

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

REAFFIRMATION OF THE SYNERGY BETWEEN CITES AND THE IWC

1. This document has been submitted by the United States of America.

Background

2. Whereas the International Convention for the Regulation of Whaling (ICRW) provides for the conservation and management of whale stocks, CITES regulates international trade in whales and whale products. As international organizations providing for different types of regulations regarding the same species, it is imperative that the two organizations co-operate as closely as possible.
3. In 1978, the International Whaling Commission (IWC) passed a resolution requesting that CITES "take all possible measures to support the International Whaling Commission ban on commercial whaling for certain species and stocks of whales as provided in the Schedule to the International Convention on the Regulation of Whaling". The CITES Parties responded, at the second meeting of the Conference of the Parties in 1979, by adopting Resolution Conf. 2.9, which recommends that "the Parties agree not to issue any import or export permit or certificate" for introduction from the sea under CITES for primarily commercial purposes "for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling."
4. From 1979 to 1983, as zero catch limits were set in the ICRW Schedule for additional populations of whales, the Conference of Parties to CITES included those populations of whales in Appendix I. Most importantly, at its fourth meeting (COP4), in 1983, the Conference of the Parties to CITES decided that "All cetaceans for which the catches are regulated by the IWC and for which the Commission has set catch limits for commercial whaling (except for the West Greenland population of minke whales) and not already in Appendix I would be transferred to that Appendix in 1986, when the IWC decision to implement a pause in commercial whaling comes into effect." This action at COP4 established a strong, co-operative relationship between the two organizations and reflects the intent of the Parties.
5. The United States notes that Resolution Conf. 2.9, "Trade in Certain Species and Stocks of Whales Protected by the International Whaling Commission from Commercial Whaling," was overwhelmingly reaffirmed at CoP10, in 1997, by the defeat of a draft resolution intended to repeal this resolution. At the 50th meeting of the IWC, subsequent to CoP10, the IWC passed a resolution that expressed its appreciation for the reaffirmation of this link between the IWC and CITES. IWC resolution IWC/51/43 also welcomes the CITES CoP10 decision "to uphold CITES Resolution Conf. 2.9".
6. Another way in which the two organizations co-operate is found in Article XV, regarding Amendments to Appendices I and II. This article of the text of the Convention stipulates that, when a proposal for a marine species is received for consideration by the Conference of the Parties, the Secretariat must consult "inter-governmental bodies having a function in relation to those species" for their comments on the proposal. This information is to be provided to the Parties.
7. In preparation for this request, at its 51st meeting, held in Grenada, 23-27 May 1999, the International Whaling Commission overwhelmingly adopted a resolution specifying information that

should be sent to the Conference of the Parties to CITES. The resolution, IWC/51/43, directs the IWC Secretariat to advise the Conference of the Parties to CITES that the IWC has not yet completed a revised management regime to ensure that future commercial whaling catch limits are not exceeded and whale stocks can be adequately protected. The resolution further directs the IWC Secretariat to advise the Conference of the Parties to CITES that zero catch limits are still in force for species of whales that are managed by the IWC. This resolution is attached as Annex 2 to the present document.

8. The United States believes that the synergy and co-operation established between the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the International Whaling Commission must be strengthened and offers the draft resolution in Annex 1 to foster this effort.

COMMENTS FROM THE SECRETARIAT

- A. This document describes the background of the current Appendix-I listing of some cetaceans, to demonstrate that CITES and the IWC have established appropriate synergy.
- B. The Secretariat agrees with the proponent's comments on the importance of Resolution Conf. 2.9. This Resolution provides a frame work that reflects the required co-ordination of any conservation measures referred to in Article XV, paragraph 2(b), of the Convention. With the adoption of the Resolution, the Parties have agreed not to issue any permits for primarily commercial purposes for any specimens of species or stocks protected from commercial whaling by the International Convention on the Regulation of Whaling (ICRW), irrespective of the Appendix in which the species concerned are included.
- C. The Resolution Conf. 2.9 allows CITES to adequately implement its own criteria for inclusion of species in the appendices, without jeopardizing conservation measures that are put in place by ICRW.
- D. The first paragraph of the operative part of the draft resolution in the Annex merely acknowledges an IWC resolution and, if maintained, should therefore be included in the preamble.
- E. The second paragraph intends to endorse the co-operation between CITES and IWC. If the Parties believe that this endorsement is necessary, it should be done in the form of an amendment to Resolution Conf 2.7, on the Relationship with the International Whaling Commission, not in a separate resolution.
- F. Similarly, the third paragraph should also be included in the resolution referred to under 6. above.
- G. The Secretariat suggests that this document therefore be withdrawn or that otherwise it be rejected.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Reaffirmation of the synergy between CITES and the IWC

RECOGNIZING that it is the purpose of the International Whaling Commission (IWC) to provide for the effective conservation and management of whale stocks;

RECOGNIZING in addition that the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is the only global treaty whose focus is the protection of plant and animal species from unregulated international trade;

NOTING that co-operation between and among international conservation treaties and their signatories is essential for the protection of certain species of wild fauna and flora against over-exploitation;

BEARING IN MIND the ongoing work of CITES to develop a Strategic Plan, one objective of which is to "ensure close co-operation and co-ordination with related conventions and agreements in areas of species management";

ACKNOWLEDGING the connection between decisions and resolutions adopted by the CITES Conference of the Parties and the IWC to ensure the conservation of whale species subject to their jurisdiction;

NOTING with satisfaction the work done pursuant to Decisions 10.40-10.43 to foster international co-operation in monitoring and controlling illegal trade in whale meat;

OBSERVING that Decision 10.43 urges every country to submit to the CITES Secretariat any information relevant to its inventory of whale parts and derivatives and to examination of unknown whale products, for dissemination by the Secretariat to interested Parties upon request;

WELCOMING Resolution IWC/51/43 passed by the IWC at its 51st meeting, in May 1999, directing the IWC Secretariat to advise the Conference of the Parties to CITES that the IWC has not yet completed a revised management regime that ensures that future commercial whaling catch limits are not exceeded and that whale stocks can be adequately protected, and further directing the IWC Secretariat to advise the Conference of the Parties to CITES that zero catch limits are still in force for species of whales that are managed by the IWC;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

ACKNOWLEDGES the directives and provisions of IWC Resolution IWC/51/43;

ENDORSES the co-operation between CITES and the IWC on matters of international trade in and management of whales; and

URGES the Parties to make every effort to ensure that this co-operation continues.

IWC Resolution 1999-6

RESOLUTION ON COOPERATION BETWEEN THE IWC AND CITES

Sponsored by Austria, Brazil, Monaco, Finland, France, Germany, Ireland, Italy, Mexico, the Netherlands, New Zealand, the United Kingdom and the United States

WHEREAS it is the purpose of the International Whaling Commission to provide for the effective conservation and management of whale stocks;

WHEREAS the IWC is the universally recognised competent international organisation for the management of whale stocks;

ACKNOWLEDGING with satisfaction that all species of whales in the Schedule to the IWC have been listed in Appendix I of CITES (with the exception of the West Greenland stock of minke whales, which is listed in Appendix II by CITES) pursuant to and in recognition of the establishment of zero catch limits for commercial whaling agreed by the Contracting Governments to the IWC, and other decisions of the IWC relating to the status of great whale species;

WHEREAS by virtue of the inclusion of these species in CITES Appendix I and Resolution Conf. 2.9, CITES requires that Parties not issue any import or export permits for commercial trade in any whale stocks for which the IWC has set zero catch limits;

WELCOMING the recent decision by the 10th meeting of the Conference of the Parties to CITES to uphold CITES Resolution Conf. 2.9;

WELCOMING as well the recent decisions of the 10th meeting of the Conference of the Parties to CITES (Decisions 10.40-10.43) that recognised the need for international co-operation in monitoring and controlling the illegal trade in whale meat;

RECOGNISING that the IWC has made progress toward completing the Revised Management Scheme, specifically by the endorsement of the Revised Management Procedure, by the revision of the requirements and guidelines for conducting surveys and analysing data within the Revised Management Scheme, and by the clarification of arrangements to ensure that total catches over time are within the limits that would be set under the Revised Management Scheme;

NOW THEREFORE THE COMMISSION:

RECOGNISES that the IWC management regime prior to the establishment of zero catch limits for commercial whaling led to the global demise of the whale stocks;

FURTHER RECOGNISES that the IWC has not completed the necessary measures to ensure that commercial whaling catch limits are not exceeded, that whale stocks can be adequately protected, and that all whaling by IWC member countries is brought under effective IWC monitoring and control;

RECOGNISES the important role of CITES in supporting the conservation of whale stocks and the IWC's management decisions, and reaffirming the importance of continued co-operation between CITES and IWC;

RECOGNISES as well the important role of CITES in detecting illegal trade in whale meat through inclusion of whale species in CITES Appendix I;

EXPRESSES its appreciation to the Conference of the Parties to CITES for its continuing reaffirmation of the relationship between CITES and the IWC;

DIRECTS the Secretariat, when the IWC is requested to provide comments on any proposal submitted by a CITES Party to transfer any whale species or stock from Appendix I to II, to advise the CITES

Conference of the Parties that the IWC has not yet completed a revised management regime which ensures that future commercial whaling catch limits are not exceeded and whale stocks can be adequately protected;

FURTHER DIRECTS the Secretariat to advise the CITES Conference of the Parties that zero catch limits are still in force for species of whales which are managed by the International Whaling Commission.

INSTRUCTS the Secretariat to send a copy of this resolution to the CITES Secretariat.