Summary Report of the Committee II meeting

Chairman:	V. Koester (Denmark)
Secretariat:	W. Wijnstekers G. van Vliet M. Yeater
UNEP:	I. Higuero N. Sharma
Rapporteurs:	K. Hamilton C. Lippai A. Littlewood J. Roberts

Strategic and administrative matters

The Chairman opened the meeting and outlined the intended procedure of the session.

13. Terms of reference of permanent committees

The Secretariat introduced document Doc. 11.13, which combined Decisions 10.3 and 10.4 on regional representation in the permanent committees, incorporating recommendations consistent with the goals and objectives of the draft strategic plan.

The delegation of the United States of America expressed their support for the Secretariat's recommendations in Annex 2 of the document, which combined the terms of reference for the Animals and Plants Committees. However, they objected to the language used in Paragraph 29 of the document and said that the tasks listed therein should be retained by the Animals Committee, particularly as some of the issues required scientific and technical expertise and required the direct involvement of Parties. In addition, they suggested that the second sentence in ANNEX 2, paragraph h) iv) of the draft resolution contained in Annex 2 of the document be amended to recognize the sovereignty of range States over their endemic species. They proposed that the sentence should now read: Once submitted on behalf of the Animals or Plants Committee, a proposal shall be withdrawn if a simple majority of the range States for the species recommend its withdrawal or, in the case of endemic species, the range State favours its withdrawal. If not withdrawn, the proposal shall be decided upon by the Conference of the Parties.

Regarding ANNEX 2 paragraphs b) and d) of the draft resolution contained in Annex 2, the delegation of the United States of America expressed concern that this limited the number of observers representing a Party or organization at meetings of the Animals and Plants Committees. They advocated that each Party should determine how many observers it needed to attend. This was supported by the delegations of Australia, Japan and Portugal, on behalf of the Member States of the European Union. The Secretariat recommended retaining the original text of these two paragraphs as contained in Resolution Conf. 9.1 (Rev.).

The delegation of the United States of America noted that, since ANNEX 2 of the draft resolution contained in Annex 2 combined existing terms of reference of the Animals and Plants Committees, it would be appropriate to include reference to plants in the first sentence of paragraph f), by inserting or plant after "animal". Similarly, they suggested inserting or plant after "animal" in the following paragraph h).

The delegation of Switzerland proposed that the Nomenclature Committee be abolished and offered to participate in any working group set up to address this Committee's future.

The delegation of Kenya suggested that the Standing Committee should develop terms of reference providing guidelines for a code of conduct to ensure impartiality, propriety and integrity at all times.

The delegation of Japan considered the document to be acceptable but sought clarification on the definition of the term 'observer' in paragraph b) iv) following "DETERMINES" of the draft resolution contained in ANNEX 1 of Annex 2. The delegation of Norway requested clarification on the role of the Bureau in paragraph h) and sought clarification on paragraph a) ii) following "DETERMINES" regarding regional members' term of office on the Standing Committee.

The delegation of Malawi referred to discussions in the African regional meeting and proposed increasing representation from the African region on the Standing Committee to four members. Following their request that this issue be dealt with as a matter of urgency, the Secretariat explained that this could be resolved by inserting in ANNEX 1 paragraph a) i) A. of the draft resolution contained in Annex 2, the following: d) four representatives for regions with more than 45 Parties. They added that this inclusion would necessitate amending paragraph c) to read as follows: three representatives for regions with 31 to 45 Parties; or.

The Secretary-General referred the session to Decision 10.3, which states that in electing regional members, the selection process should attempt to achieve a balanced representation in geopolitical, cultural and ecological terms. He added that the problems raised by the African regional meeting would be resolved by their having four representatives. However, he warned of the associated increased financial burden and stated that the Budget Committee would have to be involved in any final decision. The amendment to ANNEX 1 paragraph a) i) A. of the draft resolution contained in Annex 2 of document Doc. 11.13, as suggested by the Secretariat, was accepted.

The delegation of the United States of America referred back to ANNEX 2 of the draft resolution contained in Annex 2 of the document and noted that the original text was still ambiguous. In this regard, they suggested amending the original text of paragraphs b) and d) following "DETERMINES" of ANNEX 2 to read "one or more observers".

The delegation of Ecuador noted that Central and South America and the Caribbean had three members and three alternate members and not two, as stated in Annex 3 A. a) ii).

The Chair proposed setting up a working group, chaired by the delegation of Switzerland and in addition comprising the delegations of Kenya and the United States of America, the Chairmen of the Animals, Plant and Nomenclature Committees, and the Secretariat.

The Secretariat proposed three items to be discussed by the group: the abolition of the Nomenclature Committee; guidelines to the resolution of conflicts of interest; and the amendments proposed by the delegation of the United States of America to ANNEX 2 paragraph h) iv) of the draft resolution contained in Annex 2 of document Doc. 11.13.

Owing to other commitments by the observer from the Food and Agricultural Organization of the United Nations (FAO), the Chairman brought forward the discussion of document Doc. 11.14 and opened discussion on documents Doc. 11.15.1 (Rev. 1) and Doc. 11.15.2.

15. International Whaling Commission

1. Relationship with the International Whaling Commission

and

2. Reaffirmation of the synergy between CITES and the International Whaling Commission

The delegation of Norway introduced document Doc. 11.15.1 (Rev. 1), the draft resolution jointly proposed by Japan and Norway, and expressed the view that the International Whaling

Commission (IWC) no longer adhered to its legal basis, including the clear requirement to base its decisions on scientific data. They believed it had become a purely protectionist organization and felt that CITES should not be bound by its decisions. They noted that in the sixth preambular paragraph, "15 in favour" should be changed to 21 in favour and "9 abstentions" to 3 abstentions.

The delegation of the United States of America introduced document Doc. 11.15.2, acknowledged the directives and provisions of IWC Resolution IWC/51/43, and welcomed continued cooperation between CITES and the IWC.

The Secretariat suggested that both documents be withdrawn or rejected.

Referring to the last three paragraphs of document Doc. 11.15.2 Annex 1, the Secretariat stated that the paragraph beginning with "ACKNOWLEDGES" should be moved to the draft resolution and that the paragraph beginning with "ENDORSES" be incorporated as an amendment to Resolution Conf. 2.7. They noted that the paragraph beginning with "URGES" was already included in Resolution Conf. 2.7.

The observer from the IWC stated that the IWC was the recognized international body responsible for cetaceans. They referred to the draft resolution put forward by Japan and Norway and stated that it would mean, in effect, that the views of the IWC would not be considered. They believed this would compromise the effectiveness of the IWC and have an adverse impact on whale conservation.

The delegation of Antigua and Barbuda, supported by the delegation of Saint Lucia, stated that despite the revised mandate to lift the moratorium several IWC members had made it clear that they would never accept commercial whaling again.

The draft resolution in document Doc. 11.15.1 (Rev. 1) proposed by Japan and Norway was supported by the delegations of Cuba and Iceland and opposed by the delegations of Mexico and New Zealand. The delegation of the United Republic of Tanzania sympathized with the sentiments raised in the draft resolution but suggested that its contents would not enhance the desired cooperation between the two Conventions. In order to avoid any misunderstanding they recommended the proponents reword the proposal to reflect the desired cooperation or to withdraw it.

The draft resolution in document Doc. 11.15.2 proposed by the United States of America was supported by the delegations of Australia, Brazil, New Zealand, and the observer from the International Wildlife Coalition. It was opposed by the delegations of Antigua and Barbuda, Iceland, Japan, Norway, Saint Lucia and the United Republic of Tanzania. The delegation of Portugal, on behalf of the Member States of the European Union, stated that document Doc. 11.17 should be discussed first. They thought that documents Doc. 11.15.1 and Doc. 11.15.2 should be withdrawn since they counteracted each other, but made clear their support for the IWC.

Taking account of the interventions, the delegation of the United States of America said that they would be prepared to withdraw the draft resolution in document Doc.11.15.2 provided that Norway and Japan took similar action.

The Chairman concluded the discussion by suggesting either that Japan and Norway withdraw their proposal as suggested by the delegation of the United States of America, or that the three Parties, Japan, Norway and the United States of America collaborate and present one draft resolution, and gave the delegations concerned some time to consider his suggestion.

The Chairman resumed discussion and asked for a decision from the delegations of Norway and Japan. The delegation of Norway stated that they could not consider either withdrawal of their proposal in document Doc. 11.15.1 (Rev. 1) or a joint draft resolution with the United States of America. The Chairman encouraged the three Parties to discuss the matter further and

informed them that if no agreement could be reached then both proposals would remain on the table and could result in a vote.

14. Synergy with the United Nations Food and Agriculture Organization

The delegation of the United States of America presented document Doc. 11.14 and drew attention to the recommendations in paragraph 18. a - f. These were supported by the delegation of Portugal, on behalf of the Member States of the European Union, and the observers from the FAO, the International Coalition of Fisheries Associations and IWMC - the World Conservation Trust. They were opposed by the delegations of Argentina, Iceland and Japan and the observer from the Latin American Organization for Fisheries Development (OLDEPESCA).

The delegation of Iceland gave its support to the continued cooperation between CITES and the FAO where appropriate, but felt that some of the comments in the paper presented by the United States of America were already reflected in previous Decisions of the Conference of the Parties and that others were irrelevant to the work of CITES.

The Secretariat suggested that, if adopted, the recommendations in document Doc. 11.14 would become Decisions that might be difficult to implement. They therefore suggested that the Parties could instead recognize the value of the recommendations rather than adopt them.

At the request of the Chairman, the delegation of the United States of America agreed to consider the suggestion by the Secretariat and the views presented by the Parties and present a proposal the following morning.

After an announcement from the Secretariat the Chairman closed the session at 17h05.

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 (FA0) 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.

Com.II. 11.3 Third session: 12 April 2000
14h10 – 16h55

Chairman:	V. Koester (Denmark)
Secretariat:	W. Wijnstekers J. Sellar G. van Vliet J. Vasquez M. Yeater
Rapporteurs:	C. Lippai A. Littlewood J. Lyke J. Roberts

The Chairman opened the session with an announcement that the discussion regarding elephants might be moved to Committee I; if so, certain agenda items scheduled for Friday would be brought forward to Thursday.

The Chairman of the Credentials Committee reported that 34 Parties did not have yet have their credentials in order.

Interpretation and implementation of the Convention

21. National laws for implementation of the Convention

1. National legislation project

Noting that the debate on document Doc. 11.21.1 had been concluded, the Chairman put forward three recommendations for action: i) note the report of the Secretariat contained in the document; ii) include the comments from the delegations of Argentina and the United Kingdom in the minutes; iii) adopt the draft decision submitted by the Secretariat with the amendment proposed by the delegation of Argentina.

The delegation of the United Kingdom stated "The United Kingdom has no doubt about British Sovereignty over the Falkland Islands. The Falkland Islands is the correct name of the territory and the use of any other nomenclature will not affect sovereignty over it."

The delegation of Argentina stated "The delegation of Argentina regrets the inclusion of Annex 1 (Rev. 1) in document Doc. 11.21.1, as it is not relevant to the explanation of the national legislation project, and affirms that the "Islas Malvinas" are an integral part of the territory of the Republic of Argentina."

The Secretariat referred to document Doc. 11.21.1 Annex 3 and read out the following amendment proposed by the delegation of Argentina:

In paragraph 3, beginning with "Technical assistance" after "CITES implementation," add and in order to achieve effective enforcement both of the Convention and of legislation adopted in order to regulate and implement the Convention. This was agreed.

In response to earlier questions raised by the delegations of Argentina, Cuba, Egypt, Malawi, Niger, Portugal, on behalf of the Member States of the European Union, Seychelles, Turkey and Zambia and the observer from WWF - the World Wide Fund for Nature, the Secretariat gave examples of how their concerns were being addressed with regard to assistance with

the implementation of national legislation. In addition the Secretariat welcomed Iceland to CITES and offered the aforementioned assistance.

The delegations of Jamaica and Saudi Arabia informed the Parties of their newly enacted legislation. The delegation of Jamaica requested comments from the Secretariat regarding this and capacity building. The delegation of Saudi Arabia offered to translate the guidelines provided by the Secretariat into Arabic. They would communicate with the Secretariat on the mechanism for distribution.

13. Terms of reference of permanent committees

The working group proposed some amendments to the text of the Annexes in document Doc. 11.13, discussed in a previous session.

After discussion the following amendments to document Doc. 11.13 were agreed:

In Annex 2

ANNEX 2

In paragraph h) iii), the existing text should be deleted and replaced with consulting the Parties on the need to review specific species working directly with the range States in the selection process and seeking their assistance in such reviews; and.

In paragraph f) "establish a list of those animal taxa…." should be replaced with establish a list of those taxa

In paragraph h) iv) delete the second sentence.

ANNEX 3

In paragraph a) iii) under paragraphs A, B and C, "plants" should be replaced by plants and animals.

In paragraph b), the existing text should be deleted and replaced with: that the Nomenclature Committee shall comprise two individuals appointed by the Conference of the Parties; one zoologist to address nomenclatural issues for animal taxa, one botanist for plant taxa.

Paragraph c) should be deleted and the original paragraph d) becomes paragraph c) and the text should be replaced with these two scientists shall coordinate and monitor the input needed from specialists in fulfilling the responsibilities assigned by the Parties, inform the Animals or Plants Committees about the progress made and report to each meeting of the Conference of the Parties.

Paragraph e) should be deleted.

In Annex 4

In paragraph g), the text should be replaced with inform each of the Animals and Plants Committees as well as the Standing Committee about the progress made; and.

Add a new paragraph h) report to each Conference of the Parties.

In response to the request of the delegation of Kenya concerning the direction to the Standing Committee to develop guidelines regarding conflicts of interest, the working group recommended that the delegation of Kenya raise the issue at the next Standing Committee's meeting.

In response to the proposal by the delegation of Suriname to appoint members of the Animals and Plants Committees in the same manner as the Standing Committee, the working group considered that the need for additional financial contributions would be prohibitive.

In response to a question by the delegation of Belgium, the Chairman said that according to information from the Secretariat, there would be sufficient expertise within the Secretariat to review the Identification Manual sheets and that further review by scientific experts would not be necessary.

21. National laws for implementation of the Convention

2. Measures to be taken with regard to Parties without adequate legislation

The Secretariat introduced document Doc. 11.21.2 and stated that it was a very efficient tool that other conventions could look to as an example.

The delegations of Portugal, on behalf of the Member States of the European Union, and the United States of America supported the draft decision regarding implementation of Resolution Conf. 8.4.

The delegation of Germany supported the process established to review national legislation but noted several anomalies between the draft decision and Decisions 10.18, 10.19 and 10.20. They sought clarification on why the Standing Committee's advisory role had not been included in paragraph 2 of the draft decision, in accordance with Decision 10.18 a). In addition, they noted that the Annex 1 referred to in paragraph 3 a) of the draft decision did not exist and, therefore, the Parties could not be identified. Turning to paragraph 5, they noted that this paragraph failed to explain which Parties they referred to and felt the current use of the word 'it' failed to identify what they were meant to be implementing. They noted also that the text of paragraph 5 was inconsistent with Decisions 10.19 and 10.20 regarding trade restrictions with non-complying Parties. Finally, they suggested establishing a working group to discuss these issues in more detail. The delegations of the Czech Republic and the United Kingdom supported document Doc. 11.21.2 but also sought clarification on the points raised by the delegation of Germany.

The delegations of Australia and Vanuatu supported the document in principle but expressed concern that the Oceania region included numerous small island nations and many States needing assistance in producing and implementing legislation. They noted that regional capacity-building workshops planned for before the 11th meeting of the Conference of the Parties had not taken place and asked that the deadline stated in paragraph 1 a) in document Doc. 11.21.2 (Annex) be extended to 31 October 2002 to enable countries to adopt adequate legislation to implement the Convention. They stressed that this would help new Parties, Fiji in particular, to implement the Convention effectively.

The observer from Defenders of Wildlife considered trade involving Parties in category 3 to be unregulated when compared to the requirements under Resolution Conf. 9.5 for States not Party to the Convention.

The observer from the David Shepherd Conservation Foundation, on behalf of a caucus of lawyers, said that a recent study of the CITES compliance system concluded that the strategy to help Parties meet the requirements for implementation of the Convention had, to date, been highly effective. They noted that this conclusion was supported by statements made by the Chairman of the Standing Committee in his report contained in document Doc. 11.8. They supported the Secretariat's capacity-building project but stated that measures to deal with non-compliant Parties should be strengthened to comply with Decisions 10.19 and 10.20. They suggested amendments to the text of the draft to correct anomalies pointed out by the German delegation and to ensure that the process remained consistent with that established at previous meetings of the Conference of the Parties.

The Chairman noted general support for the draft decision and proposed an informal meeting to be held by the delegations of Australia and Germany, the Secretariat and an observer from either the David Shepherd Conservation Foundation or the Defenders of Wildlife to consider the points raised and decide whether amendments to the document were necessary.

22. Reporting of seizures

and

23. Persistent offenders

The delegation of Israel introduced document Doc.11.22 and expressed their disappointment that the Secretariat was not supporting the draft resolution. They responded to the comments made by the Secretariat and said that they hoped the document would encourage Parties to improve reporting of seizures. The proposed draft resolution was supported by the delegation of Kenya. The delegation of Portugal, on behalf of the Member States of the European Union, supported the principle of the draft resolution and requested to participate in a working group. The delegation of Canada asked that a working group be established to report to the next meeting of the Conference of the Parties. The Secretariat clarified that they were not opposed to the principle of the draft resolution and agreed that reporting by Parties was currently insufficient. However, the Secretariat believed that Resolution Conf. 9.9 provided for the exchange of information between Management Authorities relating to violations of the Convention and seizures of shipments. They preferred such information exchanges to be between law enforcement agencies using existing networks such as the World Customs Organization (WCO) and Interpol.

The general feeling from the floor was that there was no need for repetitive resolutions and the delegations of Australia, Canada, the Czech Republic, Egypt, the Islamic Republic of Iran, Japan, Morocco, Pakistan, the Republic of Korea, Saudi Arabia, the Sudan and Switzerland, and the observers from the WCO, the TRAFFIC Network and the Fedération Française des Métiers de Fourrure concurred with the Secretariat's recommendation not to support the draft resolution. The delegation of the United Kingdom supported the sentiment and philosophy of the document, recognizing the frustration of those involved in enforcement activities, and was willing to join a working group if one were to be formed.

Document Doc. 11.23 was introduced by the delegation of Israel, who stated their disappointment that the draft resolution was not supported by the Secretariat. In addition they urged Parties to disregard the Secretariat's comment D regarding the document as they believed it breached the confidentiality of the Interpol Working Group on Wildlife Crime.

The delegations of Antigua and Barbuda, Australia, the Czech Republic, the Islamic Republic of Iran, Japan, Mexico, Portugal, on behalf of the Member States of the European Union, Saudi Arabia and the United States of America, and the observers from Interpol and WCO all echoed the comments from the Secretariat concerning document Doc. 11.23, namely that a globally-circulated list of persistent offenders infringed liberty and basic human rights of citizens and that some Parties would have to amend their national legislation in order to implement the proposed sanctions. The observer from Defenders of Wildlife expressed support for the draft resolution in document Doc. 11.23 and recommended some modifications regarding the definition of 'persistent offenders'.

In summarizing the debate, the Chairman noted that the discussion had been useful and it was clear that speakers felt strongly about violations and persistent offenders, but there was very little support for document Doc. 11.22 and almost no support for the draft resolution in document Doc. 11.23. In response, the delegation of Israel withdrew the draft resolution and asked interested Parties to liaise with them to develop a more nationally-sensitive document for submission at the next meeting of the Conference of the Parties.

The Chairman closed the session at 16h55.

Chairman: V. Koester (Denmark)

Secretariat: W. Wijnstekers
G. van Vliet
J. Vasquez

Rapporteurs: J. Boddens-Hosang
J. Caldwell
J. Lyke
A. St. John

Strategic and administrative matters

The Chairman opened the session and invited comments on documents Com.II. 11.1 and Com.II. 11.2, which were approved with proposed amendments.

13. Terms of reference of permanent committees

The Chairman referred to document Com. 11.1 and, at the request of the delegation of New Zealand, outlined the amendments the Committee had made to document Doc. 11.13. He particularly noted the changes under "DETERMINES" in Annex 2, paragraphs b) and d) in document Com. 11.1. He asked whether the Parties could agree on the substance of this document and provisionally approve it.

The delegation of New Zealand requested clarification on regional representation to the Standing Committee. They expressed concern regarding the budget implications of electing an additional member to the Standing Committee and asked that the matter be referred to the Budget Committee. The Secretariat responded that the budget for the Standing Committee, already submitted to the Budget Committee, provided commitment for sufficient funds to allow one additional member from the African region. The delegation of New Zealand questioned this explanation and again asked that the matter be referred to the Budget Committee prior to approval in this Committee.

By consensus, the Committee provisionally approved document Com. 11.1 with the understanding that the Budget Committee would address the above-mentioned matter.

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 Chairman invited the chairman of the working group to report on discussions within the group. The latter reported that unfortunately no consensus had been reached and requested more precise instructions on the terms of reference and mandate of the working group. There remained divergence in the views within the group and the chairman offered to supply an amended document for approval by the next session of the Committee. This offer was supported by the delegation of Canada. The Chairman of the working group further noted his confusion regarding the sentiments within the working group of the delegations of Japan and Norway given that these Parties had submitted proposals for the transfer of certain populations of cetaceans to Appendix II.

The Chairman clarified that it had been hoped that the working group would have been able to find a solution to the concerns raised in reference to document Doc. 11.18.

The delegation of Japan, supported by the delegation of Iceland, remarked that their position on this document had been clear from the outset and noted that other Parties and observers in the working group had also expressed dissatisfaction with the document. The delegation of Norway also supported these remarks and added that their concern with the document stemmed from a possible listing of marine fish rather than mammals in the Appendices. The chairman of the working group clarified that Japan and Norway were not the only Parties opposed to dealing with the draft resolution, but that those in opposition represented a minority in the working group.

The Secretary-General noted that document Doc. 11.12.3 had been adopted in a plenary session and, referring to paragraph 48, noted that the Secretariat would follow the recommendations and report to the Standing Committee prior to the next meeting of the Conference of the Parties. Given the clarification of the Chairman that the participants in the working group were expected to try to resolve differences and negotiate compromise language, the delegation of the United States of America urged that the issue be resubmitted to the current working group for further work.

The delegation of Portugal, on behalf of the Member States of the European Union, recommended that the terms of reference of the working group be clarified, with the objective of drafting a revised document. This suggestion was supported by the delegation of Suriname who suggested that a "more neutral" person should chair the group. However, the Chairman re-iterated that he would not establish a new working group.

The observer from the Latin American Organization for Fisheries Development (OLDEPESCA) agreed with the Chairman that a new working group should not be established and asked Australia to withdraw the document if possible.

The Chairman expressed the hope that the mandate of the working group had now been clarified and that it would meet again to develop an acceptable revised draft resolution. This suggestion was supported by the delegation of Germany who added that, should the working group be unable to reach consensus, a vote would be necessary. The Chairman concurred and adjourned further discussion of the agenda item until a later session.

24. Use of annotations in the Appendices

The delegation of Switzerland introduced document Doc.11.24 and proposed some textual amendments to the draft resolution provided in the Annex, as follows: the subtitle to read: "Use of annotations in the Appendices I and II"; paragraph a) under the first "AGREES that" to be deleted; the word "must" in paragraphs f) and g) to be replaced by "should"; and paragraph c) under "RECOMMENDS that" to read: "As a general rule, Parties..."

The delegation of the United States of America, supported by the delegation of Portugal, on behalf of the Member States of the European Union, and the observers from the Centre for International Environmental Law, the Humane Society of the United States and Safari Club International expressed support for the draft resolution as amended and urged its approval. The delegation of Pakistan, supported by the delegation of Cameroon, noted that the use of annotations was useful in the case of hunting trophies and sustainable-use conservation programmes based on sport hunting. They expressed support for the document but were concerned that the proposed amendment to paragraph c) under "RECOMMENDS" may have an adverse impact on hunting trophy quotas and should therefore be rejected. The observer from the International Wildlife Coalition commended the work, but expressed concern regarding paragraph g) and hoped that Resolution Conf. 9.24 applied to all changes in the annotations. The observer from the TRAFFIC Network expressed support for the general approach, but also an interest in harmonizing the language used in annotations.

The delegation of Switzerland responded to the comments and concluded that no additional amendments to the document were necessary. The draft resolution was approved as amended.

26. Definition of the term "appropriate and acceptable destinations"

The delegation of Kenya introduced document Doc. 11.26 and proposed some textual amendments to the draft resolution in the annex. The Secretariat stated that it could not support the document owing to the need for annotations to be clear in the Appendices, and because the decision on this subject would be binding upon the Parties. The Secretariat believed that documents Doc. 11.24 and Doc. 11.25 addressed the issue adequately and would be binding upon the Parties if adopted.

The delegation of India, supported by the observers from the Animal Welfare Institute, Born Free Foundation, Defenders of Wildlife, Fund for Animals Inc. and the International Wildlife Coalition, expressed support for the Kenyan proposal and asked that the Secretariat find a way to accommodate the draft resolution. The delegation of Swaziland indicated general support for the document, but suggested some amendments to the text to incorporate the concept of game farms.

The delegation of Switzerland shared the Secretariat's concern that Resolutions were not binding on the Parties and explained that there could be legal difficulties as the draft resolution would make an Appendix-II listing stricter than an Appendix-I listing. This view was supported by the delegations of Canada, Germany, Japan, South Africa and the United States of America.

The delegation of Portugal, on behalf of the Member States of the European Union, explained they could only support the draft resolution if it were amended to use the wording from document Doc. 11.25. The observer from IWMC –World Conservation Trust expressed general agreement with the concept behind the document, and the comments of the Secretariat, but recommended that the issue be dealt with through a formal amendment to the annotation text.

The Chairman appreciated the delegation of India's concerns and philosophy, but recognized that there was little support for the draft resolution owing to both legal reasons and matters of principle. He recommended that the delegation of Kenya consider withdrawing the proposal and report back at a later session.

27. Recognition of the risks and benefits of trade in wildlife

The delegation of Kenya introduced document Doc. 11.27 regarding recognition of the risks and benefits of trade in wildlife, which, if adopted, would repeal Resolution Conf. 8.3. The delegation of Israel, supported by the delegation of Brazil and the observer from the International Wildlife Coalition, expressed strong support for the document, stating that it only discouraged trade that was unsustainable. The delegation of Jamaica also expressed support for the document, except for the last paragraph in section one, and the second to last paragraph in section two.

The delegation of South Africa agreed with some points in the document but opposed the document on the grounds that it would infringe on the sovereignty of Parties over their wildlife. Opposition to the draft resolution was also expressed by the delegations of Canada, Colombia, Cuba, Japan, Madagascar and Portugal, on behalf of the Member States of the European Union, who believed that much wildlife trade was sustainable.

Recognizing that there was no significant support for the draft resolution, the Chairman recommended the delegation of Kenya should consider withdrawing the proposal and reporting back at a later session, to which the delegation of Kenya agreed.

After some announcements from the Secretariat, the session was closed at 17h00.

Com.II. 11.5 Fifth Session: 14 April 2000
9h10 – 12h00

Chairman:	V. Koester (Denmark)
Secretariat:	W. Wijnstekers J. Sellar J. Vasquez M. Yeater
UNEP:	I. Higuero
Rapporteurs:	T. Inskipp C. Lippai J. Lyke P. Mathew

The Chairman opened the session with a summary of the pending issues: final adoption of a draft resolution under agenda item 13 on permanent committees, which was waiting for the results of the Budget Committee's review; item 15 relating to the International Whaling Commission; item 18 regarding introduction from the sea; and item 30 relating to conservation of and trade in tigers, which had been referred to Committee II from Committee I.

The Chairman opened discussion of the minutes of previous sessions, stating that delegations need not provide amendments to their own statements from the floor, but they should simply state that they have a change and provide that change in writing to the Secretariat. He also explained that it was not necessary to detail typographical errors from the floor and that comments should be restricted to those addressing their own statements, the substance and conclusions of the minutes. The Chairman opened discussion on documents Com.II.11.3 and Com.II.11.4, and various detailed amendments were made. He invited delegates to provide their corrections in writing to the Secretariat and the minutes were then adopted with the amendments provided.

Interpretation and implementation of the Convention

27. Recognition of risks and benefits of trade in wildlife

The delegation of Kenya responded to proposals made the previous day, stating that they had received many comments regarding document Doc.11.27 and would be able to introduce them later. The Chairman requested the delegation to provide the amendments in writing to the Secretariat in order that they could be distributed and dealt with later.

26. Definition of the term "appropriate and acceptable destinations"

The delegation of Kenya recognized the support they had received from the delegations of India, Portugal on behalf of the Member States of the European Union, and Swaziland regarding document Doc. 11.26. They then provided orally extensive amendments to the document. The Chairman requested the delegation to provide the amendments in writing to the Secretariat in order that they could be distributed and dealt with later.

The session was suspended from 10h00 until 10h35.

29. Trade in bear specimens

The Secretariat introduced document Doc. 11.29, which had been prepared pursuant to Decisions 10.44 and 10.65. They referred to paragraphs 33), 34) and 35) under "Recommendations" and noted that the form of the report was applicable to the conservation of and trade in other species.

The delegation of India suggested that the document include further recommendations concerning the following: i) Parties should report to the Secretariat on the adequacy of their legislative controls; ii) the Standing Committee should review trade in Appendix-I listed species as in the review of trade in tiger parts and derivatives; iii) the Standing Committee should help to develop enforcement infrastructure. The delegation of Canada considered the draft document too vague and an insufficient basis for committing funds.

The delegations of China, Portugal on behalf of the Member States of the European Union, the Republic of Korea and the United States of America supported the Secretariat's recommendations. The delegation of the United States of America also drew attention to the fine job being done by many of their states in management of sustainable hunting programmes. The delegation of Canada and the observers from the Defenders of Wildlife, the European Commission and the World Society for the Protection of Animals agreed with the delegation of India. They, along with the observers from Animal Welfare Institute, International Foundation for the Conservation of Wildlife, International Fund for Animal Welfare and the Northeastern Association of Fish and Wildlife Agencies, asked to participate in any working group established.

The observer from the TRAFFIC Network supported the Secretariat's recommendations but suggested enhancing Resolution Conf. 10.8 by strengthening paragraph a) under URGES by changing the term "penalties" to adequate deterrents. They added that the draft document should direct the Animals Committee to liaise with forensic laboratories to improve identification of bear parts and derivatives to species level.

The Secretary-General confirmed that it was important to maintain Resolution Conf. 10.8 and recommended that paragraph 35 in document Doc. 11.29 should be inserted into Resolution Conf. 10.8 under "URGES". He said that the financial impact of the Secretariat's missions on trade in tigers had been considerable and urged Parties to exercise restraint when selecting further species for such input as this was not practical for the Animals Committee.

The Secretariat reminded delegates that under Resolution Conf. 4.6 (Rev.), any draft resolutions or decisions submitted for consideration that have a budgetary and workload implication for the Secretariat must contain or be accompanied by a budget for the work involved and an indication of the source of funding. They expressed their anxiety that whilst there was no doubt that further political and technical missions would secure additional valuable information, it may be preferable for the resolution to draw from the experience gained from the tiger mission, as a similar outcome would probably result.

The Chairman established a working group, chaired by Canada, and including China, the European Union or the European Commission, India, the Republic of Korea, the United States of America, the TRAFFIC Network, Animal Welfare Institute, International Foundation for the Conservation of Wildlife and the Secretariat. He mandated the group to work within the framework of the Secretariat's recommendations and the proposals from India, and stated that if the final result of the Committee's deliberations on the issue had financial implications, it would need to be reviewed by the Budget Committee. In response to a point of clarification from the delegation of the United States of America, the Chairman said that the working group's mandate concerned all bear species, not just those listed in Appendix I.

33. Exports of vicuña wool and cloth

The Secretariat introduced document Doc. 11.33, which had been produced following consultation with Parties, and referred specifically to the draft resolution in Annex 2 of the document, a proposed revision of Resolution Conf. 8.11.

The delegation of Argentina reported that the signatory States of the Convenio para la Conservación y Manejo de la Vicuña expressed concern regarding stocks of vicuña wool and cloth held outside range States. They added that Argentina had carried out comprehensive analyses of exports and re-exports of vicuña products, together with the TRAFFIC network, from which they requested further assistance. This was echoed by the delegations of Peru and Chile.

The delegations of Argentina, Bolivia, Chile and Peru and the delegation of Portugal, on behalf of the Member States of the European Union, endorsed the document and, there being no further comments, the draft resolution was agreed.

34. Conservation of and control of trade in Tibetan antelope

The delegation of China explained that the draft resolution in document Doc. 11.34 was an outcome of an international workshop held in October 1999 and stressed the need to strengthen law enforcement to control trade in parts and derivatives of Tibetan antelope, especially shahtoosh.

The delegation of India urged range States to develop a joint action plan to tackle illegal trade and said that appropriate national legislation must be developed for effective monitoring.

The delegations of India, Italy and the United States of America and the observers from the TRAFFIC Network, International Fund for Animal Welfare and IWMC-the World Conservation Trust supported the proposal.

The delegation of Portugal, on behalf of the Member States of the European Union, supported the proposal but expressed a reservation regarding the definition of privately owned shahtoosh products in paragraph b) under "STRONGLY URGES" in the Annex to the document. They sought clarification on the legal implications of enforcement and suggested that paragraphs b) and c) under "SUGGESTS" be moved under "DIRECTS" and proposed an informal group be established to discuss the issue.

The Chairman explained that a revised draft, with the exception of the reservations of the European Union stated by Portugal and clarified by Germany, had been produced by the delegation of China and the Secretariat and, although several delegations proposed establishing a working group, he noted general support for the draft. He proposed that the revised draft resolution be referred to the delegation of China and the Secretariat to discuss the concerns expressed with the European Union and to incorporate them into the final draft resolution.

38. Timber species

1. Report from the Secretariat

The Chairman summarized document Doc. 11.38.1.

The delegation of Portugal, on behalf of the Member States of the European Union, suggested that paragraph 8) in the document should be removed, so that Decision 10.52 was not repealed.

The delegation of the United States of America said that, in consultation with the timber industry, the Secretariat and TRAFFIC, they had prepared an information brochure on timber species listed in the Appendices. This would be forwarded to the Secretariat for distribution to the Parties.

As no further comments were made, the Chairman concluded that the document was accepted with the amendment suggested by Portugal.

The Chairman closed the session at 12h00.

Chairman:	V. Koester (Denmark)
Secretariat:	W. Wijnstekers J. Sellar G. van Vliet J. Vasquez M. Yeater
Rapporteurs:	J. Boddens-Hosang M. Groves K. Hamilton A. Littlewood

The Chairman opened the session and invited comments on document Com.II. 11.4, which was approved with several proposed amendments.

Interpretation and implementation of the Convention

21. National laws for implementation of the Convention

2. Measures to be taken with regard to Parties without adequate legislation

The Secretariat introduced document Com. 11.21.2 concerning implementation of Resolution Conf. 8.4. He added that the amendments presented in this document were drafted by the informal working group comprising the delegations of Australia and Germany, and the observers from the David Shepherd Conservation Foundation and Defenders of Wildlife.

The amendments were supported by the delegation of Portugal on behalf of the Member States of the European Union and by members of the working group. The delegation of Australia stated that the working group was pleased with the outcome of the draft decision and assured Fiji that the region of Oceania would provide assistance in order that they could meet the required timetable.

Document Com. 11.21.2 was accepted with amendments.

41. Significant trade in Appendix-II species

2. Revision of Resolution Conf. 8.9

The Secretariat, on behalf of the Animals and Plants Committees, introduced document Doc. 11.41.2. They commented that, if it were accepted, the Plants Committee would follow the process currently used for the review of significantly traded animal species. They emphasized that the involvement of range States was now clearer and that no species would be subject to the review process without their consent.

The Chairman of the Animals Committee, echoed the comments of the Secretariat and emphasized the important aim of the proposed revised resolution to achieve sustainable trade in all Appendix-II plant and animal species.

The delegation of the United States of America supported the document, but remarked that, in paragraph 14 of the introductory part, some of the conclusions of the 14th meeting of the Animals Committee were not properly reflected. They suggested that potential problems with quotas were that it was not clear upon what grounds the Secretariat determined a quota as being

"conservative", as well as how to proceed when a Party subsequently changed the agreed quota. They suggested this should be addressed as an additional subparagraph f) to paragraph 14.

The delegation of Pakistan asked for clarification of whether the recommendations from the scientific committees should receive final approval from the Conference of the Parties rather than the Standing Committee. The Secretariat, with full support from the Chairman of the Animals Committee, responded that because the Standing Committee met regularly between meetings of the Conference of the Parties the setting and lifting of trade suspensions could be done quickly. The delegation of Pakistan commented that this process infringed on the sovereignty of States and stated that the imposition of restrictions should only be undertaken by the Conference of the Parties, however the Secretariat explained that the point in question was already contained in Resolution Conf. 8.9.

The delegation of the Philippines endorsed the contents of the draft revised resolution. The delegation of Colombia also supported the document, but noted that some editorial amendments were needed and the delegation of Portugal, on behalf of the Member States of the European Union, stated that they had identified a few language problems. The Chairman requested the delegation of Colombia and the delegation of Portugal on behalf of the Member States of the European Union, to meet with the Secretariat to resolve those issues.

The Chairman recommended that the draft resolution, including the amendment provided by the United States of America, should be accepted as a matter of principle, and be presented for full acceptance by the Committee at a later date after the editorial and linguistic issues had been addressed. The Committee agreed to this.

43. Amendment of Resolution Conf. 5.10 on the definition of "primarily commercial purposes"

The delegation of South Africa introduced document Doc. 11.43 and stated that they would consider withdrawing the document, but suggested the following sentence be included in Resolution Conf. 5.10 under the last paragraph of the Preamble: Recognizing that transactions may have purposes primarily beneficial, directly or indirectly, to the conservation of the species concerned, although the import might have some commercial aspects.

The Secretary-General stated that this amendment fitted entirely within the context of Resolution Conf. 5.10 and that the text was consistent with Article III of the Convention.

The delegation of the United States of America was concerned that the modification to the Resolution was significant as it introduced a certain amount of commerciality, and encouraged the Committee to oppose the amendment. They noted that Resolution Conf. 5.10 had worked well for 15 years and that South Africa's modification contained vague and ambiguous terms that would create problems of interpretation in the future. The Secretary-General stated that the proposed text would not alter the operative part of the Resolution. The delegation of Cuba supported the comments made by the Secretary-General and supported South Africa's amended proposal.

The amendment as suggested by South Africa was opposed by the delegations of Canada, Portugal on behalf of the Member States of the European Union, and the United States of America, and the observers from Centre for International Environmental Law, Defenders of Wildlife, International Fund for Animal Welfare and International Wildlife Coalition.

Owing to the lack of support for the amendment, the delegation of South Africa agreed to withdraw the document.

44. Bushmeat as a trade and wildlife management issue

The delegation of the United Kingdom introduced document Doc. 11.44 and stressed the need for an intersessional working group to find solutions to the problem of increased levels of harvesting for the bushmeat trade. They urged the working group to meet as soon as possible and report back to the next meeting of the Conference of the Parties. Furthermore, they noted that addressing this problem for the Central African region could be seen as a pilot process that could be replicated. They added that if the document were adopted the United Kingdom would contribute funds to the working group.

The Secretary-General agreed that the formation of a working group should proceed immediately and not wait for consultation with other relevant conventions and organizations, as mentioned in paragraph E of the document. He welcomed the United Kingdom's offer of financial assistance.

The delegation of the Congo welcomed the initiative of the United Kingdom and remarked that the increase in bushmeat trade was directly linked to forest exploitation and stressed the need for external support to combat the problem in the entire region. They pointed to the shift from traditional subsistence use to commercial trade.

The delegation of Cameroon thanked the United Kingdom for addressing this issue and for the suggestion to form a working group. This was supported by the delegations of Liberia, Portugal on behalf of the Member States of the European Union, and Sierra Leone and by the observer from the Fund for Animals. The delegation of Cameroon expressed their wish to participate in the working group. Similar interest was expressed by the delegations of Ghana, Kenya and Zambia and by the observers from the American Zoo and Aquarium Association, the Born Free Foundation and the International Primate Protection League. The delegation of Canada, noting their expertise with the socio-economic aspects of the meat trade, also wished to participate in the working group and requested the observer of the Inuvialuit Game Council to be included in this group. The observer from IWMC-the World Conservation Trust questioned the relevance of this issue to CITES and suggested that the topic would be better addressed by the Convention on Biological Diversity. The observer from the Food and Agriculture Organization of the United Nations, whilst recognizing the merits of a working group to address the issue, noted that the topic was a complex one and required a coherent and comprehensive approach, also taking into account food security and forest conservation.

Document Doc. 11.44 was approved by consensus.

45. Amendment of Resolution Conf. 9.6

2. Concerning final cosmetic products containing caviar

The delegation of Germany introduced document Doc. 11.45.2 and added that there was only a small quantity of caviar in such products. This proposal was an attempt to remove unnecessary bureaucratic controls without causing any detrimental effect on the species concerned. They also stated that in order to address concerns regarding the quantity of caviar in the product, as suggested by the Secretariat, they proposed an amendment to the operative paragraph in the Annex to read:

AGREES however that this shall not apply to final cosmetic products containing less than 0.05 grams of caviar of sturgeon species included in Appendix II per kilogram of cosmetic product

The delegation of the Islamic Republic of Iran and the delegation of Portugal on behalf of the Member States of the European Union supported this amendment.

The delegation of China noted that a similarity existed between the issues raised by this proposed amendment and those associated with traditional Chinese medicine. The delegation of the United States of America sympathized with China but also shared the concerns raised by the delegations of Germany and Switzerland and suggested the need for flexibility in permitting procedures. They made a distinction between the legal basis for exempting 250 g of caviar as a personal effect (Article VII) and the legal basis for exempting caviar in cosmetic products (Article I). They expressed concern that application of the "readily recognizable" exemption to Appendix-I or -II species could set a dangerous precedent. They therefore could not support the proposal. The delegations of Canada, China, Japan, Kenya and the United States of America and the observer from the TRAFFIC Network also opposed the amendment. The delegation of Kenya noted that Resolution Conf. 10.12 urged Parties to establish management programmes for sturgeon species and that therefore this amendment was premature.

The delegation of Germany, seeing that there was no consensus on the matter, initially suggested a vote but then accepted the Chairman's suggestion that they first liaise with Canada, China, Japan, Kenya and the United States of America to find a solution.

1. Concerning diagnostic samples, samples for identification, research and taxonomic purposes and cell cultures and serum for biomedical research

The delegation of Switzerland introduced document Doc. 11.45.1 and gave two examples of the type of theoretical cases that underlined the need for the amendment. They suggested a change in the operative paragraph in the Annex of the document to read:

AGREES however that this should not apply to:

The Chairman postponed further discussion on the proposed amendment until the next session of the Committee and closed the session at 17h00.

Chairman: V. Koester (Denmark)

Secretariat: J. Sellar
G. van Vliet
M. Yeater

Rapporteurs: J. Caldwell
K. Hamilton
J. Roberts
A. St. John

Interpretation and implementation of the Convention

45. Amendment of Resolution Conf. 9.6

1. Concerning diagnostic samples, samples for identification, research and taxonomic purposes and cell cultures and serum for biomedical research

The delegation of Switzerland reported that they had a second amendment to the one they presented the previous day, to the operational paragraph of the draft resolution, so that it would read AGREES however, notwithstanding applicable requirements under domestic or international law, that this shall not apply to:

The proposal was supported by the delegations of Belgium, Mauritius, Norway, Portugal on behalf of the Member States of the European Union, the United Kingdom, and the observers from the American Zoo and Aquarium Association, the European Commission, European Association of Zoo and Wildlife Veterinarians and the Wildlife Conservation Society.

The proposal was opposed by the delegations of Brazil, China, Colombia, the Dominican Republic, Ecuador, Indonesia, Kenya, Liberia, Mexico, Nicaragua and the United States of America, and the observers from the Center for International Environmental Law, International Primate Protection League and the International Wildlife Coalition. Their main concerns were a lack of domestic legislation in some range States, intellectual property rights, and difficulties of implementation and enforcement should the draft resolution be adopted. They stressed the need for synergy and consistency with other biodiversity-related conventions.

It was suggested that a working group be convened to address some of the concerns of the range States and the Chairman suggested that either the working group could be convened during the present meeting to develop a proposal for how to proceed with this issue, or an intersessional working group under the Standing Committee could meet and present its conclusions at the 12th meeting of the Conference of the Parties. He further suggested that the problem could be presented at the forthcoming meeting of the Conference of the Parties to the Convention on Biological Diversity.

The observers from IUCN – The World Conservation Union and the TRAFFIC Network, without directly supporting or opposing the underlying content or objectives of the proposal, noted the importance and complexity of the issues therein and the need for prompt attention to the matter. They therefore also supported the general recommendation to form a working group.

It was decided that a working group chaired by Mexico would be convened during the present meeting and would report at a later stage with a proposal on how to proceed with

the issue. The working group would comprise the delegations of Brazil, Colombia, Indonesia, Kenya, Mexico, Nicaragua, the Philippines, Portugal on behalf of the Member States of the European Union, Switzerland, Turkey and the United States of America, the Secretariat and the observers from the European Association of Zoo and Wildlife Veterinarians, International Wildlife Coalition and IUCN - the World Conservation Union.

27. Recognition of risks and benefits of trade in wildlife

The revised annex to document Doc. 11.27 was introduced by the delegation of Kenya. The delegation of Switzerland stated that the draft resolution was intended to replace Resolution Conf. 8.3, but did not have the unity of substance or conciseness of that Resolution, and therefore they could not support it. The delegations of Cuba, Japan, Nigeria, Portugal on behalf of the Member States of the European Union, and South Africa also opposed the document. Only the delegations of Hungary and the United States of America spoke in support. In view of the request by the delegation of Kenya to have further discussions with the Parties opposed to the document, the Chairman postponed any decision until a later session.

41. Significant trade in Appendix-II species

2. Revision of Resolution Conf. 8.9

The Secretariat reported on the revisions to the annexes to document Doc. 11.41.2, which were: In Annex 1, paragraph c) i) replace "species" with taxon; in paragraph d), replace "Party" with range State; in paragraph h) replace "Standing Committee" with Animals or Plants Committee; and in Annex 2, in paragraph d), replace "because of their recorded trade levels" with if there is evidence that there has been a recent increase in trade or that the trade data do not reflect the true level of trade; and in paragraph i) replace "Parties" with range States and "categories proposed" with proposal made.

The draft resolution and the draft decision were approved.

29. Trade in bear specimens

The delegation of Canada, as chairman of the working group, reported on the changes to the draft document to revise Resolution Conf. 10.8 and announced that these would be circulated to the Committee. As there were no printed copies of the document available, the Chairman requested the delegation of Canada to read the entire text. The delegation of Portugal, on behalf of the Member States of the European Union, supported the amended document.

There being no objections, the document was approved.

46. Cross-border movement of live animals for exhibition

The Secretariat introduced document Doc. 11.46 and explained that they had been mandated at the 10th meeting of the Conference of the Parties to produce a simplified permitting procedure for the movement of exhibition animals. They had submitted a report to the Standing Committee but consensus could not be reached. At the 43rd meeting of the Standing Committee it had generally been felt that the draft form produced by the United States of America might be useful to Parties and the Secretariat intended to distribute this with a Notification to the Parties.

The delegation of the Russian Federation thanked the Secretariat for coordinating work on the issue and for their analysis of available documentation. They were concerned, however, that the proposals submitted by the Russian Federation had not been included in document Doc. 11.46. They supported the suggested form of the Certificate Continuation Sheet and hoped that its adoption would be a step forward in solving the problem of control and registration of cross-border movement of live animals for exhibitions. They underlined that Resolution Conf. 8.16 was still not applied fully and asked that the Standing Committee, in two years time, should look at the implementation of that Resolution and use of the suggested form of certificate in order to improve procedures.

The Chairman saw no reason for further discussion and the document was noted.

47. Revision of resolutions on ranching and trade in ranched specimens

The Secretariat introduced document Doc. 11.47 (Rev. 1) and noted that it had been discussed at length in the Animals Committee.

The delegation of Portugal, on behalf of the Member States of the European Union, supported the document, as did the delegation of the United States of America, with the following editorial amendments: in paragraph b) i) add or promote protection of the species habitat while maintaining a stable population to the example in parentheses; in b) ii) add, (including live specimens) after "all products" and, in e), change "Standing Committee" to Animals Committee.

The delegation of the United Kingdom, echoed by the delegation of the United States of America, expressed their relief that paragraph d) iii) referring to operations being carried out in a humane manner was included. The observer from IWMC - the World Conservation Trust generally agreed with the draft and suggested some further editorial changes. These were: in paragraph e) the reference to "paragraph e)" should be amended to d), and in paragraphs h) and i) "system" should be replaced by programme. They referred to the term "product unit" in paragraph b) under DECIDES and also believed that some of the information requested in paragraph a) under RECOMMENDS was unnecessary.

In response to a request for clarification from the delegation of Ecuador concerning paragraph c) iv), the Chairman of the Animals Committee explained that ranching operations might involve items such as skins that might not have originated from such an operation.

The Secretariat noted that they would amend "product unit" and make it consistent between versions in the three working languages.

There being no further discussion document Doc. 11.47 (Rev. 1) was approved as amended.

48. Registration of operations breeding specimens of Appendix-I species in captivity for commercial purposes

The Chairman of the Animals Committee introduced document Doc. 11.48, which contained a proposed amendment to Resolution Conf. 8.15 and two draft decisions, one directed to the Animals Committee, the other to the Parties. He explained that it presented a definition of "bred in captivity for commercial purposes" on which the Committee had been able to reach consensus, and believed the revised definition would be consistent with Resolution Conf. 5.10, and would create greater synergy with other multilateral environmental agreements, primarily the Convention on Biological Diversity. However, he reported that the Committee had been unable to achieve consensus on any other issues and noted that the document presented four possible ways forward. These were: to keep Resolution Conf. 8.15 as it currently reads; to amend Resolution Conf. 8.15 to incorporate the definition of bred in captivity for commercial purposes; to repeal Resolution Conf. 8.15 as recommended by the Secretariat and let the Parties interpret the Convention; or to adopt, as an interim arrangement, the proposed revision to Conf. 8.15 in Annex 1, and ask for further review by the Animals Committee.

The Chairman then suspended discussion on the matter and, after some announcements by the Secretariat, closed the session at 12h10.

Chairman:	V. Koester (Denmark)
Secretariat:	J. Sellar G. van Vliet M. Yeater
Rapporteurs:	T. Inskipp J. Lyke P. Mathew A. St.-John

The Chairman stated that the minutes for the fifth and sixth sessions could not yet be reviewed, as there were no Spanish versions available. He noted that they would be considered on Monday.

Interpretation and implementation of the Convention

48. Registration of operations breeding specimens of Appendix-I species in captivity for commercial purposes

The delegation of Chile summarized the situation with respect to document Doc. 11.48. They thanked the Animals Committee for ensuring that the concerns of range States, i.e. that it was difficult to determine the origin of animals in trade, and that a register was needed to control trade in illegal specimens, were reflected in the document. They suggested that the current draft of the document might require minor amendments but deserved support.

The Chairman invited comments regarding the four options outlined in paragraph 26 of the document. The delegations of Canada and Colombia, and the observer from the American Zoo and Aquarium Association, speaking also on behalf of the European Association of Zoos and Aquaria, supported option a). The delegations of Brazil, the United States of America and Zambia supported option b). The delegations of Indonesia, Malta, Mauritius, the Philippines and South Africa supported option c). The delegations of Australia, Botswana, Chile, China, the Dominican Republic, Hungary, India, Switzerland and Zimbabwe, and the observers from Born Free Foundation, the Humane Society of the United States, Pro Wildlife, the TRAFFIC Network and the World Society for the Protection of Animals supported option d). The delegation of Costa Rica indicated dissatisfaction with all of the options presented.

The Chairman summarized the discussion by noting relatively little support for options a) and b). He further suggested eliminating option c). Following some discussions, it was agreed to focus consideration on option d).

The delegation of the United States of America proposed to replace the paragraph in Annex 3 of document Doc. 11.48 beginning "DETERMINES that", with the following amendment:

DETERMINES that:

a) the term "bred in captivity for commercial purposes", as used in Article VII, paragraph 4 of the Convention, shall be interpreted as referring to a specimen of an animal bred to obtain economic benefit, including profit, whether in cash or kind, and is directed toward sale, exchange or provision of a service or any other form of economic use or benefit; whereas

b) the term "bred in captivity" for "non-commercial"* purposes for Appendix-I species as used in Article VII, paragraph 5 of the Convention for Appendix-I species shall be

interpreted as referring to a specimen of an animal bred for non-commercial purposes where each donation, exchange or loan is not-for-profit and is between two operations involved in cooperative conservation programmes for the species involved.

*"Non-commercial" is not stated, but interpreted by reading Article VII, paragraphs 4 and 5 together.

The delegations of Brazil, Costa Rica and Canada supported the amendment and the delegation of Canada suggested the formation of a working group regarding option d). The delegation of India noted that a provision for using captive-bred specimens for educational purpose and raising awareness should be included.

The Chairman formed a working group comprising the delegations of Australia, Canada, Chile, the Philippines, Portugal on behalf of the Member States of the European Union, South Africa and the United States of America, and the observers from the American Zoo and Aquarium Association, the Humane Society of the United States and the TRAFFIC Network. The Chairman designated Australia to chair the working group. He specified that the mandate of the group was to deal with the problems identified, as well as all other issues relating to option d). He clarified that if the members of the working group were able to reach a consensus, all Resolutions identified in the document, including Resolution Conf. 8.15, would be repealed.

45. Amendment of Resolution Conf. 9.6

2. Concerning final cosmetic products containing caviar

The Chairman asked the delegation of Germany to report on the results of the working group. The delegation of Germany reported that they had consulted with the delegations of Canada, China, Japan, Kenya and the United States of America. The group had been unable to reach consensus on the majority of issues discussed and therefore requested that document Doc. 11.45.2 be maintained as submitted.

The Chairman proposed a roll call vote on document Doc. 11.45.2. The initial vote was determined to be invalid because the Committee did not have a quorum; the session was suspended for nine minutes.

The result of the voting on the proposed amendment to Resolution Conf. 9.6 was 34 votes in favour to 26 against, so the amendment was rejected.

50. Use of microchips for marking live animals in trade

The Secretariat introduced document Doc. 11.50 and noted that the items with financial implications had been deleted. They stated that the delegation of the Czech Republic wished to make amendments to this document and added that the reference to g) in Annex 3, COMMENTS FROM THE SECRETARIAT, paragraph A. should refer to f).

The delegation of the Czech Republic proposed the following amendments. In Annex 2, under RECOMMENDS, paragraph b) should be deleted, with the following paragraphs renumbered accordingly. Also paragraph f) should read: all microchip codes, together with the trade mark of the transponder manufacturer be included on all relevant CITES permits and certificates. Under DIRECTS, the proposed amendment should read:

a) the Secretariat to consult regularly with the ISO Central Secretariat on the subject, and urge it to resolve current problems with standards ISO 11784 and ISO 11785;

b) the Animals Committee to enter in contact with all known manufacturers of microchip-implants and application techniques and inform them about the present Resolution, urge them to strive towards the production of compatible equipment that can be applied universally and ask them for information about their products compatible with CITES needs and to advise the Secretariat about results, for the information to Parties; and

c) the Animals Committee to monitor development in microchip-implant technology and application techniques and to advise the Secretariat about such developments, for the information to the Parties.

The Secretariat suggested that the Management Authority of each Party would be better placed to contact manufacturers. They further suggested that Annex 2, under RECOMMENDS, paragraph "f) all microchip codes be included on all relevant CITES permits and certificates", be moved to Resolution Conf. 10.2.

The delegation of Portugal, on behalf of the Member States of the European Union, suggested Annex 2, paragraph f) should read: all microchip codes, together with the trade mark of the transponder manufacturer be included on all relevant CITES permits and certificates, and where possible the location of the microchip on the specimen. The delegation of Mexico supported the recommendations of the delegation of the Czech Republic but wished to retain Annex 2, paragraph b). The delegations of Australia, Israel and the United States of America agreed with the deletion of Annex 2, paragraph b), but did not agree with either of the Secretariat's recommendations. The delegation of Belgium asked to wait for a revised draft of the document before making a decision. The delegation of China supported the document but expressed concern at the cost of implementing the recommendations for some Parties.

The Chairman proposed that the Secretariat make revisions to the draft resolution and, in consultation with the delegation of Australia, seek solutions to the problems.

30. Conservation of and trade in tigers

The chairman of the working group reported that she had understood that the working group was to focus on document Doc. 11.30, Strategic recommendations of the Political Mission, paragraph 83, b), c) and d), following discussions in Committee I. She further understood that the Bureau had agreed to expand the terms of reference of the working group significantly at the request of the delegation of the United Kingdom. She noted that this would require additional consultation and requested guidance from the Chairman. The Chairman asked that the working group convene another meeting in order to reach consensus. If this was not successful, he suggested that a smaller group, also to be chaired by the United States of America, and including China, India, Japan and the Secretariat, be convened.

The Chairman closed the session at 17h10.

Chairman: V. Koester (Denmark)

Secretariat: G. van Vliet
M. Yeater

UNEP: I. Higuero

Rapporteurs: M. Jenkins
P. Mathew

Strategic and administrative matters

15. International Whaling Commission

1. Relationship with the International Whaling Commission

and

2. Reaffirmation of the synergy between CITES and the International Whaling Commission

The Chairman announced that debate had been closed on these two agenda items and that the Committee would now proceed directly to voting.

He called for a vote on document Doc. 11.15.1 (Rev. 1). The delegation of Norway requested a secret ballot. This was supported by more than the required number of ten delegations. The result of the secret ballot was one spoiled vote, 10 abstentions, 31 votes in favour and 49 against. The draft resolution was therefore rejected.

The delegation of the United States of America stated that in view of this result, and of the results of the earlier votes on proposals Prop. 11.15, 11.16, 11.17 and 11.18 in Committee I, they would withdraw document Doc. 11.15.2.

The Chairman advised that delegations were allowed a brief period to make explanations of their vote.

The delegation of Denmark stated that, while they supported the position of the European Union on this issue, they had abstained from voting, exercising their rights under Declaration 25 of the Maastricht Treaty on representation of the interests of the overseas countries and territories referred to in Article 227(3) and (5)(a) and (b) of the Treaty establishing the European Community. They asked that the representative of Greenland on their delegation be allowed to make a brief statement. The latter stated that Greenland supported the draft resolution submitted by Japan and Norway and regretted the result of the ballot.

13. Terms of reference of permanent committees

The Chairman reminded the Committee that the draft resolution on terms of reference for permanent committees, document Com. 11.1, had been provisionally accepted by the Committee. The document had been accepted by the Budget Committee and could therefore now be formally accepted by Committee II.

Interpretation and implementation of the Convention

53. Universal labelling system for the identification of sturgeon specimens (caviar)

The Secretariat introduced document Doc. 11.53, explaining that the draft resolution in the annex had been prepared by the Secretariat based on a draft produced by a working group of the Animals Committee following the last meeting of that Committee. The Secretariat explained that the major modifications they had introduced concerned the lower weight limit for quantities of caviar to be labelled under the proposed resolution which had changed from 50 grammes to 250 grammes to ensure consistency with Resolution Conf. 10.12.

The delegation of the United States of America reported that they had chaired the working group under the Animals Committee. They noted that the group had included representatives of major exporting and importing States as well as representatives of industry and had used the marking system agreed under the Convention for crocodilian skins as its model. The group had reached consensus and felt that they had addressed all relevant concerns and the requirements of Resolution Conf. 10.12 in a practical and realistic manner. The delegation felt that the modifications introduced by the Secretariat went much further than the working group had intended and imposed unnecessary burdens on exporting, importing and re-exporting countries.

Several other delegations and observers expressed concern with the draft resolution in document Doc. 11.53. The delegation of Portugal, on behalf of the Member States of the European Union, suggested that the document should be referred back to the original working group.

The delegation of Switzerland, supported by the delegation of Germany, felt that any labelling system should not apply to re-exports. The latter noted that the working group had proposed a basic system involving labelling of exports from producer countries, which should be introduced as soon as possible and which could be refined later if the need arose.

The delegations of the Islamic Republic of Iran and the Russian Federation, both speaking as range States, proposed the establishment of another working group, to meet as soon as possible. Both thought that any labelling system should apply also to re-exports. The delegation of the United States of America recommended that any working group created should return to the original document as submitted by the working group of the Animals Committee.

The Chairman proposed that a working group to examine the issue be established, chaired by Australia and including the delegations of Germany, the Islamic Republic of Iran, the Russian Federation, Switzerland and the United States of America, and the observers from the TRAFFIC Network and IWMC-the World Conservation Trust. The working group was to meet as soon as possible.

30. Conservation of and trade in tigers

The delegation of the United States of America, as chairman of the working group set up to address this Agenda item, reported that the group had met and had reached consensus on all issues except Appendix A of document Doc. 11.30, these being the terms of reference for an enforcement task force. The group would re-convene and report back to the Committee as soon as possible.

48. Registration of operations breeding specimens of Appendix-I species in captivity for commercial purposes

The delegation of Australia, as chairman of the working group set up to address this Agenda item, reported that the group had met and had reached consensus on this issue, one which had taxed the Parties for many years. The outcome of their deliberations was a draft document which was an amended version of Annexes 1-3 of document Doc. 11.48. This had been given to the Secretariat for translation and distribution. The delegation then read out detailed proposed amendments to document Doc. 11.48.

They explained that the reasoning behind these changes lay in a decision to focus on those species in Appendix I that were critically endangered and/or difficult to maintain or breed in captivity and for which it was recognized that greater control and supervision was necessary. The revised draft resolutions and decisions would allow the Management and Scientific Authorities of range States to determine whether the conditions of Resolution Conf. 10.16 were met for all other Appendix-I animal species. This latter group of species would then not take up the time of the Animals Committee, the Secretariat or the Conference of the Parties.

The Chairman confirmed that the Committee accepted as a matter of principle document Doc. 11.48 as amended, with the proviso that minor changes could be agreed at a subsequent session of the Committee.

45. Amendment of Resolution Conf. 9.6

1. Concerning diagnostic samples, samples for identification, research and taxonomic purposes and cell cultures and serum for biomedical research

The delegation of Mexico reported that a working group had met and decided to appoint a small drafting group, composed of the delegations of Brazil, Mexico and the United States of America, the Secretariat and the observer from IUCN – the World Conservation Union, to produce terms of reference for an intersessional working group. The terms of reference were to be reviewed by the entire working group as soon as possible after the current session.

The Chairman agreed to this and stated that the Committee would examine the document so produced at a later session.

After some announcements by the Secretariat, the Chairman closed the session at 12h10.

Chairman:	V. Koester (Denmark)
Secretariat:	J. Sellar G. van Vliet M. Yeater
UNEP:	I. Higuero N. Sharma
Rapporteurs:	J. Caldwell K. Hamilton C. Lippai J. Lyke

Interpretation and implementation of the Convention

27. Recognition of risks and benefits of trade in wildlife

The delegation of Kenya withdrew document Doc. 11.58 after the Chairman stated that there was little support for the proposal.

34. Conservation of and control of trade in Tibetan antelope

The delegation of Spain reported that the Spanish version of the document had not been distributed and the Chairman adjourned discussion until a later session.

55. Definition of the term "prepared"

The delegation of Kenya introduced document Doc 11.55 and referred to a report prepared by the Royal Society for the Prevention of Cruelty to Animals (RSPCA) dealing with the humane shipping and mortality of animals during the transport process. Noting that the entire pre-shipment period could have a subsequent effect on the viability of the animals, they believed it was important that the term "prepared", as used in Articles III, IV and V of the Convention, should include all processes from capture to the point of export. However, they noted this should only apply to animals destined for export.

The delegation of Switzerland stated that although animal welfare was an important issue they would have problems implementing such a decision and shared the opinion of the Secretariat that the issue was not within the scope of the Convention. Similar concerns were voiced by the delegations of Canada, Japan, Portugal on behalf of the Member States of the European Union, South Africa and the United States of America. The last of these suggested that the issue would be better addressed by the Transport Working Group of the Animals Committee. The observer from the Western Association of Fish and Wildlife Services, speaking for all three of the Associations, also opposed the draft resolution and noted that its implementation would require re-drafting of legislation in all 50 states of the United States of America.

The delegations of Ecuador and Israel supported the document, as did the delegation of Zimbabwe, who suggested the definition should be expanded to include reference to the importing country as conditions in quarantine could also play a part. The observer from the International Fund for Animal Welfare echoed this view.

The observer from the RSPCA stated that packing conditions before, during and after export affected the condition of the animals and therefore, for the definition to be biologically sound, it must include the entire transport process. They also stated that the effect of mortality before export was not considered in estimating the effect of international trade on wild populations.

The Chairman observed that, despite the importance of the issue, there was little support for the document. However, he noted that there was considerable support for the suggestion that the Transport Working Group of the Animals Committee should consider the issue and produce recommendations and guidelines. On the understanding that this process would be followed, the delegation of Kenya agreed to withdraw the document.

56. Trade in traditional medicines

Explaining that the scope of Decision 10.143 had been very broad and that there had been difficulties in implementing its tasks, the Secretariat introduced document Doc. 11.56 whose annex contained a draft decision which targeted better the work they were expected to do on the subject.

The delegation of China outlined the long history of traditional medicines in Chinese culture and stated their belief that their manufacture should be based on sustainable use.

The delegation of Egypt and the delegation of Portugal on behalf of the Member States of the European Union supported the document, as did the delegation of Canada who proposed the addition of and their parts in paragraph c) of the Annex after the word “animals”. They also asked whether the work would have any additional budgetary implications. The Secretariat responded that they were pleased with the proposed textual amendment and that they hoped to do the work within their existing budget. However, they noted that paragraph b) directed them to develop projects that might require external funding.

Noting that paragraph 42 of the document stated that the aim of paragraph a) of the draft decision was aimed at making an inventory of artificial propagation and captive-breeding operations, the observer from the TRAFFIC Network recommended that compile an inventory replace “evaluate the current level” in that paragraph. The Secretariat concurred.

The observer from the World Society for the Protection of Animals believed that reference to assessment of the impact on wild populations should be included in paragraph a); that paragraph b) should include Appendix-I species; and that paragraph c) should also direct the Secretariat to compile a list of synthetic or other alternatives. Further, they recommended the addition of a paragraph directing the Parties to submit copies of their legislation on the issue.

The Secretariat responded that the suggested addition to paragraph a) was covered by the Review of Significant Trade; there was no need to include Appendix-I species as no commercial trade should be allowed under the Convention, and that it was not their responsibility to cover materials not involving CITES-listed species.

The Chairman asked whether the Parties could support the proposed amendments from the last observer. Although a few Parties could support some of these amendments, there was no consensus and the document was approved with the addition of the amendments proposed by the delegation of Canada and the observer from the TRAFFIC Network.

58. Potential risk of wildlife trade to the tourism industry

The delegation of Kenya introduced document Doc.11.58, noting that wildlife poaching can have negative effects on the tourism industry and inviting the Parties to be aware of this potential threat to tourism, as outlined in the draft resolution included in the annex of the document. The Secretariat stated that they had made four observations on the document, but drew particular attention to their view that trade in CITES-listed specimens did not jeopardize tourism if it was supported by appropriate legislation and enforcement, and that the relationship between ivory trade and poaching suggested by the delegation of Kenya had not been proven. The Secretariat concluded that they did not support the document.

The delegations of Botswana, China, Cuba, Japan, Portugal on behalf of the Member States of the European Union, Seychelles, South Africa and Zimbabwe stated that they did not support the document. The delegations of Brazil and Liberia expressed support for the document, the former stating that Brazil attached great importance to ecotourism and that ways had to be found to harmonize consumptive and non-consumptive uses of wildlife. The delegation of Zambia supported the first and third operative paragraphs of the annex to document Doc. 11.58, as did the delegation of Zimbabwe, and agreed with paragraph B of the Secretariat's comments in the document.

The Chairman noted that 21 Parties did not support the document, while only a handful supported all or part of it. The delegation of Kenya asked to conduct a further review of the draft resolution in an effort to develop consensus, and to revisit the topic in a subsequent session. The Chairman requested that the delegation of Kenya bring this issue up in the next session of the Committee, when a decision regarding the document would be made.

51. Universal tagging system for the identification of crocodilian skins

The Chairman explained that document Doc. 11.51 was prepared by the Secretariat, and submitted on behalf of the Animals Committee, in response to a directive to the Animals Committee at the 10th meeting of the Conference of the Parties to review Resolutions Conf. 6.17 and Conf. 9.22. The Secretariat introduced the document and said that various crocodile experts, including the IUCN/SSC Crocodile Specialist Group, had reviewed it. They also drew attention to paragraph A under "Comments from the Secretariat" regarding the operative part of the draft resolution.

The delegations of Australia and the United States of America expressed their support of the draft resolution with the amendments proposed by the Secretariat.

The delegation of Portugal, on behalf of the Member States of the European Union, said that they supported the document but sought clarification on the inclusion of tanners in paragraph i) under “RECOMMENDS” in the Annex. The Secretariat replied that the intention of such inclusion was to ensure that all stakeholders in the process from harvesting to production were included. The Chairman of the Animals Committee endorsed this.

The delegation of Colombia supported the draft resolution with an amendment to “DIRECTS”, and suggested including and the relevant Parties at the end of the sentence. This was supported by the Chairman of the Animals Committee, who stressed that the purpose of this directive was to have a system of reporting to the Animals Committee in the event that serious flaws arose.

The delegation of Spain explained that there might be a problem with references to other paragraphs in paragraph m) under “RECOMMENDS”. The Secretariat indicated that they would make the necessary corrections.

The observer from IUCN agreed with the Secretariat’s amendments and noted that some small editorial changes might be needed. The observer from IWMC-the World Conservation Trust suggested additional amendments, these being:

- Under “NOTING” in the Annex, (Fort Lauderdale, 1994) should be deleted.
- Paragraph l), put in the date of entry 16 February 1995 after "Resolution Conf. 9.22"
- Paragraph n) – it is not necessary to include "that the Parties"

The observer from IWMC-the World Conservation Trust suggested other editorial amendments to the text, but these were not accepted.

The document, together with the editorial and substantive amendments suggested, was accepted.

52. Movement of sample crocodilian skins

The delegation of the United States of America introduced document Doc. 11.52 and explained that it arose in response to a request from the American alligator industry to simplify the requirements for transport of samples of crocodilian skins to and from trade fairs.

The Secretariat explained that, although they agreed with many of the points raised in the text, they questioned the extent of the problem. Further, they reminded Parties that any draft document that created extra work for the Secretariat should include an analysis of budgetary implications. They noted that the Budget Committee had pruned the budget available for the next biennium, and therefore suggested that any interested Party submit a draft resolution on frequent cross-border movements for consideration at the next meeting of the Conference of the Parties.

The delegation of Portugal, on behalf of the Member States of the European Union, said that they supported the document in general but would like to extend its remit to other reptiles and proposed amending the title of the document. Turning to the Annex, they suggested including and the WCO after "the IUCN/SSC Crocodile Specialist Group" under “DIRECTS.”

The delegation of Switzerland said that they considered the amendments inspirational and concurred that the scope of the decision should be extended to samples of all reptile skins. The observer from the IUCN - the World Conservation Union noted that the work carried out over the years on crocodile skins could provide a model for other species. They said that further discussions ought to take place in the Animals Committee and that financial support may be available from the IUCN/SSC Crocodile Specialist Group. The observer from the International Alligator and Crocodile Trade Study supported the observer from IUCN-the World Conservation Union and expressed support for the document.

The delegation of Switzerland and the observer from the Western Association of Wildlife and Fisheries suggested amendments to the second part of paragraph a) under "DIRECTS" of the draft resolution expressing concern about the implications resulting from the possible outcome of the working group's evaluation. However, the Committee could not agree and the Chairman suggested, in view of the opinions expressed, that the Secretariat, together with the delegations of Portugal, on behalf of the Member States of the European Union, and Switzerland and the observer from IUCN-the World Conservation Union prepare a text to be decided upon the next day, bearing in mind any associated financial implications.

The Chairman provided amendments to the minutes from sessions two, five, six and seven. The minutes of the fifth and seventh sessions were accepted with the amendments provided and he noted that the others would be considered the next day.

The Chairman outlined several items of business to be addressed in future sessions of the Committee. The session was closed at 17h05.

Chairman:	V. Koester (Denmark)
Secretariat:	J. Sellar G. van Vliet M. Yeater
UNEP:	I. Higuero
Rapporteurs:	C. Lippai P. Mathew J. Roberts A. St. John

Interpretation and implementation of the Convention

57. The Information Management Strategy

The Secretariat gave a presentation highlighting the main points of document Doc. 11.57 and asked for endorsement of the Strategy.

The delegation of Switzerland suggested that the Secretariat make a video explaining CITES to be included in the information pack. Document Doc. 11.57 was supported by the delegations of Chile, China and Mexico. The delegations of Liberia and Sierra Leone asked whether the Secretariat would provide the computer hardware and software to which the Secretariat replied that there were other external donor agencies that would be more suitable to approach. The delegation of Mexico asked whether it would be possible to access the main database included on the CD-ROM so that it could be incorporated into their own systems. In response to a question from the delegation of Poland, the Secretariat explained that the data were in the public domain and could therefore be copied and distributed.

The Strategy was approved.

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 chairman of the working group introduced documents Com. 11.17 and Com. 11.18, being a draft resolution and a draft decision respectively. He stressed that the delegations of Iceland, Japan, Mexico and Norway and the observers from the International Coalition of Fisheries Associations (ICFA) and the Latin American Organization for Fisheries Development (OLDEPESCA) had participated in the working group but were opposed to the documents.

The delegation of Portugal on behalf of the Member States of the European Union expressed support for the documents and at their request the observer from the European Commission read out some proposed amendments to the draft resolution in document Com. 11.17. They noted that the operative part consisted of recommendations rather than legally binding measures and therefore suggested that the first paragraph of the operative part should be amended from "AGREES that" to RECOMMENDS that, and that the word "means" in the same sentence should read is understood to mean. Similarly they suggested changing the paragraph beginning "AGREES FURTHER" to begin RECOMMENDS FURTHER and that the words "shall be" in the same sentence should be replaced by is.

The document, including the amendments from the observer from the European Commission, was supported by the delegations of Brazil, Canada, Fiji, the United States of America and Vanuatu and the observer from Center for International Environmental Law (CIEL). The delegation of New Zealand noted that they were generally supportive of the document but had not received guidance from their Law of the Sea lawyers and suggested additional intersessional work.

The document was opposed by the delegations of Antigua and Barbuda, Belize, China, Iceland, Japan, Mexico, Norway, Saint Lucia, Tunisia, Uruguay and Venezuela and the observers from the International Coalition of Fisheries Associations and OLDEPESCA. Their main objection was that they believed the Food and Agriculture Organization of the United Nations and regional fisheries management agreements should deal with the issue.

At the request of the delegations of Antigua and Barbuda and Japan, document Com.11.17 with the amendments proposed by the observer from the European Commission was put to a vote by secret ballot.

The result of the secret ballot, from which 11 Parties abstained, was 36 votes in favour and 50 against. The draft resolution was therefore rejected.

34. Conservation of and control of trade in Tibetan antelope

The delegation of China referred to document Com.11.5 (Rev. 1), a draft resolution prepared by a working group. The delegation of the United Kingdom said that they did not believe the document tackled internal sale adequately and suggested a number of editorial amendments under "RECOMMENDS", these being:

– in paragraph a) include the words (including internal sale) between "eliminating commercial trade" and "in Tibetan antelope";

– in paragraph c) delete "illegal" and insert after "trade" (including internal sale); and

– in paragraph d) insert internal or external between "into" and "trade" at the end of the paragraph.

The delegation of the United Kingdom also suggested amending paragraph a) under "URGES" by inserting or sale after "processing" and inserting and products at the end of the paragraph.

The delegation of the United States of America sought clarification on "parts and raw materials" in paragraph d) under "RECOMMENDS" and suggested adding e.g. wool and hides after "raw materials". Finally, they suggested deleting "provide" in paragraph a) under "DIRECTS" and replacing it with seek external.

The delegation of Portugal on behalf of the Member States of the European Union said they agreed with the document but suggested including legal in paragraph d) under "RECOMMENDS" between "non-Parties where" and "stocks". The delegation of India requested that and consuming be added to paragraph a) under "URGES" after "processing".

The delegations of Belgium and Mexico expressed concern over the accuracy of the translation of the draft resolution into French and Spanish respectively.

In response to a query from the delegations of Indonesia and Suriname, supported by the delegation of South Africa, regarding the suggested amendment to include internal sale into the draft resolution, the delegation of India said that reference to internal sale was merely a recommendation and was not an operative aspect of the draft resolution. The Chairman concluded that adherence was at the discretion of Parties. There being no further comments, the amended document was agreed with the reservations by the three Parties.

50. Use of microchips for marking live animals in trade

The Secretariat introduced document Com.11.20, and drew particular attention to the footnote and the draft amendment to Resolution Conf. 10.2 regarding information on microchip transponders.

Various Parties suggested a number of amendments and a vigorous debate ensued on the relative merits of these. The Secretariat agreed with the inclusion of CONSIDERING in the preamble and a new paragraph under "RECOMMENDS" but offered to re-draft the document together with the delegations of Belgium and the Czech Republic, and the delegation of Portugal on behalf of the Member States of the European Union.

52. Movement of sample crocodilian skins

The Secretariat introduced document Com.11.24 and explained that the only amendment was the reference to sample reptile skins and other related products. The delegations of Ecuador and Spain asked for clarification regarding the accuracy of the Spanish translation. The Committee approved the document.

58. Potential risk of wildlife trade to the tourism industry

The delegation of Kenya withdrew document Doc. 11.58.

Documents Com.II. 11.06 and Com.II. 11.09 were approved with amendments. Document Com.II. 11.08 was approved without amendment. The session was closed at 11h55.

Chairman:	V. Koester (Denmark)
Secretariat:	J. Sellar G. van Vliet M. Yeater
Rapporteurs:	A. Littlewood J. Lyke J. Roberts A. St. John

The minutes of the 10th session, document Com.II. 11.10, were approved with amendments.

Interpretation and implementation of the Convention

26. Definition of the term "appropriate and acceptable destinations"

The delegation of Kenya introduced document Com. 11.14, noting that they had considered comments from other delegations and amended the original document. In the paragraph beginning NOTING FURTHER, they suggested deleting "full range of".

The delegation of Switzerland noted that they had submitted proposal Prop. 11.25, to amend annotation °604 concerning Appendix-II populations of *Loxodonta africana,* which had been approved by Committee I. They added that they were preparing to submit a similar proposal for consideration at the 12th meeting of the Conference of the Parties for *Ceratotherium simum simum*. This was supported by the delegations of South Africa and the United States of America. Concerning document Com. 11.14, the delegation of South Africa strongly objected to the paragraph beginning "CONCERNED" and opposed the draft resolution as a whole. The delegation of Botswana also opposed the document and stated that they would prefer to see it considered in its entirety at the next meeting of the Conference of the Parties. The Chairman responded that document Com. 11.14 applied to other species as well as *Loxodonta africana* and *Ceratotherium simum simum*.

The delegation of Portugal, on behalf of the Member States of the European Union, indicated that they had quite a number of changes to propose. The Chairman suggested that the delegations of Portugal and Kenya discussed this together and report back on the outcome of their deliberations.

45. Amendment of Resolution Conf. 9.6

1. Concerning diagnostic samples, samples for identification, research and taxonomic purposes and cell cultures and serum for biomedical research

The delegation of Mexico introduced document Com. 11.31 and read it in its entirety for the sake of the non-English speaking delegations. The draft decision had been prepared by a working group with regard to Agenda Item 11.45.1.

The delegation of Germany generally supported the document but remarked that the tasks should be divided between the Animals Committee and the Standing Committee as appropriate. The following amendments to the document were agreed:

The first paragraph should read: Draft decision directed to the Animals Committee and the Standing Committee in regards.

The third paragraph beginning "The Animals Committee", should have an a) before it and replace the full stop with a colon, and the paragraph beginning "Based on the results" should have a b) before it.

The word "Tasks" should be deleted and the following sentence should begin Examine.

The paragraph beginning "Examination and evaluation" should be amended to: Examine and evaluate different procedural and legal options for addressing these issues in compliance with CITES, and should be the first bullet point under the heading "b)".

The paragraph to be changed to paragraph b) should read: Based on the results of the above-described examinations the Animals Committee shall submit its conclusions to the Standing Committee, which shall:

Insert the words twelfth meeting of the before "Conference of Parties" in the bullet point beginning "Develop recommendations".

The final bullet point should be amended to: Ensure that the recommendations provided have been made in close consultation with the Convention on Biological Diversity for consistency with the provisions of the Convention.

Delete the last two paragraphs.

Document Com. 11.31 was approved with amendments.

50. Use of microchips for marking live animals in trade

The Secretariat proposed an amendment to document Com. 11.20. After the paragraph beginning "NOTING", insert the following paragraph: CONSIDERING that the International Organization for Standardization (ISO) has adopted the standards ISO 11784 and ISO 11785.

Document Com. 11.20 was approved as amended.

48. Registration of operations breeding specimens of Appendix-I species in captivity for commercial purposes

The delegation of Australia introduced documents Com. 11.27 and Com. 11.28 and noted that efforts should focus on facilities that breed critically endangered species or those species which are difficult to breed in captivity.

Various Parties suggested a number of amendments and following wide-ranging debate a number of amendments to document Com. 11.27 were agreed upon.

The delegation of the United States of America suggested the following amendment to paragraph b) under the heading DETERMINES that: for the participation and/or support of one or more range States for the species concerned.

The delegation of Zimbabwe suggested that paragraph a) under the heading "AGREES further that," should read: Parties shall restrict imports for primarily commercial purposes, as defined in Resolution Conf. 5.10, of captive-bred specimens of Appendix-I species in Annex 3 of this Resolution to those produced by operations included in the Secretariat's Register and shall reject any document granted under Article VII, paragraph 4, of the Convention, if the specimens concerned do not originate from such an operation and if the document does not describe the specific identifying mark applied to each specimen; and.

Based on a suggestion by the delegation of the United States of America, the Secretariat recommended that the following paragraph be added under “REPEALS the Resolutions listed hereunder”. d) Resolution Conf. 8.15 (Kyoto, 1992) - Guidelines for a procedure to register and monitor operations breeding Appendix-I animal species for commercial purposes, only after the list in Annex 3 has been approved by the Standing Committee and distributed by the Secretariat.

The delegation of the Philippines recommended the following addition to the end of paragraphs 6 a) and 6 b), Annex 1: (e.g., relevant dated receipts or other acceptable proof of lawful acquisition).

Regarding Annex 2, paragraph 5, the delegation of the United States of America suggested the insertion of the word not after “problem(s)”.

The following amendments to document Com. 11.28 were agreed.

The paragraph under Directed to the Secretariat should read: Circulate, as a matter of urgency, a Notification seeking nominations from Parties of Appendix-I species that are critically endangered in the wild and/or known to be difficult to breed or keep in captivity for consideration by the Animals Committee for inclusion in Annex 3 of Resolution Conf. 8.15 (Rev.) and submission to the Standing Committee for approval. Annex 3 would be periodically reviewed and amended by means of the same procedure.

Documents Com. 11.27 and Com. 11.28 were approved as amended.

30. Conservation of and trade in tigers

The chairman of the working group introduced document Inf. 11.16 as a consensus document of the working group. She noted that Annex 3 had been included but that discussion of it was unnecessary.

The Secretariat clarified that the document being discussed should be renamed Com. 11.32. The Secretariat read out the text of the document and amended it by deleting the second sentence of Annex A (Rev. 1), point 12.

The delegation of Japan suggested Annex A (Rev. 1), point 13 should be amended by deleting "working group" and replacing it with task force.

The delegation of Spain stated their willingness to accept the document, but stressed that the document had only been distributed in English, and in order for proper discussion to take place, it should have been distributed in the working languages of the Convention. They urged the Secretariat to ensure that the situation did not re-occur.

The document was supported by the delegation of Canada and by the delegation of Portugal on behalf of the Member States of the European Union.

The delegation of the United Kingdom welcomed the recommendations of the working group and clarified that the term "appropriate measures" in paragraph c) of document Com. 11.32 meant the same as "appropriate measures" in the draft decision in document Com. 11.2, which would replace Decisions 10.18 to 10.23 and Decision 10.101. The delegation of India stated their understanding of "appropriate action" to mean that which is permitted within the scope of CITES and would be consistent with precedents in the past. With this understanding the delegation of India would support the document.

There were no further comments and the document was approved as amended.

26. Definition of the term "appropriate and acceptable destinations"

At the request of the delegation of Kenya, the delegation of Portugal, on behalf of the Member States of the European Union, introduced document Com. 11.14 and presented the following amendments to the document:

Amend the third paragraph beginning "NOTING" to NOTING that the term "appropriate and acceptable destinations" is yet to be fully defined;

Amend the fourth paragraph beginning "NOTING FURTHER" to NOTING FURTHER that the Parties have not indicated whether the determination was to be made by the exporting or the importing country;

Delete the fifth and sixth paragraphs beginning "CONCERNED" and "RECOGNIZING" respectively;

Amend the original seventh paragraph beginning "NOTING" to RECOGNIZING that there are annotations currently existing that contain live animals and that similar annotations may be adopted in future;

Amend the original eighth paragraph beginning "NOTING FURTHER" to NOTING FURTHER that appropriate and acceptable destinations for live animals should be those that ensure that the animals are humanely treated;

Delete the original ninth and 10th paragraphs, beginning "RECOGNIZING" and "CONVINCED" respectively.

Under the title "The Conference of the Parties to the Convention", in the paragraph beginning "AGREES" amend "with reference to the export or trade of live animals," to with reference to the export or international trade of live animals,

The document was approved as amended. The delegation of Kenya thanked all the Parties for their comments and support.

53. Universal labelling system for the identification of sturgeon specimens (caviar)

The chairman of the working group introduced document Com. 11.29.

The following amendments were suggested:

In the seventh paragraph, beginning "RECOGNIZING", amend "14th meeting" to 15th meeting;

Under "RECOMMENDS", paragraph f) amend the first sentence from "that, in the event of mismatches of information within such a permit" to that, in the event of mismatches of information between a label and a permit,;

Insert RECOMMENDS that before paragraph j) beginning "the preceding" and delete “j)”;

Delete paragraph b) and change paragraph "c)" to b);

The document was supported by the delegation of the Islamic Republic of Iran, and by the delegation of Portugal on behalf of the Member States of the European Union.

The document was approved as amended.

After the Chairman expressed thanks for the cooperation of the Parties, observers, chairmen and chairwomen and members of the working groups, the Secretariat, UNEP, the rapporteurs, the interpreters

and the technical staff, and after the Committee had applauded the Chairman, the meeting was closed at 17h30.