

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

Fourth session: 7 November 2002: 9h10 -12h00

Chairman: D. Morgan (United Kingdom)

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

Rapporteurs: A. Bamford
J. Caldwell
A. St. John
P. Wheeler

Interpretation and implementation of the Convention

58. Criteria for amendment of Appendices I and II

The Chairman noted that the Secretariat had introduced the document at the previous session, where there had been an opportunity for Parties to comment on the process undertaken in development of document CoP12 Doc. 58. He asked the Parties now to comment on the substance of the document. If Parties were unable to accept the document as drafted, he asked that they draw attention to the fundamental problems with the document so that these could be addressed.

The delegation of China remarked that they considered the criteria outdated and that they had been developed for application to large mammals. They further noted that the criteria could not be applied to a wide range of life forms and stressed the need for further review by scientific experts.

The delegation of Ecuador, speaking on behalf of his region, and echoed by the delegations of Argentina, Chile, Costa Rica, Cuba and Paraguay, stated that the document should be for information only and should not be discussed and decided upon at this meeting. They noted that numerous relevant comments had not been reflected in the document. They stressed the need for greater input from Parties, suggesting that it would be appropriate to continue working on this issue in an inter-sessional working group. The recommendation for an inter-sessional working group was supported by the delegation of Japan, who also drew attention to document CoP12 Inf. 10, which contained the Government of Japan's comments on the revised criteria.

The delegation of Switzerland, supported by the delegation of the Russian Federation, highlighted previous expenditure on this project, noting that the review had been undertaken because Parties believed Resolution Conf. 9.24 could be improved. They stressed that the criteria should be applicable across the range of taxonomic groups. They believed that the proposed revision of Resolution Conf. 9.24 in document CoP12 Doc. 58 addressed the main concerns of the Parties and should be accepted as a starting point for further discussions. The delegation of Canada supported these

comments but noted that this issue must be resolved by CoP13. The delegation of Denmark on behalf of the Member States of the EU supported the establishment of an inter-sessional working group.

The delegation of United States of America reiterated the costs associated with the criteria review process and stressed the need to move forward in a timely manner. They believed that the draft resolution provided a reasonably good representation of the Parties' views. Noting that this would be an evolving process, they recommended the establishment of a working group at the present meeting to address the outstanding issues. They offered to suggest terms of reference for this working group as well as for any inter-sessional working group that might be required.

In response to concerns expressed by several delegations that the Food and Agricultural Organization of the United Nations (FAO) had not completed their review, the observer from FAO reported that the final report from FAO on the criteria had been submitted in time for the CITES process. He supported the establishment of a working group and suggested that such a group should look particularly at the validity of the criteria, the scientific methods for establishing the status of species, and strengthening the scientific process. The observer from IUCN – The World Conservation Union, supported by the observer from TRAFFIC, expressed concerns with the document and recommended that it consider the socio-economic impacts of the listing criteria. She noted that significant improvements had been made in the Appendix-I criteria but that further work needed to be done on the Appendix-II criteria. The delegation of the Republic of Korea remarked that dividing the criteria by taxonomic groups might offer a way forward. The delegation of Fiji expressed concern regarding the application of the criteria under paragraph 8.4 Annex 6 to populations outside the range State. The observers from the International Wildlife Coalition and Defenders of Wildlife reiterated that the criteria in Resolution Conf. 9.24 had been reached by broad consensus and were doubtful that consensus could be reached at the present meeting on the proposed revision.

The Chairman acknowledged that there appeared to be a number of points of concern, requiring further work. At his invitation, the delegation of the United States outlined their proposal for a working group to address the following issue in order of priority: Annexes 5, 4, 1, 2, 3, operative text and preamble. They also suggested including discussion on the definition of populations. They, supported by the delegation of Canada, suggested convening a preliminary meeting and reporting back to the Committee.

Noting that Annex 6 of the draft resolution had not been identified as requiring additional work, the Chairman asked if this Annex only could be adopted. The delegation of Japan approved of the revised Annex 6. The delegation of Argentina, supported by the delegations of Brazil, Colombia, Norway and Pakistan, and the observer from IUCN, concluded that the Parties should not consider Annex 6 in isolation, believing that the document needed to be revised as a whole. The Chairman concluded that Annex 6 should be included in the list of Annexes to be reviewed by the working group. Noting that the working group needed to be small and focused, he suggested that it be comprised of two representatives from each region (with the exception of North America which would be allowed one representative), the Chairmen of the Animals Committee and Criteria Working Group, the Chairwoman of the Plants Committee, one non-governmental organization from each region, and one representative each from IUCN and FAO. He further suggested that it be chaired by IUCN and this was agreed. He asked for names of participants to be passed to him by 17h00.

Interpretation and implementation of the Convention

Species trade and conservation issues

40. Conservation of and trade in pancake tortoise *Malacochersus tornieri*

The delegation of Kenya introduced document Cop12 Doc. 40. They explained that investigations had been carried out into the distribution of wild populations of the species, in both Kenya and the United Republic of Tanzania. They also stated that they were withdrawing the draft resolution in document Cop12 Doc. 40 and replacing it with the following draft decision, for which they sought endorsement:

Regarding conservation of and trade in the pancake tortoise Malacochersus tornieri

The Animals Committee, particularly its working group on tortoises and freshwater turtles, shall in collaboration with the Secretariat and the Management and Scientific Authorities of the known range States of Malacochersus tornieri:

- a) Review the biology, genetic variability, conservation status and distribution in the wild of Malacochersus tornieri;*
- b) Assess the current production systems of the species with the aim to advise on adequate control, management and monitoring practices;*
- c) Consider appropriate identification and marking systems for specimens in trade and for breeding stocks in captivity in the range States; and*
- d) Advise on training and capacity-building needs to manage and control the trade in Malacochersus tornieri.*

The activities outlined in paragraphs a) to d) shall be undertaken before the 13th meeting of the Conference of the Parties.

The delegation of Mexico were concerned about the proposed additional work and pointed out that considerable analysis had already been undertaken. The Chairman of the Animals Committee believed that the necessary work had now been done; this included a mission to the United Republic of Tanzania in 1998, which had concluded that production systems were in order. The Secretariat believed that there were still uncertainties about the distribution of the species and believed the Animals Committee should continue its work. The delegation of Uganda indicated that the species occurred in their country also.

The delegations of Denmark on behalf of the Member States of the EU, Japan, the United Republic of Tanzania, Uganda and the United States, and the Secretariat expressed support for the draft decision which the Committee endorsed.

Regular and special reports

25. Transport of live animals

The Secretariat presented the following draft decision:

The Secretariat shall liaise with the International Air Transport Association (IATA) and the World Association of Zoos and Aquariums (WAZA) with a view of concluding a Memorandum of Understanding in order to:

- a) Strengthen further collaboration in order to improve transport conditions of live animals;*
- b) Establish an official training programme on animal transport; and*
- c) Facilitate the exchange of technical information relevant to animal transport between the Secretariat, the IATA Live Animals and Perishables Boards and the WAZA Executive Office.*

The delegation of Saudi Arabia asked whether means of transportation other than by air were covered by the Memorandum of Understanding (MoU) and the Secretariat replied that while IATA by definition was concerned with air transport, the Animals Committee was carrying out an ongoing review of the applicability of the air transport guidelines to other forms of transport. The observer from WAZA indicated that they could provide expertise on this matter.

The delegation of the United States wondered whether there might be merit in including a reference to the Animals Committee or its Transport Working Group in the draft decision, to which the Secretariat

suggested adding the phrase in consultation with the Animals Committee, after 'The Secretariat shall', pointing out that the Transport Working Group operated under the auspices of the Animals Committee. The proposed amendment was agreed.

The delegation of Ghana asked whether the Parties would be expected to apply for a training programme or whether the Secretariat would organize one. The Secretariat replied that the training programme would eventually result from the MoU. The delegation of Guinea, supported by the delegation of Uganda, was in favour of the draft decision and suggested that IATA inform exporting States immediately of cases of animal mortality, rather than waiting until the end of the year. The delegation of Kenya noted that the aspect of animal welfare from the point of capture to point of export had not been addressed. The Chairman suggested that Kenya should consult with the Chairman of the Animals Committee and the Chairwoman of the Transport Working Group.

The draft decision was endorsed as amended.

Consideration of proposals for amendment of Appendices I and II

66. Proposals to amend Appendices I and II

The delegation of Switzerland, as the Depositary Government, presented proposal Prop. 12.1, regarding amendment of Annotation °607, on behalf of the Standing Committee. He explained that at its 46th meeting, the Standing Committee, in the context of Decision 11.87, and as part of a series of proposals on the issue of trade in time-sensitive biological samples, had asked the Depositary Government to prepare a proposal to amend the interpretation section of the Appendices on items excluded from the provisions of the Convention. While Annotation °607 applied only to some corals, they believed that it was clear from the supporting statement that the proposal referred to all CITES-listed species.

The Chairman expressed concern because rule 22 of the Rules of Procedure did not allow for expansion of the scope of a proposal, as was being advocated in this instance. The Secretary-General explained that although the proposal had been based on Annotation °607, it was not intended to apply to corals only, but to be a general exemption applicable to all species in the Appendices. The Chairman suggested that on that understanding that it was clear that the intention of the proposal was understood, and with the proviso that no precedent was being set, discussion of the proposal should proceed.

The delegation of Paraguay appreciated the intention to simplify procedures, but expressed strong opposition to the proposal, on the basis that exemption of the proposed items would go against development of research within developing countries. The delegation of Mexico, supported by the delegations of Bolivia, Brazil, China and Peru, felt that the proposal was scientifically ill-founded, particularly in its references to synthetically derived DNA. The delegation of Denmark, speaking on behalf of the Member States of the EU, while expressing general support for the proposal, could accept paragraph c) only if the words 'synthetically produced' were replaced by in vitro cultivated, otherwise paragraph c) should be deleted.

Responding to a query from the delegation of Mexico, the Secretary-General explained that there was a link between the proposal currently under discussion and document Cop12 Doc. 51 which was to be discussed in Committee II and that these were alternative approaches to the same issue. The delegation of Uganda expressed concern over a lack of preparedness to deal with the issue because, since Annotation °607 referred specifically to coral, Uganda as a landlocked country had therefore not paid particular attention to the proposal. The delegation of the Bahamas, supported by the delegation of Argentina, felt that it was not possible to proceed with the discussion, as the annotation referred to coral specifically. The latter delegation noted that there was an important procedural problem regarding increasing the scope of the proposal that should be discussed immediately.

The session closed at 12h00.