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

Tenth session: 8 October 2004: 14h10-17h10

Chairman: H. Dublin

Secretariat: T. De Meulenaer

D. Morgan M. Schmidt G. van Vliet

UNEP: N. Rotich

Rapporteurs: H. Corrigan

T. InskippA. StattersfieldA. St. John

Interpretation and implementation of the Convention

Amendment of the Appendices

59. Standard nomenclature

59.1 Standard nomenclature for birds

Responding to a request by the Committee at its seventh session, the delegation of Mexico presented the text of the draft decision, to read:

The Nomenclature Committee shall conduct a review of the status of the standard nomenclature references adopted for the species of the Class AVES listed in the Appendices, shall inform the Conference of the Parties on the matter at its 14th meeting and, if necessary, recommend the changes involved in updating them.

The draft decision was accepted.

Strategic and administrative matters

9. Committee reports and recommendations

9.2 Plants Committee

9.2.1. Report of the Chairman

Responding to a request by the Committee at its sixth session regarding the draft decision directed to the Secretariat in Paragraph 42 of document CoP13 Doc. 9.2.1, the delegation of Australia proposed, as the most appropriate solution, that a new paragraph be inserted after the first "RECOGNIZES" in Resolution Conf. 8.3 on Recognition of the benefits of trade in wildlife, to read:

RECOGNIZES that implementation of CITES-listing decisions should take into account potential impacts on the livelihoods of the poor.

Following some further discussion the proposed amendment to Resolution Conf. 8.3 was accepted.

Interpretation and implementation of the Convention

Amendment of the Appendices

60. Proposals to amend Appendices I and II

The Chairman (South Africa) of the drafting group revising proposal CoP13 Prop. 37 on *Hoodia* spp. reported that the group had been unable to revise the annotation without expanding the scope of the proposal. They presented the original proposal CoP13 Prop. 37 and stated that if the proposal were accepted they would submit a revised annotation for consideration at CoP14. They were supported by the delegations of Kenya, Namibia and the United States of America. The delegation of the Netherlands, on behalf of the 25 Member States of the European Community, opposed the proposal. The Chairman asked the Committee to vote. The result was 49 in favour, 10 against and there were 42 abstentions (see the Annex). Proposal CoP13 Prop. 37 was accepted.

The Chairman (South Africa) of the working group dealing with proposals CoP13 Prop. 40 and 41 on orchid hybrids reported that the group had been unable to combine the two proposals as they were substantially different in approach. However the group believed there was a close relationship between proposals CoP13 Prop. 40 and 42. He noted that the Chairman of the Plants Committee was in discussion with the delegation of Thailand concerning a revision to proposal CoP13 Prop. 40. After some clarification, the Chairman requested the working group to continue its work, with a revised mandate to review the possibility of merging proposals CoP13 Prop. 40 and 42. South Africa was no longer part of the working group, which would now be chaired by Australia, with Kenya joining the group as the new representative for Africa.

Returning to proposal CoP13 Prop. 47, concerning *Taxus wallichiana*, the delegation of the Netherlands, on behalf of the Member States of the European Community, presented a proposed amendment to the annotation. However, they said they would not oppose the proposal as originally presented if their amendment were deemed to widen the scope of the proposal. The Chairman ruled that this was the case, and the Netherlands, on behalf of the Member States of the European Community, withdrew its proposed amendment. Proposal CoP13 Prop. 47 was then accepted.

The delegation of China introduced proposal CoP13 Prop. 48, jointly proposed by China and the United States, to include *Taxus chinensis*, *T. cuspidata*, *T. fuana* and *T. sumatrana* and all infraspecific taxa of these species in Appendix II, excluding seeds and pollen, and finished pharmaceutical products. The delegation of the United States added that the proposal had arisen as a result of the Plants Committee urging the United States to work on these species with the range States. The delegations of India, Indonesia, and Liberia, and the observer from TRAFFIC supported the proposal. The delegation of the Netherlands, on behalf of the Member States of the European Community, supported the proposal contingent on amendment of the annotation to include the following:

Exempt: Whole artificially propagated plants in pots or other small containers, each consignment being accompanied by a label or document, stating the name of the taxon or taxa and the text: 'artificially propagated'.

The delegations of Japan and the Republic of Korea did not support the proposal. The former considered that populations of *T. cuspidata* in Japan were not threatened by international trade and should be excluded. The latter averred that there had been insufficient consultation with all range States and considered that *T. cuspidata* should be excluded completely, as most of its range was in the Republic of Korea, where it was not threatened. The delegation of the United States was not in favour of making changes that would result in a split-listing with attendant problems of securing effective control.

The delegation of the Republic of Korea suggested adding a further annotation to exempt plant biomass produced as a result of new technologies, but the delegations of China and the United States believed that this would result in enforcement difficulties. After some further discussion, the delegations of Japan and the Republic of Korea withdrew their objections, and proposal CoP13 Prop. 48 was accepted as amended by the delegation of the Netherlands, on behalf of the Member States of the European Community.

The Chairman read the list of proposals for fauna, referring to them by number and requesting that Parties who wanted substantive discussion on a proposal indicate their request.

Proposals CoP13 Prop. 23, regarding the inclusion of *Chelodina mccordi* in Appendix II, and CoP13 Prop. 34, regarding the deletion of the annotation "sensu D'Abrera" for *Ornithoptera* spp., *Trogonoptera* spp. and *Troides* spp., were accepted without discussion.

The delegation of the United Kingdom of Great Britain and Northern Ireland, on behalf of the Member States of the European Community, presented proposal CoP13 Prop. 1 regarding inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to exclude various specimens and products from CITES controls for all species included in the Appendices. Referring to the Appendix to Annex A in document CoP13 Inf. 37, they suggested several amendments to the proposal. However the delegation of China, supported by the delegation of the United States, stated that they believed that the addition of RNA to the original proposal expanded its scope. The Chairman agreed with this view. The delegation of Mexico, supported by the delegations of China, Colombia, Peru, the United Republic of Tanzania and Uganda, opposed the proposal, arguing that it would have substantive impact and create implementation problems. The delegation of Brazil agreed with the comments of the delegation of Mexico, adding that they had general problems with this proposal and proposal CoP13 Prop. 2. The delegation of the United States also opposed the proposal and noted that they believed the term "in-vitro cultivated" was not standard terminology. In light of the opposition and concerns voiced, the delegation of the Netherlands, on behalf of the Member States of the European Community, withdrew the proposal.

The delegation of Switzerland, as Depositary Government and at the request of the Standing Committee, introduced proposal CoP13 Prop. 2 to include a new paragraph after paragraph 4 in the Interpretation section of the Appendices, which would remove the following from control for all species included in the Appendices: a) *in-vitro* cultivated DNA that does not contain any part of the original; b) urine and faeces; c) various pharmaceutical products; and d) fossils. The delegation of the United States expressed support for the proposal, providing that the wording in paragraphs a) and c) was amended and that the term 'fossil' in paragraph d) was clearly defined. The delegation of Mexico, supported by the delegations of Belize, China, the Gambia and Uganda, opposed the proposal, noting that many of the comments made regarding proposal CoP13 Prop. 1 applied to this proposal. The delegation of Switzerland proposed to amend the proposal by deleting paragraphs a) and c). The delegation of Mexico opposed the amended proposal, noting that trade in urine from wild animals might have a detrimental impact on the populations of those animals. The delegation of Switzerland then withdrew the proposal.

The delegation of Thailand introduced proposal CoP13 Prop. 3 to transfer *Orcaella brevirostris* from Appendix II to Appendix I. The delegations of Australia, Canada, Germany, on behalf of the Member States of the European Community, and Myanmar strongly supported the proposal, the delegation of Australia noting that populations were small and disjunct, and that demand from aquaria was predicted to grow. The delegation of Japan, supported by the delegations of Gabon and Norway, opposed the proposal, noting that there had been no comprehensive surveys of coastal waters but that the population of the species was estimated to number at least 30,000. They also believed that the small number caught for aquaria were not a conservation concern, and that threats to the species could be dealt with through regional management. The delegation of Japan requested a secret ballot and the proposal was accepted, with 73 in favour, 30 against and 8 abstentions.

The session closed at 17h10.

Agenda item 60 – Result of the vote on proposal CoP13 Prop. 37.

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