

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

Eleventh meeting of the Conference of the Parties
Gigiri (Kenya), 10-20 April 2000

Strategic and administrative matters

International Whaling Commission

RELATIONSHIP WITH THE INTERNATIONAL WHALING COMMISSION

1. This document has been submitted by Japan and Norway.

COMMENTS FROM THE SECRETARIAT

- A. As the draft resolution lacks an introduction the reasons for submission of this document are not entirely clear.
- B. Regarding the sixth paragraph of the preamble, the Management Authority of the United States of America has pointed out that the results of the vote are not correctly reflected. According to the report of the Chairman of the IWC, the results were 21 in favour, 10 against and 3 abstentions. The Secretariat would like to note that this same paragraph of the preamble does not correctly reflect the intent of the Resolution adopted by IWC, and attached as an Annex to document Doc. 11.15.2.
- C. The first paragraph of the operative part instructs the Parties to make decisions on cetaceans only on the basis of Resolution Conf. 9.24, and scientific information received from the IWC. Resolution Conf. 9.24 was unanimously adopted at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994). All the Parties to CITES should therefore apply the provisions of this Resolution when evaluating proposals to amend Appendices I and II.
- D. The second paragraph urges the Parties to implement the Convention, which they are obliged to do in any case. This paragraph is therefore superfluous.
- E. The first part of the last paragraph contains instructions to the Secretariat that will be obsolete once it has been implemented, and should therefore not be included in a Resolution. The second part of the paragraph requests the Secretariat to seek further co-operation with IWC on scientific information. The Secretariat believes that the need for consultation is adequately covered by the provisions of Article XV, paragraph 2.(b) of the Convention.
- F. The Secretariat suggests that this document therefore be withdrawn or that otherwise it be rejected.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Relationship with the International Whaling Commission

NOTING that, for marine species, in the case of amendments to Appendices I and II, the Convention requires the Secretariat to consult with intergovernmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies (Article XV, paragraphs 1(a) and 2(b), of the Convention);

RECOGNIZING that, at its second meeting (San José, 1979), the Conference of the Parties adopted a Resolution to require that, with regard to cetaceans, the Secretariat consult with the International Whaling Commission (IWC) together with other sources concerning proposals to amend Appendices I and II, and that advice from such sources be circulated by the Secretariat (Resolution Conf. 2.7, adopted at San José, 1979);

ACKNOWLEDGING that the IWC, through its Scientific Committee, has been studying scientific aspects of stocks and species of whales and has accumulated a great deal of scientific knowledge and data that would contribute to the proper conservation and management of whale species;

ACKNOWLEDGING also that other sources, such as the North Atlantic Marine Mammal Commission (NAMMCO), would be able to provide a substantial amount of scientific information about whale species;

RECOGNIZING the major advancements of whale science since the 1970s and that more precise information on stocks and species of whales is now available from the IWC Scientific Committee and other sources;

NOTING that a resolution adopted at the 51st annual meeting of the IWC, held in May 1999 in Grenada, by 15 votes in favour, 10 votes against and 9 abstentions, objected for the time being to the downlisting of any whales because the moratorium was still in effect;

FURTHER NOTING that the moratorium was not supported by scientific information from the Scientific Committee of the IWC;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RESOLVES that amendment to Appendices I and II with regard to cetaceans should be decided on the basis of CITES's own criteria set forth in Resolution Conf. 9.24, taking into account (i) scientific information from the IWC Scientific Committee and other sources and (ii) consistency with scientific requirements for the listing of other species in the appendices;

URGES that the Parties apply the provisions for international trade in listed species as laid down in the Convention; and

REQUESTS the Secretariat to forward this Resolution to the IWC Secretariat and to seek further co-operation of the IWC and its Scientific Committee in respect of scientific information.