

The 13th Meeting of the Conference of the Parties to CITES



THE 13TH MEETING OF THE CONFERENCE OF THE PARTIES TO CITES took place in Bangkok, Thailand, from 2 to 14 October 2004, and was attended by 762 representatives from CITES Parties and 339 observers from inter-governmental, international and national organizations.

The following is a summary of what TRAFFIC considers to be the most salient features of the meeting. A summary record of the meeting can be found on the CITES Secretariat's website:

www.cites.org.

Report by Julie Gray,

TRAFFIC International

PHOTO CREDITS, TOP, LEFT TO RIGHT: Bald Eagle *Haliaeetus leucocephalus* (WWF-Canon / Chris Martin Bahr); dried seahorse *Hippocampus* sp., (C. Allan / TRAFFIC); Leaf-tailed Gecko *Uroplatus fimbriatus* (WWF-Canon / Martin Harvey); Lion *Panthera leo* (S. Milledge / TRAFFIC); Southern Square-lipped Rhinoceros *Ceratotherium simum* (WWF-US); African Elephant *Loxodonta africana* (WWF-Canon / Martin Harvey).

In welcoming participants to the Queen Sirikit National Convention Centre, Thailand's Minister for Natural Resources and Environment, His Excellency Mr Suwit Khunkitti, informed the meeting that work had recently been undertaken in Thailand to improve implementation of CITES but noted that closer regional co-operation on wildlife trade issues was called for and that all 10 members of the Association of Southeast Asian Nations (ASEAN) were now Parties to CITES. The Executive Director of UNEP, Dr Klaus Töpfer, while endorsing CITES as a practical instrument linking conservation with economic development, believed that there was a limit to what it could do in isolation and encouraged co-operation with other organizations as the way forward. The Secretary-General of CITES, Mr Willem Wijnstekers, stressed the need for increased political will in implementing the Convention in most of the Parties to CITES. Both he and the Chairman of the Standing Committee, Mr Ken Stansell, noted that the budget was insufficient to finance all activities expected of CITES. The Prime Minister of Thailand, His Excellency Dr Thaksin Shinawatra, said Thailand was proud to be hosting this meeting of the Conference of the Parties. Proposing the establishment of a new regional law enforcement network to tackle wildlife crime, he offered to host a meeting in 2005 to pursue this. Following formal opening of the meeting, the Government of Thailand hosted a reception with traditional dancing and displays.

STRATEGIC AND ADMINISTRATIVE MATTERS

Financing and budgeting of the Secretariat

The budget for 2006-2008 was initially discussed with reference to **document CoP13 Doc. 8.3 (Rev. 1)**, prepared by the Secretariat, which proposed a budget for the triennium representing a 10.3% increase over the amount budgeted for 2003-2005. The Secretary-General pointed out that this increase was necessary to allow continuation of current functions. In line with requests from several delegations, a working group was established to consider the proposed budget. The group could not achieve consensus for acceptance of a 10.3% increase in Parties' contributions to the CITES Trust Fund and, as such, it devoted much effort to considering options for reducing the Secretariat's operating costs by 10.3%, so as to allow a zero increase in contributions. The working group recommended amendments to the draft resolution *Financing and budgeting of the Secretariat and of meetings of the Conference of the Parties*, presented in Annex 7 of document CoP13 Doc. 8.3 (Rev. 1), to reflect adoption of the cost-cutting options, to reflect a new budget structure showing estimated total resources needed for the implementation of specific services, and to reflect decisions concerning the scale of assessment for contributions. The draft resolution, so amended, was initially agreed, but debate was re-opened in a plenary session of the meeting. Parties voted to abandon some of the cost-cutting options and, correspondingly, to increase their contributions by three per cent, as compared to contributions for the previous triennium. The draft resolution, revised to reflect this, was adopted (*Resolution Conf. 13.1*).

Strategic vision

The draft decision in the Annex of **document CoP13 Doc. 10**, prepared by the Secretariat, was to extend the time validity of the Strategic Vision for CITES and its Action Plan (otherwise due to terminate in 2005) until the end of 2007. It also provided a mandate for the establishment of a Strategic Plan Working Group, as a subcommittee of the Standing Committee, to develop a proposal for a Strategic Vision and Action Plan through to 2013, for presentation at CoP14. Following interventions in session, the draft decision was modified so that relevant inter-governmental organizations will be invited to contribute to the work of the Group with respect to possible synergies and so that work towards the target of the World Summit on Sustainable Development (WSSD) to reduce the rate of biodiversity loss significantly by 2010 is specified as an aim of the Vision and Plan. The draft decision was adopted (*Decision 13.1*).

Co-operation with other organizations

Document CoP13 Doc. 12.1.1 Achieving greater synergy in CITES and CBD implementation, submitted by the European Union (EU) and Kenya, contained a draft decision directed to the Secretariat in its Annex 1 (Rev. 1), designed to stimulate synergy in the implementation of CITES and the Convention on Biological Diversity (CBD). The draft decision set out possible actions in this regard, based on the recommendations of a meeting on CITES-CBD synergy held in Vilm, Germany, in April 2004, convened by TRAFFIC, IUCN-The World Conservation Union, Flora and Fauna International, the German Federal Agency for Nature Conservation (BfN), and the German Agency for Technical Co-operation (GTZ). The USA urged that Parties reflect on which of these recommendations were applicable to CITES. The proponents of document CoP13 Doc. 12.1.1 therefore consulted with the USA and other Parties before presenting a revised draft decision (**document Com. II. 2**). After further deliberation out of session, a revised version was adopted (subsequently formulated as *Decisions 13.2, 13.3, 13.4 and 13.5*), but with concerns formally noted by the USA (one of only two CITES Parties not also party to the CBD). The Decisions direct the Secretariat to identify the most relevant aspects of the Vilm report recommendations and to communicate these to the Parties. At its 53rd meeting, the Standing Committee is to make recommendations based on these for improved synergies between CITES and CBD in areas of common concern, in order to contribute to reaching the WSSD 2010 target, considering, “*inter alia*, sustainable use, the ecosystem approach and access and benefit-sharing”. On this basis, the Standing Committee is to guide the Secretariat in revising its Memorandum of Co-operation with the CBD Secretariat prior to CoP14.

Document CoP13 Doc. 12.1.2 Sustainable use principles and guidelines, put forward by Namibia, put the

case for expediting harmonization between CITES and the CBD on this theme. Annex 2 (Rev. 1) to the document contained a draft resolution entitled *Sustainable use of biodiversity, Addis Ababa principles and guidelines* and Annex 3 contained associated draft decisions directed to the Secretariat, and to the Animals and Plants Committees, detailing activities to bring CITES more in line with these principles and guidelines. After discussion of these texts, including interventions by Parties that believed further analysis was required to confirm that the Addis Ababa Principles and Guidelines were fully compatible with CITES, Namibia produced a revised version of the draft resolution (**document CoP13 Com. II. 3**). This draft was opposed by the USA, which found the preambular and operative parts too proscriptive. Namibia, countering the claims of the USA, proposed that debate on the matter be closed, prior to a vote on the resolution. A majority supported closure of the debate (40 in favour, eight against and 43 abstentions) and the draft resolution in document CoP13 Com. II. 3 was then adopted (*Resolution Conf. 13.2*) following a ballot with 78 votes in favour, six against and 10 abstentions. Namibia had also revised the draft decisions on the basis of discussions in committee and presented these in **document CoP13 Com. II. 4**. The draft decision directed to the Secretariat underwent a further revision (**document Com. II. 24**). Following discussion of this text, which directed the Secretariat to incorporate consideration of the Addis Ababa Principles and Guidelines into its work plan, a specific requirement that the Secretariat should prepare a report on how this could be done was deleted. This draft decision and that directed to the Animals and Plants Committees were then adopted (*Decisions 13.6 and 13.7*). The delegations of New Zealand and the USA recorded their concern that the Parties had acted precipitously in having incorporated the Addis Ababa Principles and Guidelines into CITES work without further consideration.

Japan introduced **document CoP13 Doc. 12.4 Co-operation with the Food and Agriculture Organization of the United Nations (FAO)**, with the aim of expediting conclusion of the Memorandum of Understanding (MoU) between FAO and CITES, especially in view of the fact that *Decision 12.7*, requiring the Standing Committee to work with FAO in the drafting of an MoU, had essentially expired. The Chairman of the Standing Committee updated the meeting on developments at the 51st meeting of the Standing Committee, held just prior to the CoP, and he and FAO reported that progress had been made towards completion of the MoU. As the Standing Committee’s working group on the MoU had not finalized its task, it was decided to defer further discussion of this subject until a later meeting of the Committee. Meanwhile, it was agreed to amend *Decision 12.7*, to provide validity to continued negotiations between the Standing Committee and FAO in the drafting of the MoU (*Decision 12.7 Rev. CoP13*).

Economic incentives and trade policy

The Secretariat had prepared **document CoP13 Doc. 13 (Rev. 1) Economic incentives and trade policy** pursuant to *Decision 12.22*. In view of the progress made in implementing that Decision, the Secretariat recommended either revising it or, alternatively, adopting four new draft decisions, that were set out in Annex 3 to the document. These new draft decisions would serve as the basis for the Secretariat's continuing work on exploring the application of economic instruments to achieve better CITES implementation. The first two draft decisions concerned a review of Parties' national trade policies with a view to analysing the impacts of these in terms of socio-economic and conservation benefits and costs. Several Parties spoke in favour of these, although New Zealand was concerned that some of the objectives went beyond the scope of CITES. Following reassurance from the Secretariat that the work referred to in these draft decisions was contingent on the provision of external funding, they were adopted (*Decisions 13.74 and 13.75*). The third draft decision directed the Secretariat to organize a second workshop to provide guidance to Parties about how economic instruments could be designed and used to encourage sustainable trade, but Parties felt another workshop was not justified. The EU offered a redrafted version of the decision (**document CoP13 Com. II. 7**), which directed the Secretariat to invite Parties and relevant organizations to provide information on their use of economic incentives to the 53rd meeting of the Standing Committee, and this was adopted (*Decision 13.76*). The fourth draft decision, concerning co-operation on incentive measures with the CBD and other organizations, was also adopted (*Decision 13.77*).

INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION

General compliance issues

Enforcement matters

The Secretariat introduced its **document CoP13 Doc. 23**, which gave an account of Parties' reporting of seizures; presented the findings of an enforcement expert group meeting, convened in accordance with *Decision 12.88*; listed those Parties which had not designated a Scientific Authority; and reported on other matters relating to enforcement of the Convention. There was broad support for the three draft decisions in Annex 3 of the document, which reflected aspects of the recommendations of the enforcement expert group. The first two (*Decisions 13.84 and 13.85*) centred on a requirement for Parties to submit contact details of their law enforcement agencies responsible for CITES to the Secretariat, while the third (*Decision 13.86*) was for guidance to the Parties on submission of enforcement-related information to the Secretariat by the public and NGOs (see *Notification No. 2004/078*). Following initial discussion under this agenda

item, the EU and Fiji drafted further decisions, to direct the Secretariat to boost capacity-building and training of CITES enforcement officers, in developing countries in particular (**document CoP13 Com. II. 10/Decision 13.87**), and to direct the Secretariat to seek funding to convene a capacity-building workshop and regional meeting for the Oceanian region before the 54th meeting of the Standing Committee (**document CoP13 Com. II. 22/Decision 13.100**). All five draft decisions, in two cases with minor amendments, were adopted.

Revision of Resolution Conf. 11.3 on compliance and enforcement

Kenya introduced its **document CoP13 Doc. 24 (Rev. 1)** proposing a revision of *Resolution Conf. 11.3*, to reflect recommendations of the enforcement expert group (see *Enforcement matters* above). Following amendment in session of various parts of the document, draft revisions to *Resolution Conf. 11.3* were adopted by consensus, chiefly reflecting resolve for more concerted, and better funded, national and regional action to counter illegal trafficking in wild fauna and flora, which continued to be a major concern (*Resolution Conf. 11.3 (Rev. CoP13)*).

Guidelines on compliance with the Convention

Document CoP13 Doc. 25, submitted by the EU for discussion, contained document SC50 Doc. 27, also relating to guidelines for compliance with the Convention. The chairman (Norway) of the Working Group on Compliance, established by the Standing Committee at its 50th meeting, summarized its progress to date. He reported general approval of the revised draft guidelines for compliance set out in document SC50 Doc. 27 and invited those with particular comments to submit them in writing, to assist the Working Group in its work. With that, document CoP13 Doc. 25 was noted by the meeting.

Trade control and marking issues

Introduction from the sea

Document CoP13 Doc. 41, submitted by the USA, contained a proposal in its Annex 1 to add a section to *Resolution Conf. 12.3 Permits and certificates* on issuance of certificates for introductions from the sea. On reflection, the USA withdrew this proposal, on the grounds that more thought on this was needed. Annex 2 (Rev. 1) of the document contained a draft resolution providing a definition of the phrase "in the marine environment not under the jurisdiction of any State". It also urged Scientific Authorities to acquire the most accurate scientific advice on whether proposed introductions from the sea of specimens of a given Appendix-II species would be detrimental to the survival of that species. Japan and Saint Lucia were against the resolution, the former foreseeing legal and technical difficulties with its implementation. Other Parties supported the intent to

define terms relating to introduction from the sea, although Australia disagreed with the use of definitions that diverged from text used by the United Nations Convention on the Law of the Sea (UNCLOS). After listening to the debate, the USA withdrew the draft resolution, but draft decisions in **document CoP13 Com. II. 15** relating to introduction from the sea, prepared on the basis of the previously-circulated **document CoP13 Inf. 62**, were adopted, with minor amendment, following a ballot with 50 votes in favour, 22 against and 17 abstentions. These Decisions (*Decisions 13.18 and 13.19*) direct the Standing Committee, with assistance from the Secretariat and contingent on the availability of external funding, to convene a workshop on introduction from the sea involving representatives from the Parties, FAO, the World Customs Organization (WCO) and other relevant organizations. The Committee is also directed to prepare a discussion paper and draft resolution based on the outcome of the workshop for consideration at its 54th meeting, and subsequently at CoP14.

Exemptions and special trade provisions

Personal and household effects

Three documents submitted for consideration at CoP13 concerned amendment of *Resolution Conf. 12.9 Personal and household effects*. China submitted **document CoP13 Doc. 55.1 (Rev. 1)**, proposing to facilitate implementation by revising the Resolution to clarify that, by default, export or import permits, or re-export certificates were not required for specimens of personal and household effects listed in the Resolution. It was stressed, however, that Parties not applying this exemption should report this to the Secretariat, so that a list of such Parties could be maintained on the CITES website. With amendments to China's proposed revisions put forward by the USA and the EU, which respectively highlighted the principle of excluding most household effects from CITES regulations and the precautionary principle, the changes to *Resolution Conf. 12.9* set out in Annex (Rev. 1) of document CoP13 Doc. 55.1 (Rev. 1) were adopted (*Resolution Conf. 13.7*).

Also with the aim of minimizing the distraction caused to enforcement personnel by implementing the Convention for specimens whose trade has low conservation impact, the EU had prepared **Document CoP13 Doc. 55.2**. The document proposed adding certain types of coral and giant clam *Tridacnidae* spp. to the list of specimens in *Resolution Conf. 12.9* that do not require permits or certificates when traded as personal or household effects, under certain conditions. In response to comments received from Parties, the EU presented an amended version of these conditions for *Tridacnidae* spp. and coral, in **document CoP13 Com. II. 18**. As several Parties were concerned about exempting the specified corals, the EU withdrew its proposal to do so, while its proposal to add giant clams to the list of exempted specimens was adopted, with a further amendment to increase the number of

specimens exempted from one to three (with a corresponding increase in weight allowed). A draft decision based on Annex 2 of document CoP13 Doc. 55.2, directing the Standing Committee and others to consider which specimens of personal and household effects of Appendix-II species may need to have quantity limits set in order to be exempted from permitting requirements, was adopted (*Decision 13.71*).

On the same theme, Australia's **document CoP13 Doc. 55.3** sought to exempt specimens of seahorses *Hippocampus* spp. for personal use from permitting requirements, by amending *Resolution Conf. 12.9*. Its amendment, which was adopted, allows up to four seahorses per person to be carried without a permit.

Evaluation of the process for registration

Document CoP13 Doc. 56.1, submitted by the Animals Committee, concerned evaluation of the procedure for registering operations that breed Appendix-I species in captivity for commercial purposes. Specifically, the document concerned the deletion of *Decision 12.78* and the retention of *Resolution Conf. 12.10 Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes* as it stood. In its Annex, it offered recommendations for resolving the perceived problems limiting the use of the registration procedure laid out in *Resolution Conf. 12.10*. Several Parties supported the recommendation that the Standing Committee should examine the issue of international trade in Appendix-I species from non-registered captive-breeding operations, but several were opposed to the Secretariat's recommendation of examining whether registration was required at all. A working group was established to examine incorporation of these recommendations into formal outputs of the Conference of the Parties. The resulting **document CoP13 Com. I. 8** contained proposed amendments to the Resolution which were adopted (*Resolution Conf. 12.10 (Rev. CoP13)*).

Amendment of the Appendices

Criteria for amendment of Appendices I and II

Document CoP13 Doc. 57 on this subject was introduced by the Chairman of the Animals Committee. He advised adoption of the revisions to *Resolution Conf. 9.24 (Rev. CoP12) Criteria for amendment of Appendices I and II*, prepared by the Animals and Plants Committees and set out in the document's Annex 3. He further advised adoption of the Secretariat's recommendations in the document for settling four issues that the Committees had been unable to resolve. The draft revisions to the Resolution received general support and were adopted, as amended by the Secretariat's recommendations (*Resolution Conf. 9.24 (Rev. CoP13)*). Among other things, the new Resolution adds decrease in habitat area as a criterion to include species in Appendix I; adds the need for regulation to avoid heightened endangerment as a criterion to include

species in Appendix II; includes new considerations for the listing of higher taxa; includes new definitions of terms, for example of “species”, “affected by trade”, “decline”, and “vulnerability”; and gives new instructions for the formatting of proposals to amend the Appendices.

Other themes and issues

Bushmeat

Documents CoP13 62.1 (Rev. 1) and CoP13 62.2, submitted by the Secretariat on behalf of the CITES Bushmeat Working Group (BWG) and by the EU, respectively, were considered together. The BWG believed it had fulfilled the mandate it was given by the Conference of the Parties. The solutions it was tasked to identify were contained in the draft resolution in Annex I of the former document, which was adopted (*Resolution 13.11*). Amongst other things, this Resolution advises Parties to prohibit the harvest of Appendix-I species for food, to encourage sustainable use of Appendix-II and -III species for the same, and to identify ways of reducing the demand for bushmeat. Observing that the term “bushmeat” was extremely difficult to define, the Secretariat believed that the Resolution should be used for guidance only. Believing there was still much to be learned from the initiatives it had taken, the BWG also presented a draft decision to report on progress with these to CoP14 (Annex 2 of document CoP13 62.1 (Rev. 1)). This draft decision, which was adopted (*Decision 13.102*), renames the BWG the Central Africa Bushmeat Working Group. Annex 2 also contained a draft decision to draw in other organizations to support national plans to manage bushmeat trade, particularly as many issues in the bushmeat trade are not related to CITES. This was similarly the intent of the draft decision in document CoP13 62.2, which directs the Secretariat to urge the CBD to make recommendations to help address the bushmeat problem and to invite FAO to convene a workshop; both draft decisions were adopted (*Decisions 13.101 and 13.103* respectively).

TAXA-SPECIFIC AGENDA ITEMS

Whales

Document CoP13 12.2 CITES listing of whale stocks and the International Whaling Commission (IWC) contained a draft resolution, prepared by Japan, urging the IWC to complete and implement its Revised Management Scheme (RMS), so that amendments of the CITES Appendices related to whale stocks could be evaluated in line with *Resolution Conf. 9.24 (Rev. CoP12)* as they were for “any other animal or plant species”. Japan agreed to modify the draft resolution in accordance with some comments from the Secretariat, which were also set out in the document. Speaking on behalf of the IWC, Norway reported progress towards completion of the RMS, including adoption of a 10-point action plan, and noted that the intention was to have a draft text and tech-

nical details of the scheme ready for consideration, and possible adoption, in 2005. Observing that consensus would not be achieved, the Chairman called for a vote on Japan’s resolution, as amended by the Secretariat’s comments. In response to a request from Japan, this was done by secret ballot. With 57 votes in favour, 63 against and 13 abstentions, the resolution was rejected.

Japan’s **proposal CoP13 Prop. 4 to transfer the Okhotsk Sea-West Pacific Stock, the north-east Atlantic stock, and the north Atlantic central stock of Minke Whales *Balaenoptera acutorostrata* from Appendix I to II**, was rejected in a secret ballot, with 55 votes in favour, 67 against and 14 abstentions. Guinea, Namibia, Qatar, Saint Lucia, and the representative of Greenland on the Danish delegation spoke in favour of the proposal and Australia, Brazil, Georgia, the USA and the EU opposed it. Japan, seconded by Qatar, moved to re-open debate on the proposal in the final plenary session of the meeting, but this was rejected, with 28 votes in favour, 67 against and 18 abstentions.

Elephant *Loxodonta africana*

As in previous years since CoP9, deliberations on elephant issues commenced at a African Elephant Range States Dialogue meeting, held in Bangkok, from 28 to 30 September 2004, immediately prior to CoP13 (**document CoP13 Doc. 15**). Convened by the CITES Secretariat and chaired by Mali, the sixth meeting was attended by 28 of the 37 range States in Africa. During the course of the deliberations, consensus was reached on the action plan proposed by the CITES Secretariat to take a continent-wide approach in Africa towards eliminating unregulated domestic ivory markets and on South Africa’s proposal to allow commercial trade in elephant leather products; all other issues were unresolved in terms of reaching an African consensus.

In **document CoP13 Doc. 29.1**, the Secretariat presented a summary of its work, and that of the Standing Committee, to review actions taken by consumer States to improve legislation and enforcement measures for domestic trade in elephant specimens so that regulation of such trade complied with the requirements noted in *Resolution Conf. 10.10 (Rev. CoP12)*. This report addressed *Decision 12.39*, which had identified 10 countries with active domestic ivory markets for immediate attention through an intersessional review process under the direction of the Standing Committee. Following the decision of the 50th meeting of the Standing Committee to expand the scope of *Decision 12.39* to include all elephant range States in Africa, the Secretariat introduced an action plan for controlling trade in African Elephant ivory on a continental basis in Annex (Rev. 1) of CoP13 Doc. 29.1. The action plan was adopted as a *Decision (Decision 13.26)*. According to the agreed plan, all African Elephant range States should actively prohibit unregulated domestic sale of ivory, work closely with law enforcement and border control agencies to prevent

such trade and engage in public awareness campaigns in this regard. All affected Parties are obliged to report to the Secretariat, by 31 March 2005, on progress made for consideration at the 53rd meeting of the Standing Committee. In addition to African countries addressed by the action plan, China and Thailand, which were previously identified in Decision 12.39, will also remain under scrutiny of the Secretariat and the Standing Committee. There is also scope for additional countries to become targeted if they are identified as having unregulated domestic ivory markets by credible sources, especially the elephant monitoring systems under CITES.

Reports on the two CITES monitoring systems for elephants were considered. The report on the Elephant Trade Information System (ETIS) and the illicit trade in ivory in **document CoP13 Doc. 29.2** was presented by TRAFFIC, which manages ETIS. The general development and operation of the system since CoP12 was described and a comprehensive statistical analysis of the ETIS records relating to 9426 seizures of elephant products was presented. The report concluded that Cameroon, China, the Democratic Republic of the Congo, Ethiopia, Nigeria and Thailand were the most highly implicated countries in the illicit trade in ivory, and judged that this trade continued to be most directly linked to the presence of large-scale, poorly regulated, domestic ivory markets in Asia and Africa. The report also concluded that the trend in the volume of ivory seized from 1989 through 2002 closely reflected that presented in the ETIS analysis to CoP12, but that the increase since 1995 had become somewhat more gradual. It was also shown that the increasing trend continued to be driven by the Chinese market, but noted that China, as well as Ethiopia, were making positive efforts to control illicit trade in ivory. Acknowledging these improvements, TRAFFIC stated that, if sustained, these efforts could possibly lead to a downward trend in the volume of ivory seized.

The report in **document CoP13 Doc. 29.3** on progress in implementing the MIKE (Monitoring of Illegal Killing of Elephants) programme since CoP12 was presented by the director of the programme. The site-based system, encompassing some 85 locations in 42 elephant range States in Africa and Asia, is now operational in all six sub-regions. While the report stated that it was still too early to provide a trends analysis, the geographical scope and nature of the baseline data had been established and data collection was well-advanced in all sub-regions except South-east Asia. It is anticipated that the baseline would be established before the end of 2005, and that the first analysis could be undertaken a year later. The report also provided information on the mortality data generated to date, and highlighted concern for apparent poaching 'hotspots' in Central Africa and their link to the unregulated ivory markets in Africa.

Kenya submitted **document CoP13 Doc. 29.4 (Rev.1) Illegal ivory trade and control of internal markets**

which included a proposed revision of *Resolution Conf. 10.10 (Rev. CoP12)* in its Annex 2 and draft decisions for the implementation of the Resolution, if revised at CoP13, in Annex 3. Central to Kenya's desire to amend this Resolution was its view that a moratorium on ivory trade should be agreed, following the one-off sale of designated ivory stocks for three southern African countries approved at CoP12. In this regard, it initially suggested a duration of 20 years, which was later revised to six years and then stated as a non-specific "resting period" in subsequent amendments. Initial discussion of the Kenyan document at the African Elephant Range State Dialogue meeting saw some support, though a number of countries questioned its relevance in view of the consensus for the Secretariat's action plan to deal with unregulated domestic markets contained in Doc. 29.1. Votes on the proposed amendments to *Resolution Conf. 10.10 (Rev. CoP12)* failed to achieve the support of two-thirds of the Parties present and voting, and were therefore rejected.

Document CoP13 Doc. 29.5 Conditions for the export of registered stocks of ivory in the annotation to the Appendix-II listing of populations of African Elephant *Loxodonta africana* in Botswana, Namibia and South Africa, also submitted by Kenya, was withdrawn. This document would have reopened consideration of issues concerning the definition of what constitutes the MIKE baseline and how the Standing Committee would determine whether or not "detrimental impact" had occurred as a result of trade in ivory approved under CITES. Both of these issues had previously been decided at the 50th meeting of the Standing Committee.

Long-standing ivory stocks in Burundi were the subject of **document CoP13 Doc. 29.6**, and a mission by staff from TRAFFIC and MIKE in 2004 had verified that the stocks in question were the same as those held in the country since 1988. It was the desire of Burundi to find a satisfactory way of disposing of these stocks, representing some 84 tonnes, adding that traders from whom some of the ivory had been confiscated, were suing the Government of Burundi. It was acknowledged that Burundi was not an elephant range State at the time these stocks came into the country and the legality of this trade at its source was questioned. The Secretariat believed there was no viable solution at the present time, and the meeting simply noted the problem but offered no solution.

Namibia put forward **proposal CoP13 Prop. 7** to amend the annotation governing the Appendix-II listing for the Namibian population of African Elephants, to include i) an annual export quota of 2000 kg of raw ivory (accumulated from natural and management-related mortalities); ii) trade in worked ivory products for commercial purposes; and iii) trade in elephant leather and hair goods for commercial purposes. **Document CoP13 Doc. 60 Addendum** contained draft amendments to the annotation, based on Namibia's proposal, and also further changes to the annotation. These changes were to spec-

ify that the worked ivory products were limited to “individually marked and certified *ekipas* incorporated in finished jewellery items for commercial purposes” and that the proposed annual quota of 2000 kg of ivory would only be allowed after the safeguards relative to the one-off sale of ivory, already agreed at CoP12, had been satisfactorily met. Namibia presented its proposal, stressing that it was reluctant to wait until CoP14 to seek approval for an annual export quota for ivory, as drawing up proposals for meetings of the Conference of the Parties was costly and it had been seeking to reward its communities for exemplary management of elephants for many years. Namibia had thought the one-off, conditional ivory sale approved at CoP12 would already have transpired, thereby providing a recent precedent for, and feedback on, international trade in raw ivory. This trade, however, had not yet transpired and was still contingent upon MIKE establishing its baseline data and other conditions beyond Namibia’s control being met. The three elements of the proposal (relating to leather and hair, *ekipas* and raw ivory) were considered separately. The proposal to trade in leather and hair for commercial purposes was adopted while the proposed trade in raw ivory was rejected, with 35 votes in favour, 54 against and 23 abstentions. The proposed trade in *ekipas* was initially rejected, but debate was re-opened in the final plenary session. After Namibia proposed to restrict trade in *ekipas* to non-commercial transactions, this aspect of the proposal was adopted, following a secret ballot, with 71 votes in favour, 23 against and 35 abstentions.

South Africa’s **proposal CoP13 Prop. 8** for amendment of the annotation regarding their population of African Elephants to allow trade in leather goods for commercial purposes was designed to correct an error in the annotation following CoP12. Having previously been agreed at the African Elephant Range State Dialogue meeting by consensus, it was adopted without discussion in Committee I.

Saiga Antelope *Saiga tatarica*

The EU tabled **document CoP13 Doc. 32 Conservation of *Saiga tatarica***, which recommended the adoption of draft decisions contained in its Annex, to enhance conservation of the species. In response to an intervention from Germany, supported by the Russian Federation, a drafting group including Saiga Antelope range States was set up to work further on these draft decisions. The group produced five revised decisions (**document CoP13 Com. I. 6**) which, *inter alia*, directed range States to work with the Convention on Migratory Species towards signing the Memorandum of Understanding concerning Conservation, Restoration and Sustainable Use of the Saiga Antelope *Saiga tatarica tatarica*, drafted in 2002, and urged Parties to implement those aspects of the action plan of the memorandum that were relevant to CITES. All five draft decisions were adopted (subsequently formulated as *Decisions 13.27, 13.28, 13.29, 13.30, 13.31, 13.32, 13.33, 13.34 and 13.35*).

Sharks

Document CoP13 Doc. 35 Conservation and management of sharks, submitted by the Animals Committee, provided an update on the tasks assigned in *Decisions 12.47, 12.48 and 12.49*, which included monitoring the implementation of the FAO International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks) and urging FAO to encourage implementation of the same. The Chairman of the Animals Committee explained that work under these Decisions had been completed but that further work was necessary to fulfil the requirements of *Resolution Conf. 12.6 Conservation and management of sharks*. The Chairman of the Shark Working Group of the Animals Committee bemoaned the sluggish rate of implementation of the IPOA-Sharks and emphasized the importance of improving collaboration between CITES and fishery management bodies. Regarding *Decision 11.151*, also relating to sharks, the Secretariat announced that no reply had been received from the World Customs Organization on promoting the use of specific, standardized, tariff classifications for shark products.

In its Annex 3, Document CoP13 Doc. 35 contained ten draft decisions which, among other things, encapsulated species-specific recommendations from the Animals Committee and set in motion plans for a technical workshop on sharks in 2005. Canada, Guinea, Iceland, Indonesia, Japan and Norway were against adoption of the draft decisions, variously stating that they would result in duplication of the work of FAO and other fisheries organizations, would go beyond the mandate of CITES, and would further constrain the budget. The USA questioned the practicality of the draft decisions and offered draft decisions of its own for consideration as more effective alternatives (**document CoP13 Inf. 53**). In particular, the USA believed that CITES was not intended to implement management measures for shark species not listed in its Appendices. While Brazil supported the draft decisions in document CoP13 Doc. 35, several Parties and IUCN-The World Conservation Union simply stressed the importance of collaboration between CITES and other bodies relevant to the conservation of sharks, and FAO believed any CITES venture for sharks would founder without this. A working group was established to amend the draft decisions as appropriate, in the light of the debate. The resultant two draft decisions in **document Com. I. 7** detailed remaining work considered necessary in order to fulfil the requirements of *Resolution Conf. 12.6*. The draft decision directing the Animals Committee to review various aspects of shark trade was adopted as it stood (*Decision 13.43*) and that directing the Parties, *inter alia*, to request that FAO convene a workshop on the conservation and management of sharks, including review of the IPOA-Sharks, was adopted after a few small amendments had been agreed in session (*Decision 13.42*).

Proposal CoP13 Prop. 32 to include the Great White Shark *Carcharodon carcharias* in Appendix II, submitted by Australia and Madagascar, was supported by Brazil, Ecuador, the EU, Kenya, Thailand and Uruguay, but other Parties believed that management of the species was more properly the remit of FAO and regional fisheries organizations. FAO drew attention to their review of the proposal in **document CoP13 Doc. 60** and stated that there was insufficient information on which to base a decision, but IUCN-The World Conservation Union countered that available data indicated that Great White Sharks were rare and becoming rarer and that this decline in populations could be at least partly attributed to trade. Following a vote, by a secret ballot requested by Japan, the proposal was adopted, with 87 Parties in favour, 34 against and nine abstentions.

Bigleaf Mahogany *Swietenia macrophylla*

The Bigleaf Mahogany Working Group provided its report, **document CoP13 Doc. 39**, in accordance with *Decision 12.21*. It reported on the recommendations from its second meeting, in Brazil, in 2003. The International Tropical Timber Organization (ITTO) alluded to a follow-up meeting, which it had supported, in 2004, in Peru, on capacity-building for implementation of the Appendix-II listing of Bigleaf Mahogany in South American range States, stating that there had been excellent collaboration with CITES, which it hoped would continue. Parties supported continuation of the Bigleaf Mahogany Working Group, comprising range States, principal importing countries and a member of the Plants Committee, beyond CoP13, providing that it was under the auspices of the Plants Committee. They also supported the Plants Committee's judgement that the recommendations emerging from the Group's meeting in 2003 should be expressed as Decisions of the Conference of the Parties (**document Com. I. 4**) (Decisions *13.55, 13.56, 13.57, 13.58* and *13.59*). These included, in order of priority, determinations to adopt national and sub-regional mahogany management plans; to carry out forest inventories; to develop capacity-building for CITES procedures; and, to report on progress, including to CoP14.

Sturgeon Acipenseriformes

The Secretariat introduced **document CoP13 Doc. 65 Conservation of and trade in sturgeons and paddlefish**, which contained proposed amendments to *Resolution Conf. 12.7* on the same subject, since there had been difficulties in implementing that Resolution and clear time schedules for the recommended actions were needed. A working group set up to review the proposed changes in more detail produced a revision of these in **document CoP13 Com. II. 19**. *Inter alia*, these and other changes agreed introduced time-frames for the submission of information to the Secretariat, including the announcement of left-over stocks of sturgeon specimens

from previous years; urged range States to implement a regional conservation strategy; and specified that, from 2006, all caviar must be exported before the end of the quota year in which it was harvested. The changes, as reflected in **document CoP13 Com. II. 31 (Rev. 1)**, were adopted following a ballot with 47 votes in favour, four against and 37 abstentions, resulting in *Resolution Conf. 12.7 (Rev. CoP13)*. Draft decisions, concerning the establishment of a database on trade in sturgeons, were also contained in document CoP13 Com. II. 19. A slightly amended version of these, set out in **document CoP13 Com. II. 30**, submitted by the EU, was adopted (*Decisions 13.44, 13.45, 13.46* and *13.47*). In the meeting's final plenary session, China and the Russian Federation reported their dissatisfaction with the outcome of discussions under this agenda item, the former referring to the fact that it would not be able to adhere to the scheduling required by the new Resolution.

OTHER SPECIES

Proposal CoP13 Prop. 33 to include the Humphead Wrasse *Cheilinus undulatus* in Appendix II, submitted by Fiji, the EU and the USA, was adopted. Its adoption was supported by Iceland, Indonesia, Kenya, Norway and Palau, while FAO stated that available evidence showed that the species met the criteria for inclusion in Appendix II in accordance with Article II, paragraph 2 (a) of the Convention. The proposal was opposed by China and the Seychelles; China highlighted the implementation difficulties anticipated in controlling trade in specimens introduced from the sea.

Proposal CoP13 Prop. 37 to include *Hoodia* spp. in Appendix II, was submitted by Botswana, Namibia and South Africa, with an annotation such that the listing would not apply to parts and derivatives labelled as having been produced through controlled harvesting and production in collaboration with the CITES Management Authorities of those countries. Discussion of the proposal focused on the proposed annotation, which related to only three of the five range States, and differed significantly from plant annotations previously accepted by the Parties. A drafting group established to consider the annotation further was unable to revise it in a manner that did not result in expansion of the proposal's scope, which is not allowed. The proposal was therefore re-presented in its original form, with an undertaking to submit a revised annotation to CoP14, if the proposal were accepted. The proposal was adopted following a vote of 49 in favour, 10 against and 42 abstentions. The high number of abstentions seems likely to reflect confusion and/or concerns regarding the annotation rather than the listing of the genus within Appendix II.

Proposal CoP13 Prop. 40, submitted by Thailand, **proposal CoP13 Prop. 41**, submitted by Switzerland, and **proposal CoP13 Prop. 42**, submitted by Switzerland as Depositary Government, at the request of the Plants

Committee, were to amend the Appendix-II listing of Orchidaceae. Although differing somewhat in scope and approach, each of the proposals was intended to exempt from CITES provisions artificially propagated hybrids of certain Appendix-II species traded in accordance with specific conditions. Concerns were expressed by several Latin American countries regarding the possibility that such exemptions would increase illegal trade in their native species. A working group was established to develop a single text based on proposals 40 and 41; discussion on proposal 42, which related to *Phalaenopsis* spp. only, was to be deferred until discussion of the previous proposals was concluded. As the working group failed to reach consensus, the proposals were considered separately.

Thailand amended its proposal during the meeting (**document CoP13 Doc. 60 Addendum 2**), so that the genera *Cattleya*, *Cypripedium*, *Miltonia*, *Odontoglossum*, *Oncidium*, *Paphiopedilum*, *Phragmipedium* and *Selenipedium* were excluded from it. This reflected in part the concerns mentioned above and concerns regarding the unregulated trade in hybrids of Appendix-I species, e.g. *Paphiopedilum* spp., that would have been allowed under the proposal as originally submitted (Resolution Conf. 11.11 on regulation of trade in plants, states that artificially propagated hybrids derived from one or more unannotated Appendix-I species or other taxa shall be regarded as being included in Appendix II and entitled therefore to all exemptions applicable to artificially propagated specimens of species listed in Appendix II). The amended proposal also specified a minimum number of specimens per container and required that the number of plants of each hybrid be stated. Following a vote with 60 Parties in favour, 20 against and 11 abstentions, the proposal was accepted in Committee I. There was confusion over the relationship between Thailand's amended proposal and the Swiss proposal (CoP13 Prop. 41). The EU suggested amending the Swiss proposal so that it reflected the Thai proposal with regard to *Miltonia*, *Odontoglossum* and *Oncidium* (i.e. excluded them from the proposal). The Swiss proposal, so amended, was adopted, following a ballot, with 33 votes in favour, 16 against and 45 abstentions and proposal CoP13 Prop. 42 was then withdrawn.

In the final plenary session of the meeting, Mexico reopened debate on the amended Thai proposal, which it thought would create significant enforcement problems. The proposal was subsequently voted on and this time was rejected, with 67 votes in favour, 36 against and 27 abstentions. The USA then suggested amending the proposal so that only certain artificially propagated specimens of *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda* hybrids would be exempt from CITES controls for Appendix-II species. Following a vote, proposal CoP13 Prop. 40, as amended in document CoP13 Doc. 60 Addendum 2 and by the suggestions of the USA, was adopted, with 105 votes in favour, three against and 17 abstentions. According to a declaration of intent in

Document CoP13 Doc. 60 Addendum 2, subsequently formulated as *Decisions 13.98* and *13.99*, Parties should monitor the implementation of this proposal and the Plants Committee should report on this issue at CoP14. It appears that it will also be necessary to address the differences between the two Orchidaceae proposals adopted which, although they both now exclude the same four genera from the provisions of the Convention, apply different criteria for their exemption.

Proposals CoP13 Prop. 47 and **Prop. 48** were submitted jointly by China and the USA. The former was for amendment of the annotation for *Taxus wallichiana* such that chemical derivatives would no longer be excluded from the listing. The latter was for the inclusion in Appendix II of *Taxus chinensis*, *T. cuspidata*, *T. fuana*, *T. sumatrana* and all infra-specific taxa of these species, with an annotation such that seeds, pollen and finished pharmaceutical products would not be included in the listing. The EU suggested text to amend the proposal for *T. wallichiana* so that artificially propagated horticultural specimens would also be excluded from the provisions of the Convention. As the Chairman ruled that this widened the scope of the proposal, it could not be considered and the proposal was adopted in its original form. The other *Taxus* proposal was adopted, but with an amendment also to exclude from the provisions of the Convention whole, artificially propagated plants in small containers, named and labelled "artificially propagated".

Indonesia's **proposal CoP13 Prop. 49** was to include agarwood-producing species *Gyrinops* spp. and remaining *Aquilaria* spp. in Appendix II (*A. malaccensis* having been included at CoP9). The proposal was submitted unannotated, but Indonesia stated when introducing it that, if accepted, the proposed listing should be annotated with Annotation #1. Discussions of the proposal centred on concerns regarding difficulties with enforcement, voiced primarily by consumer countries in the Middle East, and on whether Indonesia's request that Annotation #1 be applied widened the scope of the proposal, a query raised by the USA. A working group was established to consider the proposal, particularly with regard to implementation and enforcement. The group produced a draft decision (**document CoP13 Com. I. 11**) directing the Secretariat to assist in obtaining funds for a capacity-building workshop before CoP14. This workshop would aim to improve implementation of the Convention for *A. malaccensis* and other agarwood-producing species, including by addressing labelling and identification issues. The draft decision was adopted (*Decision 13.65*). The working group did not reach consensus over the proposal which, amended to apply Annotation #1, was put to a vote and adopted, with 71 votes in favour, nine against and 23 abstentions. Thirty-one Parties expressed support for the proposal (**CoP13 Prop. 50**) from Indonesia to include ramin *Gonystylus* spp. in Appendix II. Indonesia, which had already listed the tropical hardwood in CITES Appendix

HOODIA SPP. ARE LISTED IN APPENDIX II EXCEPT THOSE SPECIMENS LABELLED AS HAVING BEEN PRODUCED FROM MATERIAL OBTAINED THROUGH CONTROLLED HARVESTING AND PRODUCTION IN COLLABORATION WITH GOVERNMENTS OF BOTSWANA, NAMIBIA AND SOUTH AFRICA.

INTERSPECIFIC HYBRIDS AND INTERGENERIC HYBRIDS WITHIN THE GENERA PHALAENOPSIS ARE NOT SUBJECT TO THE PROVISIONS OF THE CONVENTION WHEN THEY DO NOT EXHIBIT CHARACTERISTICS OF WILD ORIGIN SUCH AS DAMAGE BY INSECTS OR OTHER ANIMALS.

SPECIMENS OF ARTIFICIALLY PROPAGATED HYBRIDS OF CYMBIDIUM ARE EXEMPT FROM CITES PROVISIONS WHEN ACCOMPANIED BY LABELS INDICATING TRADE NAME, COUNTRY OF ARTIFICIAL PROPAGATION OR COUNTRY WHERE SPECIMEN WAS LABELLED.

AQUILARIA SPP. AND GYRINOPS SPP. ARE LISTED IN APPENDIX II. SPECIMENS ARE TRADED IN THE FORM OF WOOD CHIPS, POWDER, OIL, OR INCENSE/PERFUME.

SEEDS, POLLEN, FINISHED PHARMACEUTICAL PRODUCTS AND ARTIFICIALLY PROPAGATED HORTICULTURAL SPECIMENS OF TAXUS CHINENSIS, T. CUSPIDATA, T. FUJANA AND T. SUMATRANA AND ALL INFRASPECIFIC TAXA OF THESE SPECIES ARE EXEMPT FROM APPENDIX II.

ARTIFICIALLY PROPAGATED SPECIMENS OF EUPHORBIA MILII ARE NOT SUBJECT TO CITES PROVISIONS WHEN TRADED IN SHIPMENTS OF 100 OR MORE PLANTS AND/OR READILY RECOGNIZABLE AS ARTIFICIALLY PROPAGATED SPECIMENS.

ARTIFICIALLY PROPAGATED SPECIMENS OF PHALAENOPSIS ARE NOT SUBJECT TO CITES PROVISIONS WHEN TRADED IN CONTAINERS EACH CONTAINING 20 OR MORE PLANTS OF THE SAME HYBRID.



III in 2001, was concerned with declining populations of ramin and continued illegal logging of ramin in protected areas. It noted that illegally-logged ramin was still entering the world market and, in proposing the Appendix II listing, hoped for enhancing greater international co-operation in addressing this problem. Indonesia also stressed the importance of listing the entire genus owing to the difficulty of distinguishing different species of ramin.

Other Parties, including the EU and USA, stressed that the listing should include all parts and derivatives as the overwhelming proportion of ramin products in international trade is of finished or semi-finished products. Malaysia expressed concern that a listing of the entire genus would result in implementation difficulties with look-alike species. In addition, Malaysia cited enforcement difficulties in implementing a listing designating all parts and derivatives and suggested an annotation limited to logs, sawn wood and veneer sheets to allow Parties time for capacity building. After listening to the debate, however, Malaysia agreed to join consensus in supporting the proposal as it stood. Both Indonesia and Malaysia highlighted the recent establishment of a Tri-National Task Force comprising Indonesia, Malaysia and Singapore. The aim of the Task Force is to increase law enforcement co-operation in combating illegal trade in ramin and promote effective implementation of CITES. Malaysia noted that the first meeting of the Task Force had already taken place in September 2004. The proposal was adopted by consensus.

CONCLUSION OF THE MEETING

Determination of the time and venue of the next regular meeting of the Conference of the Parties

The Parties accepted an offer from the Netherlands to host CoP14, in 2007. Exact dates are to be determined.

Julie Gray
 Reports Editor
 TRAFFIC International
 E-mail: julie.gray@trafficint.org

Note: The European Union (EU) is not a Party to the Convention in its own right but many interventions at CoP13 were made by the Netherlands (which held the EU Presidency at the time), and other Member States, on behalf of all Member States of the EU. For the sake of simplicity, these comments are attributed to the "EU" in this article.