

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

Plenary meeting

Second session: 4 November 2002: 09h30-12h05

Chairmen: K. Stansell (United States of America)
S. Bitar (Chile)

Secretariat: W. Wijnstekers
J. Armstrong
J. Barzdo
J. Sellar

UNEP: K. Töpfer

Rapporteurs: A. Bamford
J. Caldwell
M. Jenkins
T. Van Norman

Strategic and administrative matters

1. a) Rules of Procedure and b) Revision of the Rules of Procedure (Chile)

The Chairman drew attention to document CoP12 Doc. 1.1 (Rev. 1) and asked Chile to introduce document CoP12 Doc. 1.2.

The delegation of Chile introduced document CoP12 Doc. 1.2, in which they proposed amending Rules 20 and 25 of the Rules of Procedure. Their proposed amendment to Rule 20 was to make it easier for small delegations to participate effectively in the meeting. Their proposed amendment to Rule 25 was in the interest of transparency.

The Secretariat drew attention to the practical difficulties involved in implementing the proposed amendment to Rule 20. Chile withdrew this proposal but encouraged the Secretariat to do everything they could to ensure that documents were made available in all three working languages of the Convention as early as possible.

The delegations of Australia and the United States of America supported the Chilean proposal to amend Rule 25. The delegations of Antigua and Barbuda, Cuba, Guinea, Namibia and South Africa opposed the proposal, regarding secret ballots as a way of preventing undue pressure on Parties during meetings. The delegation of China also opposed the Chilean proposal and drew attention to the right of Representatives to explain their votes as a means of ensuring transparency. The delegation of Denmark, speaking on behalf of the Member States of the European Union (EU), saw some merit in the proposed amendment. In response to a suggestion from that delegation, the following decision was agreed:

The Conference of the Parties requests the Standing Committee to examine the general issue of secret ballots and in particular the question of whether secret ballots should be retained in the Rules of Procedure of the Conference of the Parties to CITES and, if so, under what conditions. The Committee should clarify the way in which the issue of secret ballots has been formulated in the Rules of Procedure as well as establish, to the extent possible, whether and when secret ballots have been used under other biodiversity-related Conventions and global, multilateral environmental agreements, reporting at the next meeting of the Conference of the Parties.

The delegation of Guinea, supported by the delegations of Antigua and Barbuda, and Senegal, proposed amending Rule 24, so that paragraph 1 would now read Each Party shall have one vote and paragraph 2 would now read The Representative of a duly accredited Party shall exercise the voting rights of that Party. The Conference of the Parties agreed that the wording of Rule 24 should be clarified and that the Secretariat be charged with making any consequential changes to the Rules of Procedure. The delegation of Denmark, on behalf of the Member States of the EU, stated that they understood that Rule 24 was taken to mean that the accredited Representative of a Party could exercise the voting rights of one other Party which had duly authorized the said accredited Representative.

The delegations of Argentina, Kenya and Mexico expressed concern with Rule 28. They believed that relevant documentation provided by accredited non-governmental organizations should be distributed, on request, by the Secretariat. The delegations of Senegal and Zimbabwe considered that the rule proposed in document CoP12 Doc. 1.1 (Rev. 1) should stand. The Conference of the Parties agreed to a recommendation by the Secretariat that Rule 28 be amended by deletion of the whole of paragraph 4 and "a)" from the first line of paragraph 3 and that this change should be kept under review. In response to requests from the delegations of Mali and the United Republic of Tanzania that all documentation be provided in all three working languages of the Convention, the Chairman pointed out that this was the responsibility of those providing documents.

The Rules of Procedure in document CoP12 Doc. 1.1 (Rev. 1) as amended were then adopted.

2. Election of Chairman and Vice-Chairmen of the meeting and of Chairmen of Committees I and II

The Secretariat reported that the Standing Committee had nominated Mr Sergio Bitar (Chile) as Chairman of the meeting, and Uganda and the United States of America as Vice-Chairmen. Mr David Morgan (United Kingdom) had been nominated as Chairman of Committee I and Ms Ann-Marie Delahunt (Australia) as Chairman of Committee II. These nominations were approved by acclamation.

5. Establishment of the Credentials Committee

The Secretariat reported that the Standing Committee had nominated Thailand as Chairman of the Credentials Committee, and Botswana, Canada, China and Italy as members. These nominations were approved.

Mr Bitar assumed the Chair and thanked the Parties for approving his nomination, stating that he would do the work to the best of his ability. The Chairmen of Committees I and II also thanked the Parties and recognized the challenging nature of their posts.

3. Adoption of the Agenda

The Secretariat introduced document CoP12 Doc. 3 (Rev. 2) and noted that the document number under Agenda item 6 should be deleted as this report would be provided orally. The agenda was then adopted.

4. Adoption of the Working Programme

The delegation of Denmark, on behalf of the Member States of the EU, proposed that item 38, concerning Controlled trade in specimens of abundant cetacean stocks, be discussed in conjunction with item 16 d) on Cooperation between CITES and the International Whaling Commission. The delegation of Japan, supported by the delegation of Norway, noted that these items were very different in substance and requested that they be discussed separately. The delegation of Mexico disagreed with a further suggestion by the delegation of Denmark, on behalf of the Member States of the EU, that item 16 d) be moved. On the Chairman's recommendation, it was agreed not to move items 16 d) and 38.

The delegation of Kenya proposed that items 34 c) and d) be discussed in conjunction with item 20 a). In response, the Secretariat noted that the Bureau would be considering whether all elephant issues should be discussed in the same Committee.

The delegation of Argentina noted that the agenda did not include an item for a report on implementation of the Secretariat's work programme. The Secretary-General pointed out that, although Article XII of the Convention required the Secretariat to produce annual reports, these were not required to be presented at meetings of the Conference. He also pointed out that the Secretariat had prepared many reports for the meeting covering its activities and that the statistical information distributed in previous reports would be sent with a Notification.

The delegation of the United States of America, supported by the delegation of Ecuador, proposed that item 59, regarding Amendment of the Appendices with regard to populations, be moved to Committee I and be discussed in conjunction with item 58. This proposal was adopted.

The Secretariat announced a number of further changes to the Working Programme prepared by the Standing Committee, which were necessary because of the need to deal with the documents related to the structure of committees before the regions could elect their representatives. The Secretariat also suggested that item 14 regarding the title of the Convention be moved to Committee II and asked that any further proposed changes be referred to the Bureau. There being no further discussion, the amended working programme was adopted.

6. Report of the Credentials Committee

The Secretariat stated that the Committee would meet later and that oral reports would be provided subsequently.

7. Admission of observers

The Secretariat reported that the Southern African Development Community and the Conservation Treaty Support Fund had been omitted from the list of observers. Document CoP12 Doc. 7 was adopted with amendments.

8. Matters related to the Standing Committee

The Chairman of the Standing Committee introduced document CoP12 Doc. 8, which summarized the activities of the Committee since CoP11. He drew attention to progress regarding sturgeons, possible measures for non-compliance and financial matters.

The delegation of Thailand noted that, although Thailand's legislation was considered in the report to be in Category 2, the Secretariat had confirmed that the legislation was now considered to be in Category 1. The Chairman of the Standing Committee recognized this, stating that the report had been produced prior to the change in Thailand's status. The report was then accepted.

The session was closed at 12h05.