

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



Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

Interpretation and implementation of the Convention

Species trade and conservation issues

CETACEANS

1. This document has been prepared and is submitted by Japan.
2. All species of whales managed by the International Whaling Commission (IWC) are listed in Appendix I of CITES (except the population of West Greenland minke whales *Balaenoptera acutorostrata*, which is included in Appendix II). These listings were adopted between 1975 and 1986 before Parties adopted scientific criteria to guide decisions on amending Appendix I and Appendix II of the Convention. The scientific veracity of these listings has not been tested against the most recently adopted criteria for listing species in Appendix I (Resolution Conf. 9.24 (Rev. CoP13)). Some Parties as well as the CITES Secretariat and the IUCN hold the view that at least some of these species or populations do not meet the criteria for inclusion in Appendix I of the Convention. In this respect, it should be noted that the Scientific Committee of the IWC has concluded that some stocks of whales are at levels of abundance that could support a sustainable harvest and in 1994 the IWC adopted the risk-averse and conservative Revised Management Procedure (RMP) as developed and recommended by its Scientific Committee.
3. The Secretary General of CITES wrote to the Chairman of the IWC in July 2000 "express[ing] serious concern about the escalating and increasingly divisive conflict within the Conference of the Parties to CITES concerning issues related to the conservation and use of cetaceans, in particular the listing of whale stocks on Appendix I of CITES, that may in a number of cases be contrary to the biological criteria for including species or population in that appendix". He expressed his view that "it is therefore crucial that the IWC should soon make important progress towards the adoption of a Revised Management Scheme ... [which] would allow the Conference of the Parties to CITES to adopt the appropriate management regime for whale stocks in the CITES appendices".
4. Fourteen separate proposals to transfer various stocks of minke *Balaenoptera acutorostrata* and *Balaenoptera bonaerensis*, gray *Eschrichtius robustus* and Bryde's *Balaenoptera edeni* whales from Appendix I to Appendix II have been presented to the last four meetings of the Conference of the Parties (CoP10, 11, 12 and 13). All were denied even though it was recognized by the IUCN and the CITES Secretariat that at least some of these stocks do not meet the CITES criteria for listing on Appendix I.
5. Parties that opposed the transfer proposals maintained that CITES should not transfer these species before the IWC completes a Revised Management Scheme (RMS) which together with the RMP would ensure that whaling is properly regulated in a manner that would not cause any risk or adverse effects to whale stocks. However, at its 58th Annual Meeting in 2006, the IWC agreed to postpone any further discussion towards completion of a RMS;
6. Resolution Conf. 11.4 (Rev. CoP12) recommends that Parties agree not to issue any import or export permit, or certificate for introduction from the sea, under this Convention 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. This was part of a consolidation of Resolutions adopted by the Conference of the Parties. This particular part was adopted at CoP2 in 1979. Some other parts of the Resolution, particularly those related to the status of whale stocks and illegal trade, are now outdated and factually incorrect.

7. Legal trade in whale products is presently occurring outside of international regulation. Appropriate listing of cetacean species on the Appendices of CITES would ensure proper international regulation of this trade.
8. Finally, Goal 2 of the Strategic Vision through 2005 seeks to “strengthen the scientific basis of the decision-making process”. The introductory text that establishes the foundation upon which this goal is based states: “While other factors may come into play... they do not override the need for sound, scientifically-based decisions in all areas of the Convention’s application and all levels of its implementation”. Furthermore, “Continued strengthening of the treaty’s scientific basis is critical to the continued success of the Convention and its relevance as a major international instrument to...”.
9. A detailed and objective assessment of the present Appendix-I listings is consistent with Goal 2 of the Strategic Vision through 2005, which is to be achieved through four clearly enunciated objectives, the following two of which are directly relevant to this issue and action being proposed:
 - a) to ensure that the Convention’s Appendices correctly reflect the conservation and management needs of species; and
 - b) to ensure that decisions to amend the Convention’s Appendices are founded on sound and relevant scientific information and meet the agreed biological and trade criteria for such amendments.
10. Therefore, the draft decisions in the Annex to this document are submitted for consideration by the Conference of the Parties.

COMMENTS FROM THE SECRETARIAT

- A. As Resolution Conf. 11.4 (Rev. CoP12) is still in effect, it is questionable whether a review of all cetaceans in the context of the Periodic Review by the Animals Committee would serve any useful purpose.
- B. Any such review should exclude the Okhotsk Sea – West Pacific stock, north-east Atlantic stock and the north Atlantic central stock of minke whales (*Balaenoptera acutorostrata*) as a proposal to amend the Appendices in relation to these stocks was considered at CoP13 – i.e. within the last two meetings if the Conference of the Parties (see SC guidelines for Periodic Review).
- C. The Secretariat is further of the opinion that the Standing Committee rather than the Animals Committee would be the appropriate body to discuss amendments to Resolution Conf. 11.4 (Rev. CoP12).

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

Cetaceans

Directed to the Animals Committee

14.XX The Animals Committee shall:

- a) include in its Review of the Appendices all cetaceans in Appendix I that are managed by the IWC; and
- b) propose for consideration at CoP15, amendments to update Resolution Conf. 11.4 (Rev. CoP12) based on advice from the IWC Scientific Committee concerning the status of whale stocks.

Directed to the Secretariat

14.XX The Secretariat shall write to the IWC Secretariat conveying the concern of the Conference of the Parties regarding the postponement of the RMS discussions and, in the spirit of Article XV, paragraph 2 (b), to ensure coordination with conservation measures, request scientific data and seek advice concerning the listing of whale species on CITES Appendices in the absence of any prospect for the completion of the RMS.

Explanatory notes

1. The inclusion of all species of whales managed by the International Whaling Commission (IWC) in the periodic review process is proposed because they were included in Appendix I between 1975 and 1986 before Parties adopted scientific criteria to guide decisions on amending Appendix I and Appendix II of the Convention. This proposal for review should in no way be interpreted that there is any interest in harvesting or trading in all of these species.
2. The Government of Japan is prepared to provide the necessary resources for the conduct of both the review of cetaceans listed in Appendix I that are managed by the IWC and the review of Resolution Conf. 11.4 (Rev. CoP12).