

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

Third session: 6 November 2002: 14h10-17h05

Chairwoman: A.-M. Delahunt (Australia)

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

Rapporteurs: H. Gillett  
J. Gray  
K. Lochen  
R. Mackenzie

**Strategic and administrative matters**

The Chairwoman announced that the revised budget document CoP12 Doc. 9.1 (Rev. 1) was available and would be discussed during the afternoon session on 7 November 2002. She noted that there was a proposal before the Bureau to transfer to Committee I agenda item 16 (d) on cooperation between CITES and the International Whaling Commission. She would inform the Committee the next morning of the Bureau's decision.

13. Establishment of Committees

The Chairman of the working group on implementation issues reported that a draft decision on the agenda item had now been finalized. The Chairwoman asked for the full text of the draft decision to be read to the Committee for inclusion in the record, and indicated that discussions on it would be held the next day.

Draft decision on technical implementation measures:

*DIRECTS the Standing Committee to:*

- a) *identify, in conjunction with the Animals and Plants Committees, the typical categories of technical implementation issues (i.e. operational/administrative/management issues, not matters of a Party's compliance with the Convention) that have proved to be difficult to address under existing Committee structures;*
- b) *establish and implement a process for the Standing Committee to act as a clearing house to direct technical implementation issues to the appropriate body (permanent committees,*

Secretariat, Party or, when appropriate, outside experts) so that issues can be handled in a flexible, timely and accountable manner; and

- c) report at the 13th meeting of the Conference of the Parties on the categories of technical implementation issues identified by the permanent committees, development of a process for the Standing Committee to act as clearing house, and recommendations.

*DIRECTS the Animals and Plants Committees to:*

- a) continue to work on technical implementation issues of a primarily scientific nature;
- b) develop recommendations on how the Committees could assist the Standing Committee in providing advice on technical implementation issues; and
- c) report to the Standing Committee by the 50th meeting of the Standing Committee.

#### 18. Economic incentives and trade policy

Discussions continued from the morning session. The following amendments to the draft decision in Annex 2 to document CoP12 Doc. 18 were agreed following a show of hands.

The chapeau was modified to read:

*The Secretariat should, contingent on the availability of external funding and in collaboration with the Parties that wish to participate and with the CBD, FAO, Fauna and Flora International, ICTSD, IFC, IUCN, OECD, TRAFFIC, UNEP-ETB, UNCTAD-BIOTRADE, the World Resources Institute, the World Bank and the WTO.*

Existing paragraph c) was replaced with:

- c) invite Parties to inform the Secretariat, on the basis of the results of the workshop, if they wish to be included in the trade policy review;

In paragraph d) the word 'selected' was deleted.

The draft decision, as amended, was agreed.

The Committee considered proposed amendments to the draft resolution in Annex 1 to the same document. The delegation of Denmark on behalf of the Member States of the EU, proposed an additional paragraph, after the 10th preambular paragraph, as follows:

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

The proposal was agreed after a show of hands. The delegation of Antigua and Barbuda explained that they had abstained as the amendment made reference to a document that had not been made available to this meeting.

The Chairwoman referred to the proposal from the delegation of Australia to delete 'to avoid where possible the application of stricter domestic measures and' in the third operative paragraph of the draft resolution. The delegation of Senegal proposed deletion of this paragraph in its entirety. Following a show hands the proposal of Senegal was rejected and the proposal of Australia was agreed.

The delegation of Denmark on behalf of the Member States of the EU noted that they had voted in favour of Australia's proposal as they were in favour of international collaboration, but commented that in part the text appeared superfluous.

The delegation of Argentina, supported by the delegation of Uganda, proposed that all references to 'economic incentives' or 'incentive measures' in the text of the draft resolution be replaced by the phrase positive economic incentives, taking into account their effects on developing countries. They noted that this amendment would not apply to references to perverse economic incentives. This amendment was agreed by a show of hands.

The delegation of the United States of America proposed three further amendments to the draft resolution, related to concerns regarding limitations on the adoption of stricter domestic measures. The proposals were to delete the second and fourth operative paragraphs and, in the seventh operative paragraph, to delete the phrase 'to ensure continuing recognition and acceptance of CITES measures by the World Trade Organization and'. In relation to these proposed amendments, the Secretary-General suggested deleting only the words 'so called perverse economic incentives, that is' from the second operative paragraph and adding the words CITES and the WTO after the word 'between' in the seventh operative paragraph. The delegation of Saint Lucia drew attention to the difficulties they experienced in considering amendments to such a complex document in such a short space of time and, recognizing this, the Chairwoman requested that the delegation of the United States work with the Secretariat to reflect its proposed amendments in a revised version of the draft resolution. There being no objections to this, further discussion was deferred until the revised version was available.

#### 19. Financing of the conservation of species of wild fauna and flora

The Chairwoman, in introducing document CoP12 Doc. 19, thanked France for the work it had done on this agenda item.

The delegations of Canada, Denmark, on behalf of the Member States of the EU, and Senegal expressed support for the draft decisions in Annex 1.

The delegations of Antigua and Barbuda, Jamaica, the Russian Federation and St. Lucia said that submission to the Secretariat of government budgetary allocations by Parties should be optional and not a requirement, as implied by the language used in the first draft decision of Annex 1 of the document. To resolve this, the delegation of Brazil's suggestion to replace 'should' with are invited to before 'provide' in line 1 of this draft decision was accepted. The delegation of Brazil also proposed inserting the submitted information on after 'the Secretariat will look at' in the second draft decision in Annex 1.

The observer from the International Wildlife Coalition suggested that the review of existing and innovative mechanisms to finance conservation should also involve consultation with non-governmental organizations.

The delegation of Antigua and Barbuda expressed concern about certain sources of funding accepted to support the Convention. They also proposed an amendment to the text of the draft decisions, namely to insert after each occurrence of the word 'conservation' the words and trade, explaining that they needed help in both conservation and trade endeavours. Following observations by the delegations of Denmark, on behalf of the Member States of the EU, and the Russian Federation that they would not support such an amendment, the delegation of Antigua and Barbuda proposed adjourning discussion of this item until they had considered exact wording for an amendment. Accordingly, the Chairwoman postponed further discussion of this item.

## Interpretation and implementation of the Convention

### 21. Review of Resolutions and Decisions

#### b) Review of Decisions

The Secretariat introduced document CoP12 Doc. 21.2, after which the Chairwoman drew the attention of the Committee to the list of Decisions proposed for repeal. The delegations of Mexico, Senegal and the United States objected to the repeal of Decisions 11.26 to 11.31, and the delegations of Brazil and Costa Rica also lent support to this view. The delegation of Mexico further objected to the repeal of Decisions 11.60, 11.61, 11.66, 11.72, 11.157 and 11.160, while the delegation of Brazil objected to the repeal of Decisions 11.14, 11.22-11.25 and 11.157. The delegation of Denmark on behalf of the Member States of the EU objected to the repeal of Decisions 11.60, 11.61 and 11.160, while the delegation of the United States requested deferral of discussion of repealing Decisions 11.33-11.37, 11.38 and 11.47-11.56 until other documents had been tabled. The delegations of Denmark, on behalf of the Member States of the EU, Mexico and Senegal, and the observer from TRAFFIC pointed out that some of the Decisions marked for retention could indeed be repealed if text within them were transferred to existing Resolutions. Clarification would be sought from the Bureau over whether proposed deletion of Decisions relating to reports from the Animals and Plants Committees had already been adopted in the plenary session.

In summary, the Chairwoman clarified that Decisions 11.10, 11.62, 11.63 and 11.69, only, remained in Annex 1 of document CoP12 Doc. 21.2. The Annex was accepted as amended.

The session closed at 17h05.