

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

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

Chairman: D. Morgan (United Kingdom)

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

Rapporteurs: J. Caldwell
C. Lippai
A. St. John
T. Van Norman

Interpretation and implementation of the Convention

48. Implementation of Resolution Conf. 8.9 (Rev.) on trade in specimens of Appendix-II species taken from the wild

a) Revision of Resolution Conf. 8.9 (Rev.)

The Chairman of the Animals Committee recommended that paragraph r) in Annex 2 to document CoP12 Doc. 48.1 be amended to insert the phrase in consultation with the Chairman of the Standing Committee after the phrase 'the Secretariat shall'. With this amendment, and the amendments to the document made in the earlier session, the document was approved.

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

The delegation of the United States of America introduced document CoP12 Doc. 49, noting that the establishment of national export quotas is voluntary and discussing the linkage with document CoP12 Doc. 50.2. They recommended the establishment of a working group, which they suggested could work inter-sessionally if necessary. Establishment of a working group was supported by the delegations of China, Costa Rica, Denmark on behalf of the Member States of the European Union (EU), Kenya, Malaysia, Mexico, Pakistan, Sierra Leone and Switzerland.

The delegation of Switzerland supported the establishment of a working group but expressed budgetary concerns. They, as well as the delegation of Denmark on behalf of the Member States of the EU, suggested that the working group also address quotas for ranched specimens. The delegation of Indonesia agreed that there should be provision for the establishment of guidelines for establishing

export quotas, but questioned the need for a working group, suggesting that the issue could be addressed in the Animals and Plants Committees. The Secretariat commented that work on this issue could be addressed by the Secretariat and the existing Committees. The delegations of Argentina, Japan and the United Republic of Tanzania agreed. The delegation of Fiji recognized the need for scientifically-based quotas but stressed that quotas should be established nationally and not by the Conference of the Parties. The delegation of Zimbabwe, supported by the delegations of Botswana, Uganda and Zambia, disagreed with the establishment of a working group but stressed the importance of capacity-building in primary exporting countries.

The Chairman proposed that a working group be formed to identify the exact nature of the problems, the work required and examples of good practices. The working group would also be tasked with determining whether additional inter-sessional discussion would be necessary and if so, whether it could take place within the current Committee structure. He asked the United States to chair the working group, which would also include Argentina, China, Denmark, or another Member State of the EU, Fiji, Indonesia, Mexico, the United Republic of Tanzania, Conservation Force and TRAFFIC. He asked that the working group report back to the Committee on 11 November 2002.

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 Secretariat introduced document CoP12 Doc. 55.1, noting that the proposed resolution contained in the Annex was based on Resolution Conf. 9.19. The Secretariat also suggested several amendments to its document. The delegation of Chile noted that this subject had been an issue of long-standing debate and thanked the Secretariat for its efforts. They highlighted the need for further discussion in determining whether the guidelines for registration of operations for plants and animals could be combined. The delegation of Mexico, on behalf of the delegations of Bolivia, Brazil, China, Colombia, Costa Rica, Ecuador, India, Indonesia, Kenya, Malaysia, Peru, Philippines, South Africa and Venezuela, as well as the delegations of the Bahamas and Cuba, a group of countries with similar megabiodiversity, and the Chairwoman of the Plants Committee, identified the following issues with regard to the draft resolution: a) there was inadequate distinction of commercial and non-commercial operations; b) animals and plants cannot be treated in the same way; c) there were no criteria for the evaluation of facilities; d) it afforded the Secretariat too much control in the registration process; e) there was inadequate time to review the document; f) no proof of legality was required; g) the Secretariat had not been requested to produce this draft resolution; h) deletion of relevant preambular language taken from previous Resolutions was proposed; i) additional requirements should not be added for nursery registration; and j) the level of scrutiny by range States of the registration process was inadequate. These delegations opposed further discussion of the document and suggested that it be referred to the Animals and Plants Committees. The delegation of the United States suggested the establishment of a working group to address these issues. The Chairwoman of the Plants Committee feared that the deletion of various paragraphs from the preamble of Resolution Conf. 9.19, that had been agreed for eight years, would create problems because the issues related to animals and plants needed to be addressed separately.

The delegation of Senegal supported the draft resolution, but suggested additional language to clarify the registration process. The delegation of Denmark on behalf of the Member States of the EU stated that the registration process for animals should not be stricter than for plants but noted that the proposed resolution might be stricter than the current registration process for commercial plant nurseries.

The delegation of Israel, supported by the observer from the Born Free Foundation, recommended that the proposed document be set aside, Resolution Conf. 11.14 remain in effect with Annex 3 consisting of the entire list of Appendix-I species, and Resolution Conf. 8.15 be repealed. Following review, species could then be removed from Annex 3 as appropriate.

The Secretariat responded to each of the comments, in particular pointing out that there was no reason to be less concerned about the legality of origin of plants than that of animals or less concerned about the opinions of range States of plants than of animals. It noted that several of the criticisms related to provisions already adopted by the Conference of the Parties in Resolution Conf. 9.19. It expressed a willingness to make appropriate amendments to the draft resolution if the latter were acceptable in principle. The Chairman concluded that the draft resolution was unlikely to be agreed in its current form. He asked the Chairman of the Animals Committee to address the delegations' comments.

The Chairman of the Animals Committee noted that the list of species in Annex 3 would be identical to those listed in Appendix I of the Convention and that this was not the original intention of Resolution Conf. 11.14. The delegation of Mexico, supporting the comments made by the delegation of Israel, suggested that a review of the document be carried out by the Plants, Animals and Standing Committees and their findings be presented at CoP13.

Responding to the suggestion of the delegation of the United States, supported by the delegation of Chile, the Chairman established a working group to be chaired by Chile and including Argentina, Denmark, on behalf of the Member States of the EU, India, Israel, Mexico, the Russian Federation, the United States of America, Zimbabwe, the Chairman of the Animals Committee and Chairwoman of the Plants Committees, the American Association of Zoos and Aquaria, the Species Survival Network and TRAFFIC. The Chairman asked the working group to report to the Committee on 11 November 2002 and, in response to a point of order raised by the delegation of Israel, stated that the group's task was to redraft the document into a form that could be agreed by the Committee.

In response to a question from the delegation of Brazil regarding the composition of the working group, the Chairman explained that he had tried to obtain a regional and scientific balance based on the comments made during the debate. The delegation of El Salvador expressed interest in participating in the working group but the Chairman asked that they provide their input through one of the participating members.

Amendment of the Appendices

58. Criteria for amendment of Appendices I and II

The Secretariat introduced document CoP12 Doc. 58 noting that the criteria review process had been thorough, lengthy and costly. Referring to paragraph 3 of the document, they explained that, at its 46th meeting, the Standing Committee had instructed the Secretariat to prepare this document. The document should include the reports of the Chairman of the Animals Committee, the Chairman of the Criteria Working Group (CWG) and the Chairwoman of the Plants Committee and should also identify issues arising from those documents and document SC46 Doc. 14. The Secretariat drew attention to the importance of Annex 1 in the document as it explained the reasons why changes to the criteria were necessary, in particular because, although the criteria for an Appendix-I listing were clear, they were ambiguous for Appendix II. It further pointed out that Annex 3 of the document gave a full explanation of all the proposed amendments to Resolution Conf. 9.24.

The Chairman decided to defer the discussion on the substance of the document until the following day but asked if there were any immediate questions on the document. The delegation of Norway asked whether the findings of the Food and Agriculture Organization of the United Nations (FAO) had been incorporated into the document. The Chairman of the CWG responded that FAO had been present at each of the working group meetings and at the joint meeting of the Animals and Plants Committees. The observer from the FAO stated that their final recommendations had been submitted and the Secretariat directed attention to the footnote on page 20 of Annex 3 in the document.

The delegation of the United States of America asked whether document CoP12 Doc. 59 could be considered along with the current item. The Chairman replied that although there were linkages between the documents, he would prefer to consider them separately at first.

The session closed at 17h05.