

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



Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

Summary record of the 15th session of Committee I

14 June 2007: 09h10-11h50

Chairman: G. Leach (Australia)

Secretariat: T. De Meulenaer
D. Morgan

Rapporteurs: P. De Angelis
J. Gray
T. Inskipp
W. Jackson

Interpretation and implementation of the Convention

Species trade and conservation issues

59. Sharks

New Zealand, as Chairman of the Working Group on Sharks, introduced document CoP14 Com. I. 16, outlining that the decisions were clustered into sections on: implementation and effectiveness issues; commodity codes; species-specific reviews and recommendations; South American freshwater stingrays; capacity-building; IPOA-Sharks; and illegal, unregulated and unreported (IUU) fishing. He highlighted several edits, including: deletion of ~~exploitation and~~ in paragraph b) of the decision on species-specific review and recommendations directed to the Parties; replacing the word ~~shared~~ with transboundary in the draft decisions on capacity-building; and changing a footnote reference from "European ~~Union~~" to "European Community".

The Convention on the Conservation of Migratory Species of Wild Animals (CMS) stressed the importance of interagency cooperation on several species of common interest to CITES, CMS and other UN bodies, anticipated continued collaboration with CITES on migratory sharks, especially those listed in Appendix I, and invited Parties to attend the December 2007 Meeting to Identify and Elaborate an Option for International Cooperation on Migratory Sharks under the Convention on Migratory Species.

Australia, Canada, and Germany, on behalf of the European Community and its Member States, supported the draft decisions. Japan contended that the draft decision on IUU was overly ambitious for the Animals Committee, and said that if sharks could be easily identified in IUU fishing, specialized fishing agencies would do it already. With support from China, Guinea and Suriname, they called for deletion of the draft decision from the document. China pointed out that the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO) had mechanisms to address IUU issues.

Referring to the same draft decision, Argentina, with support from Australia and Germany, on behalf of the European Community and its Member States, proposed inserting in consultation with FAO after “Animals Committee”. Argentina also suggested changing the first line of the second draft decision under the section on IPOA-Sharks to read Parties that are members of a regional fisheries management organization. Suriname suggested that all references to trade should read international trade. FAO noted COFI’s increasing progress, observed that further intensive work in IUU fishing was required, and said that it was open to cooperation with CITES in order to achieve common goals outlined in the Memorandum of Understanding between the two organizations.

Regarding the proposal to list *Pristidae* in Appendix I, Canada clarified that they did not support the Australian amendment but had supported the original proposal by Kenya and the United States of America.

The Chairman suggested voting on Japan’s amendment, and with 39 in favour, 48 against and 14 abstentions, the proposed deletion of section 7 was rejected (see Annex). Argentina’s proposed amendment regarding the same paragraph was accepted by consensus. The entire document, including the amendments by Argentina, New Zealand and Suriname, was then accepted by consensus.

Ecuador, who voted against the proposal, and Germany and Malaysia, who both voted in favour, informed the Chairman that they had experienced problems with their voting equipment.

Amendment of the Appendices

68. Proposals to amend Appendices I and II

The Chairman briefly reviewed discussions during the 12th session regarding proposals CoP14 Prop. 4, Prop. 5 and Prop. 6 on the annotations for African elephants, reminding the Committee that the order of discussion of the proposals would be: Proposal CoP14 Prop. 4, put forward by Botswana and Namibia; document CoP14 Inf. 53, put forward by South Africa to replace proposals CoP14 Prop. 4, Prop. 5 and Prop. 6; and document CoP14 Inf. 54, submitted by Germany, on behalf of the European Community and its Member States.

Discussion resumed with the introduction by Zambia and Chad, on behalf of Africa, of a proposal to amend proposals CoP14 Prop. 4, Prop. 5 and Prop. 6 on African elephant annotations. Zambia read the text of the proposal that was contained in document CoP14 Inf. 61, together with some draft decisions in relation to its amended proposal on annotations concerning African elephants.

Zambia stressed that these proposed amendments and draft decisions represented a consensus position of all African elephant range States.

Botswana, China, Germany, on behalf of the European Community and its Member States, Kenya, Senegal, the United States and Zimbabwe supported the African proposal. Kenya, which had originally sought a 20-year moratorium on ivory trade, but agreed to start with nine years, noted the need for support to address increasing illegal trade and enforcement issues. Namibia stated that they agreed to support the compromise on the basis of the inclusion of a commitment to develop an objective decision-making process concerning trade in raw ivory no later than CoP16. They also requested the Conference of the Parties to acknowledge that, since the populations of Botswana, Namibia, South Africa and Zimbabwe were already included in Appendix II, no further decisions on trade in elephant was required at the CoP level. Finally Namibia sought the continued commitment of all Parties to enable the Standing Committee, with the assistance of the Secretariat, to develop such a mechanism as a matter of priority and urgency for consideration at CoP16, and to assist Parties with elephant populations included in Appendix II to exercise their rights under the Convention to trade without procedures that went beyond CITES requirements and had a negative impact on conservation.

The United States, emphasizing that they were not proposing any amendments to the African proposal, raised several issues: firstly, they were concerned at Zimbabwe’s inclusion in the one-off sale given the increased poaching activity since 2001 and an investigation, completed in 2006 by the U.S. Fish and Wildlife Service, uncovering 931 active poaching camps. They asked whether

the Secretariat would consult with the IUCN African Elephant Specialist Group (AESG) and others in the process of verification; whether the Standing Committee would have the ability to withhold sales where improvements were not made, but allow other sales to go forward; and, that the African Elephant Management Plans take into account existing management plans facilitated by the IUCN-AESG and already in operation at national and subregional levels. The Secretariat responded affirmatively to these queries, noting that it would work with partners on the verification process as it had done in the past. The United States also suggested creating a fund to link sustainable management with conservation by introducing a buyer's premium to the ivory sales, the proceeds of which would go into a fund managed by the Secretariat to support MIKE, ETIS and dialogue meetings of African elephant range States.

Japan suggested an amendment to paragraph 7) v) to remove the clause: ", with the ivory in 7. iv)," in recognition of the fact that the Standing Committee had already approved a certain quantity of ivory and that this ivory should not be linked to additional quantities. This was opposed by China, Germany, on behalf of the European Community and its Member States, Kenya, and the United States. Japan withdrew their request in the spirit of compromise, noting that the process leading to the one-off sale would be lengthened.

The Chairman reminded the Committee that the three prior proposals stood to be discussed before this one. Upon determining that there was consensus regarding the African proposal, Namibia, South Africa and Germany, on behalf of the European Community and its Member States withdrew their prior proposals and document CoP14 Inf. 61 was accepted.

Species trade and conservation issues

53. Elephants

53.1 Trade in elephant specimens

The Secretariat introduced document CoP14 Doc. 53.1 and noted that Niger had submitted their progress report. It informed delegates that discussions of agenda item 50 on Great apes in Committee II resulted in a directive to the Secretariat to conduct a mission to Egypt, and that ivory trade would be examined at the same time. It drew attention to Thailand's report in Annex 2 of the document, stating it would continue to liaise with Thailand regarding improvements to domestic trade controls. It observed that information from the Management Authority of the United States regarding illegal ivory trade had not been received, and pointed out that a visit to Zimbabwe by the Secretariat had revealed that there was no collusion between CITES or government officials and the suspects involved in illicit ivory trade.

Referring to document CoP14 Doc. 53.1 Addendum, the Secretariat advocated that the *Action plan for the control of trade in African elephant ivory* be renewed. Kenya informed delegates that document CoP14 Inf. 56, submitted by Kenya and Mali, presented an alternative to the Secretariat's document, noting that it contained references to all elephant range States, a non-compliance mechanism, and to consumer States. The Secretariat stated that it could agree with the content of document CoP14 Inf. 56.

The United States warned that the text in document CoP14 Doc. 53.1 stating that the onus of proof of lawful possession was upon persons found in possession of ivory was contrary to their Constitution, and stressed that they would continue to fully investigate cases regarding illegally-obtained ivory. Namibia questioned the implications of regulation of domestic ivory markets, and in reference to the fourth paragraph of the second draft decision in Annex 1 to document CoP14 Inf. 56, raised concerns about the burdensome nature of reporting at every Standing Committee meeting and the proportionality of sanctions as a response to non-compliance.

Noting that document CoP14 Inf. 56 had been submitted late and was only available in one language, the Chairman suggested using document CoP14 Doc. 53.1 Addendum as a basis for discussion. Germany, on behalf of the European Community and its Member States, expressed support for the Addendum, urged cooperation in implementation of action plans

and called for funding for these action plans. They also suggested that the Addendum and document CoP14 Inf. 56 be combined, which was an option supported by Kenya. Rwanda preferred the Kenyan proposal. The Chairman pointed out that any combined form of the documents would have to be presented in plenary. In response to concerns about the Addendum, the Secretariat noted that sanctions were already a compliance mechanism that they used only sparingly.

Zimbabwe supported the implementation of action plans, noting that they had benefited from increased international scrutiny, for example the improvement of trade controls. They warned that without full support, the opportunity to address the root causes of illegal trade would be lost, and called on Parties to provide funding. Thailand preferred deletion of two sentences of text in paragraph 5 of the Annex to CoP14 Doc. 53.1 Addendum referring to specific countries that were significantly affected by illicit trade.

Uganda and the United Republic of Tanzania supported the Addendum. After the Secretariat clarified that no new information had been added since CoP13 and that the basis of selecting countries significantly affected by trade was based on the ETIS report, the draft action plan in the Annex to document CoP14 Doc. 53.1 Addendum was accepted by consensus.

53.4 Illegal ivory trade and control of internal markets

Kenya withdrew document CoP14 Doc. 53.4 (Rev. 1).

Amendment of the Appendices

66. Periodic review of the Appendices

The chairman of the working group introduced document CoP14 Com. I. 14 (Rev. 1) and thanked the participants for their contributions. Switzerland declared that their name should have been included in the list of working group members read out by the chairman.

Spain drew attention to several errors in the Spanish version of the document. They said that the words "during the next two intersessional periods between meetings" in paragraph b) and the words "a practical taxonomic entity or entities" in paragraph c) 1. should be changed to reflect the English wording more closely. They added that "debería" in paragraph e) should be replaced by the Spanish word for shall. In the Annex, "legítimo" in the central box needed to be replaced by the Spanish word for legal; in the wording to the right of this box, "en" needed to be replaced by the Spanish word for from; in the left-hand box below, "la pertinencia de la inclusión en el Apéndice I" needed to be replaced by the Spanish for pertinence of remaining in Appendix I; and, similarly, in the right-hand box, "la pertinencia de la inclusión en el Apéndice II" needed to be replaced by the Spanish for pertinence of remaining in Appendix II.

The Secretariat suggested amending the text of paragraph e) by inserting proposed after "send a copy of the", and deleting the second sentence of paragraph i) because, in its view, the proposed action would be covered by the addition of the relevant documents to the CITES website. Mexico disagreed with the second suggestion because they felt it was important that the range States should be notified, and the United States supported this view. This sentence was therefore retained, but the other suggested amendments were agreed by consensus and the draft resolution as amended was accepted.

67. Use of annotations for plants in Appendix II and animals and plants in Appendix III

The Chairman re-opened this agenda item as Summary Record CoP14 Com. I. Rep. 4 had not mentioned the need to record the Committee's agreement to revise Resolution Conf. 9.25 (Rev.) as set out in Annex 2 to document CoP14 Doc. 67 and its agreement to insert the sentence: When a species is included in one of the Appendices, all parts and derivatives of the species are also included in the same Appendix unless the species is annotated to indicate that only specific parts and derivatives are included. at the beginning of paragraph 7 in the "Interpretation" section of the

Appendices. The Chairman's suggestion that the record of Committee I reflect these outcomes of its discussions was agreed.

68. Proposals to amend Appendices I and II

At the Chairman's request, the United States as chairman of the working group on *Corallium* spp., re-introduced document CoP14 Com. I. 15, as there was now time for its consideration in Committee I. The draft decisions contained in the document were agreed by consensus, but the Chairman of the Animals Committee asked that it be noted that the work outlined in the draft decision directed to that Committee may not be achievable before CoP15.

The Chairman asked the Committee for any amendments to the Summary Records of its 10th, 11th and 12th sessions. There being no comments on Summary Records CoP14 Com. I Rep. 10 and Com. I. Rep. 11, these were adopted. Mexico observed that their oral report of the outcome of discussions in the hawksbill turtle working group had not been recorded exactly in Summary Record CoP14 Com. I. Rep. 12. They requested amendments to that document in the interests of precision, as follows: insertion of in particular on illegal trade, and to after "these issues," on line two of the first paragraph under "58. Hawksbill turtle"; insertion of specialized before "organizations," at the beginning of line three of that paragraph; and insertion of such as the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC) and the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention), which are organizing a regional meeting on hawksbill turtle, in which the Secretariat should request its participation as an observer, promote participation as an observer, promote participation of CITES Parties and to present a report of the results to the CoP15 after the same "organizations,". TRAFFIC sought explanation of the phrase "IFAW clarified that they provided accurate data to ETIS" in line seven of paragraph three under "53. Elephants". They believed that the International Fund for Animal Welfare (IFAW) had provided data to the Chinese Government and confirmed that ETIS had not received any data from IFAW. IFAW confirmed that the Chinese Government should have been specified as the recipient of their data. With the amendments described above, Summary Record CoP14 Com. I. Rep. 12 was adopted.

The Chairman noted that this had been the final session of Committee I and thanked all of the participants. The session closed at 11h50.

Result of the vote

Key: 0 = did not vote, 1 = yes, 2 = no, 3 = abstain

Parties	Vote
Afghanistan AF	0
Albania AL	0
Algeria DZ	0
Antigua and Barbuda AG	1
Argentina AR	2
Australia AU	2
Austria AT	2
Azerbaijan AZ	0
Bahamas BS	1
Bangladesh BD	0
Barbados BB	0
Belarus BY	0
Belgium BE	2
Belize BZ	0
Benin BJ	0
Bhutan BT	1
Bolivia BO	0
Botswana BW	3
Brazil BR	2
Brunei Darussalam BN	3
Bulgaria BG	2
Burkina Faso BF	2
Burundi BI	0
Cambodia KH	1
Cameroon CM	1
Canada CA	2
Cape Verde CV	0
Central African Republic CF	0
Chad TD	0
Chile CL	2
China CN	1
Colombia CO	1
Comoros KM	0
Congo CG	0
Costa Rica CR	3
Côte d'Ivoire CI	0
Croatia HR	2
Cuba CU	0
Cyprus CY	2
Czech Republic CZ	2
Democratic Republic of the Congo CD	0
Denmark DK	2
Djibouti DJ	0
Dominica DM	1

Parties	Vote
Dominican Republic DO	2
Ecuador EC	0
Egypt EG	0
El Salvador SV	0
Equatorial Guinea GQ	0
Eritrea ER	1
Estonia EE	2
Ethiopia ET	3
Fiji FJ	2
Finland FI	2
France FR	2
Gabon GA	0
Gambia GM	0
Georgia GE	0
Germany DE	0
Ghana GH	0
Greece GR	2
Grenada GD	1
Guatemala GT	3
Guinea GN	1
Guinea-Bissau GW	0
Guyana GY	1
Honduras HN	1
Hungary HU	2
Iceland IS	1
India IN	3
Indonesia ID	1
Iran (Islamic Republic of) IR	0
Ireland IE	2
Israel IL	2
Italy IT	2
Jamaica JM	3
Japan JP	1
Jordan JO	3
Kazakhstan KZ	0
Kenya KE	0
Kuwait KW	0
Lao People's Democratic Republic LA	1
Latvia LV	2
Lesotho LS	0
Liberia LR	1
Libyan Arab Jamahiriya LY	0
Liechtenstein LI	0
Lithuania LT	2

Parties	Vote
Luxembourg LU	2
Madagascar MG	0
Malawi MW	1
Malaysia MY	0
Mali ML	0
Malta MT	2
Mauritania MR	0
Mauritius MU	2
Mexico MX	1
Monaco MC	2
Mongolia MN	1
Montenegro ME	0
Morocco MA	0
Mozambique MZ	0
Myanmar MM	0
Namibia NA	1
Nepal NP	1
Netherlands NL	2
New Zealand NZ	2
Nicaragua NI	0
Niger NE	2
Nigeria NG	0
Norway NO	1
Pakistan PK	1
Palau PW	1
Panama PA	0
Papua New Guinea PG	0
Paraguay PY	0
Peru PE	0
Philippines PH	0
Poland PL	2
Portugal PT	2
Qatar QA	1
Republic of Korea KR	1
Republic of Moldova MD	2
Romania RO	2
Russian Federation RU	3
Rwanda RW	3
Saint Kitts and Nevis KN	0
Saint Lucia LC	1
Saint Vincent and the Grenadines VC	0
Samoa WS	0
San Marino SM	2
Sao Tome and Principe ST	0
Saudi Arabia SA	0
Senegal SN	3
Serbia RS	3
Seychelles SC	0
Sierra Leone SL	0
Singapore SG	1
Slovakia SK	2
Slovenia SI	2

Parties	Vote
Solomon Islands SB	0
Somalia SO	0
South Africa ZA	2
Spain ES	2
Sri Lanka LK	0
Sudan SD	0
Suriname SR	1
Swaziland SZ	2
Sweden SE	2
Switzerland CH	2
Syrian Arab Republic SY	1
Thailand TH	1
The former Yugoslav Republic of Macedonia MK	0
Togo TG	0
Trinidad and Tobago TT	1
Tunisia TN	1
Turkey TR	2
Uganda UG	1
Ukraine UA	3
United Arab Emirates AE	3
United Kingdom of Great Britain and Northern Ireland GB	2
United Republic of Tanzania TZ	0
United States of America US	2
Uruguay UY	0
Uzbekistan UZ	0
Vanuatu VU	2
Venezuela (Bolivarian Republic of) VE	0
Viet Nam VN	1
Yemen YE	0
Zambia ZM	1
Zimbabwe ZW	1