

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 I meeting

Fourteenth session: 13 November 2002: 19h15-21h45

Chairman: D. Morgan (United Kingdom)

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

Rapporteurs: A. Bamford
J. Caldwell
H. Gillett
J. Gray
T. Inskipp
C. Lippai
K. Lochen
A. St. John
T. Van Norman

The Chairman requested corrections to document CoP12 Com. I Rep. 9. The delegation of Japan requested that in the first paragraph of the document, the words from "but" in the third line to the end of the paragraph should be replaced by but the delegation of Japan insisted that the existing name of the Sea of Japan should be retained in accordance with the relevant decisions of the International Hydrographic Organization (IHO), until there was a consensus on a new name among the member countries of the IHO. The Chairwoman of the Plants Committee referred to an error, in the Spanish version only, in both the third and fourth line of the third paragraph, where the word "Fauna" should be replaced by Flora. The delegation of Ecuador asked for clarification on the vote recorded for proposal Prop. 12.6 in the Spanish version. The Secretariat noted that the number of votes against should be changed from "46" to 26.

The Chairman then requested corrections to document CoP12 Com. I Rep. 10. The delegation of Kenya requested that in the last paragraph on page 1 the words noted that this was particularly of concern for translations. They should be inserted after "documents provided, and", that the words "some of" should be deleted after the word "clarify", and that the words in-situ conservation, baseline data and detrimental impacts should be inserted after "terms". In the ninth paragraph on page 2 they requested that the word the should be inserted after "clarify", that the word "particularly" should be deleted, and the words baseline data, and detrimental impact be inserted after "conservation". They also wished to insert the paragraph The Secretary-General explained to the delegation of Kenya how to craft a draft decision for a later session. after the fourth paragraph on the final page. The delegation of Denmark requested that the words "Denmark on behalf of the Member States of the EU" be removed from the sentence at the end of page 1 and inserted after that sentence, followed by supported the amendments to the proposal.

Consideration of proposals for amendment of Appendices I and II

66. Proposals to amend Appendices I and II

The delegation of Madagascar introduced proposal Prop. 12.58 to list four species of *Scaphiophryne* in Appendix II. The delegation of Denmark on behalf of the Member States of the EU suggested amending the proposal to list *Scaphiophryne gottlebei* in Appendix II and the remaining three in Appendix III. The delegation of Madagascar agreed to this amendment and the proposal was accepted as amended.

The delegation of Madagascar introduced proposal Prop. 12.59 to transfer species of Malagasy orchids from Appendix II to Appendix I. The delegation of Denmark on behalf of the Member States of the EU noted that the Malagasy orchids were included in the significant trade review under way in Madagascar and suggested that a zero quota be applied to the species until the outcome of this review. As there were no other comments, the proposal was agreed by consensus.

Interpretation and implementation of the Convention

Species trade and conservation issues

49. Nationally established export quotas for Appendix-II species: the scientific basis for quota establishment and implementation

The delegation of the United States, as chairman of the working group established to discuss this issue, introduced document CoP12 Com. I. 2. The observer from Conservation Force was of the opinion that the draft decision was redundant as the Secretariat had an efficient capacity-building programme, Resolution Conf. 8.9 already provided for a review of significant trade and guidelines existed to assist Parties to make non-detriment findings.

The draft decision was adopted by consensus.

Exemptions and special trade provisions

55. Operations that breed Appendix-I species in captivity for commercial purposes

a) Revision of Resolutions Conf. 8.15 and Conf. 11.14 on guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes

The delegation of Chile, as chairman of the working group, introduced document CoP12 Com. I. 1. The working group recommended retaining Resolution Conf. 9.19, making several amendments to Resolution Conf. 11.14, and adopting a decision directing the Animals Committee to investigate the registration procedure for Appendix-I animal species. The Secretariat pointed out that the last paragraph of the draft decision was very similar to Decision 11.102. It also expressed concern that the deletion of paragraph 2 of Annex 2 of Resolution Conf. 11.14 would create additional work for the Secretariat when dealing with applications to register new facilities. The delegation of Israel disagreed that the last paragraph of the draft decision was the same as Decision 11.102, noting that the draft decision only addressed the registration procedure. They also believed that deleting paragraph 2 of Annex 2 of Resolution Conf. 11.14 would address concerns within the working group that each proposed facility should be considered, regardless of whether a species had been previously registered. They did not feel that the deletion of this paragraph would produce a greater workload for the Secretariat, noting that the Animals Committee could address most problems without the application going to a meeting of the Conference of the Parties.

The delegations of Chile, Costa Rica and Brazil supported document CoP12 Com. I. 1. In response to the Secretariat's concerns regarding additional workload, the delegation of Chile noted that

applications to register commercial breeding facilities only needed to be distributed to interested Parties.

The delegation of Denmark on behalf of the Member States of the EU supported the deletion of Annex 3 of Resolution Conf. 11.14, but still considered the registration process too burdensome. Noting that they would have preferred another approach, they nevertheless supported document CoP12 Com. I. 1 and the draft decision contained therein. The Secretary-General suggested retaining Resolution Conf. 11.14 as written and referring the issue to the Animals Committee for further discussion before amending it. The delegation of Argentina, supported by the Chairman of the Animals Committee, suggested renewing Decision 11.102.

The draft decision and draft resolution in document CoP12 Com. I. 1 were agreed.

Amendment of the Appendices

58. Criteria for amendment of Appendices I and II

The observer from IUCN – The World Conservation Union, as chairman of the working group, introduced document CoP12 Com. I. 3, which contained the report of the working group. Although the working group had met five times, it was unable to come to consensus on all the issues referred to it. Noting this, the Chairman indicated that it was his understanding that document CoP12 Com. I. 4 might suggest a possible way forward.

The observer from the European Commission introduced document CoP12 Com. I. 4, noting that Resolution Conf. 9.24 should remain in force. He stated that document CoP12 Com. I. 4 offered additional guidelines for continuing work on the listing criteria and noted that if more time had been available, document CoP12 Com. I. 4 and Com. I. 5 could have been merged. The delegation of Australia introduced document CoP12 Com. I. 5 noting that it had been drafted in consultation with members of the working group. With the agreement of the delegation of Denmark on behalf of the Member States of the EU, they proposed an amendment that merged documents CoP12 Com. I. 4 and CoP12 Com. I. 5.

The delegation of Argentina noted that the work on the listing criteria should continue intersessionally. With regard to document CoP12 Com. I. 5, the delegation of United States raised budgetary and logistical concerns about the holding of a joint intersessional meeting. They suggested referring the work to the Animals and Plants Committee to be overseen by the Standing Committee. These concerns were echoed by the delegation of Norway. The delegation of Canada stressed the need to address a broad range of taxa in this review and suggested that paragraph 3 of document CoP12 Com. I. 5 be amended to read:

The review process should include reviews of selected taxa, to ensure the applicability of the criteria and guidelines to a broad array of taxa is assessed, and results of these reviews should be made widely available.

The delegation of Australia agreed to accept the amendment by the delegation of Canada in place of the merged document referenced above. The delegations of Ecuador and Iceland supported document CoP12 Com. I. 5 as amended. The delegation of Switzerland noted the difficulty of deciding on amendments without a written draft. The observer from the Food and Agriculture Organization of the United Nations (FAO) supported the document as amended but believed that some issues still needed to be resolved. He also emphasized that the FAO recommendations must be seen as a package, including the need for a strengthened process for the scientific evaluation of proposals. The Secretary-General suggested replacing paragraph 4 of document CoP12 Com. I. 5 with the following text:

The Animals and Plants Committees shall report to the Standing Committee before a date to be established by the Standing Committee.

The observer from IUCN – The World Conservation Union stated that although the amendment proposed by the delegation of Australia merged documents CoP12 Com. I. 4 and Com. I. 5 very well, he could support document CoP12 Com. I. 5, as amended. In response to a comment from the delegation of the Netherlands, the Chairman clarified that the Standing Committee would determine how the work would be reported. Document CoP12 Com. I. 5 was agreed as amended with the language from the delegation of Canada and the Secretary-General.

Consideration of proposals for amendment of Appendices I and II

66. Proposals to amend Appendices I and II

The delegation of China introduced Proposal 12.52 explaining that, as *Cistanche deserticola* was a parasitic plant without roots, the current annotation #3 in Appendix II was inappropriate. They noted that the plant played an important role in preventing desertification and was threatened by collection for the pharmaceutical industry. In order to strengthen protection measures they wished to remove the annotation so that all derivative products would be covered by the listing.

The delegation of Denmark on behalf of the Member States of the EU was opposed to listing medicinal products because of the difficulties in implementation and enforcement. The delegation of the United Kingdom recommended that the Chinese proposal be accepted and the Plants Committee be asked to formulate a more apt annotation. The Chairman noted that Decision 11.118 regarding medicinal plants could be used to take the matter forward. The delegation of China accepted this suggestion and the proposal was agreed.

The delegation of Germany, on behalf of the Member States of the European Union, introduced Proposal 12.54 regarding *Guaiacum* spp. and proposed amending it by replacing the annotation “Designates all derivatives, including wood, bark and extract.” with existing Annotation #2. The delegation of Jamaica urged the Plants Committee to complete morphological studies of the genus and noted that similar studies of *Guaiacum sanctum* were being conducted in their country. The delegation of Cuba raised some concerns as their main use was of extract, but supported the proposal as amended. The amended proposal was agreed by consensus.

Proposal 12.55 to transfer *Pyxis planicauda* from Appendix II to Appendix I, and Proposal 12.56 to include *Brookesia perarmata* in Appendix I were both agreed without comment.

The delegation of Madagascar introduced proposal Prop. 12.57 to include *Brookesia* spp. except *B. perarmata* in Appendix II, noting that the supporting statement had been despatched in time for the Parties' consideration but had subsequently been mislaid. The document had now been distributed as document CoP12 Inf. 24. The delegation of Madagascar then outlined the threats facing the species.

The delegation of Denmark on behalf of the Member States of the EU had sympathy with Madagascar's position but questioned whether document CoP12 Inf. 24 could be considered as an official supporting statement for the proposal. The Secretary-General stated that, given the special circumstances of the late acceptance of the proposal, he would recommend that the Parties might exceptionally consider listing these species.

The delegation of Denmark on behalf of the Member States of the EU stated that there had not been enough time to consider the proposal and that insufficient data had been supplied. They considered a listing in Appendix III to be more appropriate. This was supported by the delegation of Switzerland.

The observer from IUCN – The World Conservation Union was concerned that acceptance of the supporting statement at such a late stage might set a precedent. The observer from the David Shepherd Wildlife Foundation, speaking also on behalf of the International Fund for Animal Welfare, Pro-Wildlife and the International Wildlife Coalition, urged Parties to support the proposal.

Noting some objections to the proposal, the Chairman asked the delegation of Madagascar to comment. The delegation of Madagascar requested a vote by secret ballot. The delegation of Denmark on behalf of the Member States of the EU and the delegation of Switzerland both stated that they did not wish to block consensus on the issue. The proposal was then accepted.

Interpretation and implementation of the Convention

Amendment of the Appendices

59. Amendment of the Appendices with regard to populations

The Secretariat introduced document CoP12 Doc. 59. The delegation of the United States was concerned that the proposed decisions in this document could lead to anomalies in the Appendices similar to those that had arisen in the case of *Araucaria araucana*. However, the Chairman explained that the document had not been introduced for approval and it was, therefore, noted.

The session was closed at 21h45.