

CITES World

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Convention on International Trade
in Endangered Species of Wild Fauna and Flora (CITES)

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CITES is a numbers game

From the Editor

There are many numbers to remember in CITES, and many of these are ever-changing. For those interested in keeping track, there are more than 33,400 species listed in the Appendices. The number of Parties currently stands at 166, with the recent accession of Palau. Seventy-two Resolutions and 154 Decisions are in effect. The Convention has been in operation, as of this month, for exactly 29 years.

So, numerologists will note that this 13th edition of CITES World coincides with preparations for the 13th meeting of the Conference of the Parties (CoP), which will open in Bangkok, Thailand, on 2 October 2004, precisely 700 days after the opening of CoP12 in Santiago, Chile, and where

50 amendment proposals and 64 other meeting documents will be considered. We are again providing readers of CITES World with a loose checklist of proposals to amend the Appendices.

A meeting of the Conference of the Parties is typically an intense two-week working meeting resulting in many working documents, interesting debates and discussions, and important decisions. To support this process in Santiago, 3,757,600 photocopies of documents were distributed to participants during registration, and 1,395,359 additional copies of documents were distributed during the meeting itself.

Preparing for a CoP is a major undertaking, whether participants represent Governments or organizations. In this issue, we offer some assistance to readers intending to attend the meeting in Bangkok, by providing articles on how meetings of the CoP are arranged, and on understanding the essentials of the Rules of Procedure. On the subject of numbers again, we try to clarify the document numbering system and provide an insight on how the budget of the Convention is structured.

A successful CoP is built on the full and active participation by all. We hope that all 166 Parties will be able to attend CoP13, with support to delegates from least-developed countries and countries with economies in transition provided through the Sponsored Delegates Project.

Active participation of civil society at the CoP is another hallmark of CITES. In Santiago 73 national non-government organizations (NGOs), 55 international NGOs, and 13 inter-governmental organizations (IGOs) were represented. Civil society accounted for exactly one-third of the 1,164 registered participants. In this issue, IUCN provides its perspective on the role of IGOs at the CoP, while TRAFFIC International comments on the equally vital role of NGOs.

Finally, surrounded by these overwhelming numbers, Willem Wijnstekers, Secretary-General of CITES, invites us to return to the basics of CITES and refrain from making CITES more complicated than it needs to be. There are, after all, only three Appendices.

See you in Bangkok!

Stephen Nash

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How meetings of the CoP are conducted

The Conference of the Parties (CoP) is the Convention's ultimate authority and includes all States that have joined CITES. Its next meeting, the 13th, will be held in Bangkok, Thailand, from 2 to 14 October 2004 (CoP12 was held in Santiago, Chile, in November 2002). The meeting will provide the occasion for the Parties to review progress in the conservation of species included in the Appendices, consider (and where appropriate adopt) proposals to amend the lists of species in Appendices I and II, consider discussion documents and reports from the Secretariat, Parties, permanent committees or other working groups, recommend measures to improve the effectiveness of the Convention, and make provisions (including the adoption of a budget) necessary to allow the Secretariat to carry out its many functions and necessary projects effectively. For CoP13, participants must download their meeting documents from the CITES website beforehand.

Meetings of the Conference of the Parties are attended not only by delegations representing CITES Parties but also by observers, such as representatives of States that are not party to CITES, of United Nations agencies and of other international conventions. Non-governmental organizations involved in conservation or trade are also allowed to participate at the discretion of the Parties, and these play an important role in the CITES process. Members of the public may also attend, although they are not able to participate in the discussions. CITES CoPs normally attract important numbers of journalists and other media attention.

The meeting will be conducted in the three working languages of the Convention – English, French and Spanish – and simultaneous interpretation is provided. The meeting will be guided by an agenda (document CoP13 Doc. 3), which also contains a listing of the meeting documents. The Chairman of the CoP will be chosen during the opening ceremony and, in consultation with Parties, will guide the meeting on a day-to-day basis.

Meetings of the CoP are conducted in full plenary sessions and in two smaller committees (Committees I and II). The agenda is too lengthy and diverse to carry out the entire meeting in plenary. At CoP13 there will be 64 agenda items under discussion, and one of these is the consideration of 50 proposals to amend the Appendices. The plenary sessions are the decision-making sessions of the CoP.

In between the plenary sessions, the two committees run simultaneously. This means it is necessary for all Parties to be at least represented by two persons, preferably one from the Management Authority and one from the Scientific Authority. The Secretariat's Sponsored Delegates Project also tries to ensure this. Committee I is open to all participants, and it discusses and makes recommendations concerning proposals to amend the Appendices, quotas and ranching operations, and other scientific issues. The recommendations of Committee I are forwarded to the plenary for final approval. Committee II is also open to all participants, and it discusses and makes recommendations concerning the implementation and operation of the Convention. These recommendations are often included in resolutions or decisions. Draft resolutions and decisions originating from Committee II are forwarded to the plenary session for final approval. Each Committee has its own Chairman.

Other meetings are also held during the CoP and outside of regular sessions. For example, there are daily meetings of the Bureau, comprising the Chairman and Vice-Chairmen of the CoP, the Chairmen of Committees I and II, the Chairman of the Credentials Committee, the Chairman and the other members of the Standing Committee, and the Secretariat. The Bureau has the duty to ensure effective enforcement of the Rules of Procedure and forwarding of the business of the meeting. To ensure the effective completion of business, the Bureau may take steps to alter the timetable or structure of the meeting and, as a last resort, to limit the time for debates. There are also meetings of the Credentials Committee (which verifies that country delegates have the correct authorization from their Government to participate as official representatives), regional meetings of the Parties, and various meetings of working groups established by the Committees.

Approximately 1,500 to 2,000 participants are expected to attend CoP13.

The Secretariat



Photo: QSNCC

Queen Sirikit National Convention Center, Bangkok, Thailand



Know the Rules of Procedure

Meetings of the Conference of the Parties to CITES are always busy gatherings and include discussions of a large number of complex and sensitive issues. Participants in the meetings, including delegates of Parties and observers, may have strong views about the conservation of endangered species and, understandably, want to express their ideas as strongly as possible. Time for discussion on individual topics is nevertheless limited. It is therefore very important that everyone taking part in meetings of the Conference of the Parties works together to make sure that the issues are examined in a thorough and objective way.

The Rules of Procedure of meetings of the Conference of the Parties provide a way of ensuring that debates are conducted in an orderly and constructive way. They give the Presiding Officer powers to direct discussion and control the proceedings. The Presiding Officer may, for example, limit the number of speakers on a particular issue, set time limits for individual speakers or remind speakers to stick to the subject in order to address issues at hand in an expeditious and efficient manner.

The Rules of Procedure define the structure for the conduct of meetings of the Conference of the Parties, and the process for making decisions. While the Rules do not promote any particular outcome, they can often impact on the outcome of specific votes. An effective set of rules provides for a balance between full and open discussion of all issues and efficient decision-making.

While some rules that govern the conduct of meetings of the CoP are found within the text of the Convention, the full set of rules is adopted by the Conference as one of the first orders of business at the start of the meeting. Once the Parties adopt the Rules, the Chairman of the meeting or the Chairman of a Committee or working group is the person primarily responsible for ensuring that they are implemented. Because the Chairman must often make decisions quickly, it is important that he or she be very familiar with the Rules of Procedure. The Chairmen, as well as Parties, can also request assistance from the Bureau in interpreting the Rules of Procedure, because the Bureau has the ultimate responsibility for ensuring the effective enforcement of the Rules of Procedure and forwarding the business of the meeting.

Before the Parties may undertake any business in Committee I or II or plenary session, a quorum of the Parties must be present in the room. A quorum is one-half of the Parties having delegations at the meeting. If a Party believes that a quorum does not exist when the meeting starts, that Party may ask the Chairman for a quorum count. If the required number of Parties is not present, then the Chairman must wait until the necessary number is reached. This is why the Chairmen and the Secretariat often urge the Parties to ensure that they have a representative in both Committee I and Committee II at all times.

Each delegation of a Party to CITES that has had its credentials approved at the CoP may cast one vote on any issue being considered by the Parties in plenary session, Committee I or Committee II. Each Party decides which of its delegates (either the representative or an alternate representative) will cast its vote.

The number of votes necessary to adopt a decision is determined by two factors: (1) the number of affirmative votes necessary to adopt a particular motion, resolution, or proposal, and (2) the calculation of votes. The Rules of Procedure require a different number of affirmative votes to pass a motion, depending on the nature of the motion. A two-thirds majority vote is necessary for most issues decided in a Committee and in plenary session: recommendations to approve draft resolutions and decisions, in Committees I and II; recommendations to amend Appendices I and II, in Committee I; approval of draft resolutions and decisions and proposals to amend Appendices I and II in plenary session; and motions to amend resolutions and proposals.

A simple majority of votes cast (meaning more than one-half of the votes if there are only two options 'in

favour' or 'against') is necessary to adopt all procedural motions relating to the conduct of the business of the meeting, such as points of order. An affirmative vote of one-third (1/3) of the Parties is necessary to reopen debate in plenary session on a matter covered by a recommendation from one of the Committees.

Only the votes of those Parties present and casting an affirmative or negative vote are counted. For its vote to be considered, a Party must first have its credentials accepted. In addition, a Party must be represented in the room where the meeting is taking place and that Party must cast an affirmative or negative vote. Parties that abstain from voting or that cast a vote of abstention are not counted for purposes of calculating the majority. Based on these rules, it is possible that a relatively small number of Parties could decide the outcome of a vote. Thus, it is very important for Parties to ensure that their credentials are accepted and that they attend each meeting.

A Party may request action on a particular subject by making a 'motion'. A motion is a formal proposal by a delegation that the assembly take a certain action. In Committee I, for example, a Party may make a motion to amend a species proposal or to recommend that the CoP approve a proposal to include a species in Appendix II, rather than the initially proposed Appendix I. Parties may also make a motion to suspend or adjourn a session or suspend or close debate on a particular issue under discussion.

A 'point of order' is an assertion by a Party that the Chairman or another Party is violating a rule of procedure and a request to have the rule enforced. If a Party directs a point of order to the Chairman of the meeting, the Chairman must make a decision relating to the point of order before any other action is taken. A Party may make a point of order at any time. A Party may interrupt a speaker to make a point of order, provided that the point of order relates to a continuing violation of the rules. Thus, if the Chairman makes a ruling regarding the Rules of Procedure, such as limiting debate or determining the order of voting on species proposals, a Party can make a point of order to ask the Chairman to reconsider. The Chairman must immediately make a decision on the point of order.

If a Party disagrees with the decision of the Chairman on a point of order, the Party may appeal the decision of the Chairman. The Chairman must immediately put the appeal to a vote. The Parties must then vote on whether or not to sustain the decision of the Chairman. The decision of the Chairman is affirmed unless a simple majority of the Parties votes to reject the decision of the Chairman.

A proposal to include a species in the Appendices or to transfer a species from one Appendix to another or to delete a species from the Appendices must be submitted by a Party at least 150 days before a CoP. The Parties, however, may amend species proposals before accepting or rejecting them, a process that raises several questions of procedure. (See box next page.)

To complete the work of the Conference, it may be necessary to impose limitations on debate, such as restrictions on the time allowed to each speaker or on the number of times a Party may speak. Under the Rules of Procedure, the Chairman may propose time limits for debate, but it is the Parties that ultimately decide. If the Chairman proposes to limit debate, he or she must seek the consent of the Parties. If the views of the Parties are divided and it is necessary to vote, a simple majority is required to approve a proposal to limit debate, because this is a procedural matter relating to the conduct of the meeting.

The Parties spend much of their time debating resolutions in Committees I and II and proposals to amend the Appendices in Committee I. The decisions of the Committees, however, are not the decisions of the Conference. They are recommendations to the Conference that must be adopted or rejected in a plenary session. Because the Parties debate the issues thoroughly in committee and often create working groups to resolve difficult issues, the Parties generally accept the recommendations of Committees I and II. Accordingly, the Rules of Procedure allow no further discussion on recommendations in plenary session, unless a Party makes a motion in a plenary session to reconsider a recommendation of a committee.

To reopen debate on a committee recommendation concerning a resolution or a species proposal, a Party must make a motion to reopen debate, another Party must second the motion, and one-third of the Parties present must support the motion. If one-third of the Parties agree, then the Parties may debate the matter again in plenary session. The Parties then must vote again – by a two-thirds majority of the Parties present and voting – to adopt the proposal. Once the Parties adopt or reject a proposal to amend Appendices I and II in plenary session, they cannot reconsider the matter.

The Parties may also reopen debate on decisions that are made in plenary session without a recommendation originating from any committee. These decisions may be reopened for debate in plenary session if a Party makes a motion to reopen, another Party seconds the motion, and a two-thirds majority supports the motion. Only the Party presenting the motion and the seconder may speak in



support of the motion and only two Parties may speak against it. If the motion to reopen debate succeeds, then the Parties must debate the matter again. The Parties must then vote again by a two-thirds majority of Parties present and voting – to adopt the resolution or other document.

Under the terms of the Convention, governmental and non-governmental organizations may qualify to be represented at meetings of the Conference by observers. Once properly admitted, observers have “the right to participate but not to vote”. For observers, the right to participate includes the right

to have representatives present at all the sessions of the committees and in plenary sessions, and the right, subject to time limitations, to contribute to the discussions. Observers traditionally have also been allowed to participate in various ad hoc working groups and working groups with the permission of the Chairman of the working group, and provided that there is sufficient space. The Rules of Procedure provide that the right of participation for observers that is granted by the Conference of the Parties may also be withdrawn by the Conference of the Parties.

The Secretariat

Proposals – what can and can't be changed at the CoP?

When a proposal to amend Appendix I or II is being discussed, any Party may ‘move an amendment’ to the proposal (in other words, propose a change to it). The process for approving an amendment differs, depending on whether it is put forward by the original proponent or by another Party. The Rules of Procedure allow the original proponent to withdraw or amend the proposal to reduce its scope of effect at any time. Once a proposal has been amended by the proponent, the original proposal may no longer be considered; and the amended proposal cannot be changed back to the original proposal. When a Party other than the original proponent proposes an amendment, the Parties must decide whether or not to approve the initial proposal or the amended proposal.

When two or more proposals relate to the same species but are different in substance, either from the outset or as a result of an amendment made at the CoP as described above, the Parties must decide first on the proposal that has “the least restrictive effect on the trade”. If they adopt a proposal that has the least restrictive effect on trade in the species concerned, then the more restrictive proposals relating to the same species cannot be considered. If an amendment proposed by a Party other than the original proponent would have a more restrictive effect on trade than the original proposal, then the original is decided on first and, if it is accepted, the amendment will not be put to a decision.

During the meeting, a proposal can only be amended to “make it more precise” or to “reduce its scope”. Both phrases have logical meanings. The phrase “make it more precise” means “to express more correctly, more strictly or exactly”. The phrase “to reduce its scope” refers to the limit of coverage provided. For example, if a Party proposes to transfer three populations of a species from Appendix I to Appendix II, an amendment to apply the proposal to only one population would reduce the scope of the proposal. Similarly, an amendment to transfer these populations to Appendix II subject to a quota would reduce the scope of the proposal, because the original proposal sought an Appendix-II listing without other conditions. On the other hand, an amendment to apply the proposal to a fourth population, or to delete the species from the Appendices, would increase the scope of the proposal, and would be therefore ruled out of order; it would also be impossible under Resolution Conf. 9.24 (Rev. CoP12).

This issue is important and sometimes considered complicated. What it comes down to, however, is the following. When a proposal is under consideration, one or more Parties may move an amendment. The potential effect on trade would determine the order for consideration. The first amendment to be decided upon would be the amendment that would have the least restrictive effect on the trade in the species. If however the original proposal would have a less restrictive effect than any of the proposed amendments to it, then the original proposal would be decided upon first. If it is rejected then no further amendment can be proposed but the remaining amendments would be considered in order until one is accepted or all are rejected.

The Secretariat

CoP “Do-s” and “Don’t-s”

Even participants who are knowledgeable about the Rules of Procedure and extremely well-informed on topics to be discussed can become frustrated and disgruntled. Meetings with over a thousand participants can be challenging. There are very many views to be expressed. Everybody wants to have his or her say but there is not enough time. Participants can feel neglected and get frustrated when the Chairman does not include them in the list of speakers. Below are a few principles of good conduct – especially relevant for newcomers.

Participants should:

- Always follow the Rules of Procedure.
- Wait for the Chairman to invite them to speak.
- Make interventions brief, concise and to the point.
- Liaise with other participants and, where appropriate, make joint interventions to avoid the same points being made repeatedly.
- Bear in mind the principles and objectives on which the Convention is based.
- Be patient.
- Distribute documents by asking the Conference staff to place them in the delegates’ pigeon holes or placing them on tables designated for this purpose.
- Engage in an appropriate and polite manner with other participants.
- Respect areas that are designated for delegates or for the Secretariat only.

Participants should not:

- Interrupt, except to seek clarification (only representatives of Parties may raise points of order).
- Heckle other delegates or observers; they too have a right to express their opinion.
- Use the meeting for demonstrations.
- Seek to obtain information dishonestly during meetings of the Conference of the Parties.

The Secretariat

Document numbering

CoP documents come in a variety that may first appear bewildering, but a closer look at them reveals a system that is logical. There are four main types of documents: discussion documents, documents resulting from discussions in Committees I and II, summary reports, and information documents.

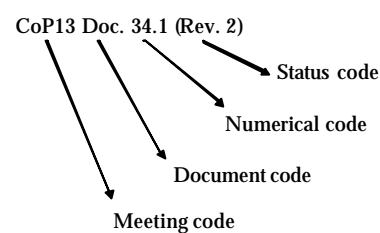
Discussion documents comprise working documents and proposals and are assigned the codes ‘Doc.’ and ‘Prop.’ respectively.

Documents resulting from discussions in Committees I and II are assigned the codes ‘Com.I’ and ‘Com.II’ respectively. They are mainly produced by working groups.

Summary reports come from either the plenary sessions (Plen.), Committee I (Com.I Rep.) or Committee II (Com.II Rep.). The latter two categories are in-session documents.

Information documents are given the code ‘Inf.’. Information documents may be produced before or during the meeting and are for information purposes only.

Document numbering gives enough information to allow users to track or refer to the exact document without any confusion. It allows one to identify: 1) the meeting, 2) the type of document, 3) the document number and 4) its status. The figure below illustrates this:



In this example, the document is from the 13th meeting of the Conference of the Parties (CoP13), is a working document (Doc.), that on which discussions of agenda item ‘34.1’ will be based, and has been revised twice (Rev. 2) since it was first released.

Only working documents bear a number that reflects the agenda item. Information documents and documents resulting from discussions in Committees I and II are given a serial number as they are produced, whilst summary reports are given the number of the session they correspond to, e.g. ‘Plen. 1’ is the summary report of the first plenary session.



Proposals for amendment of Appendices I and II
Thirteenth meeting of the Conference of the Parties
2 to 14 October 2004, Bangkok (Thailand)



No.	Proponent	Species covered by the proposal	Proposal
1	Ireland (on behalf of the Member States of the European Community)	Not applicable	Inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to read as follows (with the following paragraphs being renumbered): 5. The following are not subject to the provisions of the Convention: a) <i>in vitro</i> cultivated DNA* that does not contain any part of the original from which it is derived; b) cells or cell lines* cultivated <i>in vitro</i> that theoretically at a molecular level do not contain any part of the original animal or plant from which they are derived; c) urine and faeces; d) medicines and other pharmaceutical products such as vaccines, including those in development and in process materials +, that theoretically at a molecular level do not contain any part of the original animal or plant from which they are derived; and e) fossils. * See proposal for definitions
2	Switzerland (as Depositary Government, at the request of the Standing Committee)	Not applicable	Inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to read as follows (with the following paragraphs being renumbered): 5. The following are not subject to the provisions of the Convention: a) <i>in vitro</i> cultivated DNA that does not contain any part of the original; b) urine and faeces; c) synthetically produced medicines and other pharmaceutical products such as vaccines that do not contain any part of the original genetic material from which they are derived; and d) fossils.
FAUNA			
3	Thailand	<i>Orcaella brevirostris</i>	Transfer from Appendix II to Appendix I
4	Japan	<i>Balaenoptera acutorostrata</i>	Transfer from Appendix I to Appendix II of the Okhotsk Sea – West Pacific stock, the Northeast Atlantic stock and the North Atlantic Central stock
5	United States of America	<i>Lynx rufus</i>	Deletion from Appendix II
6	Kenya	<i>Panthera leo</i>	Transfer from Appendix II to Appendix I NB: subspecies <i>Panthera leo persica</i> is already included in Appendix I
7	Namibia	<i>Loxodonta africana</i> (Appendix II)	Amendment of the annotation regarding the population of Namibia to include: – an annual export quota of 2,000 kg of raw ivory (accumulated from natural and management-related mortalities); – trade in worked ivory products for commercial purposes; and – trade in elephant leather and hair goods for commercial purposes.
8	South Africa	<i>Loxodonta Africana</i> (Appendix II)	Amendment of the annotation regarding the population of South Africa to allow trade in leather goods for commercial purposes.
9	Swaziland	<i>Ceratotherium simum simum</i>	Transfer from Appendix I to Appendix II of the population of Swaziland with the following annotation: For the exclusive purpose of allowing international trade in: a) live animals to appropriate and acceptable destinations; and b) hunting trophies. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.
10	United States of America	<i>Haliaeetus leucocephalus</i>	Transfer from Appendix I to Appendix II
11	Indonesia	<i>Cacatua sulphurea</i>	Transfer from Appendix II to Appendix I
12	Namibia and the United States of America	<i>Agapornis roseicollis</i>	Deletion from Appendix II

No.	Proponent	Species covered by the proposal	Proposal
13	Mexico	<i>Amazona finschi</i>	Transfer from Appendix II to Appendix I
14	Mexico and the United States of America	<i>Passerina ciris</i>	Inclusion in Appendix II
15	Madagascar	<i>Pyxis arachnoides</i>	Transfer from Appendix II to Appendix I
16	United States of America	<i>Malayemys</i> spp.	Inclusion in Appendix II
17	Indonesia	<i>Malayemys subtrijuga</i>	Inclusion in Appendix II
18	United States of America	<i>Notochelys</i> spp.	Inclusion in Appendix II
19	Indonesia	<i>Notochelys platynota</i>	Inclusion in Appendix II
20	United States of America	<i>Amyda</i> spp.	Inclusion in Appendix II
21	United States of America	Carettochelyidae spp.	Inclusion in Appendix II
22	Indonesia	<i>Carettochelys insculpta</i>	Inclusion in Appendix II
23	Indonesia and the United States of America	<i>Chelodina mccordi</i>	Inclusion in Appendix II
24	Cuba	<i>Crocodylus acutus</i>	Transfer of the population of Cuba from Appendix I to Appendix II
25	Namibia	<i>Crocodylus niloticus</i>	Transfer from Appendix I to Appendix II of the population of Namibia
26	Zambia	<i>Crocodylus niloticus</i>	Maintenance of the population of Zambia in Appendix II, subject to an annual export quota of no more than 548 wild specimens (including hunting trophies and problem-animal control). This quota does not include ranched specimens.
27	Madagascar	<i>Uroplatus</i> spp.	Inclusion in Appendix II
28	Madagascar	<i>Langaha</i> spp.	Inclusion in Appendix II
29	Madagascar	<i>Stenophis citrinus</i> (NB: this species is referred to as <i>Lycodryas citrinus</i> in the proposal)	Inclusion in Appendix II
30	Kenya	<i>Atheris desaixi</i>	Inclusion in Appendix II
31	Kenya	<i>Bitis worthingtoni</i>	Inclusion in Appendix II
32	Australia and Madagascar	<i>Carcharodon carcharias</i>	Inclusion in Appendix II with a zero annual export quota
33	Fiji, Ireland (on behalf of the Member States of the European Community) and the United States of America	<i>Cheilinus undulatus</i>	Inclusion in Appendix II
34	Switzerland (as Depositary Government, at the request of the Nomenclature Committee)	<i>Ornithoptera</i> spp., <i>Trogonoptera</i> spp. and <i>Troides</i> spp. in Appendix II	Deletion of the annotation “ <i>sensu</i> D’Abrera”



No.	Proponent	Species covered by the proposal	Proposal
35	Italy and Slovenia (on behalf of the Member States of the European Community)	<i>Lithophaga lithophaga</i>	Inclusion in Appendix II
36	Switzerland (as Depositary Government, at the request of the Animals Committee)	Helioporidae spp., Tubiporidae spp., Scleractinia spp., Milleporidae spp. and Stylasteridae spp.	Amendment of the annotation to these taxa to read: Fossils, namely all categories of coral rock, except live rock (meaning pieces of coral rock to which are attached live specimens of invertebrate species and coralline algae not included in the Appendices and which are transported moist, but not in water, in crates) are not subject to the provisions of the Convention.
FLORA			
37	Botswana, Namibia and South Africa	<i>Hoodia</i> spp.	Inclusion in Appendix II, with an annotation to read as follows: Designates all parts and derivatives except those bearing the label "Produced from <i>Hoodia</i> spp. material obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of Botswana/Namibia/South Africa under agreement no. BW/NA/ZA xxxxxx)"
38	Thailand	Euphorbiaceae (Appendix II)	Annotation to read as follows: Artificially propagated specimens of <i>Euphorbia lactea</i> are not subject to the provisions of the Convention when they are: a) grafted on rootstocks of <i>Euphorbia neriiifolia</i> L.; b) colour mutants; or c) crested-branch forming or fan-shaped.
39	Thailand	Euphorbiaceae (Appendix II)	Annotation to read as follows: Artificially propagated specimens of <i>Euphorbia milii</i> are not subject to the provisions of the Convention when they are: a) traded in shipments of 100 or more plants; b) readily recognizable as artificially propagated specimens.
40	Thailand	Orchidaceae in Appendix II	Annotation to read as follows: Artificially propagated specimens of Orchidaceae hybrids are not subject to the provisions of the Convention when: a) they are readily recognizable as artificially propagated specimens; b) they do not exhibit characteristics of wild-collected specimens; c) shipments are accompanied by documentation such as an invoice that indicates clearly the vernacular name of the orchid hybrids and is signed by the shipper. Specimens that do not clearly meet the criteria for the exemption must be accompanied by appropriate CITES documents.
41	Switzerland	Orchidaceae in Appendix II	Annotation to exclude artificially propagated hybrids of the following taxa, exclusively under the condition that specimens are flowering, potted and labelled, professionally processed for commercial retail sale and that they allow easy identification: <i>Cymbidium</i> , <i>Miltonia</i> , <i>Odontoglossum</i> , <i>Oncidium</i> , <i>Phalaenopsis</i> , <i>Vanda</i> Interspecific hybrids within the genus and intergeneric hybrids <i>Dendrobium</i> Interspecific hybrids within the genus known in horticulture as " <i>nobile</i> -types" and " <i>phalaenopsis</i> -types", both of which are clearly recognizable by commercial growers and hobbyists The annotation to specifically read as follows: See proposal for annotation text Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.



No.	Proponent	Species covered by the proposal	Proposal
42	Switzerland (as Depositary Government, at the request of the Plants Committee)	Orchidaceae in Appendix II	Amendment of the annotation regarding <i>Phalaenopsis</i> hybrids to read: Artificially propagated specimens of hybrids within the genus <i>Phalaenopsis</i> are not subject to the provisions of the Convention when: a) specimens are traded in shipments consisting of individual containers (i.e. cartons, boxes or crates) containing 20 or more plants each; b) all plants within a container are of the same hybrid, with no mixing of different hybrids within a container; c) plants within a container can be readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity in size and stage of growth, cleanliness, intact root systems and general absence of damage or injury that could be attributable to plants originating in the wild; d) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to roots, leaves or other parts resulting from collection; and e) shipments are accompanied by documentation, such as an invoice, which clearly states the number of plants and is signed by the shipper. Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.
43	Colombia	<i>Cattleya trianaei</i>	Transfer from Appendix I to Appendix II.
44	Thailand	<i>Vanda coerulea</i>	Transfer from Appendix I to Appendix II
45	China	<i>Cistanche deserticola</i> (Appendix II)	Addition of annotation #1, i.e.: Designates all parts and derivatives, except: a) seeds, spores and pollen (including pollinia); b) seedling or tissue cultures obtained <i>in vitro</i> , in solid or liquid media, transported in sterile containers; and c) cut flowers of artificially propagated plants.
46	Madagascar	<i>Dypsis decipiens</i> (NB: according to the standard nomenclature adopted by the Conference of the Parties, the correct name for this species is <i>Chrysalidocarpus decipiens</i>)	Transfer from Appendix II to Appendix I
47	China and the United States of America	<i>Taxus wallichiana</i>	Amendment of the annotation (currently annotation #2), to read: Designates all parts and derivatives, except: a) seeds and pollen; and b) finished pharmaceutical products.
48	China and the United States of America	<i>Taxus chinensis</i> , <i>T. cuspidata</i> , <i>T. fuana</i> , <i>T. sumatrana</i> and all infraspecific taxa of these species	Inclusion in Appendix II with the following annotation: Designates all parts and derivatives, except: a) seeds and pollen; and b) finished pharmaceutical products.
49	Indonesia	<i>Aquilaria</i> spp. and <i>Gyrinops</i> spp.	Inclusion in Appendix II (NB: <i>Aquilaria malaccensis</i> is already included in Appendix II)
50	Indonesia	<i>Gonystylus</i> spp.	Inclusion in Appendix II Designates all parts and derivatives, except: a) seeds, spores and pollen (including pollinia); b) seedling or tissue cultures obtained <i>in vitro</i> , in solid or liquid media, transported in sterile containers; and c) cut flowers of artificially propagated plants.





Photo: Jesús Huadcoza

CoP12 in 2002 in Santiago, Chile

CITES is about people

The CITES Standing Committee was created by the Conference of the Parties in 1979. The United States was elected to chair the Committee, and as head of the United States Management Authority of that Party, the task fell to me to serve as the chairman. The CITES Secretariat has asked me to provide some personal observations from the vantage point of having a long association with the Convention.

I think that the most important thing about CITES is... people. CITES may appear to be all about animals and plants, but it's really about people.

The animals and plants of the world go about their animal and plant business. At best, they are only vaguely aware of people. We, on the other hand, are very much aware of our impact on them. From that perspective, CITES is all about people regulating their own impact on the wildlife and plants of the world. If CITES wants to be successful in affecting what people do, then it must listen to people, understand people and be effective in communicating with people.

I think that in those early days, the leadership of CITES was aware of this. They knew that there was a tendency for CITES discussions to be dominated by the voices of the western world, both governmental and non-governmental. As a result, a conscious effort was made to move the locations of meetings of the Conference of the Parties around so that more people from different cultures could participate and could express their opinions.

This tradition of being open to different opinions, views and needs has progressed very well. Today, we do a better job of listening to all the different voices of CITES. We recognize that some people have deep ethical concerns about controlling our species' impact on plants and animals while at the same time other people earn their livelihoods by directly utilizing

those plants and animals and they do not want unnecessary barriers to their livelihoods. The ability of CITES to hear all of these different voices has improved the chances of doing an effective job of regulating people's impacts on plants and animals.

Many people of substance, quality and talent have participated in CITES over the years. It has been my privilege to know and work with these people. It is particularly gratifying to see the growing numbers of young, capable people from so many different countries entering into the CITES circle, finding their voices and becoming full participants.

At the 1973 conference in Washington when the Convention was signed, the people who did the negotiating concluded that the best way to make CITES effective was not to engage in coercion, but to seek cooperation. To that end, the Conference of the Parties was designed to be an open forum at which issues and problems in the implementation of CITES could be aired, and recommendations could be made to improve the effectiveness of the Convention. I believe that the founders of the Convention recognized that while coercion may work in the short term, willing compliance works better and for longer. To achieve willing compliance, the people who participate in CITES need to respect the concerns and the points of view of the people involved on all sides of an issue and to allow the people affected to have a meaningful role in the process.

Rick Parsons
Safari Club International
(First Chairman, CITES Standing Committee - 1979)

Dendrobium nobile



Photo: Ger van Vliet



Photo: Ger van Vliet

Phalaenopsis sp.

Trade in artificially-propagated orchids will be discussed in Bangkok

Understanding the CITES budget

The core administrative costs of the Secretariat, the Conference of the Parties and its subsidiary bodies, the Standing Committee and the other permanent committees are financed from the CITES Trust Fund. This Trust Fund is replenished from contributions from the Parties to the Convention based on the United Nations scale of assessment, adjusted to take account of the fact that not all members of the United Nations are Parties to the Convention. The budget for the triennium 2006-2008 is to be adopted by the Conference of the Parties at CoP13.

Discussions on the CITES budget always take up a considerable amount of time at a CoP. For the upcoming discussions on financing and budgeting of the Secretariat and of meetings of the Conference of the Parties, and the 2006-2008 budget, there are four documents (Doc. 8.1-8.4) and no less than 17 Annexes. While the documents explaining the finances for 2002-2003 and estimated expenditures for 2004-2005 follow the format used in previous CoPs, the proposed budget for the triennium 2006-2008, provided in Document CoP13 Doc. 8.3, takes an altogether new approach (for CITES), by estimating the resources needed for the implementation of specific services provided by the Secretariat.

This new presentation follows the approach taken by other Multilateral Environmental Agreements (e.g. Convention on Biological Diversity, United Nations Convention to Combat Desertification), and shows all of the allocations associated with each category of service, including those for staff and travel costs as well as general office operating expenses. This approach renders transparent the real costs associated with the various categories of service provided, and for CITES these are defined in terms of capacity building; cross-cutting support, documentation and meetings; executive direction and management; implementation assistance; legislation, enforcement and compliance; outreach; as well as scientific support.

Capacity building comprises all activities related to training, transfer of skills and awareness-raising, including the organization and completion of training workshops, preparation and production of training materials and tools, development of training methodologies, development of training programmes, evaluation of the effectiveness of training activities, answering questions from the public, and

the preparation, production and distribution of the Identification Manual (and its future development as an on-line resource).

Cross-cutting support programmes are those that reach across all aspects of the Secretariat's work, such as fund-raising for all externally-funded activities, development and administration of externally-funded projects, verification missions, costs associated with unanticipated assistance to Parties on emerging issues of particular importance requiring rapid attention, and development of the programme of work.

Documentation and meetings includes the organization of meetings of the Conference of the Parties, the Standing Committee, the technical committees, and other technical meetings as may be requested by the Parties (such as dialogues or species-specific meetings). It also includes, where required, simultaneous interpretation, and the drafting, editing, preparation (including translation), publication and distribution of official documents for meetings, as well as other publications distributed to the Parties.

Executive direction and management includes the executive management of the Secretariat and its programme of work. Personnel management, financial management and the development of policy are also included in this category.

Implementation assistance covers maintenance of registers (captive breeding, artificial propagation, scientific institutions), compilation of annual trade data, monitoring and analysis, and assistance to Parties on matters relating to permits and certificates.

Legislation, enforcement and compliance includes assistance in the development and application of policy instruments for implementation of the Convention, specifically: legislative analysis and advice under the National Legislation Project; facilitation and monitoring of annual and biennial report preparation and submission; identification of illegal trade incidents and trends; provision of enforcement assistance and liaison with national and international enforcement bodies; guidance for wildlife trade policy reviews and use of social or economic incentives; support related to and guidelines for compliance with the Convention; and enhanced policy coherence with relevant UN bodies and specialized agencies, WTO and other MEAs.

Outreach includes staff time devoted to regional assistance, the development and maintenance of the CITES website as the principal repository and distribution point for CITES information and documents, and relations with the media.

Scientific support includes all forms of assistance to Scientific Authorities, assistance and support to the



technical committees, the Review of Significant Trade, assistance with the development and implementation of quota systems, the making of non-detriment findings, the development of wildlife management programmes, and the implementation of research and species projects.

The Secretariat

IGOs – Who are they?

Sandwiched between the Parties and observer countries and the non-governmental organizations on any CITES seating plan are a bevy of acronyms, e.g. IUCN, NAMMCO, OldePescas, WTO, CCAMLR or the EU. This group of organizations and agencies all have a membership that includes Governments and are collectively known as the IGOs – intergovernmental organizations. While agencies such as UNEP, UNDP and FAO are autonomous agencies with a direct link to the UN, the IGOs represent the interest of their particular member States on issues that fall within the mandates of each individual organization. Representing the interests of that mandate in broader intergovernmental discussions is particularly important for the IGOs with a very specific focus such as CCAMLR or the GTF. Today's IGOs can relate to any number of sectors but those that are of interest to CITES seem to fall within the categories of economic integration units and trade organizations at global or regional levels (EU, WTO), regional development units (CCAD, SADC), regional resource management agreements (CCAMLR, NAMMCO, ITTO) and those with specific biodiversity conservation interests (IUCN, GTF).

At the most recent CITES CoP in Santiago in 2002, the 33 people from 13 IGOs represented constituted a tiny fraction of the 1,200 participants at the meeting. So why bother with this numerically insignificant 'middle layer' of participation? What value do they bring to the proceedings? First, by virtue of the constituency of their respective organizations, they do represent a very large number of people. IUCN, for example, has more than one thousand member organizations including Governments, government agencies and both international and national NGOs. However beyond the simple fact of their broad constituency base, the value of IGO participation comes at many levels.

The daily business of CITES involves making decisions on a wide variety of issues, many of which require knowledge beyond the daily remit of most CITES Management and Scientific Authorities. It is practically impossible for Party representatives to have all the necessary, relevant and current information on which to base those decisions. IGOs play a key role as technical advisors to the process. As IGOs have governmental members that often represent the broad spectrum of views on any one subject, they are usually not mandated to take a particular point of view on contentious issues but rather to provide the available knowledge and some analysis of available options and implications of those options. In cases where the IGO body may have taken a decision that is relevant to issues in CITES, the IGO can also advise on that decision and the technical basis on which it was made.

CITES is only one of a number of conventions dealing with conservation of biodiversity and trade. Parties to these agreements are finding more and more frequently that there is overlap and potential for both synergy and conflict among the various actions and decisions taken within CITES and in other fora such as WTO and CBD. Yet the representatives going to one meeting are often not the same people as those going to others and the possibility for coordination and collaboration is lost. Within their particular mandates, IGOs can provide a key linkage that ensures agreements and decisions reached in one place benefit from commitments already made in another, thereby provide consistent international environmental governance.

Increasingly, CITES deals with issues that cross a variety of government sectors. Compared to the early years of the Convention, when proposals to amend the Appendices and related discussions focused on terrestrial wildlife, CoP13 may be addressing issues with respect to natural resource management in both the timber and fishery sectors. For example, a decision regarding the movement of a certain timber product may be taken in a CITES meeting by someone from a wildlife department while the person negotiating in ITTO comes from a forestry department or even the foreign ministry. IGOs can help to provide a link between sectors and avoid the lack of continuity across time and issues.

Governments of the world have made numerous pledges with respect to the environment that are of direct relevance to CITES action. At WSSD, they agreed to stop the rate of biodiversity loss by 2010 (paragraph 44), and more specifically, to achieve sustainable fishing by 2015 (paragraph 31). As part of the effort to address biodiversity loss, Governments specifically mention "...synergy and

mutual supportiveness, taking into account the decisions under the relevant agreements... related to international trade..." (paragraph 44 r). In addition, the Millennium Development Goals include Goal 7 on ensuring environmental sustainability and Goal 8 on developing a global partnership for development. As CITES Parties act to contribute to these goals, they will need sound advice on harmonizing the seemingly predominant economic issues with environmental and sustainable development strategies. IGOs, using information that has been accepted by Governments and with a global overview, are uniquely positioned to provide this assistance.

Sue Mainka
IUCN - The World Conservation Union

List of acronyms and abbreviations

- CBD: Convention on Biological Diversity
- CCAD: Central American Commission for Environment and Development
- CCAMLR: Commission for the Conservation of Antarctic Marine Living Resources
- EU: European Union
- FAO: Food and Agriculture Organization of the United Nations
- GTF: Global Tiger Forum
- IITTO: International Tropical Timber Organization
- IUCN: The World Conservation Union
- NAMMCO: North Atlantic Marine Mammal Commission
- OldePesca: Latin American Organization for Fisheries Development
- SADC: Southern African Development Community
- UN: United Nations
- UNEP: United Nations Environment Programme
- UNDP: United Nations Development Programme
- WSSD: World Summit on Sustainable Development
- WTO: World Trade Organization

Photo: Dionysius Sharma/TRAFFIC Southeast Asia



The Southeast Asian softshell turtle (*Amyda cartilaginea*) and Humphead wrasse (*Cheilinus undulatus*) are proposed for inclusion in Appendix II

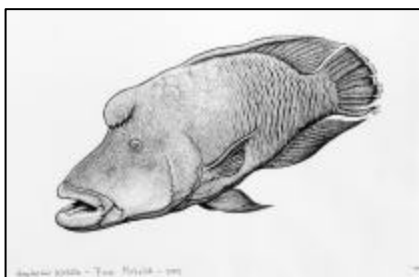


Photo: Bruce Mahalski for TRAFFIC

NGOs at the CoP

Distributing propaganda, loitering in the corners of every hotel lobby and decorating the fringes of the conference hall – just what are all those non-governmental organizations doing at a CITES meeting? To some, NGO observers represent the face and voice of civil society, an essential component of inter-governmental decision-making in the 21st century. To others, they represent a rather noisy complication to orderly and diplomatic negotiations between the Governments that make the actual decisions. This article takes a brief look at the role of NGOs at CITES CoPs: what they have to contribute and how they can maximize their impact on efforts to achieve the Convention’s goals.

NGOs have a long and productive history in the CITES decision-making process. Since the Convention emerged in the 1970s from the deliberations of IUCN – The World Conservation Union, itself a forum for Government and civil society interaction, NGOs have played active roles as information providers, technical advisors and advocates of various stakeholder views. The extent and impact of these contributions have been highlighted as one of the strengths of CITES in a number of reviews of the evolution of multilateral environmental agreements.

NGO observers at CITES events typically represent an extremely diverse set of interests, views and approaches. At CoP12, there were over 50 international and over 70 national NGOs in attendance, with missions to pursue anything from scientific research, animal rights and welfare, biodiversity conservation, traditional rights and practices to the interests of industry sectors. Some have a global scope, while others focus on national or local issues. In fact, finding more than a handful of these organizations willing to agree a common position on some issues on the agenda of the CoP would be a worthy challenge for any diplomat in the conference room.

Despite differences of opinion, NGOs contribute a great deal of useful information to CITES Parties for making decisions. Assessments of species population and biology, trade trends, the efficacy of past CITES interventions and the likely conservation impact of new actions are clearly critical in the evaluation of proposals to amend the Appendices. Similarly information and views on wider environmental, social and ethical dimensions of wildlife trade challenges provide important context for the regulatory decisions to be taken. With limited resources available within



the CITES budget and government departments responsible for wildlife trade, NGO information often fills critical knowledge gaps and strengthens the decision-making process. NGOs, despite some bias in their attention towards a few of the more charismatic inhabitants of the Appendices, also do a great deal to enhance wider public awareness of the conservation challenges that CITES is trying to tackle.

When CITES conferences were still relatively small and intimate events, the time allocated to government and NGO interventions in plenary and committee sessions was fairly evenly balanced. As the number of member countries has increased and the CITES agenda has grown, speaking time for observers has become a rare and precious commodity. Hence the increased activity of NGOs around the fringes of the meetings and the use by NGOs of diverse advocacy approaches, from the circulation of literature to mass media communications, lobbying and the organization of events. Similarly, the trend towards more Party's delegations arriving at the CoP with firm positions on key issues entails that NGOs communicate their views on the CITES agenda directly and indirectly to Governments many months in advance.

Overall, NGOs have a key role to play within CITES and a strong track record of helping the Convention to meet its goals. In many ways, the access afforded to NGO observers in CITES has been ahead of its time. Many other international institutions still struggle to find the right balance between efficiency and transparency. NGOs provide an important voice for the concerns of some key stakeholder groups and a strong reminder that a wider civil society has a vested interest in the decisions taken at inter-governmental events. Through their actions, NGOs have the opportunity to prove that they provide a valuable contribution that deserves a permanent home in CITES as it continues into the 21st century.

Steven Broad
TRAFFIC International

CITES: Back to basics

From the Secretary-General

The 13th meeting of the Conference of the Parties is rapidly approaching and the Secretariat has been like a beehive for many months now. Everybody is terribly busy and dashing in and out of offices and it must be the same with you.

We now know what proposals are being made, both where the protection levels of species in the Appendices are concerned and with regard to recommendations on the implementation of the Convention.

I look very much forward to meeting you all in Bangkok and I don't want to bother you with concerns, but I have a few and I think it is appropriate for me to once again ask for your cooperation to help solve what I believe has been and still is a major problem with CITES: overcomplication. The Conference of the Parties has of course unanimously recognized this problem with the adoption of the Strategic Vision in 2000, one of the objectives of which is "to review and simplify, where possible, existing measures, procedures, mechanisms and recommendations for the implementation of the Convention".

On several occasions since then, I have reiterated the view that CITES has become too complicated to implement and enforce and stressed that there is an enormous need to identify the rules, regulations and procedures that really matter and that we need to focus on. There are too many Resolutions and Decisions to take into account and in many cases it is totally unclear why we have complicated things so much and what the conservation benefits of certain measures are today.

Both for CoP12 and the upcoming CoP13, the Secretariat prepared documents that contribute to the process of getting rid of unnecessary complications and red tape. I should once again like to call on you to think carefully about the cost of the measures we have taken in the past, the cost of those we intend to take in Bangkok and the benefit these decisions have or may not have for wildlife conservation.

An important element of CITES is the possibility for people to implement and apply it in the field, at borders in particular. We have, together with Parties, developed an important set of tools to facilitate identification of species and parts and derivatives of animals and plants. The previous issue of CITES World illustrated how far we have come with this important work. But are we doing enough to prevent further complications of regulations which make them impossible to implement? I believe we are not. One only has to look at some of the proposed annotations concerning exemptions from the provisions of the Convention and imagine for a while being a Customs officer who has to apply them. One of the peculiarities of how things evolve in CITES is that the solution to implementation and enforcement problems is sometimes a greater problem than the initial one, which is often caused by a lack of

consideration of the practicality of 'solutions' in real life.

Implementation and enforcement problems exist in all Parties without exception. The many ongoing projects and surveys of the Secretariat and its partners and the reports to be presented again at this meeting clearly demonstrate this. Much of the lack of compliance results from a lack of resources, but also from overcomplicated provisions and a lack of public understanding of the why and how of regulations.

There is an enormous scope for making things simpler and cheaper and in doing so I believe we can dramatically facilitate your work and at the same time increase the effectiveness of the Convention, particularly in and for developing wildlife-producer countries.

Let's make it a common goal of CoP13 to bring CITES back to basics.

Willem Wijnstekers

Certificate of Commendation

In Notification to the Parties No. 2002/014 of 6 March 2002, the Secretariat advised the Parties of the introduction of certificates of commendation that would be issued, at the Secretary-General's discretion, to recognize exemplary enforcement actions.

The third such certificate was awarded by the Secretary-General on 15 March 2004 to the U.S. Fish and Wildlife Service's Division of Law Enforcement and the U.S. Department of Justice, Wildlife and Marine Resources Section.

The certificate was awarded in recognition of their combined efforts to combat illicit trade in caviar, especially those illegal activities that involved sophisticated smuggling and fraudulent actions by individuals and organized networks based in the United States of America, caviar producing States and countries of transit. This required the coordination of work by the Service's Special Agents, Wildlife Inspectors and Forensic Laboratory staff, and by the Department's Prosecutors in preparing cases for criminal prosecution. Since January 2000, over 25 prosecutions have taken place, the majority resulting in sentences of imprisonment. Many of the investigations involved liaison with a variety of United States federal and state law enforcement agencies and with inter-national and national law enforcement organizations elsewhere in the world. This work by the Service and the Department demonstrated exemplary commitment to uncovering violations of the Convention and bringing offenders to justice.



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If you would like to submit an article, or make suggestions or comments, please contact
the Capacity-Building Unit.

Although every attempt is made to ensure the accuracy of the articles, the opinions expressed are those of the individual authors. The designations of geographic entities do not imply the expression of an opinion from the CITES Secretariat concerning the legal status of any country, territory, or area, or of its frontiers and borders.