



## SUMMARY OF THE TWELFTH CONFERENCE OF THE PARTIES TO THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA: 3-15 NOVEMBER 2002

The twelfth Conference of the Parties (COP-12) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) convened from 3-15 November 2002, in Santiago, Chile, drawing together approximately 1,200 participants representing governments, intergovernmental and non-governmental organizations. Delegates at COP-12 considered 60 proposals and over 60 resolutions on a range of topics, including, *inter alia*, strategic and administrative matters, implementation of the Convention, and consideration of proposals for amendment of Appendices I and II.

Delegates' assessments of COP-12 were mixed. Many applauded the listing of seahorses, basking and whale sharks, and Bigleaf mahogany, and rejection of the proposals to downlist populations of minke and Bryde's whales, but also expressed disappointment with the withdrawal of a listing proposal for the Patagonian toothfish. Results on elephants were divided, with some in favor of a restricted one-off ivory sale, while others supported an Appendix I listing. As with previous COPs, the outcomes reflected the underlying conflicts within CITES between balancing conservation and trade.

### A BRIEF HISTORY OF CITES

During the 1960s, countries became increasingly aware that over-exploitation of wildlife through international trade was contributing to the rapid decline of many species of plants and animals around the world. CITES was drafted as a result of a resolution adopted in 1963 at a meeting of members of IUCN (The World Conservation Union) and furthered at the UN Conference on the Human Environment, which was held in Stockholm, Sweden, in June 1972. The text of the Convention was agreed at a meeting of representatives of 80 countries in Washington, DC, on 3 March 1973, and on 1 July 1975, CITES entered in force. There are currently 160 Parties to the Convention.

CITES conservation goals are to: monitor and stop commercial international trade in endangered species; maintain species under international commercial exploitation in an ecological balance;

and assist countries towards sustainable use through international trade. The mechanisms by which CITES Parties regulate wildlife trade are through controls and regulations on species listed in three Appendices. Appendix I lists species endangered due to international trade. Trade of such species is permitted only in exceptional circumstances. Appendix II species require strictly regulated trade based on quotas and permits to prevent their unsustainable use, and controls aimed at maintaining ecosystems and preventing species from becoming eligible for Appendix I. Appendix III species are subject to domestic regulation by a Party who requests the cooperation of other Parties to control international trade in that species. In order to list a species, a Party needs to submit a proposal for COP approval containing scientific and biological data on population and trade trends. The proposal must be supported by a two-thirds majority vote of Parties present at a COP. There are approximately 5,000 fauna species and 25,000 flora species protected under the three CITES Appendices. As the trade impact on a species increases or decreases, the COP decides whether or not the species should be shifted between or removed from Appendices.

CITES also regulates international trade of species through a system of permits and certificates that are required before specimens enter or leave a country. Each Party is required to adopt national legislation and to provide official designation of a Management Authority responsible for issuing these permits and certificates based on the advice of a designated Scientific

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Authority. These two designated national authorities also assist with CITES enforcement through cooperation with customs, police, or other appropriate agencies. Parties maintain trade records that are annually forwarded to the CITES Secretariat, the sum of which enables the Secretariat to compile statistical information on the world volume of trade in Appendix species.

**COP-11:** The eleventh Conference of the Parties (COP-11) convened in Nairobi, Kenya, from 10-20 April 2000. COP-11 considered 61 proposals to amend the CITES Appendices. The two working committees of the meeting discussed 59 other documents.

Committee I addressed, *inter alia*: the procedure for the review of criteria for amendment of Appendices I and II; quotas for species in Appendix I; conservation of and trade in rhinoceroses and elephants; trade in freshwater turtles, seahorses, bigleaf mahogany and hard coral; transport of live animals; and proposals to amend Appendices I and II. Committee II addressed, *inter alia*: the relationship between CITES and the Food and Agriculture Organization (FAO) and the International Whaling Commission (IWC); national reports; law and enforcement; ranching; measures to ensure sustainable use of significantly traded plants and animals; trade in bear specimens; bushmeat; a universal labeling system for sturgeon specimen identification; and the CITES information management strategy.

### COP-12 REPORT

COP-12 commenced with an opening ceremony on Sunday, 3 November 2002. CITES Secretary-General Willem Wijnstekers highlighted CITES upcoming 30th anniversary and welcomed the recent ratification of two new Parties, bringing the number of CITES Parties to 160. He thanked Parties for the contributions made to the trust fund, but stressed the difficulties involved in fulfilling CITES expectations with a limited budget. He added the need to make CITES simpler, cheaper and more effective.

UNEP Executive Director Klaus Töpfer said that wildlife conservation is a precondition for reducing poverty and achieving sustainable development. He highlighted the need to combine conservation and wise use of wildlife, eliminate illegal trade, and secure financial resources for their protection. He stressed the need to consider how CITES activities will contribute to achieving World Summit on Sustainable Development (WSSD) targets and the Millennium Development Goals. He also addressed: civil society participation; the interrelation between biological and cultural diversity; and the need for harmonization of reporting systems of biodiversity-related conventions, and inter-linkages and synergies between multilateral environment agreements (MEAs).

CITES Standing Committee Chair Kenneth Stansell (US) pointed out that CITES has proven to be flexible, resilient and able to cope with global challenges, and said that the principles found in the CITES preamble should serve as a common bond for Parties to move forward.

Chilean Agriculture Minister Jaime Campos welcomed delegates on behalf of Chilean President Ricardo Lagos. He said that economic growth is compatible with environmental protection and that Chile's environmental policy ensures the sustainable use of natural resources for sustainable development. He stressed the need to ensure scientific input and financial resources, and urged CITES involvement with marine resources, particularly with fisheries activities. Minister Campos also highlighted the role of trade in eradicating poverty and achieving sustainable consumption and production patterns, and noted CITES' challenge in balancing trade with environmental sustainability.

### ORGANIZATIONAL MATTERS

On Monday morning, 4 November, Standing Committee Chair Kenneth Stansell introduced, and delegates adopted, the meeting's rules of procedure (Doc.1.1 (Rev.1)) and revision of the rules of procedure (Doc.1.2), following a discussion on voting methods (Rule 25). Chile, supported by Australia and the US, proposed that the vote on the secret ballot motion be decided by one-third of the Parties to encourage transparency, while South Africa, Namibia, Guinea, China, Cuba and Antigua and Barbuda opposed the revision, stating that secret ballots allow Parties to vote freely. Denmark, on behalf of the EU, proposed that the Standing Committee should examine existing rules of procedures and practices of the use of secret ballots in comparable international processes.

The Plenary adopted the agenda (Doc.3 (Rev.2)) and work programme (Doc.4 (Rev.1)), following several amendments. Kenya proposed jointly discussing revision of Resolution Conf.10.10 (Rev.) on trade in elephant specimens (Doc.34.3), quotas and trade in ivory (Doc.34.4), results of the African elephant dialogue meeting (Doc.20.1), and all Appendix I and II proposals related to elephants and ivory trade. The Secretariat suggested, and delegates agreed, that the COP Bureau should discuss with the Committee Chairs whether to address all elephant decisions in one committee. The US suggested, and delegates agreed, that the amendment of Appendices with regard to populations (Doc.59) and criteria for amendment of Appendices I and II (Doc.58) should both be discussed in Committee I.

The Plenary elected: Sergio Bitar (Chile) as COP-12 Chair; David Morgan (UK) as Committee I Chair; and Anne-Marie Delahunt (Australia) as Committee II Chair. Uganda and the US were nominated as COP Vice-Chairs. Manop Lauprasert (Thailand) was nominated as Credentials Committee Chair, with Botswana, Canada, Chile and Italy nominated to serve on the Credentials Committee.

The Secretariat introduced, and the Plenary adopted, the list of observers (Doc.7), which includes 17 intergovernmental, 53 international and 68 national organizations.

During the course of the meeting, delegates met in ten Plenary sessions to discuss strategic and administrative matters and to hear statements from representatives of other Conventions. On Tuesday, 5 November, delegates divided into Committees I and II.

Committee I, chaired by David Morgan (UK), met in 15 sessions to address, *inter alia*, quotas for Appendix I species, transport of live animals, and proposals to amend Appendices I and II. Committee II, chaired by Anne-Marie Delahunt (Australia), met in 16 sessions to address, *inter alia*: establishment of committees, economic incentives, cooperation with other conventions and the 2003-2005 budget. Several working groups were convened on sustainable use, criteria, captive-breeding operations, revision of resolutions, personal effects, export quotas, economic incentives, implementation, and budget.

The following is a summary of proposals and resolutions considered at COP-12, according to the meeting's agenda.

### STRATEGIC AND ADMINISTRATIVE MATTERS

#### COMMITTEE REPORTS: Standing Committee Report:

On Monday, 4 November, Standing Committee Chair Stansell presented the Chair's Report (Doc.8), and highlighted: the success of the Review of Significant Trade, especially with regard to Caspian Sea sturgeon; an alternative approach to monitoring the conservation of specific species; the Committee's reluctance to



recommend revisions of Resolution Conf. 11.3 on compliance and enforcement; and its work with the finance subcommittee on the Convention's financial situation.

**Animals Committee:** On Monday, 4 November, Animals Committee Chair Marinus Hoogmoed (the Netherlands) presented the Committee's report (Doc.10.1). He noted the lack of progress in implementing the International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks). He said that trade in alien species is an area of common interest between CITES and the Convention on Biological Diversity (CBD), and recommended support to the CBD interim guiding principles on alien species. On captive breeding of Appendix I species for commercial purposes, the Committee concluded that all Appendix I species should be covered by the new resolution and on trade in hard corals agreed to place greater emphasis on the impacts of coral harvesting. He also recommended approval of annual budgets for the next triennium.

On Thursday, 7 November, the Committee considered recommendations to repeal COP decisions contained in the Animals Committee report (Doc.10.1), including: Decision 11.92 on musk deer; 11.93 and 11.95 on tortoise and freshwater turtles and Acipenseriformes; 11.96 on conservation of sturgeon and paddlefish; 11.103 to 11.105 on trade in time-sensitive research samples; 11.98 and 11.99 on trade in hard corals; 11.91 on Black Sea bottlenose dolphin; and 11.97 on trade in seahorses and other members of the *Syngnathidae* family. On Thursday, 14 November, Plenary accepted the Animals Committee's recommendation (Doc.10.1) to repeal Decisions 11.91, 11.92, 11.93, 11.95, 11.96, 11.103-11.105, 11.98, and 11.99.

**Plants Committee:** On Monday, 4 November, Plants Committee Chair Margarita Clemente (Spain) presented the Committee's report (Doc.10.2). She highlighted a US contribution of US\$45,000 that allowed the Committee to conclude some of its tasks. She also outlined the Committee's major issues and recommendations, and the Committee's work programme until COP-13. Regarding funding issues, she suggested that all proposed COP decisions directed to the Committees, be discussed concurrently with an evaluation of the budget, and called for additional funds. She expressed the Committee's concern over the proposal to merge the Plants and Animals Committees. On Thursday, 7 November, Chair Clemente outlined the report's suggestions to retain Decisions 11.114 on *Guaiacum* spp., 11.115 on trade in alien species, and 11.118 on annotations for medicinal plants in the Appendices. Committee II approved the above recommendations.

On Tuesday, 12 November, the Secretariat introduced, and delegates accepted, the Plants Committee's recommendations, including: regional reports; its members' duties; work on *Aquilaria* spp.; links with the CBD on alien species; periodic review of the Appendices; and significant trade. On Thursday, 14 November, Plenary accepted the Plants Committee's recommendation (Doc.10.2) to repeal: Decisions 11.111 on the biological and trade status of *Hapragophytum*; 11.112 and 11.113 on *Aquilaria*; 11.116 on periodic review of Appendices, 11.117 on implementation of Resolution Conf. 8.9 (Rev.), but to retain Decisions 11.114, 11.115 and 11.118.

**Nomenclature Committee:** Animals Committee Chair Hoogmoed presented the Nomenclature Committee's report (Doc.10.3), proposing the adoption of the following standard references: Handbooks of the Birds of the World for *Psittaciformes* and *Trochilidae*; a final checklist of nomenclature and taxonomy for the genus *Cordylus*; and a CITES species checklist compiled by UNEP. Noel McGough, Nomenclature Committee, presented the Committee's Report on Flora and recommended that fungi be considered under

CITES. With the exception of Japan, delegates agreed to the fungi proposal. The Plenary supported the Secretariat's recommendation to adopt the CITES species checklist as standard reference for animals.

**IDENTIFICATION MANUAL:** On Monday, 4 November, the Secretariat introduced the Identification Manual (Doc.11), encouraging Parties to provide missing data and prioritizing the manual's inclusion on the CITES website.

**FINANCING AND BUDGET:** On Thursday, 7 November, the Secretariat introduced the 2003-2005 budget (Doc.9.1(Rev.1)), noting that the draft budget represents a 15% cost reduction compared to the 2000-2002 budget, but still requires a 12% increase in Parties' contributions to cover estimated expenses. The Secretariat recommended, and delegates agreed to: enabling the Secretary-General to make transfers from one budget item to another at a maximum of 20% of the annual amount; using US dollars for budget estimates; and changing the two- and three-year budget periods to a three-year period, with the discontinuation of medium-term budgets. Standing Committee Chair Stansell suggested, and Parties agreed, to invite the Standing Committee to present a recommendation on the triennium budget process at COP-13. Denmark, Norway, Tanzania, the UK and South Africa supported the proposed 12% increase in Parties' contributions, while Japan, Switzerland, Mexico, Canada and France opposed. Delegates also discussed options for cost reduction, including: no longer providing printed documents to delegates prior to CITES meetings; organizing web-based training courses; and convening Animals and Plants Committees simultaneously. A budget working group, chaired by Canada, was established to consider alternative budget options.

On Tuesday, 12 November, Canada presented the working group's budget recommendations (Com.II.5) on: budget guidelines; future budget strategies; and budget options based on a 0% or 6% increase.

Regarding the scale of contributions for the triennium 2003-2005 (Doc.9.1 (Rev.1)), Argentina suggested, and delegates agreed, to note some Parties' economic difficulties and the need for flexibility regarding the UN assessment scale. The amended draft resolution (Doc.9.1 (Rev.1) Annex 5) was adopted by consensus in Committee II, and the resolution (Com.II.8) was adopted in Plenary on Thursday, 14 November.

**Final Outcome:** The resolution on financing and budgeting, *inter alia*: approved the 2003-2005 budget of US\$14,181,000; decided on a 6% budget increase in annual contributions; requested the Secretariat to identify items requiring external budgetary resources; and requested the Standing Committee to develop future budget containment strategies.

**ACTION PLAN REVISION:** On Tuesday, 5 November, the Secretariat introduced the revision of the Convention's Action plan (Doc.12). He outlined an intersessional working group's recommendations to assign a subcommittee to review the Action Plan for the Strategic Plan, identify necessary changes, and develop an evaluation tool or strategy to evaluate the Strategic Plan's goals. After a discussion on ensuring adequate review and adoption of policies and legislation that may have an impact on species conservation or CITES implementation, and on facilitating exchange of information, the Plenary endorsed the revised Action Plan.

**ESTABLISHMENT OF COMMITTEES:** On Tuesday, 5 November, Chile proposed that the Animals and Plants Committees' regional representation should be identical to the Standing Committee's (Doc.13.1). Many delegates supported the proposal, but some expressed concerns about its financial implications.



The US introduced its proposal on enhancing implementation of the Convention (Doc. 13.2), which includes: maintaining the Animals and Plants Committees with a joint implementation subcommittee; establishing implementation subcommittees under the Animals and Plants Committees; or consolidating the Animals and Plants Committees under a single scientific committee and establishing an administrative and policy-making committee.

The Secretariat introduced the review of the committee structure (Doc.13.3), which included two options: maintaining the Standing Committee and creating a scientific committee to replace the Animals and Plants Committees; or maintaining the Standing Committee and creating a scientific committee and an implementation committee. Delegates opposed the creation of a scientific committee to replace the existing committees. Australia suggested creating a subcommittee under the Animals and Plants Committees to deal with implementation issues. Delegates agreed to establish a working group, chaired by the US, to consider implementation issues under the Convention's existing structure.

On Monday, 11 November, the US presented a draft decision on technical implementation measures (Com.II Rep.3), which Committee II adopted by consensus. Plenary adopted the decision on Thursday, 14 November.

**Final Outcome:** The decision on technical implementation measures (Com.II Rep.3) directs the Standing Committee to identify the categories of technical implementation issues, and establish and implement a process to act as a clearinghouse to direct those issues to the appropriate body. It directs the Animals and Plants Committees to continue work on science-related implementation issues, and develop recommendations to assist the Standing Committee.

**CONVENTION TITLE:** On Tuesday, 5 November, Committee II discussed the Convention's title (Doc.14 (Rev.1)). Secretary-General Wijnstekers noted that the proposed amended subtitle (CITES - Convention on Trade in Wild Flora and Fauna) attempts to better reflect the Convention's content and addresses difficulties related to listing commercial timber and fish species. The EU, the Russian Federation and Saint Lucia opposed, and the proposal was withdrawn.

**WSSD OUTCOMES:** On Monday, 4 November, delegates heard statements on WSSD outcomes and consequences for CITES. Secretary-General Wijnstekers noted that there was no decision on international environmental governance at the WSSD and that issues such as the need to reduce the number of MEA meetings and the need to create fewer subsidiary bodies were relevant to CITES.

UNEP Executive Director Klaus Töpfer highlighted the importance of the WSSD, particularly, its Plan of Implementation, the Johannesburg Declaration and the Type II outcomes. He also noted the UNEP Governing Council's decision to create a ministerial working group to discuss international environmental governance, and underlined the WSSD target to achieve a significant reduction in the current rate of biodiversity loss by 2010.

The IUCN suggested enhancing synergies with other agreements and facilitating cooperation at the international and national level. Japan highlighted the target of maintaining or restoring depleted fish stocks by 2015, while Nigeria drew attention to partnerships on protecting the coastal and marine environment.

**COOPERATION WITH OTHER ORGANIZATIONS:**  
**CCAMLR:** On Wednesday, 13 November, Chile introduced its document (Doc.16.1) and resolution (16.1 Annex (Rev.1.)) on the cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

regarding the Patagonian toothfish trade. He outlined amendments urging Parties to adopt CCAMLR's Catch Document System (CDS), instructing the Secretariat to compile and verify CDS reports, and inviting CCAMLR to consider further cooperation with CITES. Australia and others supported increased cooperation with CCAMLR, recognizing its principal role in toothfish conservation. The amended resolution was adopted by the Committee following suggestions by the Secretariat to change time-bound elements of the resolution to decisions.

**FAO:** On Monday, 11 November, the US introduced a draft decision, prepared jointly with Japan, regarding the establishment of a Memorandum of Understanding (MOU) between CITES and the UN Food and Agriculture Organization (FAO) (Doc.16.2.1 and 16.2.2.Addendum). Norway and Sweden said that cooperation in the production and dissemination of species identification and distribution manuals should be reflected in the MOU's terms of reference. FAO noted that positive cooperation with CITES had been established and that future cooperation could be envisaged on scientific evaluation of listing proposals, capacity building and enforcement. He also noted that financial implications of a future MOU would need consideration. The draft decision directs the Standing Committee to work with FAO in drafting the MOU and establishes a cooperation framework to be presented for consideration at the 25th meeting of the FAO Committee of Fisheries, and if possible, at the 49th Standing Committee meeting. The decision was approved by consensus.

**Inter-American Convention:** On Thursday, 7 November, Ecuador introduced its proposal on cooperation with the Inter-American Convention for the Protection and Conservation of Sea Turtles (Doc.16.3) that entered into force in 2001. Antigua and Barbuda proposed, and delegates agreed, to defer any further consideration of this issue.

**IWC:** On Thursday, 7 November, Mexico introduced its proposal on cooperation between CITES and the International Whaling Commission (IWC) (Doc.16.4), suggesting that discussions on the issue be carried out after considering a Japanese proposal to downlist two whale species. Mexico withdrew its proposal in Committee II on Thursday, 14 November, concurrently with Japan's withdrawal of its proposal on abundant cetacean stocks (Doc.38).

**SUSTAINABLE USE:** On Wednesday, 6 November, Norway introduced its proposal on sustainable use of and trade in CITES species (Doc.17), noting Resolution Conf. 8.3 on benefits of trade in wildlife. He said that CITES implementation should be harmonized with the CBD through guidelines on defining sustainable use. On the "sunset clause" for automatic review of CITES Appendices, he clarified that it refers to species not threatened by trade.

On Friday, 8 November, Norway introduced amendments to the proposal, including: CITES cooperation with the CBD and FAO to harmonize the principle's interpretation to ensure sustainable trade; application of the listing criteria in a manner that supports sustainable use; and taking into account sustainable trade and sustainable development.

On Monday, 11 November, delegates addressed a draft resolution on sustainable use of and trade in CITES species (Com.II.3). Australia and the US opposed preambular language 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. In a roll-call vote called for by Norway, the Committee opposed the draft resolu-



tion, with 11 in favor, 42 against and 32 abstentions. On Friday, 15 November, Plenary rejected a draft resolution (Com.II.3) on sustainable use of and trade in CITES species.

**ECONOMIC INCENTIVES:** On Wednesday, 6 November, the Secretariat introduced a document on economic incentives and trade policy (Doc.18), encouraging the use of social and economic incentives at the domestic level, and ensuring synergies with relevant MEAs and acceptance of CITES measures by the World Trade Organization (WTO). The draft resolution (Doc.18 Annex 1) recommended, *inter alia*, removing incentives that are detrimental to the Convention's implementation. Delegates agreed to include preambular language on the WSSD Plan of Implementation and mutual supportiveness of trade, environment and development, and to delete language on avoiding the application of stricter domestic measures.

On Friday, 8 November, delegates agreed to delete 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 language reaffirming that the article would not negatively affect conservation of CITES-listed species and developing countries' access to markets.

On Monday, 11 November, delegates voted against the draft resolution on positive economic incentives and trade policy (Com.II.1). The amended decision (Doc.18 Annex 2) directs the Secretariat to organize a technical workshop on wildlife trade polices and economic incentives applicable to the management and trade of CITES-listed species.

**FINANCING SPECIES CONSERVATION:** On Wednesday, 6 November, the Secretariat introduced its document on financing conservation of species of wild fauna and flora (Doc.19), which reported on actions taken by Parties and the Standing Committee to implement COP-11 related decisions. The Secretariat proposed two draft decisions (Doc.19 Annex 1): one instructing the Secretariat to review existing and innovative mechanisms for financing species conservation; and another instructing Parties to provide information on best practices for financing species conservation, such as trust funds, government budgetary allocations, user fees, taxes and fines, subsidies, partnerships and international donor aid. The EU supported the draft decisions, while Jamaica, Brazil and Saint Lucia opposed its mandatory language on provision of information. Antigua and Barbuda, opposed by the EU and the Secretariat, proposed amendments to the draft decisions to include sustainable international trade and capacity building for developing countries and countries with economies in transition.

On Monday, 11 November, the Committee approved the text proposed by Antigua and Barbuda (Com.II.2). Delegates also accepted a US suggestion that government budgetary allocations be provided "where possible." On Thursday, 14 November, the Plenary adopted two amended decisions (Com.II.2): one inviting parties to provide the Secretariat with information on best practices methods; and the other requesting the Secretariat to review existing and innovative financing mechanisms and capacity building for developing countries and countries with economies in transition.

**DIALOGUE MEETING REPORTS: African Elephant:** On Tuesday, 5 November, Denis Koulagna Koutou (Cameroon), Chair of the African elephant dialogue meeting, presented the results of meeting, which was held prior to COP-12 (Doc.20.1). He highlighted the compromise reached between range States, with the exception of Kenya, to enable Botswana, Namibia, South Africa and Zimbabwe to sell their legally obtained ivory stocks to finance conservation programmes and benefit local communities. This

agreement further proposed to set a revised annual export quota according to Resolution Conf. 10.10 (Rev.) on domestic manufacturing and trade in elephant specimens.

Kenya highlighted concerns regarding: the process by which consensus was forced; controversies in reviewed studies; lack of means and law enforcement to control the illegal ivory trade in Africa and Asia; implications of reopening the ivory trade; and lack of baseline data from the Monitoring of Illegal Killing of Elephants (MIKE) system. She also called for information on an illegal ivory shipment seized in Japan. Japan replied that there was an ongoing investigation, noted that it would report back on the issue, and urged Parties to respect the outcome of the African dialogue. China highlighted its efforts to control illegal trade in ivory, noting that many in the country wrongly believe that legal ivory trade has resumed.

On Monday, 11 November, 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 include: establishment of a nationwide procedure informing tourists not to purchase ivory if their home countries prohibit ivory imports; urging the Secretariat to assist Parties in improving legislative, regulatory and enforcement measures; and directing the Standing Committee to review actions and report results to each COP. Amendments regarding compliance direct the Secretariat to: identify non-monitoring Parties; seek information needed to establish necessary enforcement measures; and report its findings to the Standing Committee. Regarding monitoring of illegal hunting and trade in elephant specimens, she requested that technical oversight be provided to the MIKE and Elephant Trade Information System (ETIS) through an independent technical advisory group established by the Secretariat.

India, South Africa and the Secretariat supported the proposal, while the International Wildlife Coalition, the International Fund for Animal Welfare (IFAW) and the World Wildlife Fund for Nature (WWF) raised concerns regarding the Secretariat's level of responsibility. The EU noted budgetary concerns and questioned the need for a new technical committee. Committee I accepted Kenya's proposal. On Thursday, 14 November, the Plenary adopted the revised version of Resolution Conf. 10.10 on trade in elephants specimens (Doc.20.1 Annex 3) and two draft decisions regarding the control and compliance of internal ivory trade (Doc.20.1 Annex 4 and 5).

**Caribbean Hawksbill Turtle:** On Tuesday, 5 November, Noel McGough (UK) presented the report on two dialogue meetings carried out in Mexico City and the Cayman Islands (Doc. 20.2), aimed at strengthening regional cooperation for the Caribbean Hawksbill Turtle. Outcomes included: a draft resolution (Doc.20.2 Annex 2) dealing with regional conservation issues; implementation of a Caribbean strategy for hawksbill turtle conservation; and draft decisions (Doc.20.2 Annex 3) to convene another dialogue meeting before COP-13. On Wednesday, 6 November, Costa Rica stated its intention to host another dialogue meeting. Delegates endorsed amended draft decisions (Doc.20.2 Annex 4), calling for: developing collaborative regional conservation strategy; adopting standard protocols for monitoring; implementing measures to reduce illegal catch and trade on the species, its parts and derivatives; and ensuring that any use of the regional population would be sustainable. On Thursday, 14 November, Plenary adopted these decisions.



## CONVENTION INTERPRETATION AND IMPLEMENTATION

**DECISIONS REVIEW:** On Wednesday, 6 November, the Secretariat introduced a document on review of decisions (Doc.21.2) containing two lists of decisions: those proposed to be repealed (Doc.21.2 Annex 1), and those to be transferred to resolutions (Doc.21.2 Annex 2). Delegates approved deleting Decisions 11.10 on entry into force of COP resolutions and decisions, 11.62 on timber identification, 11.63 on the biological and trade status of *harpagophytum*, and 11.69 on implementation of the Quito Declaration. Delegates agreed to transfer decisions listed in Annex 2 to the resolution list and requested the Secretariat to update the list of decisions that remain in effect. On Thursday, 14 November, the Plenary adopted these decisions.

**RESOLUTIONS REVIEW: Resolutions to be Repealed:** On Thursday, 7 November, the Secretariat introduced its proposals on resolutions to be repealed (Doc.21.1.1 Annex 1). The US, supported by others, called for maintaining and amending Resolution Conf. 10.4 on cooperation with the CBD. Mexico and Brazil called for maintaining Resolution Conf. 1.3 on deleting species from Appendices II or III in certain circumstances. Following a suggestion by Mexico, the Committee agreed to maintain specific provisions of Resolution Conf. 1.5 (Rev.) on interpretation and implementation. The Committee repealed the resolutions (Doc.21.1.1 Annex 1) as amended. The draft decision (Doc.21.1.1 Annex 2) was approved.

On Thursday, 14 November, the Plenary repealed all listed resolutions (Doc.21.1.1 Annex I), except Resolutions Conf. 1.3 and Conf.10.4, and one paragraph from Conf. 1.5 (Rev.).

**Resolutions to be Revised:** On 7 November, Thursday, delegates considered resolutions to be revised (Doc. 21.1.2) and established a working group, chaired by Mexico, to discuss the revision of Resolution Conf. 10.2 on permits and certificates. On Wednesday, 13 November, Mexico reported on the draft resolution (Com.II.4), which was amended and accepted. The amended resolution (Com.II.4) suggests modifications on, *inter alia*: pre-Convention specimens; import permits; certificate of origins; traveling exhibition certificates; and information to be included in CITES permits and certificates. On Thursday, 14 November, the Plenary adopted the resolutions.

**NATIONAL REPORTS UNDER ARTICLE VIII: Annual Reports:** On Friday, 8 November, the Secretariat presented its report on national reports (Doc.22.1), recommending, *inter alia*, review of reporting requirements and establishment of a reporting working group. Guinea and others 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. 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. On Thursday, 14 November, the Plenary adopted amendments to Resolution Conf.11.17 on annual reports, and a decision on the resolution's implementation, both with minor modifications (Com.II Rep.6).

**Biennial Reports:** On Friday, 8 November, the Secretariat introduced the document on biennial reports (Doc.22.2). Senegal and others 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. On Thursday, 14 November, the Plenary adopted the Secretariat's recommendations regarding biennial reports (Com.II Rep.6).

**APPENDIX I SPECIES EXPORT QUOTAS: Leopard:** On Tuesday, 5 November, the Secretariat introduced a report on the implementation of Resolution Conf. 10.14 on quotas for leopard hunting trophies and skins for personal use (Doc.23.1.1). Delegates considered repealing the resolution or removing its reporting requirements, and agreed to retain the resolution, but remove the special reporting requirements.

Tanzania presented its proposal (Doc.23.1.2) to increase its annual quota for leopard from 250 to 500, emphasizing that this would benefit conservation and support poverty eradication. Botswana, Uganda and the EU supported the proposal, highlighting Tanzania's effective wildlife management system. Delegates endorsed the proposal.

**Markhor:** On Tuesday, 5 November, the Secretariat recommended either repealing Resolution Conf. 10.15 (Rev.) on the use of annual export quotas for markhor (Doc.23.2) or removing its special reporting requirements. Pakistan called for repealing the resolution or enhancing its markhor quota. The EU opposed repealing the resolution, while the US questioned whether Pakistan could request a quota increase without prior submission of a proposal. Chair Morgan noted that Resolution Conf. 9.21 regarding this issue was ambiguous and the Secretariat stated that a precedent had been set at COP-8 for such requests. Delegates agreed to remove special reporting requirements and increase Pakistan's export quota from six to 12.

**VICUÑA WOOL EXPORTS:** On Friday, 8 November, Friday, the Secretariat introduced, and delegates accepted, the report on vicuña wool and cloth exports (Doc.24), highlighting the quantity of exported products, animals sheared, and local populations.

**TRANSPORT OF LIVE ANIMALS:** On Tuesday, 5 November, the Secretariat introduced a document on the transport of live animals (Doc.25), which focused on the International Air Transport Association's (IATA) Live Animals Regulations and transport-related mortality. Delegates endorsed its draft decision (Doc.25 Annex). The Secretariat was requested to take steps to develop a formal MOU with IATA on cooperation and training. On Thursday, 7 November, Parties accepted the draft decision (Com.I Rep.4), with a minor amendment.

The draft decision concerning transport of live animals (Doc.25 Annex) requested the Animals Committee, in collaboration with the Secretariat and NGOs, to:

- develop recommendations on transport by road, rail or ship;
- investigate cost-effective options for containers and packaging materials that could be recommended for adoption in the IATA Live Animals Regulations;
- assist in identifying model practices;
- develop recommendations on proper handling and transportation of live animals; and
- report to COP-13 on implementation progress.

The draft decision concerning the MOU states that the Secretariat shall in consultation with the Animals Committee, liaise with IATA and the World Association of Zoos and Aquariums (WAZA) to conclude an MOU aimed at:

- strengthening further collaboration;
- establishing an official training programme on animal transport; and



- facilitating exchange of information between the Secretariat, IATA and WAZA.

**COMPLIANCE:** On Friday, 8 November, the Secretariat presented the document on compliance (Doc.26), suggesting that a set of guidelines be drafted for Standing Committee consideration at its 49th meeting. The EU drew attention to the compliance mechanism developed under the Aarhus Convention. On Monday, 11 November, Japan noted the strength of CITES' compliance procedure compared with other conventions and, with others, opposed financial penalty and measures excluding or suspending Parties' rights. China and Mexico stressed capacity building for ensuring compliance, while Norway highlighted the need to balance compliance, capacity building, and cooperation with States. The David Shepherd Foundation endorsed the Secretariat's recommendations related to trade restrictions and non-compliance measures. Fiji proposed, and delegates accepted, two draft decisions regarding capacity building in the Oceania region and in small island developing States.

On Thursday, 14 November, Plenary adopted the guidelines on compliance for consideration by the Standing Committee, and two decisions (Com.II Rep.8) on convening a capacity-building workshop for the Oceania region and on developing a capacity-building initiative to improve the Convention's implementation in Fiji.

**ENFORCEMENT:** On Monday, 11 November, 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. 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. The David Shepherd Foundation called for wider access to information for Parties and NGOs. The Committee approved the draft decision by consensus and Plenary adopted it on Thursday, 14 November.

The decision (Doc.27 Annex and Com.II Rep.8) calls for an expert meeting to identify measures to improve the flow of enforcement-related data, to assist the coordination of investigations regarding the Convention's violations, and to help maintain appropriate levels of confidentiality.

**NATIONAL LAWS:** On Tuesday, 12 November, the Secretariat presented the document and draft decisions on national laws for implementation (Doc.28 Annex 2 and 3 (Rev.1)), recommending, *inter alia*, the need for: regional workshops; analysis of Parties' new legislation; and assessment of the effectiveness of legislation in Category 1 Parties. Chile, China and the Dominican Republic called for flexible deadlines for submitting national legislation, while Namibia noted that enhancing national legislation to comply with CITES is costly.

On Thursday, 14 November, the Plenary adopted the decision (Doc.28 Annex 2) noting that the Secretariat shall, *inter alia*: consider information on specific legislative measures adopted by the Parties; and provide technical assistance to Parties requesting advice on the issue. The revised decision (Doc.28 Annex 3 (Rev.1)) requests Parties to submit a "CITES legislation plan" to the Secretariat by 31 March 2003.

**PERMITS AND CERTIFICATES:** On Tuesday, 12 November, Chile presented its proposal on verification of the authenticity and veracity of CITES permits and certifications (Doc.29), recommending the Secretariat to develop a website. The

Committee accepted the amended draft resolution (Doc.29 Annex). On Thursday, 14 November, the Plenary confirmed that the final paragraph of the resolution on information provided on the website should be reformulated as a decision.

**CITES IMPLEMENTATION IN THE EUROPEAN COMMUNITY:** On Tuesday, 12 November, the EU reported on the adoption of appropriate legislation to implement CITES at the EU and member States' levels. He proposed a draft decision (Doc.30), urging Parties to accept before COP-13 the Gaborone Amendment, which allows accession by regional economic integration organizations. Delegates agreed by consensus.

**BEARS:** On Tuesday, 12 November, the Secretariat introduced the document on trade in bear specimens (Doc.31), encouraging Parties to conserve bear populations and combat illegal trade in the species, its parts and derivatives. Georgia suggested a new draft decision and established a drafting group to discuss the proposal. On Wednesday, 13 November, the Secretariat presented, and delegates approved, the draft decisions (Com.II Rep.11) suggested by the drafting group.

On Thursday, 14 November, Plenary adopted decisions to extend the deadline for range, former range, importing and consumer States to submit reports on actions taken to implement Resolution Conf. 10.8 on conservation and trade in bears, and to ask the Standing Committee at its 50th meeting to identify additional legislation and enforcement measures regarding trade in bear specimens.

**ASIAN BIG CATS SPECIES:** On Tuesday, 12 November, India presented its proposal on conservation of the leopard, snow leopard and clouded leopard (Doc.32). On Wednesday, 13 November, he introduced an amended proposal, addressing conservation of and trade in tigers and other Appendix I Asian big cat species (Doc.32 (Rev.1) Annex 1 and 2). Delegates accepted the draft resolution and decisions, with amendments. Plenary approved the resolution and decisions on Thursday, 14 November.

The amended resolution (Doc.32 (Rev.1) Annex 1) urges range and consumer States to adopt legislation and enforcement methods and controls, and participate in international conservation programmes. It recommends: including all Asian big cat species in the CITES Tiger Enforcement Task Force; establishing anti-poaching and enforcement units; carrying out awareness campaigns; establishing cooperative arrangements; convening regional workshops; and working with traditional medicine communities. It requests support for practical identification manuals and assistance in developing conservation management techniques, and calls for assistance to stop illegal trade in the species, their parts and derivatives.

The amended decisions (Doc.32 (Rev.1) Annex 2): direct the Standing Committee to review and report on the progress in range and consumer States at COP-13; and direct Parties to communicate details of illicit shipment seizures and encourage participation of local communities in Asian big cat conservation.

**TIGERS:** On Tuesday, 12 November, the Secretariat introduced the document on the conservation of and trade in tigers (Doc.33), with delegates accepting the annexed report of the CITES Tiger Mission Technical Team. On Wednesday, 13 November, the Committee approved the Technical Team's recommendations. Plenary adopted the document on Thursday, 14 November.

**Final Outcome:** The report of the CITES Tiger Mission Technical Team examines, *inter alia*: legislation; wildlife law enforcement; tigers in captivity; traditional medicine; and the role of



NGOs. The recommendations direct the Secretariat to address the acquisition of specimens of CITES-listed species by zoos and sales of wildlife products in hotel chains.

**CONSERVATION AND TRADE IN ELEPHANT AND ELEPHANT SPECIMENS: Illegal Trade in Ivory:** On Monday, 11 November, TRAFFIC introduced in Committee I the report on Elephant Trade Information System (ETIS) (Doc.34.1), noting an increase in ivory seizures since 1998 and linking the trend with China's demand for ivory. He concluded that: illicit trade correlates to large-scale, unregulated domestic markets; future ETIS reports would benefit from stronger Parties participation; and ETIS needs funding. 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.

**Illegal Hunting of Elephants:** On Monday, 11 November, MIKE Director Nigel Hunter presented the report (Doc.34.2), highlighting the role of law enforcement monitoring, identified influencing factors of illegal hunting, the importance of local communities for intelligence gathering, and the need for funding. Sierra Leone inquired on the synergies between MIKE and ETIS results, particularly on the relationship between illegal killings and weight of ivory seized. Kenya questioned whether support for ivory trade proposals would compromise MIKE's ability to establish baseline information. MIKE noted its intention to cooperate as a feedback system to ETIS.

**RHINOCEROSES:** On Tuesday, 12 November, the Secretariat presented the document on the conservation of and trade in rhinoceroses (Doc.35) and withdrew a recommendation to repeal Resolution Conf. 9.14 on submitting reports on the issue.

**MUSK DEER:** On Tuesday, 12 November, the Secretariat introduced the report on conservation of and trade in musk deer (Doc.36). The Committee approved the document's report on musk deer and its recommendation to repeal Decision 11.92 on the review of trade in musk deer.

**TIBETAN ANTELOPE:** On Tuesday, 12 November, the Secretariat introduced the document on conservation of and trade in Tibetan antelope (Doc.37). He withdrew a recommendation urging the Indian State of Jammu and Kashmir to halt the processing of Tibetan antelope wool, noting recent state legislation. On Wednesday, 13 November, Committee II approved revisions to Resolution Conf. 11.8 on conservation of and control of trade in Tibetan antelope (Com.II Rep.12). The Plenary adopted the revisions and decision on Thursday, 14 November. The decision requests the Secretariat to conduct: an enforcement-needs assessment mission to China to provide technical assistance regarding anti-poaching and combating wool smuggling; and a training workshop for enforcement personnel (Com.II Rep.12).

**TRADE IN CETACEAN STOCKS:** Japan agreed to withdraw its proposals on controlled trade in specimens of abundant cetacean stocks (Doc.38), following Mexico's decision to withdraw its proposal on cooperation between CITES and the IWC.

**TORTOISES AND FRESHWATER TURTLES:** On Tuesday, 5 November, the Secretariat introduced in Committee I the document on the conservation of and trade in tortoises and freshwater turtles (Doc.39) He noted that the Review of Significant Trade (Decision 11.93) on this issue is ongoing, and reported on a technical workshop held in China in March 2002 and on capacity-building efforts in Asia. On Thursday, 14 November, Committee I accepted suggested amendments to Resolution Conf. 11.9 on the

conservation of and trade in freshwater turtles and tortoises, and endorsed the resulting draft resolution and decisions. On Thursday, 14 November, the Plenary adopted resolution and decisions.

**Final Outcome:** The resolution (Doc.39 Annex 2) urges Parties: to enhance enforcement efforts and cooperation among wildlife law enforcement agencies; develop and implement research programmes; increase public awareness; and collaborate in conservation and management. The decisions (Doc.39 Annex 3) direct Parties authorizing commercial trade in tortoises and freshwater turtles to submit a progress report to the Secretariat at least six months before COP-13, and direct the Secretariat to evaluate progress reports and to submit a written summary for COP-13 consideration.

**CONSERVATION OF AND TRADE IN PANCAKE TORTOISES:** On Thursday, 7 November, Kenya presented a new draft decision for enhancing conservation of and trade in *Malacochersus tornieri* (Doc.40 and Com.I Rep.4). The decisions request the Animals Committee to collaborate with the Secretariat and Management and Scientific Authorities to: review the biology, genetic variability, conservation status and distribution of wild pancake tortoises; assess current production systems with the aim of ensuring adequate control and management practices; consider appropriate identification and marking systems; and advise on training and capacity building needs to manage trade in these tortoises. Animals Committee Chair Hoogmoed noted that initiatives within the proposal had already been carried out. Parties endorsed the draft decision, and on Thursday, 14 November, the Plenary adopted the decision.

**CONSERVATION OF SHARKS:** On Wednesday, 13 November, Australia introduced in Committee I its draft resolution, jointly prepared with Ecuador, on the role of CITES in implementing the International Plan of Action on the Conservation and Management of Sharks (IPOA-Sharks) (Doc.12.41.2 Addendum). Delegates voted via secret ballot on the proposal with minor amendments, and it was approved with 63 in favor, 28 against and 13 abstentions. On Thursday, 14 November, the Plenary adopted the final resolution on the role of CITES in the implementation of the IPOA-Sharks (Doc.12.41.2 Addendum Annex), which: instructs the CITES Secretariat to raise concerns with FAO regarding the significant lack of progress in IPOA implementation; urges FAO to take steps to actively encourage relevant States to develop National Plans of Action; directs the Animals Committee to review progress towards IPOA implementation; and requests Management Authorities to collaborate with their national customs authorities.

**CONSERVATION OF STURGEONS AND CAVIAR LABELING:** On Wednesday, 13 November, the Secretariat introduced its proposal on the conservation of sturgeons (Doc.42.1). Delegates accepted the report as a recommendation rather than a decision. The Secretariat then introduced the draft resolutions (Doc.42.2) on conservation of sturgeons and labeling of caviar. On shared stocks' catch and export quotas, Iran opposed allowing the Secretariat to decide whether the quotas are sustainable. Iran also suggested that domestic quota reductions of a range State should not affect the quotas of other range States of a shared stock. Regarding caviar labeling, the US suggested, and the Committee rejected, amendments to limit labeling requirements to international trade. The draft resolution and decision were approved as amended. On Thursday, 14 November, Plenary adopted guidelines on regional conservation strategies, the resolution on caviar labeling (Doc.42.2 Annex 2), and decisions as amended (Com.II Rep.11).



**CONSERVATION OF SEAHORSES:** On Wednesday, 13 November, Animals Committee Chair Hoogmoed introduced the document on conservation of seahorses and other members of the family *Syngnathidae* (Doc.43). He identified recommendations that could be converted to decisions and recommendations that could be deleted. On Thursday, 14 November, the Plenary adopted the recommendations (Com.I Rep.13).

**CONSERVATION OF AND TRADE IN DISSOSTICHUS SPECIES:** On Wednesday, 13 November, Australia withdrew its document on the conservation of and trade in the Patagonian and Antarctic toothfish (Doc.44), in conjunction with the withdrawal of its proposal to list these species in Appendix II (Prop.39).

**TRADE IN SEA CUCUMBERS:** On Tuesday, 5 November, the US introduced its document on trade in sea cucumbers in the families *Holothuridae* and *Stichopodidae* (Doc.45). He noted that harvest pressures on the species have increased due to growing international demand and that data on their status and trends is limited. The US, supported by others, requested a dialogue meeting to evaluate the sea cucumbers' status and to consider a possible CITES listing. Japan, supported by others, opposed the proposal. An informal working group was established to consider the issue.

On Wednesday, 6 November, the US presented the working group's draft decisions on sea cucumbers (Com.I Rep.2). The draft decisions call on the Secretariat to convene a technical workshop to review biological and trade information to establish priorities and actions to secure conservation status, and to prepare a discussion document addressing all relevant information. The decisions also direct the Animals Committee to review the outcomes of the workshop, develop appropriate recommendations and prepare a discussion paper for COP-13.

Japan opposed the draft decisions, noting uncertainties regarding the status of sea cucumbers, while New Zealand indicated that a workshop would help resolve such uncertainties. China favored a study, but, together with Norway and the Republic of Korea, noted that it should be conducted by other organizations. Animals Committee Chair Hoogmoed noted that the seahorses and turtles workshops were based on prior initiatives, and suggested that language on sea cucumbers be modeled after the swiftlet resolution. All delegates, with the exception of Japan, accepted the US proposal.

#### **BIOLOGICAL AND TRADE STATUS OF DEVIL'S**

**CLAW:** On Tuesday, 5 November, Plants Committee Chair Clemente introduced the report on the biological and trade status of *Harpagophytum* (Doc.46). The report contained draft decisions directing, *inter alia*: range States to provide an update on implementation by the 14th Plants Committee meeting; and range and importing States to negotiate for sustainable management programmes with the devil's claw industry. South Africa and Uganda supported the EU's suggestion to list the plant as an Appendix III species. Delegates adopted the report and its decisions.

**CONSERVATION OF SWIETENIA MACROPHYLLA:** On Wednesday, 13 November, the Secretariat presented the report of the Mahogany Working Group (Doc.47). Delegates accepted the report, deciding to maintain the working group, subject to external funds, and amended its term of reference in light of Committee I's uplisting of the timber species to Appendix II (Com.II Rep.12). On Thursday, 14 November, Plenary adopted the report.

**TRADE OF APPENDIX II SPECIES TAKEN FROM THE WILD:** On Wednesday, 6 November, the Secretariat presented its document (Doc.48.1), stressing the need to simplify and clarify the process for countries subject to review. The EU, Sierra Leone and

Tanzania supported the revised resolution. The US requested clarification of the definition of net export levels, and raised concerns about the inclusion of text not agreed to at the recent Animals and Plants Committee meetings. The Bahamas stressed looking beyond production and export levels and Sierra Leone expressed concerns with implementation deadlines. The US, supported by Mexico, questioned the roles of the Standing, Plants and Animals Committees in determining if a species should be removed from the process. Delegates agreed to text clarifying that the Secretariat shall, in consultation with the Standing Committee, notify Parties on the removal of a species.

**APPENDIX II SPECIES EXPORT QUOTAS:** On Wednesday, 6 November, the US introduced in Committee I its proposal regarding the scientific basis for export quotas for Appendix II species (Doc.49). The US suggested establishing an export quota working group to discuss the issue on an intersectoral basis. Expressing concerns regarding financing a new mechanism, the Secretariat suggested addressing the issue in the Animals and Plants Committees. Tanzania opposed the proposal, stressing that it already had policies and action programmes in place that are based on scientific advice. Zimbabwe, supported by several African countries, also opposed the proposal, stressing capacity building at the national level. Chair Morgan requested the US to chair a working group on the issue, which reported back to Committee I on Wednesday, 13 November.

On Thursday, 14 November, Committee I accepted the draft decisions regarding support for the Secretariat's capacity-building programme for science-based establishments and implementation of voluntary national export quotas for Appendix II species (Com.I.2). The decisions encourage the Secretariat to continue to develop and refine its capacity-building programme, and request the Secretariat and the Parties to seek funding for the programme. On Thursday, 14 November, the Plenary adopted the decisions.

**EXPORT QUOTA MANAGEMENT:** On Wednesday, 13 November, Germany introduced its proposal on improving the management of annual export quotas and amendment of Resolution Conf. 10.2 (Rev.) Annex 1 on permits and certificates (Doc.50.1). Delegates agreed to refer the issue to the Standing Committee. The US presented its proposal and amendments on implementation and monitoring of nationally established export quotas for Appendix II listed species (Doc.50.2). Delegates accepted the amended draft decisions, and on Thursday, 14 November, the Plenary adopted decisions on the management of annual export quotas and two decisions on implementation and monitoring of nationally established export quotas for Appendix II (Doc.50.2 Annex 3).

**TIME-SENSITIVE BIOLOGICAL SAMPLES:** On Wednesday, 13 November, the Secretariat presented its proposal on trade in time-sensitive biological samples (Doc.51) and noted the draft resolution on a simplified procedure could be extended to other non-biological samples. On Thursday, 14 November, in Plenary Mexico requested, and delegates rejected, reopening discussion. The Plenary adopted the resolution outlining simplified procedures to issue permits and certificates.

**TRADE REGIMES FOR TIMBER SPECIES:** On Wednesday, 13 November, Committee II supported, and the Plenary agreed to, deleting Decision 11.155 on the potential use of silvicultural techniques (Doc.53) for establishing trade regimes for listed timber species.

**COLLECTION OF SAMPLE MOVEMENTS:** On Wednesday, 13 November, Committee II considered reptile skins (Doc.52.1) and use of certificates (Doc.52.2). Following a US



suggestion, the Committee agreed to a decision directing the Standing Committee to examine procedures for enabling a CITES certificate to serve as an annex to an international customs document (Com.II Rep.12). On Thursday, 14 November, Plenary adopted the decision.

**PERSONAL EFFECTS:** On Friday, 8 November, Committee II addressed trade in personal effects (Doc. 54.1) and established a working group to discuss the issue. On Wednesday, 13 November, China presented the working group's draft resolution on personal effects (Com.II.6). The Committee requested the Secretariat to develop a process for exempting personal and household effects made from specimens of Appendix II species. The draft resolution was approved as amended, with Venezuela withdrawing its proposal on personal effects made of crocodilian leather (Doc.54.2). On Thursday, 14 November, Plenary adopted the resolution (Com.II Rep.11).

The resolution recommends that Parties regulate the cross-border movements of personally-owned live animals; exempts certain specimens from permitting; advises customs administrations on treating personal or household effects; encourages Parties to harmonize their national legislation; and repeals Resolution Conf. 10.6 on control of trade in tourist souvenir specimens.

**OPERATIONS THAT BREED APPENDIX I SPECIES IN CAPTIVITY: Registering Captive Breeding Operations:** On Wednesday, 6 November, the Secretariat introduced its recommendation to use a single registration process for plants and captive-bred animals (Doc.55.1), and illustrated discrepancies in existing resolutions on registering captive breeding operations. The EU and Senegal supported the proposal, while Mexico and others, opposed, noting, *inter alia*: differences between plants and animals; lack of distinction between commercial and non-commercial purposes; and need for criteria for captive facilities. A working group was established to formulate a new proposal and presented its recommendations to Committee I on Wednesday, 13 November. On Thursday, 14 November, Plenary adopted the working group's recommendations (Com.I.1) to treat plants and animals separately, and a decision directing the Animals Committee to simplify procedures for registering breeding operations.

**Applications to Register Captive-Breeding Operations:** On Friday, 8 November, the Secretariat introduced two applications to register commercial captive-breeding operations 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. Other delegates noted, *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. The proposal was rejected in Committee I with 38 votes in favor, 24 against and 48 abstentions. On Thursday, 14 November, Plenary adopted South Africa's request for registration of a cheetah breeding operation and rejected the UK's request for a green turtle operation.

**NON-COMMERCIAL LOAN OF SPECIMENS:** On Wednesday, 13 November, the US presented the document on non-commercial loan, donation or exchange of museum and herbarium specimens (Doc.56), encouraging legislation of scientific institutions. Brazil said the issue should be dealt within the CBD. On

Thursday, 14 November, the US amended its proposal (Com.II.9), which was accepted by consensus, and adopted in Plenary on Thursday, 14 November.

The resolution encourages Parties to register their scientific institutions to facilitate scientific exchange of specimens; and directs the Secretariat to develop a brochure illustrating the importance of registering scientific institutions and demonstrating the registration procedures.

**LIVE-ANIMAL EXHIBITIONS:** On Wednesday, 13 November, the Russian Federation withdrew its proposal on traveling live-animal exhibitions (Doc.57).

**CRITERIA FOR AMENDMENT OF APPENDIX I AND II:** On Wednesday and Thursday, 6-7 November, Committee I considered the document on criteria for amendment of Appendix I and II (Doc.58) and established a working group to further consider the issue (Doc.58). On Wednesday, 13 November, IUCN, Chair of the criteria working group, reported on its outcomes, outlined in the Chair's text (Com.I.3). He noted that the group was unable to reach consensus on revision of Resolution Conf. 9.24, and had produced two draft resolutions for consideration (Com.I.4 and Com.I.5). Delegates adopted the Chair's text and the draft decision in Com.I.5, outlining the terms of reference for an intersessional review process to be completed before COP-13. The adopted Com.I.5 further included amendments by Canada and the Secretary-General.

Parties adopted the following terms of reference for intersessional evaluations of CITES listing criteria and guidelines (Com.I.6):

- the revised version of Doc.58 Annex 4 would form the basis for discussion;
- the Animals and Plants Committees shall coordinate an open, transparent and broadly consultative process involving all Parties to consider further revision of Com.I.3;
- the review process should include reviews of selected taxa and that the results of these reviews should be made widely available; and
- the Animals and Plants Committees shall report to the Standing Committee.

**AMENDMENT OF THE APPENDICES WITH REGARD TO POPULATIONS:** On Wednesday, 13 November, the Secretariat introduced a document on the amendment of the Appendices with regard to populations (Doc.12.59), noting that the criteria working group was unable to conclude its consideration of this document. The US raised concerns regarding decisions on including geographically separate populations in the Appendices. Parties noted the document.

**ANNOTATIONS FOR MEDICINAL PLANTS:** On Wednesday, 13 November, the Committee agreed to update Decision 11.118 on medicinal plants directed to the Plants Committee. On Thursday, 14 November, Plenary noted that the issue was considered as part of the Plants Committee's report (Doc.10.2).

**WORKING GROUP OF MARINE SPECIES:** On Wednesday, 13 November, Chile introduced its proposal and amendments on establishing a working group to analyze relevant aspects of CITES application to marine species (Doc.61). In a secret ballot vote requested by Japan, delegates rejected the proposal. On Thursday, 14 November, Plenary confirmed the rejection of the resolution

**BUSHMEAT:** On Wednesday, 13 November, the Secretariat introduced the proposal on bushmeat (Doc.62), recommending maintaining the Bushmeat Working Group. The EU suggested



inserting reference to synergies with the CBD (Doc.62 Annex). On Thursday, 14 November, Plenary adopted the decisions on the bushmeat working group.

**APES IN WAR ZONES:** On Wednesday, 13 November, Kenya introduced its document on the rescue of dependent apes from war zones (Doc.63). On Thursday, 14 November, Kenya amended the draft decisions extending it to CITES-listed species in special circumstances, such as war or civil unrest. Delegates accepted the amended draft decisions, which were adopted in Plenary.

**TRADITIONAL MEDICINES:** On Wednesday, 13 November, the Secretariat introduced a document on the trade in traditional medicines (Doc. 64), recommending deletion of Decision 11.165 on compilation of an inventory of operations where artificial propagation or captive breeding of CITES species are conducted for medicinal purposes. Delegates accepted the report and the recommendation. On Thursday, 14 November, Plenary deleted Decision 11.165

**PUBLICITY MATERIALS:** On Wednesday, 13 November, the Committee II Chair said that the report on publicity materials (Doc.65) for plant and animal species included in the Appendices was provided only for informational purposes. On Thursday, 14 November, Plenary took note of the report.

#### **CONSIDERATION OF PROPOSALS FOR AMENDMENT OF APPENDICES I AND II**

**AMENDMENT OF ANNOTATION 607:** On Thursday, 7 November, Switzerland presented a proposal to amend annotation 607 (Prop.12.1) to read that synthetically derived DNA, urine and feces, synthetically produced medicines and other pharmaceutical products, and fossils would not be subject to CITES provisions. He added that the amendment would apply to all CITES-listed species, to which Chair Morgan noted that 607 only concerns corals. Many delegates, including the Bahamas, Argentina and Uganda raised concerns about expanding the scope of the proposal. The Secretariat explained that the development of the proposal was based on, though its scope not limited, to corals. Mexico, supported by other mega-biodiverse nations, opposed the proposal, highlighting: negotiated outcomes from CBD COP-6 and the WSSD on safeguarding the use of genetic resources; potential biopiracy; and complications with monitoring origin of DNA. The EU expressed support for the proposal, if reference to synthetically produced medicines and other pharmaceuticals was qualified by “produced from *in vitro* cultivated cells,” rather than “that do not contain any part of the original genetic material.” In light of procedural issues, Switzerland agreed to withdraw the proposal. Plenary adopted this decision.

**Color Morphs:** Citing its intent to reduce administrative burdens, SWITZERLAND, on Thursday, 7 November, proposed that color morphs produced by captive breeding be considered as a domesticated form and not be subject to CITES provisions (Prop.12.2). Many delegates, including Hungary, New Zealand, India, Zimbabwe, and Eurogroup Against Bird Crime, opposed the proposal, stressing the need for clear identification material and cautioning against false color morphs. Costa Rica expressed concerns regarding illegal trafficking, while Saudi Arabia, Chile, Peru and Mexico underscored difficulties in identifying morphs and implementing control measures. The International Wildlife Coalition suggested micro-chipping. Switzerland explained that the proposal was targeted at large shipments of captive-bred birds not produced from countries of origin.

On Tuesday, 12 November, Switzerland amended its proposal (Prop.12.2 Amendment) to apply to captive-bred color morphs with specified markings and which are determined by the Animals Committee to be different from wild forms. Delegates voted on the amended proposal by a show of hands. With 21 in favor and 31 against, the proposal was rejected.

**Black Sea Bottlenose Dolphin:** On Thursday, 7 November, Georgia introduced its proposal to transfer the *Tursiops truncatus ponticus* from Appendix II to I (Prop.12.3), emphasizing that the species has been threatened by trade, and suffers from fishery activities and pollution. Supporting the proposal, Monaco and Hungary stressed negative trade impacts, while Qatar and the Whale and Dolphin Conservation Society noted the impact of pollution and population reduction. India noted the impact of fishery activities, and Israel and the US stated that Black Sea bottlenose dolphins should be considered a distinct sub-species. Animals Committee Chair Hoogmoed expressed doubts on the existence of a sub-species. Opposing the proposal, the Russian Federation cited lack of scientific data. Cuba and others said that trade was not the main threat, and Canada and Ukraine noted that it did not fit Appendix I criteria. Committee I voted on the proposal, which failed to receive the necessary two-thirds majority, with 40 in favor, 31 against and 39 abstentions. On Friday, 15 November, Georgia reopened discussion on the dolphin in Plenary, and proposed, as suggested by the Secretariat, to list the species in Appendix II with zero export quota. On Friday, 15 November, Plenary approved the amended proposal in a secret ballot with 86 in favor, 26 against, and 10 abstentions.

**Minke and Bryde’s Whales:** Japan introduced its proposals to transfer northern hemisphere stocks of *Balaenoptera acutorostrata* and north Pacific stocks of *B. edeni* from Appendix I to II (Prop.12.4 and 12.5) to enable trade between signatory Parties to the International Convention for the Regulation of Whaling (ICRW). Citing stock abundance, he stated that both species fail to meet criteria for Appendix I listing. Japan further requested an amendment to clarify the proposals’ objective: to allow trade “by Parties” to the ICRW, rather than trade “between Parties.” Delegates voted by a simple majority that the amendment would increase the scope of the proposals. Discussions were based on the original proposals.

Noting robust whale stocks and lack of scientific basis for Appendix I listing, many delegates supported Japan’s proposals. 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 IWC, Iceland stated that the IWC moratorium had no scientific basis. Pakistan stressed that CITES should be led by its own criteria and Grenada said 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, Mexico, India, Monaco, Kenya, Chile, Israel, the US and the International Environmental Law Project opposed the proposals, stating that the species do not meet Appendix II listing criteria and 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. IFAW reported that whale meat from endangered species was being sold on the market, and the WWF noted scientific and legal concerns in Japan’s proposals and annotations.



In a secret ballot vote suggested by Japan, both proposals failed. 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 and three abstentions.

Japan reopened the debate on minke whales in Plenary on Thursday, 14 November, amending its proposal to consider only transferring the Northwestern Pacific stock of minke whales to Appendix II. Plenary rejected the amended proposal by secret ballot, with 53 in favor, 66 against and five abstentions. On Friday, 15 November, Plenary adopted the decision to reject the Bryde's whale proposal.

**African Elephant (Botswana):** On Monday, 11 November, Botswana introduced amendments to its proposal to amend annotation 604 regarding its population of *Loxodonta africana* (Prop. 12.6) to allow for a limited sale of ivory. He noted that the amendments resulted from the recent African elephant dialogue meeting (Doc.20.1), and included: removal of request for trade in worked ivory; increased measures on when sales can occur; and need for approval from the Secretariat and range States regarding annual sale quotas. Several southern African countries, Japan and IWMC-The World Conservation Trust underscored balancing elephant protection and rural communities' needs, and supported sustainable use of resources. Kenya questioned the legitimacy of the outcome of the dialogue meeting and with others stressed development of 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 Committee oversight in ensuring zero or minimum impact of sale. Botswana requested suspension of the discussion pending consultations with other southern African States.

On Tuesday, 12 November, Botswana presented revisions to the amendment of its proposal (Prop. 12.6 Amendment and Com.I. Rep.9). He highlighted that the request for an annual quota had been removed, and stated that trade in registered raw ivory would only be allowed after:

- verification by the Secretariat of prospective importing countries;
- reporting by MIKE on established baseline information; and
- agreement by the Standing Committee that all conditions have been met.

Revisions for non-ivory products include allowance of trade: in live animals "for *in situ* conservation purpose and programmes" rather than "for re-introduction"; and in leather goods only "for non-commercial purposes."

Botswana's revised proposal was accepted by secret ballot, with 59 in favor, 26 against and 21 abstentions (57 required for qualified majority). Plenary adopted this decision.

**African Elephant (Namibia):** On Tuesday, 12 November, Namibia presented revisions to the amended proposal regarding its population of *Loxodonta africana* (Prop.12.7 Amendment and Com.I Rep.9), stating that revisions were similar to those of Botswana. She highlighted that: over half of Namibia's elephants reside outside protected areas; previous sales had positive community impact; and prolonging the COP decision could negatively impact elephant conservation. Cuba supported the proposal, underscoring sustainable management of resources by developing countries. Germany opposed the proposal, noting that it was premature and indicated that it would review its funding support for MIKE if the elephant proposals were accepted. Kenya expressed concern regarding poaching of Namibian elephants by neighboring Angola.

Israel noted discrepancies between poaching reports and seizure data. In a secret ballot, Namibia's revised amended proposal passed with 65 in favor, 28 against and 22 abstentions. The Plenary adopted this decision.

**African Elephant (South Africa):** On Tuesday, 12 November, South Africa presented revisions to the amended proposal regarding its population of *Loxodonta africana* (Prop.12.8 Amendment and Com.I Rep.10), stating that the revisions were similar to those of Botswana. He stated that revenues from ivory sales would be used for elephant conservation, increased monitoring of illegal hunting, and parkland acquisition. Botswana, Qatar, Cuba, Namibia, Cameroon, Tanzania and Zimbabwe supported the proposal. IFAW expressed concern regarding its implementation, and the Fund for Animals predicted that detrimental effects would outweigh economic benefits. The revised amended proposal passed by secret ballot, with 65 in favor, 24 against and 25 abstentions. The Plenary adopted this decision.

**Implementation of Annotation 604 on African Elephants:** On Friday, 15 November, following the Plenary's adoption of the above elephant proposals, Kenya introduced a document (Inf.40), which included a draft decision directing the Standing Committee to develop terms of reference for implementation of annotation 604 on the African elephant. Namibia and the US proposed, and the Plenary adopted, amendments to the decision.

The draft decision regarding the implementation of annotation 604 in relation to Proposals 12.6, 12.7 and 12.8 states that the Standing Committee:

- should, by its 49th meeting and in consultation with the MIKE Technical Advisory Group and IUCN, define the geographical scope, quality and quantity of data that constitutes the MIKE baseline needed before ivory sales can be approved;
- will determine how to assess that detrimental impact on elephant populations has occurred resulting from approved ivory sale; and
- should, by its 49th meeting, recommend measures for improving law enforcement coordination among the ivory producing and importing States.

**African Elephant (Zimbabwe):** On Tuesday, 12 November, Zimbabwe presented revisions to the amendments of its proposal on its population of *Loxodonta africana* (Prop.12.10 Amendment and Com.I Rep.10), stating that the revisions conform to those of related proposals. South Africa and Tanzania commended Zimbabwe's community conservation efforts, and Zambia praised Zimbabwe's ivory database. Kenya and the US raised concerns regarding Zimbabwe's current ability to adequately enforce laws, manage wildlife, and control its domestic ivory trade. Cameroon and IWMC-The World Conservation Trust suggested that the ivory sale might improve Zimbabwe's situation, while the Environmental Investigation Agency raised concerns regarding: suppression of poaching reports; amount of ivory carvings sold to local manufacturers; and leaking of the ivory trade to international markets. Zimbabwe noted that it was allowed to continue with internal ivory carving activities after it joined CITES and called for a vote by secret ballot. With 60 in favor, 45 against and 10 abstentions, the two-thirds majority of 70 was not reached and the proposal was rejected.

**African Elephant (Zambia):** On Tuesday, 12 November, Zambia presented revisions to the amendments of its proposal on its population of *Loxodonta africana* (Prop.12.9 Amendment and Com.I Rep.10), stating that the revisions conform to those of related proposals. Zambia indicated it lacked financial support for conservation and capacity building, underscoring the need for reve-



nues from ivory sales. Malawi, Cuba, Japan, Antigua and Barbuda and others supported the proposal. The US stated that Zambia's elephant population fails to meet downlisting criteria, and together with Kenya, noted its decline. Kenya and the EU highlighted deficiencies in monitoring illegal poaching. The proposal was rejected by secret ballot, with 57 in favor, 54 against and seven abstentions.

**African Elephant (India, Kenya):** Stating that they did not wish to punish Zimbabwe, India and Kenya withdrew their joint proposal on uplisting the African elephant to Appendix I (Prop. 12.11).

**Vicuña:** On Thursday, 7 November, Argentina, Bolivia and Chile introduced proposals (Prop. 12.12, 12.13 and 12.14 respectively) to transfer their populations of *Vicugna vicugna* from Appendix I to II to allow for international trade in products made from wool sheared from live animals. Delegates expressed unanimous support, highlighting the countries' effective management plans and high levels of community engagement. All three proposals concerning vicuña were adopted.

**Rhea:** On Thursday, 7 November, Chile presented its proposal to transfer its population of *Rhea pennata pennata* from Appendix I to II (Prop. 12.15), noting that a similar proposal by Argentina was adopted at COP-11 and that products would be obtained from specimens bred in captivity. Uruguay and Honduras expressed support for the proposal. The EU stressed sub-species management plans and release of species captured from the wild and, with Switzerland, requested information on how parts and derivatives would be distinguished from wild forms during trade. Chile outlined its registry system and Parties accepted the proposal.

**Yellow-Naped Parrot:** On Tuesday, 12 November, Costa Rica introduced its proposal to transfer *Amazona auropalliata* from Appendix II to I (Prop. 12.16), highlighting nest plundering for the pet trade. Following assurance that proper identification material would be provided to distinguish juveniles from similar looking species, delegates accepted the proposal.

**Yellow-Headed Parrot:** On Tuesday, 12 November, delegates adopted Mexico's proposal to transfer *Amazona oratrix* (Prop. 12.17) from Appendix II to I.

**Blue-Headed Macaw:** On Tuesday, 12 November, Germany, on behalf of the EC member States, introduced a proposal to transfer *Ara couloni* from Appendix II to I (Prop. 12.18), indicating that the species has a low reproductive rate and faces increasing legal and illegal trade. Delegates approved the proposal by consensus.

**Cape Parrot:** On Tuesday, 12 November, South Africa withdrew its proposal to transfer its population of *Poicephalus robustus* from Appendix II to I (Prop. 12.19).

**Big-Headed Turtle:** On Tuesday, 12 November, delegates adopted China's and the US's proposal to include *Platysternon megacephalum* (Prop. 12.20) in Appendix II.

**Annam Pond Turtle:** On Tuesday, 12 November, delegates adopted China's and Germany's proposal to include *Annamemys annamensis* (Prop. 12.21) in Appendix II.

**Heosemys Turtles:** On Tuesday, 12 November, the EU presented its joint proposal with China to include four species of *Heosemys* in Appendix II (Arakan forest turtle *H. depressa*, Giant Asian pond turtle *H. grandis*, Philippine pond turtle *H. leyntensis*, and Spiny turtle *H. spinosa*) (Prop. 12.22). Delegates approved the proposal by consensus, and on Friday, 15 November, Plenary adopted the proposal.

**Yellow-Headed Temple Turtle:** On Tuesday, 12 November, delegates adopted China's and the US's proposal to include *Hieremys annandalii* (Prop. 12.23) in Appendix II.

**Roofed Turtles:** On Tuesday, 12 November, India presented its joint proposal with the US to include six species of *Kachuga* in Appendix II (Prop. 12.24), including *Kachuga dhongoka*, *K. kachuga*, *K. smithii*, *K. sylhetensis*, *K. tentoria* and *K. trivittata*. Delegates approved the proposal.

**Sulawesi Forest Turtle:** On Tuesday, 12 November, delegates adopted China's and Germany's proposal to include *Leucocephalon yuwonoi* (Prop. 12.25) in Appendix II.

**Yellow Pond Turtle:** On Tuesday, 12 November, delegates adopted China's and US's proposal to include *Mauremys mutica* (Prop. 12.26) in Appendix II.

**Malayan Giant Turtle:** On Tuesday, 12 November, delegates adopted China's and Germany's proposal to include *Orlitia borneensis* (Prop. 12.27) in Appendix II.

**Keeled Box Turtle:** On Tuesday, 12 November, delegates adopted China's and the US's proposal to include *Pyxidea mouhotii* (Prop. 12.28) in Appendix II.

**Black Marsh Turtle:** On Tuesday, 12 November, delegates adopted China's and the US's proposal to include *Siebenrockiella crassicollis* (Prop. 12.29) in Appendix II.

**Narrow-Headed Softshell Turtle:** On Tuesday, 12 November, delegates adopted China's and the US's proposal to include *Chitra* spp. (Prop. 12.31) in Appendix II.

**Giant Softshell Turtle:** On Tuesday, 12 November, delegates adopted China's and the US's proposal to include two *Pelochelys* spp. (Prop. 12.32) in Appendix II.

**New Zealand Geckos:** On Tuesday, 12 November, New Zealand presented its proposal to include *Hoplodactylus* spp. and *Naultinus* spp. in Appendix II (Prop. 12.33). He noted that all trade in this species is illegal and added that it fetches high prices on the market. Switzerland, the EU, Japan and the Secretariat supported Appendix III listing, while New Zealand stated that this would not provide comparable monitoring. Committee I voted to reject the proposal, with 30 in favor, 59 against and 26 abstentions. Parties adopted this decision, and New Zealand noted its disappointment with the outcome during Plenary.

**Orange-Throated Whiptail Lizard:** On Tuesday, 12 November, delegates adopted the US proposal to delete *Cnemidophorus hyperythrus* (Prop. 12.34) from Appendix II.

**Whale Shark:** On Tuesday, 12 November, the Philippines introduced its joint proposal with India on including *Rhincodon typus* in Appendix II (Prop. 12.35). She stressed that: IUCN classifies the species as vulnerable; its biggest threat is international trade; and it provides revenue to local communities through ecotourism. The EU and many others supported the proposal, stressing that the species meets Appendix II criteria, CITES has been successful in protecting other marine species; and ecotourism is important. Others opposed the proposal, stating that FAO is the more competent body to deal with marine species, and highlighted a lack of catch and trade data. Iceland stressed that the shark is largely caught as bycatch and a CITES listing will have no effect. In a secret ballot, the proposal failed to obtain the two-thirds majority of 64, with 62 in favor, 34 against and 9 abstentions. On Friday, 15 November, the Philippines reopened discussion in Plenary and Plenary voted on the proposal. With 81 in favor and 37 against, it obtained the qualified majority of 79 and was adopted.

**Basking Shark:** On Wednesday, 13 November, the UK introduced an EU proposal to include *Cetorhinus maximus* in Appendix II (Prop. 12.36). He stressed the species' decline from overfishing and trade and the lack of an effective management system. Tunisia and others supported the proposal, while Norway and others opposed, pointing to the needs of local fishermen and identification



problems. In a secret ballot, with 72 in favor, 38 against, and 2 abstentions, the proposal failed to reach the qualified majority of 74 in Committee I. On Friday, 15 November, the UK reopened discussion in Plenary, and Plenary voted on the proposal. With 82 in favor and 36 against, the proposal obtained the qualified majority of 79 and was adopted.

**Seahorses:** On Wednesday, 13 November, the US presented its proposal to include seahorses of the genus *Hippocampus* in Appendix II (Prop.12.37). Stating that this was an outcome of an intersessional technical workshop, he stressed the high and increasing volume of trade, and noted that trade was currently unregulated and not managed under regional fisheries organizations.

New Zealand, Kenya, the EU, Peru, and Fiji supported the proposal. Malaysia and the Russian Federation opposed, highlighting their healthy seahorse fisheries. Japan and China also opposed, citing insufficient evidence for Appendix listing and urging FAO to undertake the responsibility for data collection. IUCN noted that FAO is not involved with and has no intention to consider seahorses in the near future. The proposal was adopted through a roll-call vote with 75 in favor, 24 against and 19 abstentions. On Friday, 15 November, China reopened the debate in Plenary, but failed to receive sufficient support for his request. The proposal, subject to an amendment that Appendix II listing would be effective 18 months after COP-12, was adopted by Plenary.

**Humphred Wrasse:** On Wednesday, 13 November, the US introduced its proposal to include *Cheilinus undulatas* in Appendix II (Prop.12.38). The EU, Canada and Israel supported the proposal, stating that the species meets Appendix II listing criteria. Malaysia and the Russian Federation stressed that marine species should be considered under the FAO. In a secret ballot, with 65 in favor, 42 against and five abstentions, the required majority of 72 was not reached and the proposal was rejected.

**Patagonian and Antarctic Toothfish:** On Wednesday, 13 November, Australia introduced its proposal to include *Dissostichus eleginoides* and *D. mawsonii* in Appendix II (Prop.12.39). In view of the resolution on cooperation with CCAMLR (Doc. 16.1 Annex (Rev.1.)), he withdrew the proposal and its associated resolutions (Doc.44).

**Sri Lankan Rose Butterfly:** On Tuesday, 12 November, the EU introduced its proposal to include *Atrophaneura jophon* and *A. pandiyana* in Appendix II (Prop.12.40). Delegates accepted the proposal with 58 in favor, 14 against and 28 abstentions. On Friday, 15 November, Plenary adopted the proposal.

**Swallowtail Butterflies:** Noting little support from range States for the listing of three species of *Papilio aristophontes*, *P. nireus*, and *P. sosia* in Appendix II, Germany withdrew its proposal on this matter (Prop.12.41) on Wednesday, 13 November.

**Monkey Puzzle Tree:** On Wednesday, 13 November, Argentina introduced, and delegates adopted, its proposal to include *Araucaria araucana* in Appendix I (Prop.12.42).

**Cactaceae:** On Wednesday, 13 November, delegates adopted Switzerland's proposal to exempt artificially propagated specimens of certain color mutant forms of cacti lacking chlorophyll from CITES provisions (Prop.12.43).

**Prickly Pear Cacti:** On Wednesday, 13 November, Switzerland presented its proposal to delete *Opuntioideae* spp. from Appendix II (Prop.12.44). Following opposition by Brazil, Costa Rica and other range States, Switzerland withdrew its proposal.

**Leaf-Bearing Cacti:** Noting the lack of support from range States, Switzerland withdrew its proposal to delete *Pereskioideae* spp., *Peresklopsis* spp. and *Quiabentia* spp. from Appendix II (Prop.12.45).

**Tonopah Fishhook Cactus:** On Wednesday, 13 November, the US presented its proposal to transfer *Sclerocactus nyensis* from Appendix II to I (Prop.12.46), and highlighted trade in whole plants and seeds. After assurance that proper identification material would be provided, delegates adopted the proposal.

**Blaine's Pincushion:** On Wednesday, 13 November, the US withdrew its proposal to transfer *Sclerocactus spinosior* spp. *blainei* from Appendix II to I (Prop.12.47).

**Santa Barbara Island Dudleya:** On Tuesday, 12 November, delegates adopted the US proposal to transfer *Dudleya traskiae* (Prop.12.48) from Appendix I to II.

**Thorncraft's Aloe:** On Tuesday, 12 November, delegates adopted South Africa's proposal to transfer *Aloe thorncroftii* (Prop.12.49) from Appendix I to II.

**Bigleaf Mahogany:** On Wednesday, 13 November, Nicaragua and Guatemala introduced their proposal to include *Swietenia macrophylla* in Appendix II (Prop.12.50), and noted that the species' current listing in Appendix III has provided insufficient conservation incentives. The Central American Commission for the Environment and Development and others supported the proposal, stressing that an Appendix II listing would facilitate trade implementation, and build consumer confidence that species come from sustainable sources. Bolivia and others opposed the proposal, noting: the proposal's lack of scientific basis; the species can be domestically managed; and the matter should be dealt with in the intersessional mahogany working group. Committee I voted in a secret ballot vote, and accepted the proposal with 68 in favor, 30 against and 14 abstentions, which reached the qualified majority of 66. On Friday, 15 November, Plenary adopted the proposal, subject to an amendment that the species would only be uplisted one year following COP-12.

**Orchids:** On Wednesday, 13 November, the US presented its proposal and amendment to annotate *Orchidaceae* in Appendix II to exclude artificially propagated specimens (Prop.12.51), restricting it to genera *Phalaenopsis*. (Prop.12.51). He requested the Plants Committee to monitor the impact of exemption's implementation and to report to COP-13. India and others expressed concerns regarding the exemption's practical enforcement. Delegates voted on the proposal, and with 48 in favor, 20 against, and 45 abstentions, the proposal reached the qualified majority of 46 and was accepted. On Friday, 15 November, Plenary adopted the proposal.

**Desert-Living Cistanche:** On Wednesday, 13 November, China introduced its proposal to delete the current annotation to *Cistanche deserticola* of CITES Appendix II (Prop.12.52), noting that the annotation refers to roots, although the species is a parasite and lacks roots. Delegates accepted the proposal by consensus and requested the Plants Committee to consider a more appropriate annotation. On Friday, 15 November, the Plenary adopted the proposal.

**Maguire's Bitter Root:** On Tuesday, 12 November, delegates adopted the US proposal to delete *Lewisia maguirei* (Prop.12.53) from Appendix II.

**Lignum-Vitae:** On Wednesday, 13 November, Germany, on behalf of the EU, presented its proposal to include *Guaiaacum* spp. in Appendix II (Prop.12.54). Committee I adopted the proposal by consensus and on Friday, 15 November, Plenary adopted the proposal.



**Madagascar Flat-Tailed Tortoise:** On Wednesday, 13 November, delegates adopted Madagascar's proposal to transfer *Ptyxis planicauda* from Appendix II to I (Prop.12.55).

**Armored Chameleon:** On Wednesday, 13 November, delegates adopted Madagascar's proposal to include *Brookesia peramata* in Appendix I (Prop.12.56).

**Chameleons:** On Wednesday, 13 November, Madagascar introduced, and delegates adopted, its proposal to include all *Brookesia* spp. except *B. peramata* in Appendix II (Prop.12.57).

**Burrowing Frogs:** On Wednesday, 13 November, Madagascar presented its proposal to include *Scaphiophryne gottlebei*, *S. madagascariensis*, *S. marmorata* and *S. pustulosa* in Appendix II (Prop.12.58). Parties adopted the proposal, subject to an amendment that only *S. gottlebei* be listed.

**Madagascar Orchid:** On Wednesday, 13 November, Madagascar introduced its proposal to transfer *Aerangis alata/A. platyphylla* from Appendix II to I (Prop.12.59). The EU suggested waiting for the outcome of the significant trade review. Delegates adopted the original proposal.

**Madagascar Palm Species:** On Tuesday, 12 November, delegates adopted Madagascar's proposal to include certain palm species endemic to Madagascar (Prop.12.60) in Appendix II.

#### CLOSING PLENARY

On Friday, 15 November, Parties convened for the closing Plenary immediately following the consideration of proposals to amend the Appendices. Chile expressed its gratitude to all delegates for attending the COP, and highlighted its commitment to the WSSD Plan of Implementation. On determination of the time and venue of the next COP (Item.67), Thailand offered to host COP-13 and Chair Bitar announced that it would be held at the end of 2004. Parties expressed their appreciation to the host country of Chile. CITES Secretary-General Willem Wijnstekers noted satisfaction with the overall results of the meeting, highlighting the steps taken to develop relationships with the FAO, CCAMLR and IWC. Chilean Agriculture Minister Jaime Campos thanked the Secretariat, Parties and NGOs for their contributions to making COP-12 in Chile a success. COP Chair Bitar closed the meeting at 1:07 pm.

#### A BRIEF ANALYSIS OF COP-12

Since its inception, CITES has aimed to ensure that the exploitation of wild species for trade is sustainable. But, defining "sustainability" and "sustainable use" remains a difficult challenge. Several months shy of its 30th anniversary, CITES is still trying to find that delicate balance between trade and conservation. The COP-12 pendulum appeared to swing in favor of trade at the onset of the meeting as several proposals to list and uplist species were turned down, only to later sway in the other direction with the rejection of several proposals to downlist high-profile species. Such is the nature of CITES, and only time will tell if the decisions taken here will translate into the field as a means of controlling the increasing volume of trade in endangered species. With wildlife smuggling being one of the world's largest sources of illicit trade behind drugs and weapons, CITES still has its work cut out for it.

This brief analysis will discuss the COP's most prominent outcomes regarding elephants, marine species, and plant issues, and their implications for CITES implementation in the future.

#### IVORY FOR SALE

Although there are over 30,000 species protected under CITES, it seems that the same few species, such as the African elephant, are always in the spotlight. One delegate went so far as to refer to the

CITES acronym as the "Convention on International Trade in Elephant Specimens," adding that the CITES logo with its protruding ivory tusk speaks for itself. Thirteen years since CITES banned the commercial ivory trade, the debate over elephants and the illegal ivory trade remains as divisive as ever. Although delegates were in agreement about the need to combat the growing illegal trade, consensus on what to do with existing legal stocks of raw ivory remains contentious. Numerous range States, noting "robust" elephant populations, pushed for another one-off sale of their ivory stockpiles, as was the case in 1997. The argument goes that such one-off sales, and the sustainable use of elephant products, help fund anti-poaching and conservation activities. Others see it differently, saying that further ivory sales from African elephants should be prohibited as a precautionary measure for reducing future threats to elephants and deterring poachers and traders.

There were early signs of a consensus among African countries to re-open the legal sale of ivory. But cracks between the Parties became all too evident as Kenya and India stood behind their proposal for an Appendix I listing for all African elephant populations. In the end, the proposal was withdrawn, ceding to the COP's decision to allow three African nations - Botswana, Namibia and South Africa - to sell a limited and strictly controlled amount of their registered ivory.

Conservation groups were clearly disappointed and worried that the decision was not in the best interest of elephant conservation and would send the wrong message to poachers and smugglers that the ivory trade is now legal. But others saw it differently, saying the decision embodies an African solution to the African problem of conserving the continent's wild elephant herds, while at the same time addressing the growing needs of local human populations. The elephant issue remains an emotional and complex issue and will no doubt be revisited at future COPs.

#### MARINE SPECIES MAKE A SPLASH

Although elephants seemed to dominate the meeting, marine species, big and small, also made a "big splash" at COP-12, with delegates deliberating on the future of whales, sharks, dolphins, seahorses, and the Patagonian toothfish. CITES has traditionally avoided discussing marine species, preferring to defer whale issues to the International Whaling Commission (IWC) and fish-related issues to the Food and Agriculture Organization (FAO). But, the listing of the basking and whale sharks, and seahorses in Appendix II broke the trend, signaling that marine species were becoming increasingly important for CITES protection.

The rejection of Japan's proposal to downlist the minke and Bryde's whales (Japan has submitted proposals to downlist certain whale species at the last four COPs, all of which have failed), also signaled a success for conservationists and the member States of the IWC, the international body charged with the responsibility of conserving whale stocks and some cetaceans. Many Parties viewed the whale proposals as undermining the primacy of the IWC and an attempt to circumvent the 1986 IWC whaling moratorium by playing one Convention off the other. But the Parties recognized the complementary relationship between CITES and IWC and reaffirmed the need to keep each other informed on decisions regarding whale stocks.

There was also considerable support for a resolution promoting cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), a regional non-UN body responsible for managing marine resources in the waters of Antarctica. Although many expressed disappoint-



ment that the Patagonian toothfish proposal for an Appendix II listing was withdrawn following a resolution deferring management of the species to CCAMLR, there was some comfort that delegates recognized the need for the two organizations to work closely in exchanging information concerning the conservation and sustainable management of Patagonian toothfish. Despite the good intentions for further cooperation, many still believe that without a CITES listing, it will be hard to conserve the toothfish and other marine species.

### **WHERE HAVE ALL THE FLORA GONE?**

Although CITES is about the trade in wild fauna and flora, plant species are often overlooked in the presence of charismatic mega fauna like elephants and whales. This attitude appeared to be reflected in the fact that plant issues were compressed into only several hours of discussion out of the entire two-week meeting, despite the fact that they have an equal, if not greater economic impact on trade. Plant specialists also felt marginalized with a proposal to merge the Animals and Plants Committee under one scientific committee. Although claiming cost cuts, many believed it was just another attempt to undermine the important work on plant species. But delegates quickly rejected the proposal, stressing that animal and plant issues require different expertise and knowledge and that combining the two would dilute the scientific efficiency that both committees have enjoyed.

The Appendix II listing of Bigleaf mahogany may help give plants the attention they deserve. Not only was the listing seen as a victory for the species, but also for tropical forests as a whole, especially since timber issues are usually deferred to the International Tropical Timber Organization (ITTO). As with marine issues, it was a clear sign that CITES was ready to go beyond its usual scope and help slow the pace of tropical deforestation. Another positive sign was a statement by Brazilian President-elect Lula that he was in favor of an Appendix II listing, contrary to the current government's position.

### **CITES TURNS 30**

Budget constraints and an overloaded agenda seemed to set the tone at the outset of COP-12, as speaker after speaker stressed that lack of core funding would have significant consequences on CITES implementation, and the role it can play in the future of wildlife conservation and management. Although a marginal 6% budget increase was far less than some had hoped, it was the best outcome considering the effects of a global recession and competition for funding with other multilateral environmental agreements (MEAs). Obtaining additional voluntary contributions, as in the past, will be crucial to the future success of the Convention.

CITES has come a long way since 80 countries signed the treaty in March 1973. Today, there are 160 Parties, with Kuwait and Bhutan having joined during COP-12. The large number of participants is a clear sign that CITES continues to grow in importance and has become one of the more effective international legal instruments in the area of nature conservation. Raising global awareness for wildlife and plant issues and improving capacity building in developing countries count among the Convention's biggest successes. But despite its best efforts, many believe the illegal wildlife trade is increasing at an alarming rate. CITES may not have the ability to completely prevent illegal trade in flora and fauna, but the situation could be a lot worse without such a Convention.

## **THINGS TO LOOK FOR BEFORE COP-13**

### **EIGHTH CONFERENCE OF THE PARTIES TO THE**

**RAMSAR CONVENTION ON WETLANDS:** Ramsar Convention COP-8 will take place from 18-26 November 2002, in Valencia, Spain. For more information, contact: Dwight Peck, Executive Assistant for Communications, Ramsar Convention Secretariat; tel: +41-22-999-0170; fax: +41-22-999-0169; e-mail: [ramsar@ramsar.org](mailto:ramsar@ramsar.org); Internet: [http://www.ramsar.org/index\\_cop8.htm](http://www.ramsar.org/index_cop8.htm)

**INTERNATIONAL CONFERENCE ON PROMOTING BEST PRACTICES FOR CONSERVATION AND SUSTAINABLE USE OF BIODIVERSITY OF GLOBAL SIGNIFICANCE IN ARID AND SEMI-ARID ZONES:** This conference, funded by UNEP/GEF and implemented by the Third World Network of Scientific Organizations, will take place from 13-17 December 2002, in Cairo, Egypt. It will focus on best practices in developing countries for science, public policy and management, increasing the participation of local people in decision-making, and improving partnerships and capacity building. For more information, contact: Helen Martin; tel: +39-040-224-0683; fax: +39-040-224-0689; e-mail: [info@twonso.org](mailto:info@twonso.org); Internet: <http://www.twonso.org>

**THIRD WORLD CONGRESS ON MEDICINAL AND AROMATIC PLANTS FOR HUMAN WELFARE:** The congress will take place from 3-7 February 2003, in Chiang Mai, Thailand. Its theme is "From Biodiversity through Science and Technology, Trade and Industry to Sustainable Use." For more information, contact: Wocmap III; tel: +53-944933; fax: +53-944934; e-mail: [secretariat@wocmap3.org](mailto:secretariat@wocmap3.org); Internet: <http://www.wocmap3.org>

**EIGHTH MEETING OF THE CBD SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE:** SBSTTA-8 will be held from 10-14 March 2003, in Montreal, Canada. For more information, contact: the CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: [secretariat@biodiv.org](mailto:secretariat@biodiv.org); Internet: <http://www.biodiv.org>

**55TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION:** The next annual meeting of the IWC will be held from 16-20 June 2003, in Berlin, Germany. It will be preceded by a meeting of the Scientific Committee and various sub-groups. For more information, contact: IWC; tel: +44-1223-233971; fax: +44-1223-232876; e-mail: [iwc@iwcoffice.org](mailto:iwc@iwcoffice.org); Internet: [http://www.iwcoffice.org/2003\\_meeting.htm](http://www.iwcoffice.org/2003_meeting.htm)

**FIFTH WORLD PARKS CONGRESS - BENEFITS BEYOND BOUNDARIES:** This congress will be held from 8-17 September 2003, in Durban, South Africa. It occurs once every decade and is sponsored by the IUCN. For more information, contact: Peter Shadie, IUCN Programme on Protected Areas; tel: +41-22-999-0159; fax: +41-22-999-0025; e-mail: [pds@iucn.org](mailto:pds@iucn.org); Internet: <http://wcpa.iucn.org/wpc/wpc.html>

**WTO FIFTH MINISTERIAL CONFERENCE:** This conference will be held from 10-14 September 2003, in Cancun, Mexico. For more information, contact: WTO; tel: +41-22-739-5111; fax: +41-22-731-4206; e-mail: [enquiries@wto.org](mailto:enquiries@wto.org); Internet: <http://www.wto.org>

**CITES COP-13:** Thailand has offered to host the 13th CITES Conference of the Parties in 2004. For more information, contact: CITES Secretariat; tel: +41-22-917-8139; fax: +41-22-797-3417; e-mail: [cites@unep.ch](mailto:cites@unep.ch); Internet: <http://www.cites.org>