

COP 12 CONSERVATION TRIBUNAL

Published by IWMC WORLD CONSERVATION TRUST

November 7, 2002

Santiago, Chile

All Creatures, Great and Small

Kenya has proposed (Document 63) that there be changes to CITES in order that apes caught in war zones can be exported (rescued - in the words of the document) without anyone going through the usual legal export permit process.

The CITES Secretariat has commented that all creatures suffer in times of political

management authority to another body. This must not be taken from the range States on the basis that "there is a war going on".

IWMC and the Secretariat of CITES are in agreement. Kenya's Document 63 is inappropriate, and should not even be considered by Committee or by Parties in the Plenary. War is Hell on all creatures, and their habitats. CITES is a convention

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unrest that culminates in physical stress, or conditions that are, or approximate, war. While we agree, IWMC feels it is vitally important to add that Kenya's Doc. 63 expresses concern only for certain high profile primate species, and that this concern alone does not justify changing or throwing out long-standing CITES rules of procedure.

As the Secretariat pointed out, definitions of war are tenuous, and there is an important point here about the sovereignty issue. Range States must retain their rights to have sole authority to issue export permits, or to authorize delegation of temporary

that is meant to add some sanity to the world, in peace or in war, and must not be tampered with in a manner that would alter its meaning and its structure. □

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Closing the Whaling Loophole

Animal rights groups like to promote the idea that scientific research whaling is “illegal” and that Article VIII of the International Convention for the Regulation of Whaling (ICRW), which permits it, is a “loophole” because it allows countries to hunt whales. Of course,

This is a real loophole because, by deferring to the IWC, CITES is effectively blocked from making decisions on the trade of whale products.

logically, it is impossible for both of these positions to hold up since they are mutually exclusive. And, in reality, an Article of a Convention can hardly be described as a loophole, while compliance with it cannot be described as illegal.

The real whaling loophole is the precedence on trade issues that CITES has given to the International Whaling Commission (IWC).

In all normal circumstances it makes sense for CITES to defer to a specialist regulatory body. But the IWC is not normal. After establishing a zero quota on whale species without proper scientific evidence, the IWC has proceeded to maintain it well beyond the time when specific scientific assessments should have been completed that would have allowed new catch quotas to be set.

When CITES passed its resolution agreeing not to issue trading permits for species protected by the IWC, it could have reasonably assumed that IWC decisions would be backed by science. After all, that was over twenty years ago - before the moratorium.

Now, in spite of extensive scientific data demonstrating the abundance of species like the minke whale, a small block of around twenty countries, with a simple majority of

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CONSERVATION TRIBUNE

Produced by IWMC World Conservation Trust

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about four votes, ensures that the moratorium remains in place. This is a real loophole because, by deferring to the IWC, CITES is effectively blocked from making decisions on the trade of whale products. CITES is denied the ability to properly assess for itself the status of the science and is prevented from coming to the conclusion that trade could be justified.

The anti-whaling countries have so effectively hijacked IWC procedures that in Santiago they are opposing Japan's proposal to transfer abundant minke and Bryde's whales to Appendix II on the basis that no IWC monitoring and implementation system is in place. They nonchalantly overlook the fact that it is they who have used their small majority in the IWC to systematically and deliberately delay the Revised Management Scheme (RMS) for the past eight years.

Two years ago, the Secretary-General of CITES, Willem W. Wijnstekers, wrote to

the Chairman of the IWC in the following terms: "The listing of whale stocks in Appendix I of CITES... may in a number of cases be contrary to the biological criteria for including species or populations in that

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appendix... It is... crucial that the IWC should soon make important progress towards the adoption of a Revised Management Scheme."

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The Complexities of Fish

The looming conflict between the FAO and CITES over their roles in managing fisheries is highly regrettable. With most countries belonging to both organizations, there should be a feeling of avoidability, rather than inevitability, about this wrangle.

Whether it is born of frustration or is motivated by some other factors, the fact is that CITES is moving, or being pushed, into areas that go beyond its intended remit. Yet

it still has a huge amount to achieve for wildlife in areas that everyone agrees fall under its responsibilities.

The mission of the UN Food and Agriculture Organization (FAO) is "to help build a food-secure world for present and future generations." The FAO plays the lead international role in fisheries management, with its Fisheries Department and

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Committee on Fisheries aiming “to facilitate and secure the long-term sustainable development and utilization of the world’s fisheries and aquaculture.”

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Various instruments have been introduced by the FAO to improve the international management of fisheries: a Code of Conduct; International Plans of Action (IPOAs); and an IPOA to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU).

As an administrative mechanism, CITES can establish international trading procedures but it is not equipped to deal with overall species management issues like those required to address commercial fisheries. For example, fish populations often fluctuate widely from one year to the next, requiring flexible and adaptable management instruments. Does anyone really believe that these characteristics are well suited to CITES? We all know how difficult it is for any commercially exploited species to be transferred from Appendix I to Appendix II.

CITES rightly requires a degree of certainty about the biological vulnerability of a

species to become extinct, changes in its population levels and the impact of trade before it can be placed onto its Appendices. Fisheries is characterized by a lack of reliable catch, biological and scientific data. Moreover, fisheries management work is carried out on a stock-by-stock basis whereas CITES focuses on overall species.

From a more practical point of view, CITES listings would create a cumbersome and bureaucratic process for international fisheries. It would be extremely difficult for customs officials to differentiate “look-alike” species, particularly if they are being imported in the form of, say, white fish filets.

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The world’s commercially-exploited fish stocks can be harvested sustainably if sound management practices are employed to avoid declines in population that would constrain future catches. And that is the job of the FAO. □

