

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

Forty-fifth meeting of the Standing Committee
Paris (France), 19-22 June 2001

Strategic and administrative matters

ESTABLISHMENT OF AN IMPLEMENTATION COMMITTEE

1. This document has been prepared by the Secretariat.
2. Experience of the past few years has shown that the Conference of the Parties has given to the various permanent committees a number of tasks that do not sit with them easily. Generally this is because consideration of the issues concerned requires certain expertise that is not necessarily available in the existing committees. This is unsurprising considering that the Standing Committee is primarily dealing with administrative and policy matters and the members are States, and that the Animals and Plants Committees are primarily dealing with scientific matters and the members are scientists. So there remains an array of technical and implementation matters that may not be readily covered by the existing committees. This is, however, not the first time that CITES has found itself with a need for a group established by the Parties to deal with such matters.
3. By the adoption of Resolution Conf. 2.5, in 1979, the Conference of the Parties called on the Secretariat to convene a Committee of Technical Experts, to guide the progressive harmonization of permit forms and procedures, and invited Parties to volunteer experts to serve on the Committee. In Resolution Conf. 2.6, the Conference drew attention to the problem of excessive and illegal trade in specimens of species in Appendices II and III and recommended that the Committee of Technical Experts also deal with the subject of control of trade in such specimens.
4. The Committee of Technical Experts met in January 1980 and discussed, amongst other items, harmonization of permits and certificates, comparable documentation from non-Parties, procedures for controlling the ivory trade, relationship with Interpol, annual reports, methods of marking and tagging CITES specimens, and the labels used for scientific exchanges.
5. By the adoption of Resolution Conf. 3.5, in 1981, the Conference of the Parties established a Technical Expert Committee, comprising one or more technical experts from all interested Parties. It was to meet as determined necessary by the Chairman, in agreement with the Chairman of the Standing Committee. The Technical Expert Committee was required to identify enforcement problems of the Convention (by reviewing the annual reports of the Parties and by other means) and to advise the Secretariat and Parties on measures to solve them. It was also required: to review the implementation of the Convention by the Parties and make recommendations for harmonization of documents and procedures; to draft resolutions for consideration by the Conference of the Parties; and to perform other functions given to it by the Conference or the Standing Committee.

6. Additional tasks were given to the Technical Expert Committee at the third, fourth and fifth meetings of the Conference of the Parties. At the fourth meeting, by the adoption of Resolution Conf. 4.4, its name was changed to the Technical Committee.
7. In 1987, at the sixth meeting, Resolution Conf. 6.1 was adopted, formalizing a system of permanent Committees. The Standing Committee, Identification Manual Committee and Nomenclature Committee were re-established and the Animals and Plants Committees were established for the first time, but the Technical Committee disappeared.
8. In the view of the Secretariat, however, there is a growing need for such a group of representatives of the Parties to be re-established. The current Decisions and Resolutions contain a number of examples of instances where it would be useful or important to have the input of Party representatives from a range of backgrounds who have practical experience in dealing with certain CITES implementation problems. The following are examples of decisions that could with benefit be directed, or directed in part, to a committee of experts on practical implementation problems:
 - a) regarding bears: Decision 11.80, which calls for identification of legislative and enforcement measures to stop illegal trade in bear specimens;
 - b) regarding the tiger: Decision 11.81, which calls for, amongst other things, a review of measures taken to control illegal trade in tiger specimens; and Resolution Conf. 11.5, which, amongst other things, calls for technical assistance to aid the detection and accurate identification of tiger parts and derived manufactured products;
 - c) regarding musk deer: Decision 11.83, which calls for, amongst other things, a review of actions taken to improve enforcement and trade controls; Decision 11.149, which calls for an analysis of the use of musk in perfume industries and in traditional medicines; and Resolution Conf. 11.7, which calls for the development of a labelling system for products containing musk and the development of forensic methods to detect natural musk in medicinal and other products;
 - d) regarding trade in time-sensitive research samples: Decision 11.87, which calls for the development of recommendations regarding the need and opportunities for capacity-building related to enforcement and implementation; and Decision 11.103, which requires an examination of issues related to the international transfer of samples of species included in the Appendices; and
 - e) regarding labelling of caviar: Decision 11.162, which calls for an examination of mechanisms for the effective and secure labelling of caviar that is subject to re-packaging.
9. In conventions other than CITES, there is also precedent for establishing committees to consider implementation matters. Subsidiary bodies for implementation exist within the operations of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Montreal Protocol on Substances that Deplete the Ozone Layer and the United Nations Framework Convention on Climate Change.
10. If it were agreed that a group should be established within CITES to consider technical and operational matters along the lines indicated above, there would be several options for achieving this and the following would need to be considered:

- a) the terms of reference of the group – an important focus would be on how, in practice, trade should be regulated in the new millennium, taking into account technological and institutional developments;
 - b) the nature of the group and its relationship to other bodies and the Conference of the Parties – it could, for example, be established as a permanent committee of the Conference, a subcommittee of the Standing Committee, an ad hoc committee (being called together only when the need arises) or a working group or panel;
 - c) the membership – not only the size should be considered but also whether the members are Parties or individual experts, either nominated by Parties or elected or chosen by regions or by the Standing Committee or by the Conference of the Parties;
 - d) the way in which work would be conducted – if meeting would be required, the frequency of these should be decided or whether they would be held only as required depending on the work given;
 - e) the financial needs – a budget would need to be prepared depending on the above factors.
11. The Secretariat requests that the Standing Committee endorse the development of a proposal for consideration by the Conference of the Parties at its 12th meeting, to establish a group responsible for consideration of implementation matters. The Secretariat also requests that the Standing Committee establish a working group (to work through correspondence) to advise the Secretariat on the development of the proposal for consideration at the 46th meeting of the Committee.