

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

Forty-sixth meeting of the Standing Committee
Geneva (Switzerland), 12-15 March 2002

Strategic and administrative matters

ESTABLISHMENT OF AN IMPLEMENTATION COMMITTEE

Background

1. At the 45th meeting of the Standing Committee, the Secretariat presented a document (SC45 Doc. 8) in which it provided an argument for the establishment of a new CITES body (e.g. committee, subcommittee, working group) to be responsible for consideration of implementation matters. The Standing Committee 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.
2. The members of the working group were Australia, China, India, Kenya, Panama, South Africa, the United Kingdom, the United States of America (convenor) and the Secretariat. This group conducted its work by correspondence discussing a draft resolution that had been prepared by the United States.
3. In the meantime, although the document proposing the establishment of an Implementation Committee had come from the Secretariat, it changed its view about the need for and appropriateness of establishing a permanent committee, particularly in view of: the existence of one administrative/policy-making committee and three scientific committees; the need for financing and supporting the work of any new body; the fact that entirely different types of experts are needed to consider different types of implementation issues; and the desirability of simplifying procedures as much as possible. A major consideration for the Secretariat in changing its view was that there is a consensus, amongst countries involved in the current UNEP discussions on international environmental governance, against the creation of any additional subsidiary bodies under multilateral environmental agreements.
4. Consequently, the Secretariat suggested that it would be preferable not to establish an Implementation Committee. It suggested that the best approach would be for technical or implementation issues to be referred to the Secretariat either directly by the Conference of the Parties (in which case it should make budgetary allowance for the work to be done) or by one of the existing permanent committees. The Secretariat would then undertake the necessary work if it had resources to do so, in consultation with appropriate experts. If the Secretariat was not able to do the work itself, it could establish a working group, with an appropriate membership drawn from representatives of the Parties (with regional representation where relevant) together with independent experts from among non-governmental organizations and the private sector (e.g. wildlife traders, producers of tags, security experts, etc.).
5. The United States of America took account of all comments received, including the suggestions of the Secretariat (which were supported by at least one member of the working group) and prepared and circulated a revised draft resolution. This is in the form of a proposed amendment to Resolution Conf. 11.1 and a copy is annexed to the present document.

6. In the discussions of the working group the following are key points that emerged.
 - a) From time to time, technical and procedural matters arise that need to be discussed by experts on the specific matter of concern.
 - b) The substance of each of these matters can be quite different, so that an expert on one matter may not be an expert on another.
 - c) Sometimes, expertise is required that may not exist currently in any of the permanent committees, or in any Management Authority or the Secretariat. However, the importance of involving persons who have practical experience of the problems under discussion can not be underestimated. Moreover, if Management Authorities are expected to implement any proposals resulting from discussions, there is good reason to ensure that they have an input into the formulation of such proposals.
 - d) A new body could be created to do tasks assigned to it by the Standing Committee or the Conference of the Parties. However, it would require funding to support its work and this would increase the financial burden on the Parties. This burden could be limited if the body conducted its work through correspondence as much as possible .
7. The working group considered these points and many more. The convenor of the working group noted that as there was not agreement in the group on every issue, the draft they produced of course represented a compromise on many points. She felt that it offered an excellent balance of the need to include expertise from Management Authorities and the use of resources, including funds. She noted that some members of the working group considered this as a workable alternative to the Secretariat's suggestion.

Recommendations

8. The Secretariat remains persuaded however that it would be preferable not to establish any additional permanent body for the time being. The Secretariat is therefore opposed in principle to the proposal emanating from the working group and therefore has not commented on the detail although it believes that there are parts of the proposal that are inappropriate.
9. The Secretariat believes that, where technical and implementation issues need to be considered by a body of experts, the Conference of the Parties should take one of the following approaches:
 - a) refer the matter to the Secretariat for consideration as described in paragraph 4 above;
 - b) in accordance with Resolution Conf. 11.1, establish an intersessional working group to consider the matter [this approach has been taken already with the establishment of the *Swietenia macrophylla* (bigleaf mahogany) Working Group under Decision 11.4]; or
 - c) refer the matter to the Standing Committee. In Resolution Conf. 11.1, in paragraph d) under "RESOLVES" of the main text, the Conference of the Parties has given the power to the Standing Committee to "appoint working groups with specific terms of reference as required to address specific problems. These working groups shall have a defined life span which shall not exceed the period until the next meeting of the Conference of the Parties, at which time it may be renewed if necessary. They shall report to the Conference of the Parties and, if so requested, to the Standing Committee."
10. If the Standing Committee agrees, the Secretariat will prepare a discussion document for consideration at the 12th meeting of the Conference of the Parties on this subject.

Draft resolution

Establishment of Committees: AMENDMENT TO RESOLUTION CONF. 11.1

Annex 4

Establishment of the Implementation Subcommittee of the Conference of the Parties

NOTING that there is a need to address technical problems encountered in implementing controls of trade of species included in Appendices I, II, and III, and to establish practical administrative mechanisms to implement the Convention effectively;

RECOGNIZING that there is a need for a committee of experts to meet periodically to consider technical and operational problems of implementation of trade controls, and to draft recommendations for consideration of the Parties;

RECALLING Resolution Conf. 2.5 that convened a Committee of Technical Experts, Resolution Conf. 3.5 that established a Technical Expert Committee, and Resolution Conf. 6.1 that replaced the Technical Expert Committee by establishing other permanent committees;

NOTING that the Standing Committee deals primarily with administrative and policy matters and the members are States, and that Animals and Plants Committees deal primarily with scientific matters and the members are scientists;

RECOGNIZING that the Conference of the Parties has directed to the permanent committees an array of technical and implementation tasks that require expertise that may not be available in the existing permanent committees; and

AWARE that Parties are concerned that additional funding to support a new committee might impact work by other committees and that developing countries already have insufficient resources to completely function in their regions.

THE CONFERENCE OF THE PARTIES OF THE CONVENTION

RESOLVES to establish an Implementation Subcommittee under the Standing Committee, with the following terms of reference:

within the policy agreed to by the Conference of the Parties, the Implementation Subcommittee shall:

- a) provide advice and guidance to the Conference of the Parties and the Standing Committee on technical and procedural implementation issues specifically directed to them;
- b) draft resolutions, decisions, or other documents on matters related to technical and procedural implementation issues specifically directed to them by the Conference of the Parties or the Standing Committee; and
- c) report to the Conference of the Parties and, if so requested, to the Standing Committee, on the activities it has carried out between meetings of the Conference;

DETERMINES that:

- a) technical and procedural implementation issues include:
 - i) marking/labelling/identification of parts and products;
 - ii) interpretation of the Treaty, decisions, and resolutions as they affect implementation;
 - iii) effective implementation of new or proposed listings;
 - iv) adjusting to new or changing trade patterns and technology; and
 - v) transportation of animals and plants;
- b) the membership of the Implementation Subcommittee shall consist of:
 - i) one individual who is a staff of a Management Authority who acts as Chairman between Conferences;
 - ii) for each assigned task, committee members, comprised of up to six Management Authority staff, that have technical expertise to work on the specific task, with no more than one member from any one region; and
 - iii) for each assigned task, a representative of the Secretariat who has technical expertise to work on the specific task;
- c) the Chairman shall be elected by the Conference of the Parties;
- d) the terms of the regional members shall commence when the task is assigned by the Conference of the Parties or the Standing Committee and expire when the report is provided to the Conference of the Parties or the Standing Committee;
- e) the Subcommittee shall adhere to the following procedures:
 - i) as much work as feasible will be done by e-mail, fax, and conference calls;
 - ii) any meetings that are needed will be scheduled to coincide with a regularly scheduled meeting of other committees;
 - iii) the Chairman may invite any person for their specialist expertise to participate as an observer; and
 - iv) in respect to servicing the three working languages of the Convention, simultaneous interpretation shall be provided for any meeting that coincides with a regularly scheduled meeting of other committees; and
- f) the Conference of the Parties or the Standing Committee shall consider any funding needs based on the tasks assigned; and

DIRECTS the Secretariat, to the extent possible, to provide funding from outside sources for the production costs, and other costs such as translation and distribution, of publications prepared by the Subcommittee.