

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

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

Tenth session: 8 October 2004: 14h00-17h00

Chairman: M. Brasher (United Kingdom)

Secretariat: W. Wijnstekers
J. Barzdo
M. Yeater

Rapporteurs: J. Caldwell
H. Gillett
J. Gray
P. Wheeler

Strategic and administrative matters

12. Cooperation with other organizations

12.3 Revision of Resolution Conf. 12.4 on Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources regarding trade in toothfish

The Chairman re-opened discussion on this item following the previous session.

The delegation of New Zealand expressed their support for the proposed revision of Resolution Conf. 12.4 in Annex 2 of document CoP13 Doc. 12.3, noting that it would provide for a mechanism whereby toothfish catch data could be recorded from outside the region covered by the Commission for Conservation of Antarctic Marine Living Resources (CCAMLR). Further support was expressed by the delegations of Canada, Peru and the United States of America, and the observers from the Antarctic and Southern Ocean Coalition, the International Environmental Law Project and TRAFFIC. The delegation of Canada further supported the suggestion of the delegation of the Netherlands, on behalf of the 25 Member States of the European Community, that the revised resolution be reviewed at CoP14. This was opposed by the delegation of Australia, who explained that this would not support the cooperative spirit that the Resolution was attempting to establish. However they acknowledged that a review of the reporting arrangement at CoP14 may be useful and amended their proposal accordingly.

The delegations of China, Iceland, the Republic of Korea and the Russian Federation opposed the proposed revisions to Resolution Conf. 12.4, variously expressing concerns about the extra burden on the Secretariat and the issue of CITES involvement with non-listed species. The Secretary-General also drew attention to the budgetary implications of the proposal, noting that it was unlikely that the Conference of the Parties would consider work by the Secretariat on non-listed species to be a priority.

The delegation of Australia repeated their amendments to the draft resolution presented in Annex 2 of the document. They also agreed to the suggestion from the delegation of Peru that the scientific name of the species be used throughout the document.

The Chairman called for a vote on the revisions to Resolution Conf. 12.4 as amended. The result was 44 in favour, 24 against and 21 abstentions (see the Annex). As a two-thirds majority was not attained, the proposed amendments to Resolution Conf. 12.4 were rejected.

Interpretation and implementation of the Convention

Species trade and conservation issues

36. Conservation of and trade in *Dissostichus* species

The Secretariat presented document CoP13 Doc. 36 (Rev. 1) and reported on some further information that had been received from Argentina, and the United Kingdom of Great Britain and Northern Ireland on behalf of their Overseas Territories, for inclusion in the table in the Annex. The delegation of the United States clarified that the number of permits they had issued, shown in that table, should be corrected as this related mostly to *Dissostichus* Catch Documents validated upon import. The Secretariat indicated that Australia's response to the document could be found in document CoP13 Inf. 17. The Chairman pointed out that it had already been agreed to delete Decisions 12.57, 12.58 and 12.59 directed to the Secretariat, and document CoP13 Doc. 36 (Rev. 1) was noted.

Strategic and administrative matters

12.4 Cooperation with the Food and Agriculture Organization of the United Nations

The delegation of Japan introduced document CoP13 Doc. 12.4, regarding establishment of a Memorandum of Understanding (MoU) between CITES and the Food and Agriculture Organization of the United Nations (FAO), and expressed concern that the Standing Committee's Working Group on the MoU was proposing major changes. The delegation of Saint Lucia offered to raise concerns at the 52nd meeting of the Standing Committee. The Chairman of the Standing Committee noted that the issue had been discussed at three meetings of that Committee, that substantial progress had been made and that the Working Group was continuing work on the document. He suggested further discussion on this agenda item be delayed to await the outcome of the Working Group's deliberations.

The delegation of Japan requested to be part of the Standing Committee's Working Group. The Chairman pointed out that it was not within the competence of Committee II to determine the membership of groups set up by the Standing Committee.

The delegation of Israel noted that the draft MoU appeared to favour the strategic objectives of FAO over those of CITES. The delegation of Iceland believed that the text was carefully balanced and that its integrity should be maintained. The observer from FAO believed that good progress had been made. As many Parties had fisheries experts on their delegations, he considered it unlikely that the document would need to go back to the Committee on Fisheries (COFI) for that Committee to respond to any changes made to the draft MoU at the present meeting, provided that all Parties had reached agreement on the draft MoU at CoP13.

Noting that the Working Group of the Standing Committee had not yet completed its deliberations on the text, the Chairman deferred further discussion on this subject to SC52.

Interpretation and implementation of the Convention

Trade control and marking issues

41. Introduction from the sea: interpretation and implementation of Article I, Article III, paragraph 5, and Article IV, paragraphs 6 and 7

The delegation of the United States of America introduced document CoP13 Doc. 41 and referred also to a draft decision in document CoP13 Inf. 62, prepared on the basis of the former document. The Chairman pointed out that, while the delegation could explain the content of document CoP13 Inf. 62, the document could not be discussed as it had not been presented in the working languages of the Convention and formally introduced.

The delegation of Japan was not supportive of the proposals in the documents put forward, which they thought would complicate matters related to introduction from the sea and possibly require States to be bound by the regulations of regional fisheries management organizations of which they were not members. Given the legal and technical complexities of these issues, they felt there should have been more consultation with Parties in advance of the submission of the documents. The delegation of the Netherlands, speaking on behalf of the 25 Member States of the European Community, agreed that issues concerned with introduction from the sea were complex, but were broadly in support of document CoP13 Doc. 41, citing the desirability of defining "in the marine environment not under the jurisdiction of any State" in line with international law. They believed that States of first landing needed to retain responsibility for landing control, but questioned their capacity to do so and believed that certificates should specify a maximum number of specimens that could be landed. They further thought that matters related to by-catch needed further consideration. They supported, as did the delegation of Canada, the idea of intersessional work on the issue of introduction from the sea, with submission of a document on the subject for consideration at CoP14. The delegation of Canada pointed out that the question of transshipment also needed addressing. The delegation of the Russian Federation was supportive of the intent of document CoP13 Doc. 41. They suggested that "or equivalent zones of national jurisdiction over fisheries" should be deleted from the draft resolution in Annex 2 (Rev. 1) of the document. The delegation of Guinea foresaw difficulties in implementing some of the requirements which would result from adoption of proposals in the document.

As the full range of the United States' proposals could not be discussed by the Committee, the delegation of the United States said that it would be willing to defer further discussion of document CoP13 Doc. 41. It was agreed that the content of document CoP13 Inf. 62 should be translated and presented for the consideration of the Committee at a later session. Further consideration of the matter was deferred.

44. Use of CITES certificates with ATA or TIR carnets

The Secretariat introduced document CoP13 Doc. 44, stating that Customs agencies had given advice regarding the use of CITES certificates with ATA or TIR carnet and that this advice should be reflected by a change to the draft text in Annex 2; in paragraph b) ii), the words, "or related office responsible for the first endorsement of the carnet" should be replaced by or other CITES enforcement official responsible for the endorsement of the CITES document. The delegation of Switzerland observed that the statement for use on duplicate permits or certificates, as worded in the paragraph a) under AGREES in Annex 2, could be problematic. As a result the Committee agreed to an amendment to append to this paragraph the words or state that it replaces the original bearing the number xx. With these amendments, the revision Resolution Conf. 9.7 presented in Annex 1 and the revision of Resolution Conf. 12.3 presented in Annex 2, of the document were agreed.

45. Electronic permitting systems for CITES specimens

The delegation of the Netherlands, on behalf of the Member States of the European Community, presented document CoP13 Doc. 45. The delegation of Austria said that they had a Web-based system for permitting and were willing to work closely with CITES to assist in further consideration of electronic permitting systems for CITES specimens in trade. The delegation of the United States agreed that such electronic permitting systems should eventually be used, but thought that elements

of the draft decisions in the Annex went beyond what was possible at the moment. They considered that the activities articulated in paragraph d) of the draft decision directed to the Secretariat would be premature and proposed that it should instead contain a recommendation to engage with the World Customs Organization on data harmonization and how it related to CITES, and to report at CoP14. They further proposed that costs could be cut by scaling down working group activities and that the activities required by any eventual decision directed to the Standing Committee should be contingent on the provision of external funding. The delegation of Jamaica, echoed by those of Benin, Peru and the United Republic of Tanzania, said they would have no means to develop an electronic permitting system without assistance. The last-mentioned delegation suggested there was little purpose in considering these matters until the Secretariat was ready to provide guidance and funding for training for developing countries and proposed postponing further deliberations until 2008.

The Chairman asked the delegation of the Netherlands to prepare revised draft decisions directed to the Standing Committee and the Secretariat, based on comments made during the debate and after conferring with the delegations of Jamaica and the United States and the Secretariat.

The session was closed at 17h00.

Agenda item 12.3 – Result of the vote on the proposal to adopt the draft revised version of Resolution Conf. 12.4, presented in document CoP13 Doc. 12.3 Annex 2, as amended in Committee II, proposed by Australia

| Conference Name | | Delegate Details List | | Conference Name | | Delegate Details List | | |
|-----------------|------------------------------|-----------------------|-----------|-----------------|-------------------------------|-----------------------|-----------|-------------|
| Year | Code | Code/Unit | Selection | In Database | ID Name | Code/Unit | Selection | In Database |
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| 102 | Albania | 00102 | Not Voted | Y | 52. EU | 00152 | Not Voted | Y |
| 103 | Algeria | 00103 | Not Voted | Y | 53. Finland | 00153 | Not Voted | Y |
| 104 | Antigua and Barbuda | 00104 | Not Voted | Y | 54. France | 00154 | Not Voted | Y |
| 105 | Argentina | 00105 | Not Voted | Y | 55. Gabon | 00155 | Not Voted | Y |
| 106 | Australia | 00106 | Not Voted | Y | 56. Cambodia | 00156 | Not Voted | Y |
| 107 | Austria | 00107 | Not Voted | Y | 57. Bhartiya | 00157 | Not Voted | Y |
| 108 | Azerbaijan | 00108 | Not Voted | Y | 58. Germany | 00158 | Not Voted | Y |
| 109 | Bahrain | 00109 | Not Voted | Y | 59. Ghana | 00159 | Not Voted | Y |
| 110 | Bangladesh | 00110 | Not Voted | Y | 60. Guatemala | 00160 | Not Voted | Y |
| 111 | Barbados | 00111 | Not Voted | Y | 61. Canada | 00161 | Not Voted | Y |
| 112 | Belarus | 00112 | Not Voted | Y | 62. China | 00162 | Not Voted | Y |
| 113 | Belgium | 00113 | Not Voted | Y | 63. Cuba | 00163 | Not Voted | Y |
| 114 | Belize | 00114 | Not Voted | Y | 64. Guinea - Bissau | 00164 | Not Voted | Y |
| 115 | Benin | 00115 | Not Voted | Y | 65. Guyana | 00165 | Not Voted | Y |
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| 128 | Colombia | 00128 | Not Voted | Y | 78. Liberia | 00178 | Not Voted | Y |
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| 130 | Cote d'Ivoire | 00130 | Not Voted | Y | 80. Luxembourg | 00180 | Not Voted | Y |
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| 133 | Democratic Republic of Congo | 00133 | Not Voted | Y | 83. Malaysia | 00183 | Not Voted | Y |
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| Conferees Name | Delegation | Selection | In Database |
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| 268 Portugal | 02218 | Y | Y |
| 269 Qatar | 02219 | Y | Y |
| 270 Republic of Korea | 02220 | Y | Y |
| 271 Republic of Moldova | 02221 | Not Voted | Y |
| 272 Romania | 02222 | Y | Y |
| 273 Russian Federation | 02223 | Y | Y |
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| 275 Saint Kitts and Nevis | 02225 | Not Voted | Y |
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Question 1

| | | |
|--------|--------|---------|
| NO | YES | Abstain |
| 24 | 44 | 31 |
| 35.20% | 64.71% | |

64.71%

25.29%

No

Yes