

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

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Forty-third meeting of the Standing Committee  
Gigiri (Kenya), 8 April 2000

SUMMARY REPORT

Members:

Africa:	Burkina Faso Namibia Sudan
Asia:	Japan Saudi Arabia
Central and South America and the Caribbean:	Argentina Panama
Europe:	Italy Russian Federation United Kingdom (Chairman)
North America:	Mexico

Observers:

China  
France  
Germany  
Kenya  
Netherlands  
South Africa  
Spain  
United Republic of Tanzania  
United States of America

UNEP  
European Commission

Secretariat:

W. Wijnstekers  
J. Armstrong  
J. Sellar

Rapporteurs:

J. Caldwell  
M. Groves  
M. Jenkins  
C. Lippai  
J. Roberts

1. Opening remarks by the Chairman

The Chairman opened the meeting stating that he considered this 43rd meeting of the Standing Committee to be essentially a business meeting and noted that that there would not be time for substantive debates on major policy issues.

The representative of UNEP welcomed observers to the UNEP headquarters and invited all participants to report any problems concerning facilities to UNEP staff. He concluded by wishing success for the meeting.

2. Acceptance of credentials

The Secretary-General suggested that, in view of the process of registration for the 11th meeting of the Conference of the Parties, there was no need for the usual formal process of checking of credentials. There was no comment from the members of the Standing Committee and this suggestion was accepted.

3. Adoption of the Agenda

The Chairman asked whether any items should be added to the provisional agenda. He noted that there was a question of UNEP's administrative charge on counterpart contributions, which would be discussed under Agenda Item 10, Any other business.

The representative of Central and South America and the Caribbean (Argentina) requested that there be a discussion on a proposal concerning security stamps. It was agreed to add this under Agenda Item 10.

The representative of Europe (United Kingdom) requested a discussion regarding a proposal on the development of a Masters degree programme on international wildlife trade. He added that the documents had already been circulated in English and Spanish. It was agreed to include this under Agenda Item 10.

The observer from the United States of America put forward a question concerning Rules of Procedure and asked whether it should be raised under Agenda Item 5 or 10. The Chairman suggested that it be raised under Item 5.

The Agenda was adopted as amended.

4. Composition of the Bureau of the 11th meeting of the Conference of the Parties

The Secretary-General noted that, under Rule 15 of the Rules of Procedure of the Conference of the Parties, the Bureau would include the Chairmen of Committees I and II, the Budget Committee and the Credentials Committee, the members of the Standing Committee and the Secretariat. He explained that in the absence of a host country UNEP had proposed Ambassador B. Asadi of the Islamic Republic of Iran as Chairman of the meeting. Professor M. Clemente Muñoz of Spain had been proposed as Chairman of Committee I and Veit Koester of Denmark as Chairman of Committee II. All three were proposed by the Secretariat and UNEP. There were no further comments and the proposed candidates were agreed.

The Chairman invited proposals for candidates to be appointed as Vice-Chairmen of the meeting and all Committees. Representation was currently missing from the regions of

Africa, Central and South America and the Caribbean and Oceania. The Chairman suggested that this issue be returned to later.

## 5. Other matters related to the organization of the 11th meeting of the Conference of the Parties

### 5.1. Appointment of a mediator in case of disputes

Following previous discussions in the Standing Committee, the Secretariat had been asked to appoint a mediator to assist the Bureau in cases of dispute, and only bring issues of note to the Bureau. UNEP had been invited to suggest a candidate for this role and had proposed Mr D. Kaniaru.

The Chairman asked the Secretariat to clarify the history behind this decision. The Secretariat explained that the situation has arisen because of a change in the Rules of Procedure on documentation. In the past, documents from observers had been scrutinized by the Secretariat before distribution. Document Doc. SC42.6.2 Annex referring to the organization and procedures for meetings of the Conference of the Parties raised the problem of how to deal with complaints regarding inappropriate behaviour of participants at the meeting. It had been suggested that there be a formally appointed mediator. The Chairman thanked the Secretariat for the explanation and stated that a candidate had been identified for this position.

The observer from the United States of America, supported by the observer from Germany, expressed concern about Rule 29 of the Rules of Procedure for the following reasons:

- i) Complaints could be triggered not just by Parties but by non-governmental organizations (NGOs) and other observers; the mediator might therefore become a referee between two NGOs with opposing views, resulting in an increased workload for the Bureau;
- ii) Rule 29, paragraph 4 addressed the exclusion of an observer at a closed meeting. The observer from the United States of America felt this would be a violation of the Convention as it would negate the full right of participation, except voting, by observers.

The Chairman asked for the opinion of the Standing Committee on how to amend the Rules of Procedure, noting that this could result in the deletion of Rule 29 and a return to the previous Rules of Procedure. He pointed out that these new Rules of Procedure had been agreed by consensus at the 42nd meeting of the Standing Committee and that the Secretariat had proceeded correctly. He then suggested that the approach contained in the provisional Rules be followed for the 11th meeting of the Conference of the Parties and that, if it did not work, it could be addressed for the 12th meeting.

The representative of Europe (United Kingdom) suggested that it was up to the Standing Committee to give guidance to the mediator and that disputes between NGOs should not be brought before the Bureau. The Chairman clarified that it was the intention that the mediator would deal with situations where a Party was involved. He agreed that the Secretariat should point this out in guidelines for the mediator and that an amendment might be required to Rule 29. The Secretary-General suggested the following amendment to Rule 29, paragraph 4 in response to the second concern expressed by observer from United States of America:

The Bureau shall decide on appropriate action which may as a last resort include either a proposal to the Conference of the Parties to withdraw the right of admission of an organization to the meeting or a formal complaint to the Party.

The Chairman clarified that this would mean that the exclusion of an organization could only be agreed at a plenary session of the meeting of the Conference of the Parties. In answer to a request for clarification from the observer from Kenya, the Chairman further explained that any Party or observer had the right to complain and that guidelines would be issued to the mediator.

After some clarification, this amendment was agreed.

The observer from the United States of America returned to the question of non-admittance of the public to closed sessions and asked whether this meant that accredited observers would also be excluded. In response to this and to questions from the observers from China and South Africa, the Secretary-General explained that observers must apply for accreditation one month prior to the meeting. Any person who does not meet this deadline may attend the meeting only as a visitor, with no rights to speak. The same visitor status would also apply to observers from organizations that had been refused accreditation by their Management Authority. The observer from the United States of America was satisfied with this explanation.

The representative of Asia (Japan) expressed concern that there was no item in the Agenda of the 11th meeting of the Conference of the Parties on the issue of the official CITES letterhead. The Chairman pointed out that it had been agreed at the 42nd meeting of the Standing Committee that the old CITES letterhead would only be used for Notifications and that this arrangement would remain in place until the 11th meeting of the Conference of the Parties. The Secretariat added that they did not believe that there was a requirement to include this in the Agenda, but that the issue could be raised in an appropriate forum (Committee I or II). The representative of UNEP noted that no other conventions had expressed concern about the placement of the UNEP logo and indeed not all conventions had a logo of their own. The representative of Asia (Japan) in response to a request from the Chairman, agreed to discuss this matter bilaterally with UNEP.

The observer from Kenya referred to Rule 11, paragraph 3, and the issue of seating allocation of delegates. The Secretariat clarified that there would be four seats available for each delegation and that other participants in the delegation would be seated towards the back of the room, as would the observers, and visitors would be seated in the mezzanine areas.

Referring to Rule 11, paragraph 2, the representative of Africa (Namibia) asked whether any Parties belonging to a regional economic integration organization had requested that they be seated together. The Chairman confirmed that the European Union had formally approached the Secretariat and would be seated together. The observer from the United States of America and the representative of Africa (Namibia) hoped that this problem would be addressed before the start of the meeting of the Conference of the Parties, in order to facilitate seating arrangements.

The Chairman suggested three options:

- i) deletion of Rule 11, paragraph 2;
- ii) retention of Rule 11, paragraph 2 at this point and then transfer for discussion in the plenary session; or
- iii) retention of Rule 11, paragraph 2, on the understanding that no further applications would be made at the 11th meeting of the Conference of the Parties.

The Chairman invited the observer from the European Commission to take the floor. The latter stated that there was no wish to be disruptive to the proceedings of the meeting of the Conference of the Parties, and that they were happy to follow any arrangements as suggested.

The Secretariat pointed out that the seating together of the members of the European Union would not result in block voting, but that each Party would have individual name plates and voting rights. He added that the Standing Committee had agreed to this decision, but that no other organization would be asking for this arrangement as the footnote was clear on the definition of a regional economic integration organization.

In response to the Chairman's request for agreement on this matter, the observer from New Zealand proposed deletion of Rule 11, paragraph 2, as they felt that it would set a precedent for block voting. This was supported by the representatives of Central and South America and the Caribbean (Argentina) and Africa (Namibia). The Chairman agreed that as the Gaborone Amendment had not yet come into force there was no need to complicate the situation further and thus it was agreed that Rule 11, paragraph 2, should be deleted from the Provisional Rules of Procedure and a revised version should be presented to the Conference of the Parties for approval.

#### 6. Implementation of the Convention in individual countries: Democratic Republic of the Congo

The Secretariat introduced document Doc. SC.43.6 outlining the actions taken by the Democratic Republic of the Congo and the Secretariat. They explained that, following a technical mission to the country in June 1999, the Democratic Republic of the Congo had provided the Secretariat with draft legislation. Comments on the draft legislation were subsequently integrated into the text and a Ministerial Decree was enacted on 28 March 2000. The Secretariat stressed that this environmental legislation was one of the most comprehensive in francophone Africa and could serve as a model for future assistance to other Parties. The Secretariat acknowledged that the Democratic Republic of the Congo had fully met the conditions set by the Standing Committee at its 41st Meeting and recommended that Decision 10.18, paragraph a) no longer applied to the Democratic Republic of the Congo. This recommendation was supported by the representative of Africa (the Sudan), the representative of North America (Mexico) and the representative of the previous host country (Zimbabwe).

The Chairman noted that there was consensus and the Secretariat's recommendation was agreed.

## 7. Matters relating to elephants

The Chairman recalled that the Standing Committee was responsible for overseeing the experimental trade in ivory stocks. He added that the report of this activity had been summarized in a document, a draft of which had been circulated to Standing Committee members before submission to the Secretariat, and which was to be presented at the 11th meeting of the Conference of the Parties.

He stated that the fourth meeting of the Dialogue between African Elephant Range States, chaired by Dr Yared (Ghana) had taken place from 4 to 7 April 2000. He reported that significant progress had been made and a document was in the process of being drafted.

Finally, the Chairman reported that a letter of intent had been received from the European Commission pledging EUR 4 million towards the implementation of MIKE. He stressed the importance of such a financial contribution, which would provide MIKE with a chance to continue and succeed.

The Secretariat reported that a formal presentation of the resulting communiqué would be made during the 11th meeting of the Conference of the Parties and circulated as an official document.

In response to a question raised by the observer from Germany as to whether the dialogue would continue during the 11th meeting of the Conference of the Parties, the Chairman explained that it needed to continue as further adjustments were required. He added that this could affect the order of items to be considered by Committee I. The Chairman of Committee I would therefore be asked to allow time to be given for further dialogue.

The Secretariat added that the Chairman of Committee II would also need to be notified of any delay in considering the elephant proposals in order that delegates attending the Committee II meeting could timetable their attendance at any elephant debate or discussion taking place elsewhere.

The Chairman recommended that the Bureau coordinate the meeting to allow more time for further dialogue on the elephant issue and agree the timing of other substantive issues to be raised in both Committee I and Committee II.

The observer from South Africa expressed concern that, because extra time was required for further dialogue between the range States, the relevant documents should be presented early in the proceedings. The Chairman suggested that the Bureau should ask for the establishment of a working group on the first day of the meeting. This suggestion was supported by the representative of the Previous Host Country (Zimbabwe) and by the observer from Kenya.

The observer from the United States of America noted that, under the Rules of Procedure of the Conference of the Parties, the proposal from South Africa would be voted upon first, followed by the proposals from Botswana, Namibia and Zimbabwe, and finally the proposals from India and Kenya. However this did not prevent discussion of all of the elephant proposals at the same time.

The observer from South Africa asked that a decision be deferred until an early meeting of the Bureau to allow the proponents to discuss with the Chairman of Committee I the advantages and disadvantages of amending the order of debate.

## 8. Political tiger mission

The Secretariat said that document Doc. 11.30 Annex 2 provided a summary of the high-level political mission undertaken by the Secretariat and the Chairman of the Standing Committee to China, India and Japan following the technical missions to 14 range States, a report of which had been presented at the 42nd meeting of the Standing Committee in Lisbon.

With regard to China, the Secretariat noted that there were still some areas of concern, particularly with regard to technical support in law enforcement. With regard to India, the Secretariat had noted a number of concerns. They were impressed with the response of the Government of Japan to the comments and recommendations of the visiting team. The Secretariat concluded by stating that the report provided a list of strategic recommendations from the team, which would be considered during the 11th meeting of the Conference of the Parties.

The Chairman thanked all three Parties concerned for their support and added thanks to the TRAFFIC Network, noting that the missions could not have taken place without their expertise and cooperation.

The observer from China thanked the Secretariat for helping with the mission and their assistance in technical improvements for tiger conservation in the wild.

## 9. Cross-border movement of live animals

The Chairman referred to document Doc. SC.43.9 and explained that no consensus had been reached on the issue, noting particularly that the Secretariat was of the opinion that there was insufficient justification for changing the current provisions applicable through Resolution Conf. 8.16 concerning travelling live-animal exhibitions.

The observer from the United States of America commented that a working group had considered this issue through two meetings of the Standing Committee and recognized the difficulty in resolving the complex issues easily and quickly. He referred to the 42nd meeting of the Standing Committee and the understanding that the Secretariat should to produce a multiple-use permit form and hoped that this issue would be moved forward at the 11th meeting of the Conference of the Parties.

The Secretariat expressed its belief that the draft resolution produced by the United States of America (in document Doc. SC.43.9 Annex 2) was not an improvement on Resolution Conf. 8.16, but acknowledged that it was difficult to improve the wording of this resolution and maintain compatibility with the text of the Convention. They suggested that Annex 2 to the draft resolution be used as an addendum to Resolution Conf. 8.16 and that this be presented at the 11th meeting of the Conference of the Parties, adding that technical problems could be tackled at future meetings. The Chairman concurred.

## 10. Any other business

### 10.1 UNEP report

The representative of UNEP presented document Doc. SC.43.10.1 and explained that UNEP had undergone major restructuring including the establishment of a Division of Environmental Conventions. He stressed that UNEP was actively promoting collaborative synergies between CITES and other multilateral environmental agreements (MEAs), such as the Convention on Biological Diversity

(CBD) and the Framework Convention on Climate Change (UNFCCC), and drew attention to a workshop on illegal trade, held in Geneva, that involved both Interpol and the World Customs Organization (WCO). He noted the establishment of a Compliance and Enforcement Unit in the Secretariat and stressed the need to streamline national reporting by members of MEAs.

He reported that UNEP, in cooperation with IUCN, had developed a Web-based information service on environmental law, ECOLEX, where the legal text of over 480 environmental treaties, including CITES, CBD and Ramsar, was available on-line at <http://www.ecolex.org>. It was hoped that complementary national legislation would be included on the website in the near future.

A recent development not mentioned in the report was that the World Conservation Monitoring Centre (WCMC) had become part of UNEP and, in this connection, the representative of UNEP thanked the Government of the United Kingdom for its technical and material support. He added that this would strengthen UNEP's regional activities on monitoring and management of biodiversity data, which would be focusing on five regional action plans for the period 2000-2001, these being the Cartagena, Lima, Nairobi, Red Sea and East Asian Seas Action Plans.

UNEP was looking to provide financial support to CITES and had initiated discussions with CITES and the Convention on the Conservation of Migratory Species of Wild Animals (CMS) to provide support to biodiversity initiatives.

The Chairman thanked UNEP for its support for the 2000-2001 financial period and asked the Secretariat to provide UNEP with potential projects. With regard to financing, he referred Parties to the Budget Committee of the 11th meeting of the Conference of the Parties, where finances, accounting and administrative support would be discussed in detail.

The Secretariat drew attention to document Doc. 11.12.3 dealing with synergy with other MEAs and reported that presentations concerning collaboration and synergies would be made by representatives of these agreements.

The regional representative of Asia (Japan) asked for clarification on paragraph 18 of document Doc. SC.43.10.1 regarding the relationship between UNEP and CITES. The Secretariat explained that the title of the paragraph was misleading and should refer to the relationship between UNEP and the secretariats of conventions administered by them.

The Chairman adjourned the meeting at 12h00.

#### Second session: 8 April 2000: 14h20-15h00

##### 10.2 UNEP administrative charges

The Chairman introduced the item, noting that the UNEP Governing Council had agreed that the Executive Director of UNEP should impose the 13 per cent administrative charge on voluntary contributions as well as on the obligatory contributions to the trust funds of those conventions that UNEP was responsible for administering, including CITES. At present, such additional voluntary contributions

were exempt from the charge. The Chairman had agreed with the Executive Director to discuss this matter with the Standing Committee.

The representative of Central and South America and the Caribbean (Argentina) noted that in discussions members of the Standing Committee had expressed strong disagreement with the proposed change. She suggested that, if it were implemented, in future additional contributions would be transferred direct to the user rather than being channelled through the Secretariat. The observer from the United States of America echoed these comments and suggested that the imposition of the charge would have a chilling effect on voluntary contributions. The representative of Europe (United Kingdom) further noted that the United Kingdom had in view of these concerns already asked for the return of money deposited as a voluntary contribution with the Secretariat.

The representative of Asia (Japan) supported the previous speakers and also asked the Chairman to seek clarification from the Executive Director of UNEP on the precise use of the current 13 per cent administrative charge levied on the obligatory contributions to the Trust Fund.

In response to a suggestion from the observer from the United States of America, and following some further discussion, it was agreed that the Chairman would attempt to reach a more satisfactory agreement with the Executive Director of UNEP within the next few days. He would report on this, and any response to the question raised by the representative of Asia (Japan), in the meeting of the Budget Committee during the 11th Meeting of the Conference of the Parties.

### 10.3 Security stamps

The representative of Central and South America and the Caribbean (Argentina) raised the issue of the use of forged security stamps in the illegal wildlife trade. She drew attention to a report produced by the Argentine aeronautical police that made suggestions for improvement in the system. The Secretariat reported that they were aware of the problem and had already had discussions with Argentina. It was agreed that the Secretariat would take appropriate action and report at the next meeting of the Standing Committee.

### 10.4 Proposal for a new Master's programme at the Durrell Institute of Conservation and Ecology (DICE)

The representative of Europe (United Kingdom) introduced document SC.43 Inf. 1, which outlined a proposal for a new MSc programme in International Wildlife Trade and Conservation to be run by DICE at the University of Kent, Canterbury, United Kingdom. It was hoped to obtain endorsement of the programme and permission to use the CITES logo in materials connected with it.

The representative of Europe (United Kingdom) noted that the aims of the proposed programme were in line with the draft strategic plan for CITES. He lauded the work of the University of Cordoba in Spain, which offered a similar Master's course, but considered that the two courses would be complementary rather than competitive. In particular, DICE intended to introduce consideration of CITES into more general Master's programmes in addition to offering specialized training in implementation of the Convention, which was the principal focus of the course at Cordoba.

The Secretariat welcomed the initiative but was anxious that duplication of effort be avoided. They suggested that the two universities come to some agreement as to how to divide the work. The observer from Spain was delighted to hear of the DICE initiative and supported the Secretariat's suggestion concerning co-ordination.

The Standing Committee agreed to support the DICE initiative and to ask both universities to consult with each other to maximize complementarity.

#### 4. Composition of the Bureau of the 11th meeting of the Conference of the Parties

The Chairman recalled that candidates were needed for the remaining places on the Bureau. Janet Owen of New Zealand had volunteered to serve in some capacity and was nominated as Chairman of the Credentials Committee. The representative of Africa (the Sudan) proposed Emmanuel Severre of the United Republic of Tanzania as Vice-Chairman of the meeting or of one of the Committees. The representative of Asia (Saudi Arabia) proposed that China serve on the Credentials Committee. The latter agreed. The observer from the United States of America also indicated its willingness to serve on that Committee and it was noted that an additional two members would be required.

Following some administrative announcements, the Chairman thanked all the members of the Standing Committee who had worked closely with him during the previous three years, and wishing the forthcoming meeting of the Conference of the Parties every success, closed the meeting.