

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

Fiftieth meeting of the Standing Committee
Geneva (Switzerland), 15-19 March 2004

Strategic and administrative matters

PROCESS FOR CONSIDERATION OF TECHNICAL IMPLEMENTATION ISSUES

1. This report has been prepared by the United States of America as interim Chairman of the intercessional Working Group on Technical Implementation Issues and on behalf of its members. No interim Vice-Chairman was elected.
2. The Working Group conducted its work in English through electronic mail. The United States set up a list server to facilitate the email communications of the Working Group. The Working Group email communications began on 30 May 2003 and ended on 15 January 2004.
3. The United Kingdom of Great Britain and Northern Ireland investigated the costs of setting up an electronic 'chat room' to convene one or more virtual meetings of the Working Group. However the costs of such a system had not been provided for by the Standing Committee and, in any case, were prohibitive, so no attempt was made to convene such meetings.
4. Thirteen Parties from Africa, Asia, Central and South America, Europe, North America and Oceania and the CITES Secretariat were members of the Working Group. The Parties comprised: Australia, Cameroon, Canada, Chile, China, Japan, Malaysia, Namibia, Norway, South Africa, Tanzania, the United Kingdom and the United States.
5. The Chairmen of the Animals and Plants Committees were invited to join the Working Group but could not participate actively owing to their committee duties. The Chairmen were sent copies of the Chairman's interim report and of the final conclusions of the Working Group.
6. As required in Decision 12.23, the Standing Committee asked the Working Group to:
 - a) *identify, in conjunction with the Animals and Plants Committees, the typical categories of technical implementation issues (i.e. operational / administrative / management issues, not matters of a Party's compliance with the Convention) that have proved to be difficult to address under existing committee structures;*
 - b) *establish and implement a process for the Standing Committee to act as a clearing house to direct technical implementation issues to the appropriate body (permanent committees, Secretariat, Party or, when appropriate, outside experts) so that issues can be handled in a flexible, timely and accountable manner;*

7. The Working Group developed the following products:
 - a) A list of current and unresolved technical implementation issues sorted by category, i.e. Administrative, Operational, Policy or Scientific (Annex 1);
 - b) A glossary with definitions of each implementation category and other terms used in the Working Group products (Annex 2); and
 - c) A simple clearing-house or referral procedure, that could be developed into a decision tree when finalized, to assist the Standing Committee or its Chairman in directing current and future technical implementation issues to the appropriate CITES body (Annex 3).
8. The Working Group's Terms of Reference (see document SC49 Doc. 7.1) did not specifically state that the Working Group should make recommendations to the Committee on the next step in this process so the Working Group has not developed any such recommendations. However, the Working Group is prepared to assist the Committee, if so directed, to help the Committee develop recommendations as required in Decision 12.23, paragraph c):

[the Standing Committee shall] report at the 13th meeting of the Conference of the Parties on the categories of technical implementation issues identified by the permanent committees, development of a process for the Standing Committee to act as clearing house, and recommendations.

TECHNICAL IMPLEMENTATION ISSUES

Issues raised at meetings of the CoP, SC, AC or PC but not yet resolved

Category	Document No.	Issue	Status or recommendation
Administrative	AC18 Doc. 19.2 and AC18 Inf. 10	IPOA for sharks	Concern at the lack of progress on implementation of the IPOA-sharks since its adoption in 1999
Operational and technical	AC18 Doc. 9	Registration and monitoring of operations that breed Appendix-I species for commercial purposes	Recommendation that current system be retained but acknowledged that further review of the registration process needed
Operational and technical	AC18 Doc. 11	Transport of live animals	Recognized need to focus more effort on safe handling practices before and after transport
Operational and technical	AC18 Doc. 15.1	Caviar labelling and conservation of Acipenseriformes	Recommended collection of voucher specimens to improve understanding of population structure and genetic variation; Parties are urged to seek FAO assistance with long-term monitoring and management of shared stocks; working group established to address the socio-economic aspects of sturgeon conservation and trade
Operational and technical	PC11 Doc. 24.5	Appendix-III timber species issues dealing with range State consultation and annotations	Recommendation that the issue be referred to the SC
Operational and technical	PC12 Doc. 20.1	Review of the genus <i>Taxus</i> and determination of whether the traded commodities are readily recognizable and should be subject to CITES controls	Recommendation that the United States, in collaboration with India and China, continue working on this issue
Operational and technical	SC46 Doc. 13	Listing and identification of secondary timber products	Document was noted and it was agreed that an implementation subcommittee (if formed) would consider the issues raised

Category	Document No.	Issue	Status or recommendation
Operational and technical	SC49 Doc. 14	Use of ATA or TIR carnet certificates	Informal working group to prepare recommendations for SC50, taking into consideration travelling-exhibition certificate in Resolution Conf. 12.3
Operational and technical	CoP12 Doc. 10.1	Trade in hard corals, as it relates to source codes for production systems and marking systems differentiating wild from ranched, farmed or cultured corals	Recommendation that discussions continue beyond CoP12
Policy	AC18 Doc. 7.3	Review of Significant Trade	Secretariat emphasized need to simplify the process so that Parties understand their responsibilities better
Policy	PC12 Doc. 9.1	Technical term definitions used in the annotations needed in response to continued uncertainty over what parts and products are covered by a listing	To be considered at PC13
Policy	PC12 Doc. 9.2	Trade in seeds and the definition of artificially propagated plants	PC to include this issues in its working plan for the next two years; no resolution at CoP12
Policy	SC49 Doc. Inf. 5	Amendment to an annotation to the Appendices to exclude certain types of specimens from the provisions of the Convention	Failure to reach consensus on list of items not subject to the provisions of the Convention
Policy	CoP12 Doc. 10	Control of captive-breeding, ranching and wild harvest production system for Appendix-II species	Deferred until AC19; Secretariat to concentrate on capacity-building workshops on the relationship between harvest production systems and wild populations, and application of source codes
Policy	CoP12 Doc. 49 and CoP12 Doc. 50	Nationally established export quotas for Appendix-II species	Recommended establishment of a working group to develop procedures to address shortcomings
Scientific	CoP12 Doc. 10.1	Relationship between <i>ex situ</i> production and <i>in situ</i> conservation	AC agreed to continue evaluating beyond CoP12

GLOSSARY OF TERMS

General definition

Clearing-house – two officials nominated by Parties and appointed by the Standing Committee to advise on the handling of technical implementation issues referred to the latter. These persons would not hold formal meetings and all business would be handled by email or by telephone and would refer their recommendations to the Chairman of the Standing Committee for a final decision, in consultation with the Committee members if appropriate.

Category definitions

Administrative issues – issues for which a process or body is already in place, but which require oversight and support to bring to fruition. The action required will involve coordinating, organizing, liaising, supervising and facilitating actions to ensure progress. The desired outcome would usually be to improve the effectiveness of a particular procedure or process.

Operational and technical issues – issues that require consideration from a day-to-day management perspective and involve comparing, analysing, considering, applying and piloting possible procedures to ensure practicality. The desired outcome would usually be a tool or procedure.

Policy issues – issues that require resolution in the form of a universal definition or ruling that involves integrating, defining, clarifying or drafting texts to ensure clarity and consistency of the policy in question. The desired outcome would usually be a reference document.

Scientific issues – issues that require scientific input to ensure that the fundamental principles of the Convention are achieved in the most effective way. This will involve researching, reporting and advising on particular cases to ensure that decisions are scientifically-based. The desired outcome would usually be a report.

CLEARING-HOUSE OR REFERRAL PROCEDURE

1. An issue is referred to the Standing Committee by the Conference of the Parties, one of the permanent committees, a Party or the Secretariat.
2. The Chairman of the Standing Committee refers the issue to the clearing house.
3. The clearing-house prepares the following for the Chairman of the Standing Committee:
 - a) a brief description (preferably less than one page) defining the problem by outlining:
 - i) the issues to be addressed;
 - ii) an analysis of the issue;
 - iii) the States, organizations or persons to be consulted or involved; and
 - iv) the desired outcome (e.g. a definition, a database or a register);
 - b) i) a recommendation as to which CITES body should consider the issue in accordance with the implementation category definitions or other guidelines provided by the Chairman of the Standing Committee; or
 - ii) a recommendation to take no action, if given the possibility by the Chairman of the Standing Committee. The clearing-house may reach this conclusion if it determines that the issue is trivial or that attempts to remedy it would have unacceptable consequences or are too costly; and
- c) In general, a referral that would be categorized as:
 - i) administrative issues to be referred to the Secretariat;
 - ii) scientific issues to be referred to the Animals Committee, the Plants Committee and/or the Nomenclature Committee; or
 - iii) policy and operational and technical issues to be referred to the Chairman of the Standing Committee in the first instance, although the issue might ultimately require a working group or a decision of the Conference of the Parties to progress the issue.
4. The Chairman of the Standing Committee should consider the recommendations for referral to one of the CITES bodies. If the Chairman of the Standing Committee is in doubt regarding the referral, he should refer the issue back to the clearing-house for a more thorough analysis and a later submission to the next meeting of the Standing Committee for a final decision.
5. Issues referred by this process to a CITES body should be dealt with according to its practices and rules of procedure. For example, an *ad hoc* working group may be formed or the Secretariat may be requested to engage a consultant to address the issue.