

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

Eighth session: 14 November 2002: 14h05-17h00

Chairman: S. Bitar (Chile)
Chairman of Committee I: D. Morgan (United Kingdom)
Chairwoman of Committee II: A.-M. Delahunt (Australia)

Secretariat: W. Wijnstekers
J. Armstrong
J. Barzdo
M. Lindeque

Rapporteurs: A. Bamford
C. Lippai
K. Lochen
A. St. John

Interpretation and implementation of the Convention

General compliance issues

27. Enforcement matters

The draft decisions in the Annex to document CoP12 Doc. 27 were adopted as amended in Committee II.

28. National laws for implementation of the Convention

Document CoP12 Doc. 28 was accepted. The draft decision in Annex 2 was adopted with the corrections noted in Committee II and the draft decisions in Annex 3 (Rev.1) were also adopted. It was noted in this context that several delegations had expressed the view in Committee II that the Standing Committee should be flexible in regard to deadlines.

The delegation of Nepal asked that their Category 3 status under the national legislation project be changed given existing and pending national legislation relating to CITES implementation in Nepal.

29. Verification of the authenticity and veracity of CITES permits and certificates

Committee II had agreed that the final paragraph of document CoP12 Doc. 29 Annex should be reformulated as a Decision, and this was confirmed.

30. Implementation of CITES in the European Community

The draft decision in the Annex to document CoP12 Doc. 30 was adopted.

The delegation of Denmark on behalf of the Member States of the EU urged all Parties that had not yet accepted the Gaborone Amendment to do so before CoP13 so that it could enter into force.

Species trade and conservation issues

31. Trade in bear specimens

The report in document CoP12 Doc. 31 was accepted. The proposals to delete Decisions 11.43, 11.45, 11.46 and 11.80, and to incorporate Decision 11.44 into Resolution Conf. 10.8 were adopted. The two draft decisions contained in document Com. II Rep. 11 were adopted.

32. Conservation of the leopard, snow leopard and clouded leopard

The draft resolution in document CoP12 Doc. 32 (Rev. 1) Annex 1 and the draft decisions in Annex 2 of the document were adopted as amended in Committee II.

33. Conservation of and trade in tigers

The report in document CoP12 Doc. 33 was accepted and the recommendations were adopted. The report of the Tiger Mission Technical Team in the Annex was accepted and the recommendations endorsed.

Strategic and administrative matters

10. Committee reports and recommendations

a) Animals Committee

i) Report of the Chairman

The recommendations of the Animals Committee in document CoP12 Doc. 10.1 and the decision relating to corals agreed in Committee I were accepted.

ii) Election of new regional and alternate regional members

The new regional and alternate regional members were confirmed as follows:

Africa:

E. Chidziya (Zimbabwe)

Alternate: M. A. Mahmoud (Egypt)

Asia:

M. Pourkazemi (Iran)

Alternate: N. Ishii (Japan)

Central and South America and the Caribbean:

no change

Europe:

K. Rodics (Hungary), T. Althaus (Switzerland);

Alternates: A. G. Sorokin (Russian Federation); C. Ibero Solana (Spain)

North America:

R. Medellín (Mexico)

Alternate: K. Johnson (United States of America)

Oceania:

no change

b) Plants Committee

i) Report of the Chairman

The recommendations of the Plants Committee in document CoP12 Doc. 10.2 were accepted.

ii) Election of new regional and alternate regional members

The new regional and alternate regional members were confirmed as follows:

Africa:

Alternate: S. F. I. Khalifa (Egypt);

Asia:

Dr Irawati (Indonesia)

Alternate: Z. Shaari (Malaysia)

Europe:

G. Frenguelli (Italy)

Alternate: J. Lüthy (Switzerland)

North America:

no change

Central and South America and the Caribbean:

F. Mereles (Paraguay)

Alternate: D. Prasad (Jamaica)

Oceania:

no change (subject to confirmation)

Interpretation and implementation of the Convention

Species trade and conservation issues

34. Conservation of elephants and trade in elephant specimens

a) Illegal trade in ivory and other elephant specimens

Document CoP12 Doc. 34.1 was noted.

b) Illegal hunting of elephant

Document CoP12 Doc. 34.2 was noted.

c) Revision of Resolution Conf. 10.10 (Rev.) on trade in elephant specimens; and

d) Revision of Resolution Conf. 10.10 (Rev.) in relation to quotas and trade in ivory

Revision of Resolution Conf. 10.10 (Rev.) had been dealt with under Agenda item 20 a) in the previous session of the plenary.

35. Conservation of and trade in rhinoceroses

The report in document CoP12 Doc. 35 was accepted and the recommendation to repeal Resolution Conf. 9.14 had been withdrawn by the Secretariat.

36. Conservation of and trade in musk deer

The report in document CoP12 Doc. 36 was accepted and it was agreed to delete Decision 11.92.

The delegation of the Russian Federation noted that the second sentence of paragraph 3 of the document was incorrect as they had reduced their export quota for musk deer by 20 per cent since 2000. They invited the Secretariat to explore funding opportunities to convene a workshop in the range States on the implementation of Resolution Conf. 11.7 and to explore effective management and enforcement solutions for musk deer conservation.

37. Conservation of and control of trade in Tibetan antelope

The recommendations in document CoP12 Doc. 37 were adopted as amended in Committee II.

38. Controlled trade in specimens of abundant cetacean stocks

Document CoP12 Doc. 38 had been withdrawn.

39. Conservation of and trade in tortoises and freshwater turtles

The draft resolution and draft decision in document CoP12 Doc. 39 were adopted and the recommendations of Committee I were also adopted.

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

The draft decision agreed by Committee I was adopted.

41. Conservation of sharks

a) Conservation and management of sharks; and

b) Conservation of and trade in sharks

Document CoP12 Doc. 41.2 addendum was adopted as amended in Committee I.

42. Conservation of sturgeons and labelling of caviar

a) Implementation of Resolution Conf. 10.12 (Rev.) on conservation of sturgeons

A draft decision contained in document Com. II Rep. 11 was adopted.

b) Consolidation of Resolutions relating to sturgeons and trade in caviar

The draft resolution in document CoP12 Doc. 42.2 Annex 2 and the draft decisions in Annex 3 were adopted as amended in Committee II.

43. Conservation of seahorses and other members of the family Syngnathidae

The recommendations in paragraphs 76. b) v) to ix) and 76. c) vii) were adopted, and the Secretariat was directed to formulate the relevant text in decisions.

44. Conservation of and trade in *Dissostichus* species

Document CoP12 Doc. 44 was withdrawn.

45. Trade in sea cucumbers in the families Holothuridae and Stichopodidae

The draft decisions in document Com. I Rep. 2 were adopted as amended in Committee I.

46. Biological and trade status of *Harpagophytum*

Decisions 11.63 and 11.111 were repealed and the draft decisions in document CoP12 Doc. 46 Annex 2 were adopted.

47. Conservation of *Swietenia macrophylla*: report of the Mahogany Working Group

It was agreed to continue the Mahogany Working Group with updated Terms of Reference, including a review of the recommendations in document CoP12 Doc. 47.

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 draft resolution in document CoP12 Doc. 48.1 Annex 2 as amended in Committee I, and the draft decision in Annex 3 were adopted.

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

The draft decisions in document CoP12 Com. I. 2 were adopted.

Trade control and marking issues

50. Management of export quotas

a) Improving the management of annual export quotas and amendment of Resolution Conf. 10.2 (Rev.) Annex 1 on permits and certificates

It was agreed to refer this issue to the Standing Committee to consider and report at the 13th meeting of the Conference of the Parties.

b) Implementation and monitoring of nationally established export quotas for species listed in Appendix II of the Convention

The draft decisions in Annex 3 to document CoP12 Doc. 50.2 were adopted as amended by Committee II.

51. Trade in time-sensitive biological samples

The Chairwoman of Committee II noted that, in this context, a number of Parties were concerned about the issue of equitable benefit-sharing under the Convention of Biological Diversity. Committee II recommended adoption of the draft resolution in Annex 1 to document CoP12 Doc. 51. The delegations of Mexico and China wished to reopen discussion on this agenda item. The delegation of Denmark, on behalf of the Member States of the EU, and the Czech Republic opposed this. The result by show of hands was 16 in favour and 58 against and the request was denied. The delegation of Mexico wished it to be recorded that they did not agree with document CoP12 Doc. 51. The draft resolution was adopted.

52. Movements of collections of samples

a) Movement of sample reptile skins and other related products

Document CoP12 Doc. 52.1 required no discussion as the issue was dealt with in document CoP12 Doc. 52.2.

b) Use of certificates for movements of sample collections, covered by an ATA or TIR carnet and made of parts or derivatives of species included in Appendices II and III

The proposed amendment to Resolution Conf. 10.2 was withdrawn in favour of a decision contained in document CoP12 Com. II Rep. 12, which was adopted.

53. Trade regimes for timber species

The report in document CoP12 Doc. 53 was accepted and the recommendation to delete Decision 11.155 was adopted.

Exemptions and special trade provisions

54. Personal effects

a) Trade in personal effects

The draft resolution in document CoP12 Com. II. 6 was adopted as amended in Committee II.

b) Personal effects made of crocodilian leather

Document CoP12 Doc. 54.2 was withdrawn.

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

b) Applications to register operations that breed Appendix-I animal species for commercial purposes

The application from South Africa to register a captive-breeding operation for the cheetah *Acinonyx jubatus* had been agreed in Committee I and this was confirmed.

The application from the United Kingdom to register a captive-breeding operation for the green turtle *Chelonia mydas* had been denied in Committee I and this was confirmed.

The delegation of the United Kingdom on behalf of the Cayman Islands Management Authority noted that additional information had come to light regarding the legality of the founder stock of the Cayman Island Turtle Farm. Whilst they remained confident that the farm met the criteria for registration, they wished to investigate this matter and would not ask to reopen the debate.

56. Non-commercial loan, donation or exchange of museum and herbarium specimens

A draft amendment to Resolution Conf. 11.15 and a draft decision in document CoP12 Com. II. 9 were adopted as amended in Committee II.

57. Travelling live-animal exhibitions

Document CoP12 Doc. 57 was withdrawn.

Amendment of the Appendices

58. Criteria for amendment of Appendices I and II

The Chairman of Committee I asked that discussion of document CoP12 Doc. 58 be deferred until the following day by which time an additional report would be available for comment.

59. Amendment of the Appendices with regard to populations

The Chairman of Committee I said that document CoP12 Doc. 59 had been noted but that no decision had been taken.

The Argentine delegation made the following intervention:

On behalf of our country, we wish to express our deep disagreement and ill ease regarding how the CITES Secretariat has dealt with the proposal on Araucaria araucana and behaved towards our country.

In particular, we wish to point out that Argentina believes that the CITES Secretariat exceeded its mandate when modifying unilaterally a decision of the Conference of the Parties, which set a serious precedent.

Regarding the proposal itself, Argentina does not share the interpretations of the Secretariat nor is it ready to accept them in future, as it considers them incorrect, against the objectives of the Convention, and because of their serious judicial implications at the national level.

The delegation of Argentina concluded that this document should not be used as a basis for any further discussions.

60. Annotations for medicinal plants in the Appendices

The Chairwoman of Committee II noted that there was no document for this agenda item, but the matter had already been dealt with in the discussion of document CoP12 Doc. 10.2.

Other themes and issues

61. Establishment of a working group to analyse relevant aspects of the application of CITES to marine species

The draft resolution regarding the establishment of a working group on marine species had been rejected in Committee II and this was confirmed.

62. Bushmeat

The draft decisions contained in the Annex to document CoP12 Doc. 62 were adopted.

63. The rescue of dependent apes from war zones

The draft resolution in document CoP12 Doc. 63 had been withdrawn and the draft decisions arising from the discussions of the document in Committee II were adopted.

64. Trade in traditional medicines

The report in document CoP12 Doc. 64 was accepted and it was agreed to delete Decision 11.165.

65. Publicity materials

Document CoP12 Doc. 65 was noted and the Chairwoman of Committee II urged Parties to review the document.

Consideration of proposals for amendment of Appendices I and II

66. Proposals to amend Appendices I and II

Proposal Prop. 12.1 had been withdrawn.

Proposal Prop. 12.2 as amended was rejected by Committee I and this was confirmed.

The delegation of Georgia requested that the debate be reopened on proposal Prop. 12.3, which had been rejected in Committee I. The delegations of Bulgaria and Hungary supported this motion and the delegations of Indonesia and the Russian Federation opposed. The motion to reopen the debate was carried by a show of hands.

The delegation of Georgia presented an amended proposal to retain the Black Sea population of *Tursiops truncatus* in Appendix II, with an annotation for a zero annual export quota for live specimens. The Secretary-General pointed out that the proposed annotation would extend the scope of the original proposal and, as a result, could not be considered. He suggested an annotation to Cetacea in Appendix II to read a zero export quota has been established for live specimens of the Black Sea population of *Tursiops truncatus* removed from the wild and traded for primarily commercial purposes. The delegation of Georgia agreed to this.

The delegations of Denmark, on behalf of the Member States of the EU, Israel and the United States of America, and the observer from the Whale and Dolphin Conservation Society supported the amended proposal.

The delegation of the Russian Federation opposed the amended proposal, stating that there was no scientific basis for it. They proposed the vote be conducted by secret ballot, the result of which was 86 in favour, 26 opposed and 10 abstentions. The delegation of the United States stated that it had voted in favour of the amended proposal. Proposal Prop. 12.3, as amended, was adopted.

The delegation of Japan requested that the debate be reopened on proposal Prop. 12.4, which had been rejected in Committee I. The delegations of Norway and Venezuela supported this motion and the delegations of Australia, Chile and India opposed. The motion to reopen the debate was carried by a show of hands.

The delegation of Japan presented two amendments to proposal Prop. 12.4. The first was to refer to the Okhotsk Sea-West Pacific Stock of minke whale *Balaenoptera acutorostrata*. The second was to amend the annotation to read for the exclusive purpose of allowing imports, exports and re-exports between Parties and introductions from the sea by Parties. They noted that this stock was abundant and did not meet the biological criteria for listing in Appendix I, and that allegations of illegal whale meat in the Japanese market had not been substantiated. They proposed the vote on the amended proposal be conducted by secret ballot.

The Secretary-General pointed out that the amended annotation proposed by the delegation of Japan would extend the scope of the original proposal since the latter had not included introductions from the sea. Consequently, the amended annotation could not be considered. This was agreed by the Chairman. The delegation of Japan disagreed and challenged the Chairman's ruling. The Chairman's ruling was upheld by a vote of 71 in favour and 23 opposed. As a result, the proposal to be considered was to transfer from Appendix I to Appendix II the Okhotsk Sea-West Pacific Stock population of minke whale *Balaenoptera acutorostrata* with the original annotation. The delegations of Australia, Kenya, New Zealand and the United States opposed the proposal as amended, and the

delegations of Antigua and Barbuda, Iceland, Norway and Qatar supported it. A vote was held by secret ballot, the results of which were 53 in favour and 66 against. The proposal was therefore rejected.

The session closed at 17h30.