

THE 12TH MEETING OF THE CONFERENCE OF THE PARTIES TO CITES took place in Santiago, Chile, from 3 to 15 November 2002, and was attended by 1200 participants from 141 governments, as well as numerous observer organizations. The following is a summary of what TRAFFIC considers to be the most salient features of the meeting. Official proceedings will be published by the CITES Secretariat.

Following the opening ceremony, the Secretary-General of CITES, Mr W. Wijnstekers, observed that the number of Parties to the Convention would increase from 158 to 160 over the course of the meeting, with the ratification and accession, respectively, of Kuwait and Bhutan. He thanked Parties for their financial contributions but expressed serious concerns about the growing gap between the expectations of the Parties and the resources available to meet those expectations, and urged Parties to ensure that provision be made for adequate

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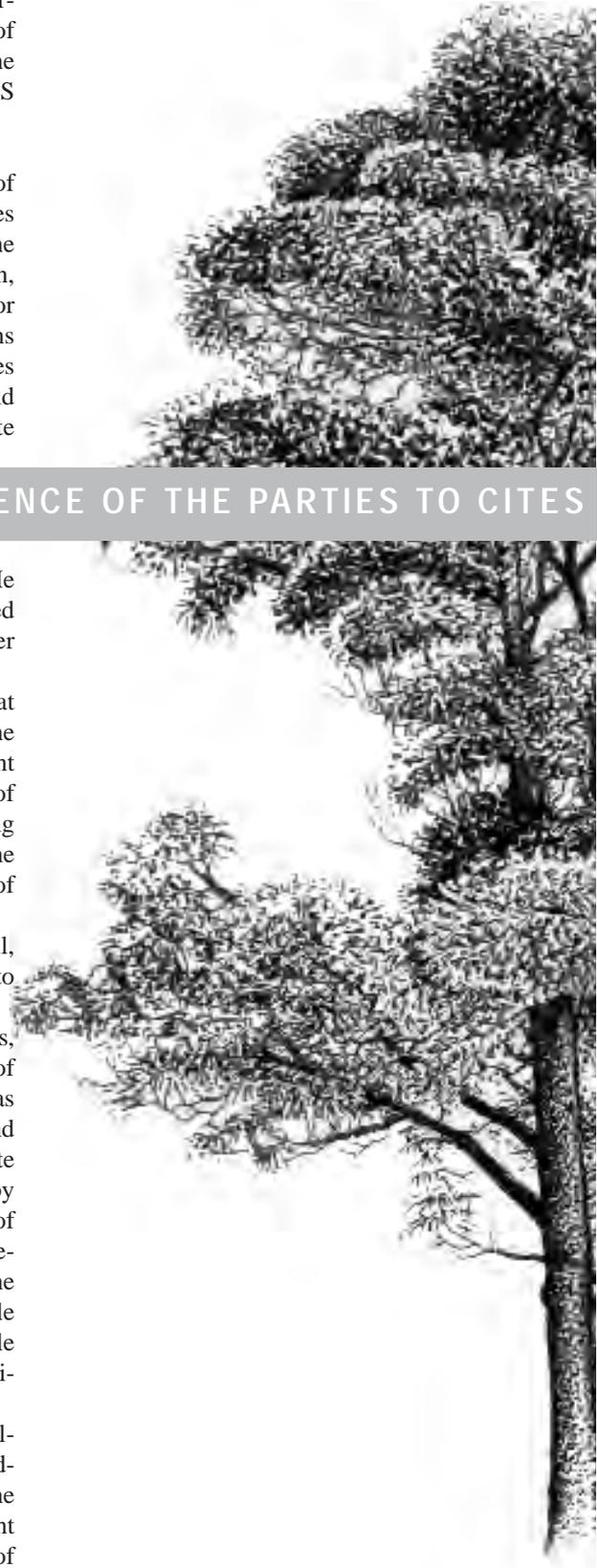
funding for implementation of any decisions they took. He maintained that the Convention should be playing an enhanced role in the management of commercial fisheries and the timber trade.

The Executive Director of UNEP, Dr K. Töpfer, stated that the meeting represented an opportunity to take forward the agenda of the World Summit on Sustainable Development (WSSD). He emphasized the importance of the outcomes of WSSD to CITES and the role of the Convention in contributing to meeting the targets established at WSSD, particularly the goal of achieving a significant reduction in the current rate of loss of biodiversity by 2010.

The Chairman of the Standing Committee, Mr K. Stansell, asserted that the strength of CITES lay in its ability to adapt to new challenges.

In welcoming participants to the meeting, Mr J. Campos, Minister of Agriculture of Chile, on behalf of the Government of Chile, noted that economic growth for future generations was essentially bound up with protection of the environment and wise management of natural resources. He warned that despite effective action by CITES in the past, the challenge posed by illegal trade remained. Without adequate resources, the ability of CITES to overcome this would be severely impaired. Consequently, he urged the international community, in particular the developed countries, to take on its quota of responsibility. While environmental conservation was an essential part of sustainable development, he noted that of equal importance was the elimination of poverty.

The President of Chile, Mr R. Lagos Escobar, was welcomed to a special session of the meeting, where he commended the work of CITES and noted that the 12th meeting of the Conference of the Parties was the biggest environmental event ever to be held in Chile. He highlighted the global nature of CITES and stressed the need for all countries to work together to protect biodiversity as part of the heritage bequeathed to us by our ancestors. He further stressed the importance of sustainable development to future generations.



DRAWING OF BIGLEAF MAHOGANY SWIETENIA MACROPHYLLA BY BRUCE MAHALSKI FOR TRAFFIC

The Secretariat introduced a proposed **Budget for 2003-2005 (Doc. 12.9.1 (Rev. 1))** which was 15% smaller than the budget for the previous triennium but would still require a 12% increase in Parties' contributions. This discrepancy was due to the planned draw-down of the CITES Trust Fund to minimum levels during the last budget cycle which had enabled an increased Secretariat budget without increased contributions from the Parties. After some initial debate a finance working group, chaired by Canada, was established to seek a compromise between those supporting the tabled budget and those wishing to see a revised version with no, or little, increase in Party contributions.

The working group presented two revised budgets for consideration - one requiring a 6% increase in Party contributions and the other a 0% increase. The group also provided guidelines for future budgets and strategies to contain future budgets. Ultimately the Parties agreed to a 2003-2005 budget of approximately USD14 million that represented a 6% increase in Party contributions.

Chile presented **Doc. 12.13.1 Revision of Resolution Conf. 11.1 on Establishment of Committees** which pointed out the inconsistency between the quantity and type of regional representation on the Standing Committee versus the Animals and Plants Committees. Chile's proposal would have increased representation from Africa on the Animals and Plants Committees by two people, and from both Europe and Central and South America and the Caribbean by one person each. However it was decided that representation on the Committees should remain unchanged, primarily due to budgetary implications.

One particular issue had the potential to result in some of the most fundamental changes to the workings of the Convention. The relevant documents, **Doc. 12.13.2 Enhancing Implementation of the Convention** (prepared by the USA) and **Doc. 12.13.3 Review of the Committee Structure** (prepared by the Secretariat), regarded the issue of how CITES can effectively resolve implementation issues. Doc. 12.13.2 outlined various options for dealing with technical and implementation issues, which, it is argued, are not, and cannot be dealt with adequately by the existing permanent committee structure (Animals, Plants, Nomenclature and Standing Committees). Among the options proposed for consideration were: the consolidation of the Animals and Plants Committees into one Scientific Committee and establishment of an implementation committee which would address enforcement-related and other implementation issues; maintain separate Animals and Plants Committees and establish a joint implementation subcommittee; maintain the Animals and Plants Committees, with separate implementation subcommittees for each; or, the creation of a completely separate implementation committee.

Taking the USA's document into account, the Secretariat provided in Doc. 12.13.3 two options for revising Resolution Conf. 11.1: merging the Animals, Plants and Nomenclature Committees into a single

scientific committee to lower costs and improve efficiency; or this option, with the addition of establishing a separate implementation committee.

After extensive discussion, it was agreed that changes should not be made to the permanent structure of the Committees because of budgetary implications and the need for varying member composition. Instead, two Decisions were adopted. Decision 12.23 tasks the Standing Committee to: identify typical categories of technical implementation issues that have proved difficult to address under existing Committee structures; establish and implement a process for the Standing Committee to act as a clearing house to direct relevant issues to the appropriate body; and, to report the results of their work to the 13th meeting of the Conference of the Parties. Decision 12.24 includes directions to the Animals and Plants Committees to continue working on primarily science-based technical implementation issues, and to develop recommendations as to how they can assist the Standing Committee's advisory role outlined in Decision 12.23.

The increase in the number of documents and proposals relating to marine fisheries prompted two Parties to present documents seeking to guide the development of a future relationship between **CITES and FAO**. Informal discussions between those Parties, the USA and Japan, resulted in the tabling of a joint document on **Co-operation with other Organizations: CITES and FAO-FAO Collaboration with CITES through a Memorandum of Understanding (Doc. 12.16.2.1/16.2.2 addendum)**. The US withdrew its original proposal while Japan gave its support for the joint proposal and offered to withdraw its document on **Co-operation with other Organizations: CITES and FAO Synergy and Co-operation between CITES and FAO (Doc. 12.16.2.1 and Doc. 12.16.2.1 addendum)** if the joint proposal was adopted. The main element of the joint proposal was the development of a Memorandum of Understanding (MoU) between CITES and FAO that would formalize co-operation between the two organizations and thereby facilitate improvements in each organization's ability to contribute to strengthened conservation of aquatic species within their areas of expertise. In discussion of the document, Parties generally recognized that unilateral approaches were limited in their ability to achieve positive conservation outcomes for aquatic species, however it would be important that the mandate of each organization and, by extension, that of regional fisheries organizations, was recognized in an MoU. A more specific issue debated was whether the reference should be to all aquatic species, with some Parties stating that FAO did not have a mandate to deal with all aquatic species. However, it was recognized that the draft wording was deliberately ambiguous in this regard and that it would be extremely difficult to resolve this lack of clarity in the draft document. A number of Parties sought instead to have their views on this matter included in the record. The

Parties noted that the timeframe to finalize an MoU may be lengthy as the FAO's Committee on Fisheries (COFI) only met every two years and it would not be possible for the Standing Committee to develop a draft MoU prior to the 25th meeting of COFI in February 2003. The Parties adopted the decision by consensus.

Norway presented **Doc. 12.17 Sustainable Use of and Trade in CITES Species**, seeking greater alignment of the application of 'sustainable use' within CITES with that of the Convention on Biological Diversity (CBD) and intergovernmental organizations such as FAO. A draft resolution annexed to Doc. 12.17 called on CITES to co-operate with the CBD and FAO to develop guidelines on the interpretation of the principle of sustainable use in that regard. It also called on the CITES Secretariat and Committees to prepare a proposal with regard to applying the CITES listing criteria on this basis, and on the Parties to consider ways of 'validating' the CITES Appendices through a more regular review or introduction of a 'sunset clause' on CITES listings.

Following initial discussions in Committee II, Norway was asked to chair a working group to discuss the documents in more detail. Twenty-five Parties and observers participated in the working group, expressing a range of views on the wider issue of addressing sustainable use within CITES as well as on the draft resolution. There was no consensus within the working group, Norway reporting back to Committee II that while discussions had been fruitful, a substantial difference remained with regard to how to deal with sustainable use in a CITES context. Norway proposed amendments to its draft resolution, however neither these nor the original text was accepted by the Parties. The separate proposal from the Secretariat that Resolution Conf. 10.4 on the co-operation and synergy with the CBD be repealed as part of the process of consolidating resolutions was not accepted, leaving open the possibility that discussions on sustainable use, CITES and the CBD will continue within the framework of that resolution.

Doc. 12.18 Economic Incentives and Trade Policy, prepared by the Secretariat, addressed three main issues: consideration of economic incentives in designing trade policy and the use of economic instruments towards achieving CITES objectives; and, the relationship between CITES and the World Trade Organization (WTO). A draft resolution and decision were annexed to the document linked to these points. Several amendments to the draft resolution were proposed, with areas of concern including recommendations aimed at reducing the use of stricter domestic measures. An amended version was presented during a subsequent meeting of Committee II, but not accepted. Although there was more widespread support for the draft decision calling for organization of a workshop and subsequent research on trade policy and economic incentives, concern was also expressed that work on this issue exceeded the Secretariat's core mandate, especially in view of

resource limitations. A revised decision taking into account the comments made was presented in a subsequent session of Committee II and adopted.

Doc. 12.20.2 Results of the Wider Caribbean Hawksbill Turtle Dialogue Meetings was presented in plenary by the UK that noted the success of these meetings. This dialogue process originated when, at the 11th meeting of the Conference of the Parties, Cuba put forward a proposal to transfer from Appendix I to Appendix II those parts of the Caribbean population of Hawksbill Turtle *Eretmochelys imbricata* inhabiting Cuban waters. This proposal was rejected, but it was suggested that a regional Caribbean meeting be held to strengthen regional co-operation for the management of Hawksbill Turtles. After a formal request by Costa Rica, several Parties supported the idea, and the Secretariat proposed that two range States dialogue meetings be held before the 12th meeting of the Conference of the Parties, to discuss and, if possible, reach consensus on the many difficult issues raised.

As a result of these dialogue meetings, a draft resolution and two draft decisions in Annexes 2 and 3 of Doc. 12.20.2 were prepared and submitted for consideration by the Conference of the Parties. The Secretariat also proposed some draft decisions in Annex 4 of Doc. 12.20.3 be adopted by the meeting rather than the draft resolution and draft decisions in Annexes 2 and 3. After a few changes suggested by range States and the Secretariat, including the inclusion of sustainable use as one of the general objectives, the draft decisions in Annex 4 were agreed.

The agenda item providing an overview of CITES enforcement-related issues and developments since the last meeting was presented to Committee II (**Doc. 12.27 on Enforcement Matters**). The Secretariat introduced the document, the purpose of which was to focus attention on major problems of implementation and to highlight good enforcement work. Emphasis was placed on the need for better co-ordination and communication at all levels between relevant agencies. The need for more effective reporting was shown to be critical, while not inventing new systems or being overly burdensome on enforcers. There had been a poor response by enforcement staff to the dissemination of the Secretariat's intelligence information and requests for investigations. The new confidential CITES 'Alerts' system had been useful but was not getting to the national enforcement agencies staff who required it. Other issues were explored such as concerns that confidential information was not being treated as such by CITES Management Authorities, and the problem of corruption. The document suggested that Parties employ anti-corruption policies and called for funds for the Secretariat to draw up anti-corruption guidelines. This latter point was withdrawn as it was too extensive a task and funding was not available. The document also highlighted the costs and benefits of working with NGOs on enforce-

ment cases. TRAFFIC was emphasized in a very positive light in this regard but the potential problems of NGOs compromising operations and providing inadmissible evidence was recognized. Of note was the list of Parties that had not designated a CITES Scientific Authority and should not have their permits accepted. The Annex to the document was a draft decision, requesting that the Parties agree to the Secretariat convening a meeting of enforcement experts to identify measures to improve information flow of enforcement data to enforcement agencies, CITES Management Authorities and the Secretariat. The meeting outputs would include a report to the Standing Committee, with a view to recommendations being taken forward to the 13th meeting of the Conference of the Parties. The Secretariat emphasized the budgetary implications of the workshop and the USA requested that a financial explanation of what was required be provided. There was general support for the document, with particular emphasis on the need for more effective co-operation and communication, and the Secretariat was directed to hold the experts meeting (Decisions 12.88 and 12.89).

With respect to **National Laws for the Implementation of the Convention (Doc. 12.28)**, the Secretariat outlined activities that had taken place during Phase 4 of the National Legislation Project (NLP). As a result of Decision 11.132 the Secretariat was required, during Phase 4 of the NLP, to amend the analyses of national legislation and associated ratings and provide assistance to any Parties requiring guidance. The Secretariat described the achievements in respect of the NLP, explaining the methodology and criteria for the legislative analysis process and describing how various Parties have fared in this process. Phase 5 of the NLP is to continue with the provision of advice and assistance and the Secretariat also believes that Phase 5 should start assessing the effectiveness of legislation adopted by the Parties who have been placed in Category 1.

Two draft decisions put forward by the Secretariat were amended and Decisions 12.80 to 12.83 set out the timeframes within which certain countries, falling either within Category 2 or 3, are required to submit a 'CITES Legislation Plan' and/or adopt adequate legislation. Decision 12.83 notes that the Secretariat is to issue a notification recommending a suspension of commercial trade in specimens of CITES-listed species with the relevant countries, should the Parties fail to comply with the provisions of the Decision. The Secretariat may, however, withhold action on such an instruction if good legislative progress has been made by a Party, but shall implement the instruction immediately if adequate legislation had not been adopted by 31 March 2003. The Parties expressed support for the retention of these compliance provisions as they have in the past resulted in action being taken quickly to enact legislation.

A report on the **Conservation of the Leopard, Snow Leopard and Clouded Leopard (Doc. 12.32)** was submitted by India in light of growing concerns about the impact of trade on these big cats to meet demand for skins, bones and other products, and to draw attention to the threats posed to big cats other than the Tiger. The document proposed a new Resolution, the main points of which called upon Parties, particularly range and consumer States, to increase enforcement efforts, pursue clear labelling systems for products containing parts and derivatives of these species, and to develop bilateral and regional agreements to improve conservation and management of these species. Following discussions with other range and consumer States, and noting the recommendations of the Secretariat regarding Resolution Conf. 11.5 on the conservation of and trade in Tigers, Doc. 12.32 was amended and a revised resolution submitted by India was adopted (Resolution Conf. 12.5). This is discussed below under Doc. 12.33.

The Parties considered a document relating to the **Conservation of and Trade in Tigers (Doc. 12.33)**, submitted by the Secretariat, which reported on the implementation of Decisions (13 in total) relevant to the conservation of Tigers. It also served as the report of the Standing Committee, as required by Decision 11.82. The Secretariat recommended that all extant Decisions be deleted as they had been complied with. Doc. 12.33 also put forward the Secretariat's proposed amendments to the existing Resolution Conf. 11.5 on conservation of and trade in Tigers, mainly to streamline the Resolution and to repeal non-Tiger-specific sections. India sponsored a revised document which expanded the existing Resolution Conf. 11.5 away from its Tiger-specific focus to include other Asian big cats listed in CITES Appendix I. This incorporated the proposed amendments of the Secretariat to Resolution Conf. 11.5 and information and recommendations from *A Conservation Priority: Conservation of Tigers and other Asian Big Cats*, TRAFFIC's briefing document on Asian big cats (available at www.traffic.org). Subsequently, Resolution Conf. 12.5 on conservation of and trade in Tigers and other Appendix-I Asian big cat species was tabled for discussion and adopted by the Parties. The main points added included recommendations to Parties and non-Parties to: ensure that captive breeding facilities for Tigers and other Asian big cat species were adequately managed to prevent parts and derivatives from entering illegal trade from or through such facilities; consolidate and ensure adequate control of existing stocks of parts and derivatives; establish and fund anti-poaching and enforcement units; establish co-operative bilateral and multilateral arrangements, especially for the management of protected habitats with common boundaries; and, to conduct studies to examine the motivation behind illegal killings so that appropriate measures and responses could be devised. The Tiger Enforcement Task Force was also expanded to include all Asian big cat species.

Four Decisions were also adopted, two of which directed the Parties to report to the Secretariat and to the countries of origin, export or re-export on seizures and investigations regarding illegal shipments of Asian big cat parts or derivatives (Decision 12.29), to consider ways in which local communities may become involved in the conservation of Asian big cats, and to report on such concepts and initiatives at the 49th meeting of the Standing Committee (Decision 12.30). Two Decisions were also directed to the Standing Committee: Decision 12.31 directs the Standing Committee to continue its review of progress in range and consumer States that were earlier subject to CITES Technical and Political Tiger Missions to ensure that recommendations made by the Missions continue to be implemented; the other (12.32) being to report back to the 13th meeting of the Conference of the Parties on progress made by range and consumer States of Asian big cat species, presumably with regard to Resolution Conf. 12.5.

A document (**Doc. 12.39**) prepared by the Secretariat with the Animals Committee reported on the implementation of Decisions pertaining to **Resolution Conf. 11.8 on the Conservation of and Trade in Tortoises and Freshwater Turtles**, with particular reference to Decision 11.150 regarding the convening of a technical workshop. The technical workshop on conservation of and trade in tortoises and freshwater turtles was held in Kunming, China, in March 2002. Recommendations formulated at an earlier workshop on trade in terrestrial and freshwater turtles and tortoises in Asia, held in Cambodia in December 1999, were considered and conservation priorities and actions identified, as well as recommendations for management and regulation of trade. As requested under Decision 11.150, the Secretariat communicated the findings and recommendations of this technical workshop to the Animals Committee at its 18th meeting. Full details, findings and recommendations of the workshop are available at www.cites.org in document AC18 Inf. 12 (Rev.).

Based on the outcome of the Kunming workshop, the Animals Committee drafted amendments to Resolution 11.9, subsequently adopted by the Parties at the 12th meeting of the Conference of the Parties (Resolution Conf. 11.9 (Rev. CoP12)). Recommendations from the Kunming technical workshop also included the development of proposals to list selected species in Appendix II. The proposals submitted and results can be found on page 137.

Two Decisions were also adopted: Decision 12.41 directs Parties involved in the commercial trade in tortoises and freshwater turtles to submit a report on the implementation of Resolution Conf. 11.9 (Rev. CoP12); Decision 12.42 directs the Secretariat to evaluate these reports and other information and to report to the next meeting of the Conference of the Parties.

Implementation of Resolution Conf. 10.12 (Rev.) on Conservation of Sturgeons (Doc.12.42.1) was prepared by the Secretariat on behalf of the Animals Committee in accordance with Decisions 11.96 and 11.152. The document related to the Significant Trade Review, the establishment of catch and export quotas, as well as to the progress made in implementing measures agreed upon at the 10th and 11th meetings of the Conference of the Parties. These measures were largely superseded by the actions taken pursuant to the Review of Significant Trade in Specimens of Appendix II species (Resolution Conf. 8.9 (Rev.)) with regard to commercially exploited species of Acipenseriformes.

Parties acknowledged the important efforts made by the Secretariat to improve the status of wild sturgeon populations in the Caspian Sea and Danube River basins. They also recognized the relevance of the long list of recommendations included in the document. Canada, as a range State of North American sturgeon species, insisted that owing to the wide range of their application, extending from protection of sturgeon habitat and stock enhancement, to fisheries management and socio-economic issues, they should be adopted as guidelines and not recommendations. Following a suggested amendment by the Secretariat, Decision 12.50 was adopted which addresses the need for Eurasian range States to develop regional strategies and action plans for the conservation of sturgeon and paddlefish species.

Doc. 12.42.2 Consolidation of Resolutions Relating to Sturgeons and Trade in Caviar was prepared by the Secretariat on behalf of the Animals Committee and proposes the consolidation of Resolutions Conf. 10.12 (Rev.) and 11.13 following the review of their implementation and effectiveness as required under Decisions 11.96, 11.152 and 11.162.

With regard to Decision 11.162 and the universal labelling system for the identification of caviar, the Secretariat issued a series of Notifications to the Parties in 2001 and 2002 that communicated the labelling system adopted by five of the range States and stated that, from 31 December 2001 onwards, Parties would be recommended not to accept shipments of caviar unless these were labelled in accordance with Resolution Conf. 11.13. The principal amendments proposed to the caviar labelling system as indicated in Annexes 1 and 2 to the draft resolution are: the extension of the system to caviar produced for commercial and non-commercial trade, for both domestic and international markets and labelling requirements for re-exports on the basis of non-reusable labels for primary containers of any size (formerly limited to containers of more than 250 g). The draft decision in Annex 3 of Doc. 42.2 stated that, if adopted, the revised labelling system should be implemented by all caviar trading parties no later than 1 January 2004. After inclusion of a few amendments, the consolidated resolution (Resolution Conf. 12.7) was adopted.

Doc. 12.47 Conservation of *Swietenia macrophylla*: Report of the Mahogany Working Group prepared by the Secretariat described the actions developed to accomplish the instructions of Decision 11.4. The report noted the conclusions and recommendations agreed at the meeting of the Mahogany Working Group (MWG) held in Santa Cruz de la Sierra, Bolivia (October 2001), where available information on Appendix III effectiveness, legal and illegal trade, and the status of the species were analysed and discussed. The conclusions emphasized the need to address illegal trade and problems relating to border controls; the need for field studies to assess the status of mahogany populations to promote sustainable management; and, the need for greater information exchange. Comments by the Secretariat included in the report noted that many range States cited a need for better population information to ensure sustainable use, adding that it therefore seemed logical to make the species subject to the provisions of Article IV by including it in Appendix II. The Parties were requested to consider the report and to decide on further actions as appropriate. Following the deliberations of Committee I, where the proposal to list, with effect from 15 November 2003, the neotropical populations of *Swietenia macrophylla* in Appendix II, was agreed (see page 135), the Secretariat suggested that although some recommendations of the MWG remained valid, further meetings of the MWG would not be needed. Nevertheless, other commentators supported the continuation of the MWG and the EU's suggestion to revise the Terms of Reference of the group to include discussion of the capacity needs for effective Appendix II implementation. The continuation of the group was agreed subject to a revision of its mandate and to the availability of external funding.

The CITES Review of Significant Trade provides an extremely important mechanism to resolve concern that exports of particular species listed in Appendix II may be exceeding sustainable levels. The Parties considered **Doc. 12.48.1 Revision of Resolution Conf. 8.9 (Rev.) Trade in Specimens of Appendix-II Species Taken from the Wild**, comprising proposed revisions to Resolution Conf. 8.9 (Rev.). The revised text was based primarily on the results of discussion by the scientific (Animals and Plants) committees since the 11th meeting of the Conference of the Parties, with an emphasis on clarifying, simplifying and consolidating the process. With minor amendments to the draft presented, the Parties adopted Resolution Conf. 12.8, which addressed the need for greater interaction with range States, and increased flexibility for the scientific committees to establish deadlines for range States to respond to recommendations. A process to follow up with range States when Standing Committee recommendations are not implemented was also agreed.

The second issue under consideration was the need for an evaluation of the impact of the Review of Significant Trade. This was called for by both scientific committees due to the need to analyse the factors contributing to the success or failure of the process as a mechanism to secure the conservation of species in trade. As a result, the Parties adopted Decision 12.75 directing the scientific committees to draft terms of reference for the study for consideration at the 13th meeting of the Conference of the Parties. The results of this study will be critical to any further modification of the process necessary to ensure the review serves the best interests of species conservation and sustainable use.

The discussion on **Trade in Time-Sensitive Biological Samples (Doc. 12.51)** was surprisingly heated and controversial in Committee II. The document prepared by the Secretariat, at the request of the Standing Committee, presented the findings of a working group of the Standing Committee established to address issues raised by a failed proposal on this topic at the 11th meeting of the Conference of the Parties. The working group aimed to develop provisions in CITES that would enable the more rapid movement of important biological samples with a time-sensitive element, that have minimal conservation risk. The document submitted to Committee II proposed that the expedited process cover trade in other types of specimens also, such as pre-Convention specimens, artificially propagated/captive-bred specimens and personal effects. Management Authorities would be able to use the simplified procedures for any purpose at their discretion. This would be enacted through a proposed amendment to Resolution Conf. 10.2 (Rev.) included in Annex 1 to the document. During discussions, concerns were again raised about the potential loss of intellectual property rights that may arise with the relaxation of controls on biological samples, a key issue for the Convention on Biological Diversity (CBD). Some expressed their view that this was an inappropriate vehicle to put these simplified procedures forward without further research and discussion in a separate document. The need for simplified procedures for urgent samples was clear to many but that was not the case with these other certificates that were arguably beyond the original intent of the working group. Brazil, China and Mexico, in particular, raised various concerns, particularly that the process did not adequately address the issue of benefit-sharing, which should be addressed within the CBD. The discussion went to a vote and the revision to the resolution was accepted, with 33 votes in favour, 16 against and 16 abstentions. Resolution Conf. 10.2 (Rev.) was recalled and Resolution Conf. 12.3 outlined simplified procedures for issuing permits and certificates. In plenary requests to reopen discussion on this agenda item were rejected by a show of hands: 16 in favour and 58 against.

Revision of Resolutions Conf. 8.15 and Conf. 11.14 on guidelines for a procedure to register and monitor **Operations that Breed Appendix-I Animal Species in Captivity for Commercial Purposes (Doc. 12.55.1)**, proposed by the Secretariat, would have significantly changed the procedure used for registering operations that breed Appendix-I animal species for commercial purposes. Doc. 12.55.1 would have eliminated the currently applicable procedure established in Resolution Conf. 8.15 and Conf. 11.14 and instead adopted a modified version of the procedure used for registering operations that artificially propagate Appendix I plant species for commercial purposes, established in Resolution Conf. 9.19. The current procedures for registering operations producing specimens of Appendix-I animal and plant species are much simpler for operations propagating plants. A working group established by the Parties to consider this issue recommended modifying the currently applicable procedure in Resolution Conf. 11.14 instead of replacing it. In short, the group recommended treating plants and animals separately and simplifying procedures to register breeding operations. The working group recommended using the currently applicable framework for registration, but requiring it for all operations that breed specimens of Appendix-I animal species for commercial purposes, rather than for a subset of such operations only, as had been specified in Resolution Conf. 10.16 (Rev.), and Resolution Conf. 11.14. The recommendation of the working group was approved by the Parties as Resolution Conf. 12.10.

Chile put forward a paper on the **Establishment of a Working Group to Analyse Relevant Aspects of the Application of CITES to Marine Species (Doc. 12.61)** which proposed the establishment of a marine species working group. The main purpose of this group was envisaged as addressing scientific and implementation issues concerning the application of CITES to marine fisheries resources. This was the second time that a proposal to form a marine working group had been discussed, with a similar suggestion rejected at the 11th meeting of the Conference of the Parties. Statements by Parties opposing the proposal argued that these issues should be dealt with under the auspices of the FAO and relevant regional fisheries organizations. The recommendation by Parties to move forward and develop an MoU with FAO was also seen by some Parties as a mechanism to address the issues raised in the proposal and that such a group would be premature at this time. The Parties voted by secret ballot and rejected the proposal.

The Parties selected Thailand as the **Venue of the Next Regular Meeting of the Conference of the Parties**, which is scheduled to take place in Bangkok from 2 to 14 October 2004.

Proposals for Amendment of Appendices I and II and other species-specific issues:

African Elephant

With a record number of six amendment proposals, proposed revisions to Resolution Conf. 10.10 (Rev.) on trade in elephant specimens, and scheduled presentations in Committee I on the two CITES monitoring systems, African Elephants *Loxodonta africana* once again dominated the CITES agenda for the meeting. Botswana, Namibia, South Africa and Zimbabwe, whose elephant populations were already in Appendix II, submitted proposals to amend annotation °604 to allow conditional trade in hunting trophies, live animals, raw ivory, hides, leather goods, and, excluding South Africa, ivory carvings. The major effect of these proposals would be to allow all four countries a conditional resumption of trade in raw ivory of national origin through an initial one-off sale of existing stocks of elephant ivory, followed by the establishment of annual export quotas. The proposed one-off sale would have involved 20 t of ivory from Botswana, 10 t from Namibia, 30 t from South Africa and 10 t from Zimbabwe, while the annual export quotas were set at not more than four tonnes, two tonnes, two tonnes and five tonnes of raw ivory for each of these countries, respectively. As a condition of their proposals, Botswana, Namibia and Zimbabwe would be committed to restricting any such trade until May 2004, some 18 months after the adoption of the proposal. Under a slightly different arrangement, South Africa did not propose a time limit on the sale of their ivory stock, but restricted exports to elephant tusks or ivory pieces originating from Kruger National Park that are at least 20 cm in length and one kilogramme in weight. Finally, all countries, except South Africa, imposed conditions on the acceptability of potential trading partners for raw ivory, allowing exports only to "CITES-approved" countries that would ensure that the ivory imported could not be re-exported. In addition to trade in raw ivory, Botswana and Namibia proposed to allow trade in hides, leather goods and worked ivory products, trade options currently not allowed under annotation °604 for any country other than Zimbabwe. In another amendment proposal, Zambia sought the transfer of its population of African Elephants from Appendix I to Appendix II for the purpose of a one-off sale of 17 t of whole ivory tusks currently held by the government, and the export of live animals under "special circumstances". And finally, in a contrary move, Kenya and India submitted a proposal, as they did at the 11th meeting, to transfer all African Elephant populations currently in Appendix II back to Appendix I, arguing that elephant poaching and illegal trade in ivory continued and that listing all elephant populations in Appendix I would be a precautionary measure.

Discussions on the suite of elephant issues commenced at the fifth African Elephant Range States Dialogue meeting, which was convened from 29 to 31 October in Santiago, just prior to the 12th meeting of the Conference of the Parties. As in the past, this meeting allowed African countries with elephant populations an advance opportunity to deliberate on all CITES agenda items pertaining to the species. Facilitated by the CITES Secretariat, chaired by Mr D. Koulagna Koutou from Cameroon, and attended by 24 of the 37 African Elephant range States, the meeting concluded with a communiqué which, among other things, presented a consensus agreement on future trade in elephant ivory. There were two main elements to the consensus. First, Botswana, Namibia, South Africa and Zimbabwe would be allowed a conditional, one-off sale of registered, government-owned stocks of raw ivory of national origin, amounting to the volumes declared in their amendment proposals, to designated and formally-approved trading partners with sufficient controls to ensure that none of the imported ivory would be re-exported, and that it would be managed in full compliance with the provisions of Resolution Conf. 10.10 (Rev.) concerning internal trade in ivory. No such trade would be permitted before May 2004, specifically to allow MIKE (Monitoring of the Illegal Killing of Elephants), the designated monitoring system for tracking the illegal killing of elephants, time to establish and report on baseline information. Secondly, provided that the monitoring systems were able to present the necessary 'feedback' information, and a future meeting of the African Elephant Range States Dialogue agreed, annual quotas for trade in raw ivory could be established in accordance with Resolution Conf. 10.10 (Rev.). In other developments, reservations were expressed about Zambia's proposal and the country was urged to incorporate a number of amendments prior to its presentation at the 12th meeting of the Conference of the Parties. The Dialogue meeting also agreed to certain modifications to Resolution Conf. 10.10 (Rev.) and to submit two draft decisions to Committee I for consideration. Kenya, whose proposal with India to place all elephant populations back in Appendix I was ostensibly rejected by the meeting, objected to the consensus agreement and this was duly noted in the document that came forward to the 12th meeting of the Conference of the Parties.

The Dialogue communiqué, presented in **Doc. 12.20.1 Results of the African Elephant Dialogue Meeting**, formed the basis for the formal deliberations on elephant conservation issues in Committee I. The agenda commenced with presentations on the two CITES-monitoring systems for elephants. Addressing **Doc. 12.34.1 Illegal Trade in Ivory and other Elephant Specimens**, TRAFFIC summarized the three reports on the Elephant Trade Information System (ETIS). These reports included the results of the first comprehensive analysis of the ETIS data, which concluded that illegal trade in ivory is most directly linked to the existence of large-scale, unregulated, domestic ivory markets in

Africa and Asia and that, due to the influence of an emerging market in China, illicit trade in ivory has steadily increased since 1998. The ETIS reports recommended the establishment of a formal mechanism under the direction of the Standing Committee to evaluate major domestic ivory markets against the provisions for internal trade in ivory outlined in Resolution Conf. 10.10 (Rev.). Concurrently, and based on **Doc. 12.34.2 Illegal Hunting of Elephants**, a similar presentation on MIKE was given. In this regard, the Director of MIKE outlined progress that had been made with establishing the site-based system in Africa, and future plans for establishing and implementing the system in Asia. In sum, considerable progress in Africa had resulted in over 80% of the sites producing data on a regular basis, while activation of MIKE in Asia was only just beginning owing to the time it had taken to secure adequate funding.

As a consequence of the ensuing discussion on ETIS and MIKE, and following on from the consensus reached at the African Elephant Range States Dialogue meeting, two draft decisions were introduced. The first called upon Parties, donors and organizations "to provide urgent financial and technical support" for the implementation of Resolution Conf. 10.10 (Rev.) with respect to internal trade in ivory in elephant range States. The second endorsed the establishment of an inter-sessional process whereby the Secretariat would evaluate compliance of currently active internal ivory markets with the provisions of Resolution Conf. 10.10 (Rev.) for internal trade in ivory and submit a report on its findings to the 50th meeting of the Standing Committee. In cases of non-compliance, the suspension of all trade in CITES-listed specimens with the Party in question was specifically articulated in the decision as a possible option. The Parties originally named in the draft decision from the Dialogue meeting were Cameroon, China, the Democratic Republic of Congo, Djibouti, Ethiopia, Nigeria, Thailand, Uganda, and the USA, while Japan was added without objection following the discussion in Committee I. Both of these Decisions (12.36 and 12.39, respectively) were adopted by consensus by the Parties.

Proposed revisions to Resolution Conf. 10.10 (Rev.), which stemmed from a submission by Kenya and India found in **Doc. 12.34.3 Revision of Resolution Conf. 10.10 (Rev.) on Trade in Elephant Specimens**, and which had been further revised during the Dialogue meeting and presented in Annex 3 of Doc. 20.1, were introduced, discussed and accepted. The principal changes strengthened requirements for control of domestic ivory markets, established the inter-sessional process under the Standing Committee for evaluating compliance of specified countries with the outlined controls for internal trade in ivory, and provided the basis for an independent technical advisory group to assist with the implementation of MIKE and ETIS. These changes were accepted by consensus.

Other proposed changes to Resolution Conf. 10.10 (Rev.) outlined in **Doc. 12.34.4 Revision of Resolution Conf. 10.10 (Rev.) in Relation to Quotas and Trade in Ivory**, which had been prepared by the CITES Secretariat, were withdrawn.

In accordance with the consensus reached during the African Elephant Range States Dialogue meeting, Botswana, Namibia, South Africa and Zimbabwe amended their original proposals to subject the one-off sale and future annual quotas to the conditions outlined above and contained in Annex 2 of Doc. 20.1. Following a general presentation on elephant conservation in southern Africa by Botswana, each of the proponent countries introduced their proposals with the appropriate amendments. During the ensuing debate, the USA moved to amend the proposals further in a manner that would have the effect of specifically linking the scope of MIKE to both African and Asian Elephants, postpone the one-off sale of raw ivory stocks to a decision of the CITES Standing Committee in 2005, and eliminate the annual quotas altogether. Botswana, rejecting key elements of the US proposal, offered another amended version which eliminated the request for annual quotas, but kept the “not before May 2004” timing, the need for MIKE to report on baseline information, and the requirement for the Standing Committee to certify that all of the agreed conditions had been met. Botswana and Namibia also dropped their request to allow trade in worked ivory products. Because it was less restrictive than the proposal offered by the USA, the Parties voted on Botswana’s amended proposal first, approving it in a secret ballot, with 59 in favour, 26 against and 21 abstentions. Namibia’s proposal, similarly amended, was accepted in a secret ballot, with 65 in favour, 28 against and 22 abstentions. Likewise, South Africa’s proposal was carried by 65 votes in favour, 24 against and 25 abstentions in a secret ballot, but the Parties rejected Zimbabwe’s proposal by 60 in favour, 45 against and ten abstentions.

Zambia’s proposal sought the transfer of its African Elephant population to Appendix II and a one-off sale of some 17 t of raw ivory. Citing the need for revenue to support elephant conservation, particularly the deficiencies cited in the Panel of Experts report, Zambia acknowledged that there were a number of key issues that needed to be addressed, and accepted a delay until May 2004. In a secret ballot, the Zambian proposal failed to win a two-thirds majority vote and was defeated 57 votes in favour, 54 against and two abstentions.

Finally, during a plenary session, Kenya proposed a decision that would require the Standing Committee at its 49th meeting to further clarify terminology and other procedures in annotation °604 pertaining to the future implementation of MIKE and the basis for concluding that “a detrimental impact” had resulted from any approved trade in ivory under CITES. During discussion, amendments to the proposed decision were offered by Namibia, and accepted by the Parties, to have the

Standing Committee, “in consultation with the MIKE Central Co-ordinating Unit and IUCN”, define the geographical scope and the nature of the data that would constitute the baseline for MIKE. The final decision also required the Standing Committee “to recommend measures for improving law enforcement co-ordination between ivory producing and ivory importing States”.

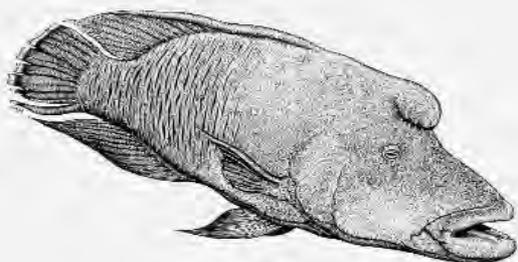
In the final analysis, the Parties generally followed the framework of the consensus that emerged from the African Elephant Range States Dialogue meeting and agreed a compromise that allows selected southern African countries a future opportunity to benefit from a conditional one-off sale of ivory, provided that MIKE becomes operational to the point of establishing a credible baseline. At the same time, the Parties used the results of ETIS to commence actions through an inter-sessional process against key domestic ivory markets which fail to comply with Resolution Conf. 10.10 (Rev.). This represents a cautious move away from subjecting elephant conservation under CITES to a regimen of strict protection, but subjects future trade to a system of checks and balances. The onus is once again on the CITES monitoring systems to become dynamic instruments that fulfil the requirements of the Parties.

Humphead Wrasse

The USA submitted a proposal to list the Humphead Wrasse *Cheilinus undulatus* in Appendix II. This species, which occurs throughout the Indo-Pacific region, is slow growing, long-lived, and late maturing, making it highly vulnerable to overexploitation. It is the most highly valued of all species in the live reef food fish trade in Asia. Catches for international trade have already resulted in widespread declines in local populations and there is concern that increasing demand for the species will place further pressure on remaining populations in the absence of greater controls. Parties opposing the proposal believed, variously, that FAO should be the responsible agency for commercial fish stocks; that the proposal would be difficult to implement; and, it would not address destructive fishery practices, which were the major cause of the decline in the species. Among the reasons cited by Parties in favour of the proposal was that a listing would help ensure sustainable fisheries practices and would assist in implementing domestic legislation. The proposal was rejected following a secret ballot, with 65 votes in favour, 42 against and five abstentions.

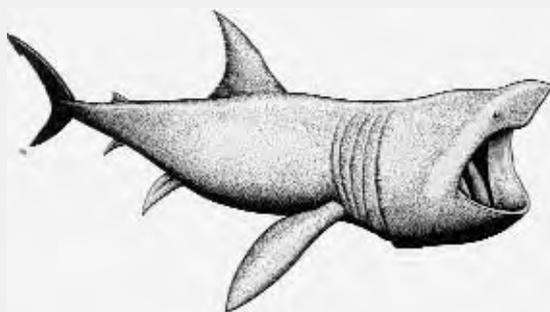
Seahorses and other members of the family Syngnathidae

The USA submitted a proposal to include *Hippocampus* spp. in Appendix II. There are 32 recognized subspecies of seahorses, all falling within the genus *Hippocampus*. It is evident that some species are vulnerable to exploitation and the international trade in specimens for use in aquaria, as curios, and as medicine, has increased significantly in recent years. Of the 23 species currently found in trade, 16 (65%) are classified by IUCN as Vulnerable.



Humphead Wrasse *Cheilinus undulatus*

A proposal to list Humphead Wrasse, used extensively in the live reef food fish trade, in Appendix II was rejected.



Basking Shark *Cetorhinus maximus*

After a narrow defeat in Committee I, the listing in Appendix II of Basking Shark *Cetorhinus maximus* and Whale Shark *Rhincodon typus* succeeded in the final hours of the meeting.

These listings are widely considered landmark decisions as CITES has not traditionally played a major role in global marine fisheries.

The Whale Shark is the largest fish in the world. The listing proposal cited the species' declining numbers and the role of continued international trade in Whale Shark meat, fins, and liver oil. The Basking Shark is highly migratory and is hunted for its meat and fins. It is also caught and killed accidentally as by-catch.

Drawings by Bruce Mahalski for TRAFFIC

Whale Shark *Rhincodon typus*



The listing proposal was informed by a workshop on seahorses and other members of the family Syngnathidae, convened by the Secretariat in the Philippines in May 2002. That workshop recommended the Appendix II-listing and that the effective date of the listing be delayed by 18 months (until May 2004) in order to ensure effective implementation. Parties accepted the proposal and the proposed delay in implementation, with 75 votes in favour, 24 against and 19 abstentions. In plenary, a motion by China, which had opposed the listing proposal, to re-open the debate was defeated, with eight votes in favour and 69 against. Since the 12th meeting of the Conference of the Parties, Indonesia, Japan, Norway and South Korea have taken out reservations with respect to the listing.

Sharks

Two shark species were proposed for listing in Appendix II: the Whale Shark *Rhincodon typus*, proposed by India and the Philippines, and the Basking Shark *Cetorhinus maximus*, proposed by the UK on behalf of the Member States of the EU. These proposals led to intense discussions that focused on both the technical merits of the listing proposals themselves and a broader debate over whether CITES was an appropriate instrument for regulating the trade in commercially-fished marine species. Both proposals were defeated in Committee I by secret ballot, the Whale Shark proposal by 62 votes in favour, 34 against and nine abstentions, and the Basking Shark by 72 votes in favour, 38 against and two abstentions. In the last plenary session of the meeting, discussion on both proposals was reopened for further debate and again put to secret ballot. This time both proposals received the required two-thirds majority to be accepted, with 81 votes in favour of the listing of the Whale Shark (with 37 against and three abstentions) and 82 in favour of the Basking Shark listing (36 against and two abstentions).

Prior to the meeting, the Australian and Ecuadorian governments provided discussion papers on the conservation of sharks (**Doc. 12.41.1** and **Doc. 41.2**, respectively), both containing a draft resolution. The two Parties re-drafted these documents as a joint paper (**Conservation of and Trade in Sharks Doc. 41.2 addendum**) that was presented at the meeting for the consideration of the Parties. In discussing the paper and draft resolution many Parties raised particular concerns over the lack of progress on the implementation of the FAO International Plan of Action on the Conservation and Management of Sharks (IPOA-Sharks). With some suggested changes to the text, Resolution Conf. 12.6 and Decisions 12.47, 12.48 and 12.49 were accepted by secret ballot, with 63 votes in favour and 28 against. The Resolutions and Decisions direct the Animals Committee to monitor the implementation of IPOA-Sharks and to examine information provided by range States in shark assessment reports and other available relevant documents, with a view to identifying key species and examining these for consideration and possible listing under CITES. The Committee was to report on progress at the 13th meeting of the Conference of the Parties.

Toothfish

Australia put forward a proposal to list *Dissostichus* spp. (Patagonian Toothfish and Antarctic Toothfish) in Appendix II and a document **Doc. 12.44 Conservation of and Trade in *Dissostichus* Species**. The proposal to list toothfish was particularly controversial as it related to marine fish targeted in a large-scale commercial fishery managed throughout much of the species' range by a regional fisheries organization - the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The proposal included an annotation that sought to establish the basic elements of a complementary relationship between CCAMLR and CITES. The toothfish proposal brought into sharp focus the debate surrounding the relationship between CITES and commercially exploited marine fisheries.

As well as the proposal to list *Dissostichus* spp. in Appendix II, Parties were also presented with a document from Chile on **Co-operation between CITES and CCAMLR Regarding the Trade in Toothfish (Doc. 12.16.1. (Rev. 1))**. This paper included a draft resolution setting out the main elements of co-operation between CITES and CCAMLR and called for CITES Parties engaged in the catch and/or trade in toothfish to adopt the relevant measures of CCAMLR and provide a report on their implementation of these measures. The Secretariat would compile this information for consideration at the 13th meeting of the Conference of the Parties. The premise of the draft resolution was therefore to strengthen CCAMLR's management measures for toothfish through their voluntary uptake by CITES Parties. Parties expressed support for the Chilean draft resolution, with some cautioning of the need to maintain the primacy of CCAMLR in the management of the fishery, while others welcomed greater collaboration between the two organizations in addressing conservation concerns with toothfish. The Secretariat drew attention to certain elements of the draft resolution that were time-bound and suggested that these would be appropriate in a decision. The Parties adopted the resolution by consensus.

Following the adoption by Parties of Resolution Conf. 12.4 on the co-operation between CITES and CCAMLR, Australia withdrew the proposal to list *Dissostichus* spp. in Appendix II and the accompanying document on conservation and trade in toothfish species. There was no discussion of these before they were withdrawn.

Vicuña

Three separate proposals relating to Vicuña *Vicugna vicugna* were adopted by consensus. One, submitted by Bolivia, sought to transfer those of their Vicuña populations that were listed in Appendix I to Appendix II, with the exclusive purpose of allowing international trade in products made from wool sheared from live animals and bearing the label 'VICUÑA-BOLIVIA'. The proposal drew attention to the benefits that would

accrue to local communities and Vicuña populations if it were accepted. Japan, joining a number of Parties in support of the proposal, highlighted that this was a good example of sustainable trade contributing to species conservation and community development.

Argentina's proposal to transfer from Appendix I to II the population of Vicuñas in the province of Catamarca, for the exclusive purpose of allowing international trade in wool sheared from live animals, cloth, derived manufactured products and other handicraft artefacts bearing the label 'VICUÑA-ARGENTINA', also received support.

In introducing a proposal to transfer the population of Vicuñas of the Primera Region of Chile from Appendix I to II through a modification of annotations -106 (part of the population of Parinacota Province, 1a. Region of Tarapacá) and +211 (part of the population of Parinacota Province, 1a. Region of Tarapacá), Chile stressed that annotation °606 (for the exclusive purpose of allowing international trade in wool sheared from live Vicuñas of the populations listed in Appendix II) would apply if the proposal were accepted. Some observers were concerned that captive-breeding operations might not benefit local communities and could have a detrimental effect on wild Vicuña populations as the much-needed incentives for the conservation of wild populations are weak or non-existent when "semi-captive" breeding operations are developed as the main management option. They appealed to range States to concentrate more on benefiting local communities and wild Vicuña populations. The Secretariat urged Chile and other range States to harmonize conservation strategies for Vicuñas in the wild.

Whales

Japan introduced its proposals to transfer northern hemisphere stocks of Minke Whale *Balaenoptera acutorostrata* (except the Yellow Sea, East China Sea and Sea of Japan stock) and western North Pacific stocks of Bryde's Whale *B. edeni* from Appendix I to II to enable trade between signatory Parties to the International Convention for the Regulation of Whaling (ICRW). Citing stock abundance, Japan stated that both species fail to meet criteria for Appendix I listing. It further requested an amendment to clarify the proposals' objective: to allow trade "by Parties" to the ICRW, rather than trade "between Parties." After protest by some Parties, delegates voted by a simple majority that the amendment would increase the scope of the proposals and should therefore be disallowed. Discussions were therefore based on the original proposals. Noting robust whale stocks and lack of a 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 unwarranted trade restrictions.

Parties debated the relationship between CITES and the International Whaling Commission (IWC), with Iceland stating 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, together with Brazil, stated that the proposals undermine that role.

Canada, Chile, EU, India, Israel, Kenya, Mexico, Monaco, USA 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 analyse its data. IFAW reported that whale meat from endangered species was being sold on the market, and WWF noted scientific and legal concerns in Japan's proposals and annotations.

In a vote by secret ballot, suggested by Japan, both proposals failed, with 41 votes in favour and 54 against the downlisting of the Minke Whale, and 43 votes in favour and 63 against the downlisting of Bryde's Whale.

Japan reopened the debate on the Minke Whale in plenary, amending its proposal to consider transferring only the North-western Pacific stock of Minke Whales to Appendix II. The amended proposal was rejected by secret ballot, with 53 votes in favour and 66 against. The decision to reject the Bryde's whale proposal was adopted in plenary.

It is interesting to note that similar whale proposals presented at the ninth and 10th meetings of the Conference of the Parties received simple majorities.

Mexico introduced a document on the **Co-operation between CITES and the IWC (Doc. 12.16.4)**, while Japan introduced a proposal on abundant cetacean stocks (Doc. 12.38). Both these documents were withdrawn following the rejection of the proposals to transfer from Appendix I to Appendix II stocks of the two whale species.

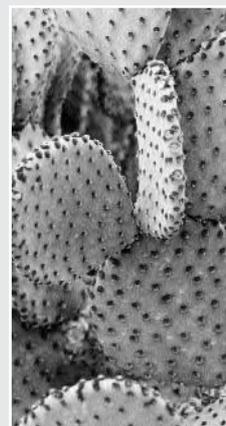
Flora

Discussion of the trade in medicinal plants included consideration of work on **Devil's Claw *Harpagophytum* spp.** undertaken since the 11th meeting of the Conference of the Parties (**Doc. 12.46**), when a proposal to include this genus in Appendix II was considered and subsequently withdrawn.

All species in the genus ***Guaiacum*** - small evergreen trees and shrubs of the Americas - were included in Appendix II at the request of the member States of the EU. Two species - *G. officinale* and *G. sanctum* - were already listed in Appendix II, their wood traded internationally for medicinal and other purposes. The amendment expanded coverage to species such as *G. coulteri*, traded internationally for mechanical bearings (e.g. for boat propeller shafts), and *G. angustifolium*, native to the southwestern USA and northern Mexico and used locally for soap and medicinal purposes.

OPUNTIA BRASILIENSIS >

the proposal to remove cacti species in the sub-family Opuntioideae from Appendix II was withdrawn. High volumes of wild specimens of a few *Opuntia* species have been exported on occasion from Mexico and the USA in recent years.



MONKEY PUZZLE TREE > ARAUCARIA ARAUCANA

a long-lived conifer endemic to Chile and Argentina, the species is used for timber and as a horticultural plant. The proposal to include non-native populations in Appendix I was accepted.



MAHOAGANY > SWIETENIA SP.

Bigleaf Mahogany *Swietenia macrophylla* is one of the most valuable tropical timber species in international trade. Neotropical populations of this species were included in Appendix II, effective 15 November 2003.





< **CYMBIDIUM SP.**

a proposed annotation intended to reduce the trade in wild-collected orchids by increasing incentives for trade in artificially propagated specimens was discussed at the meeting.



< **DENDROBIUM SP.**

the proposed annotation, referred to above, intended to exclude from CITES controls artificially propagated specimens of hybrids within six orchid genera. It was amended at the meeting to include *Phalaenopsis* species only, and accepted.



< **DUDLEYA SP.**

Santa Barbara Island *Dudleya dudleyi*, a small succulent plant species endemic to an island in North America, was transferred from Appendix I to II. There is no evidence of illegal collection or trade in this protected species.

Nicaragua introduced **Doc.12.50** to include **Bigleaf Mahogany** *Swietenia macrophylla* in Appendix II, believing that the current Appendix-III listing was inadequate to address many of the concerns associated with trade in the species. They noted that not all range States had included the species in Appendix III, and that this had led to problems with the implementation of the Convention. They stressed that the proposed Appendix-II listing would only cover populations occurring in the Americas.

Guatemala, as co-proponent, suggested the proposal be amended so that the Appendix-II listing would not take place until one year after the meeting. The Secretariat explained that an Appendix-II listing would require that a non-detriment finding be made.

Costa Rica, speaking on behalf of the Central American Commission for Environment and Development, and supported by Ecuador, Mexico and the UK, were in favour of the proposal, noting that populations were still declining and that an Appendix-II listing would support sustainable use. Denmark, on behalf of the Member States of the EU, stated that an Appendix-II listing would not be used to ban imports. Indonesia and the observer from Greenpeace also supported the proposal.

Bolivia, Brazil, Ghana and Peru did not support the proposal, Ghana believing the International Tropical Timber Organization to be the more appropriate body for managing the species. Bolivia outlined its new forestry management system, stating that mahogany was not threatened in Bolivia and it urged the range States that had not yet done so to list the species in Appendix III.

Noting there was no consensus, a vote conducted by secret ballot was proposed, the result of which was 68 in favour, 30 opposed and 14 abstentions. The proposal was therefore accepted. Brazil expressed its concern that a CITES Appendix II-listing would hinder the access of mahogany to consumer markets and hoped that procedures established in the Convention for monitoring the international trade of mahogany would fully take into account the national laws and regulations of the exporting countries.

Reports from the meeting were contributed by:

C. Allan, A. Barden, S. Broad, X. Buitrón, M. Burgener, K. Davis, S. Habel, K. Lochen, T. Milliken, T. Mulliken, R. Parry-Jones, C. Raymakers, A. Reuter, G. Sant, A. Willock and S. Zain. Information was also extracted from the minutes of the meeting available at www.cites.org.

Decisions on Amendment Proposals at the 12th Meeting of the Conference of the Parties to CITES

The following pages summarize the proposals that were adopted, rejected and withdrawn at the 12th meeting of the Conference of the Parties to CITES held, from 3 to 15 November 2002, in Santiago, Chile. Unless otherwise indicated, the decisions entered into force on 13 February 2003. The countries that put forward the proposals are named in parentheses.

SPECIES	PROPOSALS (PROPONENT)	RESULT
	Amendment of annotation °607 to exclude from the Convention synthetically derived DNA that does not contain any part of the original; urine and faeces; synthetically produced medicines and other pharmaceutical products such as vaccines that do not contain any part of the original genetic material from which they are derived; and fossils (Switzerland)	WITHDRAWN
FAUNA		
Lovebirds <i>Agapornis</i> spp. <i>Barnardius</i> spp. <i>Platycercus</i> spp. Yellow-crowned Parakeet <i>Cyanorhamphus auriceps</i> New Zealand Parakeet <i>C. novaezealandiae</i> Alexandrine Parakeet <i>Psittacula eupatria</i> Ring-necked Parakeet <i>P. krameri</i> Java Sparrow <i>Padda oryzivora</i>	Annotation to exclude colour morphs produced by captive breeding (Switzerland)	REJECTED [as amended]
Black Sea Bottlenose Dolphin <i>Tursiops truncatus ponticus</i>	Transfer from Appendix II to Appendix I (Georgia)	ACCEPTED [as amended to retain in Appendix-II with zero export quota for live specimens from the Black Sea population of <i>Tursiops truncatus</i> removed from the wild and traded for primarily commercial purposes]
Minke Whale <i>Balaenoptera acutorostrata</i>	Transfer from Appendix I to Appendix II of northern hemisphere populations (except the Yellow Sea, East China Sea and Sea of Japan populations) with annotation (Japan)	REJECTED
Bryde's Whale <i>Balaenoptera edeni</i>	Transfer from Appendix I to Appendix II of the western North Pacific population (Japan)	REJECTED [as amended Okhotsk Sea-West Pacific stock only]
African Elephant <i>Loxodonta africana</i>	Amendment of annotation °604 regarding the population of Botswana (Botswana) ¹	ACCEPTED [as amended]
African Elephant <i>Loxodonta africana</i>	Amendment of annotation °604 regarding the Namibian population (Namibia) ¹	ACCEPTED [as amended]
African Elephant <i>Loxodonta africana</i>	Amendment of annotation °604 regarding the South African population (South Africa) ¹	ACCEPTED [as amended]
African Elephant <i>Loxodonta africana</i>	Transfer of the Zambian population from Appendix I to Appendix II for the purpose of allowing trade in raw ivory under a quota of 17 000 kg of whole tusks obtained from management operations; and live sales under special circumstances (Zambia)	REJECTED
African Elephant <i>Loxodonta africana</i>	Amendment of annotation °604 regarding the population of Zimbabwe (Zimbabwe)	REJECTED
African Elephant <i>Loxodonta africana</i>	Transfer to Appendix I of populations currently included in Appendix II (India, Kenya)	WITHDRAWN
Vicuña <i>Vicugna vicugna</i>	Transfer from Appendix I to Appendix II of the population of Vicuña of the province of Catamarca (Argentina)	ACCEPTED
Vicuña <i>Vicugna vicugna</i>	Transfer to Appendix II of the populations of Bolivia that are in Appendix I (Bolivia)	ACCEPTED
Vicuña <i>Vicugna vicugna</i>	Transfer from Appendix I to Appendix II of the population of the Primera Región of Chile (Chile)	ACCEPTED
Lesser Rhea <i>Rhea pennata pennata</i>	Transfer from Appendix I to Appendix II of the Chilean population (Chile)	ACCEPTED
Yellow-naped Amazon <i>Amazona aurocollariata</i>	Transfer from Appendix II to Appendix I (Costa Rica)	ACCEPTED

Yellow-headed Amazon <i>Amazona oratrix</i>	Transfer from Appendix II to Appendix I (Mexico)	ACCEPTED
Blue-headed Macaw <i>Ara couloni</i>	Transfer from Appendix II to Appendix I (Germany)	ACCEPTED
Brown-necked Parrot <i>Poicephalus robustus</i>	Transfer of the South African population from Appendix II to Appendix I (South Africa)	WITHDRAWN
Big-headed Turtle <i>Platysternon megacephalum</i>	Inclusion in Appendix II (China, USA)	ACCEPTED
Annam Pond Turtle <i>Annamemys annamensis</i>	Inclusion in Appendix II (China, Germany)	ACCEPTED
<i>Heosemys</i> spp.	Inclusion in Appendix II (China, Germany)	ACCEPTED [as amended to refer to <i>Heosemys depressa</i> , <i>H. grandis</i> , <i>H. leytenensis</i> and <i>H. spinosa</i> (and not <i>Heosemys</i> spp.)]
Yellow-headed Temple Turtle <i>Hieremys annandali</i>	Inclusion in Appendix II (China, USA)	ACCEPTED
<i>Kachuga</i> spp. (except <i>K. tecta</i>)	Inclusion in Appendix II (India, USA)	ACCEPTED
Sulawesi Forest Turtle <i>Leucocephalon yuwonoi</i>	Inclusion in Appendix II (China, Germany)	ACCEPTED
Yellow Pond Turtle <i>Mauremys mutica</i>	Inclusion in Appendix II (China, USA)	ACCEPTED
Malaysian Giant Turtle <i>Orlitia borneensis</i>	Inclusion in Appendix II (China, Germany)	ACCEPTED
Keeled Box Turtle <i>Pyxidea mouhotii</i>	Inclusion in Appendix II (China, USA)	ACCEPTED
Black Marsh Turtle <i>Siebenrockiella crassicollis</i>	Inclusion in Appendix II (China, USA)	ACCEPTED
<i>Chitra</i> spp.	Inclusion in Appendix II (China, USA)	ACCEPTED
Giant softshell turtles <i>Pelochelys</i> spp.	Inclusion in Appendix II (China, USA)	ACCEPTED
<i>Hoplodactylus</i> spp. and <i>Naultinus</i> spp.	Inclusion in Appendix II (New Zealand)	REJECTED
Orange-throated Race-runner <i>Cnemidophorus hyperythrus</i>	Deletion from Appendix II (USA)	ACCEPTED
Whale Shark <i>Rhincodon typus</i>	Inclusion in Appendix II (India, the Philippines)	ACCEPTED
Basking Shark <i>Cetorhinus maximus</i>	Inclusion in Appendix II (UK)	ACCEPTED
Seahorses <i>Hippocampus</i> spp.	Inclusion in Appendix II (USA)	ACCEPTED [as amended, effective 15 May 2004]
Humphead Wrasse <i>Cheilinus undulatus</i>	Inclusion in Appendix II (USA)	REJECTED
Patagonian Toothfish <i>Dissostichus eleginoides</i> Antarctic Toothfish <i>D. mawsonii</i>	Inclusion in Appendix II, with annotation (Australia)	WITHDRAWN
Sri Lankan Rose <i>Atrophaneura jophon</i> <i>A. pandiyana</i>	Inclusion in Appendix II (Germany, on behalf of the EU)	ACCEPTED
<i>Papilio aristophontes</i> <i>P. nireus</i> and <i>P. sosia</i>	Inclusion in Appendix II (Germany, on behalf of the Member States of the EU)	WITHDRAWN

FLORA		
Monkey Puzzle Tree <i>Araucaria araucana</i>	Inclusion in Appendix I (all populations) (Argentina)	ACCEPTED
All CACTACEAE taxa listed in Appendix II	Amendment of the text of the annotation ¹ 608 that refers to artificially propagated specimens (cultivars) of <i>Gymnocalycium mihanovichii</i> forms lacking chlorophyll (Switzerland)	ACCEPTED
Opuntioideae spp.	Deletion from Appendix II (Switzerland)	WITHDRAWN
Pereskioideae spp. <i>Pereskia</i> spp. <i>Quiabentia</i> spp.	Deletion from Appendix II (Switzerland)	WITHDRAWN
<i>Sclerocactus nyensis</i>	Transfer from Appendix II to Appendix I (USA)	ACCEPTED
<i>Sclerocactus spinosior</i> ssp. <i>blainei</i>	Transfer from Appendix II to Appendix I (USA)	WITHDRAWN
Santa Barbara Island Dudleya <i>Dudleya traskiae</i>	Transfer from Appendix I to Appendix II (USA)	ACCEPTED
<i>Aloe thorncroftii</i>	Transfer from Appendix I to Appendix II (South Africa)	ACCEPTED
Bigleaf Mahogany <i>Swietenia macrophylla</i>	Inclusion in Appendix II of the neotropical populations, including logs, sawn wood, veneer sheets (Nicaragua)	ACCEPTED [as amended, effective 15 November 2003]
ORCHIDACEAE spp.	Annotation to exclude artificially propagated specimens of hybrids within the genera <i>Cattleya</i> , <i>Cymbidium</i> , <i>Dendrobium</i> (<i>phalaenopsis</i> and <i>nobile</i> types only), <i>Oncidium</i> , <i>Phalaenopsis</i> and <i>Vanda</i> , including their intergeneric hybrids (USA)	ACCEPTED [as amended for hybrids within the genus <i>Phalaenopsis</i> only]
Desert-living Cistanche <i>Cistanche deserticola</i>	Deletion of the annotation to <i>Cistanche deserticola</i> in Appendix II (China)	ACCEPTED
Maguire's Bitter-root <i>Lewisia maguirei</i>	Deletion from Appendix II (USA)	ACCEPTED
<i>Guaiacum</i> spp.	Inclusion in Appendix II of all parts and derivatives, including wood, bark and extract (Germany)	ACCEPTED [as amended to replace the proposed annotation with existing annotation #2]

¹Populations of Botswana, Namibia and South Africa (listed in Appendix II):

For the exclusive purpose of allowing: 1) trade in hunting trophies for non-commercial purposes; 2) trade in live animals for in situ conservation programmes; 3) trade in hides; 4) trade in leather goods for non-commercial purposes; 5) trade in registered raw ivory (for Botswana and Namibia, whole tusks and pieces; for South Africa, whole tusks and cut pieces of ivory that are both 20 cm or more in length and one kilogramme or more in weight) subject to the following: i) only registered government-owned stocks, originating in the State (excluding seized ivory and ivory of unknown origin) and, in the case of South Africa, only ivory originating from the Kruger National Park; ii) only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning domestic manufacturing and trade; iii) not before May 2004, and in any event not before the Secretariat has verified the prospective importing countries, and the MIKE programme has reported to the Secretariat on the baseline information (e.g. elephant population numbers, incidence of illegal killing); iv) a maximum of 20 000 kg (Botswana), 10 000 kg (Namibia) and 30 000 kg (South Africa) of ivory may be traded, and despatched in a single shipment under strict supervision of the Secretariat; v) the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range; vi) only after the Standing Committee has agreed that the above conditions have been met. On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.