

Chairman:	V. Koester (Denmark)
Secretariat:	W. Wijnstekers G. van Vliet J. Vasquez
Rapporteurs:	J. Boddens-Hosang J. Caldwell J. Lyke A. St. John

Strategic and administrative matters

The Chairman opened the session and invited comments on documents Com.II. 11.1 and Com.II. 11.2, which were approved with proposed amendments.

13. Terms of reference of permanent committees

The Chairman referred to document Com. 11.1 and, at the request of the delegation of New Zealand, outlined the amendments the Committee had made to document Doc. 11.13. He particularly noted the changes under "DETERMINES" in Annex 2, paragraphs b) and d) in document Com. 11.1. He asked whether the Parties could agree on the substance of this document and provisionally approve it.

The delegation of New Zealand requested clarification on regional representation to the Standing Committee. They expressed concern regarding the budget implications of electing an additional member to the Standing Committee and asked that the matter be referred to the Budget Committee. The Secretariat responded that the budget for the Standing Committee, already submitted to the Budget Committee, provided commitment for sufficient funds to allow one additional member from the African region. The delegation of New Zealand questioned this explanation and again asked that the matter be referred to the Budget Committee prior to approval in this Committee.

By consensus, the Committee provisionally approved document Com. 11.1 with the understanding that the Budget Committee would address the above-mentioned matter.

Interpretation and implementation of the Convention

18. Interpretation and implementation of Article III, paragraph 5, Article IV, paragraphs 6 and 7 and Article XIV, paragraphs 4,5 and 6, relating to introduction from the sea

The Chairman invited the chairman of the working group to report on discussions within the group. The latter reported that unfortunately no consensus had been reached and requested more precise instructions on the terms of reference and mandate of the working group. There remained divergence in the views within the group and the chairman offered to supply an amended document for approval by the next session of the Committee. This offer was supported by the delegation of Canada. The Chairman of the working group further noted his confusion regarding the sentiments within the working group of the delegations of Japan and Norway given that these Parties had submitted proposals for the transfer of certain populations of cetaceans to Appendix II.

The Chairman clarified that it had been hoped that the working group would have been able to find a solution to the concerns raised in reference to document Doc. 11.18.

The delegation of Japan, supported by the delegation of Iceland, remarked that their position on this document had been clear from the outset and noted that other Parties and observers in the working group had also expressed dissatisfaction with the document. The delegation of Norway also supported these remarks and added that their concern with the document stemmed from a possible listing of marine fish rather than mammals in the Appendices. The chairman of the working group clarified that Japan and Norway were not the only Parties opposed to dealing with the draft resolution, but that those in opposition represented a minority in the working group.

The Secretary-General noted that document Doc. 11.12.3 had been adopted in a plenary session and, referring to paragraph 48, noted that the Secretariat would follow the recommendations and report to the Standing Committee prior to the next meeting of the Conference of the Parties. Given the clarification of the Chairman that the participants in the working group were expected to try to resolve differences and negotiate compromise language, the delegation of the United States of America urged that the issue be resubmitted to the current working group for further work.

The delegation of Portugal, on behalf of the Member States of the European Union, recommended that the terms of reference of the working group be clarified, with the objective of drafting a revised document. This suggestion was supported by the delegation of Suriname who suggested that a "more neutral" person should chair the group. However, the Chairman reiterated that he would not establish a new working group.

The observer from the Latin American Organization for Fisheries Development (OLDEPESCA) agreed with the Chairman that a new working group should not be established and asked Australia to withdraw the document if possible.

The Chairman expressed the hope that the mandate of the working group had now been clarified and that it would meet again to develop an acceptable revised draft resolution. This suggestion was supported by the delegation of Germany who added that, should the working group be unable to reach consensus, a vote would be necessary. The Chairman concurred and adjourned further discussion of the agenda item until a later session.

24. Use of annotations in the Appendices

The delegation of Switzerland introduced document Doc.11.24 and proposed some textual amendments to the draft resolution provided in the Annex, as follows: the subtitle to read: "Use of annotations in the Appendices I and II"; paragraph a) under the first "AGREES that" to be deleted; the word "must" in paragraphs f) and g) to be replaced by "should"; and paragraph c) under "RECOMMENDS that" to read: "As a general rule, Parties..."

The delegation of the United States of America, supported by the delegation of Portugal, on behalf of the Member States of the European Union, and the observers from the Centre for International Environmental Law, the Humane Society of the United States and Safari Club International expressed support for the draft resolution as amended and urged its approval. The delegation of Pakistan, supported by the delegation of Cameroon, noted that the use of annotations was useful in the case of hunting trophies and sustainable-use conservation programmes based on sport hunting. They expressed support for the document but were concerned that the proposed amendment to paragraph c) under "RECOMMENDS" may have an adverse impact on hunting trophy quotas and should therefore be rejected. The observer from the International Wildlife Coalition commended the work, but expressed concern regarding paragraph g) and hoped that Resolution Conf. 9.24 applied to all changes in the annotations. The observer from the TRAFFIC Network expressed support for the general approach, but also an interest in harmonizing the language used in annotations.

The delegation of Switzerland responded to the comments and concluded that no additional amendments to the document were necessary. The draft resolution was approved as amended.

26. Definition of the term “appropriate and acceptable destinations”

The delegation of Kenya introduced document Doc. 11.26 and proposed some textual amendments to the draft resolution in the annex. The Secretariat stated that it could not support the document owing to the need for annotations to be clear in the Appendices, and because the decision on this subject would be binding upon the Parties. The Secretariat believed that documents Doc. 11.24 and Doc. 11.25 addressed the issue adequately and would be binding upon the Parties if adopted.

The delegation of India, supported by the observers from the Animal Welfare Institute, Born Free Foundation, Defenders of Wildlife, Fund for Animals Inc. and the International Wildlife Coalition, expressed support for the Kenyan proposal and asked that the Secretariat find a way to accommodate the draft resolution. The delegation of Swaziland indicated general support for the document, but suggested some amendments to the text to incorporate the concept of game farms.

The delegation of Switzerland shared the Secretariat’s concern that Resolutions were not binding on the Parties and explained that there could be legal difficulties as the draft resolution would make an Appendix-II listing stricter than an Appendix-I listing. This view was supported by the delegations of Canada, Germany, Japan, South Africa and the United States of America.

The delegation of Portugal, on behalf of the Member States of the European Union, explained they could only support the draft resolution if it were amended to use the wording from document Doc. 11.25. The observer from IWMC –World Conservation Trust expressed general agreement with the concept behind the document, and the comments of the Secretariat, but recommended that the issue be dealt with through a formal amendment to the annotation text.

The Chairman appreciated the delegation of India’s concerns and philosophy, but recognized that there was little support for the draft resolution owing to both legal reasons and matters of principle. He recommended that the delegation of Kenya consider withdrawing the proposal and report back at a later session.

27. Recognition of the risks and benefits of trade in wildlife

The delegation of Kenya introduced document Doc. 11.27 regarding recognition of the risks and benefits of trade in wildlife, which, if adopted, would repeal Resolution Conf. 8.3. The delegation of Israel, supported by the delegation of Brazil and the observer from the International Wildlife Coalition, expressed strong support for the document, stating that it only discouraged trade that was unsustainable. The delegation of Jamaica also expressed support for the document, except for the last paragraph in section one, and the second to last paragraph in section two.

The delegation of South Africa agreed with some points in the document but opposed the document on the grounds that it would infringe on the sovereignty of Parties over their wildlife. Opposition to the draft resolution was also expressed by the delegations of Canada, Colombia, Cuba, Japan, Madagascar and Portugal, on behalf of the Member States of the European Union, who believed that much wildlife trade was sustainable.

Recognizing that there was no significant support for the draft resolution, the Chairman recommended the delegation of Kenya should consider withdrawing the proposal and reporting back at a later session, to which the delegation of Kenya agreed.

After some announcements from the Secretariat, the session was closed at 17h00.