

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



Nineteenth meeting of the Conference of the Parties
Panama City (Panama), 14 - 25 November 2022

Summary record of the ninth session for Committee II

18 November 2022: 14h10 – 16h55

Chair: R. Ollerenshaw (Australia)

Secretariat: I. Higuero
I Camarena
T. Carroll
S.H. Flensburg
E. Hellinx
B. Janse van Rensburg
H. Okusu
J. Stahl
J.C. Vasquez

Rapporteurs: A. Caromel
R. Mackenzie
L. Oliveira
C. Stafford

Species specific matters

66. Elephants (Elephantidae spp.)

66.2 Ivory stockpiles

66.2.2 Establishing a fund accessible to range States upon non-commercial disposal of ivory stockpiles

Ethiopia, Gabon, Guinea, Guinea-Bissau, Mali, Niger, Switzerland, Togo and the United States of America, the David Wildlife Shepherd Foundation (also speaking on behalf of Center for Biological Diversity and Fondation Franz Weber) and Amboseli Ecosystem Trust voiced their support to the draft decisions in document CoP19 Doc. 66.2.2 as proposed by Kenya. The United States indicated that it did not support the draft decisions in document CoP19 Doc. 66.2.2 recommended by the Secretariat.

Botswana, China, the European Union and its Member States, India, the United Kingdom of Great Britain and Northern Ireland, and Zimbabwe supported the draft decisions recommended by the Secretariat, being of the opinion that further discussions should take place for the development of alternative and innovative sustainable funding mechanisms that could support conservation initiatives in African elephant range States.

Eswatini, Japan, Namibia, South Africa, the United Republic of Tanzania, Zambia and SUCO-SA, speaking also on behalf of a number of other observer organizations, reflected on the importance of the matter and the need to find sustainable funding solutions, but opposed Kenya's proposal that includes conditions that are restrictive and raised concerns about the

establishment of a new fund while the African Elephant Fund has been established and is operational.

The Chair asked Kenya to further discuss this matter with relevant Parties and present an in-session document containing revised draft decisions to the Committee.

Interpretation and implementation matters

General compliance and enforcement

28. National laws for implementation of the Convention

The Secretariat introduced document CoP19 Doc. 28, providing an update on the status of Parties under the CITES National Legislation Project (NLP). The Secretariat drew Parties' attention to the suite of draft decisions detailed in Annex 1 to the document, which, *inter alia*, include a decision directed to the Secretariat to develop guidance on the implementation of the Convention in the event of exceptional circumstances that impede the proper functioning of CITES at the national level.

Ecuador, Kenya, India, Niger, the Maldives, Sri Lanka, Uganda and the United Republic of Tanzania provided updates on their progress in developing national legislation frameworks to ensure effective implementation of CITES, with many Parties thanking the Secretariat for its assistance and some requesting feedback from the Secretariat on the legislation submitted to the Secretariat. Georgia, Kenya, the United Kingdom of Great Britain and Northern Ireland and the United States of America supported the adoption of the draft decisions outlined in Annex 1 to the document. The United States proposed the deletion of "commercial" from draft decision 19.DD.

The United Kingdom of Great Britain and Northern Ireland further suggested amending draft decision 19.EE paragraph e) as follows:

- e) subject to available resource, develop guidance on the implementation of the Convention (e.g., issuance of permits and certificates) in the event of exceptional circumstances that impede the proper functioning of CITES at the national level and ~~recommend~~ submit its recommendations to the Standing Committee for consideration including, as appropriate, possible amendments to relevant Resolutions, including to Resolution Conf. 12.3 (Rev. CoP18) on Permits and certificates;

The European Union and its Member States expressed support for the decisions in Annex 1 and proposed the following addition to draft decision 19.EE paragraph h).

- h) report at regular meetings of the Standing Committee, as appropriate, and at the 20th meeting of the Conference of the Parties on progress made with regard to the implementation of Resolution Conf. 8.4 (Rev. CoP15) on National laws for implementation of the Convention and Decisions 19.AA to 19.EE.

The European Union and its Member States, the United Kingdom and the United States supported the deletion of Decisions 18.62 to 18.67.

Georgia suggested that the Secretariat consider publishing relevant legislation of countries in Category 1 of the NLP on the CITES website. The Food and Agriculture Organization of the United Nations (FAO) congratulated the NLP on its 30th anniversary.

The draft decisions in Annex 1 to document CoP19 Doc. 28 were agreed as amended by the European Union and its Member States, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. The deletion of Decisions 18.62 to 18.67 was agreed.

29. Compliance matters

29.1 Implementation of Article XIII and Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures

The Secretariat introduced document CoP19 Doc. 29.1, containing a report on the activities carried out by the Secretariat in relation to the implementation of Article XIII and Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures*.

Senegal drew attention to a recent issue concerning a seizure of *Pterocarpus erinaceus* originating from Mali. Mali, underscoring its commitment to CITES, asked for technical and financial support from the Secretariat. Guinea called for the Secretariat's assistance in relation to the export of its stockpile of pre-Convention specimens of *Pterocarpus erinaceus*. Guinea-Bissau questioned why it remained subject to a suspension in commercial trade of specimens of *Pterocarpus erinaceus*. The Democratic Republic of the Congo provided information on its computerised information management system that had improved CITES implementation and expressed concern about reference to the repatriation of pangolin scales referred to in the document. The Maldives stated that their national legislation was ratified in July 2022.

The European Union (EU) and its Member States indicated that the expedited Article XIII process should not be a regular procedure but that it is an important and useful tool to address matters requiring urgent intervention. The EU and its Member States expressed concern about the volume of work of the Standing Committee and encourage collaboration by Parties to finalize compliance cases. They furthermore indicated that, if necessary, they are willing to provide additional information relating to the facilities that breed Appendix I species in captivity.

The Secretariat indicated that it was ready to notify Parties of any progress on *Pterocarpus erinaceus*.

The Committee noted the information provided in document CoP19 Doc. 29.1.

29.2 Totoaba (*Totoaba macdonaldi*)

29.2.1 Report of the Secretariat

and

29.2.2 Renewed and updated Decisions for CoP19

The Secretariat introduced document CoP19 Doc. 29.2.1, reporting on a meeting of range State, transit and destination countries, the establishment and operationalisation of a trilateral enforcement contact group composed of China, Mexico and the United States, as well as the second mission by the Secretariat to Mexico from 30 May to 6 June 2022. It noted good progress by Mexico in some areas but stated that concerns remained. It proposed draft decisions in Annex 3 to the document for adoption.

The United States of America introduced document CoP19 Doc. 29.2.2, proposing draft decisions to update and strengthen existing Decisions 18.292 to 18.295. The United States stressed the urgency of taking action and ensuring the compliance with the Convention since in this unique case, one CITES Appendix I listed species, totoaba, will continue to decline while another Appendix I listed species, vaquita, faces imminent extinction, because of illegal international trade. As a way forward, the United States proposed working off the Secretariat's proposed revisions to draft Decisions 18.292 to 18.295 as presented in CoP19 Doc. 29.2.1 and to submit the proposed edits in more detail at the appropriate time.

Mexico detailed the measures it had taken to progress the issue and called for greater cooperation and information exchange to tackle illegal trade. Mexico invited China and the United States of America to draft the terms of reference for a trilateral enforcement contact group and suggested a working group to draft decisions to address illegal trade throughout the supply chain.

China, detailing some of the measures it had taken, urged Mexico to crack down on illegal fishing and encouraged the United States of America to approve the terms of reference for a trilateral enforcement contact group so that collaboration could commence. China supported the proposal by Mexico to create a working group.

Acknowledging the measures taken by Mexico but noting the critical situation and remaining concerns, Benin, New Zealand, Niger, Nigeria, and Senegal supported the amendments proposed by the United States of America in document CoP19 Doc. 29.2.2.

Switzerland expressed its disappointment that it has taken many years for concrete action to be taken and expressed hope that some common ground could be found in terms of the two documents submitted for consideration by the Conference of Parties.

Concerned by the lack of progress and enforcement, the United Kingdom of Great Britain and Northern Ireland and Animal Welfare Institute (AWI), speaking also on behalf of a number of other observer organizations, expressed preference for the draft decisions in document CoP19 Doc. 29.2.2, but stated they could also support the revised draft decisions in document CoP19 Doc. 29.2.1.

Japan supported Mexico's next steps and that the Secretariat initiate the study referred to in draft decision 18.294 (Rev. CoP19) as soon as possible to improve the understanding of the scope of the problems and identify actions to be addressed.

The European Union and its Member States acknowledged the progress made by Mexico but stressed the need for further improvements in terms of enforcement especially the control of unauthorized launching sites and the use of gill nets in the vaquita refuge and zero tolerance area.

Canada recognized the collective conservation concern and work done to date and acknowledged that the United States of America indicated that it may have a suggestion to bridge the two documents being considered and encouraged delegates to consider the proposal by the United States of America.

Mexico indicated it had additional amendments to the draft decisions.

Sea Shepherd Legal provided a technical update on the work it was doing to assist the Mexican government in implementing and monitoring the zero-tolerance area. The monitoring by Sea Shepherd Legal shows that although boats are still observed in the zero tolerance area, the number of boats has declined due to interventions implemented by Mexico. AWI on behalf of a number of other observer organizations expressed concern about the ongoing decline in the vaquita porpoise population making this situation of conservation urgency.

The Chair indicated that there was mainly support for document CoP19 Doc. 29.2.2, but that the United States of America was willing to find common ground by making some changes to the draft decisions in CoP19 Doc. 29.2.1, taking into consideration both documents. The Chair invited the United States of America to share the proposed amendments to the draft decisions with the interested Parties, consult with Mexico, and prepare an in-session document for consideration by the Committee.

Adoption of summary records

The Chair invited the Committee to review summary record CoP19 Com. II. Rec. 4. The United States of America requested an amendment in the third paragraph under agenda item 13 to delete the words "as provided for in existing Resolutions and Decisions and". With this amendment, summary record CoP19 Com. II. Rec. 4 was adopted.

The meeting was adjourned at 16h55.