

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



Seventy-fourth meeting of the Standing Committee  
Lyon (France), 7 - 11 March 2022

SUMMARY RECORD

Welcome from the host Government

The Minister of the Ecological Transition of France, Ms. Barbara Pompili, gave a video opening address. Mr. Jean-Patrick Le Duc, Head of the French delegation, and Mr. Jean-Pierre Athanaze, Vice-President of the Metropole of Lyon, welcomed the participants to France.

Opening remarks of the Secretary-General

The Secretary-General gave opening remarks.

Opening remarks of the Chair

The Chair welcomed the participants and opened the meeting.

**Administrative and financial matters**

1. Agenda

1.1 Adoption of the agenda ..... SC74 Doc. 1.1

and

1.2 Annotated agenda ..... SC74 Doc. 1.2 (Rev. 2)

The Chair introduced documents SC74 Doc. 1.1 and SC74 Doc. 1.2, calling on participants to keep interventions concise with a focus on the recommendations and decisions to be made by the Committee. The Chair hoped that the agenda could be achieved in-session without creating working groups.

The Committee adopted its provisional agenda as set out in document SC74 Doc. 1.1.

There were no interventions.

2. Adoption of the working programme..... SC74 Doc. 2

The Chair introduced document SC74 Doc. 2.

The Committee adopted its working programme as set out in document SC74 Doc. 2, noting the revised hours of 2 to 5 pm and 7 to 10 pm for the afternoon and evening sessions starting Tuesday 8 March 2022.

There were no interventions.

3. Rules of Procedure..... SC74 Doc. 3

The Chair introduced document SC74 Doc. 3.

The Committee noted that its Rules of Procedure as amended at its 70th meeting (Sochi, October 2018) and set out in the Annex to document SC74 Doc. 3 remain valid for each of its meetings.

There were no interventions.

4. Credentials..... *No document*

The Secretariat informed the Committee that all Members of the Standing Committee had submitted their credentials and could thus represent their regions and exercise their right to vote.

The Standing Committee noted that all delegations of the Members of the Standing Committee had provided credentials.

There were no interventions.

5. Admission of observers.....SC74 Doc. 5 (Rev. 1)

The Secretariat introduced document SC74 Doc. 5 (Rev. 1).

The Committee noted the list of observer organizations that had been invited to attend the meeting as set out in the Annex to document SC74 Doc. 5 (Rev. 1).

There were no interventions.

6. Report of the Chairs of the Animals and Plants Committees..... SC74 Doc. 6

The Chair of the Animal Committee and Chair of the Plants Committee introduced document SC74 Doc. 6, outlining the outcomes of the 31st meeting of the Animals Committee (AC31, online, June 2021) and of the 25th meeting of the Plants Committee (PC25, online, June 2021). The Chair of the Animals Committee proposed two additional draft decisions examining the impacts of existing and future higher taxon listings in the Appendices and making any necessary recommendations to CoP20. The Chair of the Animals Committee also introduced the outcomes of the joint meeting of the Animals and Plants Committees, highlighting that after deliberations at that meeting, some work was still needed on nomenclature of Appendix III listings, and thus renewal of Decisions 18.313 and 18.314 was suggested.

China (Committee Member for Asia) supported the proposed decisions on African elephant nomenclature, while the United Republic of Tanzania urged the Standing Committee to request the CoP to recognise and treat the two subspecies of African elephants as separate species, stating that the proposed draft decisions were delaying the recognition of a taxonomic split which had been scientifically proven. The Chair noted that as nomenclature was a scientific matter, the Standing Committee was not well placed to make such a recommendation to the CoP.

Regarding the inclusion of the higher taxonomic listing of *Manis* spp. in the Appendices, China and India supported this inclusion, with India considering that it was justified in this instance as identification of pangolin specimens to species level had been flagged as an enforcement issue in document SC74 Doc. 73.

China also supported the draft decisions on higher listings and the renewal of decisions around nomenclature for Appendix III listings.

The Committee noted the information in paragraphs 5 to 16 of document SC74 Doc. 6 concerning matters relating to fauna and noted the following draft decisions on *African elephant nomenclature* to be submitted by the Animals Committee to the 19th meeting of the Conference of the Parties (CoP19):

**19.BB Directed to the Secretariat:**

The Secretariat shall:

- a) issue a Notification seeking the perspectives of Parties and other stakeholders on the potential effects of recognizing African forest elephant (*Loxodonta cyclotis*) as a separate species to African savannah elephant (*Loxodonta africana*) for CITES purposes;
- b) develop a list of all current Resolutions and Decisions of the Conference of the Parties that would be impacted by such a change of nomenclature;
- c) collate the responses to the Notification to the Parties and prepare a review of the potential impacts of recognising *L. cyclotis* as a separate species for CITES purposes, including the potential impacts on Resolutions and Decisions of the Conference of the Parties; and
- d) prepare a report of its findings pursuant to a), b) and c) above and submit this report to the Standing Committee for its consideration.

**19.CC Directed to the Animals Committee**

The Animals Committee shall:

- a) review the taxonomic-nomenclatural history of African elephant *Loxodonta africana* in CITES and the nomenclature that reflects accepted use in biology, at its 32nd meeting; and
- b) if appropriate, make a recommendation on adopting a new standard nomenclature reference for African elephants, for decision at the 20th meeting of the Conference of the Parties.

**19.DD Directed to the Standing Committee**

The Standing Committee shall:

- a) review the report submitted by the Secretariat under paragraph d) of Decision 19.BB; and
- b) provide advice and any recommendations on the potential impacts of recognizing *L. cyclotis* as a separate species for CITES purposes, including the potential impacts on Resolutions and Decisions of the Conference of the Parties, for consideration at the 20th meeting of the Conference of the Parties.

The Committee agreed to propose the following draft decisions on higher taxon listings to CoP19:

**19.AA Directed to the Animals and Plants Committees**

The Animals and Plants Committees shall, taking into consideration document AC31 Doc. 38 with its Annex and its addendum, as well as the provisions of Resolution Conf. 9.24 (Rev. CoP17), Annex 3, review the impacts of existing and future higher taxon listings in the Appendices and propose further guidance and recommendations as necessary, for consideration by the Standing Committee.

**19.BB Directed to the Standing Committee**

The Standing Committee shall take into account the guidance and recommendations from the Animals and Plants Committees and make any recommendations to the 20th meeting of the Conference of the Parties, as required.

The Committee noted the information in paragraphs 17 to 23 of document SC74 Doc. 6 concerning matters relating to flora; and further noted the recommendations of the Plants Committee on *Specimens grown from wild collected seeds or spores that are deemed to be artificially propagated*.

The Committee noted the information in paragraphs 24 to 40 of document SC74 Doc. 6 concerning matters relating to fauna and flora; and agreed to submit the following draft decisions on *Nomenclature of Appendix-III listings* to CoP19:

**18.313 (Rev. CoP19) Directed to the Animals and Plants Committees**

The Animals and Plants Committees shall, taking into consideration the current guidance in Resolution Conf. 12.11 (Rev. CoP18) on *Standard nomenclature*, paragraph 2 g), evaluate how nomenclature changes affect Appendix-III listings and propose further guidance and recommendations as necessary, that address how such nomenclature changes are to be handled, for consideration by the Standing Committee.

**18.314 (Rev. CoP19) Directed to the Standing Committee**

The Standing Committee, in consultation with the Secretariat, shall take into account the guidance and recommendations from the Animals and Plants Committees and make recommendations to address nomenclature changes that affect an Appendix-III listing, including possible amendments to Resolution Conf. 12.11 (Rev. CoP18) or Resolution Conf. 9.25 (Rev. CoP18) on *Inclusion of species in Appendix III*, for consideration at the 20th meeting of the Conference of the Parties.

7. Financial matters..... SC74 Doc. 7

The Secretariat introduced document SC74 Doc. 7, which outlines the financial performance of the Secretariat since CoP18 (Geneva, 2019) and provides information on income and expenditure from 1 January 2019 to 30 September 2021 for both Convention trust funds. The Secretariat noted as a matter of concern the delay in receiving Parties' annual contributions, which could have negative impacts on the Secretariat's daily operations, observing that as of 3 September 2021 the overall payment rate for the year was 78%. Since 2019, the Secretariat has actively worked on finding areas for efficiency saving. The Secretariat proposed that the current level of registration fees for observer Parties remain in place and that further review of registration fees for online meetings be undertaken.

Indonesia (Committee Member for Asia) and the United States of America thanked the Secretariat for their continued support to Parties. Indonesia thanked donor countries that have supported the Secretariat and actively encouraged Parties which have not fulfilled their obligations to contribute. The United States suggested increasing the registration fees for observer organisations given the burden on the Secretariat of managing observer organisation registration. The United States also supported the recommendation to review the fees for online meetings, and expressed concern about the constraints on core budget and time noted in the report.

The Committee noted documents SC74 Doc. 7 and SC74 Doc. 8 and agreed that further discussion on these matters would be referred to the Finance and Budget Sub-Committee (FBSC).

Later in the meeting, the Acting Chair of the FBSC (Switzerland) introduced document SC74 Com. 4, containing, *inter alia*, recommendations to the Standing Committee for agenda item 7 (Financial reports).

The Committee agreed the recommendations in document SC74 Com. 4 as follows:

The Committee:

- a) approved the reports on the costed programme of work for the full years 2019 and 2020, and for the period up to 30 September 2021;
- b) noted the projected savings for the core Trust Fund (CTL) for the year 2021;
- c) approved the transfer of resources from the expected savings from 2021 under the meeting related components in the amount of USD 336,600 to cover the cost of the organization for the governing bodies meetings during 2022, on a one-time exceptional basis;
- d) invited the Conference of the Parties to further review the participation charges for all observer organizations other than the UN and its specialized agencies at meeting of the governing bodies of the Convention and make determination on the use of those collected charges; and
- e) noted the other information provided in the report.

8. Report on proposed budget scenarios for 2023-2025 ..... SC74 Doc. 8

The Secretariat introduced document SC74 Doc. 8 on the proposed budget scenarios for 2023-2025; as per the paragraph 7 of the Resolution Conf. 18.1 on *Financing and the costed programme of work for the Secretariat for the triennium 2020-2022*, the Secretariat proposed three alternative budgetary scenarios to CoP19: one scenario with zero nominal growth (maintaining the current level of staffing and operational costs), a second one with zero real growth (maintaining the level of staffing but increasing the operational costs) and a third one with incremental growth (building on scenario 2, with an additional two posts funded by the core budget as approved at CoP18).

Indonesia (Committee Member for Asia) expressed support for the zero-growth scenario. Stating that there were current challenging economic conditions faced by many countries, Japan expressed support for scenario 1 (zero nominal growth).

The Committee noted documents SC74 Doc. 7 and SC74 Doc. 8 and agreed that further discussion on these matters would be referred to the Finance and Budget Sub-Committee (FBSC).

Later in the meeting, the Acting Chair of the FBSC (Switzerland) introduced document SC74 Com. 4, containing, *inter alia*, recommendations to the Standing Committee for agenda item 8 (Report on proposed budget scenarios for 2023-2025).

The Committee agreed the recommendations in document SC74 Com. 4, i.e., the Committee noted the report and requested the Secretariat to take into account feedback received and outcomes from the 74th meeting of the Standing Committee in preparation of the proposed budget scenarios for the 19th meeting of the Conference of the Parties.

9. Access to funding: Report of the Secretariat ..... SC74 Doc. 9

The Secretariat introduced document SC74 Doc. 9, reporting on the implementation of Decisions 18.4 to 18.11. Regarding the 8th replenishment of the Global Environmental Fund (GEF), the programming directions for which are expected to be adopted in the middle of 2022 and run to mid-2026, it was noted that it was the first time for the GEF to have an integrated programme related to wildlife, meaning that there would now be a financial incentive for beneficiary countries to direct GEF funding for wildlife conservation. The Secretariat encouraged eligible Parties to engage with national GEF focal points to consider preparing project concept notes and to ensure that projects contributed to the effective implementation and enforcement of the Convention.

Indonesia (Committee Member for Asia) supported the draft decisions. China (Committee Member for Asia), observing that the Secretariat has a lack of human resources and has not had any secondments from Parties for some time, suggested either the renewal of Decision 18.4 as a means to encourage the loan of personnel to the Secretariat by Parties, or the drafting of a new, similar decision for consideration at CoP19.

The United States of America suggested textual amendments to the draft decisions, primarily to delete reference to other GEF mechanisms and to ensuring that national projects enhance beneficiary Parties' ability to meet their obligations under CITES. Peru (Committee Member for Central and South America and the Caribbean) expressed support for the proposed decisions but wished for the text referring to ensuring that national projects enhance beneficiary Parties' ability to meet their obligations under CITES to be retained. This was echoed by Secretariat, who also recalled that GEF8 would contain other integrated programmes that might be of relevance to CITES integration and implementation, so suggested retaining reference to other GEF mechanisms. The United States, recognising that the relevant sections included the phrasing 'as appropriate', agreed to retain the proposed deletions.

The Committee noted document SC74 Doc. 9 and agreed to propose the renewal of Decision 18.4 and the submission of the following draft decisions on *Access to funding* to the 19th meeting of the Conference of the Parties (CoP19) amended as follows:

***Directed to Parties***

18.4 Parties are invited to provide non-reimbursable loan of personnel services to the CITES Secretariat noting that the salary and administrative fee of non-reimbursable loan personnel shall be covered by the Party, with such personnel remaining under the administrative authority of the sending Party. Non-reimbursable loan personnel shall carry out their duties and act in the interest of the mandate of the CITES Secretariat.

19.AA Parties are encouraged to:

- a) engage with their Global Environment Facility (GEF) national focal points in order to take part in the national GEF processes and ~~enhance access to~~ facilitate use of allocated GEF funding through the Global Wildlife Program (GWP) Wildlife Conservation for Development Integrated Programme;
- b) contribute to the development and implementation of GEF projects that may have components related to the implementation of CITES, by communicating with their national GEF counterparts and informing them of relevant CITES requirements and processes; and
- c) monitor the progress of the GEF Global Wildlife Program and the discussion on the establishment of the Wildlife Conservation for Development Integrated Program under the eighth replenishment of resources for the GEF Trust Fund (GEF-8) and ensure that national projects, where applicable, can enhance the beneficiary Parties' ability to meet their obligations under CITES.

***Directed to Parties, governmental, intergovernmental and non-governmental organizations and other entities***

19.BB All Parties, governmental, intergovernmental and non-governmental organizations and other entities are invited to provide financial or technical assistance for ensuring the effective implementation of the Decisions and Resolutions adopted by the Conference of the Parties.

19.CC In providing financial assistance, Parties, governmental, intergovernmental and non-governmental organizations and other entities are encouraged to take into consideration the administrative and financial management support needed to ensure that the funded activities are managed in an efficient, effective and accountable manner, and that they do not affect the Secretariat's core administrative tasks.

***Directed to the Secretariat***

19.DD The Secretariat shall:

- a) continue to participate in the Program Steering Committee of the GEF Global Wildlife Program, Wildlife Conservation for Development Integrated Program, or other GEF mechanisms as appropriate, to ensure that GEF projects under the programme are, as far as possible, aligned with CITES Decisions and Resolutions and contribute to the enhanced implementation of the Convention; and
- b) provide technical advice and in-kind support to Parties in the development and implementation of their GEF projects under the Global Wildlife Program, Wildlife Conservation for Development Integrated Program, or other GEF mechanisms as appropriate.

19.EE Subject to the availability of external funding and in collaboration with the World Bank and other relevant financial institutions, cooperation agencies and potential donors, the Secretariat shall organize a wildlife donor roundtable with a particular focus on sustainable use, to:

- a) share information on existing funding programmes on wildlife;
- b) understand the long-term financial needs of developing countries to implement the Convention; and
- c) explore the potential for scaled-up financial resources to ensure the conservation and sustainable use of wildlife.

19.FF The Secretariat shall report on the progress on the implementation of Decisions 19.BB, 19.DD and 19.EE and make any recommendations, as necessary, to the Standing Committee.

## ***Directed to the Standing Committee***

19.GG The Standing Committee shall review the Secretariat's report and make recommendations, as necessary, to the 20th meeting of the Conference of the Parties.

### 10. Administrative matters

#### 10.1 Administrative matters including host country arrangements for the Secretariat: Report of the Secretariat..... SC74 Doc. 10.1

The Secretariat introduced document SC74 Doc. 10.1, providing an update on the host country arrangements for the Secretariat and its staffing situation. A contribution agreement has been in place since March 2019 between the Secretariat and Government of Switzerland on Convention support including an annual contribution of CHF 1,000,000 for 2019-2022. The Secretariat highlighted the 11 recruitment cases for staff funded from the core and external trust funds, all of which were now filled except one to be finalised at the end of the month, and the hosting of eight interns. Participants were reminded of the UNEP Junior Officer Programme, where governments can sponsor a position for their professional staff for a fixed period of time; none of the six proposed positions were sponsored. The Secretariat also provided an update on the administrative changes introduced by the United Nations (UN) Secretariat and by the United Nations Environment Programme (UNEP), in particular the most significant changes around the New Delegation of Authority Policy. The Secretariat further presented the results of and the management response to the audit of the CITES Secretariat conducted by the UN Office of Internal Oversight Services (OIOS) during the period from January to June 2021 in line with paragraph 38 of Resolution Conf. 18.1 on *Financing and the costed programme of work for the Secretariat for the triennium 2020-2022*. Further review of the document and its recommendations would be done by the Financial and Budget Sub-Committee (FBSC).

Canada (Committee Member for North America) was concerned about the lack of inclusion of the Standing Committee in the development and establishment of the new Delegation of Authority Policy process, which they considered to be contrary to the terms of the MoU between UNEP and the Standing Committee, and sought clarification from the Secretariat on why the Committee was not consulted. The Chair noted that she had been provided with the document during its development but had not been given the opportunity to comment on the role of the Committee in the development of the process. The delegate from UNEP explained that this Policy resulted from a harmonisation exercise that had been undertaken across all entities under the UN, including UNEP and its constituent parts such as CITES. However, as the documents are living documents, updates could be undertaken as a result of feedback that might arise from difficulties in implementing the document as it stands, so the Committee and Chair were invited to consider whether there were any specific areas of concern, with any feedback provided by the Committee presented through the appropriate channels. The Chair welcomed the opportunity for the Committee to comment and invited review of the relevant document posted on the website.

Japan stressed the importance and usefulness of the Junior Programme Officer mechanism for young professionals and encouraged the Secretariat to further utilise it. The Secretariat noted the comment and reiterated that none of the six available JPO proposals had been sponsored, enjoining any interested Parties to contact the Secretariat or their UNEP headquarters.

The Committee noted document SC74 Doc. 10.1 on administrative matters, including the host country arrangements for the Secretariat, the oral report by the Secretariat on administrative hosting models and document SC74 Doc. 10.3. The Committee agreed that further discussion on these matters would be referred to the Finance and Budget Sub-Committee (FBSC).

Later in the meeting, the Acting Chair of the FBSC (Switzerland) introduced document SC74 Com. 4, containing, *inter alia*, recommendations to the Standing Committee for agenda item 10.1 (Administrative matters including host country arrangements for the Secretariat).

The Committee agreed the recommendations in document SC74 Com. 4 as follows:

The Committee:

- a) appreciated the continued contribution by the host country of the Secretariat;

- b) noted the document by the United Nations Environment Programme (UNEP) on the allocation and utilization of programme support cost;
- c) noted the evaluation of central administrative costs following the adoption of Umoja, in particular, the classification into core (indirect) and common (direct) administrative costs, to be interpreted and applied in the new context;
- d) noted the outstanding bills due to the UN Office at Geneva (UNOG) for administrative services provided, and request the UNEP Executive Director to authorize the utilization by CITES of the unspent programme support fund balance at the closure of financial year 2021, to settle the outstanding bills amounting to US\$ 232,309, notwithstanding UNEP's current policy that restricts carrying forward positive balances at closure of UNEP biennial financial period;
- e) requested that UNEP provide in its report to the 75th meeting of the Standing Committee and 19th meeting of the Conference of the Parties any update to UNEP's current policy that restricts carrying forward positive balances at closure of biennial financial period to the detriment of Multilateral Environment Agreements;
- f) deferred to CoP19 the question of whether to consider possible supplementary funding sources for future administrative costs when Programme Support Cost is inadequate; and
- g) welcomed the audit by the Office of Internal Oversight services (OIOS) conducted in 2021 and requested the Secretariat to provide update on implementation of recommendations at the 19th meeting of the Conference of the Parties.

10.2 Administrative hosting models for the Secretariat:  
Report of the Finance and Budget Subcommittee ..... *No document*

The Secretariat introduced the agenda item, stating that, considering the information in document SC74 Doc. 10.1, it had not been able to prepare details for the Finance and Budget Subcommittee (FBSC) for direct and indirect services for review and comparison between different service providers; therefore, no working document on the administrative hosting models for the Secretariat had been prepared. It noted that further review of the agenda item would be carried out by the FBSC.

The Committee noted document SC74 Doc. 10.1 on administrative matters, including the host country arrangements for the Secretariat, the oral report by the Secretariat on administrative hosting models and document SC74 Doc. 10.3. The Committee agreed that further discussion on these matters would be referred to the Finance and Budget Sub-Committee (FBSC).

There were no interventions.

Later in the meeting, the Acting Chair of the FBSC (Switzerland) introduced document SC74 Com. 4, containing, *inter alia*, recommendations to the Standing Committee for agenda item 10.2 (Administrative hosting models for the Secretariat).

The Committee agreed the recommendations in document SC74 Com. 4 as follows:

The Committee agreed to keep this item under further review.

10.3 Report of the United Nations Environment Programme  
on administrative matters ..... SC74 Doc. 10.3

The delegate of the United Nations Environment Programme (UNEP) introduced document SC74 Doc. 10.3, showing the evolution of the programme support costs. The delegate raised two points for information, firstly that the delegation of authority of operating the programme support had been transferred from the Executive Director of UNEP to the controller of the UN, leading to a delay in policy as a number of authorisations had to be obtained from the controller. Secondly, it was noted that with the introduction of UMOJA, some costs previously classified as administrative, which were therefore funded from the share of the support income allocated to UNEP, had expanded, and the many components had become problematic. Changes had therefore been made in the way some programme support costs were funded.

The Committee noted document SC74 Doc. 10.1 on administrative matters, including the host country arrangements for the Secretariat, the oral report by the Secretariat on administrative hosting models and document SC74 Doc. 10.3. The Committee agreed that further discussion on these matters would be referred to the Finance and Budget Sub-Committee (FBSC).

There were no interventions.

## 11. Arrangements for the 19th meeting of the Conference of the Parties (CoP19)

### 11.1 Preparations for CoP19..... *No document*

Panama, as the Next Host Country, gave an oral report on ongoing preparations for CoP19, complemented by two short videos on the country and the venue, highlighting the high levels of biodiversity and Protected Areas in the country, its strategic position as link between the North and South American continents, as well as the areas of high biodiversity near the conference centre such as wetlands and mangroves.

Senegal (Committee Member for Africa) congratulated Panama for its preparations and asked about the emblematic animal of Panama and measures taken to protect it. Panama mentioned its national bird, the Harpy eagle, which is completely protected nationally and internationally; the Jaguar, for which, for example, a GEF7 funded programme and national foundation were working on jaguar management to deal with human-jaguar conflict; and the Panamanian golden frog which was extinct from the wild but being protected in captivity with hopes to being reintroduced.

Zimbabwe requested that adequate arrangements be in place wherever possible to facilitate the issues around language so that participants can navigate between the airport and the venue (airports, points of entry, etc.).

Species Survival Network expressed their backing to ensure the success of the CoP.

The Committee noted the progress made by Panama in the preparations for the 19th meeting of the Conference of the Parties.

### 11.2 Draft agenda .....SC74 Doc. 11.2

The Secretariat introduced document SC74 Doc. 11.2. It was noted that, at present, the document was based on items for which discussions were expected in virtue of the text of the Convention or an instruction in a Resolution or Decision and that it would undoubtedly change, the deadline for submissions from Parties being 17 June 2022.

The Committee approved the draft provisional agenda for CoP19 annexed to document SC74 Doc. 11.2.

There were no interventions.

### 11.3 Draft working programme.....SC74 Doc. 11.3

The Secretariat introduced document SC74 Doc. 11.3, noting that it may need to be adjusted in discussion with the Chairs from Committees I and II of the CoP, once appointed.

Israel (Committee Member for Europe) queried whether there was a reason for proposed days off on Sunday and Monday, and whether this could be revised to Saturday and Sunday. The Next Host Country (Panama) agreed that this could be revisited. The Secretariat responded that the intent had been to fit as much work into the first week as possible, but that the request would be taken into consideration in finalising the programme. Congo (Committee Member for Africa) queried the discrepancy between the stated start date of the 14 November 2022, and the apparent start date of the 12 November 2022 in the draft working programme. The Secretariat responded that the first two days (12-13 November 2022) were for registration and SC75, with the CoP meeting itself starting on the 14 November 2022.

The Committee approved the Annex to document SC74 Doc. 11.3 as the basis for the preparation of a provisional working programme for CoP19, noting that the two-day break should be on Saturday 19 and Sunday 20 November 2022.

11.4 Review of the Rules of Procedure of the Conference of the Parties:  
Report of the working group.....SC74 Doc. 11.4

Canada, as the Chair of the intersessional working group on Rules of Procedure, introduced document SC74 Doc. 11.4, which reflected the deliberations of the working group on further amendments to Rule 25.6 of the Rules of Procedure, building on the amendments agreed at SC73. The document proposed further amendments to Rule 25.6 on the amendment of proposals that concern the same taxon but are different in substance. The document also included guidance materials in the form of example scenarios to illustrate the application of Rule 25 with the amendments agreed at SC73 and those proposed for consideration at SC74. The Chair noted that there were mixed views within the working group as to whether further amendments were necessary.

Israel (Committee Member for Europe), echoed by Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Australia (Committee Member for Oceania), Canada (Committee Member for North America), Japan and the United Kingdom of Great Britain and Northern Ireland, supported the proposed amendments to Rule 25.6. However, Belgium stressed that any changes in the order in which proposals would be considered, as allowed in the proposed amendments, would need to be exceptional and duly justified by the Chair of the relevant Committee meeting. Canada, echoed by the United States, believed that the proposed order for assessment of proposals would ensure that all proposals would be considered and thus increase transparency and confidence in the decision-making process. The United Kingdom considered that the amendments provided an opportunity for the Chair of the relevant Committee meeting to consider other processes.

Indonesia (Committee Member for Asia), echoed by China (Committee Member for Asia), Namibia (Committee Member for Africa), South Africa and the United Republic of Tanzania, appreciated the work of the working group, but did not support amending Rule 25.6. Indonesia believed that Rule 25.6 was drafted based on the rationale that drastic changes to trade should be avoided as they were likely to affect peoples' livelihoods, and therefore the assessment of proposals for the same taxon should start with the least restrictive one to address the concerns of developing countries and their people. China considered that as the Rules of Procedure were essential for good management of the CoP, pragmatism should be employed when approaching amendments to the Rules; thus, given the clear divergence of viewpoints within the working group, the Rules should be amended as little as possible. The United Republic of Tanzania stressed that the effects on communities should be taken into account when considering different proposals, not just focusing on the trade aspect.

Following a call from China for an in-session working group to achieve consensus on the order in which proposals should be considered, the Chair considered that, with the exception of this aspect, there was support for the other proposed amendments with 3 regions in favour and 2 regions against and proposed to establish a small in-session working group for the remaining point. The proposal for an in-session working group was supported by Israel, Peru (Committee Member for Central and South America and the Caribbean), Brazil and Namibia. The United States preferred not to discuss the issue further and suggested that future discussions on this point could be informed by practical experience. Japan expressed concern about an in-session working group given the already packed agenda. Mexico did not consider that the issue would have any effect on how the outcomes of the proposals would be considered, as ultimately the result would be a restriction on trade. Indonesia stated that it also did not support the amendment proposing that the Chair of the relevant Committee meeting could change the order in which proposals were presented. The Chair stressed that this amendment was added as a safeguard to ensure that the discussions could happen as requested in the relevant Committee meeting.

The Committee established an in-session working group with the mandate to consider the use of "least" or "most" in Rule 25.6 of the Rules of Procedure of the Conference of the Parties. The membership of the working group was agreed as follows: Canada (Chair), Brazil, China, Congo, Dominican Republic, European Union, Gabon, Guinea, Indonesia, Israel, Kenya, Mexico, Namibia, Peru, Senegal, South Africa, United Republic of Tanzania, United Kingdom of Great Britain and Northern Ireland, United States of America, and Zimbabwe.

Later in the meeting, the Chair of the Standing Committee summarised the discussions of the working group, noting that consensus had not been achieved regarding the order in which proposals should be presented (least to most restrictive or vice versa) and on the discretion of the Chair to change the order of the proposals on an exceptional basis. The Chair laid out two possible options for a way forward: (1) for the Standing Committee to submit the suggested amendments to Rule 25.6 as presented in document SC74 Doc. 11.4 to CoP19, noting that no consensus was achieved on the order in which proposals should be presented (least to most restrictive or vice versa) and on the discretion of the Chair to change the order of the proposals on an exceptional basis, or (2) for the Standing Committee to submit all recommendations outlined in document SC74 Doc. 11.4 that were agreed at SC74 except for those where no consensus was achieved.

While Senegal (Committee Member for Africa), Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Israel (Committee Member for Europe), Canada (Committee Member for North America) and Australia (Committee Member for Oceania) supported option 1, China, Indonesia, and Kuwait (Committee Members for Asia), Peru (Committee Member for Central and South America and the Caribbean) and Namibia (Committee Member for Africa), supported option 2. Israel (Committee Member for Europe) called for a vote under Rule 15.1 of the Rules of Procedure of the Standing Committee which was supported by Senegal (Committee Member for Africa).

The Committee voted on a motion to submit to CoP19 the following amendments to Rule 25.6 of the Rules of Procedure of the Conference of the Parties (additions in underline text, deletions in ~~strikeout~~ text), noting that consensus had not been achieved on the order of the proposal and on the discretion of the Chair to change the order of the proposals on an exceptional basis (amendments lacking consensus indicated in **bold**):

#### Rule 25

6. If two or more proposals, including proposals amended in accordance with Rule 24, paragraph 2 or ~~and~~ proposals made in accordance with paragraph 5 of this Rule, relate to the same taxon, but are different in substance, the Chair shall so advise the Conference, clearly indicating the implications of the adoption of one proposal for the other(s), and should allow each of the proposals to be introduced prior to submitting any of them for discussion and decision. The Conference shall first decide on the proposal that will have the **least most** restrictive effect on the trade and then on the proposal with the next **least most** restrictive effect on the trade, and so on until all proposals have been submitted to decision. **However, the Chair may exceptionally propose a different order, if appropriate.** ~~If, in relation to the same taxon, when however~~ the adoption of one proposal necessarily implies the rejection of another proposal, the latter proposal shall nevertheless ~~not~~ be submitted to decision in relation to any remaining taxon.

The motion was approved by 8 votes in favor and 6 against.

Japan expressed regret that consensus had not been achieved and that the Standing Committee resorted to a vote.

#### 11.5 Selection of nominees for Committee Chairs ..... *No document*

The Secretariat introduced the agenda item. On 8 December 2020, the Standing Committee agreed by correspondence on a procedure for the selection of nominees; the details relating to the selection panel, deadline for submission of proposals and procedures were shared via Notification to the Parties No. 2021/058 of 4 October 2021. It was noted that Parties should make their proposals to the Panel through the CITES Secretary-General by 19 March 2022 at the latest. The selection panel will decide on nominees by 14 June 2022, after which the Secretary General will inform members of the Standing Committee of the selected nominees. Selected nominees will be formally confirmed at the 75th meeting of the Standing Committee in Panama City, Panama.

Israel (Committee Member for Europe) remarked that they had made recommendations for nominees in the past but had never received any feedback on nominations and encouraged the Secretariat to contact Parties that had submitted nominees with the outcome of the selection.

The Committee noted the oral update by the Secretariat.

11.6 CoP19 sponsored delegates.....SC74 Doc. 11.6

The Secretariat introduced document SC74 Doc. 11.6, observing that the CoP19 Sponsored Delegates Project had been launched on 1 October 2021 through Notification to the Parties No. 2021/057, with the aim to allow for funding for two representatives from eligible Parties. Interested Parties should apply by the end of April 2022. Initially, one representative per country will be financed, with a second person funded if the available funding allows. The Secretariat reminded the governments and organisations of the call for funding for the project, and further reminded any organisations funding participants directly of the need to tell the Secretariat so that details can be published ahead of the CoP to ensure transparency. The Secretariat acknowledged funding provided by Sweden to support representatives of Parties considered under Article XIII in attending SC74 and clarified that a sentence in the document to the contrary was inaccurate.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States) appreciated the Sponsored Delegates Project as it enables all Parties to engage with the CoP; the project was noted to benefit from funding from the EU and its Member States. Belgium acknowledged that the expansion of the Project to the Standing Committee would place a burden on the Secretariat and observed that, as the objectives of the Sponsored Delegates Project had not been attained, it was premature to extend it in this direction. Belgium urged recipient Parties to ensure that they attend with valid credentials and encouraged the Secretariat to monitor and publish this information.

Senegal (Committee Member for Africa) hoped that the Secretariat would be successful in achieving its funding goals and able to fund delegations, and thanked the Secretariat for its work in enabling all Parties to participate.

Israel (Committee Member for Europe) supported the document, stressing the importance of the Sponsored Delegates Project, but pointed out that, as established in Resolution Conf. 17.3, the project was to be funded entirely by external donors, including all staff time and administration, so should not be an extra burden on the Secretariat. The Secretariat responded that while extra staff should be financed by the Project, some of the organization and decisions required senior staff involvement, for which there was not enough funding in the project; this was considered to represent an administrative burden that could not be alleviated by recruitment.

The Committee noted document SC74 Doc. 11.6 and agreed to recommend to CoP19 to consider Decision 18.12 to be fully implemented.

12. Review of the ETIS programme: Report of the Secretariat..... SC74 Doc. 12

The Secretariat introduced document SC74 Doc. 12, providing the results of the review of the ETIS programme that was carried out based on the terms of reference agreed by the Standing Committee (SC70 SR) and Decision 18.18. The Secretariat thanked China and the Netherlands for financial support to conduct the review. It was noted that ETIS' overall performance was rated as 'satisfactory' based on the five assessment criteria used (strategic relevance, effectiveness, efficiency, sustainability, and impact), but that the report recommended that the MIKE and ETIS Technical Advisory Group (TAG) play a more active role in the identification of covariates, ensuring the applicability and appropriateness of data sources, and interpreting the outcomes of the cluster analysis. The Secretariat also highlighted the recommendation to strengthen the TAG with expertise in illegal trade, and the review's conclusion that, while the ETIS analysis could support decision making in the NIAP process, ETIS was not designed to determine causality nor to be a data-driven instrument to justify compliance activities. Finally, the Secretariat noted that the implementation of most of the review's recommendations would require further funding, and recommended the development of a costed action plan to achieve this to be discussed at CoP19.

Indonesia (Committee Member for Asia, speaking also on behalf of Malaysia) and Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States) expressed support for the document's recommendations and highlighted the importance of maintaining funding for the ETIS programme. Belgium suggested an edit to the suggested amendments to Resolution Conf. 11.17 (Rev. CoP18) to increase clarity. The United States of America expressed support for all of the document's recommendations except for the suggested change to align deadlines for annual illegal trade reports and ETIS reports, considering that delaying the deadline for the ETIS report to 31 October would have a negative impact on the ETIS analysis.

China (Committee Member for Asia) agreed in principle with the amendments proposed to paragraph 27 g) of Resolution Conf. 10.10 (Rev. CoP18) to facilitate exchange of data on seizures of elephant specimens between ETIS, the Secretariat and ICCWC partners. However, China emphasized that Parties concerned must be consulted before sharing the data in accordance with paragraph 4 of Resolution Conf. 11.17 (Rev. CoP18). Regarding the intention of the Secretariat to alleviate the workload of the Parties by combining the ETIS report with the annual illegal trade report, China noted that they considered it to be inappropriate for data contained in annual illegal reports to be shared with a third party such as ETIS, unless agreed to by the Parties concerned as provided for in paragraph 4 of Resolution Conf. 11.17 (Rev. CoP18). China therefore suggested that elephant data contained in annual illegal trade reports should only be shared with ETIS through the Secretariat, if the Party grants approval for the data to be shared. Finally, considering that 'trade' in the context of CITES means export, import, re-export and introduction from the sea, China considered that a requirement to submit national seizures was beyond the mandate of CITES. On the basis of these concerns, China suggested a series of edits to the proposed amendments to Resolution Conf. 10.10 (Rev. CoP18), Resolution Conf. 11.7 (Rev. CoP18). Japan agreed that requirements to submit data on domestic seizures were beyond the CITES mandate and voiced support for China's proposal to edit the proposed amendments to Resolution Conf. 10.10 (Rev. CoP18) in this regard.

Singapore considered that the review confirmed their concerns regarding ETIS methodology, including the cluster analysis, which Singapore considered to be subjective and based on unclear methodology. Singapore emphasized the importance of increasing transparency and clearly communicating any assumptions or limitations of the ETIS analysis to all Parties. Singapore suggested edits to the proposed amendments to Resolution Conf. 10.10 (Rev. CoP18), *inter alia* (1) to include relevant Parties in the review of statistical modelling and techniques used in the ETIS analysis, (2) to increase transparency of any changes to the subsidiary information held by TRAFFIC and its application to the ETIS analysis, and (3) to allow the Standing Committee an opportunity to review these changes.

Regarding the minimum data requirements to enable data entry of a seizure into ETIS outlined in section 2. of Annex 1 of Resolution Conf. 10.10 (Rev. CoP18), TRAFFIC suggested classifying the data categories into (a) the minimum information needed to allow a record to be included in the ETIS analysis; (b) additional trade information that informs modelling; and (c) optional information used contextually to understand illegal activity. TRAFFIC acknowledged concerns regarding ownership of data used in the analysis given the suggested amendments to Resolution Conf. 10.10 (Rev. CoP18) and noted that it had shared a suggested way forward with the Secretariat. Finally, while recognising that aligning deadlines for ETIS and illegal trade reports would reduce the reporting burden for Parties, TRAFFIC noted that this would significantly delay the ETIS trend analysis for a given year. TRAFFIC further noted that several of the review's recommendations had been addressed through the launch of ETIS Online, that other general recommendations to improve on the covariate methodology are being explored, and that it looks forward to work with the MIKE and ETIS TAG and the Secretariat to prioritize recommendations in an action plan for consideration by CoP19.

The World Wide Fund for Nature (WWF) considered that the report's recommendations would improve the operation, transparency and sustainability of the ETIS programme; however, the observer organisation highlighted that they did not consider the illegal trade report format nor its due date to be sufficient for ETIS reporting due to the specific objectives of the ETIS programme, and that ETIS require more detailed information to achieve these objectives. WWF noted the review score on sustainability of the programme, due to funding inconsistencies and that the Secretariat made proposals in document SC74 Doc. 13 to ensure funding for the next five years. It furthermore considers that ETIS should not be limited to include data only submitted by Parties and although further clarification relating to other sources of information informing the analysis is required, information from as many sources as possible should be considered. WWF also expressed support for Parties to supply information on domestic seizures in order to gain a full picture of illegal trade in ivory.

The Committee requested the MIKE and ETIS Subgroup meeting in the margins of the present meeting to consider the proposed amendments to Annex 3 to document SC74 Doc. 12 by China, the proposed changes to section 2 of Annex 4 by China, Singapore and TRAFFIC and to section 5 of Annex 4 by Singapore, the proposed amendments to Annex 5 by Belgium (on behalf of the EU) and China, the deadline for submission of seizure data; and to report later in the meeting.

The Committee requested the Secretariat, TRAFFIC and the MIKE-ETIS Technical Advisory Group, with oversight by the MIKE-ETIS Subgroup, to prioritize the recommendations in Annexes 1 and 2 and prepare a costed action plan for the implementation of prioritized recommendations, to be included in the report to CoP19.

The Committee requested the Secretariat to, based on the further work done as outlined above, draft recommendations as required by Decision 18.20 on behalf of the Committee and in consultation with the Standing Committee Chair, for consideration at CoP19.

Later in the meeting, Belgium, as Chair of the MIKE and ETIS Subgroup, introduced document SC74 Com. 5, containing the amendments to Annexes 3-5 of document SC74 Doc. 12 made in response to the comments raised by Committee Members, Parties and TRAFFIC. In addition, the Subgroup considered and agreed the nominations of global members to the MIKE-ETIS Technical Advisory Group (TAG) and noted the expert to be co-opted to the MIKE-ETIS TAG; the Subgroup also considered the clarification of data aggregates that appear on the ETIS pages of the CITES website to distinguish between Parties that had reported no seizures and those that had not reported.

Japan expressed concern with the decision of the MIKE and ETIS Subgroup to retain the text in paragraph 3 of the amended Annex 4, Section 2 of document SC74 Doc. 12, regarding the reporting on domestic level seizures, and suggested adding subparagraph h) of paragraph 2 of the guidelines on illegal trade reports to paragraph 3 Section 2 of amended Annex 4 to maintain consistency. The United States reiterated its concern, aligned with that of TRAFFIC, about the new deadline for ETIS reports, as it would delay the ETIS analysis and may negatively impact other CITES processes such as the National Ivory Action Plans that rely on ETIS data.

The Committee noted the concerns expressed by Parties and agreed the recommendations in document SC74 Com. 5 as follows:

The Committee agreed to submit to CoP19 the following amendment to paragraph 27 g) of Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens*:

27. g) *summaries and aggregates of data provided to MIKE and ETIS, and the analyses of such data, constitute information that will be considered to be in the public domain once they are published on the CITES website, or otherwise publicly distributed; the detailed data on individual seizure cases, elephant mortalities and law enforcement submitted to MIKE or ETIS are owned by the respective data providers, which in most case are the CITES Parties; any such data relating to a CITES Party will be accessible to that Party, and the members of the MIKE and ETIS Technical Advisory Group for information and review purposes, and the members of the International Consortium on Combating Wildlife Crime (ICWC) for global research and analysis, unless otherwise specified by the reporting Party, in accordance with paragraph 4 of Resolution Conf. 11.17 (Rev. CoP18) on National reports, but will not be released to any third party without the consent of the Party concerned; data may also be released to contractors (e.g. statisticians) or other researchers (e.g. MIKE ETIS Subgroup approved research collaborations) under appropriate nondisclosure agreements; and*

The Committee agreed to submit to CoP19 the proposed amendments to Annex 1 on *Monitoring illegal trade in ivory and other elephant specimens* to Resolution Conf. 10.10 (Rev. CoP18) contained in Annex 4 to document SC74 Doc. 12 with amendments in document SC74 Com. 5 as follows:

## **Annex 1 Monitoring illegal trade in ivory and other elephant specimens**

### **1. Introduction**

In order to monitor and record levels of illegal trade in ivory and other elephant specimens on a global basis, there is a need for a system to collect and compile law enforcement data on seizures and confiscations. At its 10th meeting, the Conference of the Parties recognized the Bad Ivory Database System (BIDS) established by TRAFFIC for this purpose in 1992.

Through further development and refinement, BIDS evolved into the Elephant Trade Information System (ETIS), which has been used to monitor the pattern and scale of illegal trade in ivory and other elephant specimens since 1998.

### **2. Data sScope**

ETIS is a comprehensive and global information system whose central feature is a database holding the details of law enforcement records for seizures or confiscations of elephant ivory and other elephant specimens which have been reported to occur since 1989. ~~ETIS also maintains a series of subsidiary~~

information on law enforcement effort and efficiency, rates of reporting, legal and illegal elephant product markets, governance issues, background economic data and other factors

The following data relating to seizures of elephant specimens will be collected by Parties and consolidated and analyzed by TRAFFIC in collaboration with the CITES Secretariat, and the MIKE-ETIS TAG:

Irrespective of whether the seizure was made at an international border, or at domestic level for example during the search of a private or business property or during inspections at domestic markets, the following data on all seizures for violations involving ivory and other elephant specimens are collected by TRAFFIC in collaboration with the CITES Secretariat:

a) Minimum information relating to each seizure that must be submitted to allow a record to be included in the trend analysis (information required to enable data entry of a seizure case into ETIS):

- i. source of information
- ii. date of seizure
- iii. agency responsible for seizure
- iv. country of seizure
- v. type of ivory and quantity
- vi. type and/or quantity of non-ivory elephant products

b) Additional trade route information, if available, that informs the modelling (~~optional information that is desirable to provide to assist in improving the understanding of the trade routes and means of transport used, methods of detection as well as the origin and destination of ivory and other elephant specimens~~):

- i. country of origin
- ii. country of export
- iii. country of transit
- iv. country of destination/import

c) Optional information that is used contextually to understand illegal activity (information that is desirable to provide to assist in improving the understanding of type of illegal activity, transport used, methods of detection and nationality of those involved in illegal trade of ivory and other elephant specimens):

- i. type of transaction
- ii. mode of transport
- iii. ~~modus operandi~~ method of detection
- iv. nationality of suspects

In addition to the seizure data, ETIS-TRAFFIC also maintains a series of subsidiary information, including on law enforcement effort and efficiency, rates of reporting, legal and illegal elephant product markets, governance issues, background economic data and other factors to enable and inform the statistical analysis and its interpretation. Upon consultation with the MIKE and ETIS Technical Advisory Group (TAG), the subsidiary data required for analysis and interpretation may be revised and updated, in collaboration with the CITES Secretariat, as necessary to improve the analysis and the resulting output and interpretation. Parties will be informed about the additional data elements to be added and its rationale through a Notification and on CITES website.

Parties should validate seizure data relating to their country through ETIS Online or in response to a Notification to be issued by the Secretariat on an annual basis prior to the analysis of the data. TRAFFIC will include seizure data relating to their country in the analysis unless the Party indicates through ETIS Online or within the timeframe as specified in the Notification that the data should not be included.

### 3. Methods Data governance

Data and information on illegal trade in elephant ivory and other elephant specimens will be collected by TRAFFIC in collaboration with the CITES Secretariat. In this regard, a standardized methodology has been developed for the collection of data, including, inter alia and to the extent known:

- source of information
- date of seizure
- agency responsible for seizure
- type of transaction
- country of seizure
- country of origin
- country of export
- country of destination/import
- type of ivory and quantity
- mode of transport
- modus operandi
- nationality of suspects

Standardized data are collected through a number of mechanisms and formats, including direct online data submission to the ETIS website, using the ETIS Data Collection Form for individual seizure cases or the ETIS Data Collection Spreadsheet for reporting multiple seizure cases at one time. Reporting on elephant product seizures or confiscations using other formats is also acceptable.

#### **a) Oversight and accountability**

The CITES Secretariat is responsible for data governance, in consultation with TRAFFIC. An agreement between the Secretariat and TRAFFIC will formalize the matters associated with data governance as provided for in this Resolution. Data governance will address sensitive and non-sensitive information collected and the use of this data and information, taking into consideration paragraph 27 g) of the Resolution. Information relating to governance will be made available on the ETIS Online system and the CITES website. Roles, responsibilities and accountability of data owners and stewards for all ETIS data are set out below.

#### **b) Data ownership**

The detailed data on individual seizure cases submitted to ETIS are owned by the respective CITES Parties. Each Party has data ownership accountability over the data submitted by the Party. The CITES Secretariat has data ownership accountability for all other data/information/measures used by TRAFFIC in the ETIS analysis. Data owners are accountable for the quality and integrity of their own data; however, the day-to-day data management activities may be delegated to the data stewards (CITES Secretariat and TRAFFIC).

#### **c) Data stewardship**

Data stewardship is the management of data and information, including content and metadata, on behalf of the data owners to ensure high quality data, required controls and data integrity in accordance with the data scope. The CITES Secretariat is the primary data steward of all ETIS data; all data management responsibilities are delegated to TRAFFIC in terms of the agreement referred to in paragraph 3 a) above.

### **4. Data collection and compilation**

The MIKE and ETIS Technical Advisory Group (TAG) will support the development and implementation of ETIS. ETIS will be managed and coordinated by TRAFFIC in consultation with the TAG and in collaboration with the CITES Secretariat.

All Parties, through their CITES Management Authorities, following liaisons with appropriate law enforcement agencies, should provide information on seizures and confiscations of ivory or other elephant specimens in the prescribed formats, either to the Secretariat or directly to TRAFFIC within 90 days of their occurrence or by 31 October each year for the submission of data covering seizures in the preceding year. In addition, law enforcement agencies in States not-party to the Convention are invited to provide similar information.

TRAFFIC will assist the Parties in collecting data, ensuring data quality and consistency, and providing tools and training in data collection, data utilization and information management to designated officials around the world as appropriate.

Standardized data for ETIS will be collected through several mechanisms and formats, including direct online data submission to the ETIS website, using the ETIS Data Collection Form for individual seizure cases or the ETIS Data Collection Excel template for reporting multiple seizure cases at one time. Reporting on elephant specimen seizures or confiscations using the CITES annual illegal trade report is acceptable, but other formats are not recommended.

## 5. Information, data analysis and interpretation

Information generated by ETIS is hereby defined as the outcomes and outputs of ETIS data analysis, including summaries and aggregates in different forms, trends and other analytical presentations, and the relationships and factors which comprise underlying trade dynamics.

~~Data is hereby defined as the facts gathered through ETIS processes on individual seizures, including those collected using the CITES 'Ivory and elephant product data collection form' or other mechanisms used for obtaining elephant product seizure data. It also includes data that is part of the subsidiary databases within ETIS, and any other data that have been primarily collected under ETIS auspices to facilitate ETIS analyses.~~

The analysis and interpretation of data will be coordinated by TRAFFIC in association with the CITES Secretariat and MIKE (see Annex 2), and in consultation with the relevant Parties and the TAG. The statistical methodology, underlying code and supporting documentation, including how data is processed, bias-adjusted and then used in the ETIS analysis, will be made available to all Parties. The statistical modelling and techniques will be reviewed and refined as deemed necessary by the TAG, TRAFFIC and the CITES Secretariat, and submitted to the MIKE-ETIS Subgroup of the Standing Committee for consideration.

## 6. Intersessional remedial action

In the event that there is a need for urgent intersessional action, TRAFFIC will report as appropriate to the Standing Committee via the Secretariat.

## 7. Funding

Regular funding should be secured ~~A funding mechanism will be established to ensure that ETIS is fully operational~~ can meet minimum operational requirements to deliver on the objectives in paragraph 27 a) of the Resolution.

The Committee agreed to submit to CoP19 the following amendment to paragraph 4 of Resolution Conf. 11.17 (Rev. CoP18) on *National reports*:

4. *AGREES that, unless otherwise specified by the reporting Party, data collected in the annual illegal trade report and included in the database should be made available to Parties for research and analysis of wildlife and forest crime as it affects them, and to the members of the International Consortium on Combating Wildlife Crime (ICWC) for ICWC global research and analysis studies on wildlife and forest crime, and any data related to seizures of ~~an~~ elephant specimens seized (as prepared by the Secretariat) to ETIS to support the monitoring the illegal trade in ivory and other elephant specimens as provided for in Resolution Conf. 10.10 (Rev. CoP18);*

The Committee agreed that the deadline for submission of ETIS data should be 31 October.

The Committee approved the nomination of Ms Lucy Vigne and Mr Steven Broad as new global members of the MIKE and ETIS TAG and noted that Dr Jennifer Mailley will be co-opted as a technical expert.

The Committee requested TRAFFIC and the Secretariat to clarify the data aggregates that appear as zero on the ETIS page on the CITES website to distinguish between a country that reported to ETIS that no seizures of elephant specimens occurred and a country that did not report to ETIS.

Japan noted the concluding remarks and emphasized that it would seek further discussion on reporting of domestic-level seizures in the context of the CoP and would submit its reports according to the existing guidelines in the meantime.

13. MIKE and ETIS programmes: Report of the Secretariat..... SC74 Doc. 13

The Secretariat introduced document SC74 Doc. 13. It was noted that while Decision 18.21 directed the Secretariat to develop a proposal on possible approaches to address the financial and operational sustainability of both the MIKE and ETIS programmes, this document concentrated on MIKE as the financial sustainability of the ETIS programme was covered by the Review of the ETIS Programme. The document was noted to contain an outline of the MIKE Programme's objectives; the reporting responsibilities and role of the Secretariat; the resources required by the Secretariat to continue supporting MIKE implementation; and the approaches implemented by the Secretariat to enhance operational sustainability, including funding diversification options. The Secretariat emphasized that long term support would be needed to ensure the continuation of these programmes and thanked the European Union as the main multi-year donor to the MIKE programme.

TRAFFIC emphasized the urgent need to increase staffing levels for the ETIS programme to be able to sustain added responsibilities such as the ETIS Online system. The observer organisation noted that while it had secured funding over the years to deliver on ETIS objectives, most of this funding had been short term, and as a result large amounts of staff time had had to be devoted to grant applications. TRAFFIC drew attention to the Review of the ETIS Programme's finding that funding inconsistency and uncertainty was an impediment to advancing towards the ETIS objectives.

The Committee:

- a) noted that three multi-year projects managed by the Secretariat in support of the MIKE programme will come to an end in 2023 (European Union-funded CRWCP project in Africa), 2024 (European Union-funded MIKES+ project in Africa) and 2023 (US-funded project in Southeast Asia);
- b) noted that the Secretariat has not been able to secure funds to support MIKE implementation in south Asia;
- c) noted and supported the approaches that the Secretariat proposes in paragraph 36 of document SC74 Doc. 13 to address the financial and operational sustainability of the MIKE programme;
- d) requested the Secretariat to provide a report to the 77th meeting of the Standing Committee on the resources secured to support the implementation of the MIKE programme in Africa and Asia, with any relevant recommendations in this regard;
- e) encouraged donors and Parties to provide funds to the Secretariat to support MIKE implementation in Africa and Asia; and
- f) agreed to submit to CoP19 the following draft decisions:

**19.AA Directed to the Parties**

All Parties, governmental, intergovernmental, non-governmental organizations, donors and other entities are encouraged to support elephant range States and the Secretariat in their efforts to implement the MIKE and ETIS programmes as mandated in Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens*, and the Secretariat in the implementation of Decision 19.BB.

**19.BB Directed to the Secretariat**

The Secretariat shall

- a) pursue the following approaches to address the financial and operational sustainability of the MIKE programme:
  - i) prepare proposals for support to the MIKE programme for consideration by donors;
  - ii) further explore alternative options to secure support from alternative funding sources, such as the private sector and through crowdfunding; and
  - iii) continue to enhance operational performances, including improvements to the MIKE Online Database and online training, and identifying and implementing cost-effective approaches to deliver on MIKE objectives; and

- b) provide the Standing Committee with a report on the activities it has undertaken and the results thereof, including funding secured to support the implementation of the MIKE and ETIS programmes.

#### **19.CC Directed to the Standing Committee**

The Standing Committee shall review the report by the Secretariat in terms of Decision 19.BB and make recommendations, as appropriate, for consideration at the 20th meeting of the Conference of Parties.

#### 14. Tree Species Programme: Report of the Secretariat..... SC74 Doc. 14

The Secretariat introduced document SC74 Doc. 14, containing a progress update on seventeen projects undertaken as part of the CITES Tree Species Programme (CTSP). The Secretariat noted that final reports on these projects will be made available on the CITES website, and that identification materials for trees and timber will be included in the new repository of identification materials to be hosted by the CITES Virtual College. Noting that the current phase of the programme is coming to an end, the Secretariat further noted that it had started discussions with the International Tropical Timber Organisation (ITTO) and other potential partners regarding continuation of the programme, and that it welcomed interest from donors in this respect. Finally, the Secretariat thanked ITTO for its support of the CTSP and the European Union for its funding of the programme.

China and Indonesia (Committee Members for Asia), Canada (Committee Member for North America), Australia (Committee Member for Oceania), Peru (speaking on behalf of Nicaragua), Brazil, the European Union, Kenya, and the United States of America recognised the success of the CTSP and expressed support for the programme's continuation.

Canada proposed minor editorial amendments to draft decision 19.BB paragraph b), and Australia proposed an amendment to draft decision 19.BB paragraph a) to ensure that the capacity-building programme on the implementation of CITES for tree species included in the Appendices covers all six CITES regions. Canada also urged that capacity building programmes developed using lessons learned from the implementation of the CTSP be integrated into existing CITES capacity building initiatives.

ITTO, which has been assisting the Secretariat in its implementation of the CITES Tree Programme since its inception, noted that they looked forward to increasing collaboration with the Convention to ensure tree listings are effectively implemented. The Species Survival Network congratulated all of the programme's participants, noting that the CTSP had been implemented in an exemplary manner with excellent results, and calling on donors to ensure the programme's continuation.

The Committee noted the Secretariat's progress report in document SC74 Doc. 14 and its annexes provided under Decision 18.17, paragraph b) and the support by the Plants Committee for the further implementation of the programme as set out in paragraph 11 of document SC74 Doc. 14.

The Committee invited the Secretariat to take into account the guidance provided by the Standing Committee and observer Parties in preparation for its report to CoP19, including the following amendments to the draft decisions in document SC74 Doc. 14:

#### ***Directed to the Parties***

- 19.AA Parties are invited to provide financial and in-kind support for the continuation of a capacity-building programme that provides long-term support to Parties on their implementation of the Convention for CITES-listed tree species.

#### ***Directed to the Secretariat***

- 19.BB The Secretariat shall bring to the attention of the Plants Committee relevant technical and scientific results of the CITES Tree Species Programme (CTSP) and, subject to external funding:
  - a) develop and implement a capacity-building programme across all six regions on the implementation of CITES for tree species included in the Appendices based on the lessons learned of the CTSP;

- b) seek advice and guidance from the Plants and Standing Committees, as needed where required;
- c) continue cooperation with organizations working on forest related matters, such as the International Tropical Timber Organization (ITTO) and other members of the Collaborative Partnership on Forests (CPF), to strengthen the support to Parties for implementing the Convention for listed tree species; and
- d) report on the implementation of this Decision at the 20th meeting of the Conference of the Parties.

### Strategic matters

#### 15. Towards a resolution on CITES and forests ..... SC74 Doc. 15

The Secretariat introduced document SC74 Doc. 15, which sets out the two options retained by the Plants Committee for progressing the development of a resolution on CITES and forests. The Secretariat noted its support for Option 1 (for the draft resolution on CITES and forests prepared by the Secretariat to be submitted for consideration at CoP19), which was considered to be most coherent with the need to urgently act upon the objectives set out in the draft resolution.

Parties underscored the importance of forests and work being done to ensure sustainable trade in tree species. While Peru (Committee Member for Central and South America and the Caribbean), Argentina, and the European Union expressed support for Option 1, China and Indonesia (Committee Members for Asia), Senegal and Congo (Committee Members for Africa), Brazil, Japan, Switzerland, and the United Republic of Tanzania expressed support for Option 2 (putting forward the two draft decisions agreed by the Plants Committee at PC25 intended to further consider the benefits of pursuing a resolution on CITES and forests, and reviewing existing Resolutions in this regard between CoP19 and CoP20).

The United States of America supported CITES' involvement in the Collaborative Partnership on Forests and the Collaborative Partnership on Sustainable Wildlife Management but noted that they wished to better understand how a resolution on CITES and Forests would add strategic value to the way CITES addresses forest issues. The Party agreed that it was premature to submit the draft resolution contained in Annex 1 of the document to CoP19 and drew attention to the contents of document SC74 Inf. 21 submitted by Canada on behalf of the North American region, which sets out a third proposed way forward involving revised draft decisions which would replace those presented in Options 1 and 2 in document SC74 Doc. 15. It was explained that these Decisions would support work on issues that are central to CITES' core functions, while allowing time for the CITES Scientific Committees to further consider the value of a new resolution that may have important technical implications; however, should there be insufficient support for this new option, the United States of America noted its preference for Option 2. Echoed by Australia (Committee Member for Oceania), Israel (Committee Member for Europe), Senegal, Congo, and Switzerland, the United States of America emphasized the importance of allowing the Plants Committee the opportunity to review the draft text of the proposed resolution. Noting that forest loss was a pressing issue as referenced by the *Glasgow Leader's Declaration on Forest and Land Use*, the United Kingdom of Great Britain and Northern Ireland expressed support for the suite of Decisions proposed by the North American region in document SC74 Inf. 21; this support was echoed by Australia and Argentina.

Nigeria noted that the West African region already had a number of Decisions regarding logging to implement, some of which they did not have the capacity to undertake; as such they questioned whether a resolution on CITES and forests would be the best way forward. Nigeria instead expressed a preference for the establishment of a Timber Task Force to strengthen implementation of timber listings in West Africa and reduce trafficking.

The Committee noted the importance of forests and of trade in tree species and agreed that it was premature to submit a resolution on CITES and forests. The Committee recommended that the Secretariat submit draft decisions to the Conference of the Parties that would ensure that the Plants and Standing Committees are involved in the development of any resolution on CITES and forests. The Committee further recommended that the Secretariat consider the points raised by Canada on behalf of the North American region in information document S74 Inf. 21, including activities it could implement during the intersessional period after CoP19 in working towards a resolution.

16. Role of CITES in reducing risk of future zoonotic disease emergence associated with international wildlife trade: Report of the working group..... SC74 Doc. 16

As Chair of the working group on the role of CITES in reducing risk of future zoonotic disease emergence associated with international wildlife trade, Canada introduced document SC74 Doc. 16, which presented outcomes of the deliberations of the working group. Canada noted that the recommendations of the working group and the proposed decisions aim to be legally viable; be able to demonstrate success on the ground; fall within the CITES mandate and align with the aim of the Convention; avoid duplication of existing efforts or initiatives; be commensurate to the result (“worth the effort”); and be practical and feasible. Key points were noted to include the importance of collaboration and the need for Parties to have practical guidance, particularly regarding the transport of live animals.

Congo (Committee Member for Africa), Senegal (Acting member for Africa), Indonesia (Committee Member for Asia), Peru (Committee Member for Central America and the Caribbean), Canada (Committee Member for North America), Australia (Committee Member for Oceania), the European Union, Kenya, Mexico, and the United States of America expressed support for the recommendations of the working group.

Ethiopia (Committee Member for Africa), Israel (Committee Member for Europe), the European Union and Canada each suggested amendments to the document’s recommendations. Noting challenges regarding attitudes towards wildlife following the COVID-19 pandemic, Ethiopia suggested that an additional draft decision was needed asking the Secretariat to help Parties raise awareness of the value of wildlife were another pandemic to arise. Israel proposed that a new draft decision be added directing Parties to make use of the guidance issued by the World Organisation for Animal Health (OIE), the World Health Organisation (WHO) and UNEP titled *Reducing public health risks associated with the sale of live wild animals of mammalian species in traditional food markets*. The European Union proposed edits to the draft amendments to Resolution Conf. 10.21 (Rev. CoP16) on *Transport of Live Specimens* to strengthen cooperation with OIE, WHO and the Food and Agriculture Organisation (FAO) and to stress the incorporation into guidance of evidence-based measures. Lastly, Canada considered the scope of draft decision 19.za to be too broad, and suggested edits to focus the information requested by the Notification to the Parties to specific measures taken to mitigate risk of pathogen spillover from international wildlife trade.

Congo noted its agreement with the urgency of action outlined in the guidance issued by OIE, WHO and UNEP to mitigate risk to public health associated with the sale of wildlife specimens, recalling the recommendation contained in this guidance to suspend trade in live caught wild animals of mammalian species for food or breeding purposes, and close sections of food markets selling live caught wild animals of mammalian species as an emergency measure unless demonstrable effective regulations and adequate risk assessment(s) are in place. However, Japan did not consider the guidance issued by the OIE, WHO and UNEP to cover issues within the mandate of CITES, noting that its focus was on traditional markets.

Nigeria and Gabon supported the proposal in draft decisions 19.zh and 19.zi to develop a new resolution to outline CITES’ contribution to advancing a ‘One Health’ approach, but expressed a wish for CITES to demonstrate greater urgency on this matter by working to adopt such a resolution at CoP19 instead of CoP20. The United States of America echoed these comments and expressed support for the European Union and Canada’s amendments to the draft decisions and draft amendments to Resolution Conf. 10.21 (Rev. CoP16). They additionally suggested (1) that the results from the Notification to the Parties requesting Parties to identify and describe any measures to reduce zoonotic risk be made available on the CITES website; (2) to add a new draft decision for the Animals and Plants Committees to collaborate with IATA to review, revise and recommend updates to guidance on the transport of live animals; (3) noting that many Parties struggle to implement transport requirements, add a new draft decision recommending the Standing Committee to consider the merit of holding a workshop to share best practices relating to live animal transport; (4) noting that the *IATA Live Animals Regulations* are expensive to access, add a new draft decision for the Secretariat (in consultation with IATA and the Standing Committee) to evaluate options to ensure that all relevant national authorities have ready access to these regulations; and (5) recognising that international transactions in live animals will involve domestic transport before and after the international phase of the transaction, adding an additional proposed amendment to Resolution Conf. 10.21 (Rev CoP16) that encourages Parties to consider applying same standards applied to international transport in live specimens of CITES-listed species to domestic transport of these species.

Senegal (supported by Israel and Nigeria) highlighted the importance of practical guidance for those on the front-line handling animals linked to wildlife crime, as well as the importance of directing technical support to countries where this was most needed. Senegal additionally noted that ECOWAS members from the West African economic community were engaged in One Health issues, with zoonoses considered to be a priority.

The World Organisation for Animal Health expressed its support for draft decisions 19.zb, 19. zd and 18.zf regarding collaboration with OIE, noting that if agreed at CoP19 the existing cooperation agreement between OIE and CITES would need to be updated.

The Convention on Migratory Species highlighted that its Scientific Council had agreed on the need to reactivate the CMS working group on migratory species and health, noting that this may be an area of synergy for the two Conventions to collaborate on.

The ASEAN Centre for Biodiversity emphasized the importance of global and regional partnerships to reduce the risk of zoonotic disease emergence associated with wildlife trade (especially via the illegal wildlife trade), and the need to integrate biodiversity into One Health approaches.

IWMC-World Conservation Trust argued that considerations around zoonotic disease risk were beyond the mandate of the Convention and distracted the Convention from its main purpose to conserve species; they therefore questioned the value of maintaining this item on the CITES agenda. The Pet Industry Joint Advisory Council (speaking also on behalf of IWMC-World Conservation Trust, Safari Club International, Safari Club International Foundation, Sustainable Use Coalition- South Africa, the Fur Institute of Canada, and the International Fur Foundation) echoed these concerns, highlighting that the CITES already struggles with time and funding to address its current workload.

The Wildlife Conservation Society (on behalf also of Animal Advocacy and Protection (AAP), Animal Welfare Institute, Association of Zoos and Aquariums (AZA), Animal Welfare Institute, Born Free USA, Born Free Foundation, David Shepherd Wildlife Foundation, EIA, Eurogroup for Animals, Fondation Franz Weber, Humane Society International, Center for Biological Diversity, IFAW, Lewis & Clark-Global Law Alliance for Animals and the Environment, Natural Resources Defence Council, Pan African Sanctuary Alliance, Pro Wildlife, SSN, and the World Resources Institute) expressed support for the comments made by Gabon, Congo, Israel and Nigeria, noting that it was vital that prevention at source (particularly of pathogen spillover from wildlife) of the next outbreak, epidemic, or pandemic of zoonotic origin be addressed at the national as well as multilateral levels. These observer organisations expressed support for the recommendations in document SC74 Doc .16 but did not support the proposal to amend decision 19.za, noting that they considered it to be useful for Parties to understand domestic measures in place to reduce zoonotic risk as well as those in place for international trade. While recognising that there are knowledge gaps and that more information and data are needed, the observer organisations highlighted that the extensive scientific information and peer-reviewed data now available are clear on what is needed to prevent the next pandemic of zoonotic origin, particularly in terms of commercial trade in live and freshly slaughtered wild birds and mammals. In this respect the organisations also drew attention to the guidance produced by WHO, OIE, and UNEP in April 2021 on *Reducing public health risks associated with the sale of live wild animals of mammalian species in traditional food markets*. Lastly these organisations encouraged Parties to engage at national level with the negotiating process to develop an international instrument on pandemic prevention, preparedness, and response.

The Committee agreed to submit the following draft decisions to CoP19 amended as follows:

***Directed to the Secretariat***

- 19.za The Secretariat shall issue a Notification to the Parties, requesting Parties to identify and describe any new or existing domestic measures, or stricter domestic measures on in-transit shipments, imports and (re-) exports, on live wildlife trade or markets that contribute to mitigate the risk of pathogen spillover from international wildlife trade, and for what purposes they have adopted such measures; and make the results available on the CITES website as a compilation of responses that could be useful to other Parties, as well as to the Animals Committee and the Standing Committee for their information and consideration in undertaking Decisions 19.zd and 19.zf.
- 19.zb The Secretariat shall, in line with the cooperation agreement between the CITES Secretariat and the OIE, work with the OIE and its Wildlife Working Group, including through the new *Ad Hoc Working Group on Reducing the Risk of Disease Spillover in Wildlife Markets and along the Wildlife Supply Chain*, in order to, *inter alia*, develop a joint program of work to collaboratively help fill knowledge gaps and identify effective and practical solutions for reducing pathogen spillover risk in wildlife supply chains. In undertaking this work, the Secretariat shall seek the views of the Animals and Standing Committee on the joint program of work, through their Chairs, and report on the progress of the development and implementation of the joint program of work to the Animals Committee, the Standing

Committee and the 20th meeting of the Conference of the Parties. The Secretariat shall also review its Cooperation Agreement with OIE to identify any necessary updates to reflect guidance provided by the Animals and Standing Committees.

- 19.zc The Secretariat shall prepare a report summarizing existing activities or formal agreements with other entities (such as, among others, FAO, WHO and ICCWC) as well as possible emerging opportunities, and identify opportunities for additional practical collaboration towards reducing the risk of pathogen spillover or zoonotic disease transmission in international wildlife trade supply chains for consideration by the Animals Committee and the Standing Committee.

***Directed to the Animals Committee***

- 19.zd The Animals Committee shall review the report of the Secretariat on its implementation of Decision 19.zb and make recommendations to the Standing Committee, including on priorities for the joint program of work and taking into the consideration the responses to the Notification prepared under Decision 19.za.
- 19.ze The Animals Committee shall review the report of the Secretariat under Decision 19.zc and make recommendations to the Standing Committee on opportunities for practical collaboration under the direction of existing Resolutions, Decisions or agreements.

***Directed to the Standing Committee***

- 19.zf The Standing Committee shall review the report of the Secretariat on the implementation of Decision 19.zb, taking into account the recommendations of the Animals Committee, and make its own recommendations, including on priorities for the joint program of work and taking into consideration the responses to the Notification prepared under Decision 19.za.
- 19.zg The Standing Committee shall review the report of the Secretariat under Decision 19.zc taking into account the recommendations of the Animals Committee, and make recommendations on opportunities for practical collaboration under the direction of existing Resolutions, Decisions or agreements.

***Directed to the Standing Committee***

- 19.zh The Standing Committee shall, in consultation with the Animals and Plants Committees, consider the development of a Resolution on actions CITES Parties and others could take to advance a 'One Health' approach as it pertains to international wildlife trade, and provide its recommendations, which may be in the form of a new draft Resolution, to the 20<sup>th</sup> meeting of the Conference of the Parties. In developing any resolution, the Standing Committee may consider, *inter alia*, encouraging Parties to undertake actions that would improve monitoring and reduce the risk of pathogen spillover along international wildlife trade supply chains; encouraging or enhancing collaboration with national wildlife and human health authorities to minimize and mitigate the risk of disease transmission; providing instructions to the CITES Committees or Secretariat to collaborate with relevant agencies and instruments to strengthen the consideration of wildlife health and international wildlife trade in a 'One Health' approach; and contributing their expertise in discussions on the development of an international instrument on pandemic prevention, preparedness and response.

***Directed to the Animals and Plants Committee***

- 19.zi The Animals and Plants Committee shall consider scientific elements that could be included in a possible Resolution on actions CITES Parties and others could take to advance a 'One Health' approach as it pertains to international wildlife trade, and provide its recommendations to the Standing Committee.

The Committee agreed to submit the following amendments to Resolution Conf. 10.21 (Rev. CoP16) on *Transport of live specimens* to CoP19 amended as follows:

2. RECOMMENDS that:

[...]

- e) the Standing Committee and the Secretariat, in consultation with the Animals and Plants Committees and IATA, regularly review, revise and approve amendments to the CITES guidelines for the non-air transport of live animals and plants, including recommending, in consultation with the World Organization for Animal Health, the World Health Organization and the Food and Agriculture Organization of the United Nations, any appropriate updates to include evidence-based measures to mitigate risks to animal and human health posed by international trade in CITES-listed species;
3. DIRECTS the Standing Committee and the Animals and Plants Committees, in consultation with the Secretariat:

[...]

- c) to review and recommend any appropriate updates to the IATA Live Animals Regulations to incorporate evidence-based measures to mitigate risks to animal and human health posed by international trade in CITES-listed species;

The Chair invited Parties that had made other specific suggestions for changes to the text to raise these matters at CoP19.

## 17. CITES Strategic Vision: 2021-2030

### 17.1 Report of the working group..... SC74 Doc. 17.1

The Chair of the Standing Committee’s working group on Strategic Vision (Georgia) introduced document SC74 Doc. 17.1, which proposes new or revised indicators of progress to be included in the *CITES Strategic Vision 2021-2030*. These indicators were reviewed by the working group in terms of adequacy, measurability, and sufficiency. It was noted that the working group had not had the opportunity to fully discuss all indicators, and that it would be preferable for indicators to be adopted at the same time as the objectives of the Strategic Vision.

Canada (Committee Member for North America) expressed support for the review of indicators contained in the document, noting that this had contributed substantially to the development of proposed indicators for the new Strategic Vision to be presented at CoP19. The United Kingdom of Great Britain and Northern Ireland asked whether there would be opportunity for the working group to address some remaining comments before the document deadline for CoP19; the Chair explained that this would not be possible due to time constraints but that there would be opportunity for further discussion at the CoP.

The Committee agreed to submit the potential indicators for the *CITES Strategic Vision: 2021-2030* presented in the Annex to document SC74 Doc. 17.1 to the Conference of the Parties at its 19th meeting (CoP19).

### 17.2 Report of the Secretariat ..... SC74 Doc. 17.2

The Secretariat introduced document SC74 Doc. 17.2, containing in its Annexes the CITES Strategic Vision 2021-2030 objectives mapped against the 2030 Sustainable Development Goals; the CITES Strategic Vision’s objectives against valid CITES Resolutions and Decisions as amended by the Animals and Plants Committees; and a list of reporting requirements. The Secretariat noted that the mapping could not include the post-2020 Global Biodiversity Framework as this has not yet been adopted.

Canada (Committee Member for North America) expressed support for the Secretariat to undertake an analysis to illustrate the linkages between the CITES Strategic Vision 2021-2030 and the post-2020 Global Biodiversity Framework, but suggested amendments to the suite of draft decisions contained in document SC74 Doc. 17.2 to ensure the involvement of the Animals and Plants Committees in this process. The European Union suggested similar amendments to the draft decisions to allow input from the Animals and Plants Committee Chairs, and to include additional text in draft decision 19.AA directing the Secretariat to make recommendations for additional actions that may be deemed appropriate based on the results of the review, for review by the Standing Committee.

The Convention on Biological Diversity welcomed the CITES Strategic Vision 2021-2030 and ongoing efforts to ensure complementarity between biodiversity Multilateral Environmental Agreements, noting that the identification of synergies will be key to ensuring the transformational change needed to safeguard nature.

The Committee agreed to propose the deletion of Decision 18.24 and the submission of the following draft decisions to CoP19:

***Directed to the Secretariat***

19.AA The Secretariat shall undertake a comparative analysis in order to illustrate the linkages between the CITES Strategic Vision 2021-2030 and highlight areas of alignment with the post-2020 Global Biodiversity Framework, as a starting point for an assessment of how CITES can contribute to the implementation of the Global Biodiversity Framework and its monitoring framework; make recommendations for additional actions as appropriate; and present its analysis to the Animals and Plants Committees, followed by the Standing Committee.

***Directed to the Animals and Plants Committees***

19.BB The Animals and Plants Committees shall review the information provided by the Secretariat under Decision 19.AA, and make further recommendations to the Standing Committee.

***Directed to the Standing Committee***

19.BBCC The Standing Committee shall review the comments and recommendations provided by the Animals and Plants Committees and the information provided by the Secretariat under Decisions 19.AA and 19.BB, and make recommendations to the 20th meeting of the Conference of the Parties.

18. Review of the Convention ..... SC74 Doc. 18

The Secretariat introduced document SC74 Doc. 18, presenting some background information in order to support the implementation of Decision 18.27 that directs the Standing Committee to “consider the need for a targeted review of the implementation of the Convention.” The document contained the following information: a) a summary of what led to the 1996 “Study on how to improve the effectiveness of CITES” and of how the recommendations of the study were implemented; b) an overview of existing CITES review mechanisms, highlighting what they cover and do not cover; and c) a short presentation of what a possible targeted review could contain. The necessary budget was estimated at USD 100 000-300 000.

Senegal (Committee Member for Africa) supported the study, while Canada (Committee Member for North America) and the United States of America expressed potential support for a targeted review only if it focused on the key questions identified in SC74 Doc. 18, with the United States particularly highlighting the question about the degree to which challenges were recognised by Parties and used to request support. Canada recommended that the Standing Committee further refines the issues and the approach to be taken, including a costed programme, defined anticipated outcomes, and provisions for contributions by the Scientific Committees. The United States proposed textual amendments to the draft decisions modifying Decision 18.27, and suggested that the resulting review could potentially feed into the capacity building framework tool suggested in SC74 Doc. 22.

Australia (Committee Member for Oceania), echoed by Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), China (Committee Member for Asia), Indonesia (Committee Member for Asia) and Peru (Committee Member for Central and South American and the Caribbean region), Japan, and Nigeria, did not support the review; however, Australia noted that they would not oppose a targeted review in an intersessional process if Parties so wished. Australia, China, Japan, and Peru considered that the Strategic Vision and existing mechanisms already provided some review. Belgium expressed concerns about the proposed review topics as either overlapping with the existing mechanisms, or being too broad in nature and with methodological issues, leading to questions around the usefulness of the results to inform decision-making. Belgium, China, Indonesia, Japan, and Nigeria also cited concerns around the additional burden this would place on the CoP, Parties, and the Secretariat. Indonesia and Japan stressed that any cost of a review should be covered by external funds. Australia, Belgium, and Nigeria

further considered that funding should be better directed to areas which already lacked funding, and efforts directed to supporting Parties with existing mechanisms and capacity building, particularly with a number of CITES Decisions that were not being fulfilled, such as those aimed at the West African region. China suggested that discussions focus on how to improve existing mechanisms if they had limits, rather than proposing new mechanisms.

The Wildlife Conservation Society, also speaking on behalf of the National Resources Defence Council, similarly did not support a review, considering that aspects in paragraph 16 of document SC74 Doc. 18 presented methodological problems which might lead to inaccurate conclusions on the effect of CITES on species decline. They recommended the review be put on hold until precise questions were identified and also highlighted the financial and capacity implications of such a study, supporting increased capacity building instead. Pro Wildlife (speaking also on behalf of Animal Advocacy and Prevention, the Animal Welfare Institute, Born Free Foundation, Center for Biological Diversity, David Shepherd Wildlife Foundation, Defenders of Wildlife, Eurogroup for Animals, Fondation Franz Weber, Humane Society International, International Fund for Animal Welfare, Law of the Wild, Natural Resources Defense Council, Pan African Sanctuary Alliance and Species Survival Network) echoed the lack of need for such a study, noting the existing review processes and that a number of decisions were already hampered by lack of funding. They also reflected that some questions raised in the document were broader than the targeted review of the implementation of the Convention mandated by the original Decision. Should a review be agreed, they suggested that the focus should be on issues such as zoonotic disease, climate change and biodiversity and habitat loss.

The Committee agreed that there was no need for a targeted review of the implementation of the Convention at this time, in consideration of the cost implications of such a targeted review and of the existence of other review mechanisms already agreed by the Conference of the Parties.

19. Language strategy for the Convention..... SC74 Doc. 19 (Rev. 1)

The Committee noted that the Finance and Budget Subcommittee was considering this agenda item and would present its recommendations later in the meeting.

The Secretariat introduced document SC74 Doc. 19 (Rev. 1), which includes the administrative and cost implications for the Secretariat of adding Arabic, Chinese and Russian as working languages of the Convention; an overview of the benefits and challenges for CITES Parties of adding these languages; a proposed strategy to identify which key documents would need to be translated to improve the implementation of the Convention; and an option that focuses on the provision of language services in Arabic, Chinese and Russian only during meetings of the Conference of the Parties. Three options were costed in the document: 1) full operation in the three additional languages, estimated cost of USD4.6 million per triennium; 2) an incremental strategy, translating the key documents for the work of the national authorities, estimated at USD161,000 from the core trust fund; 3) provision of languages services at the CoP only, including translating all work documents and in-session documents as well as interpretation, estimated cost of USD700,000 per CoP. The Secretariat reported that the Financial and Budget Subcommittee had invited representatives from China and Russia to attend relevant FBSC meetings to discuss the document, and further review of the document by the FBSC had taken place in the margins of SC74.

The Acting Chair of the FBSC (Switzerland) reported on the outcomes of the discussions surrounding the language strategy for the Convention at the meetings; they noted that no Parties contested that multilingualism was beneficial, but concerns centred around the costs, and no conclusions were reached about the options. The Acting Chair presented the recommendations of the FBSC to the Standing Committee, contained in document SC74 Com. 4, namely requesting a survey of other biodiversity Multilateral Environmental Agreements and natural resources management bodies regarding how they handle language services, and requesting further costed options to be put forward.

China (Committee Member for Asia) highlighted that the three languages being considered were spoken by over a billion people in the world and that their inclusion would help CITES implementation; China therefore considered the advantages to outweigh the disadvantages relating to cost. As a lot of Parties worked in these languages, China considered that expanding the language services was not just a technical question but a principle with policy and equity implications. China thanked the FBSC for having invited China to participate in the FBSC meetings. Somalia, on behalf of 22 Arabic-speaking countries, was in favour of adding the Arabic language to CITES. Senegal (Committee Member for Africa), while acknowledging the concerns around a lack of resources, welcomed the discussions on the language strategy and the consideration of ways in which language diversity could be taken on board.

China, echoed by Kuwait (Committee Member for Asia), expressed that, taking into account the concerns by other Parties around costs, it would accept the third option of language services being provided at the CoP only. Peru (Committee Member for Central and South America and the Caribbean), also supported this option, but was also open to other options that could be presented. Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States) considered option 2, to make all key documents available in all languages, to be the most appropriate as it would lead to the best implementation of CITES; Belgium did not support option 1.

Israel (Committee Member for Europe), Canada (Committee Member for North America), Australia (Committee Member for Oceania), Japan, the United Kingdom of Great Britain and Northern Ireland and Uzbekistan supported the recommendations by the FBSC in SC74 Com. 4 to explore the issue further. Australia suggested that the survey might reveal a model that was a good fit, or at least would highlight practical experiences to inform the decisions. Kuwait supported the recommendation to carry out a survey, and, supported by Oman, proposed an edit to the FBSC recommendations to ask about how the other MEAs were handling language services of their working languages instead of non-working languages.

China disagreed with the recommendations in SC74 Com. 4, considering that the value of the proposed survey was not demonstrated as most Conventions already worked in the six UN official languages. China further considered that Parties had already reached consensus on the need to promote language diversification, so more options would be impossible to achieve; the Party instead invited the Committee to consider the three options in document SC74 Doc. 19. While understanding the administrative and budgetary constraints, as one of the biggest contributors to CITES, China stressed the need for CITES to make progress on the matter and noted that they would continue their cooperation with other countries that use the three other languages to make more progress at CoP19.

The United Kingdom stated that it was not prepared to discuss, consider, or put forward any decisions to CoP19 that would include the addition of Russian to the working languages and requested that those elements be removed from the proposals in documents SC74 Doc. 19 and SC74 Com. 4 and not be taken into consideration by the Secretariat. China considered that this was not a matter for CITES competence. Uzbekistan informed the Committee that Russian was spoken in its country as a second language and was the main language in many countries of Central Asia and the Commonwealth of Independent States, and its inclusion would increase CITES activities in the region and the participation of representatives from Parties in the Commonwealth of Independent States in working meetings.

- a) The Committee requested the Secretariat to conduct a survey on how other biodiversity Multilateral Environmental Agreements and natural resources management bodies are handling language services for their working languages and for their non-working languages, including those that do not have any language strategies.
- b) The Committee requested the Secretariat to present new options including those outlined in document SC74 Doc. 19, and including those developed through information received by the Secretariat in its survey pursuant to paragraph a) and discussions from the Finance and Budget Subcommittee at SC74 for further review at the 19th meeting of the Conference of the Parties.
- c) The Committee noted the views expressed about the different options for a language strategy expressed by Australia, Belgium (on behalf of the European Union and its Member States), Canada, China, Israel, Japan, Kuwait, Oman, Peru, Senegal, Somalia, the United Kingdom of Great Britain and Northern Ireland, and Uzbekistan.

## 20. Engagement with indigenous peoples and local communities

20.1 Report of the working group..... *No document*

and

20.2 Report of the Secretariat ..... SC74 Doc. 20.2

Kenya, as Chair of the working group on engagement with indigenous peoples and local communities (IPLCs), informed the Committee that the working group had not been able to meet physically or virtually due to the COVID-19 pandemic and also due to language barriers. However, the working group had circulated the questionnaire prepared by the Secretariat on engagement with IPLCs on CITES-listed species, and some responses had been received. As no meeting had taken

place, the Secretariat had proposed to engage a consultant to help with the working group; however, the majority opinion within the working group was that it would want to deal with these issues directly rather than through a consultant. The working group was therefore proposing that its mandate be extended by CoP19.

The Secretariat introduced document SC74 Doc. 20.2, summarising the experiences of Parties, relevant organisations, and Multilateral Environmental Agreements in engaging IPLCs, which were submitted via the questionnaire. The Secretariat thanked all Parties and partner organisations who had shared their information and hoped that the best practices shared would be useful in deciding a way forward.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), and echoed by Canada (Committee Member for North America), Peru (Committee Member for Central and South America and the Caribbean), and Senegal (Committee Member for Africa), regretted the lack of progress and supported the proposal for the mandate of the working group to be extended. Poland suggested that the mandate for the working group include consideration of document SC74 Doc. 20.2 and present its findings to SC77. Senegal reported that involving local communities was in their legislation and that 60% of the income generated from the exploitation of natural resources went to local communities; this incentivised the local communities to cherish local resources as they would bring income.

CIC-The International Council for Game and Wildlife Conservation (speaking also on behalf of the European Federation for Hunting and Conservation, Safari Club International, Safari Club International Foundation, Conservation Force, and the International Fur Foundation), expressed concern that, contrary to other Multilateral Environmental Agreements, CITES did not have a mechanism allowing for robust participation of IPLCs in the decision-making process, and that no real progress had been made since the issue was raised at CoP17. They appealed to the Parties to provide IPLCs with a platform for participation. IWMC-World Conservation Trust expressed disappointment that only 13 Parties responded to the questionnaire, considering that this highlighted how effective engagement of IPLCs was of low relevance to the majority of Parties. They considered that CITES should adhere to the UN standards, and that full engagement with IPLCs was needed for effective conservation.

The Committee requested the Secretariat to work with the Standing Committee to propose to CoP19 the renewal of Decisions 17.57 (Rev. CoP18), 18.31 and 18.32.

## 21. Livelihoods

21.1 Report of the working group..... SC74 Doc. 21.1

and

21.2 Report of the Secretariat ..... SC74 Doc. 21.2

Peru, as Chair of the working group on livelihoods, introduced document SC74 Doc. 21.1, providing an overview of the activities of the working group; given that the questionnaire circulated to Parties only received 13 responses, the working group suggested that the consultation be repeated to obtain a wider overview of the efforts by Parties to include Indigenous Peoples and Local Communities (IPLCs) in decision-making. Based on the responses received, it seemed that there were systems in place but limitations on representations, and there was a need for training on CITES benefits and impacts to local communities. Peru further suggested that the working groups on livelihoods and on engagement with IPLCs work in synergy.

The Secretariat introduced document SC74 Doc. 21.2, which includes an overview of the 16 case studies on livelihoods that it had commissioned, as well as draft guidance on maximising benefits to IPLCs from trade in CITES-listed species, and the various options of certification systems or other traceability systems for products of CITES-listed species produced by IPLCs. The Secretariat thanked China, including Hong Kong Special Administrative Region, and the European Union for financial contributions towards the activities contained in the document.

China (Committee Member for Asia) supported the recommendations contained in documents SC74 Doc. 21.1 and 21.2. Indonesia delivered a statement on behalf of Malaysia, stating that

Malaysia did not support putting forward the draft guidance proposed in Annex 1 of document SC74 Doc. 21.2, requesting instead that Parties be given more time to review the draft guidance via a notification to be issued to the Parties. This was echoed by Canada (Committee Member for North America), Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Burkina Faso and the United Republic of Tanzania, who considered that the working group should have time to review the guidance before submitting it to the CoP. Brazil wished to submit experiences to the Secretariat for incorporation into the draft guidance, reporting that at the end of 2021, Brazil finished a report on the evaluation of the value chain of one of the case studies, and that a mobile app was in development to record captured individuals, allowing traceability up and downstream, and simplifying the process for issuing CITES export permits.

Poland, echoed by Canada, Senegal (Committee Member for Africa), Burkina Faso and the United Republic of Tanzania, regretted the lack of progress, supported extension of the mandate of the working group to the next intersessional period, and suggested including in the mandate for the working group to consider the document SC74 Doc. 21.2 and present its findings to SC77. Canada did not support merging the working groups on livelihoods and on engagement with IPLCs but recommended that the working groups share information as they advanced their mandates. The United Republic of Tanzania drew attention to the importance of teasing out indigenous peoples and local communities as separate groups, as their interests may vary, with some not directly involved in trade itself but benefitting from the whole value chain. Gabon suggested that clearer references be incorporated into Decision 18.33 to be renewed, to allow Parties to better implement the Decision.

Mexico reported that it seeks input from IPLCs through public consultations set up at national level, and that it was currently developing a GEF project, in its initial phase, looking at sustainable and traceable harvesting of various CITES-listed species native to Mexico, and involving IPLCs in managing wildlife to create value chains and to strengthen the conservation of species.

The Wildlife Conservation Society strongly supported the engagement with IPLCs, and did not support sending the recommendations to CoP19, considering it more prudent and transparent to extend the mandate to the next intersessional period. Conservation Force believed that, due to the COVID-19 pandemic, IPLCs were suffering even more from the lack of a mechanism involving them in CITES, and stressed the need for a forum to involve them in the decision-making process. The Pan African Sanctuary Alliance (speaking also on behalf of Fondation Franz Weber, Species Survival Network, Animal Welfare Institute, David Shepherd Wildlife Foundation, Eurogroup for Animals, Human Society International, Pro Wildlife and Born Free), expressed concerns about the review of guidance presented in Annex 1, considering it biased towards highlighting benefits of wildlife trade to IPLCs without properly assessing their extent or relevance, or the importance of non-trade benefits; they considered that benefits were collated in an un-systematic way and were not weighed against costs and damages to livelihoods if wildlife trade was unsustainable or illegal. Additionally, they considered that the review failed to offer instruments for IPLCs to overcome entry barriers and ignored the risks that practices may become unsustainable when scaled up to international market demands. Regarding the report in Annex 2, these observer organisations noted that the report failed to consider evidence that certification schemes in other agricultural products had produced negligible benefits to IPLCs or to conservation. They urged the Committee not to send the report to CoP19, not to renew Decision 18.35, and to reject the use of certification schemes.

The Committee noted documents SC74 Doc. 21.1 and SC74 Doc. 21.2 and its annexes and requested the Secretariat to work with the Standing Committee Chair and the Chair of the working group on livelihoods to draft revised decisions to submit to CoP19.

22. Capacity-building: Report of the working group ..... SC74 Doc. 22

In the absence of New Zealand, as Chair of the working group on capacity-building, the Secretariat introduced document SC74 Doc. 22, reporting on progress made in implementation of Decisions 18.39 to 18.46 (including Decision 18.41, which had been omitted from the document by mistake) and in the review of Resolution Conf. 3.4. As the working group had not been able to conclude the discussion, it proposed new draft decisions and a new draft resolution on capacity-building on topics which are regularly presented to, and taken on by, the CoP.

Indonesia (Committee Member for Asia) supported the draft resolution but welcomed other suggestions which might improve it. China (Committee Member for Asia), echoed by Belgium (Committee Member for

Europe, speaking on behalf of the European Union and its Member States), Nigeria and the United States of America, appreciated the work of the working group and New Zealand for having led the discussions, and supported the draft decisions and recommendations. China noted that capacity varied from country to country and that many Parties, including in Asia, had a particular need for support for sustainable and practical capacity building.

The United States of America suggested textual amendments to the draft resolution, which were supported by Belgium, Canada (Committee Member for North America) and Peru (Committee Member for Central and South America and the Caribbean), to invite consultation with, and input from, the Standing, Animals and Plants Committees relating to CITES implementation and capacity building activities, including identifying capacity building needs and priorities and making recommendations for developing and improving capacity building materials and tools. Peru also noted that it had organized a course for justice officials to improve knowledge on Conventions, such as CITES and the Convention on Migratory Species, and to raise awareness of tools to prevent trafficking, and suggested these subjects could be added into the capacity building scope. Senegal stressed that capacity building was an essential aspect for the good application of the Convention and gave examples based on the experience in West Africa, including training with IUCN to strengthen work on wildlife crime, training of law enforcement officials dealing with permits such as customs officers, the CITES Masters Programme, an IUCN training module on management of wildlife species, and the involvement of customs officials and magistrates in training, which has led to higher sanctions being delivered. Senegal emphasized that greater and continued training in CITES implementation across the region was needed to establish a consistent understanding of CITES and to mitigate loss of knowledge due to staff turnover.

Nigeria, supported by Indonesia and Senegal, suggested the insertion of a clause that capacity building activities be based on a thorough needs assessment process, with in-depth consultation with the Party to ensure that the most urgent needs of the Party were addressed. Senegal further wished to add the development of financial partnerships to the proposed amendment, as this would not be CITES-funded; however, the Chair noted that this was incorporated into other aspect of the draft resolution, for example in bilateral programmes.

The Chair of the Animals Committee proposed that the Chairs of the Animals and Plants Committees consult with the Secretariat on whether the draft decisions could address the concerns raised under agenda item 31, regarding input from the Animals and Plants Committee to ensure that any Parties in need of capacity building to assess whether exports did not threaten species survival, as provided for in the country-wide Review of Significant Trade process, could benefit from such support. The Chair concurred that wording could be decided through ongoing correspondence.

The Committee noted document SC74 Doc. 22 and the progress made in implementation of Decisions 18.39 through 18.46. The Committee agreed to submit to CoP19 the following amended draft resolution and draft decisions on *capacity-building*.

#### Draft resolution Conf. 19.XX on *Capacity-building*

REITERATING Goal 3 of the *CITES Strategic Vision: 2021-2030* as set out in Resolution Conf. 18.3, and specific objectives 3.2, 3.3 and 3.7, that Parties (individually and collectively) have the tools, resources and capacity to effectively implement and enforce the Convention, contributing to conservation, sustainable use and reduction of illegal trade in CITES listed species;

RECALLING that the *CITES Strategic Vision: 2021-2030* recognizes the relationship of CITES with and the contribution it makes to other international efforts and actions, including achieving the relevant Sustainable Development Goals, and the post-2020 Global Biodiversity Framework;

FURTHER RECALLING that the *CITES Strategic Vision: 2021-2030* requests cooperation among Parties, relevant international partners, international financial mechanisms and other related institutions to support activities that contribute to CITES implementation and enforcement;

ACKNOWLEDGING the availability of the technological tools and innovations that support capacity-building activities are rapidly evolving;

RECOGNIZING the need for a more integrated and coherent approach to capacity-building in supporting the implementation of the Convention;

AWARE that many Parties would benefit from both general capacity development and capacity-building targeted to help address implementation, compliance, and enforcement issues;

RECOGNIZING the special and diverse needs of developing country Parties, in particular the Least Developed Countries and Small Island Developing States, and Parties with economies in transition, with regard to difficulties in the establishment, staffing, training and equipment of Management Authorities and Scientific Authorities, as well as enforcement authorities and entities;

RECOGNIZING that capacity-building and compliance assistance efforts to improve the effectiveness of CITES can involve every aspect of the Convention, and need to be broadly integrated;

NOTING with appreciation efforts by various national, regional and international organizations and initiatives to support Parties in the effective implementation of the Convention; and

ACKNOWLEDGING that CITES capacity-building efforts benefit from external funding, that improved coordination among donors is needed to make efficient and strategic use of limited resources, and that an integrated framework for capacity-building can provide a vehicle for more effective coordination;

#### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. AGREES that full implementation of CITES requires the provision of adequate tools and resources and timely capacity building efforts;
2. INVITES Parties to:
  - a) support the capacity-building efforts of other Parties through sharing of information regarding capacity-building materials and efforts, translating materials into both the working languages and non-working languages of the Convention, offering advice related to CITES implementation, as appropriate, and providing of financial support for in-person training or training opportunities;
  - b) ensure the inclusion of capacity-building, including targeted, technical, enforcement and compliance assistance, in the bilateral and multilateral programmes of development aid in which they participate; and
  - c) utilize the CITES Virtual College to support capacity-building activities and provide the Secretariat with inputs for the improvements of its services;
3. ENCOURAGES Parties to use the CITES implementation reports, as well as direct expression of interest, to inform the Secretariat about their capacity needs, underlining their most urgent needs;
4. DIRECTS the Secretariat to:
  - a) seek external funding and provide capacity-building support to Parties, paying particular attention to the needs of Parties identified through compliance procedures, CITES implementation reports and direct expressions of interest, recently acceded Parties, and the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States;
  - b) cooperate with institutions and organizations in planning and delivering joint capacity-building activities of relevance to the Convention, in consultation with the Standing Committee and with the Animals and Plants Committees, including scholarships for in-person training or training opportunities;
  - c) collect information on capacity-building materials and efforts from Parties and others, and make these resources available to Parties through the CITES website; and
  - d) continue to undertake the revision and enhancement of the CITES website and of the CITES Virtual College, in consultation with the Standing Committee and with the Animals and Plants Committees, including selected online courses, to update the content and to improve their effectiveness in providing access to capacity-building resources to Parties;
5. REQUESTS the Animals and Plants Committees to offer advice and input as appropriate to Parties and to the Secretariat related to CITES implementation and capacity-building activities, which may include

identifying capacity-building needs and priorities and making recommendations for developing or improving capacity-building materials and tools;

6. INVITES Parties and relevant intergovernmental and non-governmental organizations, and other stakeholders to make funding available to the Secretariat for carrying out its capacity-building projects and activities, and provide appropriate materials that facilitate the capacity-building activities and efforts of Parties and the Secretariat; and
7. REPEALS Resolution Conf. 3.4 on *Technical cooperation*.

Draft decisions on *Capacity-building*

**19.AA Directed to the Parties**

Parties are invited to share ideas, experiences, and information related to the development of an integrated capacity-building framework aiming to guide Parties, the Secretariat and external partners, as appropriate, to identify capacity-building needs and to prioritize, plan, coordinate, implement, monitor and review the benefit of their capacity-building efforts for more effective implementation of the Convention.

**19.BB Directed to the Standing Committee**

The Standing Committee shall:

- a) continue the development of an integrated capacity-building framework, including a common language and clear definitions, to improve the implementation of the Convention, with inputs from the Animals and Plants Committees, the Finance and Budget Subcommittee, and the Secretariat;
- b) in doing so, ensure the representation of perspectives and contexts of different regions and stakeholders (including from Parties that fund and Parties that receive capacity-building support) and consider developing a mechanism for Parties to identify the specific needs that, if met, would allow them to achieve full capacity to implement CITES; and
- c) provide a draft integrated capacity-building framework (which may include conceptual models, tools and guidance), along with its recommendations, for consideration of the Conference of the Parties at its 20th meeting.

**19.CC Directed to the Animals and Plants Committees**

The Animals and Plants Committees shall engage in consultations with the Standing Committee, as called for in Decision 19.BB; and with the Secretariat as called for in Decision 19.DD.

**19.DD Directed to the Secretariat**

The Secretariat shall provide input to the Standing Committee and, subject to the availability of external funding and in consultation with the Standing Committee and the Animals and Plants Committees, organize technical workshops and regional consultations that would facilitate the implementation by the Standing Committee of Decision 19.BB.

23. Cooperation with other biodiversity-related Conventions:  
Report of the Secretariat ..... SC74 Doc. 23

The Secretariat presented document SC74 Doc. 23, containing a summary of the provisions of existing Resolutions and Decisions related to synergies, partnerships, and cooperation with other biodiversity-related entities; an overview of existing formal agreements with other biodiversity-related Conventions and other entities; and an overview of Resolutions and Decisions adopted by other conventions on cooperation and synergies.

Senegal (Committee Member for Africa), Canada (Committee Member for North America), the Republic of Korea and Switzerland expressed support for the document's recommendations and highlighted the importance of identifying synergies with other biodiversity-related Multilateral Environmental Agreements (MEAs). Switzerland highlighted the two Consultation Workshops of Biodiversity-related Conventions on the

Post-2020 Global Biodiversity Framework ('Bern I' and 'Bern II') held in 2019 and 2021, where biodiversity related MEAs were invited to discuss ways in which the conventions can contribute to the elaboration of the post-2020 framework and identify potential synergies. Switzerland suggested an edit to draft revised Decision 17.56 (Rev CoP19) for the Standing Committee to take into account the outcomes of the Bern II workshop when exploring options consistent with the CITES Strategic Vision to strengthen cooperation, collaboration and synergies at all relevant levels between CITES and the Strategic Plan for Biodiversity 2011-2020, its Aichi Targets and the post-2020 global biodiversity framework, as well as the 2030 Agenda for Sustainable Development and its Sustainable Development Goals. The Republic of Korea also encouraged the Standing Committee to consider the Global Species Action Plan (GSAP) being developed by IUCN together with its Members, partners, and the biodiversity-related conventions (see SC74 Inf. 25) in its considerations on this matter.

The United States of America further suggested some minor amendments to draft decision 18.47 (Rev CoP19), *inter alia* asking the Secretariat to identify priorities for collaboration through strategic partnerships in the partnership strategy to be developed, should external funding become available.

The Convention on Biological Diversity highlighted the outcomes of the Bern I and Bern II workshops and noted that it looked forward to continuing to work with CITES through the Collaborative Partnership on Sustainable Wildlife Management.

The Committee noted the advice provided to the Secretariat on this area of work and the importance of synergies.

The Committee agreed to propose to the Conference of the Parties the deletion of Decisions 18.48 and 18.49 and the adoption of the draft decisions amended as follows:

**19.AA Directed to the Secretariat**

Subject to external funding, the Secretariat shall prepare for consideration by the Standing Committee a partnership strategy for the Parties, the Permanent Committees and the Secretariat to identify priorities for collaboration that specifically enhance the implementation of the Convention, as well as its effectiveness and efficiency, through strategic partnerships.

**19.BB Directed to the Standing Committee**

The Standing Committee shall review the draft partnership strategy developed by the Secretariat under Decision 19.AA and make recommendations for consideration at the 20th meeting of the Conference of Parties.

The Committee agreed to propose to CoP19 the renewal of Decisions 17.55 (Rev. CoP18) and 17.56 (Rev. CoP18) as follows.

**17.55 (Rev. CoP18) Directed to Parties**

Parties are encouraged to strengthen synergies among biodiversity multilateral environmental agreements at the national level by, among others, improving coordination and cooperation between national focal points and strengthening capacity-building activities.

**17.56 (Rev. CoP18) Directed to the Standing Committee**

The Standing Committee shall, with support of the Secretariat, explore options consistent with the CITES Strategic Vision to strengthen cooperation, collaboration and synergies at all relevant levels between CITES and ~~the Strategic Plan for Biodiversity 2011-2020, its Aichi Targets and~~ the post-2020 global biodiversity framework, taking into account the outcomes of the Second Consultation Workshop of Biodiversity-related Conventions on the Post-2020 Global Biodiversity Framework (Bern II), as appropriate, as well as the 2030 Agenda for Sustainable Development and its Sustainable Development Goals. This should involve the members of the Liaison Group of Biodiversity-related Conventions, and, as appropriate, engagement with other relevant organizations and processes, including processes under the Rio Conventions. The Standing Committee shall report on the implementation of this Decision at the ~~49th~~ 20th meeting of the Conference of the Parties.

The Committee noted the Secretariat's suggestion that the Committee form an intersessional working group at its 76th meeting to advance the consideration of this matter.

24. Cooperation with the World Heritage Convention: Report of the Secretariat ..... SC74 Doc. 24

The Secretariat introduced document SC74 Doc. 24, containing a draft Memorandum of Understanding (MoU) prepared with the UNESCO World Heritage Centre.

Peru (Committee Member for Central and South America and the Caribbean), Israel (Committee Member for Europe), Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States) and the United States of America welcomed the draft MoU, but Israel, the Next Host Country (Panama) and Argentina noted that it was unclear why the MoU appeared to have limited scope in specific areas. For example, in the preliminary overarching themes for the MoU outlined in paragraph 4 (Areas of Cooperation), point 2. a) i), appeared to limit cooperation on the conservation and sustainable use of species to those included in Appendix I only, point 2.a) ii) appeared to limit the scope of cooperation to species occurring in World Heritage sites inscribed on the List of World Heritage in Danger, and point 2.a) iii) appeared to limit cooperation to only those species included in one of the CITES Appendices and occurring in World Heritage sites inscribed on the UNESCO World Heritage List that occur in illegal trade. Israel suggested that points 2.a) i), ii) and iii) could be deleted and replaced with a single point outlining that the parties agreed to cooperate on the conservation and sustainable of all species included in the CITES Appendices that occur in World Heritage Sites.

The Secretary-General explained that the intention of point 2 of paragraph 4 was to prioritise scenarios where work was most urgently needed, and noted that the edits suggested may make it more difficult to prioritise these areas for action.

The United States of America considered that further dialogue was needed before a programme of work can be developed and noted also that this workplan will require external resources. The Party suggested some amendments to the MoU intended to increase clarity and to ensure that a programme of work is not presupposed.

The Committee agreed to provide to the Secretariat the following recommendations on the draft Memorandum of Understanding (MoU) with the World Heritage Centre:

- a) Paragraph 4 2. a) should focus on cooperation on the conservation and sustainable use of species, in particular those species included in one of the CITES Appendices and occurring in World Heritage sites.
- b) The MoU should not presuppose the development of a workplan and the following edits should be made as a consequence: the insertion of “subject to available extrabudgetary funding on a voluntary basis” in paragraph 5 after “activities”, the replacing of “shall” by “may” in paragraph 6. 3.
- c) The Secretariat should also consider the following edits: replacing “intellectual property that can be protected shall” by “protectable intellectual property will” in paragraph 8. 2 as well as “use in the relevant work plans” by “incorporate into the relevant work plans, if any” in the same paragraph.
- d) The Secretariat should furthermore consider replacing “agree to” by “will” in paragraph 9. 3.

25. Cooperation with the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services ..... SC74 Doc. 25

On behalf of the Chairs of the Standing Committee, Animals and Plants Committees, the Chair of the Animals Committee introduced document SC74 Doc. 25, which provides an overview of the engagement of these committees with the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), as well as update on relevant activities from the Secretariat. The Chair of the Animals Committee noted that the IPBES Assessment Report on the Sustainable Use of Wild Species is expected to be adopted at the 9th meeting of the IPBES Plenary in July 2022, and that the Chair of the Animals Committee had been approached to see if CITES wishes to be involved at the launch of the report. The Chair of the Animals Committee noted that the intention would not be to comment on the report itself, but to highlight its relevance to the Convention and offer to engage with IPBES further on the follow-up to it. Finally, the Chair of the Animals Committee highlighted that the document contains two draft decisions which aim to make sure that the results of the thematic assessment of sustainable use that are of relevance for the implementation of the CITES Convention are considered by the CITES Committees, and if appropriate are transposed into recommendations to be considered by the CoP.

Canada (Committee Member for North America), Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), the United Kingdom of Great Britain and Northern Ireland, and the United States of America expressed support for representatives of the Convention to attend the launch of the Assessment Report on the Sustainable Use of Wild Species at the 9th meeting of the IPBES Plenary. While the United States of America questioned whether it would be more appropriate for the Secretariat to represent the Convention at the launch of (subject to the availability of external resources), Poland and Canada saw value in the Convention being represented by the Chairs of the Standing Committee, Animals and Plants Committees. The United States of America proposed minor edits to draft decision 19.BB to increase clarity.

Pro Wildlife (speaking also on behalf of the Animal Welfare Institute, Center for Biological Diversity, David Shepherd Wildlife Foundation, Eurogroup for Animals, Fondation Franz Weber, Humane Society International, IFAW and Species Survival Network) noted their concern that the text in the draft IPBES Assessment Report on the Sustainable Use of Wild Species contained numerous errors and did not reference recent literature. The observer organisations expressed hope that the final draft will benefit from comments received, but did not support the attendance of CITES representatives at the launch of the report before CITES Parties have had a chance to review the final version. The observer organisations suggested that the final report should be provided to Parties at CoP19 as an information document, with sufficient time allotted for review before considering whether to incorporate any recommendations into CITES decision-making.

The Committee agreed to mandate the Chairs of the Standing Committee, Animals and Plants Committees and/or the Secretariat to represent the Convention in the launch of the *Assessment Report on the Sustainable Use of Wild Species* at the 9th meeting of the IPBES Plenary to highlight its relevance to the implementation of the Convention and offer to engage with IPBES further on any relevant follow-up activities.

The Committee agreed to submit to the Conference of the Parties the report of its work on IPBES in the Annex to document SC74 Doc. 25 to CoP19, including the draft decisions amended as follows:

**19.AA Directed to the Animals and Plants Committee**

The Animals and Plants Committee shall review the scientific aspects of the IPBES thematic assessment of the sustainable use of wild species; consider their relevance to the implementation of the Convention; and provide the results of their review and any associated recommendations to Standing Committee.

**19.BB Directed to the Standing Committee**

The Standing Committee shall consider the review of the IPBES thematic assessment of the sustainable use of wild species and associated recommendations prepared by the Animals and Plants Committees; make additional recommendations as appropriate; and submit the resulting conclusions and any recommendations as appropriate to the 20th meeting of the Conference of the Parties for its consideration.

**Interpretation and implementation matters**

General compliance and enforcement

26. National laws for implementation of the Convention:  
Report of the Secretariat ..... SC74 Doc. 26

The Secretariat presented an update on the number of Parties with legislation in Categories 1, 2 and 3 under the National Legislation Project (NLP), noting that despite some progress being made 72 Parties still have legislation in Categories 2 and 3. The Secretariat commended the four Parties which have achieved Category 1 status since the last CoP. It was noted that the Standing Committee was invited to agree to a recommendation to all Parties to suspend commercial trade with Dominica, Grenada, Kazakhstan, Libya, Mongolia and Sao Tome and Principe as a result of a lack of reported progress; as Congo submitted draft revised national legislation for review the Secretariat noted that the Party was no longer part of this list. In addition, it was recommended that the Standing Committee request the Secretariat to issue a formal warning to Parties that have not reported any legislative progress for more than three years, requesting them to immediately take steps to ensure progress be made before CoP19. Finally, the Secretariat thanked the Netherlands, Switzerland and the United States of America for the funding provided to carry out the NLP.

Georgia considered that online meetings in which Parties could share experiences of the work undertaken to achieve Category 1 status could help Parties that have not yet done so make further progress. Ecuador, India, and the United Republic of Tanzania provided updates on pieces of national legislation that had either been finalised or were in the process of being adopted, with the United Republic of Tanzania requesting that the Secretariat review the information provided to make a determination of whether the Party could be moved to Category 1.

Senegal (Committee Member for Africa), Brazil and the United States of America congratulated Parties who have made progress, noting that national laws were the basic foundation of CITES implementation.

The Committee:

- a) commended Jordan, Mauritania, Saint Kitts and Nevis, and Solomon Islands for the efforts leading to the legislation to be placed in Category 1 and other Parties that have made substantial progress in adopting measures for the effective implementation of the Convention;
- b) agreed on a recommendation to all Parties to suspend commercial trade with Dominica, Grenada, Kazakhstan, Libya, Mongolia and Sao Tome and Principe. The Secretariat shall inform the Parties concerned of this measure immediately after the present meeting. The recommendation shall take effect 60 days after it is agreed unless the Party concerned adopts appropriate measures before the expiry of the 60 days or takes significant and substantive steps to do so. Upon the expiry of the 60 days after the recommendation is agreed, the Secretariat shall issue Notification to the Parties informing them of the recommendations to suspend commercial trade taking effect from that date; and
- c) requested the Secretariat to issue a formal warning to the Parties that have not reported any legislative progress for more than three years (at the time of writing, this included Azerbaijan, Belarus, Bosnia and Herzegovina, Kyrgyzstan, Lebanon, Maldives, Montenegro, Sierra Leone and Zambia), requesting them to immediately take steps to ensure progress be made before CoP19 and to report such progress to the Secretariat by 1 September 2022.

The Committee recognized and welcomed the support provided by Parties, development partners as well as intergovernmental and non-governmental organizations in support of the development and adoption of national measures to effectively implement and enforce the Convention.

27. National reports: Submission of annual reports ..... SC74 Doc. 27

The Secretariat introduced document SC74 Doc. 27, reminding Parties of the requirement to submit annual reports by 31 October following the year for which the data is being submitted. The Secretariat provided an update to the document, listing the following ten Parties as having submitted an annual report since its publication: Australia, Burkina Faso, Congo, Iceland, Nepal, Niger, Samoa, San Marino, Tajikistan, and Togo. The remaining eleven Parties having failed to provide annual reports for three consecutive years, without having provided adequate justification, were: Albania, Burundi, Chad, Dominica, Iran, Libya, Mongolia, Paraguay, San Lucia, Sao Tome and Principe and the Syrian Arab Republic.

Canada (Committee Member for North America) expressed its disappointment to see so many Parties listed, and supported the recommendation for the Secretariat to send a reminder to those Parties and issue a Notification after 60 days if the situation had not been remedied. Canada questioned whether an investigation into the reasons for non-submission could bring to light any areas, such as technical or other resource issues, where Parties that submitted regularly could assist to improve performance. Indonesia (Committee Member for Asia) encouraged the Parties that had not submitted to fulfil their obligations by the deadline, and asked the Secretariat to provide any necessary assistance to those countries given the current difficult times.

The Committee noted the call for Parties to submit their annual reports in a timely manner and for the Secretariat to explore ways to support Parties in the submission of their annual reports.

The Committee instructed the Secretariat to determine whether Albania, Burundi, Chad, Dominica, Iran, Libya, Mongolia, Paraguay, Saint Lucia, Sao Tome and Principe and the Syrian Arab Republic have failed to provide annual reports for three consecutive years, without having provided adequate justification. If so determined, the Secretariat will issue a Notification (60 days after the closure of this 74th meeting of the Standing Committee) recommending that Parties not authorize any commercial trade in specimens of CITES-listed species with those Parties until they have provided the missing reports.

## 28. Compliance matters

### 28.1 Implementation of Article XIII and Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures ..... SC74 Doc. 28.1

The Secretariat introduced document SC74 Doc. 28.1, on matters relating to trade in specimens of CITES-listed species that have not yet been identified as compliance matters under Article XIII but are emerging as potential compliance matters. Regarding trade in live Asian elephants (*Elephas maximus*) from the Lao People's Democratic Republic (Lao PDR) to China, the Secretariat drew attention to the number of individuals concerned, use of source code C, and the purpose of the transactions. Regarding trade in *Pericopsis elata* from Cameroon, the Secretariat noted that some annual reports on flora were missing and incomplete information had been provided to the Secretariat. Regarding registration of operations that breed Appendix I-listed taxa in captivity for commercial purposes in the European Union and the United Kingdom of Great Britain and Northern Ireland, the Secretariat remarked that no operations for birds or reptiles had been registered by the EU or its Member States and few by the United Kingdom, as was required under Article VII of the Convention; as trade had been reported, this raised questions around the legal origin of parental stocks. Regarding timber trade to and from Viet Nam, allegations had been made of trade in timber that was illegally harvested and traded, as well as the acceptance of fake permits during the period 2013-2015 and the delivery of more than one CITES permit for the same shipment. The Secretariat reported that Viet Nam had clarified the matter of trade in *Dalbergia cochinchinensis* with Lao People's Democratic Republic following the recommendation to suspend trade. Finally, the Secretariat noted that it had received allegations of imports into Bangladesh of CITES-listed birds which had been considered non-CITES; this would be followed up with Bangladesh and would be brought to a later meeting.

The United States of America supported the adoption of all recommendations in the document, also suggesting that, in light of the seriousness of the issues, the Secretariat be directed to provide updates at SC75 and SC77 and inviting Parties to be responsive to requests by the Secretariat. Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States) supported the proposal for the Secretariat to report at SC75 on all matters. Lao PDR also supported the recommendations proposed by the Secretariat in the document, highlighting their ongoing work undertaken on legislation on forests, wildlife and their CITES implementing decree, as well as work with the Secretariat, China, and development partners on improving compliance to ensure they are meeting their obligations under CITES.

Regarding the trade in live Asian elephants, China (Committee Member for Asia) highlighted its continued cooperation with the Secretariat on the issue, expressed the conviction that people and States are the strongest defenders of their own wildlife, and stated that actions in China were founded on science. China opposed that the proposed verification mission be interpreted as an initiation of implementation measures in accordance with Article XIII. Senegal (Committee Member for Africa) commented that although protection of wildlife resources belonged to a country and its people, if resources were to leave the country, then they should be bound by CITES rules. Japan proposed that the Secretariat conduct interviews with both Parties concerned.

Regarding *Pericopsis elata* from Cameroon, Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), one of the main importers of this taxon, shared the concerns raised in the report and supported the proposed technical mission to Cameroon. Senegal (Committee Member for Africa) also supported the relevant recommendations and hoped that an answer would be provided by Cameroon before CoP19 so that the meeting could make an informed decision on the issue.

Regarding registration of operations that breed Appendix I-listed taxa in captivity for commercial purposes in the European Union and the United Kingdom of Great Britain and Northern Ireland, Australia, on behalf of the Oceania region, encouraged the European Union and the United Kingdom of Great Britain and Northern Ireland to cooperate with the Secretariat to improve understanding of the issue.

The United Kingdom of Great Britain and Northern Ireland noted the queries received and highlighted the stricter domestic measures and significant oversight of the breeding operations in their country. The Party stressed that applications to export Appendix I taxa were considered on a case-by-case basis, and that trade under source code C was only allowed when the criteria for exemption under Article VII were met. The United Kingdom considered that registration of the

more than 200 falcon breeders would place a burden on the Secretariat and would not provide any more rigour. The United Kingdom considered that there were no systemic or structural problems that would require a technical mission by the Secretariat, but confirmed they would continue to support the Secretariat in their review including inviting the Secretariat to conduct a technical mission to the United Kingdom.

The European Union noted the observations and welcomed the proposed technical mission by the Secretariat, stating that they would continue to share relevant information. The Party gave information on the general regime governing the issue in the European Union, formalised in the EU Wildlife Trade Regulation. It was highlighted that export permits were only issued after each individual case had been assessed to ensure that the requirements surrounding legal acquisition findings, non-detriment findings and qualification that specimens are captive bred are met. Registration of captive breeding facilities would be addressed in future work in this area.

Israel (Committee Member for Europe) considered that the resolution of a case of import from Dominica to Germany mentioned in the document was unclear and was interested in the outcome given that a project with the importer had been proposed in Israel. Germany responded that the export to Germany had been authorised by the Ministry of Dominica acting as the Management Authority, and that Germany could exchange information bilaterally with Israel.

Canada (Committee Member for North America) appreciated clarification from the Secretariat that the proposed missions would be more focused on legal acquisition from a compliance perspective, rather than a mission to verify commercial trade in Appendix I species bred in captivity. However, Canada cautioned that this was less about compliance than how Parties choose to implement the various Resolutions, and that missions of this nature might be premature given the working group reviewing inconsistencies and ambiguities in CITES Resolutions, particularly with respect to Appendix I species. Canada proposed that the missions wait until the work of that working group is completed. Canada noted that, given the current Resolutions, Parties could breed Appendix I taxa that could be exported under source code C if the conditions of Resolution Conf. 10.16 (Rev.) were met.

Regarding timber trade to and from Viet Nam, the European Union supported the recommendations but wished the investigation to be extended beyond timber; this was supported by the United States, who also raised awareness of a number of bilateral actions by certain Parties with Viet Nam with regard to timber trade, which they considered should be included in the investigation as well.

Species Survival Network, also speaking on behalf of Defenders of Wildlife, urged the Standing Committee to: (1) agree that all countries suspend imports of Asian elephants from Lao PDR, and request that Lao PDR to provide information on their regulations and management procedures and on their wild and captive populations; (2) encourage the European Union and the United Kingdom to fully implement Resolution Conf. 12.10 (Rev. CoP15) and provide information on how legal acquisition and non-detriment findings are made with regards to breeding stocks; (3) encourage the Secretariat to request the non-detriment finding from both Dominica and Germany regarding *Amazona arausiaca* and *Amazona imperialis*, given that the species are rare and endangered, that Dominica was under trade suspension for non-submission of annual reports at the time of the trade, and that the recipient facility is not registered with any major zoological associations and has been known to offer other specimens of rare species for sale; (4) adopt the recommendations regarding timber trade with Viet Nam; and (5) request an update from the Secretariat on illegal trade in *Pterocarpus erinaceus* from Nigeria as mentioned in document SC74 Doc. 35.2.

The Committee requested the Secretariat to follow up with Bangladesh on the issue of bird trade and noted Israel's request for further information on the export of live birds from Dominica to Germany in paragraph 28 of document SC74 Doc. 28.1.

The Committee agreed the following recommendations:

*Regarding trade in live Asian elephants (Elephas maximus)*

- a) The Secretariat shall continue to keep close communication and strengthen the cooperation with China and Lao PDR on this potential case and seek an invitation from China and Lao

PDR to provide in-country assistance, conduct a technical assessment and a verification mission to understand the type of trade controls that are put in place, once the specimens had been introduced, to ensure compliance with Article III with respect to the import of live Asian elephants (*Elephas maximus*). The technical assessment of the facility(ies) hosting the live elephants should focus on clarifying the purpose of the transaction and the specific characteristics and objectives of the reported trade. The Secretariat shall present its findings and recommendations to the 75th meeting of the Standing Committee (SC75).

- b) The export of live Asian elephants from the Lao People's Democratic Republic shall be incorporated into the application of Article XIII in the Lao People's Democratic Republic to be considered under agenda item 28.2.1.

*Regarding trade in Pericopsis elata from Cameroon*

- c) The Committee noted the information provided on *Pericopsis elata* from Cameroon and requested the Secretariat to further investigate this case and make recommendations to the Standing Committee.
- d) Pursuant to Article II, paragraph 1, articles IV and VI and Resolution Conf. 12.3 (Rev. CoP18), the Secretariat shall continue to keep close communication and strengthen the cooperation with Cameroon on this potential case and seek an invitation from Cameroon to provide in-country assistance, conduct a technical assessment and a verification mission to understand how the CITES authorities ensure that timber species are legally acquired and exported in full compliance with CITES. The Secretariat shall present its findings and recommendations to SC75.

*Registration of operations that breed Appendix-I animal species in captivity for commercial purposes – European Union and the United Kingdom of Great Britain and Northern Ireland*

- e) The Secretariat shall continue to keep close communication and strengthen the cooperation with the European Union, its member States and the United Kingdom of Great Britain and Northern Ireland regarding this case and seek an invitation from the European Union and from the United Kingdom to provide in-country assistance, conduct a technical assessment and a verification mission to several selected operations to know the type of trade controls that are put in place to verify the legal origin of the parental stock and the commercial or non-commercial nature of those operations. The aim of the visits would be to have a clearer understanding of the purpose of the breeding and the specific characteristics and objectives of the operations breeding bird and reptile species listed in Appendix I. The Secretariat shall present its findings and recommendations to SC75.

*Regarding timber trade from or to Viet Nam*

- f) The Secretariat shall continue to keep close communication and strengthen the cooperation with Viet Nam to understand how the CITES authorities ensure that timber and other species are imported and re-exported in full compliance with CITES. The Secretariat shall seek an invitation from Viet Nam to provide in-country assistance, conduct a technical assessment and a verification mission to further investigate allegations related to Viet Nam's possible engagement in trade in timber and other species that have been illegally harvested or traded, including timber that has been traded contrary to CITES provisions. The Secretariat shall present its findings and recommendations to SC75.

28.2 Application of Article XIII: Reports of the Secretariat

28.2.1 Application of Article XIII in the Lao People's Democratic Republic..... SC74 Doc. 28.2.1

The Secretariat introduced document SC74 Doc. 28.2.1, which reviews the progress made by the Lao People's Democratic Republic (Lao PDR) on the implementation of the recommendations agreed at SC71. The Secretariat noted progress in some areas, but that efforts must be enhanced to ensure that trade is legal and sustainable. Noting that progress had been hampered by the COVID-19 pandemic, there was concern that a decree on international trade had not yet been approved by the government and progress

on the recommendations surrounding tiger farms and other wildlife farms had not been made, in addition to the issues surrounding the exports of live elephants discussed in document SC74 Doc. 28.1.

Lao PDR thanked the Secretariat and development partners for their constant support in building capacity and implementing activities in relation to Article XIII recommendations and welcomed the recommendations in the document. Regarding *Dalbergia* export management, Lao PDR was building capacity on non-detriment findings. Regarding national legislation, Lao PDR reported that the Party's CITES decree had been finalised and approved and was awaiting endorsement at the end of the month; additionally, Lao PDR's wildlife and aquatic law was in the process of being finalised after consultations with stakeholders. Lao PDR noted they would welcome support from development partners to assist in the implementation of the ICCWC toolkit and indicator framework. The full audit of tiger farms had been constrained by ongoing international travel restrictions and Lao PDR were in the process of determining the logistics for sending samples to Malaysia, the government of which was thanked for their offer of technical support and laboratory services. Lao PDR stated that they would also welcome support from the Secretariat in this regard, as well as for implementation of the recommendation regarding trade in live Asian elephants. Lao PDR noted that this recommendation was linked to action 5.4 in its National Ivory Action Plan, aimed at ensuring that elephant parts and products were prevented from entering illegal trade and improving monitoring.

The European Union, supported by the United States of America, considered the progress reported by Lao PDR to be an excellent indicator of the Party's commitment to improve the situation. These Parties supported the recommendations proposed in the document and suggested that a report be requested for SC77 to assess progress and decide on appropriate measures. The United States also suggested that the Secretariat provide an update at SC75.

Born Free Foundation (also speaking on behalf of the Animal Welfare Institute, Born Free USA, Environmental Investigation Agency, Pro Wildlife, Species Survival Network, David Shepherd Wildlife Foundation, Humane Society International and Fondation Franz Weber), and the World Wide Fund for Nature (also speaking on behalf of the Zoological Society of London), expressed concern about the lack of progress given significant donor funding and capacity building activity over an extended period of time, and noted that the recommendations had been repeatedly highlighted but remained unimplemented. Born Free Foundation called for compliance measures to be implemented at the present meeting. Noting that trafficked specimens from tiger captive breeding facilities run by criminal enterprises continued to be seized, both sets of observer organisations additionally called for specific time-bound actions to be identified and reported on at SC75. They called for meaningful compliance measures to be taken at SC75 if the report was not satisfactory.

The Committee agreed the following recommendations:

*Regarding management of exports of Dalbergia spp.*

- a) Parties shall continue to suspend commercial trade in specimens of the genus *Dalbergia* spp., including finished products, such as carvings and furniture from Lao PDR, until Lao PDR makes scientifically based non-detriment findings for trade in the relevant species, including *D. cochinchinensis* and *D. oliveri*, to the satisfaction of the Secretariat.

*Regarding national legislation for the implementation of CITES*

Lao PDR shall:

- b) enact and effectively implement the CITES Decree and ensure that it is widely disseminated among all relevant authorities and stakeholders; and
- c) finalize the ongoing revision of the Wildlife and Aquatic Law to ensure that the gaps in the CITES Decree are fully addressed.

#### *Regarding CITES Authorities*

- d) Lao PDR shall continue to address the need for strengthening capacity and training of staff of the CITES authorities, in particular the CITES Scientific Authority, and ensure smooth collaboration between all relevant CITES authorities, with the support of the CITES Secretariat.

#### *Regarding law enforcement*

Lao PDR shall

- e) continue to progress the implementation of its National Wildlife Crime Response Strategy Plan to tackle illegal trade in wildlife as adopted by Decision MAF No. 1559 (2018);
- f) continue to investigate and prosecute cases involving organized or transboundary illegal trade activities, such as those identified by various international partners; and provide to the Secretariat the results of any investigations conducted by competent national authorities, including on arrests, and the results of any legal proceedings against alleged perpetrators, in the illegal trade report format;
- g) continue to work with the law enforcement agencies from China, Malaysia, Singapore, Thailand and Viet Nam, including the context of the Working Group on CITES and Wildlife Enforcement of the Association of Southeast Asian Nations and other relevant networks to facilitate the exchange of information and best practices with the objective of improving the mechanisms for justice and police cooperation on the issues of trade and transiting of illegal acquired wildlife and illegal wildlife tourism; and
- h) implement the recommendations of the Wildlife and Forest Crime Toolkit of the International Consortium on Combating Wildlife Crime (ICCWC) with the assistance of ICCWC and other partners and conduct a follow-up ICCWC indicator framework for wildlife and forest crime within 24 months to monitor performance over time and to identify any changes needed in the response.

#### *Regarding monitoring of wildlife farms and related trade*

Lao PDR shall

- i) disseminate and effectively implement Ministerial Decision No. 0188/MAF, dated 8 February 2019 on the *Establishment and Management of zoos, wildlife farms, centers for rehabilitation and breeding of wildlife and wild flora farms*;
- j) finalize the full audit of the tigers kept in captivity, combined with a marking scheme and genetic analysis of the animals to establish their origin in collaboration with relevant international organizations to comply with paragraph 1 h) of Resolution Conf. 12.5 (Rev. CoP18) on *Conservation of and trade in tigers and other Appendix-I Asian big cat species* and Decision 14.69, and taking into account the provisions of Decision 17.226; and
- k) establish an appropriate advisory committee or mechanism with involvement of the CITES Secretariat and other relevant organizations and partners to provide advice on the transformation of commercial tiger farms.

#### *Regarding trade in live Asian elephants*

- l) Parties shall suspend all trade in live specimens of Asian elephants from Lao PDR until Lao PDR is able to demonstrate to the satisfaction of the Secretariat that specimens to be traded with source code C comply with the definition of captive-bred specimens set out in [Resolution Conf. 10.16 \(Rev.\) on Specimens of animal species bred in captivity](#);

- m) Lao PDR shall take substantive steps to implement Decision 18.226, in particular by developing strategies to manage captive Asian elephant populations, by ensuring that trade is conducted in compliance with Article III for Asian elephants of wild origin and by strengthening its system for registration and marking of Asian elephants held in captivity in Lao PDR.

*Regarding awareness raising*

- n) Lao PDR should continue to implement outreach campaigns targeted to raise awareness among nationals, traders, visitors and consumers from neighbouring countries about the laws and regulations of the State for the protection of fauna and flora.

*Regarding capacity-building and technical assistance*

- o) Parties, the CITES Secretariat, international non-governmental organizations and development partners shall make efforts to respond to the requests for capacity-building and technical support expressed by Lao PDR to implement the action plan and aim to coordinate their support to maximize effectiveness and minimize overlap.

The Committee requested Lao PDR to submit a report to the Secretariat by 28 February 2023 on activities undertaken in the period January – December 2022 to implement the recommendations a) to m) in order for the Secretariat to convey this report and its comments and recommendations to the 77th meeting of the Standing Committee.

The Committee agreed to review progress made by Lao PDR at its 77th meeting and decide on appropriate compliance measures, including a recommendation to suspend trade in specimens of all CITES-listed species for commercial purposes if progress is considered insufficient.

The Committee invited the Secretariat to submit any relevant progress to the 75th meeting of the Standing Committee.

28.2.2 Application of Article XIII in the Democratic Republic of the Congo ..... SC74 Doc. 28.2.2 (Rev. 1)

The Secretariat introduced document SC74 Doc. 28.2.2, which reviews the progress made by the Democratic Republic of the Congo (DRC) on the implementation of the recommendations agreed at SC67. The Secretariat noted important progress in areas of combatting illegal trade as well as quota setting and management. Trade in *Pericopsis elata* was covered by the Review of Significant Trade process underway. Regarding grey parrots (*Psittacus erithacus*), the recommendations were considered partially implemented given that there were no studies of the species. Concerning pangolins, the suspension of trade had been followed and no legal trade had been recorded; however, a new issue had arisen following the repatriation to the DRC of a large quantity of pangolin scales seized in Congo Brazzaville, and no response had been provided to requests for information on the issue. The Secretariat acknowledged the update report submitted by the DRC on the implementation of the recommendations on 2 March 2022 but had not had time to review it, so a full update would be provided at SC75.

Congo (Committee Member for Africa) provided an update on behalf of the DRC. The DRC commented that different elements seemed to be added over time into the Article XIII process which the Party had been subject to since 2016 and stressed that the process should focus strictly on the recommendations drawn up at SC67. The DRC noted that they had achieved several recommendations and had received financing from the European Union for an IT platform which will help with CITES implementation. The DRC reported that they based their management and quota setting on scientific information, provided by the eight Scientific Authorities in the country which are mainly universities and specialised research units; these units and the Management Authorities meet regularly to look at the exports. Independent scientists and national and international organisations participate in this framework and capacity building of Scientific Authorities was noted to be part of routine activities. Regarding pangolins, DRC noted that stockpiles were burnt

publicly in September 2018 and the DRC had ended all legal trade in pangolin scales in their territory; information on the repatriation was in the update report provided on 2 March 2022. Therefore, the DRC considered that their maintenance in the Article XIII process could not be justified. The DRC reported having intensified efforts to map organized crime groups, setting up interdisciplinary teams in key identified areas, and carrying out several operations based on the intelligence obtained. Given that the issue of grey parrots was continuing in the Review of Significant Trade process, and given the rest of the updates, the DRC invited the Committee to withdraw the Party from the Article XIII process.

The Chair noted that as the Secretariat had not had time to assess the update report, the Committee would not be able to consider withdrawal until SC75.

Congo addressed the request for information on the pangolin stockpiles seized in Congo Brazzaville, stating that the investigation and seizure operation had been initiated and led by Interpol without the involvement of CITES, that Congo authorities were as concerned by the situation as CITES, and that they were trying to bring to light the relevant information requested by the Secretariat for transparency.

Senegal (Committee Member for Africa), noting that the detailed update report from the DRC was recent but the request for information from the Secretariat was not, requested that Parties make a better effort to respond to requests from the Secretariat. Senegal solicited the DRC to ensure that they respond in due time and urged stronger efforts by the DRC to find solutions to the issues.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States) congratulated the DRC for progress made, but considered that the DRC should stay in the Article XIII process while the Secretariat assess the update report, and that the DRC should report in a timely manner to SC75, noting that the repatriation of the pangolin scales had constituted a new stockpile in the DRC which meant that the relevant recommendations were still valid. Echoed by the United States, Belgium supported the recommendations in the document. Gabon supported the recommendations on grey parrot, pangolin stockpiles and illegal trade.

Regarding *Psittacus erithacus*, the United States, echoed by South Africa, disagreed with the suggestion by the Secretariat to delete Decision 17.256, as the Decision was directed to all range States, not just the DRC, allowing all Parties and other experts to contribute to conservation of the species. Gabon encouraged the DRC to put in place all recommendations on *Psittacus erithacus* and supported a specific resolution on all Psittacidae as suggested in the recommendations.

The World Parrot Trust (speaking also on behalf of the World Wide Fund for Nature, Wildlife Conservation Society, Zoological Society of London, and Pan African Sanctuary Alliance) expressed continued concern regarding the volumes of parrots captured, transported, and traded from the DRC and drew attention to recommendations made by UNODC at CoP18 on Wildlife crime enforcement support in West and Central Africa (CoP18 Doc. 34). They urged the DRC to strengthen domestic laws to prohibit domestic trade and promote capacity-building for identification at airports and prevent laundering as other species. These observer organizations supported the recommendations to maintain a suspension on trade and supported the adoption of a resolution on parrots. They urged the Secretariat to enquire on the status of the removal of the reservation by the DRC to the Appendix-I listing for *P. erithacus*, which the DRC had indicated at SC73 was an intention.

The Committee noted the oral report by the Democratic Republic of the Congo and invited the Secretariat to review the updated information provided by the Democratic Republic of the Congo in information document SC74 Inf. 17 and provide any relevant updated recommendations to the 75th meeting of the Standing Committee.

The Committee agreed the following recommendations:

*Regarding quota setting and management*

- a) The Democratic Republic of the Congo (DRC) shall continue to strengthen its Scientific Authorities by building capacity and allocating sufficient modern resources for the making of the non-detriment findings and the setting of annual export quotas based on the best available science, particularly considering the species of wild fauna and flora in the DRC that are currently included in the Review of Significant Trade process.

*Regarding the management of trade in Psittacus erithacus*

- b) Parties shall maintain the suspension of trade in specimens of the species *Psittacus erithacus* from the DRC pending compliance with the recommendations made at the 69th meeting of the Standing Committee (SC69, Geneva, November 2017).

*Regarding trade in pangolin stockpiles*

- c) Parties shall not authorize trade of specimens from stockpiles of *Manis* spp. held in the DRC, in accordance with the guidance provided by the Conference of the Parties at its 18th meeting (CoP18, Geneva, 2019).
- d) The Standing Committee urges the Management Authorities of the DRC and the Republic of the Congo to provide the information requested by the Secretariat on 17 June 2021 about the repatriation of pangolin scales.

*Regarding illegal trade*

- e) The DRC shall intensify efforts to conduct analyses of available information to map organized crime groups active in the country and convene multi-disciplinary investigative teams involving all relevant authorities, to work in close collaboration with local authorities in key identified areas, and initiate intelligence-driven operations and investigations, with a particular focus on pangolins and ivory.

*Regarding compliance assistance*

- f) Parties, partners and donors are encouraged to provide coordinated financial, technical and logistical support to the DRC to support the implementation of the above recommendations with a particular focus on scientific-related assistance.

*Regarding reporting to the Secretariat*

- g) The DRC should report to the Secretariat on progress made on the implementation of these recommendations by 31 December 2022, in order for the Secretariat to convey its report and its comments to the 77th meeting of the Standing Committee.

28.2.3 Application of Article XIII in Guinea..... SC74 Doc. 28.2.3

The Secretariat introduced document SC74 Doc. 28.2.3, which reviews the progress made by Guinea on the implementation of the recommendations agreed at SC71. Regarding *Pterocarpus erinaceus*, in April 2021, the Committee exceptionally allowed specific exports up to 14 000 m<sup>3</sup>; however, operations were delayed due to the COVID-19 pandemic and the coup d'état in Guinea. Authorisation was awaited from the environment minister, who had just been appointed, to start the agreed exports. Regarding the other recommendations, implementation had been delayed for the same reasons. A small-scale funding agreement was being signed with Guinea to facilitate implementation.

Guinea stated that it had made progress towards the recommendations. Concerning pre-Convention *Pterocarpus erinaceus*, the Ministry of environment and sustainable development had adopted a note of service in 2021 for the export, with measures aimed to ensure transparency and legality, to define the roles and responsibilities in the export, to identify the sequence of operations, and to inventory the stockpiles through a committee

of national authorities and observers. Guinea guaranteed that all measures were in place and were only missing the letter of export in order to launch the process. Regarding national legislation, Guinea revised its national forestry legislation and was working with the newly elected national authorities and CITES towards integrating the different measures in their application of the Convention. Concerning the other recommendations, progress included institutional strengthening at a national level, implementation of a reception management system for CITES documentation, the establishment of a database on authorised trade including CITES trade, the issuing of national reports, the operationalisation of an agreement of operation with the Ministry of fisheries and strengthening of technical capacity of Scientific Authorities. Plans were underway to establish a new protocol on the establishment of quotas for certain species, and regarding legislation to strengthen the technical capacities of authorities in general. Given the difficult health and political situation in the country, Guinea requested that a new deadline for implementation of the recommendations be established for November 2022.

Senegal (Committee Member for Africa) reported that although a cooperation agreement had not yet been established with Guinea as a neighbouring country, they had recently been invited to Dakar on a training workshop on the fight against illegal trade. Senegal wished to see efforts from Guinea to exit the current situation, as a suspension had impacts across neighbouring countries as well.

The United States of America favoured giving Guinea more time but queried whether this would mean that the trade suspension would be in place until at least SC77. The Chair, in consultation with the Secretariat, concurred. Gabon supported the request from Guinea.

The Center for International Environmental Law (speaking also on behalf of the Environmental Investigation Agency, Pro Wildlife, Species Survival Network, World Resources Institute, and World Wide Fund for Nature), supported the maintenance of the trade suspension and the approval of the updated recommendations. They urged the Committee to re-confirm that no exports of stockpiled pre-Convention *Pterocarpus erinaceus* from Guinea should occur after 26 April 2022, and to remind importing Parties, including the Republic of Korea<sup>1</sup> and Bangladesh, of the current trade suspension for all species, as both had reported imports of CITES-listed birds from the country for commercial purposes.

The Committee agreed the following recommendations:

*Regarding export of pre-convention specimens of Pterocarpus erinaceus*

- a) The Committee noted the inventory of the stockpile of pre-Convention *Pterocarpus erinaceus* made by the Guinean authorities on 7 June 2021, that is, a total volume of 12,882 m<sup>3</sup> of exportable wood of the 14,000 m<sup>3</sup> originally estimated;
- b) The Committee recommended that Guinea take all the necessary measures by 13 November 2022 to implement the Standing Committee decision adopted on 21 April 2021 (Notification to the Parties No. 2021/033 of 26 April 2021);
- c) The Committee invited importing Parties to exert due diligence when CITES permits or certificates from Guinea are submitted, if they have reason to believe that the specimens of CITES-listed species may not have been traded in accordance with the decision adopted by the Standing Committee on 21 April 2021 (Notification to the Parties No. 2021/033 of 26 April 2021) and in accordance with the provisions of the Convention [paragraphs 1 c) and 2 of Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*].

*Regarding national legislation*

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<sup>1</sup> The Republic of Korea informed the Secretariat that it immediately looked into the matter of the export of *Poicephalus senegalus* that originated from Guinea and established that the trade was a re-export from Spain and, as such, not in violation of the recommendation to suspend commercial trade with Guinea.

The Standing Committee recommended that Guinea:

- d) adopt legislative measures that meet the CITES minimum requirements set out in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention* and in accordance with the guidance provided under the National Legislation Project; this should include the issuance of a legally binding instrument on the functions and responsibilities of the CITES Scientific and Management Authorities.

*Regarding management and issuance of CITES permits and certificates*

The Standing Committee recommended that Guinea:

- e) implement a system for the receipt and management of applications for CITES documents, and for the issuance, filing and monitoring of CITES documents, including use of secure paper and security stamps;
- f) develop a protocol for the making of non-detriment findings by the CITES Scientific Authority prior to the issuance of export permits;
- g) assess the capacity of the CITES Management and Scientific Authority as well as customs on CITES implementation, including the capacity to make non-detriment findings, and address any gaps and needs for training and capacity-building, with the relevant technical assistance, including from the CITES Secretariat, if requested and subject to available resources;
- h) consider establishing voluntary national export quotas for CITES-listed species expected to be in trade; and
- i) every six months, submit copies of CITES permits and certificates issued to the CITES Secretariat for information and monitoring.

*Regarding compliance and law enforcement*

The Standing Committee recommended that Guinea:

- j) continue to investigate and prosecute cases of illegal trade in specimens of CITES-listed species, and inform the Secretariat of the results of any legal proceedings by submitting the annual illegal trade report in accordance with existing guidelines;
- k) establish a formal agreement between the CITES Management Authority and the Customs Service on collaboration, coordination and exchange of information;
- l) consider the implementation of the ICCWC *Indicator Framework for wildlife and forest crime* and request support from the CITES Secretariat in this regard; and
- m) develop a protocol for the management and disposal of seized and confiscated specimens (live and dead), taking into account the provisions of the Convention and the recommendations of Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.

The Committee requested Guinea to submit a report to the Secretariat on the implementation of these recommendations before the 77th meeting of the Standing Committee so that the Secretariat can in turn submit its report and recommendations to the Standing Committee at that meeting.

The Committee instructed the Secretariat to provide capacity building and training to Guinea, subject to the availability of resources. This could include another mission to Guinea before the 77th meeting of the Standing Committee.

The Committee instructed the Secretariat to publish a Notification to the Parties to replace Notification No. 2021/037 of 6 May 2021, recommending that the Parties maintain the

suspension of commercial trade with Guinea until the above-mentioned recommendations have been implemented to the satisfaction of the Secretariat.

28.2.4 Application of Article XIII in Nigeria ..... SC74 Doc. 28.2.4

The Secretariat introduced document SC74 Doc. 28.2.4, reviewing the progress made by Nigeria on the implementation of the recommendations adopted at SC70. To date, the Secretariat had not received the progress report requested by the Standing Committee to be submitted by Nigeria by 31 December 2019. However, Nigeria had met with the Secretariat by video-link several times, and the Secretariat acknowledged Nigeria's efforts to progress the implementation of some of the recommendations, in particular those related to the management of trade in *P. erinaceus* and certain law enforcement-related activities. Nevertheless, the Secretariat expressed concern about the continued seizures of high volumes of illegal goods with Nigeria acting as the source or transit country, showing that the recommendations were not being implemented forcefully enough to have an effect on the ground. The Secretariat was also concerned about the lack of reporting and responsiveness despite repeated offers of assistance, and the fact that Nigeria is also showing a record of non-compliance to reporting in the National Ivory Action Plan process.

Nigeria acknowledged the scale of the wildlife crime crisis taking place in its country. The Party stated they were working in collaboration with UNODC on a national strategy on wildlife and forest crime, which is to be launched soon and will be shared with the Secretariat, and which tries to address the capacity and compliance gaps in enforcement. Nigeria also reported that it was working with a USAID project on the enhancement of wildlife law enforcement capacity in West Africa to establish a wildlife law enforcement task force for Nigeria, which would serve as an implementation mechanism for the national strategy. Nigeria expressed the need for assistance in identifying and apprehending criminals and requested the support of the Secretariat in assisting with compliance matters and procedures. Nigeria also reported having submitted a report on illegal wildlife trade for 2021 and having gotten approval for the destruction of pangolin and ivory stockpiles, for which Nigeria was identifying the best methods to use to serve as a deterrent to criminals. Concerning the electronic permitting system, Nigeria reported not having issued any permits for *Pterocarpus erinaceus* since the trade suspension was put in place. The Party reported having a strategy mapped out for checks once the suspension was lifted, including quarterly meetings with all stakeholder agencies with a role in combatting illegal trade. Intelligence shared on a regular basis on cash flows to criminal groups was reported to have led to arrests and some litigation in court. Additionally, Nigeria reported that a forestry policy had been developed and was in place, and would be shared with the Secretariat, and that a harmonizing process of all wildlife and forestry laws across the country states was underway. The Head of the Scientific Authority for Nigeria reported on the 2019 non-detriment finding for *Pterocarpus erinaceus* submitted to the Secretariat and for which comments had been clarified; regeneration efforts of degraded *Pterocarpus erinaceus* areas were underway to reverse the trend for the species.

Senegal (Committee Member for Africa), supported by Gabon, Guinea, Mexico, and the United States of America did not support a recommendation to suspend trade, but suggested setting a concrete deadline and reconsidering the issue at SC75 or SC77. Senegal considered that the impact of such a suspension on conservation efforts across the whole region should be examined before it is put in place. The United States supported the adoption of the large suite of recommendations in the document but invited the Secretariat to agree the prioritization of the recommendations with Nigeria and to clarify expectations.

The European Union acknowledged Nigeria's engagement in the process but expressed support for the recommendations in the document, including the recommendation to suspend commercial trade in specimens of all CITES-listed species from Nigeria until the recommendations of the Standing Committee have been implemented to the satisfaction of the Secretariat. However, noting the views expressed by other Committee Members and Parties, the European Union noted it was open to a more flexible approach, but stressed that the progress assessment to be done at SC75 should be linked to concrete milestones.

The Committee agreed the following recommendations:

1. *Regarding trade in specimens of Pterocarpus erinaceus*
  - a) The Committee encouraged all potential transit and destination countries of shipments of illegal specimens of *Pterocarpus erinaceus* from Nigeria to take appropriate measures to ensure that such timber is not illegally transported or traded, including prohibiting entry, seizing such specimens upon arrival and applying appropriate sanctions against traffickers in accordance with the provisions of the Convention.
  - b) The Committee invited the importing Parties to share with the Secretariat the administrative, legislative and enforcement arrangements put in place to sanction illegal trade in specimens of this species, including any relevant due diligence measure to verify legality and ensure sustainability; and encouraged those Parties to consider inviting the Secretariat to conduct technical missions in order to strengthen cooperation between range States and importing countries and identify further recommendations to ensure that timber trade is conducted in accordance with the Convention.
2. *Regarding legislation and law enforcement*
  - c) Nigeria shall strengthen the regulatory framework in relation to forestry management, including forestry legislation at the State level, to avoid any loopholes that may be generated by the distribution of competences between Federal and State levels.
  - d) Nigeria shall continue implementing a strategy to counter corruption linked to illegal wildlife trade at all levels, including anti-bribery policies, and intensify efforts to ensure full implementation of Resolution Conf. 17.6 on *Prohibiting, preventing, detecting and countering corruption*, which facilitates activities conducted in violation of the Convention. The strategy should protect officials responsible for the implementation and enforcement of CITES from undue pressure, obstruction and threats.
  - e) Nigeria shall establish a national platform for enforcement cooperation and coordination between relevant authorities to strengthen the control of trade in CITES-listed species and to combat transnational organized wildlife crime, in line with relevant paragraphs of Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*.
  - f) Nigeria shall scale up efforts to map out organized crime groups involved in illegal wildlife trade and operating in the country. Nigeria shall convene multi-disciplinary investigative teams involving all relevant authorities. These teams will work in close collaboration with local authorities in key identified areas, and initiate intelligence-driven operations and investigations, with a particular focus on pangolins and ivory.
3. *Regarding issuance of export permits and information systems*
  - g) Nigeria shall establish an efficient and secure information system, preferably an electronic system (resources permitting), to facilitate the issuance of permits and certificates, and the verification of all CITES provisions applicable to the specimens to be exported.
  - h) Nigeria shall facilitate liaison and integration with other permitting/certification systems relating to the harvest of and trade in CITES-listed resources, e.g. timber concession authorizations, phytosanitary/veterinary documentation, or customs declarations.
4. *Handling and disposal of seized stockpiles CITES-listed species*
  - i) Nigeria shall clearly define the competences of, and the division of labour between, relevant institutions to ensure that adequate control measures are put in place to secure storage facilities for seized stocks of CITES-listed species, including for

pangolins and ivory, and reduce the risk of leakage. Nigeria shall develop a uniform protocol for the marking, recording, handling, storage and disposal of seized and confiscated specimens.

- j) Nigeria shall maintain an inventory of all seized stocks of CITES listed species and ensure strict implementation of Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.

5. *Collaboration with Nigeria*

- k) The Committee thanked Parties, ICCWC partners and other donors that are providing financial, technical and logistical support to Nigeria and invited them to coordinate further with the CITES Secretariat to avoid duplication and align activities to the extent possible with the implementation of the recommendations of the Standing Committee.

6. *Monitoring progress*

- l) The Secretariat shall remain in close contact with Nigeria, monitor the Party's progress in the implementation of recommendations of the Standing Committee, and bring any matters of concern to the attention of the Committee.
- m) The Committee requested Nigeria to report on progress by the document deadline of its 75th meeting (14 September 2022). If no progress is reported by SC75, the Committee may consider a suspension of commercial trade in specimens of all CITES-listed species from Nigeria.
- n) The Committee invited the Secretariat to consult with Nigeria in order to establish key activities and priorities to be implemented prior to SC75.

28.2.5 Introduction from the sea of sei whale (*Balaenoptera borealis*) by Japan..... SC74 Doc. 28.2.5

The Secretariat introduced document SC74 Doc. 28.2.5. At SC71, the Standing Committee requested Japan to report on the treatment of existing stockpiles of meat and blubber specimens of sei whales from the North Pacific population introduced from the sea prior to the agreement at SC70 that the IFS certificates had not been issued in compliance with Article III, paragraph 5 (c), of the Convention. In its report, Japan informed the Secretariat that all the specimens of sei whale meat and blubber introduced prior to SC70 had been sold by the Institute of Cetacean Research (ICR) and distributed domestically. Japan further reported that proceeds of the sales of meat and blubber obtained in 2017 and before were refunded by ICR to the national treasury and appropriated to the costs of subsequent cetacean research programmes; the proceeds of 2018 were also refunded by ICR to the national treasury. Japan explained that the national legislation of Japan does not allow the retrospective confiscation of specimens of meat and blubber introduced from the sea with the prior grant of a certificate from the Management Authority that has subsequently been distributed into domestic markets. Finally, Japan reiterated its commitment to follow the Standing Committee's recommendations not to issue IFS certificates for sei whales from the North Pacific population except for biopsy samples obtained via non-lethal methods.

Canada (Committee Member for North America), Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Australia (Committee Member for Oceania) and Argentina recognised Japan's efforts to address this compliance issue, noting that they considered the matter to be resolved and that the case could be closed. Australia noted that some Institute of Cetacean Research programs informed Japan's whaling programme and recommended that proceeds from the sale of stockpiles not be used to support Japan's whaling industry.

The Animal Welfare Institute noted its satisfaction with the outcome of this compliance matter which it believed demonstrated both the value and the effectiveness of the CITES compliance process and echoed the recognition of Japan's efforts to address this issue.

While highlighting disappointment that Japan had authorised the sale of meat introduced in non-compliance with the Convention alongside legal whale meat, it agreed that the matter could now be closed.

The Committee noted the information provided by Japan and Japan's commitment not to issue any introduction from the sea certificates for sei whales from the North Pacific population except for biopsy samples obtained via non-lethal methods. The Committee agreed to consider the compliance matter resolved and proceed to close the case.

28.3 Malagasy ebonies (*Diospyros* spp.) and palisanders and rosewoods (*Dalbergia* spp.)

28.3.1 Report of Madagascar..... SC74 Doc. 28.3.1

and

28.3.2 Report of the Secretariat ..... SC74 Doc. 28.3.2

The Chair noted that Madagascar was unfortunately unable to attend the meeting, and that an updated report from Madagascar to the Standing Committee had not been received. The Secretariat introduced document SC74 Doc 28.3.2, noting that it had been supporting Madagascar in its implementation of Decision 18.96. The Secretariat indicated that considerable progress had been made with the scientific aspects of Decision 18.96 and with control and enforcement measures against illegal logging and exports at the national level, and congratulated Madagascar on this progress. However, despite the considerable efforts made by Madagascar and its partners, the Secretariat considered that insufficient progress regarding the governance aspects of Decision 18.96 had been made. The Secretariat also noted that the Stockpile Verification Mechanism and Business Plan no longer seemed appropriate in the framework of CITES in light of Madagascar's announcement that only national use of stockpiles was envisaged.

While agreeing that objectives concerning paragraphs a) b) and d) of Decision 18.96 had been met, Switzerland, echoed by the European Union and the United States of America, noted that little progress had been reported regarding stockpile inventory of *Dalbergia* and *Diospyros* in Madagascar, particularly concerning undeclared and hidden stockpiles which were estimated to be much larger than official stockpiles and scattered around a large number of sites. These Parties disagreed with the proposal in document SC74 Doc. 28.3.2 to delete paragraph f) of Decision 18.96, suggesting that this should instead be redrafted; the European Union proposed amendments to paragraph f) to this effect. Madagascar was encouraged to identify where additional funding or assistance may be required to fully implement this Decision. The European Union expressed strong support for recommendation a) in the document [for the Standing Committee to uphold the recommendation for Parties not to accept exports or re-exports for commercial purposes from Madagascar of specimens of *Diospyros* spp. annotation #5) or *Dalbergia* spp. (annotation #15)].

Kenya provided an update on the status of Malagasy rosewood logs seized in Kenya in May 2014 (see Notif. No. 2022/005), assuring Parties that they remained committed to enforcing the provisions of CITES Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species* and to ensuring that the logs seized are retained in possession of the government.

The International Tropical Timber Organisation (ITTO) reported that it continued to support Madagascar in its management of stockpiles and would coordinate with the Secretariat regarding an upcoming visit to the country. TRAFFIC commended Madagascar on its progress and welcomed the opportunity to provide Madagascar with further assistance on this matter, but TRAFFIC and the Environmental Investigation Agency (EIA) echoed concerns regarding the lack of progress on inventories and secure marking of stockpiles, strongly encouraging Madagascar to complete an inventory of all stockpiles before national or international use is considered. EIA noted its disagreement with the suggestion to delete paragraphs f) and g) from Decision 18.96, arguing that this recommendation should remain intact so the entire stockpile remains under control. Both organisations highlighted recent irregularities or interceptions involving Malagasy rosewood.

The Committee agreed the following recommendations:

The Committee:

- a) decided to uphold the recommendation for Parties not to accept exports or re-exports for commercial purposes from Madagascar of specimens of *Diospyros* spp. (populations from Madagascar; annotation #5) or *Dalbergia* spp. (annotation #15) from Madagascar, until Madagascar has made a legal acquisition finding and a non-detriment finding for these species on a national level to the satisfaction of the Secretariat;
- b) invited Parties of origin, transit and destination of specimens of *Dalbergia* spp. and *Diospyros* spp. from Madagascar to implement all the measures recommended by the Standing Committee regarding commercial trade in specimens of these species from Madagascar, including the suspension of such trade, and to effectively manage the stockpiles of wood of *Dalbergia* spp. and *Diospyros* spp. from Madagascar. Parties are invited to follow the guidance included in Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*, in particular paragraphs 2 and 8;
- c) noted the progress made by Madagascar regarding paragraphs a) to d) of Decision 18.96 (i.e., scientific aspects) and paragraph e) (i.e., enforcement); invited Madagascar to identify where additional training would be needed and called on the Parties and relevant partners to provide technical and financial assistance to support the work of Scientific Authorities and enforcement authorities;
- d) noted:
  - i) the statements by Madagascar about its intention to make domestic use of the 'officially controlled' stockpiles;
  - ii) that, for this reason, the management and use of these stockpiles corresponding to Step 1 of Phase 1 of the *Stockpile Verification Mechanism and Business Plan* no longer falls within the scope of CITES; and
  - iii) that, consequently, paragraph g) of Decision 18.96 is no longer appropriate;
- e) invited Madagascar to implement all the necessary control measures for the application and respect of annotation #15 in the event of any export of objects made from *Dalbergia* spp.;
- f) invited Madagascar to refer to the Standing Committee after completion of the process to manage and use the 'officially controlled' stockpiles on a domestic level in order to report its outcomes;
- g) noted the progress made in the framework of the Intersessional Advisory Group established to assist and advise Madagascar on the implementation of all measures regarding *Dalbergia* spp. and *Diospyros* spp., and considers that its mandate has been fulfilled;
- h) noted document SC74 Doc. 28.3.2 and the progress made regarding the provisions of paragraphs a) to c) of Decision 18.99 directed to the Secretariat;
- i) instructed the Secretariat to publish a Notification to the Parties reflecting paragraph a) of the present recommendations;
- j) requested the Secretariat, subject to the availability of resources, to assess the administrative and legislative provisions for the implementation of CITES in Madagascar, in accordance with Article XIII of the Convention, to explore the necessary measures and to provide Madagascar with the technical assistance required for implementing the Convention; and

- k) agreed to propose to CoP19 the renewal of paragraph f) of Decision 18.96 amended as follows:
  - f) ~~subject to available funding~~, secure the stockpiles (including undeclared and hidden stocks) of timber of *Dalbergia* and *Diospyros* in Madagascar, and submit regular updates on audited inventories thereof, ~~and a use plan based on transparency~~ and independent oversight mechanisms, for consideration, ~~approval~~ and further guidance from the Standing Committee;

28.4 National ivory action plans process:  
Report of the Secretariat ..... SC74 Doc. 28.4

The Secretariat introduced document SC74 Doc. 28.4 which outlines progress on reporting by and engagement with Turkey (as a new Party identified for inclusion in the NIAP process); and with the 14 Parties and one territory that are included in the NIAP process. It was noted that reports on progress with NIAP implementation had been received from Mozambique and Togo since the time of writing of SC74 Doc. 28.4, but that due to their late submission the Secretariat had not been able to review these reports prior to the meeting. On this basis the Secretariat suggested updates to the recommendations for the two Parties.

Cambodia, Ethiopia and Mozambique provided oral updates on the actions undertaken to fulfil their NIAPs, including, *inter alia*, updates to legislation; improving the capacity of enforcement, customs officials and judges to tackle environmental crime; intelligence operations; collaboration with neighbouring countries; population surveys; and awareness raising activities. Indonesia additionally delivered oral clarifications on behalf of Viet Nam regarding Activities 4.5 and 5.1 of its NIAP (Viet Nam considered both of these activities to be achieved). Cambodia highlighted measures taken by Cambodia to tackle illegal trade and conduct an inventory of ivory stockpiles, and noted that they would share these with the Secretariat; Cambodia further considered that most activities within its NIAP had been achieved and requested to exit the NIAP process, noting that the Party would work closely with the Secretariat to address remaining issues. Indonesia (speaking on behalf of Viet Nam) reported that Viet Nam considered 84% of its NIAP to be achieved, and that the Party requested the Standing Committee to reconsider Viet Nam's classification to 'Party that has achieved its NIAP'. The Secretariat clarified that, according to Step 4 paragraph e) of the *Guidelines to the National Ivory Action Plans Process*, for a NIAP to be considered 'achieved' "a minimum of 80% of NIAP actions have been assessed as 'substantially achieved', and any remaining actions have been self-assessed as 'on track' for achievement". It was explained that the requests from Cambodia and Viet Nam may therefore not be possible to agree to at this time.

The European Union expressed support for the document's recommendations as well as the recommendations for Mozambique and Togo as amended by the Secretariat. They additionally highlighted the importance of reporting in writing and using the template required by Step 4 paragraph b) of the *Guidelines to the National Ivory Action Plans Process*, suggesting that a warning be issued on behalf of the Standing Committee and that if there is no satisfactory response by a Party concerned, the Secretariat be requested to issue a Notification to Parties recommending all Parties to suspend commercial trade in CITES-listed species with that Party until the Party concerned submits a progress report to the Secretariat confirming that progress has been made towards NIAP implementation. It was noted that this would align the approach with that established at SC69, thus ensuring consistency and fairness. Ethiopia disagreed with this suggestion, noting that some Parties may have been making progress but been unable to report due to capacity problems. Regarding Nigeria, the European Union noted concern at the escalation of illegal trade in ivory within the country, as well as persistent compliance challenges.

Nigeria assured Parties of its commitment to implement the Convention and tackle illegal wildlife crime. While noting that reduced capacity and resources made reporting challenging, the Party noted that they would work to ensure the submission of a progress report within the deadlines outlined in the document's recommendations.

Congo (Committee Member for Africa) expressed concern at recurring issues identified with the NIAP process, considering that further discussion might be needed regarding when compliance measures should be implemented.

The Environmental Investigation Agency (speaking also on behalf of the Animal Welfare Institute, Born Free Foundation, David Shephard Wildlife Foundation, EuroGroup for Animals, Species

Survival Network, Fondation Franz Weber, Pro Wildlife, Wildlife Conservation Society, WildCrime, and World Wide Fund for Nature) argued that, in light of persistent non-reporting and compliance issues for a number of Parties, the NIAP process should be reviewed to ensure it remains fit for purpose. These observer organisations noted that they shared the Secretariat's repeated concerns that not all Parties are submitting progress reports, that some of the reports submitted do not comply with the NIAP Guidelines, and that they are often provided too late for the Standing Committee to have sufficient time to evaluate progress. It was recommended that the Standing Committee request the Secretariat to conduct a comprehensive review of the effectiveness and impact of the NIAP process to address the issues identified above, and to provide an update on such a review at CoP19.

The Committee agreed the following recommendations.

### **Turkey**

- a) The Committee agreed to:
  - i) not include Turkey in the NIAP process at present;
  - ii) encourage Turkey to continue to be vigilant in the implementation of measures to prevent the transit of illegal ivory through Turkey; and
  - iii) request the Secretariat, in accordance with Resolution Conf. 10.10 (Rev. CoP18), to continue to monitor illegal trade in ivory as it affects Turkey and to bring any matters of concern that may arise to the attention of the Committee.

### Parties that continue with NIAP implementation

#### **Angola, Cameroon, Ethiopia**

- b) Regarding Angola, Cameroon, and Ethiopia as Category C Parties, the Committee:
  - i) noted that these Parties did not submit reports on progress with NIAP implementation;
  - ii) requested the Secretariat in accordance with Step 4, paragraph f), of the *Guidelines to the NIAP process*, on behalf of the Committee to issue a warning, requesting the Parties concerned to submit their NIAP progress reports to the Secretariat within 60 days of the conclusion of SC74; and
  - iii) if there is no satisfactory response by a Party concerned, requested the Secretariat to issue a Notification to Parties recommending all Parties to suspend commercial trade in CITES-listed species with that Party until the Party concerned submits a progress report to the Secretariat confirming that progress has been made towards NIAP implementation.

#### **Cambodia**

- c) The Committee noted the progress made by Cambodia in implementing its NIAP and its request to exit the NIAP process.
- d) The Committee agreed an overall rating of 'partial progress' for Cambodia, in accordance with Step 4, paragraph e), of the *Guidelines to the NIAP process*.

#### **Congo**

- e) The Committee:
  - i) noted the limited progress made by the Congo in implementing its NIAP and encouraged the Party to step up efforts to progress implementation of its NIAP;
  - ii) requested the Congo, in its future NIAP implementation progress reports, to report on all progress made in the implementation of each NIAP action since the NIAP was approved in 2015, and to allocate a rating to each NIAP action based on the overall progress made in implementing the action since 2015;

- iii) requested the Congo if it wishes to revise and update its NIAP found to be adequate in 2015, to do so using the template for NIAP development available on the NIAP webpage and, if applicable, to provide justification for the removal of, or the reduction of the scope of, any actions which have not yet been achieved or substantially achieved in the NIAP originally found to be adequate;
- iv) encouraged the Congo to commence the implementation of actions 4.1, 5.2 and 6.1 of its NIAP;
- v) agreed an overall rating of 'limited progress' for the Congo, in accordance with Step 4, paragraph e), of the *Guidelines to the NIAP process*; and
- vi) encouraged Parties, governmental, intergovernmental and non-governmental organizations and others to provide, where possible, financial and technical assistance to the Congo to support the implementation of its NIAP.

#### **Democratic Republic of the Congo**

- f) The Committee:
  - i) noted that the Democratic Republic of the Congo did not use the template for reporting on progress, as required by Step 4, paragraph b), of the *Guidelines to the NIAP process* and as requested by the Standing Committee at its 70th meeting;
  - ii) noted that the Democratic Republic of the Congo did not report on five of the 28 actions included in its NIAP, and that as a result the Secretariat was not able to fully evaluate the progress made by the Democratic Republic of the Congo;
  - iii) requested the Democratic Republic of the Congo, if it wishes to revise and update its NIAP found to be adequate in 2018, to do so using the template for NIAP development available on the NIAP webpage and, if applicable, to provide justification for the removal of any actions which have not yet been achieved or substantially achieved in the NIAP found to be adequate in 2018;
  - iv) noted the concerns regarding the escalation of illegal trade in ivory from the DRC, as detailed in paragraph 43 of Annex 1 to document SC74 Doc. 28.4;
  - v) requested the Secretariat in accordance with Step 4, paragraph f), of the *Guidelines to the NIAP process*, on behalf of the Committee to issue a warning, requesting the Democratic Republic of the Congo to submit its NIAP progress report to the Secretariat within 60 days of the conclusion of SC74; and
  - vi) if there is no satisfactory response by the Democratic Republic of the Congo, requested the Secretariat to issue a Notification to Parties recommending all Parties to suspend commercial trade in CITES-listed species with the Democratic Republic of the Congo until the Party concerned submits a progress report to the Secretariat confirming that progress has been made towards NIAP implementation.

#### **Gabon**

- h) The Committee:
  - i) requested Gabon to take note of the observations of the Secretariat in its assessment regarding actions B.2, C.2 E.4 and E.9 of the NIAP, and invite Gabon to elaborate in more detail in its future reports on the activities implemented to achieve these actions; and
  - ii) agreed an overall rating of 'partial progress' for Gabon, in accordance with Step 4, paragraph e), of the *Guidelines*.

#### **Lao People's Democratic Republic**

- i) The Committee:

- i) noted the revised and updated NIAP of the Lao People's Democratic Republic; and
- ii) agreed an overall rating of 'partial progress' for the Lao People's Democratic Republic, in accordance with Step 4, paragraph e), of the *Guidelines*.

### **Malaysia**

- j) The Committee:
  - i) commended Malaysia for achieving its NIAP;
  - ii) encouraged Malaysia to submit a report to the Secretariat, 90 days before the deadline for submission of documents to the 77th meeting of the Standing Committee (SC77), on any further measures taken and activities implemented to combat illegal ivory trade, so that the Secretariat can make the report available to the Standing Committee at SC77; and
  - iii) requested the Secretariat to continue to monitor progress in accordance with Resolution Conf. 10.10 (Rev. CoP18), and to bring any matters of concern that may arise to the attention of the Committee.
- k) The Committee agreed that it will consider at SC77 whether Malaysia should exit the NIAP process, in accordance with Step 5 of the *Guidelines*.

### **Mozambique**

- l) The Committee:
  - i) noted the revised and updated NIRAP of Mozambique;
  - ii) noted that Mozambique submitted its report on progress with NIRAP implementation, available as Annex 12 to document SC74 Doc. 28.4;
  - iii) noted that the report submitted by Mozambique was not using the NIAP progress report template and was not submitted 90 days in advance of the present meeting, as required by Step 4, paragraph a) of the *Guidelines*, and that the Secretariat was as a result, not able to evaluate the report prior to the present meeting, as required by Step 4, paragraph c), of the *Guidelines*;
  - iv) requested Mozambique to submit a revised report on progress with NIRAP implementation within 60 days of the present meeting, using the NIAP progress report template available on the NIAP webpage; and
  - v) requested the Secretariat to evaluate the progress report from Mozambique and bring any matters arising to the attention of the Standing Committee as may be needed.

### **Nigeria**

- m) The Committee:
  - i) noted the revised and updated NIAP of Nigeria;
  - ii) noted that Nigeria did not submit its reports on progress with NIAP implementation in time for its progress to be assessed and reflected in the documents on NIAPs prepared by the Secretariat for SC66, SC67, SC69, SC70 and SC74;
  - iii) noted the concerns regarding the escalation of illegal trade in ivory and other wildlife specimens from Nigeria, as detailed in paragraph 82 of Annex 1 to document SC74 Doc. 28.4;
  - iv) requested the Secretariat in accordance with Step 4, paragraph f), of the *Guidelines to the NIAP process*, on behalf of the Committee to issue a warning, requesting Nigeria to

submit its NIAP progress report to the Secretariat within 60 days of the conclusion of SC74; and

- v) if there is no satisfactory response by Nigeria, requested the Secretariat to issue a Notification to Parties recommending all Parties to suspend commercial trade in CITES-listed species with Nigeria until the Party concerned submits a progress report to the Secretariat confirming that progress has been made towards NIAP implementation.

#### **Qatar**

n) The Committee:

- i) agreed an overall rating of 'partial progress' for Qatar, in accordance with Step 4, paragraph e), of the *Guidelines*; and
- ii) requested Qatar to continue to progress the implementation of its NIAP between SC74 and SC77.

#### **Togo**

o) The Committee:

- i) noted that Togo submitted its report on progress with NIAP implementation, available as Annex 13 to document SC74 Doc. 28.4;
- ii) noted that the report submitted by Togo was not submitted 90 days in advance of the present meeting, as required by Step 4, paragraph a) of the *Guidelines*, and that the Secretariat was as a result, not able to evaluate the report prior to the present meeting, as required by Step 4, paragraph c), of the *Guidelines*; and
- iii) requested the Secretariat to evaluate the progress report from Togo and bring any matters arising to the attention of the Standing Committee as may be needed.

#### **Viet Nam**

p) The Committee:

- i) noted the progress made by Viet Nam in implementing its NIRAP and its request to exit the NIAP process;
- ii) agreed an overall rating of 'partial progress' for Viet Nam, in accordance with Step 4, paragraph e), of the *Guidelines to the NIAP process*;
- iii) requested Viet Nam to continue to progress the implementation of its NIRAP between SC74 and SC77;
- iv) encouraged Viet Nam to continue to implement activities specifically targeting key locations known to be associated with illegal wildlife trade, both at its borders and in domestic markets; and
- v) encouraged Viet Nam to build upon the findings made through the survey conducted in accordance with action 2.5 in the NIRAP, regarding illegal online wildlife trade, and to respond to the findings of the survey through the implementation of appropriate measures and activities.

#### Parties that achieved their NIAPs

#### **Hong Kong Special Administrative Region of China**

q) The Committee:

- i) commended Hong Kong SAR of China for achieving its NIAP and for the further measures taken to address illegal trade in ivory;
- ii) agreed that Hong Kong SAR of China exit the NIAP process in accordance with Step 5 of the *Guidelines*; and
- iii) requested the Secretariat to continue to monitor progress in accordance with Resolution Conf. 10.10 (Rev. CoP18), and to bring any matters of concern that may arise to the attention of the Committee.

28.5 Totoaba (*Totoaba macdonaldi*):  
Report of the Secretariat ..... SC74 Doc. 28.5

The Secretariat introduced document SC74 Doc. 28.5, outlining progress made by Mexico in the implementation of Decision 18.293 to address the threats to totoaba and vaquita posed by illegal trade. The Secretariat noted that Mexico had reported in detail on a number of measures undertaken, including activities aimed at preventing fishers and vessels from entering the vaquita refuge and zero tolerance area, gillnet removal work, collecting and analysing information, undertaking intelligence-driven investigations and operations, and work to facilitate progress towards the establishment and operationalization of the trilateral enforcement contact group together with China and the United States of America. Although progress has been made on some fronts, the Secretariat highlighted that it did not seem that a “zero tolerance policy” was being applied by Mexico in the vaquita refuge and zero tolerance area and stressed that the continued presence of fishers in the restricted areas significantly undermined the progress made by Mexico on other fronts. The Secretariat also noted that the document contained a report on the outcomes of the online *Meeting of Range, Transit and Consumer States of Totoaba*, as well as draft decisions proposed by the Secretariat regarding the study and vaquita and totoaba called for in Decision 18.294, paragraph c).

Mexico provided an overview of efforts undertaken to protect totoaba and vaquita from illegal trade, highlighting the importance of future cooperation between the trilateral enforcement contact group and expressing support for the recommendations in document SC74 Doc. 28.5. The Party noted that the IUCN Red List status of totoaba had improved from Endangered to Vulnerable but noted that trade in totoaba swim bladder involved international criminal networks, and asked countries affected by illegal trade to ensure financial resources are available to build the intelligence and enforcement capacity needed to make arrests and to impose more severe sentencing.

The United States of America appreciated the efforts and resources deployed by Mexico to address this issue, but noted that, regrettably, Mexico’s actions had not curbed illegal fishing or illegal international trade of totoaba. The United States of America thus did not believe that CITES was being implemented effectively by Mexico, and the Party proposed that the Standing Committee recommend the suspension of commercial trade in specimens of CITES-listed species exported or re-exported from Mexico until measurable progress is made by Mexico in implementing the recommendations proposed by the Secretariat in Paragraph 53 a) iii) - v) in SC74 Doc. 28.5.

In order to assess progress, the United States proposed for the Government of Mexico to invite the Secretariat for a second mission and for the Secretariat to prepare a report for SC75; on the basis of this report, the Standing Committee could consider whether sufficient progress has been made to lift the proposed recommendation to suspend commercial trade in specimens of CITES-listed species from Mexico. The United States of America also proposed that the Standing Committee recommend the renewal and update of existing decisions aimed at efforts to curb the illegal harvest of totoaba and save the vaquita from extinction, rather than the draft decisions 19.AA and 19.BB contained in document SC74 Doc. 28.5. Lastly, the United States of America also recommended the addition of another conclusion by SC74 in paragraph 53 a), to be inserted before a) iii) as follows:

iii) conclude that, while some progress has been made in implementing Dec. 18.293, Mexico has not implemented subparagraph a) i) of the Decision, which urges Mexico to “effectively prevent fishers and vessels from entering the Zero Tolerance Area,” which is the “single most important factor” to protect the totoaba and, in turn, the vaquita and which significantly undermines Mexico’s other efforts;

While noting that the proposal was complex, Israel (Committee Member for Europe) expressed general support for the United States of America's proposal and highlighted the importance of efforts to seek alternative vaquita-safe fishing gears and scale up their use. Senegal (Committee Member for Africa) echoed calls for measures to be implemented in cases where Parties cannot meet their obligations under CITES, highlighting that vaquita were on the verge of extinction.

In response to the United States of America's intervention, Mexico emphasized the many actions taken so far, considering that they had fulfilled their obligations under Decision 18.293. Mexico expressed concern regarding a lack of engagement on totoaba swim bladders from some transit and destination countries.

Indonesia, China and Kuwait (Committee Members for Asia), Canada (Committee Member for North America), Brazil, the European Union, and the Republic of Korea commended Mexico on actions taken so far and encouraged the Party to continue progress, with the European Union noting particular concern regarding the key issue of the continued presence of vessels in the vaquita refuge and zero tolerance area. These Parties expressed support for the document's recommendations, but China noted that, due to the delays caused by the COVID-19 pandemic, additional time was needed to finalize the terms of reference for the establishment and operationalization of the trilateral enforcement contact group, as well as to establish and operationalize the group.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States) suggested that the proposal from the United States of America to invite the Secretariat for a second Mission to assess progress on implementing measures and to ensure effective delivery of the Decision 18.293 could be a way forward to gain clarity on the situation before a trade suspension is considered.

The Committee:

- a) noted the reporting provided by Mexico in accordance with Decision 18.293, paragraph d) and the Secretariat's final assessments of Mexico's efforts presented in Annex 1 to document SC74 Doc. 28.5 on Totoaba (*Totoaba macdonaldi*), and
  - i) noted the efforts made and substantial resources deployed by Mexico to address illegal fishing and trafficking of totoaba, and the associated threats posed to the vaquita;
  - ii) noted the ongoing concerns about fishers illegally operating in the vaquita refuge and zero-tolerance area, and highlighted the urgency of addressing this;
  - iii) encouraged Mexico to actively pursue the urgent implementation of all aspects of the [Agreement regulating gear, systems, methods, techniques and schedules for carrying out fishing activities with smaller and larger vessels in Mexican Marine Zones in the Northern Gulf of California and establish landing sites as well as monitoring systems for such vessels](#);
  - iv) requested Mexico to strengthen measures to ensure that a "zero tolerance policy" is strictly applied in the vaquita refuge and zero-tolerance area, and that consistent measures are taken, and strict penalties imposed against fishers that are found operating in areas where fishing is prohibited;
  - v) encouraged Mexico to further scale up and expand maritime surveillance and patrol activities in the vaquita refuge and zero-tolerance area to ensure that authorities are present on a full-time basis to prevent fishers from engaging in illegal activities in these areas and take action to address any illegal activities detected;
  - vi) requested Mexico to include information on the measures implemented and activities conducted as anticipated by recommendation a) iii), iv) and v), in its next regular six-monthly reports to the Secretariat in accordance with Decision 18.293, subparagraph a) iii); and
  - vii) requested the Secretariat to continue to monitor Mexico's implementation of Decision 18.293, and to bring any matters of concern that may arise to the attention of the Standing Committee;

- b) noted the outcomes of the online *Meeting of Range, Transit and Consumer States of Totoaba*, as contained in the agreed meeting outcomes document presented in Annex 4 to document SC74 Doc. 28.5, and encouraged all Parties affected by totoaba specimen trafficking to make every effort to implement the measures and activities agreed as relevant to them, and:
  - i) requested Parties affected by totoaba trafficking that have not yet done so to communicate the details of their national focal points to the Secretariat in accordance with activity 1.6 in the agreed meeting outcomes document;
  - ii) encouraged Parties to scale up information and intelligence exchange in support of disrupting criminal networks from source to destination and bringing the perpetrators involved to justice, by implementing activity 1.5 in the agreed meeting outcomes document, drawing upon the support available through INTERPOL, as well as the functionalities available through the WCO closed user group on totoaba established in accordance with activity 1.10; and
  - iii) invited the Republic of Korea to take note of the information on totoaba trafficking associated with it, as reported upon by Mexico and highlighted in Annex 1 to document SC74 Doc. 28.5, and of the agreed outcomes from the online *Meeting of Range, Transit and Consumer States of Totoaba*, and to implement the measures and activities as relevant to it;
- c) requested China, Mexico and the United States to set and agree a timeline to finalize the terms of reference for the establishment and operationalization of the trilateral enforcement contact group, as well as to establish and operationalize the group, and to communicate this timeline to the CITES Secretariat by 31 May 2022;
- d) requested the Secretariat to undertake a second mission to Mexico to evaluate progress on the implementation of Decision 18.293, with a particular focus on the areas of concern identified in document SC74 Doc. 28.5; and
- e) invited the Secretariat to propose to CoP19 revisions to Decisions 18.292 to 18.295 after its second mission to Mexico, taking into consideration the 30 April 2022 report by Mexico, in consultation with the Standing Committee through its Chair.

The Committee agreed to submit the following draft decisions, along with renewed and revised decisions as identified in paragraph e) above, for submission to CoP19:

***Directed to the Secretariat***

- 19.AA The Secretariat shall revise the terms of reference for the study on vaquita and totoaba outlined in Annex 2 to document CoP18 Doc. 89 (Rev. 1), taking into consideration the outcomes of the online *Meeting of Range, Transit and Consumer States of Totoaba* held in October 2021, and the decisions of the 74th meeting of the Standing Committee, and undertake the study, subject to the availability of external resources and in consultation with organizations with relevant expertise, and report on the outcomes of this work to the Standing Committee.

***Directed to the Standing Committee***

- 19.BB The Standing Committee shall review and assess the study undertaken in accordance with Decision 19.AA and any recommendations from the Secretariat concerning the study and make recommendations as appropriate.

29. Compliance Assistance Programme: Report of the Secretariat ..... SC74 Doc. 29

The Secretariat introduced document SC74 Doc. 29, presenting an update on the establishment of the Compliance Assistance Programme (CAP). The Secretariat thanked the European Union and Switzerland for their financial support. The Secretariat reported that four Parties were included in the pilot phase of the CAP (Guinea, Nigeria, Suriname, and Togo), and that the CAP would be open to other interested Parties once the pilot phase is completed. Support to Parties was reported to have been provided through online meetings and not through technical missions or in-person country assistance due to the COVID-19

pandemic. The document also included information on financial and technical peer assistance provided by Parties to other Parties regarding compliance.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), echoed by the United States of America, supported the proposed amendments to Resolution Conf. 14.3 (Rev. CoP18) and the proposed draft decisions. Guinea, as a Party in the pilot phase, thanked the Secretariat for the implementation of the CAP and the assistance provided, and hoped that it would help Guinea bring an end to the suspension of trade in place since 2013. Guinea also thanked financial and technical partners for the capacity building support extended. Nigeria, as another Party included in the pilot phase, looked forward to collaborating with the Secretariat on the CAP, and viewed the support to Parties with compliance and enforcement through such initiatives as a priority in the ECOWAS region and as elements that should be prioritised in all subregions. The United States of America commended the Secretariat for the pilot phase and wished that consideration be given to the engagement of CITES Committees in the selection of Parties to be included in future phases. The United States also suggested an amendment in paragraph 3 of the proposed Resolution to replace 'countries' with 'Parties'.

The Committee noted the information provided by the Parties and the observers which is used by the Secretariat in the design of assistance programmes to eligible Parties. The Committee agreed to submit to CoP19 the following revised amendment to Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures*;

RECALLING Decision 12.84, whereby that the Conference of the Parties at its 12th meeting (Santiago, 2002) instructed the Secretariat to draft a set of guidelines on compliance with implementation of the Convention for consideration by the Standing Committee;

RECALLING FURTHER that the Standing Committee at its 50th meeting (Geneva, March 2004) decided to establish an open-ended working group to draft such guidelines;

RECALLING FURTHER that the Conference of the Parties at its 18th meeting (Geneva, 2019) instructed the Secretariat to establish a Compliance Assistance Programme (CAP);

#### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. TAKES NOTE of the Guide to CITES compliance procedures annexed to this Resolution; and
2. RECOMMENDS that the Guide be referred to, when dealing with compliance matters;
3. TAKES NOTE that the Secretariat has established the Compliance Assistance Programme (CAP) to support **Parties** countries facing persistent compliance challenges; and
4. INVITES all Parties, governmental, intergovernmental and non-governmental organizations and other sources to provide financial and/or technical assistance for the effective implementation of the CAP.

The Committee further agreed to submit the following draft decisions to CoP19 to replace Decisions 18.68 to 18.70:

#### **19.AA Directed to the Parties**

Parties are invited to continue to provide financial or technical support to Parties subject to compliance mechanisms and other related compliance measures as specified in Resolution Conf. 14.3 (Rev. CoP18) on *CITES compliance procedures* to further strengthen their institutional capacity.

#### **19.BB Directed to the Secretariat**

The Secretariat shall, subject to the availability of external funding:

- a) upon request, conduct technical missions and facilitate the organization of in-country assistance coordination mechanisms to selected Parties eligible to benefit from the Compliance Assistance Programme (CAP);

- b) in consultation with the International University of Andalucía which hosts the Masters Course in 'Management and Conservation of Species in Trade – The International Framework' and other relevant universities, explore the possibility and feasibility of training and deploying short term consultants to assist Parties benefiting from the Compliance Assistance Programme; and
- c) report to the Standing Committee on the progress made in the implementation of Decisions 19.AA and 19.BB.

**19.CC Directed to the Standing Committee**

The Standing Committee shall monitor progress in the implementation of the Compliance Assistance Programme (CAP) and report its findings and recommendations to the 20th meeting of the Conference of the Parties.

**30. Review of Significant Trade in specimens of Appendix-II species**

**30.1 Implementation of recommendations of the Animals and Plants Committees ..... SC74 Doc. 30.1**

The Secretariat introduced document SC74 Doc. 30.1, which reports on actions taken by Parties to implement recommendations made by the Animals, Plants and Standing Committees under the Review of Significant Trade (RST) to ensure compliance with the obligations of Article IV, paragraph 2 (a), 3 or 6 (a) of the Convention. The Secretariat reported that a revised table, taking into account the views of the Animals and Plants Committees consultations, could be found in the addendum.

Regarding *Macaca fascicularis*/Lao People's Democratic Republic, the United States of America expressed concern that Parties only exporting captive-bred specimens be allowed to leave the RST without a non-detriment finding (NDF) submitted to the Secretariat and Chair of the Animals Committee for review. The United States suggested that better practice would be for the Animals Committee to review the documents demonstrating that trade in the species met the requirements of Resolution Conf. 10.16 (Rev.), including legal acquisitions. Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States) agreed with the recommendation to end the review on condition of publishing a zero quota; Poland also supported the Animals Committee recommendation to include the species in the review of specimens bred in captivity, due to concerns around the supplementation of captive breeding with wild specimens, given that only 300-500 wild specimens remained in protected areas in the country.

Regarding *Ara ararauna*/Guyana, the United States commented that the new information submitted by Guyana had not been submitted with sufficient time for the Animals Committee to review, and consequently proposed delaying any decision on increasing the quota to SC75.

Regarding *Anguilla anguilla*/Algeria, Poland on behalf of the European Union and its member States, agreed with the recommendations but emphasized that Algeria would need to demonstrate that the sum of all measures resulted in sustainability for trade in European eels. Poland noted that any harvest of this species was in conflict with the recommendation of the International Council for the Exploration of the Sea (ICES) for zero catches across all life stages.

Regarding *Anguilla anguilla*/Morocco, Poland commended the country for their detailed response and the measures taken, but, keeping in mind the poor traceability for seizures and the large amount of trafficking of the species in Europe, Poland supported the recommendation to delay the release of this case from the RST until SC75 to allow for analysis of the extensive documentation.

Regarding *Anguilla anguilla*/Tunisia, Poland supported the recommendation to delay the release of this case from the RST until SC75 to allow for analysis of the extensive documentation. Poland urged Tunisia to provide updates on the outstanding recommendations. As with Algeria, Poland emphasized the need to demonstrate that the sum of all measures resulted in sustainability of trade.

Indonesia reported that it was on track to implement the recommendations for *Cuora amboinensis* by the deadlines, and shared that it had prohibited the harvest of pregnant females of this species.

Regarding *Pericopsis elata*/Congo, Congo noted the comments and would respond to the recommendations in the coming days.

Regarding *Pterocarpus santalinus*/India, India reported that they had completed an NDF in 2019 in accordance with the recommendations, and the study had confirmed that standing stocks satisfied the CITES requirements to qualify as artificially propagated. Additionally, an assessment of the seized *Pterocarpus santalinus* had been carried out and some permits issued, all of which was communicated to the Secretariat. India requested the Secretariat to update the relevant quotas on the CITES webpage, and, considering that all the recommendations had been fulfilled, urged the Committee to remove the species from the RST process. The Chair suggested that the Secretariat review the information and provide and update at SC75. The United States suggested that the Plants Committee also be consulted. Senegal suggested that the quantities in seedlings be converted to kilograms to aid understanding.

Regarding *Dalbergia retusa*/Panama, Panama reported that they would ensure that the information was provided, that they were seeking financing to carry out a population study, that they had had a great deal of collaboration from China on containers of this species, and that they would like to implement a zero export quota.

Georgia commented that several countries had noted financial constraints, and that the process of ensuring that trade was sustainable was more expensive than the revenues from such trade; Georgia considered that, as well as support to fulfil the recommendations, support should be aimed at ensuring that Parties have the financial resources to ensure the long-term sustainability of trade.

IUCN, speaking also on behalf of the Zoological Society of London, remarked that Algeria, Morocco, and Tunisia were all members of the General Fisheries Commission for the Mediterranean, which had a research programme related to eels and recently held a workshop. It was considered that a toolbox of measures from the workshop may have an effect on the trade in eels. IUCN stated that regional coordination was essential to ensure sustainability across fisheries.

Pro Wildlife (speaking also on behalf of World Parrot Trust, Species Survival Network, Animal Welfare Institute, Born Free Foundation, Center for Biological Diversity, Humane Society International, Eurogroup for Animals, Pan African Sanctuary Alliance, and Wildlife Impact) urged Guyana to submit details of its population study by SC75, as the study had not been reported on despite being completed over two years ago, and trade had continued. They also suggested zero quotas for parrots from Suriname to ensure consistency across both countries, given the risk of trafficking across the two Parties' land border. Finally, they noted that permits for *Poicephalus gularis* from DRC were being used to conceal shipments of Appendix I-listed African Grey parrots, and recommended a zero quota for *Poicephalus gularis* pending submission of field studies on which to base an NDF.

For *Amazona festiva*/Guyana, the Committee:

- a) requested Guyana to share the results of its population study of psittacines;
- b) requested Guyana to maintain a zero export quota for *A. festiva* until it provides information (including an NDF) to justify a higher quota to be agreed with the AC Chair; and
- c) urged Guyana to provide information on the implementation of recommendations c) to f) no later than three months before the documentation deadline for SC77.

For *Chelonoidis denticulatus*/Guyana, the Committee:

- a) requested the Secretariat to publish a zero export quota for *C. denticulatus* until Guyana provides information (including an NDF) to justify a higher quota to be agreed with the AC Chair; and
- b) urged Guyana to provide an update on the implementation of recommendations d) to f) no later than three months before the documentation deadline for SC77.

For *Macaca fascicularis*/Lao People's Democratic Republic, the Committee agreed to lift the current recommendation to suspend trade and recommend the removal of the species/country combination

*Macaca fascicularis*/Lao PDR from the review of significant trade process, subject to the publication of a zero export quota for specimens of source codes W, F and R. Should Lao PDR wish to resume trade under any of these source codes, it must communicate this to the Secretariat and Chair of the Animals Committee along with a justification (including an NDF), for their agreement.

For *Amazona farinosa*/Guyana, the Committee:

- a) requested Guyana to share the results of its population study of psittacines; and
- b) urged Guyana to provide information on the implementation of recommendations b) to k) no later than three months before the documentation deadline for SC77.

For *Amazona farinosa*/Suriname, the Committee:

- a) requested the Secretariat to publish a zero export quota for *A. farinosa* until Suriname provides information (including an NDF) to justify a higher quota to be agreed with the AC Chair; and
- b) urged Suriname to provide an update on the implementation of recommendations b) to m) no later than three months before the documentation deadline for SC77.

For *Ara ararauna*/Guyana, the Committee:

- a) requested Guyana to share the results of its population study of psittacines;
- b) requested the Standing Committee to consider the proposed increase in the quota at SC75 following a review by the Animals Committee; and
- c) urged Guyana to provide information on the implementation of the outstanding recommendations no later than three months before the documentation deadline for SC77.

For *Ara ararauna*/Suriname, the Committee:

- a) requested the Secretariat to publish a zero export quota for *A. ararauna* until Suriname provides information (including an NDF) to justify a higher quota to be agreed with the AC Chair; and
- b) urged Suriname to provide an update on the implementation of recommendations b) to m) no later than three months before the documentation deadline for SC77.

For *Ara chloropterus*/Guyana, the Committee:

- a) noted that recommendation a) has been complied with;
- b) requested Guyana to share the results of its population study of psittacines; and
- c) urged Guyana to provide information on the implementation of recommendations b) to k) no later than three months before the documentation deadline for SC77.

For *Ara chloropterus*/Suriname, the Committee:

- a) requested the Secretariat to publish a zero export quota for *A. chloropterus* until Suriname provides information (including an NDF) to justify a higher quota to be agreed with the AC Chair; and
- b) urged Suriname to provide an update on the implementation of recommendations b) to m) no later than three months before the documentation deadline for SC77.

For *Poicephalus gulielmi*/Democratic Republic of the Congo, the Committee:

- a) commended DRC for implementing recommendations a) and b) in a timely manner; and

- b) urged DRC to provide an update on the implementation of the remaining recommendations c) to g) no later than three months before the documentation deadline for SC77.

For *Uromastyx geyri*/Mali, the Committee:

- a) requested the Secretariat to publish an interim zero export quota for specimens of *Uromastyx geyri* from Mali traded under source codes W, F and R, which shall remain in place until Mali provides information (including an NDF) to justify a higher quota to be agreed with the AC Chair;
- b) requested Mali to explain the discrepancies, including the lack of source codes, in the trade data; and
- c) urged Mali to provide an update on the implementation of recommendations b) to j) no later than three months before the documentation deadline for SC77.

For *Cuora amboinensis*/Indonesia, the Committee:

- a) noted that recommendation a) has been complied with; and
- b) urged Indonesia to provide an update on the implementation of recommendations b) to k) no later than three months before the documentation deadline for SC77.

For *Anguilla anguilla*/Algeria, the Committee:

- a) noted that recommendations a) and b) have been complied with;
- b) invited Algeria to submit the scientific justification for the proposed increase in the quota;
- c) commended Algeria for the progress made to-date in implementing the remaining recommendations c) to l); and
- d) requested the Secretariat to produce a detailed summary of the information provided by Algeria for review by the Animals Committee and the IUCN anguillid specialist group, to be further considered by SC75.

For *Anguilla anguilla*/Morocco, the Committee:

- a) acknowledged that the situation for production of *A. anguilla* in Morocco is different from that of Algeria and Tunisia;
- b) commended Morocco for the detailed response it has provided and the measures it has put in place to manage the species and ensure a strong traceability system is in place; and
- c) requested the Secretariat to produce a detailed summary of the information provided by Morocco for review by the Animals Committee and the IUCN anguillid specialist group, to be further considered by SC75.

For *Anguilla anguilla*/Tunisia, the Committee:

- a) noted that recommendations a) and b) have been complied with;
- b) commended Tunisia for the progress made to-date in implementing the remaining recommendations c) to l); and
- c) requested the Secretariat to produce a detailed summary of the information provided by Tunisia for review by the Animals Committee and the IUCN anguillid specialist group, to be further considered by SC75.

For *Prunus africana*/Cameroon, the Committee:

- a) noted that Cameroon had complied with recommendations a) and b) of the Plants Committee and associated recommendations of the Standing Committee;
- b) encouraged Cameroon to continue the implementation of remaining recommendations c) to e) of the Plants Committee by consolidating the information it has accrued on NDFs, as well as through the implementation of the relevant project under the CITES Tree Species Programme; and,
- c) encouraged Cameroon to complete implementation of all outstanding recommendations, including recommendation m) of the Standing Committee, in time for the matter to be considered at SC77.

For *Pericopsis elata*/Congo, the Committee:

- a) commended Congo in the progress achieved in the implementation of recommendations a) to f) of the Plants Committee;
- b) encouraged Congo to finalise implementation of recommendations a) and b) by clarifying pending aspects relating to the quotas for 2019 and 2021 onwards;
- c) encouraged Congo to submit updated NDFs covering all forestry concessions licensed for export and associated information to justify the sustainability of quotas, in support of the implementation of decisions c) to f) of the Plants Committee; and,
- d) encouraged Congo to complete implementation of all outstanding recommendations in time for the matter to be considered at SC77.

For *Prunus africana*/Democratic Republic of the Congo, the Committee:

- a) acknowledged that the Democratic Republic of the Congo has complied with recommendation a) of the Plants Committee;
- b) acknowledged the progress made by the Democratic Republic of the Congo in the implementation of recommendations b) to d) of the Plants Committee, and encouraged it to share with the Chair of the Plants Committee the outcomes of the relevant project under the CITES Tree Species Programme (CTSP) in furtherance of fully implementing said recommendations;
- c) recommended the Democratic Republic of the Congo to present monitoring information on the impacts of the agreed annual export quotas for 2019 and 2020 on the population status of *P. africana* in harvested regions;
- d) recommended that the Democratic Republic of the Congo, prior to fully implementing the outstanding recommendations, any increases in the currently published quota, communicate to the Secretariat and the Chair of the Plants Committee as to the scientific basis by which it has established that exports are not detrimental to the survival of the species and are compliant with Article IV, paragraphs 2(a), 3 and 6(a) of the Convention;
- e) encouraged the Democratic Republic of the Congo to establish and communicate to the Secretariat a zero export quota for regions in which it does not intend to undertake harvest of *Prunus africana*; and,
- f) encouraged the Democratic Republic of the Congo to implement all outstanding recommendations in time for the matter to be considered at SC77

For *Pericopsis elata*/Democratic Republic of the Congo, the Committee:

- a) acknowledged that the Democratic Republic of the Congo has complied with recommendations a) and b) of the Plants Committee;

- b) acknowledged the progress made by the Democratic Republic of the Congo in the implementation of recommendations c) to e) of the Plants Committee, in light of the outcomes of the relevant project under the CITES Tree Species Programme (CTSP);
- c) recommended that the Democratic Republic of the Congo continue to report to the Secretariat and the Chair of the Plants Committee on the implementation of recommendations c) to e) of the Plants Committee and consult with them on conservative *P. elata* quotas for 2022 onwards, supported by relevant findings of upcoming outcomes under the CTSP project; and,
- d) encouraged the Democratic Republic of the Congo to finalize the implementation of all outstanding recommendations in time for the matter to be considered at SC77.

For *Pterocarpus santalinus*/India, the Committee:

- a) noted that recommendation a) of the Plants Committee has been complied with;
- b) requested clarification from India as to how the study submitted under recommendation b) of the Plants Committee will translate into the publication of quotas for artificially propagated specimens for 2020 onwards;
- c) encouraged India to provide an update of the remaining stock of the one-time export of confiscated specimens from 2019 onwards, in order to complete implementation of recommendations c) and e) of the Standing Committee;
- d) encouraged India to finalize the implementation of all outstanding recommendations in time for the matter to be considered at SC77; and
- e) requested the Secretariat to review the additional information provided by India in consultation with the Plants Committee, through its Chair, and to provide an update to SC75.

For *Nardostachys grandiflora*/Nepal, the Committee:

- a) commended Nepal in its commitment to establish precautionary export quotas for *Nardostachys grandiflora*;
- b) requested Nepal to continue to consult with the Secretariat and the Chair of the Plants Committee any quota for 2022 onwards; and,
- c) requested the Secretariat to report progress on this case to SC75, including recommendations regarding its potential removal from the review of significant trade process.

For *Dalbergia retusa*/Nicaragua, the Committee:

- a) commended Nicaragua in its timely implementation of the Plants Committee's recommendations a) and b);
- b) requested Nicaragua to clarify how the NDFs thus far produced will translate into the establishment of sustainable annual quotas; and,
- c) requested Nicaragua to finalise implementation of recommendations c) and d) of the Plants Committee by three months before the documentation deadline for SC77.

For *Dalbergia retusa*/Panama, the Committee:

- a) urged Panama to implement recommendations a) to e) by three months before the documentation deadline for SC77; and,
- b) if Panama fails to meet that deadline, requested the Secretariat to publish a zero export quota as an interim measure, and encourage Panama to implement outstanding recommendations in time for the matter to be considered at SC77.

For *Bulnesia sarmientoi*/Paraguay, the Committee:

- a) commended Paraguay in its commitment to formulate NDFs and precautionary export quotas for *Bulnesia sarmientoi*;
- b) requested Paraguay to continue to consult with the Secretariat and the Chair of the Plants Committee any quota for 2022 onwards; and,
- c) requested the Secretariat to report progress on this case to SC75, including recommendations regarding its potential removal from the review of significant trade process.

30.2 Review of Standing Committee recommendations to suspend trade made more than two years ago..... SC74 Doc. 30.2

The Secretariat introduced document SC74 Doc. 30.2, containing a review of recommendations to suspend trade that have been in place for longer than two years, with an evaluation of the reasons why this is the case in consultation with the range States concerned. Concerning fauna cases, the Secretariat focused on those cases that were not reviewed at SC70 and had been subject to a recommendation to suspend trade since 2016, due to limited available resources. Of the eight Parties consulted, five responded and three (Guinea, Senegal and the United Republic of Tanzania) did not respond. On the basis that no response was received, the suspensions for taxa from these latter three Parties were recommended to remain in place. The retention of trade suspensions for all other fauna cases reviewed was also proposed, with the exception of *Plerogyra simplex* and *Plerogyra sinosa* from Fiji; as Fiji indicated that there was no intention to trade in live corals, it was considered that the relevant suspensions could be lifted with the publication of a zero export quota. The Secretariat additionally noted the concerns raised by Senegal on seahorses (agenda item 70) and reported that they would follow up with the Party. Concerning flora cases, the Secretariat suggested lifting the suspension for *Cycas thouarsii* from Mozambique, given that it was not native to the country.

Regarding the cases from Fiji, Australia (Committee Member for Oceania) and Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States) supported the recommendation to withdraw the suspension, pending the submission of a zero export quota; Australia stood ready to assist. The United States of America, supported by Poland, suggested that an amendment to the recommendation be made to stipulate that the zero quota should be published annually, and that, should trade be resumed, Fiji should provide an NDF to the Animals Committee.

Regarding the cases from the Solomon Islands, Australia reported that the Solomon Islands had committed to continuing to address these issues; until then, Australia supported the recommendation to retain the trade suspensions.

Regarding *Kinyongia fischeri* and *K. tavetana*, the United Republic of Tanzania reported that Tanzania had suspended trade in live animals in 2016; this moratorium was reported to still be in place today. Tanzania therefore requested the Secretariat to register a zero export quota for the two species and remove them from the RST process, assuring the Committee that an NDF would be conducted in the event that exports for these species were reinstated. The United Kingdom of Great Britain and Northern Ireland supported the removal of the species from the process pending the publication of a zero export quota and communication to the Secretariat and Animals Committee of any changes. The United States of America suggested amendments to the recommendation to stipulate that the quota to be published annually, and that, should trade be resumed, Tanzania should be requested to provide an NDF to the Animals Committee.

Regarding the other cases, Australia and Poland supported the recommendations to retain the trade suspensions. The United States of America supported the other recommendations in the document and urged importing Parties to redouble efforts against illegal imports of species in non-compliance with the trade suspensions. Concerning *Cycas thouarsii*/Mozambique, the United States requested that this issue be referred to the nomenclature specialist for flora before the suspension was removed, as the CITES Checklist listed Mozambique as a range State. Senegal commented that if the species was not native, then it was not necessary to burden the country with requests for information or an NDF, as resources were already limited for the species which were native.

The United States clarified several trade records, as the Party had been identified in the document as an importing country in potential non-compliance with the trade suspensions.

The Committee:

- a) withdrew its recommendation to suspend trade for *Cycas thouarsii* from Mozambique, noting that the botanical nomenclature expert should look into whether Mozambique is a range State for that species, and if appropriate recommend updates to relevant databases;
- b) withdrew its recommendation to suspend trade for *Plerogyra simplex* and *P. sinosa* from Fiji, subject to the publication of voluntary zero export quotas, recalling the provisions of paragraph k) i) of Resolution Conf. 12.8 (Rev. CoP18) that in such circumstances any change to the quota should be communicated to the Secretariat and Chair of the relevant Committee along with a justification (including an NDF), for their agreement;
- c) withdrew its recommendation to suspend trade for *Kinyongia fischeri* and *K. tavetana* from the United Republic of Tanzania, subject to the publication of voluntary zero export quotas, recalling the provisions of paragraph k) i) of Resolution Conf. 12.8 (Rev. CoP18) that in such circumstances any change to the quota should be communicated to the Secretariat and Chair of the relevant Committee along with a justification (including an NDF), for their agreement;
- d) agreed to retain the recommendations to suspend trade for the following species/country combinations; and

Range State	Taxon
Belize	<i>Myrmecophila tibicinis</i>
Benin	<i>Chamaeleo gracilis</i>
	<i>Chamaeleo senegalensis</i>
	<i>Kinixys homeana</i>
Cameroon	<i>Triceros quadricornis</i>
Côte d'Ivoire	<i>Pericopsis elata</i>
Equatorial Guinea	<i>Prunus africana</i>
Ghana	<i>Chamaeleo gracilis</i>
	<i>Chamaeleo senegalensis</i>
Guinea	<i>Hippocampus algiricus</i>
Lao People's Democratic Republic	<i>Dendrobium nobile</i>
Senegal	<i>Hippocampus algiricus</i>
Solomon Islands	<i>Tridacna derasa</i> ,
	<i>Tridacna crocea</i>
	<i>Tridacna gigas</i>
	<i>Tridacna maxima</i>
	<i>Tridacna ningaloo</i> <sup>2</sup>
	<i>Tridacna noae</i> <sup>3</sup>
	<i>Tridacna squamosa</i>

- e) requested the Secretariat to write to the exporting and importing Parties referred to in paragraph 16 a) in relation to potential non-compliance with the Standing Committee's recommendations to suspend trade, to check the accuracy of the data and remind them of their obligations under the Convention and report back to the Standing Committee where non-compliance is confirmed.

31. Country-wide Significant Trade Reviews: Report of the Secretariat..... SC74 Doc. 31

The Secretariat introduced document SC74 Doc. 31 reviewing existing CITES mechanisms and programme activities including the Compliance Assistance Programme (CAP) and ongoing work on capacity building, to assess how these could provide targeted support to Parties in the country-wide Review of Significant Trade

<sup>2</sup> Recognized as a new species at CoP17

<sup>3</sup> Split from *Tridacna maxima* at CoP17

(RST). The Annex to the document presented a review of current cases in the RST, categorising the countries as either most in need, some assistance required, or ongoing cases that have not yet resulted in recommendations to suspend trade. Of the 12 countries categorised as most in need, five are also priority countries under the CAP and one is to be removed from the RST process; some funding was noted to have been made available by the United States of America to provide assistance to the remaining six Parties. The Secretariat considered that the scientific and management issues identified in the country-wide RST for Madagascar could be integrated into other existing CITES mechanisms or programme activities, in particular the CAP, and concluded that it was not necessary to develop a new mechanism to provide targeted support to Parties at a national level.

The Chair of the Animals Committee, speaking on behalf of the Animals and Plants Committees, reported that following discussions at AC31 and PC25, the Animals and Plants Committees considered it was premature for them to evaluate whether the scientific and management issues identified in the country-wide RST for Madagascar could be addressed through the CAP, or whether a new mechanism should be developed to provide targeted support to Parties in relation to the RST at a national level. This was due to the fact that progress updates on CAP and capacity building would only take place at SC74. Having reviewed document SC74 Doc. 22 on capacity building and document SC74 Doc. 29 on the CAP, it remained unclear whether these processes could fully replace the need for a separate country-wide RST. The Animals and Plants Committees viewed the country-wide RST process as providing targeted support to countries with recurrent problems with assessing whether their exports would threaten species survival. In addition, as assistance through the CAP was subject to the availability of external funding, even priority Parties may not receive any support. Furthermore, it was noted that the list of Parties in the country-wide RST process only showed partial overlap with the list of Parties identified as most in need under the CAP, meaning that some Parties currently in the RST process might not receive support (for example, Benin, Cameroon, Equatorial Guinea, Ghana, Mali, and the United Republic of Tanzania). Therefore, the Animals and Plants Committees believed that the CAP could not fully replace a dedicated country-wide RST process and suggested that further time be taken to consider whether a new mechanism for targeted support to Parties at a national level should be developed. For example, the Animals and Plants Committees could provide inputs into the integrated capacity building framework to be developed as proposed in decision 19.CC of document SC74 Doc. 22, to ensure that any Parties in need of capacity building on this topic could benefit from such support.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States) agreed with the Secretariat that a new mechanism should not be established if support could be provided under other mechanisms, but also agreed with the assessment of the Animals and Plants Committees that it was premature to decide on this at the present meeting, proposing postponement of the decision until CoP19. Canada (Committee Member for North America) also agreed that this was premature as the Animals and Plants Committees had not had time to review the updates in documents SC74 Doc. 22 and SC74 Doc. 29 as was envisioned in the original Decision and supported the proposal of a Decision to CoP19 that would allow the Animals and Plants Committees to continue to consider the matter and present their outcomes to CoP20.

The Committee agreed that it was premature to conclude on the need to develop a new mechanism to provide targeted support to Parties at a national level based on the scientific and management issues identified in the country-wide Review of Significant Trade for Madagascar. The Committee further agreed that the Chairs of the Animals and Plants Committees should, in consultation with the Secretariat, and if appropriate, propose to CoP19 draft decisions, possibly as part of the draft decisions on the capacity-building framework, in order to ensure this work be continued.

32. Review of Resolution Conf. 11.3 (Rev. CoP18) on Compliance and enforcement: Report of the working group ..... SC74 Doc. 32

The United States of America, as Chair of the intersessional working group on the review of Resolution Conf. 11.3 (Rev. CoP18), introduced document SC74 Doc. 32, presenting the outcomes of the working group's mandate to make amendments to Resolution Conf. 11.3 (Rev. CoP18) with a view to, *inter alia*, reorganising it to improve usefulness and readability. In addition, the document outlined gaps identified in the Resolution for possible future consideration.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), echoed by Canada (Committee Member for North America) and Senegal (Committee Member for Africa), supported the proposed amendments to the Resolution. Senegal particularly welcomed that the need for transit countries to consult with countries of origin had been integrated.

Concerning the gaps identified, Belgium, echoed by China (Committee Member for Asia), expressed concerns that some of the gaps identified went beyond the mandate of the working group and would be better placed under other topics. Canada supported consideration of the gaps, but queried clarity of the terminology used (e.g., “professional bodies”) and of the nature of the gaps observed and felt that this needed refining. Canada further suggested that if the gaps identified were retained within the working group, strong collaboration be encouraged with the working groups of overlapping topics. The Chair of the working group explained that these issues around compliance and enforcement had been raised during discussions of the working group, but as the primary mandate of the working group had been reorganisation of the Resolution, the working group had not comprehensively discussed or reached agreement on whether the issues merited consideration, also noting that some overlapped with existing topics. The Chair of the working group suggested working with the Secretariat on draft decisions to further consider the gaps identified, wherever they strictly related to compliance and enforcement, for inclusion in the Resolution at a future point.

The Committee agreed to propose to CoP19 the amendments to Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement* as found in the Annexes to document SC74 Doc. 32. Annex 1 presents the recommended changes in underlined and strikethrough text, with explanatory notes, as needed, and Annex 2 presents a clean version of the Resolution with recommended changes accepted.

The Committee requested its Chair to work with the Chair of the intersessional working group on the review of Resolution Conf. 11.3 (Rev. CoP18) and the Secretariat to develop a draft decision to further consider the gaps in Resolution Conf. 11.3 (Rev. CoP18), taking into account other ongoing work under the Standing Committee.

### 33. Enforcement

#### 33.1 Enforcement matters: Report of the Secretariat..... SC74 Doc. 33.1

The Secretariat introduced document SC74 Doc. 33.1, which highlights the Resolutions, declarations, and international commitments to combat wildlife crime adopted at the highest political levels since CoP18. It also provides information on the continued challenge posed by corruption and the work undertaken in this regard, as well as work to facilitate cooperation and engagement between CITES and the United Nations Convention Against Corruption, as well as the United Nations Convention Against Transnational Organized Crime, as required by Resolution Conf. 17.6. The document further contains information on work undertaken to support addressing illicit financial flows from wildlife crime and highlights the importance of scaling up efforts to address these by integrating the investigation of financial crimes into wildlife crime investigations.

Singapore provided an update on enforcement efforts against illegal wildlife trade in the country, *inter alia* highlighting efforts to improve detection and enforcement against illegal wildlife and its products at their borders, including establishing a centre for wildlife forensics (see document SC74 Inf. 23); strengthening domestic laws and investigating illegal wildlife trade-related financial flows and associated money laundering; and sharing information and intelligence.

The Committee:

- a) noted the activities reported upon;
- b) noted the reporting of the Secretariat in accordance with the provisions of Resolution Conf. 17.6, paragraph b), concerning Ghana;
- c) welcomed the resolutions and declarations adopted since CoP18 in different fora concerning addressing wildlife crime, and encouraged Parties to actively pursue the implementation of the commitments made by UN Member States in these fora;
- d) encouraged Parties to step up efforts to actively pursue activities at national level to facilitate engagement to target money-laundering and illicit financial flows associated with wildlife crime, in particular by pursuing the implementation of paragraph 15.f) in Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*; and
- e) encouraged Parties to draw upon the tools, reports, handbooks and other resources developed that are available to them through the *Enforcement webpage* on the CITES Secretariat website, to inform and strengthen their responses to wildlife crime.

33.2 Task Force on illegal trade in specimens of CITES-listed tree species..... SC74 Doc. 33.2

The Secretariat introduced document SC74 Doc. 33.2, informing that the meeting of the Task Force on illegal trade in specimens of CITES-listed tree species took place online in early February 2022. The outcome document of the online meeting is presented in an addendum to document SC74 Doc. 33.2 and outlines the comprehensive set of measures and activities recommended to be undertaken to elaborate strategies to prevent and combat illegal trade, including forest legality and traceability, international and regional cooperation, species identification and physical inspections, risk assessment and profiling and addressing corruption and financial crimes linked to the forestry sector. The Secretariat thanked the European Union, France and Monaco for the funding provided for the Task Force meeting through the ICCWC strategic programme.

Indonesia (Committee Member for Asia) supported the continuation of the Task Force and hoped that it could facilitate technical assistance, capacity building and knowledge sharing activities for Parties. Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States) noted that the outcome document of the Task Force highlighted the need for stronger cooperation between Parties and engagement with Interpol and the World Customs Organisation. Belgium requested guidance on the way forward regarding the measures and activities outlined in the outcome document, querying whether these would get lost as they were contained in an outcome document. The Secretariat responded that there was space on the CITES website where these could be hosted.

Brazil reported that it had one of the most robust mechanisms of management of its chain of production, from sustainable extraction to licensing based on data gathered through electronic systems and noted that several improvements had been implemented to ameliorate traceability mechanisms. Singapore, as a member of the Task Force, reported that it had shared case studies on seizures and the forensic techniques used to identify species. Singapore reported that it was establishing a reference database of species, aiming for their centre for wildlife forensics to be included in the relevant CITES directory this year, and sought contributions of specimens of tree samples and collaborations from other Parties.

The Committee:

- a) requested the Secretariat to publish the outcomes of the *Task Force on illegal trade in specimens of CITES-listed tree species* on the CITES website;
- b) requested Parties to take note of the measures and activities agreed at the Task Force meeting to elaborate strategies to prevent and combat illegal trade in specimens of CITES-listed tree species, and to fully implement the measures and activities as relevant to them;
- c) requested the Secretariat to invite the intergovernmental agencies and enforcement networks outlined in the outcome document to actively pursue the measures and activities agreed at the Task Force in the implementation of their work programmes;
- d) invited Parties to:
  - i) review the [Revised compendium of timber identification resources](#) available in the Annex to the Addendum to document PC25 Doc. 19, and communicate to the Secretariat by 30 April 2022 any additional information that could be used to further develop and update the compendium in preparation for its publication in a dedicated section of the CITES website; and
  - ii) draw upon the information in the *Revised compendium of timber identification resources* to support their work; and
- e) recommended to CoP19 that Decisions 18.79 and 18.80 have been implemented and can be deleted.

The Committee agreed to propose adding to the draft decisions agreed at PC25 on identification of timber and other wood products an additional subparagraph to draft decision 19.CC in paragraph 19 of document PC25 SR, for submission to CoP19, as follows:

### 19.CC *Directed to the Plants Committee*

The Plants Committee shall, in collaboration with relevant stakeholders and building on information on existing initiatives, and progress to date:

- a) consider progress and results reported by the Secretariat as per Decision 19.AA;
- b) consider the relevant outcomes of the online *Task Force meeting on illegal trade in specimens of CITES-listed tree species* presented in the Annex to the Addendum to document SC74 Doc. 33.2;
- c) determine gaps and complementarities in various tools and knowledge sources for timber identification, such as existing field identification guidelines and keys, and on their availability and usefulness;
- d) develop standardized information templates and other tools that could be used by Parties to facilitate sharing information on the content and status of wood sample collections, and exchange with research institutions, law enforcement agencies, and other authorities;
- e) assist Parties to identify existing laboratory services for the identification of timber and wood products and to strengthen screening and forensic capacity to identify CITES- listed tree species in trade;
- f) determine methods to stimulate global, regional and national exchange of best practices in wood identification technologies between Parties; and
- g) update the Standing Committee, as appropriate, on progress made on the implementation of Decisions 19.AA to 19.DD; and report its findings and recommendations for consideration by the Conference of the Parties at its 20th meeting.

### 33.3 International Consortium on Combating Wildlife Crime: Report of the Secretariat ..... SC74 Doc. 33.3

The Secretariat introduced document SC74 Doc. 33.3, which presents an update on the broad range of activities delivered under the International Consortium on Combating Wildlife Crime (ICCWC) since CoP18, and highlights the ICCWC Vision 2030, which aims to guide the work of the Consortium in the next decade, and was developed on the basis of lessons learnt and feedback received. The Secretariat thanked all stakeholders who contributed, and noted that it was anticipated that the vision will be finalised by June. The Secretariat also drew attention to the ICCWC annual report for 2020 available on the ICCWC webpage and as document SC74 Inf. 6. The Secretariat thanked all donors who funded the implementation of the ICCWC strategic programme, namely the European Union, France, Germany, Monaco, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, with contributions also from Hong Kong, SAR, Norway, and the United States to the Secretariat for the work of ICCWC.

The United Republic of Tanzania supported the recommendations in the document, commended the work of ICCWC for supporting Tanzania on conducting a national assessment of forests and wildlife crime using the ICCWC Analytic Toolkit, and appreciated the technical support from UNODC in implementing the indicator framework on combatting wildlife crime. Tanzania recommended that Parties make use of the toolkit and framework.

The United States was encouraged by the support that ICCWC had received and by the work completed, and encouraged engagement between ICCWC partners and US Fish and Wildlife Service law enforcement attachés posted in various countries across the world, who liaise with host countries and regional law enforcement authorities, and who provide technical advice, capacity building and access to USFWS resources such as forensic resources and digital evidence recovery.

China (Committee Member for Asia) appreciated the work carried out by ICCWC. However, China wished to provide comments on the UNODC World Wildlife Crime Report 2020, which was referenced in document SC74 Doc. 33.3. China considered that the selection of data was biased,

with 10% coming from Asia, 3.9% coming from Latin America and the Caribbean, and 85% from North America and Oceania. China reported that very few confiscations from China came from developed countries, and if data were to be used in an impartial manner, it would have shown illegal trade throughout the developed world; however, the report selected rhinoceros, rosewood, pangolins, agarwood, etc., thus targeting China specifically. Secondly, China considered that several assertions in the World Wildlife Crime Report 2020 were not founded on evidence and that the analysis of the data specifically targeted certain areas such as Asia and Africa and linked consumption of rosewood with certain activities in China such as investment in property. China hoped that UNODC, as a member of the ICCWC and a UN agency which should be impartial, would adopt a global approach when looking at species and mechanisms in countries where there were seizures, the methods of seizure, and how seized products were dealt with. China called on Consortium partners to take these concerns into account.

Indonesia (Committee Member for Asia) commented that it fully supported, and participated in, the work of ICCWC, which was in line with the Indonesian strategic vision to combat illegal wildlife trade. Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States) welcomed the ICCWC intention to assist in developing an effective law enforcement and criminal justice system.

The Committee:

- a) noted the broad range of activities reported upon and support available to Parties through ICCWC;
- b) encouraged Parties to draw upon the World Wildlife Crime Report 2020 developed by the UNODC in cooperation with ICCWC partners, to inform their decision-making and in support of the development of appropriate law enforcement responses to wildlife crime;
- c) invited China to work with the Secretariat to discuss their concerns about the World Wildlife Crime Report 2020 and to engage ICCWC partners in this regard;
- d) encouraged Parties that have implemented the ICCWC Wildlife and Forest Crime Analytic Toolkit to actively pursue mobilizing resources and to make dedicated efforts to implement the resulting recommendations, requesting support from ICCWC where needed;
- e) encouraged donors, international and national organizations with ongoing initiatives in countries that implemented the ICCWC Wildlife and Forest Crime Analytic Toolkit to liaise with national authorities to explore how their ongoing efforts could align with the recommendations of the Toolkit and support their implementation; and
- f) noted the progress made with the development of the ICCWC Vision 2030 and accompanying 2023-2026 Strategic Action Plan and encourage Parties to continue their support to ICCWC in the context of Decision 18.13.

#### 33.4 Wildlife crime linked to the Internet: Report of the Secretariat..... SC74 Doc. 33.4

The Secretariat introduced document SC74 Doc. 33.4, which presents information on activities undertaken by Parties and organisations in their fight against wildlife crime linked to the Internet. Although it considered that more needed to be done, the Secretariat was encouraged to note from the information received that authorities demonstrated commitment and were increasing their efforts to combat wildlife crime linked to the Internet, notably through targeted operations, the development of best practices and guidance materials, and several successful investigations that resulted in prosecutions and the conviction of offenders involved. The Secretariat encouraged Parties to make use of the resources available through Interpol's Global Complex for Innovation and to consult the updated webpage on wildlife crimes linked to the Internet for information on best practice and resources that could be mobilised for enforcement.

Indonesia (Committee Member for Asia) reported that it had an intelligence centre for internet crimes that implemented cyber patrols through social media and e-commerce, with some cases having been followed up by law enforcement. Ecuador expressed concern that Appendix II species from the Galapagos islands were being traded under 'bred in captivity' labels, having seen a number for sale on YouTube and other online platforms. Bringing attention to document SC74 Inf. 26, Ecuador

noted that extraction of species from the Galapagos was banned and that none had been exported from Ecuador, in accordance with the text of the Convention. Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States) congratulated Ecuador on its efforts to combat illegal trade in iguanas, and to support these efforts, Poland noted that the European Union had banned the import of *Conolophus subcristatus* on 3<sup>rd</sup> December 2020 for all source codes; they would see if similar action would be warranted for the other species mentioned in document SC74 Inf. 26. Peru (Committee Member for Central and South America and the Caribbean), noting an increase in illegal trade of wildlife via the Internet, particularly during the pandemic, reported having held a national workshop in September 2021 with support from the Secretariat to identify species illegally traded in the region and to strengthen regional links to continue to identify the trafficking networks in South American countries. The Next Host Country (Panama) stressed that it was important to take into account the motion passed at the last IUCN meeting on wildlife cybercrime, and to set up an international association that can provide funding to countries that suffer from this problem, in particular those with endemic species which are targeted due to their rarity.

The United States of America supported the recommendations in the document and commended the Secretariat for its support to Parties and its efforts to work with partner organisations. The United States encouraged Parties to use the guidance developed and hoped that the published Interpol guidelines and the capacity established at the Interpol Global Complex for Innovation would prove to be useful resources.

Species Survival Network, noting the increase in trafficking via social networks throughout the world, called on the Standing Committee to take note of the report from Ecuador on the Galapagos iguanas and encouraged Parties to continue to tackle wildlife crime through the Internet and social media.

The Committee noted document SC74 Doc. 33.4.

34. Demand reduction to combat illegal trade: Report of the Secretariat..... SC74 Doc. 34

The Secretariat introduced document SC74 Doc. 34, containing draft *CITES guidance on demand reduction strategies to combat illegal trade in CITES-listed species*. The Secretariat thanked the European Union, Germany, and the United States of America for the funding to develop the guidance, noting that it is intended to serve as a practical tool for Parties and other potential users in designing and implementing their demand-reduction initiatives. The guidance is based on a five-step process, from identifying the species and type of consumption behaviour, the audience segment to target, and the most effective approaches to reducing demand, to designing the most effective messages and choosing messengers, and finally implementing, evaluating, and refining the strategy. The guidance was noted to focus on targeted demand reduction strategies rather than campaigns aiming to generally raise awareness of the whole society, and to have benefited from comments received during a workshop all Parties were invited to attend in June 2021.

Senegal (Committee Member for Africa), Indonesia (Committee Member for Asia), Peru (Committee Member for Central America and the Caribbean), Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Mexico, Singapore, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America expressed support for the document's recommendations and the draft guidance, with a number of Parties providing updates on actions taken to combat illegal trade through demand reduction. Given the complex nature of demand reduction, Parties particularly highlighted their support for the recommendations to implement tailored on the ground training as well as pilot projects to promote the use of the guidance for selected species and countries. Mexico encouraged strengthening the use of Notifications to the Parties upon detection of irregular or illegal events, in order to ensure that information is shared in an efficient and effective manner.

The Committee agreed to submit to CoP19 the draft *CITES guidance on demand reduction strategies to combat illegal trade in CITES-listed species* in Annex 3 to document SC74 Doc. 34.

The Committee agreed to submit to CoP19 the following draft decisions:

***Directed to the Secretariat***

**19.AA** The Secretariat shall, subject to external funding:

- a) organize translation of the *Guidance on demand reduction strategies to combat illegal trade in CITES-listed species* into French and Spanish;
- b) organize regional training seminars on the use of the Guidance;
- c) organize pilot projects to promote the use of Guidance for selected species and countries, with necessary adaptation to suit local context when appropriate;
- d) support all interested Parties in implementing demand-reduction strategies to combat illegal trade in CITES-listed species and provide necessary technical support including the use of the guidance; and
- e) report on the progress made in the implementation of this decision to the Standing Committee.

***Directed to the Standing Committee***

**19.BB** The Standing Committee shall review the report of the Secretariat on the implementation of Decision 19.AA and make recommendations as appropriate to the Conference of the Parties.

***Directed to Parties***

**19.CC** Parties are encouraged to translate the *Guidance on demand reduction strategies to combat illegal trade in CITES-listed species* into local languages and share their experience in the implementation of the *Guidance*.

The Committee agreed to submit to CoP19 the following draft amendments to Resolution Conf. 17.4 on *Demand reduction strategies to combat illegal trade in CITES-listed species* to CoP19.

RECOGNIZING that poaching and illegal trade are decimating some ~~wildlife populations and driving numerous~~ CITES-listed species and driving them toward extinction;

FURTHER RECOGNIZING that wildlife trafficking contributes to damage to ecosystems and rural livelihoods, ~~including those based on ecotourism~~, undermines good governance and the rule of law and, in some cases, threatens national stability and security and requires enhanced regional cooperation and coordination in response;

[...]

RECOGNIZING the CITES guidance on demand-reduction strategies to combat illegal trade in CITES-listed species;

~~RECOGNIZING the demand reduction initiatives by many countries, organizations and inter-governmental bodies, including the Asia-Pacific Economic Cooperation (APEC) demand reduction workshop organized by the governments of the United States of America and Viet Nam and the workshop on demand-side strategies for curbing illegal trade in ivory in Hangzhou, China, organized by the government of China and the CITES Secretariat;~~

[...]

1. URGES Parties where there is a significant market for illegally traded wildlife products to:

- c) actively develop and implement well-targeted, species-specific, evidence-based campaigns by engaging key consumer groups and targeting the motivations for the demand, including the speculative nature of the demand, and develop specific messaging approaches and methods for target audiences in order to achieve behaviour change;

[...]

3. ALSO URGES Parties to make full use of the *CITES guidance on demand-reduction strategies to combat illegal trade in CITES-listed species* in their efforts to reduce demand for illegally acquired wildlife and their products through the 5-step approach in order to achieve behaviour change of the consumers;

35. Wildlife crime enforcement support in West and Central Africa

35.1 Inclusion of *Pterocarpus erinaceus* in the Review of Significant Trade

35.1.1 Report of the Plants Committee..... SC74 Doc. 35.1.1

and

35.1.2 Report by Senegal..... SC74 Doc. 35.1.2

The Chair of the Plants Committee introduced document SC74 Doc. 35.1.1, presenting the outcomes of the intersessional working group set up at PC25 regarding *Pterocarpus erinaceus* from all range States. The following *Pterocarpus erinaceus*/country combinations were categorised as ‘action is needed’, and therefore included in Stage 2 of the RST process: Benin, Burkina Faso, The Gambia, Ghana, Guinea Bissau, Mali, Nigeria, and Sierra Leone; while the following *Pterocarpus erinaceus*/country combinations were categorised as ‘less concern’: Cameroon, Central African Republic, Chad, Côte d’Ivoire, Guinea, Liberia, Niger, Senegal, and Togo. The Chair reported that the Plants Committee would make further decisions intersessionally based on an updated report following consultation with the range States. Recommendations had also been made to the range States that were withdrawn from the review and would be published. The Plants Committee had further agreed to refer all *Pterocarpus erinaceus* range States (which does not include Liberia) to the Standing Committee for further consideration under Decision 18.92, based on documented, widespread, and pervasive illegal trade.

Senegal introduced document SC74 Doc. 35.1.2, presenting an analysis of trade in *Pterocarpus erinaceus* which appeared to be from Nigeria, Ghana, Sierra Leone and Mali. Given high levels of illegal trade in this species, Senegal suggested a general trade suspension for the species, and an in-session working group that would make recommendations in order to restrict illegal trade.

Nigeria welcomed the report by Senegal and, noting the ongoing high levels of illegal trade, suggested that trade in *Pterocarpus erinaceus* could be a focus of the West Africa Network to Combat Wildlife Crime (WAN) (as discussed under agenda items 35.2 and 35.3). Nigeria supported the creation of an in-session working group as suggested by Senegal, and encouraged China, as a major consumer, to participate.

Guinea, echoed by the United States of America, supported the trade suspension proposed by Senegal, with the United States suggesting adding guidelines that would assist range States in achieving a removal of the trade suspension, such as meeting the recommendations by the Plants Committee and making efforts to combat illegal trade at a regional level. Guinea considered that a harmonisation of approach and legislation was needed in the subregion, including ensuring that political decision-makers be aware of what actions were needed to ensure the protection of the species. The United States urged countries retained in the RST to respond in a timely manner to the Secretariat and urged Parties with bans on exports to publish zero quotas on the CITES website. Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), echoed by the United States, expressed concern that none of the Parties that had been excluded from the RST process had requested the publication of zero quotas, despite this being asked four years ago by the Plants Committee. The Secretariat stated that it intended to send a reminder to those Parties that this was a condition of them exiting the RST process.

China (Committee Member for Asia) noted the concerns expressed by Senegal and in the report from the Secretariat, but did not support creating a working group, considering that many efforts were already being undertaken to ensure that laws were respected;

additionally, China highlighted that the species was already being considered in the RST and that the process should be allowed to run its course.

The World Resources Institute, noting that this was an exceptional case, urged movement through an in-session discussion. The Environmental Investigation Agency (speaking also on behalf of Center for International Environmental Law, World Resources Institute, Born Free Foundation, Species Survival Network and Forest Trends) recognised the efforts by range States to address the illegal trade, and stated that importing Parties had a role to play. They supported the suggestions by the United States, and also recommended that the Secretariat undertake a consolidated Article XIII review for the species to be reported at SC77, to include both Parties with ongoing compliance issues and importing Parties.

The Committee established an in-session working group with the mandate to draft recommendations to all range States of *Pterocarpus erinaceus* to address the problems not related to the implementation of Article IV 2 a) or 3, identified by the Plants Committee and in other relevant documentation of the present meeting, including SC74 Doc. 28.2.4 [on Article XIII/Nigeria] and SC74 Doc. 35.1.2 [Senegal's document]). The membership of the working group was agreed as follows: Belgium (Chair), Austria, Burkina Faso, European Union, Guinea, Nigeria, Senegal and the United States of America; UNEP-WCMC; Center for International Environmental Law, Environmental Investigation Agency USA, Forest Trends, World Resources Institute and World Wide Fund for Nature.

Later in the meeting, Belgium, as Chair of the in-session working group, introduced document SC74 Com. 3. Belgium reported that the working group had been unable to find a compromise solution to address the working group's mandate due to concerns about due process, and presented the two options: 1) agreeing a trade suspension at the meeting and support for capacity building and assistance from transit and destination countries to the range States; or 2) following the process outlined in Resolution Conf. 14.3 (Rev. CoP18), and requesting importing Parties to reject permits if there were concerns about the NDF and placing a requirement that all permits be verified by the Secretariat.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States) suggested a further option, which took into account both concerns for quick action and respect for due process: opening a formal Article XIII compliance case at the present meeting as per paragraph 22 of Resolution Conf. 14.3 (Rev. CoP18); requesting a Notification calling on range States to submit a justification that Article XIII did not apply to them by providing an NDF and Legal Acquisition Finding or publishing a voluntary zero export quota; and, if there was no response and the response provided was not satisfactory, issuing a Notification informing Parties that suspensions for trade in *P. erinaceus* had been put in place for those Parties.

Australia (Committee Member for Oceania), and Canada (Committee Member for North America) supported the compromise suggested by Poland but requested clarification on what the process would be for establishing whether the responses were satisfactory or not. While the intention from Poland had been that the Secretariat would do the evaluation of whether the responses met all elements of the Notification, the Chair agreed with the Secretariat that the evaluation include consultation with the Chair of the Standing Committee. The United States also suggested consultation with the Chair of the Plants Committee.

Senegal, while thanking the working group and other Parties for bringing the matter to a consensus, commented that it would be impossible for Parties to produce a forestry inventory to inform an NDF within 30 days of the Notification being issued, as would be required. Senegal urged Parties that could not produce an NDF within the timeframe to submit a zero quota until such time as an NDF could be produced.

The Committee agreed the compromise text proposed by Poland and amended by the Standing Committee Chair and the United States of America based on option 2 in document SC74 Com. 3 as follows:

1. The Committee requested the Secretariat to:

- a) open an Article XIII procedure for *Pterocarpus erinaceus* for all range States based on the exceptional circumstances due to pervasive documented illegal trade;
  - b) issue a Notification directly after the end of this meeting requesting the range States to submit within 30 days a justification that the Article XIII procedure is not applicable to them, by either providing their non-detriment finding and legal acquisition finding, or by requesting the Secretariat to publish a voluntary zero export quota;
  - c) after having received and analyzed the responses from the range States, in consultation with the Chairs of the Standing Committee and of the Plants Committee, issue a Notification informing Parties that a suspension is set in place for all commercial trade in *Pterocarpus erinaceus* for those Parties that did not reply or did not provide a satisfying justification.
2. The Committee called upon the Plants Committee to expedite its Review of Significant Trade of *Pterocarpus erinaceus* in order for the Committee to receive a progress report from the Plants Committee at SC75.
  3. In anticipation of the Notification mentioned in paragraph 1. c), the Committee requested importing Parties to reject all export permits concerning *Pterocarpus erinaceus*, based on concerns related to the sustainability and legality of the specimens and exercising due diligence having regard to Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*, and requested the Secretariat to issue a Notification to the Parties to this effect.
  4. The Committee requested that all CITES permits and certificates for *Pterocarpus erinaceus* be verified by the Secretariat prior to acceptance by importing Parties.
  5. In the light of the recommendations in the Outcome Document of the CITES Task Force meeting on illegal trade in specimens of listed tree species, the Committee encouraged range States for *Pterocarpus erinaceus* to:
    - a) explore opportunities to initiate targeted regional operations with support from the UNODC/WCO Container Control Programme;
    - b) undertake risk assessments to develop risk profiles specific to *Pterocarpus erinaceus* and to reach out to the WCO for support where needed;
    - c) capacitate and provide training to frontline officers responsible for physical inspections regarding timber identification, aiming to have at least one officer available with expert knowledge concerning timber and access to equipment to facilitate such work, seeking support from the Secretariat where required.
  6. Further, the Committee recalled the recommendations adopted at CoP18 in Annex 2 of document CoP18 Doc. 34 based on the West and Central Africa Threat Assessment Report, and encouraged Parties to pursue the implementation of these recommendations as relevant to them, also specifically in the context of combatting illegal trade in *Pterocarpus erinaceus*.

35.2 Report of the Secretariat ..... SC74 Doc. 35.2

and

35.3 Report by Nigeria, Benin and Niger ..... SC74 Doc. 35.3

The Secretariat introduced document SC74 Doc. 35.2, summarising several initiatives undertaken by Parties in West and Central Africa, in particular under the coordination of the Economic Community of West African States (ECOWAS), to strengthen CITES implementation and address wildlife crime. The Secretariat was encouraged to note that the growing recognition of West and Central Africa as a source and transit region for illegal wildlife products had led to increased

awareness amongst some of the Parties concerned, as well as an increase in interest and support amongst the international community and technical partners. However, both subregions continued to be significantly affected by wildlife crime and further strengthened efforts were needed. The Secretariat also reported on a suite of activities that could be delivered across the West and Central African subregions, and had received ten responses of interest from Parties: Angola, Benin, Côte d'Ivoire, Ghana, Guinea, Niger, Nigeria, Senegal, The Gambia, and Togo.

Senegal introduced document SC74 Doc. 35.3, submitted by Benin, Niger, and Nigeria on behalf of ECOWAS, and which presented the series of activities undertaken to facilitate regional implementation of Decisions 18.88-18.89. In particular, Senegal highlighted the setting up of a West Africa Network to Combat Wildlife Crime (WAN), and the exploration of options for the adoption of measures to guarantee that countries of origin, destination and transit play an equal role in ensuring that the Convention is followed, and laws implemented in the countries; further expertise and guidance would be welcomed by the ECOWAS region.

Burkina Faso, and Nigeria, as ECOWAS members, aligned themselves fully with document SC74 Doc. 35.3 and supported the draft decisions. Burkina Faso looked forward to implementing the strategy to fight wildlife crime and was thankful for the support that had been offered and the specialist team for wildlife crime that had been provided. Burkina Faso stressed the importance of stronger collaboration between source, transit and consumer countries, and asked for the support of CITES. These views were echoed by Senegal (Country Member for Africa), who further stressed that as the organized crime targeting the region operated with sophisticated processes and involved illicit financial flows, collaboration, and assistance across Parties in the supply chain was essential. Senegal reported that all ECOWAS member states had worked on the strategy and were ready and willing to implement it. Nigeria reported that the WAN strategy required all 15 ECOWAS member states to develop national task forces and strategies, and that Nigeria would launch its strategy later in the month. Nigeria thanked UNODC and other partners who had provided support. Nigeria considered that the scale of wildlife crime, especially organized crime groups, was growing in the region and should be considered an emergency, and reiterated the call for systematic collaboration between countries across the supply chain through the mechanisms outlined in Annex 1 to the document. Nigeria also drew attention to document SC74 Inf. 15, which was submitted by five ECOWAS countries and identified other measures that could make significant and lasting change.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States) welcomed the efforts from the region, supported the proposed recommendations in the documents and encouraged Parties to help strengthen enforcement. However, Belgium suggested that the intersessional working group proposed in Annex 2 of document SC74 Doc. 35.3 be subject to external funding.

The Secretariat informed the Committee that some of the activities envisaged for the West and Central Africa region included much of what is proposed in document SC74 Doc. 35.3, and suggested that the Secretariat take these paragraphs into consideration while carrying out the activities. For example, of the proposals in Annex 1, the establishment of a forum to promote regular communication between source, transit, and consumer countries on priority issues (e.g., *Pterocarpus erinaceus*) and the need for CITES guidelines on enforcement coordination between source/transit/consumer countries are already considered in the outcomes of the Timber Task Force. In addition, regarding Annex 2, ICCWC had developed guidelines for wildlife enforcement networks that could be implemented directly without the need for a decision. This would enable work to be carried out to address the pressing issue of wildlife crime, without having to wait for the CoP. The Secretariat stood ready to provide support to the WAN should a request for assistance be received, and to seek funding bilaterally to address the concerns by Belgium.

Canada (Committee Member for North America) was supportive of the types of efforts, but suggested that consideration be given to how the activities requested might differ from existing efforts under other programmes, including implementation of Resolution Conf. 11.3 (Rev. CoP18), in order to reduce the workload and streamline redundant decisions.

Senegal responded that the document had been submitted to CoP18 and resubmitted at SC74, to show how the region had a clear strategy. Some activities had already started as a result of Parties working with donors to make progress while waiting for the time-consuming process of getting the strategy agreed by the ministers and presidents from the 15 ECOWAS countries to be completed. Senegal called for offers of additional funding support from partners in order for ECOWAS to see

the strategy through, and saw value in the stand-alone strategy even if there was overlap with ongoing activities, believing that added value would appear if the strategy was adopted.

The Committee:

- a) noted the broad range of activities reported upon and support available to Parties in West and Central Africa;
- b) encouraged Parties in West and Central Africa, as well as organizations and other entities implementing projects in the two subregions, to build upon this through continued exploration of synergies and by leveraging on collective action to strengthen responses to wildlife crime affecting the subregions;
- c) further encouraged Parties in West and Central Africa to further step up efforts to strengthen CITES implementation and enforcement by actively pursuing the implementation of the Decisions adopted at CoP18 and implementing the recommendations in [Annex 2 of document CoP18 Doc. 34](#);
- d) welcomed the adoption of the West Africa Strategy on Combating Wildlife Crime (WASCWC) and encouraged Parties in West Africa to actively pursue its rapid and full implementation; and
- e) encouraged Parties, governmental, intergovernmental and non-governmental organizations and interested stakeholders to provide support to the West Africa subregion in its implementation of the WASCWC.

The Committee agreed to submit CoP19 the following amended draft decisions:

*Draft decisions on Strengthening collaboration between source, transit and consumer countries*

***Directed to the Standing Committee***

**19.AA** The Standing Committee shall establish a working group, with representation from all regions, to make recommendations for consideration at the 20th meeting of the Conference of the Parties on the development and adoption of procedures that will promote enhanced collaboration between source, transit and consumer countries including (*inter alia*):

- a) a secure mechanism for regular exchange of seizure data between CITES Management Authorities along illegal trade chains;
- b) the establishment of a CITES early warning mechanism (e.g. in response to heightened seizures, or identification of a new trade route) that will ensure all Parties along the supply chain are promptly made aware of priority enforcement needs and can respond accordingly;
- c) the establishment of a forum to promote regular communication between source, transit and consumer countries on priority issues (e.g. *Pterocarpus erinaceus*); and
- d) the need for *CITES guidelines on enforcement coordination between source/transit/consumer countries*

***Directed to the Secretariat***

**19.BB** Subject to the availability of external funding, the Secretariat shall support the Standing Committee in the implementation of Decision 19.AA, including through the provision of technical expertise, translation and interpretation as appropriate.

*Draft decisions on Strengthening wildlife law enforcement in West Africa*

***Directed to the Standing Committee***

**19.AA** The Standing Committee shall establish an intersessional working group, to be comprised of representatives of regional Wildlife Enforcement Networks, to provide the newly formed West Africa Network to Combat Wildlife Crime (WAN) with expert guidance and support as the WAN becomes operational.

***Directed to the Secretariat***

**19.BB** Subject to the availability of external funding, the Secretariat shall support the Standing Committee in the implementation of Decision 19.AA, including through the provision of technical expertise, translation and interpretation as appropriate.

36. Asian big cats (Felidae spp.): Report of the Secretariat..... SC74 Doc. 36

The Secretariat introduced document SC74 Doc. 36, which summarises some of the key aspects contained in the reporting received in response to Notification No. 2020/039. This includes the conservation status of Asian big cats; the management practices and controls concerning facilities keeping Asian big cats in captivity; enforcement measures and activities to address illegal trade in Asian big cat specimens; the sharing of samples of tiger specimens from living animals, seized animals or products that could contain tiger DNA with the Czech Republic; and the reduction of demand for illegal tiger and other Asian big cat specimens. The Secretariat highlighted that continued seizures of specimens originating from captive breeding facilities remained a concern, and that further scaling up of efforts to address illegal trade in Asian big cats is needed. Finally, the Secretariat noted that, since writing document SC74 Doc. 36, the United Kingdom of Great Britain and Northern Ireland have provided funds to allow the Secretariat to undertake some of the missions anticipated by Decision 18.108 paragraph a). The Secretariat hoped to be able to provide a progress report at SC75 as required by Decision 18.108 paragraph b).

China (Committee Member for Asia), Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Thailand and the United Kingdom of Great Britain and Northern Ireland expressed support for the document's recommendations; however, Poland, India and the United States of America expressed concern that only a limited number of Parties provided a response to Notification No. 2020/039, and that there had been little progress on the implementation of Decisions 14.69, 17.226 and 18.100-109. India and the United States supported renewal of these decisions at CoP19, with the United States urging the Standing Committee to consider if time bound, country-specific measures are warranted in this context. China additionally expressed support for the missions anticipated by Decision 18.108 paragraph a) on the application of law enforcement in the relevant countries on a voluntary basis.

Regarding the missions anticipated by Decision 18.108, paragraph a), the United Kingdom and the United States emphasized the importance of engagement with enforcement and technical experts in Asian big cat conservation to ensure these are effective and successful. They suggested that the terms of reference for the mission include a strong focus on illegal trade and urged Parties with captive breeding facilities for Asian big cats to work closely with the Secretariat to facilitate these missions.

India stressed that poaching and illegal trade in body parts driven by demand in consumer countries is the biggest threat to their tiger conservation efforts and called for Parties identified in document SC70 Doc. 51 as having facilities of concern to prohibit the breeding of tigers for commercial trade, create inventories of captive populations using DNA, and ensure that monitoring and law enforcement measures are in place against facilities involved in illegal trade.

South Africa noted the document's recommendations and stated that together with provincial authorities they will inspect all facilities with captive-bred tigers within South Africa to ensure accurate record-keeping. South Africa also stated that they were in the process of exploring domestic legislation to ensure stricter regulation of these facilities in future.

Thailand noted that they remained committed to their intention to regularly monitor and inspect captive-breeding facilities holding tigers to ensure management and control measures are adequate to prevent tiger specimens from entering illegal trade from or through such facilities. Thailand also noted their commitment to ensure strict application of all management practices and controls implemented to regulate the activities of facilities that keep tigers in captivity, including the appropriate disposal of dead tiger specimens. Thailand further noted they would apply measures to reduce demand for wildlife consumption in general and for tiger specimens in particular. Finally, Thailand noted that they were ready to welcome a mission from the Secretariat once resources are secured and the COVID-19 situation allows.

The Environmental Investigation Agency (EIA) (speaking also on behalf of the Born Free Foundation, Born Free USA, Species Survival Network, Wildlife Conservation Society, World Wide Fund for Nature, Panthera, Pro Wildlife, Humane Society International, David Shepherd Wildlife Foundation, Fondation Franz Weber, Cheetah Conservation Fund, Associations of Zoos and Aquaria, Animal Welfare Institute, Eurogroup for Animals, Pan African Sanctuary Alliance, International Fund for Animal Welfare, World Resources Institute, Zoological Society of London and Fondation Brigitte Bardot) agreed that Decisions 14.69, 17.226, and 18.100 to 18.109 have not been sufficiently implemented and should be retained at CoP19, and welcomed funding from the United Kingdom and Four Paws to complete the missions anticipated by Decision 18.108, paragraph a). These observer organisations believed that the mission terms of reference should include a risk-assessment approach including the identification of red flags around potential illegality and management policies, and that the mission team should involve relevant enforcement and technical experts. The observer organisations further called for the Standing Committee to propose additional urgent time-bound, country-specific measures, namely (1) for Lao PDR and Viet Nam to report on improved collaboration to investigate and disrupt tiger farm trade chains; (2) for China to commit to closing their domestic market for Asian big cats, including licensed trade in leopard bone medicine, (3) for China, Lao PDR and Myanmar to demonstrate strengthened cooperation on law enforcement against Asian Big Cat trade at border towns; and (4) for China and Viet Nam to launch evidence-based and expert-led behaviour change initiatives to reduce demand for Asian big cats as well as their parts and products. Finally, the observer organisations called for all tiger range States to adopt a zero-tolerance approach to trade in and demand for tigers, their parts and derivatives.

In response to the intervention from EIA, China repeated that they supported the suggestions by the Secretariat, including the proposed missions to relevant Parties. China indicated that they opposed unfounded accusations and recalled that the country has banned national and international trade in tigers and applies a zero-tolerance policy on illegal trade of specimens of Asian big cats and their products. China stressed that they do not accept any measures relating to their national legislation but encouraged Parties to strengthen the implementation of their national legislation on a voluntary basis.

The Committee:

- a) encouraged Parties to – where not yet done – implement regular monitoring and inspections of facilities keeping Asian big cats in captivity, by taking into consideration Decision 17.226 and implementing measures that will enable accurate record keeping for all tigers kept in captivity;
- b) encouraged Parties in whose territories captive breeding facilities identified as of concern in document SC70 Doc. 51 exist, to pay particular attention to the activities of these facilities in their implementation of Resolution Conf. 12.5 (Rev. CoP18) on *Conservation of and trade in tigers and other Appendix-I Asian big cat species* and Decision 17.226, and to take swift and decisive action concerning any unauthorized or illegal activities that may be detected;
- c) encouraged all Parties that have made seizures of tiger skins within their territories to implement Decision 18.103;
- d) encouraged Parties affected by illegal trade in Asian big cat specimens to remind their national authorities responsible for wildlife law enforcement about the field pocket *Guide for law enforcement agencies to combat illegal trade in Asian big cat specimens*, available electronically in the CITES Virtual College, and to request hard copies from the Secretariat, where needed, to be made available to relevant authorities;
- e) welcomed the funding from the United Kingdom of Great Britain and Northern Ireland for some of the Secretariat's missions anticipated by Decision 18.108, paragraph a); and
- f) requested the Secretariat to work with the Standing Committee Chair to propose to CoP19 the renewal of Decisions 18.100 to 18.109, 17.226 and 14.69.

37. Rhinoceroses (Rhinocerotidae spp.): Report of the Secretariat ..... SC74 Doc. 37

The Secretariat introduced document SC74 Doc. 37, which presents information on the measures and activities implemented by Namibia, South Africa, Viet Nam, and Zimbabwe to address crimes involving rhinoceroses. The Secretariat additionally noted that China had submitted document SC74 Inf. 4 in the context of this agenda item, and that Mozambique provided some information relevant to this agenda item under agenda item 28.4 on the National Ivory Action Plan process. With regard to Decision 18.110 (which

directs Parties seizing illegal rhino specimens to ensure the timely reporting of such seizures to countries of origin, and submit DNA samples from seized specimens for forensic analyses in support of investigations across the illegal trade chain), the Secretariat noted that not all Parties are making use of the simplified procedures provided for in Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates* to facilitate more frequent and effective sharing of samples. The document was noted to contain options regarding how information on challenges and best practices associated with addressing rhinoceros poaching and horn trafficking could be incorporated and reflected upon in the report on rhinoceroses prepared for each meeting of the Conference of the Parties in accordance with paragraph 7 of Resolution Conf. 9.14 (Rev. CoP17).

A number of Parties, including China (Committee Member for Asia), Indonesia (Committee Member for Asia), India, and Zimbabwe, provided updates on protection measures in place for rhinoceros species and measures in place to reduce poaching and illegal trade. Namibia (Committee Member for Africa) also offered clarification on its efforts to share samples with other Parties for forensic analysis, as well as engagement with transit and destination countries associated with illegal trade in rhino horn.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Kenya, Namibia, and the United States of America supported the document's recommendations; Poland welcomed progress reported by Namibia, South Africa, Viet Nam, and Zimbabwe, but regretted the lack of timely reporting from other Parties. Concerns were additionally raised regarding ongoing illegal trade in Viet Nam.

Kenya highlighted that details of national focal points in the *Directory of illegal trade in rhinoceros horn focal points* were out of date in several cases, and urged Parties to update these. Kenya and the United States of America also noted that the last CITES Rhinoceros Enforcement Task Force meeting was held almost ten years ago in 2013 and suggested that the Chair work with the Secretariat on a draft decision for CoP19 to reconvene this task force and hold another meeting. Noting that demand reduction programmes are essential to protect rhino, India proposed that Decision 18.116 (encouraging Parties in which illegal markets for rhino horn exist to develop demand reduction programmes targeted at key identified audiences) be renewed at CoP19 and amended to include timebound reporting requirements on the implementation of this Decision for relevant Parties.

The Environmental Investigation Agency (EIA) (speaking also on behalf of the Animal Welfare Institute, Born Free Foundation, Born Free USA, Center for Biological Diversity, David Shepherd Wildlife Foundation, Eurogroup for Animals, Fondation Franz Weber, Humane Society International, Natural Resources Defense Council, Pan-African Sanctuary Alliance, Pro Wildlife, Species Survival Network, Wildlife Conservation Society, and World Wide Fund) noted appreciation for the information supplied by China, Namibia, South Africa, Viet Nam and Zimbabwe, but echoed concerns raised by the European Union that Viet Nam continues to be a leading transit and destination point for trafficked rhino horn. The observer organisations expressed support for the document's recommendations except those in paragraph 53. b), instead recommending that the Standing Committee request Mozambique, Myanmar, and China to provide comprehensive written responses on their implementation of Decision 18.111 in time for SC75; China was included in this list on the basis that the information in SC74 Inf. 4 was considered to be a very brief summary. EIA also highlighted concerning increases in rhinoceros poaching in Botswana and called on the Standing Committee to direct Botswana to report on any measures it is taking to address the poaching in accordance with Decision 18.110 in time for consideration by SC75.

Conservation Force highlighted that the Greater Lebombo Conservancy (GLC) in Mozambique (mentioned in paragraph 25 of the document) is formed mainly of hunting concessions which are putting large efforts into combatting illegal poaching and ensuring rhinoceros conservation.

The Committee:

- a) noted the reports received from Namibia, South Africa, Viet Nam and Zimbabwe, and thanked these Parties for the reports submitted;
- b) noted the oral updates provided by China and Namibia;
- c) agreed to submit to CoP19 the following amendments to paragraph 7. e) and 8 in Resolution Conf. 9.14 (Rev. CoP17) on *Conservation of and trade in African and Asian rhinoceroses*:

7. *DIRECTS* the Secretariat, prior to each meeting of the Conference of the Parties, and pending external funding, to commission the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC to submit a report to the Secretariat on

[...]

- e) enforcement issues, including information on challenges and best practices associated with addressing rhinoceros poaching and horn trafficking.

[...]

8. *REQUESTS* the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC to engage with range and implicated States as appropriate, including by conducting a survey focusing on range and implicated States and relevant experts, to gather information on challenges and best practices associated with addressing rhinoceros poaching and horn trafficking, as well as with the UNEP World Conservation Monitoring Centre, when producing the report, and to reflect the outcomes of these consultations and the survey in their reporting pursuant to this Resolution;

- d) encouraged Parties to scale up efforts and make full use of the provisions under *Regarding the use of simplified procedures to issue permits and certificates* in Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*, to facilitate more frequent and effective sharing of samples associated with rhinoceros poaching and horn trafficking, for forensic analyses in support of investigations and addressing these crimes;
- e) encouraged Parties to scale up efforts and make use of the *Form for collection and sharing of data on rhinoceros horn seizures and on samples for forensic analysis*, available in the Annex to Resolution Conf. 9.14 (Rev. CoP17), to facilitate exchange of information and samples for analyses;
- f) requested Parties implicated in the illegal trade of rhinoceros horn as a range, transit or destination State, to communicate to the Secretariat whether the details of their national focal points, in the [Directory of illegal trade in rhinoceros horn focal points](#) available on the CITES Secretariat *Enforcement focal points* webpage remains valid, and provide the Secretariat with updated information where needed, and further requested the Secretariat to review the current directory and to reach out to Parties implicated in the illegal trade affecting rhinoceroses not currently included in the directory, to request that these Parties communicate to the Secretariat the details of their national focal points for inclusion in the directory;
- g) reminded Parties of the outcomes of the CITES Rhinoceros Enforcement Task Force meeting held in Nairobi, Kenya, in October 2013, communicated to Parties through [Notification to the Parties No.2014/006](#) and its [Annex](#), and encouraged Parties to revisit these outcomes and take them into consideration in their development and implementation of measures and activities to address crimes affecting rhinoceroses; and
- h) agreed to propose to CoP19 the renewal of Decision 18.116 and requested the Secretariat to work with the Standing Committee Chair to propose to CoP19 a draft decision to convene a second meeting of the CITES Rhinoceros Enforcement Task Force subject to external funding.

38. Domestic markets for frequently illegally traded specimens:  
Report of the Secretariat ..... SC74 Doc. 38

The Secretariat introduced document SC74 Doc. 38, which includes a summary of the report on domestic controls in consumer markets for specimens of CITES-listed species for which international trade is predominantly illegal (other than elephant ivory) (see SC74 Inf. 2), in accordance with Decision 17.87 (Rev. CoP18). The report used trade in Appendix-I listed species as a proxy for “CITES-listed species for which international trade is predominantly illegal” and examined controls in ten Parties. The study focused on domestic controls rather than enforcement efforts, particularly looking at the legality of domestic trade in Appendix-I listed species; regulation of domestic trade in Appendix-I listed species; regulation of possession of Appendix-I listed species; authority to seize Appendix-I listed species; handling of seized or forfeited specimens and products; penalties; and registration and regulation of captive-breeding facilities, and highlighted instances of good practice. Based on the study the Secretariat identified three key areas for consideration by Parties to strengthen domestic controls addressing international trade in CITES-listed species where this trade is predominantly illegal: (1) ensuring that domestic measures are sufficient to

address the challenges of controlling trade in Appendix I species; (2) ensuring that legal action can be taken in cases where evidence of legal acquisition of specimens of species included in Appendix I cannot be provided by owners; and (3) ensuring that legislative provisions cover online trade.

Australia (Committee Member for Oceania), Indonesia (speaking on behalf of Malaysia) and the European Union expressed support for the document's recommendations, with Australia suggesting some small amendments to draft decision 19.AA to ensure consistency of scope. However, China (Committee Member for Asia) and India expressed concern with some of the methods, inferences and interpretations contained in document SC74 Inf. 2.

Israel (Committee Member for Europe) and the United States of America suggested adding species that have been transferred from Appendix II to Appendix I, as well as species listed in Appendix II subject to zero export quotas, to the list of cases where paragraph a) of draft decision 19.AA directs the Standing Committee to explore whether further guidance on the implementation of the Convention is needed in the context of domestic controls to reduce international illegal trade. Japan additionally proposed an amendment to paragraph a) of draft decision 19.AA to confirm that any draft guidance to be prepared by the Secretariat in this context would be non-binding.

Canada, speaking as an individual Party, noted that they understood the reasons for using trade in Appendix I-listed species to gain insight into trade in CITES-listed species where international trade is predominantly illegal, but cautioned against referring to the former as a 'proxy' for the latter; this is in order to avoid the misinterpretation that all trade in Appendix I species is illegal. Canada additionally suggested a number of scoping edits to the document's recommendations, noting that they disagreed that the burden of proof of legal acquisition should be put on owners in cases where there is no suspicion of illegal activity, and also suggested a number of edits to avoid duplication with the recommendations of document SC74 Doc 32. These amendments were supported by the United States of America.

The Committee:

- a) noted the study, the information contained therein and the comments made by Parties and agreed that Decisions 17.87 (Rev. CoP18) and 17.88 (Rev. CoP18) have been implemented and can be deleted;
- b) agreed to propose to CoP19 the following amendments to Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*:
  - i) move subparagraph 12 a) to become a new subparagraph 15 e) so that it addresses trade in specimens of species included in Appendix I more broadly and not only in the context of online trade;
  - ii) include a new amended subparagraph in paragraph 15 as follows:
    - x) review and amend national legislation, as necessary, to enable authorities to take action in cases that are connected to international illegal trade in fauna and flora and where evidence of legal acquisition of specimens of species included in Appendix I cannot be provided by the owner, to the extent that it is practicable to require such evidence;
  - iii) include a new subparagraph 15 r) as follows:
    - r) ensure that legislative provisions cover online trade and that national agencies responsible for wildlife law enforcement be made aware of the challenges raised by online trade and provided with adequate means to tackle it;
- c) agreed to submit the following amended draft decision, for consideration by CoP19:

**19.AA Directed to the Standing Committee**

The Standing Committee, with the assistance of the Secretariat, shall:

- a) explore whether further non-binding guidance is needed on the implementation of the Convention with respect to possession of specimens of species included in Appendix I, including species that have been transferred from Appendix II to Appendix I, as well as specimens of species included in Appendix II subject to a zero export quota, to help

address illegal international trade and, if so, request the Secretariat to prepare draft guidance for its endorsement;

- b) consider whether additional recommendations related to the possession of specimens of species included in Appendix I, including species that have been transferred from Appendix II to Appendix I, as well as specimens of species included in Appendix II subject to a zero export quota, in relevant Resolutions are warranted to address illegal international trade in such specimens; and
- c) make recommendations for consideration at the 20th meeting of the Conference of the Parties, including appropriate revisions to existing Resolutions, to strengthen the regulation of possession of specimens of species included in Appendix I, including species that have been transferred from Appendix II to Appendix I, as well as specimens of species included in Appendix II subject to a zero export quota, to help address illegal international trade in such specimens.

39. Closure of domestic ivory markets: Report of the Secretariat ..... SC74 Doc. 39

The Secretariat introduced document SC74 Doc. 39, containing a summary of information submitted by Australia, the European Union, Hong Kong Special Administrative Region of China, Israel, Japan, New Zealand, South Africa, Thailand, the United Kingdom of Great Britain and Northern Ireland, and Zimbabwe on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade. The Secretariat noted the limited number of responses that were submitted in response to notifications issued relating to the closure of domestic ivory markets.

The United States of America commended Parties that reported steps taken to close domestic ivory markets, with several Parties arguing that all legal ivory markets fuel demand and provided opportunities for laundering and illegal trade. China (Committee Member for Asia), Israel (Committee Member for Europe), Burkina Faso, the European Union, Gabon, the United Kingdom of Great Britain and Northern Ireland and the United States of America raised concern about recommendation d) in paragraph 30 of the document (to invite the Conference of the Parties to agree that Decisions 18.117 to 18.119 have been fully implemented and can be deleted), highlighting the low response rate to notifications relating to the closure of domestic ivory markets, that some Parties haven't yet closed their domestic ivory markets, and that while some Parties have undertaken to close these markets they have not yet implemented all measures needed. It was suggested that these Decisions should instead be renewed at CoP19.

The European Union, supported by Gabon, additionally suggested inviting the Secretariat to engage with the MIKE-ETIS Technical Advisory Group (TAG) regarding whether an analysis of ivory seizures connected to Parties with legal domestic markets for commercial trade in ivory could be undertaken, in order to better understand the extent to which domestic markets for ivory influence illegal international trade.

Zimbabwe expressed support for the document's recommendations but expressed concern that interference with domestic ivory markets went beyond the CITES mandate. Zimbabwe and Japan noted that their domestic ivory markets were well regulated and had a number of procedures in place to ensure legal trade doesn't contribute to poaching, with stockpiles accumulated, managed and reported on in accordance with provisions in Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens*.

A number of Parties, including Singapore and the European Union, gave an update on amendments to legislation to prohibit the sale of ivory and ivory products on domestic markets.

The Japan Tiger and Elephant Fund (speaking also on behalf of the Environmental Investigation Agency, Species Survival Network, International Fund for Animal Welfare, Wildlife Conservation Society, Center for Biological Diversity, Zoological Society of London, David Shepherd Wildlife Foundation, Fondation Franz Weber, Animal Welfare Institute, Natural Resources Defence Council, Fondation Brigitte Bardot, Pro Wildlife, Pan African Sanctuary Alliance, Humane Society International, Eurogroup for Animals and Law of the Wild) reiterated that legal domestic markets stimulate demand for ivory and provided the opportunity to launder ivory into international trade, highlighting recent seizures of ivory sourced from Japan. These observer organisations expressed support for the renewal of Decisions 18.117 to 18.119 and for the Standing Committee to ask the MIKE/ETIS TAG to provide an analysis of ivory seizure data connected to CITES Parties with legal domestic ivory markets for inclusion in the Secretariat's ETIS report to CoP19. It was additionally recommended to extend this reporting requirement through inclusion in a decision to be considered at CoP19. Finally, the observer organisations urged Japan to close its domestic ivory market.

IWMC-World Conservation Trust noted that they had not seen evidence that legal domestic markets created opportunities for laundering illegal ivory and noted that there were many examples where legal trade had helped the recovery of species. The observer organisation did not consider the status of domestic ivory markets to be within the scope of the Convention.

The Committee:

- a) noted document SC74 Doc. 39 and the reports submitted by Australia, the European Union, Hong Kong Special Administrative Region of China, Israel, Japan, New Zealand, South Africa, Thailand, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe;
- b) encouraged Parties to pay particular attention to the provisions contained in paragraphs 12 and 13 of Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement* in addressing illegal ivory trade;
- c) requested the Secretariat to include a reminder to Parties about the provisions in paragraph 9 of Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens* in the Notification it issues annually to remind Parties about the provisions in Resolution Conf 10.10 (Rev. CoP18) relating to the marking, inventories and security of elephant ivory stocks;
- d) requested the Secretariat to assist the Standing Committee in its reporting to the Conference of the Parties as provided for in paragraph 19 of Resolution Conf. 10.10 (Rev. CoP18), and to include the information contained in document SC74 Doc. 39 in the report called for in Decision 18.119, paragraph b);
- e) invited the Conference of the Parties to agree that Decisions 18.117 to 18.119 can be renewed and requested the Secretariat to submit these revised Decisions to CoP19; and
- f) noted the suggestion by the European Union to invite the Secretariat and TRAFFIC to engage the MIKE ETIS Technical Advisory Group in preparing the ETIS report to CoP19 to advise whether an analysis of ivory seizures connected to Parties with legal domestic markets for commercial trade in ivory could be undertaken and to include such an analysis in the report, if feasible.

#### Regulation of trade

#### 40. Guidance for making legal acquisition findings: Report of the Secretariat..... SC74 Doc. 40

The Secretariat presented document SC74 Doc. 40, noting that, since the adoption of Resolution Conf. 18.7 on *Legal acquisition findings* at CoP18, the Secretariat has been working with the Food and Agriculture Organisation (FAO) and other partners to organize workshops and develop materials to help Parties build capacity to make legal acquisition findings (LAFs). The Secretariat explained that it has revised the rapid guide for making LAFs, and that this was designed to be sufficiently standardised to be applicable by all Parties for all transactions. Forest Trends and the Center for International Environmental Law (CIEL) were also noted to have developed a *Handbook on Legal Acquisition Findings* that brings together information and guidance on how to prepare and develop national LAF guidelines and on the process of making a legal acquisition finding in practice. The Secretariat noted that the organisation of further workshops on LAFs where information and best practices can be exchanged was a priority and thanked the United Kingdom of Great Britain and Northern Ireland for their offer of funding to achieve this.

While Peru (Committee Member for Central and South America and the Caribbean), the United Kingdom of Great Britain and Northern Ireland and the United States of America expressed support for the rapid guide and for the document's recommendations, Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States) outlined some areas in which they considered that further clarification was required before the rapid guide could be endorsed, including the definition of legal acquisition finding and the proposal to develop an automatic approach for risk assessment. The Secretariat noted that upcoming workshops may provide opportunities for the guidance to be refined to take these considerations into account.

Peru and Senegal (Committee Member for Africa) requested further support and training for their respective regions on the implementation of the rapid guide for making LAFs, with Peru suggesting that sharks could be a good group of species to use as a case study.

The Committee noted document SC74 Doc. 40 and the 'Rapid guide for the making of legal acquisition findings' in its Annex. The Committee further noted that the Secretariat will organize a workshop to review the 'Rapid guide for the making of legal acquisition findings' and agreed to submit to CoP19 the 'Rapid guide for the making of legal acquisition findings' as revised at the workshop.

The Committee agreed to submit to CoP19 the following draft decisions:

**19.AA Directed to the Parties**

Parties are invited to test the 'Rapid guide for making legal acquisition findings' developed by the Secretariat and offer, upon request, peer assistance to other Parties for the improvement of their capacity to verify legal acquisition for different taxa.

**19.BB Directed to the Secretariat**

The Secretariat shall:

- a) subject to external funding, develop digital solutions to automate relevant parts of the 'Rapid guide for making legal acquisition findings' and maintain a dedicated webpage regarding the verification of legal acquisition for different taxa and specimens on the CITES website and update it regularly;
- b) subject to external funding, organize workshops and other capacity-building activities related to the implementation of Resolution Conf. 18.7 on *Legal acquisition findings* and disseminate training material for the verification of the legal acquisition of CITES specimens; and
- c) report to the Standing Committee on the progress made in the implementation of Resolution Conf. 18.7 on the basis of information, experiences and examples submitted by the Parties.

**19.CC Directed to the Standing Committee**

The Standing Committee shall monitor progress in the implementation of Resolution Conf. 18.7, assess any reports submitted by the Secretariat as per Decision 19.BB., paragraph c) and, where appropriate, make recommendations for improving the verification of legal acquisition by the Parties for submission to the 20th meeting of the Conference of the Parties.

41. Electronic systems and information technologies:

Report of the working group and the Secretariat..... SC74 Doc. 41

As Chair of the intersessional working group on electronic systems and information technologies, Switzerland updated the Committee on the activities of the working group, specifically on further recommendations to amend the text of Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*; guidance on the use of 2-dimensional barcodes; endorsement/validation of permits; nomenclature changes and the use of the CITES Checklist API; national data protection laws; the use of the Harmonized System (HS) codes; and the review of the e-permitting toolkit.

Peru (Committee Member for Central and South America and the Caribbean), the European Union, the Dominican Republic and South Africa expressed support for the document's recommendations and provided updates on electronic CITES systems in their countries that were either in development or already in place.

The Committee:

- a) noted document SC74 Doc. 41;
- b) agreed to submit to CoP19 the following draft amendments to Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*:
  - i) After the sixth preambular paragraph, insert the following new paragraph:

RECOGNIZING that electronic permitting systems can support Parties in regulating trade, in incentivizing compliance with legal trade frameworks, in monitoring the legality and sustainability of trade, including with regard to producing CITES annual trade reports, and in combatting illegal trade;

- ii) Amend the tenth, eleventh and twelfth preambular paragraphs as follows (agreed by SC73):

NOTING that the [eCITES Implementation Framework](#), [CITES electronic permitting toolkit](#), [Guidelines and specifications for Electronic Permit Information eXchange \(EPIX\) of CITES permits and certificates](#), and [the Guidance on CITES electronic signatures](#) provides guidance to Parties on common internationally recognized information exchange formats, protocols and standards, and electronic signatures;

RECOGNIZING the need to adopt the principles outlined in the ~~CITES electronic permitting toolkit~~ above-mentioned guidance to facilitate the exchange of information among national Management Authorities;

RECOGNIZING that ~~the CITES electronic permitting toolkit~~ this guidance will require updates and revisions to reflect the evolution of technologies and ongoing development of international standards;

- iii) Amend paragraph 2 e) as follows (agreed by SC73):

e) if a permit or certificate form, whether issued in an electronic or paper format, includes a place for the signature of the applicant, the absence of the handwritten signature or, in case of electronic forms, any electronic equivalent, should render the permit or certificate invalid, taking into account the [Guidance on CITES electronic signatures](#); and

- iv) In paragraph 3, insert a new subparagraph c), amend the current subparagraph c), insert two new subparagraphs after subparagraph c) and renumber the subsequent subparagraphs as follows:

c) all Parties consider the development and use of electronic permit management systems such as those outlined in the [eCITES Implementation Framework](#) that, *inter alia*, support the production of annual reports required under the provisions of Article VIII, paragraph 7 (a); where relevant and appropriate, Parties consider the implementation of electronic processes for permit issuance and the development and use of the electronic equivalent of paper-based permits and certificates;

ed) Parties using or developing electronic permits and certificates, adopt the standards recommended in the [CITES electronic permitting toolkit](#), [Guidelines and specifications for Electronic Permit Information eXchange \(EPIX\) of CITES permits and certificates](#) and [the Guidance on CITES electronic signatures](#);

e) Parties that issue electronic permits and certificates submit information to the Secretariat documenting that when their system issues electronic permits and certificates, these are the electronic equivalent of original paper permits and certificates and information on how to verify the validity of permits and certificates issued electronically;

f) the Secretariat, via Notification, provide the information from Parties submitted under [subparagraph e] on their electronic systems;

- v) Amend paragraph 3, subparagraph n) as follows:

n) Parties that do not already do so affix a security stamp to each permit and certificate, or add a two-dimensional barcode, or both, or use any other relevant manner to secure each permit and certificate;

- vi) In paragraph 3 after the current subparagraph o), insert a new subparagraph as follows:

AA) Parties that issue electronic permits and certificates ensure that their systems issue electronic equivalent of original paper permits and certificates, and that their systems have adequate security measures, including mechanisms that:

- i) in the case of a single-use document, prevent more than one movement under the same document; and in the case of a multiple-use document, prevent its unauthorized use;
  - ii) receive information from the importing Party when a document has been used;
  - iii) enable the authorities of any Party to verify whether the document is valid or has been used;
  - iv) contain security protocols that maintain integrity of all communications and data transfer, including use of two-dimensional barcodes;
- vii) Amend the current paragraph 3, subparagraph q) to read as follows (agreed by SC73)
- q) Parties that have not yet done so communicate to the Secretariat the names of the persons empowered to sign permits and certificates, as well as three specimens of their signatures, or in case of electronic permits and certificates, the names of the empowered persons and methodologies used to authenticate them, and that all the Parties communicate, within one month of any change thereto, the names of persons who have been added to the list of those already empowered to sign, the names of persons whose signatures are no longer valid and the dates the changes took effect;
- viii) Amend Annex 1, paragraph l) as follows (agreed by SC73):
- l) The name of the signatory and his/her handwritten signature for paper permits and certificates or its electronic equivalent for electronic permits and certificates taking into account the *Guidance on CITES electronic signatures*;
- ix) Amend Annex 2, page 2, paragraph 4 as follows:
- 4. **Complete** name and address of the exporter/re-exporter. The name of the country must be stated. The absence of the signature of the applicant renders the permit or certificate invalid, if a place for the signature of the applicant is included.
- x) Amend Annex 3, page 2, paragraph 3 as follows:
- 3. Complete the full name, permanent address and country of the owner of the specimen covered by the certificate. Absence of the signature of the owner renders the certificate invalid, if a place for the signature of the owner is included.
- c) agreed to submit to CoP19 the following draft decisions:

#### **19.AA Directed to the Parties**

Parties are invited to:

- a) use the eCITES Implementation Framework, the latest edition of the CITES electronic permitting toolkit, Guidelines and specifications for Electronic Permit Information eXchange (EPIX) of CITES permits and certificates, and the *Guidance on CITES electronic signatures* in planning and implementing electronic CITES systems;
- b) consider the implementation of electronic CITES systems in a manner designed to meet CITES requirements, including those provided in Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates* to increase transparency and efficiency of the permit issuance and control process, to prevent use of fraudulent permits, and to provide quality data for reporting and improved sustainability assessment;
- c) work with the customs, National Plant Protection Organizations (NPPOs) and other relevant agencies to ensure that trade in CITES-listed specimens is in compliance with CITES requirements and, where appropriate, in line with, or integrated into, other relevant national cross-border trade systems and procedures;

- d) share experience, challenges and know-how with other Parties on the development and implementation of electronic CITES permit management systems and use of the electronic equivalent of paper-based permits and certificates, and provide inputs to the Secretariat for continuous improvement of eCITES reference materials;
- e) take note of the [eCITES BaseSolution](#) as an automated permit management system option that is now available to Parties for implementation;
- f) call upon donor countries and agencies to provide financial support towards the implementation of electronic CITES permit management systems in developing countries; and
- g) submit to the Secretariat information on the use of HS codes for risk-based control procedures.

**19.BB Directed to the Standing Committee**

The Standing Committee shall, in consultation with the Secretariat, undertake the following tasks:

- a) work with the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Economic Commission for Europe (UNECE), the International Trade Centre (ITC), the World Bank, the World Customs Organization (WCO), the World Trade Organization (WTO), the Secretariat of the International Plant Protection Convention (IPPC), and other relevant partners, to continue the exchange of information and the development and implementation of joint projects that would facilitate Parties' access to electronic permitting systems that comply with CITES requirements and where appropriate are aligned with international trade standards and norms;
- b) work with relevant partners on the further development of standards and solutions for Electronic Permit Information eXchange (EPIX) for the exchange of CITES permit and certificate data and the improvement of the validation of CITES permit data by CITES Management Authorities and customs officials;
- c) recognizing the importance of the requirement for endorsement of permits and certificates at export, explore possible alternatives to the physical endorsement;
- d) monitor and advise on Parties' work related to the development of traceability systems for specimens of CITES-listed species to facilitate their harmonization with CITES permits and certificates;
- e) monitor the use of HS codes in implementing risk-based control procedures in different countries;
- f) support the development of the capacity of Management Authorities, especially those with the greatest needs, to electronically collect, secure, maintain, and transmit data using systems compatible with those of the Secretariat and other Management Authorities; and
- g) submit reports on activities undertaken under Decision 19.BB, paragraphs a) to f) and make recommendations to the Conference of the Parties at its 20th meeting.

**19.CC Directed to the Secretariat**

The Secretariat shall, subject to the availability of external funding:

- a) undertake a study on the information used by different Parties in a risk-based approach for CITES trade controls;
- b) collect information from Parties on any issues encountered with regard to the application of national data protection laws that affect implementation of Electronic Permit Information eXchange (EPIX) for the exchange of CITES permits and certificates;

- c) support the work of the Standing Committee under Decision 19.BB through the organization of workshops, consultations, preparation of studies and guidance materials on relevant topics as identified by the Standing Committee; and
  - d) provide capacity-building and advisory services to support Parties interested in implementing electronic solutions for the management and control of CITES permits and certificates and support Parties in establishing electronic permit systems and information exchanges.
- d) agreed that Decisions 18.125-128 had been implemented and propose to CoP19 that they can be deleted.

42. Authentication and control of permits: Report of the Secretariat ..... SC74 Doc. 42

The Secretariat introduced document SC74 Doc. 42, which summarises the results of an in-depth study on current practices in CITES permit authentication and control. The study used seventeen Parties from all six regions as case studies to demonstrate the state-of-play on how current trading practices and the use of technologies affect their CITES trade regulation process. The Secretariat noted that an important consideration for the study was to review the practices of Parties that had instituted automated online permit application systems and the practices of those that had not (yet) done so; the study focused on the implementation of automated online permit systems; the use of the Species+/CITES Checklist API; the use of security stamps and/or two-dimensional (2D) barcodes; e-commerce; border controls; inspection and endorsement of CITES documents at the point of export; guidance for physical inspection; and data recorded in annual reports. As many of the issues identified were related to the mandate of the working group on electronic permitting and information systems, it was noted that some of the recommendations following from this study are presented under SC74 Doc. 41.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States) expressed support for the digitalisation of CITES processes, and encouraged the use of the Species+/CITES Checklist API. Belgium asked for further clarification regarding recommendation b), considering that it was not clear whether it was asking Parties to implement special provisions for e-commerce in CITES-listed species, and if so, what these should be. The Secretariat clarified that the intention is to ensure that general legislation on CITES trade also applies to e-commerce.

Canada (Committee Member for North America), Brazil and the United States of America suggested amendments to (1) increase clarity in draft decision 19.AA; 2) include the development of specific guidance for risk-based analysis relating to analyses and inspections under CITES permit issuing systems to the work with the World Customs Organisation in Decision 19.BB; (3) specify that the actions in paragraph vi) of the suggested amendments to Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement* should be taken 'to the extent possible'; and (4) ensure that the amendments to Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement* recommend that CITES Management Authorities are allowed access to information contained in customs systems.

China (Committee Member for Asia) and Senegal (Committee Member for Africa) expressed support for the study as well as the application of advanced technologies but cautioned that Parties will have different systems for the authentication and control of CITES permits informed by their own socioeconomic situations, and that these differences should be respected.

The Committee:

- a) noted the information on the study on permit authentication and control, contained in document SC74 Doc. 42;
- b) encouraged Parties to ensure that they have suitable controls of authorized e-commerce in specimens of CITES-listed species;
- c) agreed to submit to CoP19 the following revised amendments to Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*;

XX. RECOMMENDS that Parties, where possible and appropriate:

- i) institutionalize regular formalized meetings between customs and CITES authorities;

- ii) ~~where possible and appropriate~~, exchange information on seizures between customs and the CITES authorities;
  - iii) allow customs systems access to information in permitting databases of Management Authorities and allow Management Authorities access to information in customs systems;
  - iv) institute automated verification schemes between customs application systems and CITES permitting databases;
  - v) ensure collaboration between CITES authorities and customs to use information contained in the respective electronic data systems, available intelligence and the HS code to implement risk-based control procedures;
  - vi) ensure to the extent possible that professionals involved in wildlife trade and management, such as veterinarians receive training on CITES and their role in implementing the Convention and compliance with relevant national laws as part of their professional practice and ongoing accreditation;
- d) agreed to submit to CoP19 the following draft decisions:

**19.AA Directed to the Parties**

Where this has not yet been done, Parties are encouraged to undertake risk assessments to develop risk profiles specific to CITES-listed specimens frequently ~~found in trade exported and imported by the Party~~, and to reach out to the World Customs Organization for support in this regard, where needed.

**19.BB Directed to the Secretariat**

The Secretariat shall, subject to available resources, work with the World Customs Organization and other partners to develop guidance, including a specific guidance for a risk-based analysis related to the process of analysis and inspection under CITES permit issuing systems, and elements for a national policy on physical inspections and present its report and recommendations to the Standing Committee.

**19.CC Directed to the Standing Committee**

The Standing Committee shall consider the report of the Secretariat and endorse any guidance, as appropriate.

- e) agreed that Decisions 18.130 and 131 had been implemented and can be proposed for deletion by the Conference of the Parties.

43. Purpose codes on CITES permits and certificates: Report of the working group..... SC74 Doc. 43

As Chair of the intersessional working group on purpose-of-transaction on CITES permits and certificates, Australia updated the Committee on the activities of the working group, specifically on the draft definitions of purpose-of-transaction codes outlined in Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates* in paragraph 3. g). The working group focused its work on codes Z (zoo), P (personal), T (commercial), M (medical), E (educational), N (reintroduction or introduction to the wild) and L (law enforcement/judicial/forensic). Australia noted that the working group reached agreement on the definition of all codes except T; for this code, the document lays out two possible definitions named Options 1 and 2.

Parties generally expressed support for the definitions contained in Annex 1 of document SC74 Doc. 43, but Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Israel (Committee Member for Europe), Canada (Committee Member for North America), Switzerland and the United Kingdom of Great Britain and Northern Ireland considered that further consideration was needed regarding the definition for purpose code P. Belgium outlined concerns that the suggested definition for this code imposed stricter conditions for trade that were not in line with the standard treatment of specimens of species listed in Appendix II; the Committee Member noted that further guidance was needed regarding the legal implications of adopting the proposed definition for code P, particularly taking into account linkages with Resolution Conf. 13.7 (Rev. CoP17) on *Control of trade in household and personal effects*. China

(Committee Member for Asia) expressed concern that the proposed definition for some codes designated reasons for trade after the transaction has occurred, which it considered to go beyond the mandate of the Convention. Regarding purpose code N, the United States of America expressed a wish for further discussion to more clearly define what actions would be considered a 'conservation introduction' outside of the natural or historical range of species.

Regarding the two options for the definition of code T, Committee Members and Parties expressed differing opinions over which option was preferred.

Noting that definitions of purpose codes appear on CITES permits and that changes to their definitions would require some Parties to make changes to their legislation, Israel noted a preference for permits to retain short 1-2 word definitions of purpose codes, and for the detailed the purpose code definitions to be laid out in Resolution Conf. 12.3 (Rev. CoP18) where they can be consulted if additional guidance is required.

The Committee agreed to submit to CoP19 the following amendments to Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*:

**Conf. 12.3 (Rev. CoP189) *Permits and certificates***

...

g) Parties state, on each of their permits and certificates, the purpose of the transaction using the following codes:

- T – Commercial
- Z – Zoo
- G – Botanical garden
- Q – Circus or travelling exhibition
- S – Scientific
- H – Hunting trophy
- P – Personal
- M – Medical (including biomedical research)
- E – Educational
- N – Reintroduction or introduction into the wild
- B – Breeding in captivity or artificial propagation
- L – Law enforcement / judicial / forensic;

h) The purpose of transaction code is determined as follows:

- i) The transaction between the sender/exporter and receiver/importer directly involved in the trade from one State to another is used to assess the purpose of transaction code for the export permit or re-export certificate. This indicates the reason there is trade of the specimen(s) from the sender/exporter to receiver/importer. The sender/exporter and receiver/importer can be the same entity (e.g., personal movement).
- ii) The intended use of the specimens by the importer is used to determine the purpose of transaction code for the import permit. This indicates the reason the importer requests to import or is importing the specimen(s).
- iii) When both the export permit/re-export certificate and the import permit are issued, the purpose of transaction code used on the two CITES documents may be different.
- iv) For transactions whose non-commercial aspects do not clearly predominate, and except where an alternative code more precisely reflects the reason for the transaction, purpose-of-transaction-code T should be used.
- v) For transactions that are non-commercial in nature, the most applicable of the codes should be used.

ivvi) In the case of these certificates, the following purpose of transaction codes should be used:

Certificate of Ownership                      P

Travelling Exhibition Certificate	Q
Musical Instrument Certificate	P or Q
Scientific Certificate	S

vii) For the remaining certificates, the purpose of transaction code is determined as follows:

Pre-convention certificate – as outlined in i) above for export permits or re-export certificates;  
 Certificate of Origin – as outlined in i) above for export permits or re-export certificates;  
 Certificate of captive breeding and artificial propagation – as outlined in i) above for export permits or re-export certificates;  
 Introduction from the Sea certificate – as outlined in ii) above for import permits;

- i) The term 'hunting trophy', as used in this Resolution, means a whole animal, or a readily recognizable part or derivative of an animal, specified on any accompanying CITES permit or certificate, that:
  - i) is raw, processed or manufactured;
  - ii) was legally obtained by the hunter through hunting for the hunter's personal use; and
  - iii) is being imported, exported or re-exported by or on behalf of the hunter, as part of the transfer from its country of origin, ultimately to the hunter's State of usual residence.
- j) Purpose code 'Z' (zoo) should be used where the transaction is for the purpose of movement of a specimen to a zoo and/or aquarium or by a zoo and/or aquarium for public display, care, reproduction, public education and awareness, scientific research, rescue, rehabilitation, or conservation;
- k) Purpose code 'M' (medical including biomedical research) should be used where the transaction is for the purpose of medical or veterinary testing, diagnosis, treatment or research, including biomedical research;
- l) Purpose code 'E' (educational) should be used where the transaction is for the purpose of use in educational and training programs or for display in an institution with a primarily educational remit;
- m) Purpose code 'N' (reintroduction or introduction to the wild) should be used where the transaction is for the purpose of reinforcement and reintroduction within a species' natural and historical range, and for conservation introductions, comprising assisted colonization and ecological replacement, outside the species' natural and historical range;
- n) Purpose code 'L' (law enforcement/judicial/forensic) should be used where the transaction is for the purpose of transfer of specimens between, or in support of, government agencies for law enforcement, judicial or forensic purposes;

The Committee requested the Secretariat to work with the Standing Committee Chair and the Chair of the intersessional working group to consider any Resolution related to or affected by purpose-of-transaction codes, to ensure coherent interpretation; to prepare a report to CoP reflecting the discussion on purpose codes 'P' and 'T' and to draft new decisions to CoP19 to ensure continued discussion on purpose code 'P' and 'T'.

44. Simplified procedures for permits and certificates..... SC74 Doc. 44

Australia introduced document SC74 Doc. 44, drawing the attention of the Standing Committee to the concerns raised by the Director General of the World Organisation for Animal Health (OIE) of difficulties in obtaining permits and certificates for the exchange of wildlife health diagnostic samples. Although some amendments to Resolution Conf. 11.15 (Rev. CoP18) on *Non-commercial loan, donation or exchange of museum, herbarium, diagnostic and forensic research specimens* and Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates* were agreed at CoP18 to address this issue, it was noted that some difficulties remained. The document therefore presents proposals for further exploring simplified CITES requirements for the transport of wildlife diagnostic specimens with the aim of further facilitating the ability to undertake rapid wildlife health diagnostics.

Canada (Committee Member for North America), Argentina, and the United Kingdom of Great Britain and Northern Ireland agreed that further work was needed to ensure that diagnostic samples can be shared

efficiently, with Canada and Argentina suggesting an edit to draft decision 19.XX to state that the Standing Committee should consider the need for the development of further appropriate mechanisms to facilitate the efficient international movement of wildlife samples for diagnostic purposes **and/or for conservation purposes**. The United States of America supported the presentation of the issues raised to CoP19, with the key clarification that scientific exchange exemptions and simplified permit procedures are two different issues, and in this regard encouraged Parties to make use of the guidance on the use of the scientific exchange exemption and simplified procedures to issue permits and certificates endorsed at SC73. The United States of America proposed to add specific reference to guidance and capacity-building on simplified procedures in accordance with the recommendations in Part XIII of Resolution Conf. 12.3 (Rev. CoP18) to the document's draft decision.

OIE, the International Union for Conservation of Nature and the World Wide Fund for Nature expressed strong support for the document's recommendations, highlighting difficulties experienced sending diagnostic samples of saiga antelope as an example where issues surrounding the movement of samples of CITES-listed species had hampered vital research needed to protect these species. These observer organizations stressed that difficulties and delays experienced in the process of obtaining CITES permits were leading to growing reluctance among scientific institutions to send samples involving CITES-listed species. The Wildlife Conservation Society (speaking also on behalf of the Association of Zoos and Aquariums, Alliance of Marine Mammal Parks and Aquariums, European Association of Zoos and Aquaria, San Diego Zoo Wildlife Alliance, World Association of Zoos and Aquariums, and Zoological Society of London) agreed that it was important for CITES Parties to discuss and potentially adopt further mechanisms to expedite international movement of diagnostic samples, and that further amendments to Resolution Conf. 11.15 (Rev. CoP18) may be needed in this regard. Given the time-sensitive nature of this issue, these observer organizations expressed hope that sufficient progress could be made to enable the adoption of a Decision at CoP19 rather than CoP20.

The Committee agreed to submit to CoP19 the following amended draft decision:

**19.XX Directed to the Standing Committee**

The Standing Committee shall consider the need for the development of further appropriate mechanisms, including guidance and capacity-building on simplified procedures in accordance with the recommendations in Part XIII of Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*, to facilitate the efficient international movement of wildlife samples for diagnostic purposes and/or conservation purposes, for consideration by the 20th meeting of the Conference of the Parties.

45. Transport of live specimens ..... SC74 Doc. 45

The Secretariat introduced document SC74 Doc. 45, presenting draft revisions to the *CITES guidelines for the non-air transport of live animals and plants*. The Secretariat noted that these guidelines had not been amended since they were adopted in 2013, and that the revision had been prepared in close consultation with the IATA Live Animals and Perishables Board and had been circulated for comments to the Animals Committee and through a Notification to the Parties. The Secretariat highlighted that the guidelines should be considered to be a living document and revised regularly, and that further revisions may be required particularly in view of the COVID-19 pandemic.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Canada (Committee Member for North America), Switzerland and the United States of America raised concern regarding the accessibility of the IATA regulations referred to in the guidelines, noting that these were expensive and not readily accessible to the public. Canada suggested three possible ways forward; (1) removing references to the IATA regulations from the guidelines and instead presenting the requirements for the transport of species protected under CITES directly on the CITES website, ensuring that these are applicable to all forms of transport, including air and non-air transportation; (2) including information contained within the guidelines on the CITES Checklist, to allow for easier searchability; or (3) discuss options for making specific information pertaining to the preparation and transport of live specimens accessible through an online portal, with the ability to download relevant documents free of charge for registered users.

The Committee approved the *CITES guidelines for the non-air transport of live animals and plants* as set out in the Annex to document SC74 Doc. 45. The Committee requested the Secretariat to consider, in consultation with the International Air Transport Association (IATA), options to improve access to the IATA Live Animals Regulations, taking into account the options proposed by Canada, and to report to the Standing Committee at SC77.

46. Identification materials:  
Report of the Animals and Plants Committee and the Secretariat ..... SC74 Doc. 46

The Secretariat introduced document SC74 Doc. 46, reporting on the implementation of Decisions 18.135 to 18.139. The document was noted to include an outline of progress made to date towards the drafting of a new resolution on species identification, as well as draft decisions that could be submitted to the CoP should the draft resolution not be submitted by the Standing Committee to the CoP. Regarding the implementation of Decision 18.135, the Secretariat highlighted the publication of the 4th edition of the *Identification guide for ivory and ivory substitutes*, available on the CITES website.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States) looked forward to the relaunch of the CITES Virtual College, and suggested that new material could also be shared via the inforMEA e-learning platform. Poland also suggested an editorial amendment to the preamble to the draft resolution proposed to be submitted to CoP19 on *Materials for the identification of specimens of CITES-listed species*.

Canada (Committee Member for North America) expressed support for the draft resolution and the document's draft decisions. Regarding recommendation c), Canada and the United States of America expressed a preference to present both the draft resolution and the document's draft decisions to CoP19, noting that it was important to ensure that work to assess gaps and prioritise updates of identification materials go ahead even if the CoP were to decide not to adopt the draft resolution.

The Committee:

- a) noted document SC74 Doc. 46 and the progress made in implementation of Decisions 18.135 to 18.137;
- b) agreed to submit to CoP19 the draft resolution on *Materials for the identification of specimens of CITES-listed species* contained in Annex 1 to document SC74 Doc. 46 with the amendment below:

RECALLING that the CITES Identification Manual was begun in 1977 and continued through Resolution Conf. 11.19 (Rev. CoP16) on *Identification Manual*. However, much of the information has become outdated since it has not been updated since 2009; ~~but has become obsolete in 2009 when the Identification Manual was no longer updated due to the need for more dynamic and multi-faceted approaches in the future;~~

- c) agreed to submit to CoP19 the following draft decisions:

**19.AA Directed to the Animals and Plants Committees**

The Animals and Plants Committees shall establish a joint working group on identification materials and undertake the following working group tasks, in consultation with the Secretariat:

- a) review selected identification materials and assess the need for their revision and improvement, taking into account the materials that are being developed or have already been developed by Parties and materials requested in Decisions or Resolutions;
- b) consider ways to improve the accuracy and availability of identification materials on CITES-listed species; and
- c) report on the progress with these activities at the meeting(s) of the Animals and Plants Committees.

**19.BB Directed to the Secretariat**

The Secretariat shall:

- a) continue collecting information on identification materials and share it through the CITES website and the CITES Virtual College; and
- b) report on the progress and make recommendations to the Conference of the Parties, as appropriate.

**19.CC Directed to Parties**

Parties are encouraged to support the efforts of the working group on identification materials by providing to the Secretariat information on available identification and guidance materials that are used by Parties, and particularly by enforcement and inspection officers, to facilitate implementation of the Convention.

- d) agreed to submit to CoP19 the following draft decisions, should the Conference of the Parties not adopt the draft resolution on *Materials for the identification of specimens of CITES-listed species*:

**19.AA Directed to the Animals and Plants Committees**

The Animals and Plants Committees shall:

- a) establish a joint working group on identification materials and undertake the following working group tasks, in consultation with the Secretariat:
- i) continue to draft the proposed new resolution on identification materials if necessary; [to be deleted if the Conference of the Parties adopts the resolution]
  - ii) review selected identification materials, including material compiled as per Decision 18.136 paragraph a), and assess the need for their revision and improvement, taking into account the materials that are being developed or have already been developed by Parties and materials requested in Decisions or Resolutions;
  - iii) consider ways to improve the accuracy and availability of identification materials on CITES-listed species; and
  - iv) report on the progress with these activities at the meeting(s) of the Animals and Plants Committees; and
- b) submit the proposed new resolution on identification materials to the Standing Committee for inputs and onward submission to the Conference of the Parties. [to be deleted if the Conference of the Parties adopts the resolution]

**19.BB Directed to the Secretariat**

The Secretariat shall:

- a) continue collecting information on identification materials and share it through the CITES Website and the CITES Virtual College;
- b) provide inputs to the proposed new resolution on identification materials drafted by the joint working group on identification materials called for in Decision 19.AA [to be deleted if the Conference of the Parties adopts the resolution]; and
- c) report on the progress and make recommendations to the Conference of the Parties, as appropriate.

**Directed to the Standing Committee**

[to be deleted if the Conference of the Parties adopts the resolution]

**19.CC** The Standing Committee shall:

- a) provide inputs on the draft resolution text prepared by the Animals and Plants Committees to ensure that the needs for identification materials expressed by Parties and authorities responsible for wildlife law enforcement are taken into account; and
- b) submit the revised draft resolution to the Conference of the Parties at its 19th meeting.

## 19.DD Directed to Parties

Parties are encouraged to support the efforts of the working group on identification materials by providing to the Secretariat information on available identification and guidance materials that are used by Parties, and particularly by enforcement and inspection officers, to facilitate implementation of the Convention.

- e) invited the Conference of the Parties to agree that Decisions 18.135 to 18.139 have been implemented and can be deleted.

### 47. Identification and traceability of sturgeons and paddlefishes (Acipenseriformes spp.): Report of the Animals Committee ..... SC74 Doc. 47

The Chair of the Animals Committee presented document SC74 Doc. 47, containing a study on *Identification of species and hybrids, source and geographical origin of sturgeon and paddlefish (Acipenseriformes spp.) specimens and products in trade* for review by the Standing Committee. The Chair thanked the World Wide Fund for Nature (WWF) for producing the study, noting that the Animals Committee had provided input on the study's terms of reference via postal procedure and had endorsed the study at AC31 with slight changes. The Chair noted the response of three Parties to Notification No. 2021/061 asking Parties to reach out to laboratories within their country and inform the Secretariat about capacities to conduct forensic analyses and their readiness to analyse samples.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States) stressed the importance of improving the application of CITES provisions to Acipenseriformes, encouraging Parties to make use of the identification methods described in the study, as well as to improve traceability through reliable labelling and establish controls throughout trade chains. Poland agreed with the suggested amendments to Resolution Conf. 12.7 (Rev. CoP17) outlined in section 5.1 of the study to improve labelling, indicating however that it will be important to assess the feasibility and practical aspects of the ideas presented.

The Committee noted the implementation by the Secretariat of the recommendations of the Animals Committee and reported on in paragraphs 6 to 8 of document SC74 Doc. 47.

The Committee requested the Secretariat to publish the list of laboratories and the summary table – Table 2 of the study on *Identification of species, subspecies, source and origin of sturgeons and paddlefish species and specimens (Acipenseriformes spp.) in trade* on the CITES website and to share the study with the International Consortium on Combating Wildlife Crime to support enforcement agencies in detecting illegal trade in sturgeon and paddlefish specimens.

The Committee further invited Parties to make use of the identification methods described in the study.

The Committee agreed that Decisions 16.136 (Rev. CoP18) to 16.138 (Rev. CoP18) have been implemented.

### 48. Labelling system for trade in caviar: Report of the working group ..... SC74 Doc. 48

As Chair of the working group on the labelling system for trade in caviar, Canada introduced document SC74 Doc. 48. The document reports on the activities of the working group, that was tasked to consider the practical challenges of the application of the *CITES guidelines for a universal labelling system for the trade in and identification of caviar* (contained in Annex 1 of Resolution Conf. 12.7 (Rev. CoP17) on *Conservation of and trade in sturgeons and paddlefish*) in light of the recognized shift in many instances from trade in wild-caught specimens to non-wild specimens produced in aquaculture facilities. Based on the fact that working group members had mixed views about replacing “country of origin” with “country of processing or repacking” in the labelling provisions, the Chair of the working group concluded that the working group was unable to recommend a practical approach for labelling the country (or countries) of origin of caviar from aquaculture production; as such it was recommended that Decision 18.146 be deleted.

Canada (Committee Member for North America) and Switzerland noted some overlap between the work suggested in draft decision 19.AA of the document and work to be conducted by the working group on electronic systems and information technologies, namely the use of QR-codes, and highlighted the need to ensure non-duplication of work.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States) voiced support for the document's recommendations; regarding the recommendation in paragraph 18, Poland noted that it was open to the renewal of Decision 18.146 if the Committee considered this to be useful. Canada echoed this position, suggesting that this Decision could be amended to focus on assessing whether caviar labelling guidance remains relevant in the context of current sourcing and production practices for this commodity. Noting that the working group on the labelling system for trade in caviar did not consider the full draft study referred to in agenda item 47 (*Identification of species and hybrids, source and geographical origin of sturgeon and paddlefish (Acipenseriformes spp.) specimens and products in trade*), the Chair suggested that a mandate to do this could be incorporated into the revised Decision proposed by Poland and Canada.

The World Wide Fund for Nature (WWF) supported the document's draft decisions, noting that QR-codes could help address a number of current challenges including the ease of forgery of caviar labels. WWF noted that they supported the retention of country of origin codes on caviar labels, rather than country of processing or repackaging codes, and emphasized the need for Parties to properly implement CITES provisions when trading in Acipenseriformes.

The Committee agreed to propose to CoP19 the deletion of Decision 18.146 and the submission of the following draft decisions:

**19.AA Directed to the Secretariat**

Subject to external funding, the Secretariat shall prepare, in consultation with relevant information technology, industry and other experts, an analysis of the benefits and drawbacks of incorporating QR codes into the application of the *CITES guidelines for a universal labelling system for the trade in and identification of caviar* contained in Annex 1 of Resolution Conf. 12.7 (Rev. CoP17) on *Conservation of and trade in sturgeons and paddlefish*, and present its analysis and recommendations to the Standing Committee.

**19.BB Directed to the Standing Committee**

The Standing Committee shall consider the report on the use of QR codes in the application of the *CITES guidelines for a universal labelling system for the trade in and identification of caviar* prepared by the Secretariat, and, as appropriate, make recommendations to the 20th meeting of the Conference of the Parties.

The Committee requested the Secretariat to work with the Standing Committee Chair to propose to CoP19 a new sub-paragraph b) in draft decision 19.BB above in order to consider reviewing the caviar labelling system and opportunities to improve the functioning of the caviar labelling system and make recommendations to CoP20, taking into account the study on *Identification of species, subspecies, source and origin of sturgeons and paddlefish species and specimens (Acipenseriformes spp.) in trade* in the Annex to document SC74 Doc. 47.

49. Specimens produced through biotechnology:

Report of the working group..... SC74 Doc. 49

China, as Chair of the working group on Specimens produced through biotechnology, introduced document SC74 Doc. 49, which included discussions on the variety of animal and plant specimens produced through biotechnology that are regulated or not, as reported by Parties through responses to Notification No. 2020/062. Based on these responses and discussions within the working group, two general conclusions emerged: (1) that specimens produced through biotechnology should be regulated within the framework of the Convention, more specifically through Resolution Conf. 9.6 (Rev. CoP16); and (2) that, given the complexity of biotechnology and the diverse paths of production, it does not seem timely to introduce new definitions into the Convention or to develop a new resolution at this moment. In addition, the working group also identified further questions and cases that merit exploration and discussion, such as simplified procedures for certain specimens, or exceptions for specimens that are entirely synthetically produced.

Canada (Committee Member for North America), echoed by Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States) and the United Kingdom of Great Britain and Northern Ireland, supported the amendments to Resolution Conf. 9.6 (Rev. CoP16) proposed in the document, and for decisions on the review of the further questions identified in the next intersessional period to be drafted, which was also supported by Israel (Committee Member for Europe). Canada suggested

including instructions to the Animals and Plants Committees to provide guidance on which, if any, of the questions identified should require further investigation, and to modify the draft decisions so that the Animals and Plants Committees be invited to provide general guidance, not necessarily specific to the cases identified. Poland noted that it considered that all known cases of biotechnology fell under the proposed text for Resolution Conf. 9.6 (Rev. CoP16), and any further extension of the scope of that Resolution should look at real cases of biotechnology development. Israel highlighted that a new term, 'biotechnology', was introduced into the Resolution and not defined; Israel also suggested that the definition of the term 'readily recognisable parts and derivatives' include DNA. Israel further urged that, during discussions around simplified procedures in the next intersessional period, thought be given to technology that has not yet been examined or even invented.

The Secretariat noted that it had ongoing communication with the Convention on Biological Diversity, World Health Organisation and other bodies discussing biotechnology, and saw the value in waiting before adopting a definition for 'biotechnology' so that any CITES definition could be aligned with other bodies.

The Committee agreed to submit to CoP19 the following amendment to Resolution Conf. 9.6 (Rev. CoP16) on *Trade in readily recognizable parts and derivatives*:

2. *RECOMMENDS that:*

- a) *Parties consider all products of ranching operations to be readily recognizable; and*
- b) *Parties consider all specimens produced through biotechnology that meet the criteria in paragraph 1 to be readily recognisable unless specifically exempted from the provisions of the Convention; and*

The Committee requested the Secretariat to work with the Standing Committee Chair to draft new decisions to submit to CoP19 in order to continue this work, taking into account the proposal in paragraph 13 of document SC74 Doc. 49, the issues addressed in paragraphs 14 and 15, the need for general guidance and the need to identify which issue, if any, would warrant further discussion.

50. Definition of the term 'appropriate and acceptable destinations':  
Report of the Animals Committee ..... SC74 Doc. 50

The Chair of the Animals Committee introduced document SC74 Doc. 50, noting that there was now a dedicated webpage on the CITES website on this topic and that if Parties or organisations had additional material, this could be submitted for uploading. As there had not been time to make use of the *Non-binding guidance for determining whether a proposed recipient of a living specimen is suitably equipped to house and care for it*, the Animals Committee further proposed a set of draft decisions in order to continue collecting feedback on the guidance. The Chair also reported that the Secretariat had written to Parties with African elephant populations listed in Appendix II who had exported to non-African elephant range States since CoP11, and had received responses from Namibia, South Africa, and Zimbabwe, but not from Botswana. At AC31, the Animals Committee agreed to refer concerns regarding the responses of Namibia and Zimbabwe to the Standing Committee; in particular the statement from Namibia noting that exports to non-range States were undertaken under provisions of Article III and not Article IV of the Convention, and Zimbabwe's reference to the reservation entered by the Party. In addition, the Chair reported the creation of a working group tasked with preparing *Non-binding best practice guidance on how to determine whether "the trade would promote in situ conservation"*, and *Non-binding guidance for determining whether a proposed recipient of a living specimen of African elephant and/or southern white rhinoceros is suitably equipped to house and care for it*; with specific guidance for African elephants and white rhinoceros; the results of the working group are contained in Annexes 1 and 2 to document SC74 Doc. 50.

The United States of America and the United Kingdom of Great Britain and Northern Ireland asked for their interventions to be included in the summary record, and they can be found in Annexes A and B of the summary record, respectively.

Senegal (Committee Member for Africa), echoed by Burkina Faso, recalled that this matter had been on the agenda since before CoP18. Senegal argued in favour of conserving elephants *in situ*, which would boost tourism and employment, while noting that exports presented ethical problems surrounding elephant welfare. Burkina Faso stressed that exports of elephants from the wild were very damaging for elephant populations.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), echoed by Australia (Committee Member for Oceania), supported the guidance in Annexes 1 and 2 of the document and the proposed new draft decisions.

The United States of America supported recommendations a), c) and d) in the document, with a correction to Annex 1 to refer to both the Scientific Authority and the Management Authority. The United States stressed that until the language of Resolution Conf. 11.20 (Rev. CoP18) could be clarified, it would remain open to multiple interpretations, and therefore also suggested deferring consideration of any amendments to the Resolution until Parties could make use of the guidance (see Annex A for full intervention).

Canada (Committee Member for North America) supported the submission of the guidance in Annex 1 to CoP19 and supported updating the website with the information from Annexes 1 and 2. Canada did not support including the guidance in Resolution Conf. 11.20 (Rev. CoP18), as Parties' experiences using the guidance would be valuable to consider first. Namibia (Committee Member for Africa) supported the recommendations in the document, except the second recommendation pertaining to its response. Burkina Faso and Gabon suggested extension of Decision 18.155 so that the CoP could have a more extensive discussion on the guidance contained in Annex 1, as the working group at AC31 had not reached consensus on the non-binding guidance. Gabon commented that the guidance in Annex 1 was not in line with the position of the African elephant specialist group, which does not recommend exports of live elephants. Kenya recalled that the subject of 'Acceptable and appropriate destinations' had been discussed at CoP18, where an understanding had been reached that, where exports came from African range States, it was required to consult with the African elephant specialist group. Guinea expressed concern that the Resolution could risk increasing trafficking in the region and suggested that an in-depth analysis was needed in order to evaluate the risks.

Regarding the concerns raised around the responses provided by Namibia and Zimbabwe on their trade, the United States considered that, based on the text and intent of Annotation 2, trade in live elephants by Namibia to non-range States is to be regulated as trade in Appendix-I specimens, requiring compliance with Article III. The United States further expressed concern with the responses of Namibia and Zimbabwe regarding their implementation of the Convention for live elephants, noting they were not yet convinced that the reported exports of African elephants are benefitting the conservation of the species, sustainable, or that the proposed recipients of the live African elephants are suitably equipped to house and care for the elephants once they are imported, and therefore was a potential compliance issue (see Annex A for full intervention and concerns). The United Kingdom suggested that Namibia and the United Arab Emirates (UAE) be requested to provide a full explanation of how the movement met the requirements of the Convention, in particular Article III, and information on demonstrable *in situ* conservation benefits (see Annex B for full intervention and information requested). Burkina Faso, supported by Israel (Committee Member for Europe) and Gabon, deplored the export of 22 African elephants from Namibia to the UAE and did not support Namibia's interpretation of annotation 2; Burkina Faso drew attention to document SC74 Inf. 15 containing its legal opinion on this matter. Burkina Faso invited the Standing Committee to inform the CoP that the exports from Namibia were in contravention of CITES. Israel argued that if Namibia's interpretation was that it was trading under Article III, it had not provided information regarding the exceptional circumstances and non-commercial nature of the trade, and therefore Israel considered that the trade should be governed by Article IV. Australia also considered that all African elephants of Namibia were subject to the Appendix II listing and should be traded under the provisions of Article IV in accordance with annotation 2, with exports only authorised for *in situ* conservation programmes. These views were supported by Congo (Committee Member for Africa) and Kenya, speaking as members of the African Elephant Coalition, and Guinea. In addition, Burkina Faso, echoed by Israel and Gabon, stated that it did not consider Zimbabwe's reservation a true reservation as the Convention did not allow for a reservation to be entered for an annotation, and urged clarification to avoid setting a precedent.

Namibia underscored that it had become Party to CITES voluntarily to regulate international trade within the provisions of the Convention and maintained that it had not violated any domestic laws or the text of the Convention; if it was found to have done this, then the issue could be dealt with under the clear provisions of the Convention for such matters. Namibia highlighted that it had been transparent on the sale, that the removal of the 22 elephants was sustainable, and that the elephants were removed from human-elephant conflict hotspot areas where local farmers suffered damage to their properties and livelihoods. Namibia stated that the revenue of the sale had gone into a game product trust fund created by an act of Parliament to retain funds from trophy hunting for development and human-wildlife conflict mitigation. Namibia stated that it had traded under Article III of the Convention guided by provisions in Resolution Conf. 11.21 (Rev. CoP18) for specimens transferred from appendix I to II with an annotation, and that it had only issued an export permit when satisfied that all the conditions specified under Article III were met.

Belgium stated that it would appreciate additional information from Namibia on the timing of the exports. Belgium urged the Committee and Parties to put forward harmonised legislation and to define the overall objectives related to trade in elephants, taking into account all views, and called for such trade to be done in a transparent and clear manner and to generate conservation benefits. Belgium also suggested the need to revise Resolution Conf. 11.20 (Rev. CoP18), and that Animals Committee involvement be embedded in the process. Canada reflected that the Articles of the Convention gave Parties the right to trade under stricter domestic measures and considered that modifications to Resolution Conf. 11.20 (Rev. CoP18) adopted at CoP18 were in the nature of guidance, even though its inclusion in the annotations to the Appendices could suggest otherwise. Canada noted that annotation 2 was stricter than what was required under Article III of the Convention. Zimbabwe, aligning itself with Namibia, appreciated the progressive interventions from Belgium and Canada. Zimbabwe stated that it had a stable elephant population with estimates of over 83,000 elephants, and that it had authorised elephant sales only after meeting all the CITES requirements. Zimbabwe reported that it had contributed to the guidance in Annex 2.

The United Kingdom commented that these cases served to highlight the inconsistencies in the treatment of the export of live wild elephants listed under Appendix I and II, and that the United Kingdom would be happy to work with Parties to put together a document for CoP19 calling for greater consistency on restrictions on the exports under the two Appendices (see Annex B for full intervention). The United Kingdom requested that Namibia provide written clarity on their interpretation of their exports and use of the provisions of Article III rather than Article IV, in time for consideration at SC75 (see Annex B for full intervention).

China (Committee Member for Asia) noted that the definition of 'Acceptable and appropriate destinations' now seemed to extend beyond survival of specimens to the sustainability of specimens at their destination.

IWMC-World Conservation Trust questioned the comments suggesting that Namibia and Zimbabwe had not respected the provisions of the Convention, and recalled the reservations entered by these two Parties to the amendments to the *Loxodonta africana* listings adopted at CoP18, noting that a conclusion had not been reached on these reservations in the discussions under agenda item 86. The observer organization stressed that these Parties, despite the reservation entered, had made efforts to implement the requirements of the Convention.

The World Wide Fund for Nature stated that it shared the views of the IUCN African elephant Specialist Group and some Parties that there was no visible conservation benefit of removing elephants from the wild for placement in zoos. However, it believed that, regrettably, there was nothing to legally prevent Namibia and other Parties of exporting live elephants under Article III of the Convention, provided that the import permits showed that they were not being imported for commercial purposes and reminded the Committee that other Parties whose populations were in Appendix I had exported elephants under Article III. It suggested that the Resolution to be reviewed should be Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephants*, rather than Resolution Conf. 11.20 (Rev. CoP18).

The Committee agreed to propose the following draft decisions to CoP19 to replace Decisions 18.152 to 18.165:

**19.AA Directed to the Secretariat**

The Secretariat shall:

- a) issue a Notification within 90 days of the close of the 19th meeting of the Conference of the Parties, inviting feedback on experience with using the guidance contained in Notification to the Parties No. 2019/070 on Non-binding guidance for determining whether a proposed recipient of a living specimen is suitably equipped to house and care for it, as well as the information provided on the CITES webpage "Appropriate and acceptable destinations", and
- b) report on this feedback to the Animals Committee and the Standing Committee for their consideration and recommendations, as appropriate.

**19.BB Directed to the Animals Committee**

The Animals Committee shall review the report from the Secretariat on feedback from Parties called for in Decision 19.AA and make recommendations, as appropriate, for consideration by the Standing Committee.

## 19.CC Directed to the Standing Committee

The Standing Committee shall review the report from the Secretariat and any comments and recommendations coming from the Animals Committee on feedback from Parties called for in Decision 19.AA and make recommendations, as appropriate, for consideration by the Conference of the Parties at its 20th meeting.

The Committee agreed to submit to CoP19 the non-binding best practice guidance on how to determine whether “the trade would promote *in situ* conservation” contained in Annex 1 to document SC74 Doc. 50 with the following amendment throughout the guidance: “a Scientific Authority and ~~for~~ Management Authority (SA and MA)” and “SA and MA”.

The Committee agreed to submit to CoP19 the non-binding guidance for determining whether a proposed recipient of a living specimen of African elephant and/or southern white rhinoceros is suitably equipped to house and care for it, contained in Annex 2 to document SC74 Doc. 50.

The Committee agreed that it was premature to propose revisions to Resolution Conf. 11.20 (Rev. CoP18) on *Definition of the term ‘appropriate and acceptable destinations’* and to any other relevant Resolution.

The Committee noted the concerns raised about the export of live African elephants by Namibia and Zimbabwe and invited Parties to propose to the Conference of the Parties a clear legal framework for trade in live African elephants.

### 51. Introduction from the sea: Report of the Secretariat ..... SC74 Doc. 51

The Secretariat introduced document SC74 Doc. 51, reporting on progress made during the negotiations on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ). The Secretariat noted that the document outlined several challenges faced by Parties with regards to introduction from the sea and included answers to the 10 questions most frequently asked by Parties when consulting about the implementation of the new listings of marine species. The document was additionally noted to include an analysis of trade data relating to introduction from the sea, and an overview of subregional training workshops organized to support national authorities in meeting their commitments under the Convention on this matter.

In order to align terminology within the document’s draft decisions with ongoing negotiations to establish an instrument under UNCLOS on the conservation and sustainable use of BBNJ, Israel (Committee Member for Europe) proposed substituting the reference to ‘high seas’ in the document’s proposed decisions to ‘Areas Beyond National Jurisdiction’. Noting concern with the effort and cost required for the Secretariat to explore the feasibility of establishing a register with a list of flag-of-convenience States and territories, Israel further suggested that this direction be deleted from draft decision 19.BB.

Israel's proposals on terminology were supported by Peru (Committee Member for Central and South America and the Caribbean), Canada (Committee Member for North America), the Next Host Country (Panama), the United Republic of Tanzania and the United States of America, whereas their amendments to decision 19.BB were supported by Canada, Japan, and the United States of America. These Parties questioned whether a register with a list of flag-of-convenience States and territories would be valuable, arguing that it was not clear how the register would ensure that States take responsibility for ensuring that flag-of-convenience vessels fish in compliance with the provisions of the Convention. It was also noted that similar information is already held by the Food and Agriculture Organisation (FAO) and Regional Fisheries Management Organisations (RFMOs). Panama suggested that Parties could instead be requested to submit the information outlined in decision 19.BB to the Secretariat directly, but this proposal did not draw widespread support.

The United States of America and the European Union expressed concern that Parties were not implementing Resolution Conf. 14.6 (Rev. CoP16) appropriately and highlighted the importance of cooperation between CITES and fisheries authorities to ensure its proper application. Peru, the European Union, and the United States of America agreed that the Secretariat should publish the ten most frequently asked questions regarding CITES trade from the sea on the CITES website and include some of these questions in the Annex to Resolution Conf. 14.6 (Rev. CoP16); however, some Parties also suggested amendments to the answers provided.

The FAO highlighted that the Agreement on Port State Measures (PSMA) contains provisions for checking legality in fishing vessels coming into port from the areas beyond national jurisdiction and noted that this agreement explicitly mentions CITES provisions. Regarding the register containing a list of flag-of-convenience States and territories, FAO suggested that CITES Parties could make use of tools that are already in place, including existing databases held by FAO and RFMOs such as the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels.

Sea Shepherd Legal (speaking also on behalf of the Blue Resources Trust, Defenders of Wildlife, Humane Society International, Oceana, Save our Seas Foundation, Wildlife Conservation Society and World Wide Fund for Nature) considered that further scaling up of efforts to ensure the effective implementation of CITES for specimens fished in areas beyond national jurisdiction was crucial, and echoed concerns that few Parties are effectively implementing Resolution Conf. 14.6 (Rev. CoP16). These observer organisations generally agreed with the draft answers provided to the ten most frequently asked questions regarding CITES trade from the sea but believed some of them required minor amendments. The organisations voiced agreement with Israel, Canada, Japan, and United States of America in considering that the Secretariat should not create a new register with a list of flag-of-convenience States and territories, noting that the FAO already maintains a database of flag States that could be used. It was suggested that the Committee could instead consider encouraging the Secretariat to explore including this matter in its close cooperation with FAO. Finally, regarding use of the term “Areas Beyond National Jurisdiction” rather than “High Seas”, the organisations believed that “Areas Beyond National Jurisdiction” was more consistent with the definition in Article I of the Convention and other fora but noted uncertainty of whether changing the term would be helpful or confusing for Parties.

The Committee noted document SC74 Doc. 51 and the advice provided by Parties and observers on the responses to the 10 questions more frequently asked on CITES trade from areas beyond national jurisdiction. The Committee invited Parties and observers to provide these comments to the Secretariat.

The Committee agreed to submit to CoP19 the following amended draft decisions:

#### CITES TRADE FROM THE HIGH SEAS AREAS BEYOND NATIONAL JURISDICTION

##### ***Directed to the Secretariat***

- 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, as appropriate.
- 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. ~~In doing so, the Secretariat shall explore the feasibility of establishing a register with the list of flag-of-convenience States and territories. The list could include the vessels which are authorized to harvest CITES-listed species and the respective zones.~~
- 19.CC The Secretariat shall approach and work with the States that are most active in the trade in CITES species from the sea, including flag-of-convenience States and territories, with a view to encouraging them to fulfil their CITES responsibilities.

##### ***Directed to the Standing Committee***

- 19.DD The Standing Committee shall, as appropriate, review intersessionally the 10 questions most frequently asked on ‘CITES trade from areas beyond national jurisdiction ~~the high seas~~’ and the responses prepared by the Secretariat and provide recommendations to the Secretariat regarding the possible amendment of the Annex to Resolution Conf 14.6 (Rev. CoP16) on *Introduction from the sea*.

#### 52. Disposal of confiscated specimens: Report of the Secretariat ..... SC74 Doc. 52

The Secretariat introduced document SC74 Doc. 52, presenting an update on the implementation of Decisions 18.159 to 164 and drawing the Committee’s attention to a dedicated webpage on the CITES website compiling existing resources and information on networks on the management of seized and confiscated live animals; the French and Spanish versions were noted to be under construction. The

webpage contains general international or national guidelines on the management of seized and confiscated live animals and references to relevant networks that may assist with managing confiscated live animals; it was noted that some Parties had submitted action plans but requested them to be confidential. The Secretariat wished to develop guidance on action plans.

Switzerland welcomed the resources on the webpage for Parties and stakeholders to draw on and considered that there was now sufficient information and examples for Parties to develop their own strategies adapted to their needs. Switzerland argued that the main issue when dealing with seized animals was a lack of resources, monitoring and adequate housing facilities. Considering that one-size-fits-all guidance was not possible, Switzerland did not support draft decision 19.AA, but the Party did voice its support for draft decisions 19.BB-19.EE.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), welcomed the information available on the webpage and supported the draft decisions to enable work to continue and to extend the guidance to assist Parties with dealing with live, confiscated animals.

Israel (Committee Member for Europe), supported by the United States of America, agreed that more work was required and supported the draft decisions. Israel suggested an edit to replace 'management' with 'custody' to reflect the legal ramifications of custody of seized and confiscated animals. Israel, supported by the United States, also suggested including Article VIII paragraphs 4 and 5 to draft decision 19.AA to establish continuity in the Decisions. The United States expressed the need to address inconsistencies noted in SC74 Doc. 60 on stocks and stockpiles, particularly in relation to ensuring that specimens were not used for commercial purposes and suggested that Annex 1 of Resolution Conf. 17.8 be revisited and updated for Appendix I specimens and specimens of Appendix II species subject to zero quotas. This would include updating the decision tree and adding additional guidance to consider the source of specimens. The United States proposed the addition of a new draft decision to this effect. Canada (Committee Member for North America) supported the draft decisions as they were and expressed hesitation at the draft decision proposed by the United States as there had not been time to study what was being proposed.

The Committee agreed to submit to CoP19 the following draft decisions to replace Decision 18.159 to 18.164:

#### ***Directed to the Secretariat***

**19.AA** The Secretariat shall:

- a) continue to collect information on existing networks and resources on the management of seized and confiscated live animals and make it available to Parties on the CITES website;
- b) subject to the availability external funding, develop and make available materials that may assist Parties in implementing Annex 3 to Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*, as needed; and
- c) report to the Standing Committee on the implementation of this Decision.

#### ***Directed to Parties***

**19.BB** Parties are encouraged to make use of the information and materials made available by the Secretariat on the CITES webpage dedicated to the disposal of illegally traded and confiscated specimens.

#### ***Directed to Parties and relevant stakeholders***

**19.CC** Parties and relevant stakeholders that have not already done so are invited to share with the Secretariat information on existing networks and resources on the management of seized and confiscated live animals in place in their country, including any action plans, protocols, regulatory measures, standard operating procedures developed to coordinate actions among public authorities, and guidelines for the management of specific species or genera.

**19.DD** Parties, governmental, intergovernmental and non-governmental organizations and other entities are invited to provide financial and/or technical assistance, as relevant, for the implementation of Decision 19.AA, paragraph b).

**Directed to the Standing Committee**

**19.EE** The Standing Committee shall consider the report submitted by the Secretariat under Decision 19.AA and make recommendations, as appropriate.

The Committee invited Parties with additional draft decisions to submit those to CoP19.

53. Quotas for leopard (*Panthera pardus*) hunting trophies:  
Report of the Animals Committee ..... SC74 Doc. 53

The Chair of the Animals Committee introduced document SC74 Doc. 53, reporting on the exchanges of the Animals Committee with Botswana, the Central African Republic and Ethiopia in order to review the quotas for leopard outlined in Resolution Conf. 10.14 (Rev. CoP16), and to consider whether these quotas are still set at levels which are non-detrimental to the survival of the species in the wild. Based on these exchanges, the Animals Committee considered the quotas for leopards for the Central African Republic and Botswana to be set at levels which are non-detrimental to the survival of the species in the wild. For Ethiopia, a proposed reduction of the quota from 200 to 50 trophies, contained in Ethiopia's NDF submitted to AC31, was also considered by the Animals Committee to be non-detrimental to the survival of the species in the wild. The Animals Committee also recalled that the removal of the leopard quotas for Kenya and Malawi has been agreed at SC70 to be put forward to CoP18; however, as the issue had not been raised at CoP18, it should be reiterated in the recommendations to CoP19.

Ethiopia appreciated the support provided by Conservation Force in preparing their response to the Animals Committee; Ethiopia supported the document's recommendations and reiterated their commitment to progress leopard conservation through a regular monitoring programme of its populations. Namibia also supported the recommendations.

Panthera, also speaking on behalf of the Wildlife Conservation Society, World Wide Fund for Nature and Zoological Society of London, considered that Resolution Conf. 10.14 (Rev. CoP16) was no longer fit for purpose, as recent camera trap studies had shown that leopards occurred at lower densities than had been expected. They suggested that the Resolution be amended to, at a minimum, permit a review of the quotas by the Animals Committee at regular intervals. This was echoed by Pro Wildlife (speaking also on behalf of the Pan African Sanctuary Alliance, Center for Biological Diversity, Born Free Foundation, Species Survival Network, Animal Welfare Institute, Humane Society International, David Shepherd Wildlife Foundation, Fondation Franz Weber, Fondation Brigitte Bardot, and Eurogroup for Animals) who also expressed concerns that Botswana and the Central African Republic had submitted insufficient information to demonstrate that their quotas were non-detrimental. Until the Resolution could be revised, these observer organisations urged the Committee to consider a temporary suspension of all quotas until NDF guidance for leopards was completed and reviewed by the Animals and Standing Committees.

Conservation Force, speaking also on behalf of The International Council for Game and Wildlife Conservation (CIC), The European Federation for Hunting and Conservation, Safari Club International and Safari Club International Foundation, agreed with the recommendations, and reported that the review had been burdensome and expensive for the Parties concerned, despite no evidence that the quotas resulted in unsustainable or detrimental trade. They considered that the quota system had proven to be a useful tool and safeguard for leopard conservation and sustainable utilization, while some stricter domestic measures had in some instances impeded beneficial trade. These observer organisations urged Parties to congratulate the range States for implementing the quota system and having robust adaptive management systems in place.

The Committee agreed to propose to CoP19 to amend paragraph 1 a) of Resolution Conf. 10.14 (Rev. CoP16) on *Quotas for leopard hunting trophies and skins for personal use* by changing the quota indicated for Ethiopia from "500" to "20".

The Committee agreed to propose to CoP19 draft amendments to Resolution Conf. 10.14 (Rev. CoP16) so as to remove quotas for Kenya and Malawi from this Resolution.

54. Implications of the transfer of a species from one Appendix to another ..... SC74 Doc. 54

The Secretariat introduced document SC74 Doc. 54, reporting that since the amendments to Resolutions Conf. 12.3 (Rev. CoP18) and 13.6 (Rev. CoP18) had been adopted at CoP18, no questions or requests for

additional guidance had been received. However, the Secretariat reported that it had not progressed the remaining aspects of the work requested in Decision 18.151.

The Committee agreed to propose to CoP19 the renewal of Decision 18.151 as follows:

**18.151 (Rev. CoP19) Directed to the Standing Committee**

The Standing Committee shall, with the assistance of the Secretariat, consider whether further guidance related to the period of transition, including the period between the adoption of a proposal to transfer a species from one Appendix to another and the entry into force of the new listing, should be developed and, if so, present amendments to an existing Resolution or a new draft resolution to the ~~49th~~ 20th meeting of the Conference of the Parties. In this context, the Standing Committee shall consider, in consultation with the Plants Committee, as appropriate, whether special recommendations should apply in the case of a transfer of a tree species with Annotation #5 or other annotated plant species.

There were no interventions.

Exemptions and special trade provisions

55. Captive-bred and ranched specimens: Report of the Secretariat..... SC74 Doc. 55

The Secretariat introduced document SC74 Doc. 55, reporting on the organisation of a capacity building workshop in March 2021 to provide training for African Parties on how to use and apply the *Guide to the application of CITES source codes (2017)* and *Guidelines for inspection of captive-breeding and ranching facilities (2017)*. In addition, the Secretariat reported partnering with IUCN to develop a mobile app for determining the correct source codes for specimens, as well as undertaking inspections of captive breeding and ranching facilities and evaluating compliance of those facilities with the requirements of the Convention. The Secretariat thanked the European Union and Switzerland for funding. As this was the first time the Secretariat engaged in such an initiative, it welcomed feedback from Parties on the app.

The United States of America applauded the initiative, and, noting that the app was based on documents prepared in response to previous Decisions, queried whether the Animals Committee had had the opportunity to review and provide feedback on the app; if not, the United States suggested provisions be made to this effect.

The Committee encouraged Parties to make use of the app and provide feedback on its usefulness to the Secretariat or directly through the feedback button in the app. The Committee requested the Secretariat to invite the Animals Committee to review the app and provide feedback.

56. Review of CITES provisions related to trade in specimens of animals and plants not of wild source..... SC74 Doc. 56

On behalf of Spain, Chair of the working group on captive-bred and ranched specimens, Canada, as a member of the working group, introduced document SC74 Doc. 56. Canada reported that the working group had had two meetings but had not been able to complete its work due to the complexity of the topic and the COVID-19 pandemic. The working group had focused its work on proposing amendments to Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity* and Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates*, with a goal to resolve some of the inconsistencies, and did not consider plants. For both Resolutions, the working group agreed on some proposed amendments, but did not have sufficient time to reach agreement on others. Agreement had been reached on definitions for source codes W and D, while 3 options were presented for source code C, and further consideration was needed for source code F. Canada noted that discussions in the working group had been separated into two categories: firstly, on the implementation of the Resolutions and addressing the problems relating to the definitions of 'bred in captivity'; and secondly, on the interpretation of Article VII paragraphs 4 and 5 for Appendix-I species, ranging from clarification of regional implementation to current interpretations and how to address problematic areas.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), supported extending the discussions of the working group to the next intersessional period, but suggested that the renewed mandate limit the discussions to animal species to make progress, and then consider whether the conclusions reached could be adapted to plants; this was supported by Canada, speaking as an individual Party. Canada proposed textual amendments to the proposed draft decisions on the mandate,

which were supported by Belgium but not supported by Israel (Committee Member for Europe) and the United States of America.

Belgium, echoed by the United States, supported the proposed amendments to Resolution Conf. 10.16 (Rev.), while the United Kingdom of Great Britain and Northern Ireland considered that the amendments could benefit from further consideration of the consequences of adopting the changes.

Belgium, echoed by the United Kingdom, noted that the definition for source code D needed to be referred to the Plants Committee. Belgium preferred option 3 for source code C. Canada, speaking as an individual Party, agreed with amendments to source code D and preferred option 1 for source code C, but was willing to consider other options. Regarding the amendments to source code F reflected in Annex 2 of the document, Canada remarked that the proposed amendments column did not capture what was agreed, which was that the word 'born' be replaced with 'conceived' to align with the proposed amendments to Resolution Conf. 10.16 (Rev.) for source codes F1 and F2. Canada also questioned whether all discussions were captured in Annex 2, and proposed submitting an Information Document for CoP19 capturing the submissions to the working group, to inform future work. The United Kingdom supported option 1 for source code C. The United States stated that, in their view, source code C was only available for animal specimens of species listed in Appendix I bred in captivity for non-commercial purposes; in their view, source codes D and O provided the only options for commercial trade in Appendix I specimens.

Following a call from Belgium for the textual amendments to the draft decisions proposed by Canada to be made available for Parties to consider them, the Committee agreed that it would consider this issue later in the meeting.

The Committee requested Canada to submit as an in-session document its proposed edits to draft decisions 19.AA and 19.BB in paragraph 11 of document SC74 Doc. 56.

The Committee agreed to submit to CoP19 the amendments to Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity* in Annex 1 to document SC74 Doc. 56.

Later in the meeting, the Chair invited discussion on document SC74 Com. 2, which contained the amendments proposed by Canada to the draft decisions for review by the Parties.

Belgium supported the changes to the decisions. Israel, echoed by the United States, proposed the deletion of the section of the mandate requesting interpretation of "use for primarily commercial purposes", which was considered outside the scope of the issue. Canada reported that this had been raised during the working group, and that therefore it should be considered, but suggested limiting the intention of the request to interpret "use for primarily commercial purposes" to how it applied to trade in the specimens not of wild source. The United States reiterated its desire for the text to be deleted to avoid any misunderstanding in the next intersessional discussions.

The Committee agreed to submit to CoP19 the following amended draft decisions from document SC74 Com. 2 to replace Decision 18.172 and 18.173:

#### **19.AA Directed to the Standing Committee**

The Standing Committee shall:

- a) continue to consider amendments to Resolution Conf. 10.16 (Rev.) and Resolution Conf. 12.3 (Rev. CoP18), as well as any amendment to other Resolutions concerning provisions on trade in specimens of CITES-listed animals and plants not of wild source, taking into account findings and suggestions in document SC74 Doc. 56 and any related comments and recommendations from the Standing Committee, Parties, the Secretariat or other stakeholders;
- b) review issues and challenges in the application of the Convention for trade in non-wild specimens of CITES-listed animal and plant species, in particular key elements that may contribute to the uneven application of Article VII, paragraphs 4 and 5, and ~~communicate to consider the scientific advice and guidance from the Animals and Plants Committees on the need for implementing these Articles differently for either animal specimens from species bred in captivity or plant specimens that are artificially propagated~~ any matters that may require scientific advice and guidance, as appropriate; and

- c) make recommendations for addressing these issues and challenges, including amendments to existing Resolutions or development of a new Resolution or Decisions to address these issues and challenges, for consideration at the 20th meeting of the Conference of the Parties.

**19.BB Directed to the Animals and Plants Committees**

In support of the Standing Committee's implementation of Decision 19.AA, the Animals and Plants Committees shall:

- a) consider the key elements in the current implementation of Article VII paragraphs 4 and 5 for animals and plants, respectively, in the current applicable Resolutions;
- b) determine if there is a need to implement Article VII paragraphs 4 and 5 differently for either animal specimens from species bred in captivity or plant specimens that are artificially propagated than what is outlined in existing Resolutions, and provide their recommendations to the Standing Committee in time for its 78th meeting; and
- c) provide any other scientific advice and guidance on CITES provisions concerning trade in non-wild specimens of CITES-listed animal and plant species to the Standing Committee upon request and as appropriate.

57. Review of trade in animal specimens reported as produced in captivity ..... SC74 Doc. 57

The Secretariat introduced document SC74 Doc. 57, which contained an update on the 15 species/country combinations which had been retained in the *Review of trade in animal specimens reported as produced in captivity* at SC71. The Secretariat reported that Switzerland had offered funding to convene a workshop for the Standing Committee to update the review of the provisions of Resolution Conf. 17.7 (Rev. CoP18) and develop draft recommendations for improvements of the process, and that this workshop could take place in the first half of 2022 with members of the scientific Committees; however, as a full cycle of the Review had not yet taken place, the Secretariat appreciated any guidance on whether this option should be explored to delayed to the next intersessional period.

Belgium (Committee member for Europe, speaking on behalf of the European Union and its Member States), echoed by the United States of America, supported the option of a workshop and thanked Switzerland for providing funding.

Concerning the species recommendations, Canada (Committee Member for North America) suggested the addition of F1 to the following cases, to be consistent with similar recommendations for other cases and because both F1 and F2 specimens could be validly exported as source code C if the facility had the ability to produce them: *Centrochelys sulcata*/Benin and Mali and *Cacatua alba*/Indonesia.

Concerning *Centrochelys sulcata* from Benin, the Chair of the Animals Committee noted that the Animals Committee had recommended that Benin provide documentation for the justification of the legal origin of the founder stock, but that this was missing from the document; the Secretariat responded that this was an omission on its part and that it would be added back in.

Concerning *Geochelone elegans* from Jordan, the Secretariat reported that the Animals Committee had questioned whether the species was in fact *Testudo graeca*. Israel (Committee Member for Europe) expressed concern about this case as *Testudo graeca* was considered locally extinct in Jordan but relatively common in Israel, fuelling concerns of smuggling of the founder stock from Israel. Israel encouraged the Secretariat to disseminate any information received so that the situation could be dealt with.

Concerning *Testudo hermannii* from North Macedonia, the Secretariat reported that the decision to remove the species/country combination from the review was not unanimous within the Animals Committee. There were differing interpretations of the concept of 'Pre-Convention specimens'. Belgium, supported by the United States, considered that pre-Convention corresponded to the date before which the species was included in the Appendices, so 1975 for this species. The Chair of the Animals Committee reported that the founder stock was taken before the species was protected nationally and before North Macedonia acceded to CITES and questioned whether a non-detriment finding for the founder stock could be asked of a Party that was not a Party to CITES at the time of collection.

The Committee recommended that the Secretariat convene a workshop for the Standing Committee to update the review of the provisions of Resolution Conf. 17.7 in the first half of 2022, either in person or online, and invite Members of the Standing Committee, Animals Committee and other interested Parties, including those that have been involved in the process. The Committee requested that the Secretariat submit the results of the workshop to CoP19.

For *Centrochelys sulcata* from Benin, the Committee agreed that Benin be retained in the review and requested to

- a) provide documentation for the justification of the legal origin of the founder stock;
- b) amend the published quota to include only specimens with a maximum carapace length of 15 cm; and
- c) provide information (e.g., in the form of stud books, pictures or other documentation) that allows the assessment of the ability of the breeding facilities to produce F1/F2<sup>4</sup> offspring in the reported numbers and the ability of the facilities in its territory to produce F2 specimens or manage the species in a manner demonstrated to be capable of doing so by 1 June 2022.

For *Centrochelys sulcata* from Ghana, the Committee agreed that Ghana be retained in the review and requested to respond to the Standing Committee's recommendations by 1 June 2022.

For *Varanus exanthematicus* from Ghana, the Committee agreed that Ghana be retained in the review and requested to respond to the Standing Committee's recommendations by 1 June 2022.

For *Cacatua alba* from Indonesia, the Committee agreed that Indonesia be retained in the review and requested to provide by 1 June 2022 a more detailed explanation of the practices and production at facility 1, stud books/pedigrees or other documentation that the breeding facilities are able to produce F1/F2 generations and specimens in the numbers claimed.

For *Centrochelys sulcata* from Mali, the Committee agreed that Mali be retained in the review and requested to:

- a) provide evidence of the legal acquisition of the stock,
- b) provide documentation and evidence in the form of stud books, pictures or other documentation that allows the assessment of the ability of the breeding facilities to produce F1/F2 offspring in the reported numbers,
- c) amend the published quota to include only specimens with a maximum carapace length of 15 cm and the scientific basis by which it has been established that the quantities of *Centrochelys sulcata* taken from the wild and used as breeding stock would not be detrimental to the survival of the species by 1 June 2022.

For *Centrochelys sulcata* from Togo, the Committee agreed that Togo be retained in the review and requested to provide an update on the Standing Committee's recommendations by 1 June 2022. The concerns of the Animals Committee will be included in the letter sent to Togo following this meeting.

For *Hippocampus comes* from Viet Nam, the Committee agreed that Viet Nam be retained in the review and that, by 1 June 2022, Viet Nam should confirm that if export of specimens recommence from these or similar facilities with source code "W" or "F" it will make legal acquisition and non-detriment findings prior to authorising export.

For *Vulpes zerda* from Sudan, the Committee agreed that Sudan be retained in the review until Sudan confirms the purpose of the breeding facility set up by the Management Authority of Sudan. If that purpose should be commercial for international trade, then a NDF for the offtake of the founder stock would need to be provided.

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<sup>4</sup> As per paragraph 2 b) ii) C. of Resolution Conf. 10.16 (Rev.) on Specimens of animal species bred in captivity, "the breeding stock [...] has produced offspring of second generation (F2) or subsequent generation (F3, F4, etc.) in a controlled environment; or is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment."

For *Centrochelys sulcata* from Sudan, the Committee agreed that Sudan be retained in the review until Sudan confirms the purpose of the breeding facility set up by the Management Authority of Sudan. If that purpose should be commercial for international trade, then a NDF for the offtake of the founder stock would need to be provided.

For *Geochelone elegans* from Jordan, the Committee agreed that Jordan be retained in the review until that Party provides clarifications, particularly on the identification of species held at the breeding facility and requested the Secretariat to report back to SC75.

For *Testudo hermanni* from North Macedonia, the Committee agreed that North Macedonia be retained in the review until the Secretariat provides a legal perspective at SC75 about the NDF requirement when the founder stock of a captive-breeding facility has been taken from the wild before the Party joined the Convention.

For *Ornithoptera croesus* from Indonesia, the Committee agreed that Indonesia be removed from the review. Should Indonesia want to resume trade in the species, an appropriate NDF for the eventual founder stock of a captive breeding facility or a facility producing specimens with source code R are provided to the Secretariat, for review by the Secretariat and by the Animals Committee.

For *Varanus timorensis* from Indonesia, the Committee agreed that Indonesia be removed from the review. Should Indonesia want to resume trade in the species, an appropriate NDF for the eventual founder stock of a captive breeding facility or a facility producing specimens with source code R are provided to the Secretariat, for review by the Secretariat and by the Animals Committee.

For *Oophaga pumilio* from Nicaragua, the Committee agreed that Nicaragua be removed from the review.

For *Oophaga pumilio* from Panama, the Committee agreed that Panama be removed from the review. Should Panama want to resume trade in the species, an appropriate NDF for the eventual founder stock of a captive breeding facility or a facility producing specimens with source code R are provided to the Secretariat, for review by the Secretariat and by the Animals Committee.

Indonesia (Committee Member for Asia) appreciated the removal of two of their species and would provide the information requested for the remaining species.

58. Specimens grown from wild-collected seeds or spores that are deemed to be artificially propagated:  
Report of the Plants Committee ..... No document

The Committee noted that this agenda item was considered under agenda item 6.

59. Registration of operations that breed Appendix-I animal species in captivity for commercial purposes
- 59.1 Registration of the operation Earth Ocean Farms. S. de R.L. de C.V. (Mexico) breeding *Totoaba macdonaldi* ..... SC74 Doc. 59.1.1
- and
- 59.1.2 Report by Mexico ..... SC74 Doc. 59.1.2

The Secretariat introduced document SC74 Doc. 59.1.1, reporting on the application by Mexico in April 2018 to include Earth Ocean Farms S. de R.L. de C.V. in the *CITES Register of operations that breed Appendix-I animal species for commercial purposes* for breeding of *Totoaba macdonaldi*, and reporting on the objections received, the subsequent evaluation by the Animals Committee, and the response from Mexico.

Mexico introduced document SC74 Doc. 59.1.2, reporting that Earth Ocean Farms was in attendance at the meeting, as Mexico considered that the Units for Management of Welfare were one of the important strategies in Mexico to involve local populations so that they could benefit from biodiversity in a legal manner. Mexico reported that there were nine *Totoaba macdonaldi* farms in the country which were trading domestically; only one farm was applying for CITES registration, while the others would follow. Mexico also reported that the species had been farm-bred in Mexico for 20 years, with the meat sustainably and traceably farmed and traded in Mexico, and that around

400,000 totoaba had been bred and released into the wild. Mexico considered that aquaculture could be recognised as helping to support and strengthen local population involvement, as well as contributing to efforts to conserve the species. Mexico noted that that it was not requesting to trade in totoaba maw or swim bladder. In document SC74 Doc. 59.1.2, Mexico committed to the destruction of the swim bladders until Mexico, with the approval of the Standing Committee and interested Parties, establishes a secure process for their storage, marking and possible future commercialization under the continuous supervision of the competent Authorities.

The Next Host Country (Panama) agreed that aquaculture could help to replenish totoaba stocks and control illegal fishing; however, Panama considered it important that genetic tracing of farmed fish be undertaken, that the fish not be taken from the wild, and that swim bladders be destroyed to avoid the illegal trade in this item.

Canada, speaking as an individual Party, China, Indonesia, Kuwait (Committee Members for Asia), Namibia (Committee Member for Africa), Brazil, and Georgia supported the registration of the operation. Canada noted the additional safeguards raised by Mexico around stocks and stockpiles and non-commercialisation of swim bladders, which would be destroyed. Indonesia encouraged legality, traceability, and sustainability in the operation. Namibia applauded Mexico for not requesting to trade in totoaba maw or swim bladders, and, along with Brazil, considered that the application promoted sustainable use and development.

The European Union considered that the objections raised by Parties did not seem based on strong foundations, and that the application met the requirements of Resolution Conf. 10.16 (Rev.). The European Union was not opposed to the application but requested assurance on the guarantee that specimens bred in captivity could be distinguished from illegally harvested specimens, and stressed the importance of monitoring within the facility as well as ongoing assessment of the situation with respect to illegal fishing and its impact on the vaquita. In addition, the European Union suggested that careful attention be paid to released specimens to understand how the facility might be reducing pressure on wild totoaba.

Senegal (Committee Member for Africa), Peru (Committee Member for Central and South America and the Caribbean, speaking on behalf of Peru and Chile only), Israel (Committee Member for Europe), Australia (Committee Member for Oceania), Argentina, and the United States of America did not support the registration of the operation at this time. The United States raised concerns around authorising trade of an Appendix I species while wild trade was uncontrolled and pervasive, as well as procedural concerns; the United States requested that their intervention be reflected verbatim in the summary record, and this is included in Annex C. Senegal similarly expressed concern that the temporary restrictions proposed by the operator on the intended commercial purposes had not been foreseen under Resolution Conf. 12.10 (Rev. CoP15) and that this therefore raised procedural concerns, as it was not clear how such restrictions would be implemented, if destruction would be verified, or how the restrictions would be lifted. The enforcement and procedural concerns and the suggestion to consider amending Resolution Conf. 12.10 (Rev. CoP15) were echoed by Israel and Australia. While recognising that the domestic market in totoaba was important to local communities, Israel questioned whether there was international demand for meat (which is the commodity that would be traded). Peru recommended waiting for more information on the improvement of procedures that would allow tracking of the species through the supply chain.

The Animal Welfare Institute shared the concerns of the United States, Peru, Australia and others, arguing that approving the application would increase demand for totoaba and worsen the situation for the vaquita, which was already on the brink of extinction. They highlighted that the issue had been deferred at SC71 pending a study analysing illegal fishing, which has still not been conducted.

IWMC-World Conservation Trust urged the Parties to reject the notion that legal activities promoted illegal ones, as ranching could support conservation, and urged Parties to approve the registration, arguing that this proposal aided Mexico in its mission of reducing illegal activities.

Earth Ocean Farms, the company that has submitted the application, reminded the Standing Committee that the Animals Committee had concluded that the farm had met the requirements of the Resolution, and that they would destroy the swim bladders and were prepared to work with any observers during this process. They reported that ongoing research had shown that released individuals had survived, and that laboratories had the ability to reliably distinguish captive bred from

wild sourced specimens through genetic analysis. They expressed their commitment to improving livelihoods and to community education.

Following the Chair's conclusion that the majority seemed supportive, Israel (Committee Member for Europe) called for a vote under Rule 15.1 of the Rules of Procedure of the Standing Committee, which was supported by Australia (Committee Member for Oceania). Japan expressed regret that consensus had not been achieved and that the Standing Committee resorted to a vote.

The Committee voted on a motion to accept the application from Mexico to include *Totoaba macdonaldi*, bred by Earth Ocean Farms S. de R.L. de C.V., in the *CITES Register of operations that breed Appendix-I animal species for commercial purposes*, taking into account the commitments made by Mexico. The motion was approved by 9 votes in favour and 5 against, with one abstention.

Following the vote and given the urgency of the threat to the vaquita, Israel proposed draft decisions directed to the Secretariat to work with Mexico to establish effective enforcement of international trade by the registered facility in totoaba and reporting to the Standing Committee. There was assent from Mexico on reporting on activities of the registered facility and linkages to enforcement activities.

The Committee requested Mexico to include information on the activities of the registered facility in its next report to the Secretariat under Decision 18.293.

The United States reminded Parties that, even though totoaba could now be traded, it was a protected species in the United States. As such, trade and transit of totoaba in the United States were still prohibited (see full intervention in Annex C).

Mexico reiterated that they considered that the process had approved meat as the only commodity to be traded for commercial purposes, that they would take into account all comments made regarding best practices and protocols, and that they would analyse demand as well as monitor the impact of any trade on the conservation of totoaba.

59.2 Registration of the operation Tugan Falconry Club Ltd (Uzbekistan) breeding *Falco pelegrinoides* and *Falco peregrinus* ..... SC74 Doc. 59.2

Uzbekistan confirmed that it was withdrawing the request for registration of the operation Tugan Falconry Club Ltd, in order to study the concerns raised in document SC74 Doc. 59.2. Uzbekistan noted their intention to resubmit the application at a future meeting.

The Committee noted document SC74 Doc. 59.2 and further noted that Uzbekistan will provide further information to respond to the concerns raised in the document.

60. Stocks and stockpiles: Report of the working group ..... SC74 Doc. 60

As Chair of the Standing Committee working group on stocks and stockpiles, Canada introduced document SC74 Doc. 60, presenting the perspectives of the working group on existing challenges to implementation of CITES provisions on stocks and stockpiles; on the fundamental objectives of conservation and enforcement that should direct the management of stocks and stockpiles; and on the need for, and possible definition of, the terms "stock" and "stockpile". Canada noted that the financial cost of maintaining the security and integrity of stockpiles was identified as a major challenge, with existing provisions appearing to encourage retention and management of stocks and stockpiles rather than their destruction. It was also highlighted that a fundamental objective was to ensure that existing stocks and stockpiles are secured and managed in such a way that specimens do not enter illegal trade. Canada noted that the working group had not been able to fully complete the tasks directed to it in the terms of reference, and as such it was recommended that the Standing Committee request the Secretariat to revise Decision 17.170 (Rev. CoP18) and propose its adoption at CoP19.

China (Committee Member for Asia), Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Israel (Committee Member for Europe) and the United States of America expressed support for the document's recommendation to renew the working group's mandate at CoP19; however, China emphasized that stocks and stockpile management should be considered to be a national matter. Israel drew attention to the working group's observation that the provisions of Resolution Conf. 17.8 may need to be updated for use with living specimens, and that it considered there to be other

inconsistencies between this Resolution and the text of the Convention itself. The Party considered that creating a consistent and effective policy for the responsible care of live specimens once in custody of enforcement agencies should be a priority for the working group going forward.

The United States of America raised concerns about a lack of engagement from some Parties on this critical issue and considered that confiscated specimens of species listed in Appendix I and Appendix II with zero quotas should be prevented from entering commercial trade (particularly those that are wild-sourced). The Party also expressed concern that the effectiveness of CITES controls on stocks and stockpiles were not being reviewed on a regular basis and argued that regular reporting was warranted on this matter with references to action under Article XIII of the Convention. While the United States of America acknowledged that in some cases stockpiles may need to enter trade to support species conservation, they considered that these instances should be limited and subject to input from the Animals and Plants Committees and Standing Committee.

India agreed with an emphasis on the strict control and destruction where possible of stockpiles of specimens of Appendix I species but considered that there should be differentiation between stockpiles of specimens of Appendix II species that have voluntary zero export quotas, and stockpiles of specimens of Appendix II species with zero quotas established at CoPs.

The Committee noted document SC74 Doc. 60 and requested the Secretariat to work with the Standing Committee Chair to revise Decision 17.170 (Rev. CoP18) and propose its adoption to CoP19, noting that the context of the discussion relating to this issue should be included in Standing Committee's report to CoP19.

#### 61. Stocks and stockpiles (elephant ivory)

##### 61.1 Guidance on ivory stockpiles: Report of the working group..... SC74 Doc. 61.1

As Chair of the Standing Committee working group on guidance on ivory stockpiles, Belgium introduced document SC74 Doc. 61.1, containing a *Practical guidance on ivory stockpile management* and a *Review of elephant destruction methods*. Belgium noted that the document's recommendations included requesting that a decision be drafted for CoP19 directing the Secretariat to issue a Notification, prior to CoP20, requesting input from Parties on whether there is new information that should be considered by the Standing Committee for incorporation in the guidance document.

Ethiopia (Committee Member for Africa), Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Israel (Committee Member for Europe), Burkina Faso, Kenya and Zimbabwe supported the approval of both the *Practical guidance on ivory stockpile management* and the *Review of elephant destruction methods*, as well as the suggestion for periodic review to allow these documents to be regularly updated to reflect new techniques and technologies. Ethiopia and Senegal (Committee Member for Africa) expressed support for the destruction of ivory stockpiles, noting that this was useful for public education, reducing security costs and risk of theft, and declaring that seized ivory has no economic value. However, these views were not shared by Zimbabwe, who considered that there should be a third option to trade raw and worked ivory with CITES approved Parties or institutions, under approved guidelines, to fund conservation initiatives.

Kenya noted that stockpiled ivory remained an economic and security burden for many countries and believed that the approval of this guidance was an important step towards tackling this challenge. Burkina Faso and Kenya stressed that it was important for the Notification to be issued by the Secretariat requesting new information of relevance to also seek input from other stakeholders working in elephant protection, such as the Elephant Protection Initiative.

Japan emphasized that the guidance within the two documents was non-binding and that their implementation was voluntary.

The Committee approved the "Practical guidance on ivory stockpile management" in Annex 1 to document SC74 Doc. 61.1 and the "Review of elephant destruction methods" in Annex 2.

The Committee requested the Standing Committee Chair to work with the Chair of the intersessional working group on guidance on ivory stockpiles to propose to CoP19 a draft decision based on paragraph 10 of document SC74 Doc. 61.1.

61.2 Annual inventories of stockpiles: Report of the Secretariat ..... SC74 Doc. 61.2

The Secretariat introduced document SC74 Doc. 61.2, noting that Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens* urges Parties in whose jurisdiction there is an ivory carving industry, a legal domestic trade in ivory, an unregulated market for or illegal trade in ivory, or where ivory stockpiles exist; and Parties designated as ivory importing countries, to inform the Secretariat of the level of government-held ivory stocks (and, where possible, of significant privately held stockpiles of ivory within their territory) each year before 28 February. Two Decisions were adopted at CoP18 directing the Secretariat to (1) identify Parties that have not provided this information, and report to the Standing Committee with recommendations as appropriate, and (2) publish updated summary data based on the inventories submitted by Parties, disaggregated to regional but not country level. The Secretariat noted that it did not have complete information on which Parties have stockpiles of government-held ivory but have never reported such stockpiles, and that less information still is available in relation to significant privately held stockpiles. Notwithstanding the efforts of a number of Parties, it was noted that a large number of Parties either do not declare their government ivory stockpiles or do not declare them every year as urged in paragraph 7 e) of Resolution Conf. 10.10 (Rev. CoP18).

The Secretariat further drew the attention of the Standing Committee to its efforts to engage with Burundi as a Party where it is believed that ivory stockpiles are not well secured. It was noted that no response from Burundi had been received on this issue.

Kenya and Gabon stressed that ivory stockpiles remained a threat to elephants and emphasized the importance of a precise inventory in accordance with the recommendations of Resolution Conf. 10.10 (Rev. CoP18). These Parties noted that, since 44 Parties inferred to have ivory stockpiles have never submitted information to the Secretariat on these stockpiles, true levels of stockpiles are probably much higher than volumes calculated based on the information provided thus far. Gabon, Indonesia (Committee Member for Asia) and Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), provided brief updates on the status of their ivory stockpiles, with Indonesia suggesting that training on stockpile monitoring may be a capacity building need.

Ethiopia (Committee Member for Africa), Gabon and Zimbabwe expressed support for the document's recommendations, but Ethiopia and Gabon voiced concern regarding the Secretariat's intention to recommend the deletion of Decisions 18.184 and 18.185 at CoP19. Noting that document SC74 Doc. 61.2 reported that there appear to be a number of Parties inferred to have stockpiles that had not yet provided an annual inventory, Ethiopia and Gabon instead considered that these Decisions should be renewed. Belgium and Kenya supported this suggestion, with Kenya further proposing that a decision be drafted directing the Secretariat to provide a report to SC77 on Parties inferred to have stockpiles that had not yet provided an annual inventory. SC77 could then consider if further actions are necessary for these Parties. Gabon proposed a similar way forward but suggested that the Secretariat could issue a Notification to the Parties to underscore the request for provision of information on government held ivory stockpiles, and to ask Parties to identify any assistance that may be required to allow them to provide this information. It was then suggested that the Secretariat could provide a report to SC75 instead of SC77. Gabon also suggested that a decision be drafted asking Parties to submit a report on measures taken to ensure traceability, safeguarding, and destruction of ivory stockpiles where necessary.

Japan expressed support for efforts to increase the number of Parties that submit information on ivory stockpiles but considered that a discussion was needed on the necessity and effectiveness of these requirements considering the mandate of the Convention.

Regarding efforts to engage with Burundi, Belgium proposed requesting the Secretariat to conduct a technical mission to Burundi to resolve the issue.

The David Shepherd Wildlife Foundation (speaking also on behalf of the Animal Welfare Institute, Born Free Foundation, Center for Biological Diversity, Environmental Investigation Agency, Eurogroup for Animals, Fondation Franz Weber, Humane Society

International, International Fund for Animal Welfare, Natural Resources Defense Council, Pan African Sanctuary Alliance, Pro Wildlife, Species Survival Network, Wildlife Conservation Society, and Zoological Society of London) supported the proposals of Belgium, Ethiopia, Gabon and Kenya, agreeing that ivory stockpiles are a major security risk with thefts and illegal sales often involving corruption and international criminal networks. These observer organisations raised concern that several of the Parties believed to have stockpiles that have never submitted inventory information to the Secretariat are in the National Ivory Action Plan (NIAP) process, including some Parties in Category A; the organisations therefore considered the lack of submission of ivory inventories from these Parties to be a compliance matter. The organisations agreed with Gabon's proposal to issue a Notification to the Parties calling on all Parties identified in paragraph 9 of document SC74 Doc. 61.2 to submit ivory stockpile declarations as a matter of urgency. Lastly, the organisations recommended that the Secretariat use data collected via MIKE, ETIS and NIAP records to identify for CoP19 the largest likely undeclared stockpiles.

IWMC-World Conservation Trust proposed an amendment to the wording of paragraph b) of the Secretariat's recommendations in paragraph 18 of the document, considering that Parties should be reminded of the provisions of paragraph 7 of Resolution Conf. 10.10 (Rev. CoP18) rather than be reminded of their *obligations* under this paragraph.

The Committee:

- a) appealed to Parties to step up their efforts to comply with the provisions of paragraph 7 e) of Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens* concerning stockpiles, with a view of submitting the required information to the Secretariat every year;
- b) requested the Secretariat to issue an additional Notification to the Parties to underscore the request for provision of information on government held ivory stockpiles and to remind Parties about the provisions of paragraph 7 e) of Resolution Conf. 10.10 (Rev. CoP18);
- c) recommended that regional Members and Alternate regional Members, as part of their regular contact with Parties in their region, remind Parties of the obligations of paragraph 7 e) of Resolution Conf. 10.10 (Rev. CoP18);
- d) noted that the Secretariat will put in place arrangements to conduct a technical mission to Burundi, in accordance with paragraph 29 e) in the Annex to Resolution Conf. 14.3 on *CITES compliance procedures*, to verify the current status of the Burundi stockpile, and to report to the Committee on its findings; and
- e) agreed to propose to CoP19 the renewal of Decisions 18.184 and 18.185 so that it considers the Secretariat's report at SC77.

#### Species specific matters

#### 62. Illegal trade in cheetahs (*Acinonyx jubatus*)..... SC74 Doc. 62

Ethiopia (speaking also on behalf of Kenya, Somalia and Yemen) introduced document SC74 Doc. 62, noting that, despite the attention given to this issue, illegal trade in live cheetahs continued to occur at levels that significantly threaten the small and isolated east African population. Ethiopia acknowledged that, in the future, several matters relating to cheetah can be addressed through the CITES Big Cats Task Force and the African Carnivores Initiative; however, Ethiopia argued that any actions taken through the task force may come too late to save affected cheetah populations. Ethiopia therefore asked Parties to support the recommendations outlined in document SC74 Doc. 62, including those calling for the Standing Committee to invite range, transit, and destination States for illegally traded cheetah to report to SC77 on their efforts to combat illegal trade in live cheetah, with a view to making any recommendations (including country-specific recommendations) that the Standing Committee deems appropriate. It was highlighted that illegal trade in cheetah differed from that in other big cats because of its focus on live animals and particularly cubs.

Senegal (Committee Member for Africa), Israel (Committee Member for Europe), Burkina Faso, Somalia, the United Republic of Tanzania and Zimbabwe expressed support for the document's proposals. Somalia noted that a lack of collaboration and information sharing between stakeholders remained a major issue. Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States) noted concern that efforts to stop illegal trade since SC66 had been inadequate; echoed by Canada

(Committee Member for North America), the Committee Member considered it important for the CITES Big Cats Task Force to address illegal trade in cheetahs as a priority issue. The United States of America suggested that recommendation b) in paragraph 19 of document SC74 Doc. 62 could be achieved by striking an intersessional (rather than in-session) working group following CoP19.

Kuwait (Committee Member for Asia) agreed that the issue should be addressed via the CITES Big Cats Task Force and agreed with the suggestion for countries to report on their efforts to combat illegal trade in live cheetahs. However, Kuwait highlighted that they were no longer a destination country for illegal cheetah trade, with the last confiscation taking place in 2013, and did not support recommendations b) and c) of the document. Oman supported Kuwait's comments. Noting the urgent nature of the situation, Israel suggested that an informal discussion with ICCWC and range States could be convened to discuss recommendations to be put forward to address this issue at CoP19.

The Convention on Migratory Species (CMS) noted that there were synergies between document SC74 Doc. 62 and the CMS Intersessional Working Group on the Asiatic Cheetah established at the 5<sup>th</sup> Meeting of the Sessional Committee of the CMS Scientific Council, which has a mandate to consider options for the recovery of the Asiatic and North-East African Cheetah. CMS highlighted that the terms of reference of the working group include considering assessments of the genetic status of the Asiatic cheetah, assessing its current population status, and determining whether supplementation from other cheetah populations is needed to secure its genetic viability.

The Cheetah Conservation Fund (speaking also on behalf of the International Fund for Animal Welfare, Panthera, Born Free, World Wide Fund for Nature, Conservation Analytics, David Shepherd Wildlife Foundation, Fondation Franz Weber, Species Survival Network, Colorado State University, AAP-Animal, Advocacy and Protection, Eurogroup for Animals, Zoological Society of London, Humane Society International, Wildlife Conservation Society, World Resources Institute, Panthera and Pan African Sanctuary Alliance) highlighted recent seizures of live cheetah cubs that had entered illegal trade in Somalia, noting that seizures of this nature had continued since the deletion of Decisions 17.124 to 17.130 at CoP18, and that even small amounts of trade could have a significant impact on populations that are already small. It was considered that trade in cheetahs was not 'limited' in nature. These observer organisations urged Parties to act now rather than wait for illegal trade in cheetah to be addressed via the work of the CITES Big Cats Task Force.

The Committee noted with appreciation document SC74 Doc. 62, expressed its concern about the ongoing illegal trade in cheetahs and invited Ethiopia, Kenya, Somalia and Yemen, as well as other interested Parties, to submit to CoP19 draft decisions on illegal trade in cheetahs.

63. West African vultures (Accipitridae spp.):  
Report of the Animals Committee ..... SC74 Doc. 63

The Secretariat introduced document SC74 Doc. 63, providing an overview of the implementation of the Decisions 18.186 to 18.192 on West African vultures. It was noted that the Secretariat had been requested to inform the range States of West African vultures that in the context of the implementation of Decisions 18.132 to 18.134 on *Non-Detriment findings (NDF)*, improved NDF guidance is expected to be developed; and to share relevant new NDF materials with the range States when available.

Senegal (Committee Member for Africa) and Nigeria expressed support for the recommendations in the document, stressing the ecological importance of vultures and their role in human health. Nigeria, echoed by the Convention on Migratory Species, highlighted that the recommendations within the document align with those in the Multi-species Action Plan to Conserve African-Eurasian Vultures, and encouraged range States to implement and report on the Plan's actions and to review national legislation regarding the use of poisons that pose a threat to vulture species. Nigeria additionally highlighted their plan to host a regional workshop later in the year to achieve consensus on how best to mitigate vulture persecution in West Africa and prevent illegal trade in vulture species.

The Committee agreed to submit to CoP19 the following draft decisions to replace Decisions 18.186 to 18.192:

**19.AA Directed to West African range States (Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo)**

West African range States for *Gyps africanus* (Whitebacked vulture), *Gyps fulvus* (Griffon vulture), *Gyps rueppelli* (Rüppell's vulture), *Necrosyrtes monachus* (Hooded vulture), *Neophron percnopterus* (Egyptian vulture), *Torgos tracheliotos* (Lappet-faced vulture), and *Trionoceps occipitalis* (White-headed vulture) are urged to:

- a) integrate illegal vulture trade considerations into their implementation of the West Africa Strategy on Combatting Wildlife Crime (WASCWC) and any decisions relating to Wildlife crime enforcement support in West and Central Africa adopted by the Conference of the Parties at its 19th meeting;
- b) ensure that national laws to protect vultures and control trade in vulture parts and derivatives are effectively implemented, and ensure that penalties for non-compliance are sufficient to deter illegal trade;
- c) ensure that any international trade in West African vultures is not allowed except in accordance with CITES requirements, and if international trade is found not to be in accordance with CITES requirements, consider implementing a zero export quota;
- d) follow Resolution Conf. 16.7 (Rev. CoP17) on *Non-detriment findings*, and, in cases where there is an interest in exporting globally threatened vulture species, consider submitting non-detriment findings for the export of vulture specimens to the Secretariat for inclusion on the CITES website and review by the Animals Committee;
- e) identify any trade-related issues associated with the implementation of the Vulture Multispecies Action Plan of the Convention on the Conservation of Migratory Species of Wild Animals (CMS);
- f) work with relevant experts and organizations for implementing demand reduction strategies for vultures and their parts and derivatives including for belief-based use and consumption and, where appropriate, expand the implementation of strategies that have been successful;
- g) work with relevant organizations to initiate wide-scale public awareness campaigns at regional, national and local levels about the impacts of trade in these species, including the importance of vulture species to ecology and human health, the negative impacts of belief-based use of vulture body parts, and existing national and international legislation that protects vultures; and
- h) provide information to the Secretariat on the implementation of this Decision to assist it in reporting to the Animals Committee and Standing Committee, as appropriate.

**19.BB Directed to Parties, West African range States and relevant intergovernmental and non-governmental organizations**

Parties, West African range States and relevant intergovernmental and non-governmental organizations are encouraged, subject to resources, to:

- a) collaborate in the conservation and restoration of West African vultures and support the implementation of the Vulture Multispecies Action Plan of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) to conserve African-Eurasian Vultures; and
- b) gather and exchange scientific knowledge and expertise on West African vultures, with a particular focus on:
  - i) documenting the scale of vulture trade by surveying markets in and outside West Africa, and identifying inter-regional and international trade routes;
  - ii) characterizing links between poisoning and trade in vultures, and contributing to the African Wildlife Poison Database; and

- iii) updating the conservation and population status information of West African vultures, and *Gyps africanus* (white-backed vultures), *Gyps rueppellii* (Rüppell's vultures) and *Torgos tracheliotus* (lappet-faced vultures) in particular.

**19.CC Directed to the Secretariat**

The Secretariat shall:

- a) cooperate with the International Consortium on Combating Wildlife Crime (ICWC) partner organizations, regional and subregional wildlife enforcement networks, and competent national authorities, where relevant and feasible, to consider vultures in the context of ICWC's enforcement and capacity-building efforts in West Africa;
- b) subject to external funding, support the production of identification materials focusing on parts and derivatives of vulture species for use by law enforcement officials;
- c) liaise with the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) to assist in the implementation of the trade-related aspects of the Vulture Multispecies Action Plan (MsAP) subject to external funding, and share information based on the work of the Animals Committee;
- d) subject to external funding, support the implementation of capacity-building activities aimed at providing support to the West African range States in implementing the trade-related aspects of the Vulture MsAP;
- e) in collaboration with the CMS Secretariat, consider available trade data and conservation status information from the whole geographic range of the vulture species concerned for inclusion in its reporting to the Animals and Standing Committees; and
- f) collect information from West African vulture range States on their implementation of Decision 19.AA, and report as appropriate this and other information on the implementation of Decisions 19.AA to 19.CC a), b), c), d) and e) to the Animals Committee and Standing Committee, at their first regular meetings following the 19th meeting of the Conference of the Parties with conclusions and recommendations for their consideration.

**19.DD Directed to the Animals Committee**

The Animals Committee shall:

- a) encourage West African range States to undertake a Periodic Review of the vulture species referred to in Decision 19.AA pursuant to Resolution Conf. 14.8 (Rev. CoP17) on *Periodic Review of species included in Appendices I and II*, taking note of the offer of the Vulture Specialist Group of the International Union for Conservation of Nature to assist range States in such an effort;
- b) consider any reports or requests for advice submitted by Parties with respect to the making of non-detriment findings for trade in CITES-listed West African vulture species;
- c) consider the reports and recommendations of the Secretariat submitted in accordance with Decision 19.CC, paragraph e): and
- d) make recommendations as appropriate for consideration by range States, Parties, the Standing Committee and the Secretariat.

**19.EE Directed to the Standing Committee**

The Standing Committee shall review the implementation of Decisions 19.AA to 19.DD and make recommendations as appropriate to West African vulture range States, Parties and the Secretariat, and for consideration by the Conference of the Parties at its 20th meeting.

**19.FF Directed to Parties, donor organizations and relevant intergovernmental and non-governmental organizations**

Donor Parties and other relevant intergovernmental and non-governmental organizations are encouraged to provide support for implementing Decisions 19.AA to 19.CC and ensuring the survival of West African vultures.

#### 64. Eels (*Anguilla anguilla*)

64.1 Report of the Secretariat ..... SC74 Doc. 64.1

and

64.2 Report of the Animals Committee ..... SC74 Doc. 64.2

The Secretariat introduced document SC74 Doc. 64.1, which included a summary of Parties' responses to a questionnaire on the status, management, and trade in eels; an analysis of the data on seizures of *A. anguilla* as submitted by CITES Parties; additional information on illegal trade in *A. anguilla*, including a summary of the case study on glass eels in the 2nd *World Wildlife Crime report*; and a further study on the *Status of use and trade of anguillid eels*. The Secretariat reported that it had reached out to the World Customs Organisation (WCO) on the feasibility of harmonizing customs codes relevant to trade in all *Anguilla* species but had not received a response and would follow up after the meeting. The Secretariat further suggested an amendment to the draft decision 19.DD put forward by the Animals Committee, in order to continue monitoring of illegal trade and follow up with the WCO.

The Chair of the Animals Committee introduced document SC74 Doc. 64.2, also reporting on the request from the United Kingdom of Great Britain and Northern Ireland at the end of 2021 seeking advice and guidance on its non-detriment finding (NDF) for eels. The Chair reported that, after consultation with Animals Committee members, feedback had been provided to the United Kingdom of Great Britain and Northern Ireland. The Chair highlighted the potential use of source code R for specimens of European eels from aquaculture and the potential risks and benefits of reintroducing eels to the wild as an issue requiring further consideration. The Chair also reported that the Animals Committee had noted that the European eel could be a good case study for a workshop on NDFs.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), echoed by the United Kingdom, supported the recommendations with the amendment proposed by the Secretariat. Canada (Committee Member for North America), supported by Mexico, suggested that the recommendation by the Secretariat to prepare a consolidated set of draft recommendations for consideration at SC75 be instead aligned with the timeframes proposed in the Animals Committee's draft decisions to consider the studies in document SC74 Doc. 64.1 in the next intersessional period, as these had not been made available to AC31; however, if there was a need for the issue to be addressed at SC75, Canada suggested that the report be given to the Chair of the Animals Committee to obtain input by the Animals Committee prior to SC75. The Secretariat clarified that the draft recommendations proposed for SC75 would solely focus on the issues relating to illegal trade and enforcement, and the other studies would go to the Animals Committee to then provide any additional concerns identified by the Animals Committee to the Standing Committee.

Mexico commented that the only anguillid species in Mexico was *Anguilla rostrata*, which was not CITES-listed and only subject to by-catch in the country, and therefore the fisheries authorities had not elaborated a plan; Mexico suggested that the Secretariat publish the original responses from the Parties in full to provide transparency to the discussions. The Secretariat responded that a detailed summary was in the addendum to document AC31 Doc. 22, but that the online nature of the questionnaire made it difficult to publish the full responses.

The Dominican Republic reported that *Anguilla rostrata* was intensively fished in its country, which was endangering the survival of the species; the Dominican Republic had sent a letter to the Secretariat for inclusion of the species in Appendix III as a precautionary measure.

The United Kingdom welcomed the strengthened enforcement action to address illegal trade, and encouraged Parties to fill the remaining data gaps. The United Kingdom reported that their Scientific Authority had developed an NDF on eels, which had been peer-reviewed by the International Council for the Exploration of the Sea (ICES), and the Animals Committee had concluded that the NDF gave sufficient assurance that the export of surplus glass eels from the two rivers referenced in the NDF was not detrimental to species survival in the United Kingdom, while raising a number

of comments to address. The United Kingdom sought further peer review of the NDF to ensure it was robust, and noted that this would be shared as an information document at SC75 or CoP19 once the comments were addressed.

The International Union for Conservation of Nature (IUCN), also speaking on behalf of the Zoological Society of London, commented that the scientific advice published by ICES had recently been updated to separate fishery and other anthropogenic mortalities, with ICES now advising that, under a precautionary approach, there should be zero catches in all habitats in 2022 and other anthropogenic mortalities should be minimised and eliminated where possible. The status of the species, considered by ICES to be “critical”, has not changed. They noted that, as reflected in Annex 4 to document SC74 Doc. 64.1, any change in one anguillid eel species would likely impact other species, so continued monitoring of all eel species was essential.

The Committee invited the Secretariat to review the responses to Notification to the Parties No.2021/018 in Annex 2, the case study on glass eels in the 2nd World Wildlife Crime report, the analysis of the data compiled from annual illegal trade reports submitted by Parties in Annex 3 and the findings of the study presented in Annex 4 to document SC74 Doc. 64.1 and prepare a consolidated set of draft recommendations on illegal trade for consideration by the Standing Committee at its 75th meeting.

The Committee agreed to submit to CoP19 the following amended draft decisions:

**19.AA Directed to range States of European eels (*Anguilla anguilla*)**

Range States of European eel (*Anguilla anguilla*) are encouraged to:

- a) submit any non-detriment finding studies on European eel they have undertaken to the Secretariat for inclusion on the CITES website; explore the different approaches that might be taken for making non-detriment findings for European eels traded as fingerlings (FIG) compared with those traded as other live eels (LIV); collaborate and share information with other Parties regarding such studies and their outcome, especially where the Parties share catchments or water bodies; seek review and advice from the Animals Committee or other suitable body on any non-detriment findings for European eels, where appropriate;
- b) develop and/or implement adaptive European eel management plans at national or sub-national (or catchment) level, with defined and time-bound goals, and enhance collaboration within countries between authorities and other stakeholders with responsibilities for eel management, and between countries where water bodies or catchments are shared;
- c) share information on stock assessments, harvests, the results of monitoring and other relevant data with the Joint Working Group on Eels (WGEEL) of the European Inland Fisheries and Aquaculture Advisory Commission, the International Council for the Exploration of the Seas and the Central Fisheries Commission for the Mediterranean (EIFAAC/ICES/GFCM), so that a full and complete picture of the state of the European eel stock can be established;
- d) develop measures or implement more effectively existing measures to improve the traceability of eels in trade (both live and dead);
- e) provide the Secretariat with information regarding any changes to measures they have in place to restrict the trade in live ‘glass’ or fingerling European eels;
- f) share with the Secretariat, where available, protocols and guidelines for reintroduction of seized live European eels to the wild; and
- g) provide information to the Secretariat on the implementation of this Decision or any updates to the information previously submitted in response to [Notification to the Parties No. 2021/018](#) on eels, to allow it to report to the Animals Committee and Standing Committee, as appropriate.

**19.BB Directed to the Secretariat**

The Secretariat shall:

- a) issue a notification within 90 days of the close of the 19th meeting of the Conference of the Parties, inviting range States of European eel (*Anguilla anguilla*) to submit to the Secretariat information on the implementation of Decision 19.AA or any updates to the information previously submitted in response to Notification to the Parties No. 2021/018 on eels;
- b) prepare and submit a summary of the responses to Notification to the Parties No. 2021/018 on eels, including any updates provided under Decision 19.AA, with draft recommendations to the Animals Committee and Standing Committee, as appropriate, for their consideration; and
- c) submit the study prepared in the implementation of Decision 18.199, paragraph d), on levels of trade and trade patterns, especially in live eels for aquaculture, and sources of supply, identify any disparities between these, and draft recommendations for the more effective future management of harvests and trade for consideration by the Animals Committee and Standing Committee, as appropriate.

**19.CC Directed to the Animals Committee**

The Animals Committee shall:

- a) if requested, consider any reports submitted by Parties with respect to the making of non-detriment findings for trade in European eel and provide advice and guidance as needed; and
- b) consider the study referred to in paragraph c) of Decision 19.BB, the report produced by the Secretariat under paragraph b) of Decision 19.BB and make recommendations as appropriate, for consideration by the Standing Committee and the 20th meeting of the Conference of the Parties.

**19.DD Directed to the Standing Committee**

The Standing Committee shall

- a) consider the report prepared by the Secretariat and any other available information relating to illegal trade in European eel and make recommendations as appropriate;
- b) review any advice and recommendations coming from the Animals Committee concerning Decision 19.CC and make recommendations as appropriate; and
- c) with the assistance of the Secretariat, engage with the World Customs Organization to examine the feasibility of harmonizing customs codes relevant to trade in all *Anguilla* species and report to the 20th meeting of the Conference of the Parties.

65. Precious corals [Order Antipatharia/Family Coralliidae]:  
Report of the Animals Committee ..... SC74 Doc. 65

The Chair of the Animals Committee introduced document SC74 Doc. 65, presenting an update in the Animals Committee's work on precious corals at AC31, which had considered the study *Global Report on the Biology, Fishery and Trade of Precious Corals* conducted by the Food and Agriculture Organisation (FAO), and agreed to a set of recommendations on conservation, sustainable use and international trade.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Peru (Committee Member for Central and South America and the Caribbean) and the United States of America supported the proposed recommendations.

The Committee agreed to submit to CoP19 the recommendations in paragraphs 1, 2, 3 and 4 in Annex 2 to document AC31 Doc. 23 Addendum in its report to CoP19.

66. Marine turtles (Cheloniidae spp. and Dermochelyidae spp.)

66.1 Report of the Secretariat ..... SC74 Doc. 66.1

and

66.2 Report of the Animals Committee ..... SC74 Doc. 66.2

The Secretariat introduced document SC74 Doc. 66.1 on the implementation of Decisions 18.210 to 18.215 on *Marine turtles (Cheloniidae spp. and Dermochelyidae spp.)*, including follow-up to the study on the *Status, scope and trends of the legal and illegal international trade in marine turtles, its conservation impacts, management options and mitigation priorities* (available as document CoP18 Inf. 18); the drafting of a study examining marine turtle bycatch and its relationship to trade at the global level; and the gathering of information on the status of implementation of Decisions 18.210 to 18.214. The Secretariat thanked the United States of America for funding to draft the study on *The scale and importance of marine turtle bycatch relating to trade* available as SC74 Inf. 27. Given the limited time for the Standing Committee to consider additional information received by the Secretariat in response to the Notifications issued under Decision 18.210, paragraph f), it was recommended that the renewal of Decision 18.217 be proposed to CoP19.

The Chair of the Animals Committee presented document SC74 Doc. 66.2, containing an update of the Animals Committee's work on marine turtles. The Animals Committee had considered implementation of Decisions 18.210 to 18.217 at AC31, establishing an in-session working group to consider document CoP18 Inf. 18 and any scientific information in the responses from Parties to Notification No. 2020/035. The Animals Committee noted that the study in CoP18 Inf. 18 identified key issues where CITES and other actors can help with the conservation of marine turtles, and on this basis drafted four draft decisions to submit to the Standing Committee for its consideration. The Chair of the Animals Committee also encouraged Parties to include marine turtle confiscation and seizure data in their annual illegal trade report.

The United States of America expressed support for the recommendations of document SC74 Doc. 66.1, and Senegal (Committee Member for Africa), Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Australia (Committee Member for Oceania), India, and the United States of America supported the recommendations contained in document SC74 Doc. 66.2. Japan noted that it was not opposed to the submission of the draft decisions contained in document SC74 Doc. 66.2 but that they believed that the actions called for were beyond CITES' mandate. Japan reiterated their general position that aspects related to fisheries-related management should be addressed by fisheries authorities and regional fisheries management organisations (RFMOs). Mexico also noted the need to avoid duplication of effort and ensure coordination across Conventions (for example the Inter-American Sea Turtle Convention). Australia suggested small amendments to decision 19.AA in document SC74 Doc. 66.2, noting that it would be difficult for Parties to develop standardised frameworks for determining sustainable use of marine turtles, and suggested an additional paragraph to 19.AA asking Parties to share knowledge of bycatch mitigation strategies that have proven to be effective at reducing bycatch and/or bycatch mortality.

The World Wide Fund for Nature (speaking also on behalf of Sea Shepherd Legal, Species Survival Network, David Shepherd Foundation, Fondation Franz Weber, Humane Society International, International Union for Conservation of Nature, Animal Welfare Institute, Pro Wildlife, Centre for Biological Diversity, Japan Tiger and Elephant Fund and TRAFFIC) offered their continued support to assist Parties with CITES-relevant implementation of marine turtle listings. Given that the Secretariat had not received requests from Parties for assistance with the CITES-relevant aspects of the conservation of marine turtles, as well as the limited number of responses to the Notifications issued under Decision 18.210 paragraph f), these observer organisations noted concern that turtle Decisions are generally not being implemented. Regarding the proposal for a new resolution on marine turtles, these organisations considered that it would be possible to prepare a draft resolution for consideration by CoP19 and encouraged Parties with the capacity to do so to work together towards this end. It was noted that such a resolution should replace Resolution Conf 9.20 (Rev. CoP15) on *Guidelines for evaluating marine turtle ranching proposals submitted pursuant to Resolution Conf. 11.16 (Rev. CoP15)*, since there has been no such proposal submitted in the last

two decades, and, given the status of marine turtle populations, none are anticipated. Regarding paragraph a) of draft decision 19.AA (encouraging Parties to develop robust and standardized frameworks for determining sustainable use of marine turtles), the observer organisations urged the sustainable offtake levels determined to take into account levels of illegal take. Finally, noting that domestic take of marine turtles is as a major issue, and that domestic take is addressed under Art. III (5) of the Convention on Migratory Species (which prohibits take of Appendix I species), the observer organisations encouraged the coordination with the CMS Secretariat envisioned under the draft decision 19.BB to particularly explore ways of tapping into this synergy to tackle illegal harvest.

The Committee agreed to submit to CoP19 the following amended draft decisions:

**19.AA Directed to the Parties**

Parties are encouraged to:

- a) develop robust ~~and standardized~~ frameworks for determining the sustainable use of marine turtles that are science-based, integrate based on the best scientific advice available and may include, but are not limited to, a determination of suitable offtake levels, take into account the needs of traditional subsistence users, account for existing use in other States sharing the marine turtle(s) stocks, and account for national enforcement capacity taking into consideration the advice, resolutions, conservation and management measures of relevant bodies including competent fisheries authorities and experts, as appropriate;
- b) work with their fisheries communities to ensure that there is effective documentation at the national level of marine turtle fisheries by-catch and mortality that can inform conservation and management measures taking into consideration the advice, resolutions, conservation and management measures of relevant bodies including competent fisheries authorities and experts, as appropriate;
- c) where marine turtles hatchery establishments exist, develop science-based operational protocols for marine turtle hatchery establishments to ensure that they provide conservation value to marine turtle populations;
- d) share holistic regional marine turtle survival probability models and their output and other information to assess sustainability of current harvest and by-catch levels while taking into account other threats to the population across their range (number of turtles of different age classes taken from populations), limitations of source rookeries (number of turtles recruited per year), natural survival probabilities, and marine turtle biology taking into consideration the advice, resolutions, conservation and management measures of relevant bodies including competent fisheries authorities and experts, as appropriate;
- e) share knowledge of bycatch mitigation strategies, including exclusion devices and safe handling practices, that have proven to be effective at reducing bycatch and/or bycatch mortality;
- ef) undertake as appropriate research that can support the development of protection and conservation measures for marine turtle foraging, nesting and migratory areas; and
- fg) report on the implementation of paragraphs a) to e) to the Secretariat, for subsequent reporting to the Animals and Standing Committees, as appropriate.

**19.BB Directed to the Secretariat**

The Secretariat shall:

- a) based on analysis of the annual illegal trade reports, bring to the attention of the Animals and Standing Committees, as appropriate, any significant changes in the illegal trade of marine turtles;

- b) liaise with the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), its Indian Ocean and South-East Asia Marine Turtle Memorandum of Understanding (IOSEA) on the conservation and management of marine turtles, as outlined in the CMS-CITES Joint Work Programme 2021-2025; and
- c) report on the implementation of paragraphs a) to f) of Decision 19.AA to the Animals and Standing Committees, as appropriate.

**19.CC Directed to the Animals Committee**

The Animals Committee shall consider any reports from Decision 19.AA and 19.BB paragraph a) brought to its attention by the Secretariat, and make recommendations, as appropriate, including on the possible need for incorporation of the substantive content of Decision 19.AA and 19.BB and any other relevant measures into a new resolution on marine turtles which should also incorporate any relevant provisions of Resolution Conf 9.20 (Rev.) on *Guidelines for evaluating marine turtle ranching proposals submitted pursuant to Resolution Conf. 11.16 (Rev. CoP15)*.

**19.DD Directed to the Standing Committee**

The Standing Committee shall consider any reports from Decision 19.AA and 19.BB paragraph a) brought to its attention by the Secretariat and any recommendations from the Animals Committee, and make recommendations, as appropriate.

The Committee reminded Parties to include marine turtle confiscation and seizure date in their annual illegal trade report.

The Committee agreed to propose to CoP19 the renewal of Decision 18.217.

**67. Sharks and rays (Elasmobranchii spp.)**

67.1 Legal acquisition findings and control and monitoring of stockpiles of shark parts and derivatives:  
Report of the working group ..... SC74 Doc. 67.1

and

67.2 Report of the Secretariat ..... SC74 Doc. 67.2

and

67.3 Report of the Animals Committee ..... SC74 Doc. 67.3

The United States of America [as Chair of the Standing Committee working group on sharks and rays (Elasmobranchii spp.)], the Secretariat, and the Chair of the Animals Committee introduced documents SC74 Doc. 67.1, SC74 Doc. 67.2 and SC74 Doc. 67.3.

Document SC74 Doc. 67.1 contained an overview of the considerations of the working group on legal acquisition findings and control and monitoring of stockpiles of shark parts and derivatives. The United States of America noted that the working group had not had enough time to complete its mandate, and that the document therefore contained a recommendation to propose Decision 18.224 for renewal at CoP19 with some amendments.

Document SC74 Doc. 67.2 contained an update on the Secretariat's implementation of Decisions 18.220, 18.221 and 18.222 on sharks and rays, as well as Decision 18.219 on the provision of capacity-building assistance for implementing Appendix-II shark and ray listings. Activities undertaken included the publication of non-detriment findings for sharks and rays on the CITES website and an analysis of information from the CITES Trade Database on commercial trade in CITES-listed sharks and rays since 2000. The document was also noted to contain relevant key findings from a TRAFFIC study on *Missing sharks: A country review of catch, trade and management recommendations for CITES-listed shark species*, which was considered to make a valuable contribution to the implementation of Decision 18.221.

Finally, document SC74 Doc. 67.3 contained the outcomes of the Animals Committee's discussions on sharks and rays at AC31, including recommendations for the Standing Committee to review the results of the Secretariat's study on the apparent mismatch between trade in shark products, and to consider the inclusion of a new three letter code form (FFN) for registering trade in wet (fresh, chilled, frozen) fins of sharks in the *Guidelines for the preparation and submission of CITES annual illegal trade reports*.

Concerning the joint report of the Animals Committee and the Standing Committee to CoP19 required under Decision 18.225, the Secretariat suggested that the Chair of the Standing Committee and the Chair of the Animals Committee work together with the Secretariat to merge the draft decisions on sharks contained in document SC74 Doc 66.1 and document SC74 Doc. 66.3 and finalize a single joint report to be submitted to CoP19.

The Next Host Country (Panama) and Gabon expressed support for the recommendations in all three documents. Australia (Committee Member for Oceania) proposed minor language amendments to decision 19.XX2 in document 67.1. Japan expressed support for the draft decisions in this document; however, in reference to draft decision 19.XX2 (directing the Standing Committee to develop guidance on the making of legal acquisition findings and related assessments for introductions from the sea for CITES-listed shark species in the context of the implementation of Resolution Conf. 18.7 on *Legal acquisition findings*), Japan expressed concern that taxon specific guidance would make the legal acquisition process too complex. The Party noted a preference for using existing material contained in the Resolution as much as possible. The Next Host Country (Panama) and Brazil expressed their interest in joining a renewed working group on this matter.

Peru (Committee Member for Central and South America and the Caribbean) stressed the importance of having guidelines on making non-detriment findings for shark species. The Next Host Country (Panama) expressed concern regarding the lack of data on trade in sharks and noted the urgency of gaining a better understanding of the status of shark species stocks, highlighting that most shark species listed in Appendix II are Endangered. Senegal (Committee Member for Africa) invited all Parties to share tools for implementing shark listings with the Secretariat as requested through Notification No. 2020/016, and to ensure that data on capture and trade in shark species is submitted on time.

The Food and Agriculture Organisation (FAO) welcomed the report on missing shark data available as SC74 Inf. 24, highlighting its complementarity with studies such as the *CITES and the Sea* (FAO Technical Paper No. 666) and FAO Fisheries and Aquaculture Circular C1156 on *A country and regional prioritisation for supporting implementation of CITES provisions for sharks*. FAO also suggested that the approach used in Friedman *et al.* (2018; *Examining the impact of CITES listing of sharks and rays in Southeast Asian fisheries*. Fish and Fisheries 19:662–676) could be used to assess progress in shark listing implementation in other regions.

The Committee agreed to submit to CoP19 the following amended draft decisions:

**19.XX1 Directed to Secretariat**

Subject to external funding, the Secretariat shall liaise with relevant RFMO/As to identify opportunities for capacity building with the same organizations, possibly in the form of attending meetings (where the RFMO/A permits such attendance) or by directly liaising with the Secretariat of the organization to provide this information to its membership and/or the provision of training. The aim of this exercise would be to share information to improve the knowledge of CITES in the workings of each relevant RFMO/A.

**19.XX2 Directed to Standing Committee**

The Standing Committee shall:

- a) develop guidance on the making of legal acquisition findings, and related assessments for trade in sharks caught on the high seas (including introductions from the sea) for CITES-listed shark species in the context of the implementation of Resolution Conf. 18.7 on *Legal acquisition findings* and its annexes 1 and 2. This guidance should include detailed descriptions and related graphics on specific scenarios regarding trade in CITES-listed shark species;

- b) develop new guidance or identify existing guidance on the control and monitoring of stockpiles of shark parts and derivatives, in particular for specimens caught prior to the inclusion of the species in Appendix II; and
- c) report its findings under Decision 18.224 (Rev. CoP19), 19.XX2 paragraphs a), and b), d) and e) to the 19th 20th meeting of the Conference of the Parties;
- d) prepare information to support engagement with and capacity building of RFMO/As and include this information within the guidance called for by Decision 19.XX2 paragraph a); and
- e) review the FAO's guidance on Catch Document Schemes, pending publication (FAO, 2022. Understanding and implementing catch documentation schemes - A guide for national authorities. FAO Technical Guidelines for Responsible Fisheries No. 14. Rome.), guidance the CITES Parties have agreed on traceability, relevant documents on the Secretariat's website on traceability ([https://cites.org/eng/prog/Cross-cutting issues/traceability](https://cites.org/eng/prog/Cross-cutting%20issues/traceability)) and include relevant information within the guidance called for by Decision 19.XX2 paragraph a).

### **19.XX3 Directed to Parties**

The Parties shall consider if they are likely to be key beneficiaries from the guidance document(s) provided by Decision 19.XX2 paragraphs a) and b); if so, the same Parties are strongly encouraged to participate in any Standing Committee working groups established to address Decision 19.XX2.

The Committee agreed to submit to CoP19 the draft decisions in Annex 1 to document SC74 Doc. 67.3:

#### ***Directed to Parties***

**19.AA** Parties are encouraged to:

- a) provide brief information (with an executive summary not exceeding 200 words, if the report exceeds four pages) to the Secretariat, in particular on any national management measures that prohibit commercial take or trade, and respond to the Notification called for in Decision 19.CC;
- b) in accordance with their national legislation, provide a brief report (with an executive summary not exceeding 200 words, if the report exceeds four pages) to the Secretariat about the assessment of stockpiles of shark parts and derivatives for CITES-listed species stored and obtained before the entry into force of the inclusion in CITES in order to control and monitor their trade, if applicable;
- c) respond to the Notification called for in Decision 19.CC and share available national conversion factors used when estimating live catch weight by species, fishery, and product form for more accurate reporting of shark and ray trade data by Parties and indicate whether and how these are used in the development of their non-detriment findings;
- d) inspect, to the extent possible under their national legislation, shipments of shark parts and derivatives in transit or being transhipped, to verify presence of CITES-listed species and verify the presence of a valid CITES permit or certificate as required under the Convention or to obtain satisfactory proof of its existence;
- e) continue to support the implementation of the Convention for sharks, including by providing funding for the implementation of Decisions 19.BB, 19.DD and 19.EE, and consider seconding staff members with expertise in fisheries and the sustainable management of aquatic resources to the Secretariat; and

- f) actively collaborate to combat illegal trafficking in sharks and ray products by developing mechanisms for coordination between source, transit, and destination countries.

***Directed to Secretariat***

**19.BB** Subject to external funding, the Secretariat shall continue to provide capacity-building assistance for implementing Appendix-II shark and ray listings to Parties upon request.

**19.CC** The Secretariat shall:

- a) issue a Notification to the Parties, inviting Parties to:
  - i) provide concise (with 200 word executive summary, if the report exceeds four pages) new information on their shark and ray conservation and management activities, in particular:
    - A. the making of non-detriment findings;
    - B. the making of legal acquisition findings;
    - C. the identification and monitoring of CITES-listed shark-products in trade, in source, transit, and consumer Parties; and
    - D. recording stockpiles of commercial and/or pre-Convention shark parts and derivatives for CITES Appendix-II elasmobranch species and controlling the entry of these stocks into trade;
  - ii) share with the Secretariat their NDFs and conversion factors used when estimating catch live weight through converting recorded shark landings and trade, where available, to post in the sharks and rays web portal; and
  - iii) highlight any questions, concerns or difficulties Parties are having in writing or submitting documentation on authorized trade data (e.g. which units are used in reporting trade) for the CITES Trade Database;
- b) provide information from the CITES Trade Database on commercial trade in CITES-listed sharks and rays since 2010, sorted by species and, if possible, by product;
- c) invite non-Party, intergovernmental organizations and non-governmental organization observers to support Parties by providing concise information related to the above;
- d) disseminate new or existing guidance identified by the Standing Committee on the control and monitoring of stockpiles of shark parts and derivatives pursuant to Decision 19.GG, paragraph b); and
- e) collate this information for the consideration of the Animals Committee and the Standing Committee.

**19.DD** The Secretariat shall, subject to external funding, and in collaboration with relevant organizations and experts:

- a) conduct a study to investigate the apparent mismatch between the trade in products of CITES-listed sharks recorded in the CITES Trade Database and what would be expected against the-information available on catches of listed species; and

- b) bring the results of the study in paragraph a) and any proposed solutions to resolve this issue in the future to the attention of the Animals Committee or Standing Committee, as appropriate.

**19.EE** The Secretariat, subject to external funding, is requested to collaborate closely with the Food and Agriculture Organization of the United Nations (FAO) to:

- a) verify that information about Parties' shark management measures is correctly reflected in the shark measures database developed by FAO (<http://www.fao.org/ipoa-sharks/database-of-measures/en/>) and if not, support FAO in correcting the information;
- b) compile clear imagery of wet and dried unprocessed shark fins (particularly, but not exclusively, those from CITES-listed species) along with related species level taxonomic information to facilitate refinement of iSharkFin software developed by FAO;
- c) conduct a study analysing the trade in non-fin shark products of CITES-listed species, including the level of species mixing in trade products and recommendations on how to address any implementation challenges arising from the mixing that may be identified; and
- d) bring the results of activities in paragraphs a) to c) to the attention of the Animals Committee or Standing Committee, as appropriate.

***Directed to the Animals Committee***

**19.FF** The Animals Committee, in collaboration with relevant organisations and experts, shall:

- a) continue to develop guidance to support the making of non-detriment findings (NDFs) for CITES-listed shark species, in particular in data-poor, multi-species, small-scale/artisanal, and non-target (by-catch) situations, and for shared and migratory stocks, and introduction from the sea; and
- b) report the outcomes of its work under this Decision to the 20th meeting of the Conference of the Parties.

***Directed to the Standing Committee***

**19.GG** The Standing Committee shall consider:

- a) developing guidance on the making of legal acquisition findings, and related assessments for introductions from the sea for CITES-listed shark species in the context of the implementation of Resolution Conf. 18.7 on *Legal acquisition findings*;
- b) developing new guidance or identifying existing guidance on the control and monitoring of stockpiles of shark parts and derivatives, in particular for specimens caught prior to the inclusion of the species in Appendix II; and
- c) report its findings under this Decision to the 20th meeting of the Conference of the Parties.

***Directed to the Standing Committee and the Animals Committee***

**19.HH** The Animals Committee and Standing Committee shall analyse and review the results of any of the activities under Decisions 19.AA and 19.GG and with the support of the Secretariat, prepare a joint report for the 20th meeting of the Conference of the Parties on the implementation of these Decisions.

The Committee requested that the Chair of the Standing Committee and the Chair of the Animals Committee work with the Secretariat and the Animal Committee's lead on the agenda item to merge the draft decisions on sharks and finalize a single joint report to be submitted to CoP19.

68. Elephants (Elephantidae spp.):  
Implementation of Resolution Conf. 10.10 (Rev. CoP18)  
Report of the Secretariat ..... SC74 Doc. 68

The Secretariat introduced document SC74 Doc. 68, which includes information on any apparent problems in the implementation of Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens* or in the control of trade in elephant specimens. Annex 1 provides information on the levels of illegal killing based on MIKE data; the Secretariat noted that the online systems for MIKE and ETIS would play an important role in submitting data. The Secretariat commended efforts of elephant range States and other Parties and noted that while the role of the COVID-19 pandemic could not yet be assessed, it would likely result in reduced funding available in range States. The document was also noted to contain information from the MIKE and ETIS Subgroup of the Standing Committee, and information from five Parties on implementation of Decision 18.226, including only three responses from range States for Asian elephant. The Secretariat further reported that it had not been able to secure funding to progress work on Decision 18.120, although other entities were conducting research in this regard.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), thanked all those who had provided to the MIKE and ETIS online systems, thanked Parties who had submitted reports, and urged the remaining Parties to make use of the systems, as proper reporting of both legal and illegal trade was important. Belgium, echoed by South Africa, agreed to the recommendations, and suggested an amendment to the Decisions to encourage Parties to provide funding to the African elephant fund for the implementation of the African elephant Action Plan.

China (Committee Member for Asia) reported that it had a ban on the sale of ivory, had good conservation practices with a national legislation that was robustly adhered to, and worked with transit and origin countries to ensure a robust and traceable supply chain. China suggested an amendment to the proposed draft decisions to replace 'regional system' with 'global system', given the need to protect Asian elephants.

Ethiopia (Committee Member for Africa), remarking that the reported reduction in killing and ivory trafficking had been achieved following tremendous efforts, encouraged Parties to remain vigilant and encouraged the closure of ivory markets in non-range States. Ethiopia noted that the African elephant Specialist Group had produced new Red List assessments where forest elephants were considered critically endangered.

The United Republic of Tanzania reported on the issue of human-wildlife conflict as a potential threat to the stability of the species in future, as retaliatory killings were being reported where elephants had been poisoned around Ngorongoro National Park, but no tusks had been removed, indicating that this was not about trade. Tanzania noted that MIKE had started capturing issues of human-wildlife conflict. Tanzania remarked that if local populations were not benefiting from wildlife, this conflict would be detrimental to wildlife.

Gabon remarked that ETIS did not provide information on where ivory was seized and considered that this information would be useful given that there were legal markets that could impact on illegal sales; Gabon further noted that there were now laboratories in African and Asia which could analyse seizures and exchange crucial information.

India provided an oral update on its implementation of Decision 18.226, reporting that the trade in ivory and other parts and derivatives was banned in India, and that captive elephants required permits; India was also tracking captive elephants via microchipping and DNA barcoding. India also reported having launched a scientific assessment of its wild elephant population in order to monitor it. Finally, the Asian elephant had been declared a part of the national heritage of India.

Indonesia (Committee Member for Asia), also supporting the recommendations in the document, shared that it had broadened efforts to protect elephants with an emergency action plan for the Sumatran population.

Regarding the low response rate of Asian elephant range States in the report, Indonesia reported difficulties in implementing the Decision due to the pandemic, particularly regarding fieldwork and the restrictions on the movement of personnel; however, implementation was improving.

The Committee:

- a) noted the information contained in document SC74 Doc. 68, as well as its annexes;
- b) encouraged elephant range States to use the MIKE Online Database for MIKE data submission and Parties to use ETIS Online to submit seizure information;
- c) encouraged donors and partners to support African elephant range States to conduct and fund surveys of elephant populations and to encourage Parties to provide funding to the African Elephant Fund for the implementation of the African Elephant Action Plan;
- d) noted that the MIKE and ETIS Subgroup intends to meet in the margins of the present meeting to discuss matters as indicated in paragraph 64 of document SC74 Doc. 68 (i.e. the nominations for global and co-opted members membership of the MIKE and ETIS Technical Advisory Group) and items referred to it by the Standing Committee and report back to the Standing Committee;
- e) requested Parties to step up efforts concerning use of the guidance to standardise reporting of hunting trophies included in the *Guidelines for the preparation and submission of CITES annual reports* when reporting on trade in hunting trophies of *Loxodonta africana*;
- f) noted the low response rate from Asian elephant range States on their implementation of Decision 18.226, paragraphs a) to d), and the reports received from Cambodia, Indonesia, New Zealand, Thailand and the United Kingdom of Great Britain and Northern Ireland, thanking these Parties for the reports submitted;
- g) agreed to propose to CoP19 that Decision 18.226 be renewed and revised to be addressed to Asian elephant range States;
- h) agreed to propose to CoP19 that Decision 18.227 be deleted and replaced with the following amended draft decision:

**19.AA Directed to the Secretariat**

The Secretariat shall:

- a) request a report from Asian elephant range States on the implementation of paragraphs a) through d) of Decision 18.226;
  - b) subject to the availability of external funding, develop minimum requirements for a registering, marking and tracing system for live Asian elephants, to be presented to Asian elephant range States with the aim of establishing a ~~regional~~ global system, or alternatively standardized national systems, for registering, marking and tracing live Asian elephants; and
  - c) report any information provided in response to Decision 19.AA paragraph a) and on the implementation of Decision 19.AA paragraph b), as well as findings and recommendations concerning trade in Asian elephants and their parts and derivatives as appropriate, to the Standing Committee.
- i) agreed to propose to CoP19 that Decisions 18.120 and 18.121 be deleted and the following draft decisions be considered for adoption:

**19.YY Directed to the Secretariat**

The Secretariat shall, taking into consideration available information and research studies, compile information relating to the potential contribution of mammoth ivory trade to illegal trade in elephant ivory and elephant poaching and report its findings to the Standing Committee.

## 19.ZZ Directed to the Standing Committee

The Standing Committee shall consider the report and findings provided by the Secretariat in accordance with Decision 19.YY and make recommendations to the 20th meeting of the Conference of the Parties.

69. CITES Big Cats Task Force (Felidae spp.):  
Report of the Secretariat ..... SC74 Doc. 69 (Rev. 1)

The Secretariat introduced document SC74 Doc. 69 (Rev. 1), containing the draft terms of reference and *modus operandi* for the CITES Big Cats Task Force that were finalized following a consultation via a Notification to the Parties. The Secretariat highlighted that the CITES Big Cats Task Force would include the issue of illegal trade in live animals, including cheetahs, within its remit.

Canada (Committee Member for North America), Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), the United Republic of Tanzania and the United States of America expressed support for the terms of reference as outlined in the document, but each suggested specific amendments, *inter alia* (1) for forensic science methods to be included in the information shared by Parties regarding techniques, tools and processes for identifying big cat specimens in trade; (2) to include demand for live big cats in the discussions outlined in paragraph 1) h) of the task force's activities; (3) to expand the outcomes in the terms of reference to include improved understanding of the role of legal trade in poaching and illegal trade of big cat specimens, as well as trade in specimens from captive bred sources; (4) to expand the outcomes in the terms of reference to include time-bound, country-specific recommendations as appropriate for consideration by future Standing Committee meetings; and (5) to include Parties with the largest populations of big cats in the list of representatives to be included in the task force.

China (Committee Member for Asia), supported by Indonesia (Committee Member for Asia), considered that there was a need to clarify whether the terms of reference of the task force included both international and domestic illegal trade, as the inclusion of domestic trade was considered to be beyond the CITES mandate. China also raised concern regarding the proposal for the process of prioritization to identify Parties for participation in the task force to be based on seizure data from annual illegal trade reports, noting that concerns have previously been raised about the number of Parties submitting annual illegal trade reports and the quality of the data they contain. China additionally suggested that it be made clear that the studies for the task force to include in their deliberations should be verified and validated.

Thailand and India also expressed support for the terms of reference and *modus operandi* for the task force outlined in the document, with Thailand providing a brief overview of measures taken to improve control and monitoring of facilities with captive tigers to prevent illegal trade.

The Convention on Migratory Species (CMS) highlighted synergies between the proposed work of the CITES Big Cats Task Force and work completed or underway as part of the CMS-CITES African Carnivores Initiative.

The International Council for Game and Wildlife Conservation (speaking also on behalf of the European Federation for Hunting and Conservation, Safari Club International, Safari Club International Foundation, Conservation Force, and the World Conservation Fund) emphasized that the important role that sustainable use and legal trade play in promoting big cat conservation and preventing illegal trade should inform the deliberations of the task force. These observer organizations considered that the task force should be comprised of members who not only aim to prevent illegal trade, but to ensure the conservation of these species through sustainable and legal trade. Finally, these observer organizations expressed an interest in joining and supporting the newly established task force.

The Wildlife Conservation Society (speaking also on behalf of Animal Advocacy and Protection, the Animal Welfare Institute, Born Free Foundation, Born Free USA, Cheetah Conservation Fund, Conservation Analytics, David Shepherd Wildlife Foundation, Environmental Investigation Agency, Eurogroup for Animals, Fondation Brigitte Bardot, Fondation Franz Weber, ~~Four Paws International~~, Humane Society International, International Fund for Animal Welfare, Pan Africa Sanctuary Alliance, Panthera, Pro Wildlife, Species Survival Network, World Resources Institute and Zoological Society of London) welcomed the draft terms of reference for the Big Cats Task Force outlined in document SC74 Doc. 69, but proposed a series of amendments, *inter alia* for the terms of reference to include activities and outcomes on the following: (1) gaining a better understand of gaps in demand reduction efforts, as well as the role of domestic markets and

legal commercial trade in stimulating demand and driving poaching and illegal trade; (2) identifying gaps in national legislation and financing of anti-crime efforts to prevent poaching and trafficking of big cats; and (3) sharing of expertise regarding the handling and disposal of live specimens. Regarding the *modus operandi*, it was recommended that the task force should consider additional credible sources of information regarding big cat crime, including physical and online trade observations, seizures and trade hotspots. The observer organisations further argued that it was important that the task force meeting agenda be developed in conjunction with its membership, and that the membership of the task force include technically qualified NGOs and experts in big cat field conservation and trade.

The Committee established an in-session drafting group with the mandate to incorporate the edits proposed on the floor by Canada, China, Poland, the United Republic of Tanzania and the United States of America to the terms of reference and *modus operandi* for the CITES Big Cats Task Force in the Annex to document SC74 Doc. 69 (Rev. 1). The membership of the drafting group was agreed as follows: Poland (Chair), Canada, China, the United Republic of Tanzania and the United States of America.

Later in the meeting, the Chair of the drafting group for the terms of reference and *modus operandi* for the CITES Big Cats Task Force (Poland) introduced document SC74 Com. 1; the drafting group agreed the text by consensus which accommodated all the issues raised during the plenary meeting.

The Committee agreed with the revised terms of reference and *modus operandi* for the CITES Big Cats Task Force presented in document SC74 Com. 1 as follows:

## TERMS OF REFERENCE

### Task Force activities

#### 1. The Task Force will:

- a) discuss enforcement and implementation challenges and similarities between illegal trade in different species of big cats, including by considering national and regional wildlife enforcement efforts related to big cats and lessons that could be learnt from them, or by identifying gaps that may exist, as appropriate;
- b) identify opportunities to address illegal trade in big cat specimens, taking into consideration species-specific trade dynamics<sup>5</sup>, and prioritize actions to better address this illegal trade;
- c) share information about the nature and scale of the illegal trade in specimens of CITES listed big cats and associated illegal trade routes, and identify knowledge gaps;
- d) provide a platform for the exchange of intelligence and other information relating to illegal trade in big cats, and identify mechanisms to do so on a regular basis;
- e) share information about techniques (including the use of forensic methods), tools and processes for identifying big cat specimens in trade, consider developing new and harmonizing existing approaches for better roll out and use of these techniques and tools across Parties, and identify needs and knowledge gaps;
- f) consider in its deliberations the findings of available verified and validated studies, such as those conducted in accordance with [Decision 18.246, paragraph a\) on African lions \(Panthera leo\) and the CITES Big Cats Task Force](#), and Decision 18.251 on *Jaguars (Panthera onca)*, as well as previous CITES studies on Asian big cats, cheetahs and lions, and the [2020 World Wildlife Crime Report](#).
- g) identify, consider and propose best practices to prevent and detect attempts to launder illegal specimens through legal trade, including trade originating from captive-bred sources;
- h) discuss demand for live big cats, big cat parts and derivatives and the implications it has for illegal trade in different big cat species, including areas of convergence and supplementing or substituting of one species with another; and

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<sup>5</sup> Some big cat specimens may be trafficked as live animals and others as parts and derivatives.

- i) develop strategies and propose actions to improve international cooperation and the enforcement of CITES to address illegal trade in specimens of big cats, to be presented to the Standing Committee in accordance with Decision 18.245, paragraph d), for its consideration.

### Outcomes

2. The Task Force will generate the following outcomes:
  - a) a better understanding of enforcement priorities relating to illegal trade in specimens of big cats;
  - b) improved understanding and take-up of tools, techniques (including forensic methods) and best practices to identify big cat specimens in trade; their use for enforcement purposes to address illegal trade; and better knowledge of relevant forensic facilities, research institutions, and developments;
  - c) enhanced exchange of intelligence and other information on illegal trade in big cat specimens via the existing official channels to the extent possible;
  - d) a better understanding of the status, scale, and dynamics of illegal trade for different big cat species, including the convergence of big cat species in illegal trade chains;
  - e) an enhanced understanding of the gaps in knowledge and capability that hinder efforts to tackle the illegal trade in big cat specimens;
  - f) a better understanding of illegal trade dynamics to inform demand reduction strategies concerning big cat specimens illegally traded; ~~and~~
  - g) improved understanding of the role of legal trade in big cat specimens on poaching of and illegal trade in big cat species, and the impact of legal domestic markets as a driver of illegal trade in big cat species.
  - h) improved understanding of the role of legal trade in big cat specimens on combating poaching of and illegal trade in big cat species.
  - i) improved understanding of trade in specimens originating from captive bred sources and the potential linkage with laundering of illegal specimens from and through such facilities.

### Outputs

3. The Task Force will generate the following outputs:
  - a) proposals to facilitate strengthened collaboration and targeted activities that promote effective implementation and enforcement the Convention to address illegal trade in big cat specimens; ~~and~~
  - b) strategies and proposed actions to better deter, detect and address illegal trade in big cat specimens, to be presented to the Standing Committee in accordance with Decision 18.245, paragraph d), for its consideration; and
  - c) time-bound recommendations as appropriate.

### *MODUS OPERANDI*

#### Prioritization of Parties and big cat species

4. To make the Task Force meeting as practical and constructive as possible, the Secretariat initiated a process of prioritization to identify Parties for participation in the Task Force, and to determine the big cat species most affected by illegal trade for the Task Force to focus on. The prioritization of Parties and big cat species are based on various sources of information and data, that included:
  - a) big cat species most significantly affected by illegal trade, based on available illegal trade data (e.g. seizure data from annual illegal trade reports);

- b) Parties identified in document [SC70 Doc. 51](#) and the Annexes to it, Annex 4 to document [CoP18 Doc. 71.1](#) on *Asian big cats*, and concerned by [Decisions 18.100 to 18.102, and 18.105](#);
- c) information on source, transit and destination countries most affected by illegal trade in specimens of big cat species, based on available documentation, studies and reports, for example documents [SC65 Doc. 39 \(Rev. 2\)](#), [SC66 Doc. 32.5 A1](#), [SC70 Doc. 43](#) and [CoP18 Doc. 60](#) on illegal trade in cheetahs; the Annex to document [SC70 54.1 on African lion](#); paragraph 47 in document CoP18 Doc. 71.1 concerning illegal trade in jaguars; document SC74 Doc 75 on *Jaguars* (*Panthera onca*); document SC74 Doc. 36 on *Asian big cats (Felidae spp.)* and the Annexes to it, and the [2020 World Wildlife Crime Report](#);
5. Other sources that could be considered to facilitate further prioritization includes:
- a) the results of the study that the Secretariat is instructed to produce on legal and illegal trade in African lions and other big cats as per [Decision 18.246, paragraph a\)](#), subject to its availability; and
- b) any credible and verified information that may be presented in accordance with [Decision 18.246, paragraph e\)](#) on *African lions (Panthera leo)* and the *CITES Big Cats Task Force* and from other credible data sources such as academic field research concerning illegal trade in big cat specimens.
6. Analysis of data and information primarily from the sources mentioned in paragraph 4 above, indicates that the following key big cat species are of priority concern: cheetah (*Acinonyx jubatus*), mainland clouded leopard (*Neofelis nebulosa*), Sunda clouded leopard (*Neofelis diardi*), lion (*Panthera leo*), jaguar (*Panthera onca*), leopard (*Panthera pardus*), tiger (*Panthera tigris*) and snow leopard (*Panthera uncia*).
7. Analysis of data and information primarily from the sources mentioned in paragraph 4 above, identified the following Parties as Parties that may be affected by illegal trade in big cats: Afghanistan, Australia, Bangladesh, Bhutan, Bolivia (Plurinational State of), Brazil, Botswana, Cambodia, China, Czech Republic, Ethiopia, France, Germany, India, Indonesia, Kenya, Lao People's Democratic Republic, Malawi, Malaysia, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Peru, Russian Federation, Saudi Arabia, Somalia, South Africa, Spain, Suriname, Thailand, Yemen, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, United Republic of Tanzania, Viet Nam, and Zambia. ~~Some of the Parties included in the list were identified through analysis of illegal trade data and are included because they have made large numbers of big cat seizures, suggesting efficiency in their detection of illegal trade in big cat specimens.~~ Participation of these Parties in the Task Force could facilitate and promote exchanges concerning possible best practices and solutions.
8. Based on the findings of the CITES study on lions and other big cats as per [Decision 18.246, paragraph a\)](#), still to be completed, and any new illegal trade data that may become available, additional Parties and big cat species may be added.

#### Membership of the Task Force

9. In accordance with the provisions of Decision 18.245 paragraph b), the Task Force will be established and convened by the Secretariat in consultation with the Standing Committee, and include representatives from:
- Parties most affected by illegal trade in big cats;
  - big cat range States with the largest populations;
  - representatives from the International Consortium on Combating Wildlife Crime (ICWC) partner organizations;
  - other Parties and organizations, as appropriate; and
  - experts who the Secretariat determines may contribute to the Task Force.

10. To ensure that maximum benefit is derived from the Task Force, Parties most affected by illegal trade in big cat specimens and identified through the prioritization process described in paragraphs 4 to 8 above, are encouraged to make every effort to participate in the Task Force.
11. The Secretariat has limited funding available to support the participation of up to two representatives from eligible key Parties identified as affected by illegal trade in big cats, who are not in the position to cover their costs. These Parties may wish to nominate additional representatives at their own expense. Subject to the availability of funds, the Secretariat may on a case-by-case basis consider supporting the participation of a third representative. To ensure multidisciplinary representation, the representatives that these Parties nominate should be from CITES authorities, police, customs, wildlife agencies or prosecutorial authorities. The nominated representatives should have relevant expertise on the subject matter and be able to contribute to the activities and outputs of the Task Force.
12. As indicated in paragraph 9 above, other Parties, organizations and experts with relevant experience or knowledge, or that work actively on big cat related matters will be identified and engaged. This could for example include Parties that have shown a long-standing interest in big cat issues, civil society organizations and individual experts, and entities such as the Convention on Migratory Species (CMS) and the International Union for Conservation of Nature (IUCN), referenced in the Decisions on *African lions (Panthera leo) and the CITES Big Cats Task Force*, and associated with the implementation of key aspects of these Decisions. They will be encouraged to fund their own participation. Subject to the availability of funds, the Secretariat may be able to support the participation of one representative from some of these entities on a case-by-case basis.
13. Parties and organizations are encouraged to take into consideration gender diversity in the nomination of representatives.

#### Meeting agenda

14. The meeting agenda will be developed by the Secretariat in consultation with the Chairs of the Standing and Animals Committees.

#### Format and conduct of the Task Force

15. Ideally, the Task Force meeting should take place in a face-to-face setting. This will however be influenced by the developments concerning the COVID-19 pandemic and the related restrictive measures in place. If a face-to-face meeting will not be possible, online meetings may have to be contemplated.

#### 70. Seahorses (*Hippocampus* spp.)

- 70.1 Report of the Secretariat ..... SC74 Doc. 70.1

and

- 70.2 Report of the Animals Committee ..... SC74 Doc. 70.2

The Secretariat introduced document SC74 Doc. 70.1, presenting an update of its work on seahorses, including on the information gathered on any national management measures for seahorses (*Hippocampus* spp.), including non-detriment findings (NDFs), and on how Parties are implementing and enforcing such measures. The document also includes the findings of two studies by Project Seahorse entitled *Changes in the international trade in live seahorses (Hippocampus spp.) after their listing on CITES Appendix II and Implementation of CITES Appendix-II listing for seahorses in the context of export bans and suspensions*. The Secretariat explained that it had been intended for the studies to form the basis of an expert workshop, but that it was not clear if or when this could take place due to COVID-19 pandemic restrictions.

The Chair of the Animals Committee introduced document SC74 Doc. 70.2, reporting that the results of the study from Project Seahorse on trade in seahorses and the results of the consultation on national management measures had been presented at AC31. The Chair commented that two NDFs from the United States of America were available on the NDF database section of the CITES website. The Chair explained that the other work mandated by Decisions 18.228-18.233 was still ongoing.

Senegal (Committee Member for Africa) commented that the issue being considered had been experienced very differently in the subregion, and some countries had had their trade in seahorses suspended. Senegal stated that the evidence used to determine the suspensions had not been shared with the region, it was not known how the report was drafted, and that it considered that the region had been unfairly treated with suspensions imposed for small quantities of exports. Senegal acknowledged that there may have been some illegal trade, which they would look into. The Chair invited Senegal to liaise with the Secretariat as the matter related to the Review of Significant Trade.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), echoed by Canada (Committee Member for North America), supported the draft decisions and thanked funders who made the studies possible.

India reported that seahorses were protected under Indian law and that reports of illegal trade would be looked into. India objected to the report on implementation of the listing that should not be the basis for any decision-making, as it had concerns about the process by which it had been produced. India's understanding was that CITES investigations into illegal trade would take place at the invitation of the Party and with its consent, which was not the case as the Management Authority had not received any official communication that the study was being undertaken or that the consultant had been contracted. India considered that the report, regarding India, contained inaccuracies and a number of unsubstantiated claims, and requested that no part of the report concerning India be used for any future decisions or recommendations. The Chair invited India to raise its concerns with the consultant, as the study had been undertaken with independent funding.

The Pet Joint Advisory Council stated that seahorses were common in the United States aquarium trade but were almost exclusively produced in aquaculture and traded domestically; it considered that studying just the trade of seahorses would not yield meaningful results as the biggest threat to seahorses was by-catch. The observer organisation suggested CITES consider the potential risks and benefits of aquaculture since seahorses could be so successfully produced in this manner, and suggested a model similar to that of the Mexican Units for Management (UMA) for tarantulas as a way to maintain seahorse populations.

The Committee noted document SC74 Doc. 70.1. and SC74 Doc. 70.2 and agreed to submit to CoP19 the following draft decisions:

**19.AA Directed to the Secretariat**

The Secretariat shall:

- a) subject to external funding, organize an expert workshop to discuss the implementation and enforcement of CITES for trade in *Hippocampus* spp., including the recommendations and outcomes from the Review of Significant Trade process, and propose practical steps to address implementation and enforcement challenges; and
- b) report on the implementation of paragraph a) to the Animals and Standing Committee, as appropriate.

**19.BB Directed to the Animals Committee**

The Animals Committee shall:

- a) analyse and review the results of any activities under Decision 19.AA, the report produced under Decision 18.229, paragraph c) i), and other relevant available information;
- b) develop recommendations to the Parties, the Secretariat, and relevant stakeholders, as appropriate, to ensure sustainable and legal trade in seahorses; and
- c) report on the implementation of Decision 19.BB to the Standing Committee, as appropriate.

## 19.CC Directed to the Standing Committee

The Standing Committee shall:

- a) analyse and review the results of any activities under Decision 19.AA, the report produced under Decision 18.229 paragraph c) i) and, as appropriate, the report of the Animals Committee;
- b) develop recommendations to the Parties and the Secretariat, as appropriate, to strengthen CITES implementation and enforcement for trade in seahorses; and
- c) report on the implementation of Decisions 19.AA to 19.CC to the Conference of the Parties at its 20th meeting.

### 71. Great apes (Hominidae spp.): Report of the Secretariat..... SC74 Doc. 71

The Secretariat introduced document SC74 Doc. 71, reporting on its work with the Great Apes Survival Partnership (GRASP); on illegal trade in great apes as reported by CITES Parties in their annual illegal trade reports; and on emerging issues concerning great apes and COVID-19.

Senegal (Committee Member for Africa), Gabon, Guinea and Nigeria emphasized their commitment to conserve and protect great apes and their habitats, stressing the importance of collaboration with other great ape range States, communities, and NGOs. Recalling paragraph 8 of Resolution Conf.13.4 (Rev.CoP18) on *Conservation and trade in great apes*, which calls upon the Secretariat to strengthen collaboration and develop synergies with the Secretariats of other multilateral environmental agreements (MEAs), Gabon suggested that the Standing Committee prepare a draft decision for CoP19 directing the Secretariat to develop a plan to collaborate with MEAs, including the Convention on Biological Diversity and the Convention on Migratory Species, on the conservation of great apes. The Chair suggested that the conservation of great apes could instead be highlighted as a priority area in broader work on partnership and synergies with other MEAs.

The Pan African Sanctuary Alliance (speaking also on behalf of the Species Survival Network, Pro Wildlife, Wildlife Impact, David Shepherd Wildlife Foundation, Fondation Franz Weber, The Ape Alliance, International Primate Protection League, Animal Welfare Institute, Born Free Foundation, Environmental Investigation Agency, Animal Advocacy and Protection, Born Free USA, Eurogroup for Animals, and Fondation Brigitte Bardot) highlighted that at least 100 great apes have been seized or surrendered in great ape range States since January 2020, with the actual extent of the trade considered to be much larger on the basis that on-the-ground investigative organizations and sanctuaries in Africa and Asia continue to discover and receive orphaned great apes rescued from the illegal trade. These observer organisations argued that stiffer penalties and stricter enforcement were needed, and also expressed support for Gabon's proposal.

The Committee:

- a) noted the report of the Secretariat provided in document SC74 Doc. 71; and
- b) agreed to include details of its consideration of the implementation of Resolution Conf. 13.4 (Rev. CoP18) in its report under paragraph 2 i) of Annex 1 to Resolution Conf. 18.2 on *Establishment of Committees*, including the importance of including the conservation of great apes in any collaboration with other Multilateral Environmental Agreements as part of the broader work on partnership and synergies.

### 72. Rosewood tree species [Leguminosae (Fabaceae)]: Report of the Plants Committee..... SC74 Doc. 72

On behalf of the Chair of the Plants Committee, the Secretariat introduced document SC74 Doc. 72, outlining progress achieved in the implementation of Decisions 18.234 to 18.237 and proposing draft decisions to continue this work should external resources be secured following CoP19. The Secretariat thanked Switzerland for funds that will allow it to pursue partial implementation of Decision 18.234 a), specifically to

expand on the reference list of genera that are commonly referred to as “rosewood tree species”, and to address information gaps relating to the conservation, management and trade of rosewood species.

China (Committee Member for Asia) expressed support for the draft decisions presented in the document, noting that it was important to establish good collaborations with other countries to ensure protection and sustainable use of rosewood species. China noted that they wished to have further clarification on how species were being included in the term ‘rosewood’ in the context of these draft decisions, in order to avoid unreasonable extension of the list without a scientific basis.

The Confederation of European Music Industries (CAFIM), speaking on behalf of 26 additional organisations detailed in SC74 Inf. 14, stressed that the livelihoods of many musicians depended on transboundary use and resale of instruments containing rosewood, and that these instruments represent a very small proportion of the worldwide trade in rosewood in terms of volume. CAFIM expressed support for the document’s draft decisions and expressed an interest in attending the international workshop called for under paragraph d) of draft decision 19.AA, should external resources to hold this workshop be secured.

The Committee recommended that the Plants Committee submit to CoP19 the following draft decisions:

**19.AA Directed to the Secretariat**

Subject to external resources, the Secretariat shall:

- a) in consultation with the Plants Committee, develop the objectives of the proposed study of rosewood tree species, taking into account findings and recommendations contained in documents PC25 Doc. 26.1, PC25 Doc. 26.2 and PC25 Doc. 26.3;
- b) commission a study on the conservation and trade rosewood-tree species identified, taking into account the priorities, findings and recommendations contained in documents PC25 Doc. 26.1, PC25 Doc. 26.2 and PC25 Doc. 26.3;
- c) report on the progress of the study to the Plants Committee;
- d) taking into account the above, organize an international workshop, inviting relevant range States, trading countries, relevant organizations, industry representatives and other experts, with a view to presenting and discussing the results, and develop recommendations; and
- e) submit the final study for consideration by the Plants Committee, as well as the outcomes of the workshop, if held.

**19.BB Directed to the Plants Committee**

The Plants Committee shall consider any progress reported by the Secretariat in relation to the implementation of Decision 19.AA, work with the Secretariat to develop the objectives of the study, and make recommendations to the Standing Committee and the Conference of the Parties, as appropriate.

**19.CC Directed to the Parties**

Parties are invited to collaborate with the Secretariat and the Plants Committee in the implementation of Decisions 19.AA and 19.BB, and support the work of the study and the international workshop, including seeking external resources from relevant organizations and stakeholders.

**19.DD Directed to the Standing Committee**

The Standing Committee shall:

- a) consider any report relating to the implementation of Decision 19.AA to 19.CC;

- b) identify any implementation and enforcement issues associated with the international trade in rosewood tree species, particularly those identified as a priority by the Plants Committee; and
- c) make recommendations to the Conference of the Parties, as appropriate.

73. Pangolins (*Manis* spp.): Report of the Secretariat..... SC74 Doc. 73

The Secretariat introduced document SC74 Doc. 73 on the implementation of Decisions on pangolins adopted at CoP18. Regarding Decision 18.239 on conversion parameters, the Animals Committee, at its 31<sup>st</sup> meeting, proposed a draft decision to be agreed and submitted to CoP19 to extend this work beyond CoP19. Regarding Decision 18.240, the Secretariat commissioned IUCN to prepare a report, included in Annex 2 of the document; the Secretariat thanked the United Kingdom of Great Britain and Northern Ireland for providing funding, and experts and Parties for their contributions. The Secretariat reported that pangolins continued to be significantly affected by illegal trade, and that due to the lack of up-to-date knowledge and data about pangolin abundance and population trends, determining the true impact of poaching and illegal trade remained a challenge.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Indonesia (Committee Member for Asia) and the United Kingdom agreed with the recommendations in document SC74 Doc. 73. Noting that identification of which populations were most at risk could only be done through identification of specimens at species-level, Poland suggested the addition of the word “strongly” to draft decision 19.BB to emphasize the need for Parties to identify seized specimens to species-level. The United Kingdom also suggested the renewal of Decision 18.238 should the Secretariat not receive any information by CoP19 and suggested that recommendation in paragraph 34 e) be turned into a decision to the CoP. This was supported by Poland and the United States of America. India, reporting that the major threat to pangolins in India was poaching fuelled by external demand, and that there was weak evidence that demand reduction measures were proving effective, suggested the inclusion of a draft decision containing elements relating to demand reduction of parts and derivatives. The Chair noted that this aspect was already reflected in Resolution Conf. 17.10.

Poland considered that better identification materials and species-level identification of seized specimens would be important for addressing illegal trade. Indonesia urged greater vigilance to monitor and take action to prevent illegal international and domestic trade that provide opportunities for laundering. As one of the pangolin range States, Indonesia reported being ready to actively implement domestic measures to address illegal trade with pangolin management and conservation plans, as well as law enforcement efforts through the development of national emergency action plans for pangolins. The United Kingdom expressed concern regarding the broad population declines noted in the report.

The Animal Welfare Institute (speaking also on behalf of the Born Free Foundation, Born Free USA, Center for Biological Diversity, Environmental Investigation Agency, David Shepherd Wildlife Foundation, Fondation Franz Weber, Humane Society International, International Fund for Animal Welfare, Lewis and Clark Global Law Alliance, Natural Resources Defense Council, Pan African Sanctuary Alliance, Pro Wildlife, Species Survival Network, Wildlife Conservation Society and World Wide Fund for Nature), noting that trafficking was continuing despite the Appendix I listing of all pangolins at CoP17, and noting the lack of biological data, called on all Parties, and in particular range, transit and consumer countries, to increase vigilance and efforts to prevent illegal international trade in pangolins and pangolin parts and to shut down domestic trade in pangolins. They suggested urging Parties to submit reports on pangolin stockpiles before SC77, identifying Parties requiring attention due to their role in illegal trade at SC77, requesting those Parties to submit information on activities to prevent illegal trade to SC78, and developing recommendations, including sanctions, if the activities reported were not satisfactory. They also encouraged Parties to engage in novel demand reduction activities; to close legal pangolin markets; and to engage in comprehensive enforcement and increase capacity, international cooperation, and collaboration with the private sector.

The Committee:

- a) noted report presented in Annex 2 to document SC74 Doc. 73;
- b) noted that the Animals Committee will propose to CoP19 the following draft decision 19. AA:

***Directed to the Animals Committee***

19.AA The Animals Committee shall:

- a) review the conversion parameters for all pangolin species, developed in accordance with the provisions of Decision 18.239, to enable the reliable determination of the number of animals associated with any quantity of pangolin scales seized, and that can be used by Parties in cases where national legislation demands that such information be provided for law enforcement and court purposes; and
- b) make recommendations, as appropriate, to the Standing Committee and the Secretariat.
- c) encouraged all pangolin range States to step up efforts and actively pursue the implementation of Decision 18.238, by taking urgent steps, where not yet done, to develop and implement *in situ* pangolin management and conservation programmes, which include population assessments; and
- d) reminded Parties about the [Pangolin Species Identification Guide and reference materials](#) developed by the United States Agency for International Development (USAID) and encouraged Parties to bring the guide and materials to the attention of all relevant authorities.

The Committee agreed to propose to CoP19 to renew Decision 18.238 and to submit to CoP19 the following amended draft decisions:

***Directed to Parties***

19.BB All Parties are strongly encouraged to identify seized pangolin specimens at species level and report the seizures at species level in their annual illegal trade reports.

19.CC Parties in whose territories stocks of parts and derivatives of pangolins exist are encouraged to take urgent steps to establish and apply, where not yet done, strict control measures to secure these stocks, as called for in paragraph 3 of [Resolution Conf. 17.10 on Conservation of and trade in pangolins](#) and report on the implementation of this Decision to the Secretariat.

***Directed to the Secretariat***

19.DD The Secretariat shall:

- a) issue a Notification inviting Parties, international organizations, international aid agencies and non-governmental organizations that developed identification materials concerning pangolin species, their parts and derivatives, to bring such materials to the attention of the Secretariat;
- b) bring any materials reported in accordance with Decision 19.CC paragraph a) to the attention of the Animals Committee, together with any recommendations the Secretariat may have;
- c) subject to external funding, provide training to Parties on the identification of pangolin specimens;
- d) work with its partners in the International Consortium on Combating Wildlife Crime (ICCWC) to initiate activities and support the efforts of Parties to address illegal trade in Pangolin specimens; and
- e) report to the 20th meeting of the Conference of the Parties on the implementation of Decision 19.DD.

***Directed to the Animals Committee***

19.EE The Animals Committee shall review existing identification materials concerning pangolin species, their parts and derivatives, and consider the need for new or additional materials to be developed, including to support the identification of seized pangolin specimens at species level, and make recommendations for consideration by the Standing Committee.

***Directed to the Standing Committee***

19.FF The Standing Committee shall:

- a) consider the report and any recommendations of the Animals Committee in accordance with Decisions 19.AA and 19.DD, and make recommendations to the Parties or the Secretariat as appropriate; and
- b) report the results of its work together with any recommendations it may have to the 20th meeting of the Conference of the Parties.

74. African lions (*Panthera leo*): Report of the Secretariat..... SC74 Doc. 74

The Secretariat introduced document SC74 Doc. 74, which provides an overview of progress on the implementation of Decisions 18.244 and 18.246, with references to progress on the implementation of Decision 18.247 by the Animals Committee. Regarding the analysis of legal and illegal trade in lions and other big cats called for in paragraph a) of Decision 18.246, the Secretariat thanked the Netherlands and the United Kingdom of Great Britain and Northern Ireland for the funding provided to complete this analysis; it was noted that a report on this analysis would be made available to the Standing Committee for its consideration at a future meeting. Noting delays in implementation due to the COVID-19 pandemic, the Secretariat considered that the Standing Committee may wish to propose in its report to CoP19 an extension or update of some or all of the mandates in Decision 18.248. As both the Secretariat and the Standing Committee are directed to report on progress on the implementation of the Decisions on African lion and the CITES Big Cats Task Force at CoP19, it was also suggested that the Standing Committee may wish to invite the Secretariat to assist the Chair of the Standing Committee in the production of the Standing Committee's report for CoP19, in order to promote good coordination with its own reports on this matter.

The United Republic of Tanzania voiced concern at the financial and time constraints hindering the full implementation of Decisions 18.244 and 18.246 and highlighted the need for continued support to ensure these Decisions can be completed. They expressed support for the Secretariat's suggestion to extend or update the mandates in Decision 18.248 but noted that the implementation of Decision 18.244 e), regarding the revision of the *Guidelines for the Conservation of Lions in Africa*, had created a divergence of opinion among African lion range States. These comments were echoed by the United States of America, who considered it important that comments from all range States be considered when amending these guidelines. Namibia expressed hope that the revised guidelines will focus on practical guidance for conserving the species' most vulnerable populations. The Convention on Migratory Species (CMS) noted that the *Guidelines for the Conservation of Lions in Africa* will also be considered at the upcoming African Lion Range State Meeting.

The Pan African Sanctuary Alliance (speaking also on behalf of the Center for Biological Diversity, Born Free Foundation, Born Free USA, Environmental Investigation Agency, Pro Wildlife, Humane Society International, Eurogroup for Animals, Animal Welfare Institute, Species Survival Network, Animal Advocacy and Protection, David Shepherd Wildlife Foundation and Fondation Franz Weber) expressed regret that several activities included in the Decisions on African lions adopted at CoP18 were not completed, and therefore supported the proposal to extend the unfulfilled Decisions. These observer organisations considered that priority should be placed on seeking funding for the joint study with the CMS Secretariat on African lion population trends and conservation and management practices called for in Decision 18.244 b). It was also suggested that this analysis, alongside the analysis under Decision 18.246 a) regarding legal and illegal trade in lions and other big cats, should reflect the restrictions on trade in the annotation to the African lion CITES listing as well as up-to-date stricter domestic measures by African lion range States, such as South Africa's new suspension of lion bone exports. These observer organisations also suggested an amendment to draft decision 19.AA to ensure that the Animals Committee is actively consulted regarding the activities and outputs of the African Carnivore Initiative.

Conservation Force did not consider that the Secretariat was doing enough to collaborate with African lion range States on the matters considered in the document and raised concerns about duplication of effort regarding the development of non-detriment findings for this species.

The Committee noted document SC74 Doc. 74 and the comments made on the importance of good collaboration with African lion range States. The Committee agreed to propose in its report to CoP19 an extension or update of Decision 18.248. The Committee invited the Secretariat to assist the Chair of the Standing Committee in the production of this report for CoP19 to promote good coordination with its own reports on this matter required under Decisions 18.244 and 18.246.

75. Jaguars (*Panthera onca*): Report of the Secretariat ..... SC74 Doc. 75

The Secretariat introduced document SC74 Doc. 75, containing a study on illegal trade in jaguars that focuses on mapping illegal trade in jaguar specimens; the uses of jaguar specimens; *modus operandi* and possible drivers of illegal trade in jaguar specimens; and the impact of illegal trade on jaguar populations. The Secretariat thanked Switzerland for the funding to conduct the study. It was highlighted that illegal trade in jaguars may be going undetected and unreported because of the lack of a monitoring system to collate information, and that a concerted response from CITES Parties was needed to address the multiple threats faced by the species. The Secretariat further provided an overview of cooperation with relevant partners, including members of the International Consortium on Combating Wildlife Crime (ICCWC), the Convention on Migratory Species (CMS), and the Coordination Committee for the 2030 Jaguar Conservation Roadmap. *Inter alia*, the Secretariat recommended that the current Decisions on jaguars be revised and extended, with a view to convene a meeting of jaguar range States to agree on collaborative activities; discuss options for an intergovernmental platform aimed at supporting jaguar conservation and combating poaching and illegal trade in jaguars through a continental action plan; and discuss the possibility of establishing a long-term system for monitoring illegal killing of jaguars, associated illegal trade in their parts and derivatives, and other key aspects related to jaguar conservation.

China (Committee Member for Asia) noted that seizures of jaguar in China were rare and did not consider the emphasis placed on the country in the study on illegal trade in jaguars to be justified. The Committee Member encouraged Parties to read the report's recommendations with great caution.

Peru (Committee Member for Central and South America and the Caribbean), Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), Brazil, the Dominican Republic, India, the Next Host Country (Panama) and the United States of America expressed support for the document's recommendations, with Panama highlighting that the region required financial support to continue to make progress on these matters. The importance of a coordinated regional response was highlighted by Argentina, Brazil and Panama, with Brazil offering to host the meeting of jaguar range States called for in draft decision 19.BB. Peru noted that they had been working with CMS on developing a unified American strategy for jaguar conservation; noting, however, that not all CITES Parties were signatories of CMS, Peru expressed support for the development of an agreement similar to the *Joint CITES-CMS African Carnivores Initiative* to ensure engagement and coordination with all jaguar range States.

The United States of America proposed an amendment to draft decision 19.DD, directing the Standing Committee to make recommendations also to the Secretariat following its review of the implementation of decision 19.BB, as well as the report and recommendations of the Secretariat under decision 19.CC, for inclusion in the Secretariat's report to CoP19 under decision 19.CC.

CMS noted that the CMS Secretariat had provided advice to jaguar range States regarding the obligations resulting from the inclusion of *Panthera onca* in Appendix I and II of CMS in 2020; document SC74 Inf. 8 was also noted to set out the results of interviews undertaken to understand national and regional priorities for jaguar conservation from the perspective of CMS Focal Points in the jaguar range.

Defenders of Wildlife (speaking also on behalf of Animal Advocacy and Protection, Eurogroup for Animals, Humane Society International, the International Fund for Animal Welfare, and Species Survival Network) emphasized that collaboration among the Parties including supply and consumer countries is crucial, and particularly expressed support for the recommendation for range States to consider the preparation of a species-specific resolution on jaguars.

Panthera (speaking on behalf of the Jaguar 2030 Roadmap Coordination Committee members: Costa Rica, Panthera, Dr. John Polisar, UN Development Programme, UN Environment Programme, UN Office of Drugs and Crime, the Wildlife Conservation Society and the World Wide Fund for Nature) commended collaborative efforts to complete the study on illegal trade in jaguars, and expressed support for the revision and extension of current Decisions on jaguars. Panthera called for range States to urgently adopt comprehensive measures to eliminate jaguar poaching and trafficking in their parts, including online trade. It was noted that the Jaguar 2030 Roadmap, now endorsed by 17 of the 18 jaguar range States, also calls for region-wide coordination on jaguar conservation including the harmonization of monitoring and evaluation protocols, and that the Jaguar 2030 Roadmap Coordination Committee therefore supported the proposal to develop a long-term monitoring system on illegal jaguar killing and trade as a means to better understand existing and emerging threats to jaguars. Panthera noted that the Jaguar 2030 Roadmap Coordination Committee stood ready to assist range States to address priorities identified in the Jaguar 2030 Roadmap.

The Committee:

- a) noted the main findings and conclusions of the jaguar study contained in Annex 2 to document SC74 Doc. 75;
- b) agreed to submit to CoP19 the following amended draft decisions:

**19.AA *Directed to Parties, especially those that are range States of the jaguar, and relevant stakeholders***

Parties, especially those that are range States of the jaguar, and relevant stakeholders are encouraged to:

- a) urgently adopt comprehensive legislation and enforcement controls aimed at eliminating the poaching of jaguars and illegal trade in their parts and derivatives, including online sales of specimens;
- b) include the jaguar as a priority species to be targeted as part of enforcement operations, measures and controls deployed to respond to and address wildlife crime;
- c) ensure that any illegal domestic and international trade in jaguar specimens detected are included in annual illegal trade reports in accordance with Resolution Conf. 11.17 (Rev. CoP18) on *National reports*;
- d) promote the design and implementation of conservation corridors between range countries of the jaguar, strengthening cooperation mechanisms on a local, national and regional level in order to promote good conservation practices; channel investments to the conservation of the species; reduce the threats to the connectivity of its habitats; and strengthen the capacities of the main players involved, including by mobilizing Global Environment Facility (GEF) funding for this purpose;
- e) support the development of the proposal for establishing a long-term system for monitoring illegal killing of jaguars, associated illegal trade in their part and derivatives and other key aspects related to jaguar conservation;
- f) raise awareness about the importance of the jaguar and its protection status, its role in the ecosystem and the threats it faces, including illegal trade;
- g) participate in the meeting of jaguar range States referred to in paragraph c) of Decision 19.BB, and other events as appropriate, in order to share experiences and knowledge about the priority issues identified to combat illegal trade in jaguars;
- h) recognize the jaguar as the flagship species of its range countries so that the protection and conservation of the species and its habitat becomes a joint priority; and
- i) provide information to the Secretariat on the measures and activities they undertook to implement the actions directed to them under this Decision.

***Directed to the Secretariat***

**19.BB** The Secretariat shall, subject to the availability of external funding, cooperate with the Secretariat of the Convention on Migratory Species and the Coordination Committee for the 2030 Jaguar Conservation Roadmap for the Americas led by the United Nations Development Programme with a view to:

- a) integrate and align conservation efforts, demand reduction strategies, behaviour change and livelihood alternatives to prevent illegal killing of jaguars and associated illegal trade in jaguar part and derivatives;
- b) develop a proposal for establishing a long-term system for monitoring illegal killing of jaguars, associated illegal trade in their part and derivatives and other key aspects related to jaguar conservation;
- c) convene a meeting of jaguar range States to:

- i) identify opportunities for cross-border collaboration and regional cooperation, joint actions, and resource mobilisation aimed at reducing habitat loss, habitat fragmentation and human-animal conflict, and preventing the illegal killing of and illegal trade in jaguars;
- ii) review options for an intergovernmental platform aimed to support jaguar conservation and combating the poaching and illegal trade in jaguars through a continental action plan;
- iii) review the Secretariat's proposal for establishing a long-term system for monitoring poaching and other key aspects related to jaguar conservation, referred to under paragraph b) of the present Decision; and
- iv) promote the reporting of any illegal domestic and international trade in jaguar specimens in CITES annual illegal trade reports in accordance with Resolution Conf. 11.17 (Rev. CoP18) on *National reports*.

**19.CC** The Secretariat shall:

- a) support Parties in their implementation of Decision 19.AA; and
- b) report on the implementation of the Decisions 19.AA and 19.BB to the Standing Committee and the Conference of the Parties with recommendations as appropriate.

**19.DD *Directed to the Standing Committee***

The Standing Committee shall review the implementation of Decision 19.BB as well as the report and recommendations of the Secretariat under Decision 19.CC and make recommendations to range States, transit and destination countries, as appropriate and to the Secretariat for inclusion in the Secretariat's report to the Conference of the Parties under Decision 19.CC.

- c) requested the Secretariat to further engage in consultations with jaguar range States, destination countries, the host of the next Conference of the Parties, the Chair of the Animals Committee, the Secretariat of the Convention on Migratory Species and the Coordination Committee for the 2030 Jaguar Conservation Roadmap for the Americas led by the United Nations Development Programme, and other relevant stakeholders with the aim of maintaining the momentum. Consultations should focus in particular on the development of a proposal to establish a long-term system for monitoring illegal killing of jaguars, associated illegal trade in their parts and derivatives, and other key aspects related to jaguar conservation, and on the purposes and characteristics of demand for illegal jaguar body parts in destination countries which constitute a key area for further investigation.

**76. Tibetan antelope (*Pantholops hodgsonii*): Report of the Secretariat..... SC74 Doc. 76**

The Secretariat introduced document SC74 Doc. 76 on the implementation of Resolution Conf. 11.8 (Rev. CoP17) on *Conservation of and control of trade in the Tibetan antelope*. The Secretariat noted that responses to Notification No. 2020/038 had been received from five Parties and highlighted that it was important for Parties to continue to raise awareness and build capacity to detect illegal trade in this species. It was noted that the efforts made by Switzerland to combat illegal trade in Tibetan antelope specimens resulted in an increase of seizures of Shahtoosh shawls.

Switzerland noted that the fact that 96% of Tibetan antelope seizures appeared to be made by Switzerland (based on CITES annual illegal trade data submitted by Parties during the period 2016 to 2020), which was surprising given that the specimens confiscated by Switzerland originated from a variety of countries. Switzerland noted that illegal trade reports therefore likely did not reflect the geographical extent of this ongoing issue. Switzerland and Guinea encouraged Parties to provide information on seizures in their illegal trade reports to allow for better characterisation of the situation. Switzerland, China (Committee Member for Asia) and India also provided updates on efforts made to protect Tibetan antelope and tackle illegal trade, including international cooperation and knowledge exchange, as well as training for customs and forest officials on identification and the *modus operandi* of smugglers. All three Parties noted that they were ready to provide assistance to other Parties in this regard.

The Committee:

- a) noted document SC74 Doc. 76 and the oral updates provided China, Guinea, India and Switzerland;
- b) encouraged Parties affected by illegal trade in specimens of Tibetan antelope to continue to approach the CITES Management Authority of Switzerland for assistance with identification methods and exchange of information and knowledge about this topic;
- c) encouraged India and Italy to enhance efforts to strengthen the capacity of its border officials concerning the identification of Tibetan antelope specimens, in particular garments and cloth, including by drawing upon the support available from Switzerland, as appropriate; and
- d) agreed to report on this matter to CoP19 as part of the report of the Chair under paragraph 2 i) in Annex 1 of Resolution Conf. 18.2 on *Establishment of committees*.

77. Helmeted hornbill (*Rhinoplax vigil*): Report of the Secretariat ..... SC74 Doc. 77

The Secretariat introduced document SC74 Doc. 77, reporting on its implementation of Decisions 18.267 and 18.268, including efforts to bring Resolution Conf. 17.11 on *Conservation of, and trade in, helmeted hornbill* to the attention of its partners within the International Consortium on Combating Wildlife Crime (ICWC). The Secretariat noted that while it had received funding from the United States of America to support the implementation of Resolution Conf. 17.11 in range States who request assistance, no requests for support had been received. It was also noted that the Secretariat has secured funding through the contribution of the European Union to support the convening by INTERPOL of a Regional Investigative and Analytical Case Management (RIACM) meeting in Asia with a focus on illegal trade in helmeted hornbill, which it hoped would be held later this year.

Indonesia (Committee Member for Asia) noted that it had undertaken efforts to implement the helmeted hornbill Action Plan, including an assessment of the population status of *R. vigil*, awareness raising activities, and the development of a standard protocol for demand reduction for this species. The Committee Member highlighted that cooperation between range States was key and encouraged range States to implement Resolution Conf. 17.11 and make use of support available from the Secretariat. The United States of America expressed support for the document's recommendations.

The International Union for Conservation of Nature (IUCN) (speaking on behalf also of TRAFFIC, the Wildlife Conservation Society, World Wide Fund for Nature and Humane Society International) commended the efforts undertaken by range, transit, and consumer states to reduce the poaching and trafficking of *R. vigil*, but expressed concern regarding the low response to Notification No. 2020/011 requesting Parties, especially range, transit and consumer States and other relevant experts, to provide information on helmeted hornbill trade routes as well as the implementation of Resolution Conf. 17.11. IUCN encouraged range States to report on their efforts to combat the poaching and trafficking of *R. vigil* at CoP19 and urged consumer States to urgently undertake studies to understand the drivers of consumer demand for *R. vigil* casques. In addition, IUCN encouraged Parties participating in the RIACM meeting to discuss demand reduction measures.

The Committee:

- a) noted document SC74 Doc. 77 on the implementation of Decisions 18.266 to 18.268;
- b) recalled paragraph 2 of Resolution Conf. 17.11 on *Conservation of, and trade in, helmeted hornbill* and encouraged range States to respond to the Secretariat's invitation to provide assistance in their implementation of that Resolution;
- c) encouraged relevant range, transit and consumer States to actively take part in the INTERPOL-led meeting of a Regional Investigative and Analytical Case Management on illegal trade in helmeted hornbill, expected to be held in 2022; and
- d) requested the Chair of the Standing Committee to include information on the implementation of Decisions 18.266 to 18.269 in its report to CoP19.

78. Saiga antelope (Saiga spp.):  
Report of the Secretariat and the Animals Committee ..... SC74 Doc. 78

The Secretariat introduced document SC74 Doc. 78, which provides an overview of the information received from saiga antelope range States as well as important consumer and trading countries pursuant to Decision 18.270, and an overview of progress made on the implementation of Decision 18.271, including activities undertaken in collaboration with the Convention on Migratory Species. It was noted that saiga antelope populations had been increasing, with the global population being estimated at a minimum of 860,000 animals in 2021. The Secretariat explained that the Animals Committee agreed to propose the renewal of Decisions 18.270 to 18.274 to CoP19 following its review of the implementation of Decision 18.271 by the Secretariat; minor revisions to these decisions were made by the Secretariat in order to take into account the results of *Fourth Meeting of the Signatories of the Memorandum of Understanding concerning Conservation, Restoration and Sustainable Use of the Saiga Antelope*, as well as the content of the new *Medium-Term International Work Programme for the Saiga Antelope for 2021-2025*.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), and the United States of America expressed support for the document's recommendations. Poland commended Parties who submitted responses to the Secretariat to share relevant information concerning their implementation of Decision 18.270 as well as their management of stockpiles of saiga specimens but regretted the lack of reporting from range States and limited reporting from trading and consumer countries. The United States of America expressed concern regarding continued illegal trade in saiga as well as unknown and unmonitored stockpiles and looked forward to the Secretariat's review of processes and practices in place concerning the management of stockpiles of saiga specimens.

The Wildlife Conservation Society (WCS) stressed that population increases documented in saiga antelope populations should be treated with caution, noting that saiga populations often experience major mortality events and are subject to many ongoing threats. WCS additionally noted that the current annotation to the Appendix II listing of the saiga antelope allows re-export of saiga products for commercial purposes, and encouraged Parties to pay particular attention to securing, managing, and potentially eliminating stockpiles to avoid opportunities for laundering of illegally traded saiga horn.

The Committee:

- a) noted document SC74 Doc. 78;
- b) commended the saiga antelope range States for their efforts in restoring saiga antelope populations in the wild, and saiga range States and major trading and consumer States for their contributions to the implementation of the Medium-Term International Work Programme for the Saiga Antelope; and
- c) agreed to submit to CoP19 the following draft decisions proposed by the Animals Committee and amended by the Secretariat with new text underlined for submission to CoP19:

**19.AA Directed to range States of saiga antelope (Saiga spp.) (Kazakhstan, Mongolia, the Russian Federation, Turkmenistan and Uzbekistan), and important consumer and trading countries of saiga parts and derivatives**

- a) The range States of the saiga antelope (*Saiga spp.*) and important consumer and trading countries of saiga parts and derivatives, as identified by the Secretariat on the basis of CITES trade data, should fully implement the measures directed to them in the *Medium-Term International Work Programme for the Saiga Antelope for 2021-2025* [MTIWP (2021-2025)], developed in support of the *Memorandum of Understanding concerning Conservation, Restoration and Sustainable Use of the Saiga Antelope (Saiga spp.)* and its *Saiga Action Plan*; and
- b) Consistent with the measures directed to saiga range States in MTIWP (2021-2025), the range States of the saiga antelope are encouraged to establish internal market controls for saiga parts, including registration of stockpiles, labelling of parts and products, and registration of manufacturers and traders, and report such information to the CITES Secretariat.

**19.BB Directed to the Secretariat**

Subject to the availability of external resources, the Secretariat shall:

- a) review, in consultation with the CMS Secretariat, the conservation of and trade in saiga antelope, *Saiga* spp., based on available data on legal and illegal trade, materials and outcomes of the fourth meeting of Saiga MOU signatories, and stakeholder consultations, and report any consequent findings and recommendations to the Animals Committee, and to the Standing Committee in the context of the implementation of Resolution Conf. 13.3 on *Cooperation and synergy with the Convention on the Conservation of Migratory Species of Wild Animals (CMS)* and the joint CMS-CITES work programme;
- b) consult saiga range States and major trading and consumer States concerning their management of stockpiles of saiga specimens; review processes and practices; and provide assistance in ensuring effective stockpile management and monitoring, including the development of inventories and strengthening stockpile security;
- c) provide training to strengthen cross-border cooperation in CITES implementation, identification of saiga products and techniques for countering illegal trade; and
- ed) report to the Animals Committee and Standing Committee on the implementation of this Decision, as appropriate.

**19.CC Directed to the Animals Committee**

The Animals Committee shall, as appropriate, consider any findings and recommendations submitted by the Secretariat in accordance with Decision 18.271 (Rev. CoP19), and make recommendations to the Standing Committee.

**19.DD Directed to the Standing Committee**

The Standing Committee shall, as appropriate, consider any findings and recommendations submitted by the Animals Committee and the Secretariat in accordance with Decision 18.271 (Rev. CoP19) and 18.272 (Rev. CoP19), and make recommendations as necessary.

**19.EE Directed to saiga antelope range States, Parties, multilateral environmental agreements, intergovernmental organizations, non-governmental organizations, and other stakeholders**

Saiga antelope range States, Parties, multilateral environmental agreements, intergovernmental organizations, non-governmental organizations and other stakeholders are encouraged to collaborate in the conservation and restoration of the saiga antelope (*Saiga* spp.), and to support the implementation of MTIWP (2021-2025) as well as the technical coordination of the Saiga MOU.

79. Queen conch (*Strombus gigas*): Report of the Secretariat..... SC74 Doc. 79

The Secretariat introduced document SC74 Doc. 79, reporting on the implementation of Decisions on the queen conch, on the meetings of the CFMC/OSPESCA/WECAFC/CRFM/CITES Working Group on Queen Conch in 2019 and 2021, and on the level of illegal trade in queen conch as reported in CITES illegal trade reports between 2016 and 2020. The Secretariat further drew the Standing Committee's attention to the Blue BioTrade Project, for which there were three recipient Parties: St Lucia, St Vincent and the Grenadines, and Grenada. The Secretariat reminded Parties that the guidelines for CITES annual reports stated that shells should be reported by number and meat by weight in kilograms.

Poland (Committee member for Europe, speaking also on behalf of the European Union and its Member States) stressed the importance of collective regional efforts to strengthen enforcement for the survival of the species. Echoed by Peru (speaking on behalf of Honduras) and the United States of America, Poland expressed support for the document's recommendations. The Next Host Country (Panama) reported that it had a complete prohibition of trade for this species, but that it had problems with catches for domestic consumption and planned to carry out a study on the possible links between domestic consumption and international trade.

The Committee:

- a) noted the information contained in document SC74 Doc. 79;
- b) reminded Parties that the *Guidelines for the preparation and submission of the CITES annual illegal trade report* in Annex 2 to Notification to the Parties No. 2021/044 indicate that shells should preferably be reported by number and that meat should be reported in kilograms; and
- c) directed the Secretariat to submit to CoP19 those elements of Decisions 18.275 to 18.280 on queen conch that have not yet been implemented.

80. Tortoises and freshwater turtles (Testudines spp.)

80.1 Report of the Secretariat ..... SC74 Doc. 80.1

and

80.2 Report of Madagascar ..... SC74 Doc. 80.2

As Madagascar was unable to attend the meeting, the Standing Committee was invited to take note of document SC74 Doc. 80.2. The Secretariat introduced document SC74 Doc. 80.1, which summarised key elements from the report submitted by Madagascar and contained the observations and recommendations of the Secretariat. The Secretariat welcomed Madagascar's capacity-building activities, zero tolerance approach to wildlife crime, and ongoing work to establish an anti-corruption unit. However, the Secretariat noted that, for most of the cases, information on prosecutions and penalties was not provided, and that there was room for improvement regarding the successful prosecution of cases. The Secretariat considered that Madagascar still had problems with illegal trade in tortoises and freshwater turtles.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States) and Mexico supported the recommendations of document SC74 Doc. 80.1 and urged Madagascar to continue its efforts to improve the prevention of illegal trade in these species.

The Committee noted documents SC74 Doc. 80.1 and SC74 Doc. 80.2.

The Committee:

- a) welcomed the work undertaken and initiatives ongoing in Madagascar to respond to and address wildlife crime, including illegal trade in tortoises and freshwater turtles;
- b) noted the ongoing nature of poaching and trafficking in tortoises and freshwater turtles affecting Madagascar, and encouraged its national authorities to:
  - i) further scale up efforts to address illegal trade in tortoises and freshwater turtles, in particular by scaling up efforts to gather information and intelligence concerning the criminal networks operating within and from the country, and by engaging representatives from the Anti-Corruption Centres of the Ministry of Justice in such efforts, to pursue investigations targeting those individuals managing and organizing the illegal activities;
  - ii) pursue activities to facilitate information and intelligence exchange with Parties that seize and confiscate tortoises and freshwater turtles originating from Madagascar, with the aim of initiating investigations to bring to justice the criminals involved across the illegal trade chain;
  - iii) consider reviewing and amending Madagascar's legislation taking into consideration paragraphs 15 e), f) and g) of Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*, and associated recommendations resulting from the implementation of the International Consortium on Combating Wildlife Crime (ICWC) *Wildlife and Forest Crime Analytic Toolkit* in the country; and
  - iv) continue its efforts to inform and sensitize the public about endemic tortoise and freshwater turtle species of Madagascar and the importance of their conservation and

protection, and undertake further awareness-raising activities targeting relevant national law enforcement agencies, to sensitize them about illegal trade in tortoises and freshwater turtles and the importance of scaling-up law enforcement efforts to address this illegal trade.

- c) requested the Secretariat to continue to monitor illegal trade in tortoise and freshwater turtle species as it affects Madagascar, and the measures being implemented to address it, and to bring any matters of concern that may arise to the attention of the Standing Committee.
- d) agreed that Decisions 18.286 and 18.287 have been implemented.

#### Maintenance of the Appendices

#### 81. Annotations: Report of the working group ..... SC74 Doc. 81

Canada, as Chair of the intersessional working group on annotations, introduced document SC74 Doc. 81, updating the Committee on the activities of the working group to identify challenges pertaining to implementation and interpretation of the current annotations, and to provide suggested amendments. The document was noted to contain suggested revisions to certain definitions in the interpretation section of the appendices and the consolidation of definitions in Resolution Conf. 10.13 on the *Implementation of the Convention for tree species*. Canada provided a correction to paragraph 22 of the document, which should refer to paragraph 19 and not 20. Noting that the working group had not achieved consensus on all aspects of the work, Canada suggested that the work be extended to the next intersessional period.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), the Republic of Korea, and the United States of America supported the document's recommendations. Belgium drew attention to document SC74 Inf. 11 submitted by the European Union and its Member States, containing concrete examples of shipments and whether these qualified as falling under the remit of CITES, taking into account the revised definition of 10kg per shipment. Japan, remarking that the phrase 'in the same Appendix' had been deleted instead of moved with the rest of the proposed amendment to paragraph 7 of the interpretation section of the Appendices, suggested that this be reinserted, and was supported by the United States.

The Committee agreed to propose to CoP19 the following amendments:

- a) amendments to paragraph 5 of the Interpretation Section of the Appendices, to the parenthetical annotation to Appendix I Orchidaceae, to Annotation #1, to Annotation #4 and to Annotation #14,
- 5. As none of the species or higher taxa of FLORA included in Appendix I is annotated to the effect that its hybrids shall be treated in accordance with the provisions of Article III of the Convention, this means that artificially propagated hybrids produced from one or more of these species or taxa may be traded with a certificate of artificial propagation, and that seeds and pollen (including pollinia), cut flowers, seedling or tissue cultures obtained *in vitro*, ~~in solid or liquid media~~, transported in sterile containers of these hybrids are not subject to the provisions of the Convention.

#### ORCHIDACEAE

Orchids (For all of the following Appendix-I species, seedling or tissue cultures obtained *in vitro*, ~~in solid or liquid media~~, and transported in sterile containers are not subject to the provisions of the Convention only if the specimens meet the definition of 'artificially propagated' agreed by the Conference of the Parties.

#### #1 All parts and derivatives, except:

- a) seeds, spores and pollen (including pollinia);
- b) seedling or tissue cultures obtained *in vitro*, ~~in solid or liquid media~~, transported in sterile containers;
- c) cut flowers of artificially propagated plants; and
- d) fruits, and parts and derivatives thereof, of artificially propagated plants of the genus *Vanilla*.

#### #4 All parts and derivatives, except:

- a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from Cactaceae spp. exported from Mexico, and to seeds from *Beccariophoenix madagascariensis* and *Dypsis decaryi* exported from Madagascar;

- b) seedling or tissue cultures obtained *in vitro*, ~~in solid or liquid media~~, transported in sterile containers;
- c) cut flowers of artificially propagated plants;
- d) fruits, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genus *Vanilla* (Orchidaceae) and of the family Cactaceae;
- e) stems, flowers, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (Cactaceae); and
- f) finished products of *Aloe ferox* and *Euphorbia antisyphilitica* packaged and ready for retail trade.

#14 All parts and derivatives except:

- a) seeds and pollen;
- b) seedling or tissue cultures obtained *in vitro*, ~~in solid or liquid media~~, transported in sterile containers;
- c) fruits;
- d) leaves;
- e) exhausted agarwood powder, including compressed powder in all shapes; and
- f) finished products packaged and ready for retail trade, this exemption does not apply to wood chips, beads, prayer beads and carvings.

b) amendments to annotation #14:

- f) *finished products packaged and ready for retail trade; this exemption does not apply to wood chips, beads, prayer beads and carvings.*
- f) *les produits finis conditionnés et prêts pour la vente au détail; cette dérogation ne s'applique pas aux copeaux ~~en~~ de bois, aux perles, aux grains de chapelets et aux gravures.*

c) amendments to paragraph 7 of the Interpretation Section of the Appendices:

- 7. When a species is included in Appendices ~~I, II or III~~, the whole, live or dead, animal or plant is always included. In addition, all parts and derivatives thereof are also included in the same Appendix unless, for animal species listed in Appendix III and plant species listed in Appendix II or III, ~~all parts and derivatives of the species are also included in the same Appendix unless~~ the species is annotated with the symbol # followed by a number to indicate that only specific parts and derivatives are included. The symbol # followed by a number placed against the name of a species or higher taxon included in Appendix II or III refers to a footnote that indicates the parts or derivatives of animals or plants that are designated as 'specimens' subject to the provisions of the Convention in accordance with Article I, paragraph (b), subparagraph (ii) or (iii).

d) amendments to the definitions of Ten (10) kg per shipment and of transformed wood in paragraph 8 of the Interpretation Section of the Appendices:

#### Ten (10) kg per shipment

*For the term "10 kg per shipment", the 10 kg limit should be interpreted as referring to the weight of wood of ~~the individual portions of each item in the shipment made of wood of the species concerned~~ each individual annotated species of genus *Dalbergia* or *Guibourtia* present in the items in the shipment. In other words, ~~t~~ The 10 kg limit is to be assessed only against the individual weights of the individual portions of wood of *Dalbergia*/*Guibourtia* each individual annotated species contained in each item of the shipment, and not against rather than against the total weight of the shipment. The total weights present of each individual annotated species are considered individually to determine whether a CITES permit or certificate is required for each individual annotated species, and weights of different individual annotated species are not added together for this purpose.*

#### Transformed wood

*Defined by Harmonized System code 44.09: Wood (including strips, friezes for parquet flooring, not assembled), continuously shaped (tongued, grooved, rebated, champhered, ∓V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed.*

The Committee noted the advice provided by the working group in paragraphs 7 through 9 on exceptions for seedling or tissue cultures obtained *in vitro* transported in sterile containers and on the proposed addition of a new paragraph g) on retail trade of cosmetics to Annotation #4 by the Management Authority of Switzerland and Liechtenstein and in paragraph 19 on inclusion of the definitions of logs, sawn wood, veneer sheets, and plywood currently located in paragraph 1 c) of Resolution Conf. 10.13 (Rev. CoP18) on *Implementation of the Convention for tree species* in paragraph 8 of the Interpretation Section of the Appendices.

The Committee requested the Secretariat, in consultation with the Standing Committee Chair, to revise Decision 16.162 (Rev. CoP18) deleting those directives that have been accomplished, and to submit a revised Decision to CoP19, proposing its adoption by the Conference of the Parties.

82. Mechanisms and information system for the review of existing and proposed annotations: Report of the Secretariat..... SC74 Doc. 82

The Secretariat introduced document SC74 Doc. 82, proposing the establishment of an Annotations Periodic Review (APR). The APR would operate as a single mechanism to undertake both a periodic review of existing annotations and an *a priori* review of annotations to be proposed for consideration at meetings of the CoP. The objective of the APR would be to ensure consistency in the annotations and harmonise their interpretation and implementation. The Secretariat asked the Parties not to take into account the inclusion of the Depositary Government (Switzerland) into the APR Panel in Annex 1 of the document, as the Depositary Government had not been consulted. The Secretariat further reported on the initial considerations for developing an information system for the purpose of processing data on the regulated international trade in CITES-listed tree species. The expected outputs of an information system would include an in-depth analysis of international trade in CITES-listed tree species for review by the Parties at each meeting of the CoP.; a data-driven, interactive and graphic presentation of the results of this analysis, including images, charts and infographics; and the publication and submission of a tree-species trade report to the CoP.

The Depositary Government (Switzerland), supported by Belgium (Committee Member for Europe, speaking on behalf of the European union and its Member States) and Canada (Committee Member for North America), supported the general aims of the document, but expressed concerns regarding several aspects of the APR and suggested that the matter be delayed to the next intersessional period. The Depositary Government remarked that the proposed APR panel would create a new body under the Convention which would suggest important proposals to the CoP, and such a scenario had not been foreseen in the structure of CITES. They additionally argued that the composition of the Panel did not seem balanced, as the nomenclature specialist for the Plants Committee had not been included but the Depositary Government was; Switzerland did not believe that this role would not conform with their place in the Convention. Canada, while supporting a mechanism that would facilitate review of the annotations, did not support a formal process as currently proposed. Belgium wished for clarification on the legal implications of the APR, as once a listing proposal had been submitted, the scope could only be reduced, meaning that the possible actions of the APR would be limited. Belgium additionally remarked that timber proposals were sometimes submitted without an annotation so that the CoP could discuss all options, and *a priori* review of the proposals by the APR could benefit the options to be presented at the CoP.

China (Committee member for Asia) supported the recommendation to CoP19 that the APR be set up as outlined in Annex 1 of the document.

Regarding the information system, Canada did not support crafting a species-specific system of HS codes to track CITES-listed species, as HS codes were intended to track commodities in trade rather than trade itself; furthermore, HS codes were revised over long periods of time while CITES listings might be revised more frequently. Canada suggested consulting ITTO for guidance and information.

China, echoed by Belgium, supported the renewal of the Decision on the information system scoping and the draft decision to undertake a feasibility study. China expressed concerns about several aspects of the information system and requested that their intervention be reflected in the summary record as intervened; this can be found in Annex D. Belgium welcomed the initiative to add HS codes and suggested a request to the World Customs Organisation to revise HS codes to identify relevant products of CITES-listed tree species.

Humane Society International, speaking also on behalf of Species Survival Network, Animal Welfare Institute, Born Free Foundation, David Shepherd Wildlife Foundation, Fondation Franz Weber, Law of the Wild and Pro Wildlife, urged Parties to reject the proposed APR as outlined in Annex 1, as Parties had not

been consulted in the preparation of the document and the proposed review amounted to the dismissal of the rights of Parties and violate Article XV of the Convention. They considered that there was no need for an additional process for annotations.

World Resources Institute remarked that an extensive study summarising the trade data for *Dalbergia* spp. and *Pterocarpus* spp. had been submitted as CoP17 Inf. 48, but no official update had since been undertaken as they could not get any recognition or support to take the study further, which were necessary to justify the study to funders. They considered it timely to undertake the update and expand to other species.

The Committee invited the Secretariat to take note of the concerns and comments expressed by Belgium, Switzerland and the North American region about the annotations review mechanism and the use of HS codes.

The Committee agreed to submit to CoP19 the following draft decisions:

***Directed to the Standing Committee***

**18.317 (Rev. CoP19)** *The Standing Committee shall explore the feasibility and requirements for developing an information system for the purpose of processing trade data associated with transactions in specimens of CITES-listed tree species authorized under the provisions of the Convention and submit any relevant recommendations to the 20th meeting of the Conference of the Parties.*

***Directed to the Secretariat***

**19.AA** *Subject to external funding, the Secretariat shall commission a study exploring the feasibility and requirements for developing an information system as proposed and provide its findings and recommendations to the Standing Committee.*

The Committee invited the Standing Committee Chair, in consultation with the Secretariat, to submit to CoP19 two draft decisions: one directing the Secretariat to prepare a proposal for an informal mechanism to provide advice on annotations and another directing the Standing Committee to evaluate the proposal by the Secretariat and to make recommendations to CoP20.

83. Annotation #15: Report of the Secretariat ..... SC74 Doc. 83

The Secretariat introduced document SC74 Doc. 83, providing an update on the progress in implementation of Decisions 18.321-18.322 on Annotation #15. The Secretariat reported that the Netherlands had pledged funding for the study to assess the effect of the exemptions contained in annotation #15 for finished musical instruments, parts and accessories on *Dalbergia/Guibourtia* species in international trade, and that the Secretariat was finalising the terms of reference for the study. The Secretariat further highlighted the progress made by the Plants Committee at PC25 which could serve as a starting point for the study.

Canada (Committee Member for North America) supported the recommendation to seek an extension of the mandate for the study beyond CoP19 through renewal of the Decisions.

India wished to reiterate that the listing of *Dalbergia sissoo* at CoP18 on Appendix II had caused loss of livelihoods in India, where the species was abundant and depended on by farmers and artisans who used it in handicrafts and furniture-making. India urged Parties to help address these concerns at CoP19.

The International Association of Violin and Bow Makers, also representing 26 other musical instrument stakeholders, confirmed that revisions to Annotation #15 adopted at CoP18 had substantially supported cross-border movement of finished musical instruments and reduced the permitting burden. A more detailed statement was submitted as document SC74 Inf. 14.

The Committee agreed to propose to CoP19 the renewal of Decisions 18.321 and 18.322 on *Annotation #15* as follows:

**18.321 (Rev. CoP19) Directed to the Secretariat**

The Secretariat shall:

- a) subject to available resources, undertake a study to assess the effect on *Dalbergia/Guibourtia* species in international trade of the exemptions contained in annotation #15 for finished musical instruments, parts and accessories, and the conservation implications thereof;
- b) bring any scientific or technical issues to the attention of the Plants Committee and seek its advice; and
- c) report the results of its evaluation along with its recommendations to the Standing Committee.

**18.322 (Rev. CoP19) Directed to the Standing Committee**

The Standing Committee shall in the context of its work on annotations under the relevant Decisions, consider any report by the Secretariat in accordance with Decision 18.321 (Rev. CoP19), undertake additional evaluation if necessary and report to the ~~19th~~ 20th meeting of the Conference of the Parties. If warranted, the Standing Committee may work with relevant Parties in preparing an amendment proposal for the ~~19th~~ 20th meeting of the Conference of the Parties.

84. Products containing specimens of Appendix-II orchids:  
Report of the Plants Committee ..... SC74 Doc. 84

The Chair of the Plants Committee introduced document SC74 Doc. 84 on the implementation of Decisions 18.327 to 18.330 on *Products containing specimens of Appendix-II orchids*. It was noted that, following the considerations of an in-session working group established at PC25, the Plants Committee agreed that further research is needed on the potential conservation impact of exempting orchid products and derivatives (wild and artificially propagated) from CITES controls, with a possible focus on medicinal species and species used as food. It was additionally recommended that future work on orchid annotations be undertaken in close collaboration with any Standing Committee discussions related to annotations.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States) expressed support for the recommendations contained in the document, suggesting small procedural edits to the document's suite of draft decisions.

The Committee:

- a) agreed that future work on orchid annotations be undertaken in close collaboration with any Standing Committee discussions related to annotations, as per the recommendation of the Plants Committee contained in paragraph 5, subparagraphs f) and g) of document SC74 Doc. 84;
- b) agreed to submit to CoP19 the following amended draft decisions

**19.AA Directed to the Secretariat**

Subject to availability of external resources, the Secretariat shall:

- a) consult with Parties and stakeholders and undertake a study to compile an overview of Appendix-II orchid taxa that are particularly affected by wild harvest for international trade to inform the following assessments:
  - i) an assessment of the conservation impacts of exempting artificially propagated Appendix-II listed orchid taxa from CITES regulations, including as articulated in footnote annotation 10 of the CITES Appendices, including identification challenges and look-alike issues; and
  - ii) an assessment of the conservation impacts of exempting derivatives and/or finished products of certain Appendix-II listed orchid taxa from CITES regulations through amendments to annotation #4; and
- b) report to the Plants Committee.

**19.BB Directed to the Plants Committee**

The Plants Committee shall consider the study as per Decision 19.AA, and make recommendations on how to improve CITES implementation for Appendix-II listed orchids to the Standing Committee ~~or the Conference of the Parties, as appropriate.~~

**19.CC Directed to the Standing Committee**

The Standing Committee shall review any recommendations of the Plants Committee, and make recommendations to the Conference of the Parties, ~~as appropriate.~~

c) agreed to propose to CoP19 the deletion of Decisions 18.327 to 18.330.

85. Guidance for the publication of the Appendices:

Report of the Secretariat ..... SC74 Doc. 85

The Secretariat introduced document SC74 Doc. 85, presenting a draft *Guidance for the publication of the Appendices*. The Secretariat reported that Parties and stakeholders had been able to comment on several drafts of this guidance, through Notification to the Parties No. 2020/067 and document SC73 Doc. 26 (Rev. 1). The aim of the guidance was to support the Secretariat in publishing the Appendices and assist those Parties that incorporate the amendments to the Appendices directly into their national legislation. A conclusion of the working group was that the Appendices were a reflection of the decisions as taken by the CoP. The Secretariat also outlined issues that arose from this work, specifically the possibility of harmonizing references to zero quotas in the Appendices and the possibility of including higher taxon listings.

China (Committee Member for Asia) welcomed the guidance, noting that their domestic legislation required prompt translation and publication of the Appendices. China requested that they be added to the list of Parties interested in receiving an advance copy of the amended Appendices and the copy should be a track change version.

Poland (Committee Member for Europe, speaking on behalf of the European Union and its Member States), supported the guidance and suggested textual amendments to the last paragraph in the guidance, to clarify that the 90-day deadline was a condition for all Parties. Additionally, referring to discussions under agenda item 82, Poland remarked that the last recommendation in document SC74 Doc. 85 should refer the issues to different mechanisms, for example to the annotations working group, as well as to the Annotations Periodic Review mechanism, should it be established.

Canada (Committee Member for North America) encouraged all Parties to become familiar with the guidance as a framework to better understand the Appendices. Canada supported the amendments to the Resolution Conf. 4.6 (Rev. CoP18) and supported publication of the guidance on the website, as well as taking forward the other issues outlined by the Secretariat on zero quotas and higher listings.

Israel (Committee Member for Europe) expressed that they did not support renumbering the footnote annotations in the Appendices after each CoP (as proposed by the guidance), to retain consistency with the hashtag annotations which were not renumbered.

The Committee invited the Secretariat to take into account the comments made by Canada, China, Israel and Poland as it finalizes the draft *Guidance for the publication of the Appendices* in the Annex to document SC74 Doc. 85 before its publication on the CITES website.

The Committee agreed to propose to CoP19 that the following sub-paragraph 4 f) be inserted in Resolution Conf. 4.6 (Rev. CoP18) on *Submission of draft resolutions and other documents for meetings of the Conference of the Parties*:

f) to take account of the *Guidance for the publication of the Appendices*, as may be amended in consultation with the Standing Committee, when revising the Appendices after a meeting of the Conference of the Parties

The Committee noted the issues outlined in document SC74 Doc. 85, *inter alia* the possibility of harmonizing references to “zero quotas” in the Appendices and of including higher taxa listings in accordance with Annex 3 to Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for amendment of Appendices I and II*, and invited the

Secretariat to examine how best these issues could be advanced in draft decisions proposed for submission to CoP19.

86. Reservations entered after the 18th meeting of the Conference of the Parties: Report of the Secretariat ..... SC74 Doc. 86

The Secretariat introduced document SC74 Doc. 86, which addresses the issue of reservations entered after CoP18 and the practical legal questions that have arisen in relation to the update of references to Resolutions in the new Appendices that the Secretariat published after CoP18. The document also explains the rationale of the Secretariat for doing so and addresses related communications from several Parties in response to Notification to the Parties No. 2019/052. These were published by the Secretariat in Notification to the Parties No. 2019/077 of 20 December 2019. The purpose of the document to be submitted for consideration of the CoP would be to obtain new or additional guidance on what should be done to Resolutions in annotations when such Resolutions are amended, and on the legal principles invoked, and to clarify the issues raised.

Belgium (Committee Member for Europe, speaking on behalf of the European Union and its Member States), wished for the discussions to be more generalised and not too focused on the case at hand. They considered that the Secretariat had followed established practice in updating the annotations and noted that the problems arose from the way the annotation was constructed, referencing a definition in the Resolutions. They further noted that such references between hard and soft law were not uncommon in international law, and considered that it should be assumed that, by referring to the definition in the annotation, the CoP had intended that any changes to the definition would be applicable to the annotation. However, Belgium also recognised that the CoP had potentially not given enough attention to the issue of potential reservations, which could be made on annotations but not on Resolutions.

Echoed by Senegal (Committee Member for Africa), Israel (Committee Member for Europe), and the United Kingdom of Great Britain and Northern Ireland, Belgium considered that the reservations entered by Botswana, the Democratic Republic of the Congo, Eswatini, Namibia, South Africa, the United Republic of Tanzania, Zambia and Zimbabwe for *Loxodonta africana* following CoP18 did not constitute proper reservations in the context of Article XXIII of the Convention text. Belgium, however, considered that the reservations entered did express a legitimate concern about the balance of Parties' rights and obligations under the Convention, and called for safeguards to ensure such situations were avoided in future. Senegal expressed the view that the amendments to the annotation were purely textual and not a concrete amendment of the Appendices. The United Kingdom considered that the amendments were not corrections but substantive amendments that should have followed the procedure provided for in Article XV. Senegal urged that the CITES website be updated to ensure that it was clear that the reservations entered were not true reservations. Israel, reporting that the Appendices were written into their national legislation which required updating after every CoP, agreed with the Secretariat's recommendation for specific instructions to avoid the inclusion of references to Resolutions in annotations; this was echoed by the United Kingdom.

The United States of America drew attention to document SC74 Inf. 12, which outlines their considerations related to reservations. They considered that the scope and effect of a specific reservation should be determined by the scope and effect of the requirements for trade resulting from the amendment, such that, for example, a reservation entered in accordance with Article XV, paragraph 3, had substantive effect only to the same extent that the amendment made in accordance with Article XV altered the scope of protection for fauna or flora under the Convention. They further identified three examples to illustrate where clarification might be needed, around substantive annotations, nomenclature changes and split listings. The United States suggested amending Resolution Conf. 4.25 (Rev. CoP18) and suggested that the Secretariat take into account the discussions at SC74 and document SC74 Inf. 12 in drafting the document to CoP19.

China (Committee Member for Asia) supported the recommendations in the document to solve the legal problem at hand.

Canada (Committee Member for North America) highlighted the need for Appendix listings that accurately reflect the intentions of the Parties, and the need to allow Parties to express reservations. Canada, supported by Namibia (Committee Member for Africa), stated that Parties should endeavour to make changes to listings by way of the amendment process set out in Article XV, to limit the use of annotations to legally binding information, and avoid reference to non-binding Resolutions. Namibia explained that, in their view, annotation 2 had been amended by referring to Resolution 11.21 (Rev. CoP18), not just updated, and clarified that their reservation should not be seen as a reservation against the Resolution, but on the listing, as the annotation is considered part of the listing.

Lewis & Clark - Global Law Alliance for Animals and the Environment (speaking also on behalf of Animal Advocacy and Protection, the Animal Welfare Institute, Born Free Foundation, Born Free USA, Center for Biological Diversity, David Shepherd Wildlife Foundation, Environmental Investigation Agency, Fondation Franz Weber, Humane Society International, International Fund for Animal Welfare, Natural Resources Defense Council, Pan African Sanctuary Alliance, Pro Wildlife, Species Survival Network, Wildlife Conservation Society and World Wide Fund for Nature) also considered that the reservations as entered by the Parties listed were not true reservations and urged that the relevant webpage be updated to reflect this. They also supported the proposal of further recommendations that would provide clarity on amendments made through Article XV, the key being to gain a mutual understanding among all Parties.

Conservation Force supported the intervention by Canada; they considered that although annotations were not part of the text of the Convention, they were agreed as a binding element and any changes should be interpreted as a substantial change to the listing. They considered that a double standard occurred where annotations were sometimes but not always considered binding.

IWMC-World Conservation Trust considered that document SC74 Doc. 86 was a defence of the actions of the Secretariat and an attempt to focus criticism on the reservations entered by the Parties, rather than the issue of the amendment to annotation 2. They proposed that an immediate solution be proposed to protect the sovereign rights of the Parties concerned, as well as further consideration of time limits on Resolutions in annotations that have ceased to apply, to be addressed in Resolution Conf. 11.21 (Rev. CoP18).

The Committee welcomed of the intention of the Secretariat to submit a document with recommendations for the consideration of the Conference of the Parties at its 19th meeting (CoP19). The Committee invited Parties to send their comments in writing to the Secretariat and further invited the Secretariat to take these comments into account in its document to CoP19.

#### Concluding items

87. Any other business ..... *No document*

There was no decision taken by the Committee.

There were no interventions.

88. Determination of the time and venue of the 75th and 76th meetings ..... *No document*

The Committee noted that its 75th meeting would take place in Panama City, Panama, on 13 November 2022, and that its 76th meeting would be held immediately after the close of CoP19, on 25 November 2022.

89. Closing remarks ..... *No document*

Following the remarks by members of the Committee, observers representing Parties and intergovernmental and non-governmental organizations, and the Secretary-General, the Chair thanked France for its warm welcome, all participants for their cooperation and thanked the Secretariat, the interpreters and the French volunteers for their work, and closed the meeting at 18h45.

## **Annex 1. Intervention by the United States of America for Document SC74 Doc. 50: Definition of the Term ‘Appropriate and Acceptable Destinations’: Report of the Animals Committee for the record**

Thank you Madam Chair.

The United States thanks the Animals Committee (AC) for this important work and generally supports the Animals Committee’s recommendations to the Standing Committee (SC) a), c), and d) detailed in document SC74 Doc. 50. We have a few specific points to share on each of the recommendations:

### **With regards to recommendation a)**

The United States supports this recommendation to continue the work that was not able to be completed under the current Decisions.

- **Regarding Namibia’s interpretation with regard to trade in live elephants to non-range states, based on the text and intent of the annotation we also view trade by Namibia to non-range states to be trade in Appendix I specimens, requiring compliance with Article III.** Live elephants from Namibia traded in accordance with annotation 2, paragraph b) are traded as Appendix-II specimens under Article IV requirements and require a CITES export permit where the legal acquisition and non-detriment findings are made by the exporting country. Under annotation 2, paragraph b), these live elephants may only be traded within the native range of the African elephant for “in-situ conservation programs.” If the requirements of annotation 2, paragraph b) are not met, the final sentence of the annotation requires that the specimen is traded as an Appendix-I specimen, and subject to Article III requirements. For example, elephants from Namibia or South Africa imported into the United States would be regulated pursuant to the requirements of Article III as an Appendix-I specimen. No import of an African elephant to the United States can occur without either a prior import permit issued by the U.S. Fish and Wildlife Service in accordance with Article III, or in the case of elephants originating from Zimbabwe or Botswana, if the U.S. Fish and Wildlife Service has made prior findings under the “appropriate and acceptable destination” annotation in accordance with Resolution Conf. 11.20 (Rev. CoP18).

- The United States is concerned by the responses of Namibia and Zimbabwe regarding their implementation of the Convention for live elephants, based on the reports of trade in live elephants by Zimbabwe and recent auctions held in Namibia for trade to unknown destinations. We are not yet convinced that the reported exports of African elephants are benefitting the conservation of the species and we are also very concerned about the conditions of the trade and about what happens to these elephants once imported. We believe we need more information from the countries involved in this trade before we can be assured that the trade is benefitting the species in the wild. It is our view that countries that are a destination for trade in live African elephants need to ensure that the trade is not only legal and sustainable, but also benefits the survival of the species in the wild, including by ensuring that revenue generated by the trade is going back into elephant conservation to address human/elephant conflict, habitat loss, poaching, and other conservation needs for African elephants. In addition, countries importing African elephants need to ensure proposed recipients of live African elephants are suitably equipped to house and care for the elephants. The United States is also concerned about the care for the African elephants once they are imported.

### **With regards to recommendation c)**

The United States **supports** submitting the non-binding best practice guidance on how to determine whether “the trade would promote in situ conservation” contained in Annex 1 for consideration at CoP19 with a **minor correction**. The references throughout Annex 1 refer to “a Scientific Authority and/or Management Authority (SA/MA)”. It appears this language should be changed to be both “a Scientific Authority and/or Management Authority (SA andMA)” and elsewhere to “SA and MA” to align with the current text in Resolution Conf. 11.20 (Rev. CoP18) paragraph 2 b).

### **With regards to recommendation d)**

The United States generally supports adoption of this guidance and finds that the list of factors to consider is relevant and should be applied for both African elephants and rhinos. The United States supports having combined guidance for both species, although the results of applying these factors for the two species could result in different outcomes.

### **With regards to recommendation e)**

As the United States expressed at CoP18, the new language of paragraph 1 of Resolution Conf. 11.20 adopted at CoP18 was not clearly drafted and remains open to multiple interpretations. It is the U.S.'s understanding of the process established by Resolution Conf. 11.20 (Rev. CoP18), paragraph 1 that under the Resolution the AC has a consultative role, meaning it is given an opportunity to advise the Parties involved (the country exporting a live elephant that originated in Botswana or Zimbabwe, and the importing country) on whether or not the proposed trade meets the exception. It is then for the Parties concerned to consider any advice offered by the AC and any other relevant information that may be available to them and make their own decisions on whether or not to allow the trade. Under the exception, the Parties concerned may allow the trade if they both come to the conclusion that a transfer to an ex-situ location will provide demonstrable in-situ conservation benefits for African elephants, and if the other relevant CITES requirements are met (e.g., non-detriment finding, legal acquisition finding, suitably equipped to house and care for finding).

As explained by the proponent of this exception at CoP18, the EU, the added consultation process in this exception would provide a transparent and inclusive way forward until the process described in Decisions 18.152 - 18.156 has been concluded and the issue is revisited at the next meeting of the Conference of the Parties. Through this process, information is being collected and assessed, and will continue to be collected and assessed under the new Decisions under recommendation a), so that science can inform guidance on in-situ conservation and drive decision-making.

The guidance provided in Annexes 1 and 2 is anticipated to help the Parties involved to make the determinations for trade in live animals subject to an "appropriate and acceptable destinations" annotation. At this time, given that Parties have not yet been able to make use of this new guidance, it may be most appropriate to defer considering whether further amendments to Resolution Conf. 11.20 (Rev. CoP18) are needed as part of the new decisions proposed under recommendation a). However, if the language of the Resolution is not clarified, then it will remain open to multiple interpretations.

Thank you, Madame Chair.

**Annex 2. Intervention by the United Kingdom of Great Britain and Northern Ireland for Document SC74 Doc. 50: Definition of the Term ‘Appropriate and Acceptable Destinations’: Report of the Animals Committee for the record**

We would like to thank the Animals Committee for SC74 Doc 50. We welcome the Committee’s work to develop the two guidance documents in Annex 1 and 2 and support their submission for consideration at CoP19. Further, we support the draft decisions presented in paragraph 4, replacing Decisions 18.152 to 18.156, being submitted for consideration at CoP19.

Turning to the concerns raised in paragraph 9(a) relating to Namibia’s interpretation of its exports of live African elephants to non-range states and the use of Article III rather than Article IV provisions - this serves to highlight a worrying inconsistency in the treatment of the export of live wild elephants listed under Appendix I and II. We note there are differing views on this and would therefore ask for Namibia to provide written clarity on this point in time for consideration at SC75.

More broadly there is a need to address this issue as a matter of urgency. We need to ensure greater consistency on the restrictions on the export of live App I and App II elephants. The UK would be happy to work with like-minded Parties to put together a document for CoP19.

It is also with great concern that we have learned that Namibia has recently authorised the export of 22 wild elephants to the UAE. Aside from the worrying welfare concerns being reported with this export, we ask that the Standing Committee request Namibia and UAE to provide a full explanation on how the movement meets the requirements of the Convention. This should include information on their interpretation of the Convention and how the requirements of Article III were met, in particular:

1. how the UAE Management Authority was satisfied the specimens are not to be used for primarily commercial purposes,
2. the basis and justification for the non-detriment findings made by the Scientific Authorities of Namibia and UAE, and
3. the determination by UAE that the recipient is suitably equipped to house and care for the specimens.

In addition, both Parties should also provide information on any demonstrable in situ conservation benefits to be derived to African elephants.

We ask that this information be provided in good time prior to the 75th meeting of Standing Committee for review and consideration.

**Annex 3. Intervention by the United States of America for Documents SC74 Doc. 59.1.1 and 59.1.2: Registration of the operation Earth Ocean Farms S. de R.L. de C.V. (Mexico) breeding *Totoaba macdonaldi***

The United States has carefully considered the additional and updated information provided in SC74 Doc. 59.1.1 and 59.1.2 regarding the application to register “Earth Ocean Farms.”

While we do not have specific concerns with the biological or technical merits of the application under consideration under Res. Conf. 12.10 (Rev CoP15), **we do not agree that law enforcement issues have been resolved**. Illegal trade of wild-caught totoaba maw continues unabated along with the illegal use of gillnets in protected waters, as noted in the Secretariat’s report under SC74 Doc. 28.5.

Thus, the United States remains **strongly opposed to the registration of Earth Ocean Farms breeding facility** for totoaba for several reasons. First and foremost is our principled concern that authorizing legal, commercial trade in an Appendix-I species (totoaba), while illegal harvest and trade is ongoing, uncontrolled and pervasive, in the wild **is not supportive of conservation**. As we all are aware, the illegal trade in totoaba is simultaneously jeopardizing the survival of another Appendix-I species, the vaquita. We believe that registering this facility will hamper critical enforcement efforts to control the illegal trade.

We understand CITES to be a Convention that aims to be supportive of sustaining species. We see a concerning trend to register operations to breed Appendix-I species for commercial purposes where there is known \*and unabated illegal harvest and trade. We understand that the idea behind the registration of these facilities is that they will reduce the demand on wild sourced specimens and thus be supportive of conservation. However, in our view, evidence does not support this notion. As was noted in the discussion in plenary, the illegal international demand is for swim bladders, and there is no demonstrated legal international market for meat.

In the case of totoaba, we are not aware of any credible evidence that demonstrates an opening of legal trade in captive bred totoaba meat will reduce the demand for the more valuable wild-caught totoaba maw.

Should the Standing Committee approve legal commercial trade in totoaba, we will need to work **even harder to meet our responsibilities** to thwart illegal trade in totoaba maw from the wild, which regularly illegally transits our country from Mexico destined for Asian markets.

Beyond our conservation and principled concerns about the Registration under consideration, we have **procedural concerns** because placing a ‘temporary restriction’ on an operation to breed Appendix- I animals for commercial purposes is not conceived of under Resolution Conf. 12.10 (Rev. CoP15) and thus, if approved, we believe solidifies as precedent a risky practice for implementation the Convention that has not been well considered by the Conference of the Parties. We would appreciate the CoP taking a thoughtful look at these cases to see what lessons can be learned so that we are making wise decisions about procedure that supports our shared interest in species sustainability in the wild.

Lastly, our view is that that the registration that the Standing Committee is asked to consider today, is fundamentally different as a ‘restricted Registration.’ Our view is that the entire procedure for Resolution Conf. 12.10 (Rev. CoP15) and associated annexes should be followed to consider the changes to the registration before the Standing Committee should make a decision.

Because of these issues, we do not think a decision on the totoaba registration should be made at SC74 and rather SC should invite Mexico to submit the ‘restricted Registration’ and associated information required in Res. Conf. 12.10 5 a) – b) to the Secretariat as provided in 5 c).

Additionally, we suggest that the SC74 consider a recommendation to CoP19 to consider the implications for species sustainability of registering operations under Res. Conf. 12.10 where illegal trade from the wild is rampant and where the registrations are restricted.

Thank you, Chair.

Note: U.S. regulations make clear that trade to or transit through the USA in totoaba is prohibited. The excerpt is provided here for convenience (with emphasis added in bold): *50 C.F.R. 23.22(e) Specimen protected by other regulations*. Shipment of a specimen that is also listed as a migratory bird (part 10 of this subchapter), injurious wildlife (part 16 of this subchapter), **endangered or threatened species (parts 17 of this subchapter and 222-224 of this title)**, marine mammal (parts 18 of this subchapter and 216 of this title), or bald or golden eagle (part 22 of this subchapter), **and is moving through the United States is considered an import, and cannot be treated as an in-transit shipment** (see § 23.3).

**Annex 4. Intervention by China for Document SC74 Doc. 82: Mechanisms and information systems for the review of existing and proposed annotations: Report of the Secretariat**

Concerns of Chinese party on the Doc 82 SC74

Firstly, the need, purpose and benefits of an information system in the context of the convention beyond the requirements currently in place through the review of significant trade in Appendix II listed tree species.

Secondly, how such as system, if it was to be established, would complement and not duplicate existing mechanisms in place to monitor international trade in timber.

Thirdly, establishment and recurring costs & personnel requirements need to be clearly identified.

And lastly but perhaps most importantly. A realistic elaboration of how the volume of data collected would be synthesized and considered in agendas that are already overloaded for Plants & Standing committees and the CoP.

We request that these four concerns on the establishment of the information system be recorded into the summary record as intervened.