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

Fourteenth session:	12 October 2004: 09h10-12h05
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Chairman:	H. Dublin
Secretariat:	W. Wijnstekers T. De Meulenaer D. Morgan M. Schmidt
UNEP:	M. Collins
Rapporteurs:	H. Corrigan J. Gray T. Inskipp A. Stattersfield

Strategic and administrative matters

12. Cooperation with other organizations

12.2 CITES listing of whale stocks and the International Whaling Commission

Introducing document CoP13 Doc. 12.2, the delegation of Japan said they accepted the Secretariat's proposed amendments in the document to the draft resolution in the Annex. They believed the International Whaling Commission (IWC) to be on the edge of implosion and saw the exhortation in the draft resolution as a means of restoring its viability. They told Parties that opposition to proposal CoP13 Prop. 4 should be no barrier to acceptance of this draft resolution. The draft resolution was defended by the delegations of Gabon, Iceland, Namibia and Saint Kitts and Nevis. The delegation of Iceland believed that delays in completion of the Revised Management Scheme (RMS) were hindering the application of scientific listing criteria to whales under CITES. The delegation of Saint Kitts and Nevis saw the IWC as dysfunctional and characterized opposition to the draft resolution as opposition to the rights of developing countries to trade in their national resources.

The delegation of New Zealand drew attention to Resolution Conf. 11.4 (Rev. CoP12) concerning the relationship with the IWC and stated that they believed that the draft resolution taken at the IWC annual meeting in Sorrento, Italy, in 2004 rendered Japan's draft resolution unnecessary. The delegation of the United States of America echoed this view. The delegation of the United Kingdom of Great Britain and Northern Ireland, on behalf of the 25 Member States of the European Community, stated that the IWC remained internationally recognized and was not dysfunctional. The delegate of Norway, speaking on behalf of the IWC, reported on the progress towards completion of the RMS and noted that the intention was to have a draft text and technical details of the RMS ready for consideration and possible adoption in 2005.

Observing that consensus would not be achieved, the Chairman called for a vote on the draft resolution, as amended by the changes recommended by the Secretariat in document CoP13 Doc. 12.2. At the request of the delegation of Japan a secret ballot was held. The result was 57 in favour and 63 against, with 13 abstentions. The proposal, as amended, was rejected.

The delegations of Australia and the United States stated that, in the interests of transparency they were opposed to the use of secret ballots and further stated that they had voted against the proposal. The delegation of Qatar noted that they had voted in support of the proposal.

Interpretation and implementation of the Convention

Amendment of the Appendices

60. Proposals to amend Appendices I and II

The delegation of Japan introduced proposal CoP13 Prop. 4, to transfer the Okhotsk Sea - West Pacific Stock, the north-east Atlantic stock, and the north Atlantic central stock of *Balaenoptera acutorostrata* from Appendix I to Appendix II. The delegations of Guinea, Namibia and Saint Lucia supported the proposal, the delegation of Namibia stating that the species did not meet the scientific criteria for inclusion in Appendix I. The delegation of Denmark asked that the representative of Greenland on their delegation be allowed to make a brief statement, and the latter expressed support for the proposal, declaring that its defeat would undermine the credibility of CITES. The delegation of Denmark further noted that they did not support the proposal but, because of Greenland's views, would abstain from voting. The delegation of Cambodia believed that, if accepted, the transfer to Appendix II would not lead to an increase in whaling and trade.

The delegations of Australia and Georgia opposed the proposal, the latter noting that it increased the problem of a split-listing for the species, and that it would be difficult to distinguish between whales from separate stocks, especially in areas where the stocks mixed. The delegation of Brazil and that of the United Kingdom, on behalf of the Member States of the European Community, expressed their opposition to the proposal.

The delegation of Qatar, on a point of order, requested to be allowed to speak but the Chairman, having previously indicated that she was limiting the time for discussion of each proposal, ruled that she was closing the debate. A vote on the Chairman's ruling resulted in 85 votes in favour, 14 against and 10 abstentions (see Annex 1). Her ruling was accepted.

The Chairman called for a vote on proposal CoP13 Prop. 4 and Japan requested and obtained a secret ballot. The proposal was <u>rejected</u>, with 55 votes in favour, 67 against and 14 abstentions.

The delegation of the Republic of Korea made a point of order, referring to issues over nomenclature of the sea area between the Korean peninsula and Japan, requesting that "Sea of Japan" be replaced by <u>East Sea/Sea of Japan</u> in all relevant documents for the meeting. The Chairman ruled that this was not a point of order or an explanation of vote, but the Republic of Korea's intervention would be recorded in the summary report of the session.

The delegations of Australia and the United States stated that, in the interests of transparency they were opposed to the use of secret ballots and also stated that they had voted against the proposal. The delegation of Qatar stated that they had voted in support of the proposal.

The delegation of Swaziland introduced proposal CoP13 Prop. 9, concerning Swaziland's population of white rhinoceros and referring participants to relevant additional information in document CoP13 Inf. 59. They also proposed that the annotations be amended to read:

- 1. Swaziland's annual harvest and export of live white rhino to appropriate and acceptable destinations will be limited to an upper limit of 7% of the population. Such take-off will go to National Parks, Game Reserves, Game Farms and other conservation projects. Most of the animals should go to Southern Africa and remain part of the managed metapopulation. There would also be an exchange of animals for genetic management reasons.
- 2. Only post reproductive males and identified problem animals will be exported as trophies, but not more than 1% of the population will be exported annually for this purpose, and then only if the live removal option is not practical.
- 3. All exported specimens will be marked with microchips.

The delegation of the Netherlands, on behalf of the 25 Member States of the European Community, indicated that, despite previously having had some concerns, they would support the proposal in its original form with the proposed amendments used as guiding principles, to be recorded in the report of the Committee as an assurance of Swaziland's intentions. The delegations of Israel and Kenya opposed the proposal, the latter stating that Swaziland's legislation was in category 3 under the National Legislation Project, that trophy hunting could lead to an erosion of genetic diversity, and that other management options were available. The delegations of Mozambique, Namibia and South Africa supported the proposal.

The Chairman asked the Committee to vote on proposal CoP13 Prop. 9 with the annotation as set out in document CoP13 Doc. 60, Annex 1. The result was 88 in favour, 15 against and 21 abstentions. The proposal was <u>accepted</u> (see Annex 2).

The delegation of the United States introduced proposal CoP13 Prop. 10 to transfer *Haliaeetus leucocephalus* from Appendix I to Appendix II. They noted that the species no longer met the biological criteria for inclusion in Appendix I as set out in Resolution Conf. 9.24 (Rev. CoP12) and drew attention to the strict laws already in place to protect the species, including the prohibition of all forms of trade without appropriate permits. In their view, the necessary precautionary measures for a transfer from Appendix I to Appendix II, as specified in Annex 4 of that Resolution, were in place. The proposal was accepted.

The delegation of Indonesia presented proposal CoP13 Prop. 11 to transfer *Cacatua sulphurea* from Appendix II to Appendix I. The delegation of the United States supported the proposal, believing this would help Indonesia and other Parties to put more stringent controls in place, including the registration of captive-breeding facilities. The delegations of Germany, the Netherlands on behalf of the Member States of the European Community, and Mali also supported the proposal. The delegation of Japan, supported by the delegation of Qatar, accepted that the species might meet the criteria for such a listing but considered that there were no clear merits in making this change, believing that assistance should be sought to control trade under the current Appendix-II listing. No further objections were raised and the proposal was <u>accepted</u>.

The delegation of the United States introduced proposal CoP13 Prop. 12 to delete *Agapornis roseicollis* from Appendix II, jointly proposed with Namibia. They listed some of the characteristics that set this species apart from other similar *Agapornis* species, and said that they were prepared to work on identification materials to help in this regard. The delegation of the Netherlands, on behalf of the Member States of the European Community, supported the proposal, noting that only five wild specimens had been recorded in international trade in 10 years and that acceptance of the proposal would decrease administrative burdens. In their view, and that of the delegation of Namibia, Customs officers would be able to distinguish this species from others. The delegation of Mexico were concerned about the lack of information on the wild population in the proposal. As no further objections were raised, the proposal was <u>accepted</u>.

The delegation of Mexico presented proposal CoP13 Prop. 13 to transfer *Amazona finschi* from Appendix II to Appendix I. They were aware that, should the transfer take place, it would need to be complemented by other conservation measures. The delegations of Ghana, Liberia and Peru supported the proposal. The delegation of Qatar opposed the proposal believing that more effective conservation management was needed under the current Appendix-II listing. The delegation of Switzerland noted that they viewed a transfer from Appendix II to Appendix I as a failure to enforce the rigorous controls possible under an Appendix-II listing; and believed that an Appendix-I listing foreclosed some management options, while not helping to combat illegal harvesting, nor addressing the issues of habitat loss or domestic trade. As no further objections were raised, the proposal was accepted.

The meeting was closed at 12h05.

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Agenda item 60 – Result of the vote on proposal CoP13 Prop. 9, with the annotation as set out in document CoP13 Doc. 60, Annex 1.

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