

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

Eleventh meeting of the Conference of the Parties
Gigiri (Kenya), 10-20 April 2000

Strategic and administrative matters

Matters related to the Standing Committee

REPORT OF THE CHAIRMAN

Introduction

1. The United Kingdom was elected to chair the Standing Committee at its 39th meeting, immediately after the 10th meeting of the Conference of the Parties (Harare, 1997). There have been three meetings of the full Committee since then: SC40 in March 1998 (London); SC41 in February 1999 (Geneva); and SC42 in September/October 1999 (Lisbon). The 43rd meeting will be held in Gigiri (April 2000), immediately before the 11th meeting of the Conference of the Parties.
2. During this period, the Committee has concentrated on the key tasks given to it at the 10th meeting of the Conference of the Parties. These included: implementing the package of decisions agreed on elephants; overseeing technical and political missions to tiger range and consuming States; activating Resolution Conf. 8.4 on National Legislation; and developing a strategic plan for the Convention. The Committee also continued with the consolidation of existing Resolutions; worked to improve synergy with other biodiversity-related Conventions; and established a new Finance Subcommittee to consider budgetary matters before each of its meetings. Issues connected with the staffing and management of the Secretariat and the relationship between CITES and UNEP also required considerable attention by the Committee. In particular the Chairman and Vice-Chairman of the Committee represented Parties on the Panel that advised the Executive Director of UNEP on the selection of a new Secretary General.

Elephants

3. At its 10th meeting, the Conference of the Parties charged the Standing Committee with ensuring that the conditions set out in Decision 10.1 were met before the one-off experimental trade in raw ivory from Botswana, Namibia and Zimbabwe to Japan could take place. It also had to agree a mechanism to halt trade and return these elephant populations to Appendix I in the event of non-compliance with the conditions or the escalation of illegal hunting and/or trade in elephant products owing to the resumption of legal trade. Resolution Conf. 10.10 also requires the Standing Committee to supervise and direct the establishment of comprehensive international monitoring systems to measure and record current levels and trends in illegal hunting; and to assess whether and to what extent observed trends resulted from the decisions to transfer certain elephant populations to Appendix II and allow international trade.
4. At its 40th meeting, the Standing Committee reviewed progress on the meeting of conditions set out in Decision 10.1; accepted TRAFFIC's audit of declared government ivory stocks (under Decision 10.2); and endorsed ongoing work by TRAFFIC and IUCN to develop their respective Elephant Trade Information System (ETIS) and Monitoring of Illegal Killing of Elephants (MIKE) system required under Resolution Conf.10.10. As an interim measure, while MIKE was being established, the Standing Committee agreed that the Secretariat should continue to distribute its Incident Reporting Form in order to collect data that could provide an early warning of poaching problems. The Standing Committee also agreed that CHF 180,000 should be withdrawn from the Trust Fund balance for previous years to fund the implementation of these activities.

5. On the basis of reports prepared by the Secretariat, the Standing Committee agreed unanimously at its 41st meeting that all the conditions in Decision 10.1 Part A had been met to authorize the one-off experimental commercial shipment of ivory from Namibia and Zimbabwe to Japan. At the time of the meeting, it was not possible for the Committee to verify that Botswana had met condition a) of Decision 10.1 Part A but, following a further verification mission by the Secretariat, the results being confirmed by the Chairman of the Standing Committee, Botswana was given clearance to proceed in February 1999.
6. The ivory auctions took place in April 1999 and the shipment of ivory, under the close scrutiny of the Secretariat, was completed in July 1999. At its 41st meeting the Standing Committee also established a subgroup, chaired by Saudi Arabia and comprising Burkina Faso, South Africa, Thailand, the United States of America and the Secretariat, to oversee on its behalf the further development of MIKE. Offers from the European Commission, Japan and the United States of America to provide financing for MIKE were welcomed. Other donors, including intergovernmental bodies and GEF were urged to make further resources available for the further development of the system.
7. The Standing Committee at its 42nd meeting noted a report from the Secretariat that verified compliance with the precautionary undertakings that had been agreed as necessary in relation to the one-off sale and shipment of ivory to Japan. The MIKE Subgroup reported on further progress, including the development of pilot stages of MIKE in Central Africa and South East Asia, and further funding proposals. Further efforts are under way to raise funds for the elephant monitoring systems in the run-up to CoP11. A fourth in the official series of Dialogue Meetings of African Elephant Range States is to be held at Gigiri a few days before CoP11, organized by the Secretariat and IUCN.

Tigers

8. Decision 10.66 instructs the Standing Committee to continue its review of tiger trade issues and specifically to consider the need for technical and political missions to range and consuming States to help in the development of strategies to improve control of tiger trade. The need for missions was agreed at the 40th meeting of the Committee and the first technical mission was launched from the United Kingdom in January 1999. The 41st meeting of the Standing Committee heard an update on progress with the first leg of the technical mission (to Canada, the Netherlands, the United Kingdom and the United States of America) and agreed an allocation of CHF 150,000 to a new budget line to finance this priority item. At its 42nd meeting, the Committee considered and approved the full report of the technical missions which by then had also visited Cambodia, China, India, Indonesia, Japan, Malaysia, Myanmar, Nepal, the Russian Federation and Viet Nam.
9. The Committee agreed to the recommendations made by the technical missions concerning international strategies for tiger conservation. The meeting also decided that the full report should be circulated to each of the countries visited with a request that they:
 - a) take urgent action to implement recommendations relating directly to CITES controls in their State; and
 - b) consider implementing the wider recommendations.
10. The Committee also agreed that the technical missions should be followed by a high-level mission to China, India and Japan. They also commissioned a global action plan for tiger conservation to be submitted for consideration at CoP11.
11. The Secretary General and I led the high-level missions to India and Japan in January 2000, and to China in March 2000. The Secretariat has submitted the reports and further recommendations of these missions for consideration at CoP11, alongside the proposed action plan. Although both the technical and the high-level missions saw welcome signs of progress in protecting tigers and controlling trade in both range and consuming States (for example the Russian anti poaching unit in Siberia and new legislation to ban trade in Japan), there were also signs of a deteriorating position in some States (including India) and an alarming revival of trade in skins of tiger and other Appendix-I cat species.

Other Species

Bears

12. Decision 10.65 asks the Standing Committee to review bear-trade issues in range and consumer States and to report at CoP11 on progress. Issues relating to bears and to Decision 10.44 and Resolution Conf. 10.8 were discussed at the 40th, 41st and 42nd meetings. The Standing Committee noted a report prepared by the Secretariat on demand for trophy hunting and traditional medicines; the strength of legislation and enforcement; and educational and other measures to reduce demand. The Secretariat subsequently participated in the third international symposium on the trade in bear parts, held in the Republic of Korea in October 1999, the first such meeting held in Asia, which brought together representatives of governments, conservation organizations and the traditional medicine community.

Rhinoceroses

13. Under Resolution Conf. 9.14, the Standing Committee has a continuing duty to pursue actions directed at reducing illegal trade in rhinoceros specimens. In particular, it is asked to examine their effectiveness and assist in the development of standardized indicators of success to measure changes in the levels of illegal hunting and of the status of rhinoceros populations in range States. At its 42nd meeting, the Standing Committee reviewed the outcome of a workshop held in December 1998 to further develop indicators of conservation success for the rhinoceroses. The Committee decided to continue to support the development of a standardized monitoring system. The Secretariat was asked to work with range States and others involved in rhinoceros conservation to assess the status and compatibility of existing monitoring systems and submit a revised proposal for consideration at CoP11 or the next ordinary meeting of the Standing Committee.

National Legislation Project

14. At its 38th meeting, the Standing Committee considered a document prepared by the Secretariat on the implementation of the Convention in Greece. Although Greece had agreed to provide the Secretariat with the text of a new draft law to implement CITES fully, this was not received until just before the 40th Standing Committee meeting. At that meeting, the Committee agreed to extend the deadline for putting new legislation in place to 1 September 1998. Adequate legislation was not in place by the deadline and, in line with the decision of the 40th meeting, the Secretariat recommended that Parties refuse to accept CITES documents issued by Greece. The situation was further reviewed at the 41st Standing Committee meeting, where it was agreed that Greece had met the requirements of the Convention and the trade suspension was lifted. It was gratifying that the Committee's firm action led to immediate improvement in the implementation of CITES in Greece.
15. Under Decisions 10.18 and 10.64, the Secretariat and the Standing Committee were charged with the continuing review of Parties' legislation analysed under Phase I of the National Legislation Project promulgated under Resolution Conf. 8.4. At its 41st meeting, the Standing Committee considered the legislation of seven Parties. Three (Indonesia, Malaysia-Sabah and Nicaragua) had introduced legislation that met the requirements of the Convention. The meeting agreed to look again at the situation in the Democratic Republic of Congo at its 43rd meeting. The Committee agreed that trade in CITES specimens with Egypt and Guyana should be suspended from the end of September 1999 unless the Secretariat was able to verify in the meantime that they had enacted legislation that generally met the requirements of CITES. It further agreed to defer until 30 September 1999 a trade suspension with Senegal, following further review at the 42nd meeting of the Committee.
16. By the time of the 42nd meeting of the Committee, Egypt had, with assistance from the Secretariat, enacted new legislation to implement the Convention and was congratulated by the Committee. In the absence of further information from either Guyana or Senegal, the Committee agreed that the recommendation to suspend trade with these two Parties should go forward. Very shortly after the meeting, the Secretariat confirmed that Guyana had introduced adequate new legislation and the suspension was lifted. In January 2000, Senegal provided the Secretariat with copies of new Ministerial Regulations and this recommendation to suspend trade was also withdrawn. At the 42nd meeting, the Committee also agreed that, in continuing to pursue the National Legislation Project, the Secretariat should maintain its offer of technical assistance, but that the highly effective mechanism

for recommending trade suspensions should still be deployed where necessary. The fact that suspensions – or the threat of them – have had 100 per cent success on the seven occasions they have been deployed since the last meeting of the Conference is a powerful reason for keeping this “sanction of last resort”.

Implementation of the CITES Action Plan and preparation of the Strategic Plan

17. At its 10th meeting, the Conference of the Parties adopted a number of decisions comprising the ‘Action Plan’, prepared as a result of discussions on the study of the effectiveness of the Convention. The Standing Committee was charged with considering a report on progress for submission to CoP11. Updates were considered at the 40th, 41st and 42nd Standing Committee meetings. Good progress has been made under a number of policy, scientific and institutional issues under this broad framework. These included, for example: the development of a model explanatory memorandum to assist Parties in preparing draft resolutions; strengthening of the Capacity Building Unit; the formation of a Finance subcommittee; and the preparation of a Strategic Plan.
18. A Strategic Plan Working Group, chaired by the United States and comprising representatives of Colombia, Japan, the United Kingdom, Zimbabwe and the Secretariat, was established at the 40th Standing Committee meeting. This Group met again in November 1998 and prepared a framework document and timetable for consideration at the 41st meeting. The Standing Committee agreed to proceed on the basis of the document, which was also circulated to Parties for comment. At the same time, the Group was expanded to bring in representatives of the Animals and Plants Committees, and the development of the Strategic Plan was merged with the further development of the Action Plan.
19. The Working Group met again in Washington, D.C., United States of America, in May 1999 and developed a document entitled ‘Strategic Vision through 2005’, which aims to set down the seven key goals of the Convention together with detailed objectives under each goal to achieve these. This was considered and broadly endorsed by the 42nd Standing Committee meeting before being circulated again to all Parties for comment in October 1999. The Working Group met again in December 1999 and further refined the document for presentation at CoP11.

Other organizational matters

20. At its 41st and 42nd meetings, the Standing Committee considered matters relating to the organizational and procedural arrangements for future meetings of the Conference and agreed that the Secretariat should provide a guide for participants. This will outline the role of the Bureau and Conference Chairs; give guidance on the rules of procedure; and indicate the rights and responsibilities of participants and the grievance procedures to be followed in the event of complaints about inappropriate behaviour, etc. The Standing Committee also endorsed changes to rules and procedures governing the numbering, length and distribution of documents and considered matters relating to use of secret ballots.
21. At its 40th meeting, the Standing Committee agreed that an executive summary of key decisions should be published as soon as possible following its meetings. At its 41st meeting, it agreed that this should be ready before the end of the meeting. Many Parties will have noticed the improvements in the speed of publication of this and other documents for meetings. Electronic publishing methods, including the CITES Web site, have been an important feature in securing these benefits.
22. Permit-confirmation procedures were considered at the 41st meeting, where the Standing Committee agreed that routine requests for permit confirmation should cease, that fresh guidance should be issued to Parties on this matter and that the two Secretariat posts designated for this task should be reduced to one. At the 42nd meeting, the Committee was informed that the new arrangements were working well and it agreed that the practice should be continued.

Issues relating to the appendices

23. Decision 10.70 instructs the Standing Committee to consider ways and means of clarifying legal and implementation issues relating to the use of annotations in the appendices. At its 39th meeting, the Committee asked the Depositary Government to lead a working group to take this forward. At its

41st meeting the Committee agreed to forward to CoP11 a draft resolution prepared by the working group, comprising representatives of Canada, Germany, Namibia, Switzerland, the United States of America and the Secretariat, for consideration by the Parties.

24. At the 41st meeting it was also agreed to ask the Chairmen of the Animals and Plants Committees to prepare terms of reference for undertaking the review of the criteria for amending Appendices I and II pursuant to Resolution Conf. 9.24 and report these at CoP11. The review is to be overseen by the Chairmen of both Committees in time for recommendations to be developed for consideration at the 12th meeting of the Conference of the Parties.
25. The Standing Committee also considered various other matters during the period, including: enforcement; synergy with other biodiversity-related conventions; traditional medicines; the trade in bushmeat; the transport and cross-border movements of live animals; stricter domestic measures; and the Timber Working Group.

Consolidation of Resolutions

26. Decision 10.60 directed the Standing Committee to oversee the continuing work of the Secretariat to consolidate existing Resolutions and Decisions. In accordance with this, the Secretariat prepared drafts of consolidated resolutions dealing with three subjects for review by the Committee at its 42nd meeting. The Committee agreed that the draft consolidated resolutions prepared by the Secretariat on enforcement and compliance, and non-commercial loan, donation or exchange of museum and herbarium specimens, should be forwarded for consideration at CoP11. The Committee further agreed that texts prepared by the Secretariat on the draft consolidated resolution on cetaceans fully reflected the texts of existing Resolutions on this subject. It was agreed that these should be forwarded for consideration at CoP11 although a reservation was expressed by the representative of Asia (Japan).

Implementation of the Agreement between the Standing Committee and the Executive Director of UNEP

27. The Agreement was endorsed by the Standing Committee at its 39th meeting and signed by the Chairman of the Standing Committee and the Executive Director of UNEP on 20 June 1997. It sets out the responsibilities of UNEP and the Standing Committee, particularly in terms of personnel management of the CITES Secretariat and the financial management of the CITES Trust Fund.
28. Difficulties within the Secretariat, reported at CoP10 by the previous Chairman, continued during the latter part of 1997. Following consultation of the Standing Committee in November 1997, a clear majority agreed the need for an independent inquiry into these matters. In June 1998, following the inquiry and a further investigation by the United Nations Office of Internal Oversight (OIOS), the Executive Director of the United Nations Environment Programme informed the Committee that the contracts of two middle-ranking officers in the Secretariat were to end and that the Secretary-General of CITES would be assigned to other duties. At the same time, the Executive Director undertook to consult the Committee on the appointment of a new Secretary-General and the arrangements for filling the post on an interim basis until that process could be completed.
29. On the grounds that the costs of these decisions should be met from within existing budgetary allocations from the CITES Trust Fund and that the interim period be kept as short as possible, a majority of Standing Committee members supported the Executive Director's decision to appoint Professor Reuben Olembo as the Interim Secretary-General of CITES. The appointment was made in July 1998 at the same time as the vacancies for the Secretary-General and other two posts were announced.
30. Both the Chairman and Vice-Chairman of the Standing Committee were directly represented on the selection panel that met to select a candidate in November 1998. The appointment of Mr Willem Wijnstekers as CITES Secretary-General was announced by the Executive Director of UNEP in January 1999. Mr Wijnstekers took up the post in April 1999. The remaining vacancies were filled under normal UN procedures later in the year.

Finance and Manpower

31. Resolution Conf. 10.1 included an important new agreement whereby the CITES Secretariat was authorized by Parties to draw down additional funds from the long-standing Trust Fund balance each year as long as the balance did not fall below CHF 2.3 million at the start of each year. The Secretariat and the Standing Committee were further charged with considering priority items to benefit from this source. At its 40th, 41st and 42nd meetings, the Standing Committee considered various proposals that might benefit from this additional funding. By this means it was able to agree enhanced support for: the implementation of Decisions 10.1 (elephants) and 10.66 (Tiger Missions); Resolution Conf. 10.10 (MIKE); the Animals Committee; the Significant Trade process; training (including the Master's course in Spain); Identification Manuals; the CITES Newsletter; IUCN's analysis of proposals to CoP11; assistance for Scientific Authorities; an enforcement workshop in Egypt; a SIDS workshops in the Caribbean and Oceania; and a regional meeting in Central and South America and the Caribbean.
32. The Committee agreed at its 41st meeting that, when preparing its documents on financial issues, the Secretariat should not include information on contributions still outstanding for 1991 and earlier years. It also requested UNEP to investigate additional possibilities for increasing the yield on invested funds and agreed that, in future, financial issues should be considered immediately before each Standing Committee by a Finance Subcommittee. This Subcommittee met for the first time before the 42nd Standing Committee meeting. On the basis of the subcommittee's advice, the Standing Committee reached agreements regarding the classification of certain senior level posts within the Secretariat and the creation of several new posts to assist in legal and trade policy analysis, capacity building and enforcement. We believe that the improved capacity of the Secretariat will help all Parties in maintaining CITES' reputation as the largest effective world-wide treaty for the protection and wise use of wildlife resources.
33. The Committee is indebted to all officers in the Secretariat who supported its activities during the period 1997-2000, as well as to UNEP and the Governments of Portugal, the United Kingdom and the United States of America for hosting meetings of the Committee and the Strategic Plan Working Group. The Chairman paid several working visits to the Secretariat office in Geneva and congratulated all staff there for seeing CITES through some difficult days, as well as the much more productive period since.