

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention

Species trade and conservation issues

CONTROLLED TRADE IN SPECIMENS OF ABUNDANT CETACEAN STOCKS

The attached document has been submitted by Japan.

COMMENTS FROM THE SECRETARIAT

- A. This proposal seeks to repeal Resolution Conf. 11.4 with a resolution that affirms the transfer of certain whale stocks from Appendix I to Appendix II be based on scientific information and the CITES criteria; that trade in whale products from such stocks be limited to States with membership in the International Convention on the Regulation of Whaling (ICRW) and which have DNA register systems to monitor such trade; that trade in whale specimens from stocks transferred from Appendix I to Appendix II pose no threat to those stocks and will not stimulate illegal hunting or trade; and that principles of sustainable use should guide implementation of CITES.
- B. The transfer of species from Appendix I to Appendix II is based on the criteria laid down in Resolution Conf. 9.24, in accordance with the relevant precautionary measures listed in its Annex 4 and based on the best available information. The paragraph under AFFIRMS in the proposed resolution does not add anything to this requirement. On the other hand, the proposal does not mention the provision of Article XV, paragraph 2 (b) concerning the need to ensure coordination with any conservation measures enforced by inter-governmental bodies having a function in relation to marine species.
- C. The paragraph under DECIDES should be amended to limit trade to only those Parties that are signatories to the ICRW and which do not hold objections in that Convention concerning those stocks and management measures affecting them.
- D. Trade in any Appendix-II specimen must be in accordance with Article IV of the Convention, which *inter alia* is based on advice from the Scientific Authority of the State of export that such export will not be detrimental to the survival of that species. In addition, the Convention already incorporates the principles of sustainable use, and there is no need to repeat this commitment in a resolution. The Secretariat considers paragraph a) to be too general and unsubstantiated, particularly where the statement about the effects on illegal hunting and trade are concerned. It further finds paragraph b) under DETERMINES to be redundant.
- E. Resolution Conf. 11.4 addresses membership in the ICRW, trade in specimens of cetaceans, trade in certain species and stocks protected by the International Whaling Commission from commercial whaling, and illegal trade in whale meat. As the proposed resolution does not add any guidance to the Parties on matters already addressed by the Convention, and the guidance outlined in Resolution Conf. 11.4 remains valid, the Secretariat cannot support this draft resolution.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Controlled trade in specimens of abundant cetacean stocks

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 extinction and that although the IWC currently maintains a moratorium on the commercial harvesting of whales, the IWC Scientific Committee has never provided scientific advice that this measure was required for conservation purposes;

AWARE ALSO that the IWC Scientific Committee has developed a risk averse method known as the Revised Management Procedure (RMP) for calculating safe quotas for abundant stocks of baleen whales, that the objective of this method is that 100 years after exploitation the population will still be around 72 per cent of the initial population size and that the RMP has built-in safety factors to account for, among other things, possible impacts of environmental changes and possible errors in abundance estimates of up to 50 per cent;

CONCERNED that while the IWC agreed to the RMP in 1994, it has not yet been able to implement it as a means to regulate the resumption of commercial whaling for abundant whale stocks largely because a few members of the IWC are opposed to the resumption of whaling irrespective of the status of whale stocks and irrespective of the stated purpose of the International Convention for the Regulation of Whaling, which is to "provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry";

RECALLING that it is inappropriate to treat trade in whale products in the IWC;

RECALLING FURTHER that, at its second meeting (San José, 1979), the Conference of the Parties adopted Resolution Conf. 2.9, now included in consolidated Resolution Conf. 11.4 adopted at the 11th meeting (Gigiri, 2000), recommending the Parties not to issue any import or export permit for species or stocks protected from commercial whaling by the IWC;

REGRETTING that despite the expressed desire of the Secretary-General of CITES not to have the political problems of the IWC imported into CITES, the use of Resolution Conf. 2.9 to oppose proposals to transfer certain abundant whale stocks from Appendix I to Appendix II at the 10th (Harare, 1997) and 11th meetings of the Conference of the Parties has meant that the Parties have in fact imported into CITES the political difficulties and dysfunctional nature of the IWC;

RECOGNIZING that sustainable utilization of resources is the world standard as reflected for example in the objectives of the Convention on the Biological Diversity and that properly restricted harvesting and commercial utilization, including international trade, of abundant species and stocks of whales would pose no threat to these stocks;

NOTING that the use of DNA registers to monitor whale meat imports and exports can ensure that they originate from animals taken legally and that in countries using such registers there have been no recently proven cases of illegal trade in whale products;

NOTING ALSO that TRAFFIC has not reported that illegal trade in whale meat products is a significant problem or that it is undermining whale conservation efforts;

NOTING FURTHER that in Resolution Conf. 11.4, which is a consolidation of previously adopted Resolutions going back to 1979, the Conference of the Parties included a number of outdated and now factually incorrect statements concerning, in particular, the status of whale stocks and trade in whale products;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AFFIRMS that its decisions in relation to proposals for the transfer of certain whale stocks from Appendix I to Appendix II should be based on scientific information and the CITES criteria, including the precautionary measures of Resolution Conf. 9.24, as it is for any other animal or plant species;

DECIDES that the trade in whale products originating from stocks transferred from Appendix I to Appendix II should be limited to those Parties that are also signatories to the International Convention for the Regulation of Whaling and that have established DNA register systems to monitor such trade;

DETERMINES that:

- a) properly restricted harvesting and commercial utilization of, including international trade in, abundant species and stocks of whales poses no threat to these stocks and will not stimulate illegal hunting or trade; and
- b) such harvesting and use is in keeping with the principle of sustainable use of renewable natural resources that should guide the implementation of CITES and the Convention on Biological Diversity; and

REPEALS Resolution Conf. 11.4 – Conservation of cetaceans, trade in cetacean specimens and the relationship with the International Whaling Commission.