

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Thirteenth meeting of the Conference of the Parties
Bangkok (Thailand), 2-14 October 2004

Twelfth session: 11 October 2004: 14h10-17h35

Chairman: M. Brasher (United Kingdom)

Secretariat: J. Barzdo
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Rapporteurs: J. Caldwell
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Interpretation and implementation of the Convention

Trade control and marking issues

46. Retrospective issuance of permits

The delegation of the Netherlands, on behalf of the 25 Member States of the European Community, introduced document CoP13 Doc. 46 including, in the Annex, proposed amendments to Resolution Conf. 12.3. They agreed with the changes to the proposed amendments suggested by the Secretariat in paragraph C of the document. The delegation of the United States of America suggested additional changes to the proposed amendments to section XIII, paragraph c), subparagraph i) and to the proposed new paragraph e), indicating that, while they supported some expansion of the scope for retrospective issuance of permits under Resolution Conf. 12.3, this should be limited to permits for personal and household effects. The delegation of Switzerland supported the amendments proposed in document CoP13 Doc. 46 and, noting that personal and household effects were already subject to an exemption, opposed the additional changes put forward by the delegation of the United States. Regarding the proposed amendment to Section XIII, paragraph d), subparagraph ii) of Resolution Conf. 12.3, the delegation of Argentina suggested that the information on exemptions referred to in that paragraph should be included in annual reports to the Secretariat rather than in biennial reports.

The Chairman asked the delegation of the Netherlands to revert to the Committee with a revised proposal, in the light of the discussion and after consultations during the session as necessary.

47. Use of the source code 'R' for ranched specimens: revision of Resolution Conf. 12.3 on Permits and certificates

The delegation of the United States introduced document CoP13 Doc. 47, a proposed amendment to Resolution Conf. 12.3 intended to clarify the definition of ranching. They noted that the term was not in the text of the Convention and only defined in Resolution Conf. 11.16 regarding trade in ranched specimens of species transferred from Appendix I to Appendix II. In the document the Secretariat had suggested a minor change to the proposed amendment, with which the United States concurred. The Secretariat noted the need for additional text to indicate that the source code 'R' may also be used to refer to specimens from ranching operations of populations transferred to Appendix II under Resolutions on ranching that existed before Resolution Conf. 11.16.

The delegation of the Netherlands, on behalf of the Member States of the European Community, noted that recent discussions in the Animals and Plants Committees had highlighted problems with the definition and use of source codes and believed that the definition of ranching should be addressed by a proposed joint working group of those Committees that would be discussed under agenda item 49. The delegations of Israel and the United States believed the definition of ranching needed to be clarified now. The Chairman, noting that further progress on this agenda item would be problematic until agenda item 49 had been discussed, asked the delegation of the United States to introduce that item.

49. Production systems for specimens of CITES-listed species

The delegation of the United States introduced document CoP13 Doc. 49, Annex 1 of which contained a draft decision, directed jointly to the Animals and Plants Committees, regarding the establishment of a working group on production systems for CITES-listed species, and setting out terms of reference. The Chairman also drew the attention of the participants to a related recommendation of the Animals Committee, recommendation 2 in the Annex to document CoP13 Doc. 9.1.1, that the Animals and Plants Committees should be jointly involved in examining the definitions of the different production systems for animals and plants and determine the appropriate source codes for each. The establishment of a working group was supported by the delegations of Israel and the Netherlands, on behalf of the Member States of the European Community, and by the observer from TRAFFIC who emphasized the importance of accurate reporting of sources. The delegation of the Netherlands, on behalf of the Member States of the European Community, proposed that the working group's terms of reference also take into account work on economic incentives and include specific reference to defining ranching. After some discussion, it was agreed to add to paragraph b) of the draft decision an additional subparagraph reading consider the definition of 'ranching' within the context of previous CITES Resolutions. With this amendment, the draft decision in Annex 1 to document CoP13 Doc. 49 was agreed.

Strategic and administrative matters

9. Committee reports and recommendations

9.1 Animals Committee

9.1.1 Report of the Chairman

The second recommendation of the Animals Committee in the Annex to document CoP13 Doc. 9.1.1 was agreed.

Interpretation and implementation of the Convention

Trade control and marking issues

47. Use of the source code 'R' for ranched specimens: revision of Resolution Conf. 12.3 on Permits and certificates

In the light of the agreement on document CoP13 Doc. 49, the United States withdrew its proposal in document CoP13 Doc. 47.

48. Use of marks and numbers in lieu of bill of lading numbers for CITES export and re-export documents for timber species: revision of Resolution Conf. 12.3 on Permits and certificates

The delegation of the United States introduced document CoP13 Doc. 48, a proposed amendment to Resolution Conf. 12.3, aimed at easing the process for import of timber shipments, particularly with regard to *Swietenia macrophylla*. They believed that, at the time of export, in lieu of the bill of lading/air waybill number, the official responsible for endorsing the export or re-export document could enter, in block 9 of the standard CITES form, identifying marks and numbers found on the shipment and, in block 15, a declaration that this had been done. The delegations of Ecuador, Mexico and Peru, while sharing the concerns of the United States regarding timber import procedures, believed the controls in place in the range States were adequate and opposed the

proposal. The Secretariat thought that the problem might be specific to the United States and that the proposed amendment could cause confusion amongst Customs officials elsewhere. The delegation of the United States believed all timber-importing Parties suffered similar problems but were prepared to discuss the issue further in the Plants Committee and withdrew that proposal.

50. Plant specimens subject to exemptions

The delegation of Switzerland introduced document CoP13 Doc. 50, which proposed amendments to Resolutions Conf. 11.11 and Conf. 12.3, stating that they agreed to the changes to the proposed amendment to Resolution Conf. 11.11 suggested by the Secretariat in paragraph B of the document. They also introduced a further change to the proposed amendment to Resolution Conf. 12.3, suggested by Mexico, adding, at the end of the paragraph beginning AGREES FURTHER, after "the provisions of CITES", the words and additionally it may be stated to which exemption this refers, and if there is evidence, the actual country of origin may be indicated. However, they expressed doubt as to whether the additional language proposed by Mexico was necessary. The delegation of the Netherlands, on behalf of the Member States of the European Community, while generally supporting Switzerland's proposal, shared their doubts regarding the need for the text referring to the country of origin. The delegation of the United States expressed the view that for re-export of a specimen that had become subject to CITES control after import, the country of re-export was the country of origin for CITES purposes. With regard to the additional amendment put forward on behalf of Mexico, the delegation of the United States suggested that the words after "this refers" should be deleted. The delegation of Mexico concurred.

The delegation of Chile raised concerns about coordination with ongoing discussions in Committee I on revision of Resolution Conf. 11.11. The Secretariat referred to its comment in paragraph C of document CoP13 Doc. 50, clarified that Committee I was not addressing plant specimens subject to exemptions in its consideration of Resolution Conf. 11.11, and noted that any amendment to Resolution Conf. 11.11 would be adopted on the understanding that the text would be inserted into the Resolution on regulation of trade in plants, irrespective of other amendments to that Resolution. The Secretariat would deal with the appropriate integration of amendments adopted by the Conference of the Parties into the Resolution.

The Committee agreed the amendments to Resolutions Conf. 11.11 and Conf. 12.3 proposed in the Annex to document CoP13 Doc. 50, with the amendments suggested by the Secretariat in paragraph B of the document, and with the addition of the phrase and additionally it may be stated to which exemption this refers. after "provisions of CITES" at the end of the final paragraph amending Resolution Conf. 12.3.

52. Definition of plywood of *Swietenia macrophylla*: revision of Resolution Conf. 10.13 on implementation of the Convention for timber species

The delegation of the United States introduced document CoP13 Doc. 52, explaining that as many countries had differing definitions of mahogany plywood, the proposed resolution in the Annex to the document, which had been endorsed by the Plants Committee, was intended to bring consistency.

The proposed resolution in the Annex to document CoP13 Doc. 52 was agreed.

Species trade and conservation issues

26. Conservation of and trade in great apes

The delegation of Netherlands, on behalf of the Member States of the European Community, introduced document CoP13 Com. II. 16, with the addition of new text in paragraph d) under "URGES". Their proposed new paragraph read:

limit the international use of great apes to nationally approved zoological institutes, educational centres, rescue centres and captive breeding centres in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

A lengthy debate followed on how to amend this text to take into account that many countries have no system for approving zoological institutions and to include an indication of the standards of animal husbandry that would be expected. However, finally, the new paragraph was agreed as proposed.

In that part of the draft resolution directed to Parties, under "URGES", it was agreed to replace the words "to protect great apes, including" to which includes and to replace the term "transfrontier" with cross-border in paragraph e). Following concerns raised by the delegation of Nigeria, it was agreed to delete paragraph c).

The delegation of Australia suggested replacing "prohibiting" with preventing in the ninth preambular paragraph, starting "ALSO RECOGNIZING" and this was agreed. It was also agreed to move the word "illegal" in the seventh preambular paragraph to immediately before the word "trade" in the same sentence.

The draft resolution in document CoP13 Com. II. 16 was agreed as amended.

Strategic and administrative matters

12. Cooperation with other organizations

12.1.1 Achieving greater synergy in CITES and CBD implementation

The delegation of the Netherlands, on behalf of the Member States of the European Community, introduced document CoP13 Com. II. 17, explaining the amendments that had been made, in consultation with Parties and the Secretariat, to the earlier version in document CoP13 Com. II. 2. Following requests for clarification by the delegations of Ghana and Bulgaria as to the precise significance of the phrase "access and benefit sharing," it was agreed that the following footnote should be added: "terminology as used in the Vilm report".

The delegation of Mexico pointed out an inconsistency between the English and Spanish versions of the document in the reference to "access and benefit sharing". It was agreed that the Spanish would be adjusted to match the English. The delegations of New Zealand and Australia wished to put on record their understanding that the term "sustainable use" was to be taken as referring to both consumptive and non-consumptive use.

The draft decision contained in CoP13 Com. II. 17 was agreed as amended.

The delegation of the United States wished it to be noted that the United States had not joined the consensus.

General compliance issues

23. Enforcement matters

The delegation of the Netherlands, on behalf of the Member States of the European Union, introduced the draft decision contained in document CoP13 Com. II. 10, explaining that it had been drafted to reflect the importance of capacity building in enforcement.

The delegation of Mauritius, supported by Saint Lucia, proposed the addition of and small island developing states after "countries with economies in transition". This was agreed.

The delegation of Fiji, on behalf of the Oceania region, while expressing appreciation for the support given to countries of the region by the Secretariat, TRAFFIC and the United Kingdom of Great Britain and Northern Ireland, said that further assistance would be needed to permit countries, in particular the small island developing states, to participate in the permanent committees. They undertook to submit a draft decision on that matter on the following day.

The draft decision contained in document CoP13 Com. II. 10, as amended, was agreed.

Exemptions and special trade provisions

56. Operations that breed Appendix-I species in captivity for commercial purposes

56.3 Relationship between *ex situ* breeding and *in situ* conservation

56.3.2. Relationship between commercial *ex situ* breeding operations and *in situ* conservation of Appendix-I species

The delegation of Mexico introduced document CoP13 Com. II. 13, drawing attention to the changes that had been made relative to the version in document CoP13 Doc. 56.3.2. They also read out one final change, merging the preambular paragraphs beginning "RECOGNIZING" and "RECALLING" into a single one, to read:

Recalling Decision VII/19 adopted at the Seventh Conference of the Parties of the Convention on Biological Diversity on access and benefit sharing, as they related to genetic resources;

The delegation of Australia said that they would need time to study Decision VII/19 of the CBD and the Chairman said that the Committee would return to the item on the following day.

Trade control and marking issues

46. Retrospective issuance of permits

The delegation of the Netherlands, on behalf of the Member States of the European Union, having consulted interested Parties, announced their amendments to the text presented in the Annex to document CoP13 Doc. 46, to revise Resolution Conf. 12.3.

In the proposed new subparagraph c) of section XIII, the words as personal and household effects (for the purposes of this resolution, this would include live pets travelling with their owner) were to be added, and the phrases "for primarily non-commercial purposes" and "or that there were exceptionally extenuating circumstances" were to be deleted.

In the proposed new subparagraph e) of section XIII, the words "Parties are further urged to make provision" should be replaced by In cases where retrospective permits are issued for personal and household effects as referred to in paragraph i) above, Parties make provision. In the same subparagraph, after "subsequent sales", the words within the next six months were to be added.

The proposed revision of Resolution Conf. 12.3, as contained in the Annex to document CoP13 Doc. 46, as amended, was agreed.

The session was closed at 17h30.