

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

Twelfth session: 13 November 2002: 14h10-18h00

Chairwoman: A.-M. Delahunt (Australia)

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Interpretation and implementation of the Convention

Species trade and conservation issues

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

The Chairwoman requested the delegation of India to introduce document CoP12 Doc. 32 (Rev. 1) concerning the conservation of and trade in tiger and other Appendix-I Asian big cat species. The delegation of India noted that their original document had been revised based on discussions with several other Asian big cat range States. The draft resolution in Annex 1 was a proposed revision of Resolution Conf. 11.5 on Conservation of and trade in tigers to encompass all species of Asian big cats, which face the same threats as tigers do.

The delegations of Bhutan, Nepal and Sri Lanka supported the draft resolution in Annex 1. The delegation of the Russian Federation highlighted the progress made in tiger conservation as a result of Resolution Conf. 11.5 and supported the draft resolution. Noting that the draft resolution conformed to the goal of reducing species-specific resolutions, the Secretariat supported it. These comments were echoed by the observers from the Global Tiger Forum, IWMC-World Conservation Trust and Naturschutzbund Deutschland eV (NABU).

The delegation of China expressed their appreciation for the efforts and the progress made but expressed concerns regarding the lack of range State consultation in the preparation of the draft resolution and other aspects of the draft. The delegation of Japan stated that, in view of the Chinese comments, the draft resolution was premature for adoption. The delegation of Malaysia opposed the draft resolution.

The delegation of Canada praised the progress achieved but suggested that the recommended actions be undertaken following consultation with range States rather than in a single step. They offered to provide identification materials which they had already prepared as a way of assisting range States in implementing the provisions of the draft resolution.

The draft resolution in document CoP12 Doc. 32 (Rev. 1) Annex 1, as amended, was accepted following a vote of 45 in favour, seven opposed and 15 abstentions. The delegation of China stated that they could not accept the draft resolution.

The Chairwoman then invited comments on the draft decisions in document CoP12 Doc. 32 (Rev. 1) Annex 2. The delegation of the United States of America, noting the difficulty of reporting all seizures of illicit shipments of Asian big cat parts and derivatives, proposed the insertion of the word significant before "illegal shipment" in draft decision 12.cc in Annex 2. With this amendment, the draft decisions in document CoP12 Doc. 32 (Rev. 1) Annex 2, as amended, were agreed by consensus.

33. Conservation of and trade in tigers

The Secretariat introduced document CoP12 Doc. 33 and provided an update to paragraph 3, noting that Myanmar had now submitted their report in response to the Tiger Technical Team's recommendations. With that update, the Secretariat concluded that the work called for at CoP10 related to conservation of and trade in tigers was complete. The document as amended was accepted.

37. Conservation of and control of trade in Tibetan antelope

Noting that it had worked with the delegation of China on this issue, the Secretariat recommended the following revisions to Resolution Conf. 11.8 Conservation of and control of trade in Tibetan antelope. Under RECOMMENDS, remove the reference to the 12th meeting of the Conference of the Parties in paragraph a). Under DIRECTS, in paragraph b) replace "45th meeting of the Standing Committee" with "50th meeting of the Standing Committee", and at paragraph c) change the reference from the "12th meeting" of the Conference of the Parties to the "13th meeting". These changes were agreed.

In addition, the Secretariat presented the following draft decision, directed to the Secretariat.

Subject to available funding, the Secretariat should undertake an enforcement-needs assessment mission to China to provide technical assistance regarding anti-poaching issues and combating the smuggling of wool, and organize a workshop in China to provide training for enforcement personnel involved in anti-poaching and anti-smuggling of Tibetan antelope wool in 2003.

The observer from the International Fund for Animal Welfare (IFAW) reported that since CoP11, they had held two enforcement workshops with CITES officials in China. They noted that they would be holding a similar workshop in 2003 in the Autonomous Region of Tibet and offered to expand this workshop to complement the enforcement-needs assessment mission.

The draft decision was agreed by consensus.

42. Conservation of sturgeons and labelling of caviar

b) Consolidation of Resolutions relating to sturgeons and trade in caviar

Regarding the draft resolution in document CoP12 Doc. 42.2 Annex 2, the delegation of the United States suggested the following three amendments. Add to the end of the paragraph beginning "URGES", as allowed under national legislation. In the paragraph beginning "CALLS UPON range States", delete "uniform", and insert at the end of the paragraph to be used by Parties if no judicially accepted national test is available. These amendments were rejected.

The delegation of Canada expressed discomfort at the domestic labelling requirement in Annex 1 to document CoP12 Doc. 42.2 Annex 2. They also requested clarification regarding the definition of caviar produced for non-commercial purposes. Finally, they noted that the title of the document was misleading as it did not represent simply a consolidation of existing Resolutions.

The delegation of Denmark on behalf of the Member States of the EU pointed out that the grade of the caviar should be removed from the non-reusable label in Annex 1 to document CoP12 Doc. 42.2 Annex 2. The delegation of the Russian Federation pointed out that the source code had been omitted from the example label in Annex 1 to document CoP12 Doc. 42.2 Annex 2. The Secretariat agreed that these were oversights and would amend the document as appropriate.

The delegation of the Islamic Republic of Iran recommended moving the words “illegal fishing and illegal trade” to precede “regulation of water flow”, in the first paragraph of the preamble. They also recommended a new paragraph e) under RECOMMENDS:

if a range State of a shared stock of a species of Acipenseriformes decides to reduce their quota established in accordance with the recommendation under stricter domestic measures, this shall not affect the quota of the other range States of this stock.

These amendments were accepted by consensus.

The delegation of China recommended the following amendment to the draft resolution: insert at the end of the paragraph beginning “CALLS UPON range States”, and if necessary amend their domestic legislation if it is important for the implementation of this Resolution. This amendment was rejected.

The draft resolution in Annex 1 to document CoP12 Doc. 42.2 Annex 2 was agreed as amended.

In relation to the draft decisions contained in Annex 3 to document CoP12 Doc. 42.2, the delegation of the United States stated for the record that they did not support the requirements for domestic labelling. There was no other opposition to the draft decisions and they were adopted.

47. Conservation of *Swietenia macrophylla*: report of the Mahogany Working Group

The Secretariat reported that following the deliberations in Committee I, the proposal to list *Swietenia macrophylla* in Appendix II had been agreed. It noted that a number of the recommendations in the report of the Mahogany Working Group remained valid, but that given the Appendix-II listing, there was no longer a need for the continuation of the Working Group. The delegation of Bolivia agreed. The delegation of Denmark on behalf of the Member States of the EU supported the continuation of the Working Group and suggested that its revised terms of reference should be: “to discuss the capacities needed for the implementation of the Appendix-II listing, related to the sustainable harvest and scientifically based non-detriment findings.” The Secretariat suggested that the phrase “subject to the availability of external funding” should be added. The delegations of Brazil, Colombia, Costa Rica, Ecuador and Guatemala, and the observer from TRAFFIC, also supported the continuation of the work of the Mahogany Working Group, subject to a revision of its mandate.

The Chairwoman noted that the majority view was to note document CoP12 Doc. 47 and to recommend that the Mahogany Working Group continue its work, subject to availability of external funding, and that the terms of reference of the Working Group be amended to take into account the Appendix-II listing and to include the review of the recommendations contained in document CoP12 Doc. 47. It was so agreed.

Trade control and marking issues

50. Management of export quotas

a) Improving the management of annual export quotas and amendment of Resolution Conf. 10.2 (Rev.) Annex1 on permits and certificates

The delegation of Germany on behalf of the Member States of the EU introduced document CoP12 Doc. 50.1. The delegation of Cameroon supported the proposal. The delegation of the Russian Federation said that in paragraph a) of the draft resolution in the Annex to the document, the sentence "The Secretariat may refuse to publish a quota when it has inadequate information about the status of the species concerned and its management" should be deleted. With regard to paragraph b) of the proposed resolution, supported by the delegation of the Islamic Republic of Iran, they stated that there would be difficulties in submitting voluntarily fixed quotas for one year by the end of the November of the preceding year. The delegation of Saint Lucia, supported by the delegation of Jamaica, said that the draft resolution did not appear to make sufficient allowance for the problems of smaller Parties in implementing quota system controls. They proposed amending paragraph h) to provide an intermediary role for the Standing Committee.

The delegation of Germany suggested that further discussion of the document be postponed while they consult bilaterally with other Parties.

b) Implementation and monitoring of nationally established export quotas for species listed in Appendix II of the Convention

The delegation of the United States introduced document CoP12 Doc. 50.2. Noting that the first draft decision in Annex 3 directed the Secretariat to seek funding, they said that the United States would hope to be in a position to contribute resources to this process. They proposed referring this matter to the Standing Committee for further discussion and, accordingly, proposed amending paragraph a) of the second draft decision in Annex 3 as follows: "Animals" should be replaced by Standing (twice); and "with the Plants Committee" should be replaced by with the Animals and Plants Committees; paragraph b) iii) should be deleted; and in paragraphs b) iv) and b) v) "Animals" should be replaced by Standing.

The delegation of Denmark on behalf of the Member States of the EU expressed support for improvement in the management of export quotas. The delegations of the Islamic Republic of Iran and the Russian Federation sought clarification of the role of the proposed intersessional Export Quota Working Group, noting that many countries would be interested in participating in such a group, and that different approaches might be needed for different species or taxa. The Chairwoman noted these concerns for the record and explained that the aim of the working group process was to develop guidelines.

The draft decisions, as amended by the United States, were agreed.

51. Trade in time-sensitive biological samples

The Secretariat introduced document CoP12 Doc. 51, recalling that the Standing Committee at its 45th meeting had established a working group to develop recommendations on the subject of trade in time-sensitive biological samples for consideration at CoP12. It noted that the Standing Committee had recommended that the simplified procedures could be applied to other kinds of specimens, and reported that the CBD Secretariat had indicated that there was no conflict with the CBD. The Chairwoman pointed out that the issue had been thoroughly discussed within the Standing Committee. The delegation of Sierra Leone expressed support for the proposal. The delegation of China raised several concerns. They felt that it was not appropriate to simplify the procedure for time-sensitive samples until three conditions had been satisfied: the relevant domestic legislation should be sufficiently effective; the two

countries concerned should have made a bilateral agreement concerning benefit-sharing relating to the use of or research into the biological samples; and all the Parties to CITES should have become Parties to the Convention on Biological Diversity (CBD). In consequence, they urged that the draft resolution be rejected.

The delegation of Mexico stated their opinion that the concept of 'trade' was not correctly rendered in the Spanish version of the document. They were unable to accept the document, and believed it should have addressed only research samples. They also noted that document CoP12 Doc. 51 was outside the mandate of the working group because Decisions 11.87, 11.88, 11.103, 11.104 and 11.105, which refer to international transport of time-sensitive samples for research and with no commercial purposes, were not respected. The delegation of Brazil also opposed the document, on the grounds that it did not adequately address the issue of benefit-sharing, which should be addressed within the CBD.

The Secretariat asked whether the deletion of subparagraphs a) ii), iii) and iv) might reduce the number of objections, but the delegation of China said that such an amendment would address only the first of their concerns.

The delegations of Denmark on behalf of the Member States of the EU, and the Czech Republic spoke in favour of the document, emphasizing the need for facilitation of trade in time-sensitive biological samples.

With 33 votes in favour, 16 in opposition and 16 abstentions, the draft resolution in document CoP12 Doc. 51 was accepted.

52. Movements of collections of samples

b) Use of certificates for movements of sample collections, covered by an ATA or TIR carnet and made of parts or derivatives of species included in Appendices II and III

The delegation of Italy on behalf of the Member States of the EU introduced document CoP12 Doc. 52.2. The delegation of Switzerland, the co-sponsor of the proposal, stressed the need to facilitate the movement of sample collections. The delegation of the United States supported the intent of the proposal, but indicated that they had several major technical concerns which could not adequately be addressed within the time available. They proposed the adoption of a decision referring this issue to the Standing Committee. The Secretariat indicated that, while it was not opposed to the principle underlying the proposal, Customs officers at a recent enforcement meeting had observed that linking CITES certificates with ATA carnets, as proposed, might be problematic. It proposed further consultation with the World Customs Organization before adoption of a resolution on this issue.

In response to these comments, the delegation of Denmark on behalf of the Member States of the EU proposed a draft decision directed to the Standing Committee as follows:

The Standing Committee shall, in consultation with other relevant conventions and organizations, namely the World Customs Organization, ATA and TIR, examine the procedures and conditions for a CITES certificate becoming an annex to an ATA or TIR carnet on the basis of document CoP12 Doc. 52.2 presented at CoP12.

This draft decision was agreed.

53. Trade regimes for timber species

The Secretariat introduced document CoP12 Doc. 53. It was clarified that in paragraph 6 of the document, the Decision referred to should have been Decision 11.155, not Decision 11.115. The repeal of Decision 11.155 was agreed by consensus.

Exemptions and special trade provisions

56. Non-commercial loan, donation or exchange of museum and herbarium specimens

The delegation of the United States introduced document CoP12 Doc. 56. On the basis of the document, they proposed two amendments to Resolution Conf. 11.15, adding two additional paragraphs as follows:

ENCOURAGES Parties to register their scientific institutions to facilitate scientific exchange of specimens needed to conduct taxonomic and species conservation research.

URGES Parties to contact scientists and scientific institutions in their countries to facilitate greater understanding of the scientific exchange provisions of Article VII, paragraph 6, of the Convention on the non-commercial loan, donation or exchange of scientific specimens.

They also proposed a draft decision reading:

DIRECTS the Animals and Plants Committees to develop a brochure that would further illustrate the importance of registering scientific institutions under Article VII, paragraph 6 and demonstrate how the registration procedures can be applied in a simplified manner.

The delegation of Denmark on behalf of the Member States of the EU asked the United States to clarify how its proposals related to the recommendations made in paragraph 12 of document CoP12 Doc. 56. In response, the delegation of the United States indicated that the first paragraph amending Resolution Conf. 11.15 addressed the recommendation in paragraph 12. a) of the document; and the second addressed the recommendations in paragraph 12. c) and d). The draft decision addressed the recommendation in paragraph 12. e). The delegation of Brazil opposed the United States' proposal and observed that these issues were more appropriately addressed in the CBD rather than CITES. The delegation of Denmark stressed the importance of the issue and indicated its willingness to consider the United States' proposal after a short postponement of the debate.

The Chairwoman deferred discussion of this agenda item.

Amendment of the Appendices

60. Annotations for medicinal plants in the Appendices

The Secretariat introduced this agenda item, for which there was no document. It explained that the item related to Decision 11.118 directed to the Plants Committee. Committee II had already agreed to update this Decision to request a report for CoP13.

Other themes and issues

61. Establishment of a working group to analyse relevant aspects of the application of CITES to marine species

The delegation of Chile introduced document CoP12 Doc. 61. They introduced two amendments to the draft decision contained in the Annex to the document. In the first line, the word "Animals" would be replaced by the word Standing; and paragraph b) of the draft decision would be deleted, on the understanding that the issue referred to therein would be addressed by the Criteria Working Group or under the Memorandum of Understanding between CITES and the Food and Agriculture Organization of the United Nations (FAO). They stressed that it was not their intention to establish a new fisheries management body.

The delegations of Argentina and the United States supported Chile's proposal as amended, but suggested that the term "marine species" in the draft decision be replaced by the term marine fisheries

resources throughout. The delegation of the United States also proposed replacing the chapeau of the draft decision with the following:

REQUESTS the Standing Committee, in accordance with the recently passed Decision on implementation procedures, to consider scientific and implementation issues associated with marine fisheries resources in order to:

The delegation of Chile accepted both proposed amendments. The delegation of Fiji also spoke in favour of the proposal.

The delegations of Iceland, Canada and the Russian Federation opposed the proposal, stressing the role of FAO and regional fisheries organizations, as well as the Memorandum of Understanding to be established between CITES and FAO. The delegation of Canada also highlighted the potential cost of the proposed working group.

In response to the suggestion of the Chairwoman to move to a vote on the proposal, the delegation of Norway, seconded by the delegation of Iceland, proposed a motion to close the debate on agenda item 61 with a view to discussing it more fully at a future meeting, stating that this item was too important to decide upon without a thorough discussion. The delegations of Norway and Iceland spoke in favour of the motion, and the delegations of Fiji and the United States spoke against it. The motion was defeated.

At the request of the delegation of Japan, a secret ballot was held on the proposal as amended by Argentina, Chile and the United States. The result of the secret ballot was 40 in favour, 25 against, six abstentions and four ballots were spoiled. The proposal was rejected.

62. Bushmeat

The Secretariat introduced document CoP12 Doc. 62, noting with regret the lack of time for discussion for such an important issue. It highlighted the draft decisions in the Annex to the document which proposed that the Bushmeat Working Group be maintained, and noted that this had no budgetary implications. The delegation of Denmark on behalf of the Member States of the EU supported the proposed draft decisions, and also requested that the following statement be included in the record of the meeting:

In view of Decision VI/20 of the sixth meeting of the Conference of the Parties to the Convention on Biological Diversity, which invites the Secretariats of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Convention on Biological Diversity to continue to cooperate and coordinate activities with a view to facilitating the exchange of relevant information and experience and enhancing synergies in areas of mutual interest; and in view of Decision VI/22 of the sixth meeting of the Conference of the Parties to the Convention on Biological Diversity, which establishes a "liaison group" dealing inter alia with bushmeat issues, the CITES Secretariat should discuss with the Secretariat of the Convention on Biological Diversity how best to promote an effective collaboration between the two Conventions in this field.

The delegation of Kenya proposed that the first draft decision be amended to include the second group of countries listed in paragraph 5 of the document in the Bushmeat Working Group. The delegation of Ghana, supporting Kenya, expressing concern at lack of feedback provided by the Bushmeat Working Group to interested countries, and suggested that this could be provided through a newsletter. The Secretariat emphasized that it was important to maintain the current size of the Group to ensure that work on harmonizing management policies and legislation was not compromised.

The draft decisions were accepted, with the proviso that the record of the meeting would note that more feedback on the work of the Group should be provided to interested Parties.

63. The rescue of dependent apes from war zones

The delegation of Kenya introduced document CoP12 Doc. 63. They asked Parties to consider the development of a mechanism for the rescue of dependent apes from war zones, on a case-by-case basis. The delegation of Denmark on behalf of the EU noted that it did not oppose the proposal, but that there were a number of problems in it that needed to be addressed. The Chairwoman suspended debate on this item until the following day.

The session closed at 18h00.