



## CITES COP-12 HIGHLIGHTS: FRIDAY, 8 NOVEMBER 2002

A Plenary session met in the afternoon to discuss establishment of committees and hear statements from other conventions. Committee I continued consideration of amendments to the Appendices and discussed captive-breeding operations, while Committee II discussed resolution review, annual and biennial reports, vicuña wool exports, compliance, sustainable use and economic incentives. Working groups on budget, criteria, revision of resolutions, and personal effects met in evening sessions.

### PLENARY

Regarding establishment of committees (Doc.13.1, 2 and 3), Committee II Chair Delahunt reported that the Committee recommended maintaining the permanent committee structure and its representation, and noted ongoing discussion on a new process for consideration of implementation issues. Plenary approved the Committee's recommendations.

Delegates then heard statements from representatives of other conventions and agreements. The Convention on Migratory Species (CMS) noted the existing Memorandum of Understanding (MOU) with CITES and urged Parties to account for CMS decisions related to marine mammals and cetaceans in order to ensure consistency. UNEP's CARIBBEAN ENVIRONMENT PROGRAMME highlighted the Cartagena Convention for the Protection and Development of the Marine Environment of the wider Caribbean region. UNEP, on behalf of the Convention on Biological Diversity (CBD), stressed the need for stronger links with CITES and identified CBD's thematic work programmes as an area for collaboration. UNEP, on behalf of the UN Forum on Forests (UNFF) noted that UNFF-3 would address issues of interest for CITES. The GLOBAL TIGER FORUM highlighted work on tiger conservation and relationship with CITES. The LUSAKA AGREEMENT, dealing with enforcement operations against illegal trade in wild fauna and flora, highlighted a MOU with CITES and their capacity-building programmes. Stressing the consequences of chemical and pesticide pollution on wildlife, the RUSSIAN FEDERATION called for collaboration with relevant conventions. The EU said it would submit a draft decision on future cooperation with the CMS for Committee II consideration. Regarding cooperation with the CBD, the EU stressed that access and benefit-sharing should be pursued through enforcing national legislation and international obligations before delivering CITES permits. JAPAN noted that the CMS lists whale species regardless of their conservation status and that decisions on marine living resources should be based on scientific information.

### COMMITTEE I

#### PROPOSALS TO AMEND APPENDICES I and II: Minke

**and Bryde's Whales:** JAPAN introduced its proposals to transfer northern hemisphere stocks of *Balaenoptera acutorostrata* (minke whales) and north Pacific stocks of *B.edeni* (Bryde's whales) from Appendix I to II (Prop.12.4 and 12.5). He highlighted provisions addressing concerns expressed at COP-11 and requested an amendment to clarify the proposals' objectives to allow trade "by Parties" to the International Convention for the Regulation of Whaling, rather than trade "between Parties." Delegates decided that the amendment would increase the scope of the original proposals.

Stating that there was no scientific basis for an Appendix I listing, GREENLAND, BENIN, CUBA, DOMINICA, GRENADA, COTE D'IVOIRE, SENEGAL, ZIMBABWE, the AFRICA RESOURCES TRUST and others, supported Japan's proposals. They highlighted that stocks are robust and, with GABON, BOTSWANA and the IWC World Conservation Trust, encouraged sustainable use. Also supporting the proposals, ANTIGUA AND BARBUDA underscored the livelihoods of poor coastal populations, and UGANDA emphasized economic valuation for effective conservation. NORWAY and ICELAND supported the proposals, but with the RUSSIAN FEDERATION, raised concerns that the proposals' annotations present implementation challenges and impose trade restrictions.

On the relationship between CITES and the International Whaling Commission (IWC), ICELAND said the IWC moratorium had no scientific basis. PAKISTAN stressed that CITES should be led by its own criteria. GRENADA stated that whales should not be considered under CITES, if whale-related issues continue to be deferred to the IWC. The Secretariat confirmed the IWC's designated role in dealing with whales and, with BRAZIL, stated that the proposals undermine that role.

CANADA, the EU, GEORGIA, MEXICO, INDIA, MONACO, KENYA, CHILE, ISRAEL, the US, the INTERNATIONAL ENVIRONMENTAL LAW PROJECT and others, opposed the proposals, indicating that downlisting would cause enforcement problems. AUSTRALIA outlined implementation problems in distinguishing robust from endangered whale stocks. FIJI questioned the number of whales culled for research and invited Japan to analyze its data. The INTERNATIONAL FUND FOR ANIMAL WELFARE notified that whale meat from endangered species was being sold on the marketplace, and the WORLD WILDLIFE FUND FOR NATURE raised scientific and legal concerns in the proposals.

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In two separate secret ballot votes requested by Japan, both proposals failed to reach two-thirds majority. The vote on downlisting the minke whale received 41 in favor, 54 against, and five abstentions, while the vote on downlisting the Bryde's whale garnered 43 in favor, 63 against, three abstentions and two spoiled votes.

**REGISTERING CAPTIVE-BREEDING OPERATIONS:** The Secretariat introduced two proposals to register commercial captive-breeding operation for Appendix I animal species (Doc.55.2). Regarding South Africa's application to register an operation for cheetahs (*Acinonyx jubatus*), Kenya and the US withdrew their written objections and the proposal was accepted. The UK requested registering a captive-breeding operation in the Cayman Islands for green turtles (*Chelonia mydas*), with written objections received from Israel and the US. Supporting the proposal, JAPAN noted the success of the breeding facility and its positive conservation impact, and INDONESIA stated that it met the requirements for inclusion. ISRAEL, the US, COSTA RICA, MEXICO, NICARAGUA, BARBADOS, FIJI and SAUDI ARABIA opposed the proposal. Delegates raised concerns regarding, *inter alia*: lack of compliance with Resolution Conf. 11.14 on: procedural guidelines; enforcement problems; insufficient information on animal source; and possible mixing with wild stocks. With 38 votes in favor, 24 against and 48 abstentions, the proposal failed to obtain the required two-thirds majority.

## COMMITTEE II

**RESOLUTION REVIEW:** Delegates continued discussion on resolutions to be repealed (Doc.21.1.1 Annex 1). Following a suggestion by MEXICO, the Committee agreed to maintain specific provisions of Resolution Conf.1.5 (Rev.) on interpretation and implementation. The Committee accepted repealing the resolutions as suggested by the Secretariat and endorsed Annex 1 as amended. The draft decision inviting the Secretariat to correct references to resolutions (Doc.21.1.1 Annex 2) was approved without debate.

### ANIMALS COMMITTEE RECOMMENDATIONS:

Regarding the recommendation to repeal Decision 11.91 on reviewing the conservation of and trade in the Black Sea bottlenose dolphin, ISRAEL suggested maintaining parts of the decision. Animals Committee Chair Hoogmoed noted the IWC is examining the issue, and delegates decided to repeal the decision.

**ANNUAL REPORTS:** The Secretariat presented its report on annual reports (Doc.22.1), recommending, *inter alia*, review of reporting requirements and establishment of a reporting working group. GUINEA, SENEGAL, SIERRA LEONE and FIJI noted the importance of capacity building for enhancing reporting in developing countries. Delegates accepted the suggested amendments to Resolution Conf. 11.17 on annual reports, with minor modifications.

Regarding the draft decision on the resolution's implementation, delegates agreed that the Standing Committee should review the reporting requirements. The US suggested, but delegates opposed, to not review late or non-submitted reports. CANADA suggested, and delegates accepted, reviewing cost-effective measures for implementation. The Committee approved the required actions, supporting decisions on measures for late or non-submitted reports.

**BIENNIAL REPORTS:** The Secretariat introduced the document on biennial reports (Doc.22.2). SENEGAL, GUINEA and the DAVID SHEPHERD FOUNDATION suggested including required information in annual reports to reduce the reporting burden on Parties. The EU stressed using the reports to assess EU member states' compliance with legislation on CITES. Delegates approved the Secretariat's recommendations, and tasked the Standing Committee to further address the issue.

**VICUÑA:** On exports of vicuña wool and cloth (Doc.24), the Secretariat presented information provided by CITES exporting Parties on quantity of exported products, animals sheared, and local populations. Delegates accepted the report.

**COMPLIANCE:** The Secretariat presented the document on compliance (Doc.26). FIJI stressed the need for transparency and consultation in the compliance procedure. The EU drew attention to the compliance mechanism developed under the Aarhus Convention.

**FINANCING SPECIES CONSERVATION:** The Committee continued its discussion on financing species conservation (Doc.19). ANTIGUA AND BARBUDA presented, and the RUSSIAN FEDERATION supported, amendments to the draft decision, suggesting the inclusion of "sustainable international trade" and "capacity building for developing countries and countries with economies in transition." Chair Delahunt asked the Secretariat to produce a printed text of the amendments, and postponed further discussion until Monday.

**SUSTAINABLE USE:** NORWAY reported on the working group's outcome, noting some progress despite failure to present a revised text. He introduced amendments to the proposal (Doc.17), including: CITES cooperation with the CBD and FAO to harmonize the principle's interpretation to ensure sustainable international trade; application of the listing criteria in a manner that supports sustainable use, taking into account sustainable trade and sustainable development; and development of more effective review mechanisms of the Appendices. Delegates will decide on the amended proposal on Monday.

**ECONOMIC INCENTIVES:** The Committee continued discussions on economic incentives and trade policy (Doc.18). ARGENTINA, UGANDA and BRAZIL opposed the US proposal to delete reference to "perverse economic incentives," but agreed to change "perverse" to "negative." The US suggested, and delegates agreed, deleting reference to stricter domestic measures. The EU suggested, and delegates agreed, to insert an additional preambular paragraph reaffirming CITES Article XIV on domestic legislation and international conventions. BRAZIL proposed including a new preambular paragraph reaffirming that CITES Article XIV would not negatively affect conservation of CITES listed-species and developing countries' access to markets. CHINA supported, the US opposed, and the EU made reservations to the proposal. Chair Delahunt postponed discussions pending consultation between the EU and BRAZIL.

## IN THE CORRIDORS

Deliberations on more controversial issues commenced today with the consideration of Japan's proposals to downlist minke and Bryde's whales. Not surprisingly, anti-whaling nations applauded the outcome of the votes, noting that it indicated a trend of waning support for Japan's whale-related proposals. Several delegates observed that despite attempts to incorporate provisions to address concerns expressed at COP-11, Japan did not garner more support this time around and in fact had distanced some pro-whaling nations. Although supporting the proposals, pro-whaling nations raised reservations, stating that the precautionary measures taken by Japan went too far in its restrictions and were a hindrance to international trade. One pro-whaling nation also expressed disappointment that emotions were taking precedence over science, and commented that interventions by anti-whaling nations were not appropriate for this Convention. Although there is a chance that the issue can be re-opened in Plenary, some representatives doubted that there would be sufficient support for the proposal to succeed.

## THINGS TO LOOK FOR TODAY

**REGIONAL GROUPS:** Regional groups will meet at 9:00 am.

**COMMITTEE I:** Committee I will meet at 2:00 pm in Conference Room 1 to consider elephants and sharks, and continue its consideration of proposals for amendment of Appendices I and II.

**COMMITTEE II:** Committee II will meet at 2:00 pm in Conference Room 2 to consider, *inter alia*, cooperation with the FAO, compliance, enforcement, national laws for implementation, finalize discussions on economic incentives and trade policy, and financing species conservation.