



## COP-11 HIGHLIGHTS:

### MONDAY, 10 APRIL 2000

Delegates convened in a morning Plenary to hear an address by Kenyan President Daniel Moi. Following the President's address, the Plenary considered strategic and administrative matters, including the revised Rules of Procedure and the election of the Chair, Vice-Chair, Chairs of Committees I and II and the Budget Committee. Regional Groups representing Oceania, Europe, Africa, North America, Asia and Central and South America met in the afternoon.

#### PLENARY

Dr. Klaus Töpfer, Executive Director of UNEP, welcomed Kenyan President Daniel Moi to UNEP Headquarters and to COP-11, noting that CITES was being attended by an estimated 2,100 delegates from around the world. President Moi welcomed delegates to Nairobi and identified the biggest challenge in the new millennium as ensuring that CITES both adapts to new areas and emerging issues, and creates synergies with other relevant treaties, especially trade instruments. He hoped COP-11 would provide adequate safeguards against further species loss, and invited Parties to revise and improve ineffective resolutions to avoid abuses flowing from misinterpretation of CITES. He pleaded for the revision of the resolution allowing ivory trade adopted at COP-10, citing evidence that the illegal killing of elephants and the illegal trade associated with them have increased since the resolution and noting that no reliable monitoring system has been established. He further noted that the negative impacts of the resolution had raised management and enforcement costs in African countries.

President Moi highlighted the adverse effects of poaching on tourism in Kenya and noted that the MIKE system had been developed without adequate consultation, and had proved financially prohibitive for developing countries. He suggested funding priority should instead be given for actions to prevent elephant poaching, enhance enforcement capacity, and improve elephant security. He further suggested expanding the mandates of existing mechanisms and proposed a bureau be established within the Lusaka Agreement to take over the work of MIKE.

He also called for: clearer definition of "appropriate and acceptable" destination to avoid abuses and illegal trade; improved treatment of live species during transfer to reflect Articles III, IV and V of the Convention; and provision by Range States of information on illegal elephant killing.

**RULES OF PROCEDURE:** Chair Hepworth introduced two amendments to the Rules of Procedure (Doc. 11.1(Rev.2)) approved by consensus by the SC during its 43rd session held in Nairobi, two days prior to the COP-11. On Rule 11 (seating), he suggested deleting any reference to organizing seating arrangements for members of Regional Economic Integrations. Rule 29 (complaints) was amended so that the COP, and not the Bureau, decides on the appropriate action to be taken in regard to the right of admission of an accredited organization. He also drew delegates' attention to a document circulated to Parties and observers, to be read alongside the Rules of Procedure, which stipulates the behaviour expected. Delegates raised concerns and sought clarification on the proposed changes, while some sought new amendments.

GERMANY expressed concern that Rule 3 (credentials) on the accreditation of observers would require Parties to forward to the Secretariat names of individuals rather than of organizations. Consequently, some NGOs had received only visitor status for COP-11. The Secretariat said Rule 3 provides a deadline for submitting observers' accreditation requests, and that it could only grant visitors status to organizations failing to meet the deadline. Delegates agreed to forward any suggested amendments to Rule 3 to the SC for consideration before COP-12.

Rule 12 (publicity of debates) generated extensive debate on whether NGOs should participate in meetings of the committees and working groups. The US stated that accredited observers should participate. JAPAN, supported by COLOMBIA, said NGOs are part of the public and exert undue pressure on governments, and should therefore not participate. DENMARK objected, adding that Japan's suggestion could tempt them to consider merging parts of Rule 12 text to further the enhancement of transparency. Chair Hepworth invited supporting and counter arguments to Japan's proposal. The US, in opposition to Japan, noted that the proposed change contravenes Article 11 Paragraph 3 of the Convention. No Party spoke in support of Japan's proposal. Rule 12 was adopted with a note that Japan's objection would be recorded in the minutes of the meeting.

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CHILE, supported by COLOMBIA, proposed amending Rule 23 (amendments of Appendices I and II) to provide that documents are distributed to all delegates, in all official UN languages, 24 hours prior to a vote. It was agreed to have the incoming SC consider the proposal at its intersessional meetings before COP-12. Also on Rule 23, KENYA said too much emphasis was placed on consideration of effects on trade instead of species conservation and proposed textual changes to underscore the overriding importance of species conservation. The Secretariat said the paragraph was amended by the SC for clarity, and adequately reflects the application of CITES over the last 25 years.

ISRAEL decried the numerous secret votes taken at COP-10 and requested the SC, in its intersessional meetings before COP-12, review Rule 25 (methods of voting) to ensure transparency and accountability. JAPAN expressed its support for secret votes, citing the undue pressure that comes from the presence of NGOs with "very powerful influences." KENYA concurred with Israel, noting that pressures on governments also emanate from other sources such as financial constraints.

On Rule 29 (complaints), the US drew attention to certain agreements reached in the SC not yet reflected in the Rules of Procedure document. He noted that the Bureau might be bogged down trying to resolve disputes between observers instead of those between Parties, and noted a SC proposal to establish a mediator to resolve disputes between observers. With regard to when a sanction of expulsion is considered, he said the SC agreed that the COP should take the final decision, after consideration of the Bureau's recommendation. KENYA sought clarification on the kind of vote required within the Bureau to make such a recommendation. Delegates adopted the Rules of Procedure.

**ELECTIONS:** Chair Hepworth announced the SC's nominations for COP-11 officers: Chair, Bagher Asadi (Iran); Vice-Chairs, Emmanuel Severre (Tanzania) and Horace Walters (St. Lucia); Committee I Chair, Margarita A. Clemente Munoz (Spain); Committee II Chair, Veit Koester (Denmark); Budget Committee Chair, Kenneth Stansell (US); and Credentials Committee Chair, Janet Owen (New Zealand). China, Jordan, Tunisia, Russian Federation, the US, the Dominican Republic and New Zealand, were nominated to serve on the Credentials Committee.

TUNISIA, acting as an SC alternate for Burkina-Faso, expressed disappointment that it had not been invited to attend the SC meeting prior to COP-11. She added that consideration for the African nomination should have been deferred until the African regional group had a chance to meet. Secretary-General Wijnekes said a notification for the meeting had been sent by the Secretariat to all Parties. He also added that nominations are based on a collective decision of the SC, not regional groups.

**ADMISSION OF OBSERVERS:** Chair Asadi introduced the list of observers, which includes 56 international organizations and 129 national organizations. JAPAN singled out one international organization it felt should not be entitled to observer status due to activities that had interfered with a Japanese scientific research vessel. The Secretariat said this organization's external activities have no bearing on its inclusion as an observer as long as it abides by the Convention's general customs regarding good behavior within the meeting. The list of admission of observers was adopted.

Before introducing several strategic and administrative matters, newly elected Chair Asadi was presented with a photo album from COP-10 by Simon Khaya Moyo, Zimbabwe Minister of Mines, Environment and Tourism. Chair Asadi acknowledged the meeting's heavy agenda and said he expected delegates to adopt a "problem-solving attitude." He added that the success of the conference means achieving the best optimal outcomes on issues and disputes. He then introduced, and delegates adopted, the Agenda (Doc. 11.3 Rev. 1) and the Programme of Work (Doc. 11.4 Rev. 1).

### **IN THE BREEZEWAYS**

When the revised Rules of Procedure were discussed, the familiar debate on observer participation reared its head. One country's effort to exclude observers from working groups and committees other than Committees I and II was met with dismay on the part of many delegates and NGO representatives who felt such a move to limit transparency would counter CITES strong tradition of broad observer participation. A subsequent effort to single out one NGO for its recent actions on the high seas, caused some to question the appropriateness of addressing such an action within this fora. Some NGOs expressed fears that this attempt to limit access could lead to NGO self-censoring in the future, while others lamented that this discounted the contributions of observers to the CITES process.

Delegates enjoyed the relatively smooth start to COP-11, but were awed by the immensity of the task at hand. While many anticipated the heated political debates ahead, there was speculation that some countries are hoping to drive resolutions on whales, sea turtles and ivory trade to secret votes. While this is likely to happen at COP-11, the emerging interest in reviewing this process could restrict such votes at future COPs.

### **THINGS TO LOOK FOR TODAY**

**PLENARY:** Plenary will reconvene at 9:00 am in Conference Room 2 to continue discussion of strategic and administrative matters and hear reports of the Secretariat and Committees on Animals, Plants, Identification Manuals and Nomenclature.

**COMMITTEES:** Committees will convene at 2:00 pm. Committee I will meet in Conference Room 2 to consider strategic and administrative matters and discuss the procedure for reviewing the criteria for amendment of Appendices I and II, quotas for species in Appendix I and conservation and trade in tigers.

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