

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



Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

Summary record of the fourth session of Committee II

6 June 2007: 14h10-17h15

Chairman: C.S. Cheung (China)

Secretariat: W. Wijnstekers
J. Barzdo
S. Nash
J.C. Vasquez
M. Yeater

Rapporteurs: P. De Angelis
J. Gray
T. Inskipp
W. Jackson

Interpretation and implementation of the Convention

Exemptions and special trade provisions

45. Personal and household effects (continued)

Argentina thought that the proposed modifications to Resolution Conf. 13.7 seemed overly complicated and indicated that the scope of 'personal and household effects' was defined by national legislation, and Indonesia agreed that they conflicted with issues of national sovereignty. They suggested that Parties make proposals to modify the list of species included in Resolution Conf. 13.7 at each meeting of the Conference of the Parties. They did not support the proposal for a working group. The United States of America generally supported the comments of the Secretariat in the document. They suggested that the proposed amendments to Resolution Conf. 13.7 could be softened to reflect concerns over national sovereignty.

Dominica, the International Environmental Law Project (IELP), IUCN-The World Conservation Union, the Species Survival Network (SSN) and TRAFFIC supported the proposal to establish a working group. IELP, SSN and TRAFFIC wished to align themselves with the comments made by Germany in the previous session. Safari Club International asked why hunting trophies had been singled out in document CoP14 Doc. 45.

The Chairman noted the consensus in favour of establishing a working group, suggesting that it comprise the same members as the previous working group on personal and household effects, with the addition of Dominica, Germany, Indonesia and the Russian Federation. He appointed China as the chairman. Participation by additional non-governmental organizations would be at the discretion of the chairman.

Strategic matters

16. Capacity building

The Secretariat introduced document CoP14 Doc. 16, referring to the draft decisions in its Annex and underlining the advantages of 'e-learning', whilst noting that provision would be made for those Parties that did not yet have good Internet access.

Argentina, Bahamas, Botswana, Chile, China, Fiji, Germany, on behalf of the European Community and its Member States, Kuwait, the United States and Zambia spoke in support of the draft decisions in the document.

Malaysia was supportive of Internet-based training, but stressed the need for support for developing countries towards this end. Mexico noted many strengths in the document, but stressed the importance of finding external funding for the Virtual College. They did not wish the College to supplant physical colleges already offering similar courses, and believed that it should draw on existing expertise. China, Jordan, Kuwait and the United States echoed the concerns regarding funding. Chile, supported by the Bahamas, also thought that drawing on existing expertise was crucial. Germany, on behalf of the European Community and its Member States, as well as the United States, thought that it was worth exploring the option of running the Virtual College via a facility other than the Secretariat, and that it may be more efficient to take advantage of existing distance-learning programmes. Germany, on behalf of the European Community and its Member States, Kuwait and Peru noted that virtual training might not be feasible for some Parties and they, along with Argentina and Jordan, stressed that electronic training should not replace the more traditional forms of training already established.

China impressed upon the Committee the importance of making training materials available in languages other than English, French and Spanish, notably Arabic, Chinese and Russian. In this, they were supported by Chile, Jordan, Kuwait, Saudi Arabia and Zambia.

Argentina thought that the second draft decision to the Secretariat was premature, while Brazil thought it necessary to amend the draft decision to the Parties by inserting in accordance with national legislation after "provide".

Fiji, supported by Australia, suggested additional draft decisions directed to the Secretariat to seek funds to convene a capacity-building workshop for the Oceanian region, before the 58th meeting of the Standing Committee, and to invite interested non-Parties and other entities to attend if funds allowed. They also proposed a new draft decision directed to the Parties regarding improved regional coordination.

The Chairman of the Plants Committee sought clarification, also on behalf of the Animals Committee, regarding overlap of the recommendations in this document with recommendations in document CoP14 Doc. 8.4, and also referred the Committee to documents CoP14 Inf. 6 and Inf. 31.

Summing up, the Chairman noted broad support for the draft decisions in document CoP14 Doc. 16, but asked the Secretariat to provide a revised version, reflecting comments made in session so that Parties could decide on these. He further noted that the draft decision directed to the Parties regarding Master's degree courses was broader than the related recommendations in document CoP14 Doc. 8.4. This draft decision was agreed.

Administrative matters

8. Committee reports

8.4 Joint report of the Chairmen of the Animals and Plants Committees

The Chairman of the Animals Committee referred to paragraph 4 of document CoP14 Doc. 8.4, relating to recommendations regarding the duration of meetings of the Animals and Plants Committees, that for a joint meeting the duration should be four days, but for separate meetings

of the Animals and Plants Committees each should be five days. This recommendation was agreed.

He went on to paragraph 12 of the same document, relating to new Rules of Procedure for the Animals and Plants Committees, which were set out in Annex 2. He noted that minor amendments to the Rules, as suggested by the Secretariat, could be addressed bilaterally between the Secretariat and the scientific committees, and that the final Rules could be adopted at the next meetings of those Committees. Germany, on behalf of the European Community and its Member States, as well as Mexico and the United States of America, supported the new Rules of Procedure and agreed with the recommendations made by the Secretariat.

The Secretariat noted that, if it were agreed that the Animals and Plants Committees should be able to adopt their own Rules of Procedure, an amendment would be required to Resolution Conf. 11.1 (Rev. CoP13) to make this possible. They suggested that, in the section on "Establishment of committees", the text in paragraph e) under RESOLVES be replaced by:

e) The Standing Committee shall adopt its own Rules of Procedure;

f) The Animals and Plants Committees shall adopt their own Rules of Procedure, which shall be in accordance with Rules of Procedure of the Standing Committee as far as practicable;

This amendment was agreed.

The Chairman of the Animals Committee then referred to a draft decision in paragraph 26 of the document, relating to the production of a manual for regional representatives, and noted that an alternative draft decision was provided in paragraph A of the comments from the Secretariat. Germany, on behalf of the European Community and its Member States, along with the United States, expressed their preference for the Secretariat's version, which stated that funding for translation and publication of the manual should be sought only after members of the scientific committees had tested it. Mexico advocated seeking funds immediately, and publishing the manual as soon as it was ready. After other amendments to the Secretariat's version had been suggested, the Secretariat proposed the following revised wording:

14.xx Regarding the manual for regional representatives, contained in the Annex to document PC16/AC22 WG2 Doc. 1, the Secretariat shall:

a) seek funding for its translation, publication in the three working languages of the Convention and distribution; and

b) when it has been tested by members of the scientific committees and updated accordingly, and funds are available, organize the publication and distribution of printed and electronic versions of the manual as capacity-building materials for regional representatives of the scientific committees.

This amended decision was agreed.

Strategic matters

17. Cooperation between Parties and promotion of multilateral measures

The Secretariat introduced document CoP14 Doc. 17 and highlighted a number of important points.

Germany, on behalf of the European Community and its Member States, and subsequent speakers, congratulated the Secretariat on its thorough work. They concurred that good cooperation at national, regional and global levels was necessary for implementation and enforcement. They felt it was not appropriate to state that, at the time of negotiation, the provisions on stricter domestic measures under Article XIV were to be mainly adopted by exporting countries. Referring to paragraph 24, on the use of import permits for Appendix-II-listed species, they noted that the measure was not related to improving poor internal trade controls but rather helped to ensure that

non-detriment findings were being implemented. They stated that the recent ban on imports of wild birds had been introduced only on animal health grounds and was not a stricter domestic measure.

New Zealand supported the limited use of stricter domestic measures, but pointed out that their national legislation, which prohibited trade in native species, had obviated the need to list these species in the Appendices. They noted that increasing use of stricter domestic measures was making it difficult for exporters to determine whether the importing countries would accept their trade. Australia also supported the application of stricter domestic measures if they complied with the requirements of the World Trade Organization (WTO) and resulted in a positive environmental outcome. The United Republic of Tanzania appreciated the right of Parties to take stricter domestic measures but felt that they should be based on a more transparent system. Malaysia supported the draft decisions in Annex 2 to the document.

The United States, supported by Kenya and the Species Survival Network, were against any effort to limit the rights of Parties to take stricter domestic measures and opposed the draft decisions. Japan expressed concern about the possibility of action that was against Article XIV of the Convention. They stated that, considering the financial constraints of CITES, the proposed consultancy should not be a priority. China agreed.

Safari Club International supported the draft decisions. They said that no-one was questioning the rights of Parties to take stricter domestic measures but the Convention also required Parties to cooperate in reaching decisions.

The International Environmental Law Project supported the use of multilateral measures but felt that the activities described in the draft decisions were unnecessary. They also noted that paragraph 54 incorrectly stated that WTO law required trade measures to be science-based.

Australia, Germany and the United States proposed various amendments to the draft decisions, which were subject to general agreement, apart from Australia's suggestion to delete "and Parties have coherent positions on environment and wildlife trade in international fora as stated in Objective 1.3 of the Strategic Vision for 2008-2013" at the end of paragraph a) of the draft decision directed to the Secretariat. Norway was opposed to this deletion and this led to a vote on whether it should be included. The result was 19 in favour of retaining it and 34 opposed, with 15 abstentions (see Annex, vote 1).

The agreed final wording was provided by the Chairman as follows:

Directed to the Parties

14.xx Parties with stricter domestic measures and reservations should review them as and when appropriate, in order to determine whether they are effective in order to achieve the objectives of the Convention to ensure that trade in species of wild flora and fauna would not be detrimental to their survival.

Directed to the Standing Committee

14.xx The Standing Committee shall establish at its 57th meeting a working group which, operating by electronic means, should:

- a) review and, if necessary, revise any consultancy report produced under Decision 14.xx;
- b) organize, with the help of the Secretariat, a meeting with representation from all CITES regions to discuss the above report; and
- c) based on the report of the meeting mentioned above, consider the need to draft for consideration at the 15th meeting of the Conference of the Parties any revised or new resolutions.

Directed to the Secretariat

14.xx The Secretariat shall, if external funds are made available for the purpose:

- a) hire a consultant to prepare a report on ways to assess: whether the Resolutions of the Conference of the Parties are implemented by all Parties as consistently as possible and whether there is a need to clarify, revise or repeal them; and the scope for multilateral CITES processes to be further developed that reduce the need by Parties for recourse to stricter domestic measures and reservations; and
- b) assist the Standing Committee in organizing the meeting mentioned in Decision 14.xx.

This revised version was agreed by consensus and, after some administrative announcements the session was closed.

Result of the vote

Vote on agenda item 17 (Cooperation between Parties and promotion of multilateral measures) regarding the inclusion of "and Parties have coherent positions on environment and wildlife trade in international fora as stated in Objective 1.3 of the Strategic Vision for 2008-2013" in a draft decision in document CoP14 Doc. 17.

Parties	Vote 1
Afghanistan AF	0
Albania AL	0
Algeria DZ	0
Antigua and Barbuda AG	1
Argentina AR	0
Australia AU	2
Austria AT	2
Azerbaijan AZ	0
Bahamas BS	2
Bangladesh BD	0
Barbados BB	0
Belarus BY	0
Belgium BE	2
Belize BZ	0
Benin BJ	0
Bhutan BT	0
Bolivia BO	1
Botswana BW	1
Brazil BR	2
Brunei Darussalam BN	0
Bulgaria BG	2
Burkina Faso BF	3
Burundi BI	0
Cambodia KH	0
Cameroon CM	2
Canada CA	1
Cape Verde CV	0
Central African Republic CF	0
Chad TD	0
Chile CL	2
China CN	2
Colombia CO	0
Comoros KM	0
Congo CG	0
Costa Rica CR	0
Côte d'Ivoire CI	3
Croatia HR	3
Cuba CU	1
Cyprus CY	0
Czech Republic CZ	0
Democratic Republic of the Congo CD	0
Denmark DK	2
Djibouti DJ	0

Parties	Vote 1
Dominica DM	1
Dominican Republic DO	0
Ecuador EC	0
Egypt EG	0
El Salvador SV	0
Equatorial Guinea GQ	0
Eritrea ER	2
Estonia EE	2
Ethiopia ET	0
Fiji FJ	2
Finland FI	0
France FR	2
Gabon GA	0
Gambia GM	0
Georgia GE	0
Germany DE	2
Ghana GH	0
Greece GR	2
Grenada GD	0
Guatemala GT	0
Guinea GN	0
Guinea-Bissau GW	0
Guyana GY	3
Honduras HN	1
Hungary HU	2
Iceland IS	3
India IN	1
Indonesia ID	1
Iran (Islamic Republic of) IR	0
Ireland IE	3
Israel IL	0
Italy IT	2
Jamaica JM	1
Japan JP	3
Jordan JO	0
Kazakhstan KZ	0
Kenya KE	2
Kuwait KW	0
Lao People's Democratic Republic LA	1
Latvia LV	0
Lesotho LS	0
Liberia LR	0
Libyan Arab Jamahiriya LY	0

Parties	Vote 1
Liechtenstein LI	0
Lithuania LT	0
Luxembourg LU	2
Madagascar MG	3
Malawi MW	0
Malaysia MY	3
Mali ML	0
Malta MT	2
Mauritania MR	0
Mauritius MU	0
Mexico MX	3
Monaco MC	0
Mongolia MN	0
Montenegro ME	0
Morocco MA	0
Mozambique MZ	1
Myanmar MM	0
Namibia NA	0
Nepal NP	1
Netherlands NL	2
New Zealand NZ	1
Nicaragua NI	0
Niger NE	0
Nigeria NG	0
Norway NO	1
Pakistan PK	0
Palau PW	0
Panama PA	0
Papua New Guinea PG	0
Paraguay PY	0
Peru PE	0
Philippines PH	0
Poland PL	0
Portugal PT	2
Qatar QA	0
Republic of Korea KR	0
Republic of Moldova MD	1
Romania RO	0
Russian Federation RU	0
Rwanda RW	0
Saint Kitts and Nevis KN	2
Saint Lucia LC	0
Saint Vincent and the Grenadines VC	0
Samoa WS	0
San Marino SM	0
Sao Tome and Principe ST	0
Saudi Arabia SA	0
Senegal SN	0
Serbia RS	1
Seychelles SC	0
Sierra Leone SL	0
Singapore SG	2

Parties	Vote 1
Slovakia SK	2
Slovenia SI	2
Solomon Islands SB	0
Somalia SO	0
South Africa ZA	3
Spain ES	0
Sri Lanka LK	0
Sudan SD	0
Suriname SR	0
Swaziland SZ	0
Sweden SE	2
Switzerland CH	3
Syrian Arab Republic SY	0
Thailand TH	2
The former Yugoslav Republic of Macedonia MK	0
Togo TG	2
Trinidad and Tobago TT	2
Tunisia TN	0
Turkey TR	0
Uganda UG	2
Ukraine UA	0
United Arab Emirates AE	3
United Kingdom of Great Britain and Northern Ireland GB	2
United Republic of Tanzania TZ	1
United States of America US	2
Uruguay UY	0
Uzbekistan UZ	0
Vanuatu VU	0
Venezuela (Bolivarian Republic of) VE	0
Viet Nam VN	3
Yemen YE	0
Zambia ZM	3
Zimbabwe ZW	1