



CITES COP-12 HIGHLIGHTS: MONDAY, 11 NOVEMBER 2002

Following morning consultations of regional groups, Committee I met to consider elephant issues, while Committee II discussed cooperation with FAO, sustainable use, economic incentives, financing species conservation, compliance and enforcement. The criteria and export quota working groups met in evening sessions.

COMMITTEE I

CONSERVATION OF ELEPHANTS AND TRADE IN ELEPHANT SPECIMENS: Introducing the Elephant Trade Information System (ETIS) report (Doc.34.1), TRAFFIC noted an increase in ivory seizures since 1998, linking the trend with China's demand for ivory. He concluded that illicit trade correlates to large-scale, unregulated domestic markets, and stressed the need for sustainable funding for ETIS. INDIA questioned data reliability, highlighting underestimation of Japan's role in illegal trade. KENYA added that recent seizure data from Japan and South Africa was excluded. CHINA noted incorrect data on its control of ivory trade, highlighting Hong Kong's effective reporting and enforcement system.

On the Monitoring the Illegal Killing of Elephants (MIKE) report (Doc.34.2), MIKE Director Nigel Hunter outlined progress in Africa, discussed law enforcement monitoring, underscored the assistance of local communities in intelligence gathering, and flagged the need for funding. KENYA asked whether support for the ivory trade proposals would compromise MIKE's ability to establish baseline information. Hunter said that such predictions could not be made.

KENYA introduced amendments to its proposal on conservation of elephants and trade in elephant specimens (Doc.20.1 Annex 3), noting that this Annex would replace the original proposal (Doc.34.3). Amendments regarding control of internal trade included establishing a nationwide procedure informing tourists to not purchase ivory if their home country prohibits ivory imports. Amendments regarding compliance directed the Secretariat to: identify non-monitoring Parties; seek information for establishing enforcement measures; and report its findings to the Standing Committee. Regarding monitoring of illegal hunting and trade in elephant specimens, KENYA requested that technical oversight be provided to MIKE and ETIS through an independent technical committee established by the Secretariat. INDIA, SOUTH AFRICA and the Secretariat supported the proposal. Several observers raised concerns regarding the Secretariat's level of

responsibility. The EU noted budgetary concerns and questioned the need for a new technical committee. Delegates agreed to Kenya's proposal.

CAMEROON introduced a draft decision (Doc.20.1 Annex 4) on assisting range States in implementing Resolution Conf. 10.10 (Rev.) concerning control of internal ivory trade in range States. The INTERNATIONAL WILDLIFE COALITION requested a mechanism to ensure support, and the ENVIRONMENTAL INVESTIGATION AGENCY urged developing criteria for registering and marking raw ivory to avoid illicit trade. Parties accepted the draft decision.

CAMEROON introduced a second draft decision (Doc.20.1 Annex 5) requesting the Secretariat to assess whether countries with active internal markets have established comprehensive internal legislative, regulatory and enforcement measures. KENYA and others requested that Japan be added to the list of countries with active internal markets. Delegates supported the draft decision with minor amendments.

PROPOSALS TO AMEND APPENDICES I and II: Trade in Elephant Specimens: BOTSWANA introduced its proposal to amend Annotation 604 regarding its population of *Loxodonta africana* (Prop.12.6), allowing limited sale of ivory. He highlighted amendments resulting from the African dialogue meeting (Doc.20.1), including: removal of requests for trade in worked ivory; increased measures on when sales can occur; and need for approval from range States and the Secretariat regarding annual sale quotas. TANZANIA, NAMIBIA, SOUTH AFRICA, ZIMBABWE, ZAMBIA, GABON, JAPAN and IWMC-THE WORLD CONSERVATION TRUST underscored balancing elephant protection and rural communities' needs and supported sustainable utilization of resources. KENYA questioned the legitimacy of the outcomes of the dialogue meeting, and with CONGO, TOGO, MALAWI and MALI, urged further development of MIKE. CONGO and TOGO stressed capacity building for elephant conservation, while GHANA and MALI noted the need for conservation funding. GHANA, ERITREA, SIERRA LEONE, TOGO and MALI expressed concern for West African elephant populations.

KENYA and the EU expressed concerns that reopening ivory trade could send a wrong signal to illegal trades, and with SAVE THE ELEPHANTS, stressed MIKE baseline information. The US opposed annual sale quotas, but supported a one-time sale contingent upon the operationalization of MIKE and its ability to establish baseline data, improvement of national legislation and enforcement, and Standing

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Committee oversight in ensuring zero or minimum impact of sale. BOTSWANA requested suspension of the discussion, pending consultation with other southern African States and a written copy of the US proposal.

COMMITTEE II

ESTABLISHMENT OF COMMITTEES: Implementation

Measures: The US introduced the outcomes from the working group on implementation and reported on a draft decision on technical implementation measures (Com.II.Rep.3), which delegates adopted by consensus.

CITES COOPERATION WITH FAO: The US and JAPAN jointly introduced the draft decision regarding the establishment of a Memorandum of Understanding (MOU) between CITES and FAO, directing the Standing Committee to work with FAO in drafting the MOU, and establishing a cooperation framework to be presented for consideration at the 25th meeting of the FAO Committee of Fisheries and the 49th Standing Committee meeting. CANADA, NICARAGUA and the INTERNATIONAL COALITION OF FISHERIES ASSOCIATIONS supported the proposal. AUSTRALIA, supported by CETA-CEAN SOCIETY INTERNATIONAL, the INTERNATIONAL ENVIRONMENTAL LAW PROJECT, and others, requested clarification of "aquatic species." ARGENTINA suggested recognizing the role of States in fisheries management. On FAO's role in fisheries management, the EU suggested language on "facilitating and securing long-term sustainable development and utilization of the world's fisheries and agriculture." He also suggested that the Standing Committee's 49th meeting should address the issue "if possible." The RUSSIAN FEDERATION, supported by JAPAN, amended language referring to the roles of CITES and FAO. FAO noted the draft's financial implications. DEFENDERS OF WILDLIFE suggested allowing more time for the Standing Committee to consider the matter.

The Committee opposed Argentina's suggestion to include a reference to the role of States in the draft decision, and the EU's and the Russian Federation's proposals to amend language on FAO's and CITES' roles. Delegates agreed that the Standing Committee should address the issue at their 49th meeting "if possible." The decision was approved by consensus.

SUSTAINABLE USE: Delegates addressed a draft resolution on sustainable use of and trade in CITES species (Com.II.3). AUSTRALIA and the US opposed preambular language on listing species based on best scientific advice, and on difficulties in deleting or downlisting species. Delegates voted against deleting such references. The US opposed language on the risk of using trade restrictions as protectionist measures under the cover of scientific uncertainty. The Committee retained the reference. The US, the EU and MEXICO said the resolution is redundant. In a roll-call vote called for by Norway, the Committee opposed the draft resolution, with 11 in favor, 42 against and 32 abstentions.

ECONOMIC INCENTIVES: Delegates opposed Brazil's proposal to include language reaffirming that CITES Article XIV would not negatively affect conservation of CITES listed-species and developing countries' access to markets. The Committee then voted against the draft resolution on positive economic incentives and trade policy (Com.II.1).

FINANCING SPECIES CONSERVATION: The Committee approved text proposed by Antigua and Barbuda (Com.II.2), as amended by the EU. Delegates also accepted a US suggestion that government budgetary allocations be provided "where possible."

COMPLIANCE: Delegates continued discussion on compliance (Doc.26) and the Secretariat's proposal to draft a set of guidelines on compliance to be considered by the Standing Committee at its 49th meeting. JAPAN noted the strength of CITES' compliance procedure as compared to other conventions and, with others, opposed financial penalty and measures excluding or suspending Parties' rights. CHINA and MEXICO stressed capacity building for ensuring compliance. NORWAY highlighted the need to balance compliance, capacity building, and cooperation with States. He also stressed that reducing the budget would be detrimental for compliance, especially in developing countries. The DAVID SHEPHERD FOUNDATION endorsed the Secretariat's recommendations related to trade restrictions and non-compliance measures, including Parties' rights restrictions and financial penalties. The Committee agreed by consensus that the Secretariat should draft guidelines on compliance for consideration by the Standing Committee. Delegates also accepted two proposals by Fiji: a capacity-building workshop for the Oceania region, subject to availability of funds; and a capacity-building initiative to improve the Convention's implementation in Fiji.

ENFORCEMENT: The Secretariat introduced the document on enforcement matters (Doc.27). Regarding the draft decision on an expert meeting on communication of enforcement-related information, he suggested adding language on coordination of investigations concerning Convention violations, and on confidentiality regarding law enforcement information. He noted informal discussions on securing financial assistance to avoid budgetary implications. Many delegates supported the draft decision on the expert meeting. The US offered exploring financial means of convening the meeting, and urged careful handling of confidential information. The EU noted that the meeting should include experts from governmental enforcement agencies. IFAW appreciated the recognition of NGOs' role in assisting enforcement agencies and requested invitation to the expert meeting. The DAVID SHEPHERD FOUNDATION called for wider access to information for Parties and NGOs. The Committee approved the draft decision by consensus.

IN THE CORRIDORS

As animal rights protesters pounded their drums and made their voices heard from outside the convention center, delegates inside debated Botswana's elephant proposal with equal passion; so much that it will take another session or two to review all related proposals. Several range States and supporters made their case for allowing limited ivory sales, while others reacted with skepticism. Following the discussion, some delegates expressed frustration that many of the same arguments from past COPs kept cropping up, thus prolonging the debate. To move the discussions along, a couple of countries signaled support for one-off sales contingent upon several factors, including the establishment of baseline data, while others questioned how much longer they should have to wait for such data. As the discussion rages on, some wonder if agreement on the issue will be reached at this COP.

THINGS TO LOOK FOR TODAY

PLENARY: A special Plenary session will convene at 10.30 am in Conference Room 1 to welcome the President of Chile and finalize discussion of statements from representatives of other conventions.

COMMITTEE I: Committee I will meet at 9:00 am, 2:00 pm, and 7:00 pm in Conference Room 1 to continue its deliberation on the elephant proposals, and other amendments to the Appendices.

COMMITTEE II: Committee II will meet at 9:00 am and 2:00 pm in Conference Room 2 to discuss cooperation with the International Whaling Commission, the Plants Committee's recommendations, financing, and national laws for implementation.