

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Thirteenth meeting of the Conference of the Parties
Bangkok (Thailand), 2-14 October 2004

Strategic and administrative matters

Cooperation with other organizations

CITES LISTING OF WHALE STOCKS AND THE INTERNATIONAL WHALING COMMISSION

The attached draft resolution has been submitted by Japan.

COMMENTS FROM THE SECRETARIAT

- A. The initial document contained a number of URLs and references to CITES documents that were incorrect. The Secretariat has taken the liberty of correcting these.
- B. In the third preambular paragraph of the draft resolution "CITES Secretary-General" should be replaced by "CITES Secretariat".
- C. The Secretariat cannot judge whether the completion and implementation of the IWC's Revised Management Scheme has the purpose of lifting the commercial whaling moratorium and allowing sustainable and controlled whaling as suggested in the fourth preambular paragraph. It would therefore suggest removing the words after "(RMS)".
- D. In the fifth preambular paragraph the CITES Secretary-General is quoted as having written to the IWC "urging the completion and implementation of the RMS". This is incorrect. In his letter of 4 July 2000 to the Chairman of the IWC, the Secretary-General stated, "From my perspective in CITES, it is therefore crucial that the IWC should soon make important progress towards the adoption of a Revised Management Scheme".
- E. In the sixth preambular paragraph, the reference to "the Secretary-General of CITES" should be replaced by "the CITES Secretariat".
- F. The Conference of the Parties has repeatedly confirmed the need for CITES, based on the provisions of Article XV, paragraph 2 (b), of the Convention, to ensure coordination with any conservation measures enforced by intergovernmental bodies having a function in relation to marine species. Therefore, the result of the completion and implementation of an IWC Revised Management Scheme will need to be reflected in the CITES Appendices.
- G. The Secretariat recommends that the Conference of the Parties adopt the draft resolution with the proposed changes listed above and with an operative paragraph which reads as follows:

"URGES the IWC to complete and implement its Revised Management Scheme".

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

CITES listing of whale stocks and the International Whaling Commission

RECOGNIZING that to qualify for inclusion in Appendix I a species must meet biological and trade criteria;

AWARE that the Scientific Committee of the International Whaling Commission (IWC) has agreed that a number of whale stocks are abundant and not threatened with extinction¹;

FURTHER AWARE that the CITES Secretary-General, IUCN and TRAFFIC have noted that some whale stocks do not appear to meet the biological criteria for inclusion in Appendix I of CITES²;

NOTING, however, that proposals to transfer certain abundant whale stocks from Appendix I to Appendix II at the 10th, 11th and 12th meetings of the Conference of the Parties (Harare, 1997; Gigiri, 2000; Santiago, 2002) were not adopted because the IWC has not yet completed and implemented its Revised Management Scheme (RMS) for the purpose of lifting the commercial whaling moratorium and allowing sustainable and controlled whaling;

NOTING ALSO that the CITES Secretary-General has written to the IWC urging the completion and implementation of the RMS³ and that IUCN in its opening statements to the IWC has also urged the same⁴;

REGRETTING that despite the expressed desire of the Secretary-General of CITES not to have the political problems of the IWC imported into CITES,⁵ the political difficulties of the IWC have prevented Conferences of the Parties to CITES to amend the Appendices to the Convention with respect to certain stocks of cetaceans on the basis of the biological criteria contained in Resolution Conf. 9.24 (Rev. CoP12);

UNDERSTANDING that proper wildlife conservation and the credibility of actions taken by members of the IWC and the Conference of the Parties to CITES require as a fundamental principle the consistent application of science-based policy and rule making and that towards that end the Parties have adopted criteria for the inclusion of species in the CITES Appendices;

THE CONFERENCE OF PARTIES TO THE CONVENTION

URGES the IWC to complete and implement its Revised Management Scheme so that proposals for amendment of CITES Appendices related to whale stocks can be based on the CITES criteria and precautionary measures of Resolution Conf. 9.24 (Rev. CoP12), as it is for any other animal or plant species.

¹ See "Whale population estimates" IWC website: <http://www.iwcoffice.org/conservation/estimate.htm>.

² "The Secretariat, on the basis of the information available to it, and as also found in the IUCN/TRAFFIC analysis of this proposal, believes that the stocks in question [northern hemisphere minke whales] do not meet the biological criteria for inclusion in Appendix I." (document CoP12 Doc. 66).

"The three stocks of minke whales likely to be directly affected by trade... do not appear to meet Criteria A, B, and C for inclusion in Appendix I..." IUCN doc. Ref. CoP12 Prop. 4.

"The stocks under consideration do not appear to meet the biological criteria for inclusion in Appendix I." Traffic/CoP12 http://www.traffic.org/cop12/proposal3_14.html#pro4.

³ Letter of 4 July 2000 from the CITES Secretary-General, Mr W. Wijnstekers, to the IWC Chairman, Mr Canny.

⁴ IWC/54/OS/IUCN and IWC/55/OS/IUCN.

⁵ See document Doc. 11.59.3 prepared by the CITES Secretariat for CoP11.