

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 11th session of Committee II

12 June 2007: 09h10-12h15

Chairman: C.S. Cheung (China)

Secretariat: J. Barzdo  
J. Sellar  
S. Nash  
M. Silva  
M. Yeater

Rapporteurs: P. De Angelis  
J. Gray  
T. Inskipp  
R. Mackenzie

The Chairman announced that agenda items 57, 64 and 65 had been referred to Committee I.

**Interpretation and implementation of the Convention**

**Trade control and marking issues**

33. Introduction from the sea

The Chairman of the Standing Committee introduced document CoP14 Doc. 33 and drew attention to the draft resolution in Annex 1 containing alternative definitions of the phrase “the marine environment not under the jurisdiction of any State”, and to the draft decision in Annex 2 directing the Standing Committee to establish a working group on Introduction from the Sea.

With regard to the definition of “the marine environment not under the jurisdiction of any State” in the draft resolution, Brazil, Canada, Fiji, Germany, on behalf of the European Community and its Member States, Iceland, India, Malaysia, New Zealand, the Republic of Korea, Senegal and the United States of America, as well as the Food and Agriculture Organization of the United Nations (FAO) and the International Environmental Law Project (IELP), supported the alternative definition proposed by a majority of the Working Group. Argentina, Australia and Japan stated a preference for the 2005 workshop definition, but were prepared to accept the alternative definition. Namibia also expressed a preference for the 2005 workshop definition. Mexico noted that, after studying the alternatives in the draft resolution, they continued to prefer the definition that they had proposed in February 2007. They did not consider it necessary to adopt a definition of a concept defined in the United Nations Convention on the Law of the Sea (UNCLOS). However, they indicated that, in the interest of reaching a solution, they would not block consensus provided the definition adopted was fully in accordance with UNCLOS. Chile preferred the definition to refer to jurisdiction as well as to sovereignty and sovereign rights, and stressed that UNCLOS was the principal instrument that

determined the rights and obligations of States with respect to maritime areas. The United Nations Division for Ocean Affairs and Law of the Sea (DOALOS) also emphasized the need for consistency with UNCLOS, and the importance of avoiding simplification of definitions that had been negotiated within the framework of UNCLOS and related instruments. It also drew attention to the phrase "beyond areas of national jurisdiction" as commonly used within the United Nations General Assembly to refer to those areas that were not under the sovereignty, sovereign rights or jurisdiction of any coastal State, namely the high seas and the Area, as defined in UNCLOS. The same phrase was also used in General Assembly Resolution 59/24 establishing the *Ad Hoc* Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. IUCN noted the growing importance of the concept of introduction from the sea, and the need for CITES to make links with other fora in which the management of high seas fisheries was being discussed.

Argentina, Australia, Canada, Chile, Fiji, Germany, on behalf of the European Community and its Member States, India, Indonesia, Japan, Malaysia, Namibia, New Zealand, the Republic of Korea and the United States supported the establishment of a Standing Committee working group on Introduction from the Sea and the draft decision in Annex 2. DOALOS, FAO, IELP and IWMC World Conservation Trust expressed willingness to participate in the working group. Germany, on behalf of the European Community and its Member States, agreed with the Secretariat's comment in paragraph B of document CoP14 Doc. 33, regarding the need to establish time-frames in the draft decision. Namibia stressed the importance of involving regional fisheries management organizations and developing countries in the working group. FAO said that it was working on an updated study on the concept of introduction from the sea that might be of use to the working group.

China and Iceland expressed doubts as to whether a working group could reach conclusions on all the complexities associated with the concept of introduction from the sea, but expressed willingness to participate if a working group were established. Brazil, Iceland and Japan pointed to the need to ensure consistency with the work of regional fisheries management organizations.

Noting the degree of consensus, the Chairman proposed that the Committee approve the draft resolution in Annex 1, retaining the text contained in square brackets in the preamble, and, in the operative part, retaining the alternative definition proposed by the majority of the SC54 working group and deleting the bracketed definition. He also asked the Committee to approve the draft decision in Annex 2, with the amendments proposed by the Secretariat to paragraphs a), c) and d) set out in paragraph B of document CoP14 Doc. 33. With these amendments, the draft resolution and draft decision were accepted.

### **Species trade and conservation issues**

#### **50. Great Apes**

The Secretariat introduced document CoP14 Doc. 50. Regarding paragraph 6, it announced that Egypt had submitted their report to the Secretariat during the present meeting and had agreed to a Secretariat mission to work with law enforcement and other authorities in 2007. The Secretariat would undertake such a mission subject to available funds and report its findings to the Standing Committee. Regarding paragraphs 7 and 8, the Secretariat explained that Indonesia's report requested by the Standing Committee comprised Annex 2 of document CoP14 Doc. 50. However, as it did not refer explicitly to enforcement work, following discussion with Indonesia, the Secretariat suggested that the matter be referred to the Standing Committee to give Indonesia an opportunity to provide more detail. The CITES Great Ape Enforcement Task Force poster mentioned in paragraph 13 of the document had now been designed. The Secretariat said it had received several of the country profile forms mentioned in paragraph 12 but, owing to a lack of resources, had not yet analysed the information contained therein. It endorsed the Task Force's recommendation in paragraph 14, but noted that implementation would require external funding.

The Secretariat summarized the report of the CITES/Great Ape Survival Project (GRASP) orang-utan technical missions contained in Annex 1 to document CoP14 Doc. 50. It stressed the need for Parties to enact CITES-implementing legislation and noted how unfortunate it was that illegally imported Appendix-I species had been held for so long without the knowledge of relevant national

authorities. The Secretariat asked the Committee to endorse the recommendations to Cambodia and Thailand at the end of Annex 1.

Indonesia welcomed the mission reports saying that the orang-utan was completely protected in their country and that they would provide more information to the Standing Committee if needed.

Thailand said that they had progressed in enforcement efforts related to illicit trade in orang-utans since SC54. They appreciated the report of the technical mission to their country, said that they would continue to work with other Parties to stop illegal trade in Appendix-I species, and urged other information sharing between range States. Cambodia also appreciated the work of the technical mission to their country and asked Parties and organizations to support capacity-building in their country.

Egypt welcomed the proposal for a Secretariat mission to their country and described their efforts to improve enforcement of the Convention relative to the illicit trade in primates since the first case of smuggling had been discovered. Cameroon also endorsed the proposal for a mission to Egypt. They were against Gabon's 2007 export quota for gorilla specimens, noting that the quotas of one State could have a negative effect on the conservation efforts of others.

Germany, on behalf of the European Community and its Member States, were disappointed with the findings of the report of the technical missions to Cambodia and Thailand. They hoped that the recommendations at the end of the report would be implemented and encouraged Parties to facilitate training in range States. They urged all range States and relevant organizations to join GRASP and to stop illegal trade in great apes.

The United Nations Environment Programme favoured the proposal for a mission to Egypt and advised that missions to other African range States would also be valuable. They said that they were supporting capacity-building in range States. The Wildlife Conservation Society (WCS), speaking also on behalf of the Born Free Foundation, Conservation International, the Last Great Ape and WWF, referred the Committee to a report on great apes which they, WWF and others in Indonesia had produced. TRAFFIC supported all of the recommendations in Annex 1 of document CoP14 Doc. 50, supported the intention of conducting a technical mission to Malaysia, encouraged Parties to adopt a Decision for CITES to work more closely with GRASP and with other relevant programmes in Africa, and exhorted range States, especially Liberia and Malaysia, to join GRASP. The Born Free Foundation, speaking also on behalf of the Species Survival Network, echoed the statements of WCS and TRAFFIC, and questioned whether full use was being made of the resources available within the GRASP partnership.

The Committee noted document CoP14 Doc. 50 and its Annexes, with the oral updates provided by the Secretariat, and endorsed the proposal to conduct a mission to Egypt.

## 52. Asian big cats

The Secretariat introduced document CoP14 Doc. 52, focusing on big cat issues throughout Asia. It requested that the Committee endorse the recommendations, note the report, and note the recommendations in document CoP14 Doc. 52 Annex 7. The document and its Annexes were noted.

India informed the Committee that document CoP14 Inf. 50, written by China, India, Nepal and the Russian Federation, provided draft decisions regarding this item. The Chairman asked for these to be translated for discussion by the Committee at later session.

## 55. Tibetan antelope

The Secretariat introduced document CoP14 Doc. 55, describing efforts to eliminate illicit trade in Tibetan antelope products, indicating that conservation efforts seemed to be effective. The outcome of ongoing prosecutions resulting from confiscations would be further indicative of range State capacities for managing the species.

Praising Thailand's progress on changing their legislation to enhance CITES implementation and enforcement, Germany, on behalf of the European Community and its Member States, remained

concerned about enforcement in India and Thailand. They, supported by China, proposed that the Tibetan antelope remain on the agenda of the 57th and 59th meetings of the Standing Committee and that a review of enforcement measures should also include consumer country activities.

Several range States reported enforcement-enhancing efforts. China agreed with the information in document CoP14 Doc. 55. In addition to activities described in documents CoP14 Doc. 55 and SC54 Doc. 28, India had created a reserve area comprising critical habitat and conferred the highest level of species protection by including it in national and Kashmiri legislation. IFAW described long-term financial support for enforcement and species management, and hailed India's work to substitute pashmina (wool from Himalayan goats) for shahtoosh.

Enhanced enforcement activities by non-range countries included an update from Thailand regarding a shahtoosh seizure in 2006 that was progressing in their court system, the outcome of which would be transmitted to the Secretariat. Switzerland described recent successful efforts to prosecute a trader, identified in 2003, who received a substantial fine in 2007. The United States reported that in 2006 the Tibetan antelope had been listed under the U.S. Endangered Species Act, subjecting illegal trade to prosecution under this stricter domestic measure.

The document was noted by the Committee.

#### 61. Toothfish: report of CCAMLR

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) introduced document CoP14 Doc. 61, outlining measures that had contributed to a reduction in the total Illegal, Unregulated and Unreported (IUU) catch in the CCAMLR Convention Area to 10% of the 1996-97 figure.

Germany, speaking on behalf of the European Community and its Member States, noted ongoing illegal fishing of toothfish and that some CITES Parties were apparently involved. They, endorsed by Australia and the United States, asked Parties to implement the recommendations made in Resolution Conf. 12.4.

Singapore noted that the toothfish was not CITES-listed and that the requirements of Resolution Conf. 12.4 were therefore not binding. Singapore as a non-member of CCAMLR had nevertheless provided details of vessels with illegal toothfish cargoes coming into their port, and they would continue to assist in implementation of the Catch Documentation Scheme (CDS).

China, noted that the landings of toothfish in the Hong Kong Special Administrative Region had been monitored since 2003 and in 2005-2006 this had only amounted to 20-30 tonnes. Although Hong Kong needed new legislation to implement the CDS, no Hong Kong vessels were involved in toothfish fishing and the measure was regarded as a low priority. China had changed their laws to adhere to CCAMLR.

Norway referred to the Secretariat's comment that implementation of Resolution Conf. 12.4 was hampered by the species concerned not being included in CITES Appendix II. In their opinion, CITES was not the competent authority to deal with this issue. The Republic of Korea supported this view and noted the need for a toothfish stock assessment.

The report of CCAMLR was noted with appreciation.

#### 63. Trade in traditional medicines

Australia introduced document CoP14 Doc. 63, noting that about 40% of seizures of imported derivatives in Australia contained extracts from Appendix-I listed species. New Zealand gave a similar figure of 50% of seizures, referring to a new problem whereby incoming air passengers were emptying the contents of medicine packets into bags to avoid detection of illegal import of medicines under marking controls.

The Philippines was opposed to CITES pursuing this issue because, in their view, it should be dealt with under the Convention on Biological Diversity. China opposed amendments to Resolution

Conf. 10.19 (Rev. CoP12), noting the Secretariat's adverse comments and outlined measures they had taken to implement the Resolution: the prohibition of the use of products derived from critically endangered species; encouragement of captive-breeding to complement *in situ* conservation; and that industry, as well as traditional medicine practitioners, should be involved in the search for substitutes to products derived from endangered species.

Ecuador, India, Indonesia, the American College of Traditional Chinese Medicine, TRAFFIC and WWF expressed support for the amendments to the Resolution Conf. 10.19 (Rev. CoP12).

Germany, speaking on behalf of the European Community and its Member States, welcomed the initiative to improve enforcement but argued that a better approach to captive-breeding was elucidated in document CoP14 Doc. 48 and that an amendment to Resolution Conf. 13.7 would be a better way to manage the problems relating to tourists exporting traditional medicines. They proposed to amend the draft amendments to Resolution Conf. 10.19 (Rev. CoP12) contained in document CoP14 Doc. 63 Annex by retaining the sixth preambular paragraph (beginning "RECALLING"), deleting the following paragraph (beginning "NOTING") and, in the operative section, deleting the paragraph beginning "RESOLVES".

The Chairman noted that there was consensus on the first two suggestions, which were accepted. He called for a vote on whether the paragraph beginning "RESOLVES" should be deleted. The deletion was accepted by 59 votes in favour, 10 against and nine abstentions (see Annex). With these amendments, the proposed amendment of Resolution Conf. 10.19 (Rev. CoP12) presented in the Annex of the document were approved.

The Chairman closed the session at 12h15.

**Result of the vote**

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

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

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

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

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