead up to the COP, often supported by Norwegian diplomats.

"It is time to change our stance from defensive to offensive", said Seiji Osumi, chairman of Japan's Institute of Cetacean Research (the body that conducts Japan's 'scientific' whaling) earlier this year. As part of this offensive Japan has recently stepped up its attempts to "buy" votes from small, developing countries by offering foreign aid. Japan already gives aid

money to six Eastern Caribbean countries and the Solomon Islands. These countries speak in support of resumed whaling and vote with Japan on all occasions at IWC meetings. Last summer, the Japanese media reported that Japan is planning to press for similar support from a further 13 countries in order to gain a majority vote in favour of resuming commercial whaling within the IWC. The countries targeted include: Trinidad and Tobago, Zimbabwe, Guinea, Namibia, Morocco, Mauritania and South Pacific Island states. Reports also indicate that Japan intends to use the votes of these countries at CITES.

Whales eat fish...

One of the arguments that is being used to support a return to whaling is that whales eat so many fish that they are competing with commercial fisheries and must be culled for the benefit of fishermen. There is no scientific basis for such claims.

Before commercial whaling began, fish stocks were at very high levels, despite a population of whales that was much larger than it is today. Whales and fish are both components of the complex ocean ecosystem and large populations of both used to exist in balance. Fisheries the world over are now in a state of crisis not due to whales but due to over-fishing by humans. In fact, far from being a threat to fisheries as Japan is currently claiming, the presence of populations of whales may actually increase the numbers of commercially valuable fish as some whales prey on the predators of fish desired by humans.

Ignoring the environmental threats facing whales

Each of Japan and Norway's four downlisting proposals make unsubstantiated claims that the species or population in question does not have any serious threats to its survival. The IWC has identified environmental problems that adversely affect whale populations including climate change, ozone depletion and UV-B radiation, toxic pollution and the impact of noise and physical and biological habitat degradation. The full impact of these effects on whale populations has not yet been properly studied.

For further information visit Greenpeace Digital www.greenpeace.org.uk or contact Richard Page (whale campaigner) on 0171 865 8242 richard.page@uk.greenpeace.org