

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

Fifty-first meeting of the Standing Committee
Bangkok (Thailand), 1 October 2004

SUMMARY RECORD

1. Opening remarks by the Chairman

The Chairman and the Secretary-General welcomed the participants.

Strategic and administrative matters

2. Agenda

The provisional Agenda contained in document SC51 Doc. 2 (Rev. 1) was adopted.

3. Rules of Procedure

3.1 Current Rules of Procedure

The current Rules of Procedure presented in document SC51 Doc. 3.1 were noted.

3.2 Proposed amendment regarding regional economic integration organizations

Document SC51 Doc. 3.2 was introduced by the representative of Europe (Germany). Although members of the Committee sympathized with the wish of the European Commission to have the automatic right to attend Committee meetings (including closed sessions), it was pointed out that it could already participate without amending the existing rules. The Secretary-General considered that the proposed amendment to Rule 5 was not necessary. It was suggested that the Rules of Procedure of the Standing Committee should follow the Rules of the Conference of the Parties and that therefore any change relating to regional economic integration organizations should first be made in the latter Rules. It was noted that the Conference of the Parties urges Parties to accept the Gaborone amendment to the Convention and that, if it entered into force, this would solve the problem that had been raised by Germany.

During the discussion, interventions were made by the representatives of Central and South America and the Caribbean (Ecuador), Europe (Germany and Norway), North America (United States of America), Oceania (Australia) and the Depositary Government.

4. Credentials

The Secretariat recalled that the usual practice at meetings of the Standing Committee held in association with a meeting of the Conference of the Parties (CoP) was to accept the credentials for the CoP as being valid also for meetings of the Committee. It was noted that

all the delegations representing Parties members of the Committee had presented credentials for the 13th meeting of the Conference of the Parties (CoP13).

5. Admission of observers

The Committee agreed to admit observers from all organizations that had registered to attend CoP13 and that had been approved for this purpose either by the Management Authority of the country in which they were located or, in the case of international organizations, by the Secretariat.

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

6.1 Election of officers

The Chairman announced that, following the usual discreet consultations, he proposed the following nominations for officers for CoP13 to be forwarded to the Conference of the Parties for confirmation: Chairman of the meeting - Mr Suwit Khunkitti (Thailand); Vice-Chairmen - Ms Victoria Lichtschein (Argentina) and Mr David Brackett (Canada); Chairman of Committee I - Ms Holly Dublin; Chairman of Committee II - Mr Martin Brasher (United Kingdom of Great Britain and Northern Ireland); Chairman of the Credentials Committee – Mr Jan Kucera (Czech Republic).

Several delegations expressed concern that the consultations carried out in order to select the nominees had not been adequate or sufficiently transparent. The Chairman stated that the procedure had been the same as in the past. The interventions indicated that, in the search for nominations, there was a need to balance discretion and diplomacy with transparency. Some delegations suggested that the Standing Committee should agree on criteria for selecting persons to be nominated to serve as officers at a meeting of the Conference of the Parties.

The Committee agreed on the nominations of officers proposed by the Chairman for CoP13. It also agreed that, before CoP14, it would prepare a document indicating a clear procedure (with criteria if necessary) for the selection of nominees for future meetings of the Conference of the Parties.

The Committee agreed to nominate the following Parties to provide members (in addition to the Chairman) for the Credentials Committee, as they would provide a good representation of CITES regions and appropriate language skills: Cameroon, Mexico, Saint Lucia and the United Arab Emirates.

The Committee expressed thanks to all of the nominees for agreeing to undertake the designated tasks.

During the discussion, interventions were made by the representatives of Africa (Cameroon and Tunisia), Central and South America and the Caribbean (Ecuador and Nicaragua), Europe (Germany and Norway), North America (United States) and Oceania (Australia), and the observer from Japan.

6.2 Secret ballots

Some delegations expressed concern about the use of secret ballots in meetings of the Conference of the Parties. Other delegations said that it was important to be able to call for a vote by secret ballot.

The Committee agreed with the Secretariat that there was no need to propose a change to the Rules of Procedure of the Conference of the Parties in relation to secret ballots.

During the discussion, interventions were made by the representatives of Asia (China), North America (United States) and Oceania (Australia).

7. Relationship with the United Nations Environment Programme (UNEP)

7.1 Report of UNEP

UNEP introduced document SC51 Doc. 7.1. The Committee noted the report.

7.2 Memorandum of Understanding with the Executive Director of UNEP

The Deputy Executive Director apologized for UNEP's delay in providing comments on the draft Memorandum of Understanding prepared by the Standing Committee. He explained that the Executive Director had sought advice from the United Nations Office of Legal Affairs and should soon be in a position to respond to the Standing Committee on this issue.

8. Memorandum of Understanding with the Food and Agriculture Organization of the United Nations (FAO)

The Chairman introduced document SC51 Doc. 8 and explained that the Annex contained a draft Memorandum of Understanding (MoU) that had resulted from his negotiations with FAO. A general discussion of the negotiated text revealed that several participants had specific suggestions for amending various provisions of the text. During the meeting, a revised Annex was produced, reflecting these proposed changes. Consideration of the revised Annex resulted in agreement on all but four paragraphs.

The Committee agreed that the delegations of Australia and Norway should have bilateral discussions on those paragraphs where consensus had not been reached and that it would further consider the revised Annex at its 52nd meeting (Bangkok, 14 October 2004).

During the discussion, interventions were made by the representatives of Europe (Czech Republic and Norway), Oceania (Australia) and North America (United States), and the observers from Japan, the European Commission, Human Society International and Defenders of Wildlife.

9. Location agreement for the Secretariat

The Secretariat explained that a location agreement was deemed unnecessary by the Swiss Government and this point was reiterated by a representative of Switzerland.

10. Financial and administrative matters

10.1 Estimated expenditures for the years 2004 and 2005

The Secretariat introduced this agenda item and document CoP13 Doc. 8.2 (Rev. 1). The Committee agreed to increase the 2005 budget by USD 171,000 to cover potential over-expenditures resulting from staff changes. The Committee also approved the increase in the 2005 budget by a further USD 56,000 to cover partially the maintenance costs of the Secretariat's office in 2005 and the proposed

transfers between budget lines as detailed in Annexes 1 and 2. Both increases are to be drawn down from the CITES Trust Fund balance.

During discussion of this item an intervention was made by the representative of Oceania (Australia).

10.2 Budget for 2006-2008

The Secretariat introduced this agenda item. The Committee noted the draft budget for 2006-2008 which would be further discussed in Committee II of CoP13.

During discussion of this item, interventions were made by the representatives of Central and South America and the Caribbean (Ecuador) and Oceania (Australia), and the observer from Mexico.

10.3 Parties whose contributions are in arrears

The Secretariat introduced document SC51 Doc. 10.3. The Standing Committee urged all Parties whose contributions were in arrears to pay them before the 14th meeting of the Conference of the Parties and to submit a payment plan for this purpose to the Secretariat before 31 December 2004. The Committee requested the Secretariat to prepare a report on the status of submission and implementation of payments plans for consideration at meetings of the Standing Committee and of the Conference of the Parties.

10.4 Cost-benefit analysis for possible locations of the Secretariat

The Secretariat introduced document SC51 Doc. 10.4. It indicated that in order to carry out a comparison between Geneva and other locations the following basic elements had been considered: legal framework; local facilities and conditions; operating expenses including staff costs; and implications in case of relocation of the Secretariat to another duty station. The Secretariat noted that, apart from operating expenses, these elements were difficult to cost. It added that, in the absence of offers to host the Secretariat, operating expenses in the various specified locations could not be evaluated precisely.

The Standing Committee noted the document.

10.5 Costs of meetings of technical committees

The Secretariat introduced document SC51 Doc. 10.5. The Standing Committee noted the document.

During discussion of this item, an intervention was made by the observer from Mexico.

11. Nominations for the clearing house on technical implementation issues

The Committee agreed to the nomination of Ms Andrea Gaski (United States) as one of the two members of the clearing house. It also agreed that the second member would be a person to be nominated by India. However, India subsequently declined to nominate the second member.

During discussion of this item, an intervention was made by the representative of North America (United States)

Interpretation and implementation of the Convention

12. National Legislation Project

The Secretariat introduced document SC51 Doc. 12 and drew the attention of the Committee to document CoP13 Doc. 22 (Rev. 2), which contained an updated legislative status chart (Annex 1). It noted that the legislation of Bulgaria, Cyprus, Estonia, Honduras, Hungary, Panama and the Pitcairn Islands had now been placed in Category 1. It also noted that a number of countries had submitted draft or enacted legislation since the 50th meeting of the Standing Committee (Geneva, March 2004). The Secretariat explained that written indications of progress in the form of revised CITES Legislation Plans or revised draft legislation had also been submitted but were not reflected in the chart.

The Committee agreed to review at its 53rd meeting the further legislative progress of those Parties which had shown legislative progress since SC50. It also agreed to review at that same meeting the further legislative progress of the Congo, the Dominican Republic, the Gambia, Grenada, India, Kenya, Saint Kitts and Nevis, Sri Lanka, the Sudan and Trinidad and Tobago provided that a revised CITES Legislation Plan or draft or enacted legislation was received by the Secretariat from them by 1 November 2004. The Committee instructed the Secretariat to issue a Notification recommending the suspension of commercial trade in specimens of CITES-listed species with these 10 Parties in the event that no revised CITES Legislation Plan or draft or enacted legislation was received.

During discussion on this item, interventions were made by the observers from India and Kenya.

13. Trade in falcons for falconry

The Secretariat introduced document SC51 Doc. 13 and expressed its thanks to the Governments of the United Arab Emirates and the United Kingdom for providing funding to make possible the meeting that was hosted by the United Arab Emirates (Abu Dhabi, May 2004).

The Secretariat suggested that the recommendations referred to in paragraphs 9 and 10 of document SC51 Doc. 13 not be decided upon at this meeting, since decisions made at the 13th meeting of the Conference of the Parties would have an impact upon one of these.

The representative of Europe (Germany) congratulated the United Arab Emirates on hosting a very productive meeting, which had resulted in promising recommendations. He supported the Secretariat's recommendation regarding *ad hoc* CITES Enforcement Task Forces and agreed that a Task Force devoted to illicit trade in falcons should be established. He also reported that some Member States of the European Union, such as Germany and the United Kingdom, were willing and eager to be part of such a Task Force, since it was thought they could contribute valuable experience that could assist in combating illicit trade, for example in the field of DNA identification of falcons.

The Committee agreed that further discussion was not needed at this time and that this subject should be on the agenda for the 53rd meeting of the Standing Committee, at which time it would make decisions regarding the Secretariat's recommendations.

14. Illegal trade in ramin

The Secretariat introduced document SC51 Doc. 14 and reported on actions taken by Indonesia, Malaysia and Singapore to address illegal trade. The Committee agreed to invite the Parties concerned to report at SC53 and subsequent meetings of the Standing Committee as well as at CoP14 on progress achieved on this matter.

During discussion of this item, interventions were made by the representatives of Asia (Malaysia) and Europe (Germany on behalf of the European Union), and the observer from the Environmental Investigation Agency.

15. Review of Significant Trade

The Secretariat introduced this agenda item and provided updated information on the review of *Strombus gigas*, *Moschus* spp., *Naja* spp., *Monodon monoceros* and Acipenseriformes in compliance with paragraphs q) and r) of Resolution Conf. 12.8 on the Review of Significant Trade in specimens of Appendix-II species.

The Secretariat reported that the review of the queen conch, *Strombus gigas*, was generally progressing well, although several range States (the Bahamas, Colombia, Cuba, the Dominican Republic and Saint Vincent and the Grenadines) had not yet provided information on the actions that they were expected to take by certain deadlines in response to recommendations made by the Animals Committee. The Secretariat was seeking clarification regarding trade in *Strombus gigas* that apparently occurred in 2004 from one or more range States that had agreed to suspend the issuance of export permits. Such trade would be contrary to the Animals Committee's current recommendations endorsed by the Standing Committee.

Concerning musk deer, *Moschus* spp., the Secretariat announced its intention to meet with the representative of China and the Chairman of the Animals Committee to determine how to proceed with the implementation of recommendations, and to invite representatives of Mongolia and the Russian Federation to participate.

The Secretariat reported that the Animals Committee, at its 20th meeting (Johannesburg, March-April 2004), had formulated a recommendation addressed to Canada and Denmark (Greenland) concerning the narwhal (*Monodon monoceros*). A deadline of 31 July had been established for compliance with this recommendation. The countries concerned had complied with the recommendation to the satisfaction of both the Animals Committee and the Secretariat, and consequently no action was required from the Standing Committee.

Referring to *Naja* spp., the Secretariat explained that further to the decision at SC50, Malaysia had submitted a report to the Secretariat and established cautious voluntary export quotas of:

- _ Peninsula Malaysia: 4,500 live specimens;
- _ Sabah: zero quota for commercial trade; and
- _ Sarawak: zero quota for commercial trade.

The Animals Committee and the Secretariat agreed, on the basis of this information, that Malaysia was in compliance with Article IV 2 (a) and 3 of the Convention with respect to exports of *Naja* spp. and no further action was required.

Regarding the 'Paris Agreement' on Acipenseriformes in Azerbaijan, Kazakhstan, the Russian Federation and Turkmenistan, the Secretariat proposed that, as the requirements of

the Agreement had now been embodied in Resolution Conf 12.7, the former had served its purpose and should be considered concluded. The Committee agreed that in order for it to decide on this, the Secretariat should prepare a document reporting on progress in implementing the Paris Agreement, for consideration at SC53.

Regarding Madagascar, the Secretariat reported that this country had reported on specific short-term actions that it needed to undertake within an agreed time-frame in the context of a country-wide Review of Significant Trade, and that the Secretariat was consulting the Chairmen of the Animals and Plants Committees to determine whether the response was satisfactory. It also expressed its intention to meet with the representative of Madagascar during the meeting.

The Standing Committee noted the report of the Secretariat.

During discussion of this item, interventions were made by representatives of Europe (Germany), North America (United States) and Oceania (Australia), the observer from Mexico, the Chairman of the Animals Committee and the observer from the Whale and Dolphin Conservation Society.

16. Periodic review of the Appendices

The Chairman of the Animals Committee introduced document SC51 Doc. 16.

The Standing Committee recommended that the Animals and Plants Committees focus on species that were included in the Appendices in the early years of the Convention when no scientific criteria were in place, and several suggestions were made to improve the flowchart presented in Annex 2 of document SC51 Doc. 16.

The Standing Committee noted the report of the Animals and Plants Committee, and agreed to insert into its recommendations formulated at its 49th meeting a new paragraph g) as follows:

- g) The Animals and Plants Committees are encouraged to follow the guidelines and rapid assessment technique in Annexes 1 and 2 of document SC51 Doc. 16 and their updates when selecting species and conducting the periodic review.*

The Standing Committee agreed that it had completed the development of mechanisms and provided the guidance required in Decision 12.96.

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

Concluding items

17. Any other business

There was no other business.

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

It was noted that the Committee would meet again immediately after the close of CoP13.

19. Closing remarks

The Chairman thanked all of the participants in the meeting for their contributions, and thanked the Secretariat and the interpreters for their support.