

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 twelfth session for Committee II

21 November 2022: 19h20 – 21h40

Chair: R. Ollerenshaw (Australia)

Secretariat: T. Carroll
B. J. van Rensburg
J. C. Vasquez

Rapporteurs: A. Caromel
F. Davis
J. Gray
J. Mark
R. Mackenzie
L. Oliveira
J. Robinson
C. Stafford

Adoption of summary records

In summary record CoP19 Com. II. Rec. 8, regarding agenda item 66.2.1, Japan asked that the following phrase be inserted at the end of the third paragraph, line 6: “Japan expressed concern that there were few Parties reporting privately held stockpile of ivory due to the limited criteria and lack of the common standards for the protection of data relating to stockpiles of individuals and private entities, and furthermore expressed the need to expand the reporting by Parties especially destination countries and countries who historically used ivory in their markets.”

With this amendment, summary record CoP19 Com. II. Rec.8 was adopted.

In CoP19 Com. II. Rec.9, the United States of America asked for the addition of the following at the end of paragraph 2 under agenda item 29.2: The United States stressed the urgency of taking action and ensuring compliance with the Convention since this is a 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 document CoP19 Doc. 29.2.1 and to submit the proposed edits in more detail at the appropriate time. The United States also asked for “and zero tolerance areas” to be replaced by and zero tolerance area in the ninth paragraph under agenda item 29.2 and for “document CoP19 Doc. 29.2.2.” in the final paragraph to be replaced by document CoP19 Doc. 29.2.1.

Mexico asked for the addition at the end of the fourth paragraph under agenda item 29.2, of the sentence: China supported the proposal by Mexico to create a working group, as well as addition between the tenth and eleventh paragraphs of the following sentence: Mexico also indicated it had additional amendments to the draft decisions. Mexico also asked to include as part of the Sea Shepherd Legal intervention that it reported that there had been a reduction in the number of vessels in the zero tolerance area. Animal Welfare Institute also asked for the following to be added to the end of this paragraph: Speaking also on behalf of nine other conservation

organisations, the Animal Welfare Institute expressed concern about the ongoing decline of the vaquita and indicated its support to the draft decisions proposed by the United States

Canada asked that the tenth paragraph be amended to read: Canada recognized the collective conservation concern and work done to date and encouraged Parties to consider the way forward suggested by the United States.

The adoption of the summary record in document CoP19 Com. II Rec. 9 was deferred, pending the review by the Secretariat of the recording.

Species specific matters

59. Illegal trade in cheetahs (*Acinonyx jubatus*)

Bahrain, Japan, Jordan, Kuwait and Saudi Arabia opposed document CoP19 Doc. 59, believing it contained unreliable and out-dated information and questioning data collections method. These Parties indicated that no consultation took place to verify information used in the document. Bahrain, Japan, Kuwait and Saudi Arabia stated that any concerns should be addressed by the Big Cats Task Force.

Benin, the European Union and its Member States, Kenya, Liberia, Niger, Senegal, the United Republic of Tanzania and Zimbabwe supported document CoP19 Doc. 59. The European Union and its Member States, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Zimbabwe supported the draft decisions as amended by the United States of America. The European Union and its Member States and the United Kingdom acknowledged the efforts of the Secretariat to avoid duplication of CITES processes for cheetahs, but supported a parallel reporting process pending full operationalization of the Big Cat Task Force. Somalia outlined efforts it was making to combat illegal trade in cheetahs. The Convention on Migratory Species indicated that the species is included in the CITES-CMS Joint Work Programme and the African Carnivore Initiative, and that the topic could be discussed at a forthcoming African Carnivores Initiative range State meeting.

IUCN (speaking also on behalf of the World Wide Fund for Nature, Born Free Foundation, Colorado State University, and the Zoological Society of London), the Cheetah Conservation Fund, and Amboseli Ecosystem Trust supported the draft decisions as amended by the Secretariat and the United States, believing that the Big Cats Task Force would not be able to address the issue with the urgency required, and urged countries to collaborate to find a way forward.

The draft decisions in document CoP19 Doc. 59 as amended by the Secretariat and the United States of America were accepted.

Interpretation and implementation matters

Regulation of trade

47. Specimens produced through biotechnology

China introduced document CoP19 Doc. 47, indicating that the Conference of the Parties was invited to: adopt the amendments to Resolution Conf. 9.6 (Rev. CoP16) *Trade in readily recognizable parts and derivatives* contained in Annex 1 to the document; adopt the draft decisions on *Specimens produced through biotechnology* in Annex 2; and delete Decisions 18.147 to 18.150.

The European Union and its Member States supported the recommendations in the document, including the revision of the Resolution. The United States of America also supported the proposed revisions to the Resolution. However, echoed by Mexico, they did not believe it was within the remit of the Convention to define the term 'biotechnology', which was already defined in Article 2 of the Convention on Biological Diversity. They considered that the draft decisions in Annex 2 to document CoP19 Doc. 47 required substantial amendment to render them more manageable in scope, provide additional opportunity for consideration and align them to the discussions that took place in the Standing Committee. The United States proposed specific amendments to the text of draft decisions 19.AA and 19.BB. The United States also supported the deletion of Decisions 18.147 to 18.150. The United Kingdom of Great Britain and Northern Ireland supported the proposed amendment to the Resolution. The Plurinational State of Bolivia proposed an addition to draft decision 19.AA in Annex 2.

The Center for Biological Diversity, speaking also on behalf of the Wildlife Conservation Society, recommended adoption of the proposed amendments to the Resolution but expressed concern about aspects of the draft decisions in Annex 2.

The Chair asked the United States to consult with the Plurinational state of Bolivia to produce an in-session document setting out proposed amendments to the draft decisions in Annex 2 to document CoP19 Doc. 47. The amendments to Resolution Conf. 9.6 (Rev. CoP16) in Annex 1 to document CoP19 Doc. 47 were accepted and the deletion of Decisions 18.147 to 18.150 were agreed.

49. Introduction from the sea

The Chair of the Standing Committee introduced document CoP19 Doc. 49 and its annexes, reporting on the work of the Secretariat to monitor the process to negotiate a new legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) and containing proposed draft decisions on CITES trade from areas beyond national jurisdiction in Annex 1.

The European Union and its Member States, Israel, the United Republic of Tanzania, and Sea Shepherd Legal (speaking also on behalf of Animal Welfare Institute, Defenders of Wildlife, Fundacion Cethus, Humane Society International, International Fund for Animal Welfare, Law of the Wild, Natural Resources Defense Council, Oceana, Species Survival Network, Wildlife Conservation Society and Zoological Society of London) proposed amendments to the draft decisions to read as follows:

Directed to the Secretariat

19.AA The Secretariat shall:

- a) ~~19.AA~~ The Secretariat shall monitor the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) and report to the Standing Committee the results and make recommendations regarding interactions between CITES and this instrument, as appropriate.
- b) ~~19.BB~~ The Secretariat shall continue to monitor the implementation of Resolution 14.6 (Rev. CoP16) on *Introduction from the sea* and report as appropriate to the Standing Committee.
- c) ~~19.CC~~ The Secretariat shall approach and work with the States that are most active in the trade in CITES marine species from the sea particularly from areas beyond national jurisdiction, including flag-of-convenience States and territories, with a view to encouraging and assisting them to fulfil their CITES responsibilities and effectively implement the Convention.
- d) issue a notification to collect views from Parties and other relevant stakeholders on the ten most frequently asked questions and submit them to the Standing Committee for its consideration.

Directed to the Standing Committee

19.BBD ~~The Standing Committee shall, as appropriate,~~ review intersessionally the 10 questions most frequently asked on 'CITES trade from areas beyond national jurisdiction' and the responses prepared by the Secretariat and provide recommendations to the 20th meeting of the Conference of the Parties Secretariat regarding the possible amendment of the Annex to Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*.

Argentina provided an update on the fifth session of the Intergovernmental Conference on an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

The European Union and its Member States, Peru and the United States noted that the provisions of introduction from the sea continued to present challenges for implementation. The United Kingdom of Great Britain and Northern Ireland drew attention to CoP19 Doc. 43.2 noting the overlap of the draft decisions in both documents and the possibility of carrying these both out in conjunction, e.g. a joint workshop.

The Committee agreed the draft decisions in document CoP19 Doc. 49 as amended by Israel, the European Union and its Member States, the United Republic of Tanzania, and Sea Shepherd Legal, and agreed to delete Decisions 17.181, 18.157 and 18.158.

42. Purpose codes on CITES permits and certificates

Australia introduced document CoP19 Doc. 42 and its annexes on behalf of the Standing Committee explaining that the Standing Committee had re-established a working group to review purpose codes and clarify any overlap between codes that described physical locations and activities. The annexes included proposed amendments to Resolution Conf. 12.3 (Rev CoP18) on *Permits and certificates*, minor amendments to three other Resolutions and draft decisions.

The meeting was adjourned at 21h40.