

## 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

### 鲸类养护、鲸类物种标本的贸易及与国际捕鲸委员会的关系

忆及 第二、第三和第九次缔约方大会(圣约瑟, 1979; 新德里, 1981; 劳德代尔堡, 1994)通过的 Conf. 2.8 号、Conf. 2.9 号、Conf. 3.13 号 和 Conf. 9.12 号决议及由第二次缔约方大会通过后经第九次缔约方大会修订的 Conf. 2.7 (Rev. )号决议

忆及 各缔约方认定, 国际合作对于保护某些特定野生动植物种免遭国际贸易的过度开发是至关重要的;

考虑到 对海洋物种, 公约第十五条第 2 款 (b)项要求秘书处与具有这些物种相关职能的政府间机关协商;

注意到 根据缔约方大会特别工作会议的建议(日内瓦, 1977), 秘书处在国际捕鲸委员会(IWC)大会及国际捕鲸委员会科学委员会会议上申请并获得了贸易事务方面的观察员身份和顾问身份;

进一步注意到 国际捕鲸委员会已申请并被接受为 CITES 缔约方大会的观察员;

认识到 公约第三条第 5 款和第四条第 6 款规定, 未经引进缔约国管理机构事先核发证书, 禁止将捕获自不属于任何国家管辖的海洋环境的公约附录 I 或附录 II 所列物种标本 (包括其任何可辨认的部分或衍生品)运输进入该缔约国;

\* Amended at the 12th meeting of the Conference of the Parties. 经第十二次缔约方大会修订。

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;

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

**认识到** 各缔约方对其邻近海域内的海洋资源的管辖权在范围上不统一，性质各异，尚未在国际上达成共识；

**期望** 在本公约框架下，能向附录所列鲸类提供最大限度的保护

**考虑到** 国际捕鲸委员会已要求公约各缔约方支持某些鲸鱼种群和物种的保护；

**念及** 需要特别关注鲸鱼及其他鲸类的保护；

**忆及** 当某些大型鲸类成为商业利用的焦点，造成这些物种和种群急剧减少，并威胁到了其中一些物种和种群的生存；

**察觉** 对国际捕鲸委员会所保护物种和种群的任何商业利用都会危及其存续，因而对这些物种和种群标本的贸易活动必须受到特别严格的管制，以免进一步危及它们的生存

**认识到** 尽管这些鲸鱼物种和种群受到了国际捕鲸委员会成员国的保护以避免商业捕鲸，但非成员国仍进行商业捕鲸，这种捕捞规避并削弱了国际捕鲸委员会保护制度的成效，并威胁到这些物种和种群的恢复；

**注意到** 在国际捕鲸委员会控制范围之外，可能正在发生一些程度未知的鲸鱼利用活动；

**还忆及** 尽管其他一些被利用的野生动植物物种已经从其相同或更强利用程度的资源损耗中恢复过来，但大型鲸鱼尚未从商业利用造成的种群耗竭中恢复过来；

**注意到** 国际捕鲸委员会已采取越来越有

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***

1. RECOMMENDS that those Parties that do not currently adhere to the International Convention for the Regulation of

力的行动，通过限制其成员国国民可捕鲸鱼数量，为世界各国所关心的鲸鱼提供有效的保护和管理；

**注意到** 国际捕鲸委员会已制定规则，保护某些鲸鱼物种及种群不受其成员国国民的商业捕捞，以便为这些物种和种群提供保护，并使之有机会从过度捕捞中恢复；

**欢迎** 国际捕鲸委员会于 1978 年 12 月召开的特别会议上通过的决议，该决议要求本公约在其第二次缔约方大会上采取一切可能的措施来支持国际捕鲸委员会对某些鲸鱼物种及种群的商业捕鲸禁令；

**关切** 不断发现无合理来源的鲸肉和鲸制品出现在进口国售卖或正在运往进口国途中的国际报告；

**关切** 对鲸肉及其他制品的国际贸易缺乏充分的国际监测和管控；

**认识到** 国际捕鲸委员会是全球鲸鱼资源的主要信息来源；

**进一步认识到** 单靠国际捕鲸委员会难以有效控制这些受保护鲸鱼物种的肉及其他制品的国际贸易；

**进一步认识到** 国际捕鲸委员会和 CITES 有必要就鲸鱼制品国际贸易开展合作并交换信息；

**申明** 任何本公约附录 I 所列鲸鱼标本的非法国际贸易将破坏国际捕鲸委员会和本公约的效力；

**公约缔约方大会**

***关于加入《国际捕鲸管制公约》***

1. **建议** 鼓励那些尚未加入《国际捕鲸管制公约》的缔约方加入；

Whaling be encouraged to do so

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

2. 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***

3. 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

4. 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***

5. 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;

6. 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;

7. 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

8. 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***

9. ENCOURAGES all countries concerned to voluntarily:

***关于鲸类标本的贸易***

2. **建议** 各缔约方对 CITES 公约第四条和第十四条有关鲸类标本的文件要求予以特别关注;

***关于贸易受国际捕鲸委员会保护的某些免受商业捕鲸的鲸鱼物种及种群标本***

3. **建议** 各缔约方同意不在本公约框架下,向主要为商用的任何受《国际捕鲸管制公约》保护以避免商业捕鲸的物种及种群的标本签发任何进出口许可证或从海上引进证明;并

4. **要求** 秘书处将上述物种及种群的名录及必要时的更新版本通报给各缔约方;

***关于鲸肉的非法贸易***

5. **欢迎** 国际捕鲸委员会在这方面的工 作,并敦促 CITES 各缔约方对鲸肉非法贸易问题及那些明显属于非法贸易的鲸肉的来源地进行调查研究,和秘书处合作收集有关信息;

6. **鼓励** 国际捕鲸委员会在 CITES 公约缔约方大会休会期间,通过公约秘书处和常委会向各缔约方充分通报鲸类产品非法贸易动态情况地;

7. **邀请** 所有相关国家合作防止鲸肉非法贸易,并向 CITES 秘书处通报进展情况; 并

8. **指示** 秘书处要同国际捕鲸委员会共享其收集到的任何有关鲸鱼肉非法贸易方面的信息; 以及

***关于合作监测鲸鱼部分和衍生物的非法贸易***

9. **鼓励** 所有相关的国家自愿地:

- 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;
10. 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;
11. 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
12. 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
13. 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
- a) 对商业用途的冷冻鲸鱼各部位和衍生品开展库存核查, 标明物种名、数量及来源地; 并
- b) 收集和核查上述冷冻鲸鱼标本的皮或肉样本, 用于DNA鉴定;
10. **建议** 所有相关国家收集以下列方式获得的须鲸的皮或肉样本, 用于 DNA 鉴定:
- a) 在定向捕捞中获得的;
- b) 在原住民生存性捕鲸中获得的; 及
- c) 其他捕捞作业过程中意外兼捕的, 且可能会进入商业流通渠道的
11. **邀请** 所有相关的国家通过下列方式, 在遇到走私时, 共同合作以确定案件所涉及的鲸鱼各部位、衍生品的来源及有关物种:
- a) 如需协助, 提供皮或肉的样本或DNA序列给有能力确定物种和来源地、或能对初步分析进行确认的国家;
- b) 分析本收集国提供的样本, 并就分析结果进行充分协商后向其他缔约方及公众发布; 并
- c) 对分析样本的进、出口索要和签发必要的CITES文件; 及
12. **敦促** 各相关国家向 CITES 秘书处提交鲸鱼各部位和衍生品库存核查, 以及检查未知鲸鱼产品的相关资料, 以便秘书处应有关缔约方要求提供; 及
13. **废除** 下列决议:
- a) Conf. 2.7 (Rev. )号决议(圣何塞, 1979; 修订于劳德代尔堡, 1994)——与国际捕鲸委员会的关系;
- b) Conf. 2.8号决议(圣何塞, 1979)——

from the sea;

从海上引进;

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;

c) Conf. 2.9号决议(圣何塞, 1979)——国际捕鲸委员会保护以避免商业捕鲸的某些鲸鱼及种群的贸易;

d) Resolution Conf. 3.13 (New Delhi, 1981)– Trade in whale products; and

d) Conf. 3.13号决议(新德里, 1981)——鲸鱼产品的贸易; 及

e) Resolution Conf. 9.12 (Fort Lauderdale, 1994) – Illegal trade in whale meat.

e) Conf. 9.12 号决议(劳德代尔堡, 1994)——鲸鱼肉的非法贸易