

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

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

SUMMARY REPORT

1. Opening remarks by the Chairman

The Chairman and the Secretary-General welcomed participants to the 50th meeting of the Standing Committee.

Strategic and administrative matters

2. Rules of Procedure

The Secretariat introduced document SC50 Doc. 2.

The representative of Europe (Germany) proposed that amendments be made to the Rules to give to regional economic integration organizations with competence for the implementation of the Convention the right to be represented at meetings of the Standing Committee, including closed sessions. There was little support for this. Several participants stated that such an important proposal should have been submitted in advance with the required supporting documentation. It was noted that in any case the European Commission does always attend meetings of the Standing Committee. It was reported that the Animals and Plants Committee had already amended their own Rules to allow intergovernmental organizations to be represented at closed sessions. The Secretary-General pointed out that [in accordance with Resolution Conf. 11.1 (Rev. CoP12)] the Animals and Plants Committees were obliged to follow the Rules of Procedure of the Standing Committee as far as practicable and were not given the right to adopt their own rules.

It was agreed that a discussion document should be prepared by Germany for consideration at the 51st meeting of the Standing Committee, with a proposal for amending Rules 5 and 26 of the Rules of Procedure, to allow regional economic integration organizations with competence for the implementation of the Convention to be represented at meetings of the Standing Committee, including closed sessions, without invitation. The Committee agreed meanwhile to make no change to the Rules of Procedure (in document SC50 Doc. 2 Annex) adopted at its 47th meeting.

During discussion of this item, interventions were made by the representatives of Africa (South Africa), Asia (China), Central and South America and the Caribbean (Ecuador), Europe (Germany), North America and Oceania, the observers from Qatar and the European Commission, and the Chairman of the Plants Committee.

3. Adoption of the agenda and working programme

3.1 Agenda

Following the introduction of this item by the Secretariat, the Chairman reported that although there had originally been a plan to discuss the proposed Memorandum of Understanding with the Food and Agriculture Organization of the United Nations (FAO), this was no longer included in the provisional agenda as there had been insufficient time to liaise with FAO. A draft was under review and a report on progress would be made at the 51st meeting of the Committee if any agreement could be reached by that time. The observer from FAO noted that there was already good cooperation between the CITES and FAO Secretariats and reported that FAO's legal office had given clearance to continue with negotiating a Memorandum of Understanding (MoU).

It was agreed that under item 23, there should be a discussion of the saiga antelope and under item 28 there should be a discussion on ramin and *Python curtus* in Indonesia and Malaysia. With these changes the Agenda in document SC50 Doc. 3.1 (Rev. 4) was adopted.

During discussion of this item, interventions were made by the representative of Europe (Germany) and the observer from FAO.

3.2 Working programme

The Secretariat introduced document SC50 Doc. 3.2. It was agreed that:

- a) item 22, on Export quotas would, if possible, be discussed on the morning of 16 March;
- b) item 27, on Guidelines on compliance with the Convention, would be discussed in open session, preferably on the morning of 16 March; and
- c) item 30, on Criteria for amendment of Appendices I and II, and item 31, on the Periodic review of the Appendices, would be discussed on the morning of 16 March.

It was also agreed that, before the closed session on the morning of 18 March, an opportunity would be provided to observers to make brief interventions regarding the items to be discussed in the closed session.

With these changes, the working programme in document SC50 Doc. 3.2 (Rev. 2) was adopted.

During discussion of this item, interventions were made by the representatives of Europe (Germany and Norway), North America and Oceania, and the observers from Kenya and World Wide Fund for Nature (WWF).

4. Credentials

Credentials were received finally for the delegations of 42 Parties out of 48 that were represented at the meeting, including the delegations of all Parties represented as members of the Committee.

5. Admission of observers

Following the introduction of document SC50 Doc. 5 by the Secretariat, the Committee agreed to the admission of observers from all the organizations listed in document SC50 Doc. 5, Annex, as well as from Fauna and Flora International.

6. CITES Strategic Vision and Action Plan

The Secretary-General explained the history of the current *Strategic Vision through 2005* and proposed the following procedure for extending its life and for adopting a new strategic plan:

- a) the period of validity of the current *Strategic Vision through 2005* and the accompanying Action Plan should be extended till the end of 2007;
- b) the working group of the Standing Committee that drafted the current documents should be re-established;
- c) the Parties should be urged, and the permanent committees and the Secretariat should be instructed, to evaluate their implementation of the current Action Plan and to submit the results of their evaluations to the working group;
- d) the working group, taking into account these evaluations, should draft a Strategic Vision and Action Plan for the period 2008-2013, for approval by the Standing Committee and subsequent consideration at the 14th meeting of the Conference of the Parties.

The Committee agreed to make those recommendations to the Conference of the Parties at its 13th meeting.

During discussion of this item, an intervention was made by the representative of Oceania.

7. Memorandum of Understanding with the Executive Director of the United Nations Environment Programme (UNEP)

The Committee noted that the Executive Director of UNEP had not yet responded adequately to the revised draft Memorandum of Understanding that had been sent to him by the Chairman. It agreed that, before pursuing this matter further, the Chairman should wait for the results of the study being conducted by the UN Office of Internal Oversight Service (OIOS) regarding the services provided to international conventions by UNEP and UNON. It was also agreed that discussions with the executive Director of UNEP should take into account the discussions that the Standing Committee had had regarding cost-containment strategies and that the Chairman should report progress at SC51.

During discussion of this item, an intervention was made by the representative of North America.

8. Arrangements for the 13th meeting of the Conference of the Parties

8.1 Preparations for CoP13

The representative of the Next Host Country and the Secretariat reported the actions that had been taken so far in preparing for CoP13. The meeting would take place at the

Queen Sirikit National Convention Centre and it was hoped that an electronic voting system would be available.

The Committee congratulated the Next Host Country on the progress that it was making in the preparations for CoP13.

8.2 Agenda (provisional)

The Secretariat introduced document SC50 Doc. 8.2. A question was raised as to whether the item on cooperation between CITES and FAO should be included in the agenda for CoP13 as there was no requirement to report and it was unlikely that an MoU would have been concluded by the time of the meeting. One observer thought that the item should remain in the agenda but this was not the view of the Committee. The representative of the Depositary Government suggested that items to be discussed by working groups be moved to the start of the meeting and retabled for discussion in plenary on the last day.

The representative of Europe (Germany), noting that there would soon be a meeting in Vilm, Germany, supported by UNEP, on the relationship between CITES and the Convention on Biological Diversity (CBD), suggested the inclusion of an item on the Agenda for CoP13 on this subject. Little support was expressed for the inclusion of this item.

It was noted that any interested Party could submit an item for inclusion in the agenda up to 5 May 2004, but that it would need to provide a document for discussion.

The Committee agreed to delete from the draft agenda, in document SC50 Doc. 8.2 Annex, item 13. a) on Cooperation between CITES and FAO. With this amendment, the Committee agreed to the draft agenda as presented.

Regarding the wish of Germany that an agenda item be added on cooperation with CBD, the Committee agreed that the appropriate action would be for Germany to submit a document to the Secretariat before 5 May 2004 for consideration at CoP13.

During discussion of this item, interventions were made by the representatives of Europe (Germany), North America, Oceania and the Depositary Government, the observers from India, Japan, Mexico and the European Commission, and the Chairman of the Plants Committee.

8.3 Working programme

Following the introduction of document SC50 Doc. 8.3 by the Secretariat, the Committee directed the Secretariat to:

- a) move the first session that was planned for the meetings of Parties on a regional basis from 8 October to 4 or 5 October;
- b) allocate item 46 on Annotations for medicinal plants on the Appendices to Committee I rather than Committee II; and
- c) make arrangements for proposals relating to plants to be discussed in Committee I before proposals relating to animals.

With these amendments, the Committee agreed to the draft working programme in document SC50 Doc. 8.3 Annex.

During discussion of this item, interventions were made by the representatives of Central and South America and the Caribbean (Ecuador), Europe (Germany) and Oceania.

8.4 Rules of Procedure

Document SC50 Doc. 8.4 was introduced by the Secretariat. The Committee generally supported the suggested changes to the Rules of Procedure of the Conference of the Parties.

However, regarding the suggested change to Rule 15, it was felt appropriate for one of the Vice-Chairmen of the Conference to be chosen to preside over the Bureau in the absence of the Chairman. One delegation suggested that this Rule be amended to exclude the Secretariat from the Bureau. The Secretary-General pointed out that his job description stated that he was the chief executive officer of the meetings of the Conference of the Parties and also noted that the 'Bureau' for CITES is not the same things as it is for some other conventions, where it functions as a standing committee between meetings of the Conference of the Parties. Although the proposal was supported by one other observer, it gained no support from the Committee.

Regarding the suggested change to Rule 25.2, some participants agreed that a motion to vote by secret ballot should take precedence over a motion for a roll-call vote but others disagreed, believing that secret ballots undermined the principle of transparency and accountability. Some expressed concern that the suggested change to the Rule would lead to a greater number of votes by secret ballot.

The representative of Europe (Germany), speaking on behalf of the Member States of the European Union, proposed that the draft Rules of Procedure be amended to allow delegations of States members of regional economic integration organizations to sit together at meetings of the Conference of the Parties. Although some participants were sympathetic to this request, others felt it was not appropriate, particularly as the Gaborone amendment had not entered into force.

An observer asked whether the Parties represented at the meeting thought that it would be worth considering an amendment to the Rules of Procedure to limit the interventions of observers from non-governmental organizations to only one or two in favour of or against any proposal under discussion. There was no support for this suggestion. Some participants considered that it underestimated the wide range of views among NGOs and that would limit the potential input of NGOs.

The Committee agreed that, in the draft Rules of Procedure in document SC50 Doc. 8.4 Annex, in Rule 15.1, the words "Chairman and the other" should be inserted before the word "members" in the second line.

It agreed that the new proposed Rule 15.3 should be amended to read, "If the Chairman of the Conference is absent or is unable to discharge his/her duties, the Bureau shall nominate one of the Vice-Chairmen to deputize for him/her".

It rejected a request to amend Rule 15.1 to indicate that the Secretariat assisted the Bureau but was not a member of it.

It rejected a request to include an amendment to Rule 11.2 to indicate that representatives of States members of a regional economic integration organization would sit together during meetings of the Conference of the Parties.

It rejected the proposed amendment to Rule 25.2 in document SC50 Doc. 8.4 but requested the Secretariat to prepare a document on this issue for consideration at the 51st meeting of the Standing Committee.

The Committee agreed that, with the amendments above, the draft Rules of Procedure in document SC50 Doc. 8.4 Annex should be submitted for adoption at CoP13.

During discussion of this item, interventions were made by the representatives of Africa (South Africa, the United Republic of Tanzania), Asia (China) Central and South America and the Caribbean (Ecuador, Nicaragua and Saint Lucia), Europe (Germany and Norway), North America, Oceania and the Depositary Government, and the observers from Argentina, El Salvador, Israel, Mexico, the European Commission, IWMC and International Wildlife Coalition (IWC).

9. Use of secret ballots

The Secretariat introduced document SC50 Doc. 9. One representative expressed the view that it would like to have seen a more thorough analysis. Some participants expressed the view that the use of secret ballots undermined the principles of transparency and accountability and preferred that the Conference of the Parties revert to the rules that applied before the ninth meeting of the Conference of the Parties. One delegation stated that secret ballots should be used for choosing the next host country and for election of officers and not for anything else. Many Parties supported the necessity of secret ballots and the recommendation of the Secretariat to maintain the current rules.

The Committee requested the Secretariat to prepare a document for CoP13 indicating that the Standing Committee had considered this issue and did not wish to propose any amendment to the Rules of Procedure relating to secret ballots.

During discussion of this item, interventions were made by the representatives of Africa (Cameroon, South Africa, Tunisia and the United Republic of Tanzania), Europe (the Czech Republic, Germany and Norway), Asia (China), Central and South America and the Caribbean (Nicaragua and Saint Lucia), North America and Oceania, and the observers from Egypt and Japan.

10. Process for consideration of technical implementation issues

The delegation of the United States of America, as Chairman of the working group on this issue, introduced document SC50 Doc. 10. One delegation stated that the proposed process was rather complicated and that the Secretariat should play a more active role in order to speed up the treatment of technical implementation issues. The Secretariat's role was acknowledged by other speakers, who however stressed the importance of involving Management Authorities who are involved in the daily implementation of the Convention. The Secretary-General made a number of suggestions for improving the proposed process for deciding on which body should discuss any particular item and these were referred back to the working group, which produced a revised proposal in document SC50 Doc. 10 Annex 3 (Rev. 1).

The Chairman of the interim working group reminded the Chairman of the Standing Committee that the Standing Committee had agreed that Parties were to nominate two

representatives to serve on the Standing Committee clearing house on implementation. The Chairman of the Standing Committee advised the Committee to submit nominees at SC51.

The Committee agreed to the process for referring technical implementation issues to CITES bodies, as outlined in document SC50 Doc. 10 Annex 3 (Rev. 1), as well as to the glossary in Annex 2 (Rev. 1) and list of technical implementation issues in Annex 1 (Rev. 1).

During discussion of this item, interventions were made by the representatives of Europe (Germany), North America and Oceania, and the Chairman of the Animals Committee.

11. Economic incentives and trade policy

The Secretariat introduced document SC50 Doc. 11 and summarized the findings and recommendations of a workshop on trade policies and economic incentives held in Geneva, from 1 to 3 December 2003, with the financial support of Switzerland, the United Kingdom and the Economics and Trade Branch of UNEP. The Secretariat stressed that the review of national wildlife trade policies was a voluntary process designed to assist Parties and was not linked to compliance procedures.

Some delegations supported the document and one suggested that recommendations and background papers prepared in the context of the workshop be submitted at the 13th meeting of the Conference of the Parties. In response to questions regarding the resources available and the workload of the Secretariat, it was explained that this work would be supported by new and additional resources and therefore would not detract from other core activities. Another delegation said that two main considerations should underpin any work in the area of wildlife trade policies and economic incentives: that the process must be driven by Parties; and that the methodology of any review must consider all the international obligations of the Party concerned. The outcomes of the review should be consistent with these obligations. It also suggested that the report for CoP13 should present specific case studies. It was also suggested that the recommendations resulting from the review be sent to CBD and the World Trade Organization.

The Standing Committee noted the report and invited Parties to participate in the process. The Committee requested the Secretariat to include comments made during the discussions in the Secretariat's report on this item for CoP13. It was also requested that Annexes 1 and 2 of document SC50 Doc. 11 and documents SC50 Inf. 3 and Inf. 4 be included in that report.

During discussion of this item, interventions were made by the representatives of Africa (South Africa), Europe (Germany), North America, Oceania, the Depositary Government and the Previous Host Country, and the observers from Argentina, Fauna and Flora International, IWC and WWF.

12. Financial and administrative matters

12.1 Development of containment strategies

The Secretariat introduced this agenda item and document SC50 Doc. 12.1. The Committee agreed to the following:

- a) Paragraphs 7. a) to c): recommendations adopted with the request that the Secretariat prepare a report for CoP13 on countries in arrears and that the Secretary-General prepare a plan for those Parties with accumulated arrears in consultation with those Parties.

- b) Paragraphs 8 and 9: The Committee agreed that no further action should be taken until its discussions on non-compliance had been completed.
- c) Paragraph 10: The Standing Committee agreed to the recommendation of the Finance Subcommittee that the Secretariat should prepare a cost-benefit analysis based on readily available information for the following locations: Bangkok, Bonn, Geneva, Montreal and Nairobi for this issue to be discussed at SC51. It was noted that this was a simulation exercise and not a formal invitation for offers from the countries concerned. The representatives of Switzerland and Thailand and the observer from Canada offered their assistance to the Secretariat in obtaining data required for the compilation of costs associated with each location.
- d) Paragraph 15: recommendations adopted. However the Committee requested the Chairman to liaise with UNEP regarding the establishment of the new Memorandum of Understanding taking into account the results of the OIOS review of administrative services.
- e) Paragraph 18: The Committee agreed to the recommendation of the Finance Subcommittee that the Secretariat should prepare a document for SC51 on the comparative costs of meetings of the Animals and Plants Committees in different locations. It reconfirmed that the Standing Committee's meetings were to be held in Geneva only, and that meetings of the Animals and Plants Committees were to be held back-to-back, and in Geneva every other year, as decided by the Conference of the Parties.
- f) Paragraphs 19 to 21: The Committee agreed to the recommendation of the Finance Subcommittee that the current system was adequate and that all documents, including those from the Secretariat, should be ready 150 days before the CoP.
- g) Paragraphs 22 to 25: The Committee agreed to the recommendation of the Finance Subcommittee that the current minimum assessment rate should be retained and that this issue should not be part of the containment strategy as there was no net effect on the budget.
- h) Paragraphs 26 to 29: The Committee requested the Chairman to liaise with the Secretariat's host country in order to explore options to establish a separate location agreement for the Secretariat in the context of the Memorandum of Understanding with UNEP and to report on this issue at SC51.
- i) Paragraphs 30 to 32: The Committee stressed the importance of maintaining the quality of translation and interpretation.
- j) Paragraphs 34-38: The Committee agreed with the recommendation of the Finance Subcommittee that no further action was required.

During discussion of this item, interventions were made by the representatives of Oceania, the Depository Government (Switzerland) and the Next and Previous Host Countries (Thailand and Chile), and the observer from Canada.

12.2 Items insufficiently funded or requiring external budgetary resources

The Secretariat introduced this agenda item and reported on projects proposed in Decisions and Resolutions adopted at the 12th meeting of the Conference of the Parties and of current projects that are contingent on the availability of funds and still need financial support from external sources. The Secretariat also reported on additional funds raised since the document was produced and thanked donors. It provided an update on funds raised for the Sponsored Delegates Project for CoP13. The Secretariat indicated that the deadline for requests to the Secretariat for sponsoring delegates was 31 May 2004 and that, in principle, only requests received by that date would be considered. The Secretariat's efforts to raise the required funds were noted and one observer called on non-government organizations to support the Sponsored Delegates Project. The Secretary-General indicated that the document before the Standing Committee contained no priorities, but he drew particular attention to the urgent funding requirements for the MIKE programme.

The Committee noted the report.

During discussion of this item, interventions were made by the representative of North America and the observer from IWMC-World Conservation Trust.

12.3 Estimated expenditures for 2004

The Standing Committee approved the following recommendations of the Finance Subcommittee:

- a) The transfer between budget lines and the increase of USD 215,830 in the Secretariat's budget for 2004 to cover potential over-expenditures as a result of changes in staff costs.
- b) The increase of the 2004 budget by a further USD 45,000 to cover partially rental costs of the Secretariat's offices in 2004.
- c) These increases would be drawn-down from the Trust Fund balance.
- d) Any draw-downs in 2005 regarding the rental costs of the Secretariat's offices should be considered by the Standing Committee at SC51.

During discussion of this item, interventions were made by the representatives of Central and South America and the Caribbean (Saint Lucia) and the Depositary Government.

12.4 Budget for 2006-2008

The Secretariat introduced this agenda item. The Committee welcomed and endorsed the new programmatic budget presentation which identified the cost associated with each category of service. The Committee requested the Secretariat to prepare an additional budget proposal based on a zero increase of Parties' contributions for consideration at SC51. This document should also contain a list of budget items the discontinuation or reduction of which would allow the budget reduction to be achieved. The Committee stressed the importance of maintaining capacity building, enforcement and legislation and scientific support programmes at

the current levels. The Committee made suggestions with regard to areas where savings could be made as follows:

- a) reduce the number of Animals and Plants Committee meetings to two meetings between meetings of the Conference of the Parties;
- b) convene meetings of the permanent committees, working groups, etc. in Geneva; additional costs related to convening meetings outside Geneva should be borne by the host country or other donors;
- c) consider holding meetings of the Conference of the Parties in Geneva if this would create further savings;
- d) reduce travel costs (non changeable tickets, early bookings, etc.); consider hiring charter flights for participants from the same region; and
- e) reduce printing costs.

In relation to point d) above, the Secretary-General stated that travel of Secretariat's staff was regulated under UN rules and regulations. Any savings could therefore only be introduced through changes to these rules and regulations and not for the CITES Secretariat's staff alone.

The Committee requested the Secretariat to develop the description of activities in the budget so that they become self-explanatory.

The following statement was submitted by the representative of the Depository Government, as host country of the Secretariat:

Mr Chairman,

We thank you and the Finance Subcommittee for the fruitful discussion and the progress achieved to regularize the rental situation of the CITES Secretariat. In document SC50 Inf. 11, we stressed that Switzerland treats all environmental conventions and units which depend administratively from UNEP and which are located in Geneva on an equal footing.

A joint effort by various Swiss authorities will bring about for the CITES Secretariat in the future the same very favourable, low rental charges in the International Environment House as at present.

The Finance Subcommittee agreed (see Executive Summary of the Finance Subcommittee, agenda item 12.1 on the Development of containment strategies, paragraph 8) that the Chairman should liaise with the host country in order to explore options to establish a separate location agreement for the Secretariat, and that he should report at SC51.

We have to reiterate that we see no options for our Government to enter into a direct contractual relationship on the premises used by the CITES Secretariat as the International Environment House is owned by a foundation which is in its legal nature separate and distinct from the Swiss Confederation.

We would therefore be very uncomfortable if future draw-downs to cover the rental costs of the Secretariat's offices for the year 2005 were only possible if there was a

separate location agreement. We urge therefore the Standing Committee not to interlink the further regularization of the rental situation with the establishment of a separate location agreement as could be understood while reading the last-but-one sentence of agenda item 12.3 of the Executive Summary.

The sentence therefore should read: "The Subcommittee therefore agreed to increase the 2004 budget by a further USD 45,000 [full stop]. These increases would be drawn-down from the Trust Fund balance."

We thank the Standing Committee to consider seriously our request and we would appreciate if the Standing Committee could consider in the future a sustainable way to cover the rental costs which are due to the foundation owning the International Environmental House.

We are sure that our observations will be reflected in the report of the meeting.

Thank you Mr Chairman.

The following statement was submitted by the observer from Mexico:

Mr Chairman,

Historically Mexico has participated actively and constantly in the development of the objectives and decisions adopted by the Convention.

My Government understands the reasons for the increase in the Secretariat's costs in 2004, 2005 and in the 2006-2008 triennium. As a matter of fact, it has no objection to the costs for the rest of this triennium to be covered by draw-downs from the Trust Fund. However it cannot at the present time make a commitment with regard to the budget increase for the next triennium or to the scale of contributions.

Mexico, like other Parties to the Convention, applies a policy of budget containment that prevents us from paying more than 50 per cent of our contribution for 2004. However we will carry on endeavouring to cover its totality.

Given that nothing points to a significant improvement in the immediate future, the rise in contributions to CITES that stems from the increased budget proposed by the Secretariat for the 2006-2008 triennium is a source of great concern to my country.

Furthermore, it is likely that the Secretariat will want to adopt for that triennium the new scale of contributions adopted by the General Assembly of the United Nations for the 2006-2008 triennium, which represents a sharp increase in contributions for a significant number of developing countries.

In that regard, it is important to bear in mind that at its 58th session, the UN General Assembly recognized, as reflected in the decisions it adopted, the necessity to review the methodology in effect (adopted in 2000) for the calculation of the scale of contributions, in order to find a better balance in the distribution of the financial costs of the UN activities in future years. These decisions must be taken into account, even though there is no real reason for the scale of contributions of the UN general budget to be reflected in that of a body such as the CITES Secretariat.

Given the above, Mexico reserves the right to bring this issue to the attention of the Conference of the Parties at its next meeting, during which it will take the following stance:

- a) Mexico requests that increases due to personnel, office rent and electricity costs be counterbalanced by savings in areas such as travelling costs; conference service costs; meetings, through holding them back-to-back rather than in isolation; non-priority intersessional tasks; and the production of documents and elaboration of tasks not specifically adopted by the Parties. The above so that the real budget increase be of zero per cent or even a negative real increase.*
- b) As done at the 49th meeting of the Standing Committee, we request the Secretariat to send a Notification to the Parties inviting them to submit specific proposals to host the Secretariat, in order to elaborate a cost-benefit analysis of various locations.*
- c) Mexico cannot accept the automatic adoption by CITES of the scale of contributions for the 2004-2006 triennium of the general budget of the United Nations. Before considering any increase in the budget, we need to develop a scale of contributions in line with the ad-hoc membership of the Convention, taking into account the principle of payment capacity of the Parties. Should they be necessary, increases in the percentage of contributions must be gradual and progressive, and based on an established methodology. This review of the scale of contributions of CITES is relevant and necessary given that, as shown in Table 1 of document SC50 Doc. 12.1 prepared by the Secretariat, it is obvious that the contributions are not being paid by the Parties to the Convention and that the number of Parties in arrears increases every year, reaching at the present time almost half of the Parties (i.e. 79 Parties out of 165).*
- d) Given the above, it is necessary to establish measures to mitigate the arrears through voluntary payments, as well as for the Secretariat to design a mechanism to entice debtors to pay their contributions. Sanctions and other limiting measures against Parties do not benefit anyone in the long term.*
- e) Finally, Mr Chairman, the Mexican delegation wishes to reiterate the intervention recently made by the representative of North America, which reflects the position of our region and aims at making savings in the budget.*

During discussion of this item, interventions were also made by the representatives of Central and South America (Ecuador), Europe (Norway), North America and Oceania, and the observers from Japan and the European Commission.

13. Role of the Secretariat in dialogue meetings

The Secretariat introduced document SC50 Doc. 13 and the Addendum to this document. In the discussions of these documents, a number of concerns and wishes were expressed regarding the draft terms of reference for dialogue meetings: that the Secretariat should remain impartial and not be involved in selecting a chairman for dialogue meetings; that representatives of range States of the species concerned should decide on the attendance of representatives of donors and of experts; that it was unclear how the agenda for each meeting should be prepared; that it should be clear that it is the Secretariat's role to invite all range States; that there was doubt as to whether the relationship of the Secretariat and IUCN should be the same for all species subject to dialogue meetings; that consideration should be given to the range States of related species or genera; that timing of meetings

and of activities related to meetings should be referred to; that the distinction between dialogue meetings and other meetings of range States should be made clear; and that it should be clear how to select species for which dialogue meetings were required. In response to a request to the Secretariat to organize a dialogue meeting for African elephant range States one month before CoP13, the Secretary-General drew attention to the problem that external funding was required to support sponsored delegates to attend both the dialogue meeting and CoP13, but that funding was limited. As the priority was to ensure adequate participation at CoP13, it made sense to hold the dialogue meeting immediately before CoP13 so that all that was required was a few days of extra *per diem* for the persons concerned.

The Committee requested the Secretariat to prepare a revised version of the draft terms of reference for dialogue meetings in document SC50 Doc. 13 Addendum, for consideration at the 53rd meeting of the Standing Committee, taking into account the comments made at the present meeting.

During discussion of this item, interventions were made by the representatives of Africa (South Africa), North America and Oceania, and the observers from India, Israel, Kenya, Mexico, IWC and WWF.

Interpretation and implementation of the Convention

14. Revision of Resolutions and Decisions of the Conference of the Parties

The Committee noted the plans of the Secretariat indicated in document SC50 Doc. 14 and in its presentation and requested that it inform the Parties of the Resolutions of which it intends to propose revisions, through the CITES website.

During discussion of this item, an intervention was made by the representative of Oceania.

15. Specimens to be exempted from the provisions of the Convention

The Secretariat introduced document SC50 Doc. 15, stressing that this presented a corrected version of a proposal that had been submitted for consideration at CoP12 by the Depositary Government at the request of the Standing Committee. Several delegations and observers objected to the proposal, addressing the substance, and in particular expressing concern regarding the potential implications in connection with ongoing discussions about access to genetic resources and benefit sharing. However other delegations supported the proposal in its content and form. It was also noted that this item was before the Committee only to agree on whether the corrected proposal should be considered at CoP13 and that, if this were agreed, the substantive discussion would take place at that meeting.

The Committee requested the Depositary Government to submit at CoP13 the proposal in document SC50 Doc. 15 Annex 2, together with a short statement taking into account the interventions made by the Committee on this issue.

During discussion of this item, interventions were made by the representatives of Asia (China), Central and South America and the Caribbean (Ecuador and Saint Lucia), Europe (Germany), North America and Oceania, and the observers from Mexico, IWC and WWF.

16. Asian big cats

The Secretariat introduced the document and explained that a number of Parties had still to submit reports. It highlighted India and Nepal as examples of Parties where local communities were being involved in conservation issues and benefiting from conservation of Asian big cat species. India's announcement that a group chaired by its Prime Minister had instructed the establishment of a CITES Cell to coordinate enforcement and implementation issues was welcomed. Several delegations and observers commented on the fact that poaching and illegal trade continue to be of concern and that many range States required technical and financial support. It was noted that the CITES Tiger Enforcement Task Force had not met because of a lack of funding. There were several interventions encouraging the Secretariat to continue its work relating to the concerns expressed by the CITES Tiger Mission Technical Team, following the latter's visit to Thailand, in relation to trade in specimens of Appendix-I species.

The Secretariat also reported that the United Kingdom had provided funds to enable the Secretariat and the National Criminal Intelligence Service of the United Kingdom to provide enforcement-related training to Thailand. The Secretariat concluded by reporting that it did not believe that any Party had failed to make progress and, consequently, the Committee was not being asked to recommend additional appropriate measures.

The Committee adopted the recommendations of the Secretariat as outlined in document SC50 Doc. 16.

During discussion of this item, interventions were made by the representatives of Asia (Malaysia), Europe (Germany) and the Depository Government, and the observers from India, the United Kingdom, the David Shepherd Foundation, the Environmental Investigation Agency, TRAFFIC, the Wildlife Trust of India, the World Conservation Trust and WWF.

17. Bears

The Secretariat introduced the document and explained that a number of Parties had still to submit reports. It highlighted the major points of interest from those reports it had received. It recalled that the Standing Committee, at its 45th meeting (Paris, June 2001), had agreed that there were a number of essential elements for effective implementation of the Convention and these were repeated in SC50 Doc. 17. It did not believe any additional measures had been identified, although it stressed that illegal trade had not been eradicated. One delegation regretted that reference had been made in SC50 Doc. 17 to tigers and rhinoceroses and expressed the wish that, in future, the Secretariat's reports on species-specific matters would not refer to species other than the ones under discussion.

The Committee adopted the recommendations of the Secretariat as outlined in document SC50 Doc. 17.

During discussion of this item, interventions were also made by the observers from Canada, the Republic of Korea and the Animal Welfare Institute.

18. Sturgeons

The Secretariat introduced the document and explained that it considered existing arrangements for its receipt of copy permits and certificates adequate but that it believed this should be extended to involve all caviar-trading Parties. Some concern was expressed that it was not necessary to include all re-exports, although it was reported that the

European Union was soon to introduce labelling for domestic trade and re-packaging, in compliance with Resolution Conf. 12.7.

The Committee adopted the recommendations of the Secretariat as outlined in document SC50 Doc. 18.

During discussion of this item, interventions were made by the representatives of Europe (Germany) and North America, and the observers from the Islamic Republic of Iran and TRAFFIC.

19. [Item deleted]

20. Tibetan antelope

The Secretariat introduced the document and drew specific attention to its belief that China would benefit from external support to implement some of the recommendations resulting from the Secretariat's mission in 2003. The Secretariat also reported on the continuing litigation regarding the manufacturing and trade in shahtoosh in the State of Jammu and Kashmir in India and its intention to bring this to the attention of the Conference of the Parties.

The Committee adopted the recommendations of the Secretariat as outlined in document SC50 Doc. 20.

During discussion of this item, interventions were made by the representative of Asia (China) and the observer from India.

21. Elephants

21.1 Control of internal ivory trade

The Chairman reminded delegates that there was no decision to be made by the Committee at the present meeting regarding whether a one-off sale of ivory from Botswana, Namibia and South Africa should take place. The Secretariat then introduced a newly revised document [SC50 Doc. 21.1 (Rev. 1)].

Whilst there was considerable support for the Secretariat's new suggestion that a holistic approach should be taken to dealing with the problem of illegal trade in ivory, several delegates observed that the draft work plan in the annex required refinement and that it had many implications that needed more consideration than could be given at the present meeting. It was pointed out that different approaches would be required, depending on whether a range State had elephant populations in Appendix I or II.

Reference was also made to the need for capacity building and the fact that it would have budgetary implications for many Parties, which they would be unable to address in the short-term. The benefits of Parties acceding to the Lusaka Agreement, to assist law enforcement, were emphasized, as was the importance of reporting all seizures of elephant products.

The Standing Committee noted the report of the Secretariat provided in document SC50 Doc. 21.1 (Rev. 1). It directed the Secretariat to:

- a) continue to implement Decision 12.39 and pay particular attention to the Parties identified in paragraphs 7, 13 and 15 of document SC50 Doc. 21.1 (Rev. 1);
- b) if external funding can be secured, hold a dialogue meeting with African elephant range States prior to CoP13 to develop a detailed work plan, using the Annex to document SC50 Doc. 21.1 (Rev. 1) as a basis, that covers both Appendix-I and -II elephant populations and includes actions by all African range States;
- c) report at CoP13 on the implementation of Decision 12.39 and the results of the dialogue meeting; and
- d) prepare a revised decision for consideration at CoP13 based on a holistic approach that covers all Appendix-I and -II elephant populations and their range States.

The Standing Committee urged all range States to implement Resolution Conf. 10.10 (Rev. CoP12) and to work cooperatively to end the illegal trade in ivory.

During discussion of this item, interventions were made by the representatives of Africa (Cameroon, South Africa and the United Republic of Tanzania), Asia (China), Central and South America and the Caribbean (Saint Lucia), Europe (Germany), North America and Oceania, and the observers from Egypt, India, Israel, Japan, Kenya, the Environmental Investigation Agency, the Fund for Animals, TRAFFIC and WWF.

21.2 Determination of detrimental impact

The Secretariat introduced the document. It also provided an update on the progress of MIKE and indicated that it was unlikely that sufficient baseline data would be available to enable a trade in ivory to occur before CoP13.

Although the procedure suggested in paragraph 6 of the Secretariat's document was generally supported, several delegates stressed the need for caution and expressed concern that determination of detrimental impact should not be left to the Secretariat alone. The need to verify the stocks of the exporting countries and the controls of the importing country, which is likely to be Japan, were stressed. The importance of supplying information to the Secretariat, to enable it to report matters of concern to the Standing Committee was also emphasized by several delegates.

The Committee agreed that the procedure described in paragraph 6 of the document satisfied Decision 12.34, after amendment to read as follows:

- a) [unchanged]
- b) *The Secretariat will work with the Parties that report an increase in illegal hunting of elephants or illegal trade in elephant specimens to establish the veracity of such reports and the linkage, if any, to the commercial trade in raw ivory.*

- c) *The Secretariat will report to the Chairman of the Standing Committee and to the Parties concerned and will formulate recommendations, for consideration by the Standing Committee, taking a precautionary approach acting in the best interests of conservation.*
- d) *If the Standing Committee concludes that there has been an increase in either illegal hunting of elephants or illegal trade in elephant specimens owing to the commercial trade, it will recommend that international trade in all specimens referred to in the annotation in the Appendices regarding the *Loxodonta africana* populations of Botswana, Namibia and South Africa be halted. Furthermore, the Standing Committee will request the Depositary Government to propose, at the following meeting of the Conference of the Parties, that all Appendix-II populations of this species be transferred to Appendix I.*
- e) [new paragraph] *The Secretariat should, to ensure transparency and assist decision-making, make available on its website information relating to paragraph b) above.*

During discussion of this item, interventions were made by the representatives of Africa (South Africa), Central and South America and the Caribbean (Ecuador), Europe (Germany) and North America, and the observers from India, Israel, Kenya and IWC.

21.3 Conditions for trade in raw ivory

The document was introduced by the representative of Kenya. There was no discussion of the document.

The Committee noted the document submitted.

21.4 Ivory stocks in Burundi

The delegation of Burundi introduced the document. The Secretary-General explained the background to this matter and that the stocks had recently been inspected by MIKE and TRAFFIC staff on behalf of the Secretariat. Whilst some sympathy was expressed for the situation facing the Government of Burundi, concern was also expressed regarding whether the stocks were from a legal origin and whether they could be regarded as being pre-Convention. Two solutions were identified; the first being that Burundi could authorize trade in the ivory as being pre-Convention (although it was felt unlikely that any country would wish to import it and also noted that the ivory may have originally entered Burundi from CITES Parties) and the second that the ivory be 'bought out' by a donor and then destroyed. It was noted that there was no role for the Standing Committee in determining how this issue should be dealt with.

The Committee agreed that the Secretariat should prepare a discussion paper on this subject for consideration at CoP13.

During discussion of this item, interventions were made by the observers from Israel, the United Kingdom, the European Commission, IWC and the World Conservation Trust.

22. Export quotas

The delegation of Cameroon, as Chairman of the working group on this subject, reported that the working group had been unable to meet in advance of the 50th meeting of the Standing Committee. He thanked Germany and the United States for the work they had done in providing documents SC50 Inf. 1 and SC50 Inf. 2. The Secretariat reported that the members of the working group in attendance at the present meeting had met during the week and proposed a procedure for the continuation of the Committee's work on this issue.

The Standing Committee agreed to the following procedure:

- a) by the end of April 2004, a document should be produced that contains a synthesis of the questions and concerns raised in documents SC50 Inf. 1 Annex 1 and SC50 Inf. 2 (NB: the United States has volunteered to provide this synthesis);
- b) the Secretariat should provide this synthesis to the members of the working group, who will have three weeks to provide their comments on the document to the Secretariat, which will then, in collaboration with the United States, prepare a revised version taking into account the comments received;
- c) preferably in June 2004 (but no later than July 2004) the Secretariat should send the revised document to the members of the working group and distribute it with a Notification to the Parties with a request for delegations to come to CoP13 having ensured that consultations at regional level have taken place and prepared to discuss these issues at a meeting of the working group during CoP13;
- d) the Standing Committee should propose the adoption of a decision at CoP13 that the terms of reference of the working group be extended until CoP14 and it proceed as follows:
 - i) by May 2005 (either at a meeting or through electronic communication) the working group should prepare a document containing the results of its deliberations, which may include draft guidelines on the management of export quotas, taking into account the discussions during CoP13, which should be submitted to the Animals and Plants Committees for comment in 2005; and
 - ii) the working group should take into account the comments received from the Animals and Plants Committees and prepare a working document with a draft resolution, which may include proposed guidelines on the management of export quotas, to be presented to the Standing Committee in 2006 and forwarded for consideration at CoP14; and
- e) during CoP13 (outside of the formal sessions), the working group should meet, together with observers from interested Parties, and preferably with simultaneous interpretation, in order to discuss the issue in full, and identify problems in the management of export quotas and potential solutions.

23. Significant trade in specimens of Appendix-II species

- a) The Secretariat introduced document SC50 Doc. 23. The Committee approved the Secretariat's recommendations concerning *Naja* spp. contained in the Annex to document SC50 Doc. 23 in relation to imports from the Lao People's Democratic Republic and Malaysia. After clarifying the information provided by Thailand in document SC50 Inf. 8, the Secretariat explained that Thailand had agreed that during

each of the years 2004 and 2005, whilst a status survey takes place, exports of *Naja* spp. specimens would be limited to 2,000 skins and bodies and 1,100 small leather products only. These levels of trade were well below those which had caused concern to the Animals Committee.

On that basis, the Committee agreed with the Secretariat's revised recommendation that no further action was needed with respect to imports from Thailand.

Interventions were made by the representatives of Asia (Malaysia), Oceania and the Next Host Country (Thailand).

- b) With regard to Acipenseriformes from the Caspian Sea, the representative of North America encouraged the Secretariat to monitor progress with the 'Paris Agreement' closely, arguing that pressure had to be maintained to ensure such progress.

The Committee noted the oral report of the Secretariat regarding compliance with the 'Paris Agreement' by Azerbaijan, Kazakhstan, the Russian Federation and Turkmenistan. It recommended that the Secretariat make available within three months information regarding its findings, with regard to remaining issues. The Committee also noted that, should the Secretariat make a finding of non-compliance, it still had a mandate to issue a Notification to the Parties advising them of the Standing Committee's recommendation to suspend trade.

- c) The Secretariat conveyed in detail to the Committee, the grave concern of the Animals Committee over the conservation status of the saiga antelope (*Saiga tatarica*). The Secretariat noted that the Committee's recommendation of June 2001 not to accept imports of specimens of this species from the Russian Federation and Kazakhstan did not seem to have been effective because the problems are not strictly related to the non-detriment findings which are the focus of the Review of Significant Trade.

The Secretariat proposed to review the matter together with the Parties concerned in the margins of this Standing Committee meeting; to raise the issue at a CITES enforcement workshop planned for Urumqi, Xinjiang Autonomous Region, China, in June or July 2004 and to include the conservation of the saiga antelope in a joint work plan with the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) currently under development.

The Committee noted the oral report of the Secretariat.

Interventions were made by the representatives of Asia (China) and North America, and the observer from the Russian Federation.

24. Movements of sample collections covered by ATA or TIR carnets

The Chairman of the Working Group (Italy) introduced document SC50 Doc. 24 (Rev. 1).

The Committee adopted the working group's recommendations in document SC50 Doc. 24 (Rev. 1), with the following amendment in Annex 2, paragraph b) ii): addition of the words 'or related' between 'Customs' and 'office' on the last line so as to read "... the Customs or related office ...".

An intervention was made by the representative of North America.

25. Use of the falcon passport

The observer from Qatar introduced this agenda item.

The Committee noted Qatar's description of its falcon passport and its wish that Parties accept the document for the import of personally-owned falcons.

26. National reports

26.1 Late or non-submission of annual reports

The Secretariat introduced document SC50 Doc. 26.1. It pointed out that affected Parties had been sent reminders regarding the non-submission of their annual reports and that all Parties had been advised on many occasions that assistance with annual reports was available from UNEP-WCMC. It suggested that Parties might find it useful for recommendations to suspend trade to be made more visible in a special section of the CITES website.

During the Committee's discussion, it was pointed out that Cyprus was an acceding State to the European Union and would soon need to comply with European Union regulations requiring timely reporting.

The Committee determined that Algeria, the Central African Republic, Cyprus, Guinea-Bissau, Seychelles and Sudan had failed, without providing adequate justification, to provide annual reports for the period 2000-2002. It instructed the Secretariat to issue a Notification recommending that Parties not authorize any trade in specimens of CITES-listed species with those six Parties unless they submitted their missing reports before distribution of the Notification. The Committee also noted that Liberia, Mauritania and Somalia remained subject to a recommendation to suspend trade.

During discussion of this item, interventions were made by the representatives of Europe (Germany) and the Depositary Government.

26.2 Report of the Working Group on Reporting Requirements

The Chairman of the Working Group on Reporting Requirements (the Netherlands) introduced document SC50 Doc. 26.2 and drew the Committee's attention to Annex 2 (Rev. 1) of the document as well as related documents SC50 Inf. 7 and SC50 Inf. 15. He suggested that Resolution Conf. 11.17 (Rev. CoP12) be revised, taking into account the report and recommendations contained in document SC50 Doc. 26.2.

The observer from UNEP-WCMC described the efforts to develop flexible, robust, inexpensive and easy-to-use software that could assist Parties in managing permit data. It also explained the proposal in document SC50 Inf. 7 for an accessible, comprehensive global analysis of CITES trade data.

The Working Group was commended for its work to standardize and simplify the reporting process as this would help to reduce the reporting burden, to improve compliance and to enhance the management as well as the understanding of CITES trade. It was suggested that further consideration should be given to non-electronic modes of reporting for those Parties without easy access to electronic systems and the relative priority and funding implications of further work on reporting. Several

specific comments were made on the revised draft biennial report format contained in Annex 2 (Rev. 1).

The Committee agreed that the biennial report format in Annex 2 (Rev. 1) of document SC50 Doc. 26.2 should be submitted at the 13th meeting of the Conference of the Parties (CoP13). It instructed the Secretariat to prepare a discussion document for CoP13 on reporting requirements, in collaboration with interested parties, that would *inter alia*:

- a) include the report of the Working Group on Reporting Requirements;
- b) summarize the comments made during the Committee's discussions on the report;
- c) suggest revisions to Resolution Conf. 11.17 (Rev. CoP12) to incorporate biennial reports and other results of the Working Group;
- d) consider the consolidation of various reporting requirements (e.g. those related to specific species) found in the Resolutions and Decisions of the Conference of the Parties; and
- e) suggest that the Conference of the Parties consider any reporting implications before it adopts new resolutions and decisions.

The Committee further instructed the Secretariat, in consultation with UNEP-WCMC and interested Parties, to develop and test simple software and Internet-based modules for permit issuance and trade reporting, provided the necessary funding can be found. It noted the limitations faced by many developing countries in access to computers and the need to ensure a range of reporting options for Parties. Finally it requested that the Secretariat, in collaboration with UNEP-WCMC, continue working on the development of a *Yearbook on International Wildlife Trade*, provided the necessary funds could be found.

During discussion of this item, interventions were made by the representatives of Asia (China), Central and South America and the Caribbean (Saint Lucia), Europe (Germany), North America, Oceania and the Depositary Government, and the observers from the Netherlands, UNEP-WCMC and the David Shepherd Wildlife Foundation.

27. Guidelines on compliance with the Convention

The Secretariat introduced document SC50 Doc. 27 and provided a brief chronology of the actions that had led to its development since the 45th meeting of the Standing Committee (Paris, June 2001). During the Committee's discussions, most Standing Committee members expressed their appreciation for the Secretariat's efforts to incorporate Parties' comments and to improve the document since the 49th meeting of the Standing Committee (Geneva, April 2003). Members and observers, however, proposed a variety of further amendments to address, *inter alia*, deadlines, the respective roles of Convention bodies, the extent of procedural detail, the balance between facilitating and securing compliance and the guidelines' consistency with the text of the Convention, Resolutions in effect and existing practice, and drew attention to comments already made but not incorporated. Although there was general agreement that compliance guidelines were important, it was pointed out that there seemed to be a disagreement concerning what constitutes 'guidelines' that needed to be resolved.

Noting that it would not be able to reach an agreement at the present meeting, the Committee established an intersessional working group and process to create a document for consideration at its 53rd meeting. The Committee acknowledged, however, that any Party could submit the issue of compliance guidelines for discussion at CoP13. It agreed that, if there were discussions on compliance at CoP13, they should take into consideration document SC50 Doc. 27, Annex 3, with the understanding that this document was not agreed and was still under deliberation by the Committee.

The Committee considered the importance of eliciting additional input on the revised draft guidelines from Parties, intergovernmental organizations and non-governmental organizations as well as the possibility that a broadly participatory process might be unwieldy. It agreed that the working group established at this meeting, comprising the representatives of Africa (the United Republic of Tanzania), Asia (Malaysia), Central and South America and the Caribbean (Ecuador), Europe (Germany and Norway), North America and Oceania, would be the nucleus of an open-ended Working Group on Compliance which would determine how best to advance its work in an open and transparent manner. The Committee instructed the Secretariat to keep Parties informed about the progress of the Working Group by posting the result of its work on the CITES website.

The Committee discussed whether and how the Conference of the Parties should be involved in the finalization or adoption of guidelines for compliance with the Convention. It agreed that, if a document were finalized at its 53rd meeting, it would then decide on the recommendations to be forwarded to the 14th meeting of the Conference of the Parties.

The observer from Ireland, on behalf of the European Union, reserved the right to submit a proposal on the issue at CoP13.

During discussion of this item, interventions were also made by the representatives of Africa (Cameroon and the United Republic of Tanzania), Asia (China and Malaysia), Central and South America and the Caribbean (Ecuador and Saint Lucia), Europe (Germany and Norway), North America, Oceania, the Depositary Government and the Previous Host Country, and the observers from Argentina, Japan, the European Commission, the David Shepherd Wildlife Foundation, IWC and IWMC-World Conservation Trust.

28. Enforcement matters

- a) The Secretariat introduced the document and summarized its work in relation to Nigeria. It reported that there were some communication difficulties being experienced and that Nigeria's work on its action plan and responses to the Secretariat appeared to have slowed. The Secretariat explained why it was recommending the issuance of a Notification and reminded the Committee of the serious nature of fraud and corruption that had occurred in the past.

In relation to Nigeria, the Committee agreed that the Secretariat should issue a Notification to the Parties reminding them that Nigeria does not authorize commercial trade in wildlife and that no export permit or re-export certificate issued by Nigeria should be accepted, unless its authenticity and validity have been confirmed by the Secretariat.

Interventions were made by the representatives of North America and Oceania.

- b) In relation to Paraguay, the Committee recognized the efforts undertaken by this Party to implement the actions identified in the action plan. It acknowledged that, until the Secretariat and Paraguay were jointly satisfied that sufficient remedial action had been

taken, Paraguay would maintain its moratorium in place. With regard to exports of existing stocks of legally acquired reptile specimens, these would be authorized provided that the Secretariat, in cooperation with the IUCN Crocodile Specialist Group, was satisfied that the conditions mentioned by Paraguay were fully met, i.e. the implementation of management plans and the establishment of solid bases to ensure the internal control of trade.

The following statement was submitted by the observer from Paraguay:

Mr Chairman and Members of the Standing Committee,

On behalf of the Department of the Environment of the Republic of Paraguay, and as CITES Management Authority, I would like to thank the CITES Secretariat, the CITES Management Authority of Spain and the German Government for their support to my country to implement the action plan through the technical mission that visited Paraguay last September. I would also like to acknowledge the support received for organizing a capacity-building workshop on the implementation of the Convention which took place in Paraguay at the beginning of this month. This workshop has contributed to strengthen the implementation of the Convention as well as to initiate a dialogue between the competent national authorities for coordinating actions to control trade.

In compliance with items 4 and 5 of the action plan, Paraguay informs the Standing Committee that it has undertaken to initiate the exploitation of animal species included in Appendix II and of major commercial importance through sustainable management plans. In order to start this process, Paraguay relies on the support of local NGOs and on the interest shown by indigenous leaders from the harvesting sites. These plans will have to be integrated into regional efforts to use these resources. They will be submitted to external experts, such as the IUCN Crocodile Specialist Group and the CITES Animals Committee.

In order to make the process of species management transparent and to facilitate the start of the harvest without interference from previous stockpiles, Paraguay requests the right to export the – legally obtained – stockpiles of 2001, 2002 and 2003, once the two following basic requirements have been met: 1) the implementation of the management plans; and 2) the establishment of solid bases to ensure the internal control of trade.

For that reason, Paraguay requests the approval of the Standing Committee to proceed with the export of stockpiles, once the CITES Secretariat has verified the implementation of the requirements mentioned above.

- c) The Secretariat summarized the discussions that had taken place during the meeting of the Enforcement Expert Group and expressed its thanks for the financial support received from Denmark, the United States and the Conservation Treaty Support Fund, which had enabled the meeting to be held, particularly the administrative and technical assistance from the United States. The Secretary-General emphasized that Parties seconding staff to work in the Secretariat provided an excellent way in which to support it but also benefited from the knowledge such personnel would gain during their period of service at the Secretariat.

The Canadian and Mexican delegations expressed their support for the work of the Group and commented that their experiences led them to share the frustration

expressed by the Group regarding a lack of political and financial support from Governments and policy-makers for enforcement staff.

In relation to the meeting of the Enforcement Expert Group, the Committee noted with interest the statement made by that group (see document SC50 Inf. 6) and agreed that this document should be attached as an annex to the Secretariat's report on enforcement matters for CoP13.

- d) The representative of Oceania brought to the Committee's attention indications that trade in whale meat between the Faroe Islands and Norway had continued since its 49th meeting. The Secretary-General explained that it had only recently been given information about such possible trade and that it had written to Denmark for more details. No response had yet been received. Denmark reiterated its position that the Convention did not apply to the Faroe Islands as the latter had not yet passed appropriate legislation to implement the Convention.

Noting that the Faroe Islands constituted a separate Customs jurisdiction outside the European Union, the Secretary-General suggested that the Standing Committee could instruct it to issue a Notification recommending that Parties refrain from trading with the Faroe Islands, particularly in whale meat. Although they believed the Committee had the authority to address the issue, Committee members expressed reluctance to take a decision on an illegal trade matter that was neither included in the agenda nor accompanied by a background document.

In relation to trade in minke whale meat between Norway and the Faroe Islands, the Committee agreed that the Secretariat, after consultation with the UN Office of Legal Affairs and the Depositary Government, should, within 30 days, prepare a document on this subject, incorporating recommendations made at the present meeting, to be considered by Committee members through a postal procedure.

Interventions were made also by the representatives of Central and South America and the Caribbean (Saint Lucia), Europe (Norway), Oceania and the Previous Host Country.

- e) The observer from Germany, on behalf of the European Union, expressed concern regarding shipments of ramin wood coming from Asia and that problems were being encountered with certificates of origin. It was identified during discussions by members that transit and transshipment appeared to cause difficulties in controlling such shipments.

The Committee noted the concerns that were expressed regarding illegal trade in ramin and agreed that the Secretariat should prepare a document on this subject for discussion at SC51. It also agreed that the Secretariat should participate in a workshop relating to ramin that would take place shortly to facilitate discussions between Indonesia, Malaysia and Singapore.

The following statement was submitted by the observer from Malaysia:

On the onset, Malaysia wishes to express its concern and reservation on the last minute inclusion of the discussion on trade in ramin in agenda item 28.

Despite the non-compliance to Rules 20 and 21 by the Parties concerned, Malaysia is prepared to enter into a frank and consultative discussion on the issue of trade in ramin. As the Chairman has decided, this intervention will only be confined to discussion and no decision will be made.

Malaysia hopes that the deliberation in this closed session will be able to provide a deeper insight into Malaysia's endeavour in managing the ramin issue. As far as Malaysia is concerned, we have taken every step to undertake stringent measures to comply with CITES requirements in addressing the issue of illegal logging of and trading in ramin in Malaysia. It is Malaysia's hope that those interested Parties will engage in a positive and constructive manner to address the issue before us.

Malaysia joined the Convention in International Trade in Endangered Species of Wild Fauna and Flora in 1979 and has made consistent efforts to implement the Convention since then. Ramin was listed due to the growing concern that the specie was being illegally logged and traded. The Appendix-III listing came into effect in August 2001, meaning that consuming countries should only allow the import of ramin and ramin products with official CITES permits from the exporting Government. To export ramin, Indonesian exporters require a CITES export permit while for Malaysia, a CITES certificate of origin guarantees that the shipment did not originate elsewhere.

As one of the signatories of CITES, Malaysia has implemented rules on export of and trade in ramin from the country effective from 6 August 2001 as a result of the inclusion of this species in Appendix III of CITES. Pertaining to this, the Malaysian Timber Industry Board (MTIB) was appointed as the Management Authority to issue CITES certificates of origin for ramin logs and sawn timber which originate from Malaysia or CITES certificates of re-export for those originating from Indonesia.

MTIB has also been appointed as the competent authority to issue MTIB certificates of origin for the export of ramin parts and derivatives, which originate from Malaysia, and MTIB certificates of re-export for those originating from other countries.

For trade in ramin from Malaysia, exporters apply for the CITES certificate of origin for the purpose of export from MTIB for Peninsular Malaysia and Sabah, and the Sarawak Forestry Department for the State of Sarawak.

Malaysia does not condone any illegal trade in timber and has implemented various measures to combat the entry of illegal logs and timber into Malaysia. Enforcement measures have been stepped up and will continue to be strengthened in compliance with the Convention. Taking cognizance of the seriousness of the issue, Malaysia is currently working in close collaboration with Indonesian authorities and other interested parties in addressing the ramin issue.

Interventions were made also by the representative of North America and the observer from the United Kingdom.

- f) Germany expressed concern regarding shipments of *Python curtus* originating in Asia. The Secretariat responded that the major trading States were aware of illicit trade and were cooperating to combat this and to improve trade controls.

The Committee noted the concerns regarding illegal trade in *Python curtus* and recommended that this issue be discussed by Indonesia, Malaysia and Singapore prior to or during CoP13. It was agreed that Malaysia, as the regional representative to the Committee, would report at SC52 on the outcome of such discussions.

29. National Legislation Project

The Secretariat introduced document SC50 Doc. 29 and explained the history of the National Legislation Project since 1992, including the reasons for and extensions of various legislative deadlines. It noted the Committee's requirement of a CITES Legislation Plan and its use of a Formal Caution to bring about legislative progress. The Secretariat drew the Committee's attention to the legislative status chart in the Annex to document SC50 Doc. 29 and summarized the additional legislative achievements that had been reported since the Annex was prepared.

It was pointed out that Fiji now had adequate legislation to implement the Convention.

a) Parties with a deadline of 31 March 2003

The Committee was advised that institutional restructuring, legislative consolidation and stakeholder consultation had delayed legislative enactment in the Dominican Republic, Mozambique and Panama but that progress was being made. The delegation from South Africa offered to assist Mozambique with its efforts to enact adequate legislation.

The Committee agreed to review at its 51st meeting the legislative progress of Cameroon and South Africa. The Committee also agreed to review at that same meeting the legislative progress of the Dominican Republic, Mozambique and Panama provided that a revised CITES Legislation Plan or draft or enacted legislation was received from them by the Secretariat by 13 April 2004. It instructed the Secretariat to issue a Notification recommending a suspension of commercial trade in specimens of CITES-listed species with the latter three Parties in the event that no revised CITES Legislation Plan or draft or enacted legislation was received.

Interventions were also made by the representatives of Africa (Cameroon), Central and South America and the Caribbean (Saint Lucia) and Oceania, and the observers from the Dominican Republic and Nicaragua.

b) Parties with a deadline of 31 December 2003

A number of Parties took the floor to provide details on their legislative progress as well as the challenges they faced (e.g. need for legislative consolidation, high cost of stakeholder consultation and limited manpower at the national level and in the Secretariat).

The Committee agreed to review at its 51st meeting the legislative progress of Bahamas, Bangladesh, Barbados, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, the Central African Republic, Chile, China, the Congo, Côte d'Ivoire, Cyprus, Ecuador, El Salvador, Estonia, Gabon, Gambia, Ghana, Grenada, Guinea, Honduras, Hungary, India, Indonesia, Israel, Jordan, Kenya, Madagascar, Malaysia, Mali, Mauritius, Monaco, Morocco, Namibia, Nepal, Niger, Pakistan, Papua New Guinea, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sri Lanka, the Sudan, Suriname, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania, Uruguay, Venezuela and Zambia.

The Committee also agreed to review the legislative progress of Afghanistan, Algeria, Benin, Chad, the Comoros, Djibouti, Equatorial Guinea, Eritrea, Guinea-Bissau, Kazakhstan, Liberia, Malawi, the Philippines, Rwanda, Seychelles and Sierra Leone,

provided that a CITES Legislation Plan or draft or enacted legislation was received from them by the Secretariat by 13 April 2004. It instructed the Secretariat to issue a Notification recommending a suspension of commercial trade in specimens of CITES-listed species with those sixteen countries in the event that no CITES Legislation Plan or draft or enacted legislation was received.

The Committee instructed the Secretariat to write on its behalf to China, Madagascar, Malaysia and Peru, as countries with high volumes of international trade in specimens of CITES-listed species, urging them to give priority attention to the development of adequate legislation.

The following statement was submitted by the observer from Ireland, on behalf of the European Union:

Ireland on behalf of the European Union and as actual Presidency of the European Union regrets that the proposal made by Germany to allow the regional economic integration organization with the competence for the implementation of CITES to participate in closed sessions has not yet been adopted. This would have allowed the European Commission to comment on the issues of the implementation of CITES in the acceding States.

Of these acceding States, four, i.e. Cyprus, Estonia, Hungary and Latvia, are under consideration within the National Legislation Project and we are glad to hear the oral update of the Secretariat that these countries had submitted new legislation.

Under conditions for accession to the European Union, acceding States are obliged to implement European Union wildlife trade regulations.

The European Commission supervises that European Union wildlife trade legislation with a view to ensuring that it will be fully implemented in all Member States of the European Union, including the acceding States among whom are Cyprus, Estonia, Hungary and Latvia.

Interventions were also made by the representatives of Africa (Cameroon and the United Republic of Tanzania) and Central and South America and the Caribbean (Ecuador, Nicaragua and Saint Lucia), and the observers from Bolivia and El Salvador.

c) Parties and dependent territories with a deadline of 30 June 2004

The Committee agreed to review at its 51st meeting the legislative progress of: Antigua and Barbuda, Belarus, Cambodia, Dominica, Georgia, Latvia, Mongolia, Myanmar, Pitcairn Islands, Saint Helena and Dependencies, Saudi Arabia, South Georgia and the South Sandwich Islands¹ and Swaziland.

The Committee instructed the Secretariat to issue a Notification recommending a suspension of commercial trade in specimens of CITES-listed species with Mauritania, Somalia and Uzbekistan in the event that no CITES Legislation Plan or draft or enacted legislation was received from them by the Secretariat by 30 June 2004.

Interventions were made by the observer from the United Kingdom.

¹ A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

The following statement was submitted by the observer from Argentina:

In relation to the intervention from the Secretariat, which advised the Committee that, following Argentina's request, 'dependent territories' should be added to 'Parties' in the title of paragraph 18, the Argentine delegation clarified that this was not the request that Argentina had made in the note given to the Secretariat but that it had pointed out that the title of paragraph 18 of document SC50 Doc. 29 was not compatible with the list in subparagraph 18. a) and that neither was the title "Countries" with the list in the corresponding column, in the Annex to that document.

The delegation also pointed out to the error in translation in the second line of the footnote on page 3 in Spanish and requested that "de" be changed" to "sobre".

It emphasized that the Argentine Government reiterated that the Falkland Islands, South Georgia and South Sandwich Islands and the surrounding waters were an integral part of the Argentine national territory and that there was a dispute concerning the sovereignty thereof between Argentina and the United Kingdom that had been recognized by the UN General Assembly in several resolutions.

In response to an intervention by the United Kingdom, the Argentine delegation took the floor again to point out it did not have doubts about its sovereignty either. It provided further information to the Committee by recalling that the UN General Assembly had adopted Resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/45 in which it recognized the existence of a dispute over the sovereignty in relation to 'the question of the Falkland Islands' and urged the Governments of Argentina and the United Kingdom to resume negotiations with a view to finding the means to resolve as soon as possible, peacefully, justly and definitively a solution to the controversy. The Special Committee on Decolonization of the United Nations had also made a similar statement, more recently through the Resolution adopted on 16 June 2003.

d) Parties and dependent territories with no deadline

The Czech Republic stated that its legislation had been placed in Category 1 since 1997 but it had redrafted this legislation to make it consistent with European Union regulations and would be sending a translated version to the Secretariat in the near future.

The Committee noted that deadlines for the enactment of adequate legislation by Nigeria and Paraguay were incorporated into the broader action plans already agreed between those countries and the Secretariat in relation to enforcement matters. It instructed the Secretariat to prepare a document for CoP13 that would suggest a process to integrate new Parties and dependent territories into the National Legislation Project.

30. Criteria for amendment of Appendices I and II

The Chairmen of the Animals and Plants Committees introduced this agenda item. They reported on the process and activities that the two scientific Committees had undertaken to comply with Decision 12.97. A revision of Resolution Conf. 9.24 (Rev. CoP12) had been drafted at the 14th meeting of the Plants Committee (Windhoek, February 2004, see document SC50 Inf. 14) and was tabled for discussion at the 20th meeting of the Animals Committee (Johannesburg, March-April 2004). The Chairmen of the Animals and Plants

Committees expected that only a limited number of changes to Resolution Conf. 9.24 (Rev. CoP12) would be proposed, and expressed confidence in being able to produce a consolidated document for discussion at CoP13.

During the discussion, general appreciation was expressed for the achievements of the Animals and Plants Committees. The Animals Committee was advised to fully take into consideration the recommendations by FAO regarding the criteria following taxonomic reviews of aquatic species.

Following a query, it was clarified that the Animals and the Plants Committees had reported to the Standing Committee by the agreed date, and that the role of the Standing Committee concerning Decision 12.97 had now been fulfilled.

The Committee commended the Animals and the Plants Committees on their efforts in complying with Decision 12.97 and thanked them for following the directions given by the Parties. The Committee noted the report of the Chairmen of the Animals and Plants Committees on progress with this issue and expressed its satisfaction that a draft revision of Resolution Conf. 9.24 (Rev. CoP12) would be submitted at CoP13.

During discussion of this item, interventions were made by the representative of Europe (Norway), and the observers from Mexico and Japan.

31. Periodic review of the Appendices

The Secretariat introduced this agenda item, explaining that the Animals and Plants Committees had agreed on a common approach to conduct future periodic reviews of the Appendices, and to implement the recommendations of the Standing Committee formulated at its 49th meeting. The Chairmen of the Animals and the Plants Committees were confident that the Committees would be able to conclude their deliberations on the process to conduct future reviews at the 20th meeting of the Animals Committee, and therefore in a position to report on their conclusion at SC51.

The work of the Animals and Plants Committees on this issue was generally welcomed. It was noted however that periodic reviews were slow and should preferably be accelerated to allow the Appendices to reflect the true conservation status of species better and to eliminate quickly from the Appendices those that did not warrant protection under the Convention. It was stated that better use could be made of NGOs to assist the Committees in undertaking these reviews.

The Secretariat suggested to the Standing Committee to build on or replace its earlier recommendations formulated at SC49, and incorporate the suggestions of the Animals and Plants Committees in the mechanisms and guidance it is required to develop in compliance with Decision 12.96. The Standing Committee would thereby complete the task directed to it.

The Animals and Plants Committees had agreed not to initiate new periodic reviews before CoP13. This was due to time constraints, the absence of finalized standard guidelines, and the expectation that a revised version of Resolution Conf. 9.24 (Rev. CoP12) on the criteria for amendment of Appendices I and II would be adopted at CoP13. It was clarified that periodic reviews of the Appendices would be initiated after CoP13, irrespective of whether a revision of this Resolution was at CoP13. This was felt to be of particular importance for plant taxa.

The Committee endorsed the course of action proposed by the Animals and the Plants Committees, as laid out in paragraphs 20 to 25 of the Annex to document SC50 Doc. 31.

The Committee agreed that the potential lack of a final agreement on a revision of Resolution Conf. 9.24 (Rev. CoP12) at CoP13 should not preclude further periodic reviews of the Appendices.

The Committee requested the Animals and Plants Committees to produce a final report on the development of standardized guidelines and procedures for conducting periodic reviews at SC51. It agreed to use this report in finalizing the mechanisms and guidance required under Decision 12.96.

During discussion of this item, interventions were made by the representatives of Europe (Germany) and North America, the observers from Japan and IWC, and the Chairmen of the Animals and Plants Committees.

32. Identification Manual

The Secretariat presented the document on progress made with the production of the Identification Manual, prepared in accordance with the reporting requirement in Resolution Conf. 11.19. The Committee noted the report of the Secretariat.

Reports

33. Financial report for 2003

The Secretariat introduced this agenda item. The Committee noted the report.

34. Report of UNEP

The Standing Committee noted the report presented by the representative of UNEP.

35. Reports of regional representatives

The Committee noted the reports of the regional representatives.

Concluding items

36. Any other business

The Secretary-General presented to the Chairman a certificate of commendation for exemplary enforcement action, in recognition of the combined efforts of the United States Fish and Wildlife Service and the United States Department of Justice to control the illegal trade in caviar and to bring legal action against those involved in such trade.

37. Determination of the time and venue of the next meeting

It was agreed that the next meeting would be held in Bangkok, Thailand, on 1 October 2004.

38. Closing remarks

The Chairman renewed his thanks to the Secretariat for organizing 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.

The Secretary-General thanked the Chairman for the pleasant way in which he had, as usual, worked with the Secretariat. He invited participants to give positive consideration to solutions for the difficult budgetary situation facing the Secretariat, taking into account the need to keep intact what CITES had achieved so far, the need to step up efforts to combat illegal trade and to ensure that legal trade is sustainable. He reminded Parties that the *Strategic Vision through 2005* stated the need to provide the Convention with an improved and secure financial basis. He referred to the importance of work under CITES for efforts to ward sustainable development and poverty reduction in rural areas of developing countries. He also reminded Parties that the deadline for the submission of proposals was only 45 days away. He wished participants a safe journey home and said he looked forward to a successful 13th meeting of the Conference of the Parties in Bangkok the following October.