

## Annex Q

### Statements concerning Agenda Items 3 and 12.5

#### **ANNEX Q1. STATEMENT BY BAKER, BERGGREN, BROWNELL, CARLSON, CIPRIANO, CHILDERHOUSE, COOKE, DALEBOUT, DONOGHUE, LEAPER, LENTO, PAPASTAVROU, READ, ROGAN, SIMMONDS, SLOOTEN, TAYLOR AND WADE**

At its 51<sup>st</sup> meeting, the Commission directed the Scientific Committee to provide annual reports 'on genetic methods for species, stock and individual identification..., to provide advice to the Commission on the development and implementation of a transparent and verifiable system of identification and tracking of products derived from whales...' (IWC Resolution 1999-8). In response to this resolution, a number of members of the Scientific Committee prepared reports of surveys of commercial whale markets demonstrating the practical and technical application of these methods. Six of these (SC/52/SD1, 5-8, 17 and SC/52/RMP19, as listed below) were allocated by the Secretariat to the Working Group on Stock Definition under draft agenda item 12.5, 'DNA based identification and tracking of market products' (distributed 1 June 2000). During plenary adoption of the agenda the scope of this item was restricted because of the insistence of the delegations of Norway and Japan that, in their opinion, discussions related to the design of future market tracking schemes are not allowed.

As a result of the belated change in the agenda, the six reports prepared in good faith and submitted for this agenda item were not discussed by the Working Group on Stock Definition and were not listed in the documents for discussion (Annex I, item 3). A number of the documents were listed in the review of documents in the Report of the Working Group on DNA Identification and Tracking of Whale Products (Annex O, item 4). However, there was no discussion of some reports and discussion of others was severely curtailed because of the terms of reference imposed at the request of delegates from Japan and Norway (Annex I, appendices 2 and 3). Several of these reports were considered in the sub-committees on the Revised Management Procedure and Other Stocks. However,

discussion of these reports focussed on the estimation of incidental takes, rather than the '...molecular tracking of whale products...' called for in Resolution 1999-8. As a result, valuable information on technical and applied aspects of genetic tracking of market products was not included in the discussion of the Committee or its report to the Commission.

The documents are as follows.

SC/52/SD1. Baker, C.S., Dalebout, M.L., Lento, G.M. and Funahashi, N. New record of the endangered gray whale from the Pacific coast of Japan: implications for stock origins.

SC/52/SD5. Cipriano, F. Methods for identification of whale products in commercial market surveys.

SC/52/SD6. Brownell, R.L., Robertson, K.M., Kang, S. and Dizon, A.E. Molecular identification of cetacean products from the Republic of Korea, 1997 and 1999.

SC/52/SD7. Goto, M. and Pastene, L.A. Results of molecular genetic analyses of whale products collected from the Japanese retail markets in 1996 and 1999/2000.

SC/52/SD8. Baker, C.S. and Funahashi, N. Molecular genetic identification of whale products: proposed international validation and investigation of species, stocks and individual origins.

SC/52/SD17. Lento, G.M., Dalebout, M.L. and Baker, C.S. Market surveys, 1999: molecular genetic identification of whale and dolphin products for sale in Japan and Korea.

SC/52/RMP19. Dalebout, M.L., Lento, G.M., Cipriano, F. and Baker, C.S. Microsatellite profiling of North Pacific minke whales: stock differentiation and bycatch estimation.

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#### **ANNEX Q2. STATEMENT BY MORISHITA, WALLØE, JOSEPH, LAWRENCE, MORRIS, RAMBALLY, RYAN AND WALTERS**

Morishita and Walløe expressed the position of their governments that issues related to international trade and domestic marketing of whale products are outside the competence of the IWC since the ICRW does not give the Commission a mandate in these matters. International trade is under the jurisdiction of the WTO and CITES, while domestic trade is a matter of national jurisdiction. The position was strongly supported by the other authors of this

paper. They reminded the Scientific Committee that 11 members of the Commission had opposed Resolution 1999-8.

The Chair of the Scientific Committee was notified of an intention to change the agenda item by e-mail dated 29 March 2000 in which Walløe proposed that the Agenda Item 12.5 be changed from 'DNA-based identification and tracking of market products' to 'DNA-based identification

of species, stocks and individual whales'. In response, the Chair instructed Walløe to raise this issue on the first day of the Scientific Committee meeting. This was done.

The proposed changes were extensively discussed and consensus on new wording was reached at the opening of the Scientific Committee Plenary. It was therefore inappropriate

to raise this matter again during the discussion in the Stock Definition sub-committee. The consensus reached at the Plenary also makes Annex Q1 inappropriate.

The authors support the decision of the Chair in this matter, and insist that the Scientific Committee follow the same decision for future meetings.

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