

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



Sixteenth meeting of the Conference of the Parties
Bangkok (Thailand), 3-14 March 2013

Summary record of the 10th session of Committee II

11 March 2013: 9h15-12h15

Chair: R. Gabel (United States of America)
Secretariat: J. Barzdo
M. Yeater
Rapporteurs: S. Delany
L. Garrett
M. Jenkins
R. Parry-Jones

Japan drew the attention of the Committee to the fact that today was the second anniversary of the major earthquake and tsunami in Japan. The Committee observed a minute's silence in commemoration of the dead and missing.

Interpretation and implementation of the Convention

Amendment of the Appendices

75. Development and application of annotations

and

76. Annotations – Report of the Plants Committee

The Chair of the Plants Committee introduced document CoP16 Doc.76 (Rev. 1), regarding implementation of a series of Decisions adopted at CoP14 and CoP15. She indicated that the Plants Committee considered that the tasks addressed to it in Decisions 14.133 and 14.134 (Rev. CoP15) had been accomplished. She drew attention to definitions in the document of "powder", "wood chip" and "finished product packaged and ready for retail trade", proposed by the Plants Committee for adoption, and to a draft decision directed to the Plants Committee in the Annex to the document. Regarding the implementation of Decision 14.148 (Rev. CoP15), she believed this was addressed more fully in document CoP16 Doc. 75 (Rev. 1).

The United States, as Chair of the Standing Committee working group on annotations, introduced document CoP16 Doc. 75 (Rev. 1) and its Annexes, which contained proposed amendments to six Resolutions, and a number of draft decisions. It noted that the Plants Committee had been unable to agree on definitions of "extract" or "root", and had referred these to the Standing Committee. The latter had concluded that a definition of "root" was not currently required; the working group had developed a definition of "extract", which was included in the document and proposed for adoption.

Canada commended the work done and stressed the imperative to improve and simplify procedures for the development and implementation of annotations, but it was concerned that the mandate given to the working group at SC61 had not been fully implemented. It considered that a full review of existing annotations and their implementation, as well as of the outputs of all previous working groups on this issue, should be undertaken before detailed guidance to Parties was issued. In particular, it had doubts about some of the proposed amendments to Resolutions Conf. 5.20, Conf. 9.24 (Rev. CoP15) and Conf. 9.25

(Rev. CoP15), and the proposed revision of Decision 14.148 (Rev. CoP15). Canada also thought it was important to clarify the relationships between the various bodies working on this issue under CITES.

Ireland, on behalf of the Member States of the European Union and Croatia, also commended the work done. It proposed the following amendments to the Annexes of document CoP16 Doc. 75 (Rev. 1):

- In Annex 6, delete the proposed new paragraph a) under "DIRECTS";
- In Annex 8, in paragraph h), insert a meeting of the Conference of the Parties between "by" and "the"; and
- In Annex 9, in paragraph d), insert in close cooperation with the Plants Committee between "The Standing Committee" and "shall request".

Ireland added that it understood that the working group's mandate under paragraph e) of Annex 8 included the issue of regulation of mixed oils of the species concerned.

Indonesia also offered general support but asked for clarification of how paragraph a) under "RECOMMENDS" in Annex 6 of document CoP16 Doc. 75 (Rev. 1) would be implemented. It drew attention to the fact that the reference to *Gonystylus* spp. in paragraph d) of Annex 8 appeared to be in error, as these species were not agarwood-producing.

Thailand informed the Committee that it expected its identification manual of orchid hybrids to be available for publication on the CITES website within the next two months.

IWMC – World Conservation Trust noted that information on interpretation of the Appendices was contained on the CITES website in a different document from the Appendices themselves. It therefore suggested that such interpretation of annotations be included at the end of the document containing the Appendices.

Australia concurred with Canada and Ireland in generally supporting the recommendations in both documents, but also had some concerns. At Australia's suggestion, the Chair established a working group, comprising Australia, Canada, Germany, Indonesia, Mexico, the United Kingdom of Great Britain and Northern Ireland, the United States (chair) and the Chair of the Plants Committee, to bring revised text before the Committee.

Species trade and conservation

52. Leopard quotas

South Africa, as a co-proponent, introduced document CoP16 Doc. 52 (Rev. 1) and thanked the other proponents and other leopard range States for their support and assistance. Difficulties in reconciling Resolution Conf. 12.3 (Rev. CoP15) on *Permits and certificates* with Resolution Conf. 10.14 (Rev. CoP14) on *Quotas for leopard hunting trophies and skins for personal use*, and sometimes differing interpretations of these Resolutions, had led to problems with imports of leopard trophies and skins. The Annex to the document contained a proposed revision of Resolution Conf. 10.14 (Rev. CoP14) intended to solve these problems. South Africa proposed one further amendment, in paragraph a) of the Annex, by replacing the first reference to "harvest" with harvest for export.

Conservation Force noted that similar confusion could also arise with regard to import of elephant and crocodile trophies, adding that, under the proposed revision, a different kind of tag for leopards from that normally used would be needed. The United States responded that the issue had been raised in the context of loss of tags during processing in countries other than the country of origin, and that guidance on tags had been drawn from that contained in Resolution Conf. 11.12 (Rev. CoP15) on *Universal tagging system for the identification of crocodylian skins*.

Botswana, speaking as a co-proponent and supported by India, Namibia and the United Republic of Tanzania, as leopard range States, supported the amendments and thanked the United States for drawing attention to the issue. India implored exporting countries to ensure that leopard quotas remained conservative.

Ireland, on behalf of the Member States of the European Union and Croatia, supported the amendments to the draft resolution and the comments from the Secretariat in document CoP16 Doc. 52 (Rev. 1). Ireland proposed a change in the wording in paragraph c) i) of the Annex to the document by replacing "export" with origin, consistent with the change earlier in that paragraph recommended by the proponents. It also noted that, while barcode scanning was an effective method of identification, tags should be readable by other means if authorities lacked the necessary equipment. It suggested that a decision be drafted asking Parties to report at the 66th meeting of the Standing Committee (SC66) on their experiences in implementing a revised system. It also sought clarification of what was meant by a "harvest quota" and whether this included leopards killed as problem animals. South Africa explained that the amendment it had proposed to paragraph a) of the revised Resolution was intended to address this.

The Chair asked Ireland, Conservation Force and any others interested to prepare a draft decision directed to Parties for the Committee's consideration.

The revision of Resolution Conf. 10.14 (Rev. CoP14) in the Annex to document CoP16 Doc. 52 (Rev. 1), incorporating the Secretariat's suggested changes made in the document and the amendments proposed by South Africa and Ireland, was accepted.

Compliance and enforcement

28. National laws for implementation of the Convention

The Secretariat introduced document CoP16 Doc. 28 and drew attention to the ongoing side event with the Asian Development Bank on *CITES and wildlife crime*.

The United States stated its support, emphasized the importance of adequate national laws for effective implementation of the Convention, and expressed concern that, in the case of some Parties, proposed revisions to national legislation had not necessarily been finally adopted. They expressed broad support for the draft decisions in Annex 1, but proposed amendments to draft decisions 16.B, 16.E and 16.F, including a recommendation, at SC66, to suspend trade with countries that had been party to the Convention for over 20 years but that still did not have appropriate CITES-implementing measures in place.

Ireland, on behalf of the Member States of the European Union and Croatia, echoed the sentiments of the United States. However, noting challenges faced by less developed Parties, they suggested amending the United States' proposed revision to the effect that a country that had submitted legislation for final review by the Standing Committee at SC66 would not be subject to a suspension of trade even if it had been party to the Convention for over 20 years. Lewis and Clark College also expressed support for the Secretariat's draft decisions, emphasizing the need to break the cycle of draft legislation not being adopted into national law.

The Bolivarian Republic of Venezuela supported the proposal from Ireland and, together with Chile, China, Côte d'Ivoire, Paraguay and Suriname, provided an update on the status of their legislation.

Côte d'Ivoire, the Democratic Republic of the Congo, Grenada and Paraguay welcomed technical and financial assistance from the Secretariat to ensure such legislation was in conformity with the Convention. The United Republic of Tanzania expressed concern regarding the time taken from submission to the Secretariat to receipt of feedback, and also asked for technical and financial assistance from the Secretariat to finalize its legislation prior to SC65.

The Chair established a drafting group to present revised text to the Committee, comprising China, Ireland, on behalf of Member States of the European Union and Croatia, and the United States.

29. Enforcement matters

The Secretariat introduced document CoP16 Doc. 29 (Rev. 1) and its Annexes, drawing attention to the draft decision and proposed revision to Resolution Conf. 11.3 (Rev. CoP15) on *Compliance and enforcement* and its Annexes.

The United States, echoed by China, India, Indonesia, Ireland, on behalf of the Member States of the European Union and Croatia, Japan, the Philippines, IUCN, Lewis and Clark College and TRAFFIC expressed support for the document and its recommendations. The United States proposed some minor amendments to the revised Resolution, as below.

- Under “**Regarding application of Article XIII**”, paragraph b), replace "one year" with six months; and
- Under “**Regarding communication of information and coordination**”, insert “and other wildlife and enforcement personnel” after “park rangers” in paragraph l); and delete “deployed in conservation areas” in paragraph m).

It also proposed replacing "must" with should in the penultimate paragraph of Annex 2 of document CoP16 Doc. 29 (Rev. 1), and put forward a new draft decision, as follows:

Directed to the Standing Committee

16.XX *At its 65th meeting, the Standing Committee shall initiate a process to assess implementation and enforcement of the Convention as it relates to the trade in species listed in Appendix I. The Committee shall report its findings at the 17th meeting of the Conference of the Parties to CITES.*

Japan emphasized that prompt communication between Management Authorities and international mechanisms was important to ensure the effective enforcement of the Convention. India was concerned about submitting information to the Secretariat on seizures and resulting actions, and feared that assigning monetary value to illegal wildlife trade might encourage illegal activities. Indonesia drew attention to the role of Wildlife Enforcement Networks, notably in the Association of Southeast Asian Nations region (ASEAN WEN) and in South Asia (SAWEN).

Ireland, on behalf of the Member States of the European Union and Croatia, welcomed the positive development of regional wildlife enforcement networks, noting that the first meeting of these networks had taken place during the present meeting. It supported the proposed amendments by the United States, adding the following minor amendments to the proposed revision of Resolution Conf. 11.3 (Rev. CoP15):

- Maintain the paragraph beginning “CONSCIOUS” in the preamble, which had been proposed for deletion;
- In the final paragraph under “**Regarding enforcement activities of the Secretariat**”, add . regional and subregional wildlife enforcement networks after “the Convention’s institutions”; and
- In paragraph a) under “**Regarding additional actions to promote enforcement**”, add regional and subregional wildlife enforcement networks, after “with ICCWC partner organizations”.

IUCN welcomed the focus on pangolins, reminded Parties of the zero export quota and ongoing illegal trade, drew attention to trade from Africa to Asia, and offered to share information from the IUCN/SSC Pangolin Specialist Group. Lewis and Clark College echoed IUCN’s concerns regarding pangolins and proposed two decisions. The Philippines supported these with the addition of subject to available resources for the purpose at the end of the first, to read as follows:

16.XX *All range States for Asian Pangolin species are requested to compile information on the conservation of and illegal trade in Asian pangolins, and their efforts to address such trade, and to report at the 65th meeting of Standing Committee, subject to available resources for the purpose.*

16.XX *The Standing Committee, at its 65th meeting, shall review the information provided by Asian pangolin range States and develop recommendations as appropriate to address the illegal trade in pangolin species and report at the 17th meeting of the Conference of the Parties.*

The Committee accepted these draft decisions and the draft decision proposed earlier by the United States, along with the proposed amendments to Resolution Conf. 11.3 (Rev. CoP15) and the draft decision in the Annexes to document CoP16 Doc. 29 (Rev. 1), with the amendments proposed during the session. The Committee noted the document.

The meeting was adjourned at 12h15.