

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

Seventh session: 7 October 2004: 09h15-12h00

Chairman: M. Brasher (United Kingdom)

Secretariat: W. Wijnstekers
J. Barzdo
J. Sellar
J. Vasquez
M. Yeater

Rapporteurs: J. Gray
R. Mackenzie
A. St. John
P. Wheeler

Interpretation and implementation of the Convention

Regular and special reports

20. Trade in vicuña cloth

The Secretariat introduced document CoP13 Doc. 20, noting that Ecuador had not submitted a report on trade in vicuña cloth because they had not yet authorized any exports. The Secretariat highlighted its recommendation that the Parties consider repealing Resolution Conf. 11.6, or at least deleting paragraph b) under RECOMMENDS. The delegation of Peru, supported by the delegations of Argentina, Bolivia, Chile, Ecuador and the Netherlands, on behalf of the 25 Member States of the European Community, opposed the repeal of Resolution Conf. 11.6, stressing the usefulness of the Resolution in ensuring effective implementation of the vicuña listings in the Appendices. They also noted the recommendation of their Management Authority, cited in the document, that the Secretariat obtain information from the Management Authority of Italy about export permits received was no longer necessary because Peru and Italy had initiated bilateral discussions. The delegation of Argentina added that TRAFFIC had undertaken to assist in a study of the exports and re-exports of vicuña wool, cloth and manufactured products, given the complexity of the trade. The delegation of Bolivia corrected information in document CoP13 Doc. 20, noting that the wool stock in Bolivia came from a wild, not captive, population. The delegation of the United States of America supported the recommendations of the Secretariat but noted that there might be some confusion regarding the use of the ARTESANÍA label as directed in annotations 3, 4, 5 and 6 of the Appendices. They asked for clarification about what label should be used when the manufactured product was made in a non-range State. The delegation of Japan noted that they could support the repeal of Resolution Conf. 11.6 if the information on the number of animals sheared were included in another report, for example the biennial reports. After the Chairman clarified that this information could be provided on a voluntary basis, the recommendation to delete paragraph b) under RECOMMENDS in Resolution Conf. 11.6 was agreed.

General compliance issues

22. National laws for implementation of the Convention

The Secretariat introduced document CoP13 Doc. 22 (Rev. 2), briefly outlining the National Legislation Project, and explained that the table in Annex 1 did not include any recent changes to the status of legislative progress for implementing CITES. It listed various updates that were needed in the light of such recent information and drew the attention of the participants to the draft decisions in Annex 2, re-authorizing and detailing further work under the project. The Chairman appealed to Parties to communicate directly with the Secretariat regarding any possible updates to Annex 1. The delegations of Brunei Darussalam, El Salvador, Fiji, Nigeria and Saint Lucia thanked other Parties and the Secretariat for assistance in improving their CITES-implementing legislation. The delegations of Bangladesh, Eritrea, Fiji, Nigeria and Saint Lucia thought that such assistance provided a model for future collaborative work, and called for facilitation of activities such as regional workshops. The delegations of Brunei Darussalam and Nepal requested that deadlines for adoption of adequate legislation to implement the Convention be extended in certain cases. Referring to the second draft decision in Annex 2, the delegations of Eritrea and Mauritius asked that a specific deadline be set for providing the requested information. The Secretariat explained that that would be difficult, as the date of the 53rd meeting of the Standing Committee was not yet known. The delegation of Eritrea otherwise expressed support for the draft decisions in the Annex, as did the delegation of the Netherlands, on behalf of the Member States of the European Community.

The delegation of Argentina questioned the authority of the Standing Committee to take punitive measures to encourage compliance with Decisions relating to national laws for implementation of the Convention. This was supported by the delegations of Nepal and South Africa. The delegation of Argentina proposed that in the last draft decision in Annex 2, the words after "measures" be deleted. The delegations of Bolivia, Brazil, Chile, Japan and Suriname supported this proposal. The delegations of the Netherlands, on behalf of the Member States of the European Community, and the United States opposed this, noting that measures designed to ensure the adequacy of national legislation implementing the Convention had rarely been used, and never hastily. The Secretary-General pointed out that similar wording had been used in several Decisions and Resolutions and urged the Parties to not "pull out the teeth" of CITES. The Committee agreed the draft decisions in Annex 2 of document CoP13 Doc. 22 (Rev. 2) with the exception of that directed to the Standing Committee.

The Chairman then asked the Committee to vote on Argentina's proposed amendment to the draft decision directed to the Standing Committee. The result was 46 in favour, 42 against and there were 9 abstentions (Annex 1). Not having gained the required two-thirds majority, the proposed amendment was rejected. The Chairman then confirmed that the Secretariat wished to amend its draft decision by replacing the words "restrictions on the" by recommendations for the suspension of. With this amendment, the last draft decision was agreed.

23. Enforcement matters

The Secretariat introduced document CoP13 Doc. 23. It noted in relation to paragraph 29 that the Parties that had still to inform the Secretariat of their Scientific Authorities were Afghanistan, Dominica, Eritrea, Kuwait, Saudi Arabia and the Syrian Arab Republic. The delegation of Kuwait stated that its Management Authority had sent a letter with this information to the Secretariat and would provide a further copy during the meeting. The delegation of Eritrea indicated that they had not yet designated a Scientific Authority, but that they hoped to do so shortly and would notify the Secretariat accordingly. The Secretariat drew attention to the report of the meeting of the CITES Enforcement Expert Group in Annex 1 of the document, which had concluded, *inter alia*, that insufficient attention was given to enforcement, and indicated that the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, taking place in Bangkok in April 2005, might provide an opportunity to raise the profile of illegal wildlife trade on the international agenda. It explained that the three draft decisions in Annex 3 of document CoP13 Doc. 23 reflected aspects of the Expert Group recommendations and it further requested that the Conference of the Parties endorse the principle of establishing CITES Enforcement Task Forces on an *ad hoc* basis, as referred to in paragraph 22 of the document. The Secretariat suggested deferring until CoP14 any

consideration of possible amendments of Resolution Conf. 11.3, to reflect the other recommendations of the CITES Enforcement Expert Group. It withdrew the recommendation in paragraph 23 of the document, as this subject would be discussed under agenda item 28.

The delegation of the Russian Federation proposed the addition of a reference to Article XIII of the Convention in the guidance on submission of enforcement-related information by the public and non-governmental organizations to the CITES Secretariat, contained in Annex 2 and referred to in the third draft decision in Annex 3. They also expressed concern at the possibility of the sources of such information remaining anonymous, and proposed that such a possibility should not be provided. The delegation of India stressed that any information provided to the Secretariat should be shared with the Management Authority of the relevant Party before being made public. The Secretariat explained that the guidance in Annex 2 reflected its current practice, and that it treated information submitted to it carefully, particularly to guard against malicious submissions. It further clarified that it was only the guidance contained in Annex 2 that would be placed on the CITES website, not the information submitted in accordance with the guidance. Such information would continue to be passed on to the relevant Management Authority for comment.

The delegation of Israel noted that document CoP13 Doc. 24, submitted by Kenya, addressed many concerns similar to those considered in document CoP13 Doc. 23. Supported by the delegation of Canada, they called for the establishment of a working group to address the issues raised in both documents in a harmonized manner. They opposed the suggestion of the Secretariat to defer further consideration of the Expert Group's recommendations until CoP14, noting the urgent need for progress on improving enforcement, and this was echoed by the observer from David Shepherd Wildlife Foundation, speaking also on behalf of IFAW.

The delegation of the Netherlands, on behalf of the Member States of the European Community, and supported by the delegation of Malaysia, supported the Secretariat's suggestion that contact details for enforcement agencies should be compiled, provided that this did not result in an additional layer of bureaucracy, and noting that data protection requirements would need to be taken into account in the exchange of information. The delegation of the United States called on Parties to supply contact information for their enforcement agencies urgently. Recognizing the importance of capacity-building in enforcement, the delegation of the Netherlands, on behalf of the Member States of the European Community, read out a proposed draft decision on that topic, directed to the Secretariat. They undertook to submit it in writing for consideration at a subsequent session. The initial draft was supported by the delegations of Canada, China and Cuba.

The delegation of China suggested that the Secretariat publish the qualifications required for the Secretary-General's certificate of commendation, allow countries to nominate candidates and award a greater numbers of certificates to encourage the work of enforcement agencies, noting that no certificates had yet been awarded to persons in developing countries.

Numerous delegations having expressed broad support for the three draft decisions in Annex 3, the Chairman asked the Committee to approve them. The delegation of Zambia proposed adding and prosecuting between "responsible for investigating" and "illegal trafficking" in the first draft decision. With this amendment, the three draft decisions were agreed.

The session was closed at 12h00.