

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

Forty-fifth meeting of the Standing Committee
Paris (France), 19-22 June 2001

SUMMARY REPORT

1. Opening remarks by the Chairman..... (no document)

The Chairman and the Secretary-General gave speeches of welcome and of thanks to the host country (France) and the organizers.

2. Adoption of the Rules of Procedure (Doc. 2)

There was no objection to the idea of placing on the Secretariat's website documents received by the Secretariat for Standing Committee meetings as soon as they were available. However, it was understood that documents prepared by the Secretariat would be made available in the three working languages simultaneously.

As proposed by the Secretariat, it was agreed to amend Rule 20 of the Rules of Procedure to read as follows (new part in italics):

All documents submitted to the Secretariat by a Party, or submitted by an observer at the request of the Chairman, shall be placed on the Secretariat's website as soon as possible after they are received in the original language in which they have been submitted. The Secretariat shall distribute printed documents for any meeting at least 45 days before the proposed date of the meeting where they are to be discussed. The documents shall be provided to all members of the Committee, to all Parties that may be directly affected by any discussion of the documents and to all Parties that have informed the Secretariat of their intention to be represented at the meeting.

It was also agreed that, starting with the present meeting, the summary record produced in accordance with Rule 26 will comprise three parts for each agenda item:

- a) a short statement indicating the main points of the discussion (without referring to particular Parties);
- b) the text of any statement provided by any Party that was read into the record during the meeting; and
- c) the text indicating the decision that was made, exactly as it appears in the Executive Summary adopted during the meeting.

3. Acceptance of credentials (no document)

Credentials were accepted from the representatives of all members of the Committee and all Party observers, as well as one observer organization. The list of participants is attached as Annex 1.

It was agreed that verifiable copies of credentials would be acceptable for meetings of the Standing Committee.

4. Adoption of the agenda [Doc. 4 (Rev.2)]

The provisional Agenda in document Doc. 4 (Rev. 2) was adopted and the Chairman outlined the proposed working programme, which was agreed.

5. Implementation of the Strategic and Action Plans (no document)

The Standing Committee agreed to establish a working group to propose priorities for the workplan of the Secretariat and make recommendations to the Standing Committee concerning updates of the Action Plan. This group will report to the Standing Committee [see also item 7. a)]. The members of the working group are: Australia, China, Ecuador, France, Italy, St Lucia, South Africa (convenor), Tunisia, the United States of America and the Chairman of the Animals Committee and the Chairwoman of the Plants Committee.

6. UNEP Governing Council decision on international environmental governance..... (Doc. 6)

The Standing Committee noted the process leading up to the September 2002 World Summit on Sustainable Development. The Secretary-General undertook to keep the Parties informed of developments and he advised the members of the Standing Committee to contact their colleagues in their administration to ensure proper input from the Management Authorities.

7. Financial and administrative matters

a) Workplan of the Secretariat (Doc. 7.1)

In accordance with the recommendations of the Finance Subcommittee, it was agreed that the working group established under agenda item no.5 would also help prioritize the items in the Secretariat's workplan and help the Standing Committee develop a workplan to implement those items assigned to it in the CITES Action Plan.

b) Report of the Finance Subcommittee Doc. 7.2

The Committee accepted the report of the Finance Subcommittee in document Doc. 7.2.

i) Financial report for 2000 [Doc. 7.2.1 (Rev.1)]

The Standing Committee approved the financial report for 2000. There were concerns about the unspent balances over the last few years. It was agreed that the Secretariat should review the reasons for under-spending and propose mechanisms to improve the budgetary process.

ii) Anticipated expenditure in 2001 (Doc. 7.2.2)

It was agreed that some flexibility should be provided to the Secretary-General in managing the current year's budget. This should provide the possibility of transferring a yet-to-be-determined percentage from one budget item to another without further approval, provided that such action does not significantly affect any high-priority items. In such event, the Secretary-General should consult with the Chairman.

The Committee requested the Secretariat to propose a revision to the relevant text in Resolution Conf. 11.2 to reflect this decision and to present this draft for consideration at the 46th meeting of the Standing Committee.

It was agreed that, until this matter is finally decided at the 12th meeting of the Conference of the Parties, the Secretary-General should continue to consult with the Chairman of the Standing Committee should there be a need to adjust budget items.

iii) Payment of contributions by Parties [Doc. 7.2.3 (Rev.1)]

There were concerns about non-payments of the contributions by Parties that would affect the financial liquidity of the Trust Fund. It was noted that the issue of non-payment should be looked at in the broader context of non-compliance.

It was agreed that the Secretariat should write to all Parties that were in arrears with their contributions, to invite them to propose a schedule for making payments of their contribution that remain unpaid.

The Standing Committee directed the Secretariat to prepare an analysis of the prior years' dues and to indicate any possible sanctions which might be taken in respect of Parties with payments in arrears, taking into account the various procedures established by the Conference of the Parties, e.g. regarding the national legislation project, the non-submission of annual reports, etc. This will be discussed at the 46th meeting of the Standing Committee, when the Committee will decide whether or not to direct the Secretariat to draft a resolution on this issue for consideration at the 12th meeting of the Conference of the Parties.

The following statement was submitted by the delegation of Mexico.

The Mexican delegation expressed its concern with regard to the information presented in documents SC45 Doc. 7.2.3 and SC45 Doc. 7.2.3 (Rev. 1). Those documents indicated arrears for Mexico of 88,556.80 and 74,943.80 Swiss francs respectively. The Mexican delegation referred to a letter sent to the Secretary-General of CITES on 5 June 2001, to which had been annexed the list of contributions from 1995 to the present, pointing out that there should have been a positive balance of 1,217.28 Swiss francs, plus 13,611.50 Swiss francs paid in April 2001. The Mexican delegation requested that the document be reviewed and corrected.

iv) New UN rate of assessed contributions (Doc. 7.2.4)

There were concerns that the revised scale of assessment, together with an increase in contributions required to finance the operations of the Secretariat in

2003-2005, would lead to a substantial increase in some Parties' contributions to the Trust Fund.

It was agreed that the Secretariat should apply the revised UN scale of assessment for the preparation of its budget for 2003-2005 for consideration at the 12th meeting of the Conference of the Parties, as directed in Resolution Conf. 11.2.

v) Identification of discrete programmes, currently funded from the Trust Fund, that can be deleted from the next triennium budget (Doc. 7.2.5)

It was agreed that the Secretariat should delete budget lines 2111, 3304 and 5203 from the next triennium budget as recommended by the Finance Subcommittee.

vi) Options for preparation of the budget for the period 2003-2005 (Doc. 7.2.6)

The Standing Committee welcomed the Secretariat's commitment to 'true cost' budgeting. It was noted that there are concerns about the future financial situation and the growing programme of work of the Convention, and that there was no consensus regarding any particular percentage increase in the proposed budget.

The Committee instructed the Secretariat to prepare a budget following the 'no-change option', i.e. the budget for the triennium 2003-2005 noted in the medium-term plan at the 11th meeting of the Conference of the Parties (in Resolution Conf. 11.2 Annex 3), but with the understanding that there was no consensus on an agreed percentage increase in contributions. In drafting the budget, the Secretariat should present a breakdown of the true costing for the programme relating to each budget line, e.g. true costing of the support provided to the technical committees. In addition, the Secretariat will identify the actual cost of existing staff to carry out the current base work programmes, i.e. the core staff budget. Finally the Secretariat will look at the amount of financial flexibility there may be in the current work programmes.

The Secretariat will prepare these documents for consideration at the 46th meeting of the Standing Committee.

The following statement was submitted by the delegation of the United States of America.

The United States of America noted that it considers its contribution to be voluntary. Additionally, the United States of America noted that in regard to the proposed budget for the triennium 2003-2005, the only possible option to be considered was the 'reduced growth option' and the United States would prefer no increase in Party contributions.

vii) Proposal to change the currency of the Secretariat's budget..... (Doc. 7.2.7)

The Standing Committee agreed to the change of currency of the Secretariat's budget from Swiss francs (CHF) to United States dollars (USD) and directed the Secretariat to prepare its budget for 2003-2005 in both currencies for consideration at the 12th meeting of the Conference of the Parties.

The Secretariat was also requested to prepare a proposed revision to the relevant text in Resolution Conf. 11.2 to reflect this decision and to present this draft for consideration at the 46th meeting of the Standing Committee.

c) Report of UNEP (Doc. 7.3)

The report of the Finance Subcommittee was adopted as follows:

The Finance Subcommittee took note of part B of the Report of UNEP. In response to specific questions, the representatives of UNEP provided a detailed explanation of the use of the 13 per cent programme support charges (PSC) on CITES Trust Fund activities and on the decision of the UNEP Governing Council to levy a 13 per cent PSC on voluntary or counterpart contributions in support of activities financed by UNEP-administered trust funds. In the case of voluntary contributions to the CITES Trust Fund, UNEP will start collecting 13 per cent PSC from 2001. The Subcommittee was informed that according to the relevant administrative instruction of the United Nations Secretariat, PSC may be used for substantive backstopping of projects in technical cooperation programmes. In this context and since overall PSC charged to the CITES Trust Fund seem to be sufficient to cover all costs related to administrative support of CITES substantive programme of work, the Executive Director of UNEP will be prepared to allocate the funds received as PSC levied on voluntary contributions in support of the CITES Trust Fund for funding of substantive backstopping of CITES projects of the CITES Secretariat. These allocations will be issued by the Executive Director based on the proposals of the Secretary-General of CITES. With this understanding the Subcommittee agreed that the Standing Committee should not raise further objections to the introduction of the PSC charges with respect to voluntary contributions.

Accordingly the Standing Committee took note of the report of UNEP (Doc. 7.3), in particular regarding the implementation decision GC 20/35 with respect to voluntary contributions in support of the CITES Trust Fund with effect from 2001.

d) Sponsored delegates project (Doc. 7.4)

The Secretariat explained that as the Budget Committee has been established as a full sessional committee of the Conference of the Parties, it believes that financial assistance should be provided for three delegates, one for each of the three sessional committees. The Secretariat suggested that the UN scale of assessment be used as the basis for determining which Parties could be supported to attend meetings, and gave indicative examples of fund-raising targets for support for three delegates from 82, 70 and 52 Parties. However, the Secretariat proposed that the work of the Budget Committee could be completed within the normal work of Committee II, as much of the work previously done in the Budget Committee is now completed by the Finance Subcommittee. If the Budget Committee were to be abolished, the Secretariat would seek funding for two delegates per country instead of three.

The Committee requested the Secretariat to prepare a document for presentation at its 46th meeting recommending an approach for support of sponsored delegates to attend the 12th meeting of the Conference of the Parties. The Secretariat should also prepare for consideration at this 46th meeting a document proposing that the Budget Committee of the Conference of the Parties be eliminated and exploring ways in which its work could be accomplished by Committee II on the basis of discussions conducted by the Finance Subcommittee of the Standing Committee. The Secretariat was requested to take note of the interventions made by participants in preparing these documents.

The following statement was submitted by the delegation of Ecuador.

During the discussion of document SC45 Doc. 7.4, the delegation of Ecuador, speaking on behalf of the Central and South American and Caribbean region, stated that one should treat with caution the suggestion by the delegation of the United States of America that those Parties which were represented at a meeting of the Conference of the Parties by more delegates than were sponsored by the Secretariat should be considered as ineligible to receive financial support. For reasons of geography it was probable that one delegation would be able to attend a meeting of the Conference of the Parties with more than two delegates while another would not have sufficient resources even to send a single delegate.

The following statement was submitted by the delegation of South Africa.

The delegation of South Africa agrees that the abolition of the Budget Committee as a third full Committee of the Conference of the Parties will be more constructive to the functioning of meetings of the Conference of the Parties.

If two delegates from a country are sponsored by the Secretariat and the country itself sponsors another four delegates, it seems unfair that they should utilize the sponsorship at all. If however the Secretariat sponsors two delegates and the country receives further donations from an NGO to send more delegates, South Africa does not have a problem.

It is preferable that the greatest possible number of Parties be represented at meetings of the Conference of the Parties.

e) Approval of new donors [Doc 7.5 (Rev.1)]

The Secretariat presented 17 organizations as potential donors for CITES special projects and activities.

The Standing Committee approved the list of candidate donors and requested that the Secretariat propose a mechanism for approval of donors by the Secretariat rather than the Standing Committee, for consideration at the 46th meeting.

8. Establishment of an Implementation Committee (Doc. 8)

It was felt that it could be useful to establish a committee or group to deal with the sorts of issues referred to in the document, although it could not be an enforcement committee, since the idea of establishing the latter had been rejected by the Conference of the Parties. Several participants expressed concern about the possible financial implications of establishing another committee and stressed that the budgetary implications needed to be clear. The cost could be minimized by the way in which the committee conducted its work, especially if no meetings were required. Some participants suggested that the needs could best be met through establishing temporary, ad hoc groups, or a committee with a changing membership, rather than a permanent committee, which would be too expensive and would lack the range of expertise needed to deal with all the subjects to be discussed.

It was agreed that the Secretariat should develop, for consideration at the 46th meeting, and with the guidance of a working group, a proposal for presentation at the 12th meeting of the Conference of the Parties dealing with practical implementation issues. The Secretariat was instructed to take into account the interventions made during the present meeting, when preparing its proposal. The members of the working group are Australia,

China, India, Kenya, Panama, South Africa, the United Kingdom, the United States of America (convenor) and a Caribbean country to be designated.

9. Financing the conservation of species..... (Doc. 9)

The Secretariat explained that the Conference of the Parties has tasked the Standing Committee to form a working group to analyse and evaluate existing funding mechanisms made available by the Parties for the conservation of wild fauna and flora. To assist the Committee in its work, the Management Authority of France prepared a questionnaire that was circulated to the Parties through Notification 2001/016. Twenty-seven Parties responded, of which 11 provided details of existing funding mechanisms. The working group would analyse the functioning of these mechanisms, evaluate their potential for improving the implementation of the Convention, and report their findings to the Conference of the Parties.

It was agreed to establish a working group with the following members: Burkina Faso, Canada, Czech Republic, France (convenor), Japan, South Africa, and representatives to be nominated from Central and South America and the Caribbean and from Oceania.

10. Trade in time-sensitive research samples..... [Doc. 10 (Rev. 1)]

The Secretariat presented the results and recommendations of the Animals Committee concerning aspects of the issue of expediting transfers of time-sensitive research samples directed to it in Decision 11.103. Discussion focussed on the recommendation of the Animals Committee to exclude commercial transfers from provisions that may be developed to expedite international trade in certain types of samples and transfers. Support for and opposition to this recommendation were expressed by Committee members and observers. The representatives of several Parties felt that any exemption from or relaxation of current procedures for international trade in specimens for commercial purposes may pose a conservation risk and be contrary to the intention or provisions of other international agreements concerning the conservation of genetic resources. The representatives of several other Parties raised the need for expedited procedures for all time-sensitive sample transfers in view of the logistical burden of managing trade in high volumes of, for instance, tissue cultures.

The Committee expressed its thanks to the Animals Committee and the Secretariat for the work already done.

It was agreed to establish a working group to work with the Secretariat in developing a draft resolution on this subject for consideration at the 46th meeting. The members of this group will be China, Germany, Mexico, Switzerland, the United Republic of Tanzania, the United States of America and a representative of Central and South America and the Caribbean to be nominated. The working group should take into account the interventions made during the present meeting.

The following statement was submitted by the delegation of the United Kingdom.

The delegation of the United Kingdom welcomed the proposal from the delegation of the United States of America to set up a working group to carry this issue forward to the drafting of a suitable resolution. However, it was very disappointed to learn that the commercial trade in these specimens had been excluded from consideration. It pointed out that some 10 per cent of the 40,000 permits it currently issues are accounted for by a single company trading in DNA samples for sexing of parrot specimens. It is particularly concerned that no effort has been made to assess the volume of trade in these specimens,

especially of cell line products, and fears that its licensing staff will be overwhelmed by the increased workload that this decision implies. This seems to be an unnecessary diversion of scarce resources given the small benefit to conservation of the proposed measure.

11. Implementation of the Convention in individual countries

a) National legislation project (Doc. 11.1)

Regarding Decision 11.15

The legislative efforts of all affected Parties were acknowledged by their respective regional representatives. It was pointed out that political, economic and administrative factors made it likely that several Parties would fail to meet the 31 October 2001 deadline contained in Decision 11.15. Although it was recognized that the Standing Committee cannot interpret or alter the decisions of the Conference of the Parties, members were urged to be cautious in recommending trade suspensions under the National Legislation Project. It was suggested that the Standing Committee might refrain from taking a decision at this meeting and reconsider the matter at its 46th meeting or have the matter revisited at the 12th meeting of the Conference of the Parties. Alternatively, it was suggested that draft legislation might be accepted in place of enacted legislation by the deadline or that other flexibility might be introduced in terms of the deadline. The Secretariat advised that the Standing Committee was not provided any flexibility under the provisions of Decision 11.16. Regret was expressed that there was not more flexibility. Offers were made by the regional representatives to provide assistance to affected Parties. Concern was expressed regarding whether proper control over permits could be assured by the Parties concerned when there were high volumes of trade but inadequate legislation.

The Standing Committee provisionally agreed that Decision 11.16 will automatically apply to Fiji, Turkey, Viet Nam and Yemen if legislation implementing the Convention is not adopted by 31 October 2001. However, the Secretariat should seek a legal opinion regarding the flexibility that the Standing Committee has in the timing of the decision to be taken in accordance with Decisions 11.16 and 11.77, and that, if the legal opinion indicates that a decision may be delayed, then the date of entry into effect of the Committee's agreement will be amended to 31 December 2001.

Regarding Decision 11.18

Observers from several affected Parties made explanatory statements on their own behalf as well as commitments to continue working on improvements to their legislation. The observer from the European Commission noted that CITES is implemented in the legislation of the European Union on a voluntary basis as it is not a Party to the Convention and not accountable to legislative requirements of the Convention. He urged acceptance of the Gaborone Amendment, which would enable the European Union to become a Party to the Convention.

The Standing Committee agreed, on a proposal from the Secretariat, to defer until the 46th meeting a decision regarding the legislation of the countries concerned by Decision 11.18.

The following statement was submitted by the delegation of Switzerland.

The delegation of Switzerland noted that the Standing Committee should take a cautious approach regarding sanctions, because the text of the Convention does not

provide for any sanctions in case of non-compliance with the Convention or with Decisions of the Conference of the Parties. Many countries would therefore not be in a position to take any measure except non-acceptance of permits if they had to assume that such permits had not been issued in compliance with Article III or IV.

b) Enforcement matters..... (Doc. 11.2)

CITES Alerts

The Secretariat introduced the document and highlighted the success of the Alert system.

Democratic Republic of the Congo

The Secretariat stressed that concern continued in relation to cancelled and replacement permits, border controls and the status of the investigation by the Democratic Republic of the Congo into the fraudulent use of documents.

During the Committee's meeting with non-governmental organizations, reference was made to a report by a panel of experts to the UN Security Council alleging misconduct by troops of Rwanda and Uganda whilst operating inside the Democratic Republic of the Congo. The Secretariat had received no contact from the panel but had brought the relevant text to the attention of Rwanda and Uganda.

The Committee discussed the situation relating to this Party and felt that firm action should be taken.

The Standing Committee agreed that the Secretariat should distribute a Notification to the Parties recommending that, until further notice, the Parties refuse any import of CITES-listed specimens from and any export or re-export of such specimens to the Democratic Republic of the Congo. The Secretariat shall issue a Notification to the Parties withdrawing this recommendation when it is satisfied that the Democratic Republic of the Congo: has adequately investigated the fraudulent use of permits and certificates that have been identified to it by the Secretariat; has put in place measures to eliminate, as far as reasonably practical, the abuse or misuse of permits and certificates issued by its Management Authority; and has implemented adequate export controls, particularly for live specimens. Such satisfaction should be verified by a mission of the Secretariat to the Democratic Republic of the Congo, prior to and during which the Secretariat shall provide relevant technical advice and support.

United Arab Emirates

Since SC45 Doc. 11.2 had been prepared, a statement alleging corruption among CITES officials had been sent to the Management Authority of the United Arab Emirates. The United Arab Emirates had subsequently denied any corruption among its officials and said that an invitation to conduct a mission was under consideration.

Several delegates confirmed concerns relating to the United Arab Emirates.

The Committee discussed the situation relating to this Party and felt that firm action should be taken.

The Standing Committee recommended that the United Arab Emirates should, as soon as possible, invite a mission by the Secretariat to discuss illicit trade in CITES-listed

specimens to and from that country; to provide technical advice and support; and to examine the measures in place to implement the Convention in the United Arab Emirates. The Committee agreed that if, by 31 October 2001, such an invitation has not been received and the Secretariat has been unable to satisfy itself that the United Arab Emirates is adequately implementing the Convention, the Secretariat shall distribute a Notification to the Parties recommending that, until further notice, the Parties refuse any import of specimens of CITES-listed species from and any export or re-export of such specimens to the United Arab Emirates.

The Region agreed to support and facilitate the implementation of the decision taken by the Standing Committee.

Export quotas

The Secretariat asked the Committee to endorse the guidance relating to management of quotas. One delegation suggested that Parties that establish annual export quotas should supply copies of all export permits to the Secretariat, to enable it to monitor quota management at an earlier stage. The Secretariat responded that its limited resources would make this difficult to implement.

The Standing Committee accepted the report of the Secretariat and agreed that the Secretariat should distribute the guidance provided via a Notification to the Parties. The Committee requested the Secretariat to consider the suggestion by Italy that Parties establishing export quotas should send copies of all export permits issued to the Secretariat and that the Secretariat should discuss with UNEP-WCMC the practicalities of incorporating these into the annual report database at an early stage.

Security stamps

The Secretariat explained why security stamps were on the agenda. It described the new format of security stamps, the proposed administration of their supply to Parties, and their price. The Secretariat reminded delegates of the need to keep confidential some of the information provided orally regarding security stamps.

The Standing Committee accepted the report of the Secretariat and directed it to order the newly designed stamps and make these available to the Parties.

12. Significant Trade in specimens of Appendix-II species (Doc. 12)

The Standing Committee accepted the recommendations of the Secretariat concerning the following States: Cameroon for *Chamaeleo quadricornis*; the Democratic Republic of the Congo for *Hippopotamus amphibius*, *Poicephalus robustus* and *Geochelone pardalis*; Georgia for *Acipenser gueldenstaedtii*, *A. nudivenstris*, *A. stellatus* and *Huso huso*; Guinea for *Poicephalus robustus*; Guyana for *Amazona amazonica*, *A. farinosa*, *A. ochrocephala*, *Ara ararauna*, *A. chloropterus*, *A. manilata*, *A. nobilis* and *Pionites melanocephala*; Indonesia for *Manis javanica*; Kazakhstan for *Saiga tatarica*; the Lao People's Democratic Republic for *Manis javanica* and *M. pentadactyla*; Malawi for *Hippopotamus amphibius*; Malaysia for *Manis javanica*; Mali for *Poicephalus robustus*; Mozambique for *Hippopotamus amphibius*, *Geochelone pardalis* and *Cordylus tropidosternum*; Nicaragua for *Dendrobates auratus* and *D. pumilio*; Peru for *Pecari tajacu* and *Tayassu pecari*; the Russian Federation for *Saiga tatarica*; Rwanda for *Hippopotamus amphibius*; Solomon Islands for *Corucia zebrata*; Suriname for *Dendrobates tinctorius*; Thailand for *Manis javanica* and *M. pentadactyla*; Togo for *Poicephalus robustus*; Turkey for *Acipenser gueldenstaedtii*, *A. nudivenstris*, *A. stellatus* and *Huso huso*; Ukraine for *Acipenser gueldenstaedtii*, *A.*

nudivenstris, *A. stellatus* and *Huso huso*; the United Republic of Tanzania for *Tauraco hartlaubi*, *Bradypodion fischeri*, *Chamaeleo jacksoni* and *Cordylus tropidosternum*; Viet Nam for *Manis javanica* and *M. pentadactyla*; Zambia for *Hippopotamus amphibius* and *Geochelone pardalis*; and Zimbabwe for *Hippopotamus amphibius*.

The Standing Committee accepted the recommendations of the Secretariat concerning the following countries with the amendments indicated:

- Egypt for *Uromastix aegyptia* – no further action is required;
- Madagascar for *Mantella aurantiaca* – no further action is required provided that Madagascar establishes a cautious quota for the species to be approved by the Secretariat and maintains a monitoring system for the sites where the species is harvested.
- South Africa for *Hippopotamus amphibius* – no further action is required;
- The United Republic of Tanzania for *Hippopotamus amphibius* – no further action is required provided that the United Republic of Tanzania establishes a cautious export quota agreed with the Secretariat before 30 June 2001, and provides further details on population trends and the regulation of hunting of the species before 31 January 2002.

The Standing Committee accepted the recommendations of the Secretariat concerning China for *Ptyas mucosus* to withdraw the recommendation to suspend all imports of specimens of this species, provided that China establishes a cautious export quota agreed with the Secretariat.

The Standing Committee accepted the recommendations of the Secretariat concerning Cambodia for *Manis javanica* and *M. pentadactyla*, and China for *Manis javanica* and *M. pentadactyla*.

The Secretariat presented to the Standing Committee its recommendations on a basin-by-basin level regarding the significant trade in Acipenseriformes for the range States concerned in the Black Sea basin, the Amur River basin and the Caspian Sea basin. After hearing the comments and additional information from several range States (Azerbaijan, China, Kazakhstan, Romania, the Russian Federation and Turkey), the Chairman decided to defer further discussions and deliberations regarding sturgeons until the 21st. The Secretariat was asked to meet with and consult the range States concerned, to take the new information into account, and to formulate revised recommendations for consideration by the Standing Committee.

Black Sea

The Secretariat presented revised recommendations for Acipenseriformes in the Black Sea basin, which had been discussed with Bulgaria, Romania and the Russian Federation. These Parties supported the proposed recommendations.

The Standing Committee agreed on the recommendations of the Secretariat for Black Sea stocks of *Acipenser gueldenstaedtii*, *A. nudiventris*, *A. stellatus* and *Huso huso* for Bulgaria, Romania and the Russian Federation to recommend a total suspension of imports of specimens of these species from the countries concerned if, by the end of February 2002, they have not established an agreement for the cooperative management of sturgeon fisheries in the Black Sea and implemented all other recommendations of the Animals

Committee, and that further exports in 2001 should be restricted to no more than 75 per cent of the export quotas published for 2001.

Concerning the export quotas of the Russian Federation for the Azov Sea, it was agreed that the export limit for 2001 should be 75 per cent of the amount specified in the export quotas published in Notification No. 2001/005, after deducting the amounts registered with the Secretariat as still remaining from the quotas for the year 2000.

Amur River

The Secretariat presented Document SC45 Doc 12.1, and its recommendation regarding China and the Russian Federation were accepted by both range States, thus confirming their intention to collaborate on the management of sturgeon species in the Amur River.

The Standing Committee agreed on the recommendations of the Secretariat in document SC45 Doc.12.1 for Amur River stocks of *Acipenser schrencki* and *Huso dauricus* for China and the Russian Federation, that no further action was required until the end of February 2002 provided that no further harvesting is done in 2001.

Caspian Sea

On the 21st, the Secretariat presented document SC45 Doc.12.2 on revised recommendations for Caspian Sea stocks of *Acipenser gueldenstaedtii*, *A. nudiiventris*, *A. stellatus* and *Huso huso*. This document had been elaborated during the meeting in consultation with Azerbaijan, Kazakhstan and the Russia Federation on the basis of the statement of these countries regarding cooperation in sturgeon conservation and sustainable use (document SC45 Inf. 8.) Amendments proposed by the Secretary-General of the CITES Secretariat, Azerbaijan and the Islamic Republic of Iran were made to the document.

The Standing Committee agreed on the recommendations of the Secretariat for Caspian Sea stocks of *Acipenser gueldenstaedtii*, *A. nudiiventris*, *A. stellatus* and *Huso huso*, in document SC45 Doc. 12.2, with amendments. The final text is attached as Annex 2.

13. Annual reports

a) Late or non-submission of annual reports..... (Doc. 13.1)

Representatives of two Parties explained why they had been unable to submit missing annual reports so far and promised to submit them in the following weeks. Although the importance of annual reports was recognized, it was pointed out that institutional restructuring, civil unrest, lack of human resource capacity, administrative burden, more important compliance priorities and other factors made it difficult or impossible for a number of Parties to submit timely and good quality annual reports. The Secretariat was encouraged to use the diplomatic channel to obtain missing annual reports. It was also suggested that Decision 11.89 should only apply to the period 1997-1999. Appreciation was expressed for the option for Parties to submit permits from which the Secretariat would then have an annual report compiled.

Several participants expressed concern about recommending suspension of trade because of the late or non-submission of annual reports and suggested that such recommendations could have counter-productive results. There was some debate as to whether 'sanctions' may be imposed under CITES or whether there are simply recommendations to suspend trade that States are free to implement or not. The

question of whether such measures were in compliance with WTO was also raised. Interest was expressed in having a comprehensive and comparative analysis of the use of and legal basis for measures to deal with non-compliance. The Chairman noted that the Standing Committee was not comfortable with Decision 11.89 of the Conference of the Parties and did not want to proceed to cite countries with which trade should be suspended. The Secretariat then advised the Standing Committee that the Standing Committee could choose not to make a determination at this meeting as to which countries had failed without adequate justification to submit annual reports for three consecutive years.

It was agreed that the Committee would make no determination at the present meeting regarding Parties that had failed to provide annual reports. The Committee instructed the Secretariat to prepare for consideration at the 46th meeting an analysis of the range of legal technical and administrative actions that might be taken in response to problems of non-compliance with the Convention, Resolutions and Decisions, such as the late or non-submission of annual reports, taking into account the need to ensure that such actions do not have a negative conservation impact.

b) Guidelines for the preparation of annual reports..... (Doc. 13.2)

It was suggested that future changes to the Guidelines should be proposed immediately after meetings of the Conference of the Parties, if possible.

The additions and changes to the Guidelines presented in document SC45 Doc. 13.2 Annex were adopted with the following amendments:

- under 'Fingerlings', the word 'sturgeons' should be replaced by 'fish'; and
- under 'Meat', the word 'frozen' should be added to the examples in the second parentheses.

14. *Araucaria araucana*..... (Doc. 14)

The Committee accepted the report of the Secretariat. It was agreed that the Secretariat should take note of the interventions made at this meeting and prepare a document for consideration at the 12th meeting of the Conference of the Parties to ensure that there is no further confusion regarding the appropriate action to be taken when populations are transferred from one Appendix to another (taking into account any definition of "population" in the documentation provided by the Criteria Working Group).

The following statement was submitted by the delegation of Ecuador.

The delegation of Ecuador pointed out that when the Argentinian population of Araucaria araucana was transferred from Appendix II to Appendix I, at the 11th meeting of the Conference of the Parties, this was done on the understanding that the Argentinian population was the only one not listed in Appendix I. Any decision adopted by the Conference of the Parties can be changed only by it, which means that the original proposal submitted by Argentina and adopted by the Conference of the Parties can be modified only by the Conference of the Parties.

15. Reports of regional representatives..... (Docs. 15.1 to 15.6)

The Committee accepted the reports of the regional representatives.

The following statement was submitted by the delegation of Mexico.

Comments on the North American regional report, SC45 Doc. 15.5, Annex 4, modification in the language inserted.

On the covering page, it is stated that the document was produced during the 45th meeting of the Standing Committee, whereas the document was drawn up several weeks before. However, owing to problems of communication among the Authorities of North America, the document was not supplied to the Secretariat. Given that situation, the delegation of Mexico presented the text on 21 June and is grateful for the assistance of the Secretariat in reproducing and distributing it speedily.

16. Report of the Chairman of the Animals Committee..... (Doc. 16)

The Committee noted the report of the Chairman of the Animals Committee and thanked him and the members of the Animals Committee for all of the work they had done, especially in preparing the ground for discussions at the present meeting.

17. Report of the Chairman of the Plants Committee..... [Doc. 17 (Rev. 1)]

The Committee noted the report of the Chairman of the Plants Committee and expressed appreciation of the substantial work programme of the Plants Committee.

18. Arrangements for the 12th meeting of the Conference of the Parties..... (no document)

The Committee noted the reports of Chile and of the Secretary-General regarding progress in preparation of the 12th meeting of the Conference of the Parties and that the meeting would take place in Santiago from 3 to 15 November 2002. The Committee thanked the Government of Chile for its commitment to host the meeting.

19. Implementation of existing Resolutions (Doc. 19)

Two delegations suggested that Parties should have a further opportunity to provide comments to the Secretariat on the Resolutions for which there were implementation problems and that the Secretariat should focus on these. They felt that the Standing Committee should have the possibility to comment on the list of Resolutions that the Secretariat proposes to review.

It was agreed that the Secretariat should send a Notification to the Parties to remind them of Decision 11.136, again request comments on problems in implementing Resolutions. The Secretariat should analyse the results, prepare a plan for a phased review of Resolutions and present its proposal at the 46th meeting.

20. Review of criteria to amend Appendices I and II..... (Doc. 20)

The Secretariat's report was noted. The Committee thanked the Criteria Working Group and the Chairman of the Plants Committee and the Chairman of the Animals Committee particularly for involving FAO and ITTO so successfully in this important review.

The following statement was submitted by the delegation of Norway.

The delegation of Norway stressed the need for close cooperation with FAO, ITTO and other relevant organizations in the review work; referring also to the general need for improved cooperation and coordination among conventions and organizations in the environmental field. The question was raised of how this cooperation had been and was going to be accomplished in the review work; and also further in the implementation of CITES.

The following statement was submitted by the delegation of Spain.

The Chairwoman of the Plants Committee congratulated the Criteria Working Group for the work accomplished. At the same time she expressed her concern over the explanatory note included in the Annex to Notification to the Parties No. 2001/0037, on page 11 of the English version. Sub-paragraph (i) "affected by trade" contained a comment in which it was stated that the Chairs, despite what had been stated at the second meeting of the Criteria Working Group, maintained their opinion. The Chairwoman of the Plants Committee explained that either they would have had to reject all the suggestions made by the members of the Working Group at its second meeting, or would have had to accept them as a whole. The Chairs were only three people and it was not desirable that situations of confrontation with regard to the opinions of the members of the Working Group should occur. The latter was made up of individuals selected from among the representatives of the Committee on the basis of their knowledge about taxonomic groups. The Chairwoman of the Plants Committee expressed her concern over the inclusion of this type of comment despite her having communicated her disagreement to Mr Jenkins and to the Secretariat.

The following statement was submitted by the delegation of the United States of America.

The United States of America supports the process of review of the criteria for amendment of the Appendices. The United States is pleased to have had a representative on the Criteria Working Group (CWG), Dr Susan Lieberman, Chief of the U.S. CITES Scientific Authority and regional representative on the Animals Committee.

The United States has consulted closely with the North American region on the entire criteria review process, and encourages others to do so.

The United States believes that while the CWG has done useful work, the full review as regards applicability to different groups of organisms still needs some work. The United States hopes that the Parties, through their Scientific Authorities, will undertake this activity.

The United States notes that on 31 May 2001 the Secretariat circulated Notification to the Parties No. 2001/037, which contains a draft revision of Resolution Conf. 9.24. The United States looks forward to evaluating this text, and to providing detailed comments.

The United States regrets that the comments of Parties and others that were provided to the Animals and Plants Committees, prior to and at their joint meeting in December 2000, were not included with or summarized in this document. This makes it difficult for Parties to evaluate or understand the rationale behind some of the proposed changes.

The United States notes further that some of these proposed changes are based on a consensus of the Criteria Working Group, and the participants in the December joint meeting of the Animals and Plants Committees.

However the United States also notes that on some issues there was no consensus. What has been transmitted is the best efforts of the Chairs of the Animals Committee, Plants Committee and Criteria Working Group to make a recommendation based on information provided to them. However it is unfortunate that these 'non-consensus' items are not identified, which could lead to confusion and avoidable controversy at the 12th meeting of Conference of the Parties.

Notification to the Parties No. 2001/37 states that the Secretariat is distributing the Notification to "relevant intergovernmental and international NGOs". The United States would like to suggest that it be distributed to all NGOs that were approved to attend the 11th meeting of the Conference of the Parties (as was done prior to the ninth meeting of the Conference of the Parties).

The document states that the Chairs of the Animals Committee, Plants Committee and Criteria Working Group will meet in November 2001 to prepare the final report for submission to the next meeting of the Standing Committee.

The United States believes that the report should be fully annotated as to what comments were submitted by Parties and international and intergovernmental NGOs. This was done prior to the ninth meeting of the Conference of the Parties very effectively by the Secretariat and was very beneficial.

21. Conservation of and trade in specific species..... (Doc. 21)

The Secretariat provided an update on actions since its report had been prepared: the CITES Tiger Enforcement Task Force had met in India; China had provided examples of medicinal bear products that can be sold legally domestically but cannot enter international trade; and the Secretariat had written to the High Court of Jammu and Kashmir in India, encouraging it to enforce its ruling banning the manufacture and sale of shahtoosh products.

It was noted that non-governmental organizations alleged that medicinal products, said to contain tiger parts, were still on sale in Japan and Thailand. It was reported that TRAFFIC East Asia were surveying traditional medicine shops in Japan and the results would soon be available.

The Secretariat clarified that its comments relating to redundancy of some issues in several Resolutions were purely for the consideration of any Party in drafting resolutions in the future and for consideration in the consolidation of Resolutions. The Secretariat does not seek to discourage species-specific resolutions.

The Standing Committee noted the report of the Secretariat.

22. Elephants (MIKE Subgroup report) (Doc. 22)

The Secretary-General of the CITES Secretariat recalled the European Commission's funding commitment of EUR 2.4 million. Belgium and Japan stated their Governments' commitment to give financial support to the long-term implementation of MIKE. Nigel Hunter was also introduced as the Director of the MIKE programme.

The Standing Committee accepted the oral report of the delegation of South Africa, as chairman of the MIKE Subgroup.

23. Identification Manual (Doc. 23)

The Standing Committee accepted the report of the Secretariat.

The following statement was submitted by the delegation of France.

The delegation of France recalled that at the last meeting of the Plants Committee (December 2000), the French Scientific Authority had accepted to undertake the translation of the 15 identification sheets for medicinal plants, as well as a summary sheet on succulents.

24. Publicity materials (Doc. 24)

The Secretariat explained that it would assist and advise Parties as required regarding the preparation of publicity materials for plants and animals included in the Appendices of the Convention, with an emphasis on materials that will highlight the positive aspect of CITES on the conservation and utilization of wild species.

The Standing Committee accepted the report of the Secretariat.

25. Any other business (no document)

It was agreed that the next meeting would be held in Geneva, probably in March 2002.

26. Closing remarks (no document)

The Chairman renewed his thanks to France for hosting the meeting and thanked the Secretariat and the interpreters for their support throughout the meeting. He also thanked all participants for their cooperation in arriving at the decisions that had been taken.

LIST OF PARTICIPANTS/LISTA DE PARTICIPANTES/LISTE DES PARTICIPANTS
(total: 137)

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Recommendations adopted by the Standing Committee at its 45th meeting,
regarding Caspian Sea stocks of *Acipenser gueldenstaedtii*, *A. nudiiventris*,
A. stellatus and *Huso huso*

1. Taking account of the commitments made at a meeting in Geneva on 12-13 June 2001 by four States that conduct commercial fishing of sturgeon in the Caspian Sea, the Standing Committee recommends a suspension of all imports of specimens of these species from the Caspian Sea stocks of Azerbaijan, Kazakhstan, the Russian Federation and Turkmenistan if the Secretariat has not been able to verify that they have done the following:

Actions to be implemented before 20 July 2001

- a) Azerbaijan, Kazakhstan and the Russian Federation have:
- i) informed the Secretariat of all stocks of specimens intended for export that are currently held from sturgeons harvested in the spring of 2001 only, indicating the amounts of all types of specimens for each species separately;
 - ii) agreed to restrict further exports in 2001 to the amounts of stocks referred to in subparagraph i), provided that such amounts do not exceed the quotas published in Notification to the Parties No. 2001/005 and amendments to these quotas that the Secretariat has accepted based on the quotas established by the Commission on Aquatic Bioresources of the Caspian Sea; and
 - iii) agreed to suspend all commercial harvesting for the remainder of 2001 as a demonstration of their commitment to the long-term conservation and sustainable use of sturgeons;
- b) Turkmenistan has confirmed in writing to the Secretariat that it will undertake the actions specified in paragraphs c)-e); and
- c) Azerbaijan, Kazakhstan, the Russian Federation and Turkmenistan have agreed to facilitate the verification by the Secretariat of undertakings specified in paragraphs a)-e) including the issuance of multi-entry visas to facilitate the work of the verification teams.

Actions to be implemented before 31 December 2001

- d) Without prejudice to the legal status of the Caspian Sea, Azerbaijan, Kazakhstan and the Russian Federation (and Turkmenistan where appropriate) have:
- i) agreed an appropriate mechanism for the establishment and implementation of a common policy for the conservation and utilization of sturgeon resources involving all countries exploiting sturgeons in the Caspian Sea,* which shall be the basis of coordinated management of shared sturgeon resources (including the establishment of catch and export quotas for 2002);

* Models to be considered should include any earlier agreement on these issues.

- ii) conducted a comprehensive survey of sturgeon stocks in the Caspian Sea involving representatives of all States that conduct commercial fishing of sturgeon in the Caspian Sea; and
- iii) requested Interpol to conduct an analysis of illegal trade in sturgeons, and requested the CITES Secretariat, in collaboration with Interpol and WCO, to conduct a study of enforcement needs for implementing CITES and measures in national legislation aimed at combating illegal harvesting and trade; and
- iv) noted that the failure to implement subparagraphs d) i)-iii) before the end of 2001 will result in the Secretariat not accepting any catch or export quotas for sturgeons from these countries for 2002; and

Actions to be implemented before 20 June 2002

- e) Azerbaijan, Kazakhstan and the Russian Federation (and Turkmenistan where appropriate) have:
 - i) established a long-term survey programme as the basis for future management of sturgeon stocks in the Caspian Sea, incorporating up-to-date technology and techniques, and taking account of advice from FAO and other bodies as appropriate;
 - ii) requested FAO to provide advice concerning the operations of regional fisheries management organizations, the management of shared fish resources and dealing with unregulated fisheries;
 - iii) adopted a collaborative basin-level management system for sturgeon fisheries in the Caspian Sea as the basis for sustainable commercial exports of sturgeons, taking into account the advice referred to in subparagraph e) ii);
 - iv) significantly increased efforts to combat illegal harvesting and illegal trade, and to regulate domestic trade;
 - v) made samples of sturgeon specimens available for DNA testing and established priorities for further research on the identification of sturgeon stocks and specimens in trade;
 - vi) submitted a funding proposal to the Global Environmental Fund, or other donors as appropriate, for the rehabilitation of sturgeon stocks, hatcheries and restocking programmes, and for support for stock assessments, marking systems, identification of specimens in trade, public awareness and enforcement;
 - vii) implemented the caviar labelling system established in Resolution Conf. 11.13 for all exports; and
 - viii) fully implemented all other recommendations of the Animals Committee made in accordance with Resolution Conf. 8.9 (Rev.).

2. A suspension of imports or a reduction of a quota for commercial fisheries will not include the following:
 - a) fertilized live eggs and live fish; and
 - b) specimens acquired through research or scientific fisheries for stock assessment and monitoring, strictly up to the catch quota limits established by the Commission on Aquatic Bioresources of the Caspian Sea for 2001 for Azerbaijan (2,000 kg for *Acipenser gueldenstaedtii*, 800 kg for *A. stellatus* and 200 kg for *Huso huso*), Kazakhstan (1,000 kg for *Acipenser gueldenstaedtii*, 500 kg for *A. stellatus* and 1,500 kg for *Huso huso*) and the Russian Federation (5,300 kg for *Acipenser gueldenstaedtii*, 2,800 kg for *A. stellatus* and 1,900 kg for *Huso huso*). Caviar exports per species may not exceed 10 per cent of these catch quotas. These limits will apply to scientific fisheries for the duration of the suspension.
3. Amounts of specimens from the 2000 quota that have been registered with the Secretariat before 15 January 2001, if any, (and amounts similarly registered in future years) are not affected by this recommendation.