

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

Thirteenth session: 12 October 2004: 09h10-12h10

Chairman: M. Brasher (United Kingdom)

Secretariat: J. Barzdo  
J. Sellar  
M. Yeater

Rapporteurs: H. Gillett  
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P. Wheeler

## Interpretation and implementation of the Convention

### Trade control and marking issues

#### 53. Revision of resolution Conf. 9.10 (Rev.) on Disposal of illegally traded, confiscated and accumulated specimens

The delegation of Kenya introduced document CoP13 Doc. 53, highlighting, in the Annex, the proposed new text to be added to Resolution Conf. 9.10 (Rev.), which would provide guidance on the disposal by Parties of confiscated and accumulated CITES-listed specimens. The proposal was supported by the delegations of Indonesia, the Netherlands on behalf of the 25 Member States of the European Community, Peru, Suriname and Uganda, and by the Secretariat.

The delegation of Uganda queried the words in paragraph j) referring to financial assistance of non-governmental organizations, commenting that the draft resolution should not limit possible sources of financial assistance. After some discussion, it was agreed to delete the word "the" before "financial" and the words "of non-governmental organizations" after "assistance".

The delegation of Suriname, supported by the delegation of Uganda, noted that the text in paragraphs i) and j) relating to Appendix-II and -III species was also applicable to Appendix-I species. It was agreed that the text of the final part of paragraph i), relating to the return of specimens to the country of origin or re-export, should be repeated at the end of paragraph f) and that the text in paragraph j) should be repeated after paragraph f) in the section of the draft resolution regarding the disposal of illegally traded, confiscated and accumulated dead specimens of Appendix-I species.

The delegation of the Netherlands, on behalf of the Member States of the European Community, supported by the delegation of Indonesia, proposed the amendment of paragraph h) to read as follows:

*Parties have the right to allow, or should they choose to do so, not to allow the sale of confiscated dead specimens, including parts and derivatives, of Appendix-II and -III species;*

The Secretariat suggested that this paragraph be moved to the end of the draft resolution and preceded by CONFIRMS that. This was agreed.

With these amendments, the draft resolution in the Annex to document CoP13 Doc. 53 was agreed.

## Exemptions and special trade provisions

### 55. Personal and household effects

#### 55.2 Amendments to Resolution Conf. 12.9

The delegation of China introduced document CoP13 Doc. 55.1 (Rev. 1) and Annex (Rev. 1) to that document, proposing amendments to Resolution Conf. 12.9. The delegation of Peru identified a problem with the Spanish version of the draft resolution in the Annex (Rev. 1). The delegation of Israel suggested replacing the word "specimens" in subparagraph iii) of the first paragraph c) under AGREES of the draft resolution with the word "items". The Secretariat doubted that this would clarify the text since the term "item" was not defined, and noted that while the term "specimen" as defined in the Convention could include whole live animals, that was not the intent in this subparagraph dealing with personal effects.

The delegation of the United States of America stated that, in their view, the proposed amendment to Resolution Conf. 12.9 in paragraph b) under AGREES in the revised Annex was inconsistent with Article VII, paragraph 3, of the Convention. This interpretation was supported by the delegation of South Africa and by the Secretariat. They proposed that paragraphs (b) and (c) of the revised proposal in Annex (Rev. 1) to the document be amended to read as follows:

- b) not require export or import permits or re-export certificates, for personal or household effects of dead specimens, parts and derivatives of Appendix-II species except (i) where they have been advised through a notification from the Secretariat and on the CITES website that the other Party involved in the trade requires such documents; or (ii) for the following, where the quantity exceeds the specified limits:*

The delegation of China indicated that it could agree to this proposal. The delegation of Saint Lucia supported the amendment to Resolution Conf. 12.9 proposed by China, and suggested that, in addition to Notifications from the Secretariat, the draft resolution refer to making the relevant information available on the CITES website. The delegation of the Netherlands, on behalf of the Member States of the European Community, supported China's original proposed amendment. Noting that paragraph b) in Annex (Rev. 1) was in line with the precautionary principle and was designed to ensure that trade in personal and household effects did not have detrimental effects on Appendix-II species, they opposed the language put forward by the United States. They proposed the addition of two preambular paragraphs to clarify their concerns as follows:

*Acknowledging that Article XIV, paragraph 1, allows both importing and exporting Parties to take stricter domestic measures;*

*Considering that effective implementation of these provisions will be strengthened by a clarification of the measures taken by Parties under Article XIV, paragraph 1.*

After further discussion, the Committee agreed to include these two preambular paragraphs and agreed to the amendment proposed by the United States.

With these amendments, the draft resolution in Annex (Rev. 1) to document CoP13 Doc. 55.1 (Rev. 1) was agreed. The delegation of the Netherlands, on behalf of the Member States of the European Community, stated that while they remained opposed to the proposal of the United States, they would not block consensus on the draft resolution.

The Secretariat reminded the Committee that, as reflected in document CoP13 Com. II. 8, it had been agreed to consolidate Resolutions Conf. 10.6 and Conf. 12.9, and that the Secretariat would ensure the appropriate integration of any decision under this agenda item into the consolidated resolution.

The delegation of Italy, on behalf of the Member States of the European Community, introduced document CoP13 Com. II. 18. They noted that control of personal and

household effects, as well as tourist souvenirs, required a significant allocation of resources, but often resulted in little positive conservation impact. Following earlier discussion of the proposed amendment to Resolution Conf. 12.9 contained in document CoP13 Doc. 55.2, they had taken account of the concerns of interested Parties, and were now presenting an amended version.

The delegation of Saint Lucia, supported by the delegations of Belize, Colombia, Jamaica and Mauritius, and by the observer from the International Fund for Animal Welfare, expressed concern about the proposed exemption for dead coral, drawing attention to the threatened status of coral ecosystems and disagreeing that the seizures of such items as personal and household effects or tourist souvenirs were of little conservation value. The delegations of Egypt, India and Indonesia supported these views, also drawing attention to giant clams. The delegation of the Netherlands, on behalf of the Member States of the European Community, clarified that the proposed amendment was not intended to undermine Parties' attempts to protect their coral ecosystems and suggested that Parties might adopt domestic legislation without the proposed exemption. The Secretary-General pointed out that exemptions were successful only if they were general: it was not realistic to expect enforcement officers to be aware of which countries allowed such exemptions and which did not. The delegation of the Netherlands, on behalf of the Member States of the European Community, said that in view of these comments, they withdrew paragraph v) of the proposed amendment, referring to corals. They suggested that corals be covered by the Standing Committee process called for in the draft decision in Annex 2 to document CoP13 Doc. 55.2.

The delegation of New Zealand suggested that in order to be in line with the provision for conch shells, the exemption for giant clam shells should be increased to three specimens, to which the delegation of the Netherlands, on behalf of the Member States of the European Community agreed. Following a discussion, this increase was agreed together with an increase in the weight limit for giant clams to 3 kilograms in total per person.

The Secretariat said it was important to bear in mind that the general principle in the Convention was to provide an exemption from the usual trade controls for personal and household effects, with certain exceptions, and that the proposals under consideration were intended to place a limit on the application of these exemptions. Countries that did not allow these exemptions should inform the Secretariat, which would inform all Parties.

The draft resolution contained in document CoP13 Com. II 18 was agreed as amended.

The delegation of the United States proposed some changes to the draft decision in Annex 2 to document CoP13 Doc. 55.2. They proposed that the words "range States, other" in the first line be deleted; that the phrase "which may be exempted from" should be changed to which may need to have quantity limits set to be exempted from; and that by the 14th meeting of the Conference of the Parties should be added at the end. This was supported by the delegation of the Netherlands, on behalf of the Member States of the European Community.

The observer from the International Environment Law Project, supported by the observer from the International Fund for Animal Welfare, stressed the need to clarify the purpose of the process to be developed by the Standing Committee, as called for in the draft decision.

The draft decision in the Annex to document CoP13 Doc. 55.2 was agreed as amended.

### 55.3 Amendments to Resolution Conf. 12.9

The delegation of Australia introduced document CoP13 Doc. 55.3, making one amendment to reduce the number of exempted specimens from five to four. Australia had found the issuance of permits for personal use of manufactured seahorse items to be extremely impractical and resource-intensive, and considered that such trade was of low enough volume not to be a conservation concern. The draft resolution contained in the Annex to document CoP13 Doc. 55.3, as amended by Australia, was agreed.

## Other themes and issues

### 62. Bushmeat

#### 62.1 Bushmeat Working Group

and

#### 62.2 Bushmeat

The Secretariat introduced document CoP13 Doc. 62.1 (Rev. 1) noting that the bushmeat issue was complex and much of it outside the remit of CITES. It drew specific attention to its comments in paragraph D, making suggested amendments to the draft resolution in Annex 1 of the document. The Secretariat believed that the Bushmeat Working Group (BWG) had completed its work as directed in Decision 11.166, and that additional work on the issue should be addressed under the auspices of other agreements and organizations. It stated its preference for the draft decision in document CoP13 Doc. 62.2 over the draft resolution in Annex 1 and the two draft decisions in Annex 2 to document CoP13 Doc. 62.1 (Rev. 1). The delegation of the Congo, as the Chairman of the BWG, noted that the bushmeat issue was an increasingly international problem and called for the Parties to support the continuation of the BWG.

At the request of the Chairman, the delegation of the United Kingdom of Great Britain and Northern Ireland, on behalf of the Member States of the European Community, introduced document CoP13 Doc. 62.2. Noting that the bushmeat trade was largely confined to domestic markets and that many of the species involved were not included in the Appendices, they stressed the need to involve other international organizations and agreements as directed in the draft decision in the Annex to the document.

The delegations of Cameroon, the Central African Republic, Ghana and Liberia supported the draft resolution in Annex 1 to document CoP13 Doc. 62.1 (Rev. 1). The delegation of the Netherlands, on behalf of the Member States of the European Community, stated that they could support the draft resolution with minor amendments. Noting the need for the work to be extended beyond Central Africa and to engage other agreements and organizations, the delegation of Nigeria opposed the draft resolution. The Secretariat reiterated its opinion that the work of the BWG should not halt, but rather be pursued in other fora. The representative of the Food and Agriculture Organization of the United Nations noted that, although his organization would be pleased to accept the invitation to convene a workshop as called for in the draft decision in the Annex to document CoP13 Doc. 62.2, this might not be possible until 2006.

The Chairman asked the Committee to consider the comments and reflect on finding the best way forward.

He closed the session at 12h10.