

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 fourth session of Committee II

16 March 2010: 14h10 - 16h50

Chairman: W. Dovey (New Zealand)
Secretariat: J. Barzdo
 T. de Meulenaer
 L. Gauthier
Rapporteurs: L. Garrett
 J. Gray
 T. Inskipp
 J. Jorgenson

16. Capacity Building

16.1 Report of the Secretariat

The Chair announced that a draft decision directed to the Secretariat on capacity building in the African region had been received from Kenya, as follows:

“Decision 15.xx The Secretariat shall

- a) seek funding to convene a capacity-building workshop and regional meeting for the Africa region before the 62nd meeting of the Standing Committee, in order to improve regional implementation of the Convention; and
- b) subject to availability of funds, invite the Parties of the region, non-party States, regional intergovernmental organizations and observers as may be appropriate.”

This was accepted.

18. Review of Resolutions

Annex 4

The Secretariat introduced the document with proposed amendments to Resolution Conf. 9.7 (Rev. CoP13) and raised a question of whether an amendment was necessary to address the issue of long transit periods. No Party wished to propose such an amendment and China thought it was inappropriate to extend the validity of an export permit beyond the six-month period indicated in the Convention. Spain, on behalf of the European Union and its Member States, said that solutions to transit problem could be found on a case-by-case basis.

Regarding the amendments presented in Annex 4 b) of document CoP15 Doc. 18, China suggested that the term “in transshipment” be used instead of “being transhipped” in the proposed new text but as the latter expression was already used in the text, it was agreed not to change it.

In the last operative paragraph, China wished to retain the word “officials” instead of “authorities”, which they thought too loosely defined. This was agreed.

Spain, on behalf of the European Union and its Member States, suggested three amendments to Annex 4 b), as follows:

- in paragraph h), the text proposed by the Secretariat should be amended to read:

“Each Party must apply the Convention over the whole of its territory, as the Convention does not make any provision for the exclusion of areas or zones under special regimes, such as duty free shops, free ports or non-Customs zones;”

- terminology should be consistent, so that when reference is made to the necessary documentation, “CITES permits and certificates” is used systematically; and
- thirdly, the sixth preambular paragraph should read:

“NOTING that the verification of the existence of valid export permits or re-export certificates for control of specimens...to discover illegal trade in specimens of species included in CITES Appendices.”

The United States of America proposed that the replacement of paragraph h) should stand alone, as suggested by the Secretariat, and start with the words “CONFIRMS that”.

The proposals of Spain and the United States were agreed and the proposed revision of Resolution Conf. 9.7 (Rev. CoP13) was accepted as amended.

Annex 5

Regarding the proposed revision of Resolution Conf. 9.10 (Rev. CoP14), Spain, on behalf of the European Union and its Member States, proposed to retain the final preambular paragraph, with the addition of: Also AWARE that Parties may decide not to allow the sale of confiscated specimens in order to exclude illegally traded specimens from entering commercial trade; at the end. They were in favour of the Secretariat's proposal for a new preambular paragraph, but they noted that this duplicated text in the later preambular paragraph beginning "AWARE of Resolution Conf. 10.7" and therefore suggested either deleting this latter paragraph or amending it to read as follows: “AWARE that, according to Resolution Conf. 10.7, the successful recovery of the costs of confiscation and disposal from the guilty party may be a disincentive for illegal trade”. They stated that they wished to retain the operative paragraph beginning “CONFIRMS”.

The observer from Humane Society International was concerned about the deletion of operative paragraph h) of the Resolution, as they believed the financial burden of returning confiscated specimens should not fall on countries of origin and/or last export.

The proposed revision of Resolution Conf. 9.10 (Rev. CoP14), was accepted, with the revisions proposed by Spain.

Annex 6

Regarding the proposed revision of Resolution Conf. 9.19 (Rev. CoP13), Spain, on behalf of the European Union and its Member States, supported the document, but pointed out that the reference to Resolution Conf. 11.11 (Rev. CoP13) in paragraph 6 of Annex 1 of the Resolution should be corrected to indicate “(Rev CoP14)”. With this correction the proposed revision of Resolution Conf. 9.19 (Rev. CoP13) in Annex 6 c) was accepted.

Annex 7

Document CoP15 Doc. 18 Annex 7 was introduced by the Secretariat. The United States indicated support for the revision of Resolution Conf. 10.10 (Rev. CoP14). They suggested, however, that the draft decision be directed to the Standing Committee, not the Secretariat. Rwanda, supported by Kenya, Mali, Nigeria, and Sierra Leone believed that revision of the Resolution warranted greater consultation with range States and proposed an amendment to the draft decision directed to the Secretariat in Annex 7 to that effect, as follows:

“The Secretariat shall, in consultation with African and Asian elephant range States, the Standing Committee, the MIKE and ETIS subgroup and any other interested Party or organization, evaluate the need to revise Resolution Conf. 10.10 and present a summary of the consultation and its proposal in this regard to CoP16.”

Spain, on behalf of the European Union and its Member States, wished the revision of the Resolution to provide better definition of the roles and responsibilities relating to MIKE and ETIS. The observer from IWMC World Conservation Trust stressed the need for clear terms of reference for the review of the Resolution.

Seeing no consensus, the Chair requested Kenya and the United States to liaise regarding appropriate wording of a draft decision and postponed further discussion of this item.

Annex 8

The proposed amendments to Resolution Conf. 11.11 (Rev. CoP14) in document CoP15 Doc. 18 Annex 8 b) were accepted by consensus.

Annex 9

Regarding the proposed amendment to Resolution Conf. 11.21 (Rev. CoP14), the United States suggested that the words “that specifies the types of specimens” be replaced by specifying that only certain types of specimen are. With this change, the proposed amendment to the Resolution was accepted.

Annex 10

Regarding the recommendations in document CoP15 Doc. 18 Annex 10a), paragraph 7, China was opposed to repealing Resolution Conf. 12.2 and thought that the draft decision in Annex 10b) could be incorporated into Resolution Conf. 12.2. Israel supported the recommendations with one amendment; they proposed that, in paragraph a) of the draft decision presented in Annex 10 b), the words “long-term” be deleted. This was agreed. With this change, there being no further opposition to the recommendations, the Chair concluded that the repeal of Resolution Conf. 12.2 and the draft decision in Annex 10 b), as amended, were accepted.

Annex 11

Regarding the proposed revision of Resolution Conf. 12.3 (Rev. CoP14), in Annex 11 b), Botswana, China, Israel, Mexico, Spain, on behalf of the European Union and its Member States, the United States and Zimbabwe, expressed a range of views against the proposed definition of “hunting trophy” in section I, paragraph g). In addition, Mexico suggested waiting for the results of the working group on personal effects. Botswana, supported by South Africa and International Environmental Law Project, suggested that a working group should work on text for the definition. There was some discussion of whether this task should be assigned to the Standing Committee Working Group on Personal and Household Effects, or the Standing Committee Working Group on Purpose Codes but Israel entreated the Chair to establish a working group of Committee II, to report back during the present meeting. The Chair established a working group to take account of all the comments made and requested Israel to the group and to report back as soon as possible. China, the Democratic Republic of the Congo, Ethiopia, Namibia, South Africa, Spain (on behalf of the European Union and its Member States), the United Republic of Tanzania, the United States, Viet Nam, Zimbabwe, Federation of Associations for Hunters and Conservation of the European Union, International Council for Game and Wildlife Conservation, International Professional Hunters Association and Safari Club International expressed a desire to participate in the working group.

Many Parties spoke against the proposed changes to source codes D, C and F, including, Canada, China, Israel, Jordan, Mexico and Spain, on behalf of the European Union and its Member States. The Secretariat noted that there would be no source code applicable to specimens of Appendix-I animal species bred in captivity for commercial purposes at operations not included in the Secretariat’s Register if the amendment to source code F were not accepted, although such trade could still be authorized. To deal with this, Spain, on behalf of the European Union and its Member States, supported by Canada, and the United States, proposed that: in the explanation of source code C, the words in parentheses after “Article VII, paragraph 5” be deleted so that this code could encompass the specimens mentioned by the Secretariat for inclusion under source code F; and the suggested addition to the explanatory text for source code F be

rejected. This proposal was accepted. The Secretariat pointed out that consequential amendment would be required in the Annexes of the Resolution to ensure consistency.

On the question of whether or not the absence of an endorsement on a CITES permit or certificate should by itself be a reason for refusal to accept it, to which the Secretariat had drawn attention on the first page of the Annex, the Plurinational State of Bolivia, Canada, South Africa, Spain, on behalf of the European Union and its Member States, and the United States expressed divergent views. The United States, believing that a lack of such endorsement would be reason to refuse such documentation, requested substitution of paragraph f) of section XIV of the draft resolution with:

- f) whenever an export permit or re-export certificate has been endorsed at the time of export by an inspecting official, for example in box 14 of the standard permit form, the number or quantity of specimens in the shipment must conform to the amount indicated in the endorsement; and the endorsement must include the stamp or seal and signature of the authority that carried out the inspection at the time of export;

The Plurinational State of Bolivia suggested specific text for amendment of Resolution Conf. 12.3 (Rev. CoP14), such that paragraph 13 of Annex 2 of the Resolution would begin as follows: “To be completed by the official who issues the permit, or any other official of the last endorsing agency.” The Chair established a working group to consider this question. Australia, the Bolivarian Republic of Venezuela, Jamaica, the United Kingdom (on behalf of the European Union and its Member States), the United States and Conservation Force asked to join the group. The Chair requested the working group to meet the following day and report back to Committee II.

Mexico requested additional changes to the Spanish version of Annex 11 a), namely the replacement of the Spanish for “personal” with wording meaning “personal object”; the underlining of text in X a); and the use of the term ‘microchips’ rather than “transponders” in paragraph g) of Annex 1. Spain concurred with these comments.

Annex 12

The Secretariat introduced Annex 12 of document CoP15 Doc. 18, regarding Resolution Conf. 12.10 (Rev. CoP14) on *Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes*, noting that adopting one of the suggested proposals would allow greater flexibility in dealing with this issue. They explained that there were two proposals, one of which was based on a revision of Resolution Conf. 9.19 (Rev. CoP14) which relates to registration of plant nurseries, and the other involved an extensive revision of Resolution Conf. 12.10 (Rev. CoP14). The latter provided two options (A and B) for the procedure to be followed by the Secretariat.

Israel, Jordan, Kenya, Mali, Mexico, Humane Society International, International Fund for Animal Welfare, Species Survival Network and the World Society for the Protection of Animals all spoke in favour of retaining the current Resolution unchanged. The reasons for this view, included concern that any change would weaken enforcement potential, create law enforcement loopholes, reduce the control that Parties have over captive-breeding facilities, be of no benefit to range States whilst increasing the burden on their resources and undermine the Resolution that relates to trade in tigers.

Spain, on behalf of the European Union and its Member States, recognized that the existing system was slow, expensive and ineffective, and that many captive breeding operations were not yet registered. They preferred option B in the second proposal, but felt that either of the proposed amendments would improve current procedures.

In response to concern, the Secretariat clarified that option B of the second proposal would allow Parties to maintain their right to block or object to captive breeding operations but would allow these to be resolved within one year by the Standing Committee rather than having to wait for the next CoP.

Canada, Guyana, New Zealand, South Africa and the United States supported the second proposal, option B. Both Canada and the United States felt that the application of the current process was too protracted. However, the United States had concerns over some aspects of option B and suggested that a working group would be useful to resolve these. Canada, New Zealand, Spain and South Africa wished to be involved in a working group, if established.

China acknowledged that the current process was complex. They preferred proposal 2), but were not ready to accept the wording in either of the proposals. They would be happy to comment on these if the wording were to be revised. TRAFFIC did not support the first proposal, but could support the second proposal with some amendments and caveats, and wished to be involved in the working group.

The Chair established a working group, convened by the United States and open to all interested Parties and observers.

Annex 13

The Secretariat introduced Annex 13 of document CoP15 Doc. 18, regarding Resolution Conf. 14.7 on *Management of nationally established export quotas*. This was accepted without amendment.

The session was adjourned at 16h50.