

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

Fourth session: 7 November 2002: 9h15-11h50

Chairwoman: A.-M. Delahunt (Australia)

Secretariat: S. Baker
J. Barzdo
S. Nash
J. Sellar
M. Yeater

Rapporteurs: J. Gray
K. Lochen
R. Mackenzie
T. Van Norman

Strategic and administrative matters

16. Cooperation with other organizations

d) Cooperation between CITES and the International Whaling Commission

At the request of the delegation of Mexico the Committee agreed to defer discussion of this agenda item until 12 November 2002.

c) Cooperation and synergy with the Inter-American Convention for the Protection and Conservation of Sea Turtles

The delegation of Ecuador introduced document CoP12 Doc 16.3. They noted that that the draft resolution in the Annex to the document did not propose the development of a Memorandum of Understanding between the Secretariats of CITES and the Inter-American Convention for the Protection and Conservation of Sea Turtles. They proposed deleting the three final operative paragraphs of the draft resolution and replacing them with the following:

APPEALS to the Inter-American Convention for the Protection and Conservation of Sea Turtles to take into consideration the proposed decisions of CITES for amendments to the Appendices relating to sea turtles;

INVITES the Secretariat of the Inter-American Convention for the Protection and Conservation of Sea Turtles to participate in future meetings of the Conference of the Parties and the Animals Committee of CITES.

The delegations of Costa Rica, Denmark on behalf of the Member States of the European Union (EU), Israel, Mexico and the United States of America supported the draft resolution. The delegation of Israel requested clarification of the phrase 'proposed decisions' in Ecuador's revised text. The delegation of Denmark on behalf of the Member States of the EU proposed the following additional preambular paragraph:

AWARE of the Memorandum of Understanding between the Secretariats of CITES and the Convention on Migratory Species signed in Bonn on 18 September 2002;

The inclusion of this paragraph was agreed. The observer from the Convention on Migratory Species subsequently proposed an addition to this paragraph referring to Agreements on marine turtles concluded on the Convention on Migratory Species.

In supporting the draft resolution, the delegation of Mexico encouraged cooperation with the Inter-American Convention for the Protection and Conservation of Sea Turtles and other relevant international and regional conventions. They also highlighted the need for action to protect sea turtles in the high seas, and that proposed amendments to the Appendices of CITES should take into account the migration of sea turtles.

The delegation of Japan opposed the draft resolution since in their view it did not reflect sustainable use of sea turtles. The delegations of Cuba and Senegal pointed out that there were a number of other relevant regional agreements, which were not the subject of specific resolutions. The delegations of Benin, Iceland and Indonesia also questioned the need for a specific resolution on this issue.

The delegation of Cuba were concerned that the draft resolution appeared to distinguish between parties to the Inter-American Convention for the Protection and Conservation of Sea Turtles and other range States of sea turtles, and might exclude other range States from activities envisaged in the draft resolution. The delegation of the United States of America suggested that this concern might be resolved by deleting the word 'dialogue' in the third operative paragraph. The delegation of Ecuador supported this suggestion and stressed that it was not the intention of the draft resolution to exclude other range States.

The delegation of Antigua and Barbuda stated that many Parties to CITES in the region covered by the Inter-American Convention for the Protection and Conservation of Sea Turtles were not Parties to the latter Convention, and said that it was therefore premature to consider cooperation with it. They also questioned whether the resolution conflicted with Article XV of CITES on the procedures for amendment of Appendices. The Secretariat responded that the draft resolution did not address the amendment of CITES Appendices. It also pointed out that it was inappropriate for the draft resolution to include a specific invitation for the Secretariat of the Inter-American Convention for the Protection and Conservation of Sea Turtles to participate in meetings of the Animals Committee since Resolution Conf. 11.1 gave the responsibility to the Chairman of that Committee to issues such invitations. It noted moreover that there was no standing invitation to any other organizations to participate in meetings of the Conference of the Parties other than those indicated in Article XI of the Convention.

The delegation of Antigua and Barbuda proposed that no further discussion of the item take place at the meeting and that there instead be further discussion within the region. This was taken as a motion to vote on a proposal to postpone consideration of the proposal by Ecuador until a later meeting of the Conference. The Chairwoman announced that she considered this equivalent to rejecting the proposal by Ecuador. With 39 votes in favour, 35 against and 11 abstentions the proposal did not reach the two-thirds majority required for a successful vote on a substantive issue. The delegation of Antigua and Barbuda challenged the Chairwoman's ruling, asserting that the vote had only been a procedural motion, requiring only simple majority. This challenge was immediately put to the vote and was upheld. Following this vote

the Chairwoman announced that there would be no further discussion of Ecuador's proposal in Committee II.

Interpretation and implementation of the Convention

21. Review of Resolutions and Decisions

b) Review of Decisions

The Secretariat drew the attention of the Committee to document CoP12 Doc. 21.2, in particular to paragraph 12 sub-paragraphs b) and c). There being no objections to any of the proposals in Annex 2 of the document, or to the recommendation in 12 c), these were accepted.

10. Committee reports and recommendations

a) Animals Committee

i) Report of the Chairman

The Secretariat explained that a number of Decisions recommended by the Animals Committee for repeal had been referred to the Committee by the plenary meeting. These were Decisions 11.92, 11.93, 11.95, 11.96, 11.103-11.105, 11.98, 11.99, 11.91 and 11.97, referred to in document CoP12 Doc. 10.1. The delegation of Israel suggested that Decision 11.91 needed further work and undertook to seek clarification with the Chairman of the Animals Committee. With this exception, the recommendations of the Animals Committee were accepted.

b) Plants Committee

i) Report of the Chairman

Similarly a number of Decisions proposed by the Plants Committee in document CoP12 Doc. 10.2 for repeal had been referred by the plenary meeting to the Committee. The recommendations of the Plants Committee to repeal Decisions 11.111-11.113 and 11.116-11.117, and to retain Decisions 11.114, 11.115 and 11.118, were accepted.

The delegation of Denmark on behalf of the Member States of the EU suggested that in future information be presented clearly in annexes of the reports of the Animals and Plants Committee, indicating which Decisions should be repealed or modified. Accepting the offer of the Chairwoman of the Plants Committee to tabulate for later distribution any recommendations in the Plants Committee report still needing to be considered, the Chairwoman adjourned discussion.

The session closed at 11h50.