

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



Fifteenth meeting of the Conference of the Parties
Doha (Qatar), 13-25 March 2010

Summary record of the second session of Committee I

15 March 2010: 14h20 - 17h15

Chairman: J. Donaldson (South Africa)
Secretariat: David Morgan
Milena Sosa Schmidt
Rapporteurs: J. Gray
J. Jorgenson
C. McLardy
J. Robinson

16.2 International expert workshop on non-detriment findings

16.2.1 Report of the Secretariat

The Chair recorded that the Committee had noted this document.

16.2.2 Report of the Animals and Plants Committees

The Chair of the Plants Committee announced proposed changes to the draft decisions in the annex of document CoP15 Doc. 16.2.2 on the basis of discussions between China, Malaysia, Zambia, the Chair of the Animals Committee and herself held since the previous session of Committee I. These were to insert non legally binding before "guidelines" in paragraph b) of the draft decision directed to the Animals and Plants Committees; to insert as a tool for making non-detriment findings after "guidance" in paragraph d) iv; and to amend paragraph b) of the draft decision directed to the Secretariat to read:

Use the external funds offered from interested Parties, intergovernmental and non-governmental organizations, and other funding sources to translate the guidelines into Arabic, Chinese and Russian and to support activities for capacity building on non-detriment findings in regional workshops.

In response, and with reference to this last-mentioned paragraph, the Secretariat queried whether the estimated budget of USD 60,000 noted in paragraph 10 of the document remained, adding that this paragraph of the draft decision would not, in any case, need adoption, as it was a budgetary decision and would therefore be referred to Committee II, whose work included allocation of external funds as part of the costed programme of work: for the purposes of Committee I, a decision on what funds were required was needed and information on proposed activities.

The Chair of the Plants Committee expressed the hope that the USD 60,000 could support a joint three-day meeting of the Animals and Plants Committees on non-detriment findings work, hence leaving external funding for the extra translations, the costs of which, she believed, the Secretariat would be best placed to estimate.

Egypt supported the draft decisions with the proposed amendments, emphasizing the importance of building capacity at a regional level and offering to help secure external funds for the purpose of translation into Arabic and urging an estimate of the associated costs without delay.

Mexico sought clarification on the procedure and timing of forwarding decisions of Committee I to Committee II for budgetary purposes. The Chair confirmed that these would be regularly conveyed. Israel spoke against the insertion of "non legally binding" in the draft decision directed to the Animals and Plants Committees. However, the Chair of the Animals Committee observed that "guidelines" were, by nature, non-binding. The Chair of Committee I announced that the draft decisions, as amended, were accepted.

16.3 Non-detriment findings for timber, medicinal plants and agarwood

The Chair of the Plants Committee introduced document CoP15 Doc. 16.3 and its annexes, explaining that they contained guidance in accordance with Decisions 14.135 and 14.143. She noted that this comprised a reference framework for further collaborative work. She reported that she had met the day before with chairs of working groups of PC18 to consider the Secretariat's comments on the draft decisions in Annex 3 of the document and that, in response, she had changes to propose to the draft decisions. In the draft decision directed to the Parties, she proposed deletion of capacity-building. She proposed replacement of the first draft decision directed to the Secretariat with:

To include practical elements for making non-detriment findings for these plant groups in its capacity-building workshops, in order to generate feedback from Scientific Authorities to refine the guidelines on making non-detriment findings included in document CoP 15 Doc. 16.3.

She clarified that the aim of this redrafting was to generate active exchange of views by Parties in order to stimulate refinement of the non-detriment finding guidelines. In the second draft decision directed to the Secretariat, she proposed the replacement of ~~coordinate~~ with use, the insertion of external before "funds", and the insertion of to translate the guidelines into Arabic, Chinese and Russian and after "funding sources". She added that translation of the guidelines into Arabic, Chinese and Russian may not be necessary for each of the three groups of plant in the document. Regarding the budget for implementing the draft decisions, she noted that the number of workshops held would depend on available donations and that the non-detriment finding material referred to in paragraph 29 of the document would no longer be needed. She thanked Cameroon for an example of practical implementation of the non-detriment finding guidelines in the case of Afrormosia.

Canada, in its capacity as chair of the PC18 working group on timber species and *Prunus africana*, confirmed that the outcome of the working group was not intended as a completed process, but rather as results ready to share with experts and practitioners. Germany, in its capacity as chair of the PC18 working group on medicinal plants, and speaking also on behalf of the regional representative of Oceania in his capacity as chair of the PC18 working group on agarwood, also called for feedback on the non-detriment finding guidance emerging from the PC18 working groups, stressing that uptake of this guidance was voluntary. Both Canada and Germany reported that the execution of Decisions 14.135 and 14.143 had shown that generic principles for non-detriment findings were possible.

The Chair called for reactions to the draft decisions in Annex 3 of the document, as amended. Mexico requested the addition of a draft decision directed to the Secretariat to read, to maintain the information up to date and accessible to the Parties. China supported Mexico, but commented that documentation on non-detriment findings produced in response to Decisions 14.135 and 14.143 was over-complex and urged production of concise and simpler documentation. Spain, on behalf of the European Union and its Member States, also supported the amended draft decisions, but requested the insertion of with the participation of appropriate experts after "workshops" in the decision directed to the Parties. There being no further interventions, the draft decisions in the comments provided by the Secretariat were accepted with all the proposed amendments.

26. Review of Significant Trade in specimens of Appendix-II plant species

The Chair of the Plants Committee introduced document CoP15 Document 26 (Rev. 1). She agreed with the amendments to the draft decisions in the comments provided by the Secretariat and confirmed that a number of workshops were planned at a cost of US\$45,000 each. Spain, on behalf of the European Union and its Member States, supported the amended text. The draft decisions were accepted as amended by consensus.

29. Production systems for specimens of CITES-listed species

The Chair of the Animals Committee introduced document CoP15 Doc. 29 noting that it referred only to ranching (source code R). He highlighted the work that the Joint Animals and Plants Committees had undertaken which included a questionnaire to Parties on the use of the source code. Based on the responses, it had been decided to exclude plants from the discussions as no examples of ranching for plants had been provided.

The United States fully supported the recommendations of the Animals Committee and the Secretariat in amending Resolutions 12.3 (Rev. CoP14) and 11.16 (Rev. CoP14). They further supported the consistent application of source code R and the development of a manual to provide further guidance on the use the code. Whilst Mexico confirmed they did not use source code R, they valued the production of a manual, as did China, Spain, on behalf of the European Union and its Member States, and Species Management Specialists. China also noted the importance of source code R.

Spain, on behalf of the European Union and its Member States, supported the change to the definition of ranching as amended by the Secretariat which provided further clarity to the term. However, they felt there would still be confusion on how to apply codes for production systems similar to ranching, and opposed the restriction of source code R only to populations of species that had been transferred from Appendix I to Appendix II as ranching is not specific to an Appendix. This would also limit the availability of trade data with source R that could be available from the CITES Trade Database for the Review of Significant Trade process. They further noted that ranching is a more benign form of harvest than wild harvest, and that non-detriment findings were still required for ranched specimens as well as those of wild origin.

Australia, China and Species Management Specialists supported the comments of Spain, on behalf of the European Union and its Member States, in relation to the restriction to only populations transferred from Appendix I to Appendix II. Australia also noted that there were many crocodile ranching facilities within their country and that specimens produced from those facilities would have to be treated as wild should the proposed definition be accepted. Peru echoed these comments for ranching of *Arapaima gigas*.

The Secretariat expressed surprise at the nature of the responses of the Parties since the Animals Committee had been directed to complete work on this issue and had consulted widely. The Chair of the Animals Committee echoed these sentiments and stated that his Committee had fulfilled its task. He was concerned that if the issue could not be resolved at the present Conference of the Parties it would mean reinitiating the process.

Mali raised concern with the proposed definition of ranching, and suggested that rather than eggs being "harvested", the text should be amended to "taken from the wild". The Chair raised the question of whether this was a translation issue. This issue was not resolved.

Species Management Specialists noted their disappointment with the reaction of the Secretariat and agreed that the Animals Committee had fulfilled its mandate. They were reluctant for the issue to be directed back to the Animals Committee. They suggested that the proposed manual could provide a way forward to resolving some of the problems experienced in the past.

The Animals Committee Chair noted substantive support for the proposed manual and the new definition of ranching. The United States, supported by Egypt and the Chair of the Animals Committee, suggested that for consistency, the definition of ranching should be included both in Resolution Conf. 11.16 (Rev. CoP14) and Resolution Conf. 12.3 (Rev. CoP14) if it was the will of the Parties to expand the use of Source Code R to species other than those downlisted pursuant to ranching.

Mexico stated that Resolution Conf 11.16 made reference only to ranched populations that had been transferred from Appendix I to II. Israel suggested formation of a drafting group to provide two sets of wording for a definition of ranching to incorporate and highlight the opposing views. This could be brought back to Committee I for discussion and a vote. The Chair agreed on this as way forward and the working group was formed with the following members: Australia, China, Israel, Peru, United Kingdom of Great Britain and Northern Ireland, United States (Chair), Species Management Specialists and Species Survival Network.

28. Ranching and trade in ranched specimens

Document CoP15 Doc. 28 was presented by the Secretariat, who drew attention to the need to revise Resolution Conf. 11.16 for the purposes of clarity and noted that this Resolution was now used as one of the three precautionary measures in Resolution Conf. 9.24 for assessing whether species could be transferred from Appendix I to II. Bizarrely, as shown in Annex 1 of the document, the requirements outlined in paragraph A.2 d) of Annex 4 to Resolution Conf. 9.24 (Rev. CoP14) were more restrictive than required for non-ranching transfer proposals from Appendix I to II. It highlighted proposed draft decisions in Annex 2 on the use of ranching criteria for amendment of the Appendices and the minor amendments to Resolution Conf. 11.16 (Rev. CoP14) outlined in Annex 3.

The United States noted the recommendations provided by the Animals Committee in AC24 Doc. 8.2 that had been directed to the Secretariat. These had apparently not been addressed. They opposed the draft decisions in Annex 2, but supported the amendments in Annex 3. In response the Secretariat explained that its workplan is established by the Conference of the Parties and it was unable to respond to this specific request by the Animals Committee.

Spain, on behalf of the European Union and its Member States, supported Annexes 2 and 3 and drew attention to the links to document CoP15 Doc. 29 on the definition of ranching. Australia voiced concern as to whether the proposed decisions would solve the problem and suggested the formation of a working group. They suggested an expeditious way forward may be to delete sub paragraph d) of Resolution Conf. 11.16 and to examine ways to incorporate Resolution Conf. 11.16 (Rev. CoP14) and Resolution Conf. 9.20 (Rev.) to form a special case mechanism in conformity with Resolution Conf. 9.24 (Rev. CoP14).

The Species Survival Network opposed both decisions and noted that if these were accepted then further Animals Committee consideration of the issue would be required.

As a way forward, Israel suggested that final action on document CoP15 Doc. 29 should be reached before further consideration of document CoP15 Doc. 28. A working group of Australia, China, Spain on behalf of the European Union and its Member States (Chair), the United Kingdom, the United States, Species Management Specialists and Species Survival Network was formed to further this matter.

35. Standard nomenclature

Document CoP15 Doc. 35 (Rev. 3) was presented by the Animals Committee Chair on behalf of the Nomenclature Specialist of the Animals Committee who was unable to attend the meeting. Following the suggestion of the Chair of the Animals Committee, issues related to fauna were addressed first. He noted that the Nomenclature Specialist was in agreement with the Secretariat's comments in paragraph C. a) and c) and under d) for *Tropidophis xanthogaster* and all other paragraph C recommendations on page 33 (English version) except paragraph h).

Israel suggested a revised standard reference for the genus *Uromastyx*, notably Wilms 2009 (as referenced in Annex 5 of proposal CoP15 Prop. 10) replacing Wilms 2001 and 2007. This reference had been supported by the Nomenclature Specialist of the Animals Committee subsequent to the submission of her report.

Japan expressed their thanks to the Secretariat for the early disclosure of the proposed standard nomenclature prior to the present Conference of the Parties. They did not agree with the proposed reference for *Scleropages formosus* on the grounds that identification of the four species would be problematic. These concerns were echoed by Malaysia and Singapore which have registered a large number of captive breeding facilities for this species. Concerns were also raised by Egypt, Conservation International and Ornamental Fish International on this reference.

Egypt proposed the use of common names in the standard nomenclature. The Chair of the Animals Committee opposed this approach noting the use of multiple common names allocated to many species.

Spain, on behalf of the European Union and its Member States, expressed support for the draft decisions and proposed some specific recommendations for amendments to the text; in D. a) i) and c). In the third bullet point, Spain, on behalf of the European Union and its Member States, supported retaining the proposed draft decision but agreed that it should be directed to the Animals Committee. They also supported the text endorsed by the Standing Committee at its 58th meeting in part c).

The Chair, with agreement from the Animals Committee Chair, summarized the four main issues on the table; the comments from the Secretariat with which the Animals Committee agreed, the proposal to keep to current reference for *S. formosus*, the proposal to adopt a new standard reference for *Uromastyx* spp. and the new suggested text for amendment to the draft decisions provided by Spain on behalf of the European Union and its Member States. The Chair requested the Secretariat to work with the Chair of the Animals Committee to produce a draft document which would incorporate the four issues identified for fauna and which could be further considered by the Committee.

The Secretariat drew attention to the proposed budget in paragraph 17 to cover expenditure related to activities concerning nomenclature (fauna), and reminded the Committee that budgetary matters would be referred to Committee II.

The Animals Committee Chair indicated that he would resume with the flora issues in the following session.

The session was closed at 17h15.