

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



Fifty-eighth meeting of the Standing Committee
Geneva (Switzerland), 6-10 July 2009

Strategic matters

COOPERATION WITH THE WORLD TRADE ORGANIZATION

1. This document has been prepared by the Secretariat.

Observer status

2. In late 2008, the CITES Secretariat and the Secretariat of the World Trade Organization (WTO) had informal bilateral discussions about the Standing Committee's decision at its 57th meeting (Geneva, July 2008) "to indicate the interest of CITES in participating on an *ad hoc* basis in meetings of certain WTO bodies whose work had relevance to CITES, such as the General Council, the Committee on Sanitary and Phytosanitary Measures, the Committee on Technical Barriers to Trade, the Committee on Trade and Development and the Committee on Regional Trade Agreements". The WTO Secretariat suggested that the CITES Secretariat consider consulting with individual WTO officials who provide support to each of these bodies in order to identify specific aspects of their work that are directly or indirectly relevant to CITES. Such consultations would enable the CITES Secretariat to better assist the Chair of the Standing Committee in formulating focused requests for *ad hoc* observer status in the various bodies.
3. To date, the Secretariat has not been able to undertake the suggested consultations because of other work priorities. It will endeavour to complete the consultations by July 2009, using this document as a basis for discussions.

Information exchange

4. The Secretariat made an oral intervention as a permanent observer to the regular session of the WTO Committee on Trade and Environment held in November 2008. The Secretariat summarized relevant decisions taken by the Conference of the Parties in 2007 (e.g. adoption of the *CITES Strategic Vision: 2008-2013*, a *Guide to CITES compliance procedures*, *Guidelines for management of nationally-established export quotas*, the promotion of multilateral measures, national wildlife trade policy reviews and incentives for implementation of the Convention) and the Standing Committee in July 2008 (e.g. on cooperation with WTO and the initial results of the joint project on national wildlife trade policy reviews).

Technical cooperation

5. The CITES Secretariat assisted the WTO Secretariat in establishing contact with the CITES Management Authority of Botswana and facilitating the preparation of a CITES-related presentation delivered by Botswana to the WTO Regional Workshop on Trade and Environment for English-speaking African Countries held in Gaborone in March 2009. The Secretariat understands that the presentation was very well-received and would like to thank Botswana for helping to enhance cooperation between CITES and WTO at both the national and international levels.

Liaison Group of the Biodiversity-related Conventions and WTO

6. During the sixth meeting of the Liaison Group of the Biodiversity-related Conventions (BLG) held in May 2008 in Bonn, the CITES Secretariat proposed that the BLG discuss possible cooperation in the area of trade and the environment during its seventh meeting.
7. The agenda for the seventh meeting of the BLG, held in Paris on 9 April 2009, therefore included an item on trade and the environment as well as a discussion document on the 'Elements identified for a possible joint approach by BLG members *vis-à-vis* WTO'. During the meeting, it was noted that both CBD and CITES had explored the possibility of concluding cooperative MoUs with WTO but that it now appeared more appropriate to pursue an informal cooperation. Ramsar and CMS indicated their interest to pursue a similar approach. It was agreed that each interested BLG member should nominate a focal point on trade and environment who would, among other things, undertake certain proposed actions related to observer status in, technical cooperation with, and information exchange with WTO (see the Annex to this document). In response to a suggestion from the CITES Secretariat that BLG members collaborate in the preparation of MEA-related modules on trade and environment for use in appropriate WTO or other training events, the BLG agreed that CITES would take the lead on the preparation of capacity-building modules on trade and environment.

WTO and the transport of live specimens of CITES-listed species

8. WTO is mentioned in paragraph 93 of the Secretariat's discussion document on the analysis of Parties legislative provisions and draft legislative guidance related to the transport of live CITES specimens (document AC24 Doc. 15.2), which was prepared for consideration by the Animals Committee at its 24th meeting (AC24, Geneva, April 2009). This paragraph states that:

OIE animal health standards and IPPC plant health standards are references within the framework of the World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures. During a 14 March 2009 meeting between the heads of OIE and WTO where they discussed such measures, the OIE referred to its standard-setting work in the field of animal welfare. There appears to be an interest on the part of one or more countries to incorporate animal welfare considerations into rules agreed by Member States to WTO. The possible involvement of WTO in such matters would help to ensure that related standards do not constitute technical barriers to international trade.

9. There is a clear link between national sanitary and phytosanitary regimes and national CITES implementation, particularly in relation to the transport of live CITES specimens. Indeed, several CITES authorities are located in national veterinary or phytosanitary offices. Resolution Conf. 10.21 (Rev. CoP14) therefore recommends that "the regular communication of the CITES Secretariat and the Standing Committee with IATA's Live Animals and Perishables Board and with the board of directors of the Animals Transportation Association (AATA) be continued and that a relationship with the International Animal Health Organization (OIE) and the International Plant Protection Convention (IPPC) be developed".
10. The development of a relationship between CITES, OIE and IPPC is one of the factors that should be considered as CITES seeks observer status in the WTO Committee on Sanitary and Phytosanitary Measures and the WTO Committee on Technical Barriers to Trade.

Regional trade agreements and CITES

11. A number of CITES capacity-building activities have taken place and will continue to take place in the context of the Dominican Republic - Central America - United States Free Trade Agreement (DR-CAFTA). Like the CITES-related activities which took place under the trade promotion agreement between Peru and the United States, the activities in Central America have been quite successful in improving the effectiveness of national CITES implementation.

CITES contribution to human development

12. The majority of CITES Parties are developing countries. Wildlife trade in these countries frequently involves rural communities, which are close to and dependent on natural resources. Such

communities, and the developing countries in which they are located, often need assistance in ensuring that any trade they undertake is both sustainable in terms of resource use and equitable in terms of the benefits derived. Assistance aimed at strengthening human and institutional capacity to engage in sustainable wildlife trade may involve, in particular, the transfer of technology and the ability to access markets.

13. A number of decisions adopted by the Conference of the Parties take into account the socio-economic context in which the Convention operates. It is recognized in Resolution Conf. 8.3 (Rev. CoP13) that "commercial trade may be beneficial to the conservation of species and ecosystems and/or to the development of local people when carried out at levels that are not detrimental to the survival of the species in question". Objective 3.3 of the *CITES Strategic Vision: 2008-2013* seeks to ensure that "cooperation with relevant international environmental, trade and development organizations is enhanced". Under Decision 14.24, the Secretariat is directed, "in collaboration with relevant international organizations such as the United Nations Environment Programme or the United Nations Conference on Trade and Development and with interested exporting and importing Parties, to facilitate a review of their national policies regarding the use of and trade in specimens of CITES-listed species, taking into account environmental, social and economic issues and relevant policy instruments". Work related to these and other relevant mandates should be considered as CITES seeks observer status in the WTO Committee on Trade and Development.

Recommendations

14. The Standing Committee may wish to explore the possibility of organizing with WTO an informal discussion on issues of mutual interest in the margins of the Committee's 61st meeting.

Elements for a possible joint approach of BLG members vis-à-vis WTO

1. Observer status: MEAs have various requests at various WTO committees pending. For the CBD the status is as follows: CTE-R granted; CTE-SS, TRIPS Council, Agriculture, SPS, TBT committees: pending. For CITES the status is as follows: CTE-R granted; CTE-SS pending; General Council and committees on SPS, TBT, trade and development and regional trade agreements to be requested.

Proposed Action item 1: Compile for each MEA a list of relevant WTO committees in which observer status has been achieved, is pending or is to be requested.

Proposed Action item 2: Invite specific Committee chairs to follow the 'special invitee' model of the CTE-SS. This could be done by a joint letter of the Executive Secretaries, or COP Presidents. However, this would probably be sensible only if several MEAs have applied for observer status in one particular committee.

2. Technical cooperation: Various MEAs, including the CBD and CITES, have in the past participated in the WTO regional workshops on trade and environment. Cooperation among MEAs could be strengthened with a view to have the MEA representative(s) attending a particular workshop also representing other MEAs (e.g. by delivering a joint presentation at the workshop). In light of the time and resource constraints of individual responsible officers in MEA secretariats, this could be an interesting option for realizing synergy. Consideration could also be given to a national authority, which serves as focal point for more than one MEAs, delivering a joint presentation.

Proposed Action item 3: Each interested MEA to prepare slides of relevant trade issues under the MEA, for joint perusal at upcoming technical cooperation/capacity building events

Proposed Action item 4: MEAs to nominate a (rotating?) focal point for liaising with the WTO Secretariat on a regular basis in order to keep abreast with the latest calendar of planned events

Proposed Action item 5: Coordinate among MEAs in order to secure representation of at least one representative in these events

3. Information exchange: The UNEP Economics and Trade Branch in Geneva (which in the past informally organized meetings with the WTO Secretariat after CTE sessions) already provides information on an informal basis. We also had in the past an email list of officers following WTO developments (they could probably be updated). CITES and WTO have discussed organizing further, informal discussions among members of both organizations, perhaps in the margins of the CITES SC, on issues of common interest identified by the secretariats. Details about the discussions held between the Chairman of the CITES Standing Committee and one of the Deputy Directors General of WTO are contained in the SC57 Summary Record, under agenda item 12 on cooperation with WTO.

Proposed Action item 6: Update email lists of officers following WTO developments and consider joint organization of an informal discussion.