

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



Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

Summary record of the sixth session of Committee I

7 June 2007: 14h00-17h00

Chairman: Greg Leach (Australia)

Secretariat: D. Morgan
S. Nash
M. Schmidt

Rapporteurs: S. Ferriss
J. Gray
T. Inskipp
W. Jackson

Interpretation and implementation of the Convention

Species trade and conservation issues

68. Proposals to amend Appendices I and II

The Chairman reopened debate on proposal CoP14 Prop. 33 to include *Cedrela* spp. in Appendix II, asking Germany whether they could propose a way forward. Germany, on behalf of the European Community and its Member States, announced that they would withdraw the proposal if a drafting group to formulate a decision for CITES to continue to focus on these species could be agreed. Brazil, Chile, Colombia, Guatemala and Peru were satisfied with this suggestion and Chile, Colombia, Guatemala and Mexico stated that they would like to be included in the drafting group. Ecuador was against any drafting group. Mexico added that they thought any eventual decision should specify the need for collecting more information on the species and for referral to the Plants Committee. They also suggested that the drafting group work on *Dalbergia* species, an idea that was supported by Guatemala. Chile announced they would produce a mechanism for protecting the genus and examining trade in the same. The International Tropical Timber Organization (ITTO) said they would work with CITES and range States to support the drafting group, as necessary. They also noted that no Party had ever consulted them about proposals to list tropical timber species in the Appendices and that collaboration between their organization and CITES would not work at its best unless opportunities for consultation were optimized.

Noting support for a decision-drafting group, Germany, on behalf of the European Community and its Member States, withdrew proposal CoP14 Prop. 33 and the Chairman announced that the drafting group would be chaired by Chile and would otherwise comprise Brazil, Colombia, Guatemala, Mexico, Peru and a Member State of the European Community.

Brazil introduced proposal CoP14 Prop. 30 to include *Caesalpinia echinata* in Appendix II, adding that they wished it to be considered with an annotation to read "designates logs, sawn wood and veneer

sheets, including sawn wood of small dimensions generally used for the fabrication of bows for stringed musical instruments”.

Australia, Canada, Chile, speaking on behalf of the Central and South America and the Caribbean region, Japan, Norway, Qatar and Switzerland were in favour of the proposal, as amended. Germany, on behalf of the European Community and its Member States, and the United States approved the proposal in principle, but the former sought clarification on Brazil’s policy to sustain the tradition of making bows for musical instruments from the wood of this species. The United States were concerned that the term “sawn wood of small dimensions” would conflict with the dimension-based definition of “sawn wood” in Customs tariff headings. Switzerland shared the concerns of Germany and the United States.

The International Pernambuco Conservation Initiative (IPCI) explained that they were the only international management body for the species and that they were against the proposal suspecting that a CITES listing for the species would be harmful to the work of *Programa Pau Brasil*.

Responding to Germany’s concerns over maintenance of a supply of wood for bows, Brazil answered that this would depend on the success of measures for sustainable management of the species. Regarding concerns about the wording of the proposed annotation, the Secretariat suggested Brazil simply use annotation #5. However, the United States thought that a drafting group would be necessary to resolve the wording of the annotation. Brazil observed that the annotation had been drawn up after consultation with the Secretariat and that the addition to annotation #5 was simply to help Customs officials identify the small units of sawn wood used in this trade. The Chairman asked Brazil, the United States and the Secretariat to convene a drafting group to resolve the wording of the proposed annotation and to report back to the Committee quickly.

Germany, on behalf of the European Community and its Member States, withdrew proposals CoP14 Prop. 31 and Prop. 32, and requested that these three *Dalbergia* species be dealt with by the drafting group set up for *Cedrela* spp. Mexico thanked the European Community for their action and TRAFFIC, speaking also on behalf of WWF, regretted that proposals CoP14 Prop. 31 and Prop. 32 had been withdrawn, but supported the suggestion made by Mexico to continue with the work on these taxa in the Plants Committee.

Switzerland introduced proposal CoP14 Prop. 34, relating to annotations to Orchidaceae spp. included in Appendix II, and suggested that the specimens of *Miltonia*, *Odontoglossum* and *Oncidium* proposed for exemption from the provisions of the Convention would be readily recognizable and easily distinguishable from wild-collected specimens. Germany, on behalf of the European Community and its Member States, and Thailand expressed support for the proposal, the latter indicating that they would prefer an exemption for all Appendix-II listed orchid hybrids.

Colombia, speaking on behalf of the Central and South America and the Caribbean region, was opposed to the proposal, owing to difficulties in distinguishing specimens of artificially-propagated hybrids from wild plants. They opined that acceptance of the proposal would lead to an increase in illegal trade of wild-collected plants and to increased costs to the range States of the three genera. Further opposition was expressed by China, Mexico, Peru and Qatar.

TRAFFIC, speaking also on behalf of IUCN-World Conservation Union, recognized the need to ease the burden on Parties in implementing the Convention with regard to artificially-propagated Appendix-II plants. However, they were concerned that, as outlined in the document CoP14 Inf. 11, there would be considerable problems with interpretation and implementation of this proposal. The Chairman of the Plants Committee called for capacity-strengthening measures to facilitate identification of hybrids exempted from CITES controls.

Switzerland requested that the proposal be put to a vote and the result was 45 in favour, 40 against and 12 abstentions and was rejected.

Switzerland, as Depositary Government and at the request of the Plants Committee, introduced proposal CoP14 Prop. 35 regarding an amendment of the annotation to Orchidaceae spp. included in Appendix II. He noted that the proposal would not change the current listing of Orchidaceae spp. but would simplify enforcement of the Convention. The proposal was supported by China, Colombia, Fiji,

Mexico, Thailand, the United States of America, and the Chairman of the Plants Committee. Colombia stressed the importance of capacity-building through the development of guidelines for these species and Fiji requested distribution of identification keys to countries that trade these species.

The proposal was accepted by consensus. The Secretariat clarified that identification materials were received from Thailand and circulated in late 2006. They had not received any manuals from Switzerland, who confirmed that they would resend the identification manual. The botanist of the Nomenclature Committee added that, later in the meeting, he would distribute an orchid checklist and an identification training manual for Appendix-I orchids.

Switzerland noted that document CoP14 Doc. 30 (Reporting on trade in artificially propagated plants) was now obsolete, and asked that it be withdrawn. The Chairman advised that this should be raised in Committee II, where the issue was to be considered.

The United States introduced proposal CoP14 Prop. 36 regarding the amendment to the annotation of *Taxus cuspidata*. They noted that the current annotation for this species was in breach of CITES rules because it excluded live specimens from the provisions of the Convention. Furthermore, they noted that proposal CoP14 Prop. 37, which had been drafted by the Standing Committee to address this issue, was also in breach of the Convention rules. They explained that *T. x media* was grown in plantations in the United States and was traded for the production of paclitaxel, and that hybrids and cultivars of *T. cuspidata* in trade could be readily identified as distinct entities.

China opposed the proposal, noting that it was not possible to distinguish between wild and artificially propagated extracts of *Taxus* or between extracts of *T. cuspidata* and other taxa in this genus. They suggested that the exclusion of parts and derivatives from the provisions of the Convention could have a negative conservation impact and would be difficult to enforce. They proposed that a working group be established to discuss the issue further. Japan also opposed the proposal, observing that the definition of cultivar was ambiguous.

Germany, on behalf of the European Community and its Member States, and Switzerland supported the proposal, noting that the enforcement problems with this taxon were due to the fact that it was split-listed and that this problem would not be affected by the adoption of proposal CoP14 Prop. 36. Qatar also supported the proposal.

Thailand observed that hybrids were not subject to the provisions of the Convention. IUCN, also speaking on behalf of TRAFFIC, stated that the term cultivar was not defined under CITES. They noted that, according to the International Code for Nomenclature for plants, cultivars cannot apparently be distinguished in any meaningful form, and that excluding cultivars of species listed in the Appendices would appear to be contrary to the provisions of the Convention. The botanist of the Nomenclature Committee explained that the term cultivar was only recognized by the International Code for Nomenclature when the taxon in question can be readily recognized. The United States agreed with this view, and noted that cultivars of *Taxus* are usually traded as whole, live plants which can readily be distinguished from plants taken from the wild. The United States proposed to move to a vote. The Chairman suggested that a draft decision might help address the issue of defining cultivars, and the botanist of the Nomenclature Committee suggested that the Plants Committee could address this issue.

China proposed that part 2 of the annotation proposed by the United States in proposal CoP14 Prop. 36 be amended to read

Specimens, except the extracts of hybrids and cultivars, are not subject to the provisions of the Convention.

The United States noted that the proposed amendment was in breach of the rules of the Convention, and the Chairman agreed with this view. The Chairman proposed that China and the United States discuss the issue bilaterally and that conclusion of the discussion on proposal CoP14 Prop. 36 be deferred. Discussion on proposal CoP14 Prop. 37 was also deferred until the conclusion of the discussion on the previous proposal.

Administrative matters

8. Committee reports

8.3 Report of the Chairman of the Plants Committee

The Committee considered two draft decisions on annotations for Orchidaceae that were proposed in document CoP14 Doc. 8.3 (Rev. 1). The Chairman suggested, with support from the Chairman of the Plants Committee, that the first decision directed to the Plants Committee on monitoring and assessing of possible conservation problems could be accepted, and that the second decision directed to the Parties and to the Plants Committee could be accepted with deletion of the text "in particular for the genera *Miltonia*, *Odontoglossum* and *Oncidium*". With this amendment, the two decisions were agreed by consensus.

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Cambodia introduced proposal CoP14 Prop. 1 regarding the transfer from Appendix II to Appendix I of *Nycticebus* spp. They informed delegates that when the taxon was originally listed in the Appendices, only three species were recognized, but that current taxonomy now recognized five species, and considerable morphological variability might reveal even more. He provided an overview of the status of and trade in the five species, including their threats. He noted that more than 80 experts including members of the IUCN Specialist Group expressed support for listing *Nycticebus* spp. in Appendix I. Noting that they were range States for species of *Nycticebus*, India and Indonesia explained that these lorises were protected by domestic legislation, and they supported the listing proposal.

Further discussion of this item was deferred until the next session.

Approval of summary reports

Summary record of the second session of Committee I (CoP14 Com. I Rep. 2)

In the third paragraph of agenda item 58 of Summary Record CoP14 Com. I Rep. 2, the United States noted that the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC) had called for a workshop, not the Caribbean Environment Programme (CEP). Spain sought clarification regarding the vote recorded for the European Union. The Secretariat responded that the inclusion of the European Union in the vote list was an error from the previous programming of the system, and would be deleted in future summary reports. It confirmed that the European Union *per se* did not have a vote.

Swaziland advised that contrary to the text under agenda item 37.2, the Democratic Republic of the Congo was not a range State of the black rhinoceros. The Secretariat suggested amending the sentence so that it began: Rwanda, as a range State for black rhinoceros, and the Democratic Republic of Congo, supported... This was agreed.

Spain noted that in the Spanish version, the title of the document should be "Summary Record of the second session of Committee I "and not of "Committee II".

With these amendments, Summary Record CoP14 Com. I Rep. 2 was adopted.

Summary record of the third session of Committee I (CoP14 Com. I Rep. 3)

Argentina requested a revision of text under agenda item 51 to reflect their statement more closely, and said they would submit revised text to the Secretariat. Under agenda item 8.2, Argentina requested that the text be revised to replace the text ~~"that they expressed concern that the vote by the representative for the Central and South America and the Caribbean region did not adequately reflect the views of the Parties in the region~~ with the text that they expressed concern about the fact that the review pertaining

to one species of cetaceans would run counter to the guidelines for the periodic review adopted by the Standing Committee at its 51st meeting, which exclude species addressed under other reviews.

Israel raised concerns about the voting results under agenda item 47, highlighting that that country's vote was not recorded in the table included in the Annex. Because additional votes might change the result, they called for the vote to be repeated.

Spain highlighted the text under agenda item 47 which could wrongly imply that Mexico is not capable of obtaining documents in general. Mexico suggested amending the text to read "that they accepted the assertion that, for this transaction, it was not possible to obtain documents showing legal provenance of parent stock with complete certainty".

The Chairman responded that the announcement of voting results for agenda item 47 needed to be properly reflected in the text and that a revised version of Summary Record CoP14 Com. I Rep. 3 would be circulated for adoption.

The session was closed at 17h00.

Result of the vote on proposal CoP14 Prop. 34 (agenda item 68)

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

Parties	Vote 1
Equatorial Guinea GQ	0
Eritrea ER	3
Estonia EE	1
Ethiopia ET	3
Fiji FJ	1
Finland FI	1
France FR	1
Gabon GA	0
Gambia GM	0
Georgia GE	0
Germany DE	1
Ghana GH	0
Greece GR	1
Grenada GD	0
Guatemala GT	2
Guinea GN	0
Guinea-Bissau GW	0
Guyana GY	0
Honduras HN	2
Hungary HU	1
Iceland IS	2
India IN	1
Indonesia ID	2
Iran (Islamic Republic of) IR	0
Ireland IE	1
Israel IL	2
Italy IT	1
Jamaica JM	2
Japan JP	3
Jordan JO	0
Kazakhstan KZ	0
Kenya KE	2
Kuwait KW	1
Lao People's Democratic Republic LA	2
Latvia LV	1
Lesotho LS	0
Liberia LR	0
Libyan Arab Jamahiriya LY	0
Liechtenstein LI	0
Lithuania LT	1
Luxembourg LU	1
Madagascar MG	0
Malawi MW	0
Malaysia MY	1
Mali ML	0
Malta MT	1
Mauritania MR	0
Mauritius MU	3

Parties	Vote 1
Mexico MX	2
Monaco MC	1
Mongolia MN	3
Montenegro ME	0
Morocco MA	3
Mozambique MZ	1
Myanmar MM	0
Namibia NA	0
Nepal NP	2
Netherlands NL	1
New Zealand NZ	1
Nicaragua NI	2
Niger NE	0
Nigeria NG	0
Norway NO	1
Pakistan PK	3
Palau PW	0
Panama PA	0
Papua New Guinea PG	0
Paraguay PY	0
Peru PE	0
Philippines PH	2
Poland PL	0
Portugal PT	1
Qatar QA	2
Republic of Korea KR	1
Republic of Moldova MD	1
Romania RO	1
Russian Federation RU	0
Rwanda RW	2
Saint Kitts and Nevis KN	0
Saint Lucia LC	1
Saint Vincent and the Grenadines VC	0
Samoa WS	0
San Marino SM	0
Sao Tome and Principe ST	0
Saudi Arabia SA	0
Senegal SN	0
Serbia RS	3
Seychelles SC	0
Sierra Leone SL	0
Singapore SG	1
Slovakia SK	1
Slovenia SI	1
Solomon Islands SB	0
Somalia SO	0
South Africa ZA	2
Spain ES	1
Sri Lanka LK	0
Sudan SD	0
Suriname SR	2
Swaziland SZ	3

Parties	Vote 1
Sweden SE	1
Switzerland CH	1
Syrian Arab Republic SY	0
Thailand TH	1
The former Yugoslav Republic of Macedonia MK	0
Togo TG	2
Trinidad and Tobago TT	2
Tunisia TN	2
Turkey TR	0
Uganda UG	1
Ukraine UA	0
United Arab Emirates AE	1
United Kingdom of Great Britain and Northern Ireland GB	1
United Republic of Tanzania TZ	2
United States of America US	3
Uruguay UY	0
Uzbekistan UZ	0
Vanuatu VU	0
Venezuela (Bolivarian Republic of) VE	0
Viet Nam VN	2
Yemen YE	0
Zambia ZM	2
Zimbabwe ZW	1