

## CITES STATEMENT

Statement by the CITES at the Regular Session  
of the Committee on Trade and Environment of 8 October 2002

Items 1 & 5

1. On behalf of the Convention on International Trade in Endangered Species (CITES),<sup>1</sup> I would like to welcome the WTO initiative to improve de-restriction of documents related to CTE deliberations and to thank the CTE Secretariat for the document WT/CTE/M/30, which contains the report of the meeting held on 13-14 June 2002, including the annex on MEA information session.
2. At that CTE session, CITES announced the preparation of a paper on economic incentives and trade policy to be submitted at the 12<sup>th</sup> meeting of the Conference of the Parties to be held next month (November) in Santiago de Chile (COP12). This paper is a concrete step towards meeting the objectives of mutual supportiveness between WTO and CITES regimes. It discusses what we consider the central issues involved in the relationship between the Multilateral Trading System and CITES Trade Regulations.<sup>2</sup>
3. Among other things, this paper encourages CITES Management Authorities to work with sectoral ministries and agencies responsible for trade in their countries and to promote harmonious coexistence and mutual understanding of the objectives of both CITES and the WTO. It encourages Parties to coordinate, at the national level, the activities of their trade agencies and environment agencies to ensure that positions presented in the CITES and the WTO context are mutually supportive.
4. Our Santiago conference will consider 59 proposals to amend the lists of species subject to trade controls. The proposals range from the highly charismatic minke whale and African elephant, to endangered Asian freshwater turtles and Latin American parrots, to commercially valuable bigleaf mahogany and Patagonian toothfish (Chilean sea bass). We take the commitment to report to this Committee on the outcomes of our discussion.
5. An area of potential tension between WTO and CITES relates to the stricter domestic measures allowed under Article XIV, paragraph 1, of the Convention. In this connection, the paper recalls Principle 12 of the Rio Declaration on Environment and Development, which states that trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade and that unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided.
6. Concerning the Doha negotiations, the evolving relationship between the CITES and WTO regimes is built upon mutual recognition of their equal status in international law, their unique

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<sup>1</sup> Internet: <http://www.cites.org>.

<sup>2</sup> At the meeting, the CITES had made copies available in the room. This document was subsequently circulated separately as WT/CTE/GEN/6.

features and their respective areas of competence. For CITES, it is essential that the Doha negotiation process explicitly reaffirms this principle and recognizes that regulation of trade in CITES-listed species, including all measures adopted by the Conference of the Parties or its subsidiary bodies, does not fall under the mandate of the WTO.

7. CITES seeks to promote a healthier and more sustainable relationship between people and wildlife and we consider that our Santiago conference is an opportunity to ensure that WTO and CITES regimes are mutually supportive by ensuring that trade does no harm to plant and animal wild species. The Secretariat would invite WTO to encourage their members, which are also members to CITES or other MEAs, to observe and adequately enforce the requirement stipulated under WTO Agreements, namely that stricter domestic measures "are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail...".

8. In order to ensure the maximum transparency possible, CITES welcomes WTO participation in our discussions and is pleased to confirm that a WTO side event has been scheduled at Santiago. Some countries are also bringing WTO experts in their delegations.

9. Unfortunately, CITES Secretariat will not be able to participate in the CTESS information session of 12 November because it conflicts with COP12. We are quite disappointed that the session was scheduled during COP12, as we would very much have liked to contribute to the discussions. As an alternative, we are preparing a formal letter from the Secretary-General, which will raise several points of interest to CITES.

10. Having said that, we would like to express our concern for the lack of response to our request for observer status in the Special Session. We certainly need an answer and we are hoping to receive it before the end of the negotiations. In this connection, CITES fully supports the statements made by UNEP concerning the observer status and the preparation for the MEA-UNEP sponsored meeting that will be held on 11 November.

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