



“Working within CITES for the protection and conservation of species in international trade”

Periodic Review: Fin Whale

CoP14 Doc. 66 Periodic Review of the Appendices (Animals and Plants Committees)

Proposition to include the Central North Atlantic Stock of Fin Whales in the Periodic Review of the CITES Appendices

SSN VIEW: OPPOSE Inclusion of the Central North Atlantic Stock of Fin Whales in the Periodic Review

In July 2006, the Animals Committee accepted a proposal by Iceland to include the Central North Atlantic stock of fin whale (*Balaenoptera physalus*) in the Periodic Review of the CITES Appendices. The Secretariat sent Notification No. 2006/062 to invite range States of the fin whale to comment on this recommendation from the Committee. Several Range States have expressed their concerns and their opposition to this recommendation. Inclusion of fin whales in the Periodic Review should be opposed for the following reasons:

THE CENTRAL NORTH-ATLANTIC STOCK OF FIN WHALES CANNOT BE CLEARLY DIFFERENTIATED FROM OTHER STOCKS AND IS THEREFORE UNSUITABLE FOR REVIEW.

The taxonomy and stock structure of fin whales have not been fully resolved. Northern and Southern Hemisphere fin whales are widely recognized as distinct subspecies, *B.p. physalus* and *B.p. quoyi*, respectively. The distinctness of North Atlantic and North Pacific populations has also been supported by genetic, morphological and behavioral evidence.

Within the North Atlantic, fin whale stocks have been identified based primarily on observations of summer feeding concentrations of whales. The North Atlantic Marine Mammal Commission (NAMMCO) noted that evidence from morphometric (body shape) and genetic studies shows there are several discrete stocks of fin whales in the North Atlantic and that, according to recent research, fin whales can be differentiated into regional groups by the sounds they make. It concluded that *“at present there is not enough information to place boundaries around fin whale stocks with certainty”* (NAMMCO fact sheet available upon request).

Current management is based on stock boundaries derived by the International Whaling Commission (IWC) in 1977. According to the IWC Schedule, North Atlantic fin whales are divided into seven management stocks: (1) North Norway (2) East Greenland and West Iceland (EGI); (3) West Norway and the Faroe Islands; (4) British Isles, Spain and Portugal; (5) West Greenland; (6) Nova Scotia, and (7) Newfoundland and Labrador. Despite more recent evidence stock structure remains unresolved in the North Atlantic, and the IWC has recommended that additional research and quantitative analysis should be done.

Even if the Icelandic review concludes that the Central North-Atlantic stock of fin whales should be transferred to Appendix II, implementing such a conclusion while leaving other visually indistinguishable stocks/species on Appendix I will lead to serious enforcement problems. Animals from the various stocks of fin whales overlap on a seasonal basis, creating a high likelihood that downlisting the Central North-Atlantic stock would result in hunting of, and trade in, the ‘wrong’ whales. A split listing would also conflict with Annex 3 of CITES Resolution Conf. 9.24 (Rev COP13), which states that *“Taxonomic names below the species level should not be used in the Appendices unless the taxon in question is highly distinctive and the use of the name would not give rise to enforcement problems.”*

SELECTION OF THIS STOCK FOR PERIODIC REVIEW IS INCONSISTENT WITH CITES RESOLUTION CONF.11.4 (REV. COP12).

CITES Resolution Conf. 11.4. (Rev. COP 12) (RC 11.4) recommends that no IWC-protected species should be traded for commercial purposes so long as that species remains protected from commercial whaling by

the IWC. Inclusion in Appendix I is the mechanism by which CITES restricts commercial trade in these species. By approving the inclusion of IWC-protected fin whales in the Periodic Review, the Parties would validate a process that could ultimately lead to down-listing a stock while whaling remains banned. Such discussions would be inconsistent with the principle of deference to the IWC moratorium that the Parties have repeatedly reaffirmed, including most recently in Resolution Conf. 11.4 (Rev. COP12).

A joint workshop of NAMMCO and the IWC held in Iceland in March 2006 considered available information on stock structure, catch history, biological parameters, abundance and trends in North Atlantic fin whales. The workshop agreed that, for general purposes, the best estimate of current abundance in the Central North Atlantic (including the Faroes) is 25,800 for the year 2001. The IWC's Scientific Committee endorsed the findings of this workshop at its 2006 meeting and recommended the commencement of Implementation Trials for fin whales in 2007, although Iceland wanted to begin these sooner. Implementation Trials test the potential outcome of removals over a range of plausible stock structures, population growth rates, and whaling operation scenarios. They do not equate to a decision to lift the moratorium prohibiting commercial whaling of fin whales and fin whales remain fully protected by the IWC, and so do not affect the recommendations in Resolution Conf. 11.4 (Rev. COP 12).

THE RECOMMENDATIONS ADOPTED BY THE STANDING COMMITTEE FOR THE CONDUCT OF THE PERIODIC REVIEW PRECLUDE THE SELECTION OF THIS STOCK.

Annex 2, paragraph h) of Resolution Conf. 11.1 (Rev. CoP12) directs the Animals and Plants Committees to *“undertake a periodic review of animal or plant species included in the CITES Appendices...”* Between COP12 and COP 13, the Standing Committee developed and adopted recommendations on the Periodic Review (SC51 Doc. 16). These recommendations include practical guidelines to assist the AC and the Plants Committee in selecting species for review and in conducting those reviews. They provide that the selection process should exclude *“species subject to other reviews, such as those ...that have already been evaluated for listing in the CITES Appendices as proposals submitted for consideration at the last two meetings of the Conference of the Parties.”* The CITES Secretariat drafted a list of examples of species which, according to the Standing Committee guidelines, should be excluded from the review. These species include *“species subject to other reviews such as those targeted by valid Decisions and Resolutions of the Parties (including ... Cetaceans...)”* (AC21 Doc. 11.1 (Rev.1) Paragraph 5 (ii) – emphasis added). To facilitate testing of the first-time implementation of the Standing Committee guidelines, the Animals Committee decided at its 21st meeting (Geneva, May 2005) to limit inclusion in the Review to listed species of Amphibia and Galliformes. Including the Central North Atlantic stock of fin whales in the Review would be contrary to the guidelines set out by the Standing Committee, and would disrupt the ongoing testing of their adequacy.

THE PROPONENT FOR THE CONDUCT OF THE REVIEW HAS A VESTED INTEREST IN TRANSFERRING THIS STOCK TO APPENDIX II.

Iceland holds a reservation to the CITES Appendix I listing of fin whales and is actively seeking the resumption of commercial whaling by the IWC. In 2002 Iceland awarded itself a 'scientific whaling' quota of 100 North Atlantic fin whales, which are yet to be taken. In 2006, Iceland launched a commercial whaling program under reservation to the moratorium and killed seven fin whales. It will take two more fin whales in 2007 and plans to export the meat.

RECOMMENDATIONS:

- 1) Oppose the inclusion of the Central North Atlantic stock of fin whales in the Periodic Review at the next meetings of the SC (SC55 and SC56) and the AC (AC23), and, if necessary, at COP14.
- 2) Request that provisions regulating the conduct of Periodic Review ensure that:
 - species directly protected by an existing CITES resolution be excluded from the Periodic Review in accordance with the Standing Committee guidelines;
 - the selection criteria for Periodic Review be based on the best available scientific knowledge on genetic and geographic distribution of a species and its stocks.
 - the Review be restricted to species in a manner consistent with the advice of the Secretariat in AC 21 Doc. 11.1 (Rev.1)
 - the selection of species is not based upon a vested interest in uplisting, downlisting or delisting a species.