

Chairman:	V. Koester (Denmark)
Secretariat:	W. Wijnstekers J. Armstrong J. Sellar G. van Vliet
Rapporteurs:	J. Caldwell M. Groves C. Lippai A. Littlewood

Strategic and administrative matters

14. Synergy with the United Nations Food and Agriculture Organization

The delegation of the United States of America referred to document Doc. 11.14 and explained that this was an information document whose purpose was to stimulate debate. They encouraged the Secretariat to continue the close collaboration with the Food and Agriculture Organization of the United Nations (FAO) by inviting FAO to participate in the Criteria Working Group. They also suggested that the Secretariat be represented at the forthcoming FAO meeting on illegal, unauthorized and unreported fishing (IUU). However, the delegation of Japan expressed concern over the Convention's involvement in issues related to commercial fisheries management and queried the relevance of the Secretariat's participation at that meeting.

The delegation of the United States of America acknowledged that the Secretariat had the final say in whether to proceed with attending the FAO meeting. In response to a point of clarification from the delegation of Japan, the Chairman confirmed that document Doc. 11.14 was an information document only. The document was noted.

Interpretation and implementation of the Convention

18. Interpretation and implementation of Article III, paragraph 5, Article IV, paragraphs 6 and 7 and Article XIV, paragraphs 4, 5 and 6, relating to introduction from the sea

The delegation of Australia introduced document Doc. 11.18 and highlighted paragraphs b) and d) under "RECOMMENDS" in Annex 2. They believed there was sufficient support for the document amongst the Parties, but suggested setting up a working group to resolve outstanding differences and put forward a final draft to the plenary session. This was supported by the delegations of Canada, Germany and the United States of America, all of whom asked to participate in this group.

The document was also supported by the delegations of Brazil, Monaco, Portugal, on behalf of the Member States of the European Union, and the observers from the Centre for International Environmental Law (CIEL) and the TRAFFIC Network.

Referring to paragraph f) of the draft resolution, the delegation of the United States of America suggested an option to allow the Flag State of the fishing vessel rather than the State of landing to issue a certificate of introduction from the sea for Appendix-II specimens after agreement between the two Parties. They suggested also that the requirement for prior grant of certificates

needed modification, believing that both of these suggestions would help to provide additional flexibility for the implementation of the Convention.

The delegation of Iceland, supported by the delegations of Cuba and Japan and the observer from the International Coalition of Fisheries Association (ICFA) were opposed to the document, the delegation of Japan stating that the issues contained therein did not fall under the auspices of CITES but should be dealt with by regional fishery organizations or FAO. They also expressed concerns about the possible burden imposed by the documentation system, especially for developing States.

The delegation of Norway acknowledged the effort made by the delegation of Australia in drafting the document but pointed to the connection between the draft resolution and a possible listing in the CITES Appendices of commercially harvested fish species, which they could not foresee. In any case, they did not concur with the proposed definition, as it did not include other areas of jurisdiction with the same extent as EEZs.

The delegation of Suriname proposed amending paragraph a) xii) under "RECOMMENDS" in Annex 2 to read: already allocated voluntary established total allowable catch, quota, or similar management control measure to monitor total take; Further, they proposed amending paragraph e) to read: in the case of specimens of species included in Appendix I and II that are also the subject of another international treaty, convention, agreement or arrangement assigning competence for the management of the species, a Scientific Authority should, for purposes of making a determination under Article III, paragraph 5 (a) of the Convention, seek and take account of advice received from the scientific body or organ, if any, established or designated by the relevant treaty, convention or international agreement or management arrangement; and. Finally, they suggested that reference to the Plants Committee be added to the paragraph beginning "FURTHER REQUESTS".

The observer from the ICFA considered that the Convention provided sufficient guidance on this issue and that singling out marine species for special attention was unwarranted.

The Chairman concluded the discussion by setting up a working group, chaired by Australia, and including Brazil, Canada, Cuba, Japan, Mexico, Norway, Portugal, on behalf of the Member States of the European Union, the United States of America, ICFA, CIEL and the TRAFFIC Network. The Secretariat offered to provide assistance to the working group.

19. Report on national reports required under Article VIII, paragraph 7(a) of the Convention

The Secretariat introduced document Doc.11.19 and identified two areas of concern. Firstly, the failure of Parties to submit annual reports at all or in a timely fashion, and secondly, trade taking place in excess of established quotas. They drew attention to the draft decisions contained in Annex 1.

The delegation of Portugal, on behalf of the Member States of the European Union, commended the document and was in full support of the draft decisions. The delegation of Argentina also supported the document but was concerned that the draft decision directed to the Parties would be penalizing the very Parties that were in most need of assistance. They suggested that more assistance should be given to Parties in drafting their annual reports. This view was supported by the delegations of China, the Czech Republic and Egypt.

The delegation of Belgium, supported by the observer from the TRAFFIC Network, recommended that a distinction be drawn between those Parties that had failed to submit their annual report and those that had submitted it late. They further believed that some mechanism was needed to lift sanctions once they were imposed. The observer from the David Shepherd Conservation Foundation drew attention to the decline in submission of annual reports which, they believed, undermined the effectiveness of the Convention, particularly with regard to the Review of Significant Trade. The delegation of the Sudan did not believe sanctions were an appropriate measure and thought that any such action would first need to be considered by the Standing Committee. In reply, the Secretary-General pointed out that the Standing Committee would

determine whether a Party had failed, without providing adequate justification, to submit their annual reports.

There being no further comments the draft decisions were approved.

20. Enforcement

1. Review of alleged infractions and other problems of implementation of the Convention

The Secretariat introduced document Doc. 11.20.1, drawing attention to the guidelines in its annex, and explained that as a result of discussions at the 10th meeting of the Conference of the Parties it was radically different from previous reports on this subject. They expressed their appreciation of the Environmental Crime Unit of the National Criminal Intelligence Division of the National Police Agency in the Netherlands for their analysis of document Doc.10.28.

The delegation of Portugal, on behalf of the Member States of the European Union, supported by the delegation of the United States of America, commented on the usefulness of the report. The latter further suggested the guidelines be circulated to the Parties in a Notification. The delegation of Spain suggested the drafting of further guidelines to cover, for example, identification of falsified permits.

Referring to paragraph 35, the delegation of Belgium pointed out that, although they had hoped to be able to use DNA profiling in one of their investigations, this had proved to be impossible for tortoises and turtles. The delegation of Canada noted the proposed linking of the databases of CITES, Interpol and WCO but stated that they would prefer to see the Secretariat working towards development of a single database. Referring to paragraph 39 of the document, the delegation of New Zealand drew attention to the importance of international cooperation and offered the services of their Wildlife Enforcement Group to provide advice to other enforcement agencies. The delegation of Antigua and Barbuda confirmed that their government was prepared to implement the guidelines fully but was awaiting assistance from the Secretariat to enable them to enact legislation to allow them to implement the Convention. The observer from the TRAFFIC Network suggested that the analyses could be extended to allow for the development of a programme of remedial action and to enable resources to be concentrated where they would be most appropriate. They expressed the hope that the report would evolve into a strategic tool.

In response to some of the points raised, the Secretariat thought that circulation of the guidelines in a Notification would not present a problem, and stated that the suggestions made by TRAFFIC would be taken into account.

The Committee acknowledged the usefulness of the guidelines in the annex to document Doc. 11.20.1.

2. Implementation of Resolutions

The Secretariat introduced document Doc. 11.20.2, which had been produced in response to Decision 10.120 directing the Secretariat to gather information. They reported that the response to their requests had been very poor and that only one Party had provided information. As no meaningful conclusions could be drawn from this, and noting that the Decision was now out of date, they drew attention to the draft decision in the annex to the document that would allow them to continue the process.

The delegation of Japan noted that many Parties were not issuing permits in the format recommended in Resolution Conf. 10.2. They further reported on the difficulties of returning seized shipments of live animals to the country of export. In response to a point raised by the delegation of Malawi, the delegation of Malta acknowledged that they had conveyed information on implementation of Resolutions to the Secretariat as well as copies of their legislation.

The Secretary-General reported that the European Commission had produced a list of all requirements arising from text of the Convention, Resolutions and Decisions and suggested that this might be distributed to the Parties in a Notification.

There being no further discussion the draft decision was approved.

21. National laws for implementation of the Convention

1. National legislation project

The Secretary-General announced that this was a sensitive subject for the Parties and had led some to believe that placing countries into categories according to the degree to which their legislation enabled the Convention to be implemented implied criticism. He explained that the categories were broad but hoped that the process might stimulate countries in the lower categories to improve their legislation.

The Secretariat then introduced document Doc. 11.21.1 and its recommendations and drew attention to the draft decision contained in Annex 3. They explained that there was a mistake in the table in Annex 1 and that the entry for the Falkland Islands should be deleted. The delegation of Argentina raised a point of order and, noting that sovereignty of the islands was currently in dispute, stated that the name of the islands in Spanish was 'Islas Malvinas'. Raising a further point of order, the delegation of the United Kingdom clarified that the correct name according to the United Nations was 'Falkland Islands (Islas Malvinas)'.

Referring to paragraph 23 of the document, the delegation of Malawi endorsed the need for local legal experts to be used in capacity-building exercises. They explained that they had had negative experiences in the past when asked to adopt inappropriate model legislation.

The delegation of Argentina agreed with the document but suggested the draft decision be strengthened by the addition of the words and in order to achieve effective enforcement of the Convention and implementation of legislation in paragraph 3 of the draft decision.

The delegation of Zambia, supported by the delegations of Liberia, the Seychelles and Turkey, supported the document but stressed the need for assistance from the Secretariat in order to implement the Convention. The delegation of Cuba noted the concern shown in the first regional meeting of Central and South America and the Caribbean as many Parties in the region had legislative problems. They too stressed the importance of assistance, especially for Small Island Developing States. The delegation of Iceland, being a very new Party, explained that they were preparing national legislation and in view of the complexity of CITES, would be requesting assistance from the Secretariat.

The delegation of the Czech Republic also supported the document and said they needed an official request from the Secretariat before they could arrange a training workshop. The delegation of Niger wondered why the planned workshop in their sub-region had not yet taken place and the observer from the World Wildlife Fund expressed the hope that Parties would allocate necessary funding for more regional meetings.

The session was closed at 12h10.