

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA

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Thirteenth meeting of the Conference of the Parties  
Bangkok (Thailand), 2-14 October 2004

Strategic and administrative matters

Matters related to the Standing Committee

REPORT OF THE CHAIRMAN

Introduction

1. The United States of America continued to serve as Chairman of the Standing Committee following the 12th meeting of the Conference of the Parties (CoP12, Santiago, 2002) having been elected to the position following CoP11 (Gigiri, 2000). South Africa remained as Vice-Chairman and China as alternate Vice-Chairman. There have been two meetings of the full committee since CoP12: SC49 in April 2003 and SC50 in March 2004 (both held in Geneva). The 51st meeting will be held in October 2004 (Bangkok), immediately before CoP13.
2. Six new Parties have acceded to the Convention since CoP12: the Libyan Arab Jamahiriya, the Syrian Arab Republic, Albania, Lesotho, the Lao People's Democratic Republic and the Republic of Palau, bringing the total number of Parties to 166. During this period the Committee, beginning with the 49th meeting, modified its Rules of Procedure to provide for non-governmental organizations to attend meetings of the Committee as observers. Representatives of national and international organizations, approved through a process similar to that for meetings of the Conference of the Parties, attended both Committee meetings. Their participation was acknowledged by the Committee as an important input in its deliberations.
3. The Committee concentrated on the key tasks given to it at CoP12, including: implementation of the decisions relative to the African elephant; establishment of a Memorandum of Understanding between CITES and FAO; establishment of an export quota working group; development of a process for the Standing Committee to act as a clearing house to direct technical implementation issues to the appropriate body for resolution; examination of the use of CITES certificates with ATA or TIR carnets; progress on the National Legislation Project; review of reporting requirements under the Convention; development of mechanisms to obtain greater involvement of range States in the periodic review of the Appendices; and examination of the use of secret ballots. The Committee also considered the issue of guidelines for compliance with the Convention. These activities are detailed in reports and Notifications and therefore the following is a summary of the Committee's activities. The Committee is indebted to the Secretary-General and his staff for their support of the Committee's activities during this period.

African elephant

4. At its 12th meeting, the Conference of the Parties agreed to amend the annotation for African elephants to, among other things, allow trade in registered raw ivory stocks from Botswana, Namibia and South Africa under certain conditions. Decisions 12.33 to 12.35 and Decision 12.37 direct the Committee to: define the geographical scope and nature of data that constitute the baseline information that must be provided before any exports can be approved; determine how it would conclude that a detrimental impact had occurred; recommend measures for improving law enforcement coordination; and review the work conducted under Decision 12.39 (directed to the Secretariat) and consider whether additional measures are appropriate.

5. With regard to Decision 12.33, the Committee agreed at its 49th meeting to a proposal prepared by the MIKE Central Coordinating Unit and IUCN to define the geographical scope and the nature of the data that constitute the baseline information to be provided before any exports are allowed. The geographical scope for Africa and Asia will cover the sites as agreed by the Parties (see document SC41 Doc. 6.3 Annex 1). In the circumstances that MIKE data can not be collected at sites in some countries owing to civil strife, the situation will be inferred from ETIS data and other expert sources. For each reporting site, the following information will be presented:
- a) at least one population survey;
  - b) levels of illegal killing derived from a minimum of 12-months' (Africa) / 6-months' (Asia) data obtained from patrol forms and carcass forms and summarized in monthly reports;
  - c) a descriptive report on the patterns of influencing factors;
  - d) an assessment of the effort made in providing the illegal killing information; and
  - e) a preliminary baseline analysis of a) to d) above.

The Committee adopted the recommended text, with a qualification that data must be current (no older than three years).

6. With regard to Decision 12.34, the Committee discussed at its 49th meeting how it intended to determine that a detrimental impact on other elephant populations had occurred in the context of approved trade in African elephant ivory. The Committee agreed that the Secretariat should prepare a discussion document for its following meeting. At its 50th meeting, the Secretariat noted that this issue had been addressed previously by the Committee following the one-off sale agreed at the 10th meeting of the Conference of the Parties (Harare, 1997), and recommended that a procedure be adopted with regard to Decision 12.34. Although the procedure outlined in the Secretariat's document was generally supported, the Committee stressed the need for caution and continued oversight, and the need to verify the stocks of the exporting countries and the controls of the importing country. After discussion, the Committee agreed to a modified procedure that takes into account a precautionary approach acting in the best interest of conservation, keeps the Committee informed, insures transparency, and provides a mechanism to halt the trade if conditions warrant.
7. With regard to Decision 12.35, the Committee discussed at its 49th meeting measures for improving law enforcement coordination between ivory-producing and ivory-importing States. The Committee agreed that the most important measure is to encourage a greater flow of information between relevant Parties. There was general consensus that sufficient channels already exist through which such information can be communicated, such as ICPO-Interpol, the World Customs Organization, the CITES Secretariat and regional law enforcement networks and agreements (the Lusaka Agreement Task Force, for example), but noted insufficient use was made of such channels and that there is considerable room for improvement in the exchange of information. The Committee noted the relationship of Decision 12.35 to the broader concerns of illegal ivory trade and the Committee's responsibilities under Decision 12.37.
8. Decision 12.37 directs the Committee to review the work conducted by the Secretariat and the Parties to comply with Decision 12.39, dealing with internal ivory markets. In its report on implementation of Decision 12.39, the Secretariat indicated that a coordinated sub-regional strategy to work with parties in west and central Africa where the majority of illegal ivory appears to originate and be exported or re-exported from, would be more effective than the targeted country approach as outlined in Decision 12.39. The Secretariat presented a proposed work plan to implement a holistic approach to deal with illegal ivory trade. While there was considerable support for this approach, it was recognized that there is a significant need for capacity building and that Parties may be unable to address these issues in the short term. Consequently the Committee directed the Secretariat to review carefully the draft work plan at the next dialogue meeting of the African elephant range States and prepare a revised decision for consideration at the 13th meeting of the Conference of the Parties. The Committee further urged all range States to implement Resolution Conf. 10.10 (Rev. CoP12) and to work cooperatively to end the illegal trade in ivory.

9. At the 50th meeting of the Committee, Burundi presented a request for permission to sell its stock of privately-held elephant ivory which it contended had been lawfully imported prior to the transfer of the African elephant to Appendix I at the eighth meeting of the Conference of the Parties (Kyoto, 1992). In response to this proposal, the Secretary-General explained the background, and advised that the stocks had recently been inspected by MIKE and TRAFFIC staff on behalf of the Secretariat. While there was some sympathy expressed for the situation facing the Government of Burundi, concern was also expressed regarding whether the stocks were of legal origin and whether they could be regarded as being pre-Convention. Two possible solutions were identified: the first being that Burundi could authorize trade in the ivory as being pre-Convention (although it was felt unlikely that any country would wish to import it) and the second that the ivory be 'bought out' by a donor and then destroyed. It was noted that there was no role for the Committee in determining how this issue should be considered, and given the complexity of the issues involved, the Committee directed the Secretariat to prepare a discussion paper on this subject for consideration at the present meeting.

#### Asian big cats

10. Decision 12.31 and 12.32 direct the Standing Committee to review the progress in range and consumer States on conservation of Asian big cat species and report at the present meeting upon the progress made and any additional recommendations. At its 49th meeting the Committee discussed enforcement problems, ongoing illegal trade issues and conservation actions relative to Asian big cat species. The Committee noted the progress made by Parties. At its 50th meeting, the Committee continued discussions on this issue spurred by its receipt of a report from the Secretariat regarding the ongoing illicit trade in Asian big cats and the continuing need in range States for community involvement in conservation of these species. It was noted that the Secretariat had no specific recommendations related to any Party's failure to meet the requirements of the Convention as it relates to the conservation of big cats. The Committee adopted this report as the basis for its communication at the 13th meeting of the Conference of the Parties indicating that there are no additional recommendations with regard to Decision 12.30. The Chairman has received no further information since SC50 on this matter.

#### Strategic Vision and Action Plan

11. Recognizing the important guidance contained in the *Strategic Vision through 2005* and its Action Plan, the Committee agreed at its 50th meeting to propose to the Conference of the Parties at its 13th meeting that the period of validity of the documents be extended from its current time of the end of 2005 through the end of 2007. The Committee also agreed to recommend that the working group which drafted the document be reconvened, and in consultation with the permanent committees, draft a new Strategic Vision and Action Plan to run for the period 2008-2014, which can be considered for adoption at the 14th meeting of the Conference of the Parties. The Committee urged the Parties and the permanent committees and instructed the Secretariat to provide the reconstituted working group with evaluations of their own implementation of the current Action Plan.

#### Memoranda of Understanding

##### Memorandum of Understanding with the Executive Director of the United Nations Environment Programme (UNEP)

12. At its 47th meeting the Committee agreed to a draft revision to the existing Memorandum of Understanding (MoU) with the Executive Director of the United Nations Environment Programme (UNEP) and instructed the Chairman to liaise with the Executive Director in negotiations on an updated MoU. At its 50th meeting, the Committee noted that the Executive Director of UNEP had not yet responded adequately to the revised draft MoU that had been sent to him by the Chairman. It agreed that, before pursuing this matter further, the Chairman should wait for the results of the study being conducted by the UN Office of Internal Oversight Service (OIOS) regarding the services provided to international conventions by UNEP and UNON. It was also agreed that discussions with the Executive Director of UNEP should take into account the discussions of the Committee regarding cost-containment strategies and that the Chairman should report progress at its 51st meeting.

Memorandum of Understanding with the Food and Agriculture Organization of the United Nations (FAO)

13. Decision 12.7 directs the Standing Committee to work with FAO in the drafting of a Memorandum of Understanding between CITES and FAO, to establish a framework for cooperation on exploited aquatic species. The Committee was authorized to finalize the MoU, and requested to report on work completed at subsequent meetings of the Conference of the Parties. The Chairman worked intersessionally with the Secretariat to develop a draft MoU for consideration by the FAO Committee on Fisheries (COFI) at its February 2003 meeting. This draft document was largely based on the terms of reference detailed in Decision 12.7. No consensus was reached at the COFI meeting.
14. At its 49th meeting and following considerable discussions, the Committee agreed that the draft MoU, text that was considered by COFI, was the appropriate document on which to base future discussions. The Committee directed the Secretariat to notify the Parties of the draft text, solicit their comments and make the comments received available on the Secretariat's website. The Committee further mandated the Chairman to continue liaising with FAO on the development of the MoU and requested that he report at the following meeting of the Committee. Taking into account the comments received by the Parties, the Chairman worked with the Secretariat to produce a second draft MoU for consideration by COFI at its February 2004 meeting. During that meeting, COFI agreed to a separate draft text and authorized the FAO Secretariat to liaise with CITES on this issue. That text was not available in time for consideration by the Committee at its 50th meeting. The Chairman will continue to liaise with the FAO Secretariat and report on the status of a combined draft MoU at its 51st meeting.

Process for consideration of technical implementation issues

15. Decision 12.23 directs the Committee to identify categories of technical implementation issues and a process for the Committee to act as a clearing house to direct such issues to the appropriate body. At its 49th meeting, the Committee established a working group comprising representatives from the six CITES regions, in numbers equal to those in the Committee, although members of the working group need not be members of the Committee. The Committee appointed the United States as Chairman of the working group and directed it to develop recommendations for the Committee's review on the process for consideration of technical implementation issues.
16. The working group was tasked with the development of a list of outstanding implementation issues within CITES, categories defining these and future referred issues; and a clearing-house process to refer these issues to the appropriate CITES body. At the 50th meeting the working group reported on its progress. A list of technical implementation issues, divided among categories comprising administrative, operational, policy and scientific issues was presented. Additionally the working group presented a proposed clearing-house process that included a small group of technical experts working with the Chairman that would refer outstanding implementation issues to the appropriate body. The Committee agreed to the process for referring technical implementation issues to CITES bodies, as outlined in document SC50 Doc. 10 Annex 3 (Rev. 1), as well as to the glossary in Annex 2 (Rev. 1) and list of technical implementation issues in Annex 1 (Rev. 1).

Use of secret ballots

17. Decision 12.100 directs the 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 meetings of the Conference of the Parties. This review should also include whether and when secret ballots have been used under other multilateral environmental agreements. At its 50th meeting the Committee considered a document prepared by the Secretariat on this issue that outlined the history of the way in which secret ballots have been used and the relevant rules and practice of other multilateral environmental agreements. An analysis of the history indicated that owing to strict rules governing secret ballots, few were used until the 9th meeting when new rules were adopted. Since that time there has been a consistent use of secret ballots at each of the subsequent meetings. Relative to other multilateral environmental agreements, the CITES Rules of Procedure make it more difficult to obtain agreement to hold a vote by secret ballot than at meetings of many (if not most) other agreements. During the discussions there were pros and cons concerning the use of secret

ballots but no clear consensus. The Committee requested the Secretariat to prepare a document for CoP13 indicating that the Standing Committee had considered this issue and did not wish to propose any amendment to the Rules of Procedure relating to secret ballots.

#### Establishment of an Export Quota Working Group

18. Decision 12.17 directs the Committee to establish an intersessional working group with the goal of developing guidelines for Parties to establish, implement, monitor and report national export quotas for CITES-listed taxa, and provide a final report at the 13th meeting. Decision 12.72 directs the Committee to consider the issue of improving the management of annual export quotas, and also report at the 13th meeting. At its 49th meeting, the Committee discussed these issues in considerable detail. It was noted that both decisions were linked, and the final action on Decision 12.17 would incorporate action on Decision 12.72. The Committee stressed that the working group should concentrate on providing practical advice to Management Authorities concerning the monitoring of and reporting on voluntary export quotas, and that the Chairmen of the Animals and Plants Committees should be included in the working group. It was also noted that such a working group should have broad representation from both exporting and importing countries, have representatives from all regions, and representatives of experienced intergovernmental organizations and NGOs such as IUCN, Safari Club International, TRAFFIC and UNEP-WCMC.
19. Following these discussions, the Committee established an intersessional working group comprising representatives from the six CITES regions, in numbers equal to those in the Committee, although members of the working group need not be members of the Committee. During the 49th meeting, the working group met and elected Cameroon as Chairman and China as Vice-Chairman. The working group agreed to focus mainly on the practical aspects of permit administration, monitoring and reporting of quota usage, and to avoid dealing with the scientific aspects of the establishment of voluntary export quotas for CITES-listed species.
20. At its 50th meeting, Cameroon reported that the working group had been unable to meet owing to budgetary constraints and had not been able to make significant progress. However both Germany and the United States, as working group members, had provided informational documents for further consideration at the 50th meeting. The members of the working group in attendance met during the 50th meeting and proposed a procedure for the continuation of the Committee's work on this issue. This procedure provides for the development of a synthesis document taking into account the questions and issues raised in the two informational documents presented at the meeting, a review of that document by the working group and the preparation of a Notification to the Parties.
21. The notification requested that consultations at the regional level take place and member delegations arrive prepared to discuss these issues at a meeting of the working group during CoP13. The Committee agreed to this procedure and directed the Secretariat to prepare a decision document for consideration at the 13th meeting on this issue that would extend the Terms of Reference of the working group until the 14th meeting and establish a process for the working group during the next intersessional period to prepare a working document with a draft resolution which may include proposed guidelines on the management of export quotas, to be presented to the Committee in 2006 for consideration at CoP14.

#### Guidelines on compliance with the Convention

22. The Committee has been grappling with the issue of compliance with the Convention for quite some time. At its 45th meeting (Paris, 2001), the Committee considered the issue of imposing trade restrictions for non-compliance in response to the directives contained in several Resolutions and Decisions. Concerns in the application of such recommendations resulted from general discussions on annual reports and the National Legislation Project. As a result of these discussions, the Committee instructed the Secretariat to prepare for consideration at its 46th meeting an analysis of the range of legal, technical and administrative actions that might be taken in response to non-compliance.
23. At its 46th meeting the Secretariat provided a detailed analysis of the how the Parties, through Resolutions and Decisions, have focused CITES measures for ensuring compliance on obligations related to prohibiting trade in violation of the Convention, ensuring trade does not adversely affect

CITES species, enacting adequate national legislation, reporting on implementation of the Convention and making timely payments to the Convention's Trust Fund. The review also referred to compliance issues in other MEAs, provided a range of possible actions, short of imposing trade restrictions and included a recommendation to prepare a draft revision of Resolution Conf. 11.3 on Compliance and enforcement. Following considerable discussions, the Committee expressed reluctance to recommend a revision of Resolution Conf. 11.3. However, the Committee considered that this issue warranted additional discussions among the Parties. The Secretariat was instructed to prepare a discussion document for CoP12.

24. Discussions on this item at CoP12 resulted in Decision 12.84 that directs the Secretariat to draft a set of guidelines on Compliance with the Convention for consideration by the Committee. At its 49th meeting, the Committee considered a document prepared by the Secretariat on this issue. The Committee generally found the draft guidelines to be a very good basis for further work, and commended the Secretariat on the comprehensiveness and coherence of the draft, as well as the overall consistency with existing CITES practice. However, it was felt that additional consultations were needed. Parties noted that the draft guidelines were oriented to the facilitation and promotion of compliance, while continuing to provide for the possibility of targeted trade recommendations, which had been quite effective to date. Other Parties thought that the text should clarify the range of possible approaches to compliance, from voluntary to a more judicial nature. Taking these comments into consideration, the Committee instructed the Secretariat to issue a Notification to the Parties, attaching the draft guidelines, summarizing the relevant discussions at the 49th meeting, and inviting the Parties to provide their comments on the document. The Secretariat was requested to prepare a revised document for the 50th meeting, taking into consideration the comments received.
25. At its 50th meeting, in considering the revised document, the Committee expressed appreciation for the Secretariat's efforts to incorporate Parties' comments and to improve the document. However, there was a variety of further amendments to address, *inter alia*, deadlines, the respective roles of Convention bodies, the extent of procedural detail, the balance between facilitating and securing compliance and the guidelines' consistency with the text of the Convention and existing practice. Although there was general agreement that compliance guidelines were important, it was pointed out that there seemed to be a disagreement concerning what constitutes 'guidelines' that needed to be resolved. Noting that it would not be able to reach an agreement at the present meeting, the Committee established an intersessional working group and process to create a document for consideration at its 53rd meeting (scheduled for the first half of 2005).
26. The Committee considered the importance of eliciting additional input on the revised draft guidelines from Parties, intergovernmental organizations and non-governmental organizations. It agreed that the working group established at the 50th meeting, comprising Australia, Ecuador, Germany, Malaysia, Norway, the United Republic of Tanzania and the United States, with Australia as Chairman, would be the nucleus of an open-ended Working Group on Compliance which would determine how best to advance its work in an open and transparent manner. The Committee discussed whether or not, and if so, how the Conference of the Parties should be involved in the development, finalization or adoption of guidelines for compliance with the Convention. It agreed that, if a document were finalized at its 53rd meeting, it would then decide on the recommendations to be forwarded to the 14th meeting of the Conference of the Parties.

#### Periodic review of the Appendices

27. Decision 12.96 directs the Standing Committee to develop mechanisms to obtain greater involvement of the range States in the periodic review of the Appendices and provide guidance to reach a clear recommendation after the completion of the review. At its 49th meeting, the Committee reviewed a document that outlined the history of this issue and recommended a procedure for a periodic review of the Appendices. Additionally the Chairmen of the Plants and Animals Committees were asked to present their views. They explained the difficulties in implementing the periodic reviews of the Appendices as mandated in Resolution Conf. 11.1 (Rev. CoP12), stressing the need for a transparent, swift and all-encompassing process that should come to decisions at meetings of the Conference of the Parties. As a result of these discussions, the Committee directed the Secretariat to prepare a revised document (SC49 Doc. 20.1) incorporating

the recommendations made by the Committee. This document was subsequently adopted with minor revisions.

28. At its 50th meeting, the Committee reviewed the common approach the Animals and Plants Committees had agreed on to conduct future periodic reviews of the Appendices, and to implement the recommendations of the Standing Committee formulated at its 49th meeting. The work of the Animals and Plants Committees on this issue was generally welcomed. It was noted however that periodic reviews were slow and should preferably be accelerated to allow the Appendices to reflect the true conservation status of species better and to eliminate quickly from the Appendices those that did not warrant protection under the Convention. The Committee agreed to build on its earlier recommendations formulated at the 49th meeting, and incorporate the suggestions of the Animals and Plants Committees in the development of mechanisms and guidance on this issue. The Committee requested the Animals and Plants Committees to produce a final report on the development of standardized guidelines and procedures for conducting periodic reviews at its 51st meeting, and agreed to use this report in finalizing its own report as required under Decision 12.96.
29. The Animals and Plants Committees have agreed not to initiate new periodic reviews before CoP13. This was due to time constraints, the absence of finalized standard guidelines, and the expectation that a revised version of Resolution Conf. 9.24 (Rev. CoP12) on the criteria for amendment of Appendices I and II would be adopted at CoP13. It was clarified that periodic reviews of the Appendices would be initiated after CoP13, irrespective of whether a revision of this Resolution was at CoP13. This was felt to be of particular importance for plant taxa. The Committee agreed on the course of action proposed by the Animals and the Plants Committees, and agreed that the potential lack of a final agreement on a revision of Resolution Conf. 9.24 (Rev. CoP12) at CoP13 should not preclude further periodic reviews of the Appendices.

#### Late or non-submission of national reports

30. The Committee has considered the matter of late or non-submission of annual reports in the context of Resolution Conf. 11.17 (Rev. CoP12) and Decisions 11.37 and 11.89 at every Committee meeting since the 11th meeting of the Conference of the Parties. These decisions stipulate that the Committee shall determine which Parties have failed to provide annual reports, without cause, for three consecutive years within the deadline established, and further recommends that Parties should not authorize any trade in specimens of CITES-listed species with any Party that is the subject of such a determination by the Committee. The Secretariat advised that when Decision 11.89 was adopted it was believed that it would be an effective means for encouraging Parties to submit annual reports. It was not envisaged that about 20 per cent of the Parties might be potentially subject to a recommendation to suspend trade by the other 80 per cent.
31. Beginning with its 45th meeting, there has been considerable debate in the Committee on this issue which led in part to the broader discussions on compliance referred to in other sections of this report. The Committee continues to be reluctant to proceed to cite countries with which trade should be suspended owing to late or non-submission of annual reports, but notes that the Conference of the Parties revised Resolution Conf. 11.17 at its 12th meeting to allow for a reasonable extension of time upon the provision of adequate justification. At its 49th meeting, the Committee reviewed the reporting status of five Parties (Afghanistan, Djibouti, Liberia, Somalia and Mauritania) that had failed to submit annual reports for the years 1999 to 2001, without having provide adequate justification. All but one of these parties (Mauritania) were currently subject to a Committee-based recommendation to suspend trade (see Notification to the Parties No. 2002/064 of 19 December 2002). Given these facts, the Committee determined that Mauritania had failed to submit annual reports for the years 1999 to 2001, without providing adequate justification and directed the Secretariat to issue a Notification to the Parties recommending a suspension of trade in CITES-listed species with Mauritania.
32. At its 50th meeting, the Committee further determined that Algeria, the Central African Republic, Cyprus, Guinea-Bissau, Seychelles and Sudan had failed to submit annual reports for the years 2000 to 2002, without providing adequate justification to account for this failure. The Committee instructed the Secretariat to issue a Notification to the Parties recommending a suspension in trade in species of CITES-listed species with these Parties unless they submitted their annual reports prior to

the issuance of the Notification. Subsequently, the Secretariat issued a Notification identifying three Parties (Algeria, the Central African Republic and Guinea-Bissau) that had failed to provide their annual reports to the Secretariat and were therefore subject to the recommended trade suspension.

#### National Legislation Project

33. Decision 11.77 directed the Committee to decide the appropriate measures to be taken with respect to the Parties identified in Decisions 11.15, 11.18 and 11.19, that had high volumes of international trade in specimens of CITES-listed species and whose national legislation was believed generally not to meet the requirements for implementation. Such measures may include restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties. Historically the Committee has agreed that the recommendation to suspend trade in such instances was appropriate. However, as the Report of the Chairman at the 12th meeting of the Conference of the Parties indicates, at both the 45th and 46th meetings, there was considerable debate concerning this issue by this Committee. Members noted that relevant political, economic and administrative factors made it likely that several Parties would fail to meet the established deadline. However, concern was also expressed regarding whether proper control over permits could be assured by the affected Parties when there were high volumes of trade but inadequate legislation. The need for other appropriate compliance measures short of full trade suspension was noted. This overall issue is also discussed in the context of late or non-submission of annual reports and guidelines for compliance with the Convention cited above.
34. Taking into account the concerns expressed by the Committee, the Conference of the Parties agreed at its 12th meeting to certain modifications to the National Legislation Project as identified in Decisions 12.80 to 12.83. Decision 12.80 directs the Parties and overseas territories identified in Decision 11.17 to submit a CITES Legislation Plan to the Secretariat by a specified date. Decision 12.81 directs the Standing Committee to consider appropriate measures with respect to the affected Parties that are in non-compliance with Decision 12.80. These measures may include restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties. Decision 12.82 allows the Committee to adjust the deadlines for enactment of legislation agreed at its 46th meeting to allow affected Parties that are making good legislative progress additional time in which to complete that process. Decision 12.83 directs the Secretariat to provide assistance to affected Parties and report to the Committee on progress.
35. At its 49th meeting, the Committee discussed this matter in relation to Fiji, and determined that Fiji had enacted effective CITES legislation before the set deadline for such action and directed the Secretariat to issue a Notification to the Parties withdrawing the existing recommended trade suspension provided that all outstanding issues had been fully complied with. The Committee noted that Cameroon, the Dominican Republic, Panama, and South Africa had made good legislative progress towards the enactment of adequate measures to implement CITES, and agreed to extend the deadline for these countries in order to review their subsequent progress at its next meeting. The Committee noted that CITES Legislation Plans had been received from Antigua and Barbuda, the Bahamas, Belarus, Georgia, Seychelles, Swaziland, the dependent territories of Saint Helena and Dependencies, and South Georgia and the Sandwich Islands<sup>1</sup>. However, the Committee noted that although many Parties had been given adequate time to prepare and submit such plans, they had not done so.
36. The Committee directed the Secretariat to issue formal cautions on this matter to Afghanistan, Algeria, Bangladesh, Belize, Benin, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, the Central African Republic, Chad, the Comoros, the Congo, Côte d'Ivoire, Djibouti, Equatorial Guinea, Eritrea, Estonia, Gabon, the Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Honduras, India, Israel, Jordan, Liberia, Madagascar, Malawi, Mali, Morocco, Niger, Pakistan, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sierra Leone, Sri Lanka, the Sudan, Togo, Trinidad and Tobago, Tunisia, Uruguay, Venezuela and Zambia, to inform these Parties that they were in non-compliance with Decision 12.83 and request that they submit a CITES Legislation Plan by 31 December 2003 with legislation in place in compliance with the

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<sup>1</sup> *A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Islas Malvinas).*

requirements of that Decision. The Committee also instructed the Secretariat to issue formal cautions to Cambodia, Dominica, Mauritania, Myanmar, Saudi Arabia, Somalia, and Uzbekistan with similar guidance, and advise them that the Committee would take up this issue again at its following meeting, which may result in a recommendation to suspend trade in specimens of CITES-listed species with these Parties.

37. At its 50th meeting the Committee reviewed the status of compliance with these Decisions and recommended the suspension of trade in specimens of CITES-listed species for 16 Parties that had not provided any information prior to the meeting, unless information was provided prior to production of the Notification. The Secretariat issued a subsequent Notification identifying 10 Parties (Algeria, the Central African Republic, Djibouti, Equatorial Guinea, Guinea-Bissau, Liberia, Mozambique, Panama, Rwanda and Sierra Leone) that had failed to provide the requisite information and were subject to the recommended trade suspension. The progress of an additional group of Parties in various stages of their national legislation planning will be reviewed at SC51.

#### Enforcement matters

38. At its 49th meeting the Committee received information on a number of enforcement issues, as well as the large ivory seizure made in Singapore in 2002. The Committee discussed recent needs-assessment work on enforcement conducted and reported by the Secretariat, as well as the findings of its mission to Nigeria. On Nigeria, the Committee noted the Secretariat's report and agreed that Nigeria should provide a formal response to the Secretariat's findings and provide an action plan outlining how it would implement the recommendations by October of the same year.
39. The Committee decided that should Nigeria fail to meet either of these deadlines, the Secretariat should move forward and issue a Notification to the Parties recommending a suspension of trade with Nigeria in specimens of CITES-listed species. At its 50th meeting the Secretariat reported that Nigeria had met both deadlines and reported its offer to Nigeria to provide CITES training assistance in 2004. The Committee agreed that the Secretariat should issue a Notification reminding Parties that Nigeria does not authorize commercial trade in wildlife and that any permits received from that country should have their authenticity and validity confirmed by the Secretariat.
40. At its 49th meeting, and based on concerns by a number of Parties, the Committee instructed the Secretariat to undertake a technical mission to Paraguay and neighbouring countries to assess "the sustainability of trade and to provide technical assistance to implement the Convention". At its 50th meeting the Secretariat reported that that mission had taken place in September 2003. The Secretariat reported that changes in Paraguay's Government has resulted in a lack of continuity and knowledge in CITES implementation, and subsequent significant illegal trade. However, it was noted that Paraguay had instituted a voluntary moratorium on all wildlife trade shortly after the Secretariat mission concluded. The Committee accepted the Secretariat's recommendation that until the Secretariat and Paraguay are jointly satisfied that sufficient remedial action had taken place to improve the implementation of CITES in Paraguay, Paraguay should maintain its voluntary moratorium, except for the authorization for export of existing legal stocks of certain reptile specimens. Paraguay, working with the IUCN Crocodile Specialist Group, will provide more details to the Secretariat on the stocks to be exported.

#### Movements of sample collection covered by ATA or TIR carnets

41. Decision 12.77 directs the Committee, in consultation with other relevant conventions and organizations to examine the procedures and conditions for a CITES certificate becoming an annex to an ATA or TIR carnet. At its 49th meeting, the Committee discussed this issue and agreed to establish an informal working group on this matter, chaired by Italy. The informal working group worked intersessionally, and reported to the Committee at its 50th meeting. The Committee amended and adopted the informal working group's recommendation, and instructed the Secretariat to prepare the necessary documents to propose amendments to Resolutions Conf. 9.7 and Conf. 12.3, and to propose the repeal of Resolution Conf. 10.5 at the present meeting.

### Reporting requirements

42. Decision 12.87 directs the Committee to undertake a review of the reporting requirements under the Convention with a view to identifying and analysing the causes of non-compliance with those requirements and proposing ways to turn reporting requirements into useful management tools for Parties. At its 49th meeting, the Committee discussed this directive and agreed to establish an informal working group, chaired by the Netherlands. The Committee directed this group to review current reporting requirements under CITES and prepare a report on its findings and conclusions for consideration at its 50th meeting. The working group worked intersessionally consulting with the Secretariat and UNEP-WCMC. The informal Working Group also benefited from input from the Parties in response to Notification to the Parties No. 2003/084 of 16 December 2003.
43. At its 50th meeting the working group reported its findings on reporting requirements, the purposes and usefulness of reporting, experience and constraints with regard to reporting, preparation and submission of reports, and harmonization with other biodiversity conventions. This information included a list of legally binding and non-legally binding reporting requirements under the Convention, and a draft biennial report format. The group also provided the Committee with a number of recommendations. The Committee agreed that the draft biennial report format should be submitted at the 13th meeting of the Conference of the Parties and it instructed the Secretariat to prepare a discussion document on reporting requirements in collaboration with interested Parties. The Committee also directed the Secretariat, in consultation with UNEP-WCMC and interested Parties, to develop and test software and Internet-based modules for permit issuance and trade reporting and to continue work on the development of a *Yearbook on International Wildlife Trade*, provided the necessary funding could be found.

### Rescue of live specimens in special circumstances

44. Decision 12.98 directs the Committee to consider recommendations made by the Secretariat pursuant to Decision 12.99 regarding the rescue of live specimens in special circumstances, and if they are acceptable, to have them communicated to the Parties. After reviewing this matter, the Secretariat recommended that no further action on this matter was practical within the scope of CITES, especially in light of the sovereignty of the member States. The Secretariat recommended that during specific instances in which the rescue of live specimens in unusual circumstances was sought, it should be consulted so that each matter could be handled on a case-by-case basis. The Committee recommended that Parties adopt this course of action and advise the Secretariat of such cases, providing it with relevant details of the situation's resolution so that such experiences can be used in the future.

### Financial and administrative matters

45. The Committee devoted considerable time to financial and administrative matters. The Finance Subcommittee met in conjunction with the 50th meeting of the Committee. This greatly facilitated the Committee's deliberations particularly relative to the preparation of a proposed budget for the next triennium, procedural changes for a more efficient budget process and containment strategies. Resolution Conf. 12.1 among other things refers the issue of a three-year budget cycle to the Committee for its review and endorsement, and requests that the Committee develop future budget containment strategies.
46. At its 49th meeting the Committee reviewed and endorsed the maintenance of a three-year budget cycle, with the budget for a meeting of the Conference of the Parties in the second year of each triennial budget. At its 49th meeting the Committee also began consideration of future budget containment strategies. There was considerable discussion on the recommendations provided in Resolution Conf. 12.1, and a number of additional recommendations and comments from the Committee. Following these discussions it was agreed that the Secretariat should prepare background documents on this issue, taking into account the comments made during the meeting.
47. At its 50th meeting, the Finance Subcommittee met to discuss a wide range of financial and administrative matters. Relative to the development of containment strategies, after considerable discussion the Committee agreed to the recommendations of the Finance Subcommittee. These recommendations included, among other things, consideration of a cost-benefit analysis for locating

the Secretariat at the following locations: Bangkok, Bonn, Geneva, Montreal and Nairobi; an analysis of the comparative costs of meetings of the Animals and Plants Committees in different locations; and the consideration of a separate location agreement for the Secretariat.

48. With regard to the Secretariat's budget for 2004, the Committee considered several items that represented a shortfall in the budget including an underestimate of existing staff costs, and the issue of the payment of rent for the Secretariat. As a result of the budget discussions during the 12th meeting of the Conference of the Parties, no allocation was made for office rent in the current triennium. This has placed the host Government in a difficult situation. After considerable discussion on this issue, the Committee agreed with the recommendation of the Finance Subcommittee to approve an increase in the 2004 budget by UDS 45,000 to cover part of the rental costs of the Secretariat's offices in 2004. Any draw-downs in 2005 regarding the rental costs of the Secretariat's offices will be considered by the Standing Committee at its 51st meeting. It was also agreed to approve the transfer between budget lines and an increase of UDS 215,830 in the Secretariat's budget for 2004 to cover potential over-expenditures as a result of changes in staff costs. These increases would be drawn-down from the Trust Fund balance in accordance with the provisions of Resolution Conf. 12.1.
49. With regard to the proposed budget for the next triennium, 2006-2008, the Secretariat presented a proposed budget that reflected a zero growth in the budget. However, owing to an increase in staff costs, a zero-growth budget would require a 7.5 per cent increase in Party contributions. The Committee welcomed and endorsed a new programmatic budget presentation which identified the cost associated with each category of service. However given the projected increase in Parties' contributions, the Committee requested the Secretariat to prepare an additional budget proposal based on a zero increase of Parties' contributions for consideration at SC51. This document should also contain a list of budget items the discontinuation or reduction of which would allow the budget reduction to be achieved.
50. The Committee stressed the importance of maintaining capacity building, enforcement, legislation and scientific support programmes at the current levels. The Committee made suggestions with regard to areas where savings could be made. The Committee also requested the Secretariat to develop the description of activities in the budget so that they become self-explanatory. The Committee also agreed that the budget documents would be made available to the Parties in accordance with the 150-day rule for documents before the meeting of the Conference of the Parties. Historically budget documents have been available only 90 days in advance.