

# Conf. 11.4 (Rev. CoP12)\*

## Conservation of cetaceans, trade in cetacean specimens and the relationship with the International Whaling Commission

RECALLING Resolutions Conf. 2.8, Conf. 2.9, Conf. 3.13 and Conf. 9.12, adopted by the Conference of the Parties at its second, third and ninth meetings (San José, 1979; New Delhi, 1981; Fort Lauderdale, 1994), and Resolution Conf. 2.7 (Rev.), adopted at its second meeting and amended at its ninth meeting;

RECALLING the determination of the Contracting States that international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

CONSIDERING that, for marine species, Article XV, paragraph 2 (b), of the Convention requires the Secretariat to consult inter-governmental bodies having a function in relation to those species;

NOTING that, in accordance with the recommendations of the special working session of the Conference of the Parties (Geneva, 1977), the Secretariat has requested and obtained observer status, and adviser status for trade matters, at meetings of the International Whaling Commission (IWC) and at meetings of the Scientific Committee of the IWC;

NOTING further that the IWC has requested and obtained observer status at meetings of the Conference of the Parties;

RECOGNIZING that Article III, paragraph 5, and Article IV, paragraph 6, of the Convention prohibit the transportation into a party State of specimens (including any readily recognizable parts or derivative thereof) of any species listed in Appendix I or II to the Convention that were taken in the marine environment not under the jurisdiction of any States without prior grant of a certificate from a Management Authority of the State of introduction;

RECOGNIZING that the jurisdiction of the Parties with respect to marine resources in their adjacent seas is not uniform in extent, varies in nature and has not yet been agreed internationally;

DESIRING that the maximum protection possible under this Convention be afforded to the cetaceans listed in the Appendices;

CONSIDERING that the International Whaling Commission has asked for the support of the Parties in protecting certain stocks and species of whales;

MINDFUL of the need for special attention to the conservation of whales and other cetaceans;

RECALLING that commercial utilization has caused the rapid depletion of many species and stocks of large whales once they become the focus of exploitation and has resulted in a threat to the survival of a number of these species and stocks;

OBSERVING that any commercial utilization of species and stocks protected by the IWC jeopardizes their continued existence, and that trade in specimens of these species and stocks must be subject to particularly strict regulation in order not to endanger further their survival;

RECOGNIZING that although these species and stocks of whales are protected from commercial whaling by nationals of IWC member nations, they are commercially harvested by nationals of non-IWC member nations and that such harvesting circumvents and diminishes the effectiveness of the protective regime of the IWC and threatens to prevent the recovery of those protected species and stocks;

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\* Amended at the 12th meeting of the Conference of the Parties.

NOTING that some unknown level of exploitation of whales may be occurring outside the control of the IWC;

RECALLING also that the great whales have not generally recovered from the depletion brought about by commercial exploitation, even though many other species of exploited wildlife have recovered from equal or greater degrees of depletion;

NOTING that the IWC has taken increasingly vigorous action to provide for the effective conservation and management of whales which are of interest to all nations of the world by establishing limits on the number of whales that may be taken by nationals of its member nations;

NOTING that the IWC has established regulations that protect certain species and stocks from all commercial whaling by nationals of its member nations in order to provide them with protection and the opportunity to recover from over-exploitation;

WELCOMING the Resolution passed by the IWC at its Special Meeting in December 1978 requesting that the Conference of the Parties to the Convention, at its second meeting, take all possible measures to support the IWC ban on commercial whaling for certain species and stocks of whales;

CONCERNED about continuing international reports of the discovery of whale meat and products appearing for sale in, or *en route* to importing countries, from no plausible existing source;

CONCERNED that the international trade in meat and other products of whales is lacking adequate international monitoring or control;

RECOGNIZING that the IWC is the major source of information on whale stocks around the world;

RECOGNIZING further that the meat and other products of such protected species of whales are subject to international trade which cannot be controlled effectively by the IWC alone;

RECOGNIZING further the need for the IWC and CITES to cooperate and exchange information on international trade in whale products;

AFFIRMING its concern that any illegal international trade in Appendix-I whale specimens undermines the effectiveness of both the IWC and CITES;

#### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

##### ***Regarding adhesion to the International Convention for the Regulation of Whaling***

RECOMMENDS that those Parties that do not currently adhere to the International Convention for the Regulation of Whaling be encouraged to do so;

##### ***Regarding trade in specimens of cetaceans***

RECOMMENDS that Parties pay particular attention to the documentation requirements for specimens of cetaceans under Articles IV and XIV of CITES;

##### ***Regarding trade in specimens of certain species and stocks of whales protected by the IWC from commercial whaling***

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; and

REQUESTS that the Secretariat communicate to the Parties a list of such species and stocks and revised versions of this list as necessary;

***Regarding illegal trade in whale meat***

WELCOMES the work of the IWC in this respect and URGES CITES Parties to explore the issue of illegal trade in whale meat and the geographic origin of meat apparently illegally traded and to cooperate with the CITES Secretariat in the collection of information on this subject;

ENCOURAGES the IWC to keep CITES Parties fully informed through the CITES Secretariat and the Standing Committee between meetings of the Conference of the Parties on all related developments regarding the illegal trade in whale products;

INVITES all countries concerned to cooperate to prevent illegal trade in whale meat, and to report to the CITES Secretariat on any development regarding this issue; and

DIRECTS the Secretariat to share with the IWC any information it collects regarding illegal trade in whale meat; and

***Regarding cooperation in monitoring illegal trade in whale parts and derivatives***

ENCOURAGES all countries concerned to voluntarily:

- a) inventory all frozen whale parts and derivatives possessed in commercial quantities, indicating the species, quantity and geographic origin; and
- b) collect and inventory skin or meat samples for DNA identification from all such frozen whale specimens;

RECOMMENDS that all countries concerned collect and inventory skin or meat samples for DNA identification from baleen whales:

- a) taken in a directed harvest;
- b) taken in aboriginal subsistence hunts; and
- c) taken incidentally to other fishing operations, and if any specimens from these whales will be entered into commerce;

INVITES all countries concerned to cooperate in determining sources of whale parts and derivatives, and the species concerned, in cases of smuggling, by:

- a) where assistance is requested, providing skin or meat samples or digitized DNA sequencing to countries that have the capability to determine species and geographic origin of the animal, or to confirm the initial analysis;
- b) analysing the samples provided by the country that has collected them, and fully consulting it regarding the results of the analysis before releasing them to other Parties or to the public; and
- c) obtaining and issuing necessary CITES documentation for export and import of the samples for analysis; and

URGES every country concerned 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; and

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 2.7 (Rev.) (San José, 1979, as amended at Fort Lauderdale, 1994) – Relationship with the International Whaling Commission;
- b) Resolution Conf. 2.8 (San José, 1979) – Introduction from the sea;
- c) Resolution Conf. 2.9 (San José, 1979) – Trade in certain species and stocks of whales protected by the International Whaling Commission from commercial whaling;
- d) Resolution Conf. 3.13 (New Delhi, 1981) – Trade in whale products; and
- e) Resolution Conf. 9.12 (Fort Lauderdale, 1994) – Illegal trade in whale meat.