

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

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

Committee II meeting

Second session: 6 November 2002: 09h10-12h00

Chairwoman: A.-M. Delahunt (Australia)

Secretariat: S. Baker  
J. Barzdo  
S. Nash  
J-C. Vasquez  
M. Yeater

Rapporteurs: H. Gillett  
J. Gray  
C. Lippai  
P. Wheeler

**Strategic and administrative matters**

The Chairwoman confirmed the Bureau's decision to include discussions of document CoP12 Doc. 16.3 in the working programme of Committee II.

8 Report of the Credentials Committee

The Secretariat reported that credentials had been accepted for 111 of the 136 Parties represented.

13. Establishment of Committees

The Chairman of the implementation working group reported that a draft decision had been prepared for discussion in the full group that evening. A final document would be distributed the following day.

17. Sustainable use of and trade in CITES species

The delegation of Norway introduced document CoP12 Doc. 17, stressing the importance of putting CITES in the context of sustainable development and of synergy between CITES, the World Summit on Sustainable Development, the Convention on Biological Diversity and other MEAs. They did not support the Secretariat's comments in paragraph 'A' on page 3 of the document, noting in particular that Resolution Conf. 10.4 was recommended for repeal in document CoP12 Doc. 21.1.1. They highlighted paragraph c) under RECOMMENDS on page 6, noting the need to validate the process for species listing in the context of sustainable use through, for example, the introduction of a 'sunset clause'. They suggested the annex of the document could be considered a draft decision rather than a draft resolution.

The delegations of Antigua and Barbuda, China, Cuba, Honduras, Japan and Namibia supported the draft resolution. The delegations of Mali, the Russian Federation and Switzerland supported it in principle but noted that further discussions and clarifications were needed.

The delegations of Australia, Canada, Denmark on behalf of the Member States of the European Union (EU), Kenya and the United States of America, and the observer from the International Wildlife Coalition (IWC) noted that sustainable use was an integral component of the Convention's text and believed that the draft resolution was therefore not necessary. The delegation of the United States drew attention in particular to Article IV of the Convention.

After much debate, particularly regarding the 'sunset clause', a working group was established to be chaired by Norway, and to include Antigua and Barbuda, Argentina, Australia, Austria, Brazil, Chile, Japan, the Republic of Korea, Mexico, New Zealand, the Russian Federation, Switzerland, the United States of America, Zimbabwe, the International Fund for Animal Welfare, IWC, the Ornamental Aquatic Trade Association and TRAFFIC. The Chairwoman asked the working group to report back to Committee II the next day.

#### 18. Economic incentives and trade policy

The Secretariat introduced document CoP12 Doc. 18, noting the complexity of the subject matter.

The delegation of Chile supported the document and outlined Chile's relevant national legislation. The delegation of India complimented the Secretariat on an innovative document, but had doubts about some aspects of it. Noting that an analysis by TRAFFIC had concluded that stricter domestic measures could be beneficial to species conservation, the delegation of Germany regretted that the results of the analysis had not been incorporated in the document.

The delegations of Colombia, Indonesia and the Philippines supported both the draft decision and the draft resolution contained in the document. The delegation of Japan also generally supported the proposals in the document, and the delegation of Norway supported the draft resolution. While in favour of the concept of economic incentives for sustainable use of wildlife, the delegation of Australia, echoing concerns expressed by the delegations of Denmark, on behalf of the Member States of the EU, India and the United States, suggested that the third operative paragraph of the draft resolution be deleted. The delegations of Kenya and Zambia and some observers supported this. The delegation of the United Republic of Tanzania shared the concerns expressed by others that the draft resolution infringed the sovereign rights of Parties to implement domestic measures at the level of strictness that they considered appropriate.

The delegation of Brazil was unable to support the document, as it appeared to be directed more towards protecting economic interests than conserving species, and they considered that some parts of the draft resolution were inconsistent with the Convention. Further, they voiced concerns over paragraph c) of the draft decision, on the grounds that the Parties alone should be responsible for identifying which Parties could be included in the trade policy review. The delegation of Mali pointed out that some wildlife species themselves caused economic harm.

The observer from Defenders of Wildlife believed that the proposed resolution would restrict Parties' rights to a greater degree than required either by Article XX of the General Agreement on Tariffs and Trade (GATT) or by existing WTO jurisprudence. The observer from the International Environmental Law Project requested clarification of the language used in the draft resolution, noting that more work was needed to bring the text into alignment with the language used in Article XX of GATT.

The observer from the World Trade Organization (WTO) said that the question of observer status for CITES as well as the other bodies that had requested observer status was still under discussion but that a useful interim measure was the information session at which CITES could be briefed.

The delegation of Denmark on behalf of Member States of the EU, supported by the delegations of Kenya and Norway and the observers from IWC and IWMC-World Conservation Trust (IWMC), proposed inserting a preamble to the draft resolution in Annex 1 of document CoP12 Doc. 18 to read:

*RECALLING also paragraph 91 of the plan of implementation of the World Summit on Sustainable Development regarding a continuous enhancement of the mutual supportiveness of trade, environment and development with a view to achieving sustainable development through actions at all levels.*

The delegations of Germany and Kenya supported the holding of a workshop, as described in the draft decision in Annex 2 of the document. The delegation of the United States of America, supported by the observers from IWC and IWMC, warned that entrusting the organization of the workshop to the Secretariat would represent a considerable drain on resources for activities that were not a core CITES priority. The observer from TRAFFIC supported holding a workshop and stated that TRAFFIC would be willing to assist in its organization and in raising funds for it.

The observer from Flora and Fauna International pointed out that paragraph e) of the draft decision was narrower in focus than the related paragraphs a) and d).

The Chairwoman called for specific amendments to the text of the draft decision in Annex 2 of document CoP12 Doc. 18. In response, the delegation of the United States suggested adding 'WTO' to the list of bodies mentioned in the chapeau of the draft decision and this was agreed.

The delegation of Argentina proposed deleting sub-paragraphs c) to g), inclusive. There followed a vote in which 18 voted for the proposal and 44 against with 12 abstentions. This was therefore not agreed.

The session was closed at 12h00.