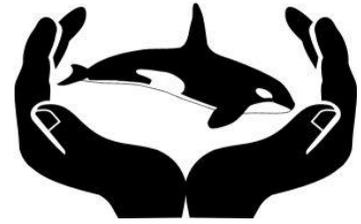


MORGAN'S LAW



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We refer to the following four points as the cornerstones of “Morgan’s Law” and believe they should be brought forth for discussion at CITES CoP17; not only because they apply directly to Morgan the wild-born orca’s case, but because they concern long overdue reform necessary to highlight the predominantly commercial nature of transactions involving rescued cetaceans. These points will facilitate closing the loopholes exploited by the industry to the detriment of rescued wild cetaceans.

[1] Require consistent and conforming purpose-of-transaction codes on all CITES and international wildlife trade permits and certificates for both import and export of a single transaction. This thereby ensures that the authorized purpose – as presented to the exporting authority for approval and consistent with the standards of that particular use in the exporting country – is not arbitrarily changed by the importing authority to a different purpose which was neither considered nor authorized by the exporting authority. This will also prevent arbitrary changes to suit the importing countries legislation and ensure transparency and necessary oversight.

[2] Provide full disclosure of the legal “owner” in addition to identifying the name of the “holder” and “facility” on all CITES permits in order to facilitate transparency and accountability and eliminate deniability of legal consequences for actions taken by the holder and/or facility and/or owner, any of which may have a direct financial stake in the specimen.

[3] Establish a clear and enforceable CITES policy regarding the non-breeding of rescued, wild cetaceans (whales, dolphins, and porpoises) with their captive-born counterparts in order to ensure that the rescued cetaceans will not become breeding stock for commercial purposes or used to propagate hybrid (wild/captive) specimens with no conservation benefit to wild populations.

[4] Revise purpose-of-transaction codes to simplify, clarify and define the codes with unambiguous criteria; in particular provide concrete guidelines under CITES as to what constitutes (bona fide) scientific research to allow Parties to differentiate consistently and genuinely between commercial and non-commercial transactions, including transactions which may include elements of both. This will help recognize that just collecting data, not primarily motivated by scientific concern and/or with no particular peer reviewed scientific study or defined research project in place, is not a legitimate scientific purpose to justify permanent captivity of wild cetaceans.

