

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 I meeting

Twelfth session: 13 November 2002: 09h05-12h35

Chairman: D. Morgan (United Kingdom)

Secretariat: W. Wijnstekers  
J. Armstrong  
T. De Meulenaer  
M. Lindeque  
G. van Vliet

Rapporteurs: J. Gray  
C. Lippai  
A. St. John  
P. Wheeler

The Secretary-General announced that Bhutan had become the 160th Party to the Convention.

The delegation of Afghanistan expressed its pleasure at participating in this meeting of the Conference of the Parties. Noting that they had endured many years of war and drought, they stressed the importance of protecting forest resources. They summarized the wildlife resource situation in Afghanistan and noted their hope that the other CITES Parties could support them in their wildlife management efforts.

**Consideration of proposals for amendment of Appendices I and II**

**66. Proposals to amend Appendices I and II**

The delegation of the United States of America stated they had voted in favour of proposal Prop. 12.35 on the whale shark *Rhincodon typus* because they believed that marine species should be covered under the Convention and that the proposal was justified.

The delegation of the United Kingdom, on behalf of the Member States of the European Union, introduced proposal Prop 12.36 to include *Cetorhinus maximus* in Appendix II. They reported that the species was threatened by over-exploitation and that an Appendix-II listing would complement regional and international fisheries agreements for this highly migratory species. The proposal was supported by the delegations of India, Ireland, New Zealand and Tunisia, as range States, and the observer from the Humane Society International.

The delegation of Norway opposed the proposal and raised concerns regarding the catch data in the supporting statement. They believed that the decline in observed landings might be linked to the drop in shark oil prices in the early 1980s. The delegation of Japan argued that the scientific data did not support an Appendix-II listing and noted their financial support to the Trust Fund of the Food and Agricultural Organization of the United Nations (FAO) to implement the International Plan of Action for

the Conservation and Management of sharks (IPOA-Sharks). The delegation of China questioned the practicality of using DNA testing for the identification of specimens of *Cetorhinus maximus*. The delegation of Iceland noted the risk of increased by-catch discards with an Appendix-II listing, thereby eliminating an important source of population data. The delegation of Malaysia and the observer from the High North Alliance opposed the proposal.

Given that basking sharks were migratory and were caught in international waters, the delegation of Switzerland asked who would be responsible for making non-detriment findings if the proposal were adopted.

In response to the concerns raised, the delegation of the United Kingdom said that they believed the proposal did meet the listing criteria. They highlighted the lack of any effective management regime for this species and noted that a straightforward identification guide had been produced. They asked for a vote on the proposal, and the delegation of Japan sought a vote by secret ballot. The result of the vote was 72 in favour, 38 against, two abstentions and one spoilt and the proposal was rejected.

The delegation of the United States informed delegates that they had voted in favour of this proposal as they believed CITES had an important role to play in fisheries issues and, also, that they believed the proposal met all listing criteria.

Proposal Prop. 12.41, regarding listing of *Papilio aristophontes*, *Papilio nireus* and *Papilio sosia* in Appendix II was withdrawn.

Proposal Prop. 12.42, regarding *Araucaria araucana*, was agreed by consensus.

Proposal Prop. 12.43, regarding the amendment of annotation °608 referring to artificially propagated colour mutants of cacti, was agreed by consensus.

Following discussion on proposal Prop. 12.44, regarding the subfamily Opuntioideae of the family Cactaceae, the delegation of Switzerland withdrew the proposal owing to the lack of range State support.

## **Interpretation and implementation of the Convention**

### **Species trade and conservation issues**

#### **41. Conservation of sharks**

##### **a) Conservation and management of sharks**

and

##### **b) Conservation of and trade in sharks**

The delegation of Australia introduced document CoP12 Doc. 41.2 addendum, noting that the document had been jointly prepared with Ecuador. The observer from FAO acknowledged that the implementation of the IPOA-Sharks had gone slowly. He said that the FAO Secretariat had urged members to implement the IPOA-Sharks but that lack of funds to provide assistance had been a serious problem. He added that the problems being encountered in implementing the IPOA-Sharks were not trivial and required close consultation with the national fisheries agencies. He noted that the role of CITES in managing commercially exploited marine species was a matter to be decided by the Parties to CITES, taking due account of the mandates of FAO, CITES, regional fisheries organizations and of the responsibilities of States.

The delegation of Ecuador urged FAO to strengthen their efforts with regard to implementation of the IPOA-Sharks. The delegation of the United States supported document CoP12 Doc. 41.2, but

suggested that the following amendments be made to the draft resolution in the Annex: insertion of a new paragraph after preambular paragraph 3, to read: RECOGNIZING the duty of all States to cooperate, either directly or through appropriate sub-regional or regional organizations in the conservation and management of fisheries resources; and the altering of the seventh operative paragraph by replacing "to ask its partner" with and and deleting ", on a regional basis,".

The delegation of Japan, supported by the delegation of Norway, opposed involving CITES in marine fisheries issues, which they felt were under the purview of FAO and regional fisheries management organizations. They also believed that the draft decisions put forward by the Animals Committee were the maximum that CITES should undertake in this regard. They suggested that implementation of the IPOA-Sharks was the correct way to handle the issue of conservation of and trade in sharks. The delegation of Denmark on behalf of the Member States of the EU said that it was precisely because of the lack of progress with the IPOA-Sharks that CITES should take a more proactive role. They supported the draft resolution, including the amendments suggested by the United States, while at the same time recognizing that there was some duplication of substance with the draft decisions in document CoP12 Doc. 10.1.

The delegation of Saint Lucia drew attention to the need of range States, particularly developing countries, to use their marine resources sustainably. Saint Lucia had a fisheries management plan in place, recognized FAO as the competent body for the issue and supported cooperation between CITES and FAO on specific trade issues, but felt that there was no need for a formal resolution to effect such cooperation.

The delegation of Switzerland was also concerned with the lack of progress with the IPOA-Sharks and believed the main problem to be a lack of money. They therefore proposed an amendment to the draft resolution by adding a paragraph to the operative section, to read ENCOURAGES CITES Parties to contribute financially and technically to the implementation of the IPOA-Sharks;. The delegation of Iceland noted the lack of any specific reference to the Law of the Sea and suggested that the draft resolution, by assigning a management role to CITES, could undermine FAO.

The observer from IUCN, echoed by the observer from TRAFFIC, stressed that CITES already had an established role in addressing the management of sharks. She also expressed concern at the slow rate of implementation of the IPOA-Sharks and felt that CITES could play a complementary role in shark species management.

The delegation of Australia expressed disappointment that some Parties appeared to feel that this issue was not a proper subject for debate within the CITES forum. The delegation of Ecuador echoed that sentiment and said that national fisheries bodies needed international support to control trade in sharks. The delegation of Iceland called for a vote on the document by secret ballot. This received the necessary support. With 63 votes in favour, 28 in opposition, 13 abstentions and two spoiled ballots, document CoP12 Doc. 41.2 addendum was agreed, as amended.

## **Consideration of proposals for amendment of Appendices I and II**

### **66. Proposals to amend Appendices I and II**

The delegation of Switzerland introduced proposal Prop. 12.45, concerning removal of leaf-bearing cacti from the Appendices, stressing that these species failed to meet the biological criteria for maintenance in Appendix II and were absent from international trade. The delegation of Costa Rica, speaking on behalf of the range States of the species in Central and South America, and the Dominican Republic, opposed the proposal, noting difficulties in identification and the fact that some species could be affected by trade. They also felt that when a proposal was drawn up by a non-range State, range States should to be consulted early in the process. The delegation of Switzerland withdrew the proposal.

Proposal Prop. 12.46 to transfer *Sclerocactus nyensis* from Appendix II to Appendix I was presented by the delegation of the United States, who noted that the species was under extreme pressure from collectors. While it had been suggested that a solution would be to remove the current exemption from CITES provisions for seeds, that would not solve the problem since whole plants were also traded. The delegation of Switzerland, while recognizing that there was a conservation problem, drew attention to the difficulty of identifying the seeds to species level. The delegation of Norway believed that insufficient information was presented in the supporting statement regarding trade volumes and the conservation status of the species. The delegation of Denmark on behalf of the Member States of the EU supported the proposal, which was agreed by consensus.

Proposal Prop. 12.37 to include *Hippocampus* spp. in Appendix II was introduced by the delegation of the United States, who emphasized the large increase in international trade in these species in recent years. They further stressed that any aquacultural enterprises for seahorses were at a pilot stage, that trade was unregulated and largely undocumented, that there was no FAO plan for the taxon and that good identification tools existed. They considered that an Appendix-II listing would help in understanding and regulating the trade. With a view to assisting Parties to implement the proposal, they suggested an additional paragraph in the proposal: This amendment to Appendix II shall become effective 18 months after the close of the 12th meeting of the Conference of the Parties. The Chairman of the Animals Committee summarized document CoP12 Doc. 43, on the conservation of seahorses, referring in particular to paragraph 76, in which the Committee had recommended that the genus *Hippocampus* should be included in Appendix II. The delegations of Denmark, on behalf of the Member States of the EU, and Fiji, Kenya, New Zealand and Peru also supported the proposal. The delegation of Japan expressed the view that the information presented in support of an Appendix-II listing was inadequate. They also stated that, since the genus was sustaining an annual harvest of approximately 20-million specimens, it was obviously not on the brink of extinction. They felt that FAO should collect population data for seahorses before any proposal were put before CITES, and pointed out that Japan, a range State for seahorses, had not been consulted when the proposal was prepared. The delegations of China, Malaysia and the Russian Federation also opposed the proposal.

The delegation of the United States gave way to the observer from IUCN. The observer, who also spoke in her capacity as Chairwoman of the Animals Committee working group on syngnathids, put forward the view that a high volume of trade was not a matter for complacency, but for concern. She pointed out that FAO was not working on seahorses, and had no plans to do so. In response to doubts about the adequacy of the information, she referred to the quantity and scale of studies undertaken and workshops held. She also referred to the genetic and morphological research which had been undertaken for identification purposes.

The Chairman called for a vote by show of hands. The result was so close that it was possible that Parties whose credentials had not yet been approved might have affected the outcome and he therefore announced a roll-call vote. The delegation of Dominica, speaking on a point of order, requested a secret ballot. The delegation of the United States, also speaking on a point of a order, said that the Chairman had already begun the roll call vote and could not therefore accept a request for a vote by secret ballot. The Chairman ruled that this was correct. The delegation of Antigua and Barbuda challenged the Chairman's ruling. By a show of hands, 60 Parties supported the Chairman's ruling while 28 opposed it; it was therefore upheld. A roll-call vote on proposal Prop. 37 was held. With 75 votes in favour, 24 against and 19 abstentions, proposal Prop. 12.37 was accepted.

The delegation of Antigua and Barbuda gave an explanation of their vote against the proposal, noting that there seemed to be a trend for the control of resources in tropical and temperate oceans to be taken away from range States.

The session closed at 12h35.