

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Committee II meeting

Tenth session: 12 November 2002: 14h05-17h30

Chairwoman: A.-M. Delahunt (Australia)

Secretariat: J. Armstrong
S. Baker
J. Barzdo
A. Burke
M. Jankowska
S. Nash
J. Sellar
M. Yeater

UNEP: T. Kapiga

Rapporteurs: J. Caldwell
H. Gillett
J. Gray
K. Lochen

Strategic and administrative matters

9. Financing and budgeting of the Secretariat and of meetings of the Conference of the Parties

a) Budget for 2003-2005

The Chairwoman of the finance working group introduced document CoP12 Com. II. 5 and thanked the group for their work. She noted that paragraph 5) i) should be numbered as paragraph 6).

The delegation of Switzerland requested that the words and countries with economies in transition be inserted after the words "developing countries" in paragraph 1) a) of the document. Paragraph 1 was agreed as amended.

The delegations of Argentina, Denmark on behalf of Member States of the EU, Guinea, Mexico, Senegal and the United Republic of Tanzania spoke against the use of a single language in intersessional meetings. There being no Party speaking in favour of the idea, paragraph 2 was rejected. The Chairwoman noted that option A in paragraph 3. b) was therefore eliminated.

The Chairwoman called for a vote on the option in paragraph 3. c). The vote was 29 for this option and 26 against, with 16 abstentions. A simple majority not being sufficient, this option was therefore rejected.

The Chairwoman next called for a vote on the option in paragraph 3. a). The vote was 38 for the option and 19 against, with 11 abstentions. This represented a two-thirds majority in support of the option, which was agreed. It was noted that a three-quarters majority would be required to adopt the budget in a plenary session.

Regarding paragraph 5, the delegation of the United States of America proposed addition of a new subparagraph with the words, Review a list prepared by the Secretariat which identifies new items directed to it by CoP12 which are either insufficiently funded or will require external budgetary resources. The Chairwoman of the Plants Committee asked for a similar exercise be carried out for the technical Committees. The delegation of Switzerland drew attention to subparagraph g), warning that in their view it would not be legally possible for the Standing Committee or the Secretariat to conclude a host country agreement. As a solution, the Secretariat proposed insertion of the words Investigate options regarding prior to "a Host Country Agreement" in the subparagraph. It added that the subject would be discussed intersessionally and that clarification of the issue would be provided at CoP13. Paragraph 5 of the document was agreed as amended and the new paragraph 6 was also agreed.

Referring to Annex 3 (Rev. 1) of document CoP12 Doc. 9.1 (Rev. 1), the delegation of Argentina drew attention to the severe financial difficulties their country had undergone in recent years, requesting that their contribution to the Trust Fund be adjusted to reflect this. The Chairwoman ruled that this was not possible at this time; the Secretariat referred the meeting to subparagraph c) of Annex 5 of the document to help clarify this. In response, the delegation of Argentina asked for a text to be added to Annex 3 of the document stating, Takes note of the serious economic difficulties being experienced by certain Parties and stresses the need to allow for flexibility in application of the UN scales of assessment to the countries concerned. This request was accepted. The delegation of the Russian Federation noted that it could be helpful if Parties agreed not to decrease their contributions and to adopt an indicative scale of contributions. The delegation of Brazil stressed that when they agreed to UN Decision 55/5 regarding restructuring of the scale of payments to the UN, they did so with the reservation that this scale would not automatically be applied to other UN institutions and conventions. Therefore Brazil did not accept the application of this new UN scale to CITES. The delegation of Argentina also expressed reservations about the application of the new UN scale of assessment to CITES.

b) Procedure for approval of externally funded projects

The Secretariat introduced document CoP12 Doc. 9.2. The delegation of Sierra Leone expressed concern that existing projects may be adversely affected but the Secretariat provided assurance that proposals that had already been approved would not be affected.

The delegation of Saint Lucia welcomed the document but requested that, regarding international or regional organizations, a comment be included under section 3 of the Annex, to encourage Management Authorities to seek the views of Member States. They also proposed that the second sentence under 3.6.3 of the Annex be omitted. Both alterations were accepted, and the new procedure was endorsed.

Interpretation and implementation of the Convention

General compliance issues

28. National laws for the implementation of the Convention

The Chairwoman pointed out that the extension of deadlines for submission of CITES legislation plans had needed further review and introduced an additional paragraph to Annex 2 of document CoP12 Doc. 28 drafted by the Secretariat:

The Standing Committee shall adjust the deadlines for enactment of legislation agreed at its 46th meeting to allow affected Parties, that are making good legislative progress, additional time in which to complete the legislative process.

In response to a question from the delegation of Saint Lucia the Chairwoman clarified that the Standing Committee would consider a request for an extension by the Dominican Republic. The delegation of the Russian Federation noted that there were two categories of deadline and the Chairwoman confirmed that both were covered by the new text. The delegation of Chile approved of the proposed text, noting that they needed more time to upgrade their legislation to Category 1. The delegation of Bulgaria announced that their country had enacted a new law in August 2002 implementing the Convention but that they had not had time to submit it in English to the Secretariat.

Noting that the new paragraph increased flexibility for Parties, the Chairwoman suggested it should stand on its own as a separate draft decision. This was agreed.

29. Verification of the authenticity and veracity of CITES permits and certificates

The delegation of Chile introduced document CoP12 Doc. 29 that proposed a mechanism for verification of permits and certificates via the CITES website. They noted that the Secretariat had suggested it undertake a study of what might be feasible and practical and provide options and a costing at CoP13. In light of this, the delegation of Chile proposed changing their draft resolution to a draft decision directed to the Secretariat. The delegation of Fiji recommended that the implementation of the draft decision be subject to the availability of funds. The delegation of Denmark on behalf of the Member States of the EU suggested the Standing Committee be involved once the Secretariat's initial analysis was complete. The delegation of Chile agreed. The delegation of Switzerland noted that it would be very difficult to put all of their re-export certificates, of which they issued more than 40,000 annually, on the website. They also suggested that the Standing Committee should take into account the fact that legislation regarding confidentiality varied from country to country. The Committee agreed to the proposal of Chile reformulated as a decision directed to the Secretariat.

30. Implementation of CITES in the European Community

The delegation of Denmark, speaking on behalf of the Member States of the European Union and of the European Commission, introduced document CoP12 Doc. 30, concerning implementation of CITES in the European Community. They noted their pleasure that Resolutions Conf. 6.5 and Conf. 8.2 had been recommended for repeal by Committee II and urged relevant Parties to ratify the 1983 Gaborone amendment as soon as possible, noting that this was enshrined in the Strategic Vision through 2005 as objective 6.2. They hoped that the amendment, which would allow accession to CITES by eligible regional economic integration organizations, would enter into force well before CoP13. They underscored that at present all Member States of the European Community were legally bound by the Convention but that the Community as such was not so bound. As a Party, the Community would be formally responsible for the implementation and enforcement of CITES provisions. Party status would provide a

firmer basis for contributions to CITES projects by the EC as well as for assistance to individual Parties in their capacity-building programmes.

The delegation of Israel expressed concern regarding the lack of border controls within the European Community and urged its Member States to make efforts to monitor trade between them. The delegation of the Russian Federation believed that trading blocs acting in concert could negatively affect voting in the CITES forum. The delegation of Canada expressed support for the document and the draft decision was approved by consensus.

31. Trade in bear specimens

The Secretariat introduced Document CoP12 Doc. 31, stressing the need to keep resolutions less species-specific. It believed that the work mandated in Decisions 11.43, 11.44, 11.45, 11.46 and 11.80 had been carried out.

The delegation of India noted that legal domestic trade continued and therefore counselled against deletion of Decisions 11.43, 11.44 and 11.45. Expressing strong support for keeping Resolution Conf. 10.8 intact, the delegation of Denmark on behalf of the Member States of the EU, supported by the delegations of China, Indonesia and Thailand, and the observer from the World Society for the Protection of Animals, agreed with the Secretariat's proposed deletions. Although generally in support, the delegation of Mexico believed that Decision 11.44 should be retained and the observer from TRAFFIC wished that Decisions 11.43 and 11.45 be retained.

The Secretariat suggested that the text of Decision 11.44 be incorporated into Resolution Conf. 10.8 as an additional point g). This was agreed as was the repeal of the remaining Decisions.

The delegation of Georgia introduced a draft decision on bear bile that was opposed by the delegations of China and Thailand. The Chairwoman suggested that the delegation of Georgia meet with the Secretariat, the delegations of China and Thailand, and the observer from the International Fund for Animal Welfare, to revise the draft.

32. Conservation of the leopard, snow leopard and clouded leopard

The delegation of India introduced the draft resolution in Annex 2 of document CoP12 Doc. 32. In the light of comments from the Secretariat, they had revised the document to make it less species-specific. The Chairwoman noted that the document had only been circulated recently and postponed further discussion to a later session.

33. Conservation of and trade in tigers

The Secretariat introduced the Report of the CITES Tiger Mission Technical Team in the Annex to document CoP12 Doc. 33. Noting that a variety of subjects had been examined, the Secretariat reported that the Team had made six specific recommendations directed to Thailand and a further two to the Secretariat. Owing to time constraints, the Standing Committee had been unable to review the document and the Secretariat suggested the recommendations be endorsed by the Committee. The delegation of Thailand agreed to follow the recommendations and stated that they would aim to report on progress at CoP13 or before the next Standing Committee meeting. The delegation of China welcomed the recommendations and believed the report had fulfilled Decisions 11.140-11.148. They further supported the recommendations in paragraph 33 of the document.

The Committee endorsed the report and the recommendations.

35. Conservation of and trade in rhinoceroses

The Secretariat introduced document CoP12 Doc. 35, noting that of the range States, it had only received reports from Namibia and South Africa, with additional information from Canada, Nepal and Spain. It noted further that the African regional meeting had opposed repeal of Resolution Conf. 9.14 (Rev.) and the Secretariat therefore withdrew its recommendation to repeal the Resolution.

36. Conservation of and trade in musk deer

The Secretariat introduced document CoP12 Doc. 36, which outlined the actions taken in response to a number of Decisions relating to Resolution Conf. 11.7. It noted that musk deer were still the subject of a Review of Significant Trade and explained that the primary and secondary recommendations of the Animals Committee had been forwarded to the Russian Federation and discussed with China. It drew attention to paragraph 12 which noted the financial support provided by the United States which had enabled a small study on musk availability in Chinese markets to be undertaken. In the light of the work carried out, and the ongoing Review of Significant Trade it recommended repeal of Decision 11.92. This was supported by the delegations of Denmark on behalf of the Member States of the EU, and China, and the document and its recommendation were accepted by consensus.

37. Conservation and control of trade in Tibetan antelope

The Secretariat introduced document CoP12 Doc. 37, recommending the deletion of several paragraphs in Resolution Conf. 11.8 that it believed were redundant and the addition of some additional wording to support the Government of India. It noted, however, that this wording was no longer necessary as new legislation had been introduced. It commended the recent work of the Metropolitan Police of the United Kingdom and the resulting identification manual on shahtoosh. The delegation of India outlined their new legislation indicating that all stockpiles should be declared. They also reported that they had made two significant seizures. The delegation of China noted that poaching of Tibetan antelope continued and that the implementation of some aspects of Resolution Conf. 11.8 was hampered by lack of enforcement and funding. They appreciated the efforts of consumer countries to combat the illegal trade and the development of identification materials. They suggested that paragraphs b) and c) under DIRECTS of Resolution Conf. 11.8 be amended as follows: a) the Secretariat to report to the Standing Committee at its 50th meeting on implementation of this Resolution; and b) the Standing Committee to report to the Conference of the Parties at its 13th meeting.

The delegation of Denmark on behalf of the Member States of the EU expressed support for the Secretariat's amendments.

The Chairwoman deferred further discussion and the session closed at 17h30.