



“Working within CITES for the protection and conservation of species in international trade”

Cetaceans

CoP14 Doc. 51 on Cetaceans (Japan), includes a draft Decision that directs the Animals Committee to: include all cetacean species managed by the International Whaling Commission (IWC) in the Periodic Review of the Appendices; and to develop and propose amendments to Resolution Conf. 11.4 (Rev CoP12) at CoP15. The draft Decision also directs the Secretariat to, *inter alia*, request scientific data and advice on CITES listing of whale species from the International Whaling Commission (IWC).

SSN VIEW: OPPOSE adoption of CoP14 Doc. 51

THE DRAFT DECISION IS INCONSISTENT WITH RESOLUTION CONF. 11.4 (Rev. CoP12).

Following decades of whale over-exploitation, which reduced some populations by over 90%, the IWC banned commercial whaling of all great whale species (the ‘moratorium’) in 1986-1987. Since its first CoP in 1975, CITES has deferred to the IWC on issues relating to whale management. CITES listed each great whale species on Appendix I, thus banning them from international commercial trade.¹ Japan holds a reservation to the Appendix I listing of several whale species.

The relationship between the IWC and CITES has been codified in a series of Resolutions consolidated in Resolution Conf. 11.4 (Rev. CoP12) which recognizes the IWC’s primary competence for the management of whales, notes the risk of illegal trade, and recommends *“that the 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”*. The IWC has responded with eight resolutions thanking CITES for its cooperation and calling for improved mechanisms to prevent illegal trade.

Despite the IWC moratorium, Japan continues to hunt over 1200 whales a year from six species under the guise of two scientific research programmes; the whale parts are sold in its domestic market and also stockpiled for future export. Japan intends to expand its Antarctic hunt to include humpback whales in 2007. The IWC has adopted over 30 resolutions calling on countries to desist from scientific whaling, describing these hunts as *“acts contrary to the spirit of the moratorium on commercial whaling and to the will of the Commission”*.

Since 1994, Japan has submitted ten proposals to successive CITES COPs, seeking to reopen international commercial trade in the products of whale species that remain protected by IWC. The Parties have never approved these proposals, citing CITES deference to the IWC.

THERE IS NO NEED TO REVISE RESOLUTION CONF. 11.4 (REV. CoP12).

The draft Decision in Doc. 51 directs the Animals Committee to *“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.” There is no need to revise Resolution Conf. 11.4 (Rev. CoP12) because all of the reasons for its adoption still exist, including concern about illegal trade in whale meat and the status of whale stocks. CITES should continue to defer to the IWC’s decision to maintain a ban on commercial whaling”*.

¹ with the exception of the West Greenland stock of minke whale which remains on Appendix II.

COP14 DOC. 51 MISREPRESENTS RELEVANT FACTS.

The draft Decision is based on misrepresentations of the relevant facts, including the relationship between IWC and CITES. For example, it claims erroneously that whales were not subject to scientific review when listed on CITES Appendix I. In fact, IWC conducted scientific status reviews of the whale species listed on Appendix I when it adopted species bans that preceded the moratorium. Document 51 also implies that the IWC whaling moratorium is about to be lifted. The whaling moratorium will in fact remain in force until removed by a ¾ majority of IWC voting members. No proposal to lift the moratorium has been proposed since the moratorium was adopted in 1982.

IWC IS CONDUCTING A 'COMPREHENSIVE ASSESSMENT OF WHALE STOCKS'. A CITES REVIEW WOULD BE UNNECESSARY AND REDUNDANT.

The draft Decision directing the Animals Committee to include all cetacean species managed by the IWC in the Periodic Review is unnecessary and redundant with the 'Comprehensive Assessment of Whale Stocks' being conducted by the IWC.

THE DRAFT DECISION IS INCONSISTENT WITH A DECISION OF THE STANDING COMMITTEE ON HOW THE PERIODIC REVIEW SHOULD BE CONDUCTED.

The draft Decision in Doc. 51 directs the Animals Committee to include all cetacean species managed by the IWC in the Periodic Review of the Appendices. Regarding the Periodic Review, the Standing Committee recommended to the Animals Committee that it not select for review "*species that have already been evaluated for listing in the CITES Appendices as proposals submitted for consideration at the last two meetings of the Conference of the Parties*" (SC 51 Doc.16). The CITES Secretariat's interpreted this to mean "*species subject to other reviews such as those targeted by valid Decisions and Resolutions of the Parties (including ... Cetaceans...)*" should be excluded from the Periodic Review selection process (AC21 Doc.11.1 (Rev.1) Paragraph 5(ii)). (see separate SSN factsheet on the Periodic Review).

THE DRAFT DECISION WOULD POLITICIZE THE PERIODIC REVIEW, WHICH SHOULD BE CONDUCTED ON A SCIENTIFIC BASIS..

The draft Decision in Doc. 51 would politicize the Periodic Review, undermine the scientific basis for the Review, and will therefore conflict with the Animals Committee's Terms of Reference (Resolution Conf. 11.1 (Rev. CoP13)). Its adoption would significantly increase the Animal Committee's workload and budget, and would establish a precedent for politically-motivated selection of species for review. For CITES to permit actions that could lead to a resumption of international trade in whale stocks while IWC maintains a ban on commercial whaling would irreparably damage the relationship between CITES and IWC, undermine the authority of the IWC, and be potentially devastating for whale stocks.

CITES SHOULD NOT INTERFERE WITH INTERNAL DECISION-MAKING PROCESSES OF THE IWC.

The draft Decision in Doc. 51 directs the Secretariat to "*write to the IWC Secretariat conveying the concern of the Conference of the Parties regarding the postponement of the RMS discussions and ... to ensure co-ordination with conservation measures, request scientific data and seek advice concerning the listing of whale species on CITES appendices ...*" This is inappropriate and inconsistent with the role of the Secretariat as prescribed by the Convention. CITES should not interfere with the internal decision-making processes of the IWC, nor weaken the authority of the IWC by seeking advice from its Scientific Committee while disregarding the IWC's decision to maintain the moratorium.