

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

---

Thirteenth meeting of the Conference of the Parties  
Bangkok (Thailand), 2-14 October 2004

Fifth session: 6 October 2004: 9h05-11h50

Chairman: H. Dublin

Secretariat: D. Morgan  
T. De Meulenaer  
M. Schmidt

Rapporteurs: H. Corrigan  
A. St. John  
A. Stattersfield  
P. Wheeler

The delegation of the Netherlands reminded participants that following its enlargement, the European Community, on whose behalf they customarily spoke at the meeting, now comprised 25 Member States all of whom were Parties.

#### **Interpretation and implementation of the Convention**

##### Species trade and conservation issues

##### 39. Conservation of bigleaf mahogany: report of the Working Group

The Chairman of the Bigleaf Mahogany Working Group (BMWG) (Brazil) introduced document CoP13 Doc. 39, praising the efforts of the working group members and supporting the recommendation from the Secretariat in paragraph G that the group continue its work under the auspices of the Plants Committee. The delegation of Brazil, supported by the delegations of Argentina, Ecuador, Ghana, Guatemala, Mexico, Nicaragua and Peru, agreed with that recommendation but raised concern regarding the comments contained in the rest of the paragraph, believing that it was beyond the mandate of the Secretariat to give its opinion. The Secretariat noted that it had duty to provide advice to the Parties and then highlighted its recommendation in paragraph F 2. that the priority actions identified by the Plants Committee and included in paragraph B of the document be turned into decisions.

The Chairman of the Plants Committee stressed the importance of supporting bigleaf mahogany range States and supported the recommendation that the priority actions be turned into decisions. She was supported by the delegations of Belize, Bolivia, Chile, the Netherlands, on behalf of the 25 Member States of the European Community, and Paraguay, and the observers from TRAFFIC and Defenders of Wildlife. The Chairman of the Plants Committee further raised the issue of how any future meetings of the BMWG would be funded. The delegation of the United States of America congratulated the BMWG on its work and briefly detailed a follow-up meeting, held in May 2004 in Pucallpa, Peru, and supported by the International Tropical Timber Organization (ITTO), on capacity building for implementation of the Appendix-II listing of bigleaf mahogany amongst South American range States. The observer from ITTO stated that he believed the previous work had provided excellent opportunities for collaboration between CITES and ITTO and he encouraged continued synergy for bigleaf mahogany and other timber species. The Chairman, observing that funding mechanisms must be addressed, noted that the Committee supported the continuation of the BMWG under the Plants Committee. She directed the Secretariat to formalize the priority actions identified in paragraph B and the reporting

arrangements under paragraph G of document CoP13 Doc. 39, as decisions to be returned to the Committee and this was agreed.

#### 40. Evaluation of the Review of Significant Trade

The Chairman of the Animals Committee introduced document CoP13 Doc. 40 and the proposed terms of reference in its Annex. He stressed that the work being undertaken was not a revision of the Review of Significant Trade process itself, later reminding the Committee that, if that process was considered in need of revision, that would need to be addressed through amendment of Resolution Conf. 12.8. During the discussion, for information, he reported that several sources of information were used in the selection of species for Phase VI of the Review of Significant Trade, and noted that the analysis had been independently corroborated by the European Community and the United States.

Noting that the proposed terms of reference had been accepted by consensus in the Animals and Plants Committees, the delegation of the Netherlands, on behalf of the 25 Member States of the European Community, gave them their full support. The delegations of Malaysia, particularly in relation to *Naja* spp., and the delegations of Peru, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago, particularly in relation to *Strombus gigas*, expressed concerns regarding the current Review of Significant Trade, variously citing the consultation undertaken, the reliability of the trade data used in the selection of species, and the punitive measures imposed.

The delegation of Malaysia proposed deletion of the final sentence of paragraph 3 in the Annex to document CoP13 Doc. 40, referring to the involvement of consultants. The Chairman of the working group for the terms of reference preferred this to be retained, on the grounds of achieving objectivity.

The delegation of Malaysia further proposed amending paragraph 7. a) vi) to reflect the importance of financial aid and capacity building, and deletion of paragraph 7 a) vii), believing the Scientific Authorities to be in a better position to evaluate the process to monitor and review the implementation of recommendations. Following further discussion and clarification, the following changes were agreed: in paragraph 7. a) vi), add after 'projects' , financial aid and assistance in building local capacities; in paragraph 7. a) vii), add after 'recommendations' having regard to differing points of view as to where this responsibility should lie.

With these amendments, the proposed terms of reference in the Annex to document CoP13 Doc. 40 were accepted.

#### Trade control and marking issues

##### 51. Review of Resolutions on plants and plant trade and the definition of 'artificially propagated'

The delegation of the United States introduced document CoP13 Doc. 51, explaining that the working group of the Plants Committee on Resolutions pertaining to plants had reached consensus on all issues of its mandate except for the definition of 'artificially propagated' contained in Resolution Conf. 11.11. What was needed was a discussion of the paragraph under the first 'RECOMMENDS' of Annex 2 of document CoP13 Doc. 51. The delegation of the United States was in agreement with the Secretariat in opposing the proposed definition, as it would allow treatment of Appendix-I listed species that would contravene the text of the Convention. The delegation of Canada agreed with the Secretariat's suggestion of adapting Resolution Conf. 11.16, on Ranching and trade in ranchered specimens of species transferred from Appendix I to Appendix II, to make it equally applicable to plants and animals. That view was also supported by the Netherlands, on behalf of the 25 Member States of the European Community, but with the proviso that a more creative wording might be sought that would be acceptable to range States.

The delegation of South Africa welcomed the definition of 'artificially propagated' contained in document CoP13 Doc. 51, believing that it removed confusion. They had taken note of the concerns of the Secretariat with regard to wild-collected seeds, but observed that harvesting of

wild seeds could be an important conservation method as it reduced demand for mature or juvenile plants. They were also concerned that these issues would remain unaddressed for too long if a decision were to be delayed so that a new resolution on ranching could be adopted and implemented. In response, the Chairman clarified that it would be possible to present a new draft resolution at the present meeting.

The delegation of Chile, supported by the delegations of Argentina, Brazil, Malaysia and Switzerland, fully supported the revision of Resolution Conf. 11.11 contained in the Annex to document CoP13 Doc. 51, believing that the working group's proposal reflected a practical and desirable solution to the problems faced by range States, and was in line with the underlying spirit of the Convention. They believed that adapting Resolution Conf. 11.16 would lead to unnecessary complexity. They also noted that subparagraph d) in the Spanish version of the text should refer to 'Scientific Authority'. The delegations of Bolivia and Mexico also supported the revision proposed in the Annex to document CoP13 Doc. 51. The former proposed changing 'within a range State' in subparagraph b) under the first RECOMMENDS to within the country of origin. The latter proposed further amendments so that the paragraph should make explicit the following: that only a certain percentage of seeds should be taken from the wild, so as not to endanger wild propagation; that part of the extracted material should be used in plantations or nurseries as future parental stock; and that a certain quantity of the plants propagated in nurseries should be used for restocking areas where the seeds had been collected. The delegations of Guatemala, Kenya, Lesotho and Paraguay supported the revised resolution with these changes.

The delegation of the United States suggested that if the proposal were accepted with the changes suggested by the delegations of Bolivia and Mexico, an additional decision should be drafted, directing the Plants Committee to monitor the effects of this alternative definition of "artificially propagated".

The Chairman then established a drafting group comprising the original working group established by the Plants Committee and the representative of Africa to the Plants Committee to address this issue. The group was tasked with incorporating the comments from the delegations of Bolivia and Mexico into the draft revision of Resolution Conf. 11.11, in particular into the first paragraph beginning RECOMMENDS. It was also asked to prepare a draft decision to instruct the Plants Committee to monitor the proposed changes. Whilst recognizing the will of the Committee, the Secretariat stressed that in its view, under the terms of the Convention, specimens of plants taken from the wild could never be described as artificially propagated and that a way was needed to accommodate the valid concerns of Chile and South Africa without contradicting the text of the Convention. The Chairman asked the drafting group to report by Friday 8 October.

After clarification from the Secretariat that it would prepare a revised version of the new draft resolution accepted under agenda items 19.3 and 19.4, the Committee adopted the report of its second session in document CoP13 Com. I Rep. 2.

The session closed at 11h50.