

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Thirty-eighth Meeting of the Standing Committee
Harare (Zimbabwe), 7-8 June 1997

SUMMARY REPORT

Members:

- Africa:
- M. Lindeque (Namibia)
 - A. Kane (Senegal)
 - K. I. Abdel Rahim (Sudan)
- Asia:
- N. Akao (Japan), Chairman
 - A. Tsukahara
 - M. Morimoto
 - T. Shibata
 - H. Kobayashi
 - H. Yasumara
 - M. Komatsu
 - Y. Nikaido
 - N. Miyazawa
 - Y. Susuki
 - H. Tsubata
 - M. Namba
 - H. Isa
 - M. Koyama
 - K. Kamigawara
 - M. Ide
 - H. Nakano
 - H. Moronuki
 - K. Hosoda
 - K. Kawase
 - K. Kokubu
 - T. Yokota
 - S. Hiruta
 - N. Ishi
 - M. Komoda
 - M. Lauprasert (Thailand)
- Europe:
- S. Tveritinov (Russian Federation)
 - M. Travnikov
 - R. Hepworth (United Kingdom),
Vice-Chairman
 - R. Smith
 - S. Geddes

Central and South America and the Caribbean:	N. Nathai-Gyan (Trinidad and Tobago), Alternate Vice-Chairman V. Lichtschein (Argentina)
North America:	J. Reyes Gómez (Mexico) M.-E. Sánchez
Oceania:	N. Kwapena (Papua New Guinea)
Depositary Government:	P. Dollinger (Switzerland)
Next Host Country:	J. Moyo (Zimbabwe) W. Makombe S. Comerbach
Previous Host Country:	D. J. Barry (United States of America) M. Cohn N. Daves M. Jones K. Stansell P. Thomas

Observers:

Cameroon	D. Ndiang
Canada	D. Brackett
China	Q. Jianhua W. Xiaodu L. Xiaoping F. Zhiyong
Czech Republic	J. Kucera
France	F. André G. Humbert
Germany	G. Emonds D. Jelden
Greece	D. Simons
India	S. Dey
Indonesia	M. Samedi
Netherlands	C. Schürmann
New Zealand	M. Hosking
Republic of Korea	Won Ga Yoon Byung Kyoo Ha Woo Shin Lee Minjeong Kim Dong Hee Lee Seong in Suh Kim In-Ho
South Africa	H. Grové
Spain	F. Javier Rubio de Urquía M. Clemente-Muñoz
United Republic of Tanzania	E. Severre M. Lyimo
United Nations Environment Programme	J. Illueca R. Ortega

Organization for Economic
Co-operation and Development

D. Andrews

Secretariat:

I. Topkov
J. Armstrong
M. Astrálaga
J. Barzdo
A. Beyene
J. Kundaeli
J.-P. Le Duc

Rapporteurs:

J. Boddens-Hosang
K. Cook

First session: 7 June 1997: 14h45 - 18h00

1. Opening remarks by the Chairman and the Secretary-General

The Chairman opened the meeting by welcoming the participants and thanking the Government of Zimbabwe, the Next Host Country, for providing the facilities for this meeting of the Standing Committee.

The Secretary-General welcomed the participants and announced that the Global Biodiversity Forum was being held simultaneously, focusing on the relationship between CITES and the Convention on Biological Diversity (CBD). He then provided information on the registration procedure for the 10th meeting of the Conference of the Parties and said that more delegates and observers than for the ninth meeting of the Conference of the Parties had communicated their intention to participate. The Secretary-General finished his remarks by wishing the Standing Committee success in their deliberations.

2. Adoption of the Agenda

The Chairman asked whether any issues were to be added to the Provisional Agenda for discussion under agenda item 9 (Other business). In addition, he stated that agenda item 3 would be discussed among members of the Standing Committee only and that agenda item 7 would be discussed in a closed session without Secretariat staff.

The representative of Africa (Namibia) requested that an urgent proposal for a special project for a survey of the population status of and trade in the mountain zebra in Namibia be added to the agenda. The Chairman suggested adding this issue as agenda item 9.d). The Provisional Agenda as amended was adopted.

3. Composition of the Bureau of the 10th meeting of the Conference of the Parties

The Chairman remarked that informal consultations regarding the composition of the Bureau had been held before this meeting of the Standing Committee and that this had been the first time he had dealt with this issue. He had consulted with the Vice-Chairman and a former vice-chairman. He apologized for the lack of communication with members of the Standing Committee on this issue and proposed that the chairmen of the meeting of the Conference of the Parties and of the Committees be the following:

- the Chairman of this meeting of the Conference of the Parties:
the representative of the Host Country, Ambassador Jokonya

- the two Vice-Chairmen of this meeting:
one from Central and South America and the Caribbean and the other from Asia
- the Chairmen of the three committees:
Committee I: Mr D. Brackett (North America)
Committee II: Mr F. Rubio de Urquía (Europe)
Budget Committee: Mr M. Hosking (Oceania)

The Chairman suggested that the regions concerned should nominate the vice-chairmen of the meeting. With regard to the Credentials Committee, the Chairman suggested that Mr S. Dey (India) be its chairman.

The representative of Central and South America and Caribbean (Argentina) complained that the procedure for selecting chairmen had not been carried out in accordance with the rules. She was concerned by the informal nature of the consultations and by the fact that not all members of the Standing Committee had been consulted. She had talked with the proposed chairman of the meeting during the meeting of the Governing Council of UNEP and with the Secretary-General on other occasions but had not been informed about candidates for the Bureau. She felt excluded from the consultations.

The Chairman apologized and said that he had had no intention of excluding anyone from the process.

The representative of Oceania (Papua New Guinea) said that he had also not been consulted on candidates for the Bureau and believed that one of the chairmen should come from the Standing Committee.

The Secretary-General remarked that during previous meetings of the Conference of the Parties, chairmen were always representatives of the Host Country (the seventh meeting of the Conference of the Parties was the only exception since there was no host country). He pointed out that Zimbabwe was a member of the Standing Committee and that there were no rules concerning members of the Standing Committee being represented in the Bureau. He added that countries were members of the Standing Committee but the Bureau was formed by persons.

The representative of the Depositary Government questioned whether the Rules of Procedure had been amended since the ninth meeting of the Conference of the Parties because the Bureau consisted of the Chairman of the meeting and the Chairmen of Committees I and II and the Budget Committee, but not the Chairman of the Credentials Committee. The Secretary-General answered that the Vice-Chairmen of the meeting were also members of the Bureau and confirmed that the chairman of the Credentials Committee is not a member of the Bureau. He added that this issue should be discussed further under agenda item 4.

The Chairman once again apologized for the manner in which consultations had been held regarding candidates for membership of the Bureau. He asked the Standing Committee whether the suggested candidates were acceptable.

The Secretary-General recommended that the regions of Asia and Central and South America and the Caribbean hold consultations and present candidates as soon as possible before the first session of the meeting of the Conference of the Parties or, alternatively, this could be discussed in the plenary session on the second day of the meeting. The Chairman agreed with this suggestion.

In answer to a question from the representative of Africa (Namibia) about the Rules of Procedure and the membership of the Bureau, the Vice-Chairman referred to Rule 5,

mentioned on page 370 of *The Evolution of CITES* (4th edition, 1995). In the ensuing debate, the terminology in Rule 5 was questioned with reference to Rule 7. The Secretary-General pointed out that the book was incorrect and that the composition of the Bureau was categorically established in document Doc.10.3 (Rules of Procedure).

The Chairman asked the members of the Standing Committee whether they agreed on the candidates for membership of the Bureau. The Committee agreed to the Chairman's proposal.

4. Candidates for the Credentials Committee

The Chairman said that five candidates were to be nominated for membership of the Credentials Committee. He proposed nominating the representative of Asia (India). The representative of Central and South America and the Caribbean (Argentina) remarked that a representative of the Host Country should be included on the Credentials Committee. The representative of the Previous Host Country stated that his country was willing to serve on the Credentials Committee. The representative of Europe (Russian Federation) and the representative of Oceania (Papua New Guinea) also declared their interest to serve on the Committee. The representative of Central and South America and the Caribbean (Trinidad and Tobago) proposed that the representative of Bolivia be a member of the Committee.

The Vice-Chairman remarked that the Rules of Procedure could be amended at the start of the meeting if more than five candidates were proposed. The Chairman asked the Standing Committee whether the Rules of Procedure should be amended or whether one of the candidates could be withdrawn. The representative of the Next Host Country recommended that the Rules of Procedure not be changed. The representative of Asia (Japan) suggested that the representatives of the Previous Host Country and Oceania decide between them which of them should withdraw and appoint one candidate, since their regions had few Parties. The Chairman postponed further discussion on this matter until the following day.

5. Other matters related to the organization and conduct of the 10th meeting of the Conference of the Parties

The Secretary-General reported on the number of expected participants in the 10th meeting of the Conference of the Parties. He apologized for the large amount of documentation (more than 3,000 pages in four binders), adding that this was twice the amount produced for the previous meeting. Although he welcomed the interest and participation of the Parties, a way must be found to deal with the increase in documentation. He described the planned opening ceremony and procedural details of the forthcoming meeting. He finished by thanking the Department of National Parks and Wildlife Management of Zimbabwe for their assistance in the preparations for the 10th meeting of the Conference of the Parties.

The representative of the Next Host Country welcomed all participants to Zimbabwe and gave details of the planned opening ceremony and other events. He wished the participants a successful meeting. He added that, as the proposed Chairman of the Bureau, he intended to suggest that the Bureau meet every morning.

The Secretary-General added that the Assistant Executive Director of UNEP would speak at the opening ceremony and that the Executive Director would speak at a later stage. In answer to a question from the representative of Africa (Namibia) concerning the availability of documentation for delegates, the Secretariat gave details concerning documents that would be available to each delegation.

Speaking on behalf of the European Union, the observer from the Netherlands asked whether the Member States of the European Union could sit together during the plenary sessions. The Secretary-General made it clear that this would require a change in the Rules of

Procedure since all Parties were assigned seating in alphabetical order. As there was no consensus on this request, the Chairman denied the request for grouped seating.

6. Implementation of the Convention by Greece

The Secretariat presented document Doc. SC.38.3. Referring to the Annex that sets out the five areas of concern, the Secretariat noted that, with regard to the fifth area (inadequate legislation to implement CITES), some progress had been made and this concern could be regarded as resolved and was no longer an outstanding matter. The Secretariat concluded by presenting their recommendations to the Standing Committee (paragraph 5 of document Doc. SC.38.3).

The observer from Greece thanked the Secretariat for their assistance in establishing the machinery necessary to ensure full compliance. A prepared statement (document Doc. SC.38.3) was then read out on behalf of Greece.

Turning then to document Doc. SC.38.3, the observer from Greece explained that as far as the timetable for implementation was concerned, it hoped to finalize the chapter on sanctions in the draft legislation by June 1997, ahead of the deadline of July 1997. The draft legislation would be submitted to the Greek Parliament in September 1997, with the intention of achieving full compliance by the end of the year. As for border controls, the observer from Greece stated that a list of ports of entry would be submitted to the Customs authority for approval. The Ministry and the Greek Customs authority would then need to agree on the list, following which a ministerial decision would bring the agreed list into operation. With regard to the situation at the Athens airport, the observer from Greece noted that the Secretariat had offered to participate in training seminars. He concluded by requesting a two-month extension (from 1 January 1998 to 1 March 1998) of the time within which it would be required to take the measures recommended by the Secretariat.

The Chairman asked whether there were any comments on the Secretariat's recommendations or on the amendments proposed by the observer from Greece.

Recalling the situation that had arisen in relation to measures taken against Italy on a previous occasion, the representative of the Depositary Government raised the question of the implications of the proposed recommendations for trade within the European Union. He pointed out that, as far as Switzerland was concerned, such trade would not be affected by measures taken pursuant to the recommendations because, if accepted, it was not possible to implement such measures within the European Union. He noted that a similar situation applied to trade between Greece and Switzerland because Switzerland had a free-trade agreement with the European Union.

The Chairman noted that Greece had expressed its determination to implement the Convention and expressed the hope that no measures would be needed. The Committee then agreed to the Secretariat's recommendations with the amendments proposed by the observer from Greece.

The Secretariat expressed their thanks to the Government of Greece for its commitment to full implementation of the Convention and confirmed that the Secretariat would do everything possible to help solve this problem.

8. Export of *Psittacus erithacus* from Cameroon

The Secretariat presented document Doc. SC.38.5 and stated that there was reason to believe that a large number of grey parrots were being exported illegally from Cameroon and Gabon using permits issued by neighbouring countries and that some specimens were being exported illegally from Gabon via Cameroon without any documentation, thus resulting in

over-exploitation. In light of this, the importance of the measures proposed to safeguard this species was evident.

The observer from Cameroon noted that his country had ratified the Convention with the intention of being fully bound by its terms. He thanked the Secretariat for their efforts in seeking to establish rational management of the grey parrot in Cameroon, in particular by funding a study for this purpose. The observer from Cameroon informed the meeting that, in the light of the problems experienced, a number of changes had recently been introduced and measures had been taken by the new Minister for the Environment. On the issue of quotas, the observer from Cameroon acknowledged that since 1995 there had been problems in the management of the grey parrot. Permits for exports within the quota of 12,000 had been issued to traders who then retained them for nine months because of the United States' ban on the import of grey parrots from Cameroon. This had resulted in an accumulated backlog of export permits. The observer from Cameroon agreed with the Secretariat that grey parrots should be subject to sustainable management and referred to the system of fees paid by those licensed to capture wild grey parrots and pointed out that this money was paid to the State. It would be a blow to Cameroon if measures were taken to prevent trade in this species. The observer from Cameroon referred to the Libreville training course and to further training scheduled to take place. He informed the meeting that Cameroon had reduced from 75 to 20 the number of permits granted to individuals to capture grey parrots, which would facilitate monitoring of compliance with the permit system. He requested that the CITES mission mentioned in the recommendations (paragraph 3) should be brought forward, perhaps to October 1997.

The representative of Africa (Namibia) congratulated Cameroon on its willingness to improve regulation of trade in this species and expressed the view that the Parties in Africa should offer as much assistance as possible.

The Chairman asked for views on whether to accept the Secretariat's recommendations. The representative of Africa (Namibia) responded that since the observer from Cameroon had not objected to the recommendation, and other countries in the region had had similar experiences, help should be provided to facilitate a solution to wildlife management problems within the region.

The Committee agreed to the Secretariat's recommendations, and the Chairman expressed the hope that other countries would assist Cameroon.

The Secretariat welcomed the measures already taken by Cameroon and stated that they would do everything possible to help to improve the situation. The Secretariat was aware of the measures that would need to be taken in order to set the 1998 quota.

9.a) Report on experience in the use of trade measures under the Convention referred to the Standing Committee by OECD

The Chairman invited the Secretariat to present this report. The Secretariat explained that the report was being presented as information for the Standing Committee. The report reviewed a study conducted by the OECD on the effect of Multilateral Environmental Agreements (MEAs) on trade. The report contained information relevant to issues that would be discussed at the forthcoming meeting of the Conference of the Parties, in particular those arising from document Doc.10.22 on co-operation and synergy among conservation conventions and agencies. The Secretariat noted that an observer from the OECD Secretariat was present and invited him to comment on the report.

The observer from the OECD Secretariat explained that the report was the result of an analysis carried out by the OECD Secretariat. Discussion had taken place on two occasions within the OECD group on trade and environment, which was composed of an equal number

of trade policy and environment policy representatives from the OECD member countries. The report was now complete and available to the public. The observer from the OECD acknowledged the generous help that had been provided by the CITES Secretariat, emphasizing that any errors in the report were those of the OECD Secretariat. He noted that the relationship between trade and environment had been actively debated within OECD and elsewhere during the previous five years including by the Trade and Environment Committee of WTO. He explained that this report was the first of a series of studies made of a number of MEAs. Reports on the Basel Convention on the cross-border movement and disposal of hazardous and other wastes and on the Montreal Protocol to the Vienna Convention on substances which deplete the ozone layer were in preparation. He noted that CITES was a convention that had shown resilience and flexibility since its initiation in 1973. Many of the trade measures required by the convention were tailored to specific situations. The observer from the OECD referred to document Doc.10.22, which raised the question of the relationship between MEAs and the trading system. The Chairman took note of the work carried out by the OECD and said that this could be discussed during the meeting of the Conference of the Parties if delegates wished. The Vice-Chairman suggested that the OECD report should be circulated to the delegates to the meeting of the Conference.

The representative of the Host Country said that it would be difficult for the Conference to discuss the report and perhaps it should simply be presented for information. In order for it to serve as a basis for discussion, it would be necessary for the Parties to consult competent national authorities.

The Secretariat, noting that the ERM report was due to be discussed on the afternoon of 10 June, explained that Chapter 7 of the OECD report had been added as an annex to document Doc.10.22. This had been done because the ERM report called for a study of the issues covered by the OECD report. The intention was to make delegates aware of work already carried out in this area, rather than to prompt a discussion of the OECD report.

The Secretary-General explained that the Secretariat would prefer to distribute the report later because of limited resources but, if requested to do so by the Committee, Secretariat would distribute the report as an information document.

9.b) Report of the second meeting of the working group on the relationship between CITES and UNEP

The Chairman invited the chairwoman of the CITES/UNEP working group to present document Doc. SC.38.2. She reviewed the problems encountered during the discussions with UNEP and recommended that document Doc. SC.38.2 be circulated to the Parties in order to facilitate an understanding of the underlying problems. She said that UNEP had submitted a counterproposal but this did not adequately deal with the issues. The working group had requested comments from the members of the Standing Committee on the draft document but received only one reply (from the United Kingdom). She recommended that a decision be taken before the meeting of the Conference of the Parties.

The observer from UNEP stated that discussions on an agreement between CITES and UNEP had definitely progressed. At the meeting in March, a draft agreement had been prepared and submitted for approval by UNEP Headquarters. He felt that the proposal and counterproposal were not far apart and agreement should be reached rapidly. He also commented that the positive outcome of the meeting in March had not been adequately reflected in the minutes of the working group. Final agreement was now in the interest of both parties.

The Chairman reiterated the hope of reaching agreement on this issue before the end of the 10th meeting of the Conference of the Parties. The Vice-Chairman nominated a representative of the United Kingdom for addition to the working group. The observer from

UNEP stated that he would be available for only part of the meeting of the Conference of the Parties and therefore wished to reach agreement as soon as possible. The representative of Africa (Namibia) asked the observer from UNEP to confirm that a final document would be signed before the end of the 10th meeting of the Conference of the Parties. The observer from UNEP replied positively. The representatives of the Previous Host Country and the Depositary Government said that the members of their delegations who had participated in this discussion would not arrive until the following Monday. The representative of the Previous Host Country commented that some issues might warrant consultation with the countries concerned before signature.

The Chairman welcomed further deliberation by the working group and the addition of a representative of the United Kingdom. The meetings of the Bureau should be the forum for reviewing updates from the working group before informing the meetings of the Conference of the Parties. The representative of Asia (Japan) endorsed the need for continued negotiation in the working group and the addition of a member to the working group. The chairwoman of the working group agreed with the suggestion to complete a draft agreement for signature before the end of the meeting of the Conference of the Parties. She expressed concern about expanding the working group and, although she welcomed contributions from other countries, stated a preference for continuing with the current composition. She added that the outstanding issues were core considerations that must not be dealt with lightly. She requested that document Doc. SC.38.2 be distributed to all Parties. The Secretary-General said that this issue would be discussed on the second day of the meeting of the Conference of the Parties and that document Doc. SC.38.2 would be added as Annex 5 to document Doc. 10.23.

9.c) Simultaneous interpretation for the meetings of the Budget Committee

The Chairman reported that the Ambassador of France to the international organizations in Geneva had expressed concern that interpretation was not provided in all working languages during the meetings of the Budget Committee and requested that this issue be addressed by the Standing Committee. The Secretariat stated that it was not providing interpretation to French and Spanish because of the Rules of Procedure and the cost of adding interpreters for that meeting. The Budget Committee, the Chairman pointed out, was not the ultimate body for taking formal decisions, since this was done in the plenary session. Nonetheless, this issue should be addressed in the future, taking into account the financial situation of the Secretariat.

The observer from Spain thanked the Chairman for his explanation, but said that the Conference of the Parties must decide whether the Budget Committee was, in fact, a committee or a working group. He shared the concern expressed by the Ambassador of France and agreed that the Budget Committee dealt with important matters. He expressed hope that full interpretation would be provided in the future.

The representative of Asia (Japan) stated that not every country could increase its contribution to the Secretariat and recommended that the composition of the Budget Committee continue as at present.

9.d) Special Projects

The representative of Africa (Namibia) announced that the project proposal for a survey of the population of and trade in mountain zebra in Namibia had not yet been distributed but that it was an excellent document. Although not yet having seen the final text of the document, the representative of the Depositary Government expressed the willingness of his Government to fund this project. The representative of the Previous Host Country suggested that the Standing Committee approve the project proposal. The Committee approved the project proposal.

The representative of Central and South America and the Caribbean (Argentina) thanked Spain for providing a translation into Spanish of the 1995 edition of the book *The Evolution of CITES*.

The observer from Spain announced that his Government was organizing the first post-graduate course on conservation and international trade at the International University of Andalusia in 1998 with the support of the Secretariat. The Secretary-General thanked the observer from Spain and the Director of the International University of Andalusia for this initiative. He noted that the Chairman of the Plants Committee had been intensely involved in promoting this initiative. He invited other countries to follow suit.

The meeting continued at 18h00 in a closed session.

Second Session: 8 June 1997

4. Candidates for the Credentials Committee (continuation)

The Chairman returned to the unresolved issue of appointing members to the Credentials Committee. The representative of Oceania (Papua New Guinea) stated that, following discussions with the representative of the Previous Host Country, he had withdrawn his candidacy for membership on the Credentials Committee. As a result, it was agreed to propose that the Credentials Committee consist of representatives of Bolivia, India, the Russian Federation, the United States of America and the Next Host Country.

During the following discussions, support was expressed for the idea of changing the Rules of Procedure of the Conference in order to allow representation on the Credentials Committee of six regions, plus the Next Host Country. The Standing Committee recommended that the Conference of the Parties should instruct the Secretariat to propose an amendment to the Rules of Procedure in time for its 11th meeting, to include representation of all six regions on the Credentials Committee.

There followed a closed session, at the end of which the Chairman closed this meeting of the Standing Committee.