

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 fifth session of Committee II

17 March 2010: 09h18 – 11h55

Chairman: W. Dovey (New Zealand)
Secretariat: J. Barzdo
T. De Meulenaer
J. C. Vasquez
M. Yeater
Rapporteurs: L. Garrett
J. Gray
T. Inskipp
J. Robinson

18. Review of Resolutions

The Chair read out the draft decision relating to the review of Resolution Conf. 10.10 (Rev. CoP14), resulting from deliberations between Kenya and the United States of America following the previous session of the Committee, which was as follows:

"The Standing Committee shall, in consultation with African and Asian elephant range States and the Secretariat, evaluate the need to revise Resolution Conf. 10.10 (Rev. CoP14) and present a summary of the consultations and its proposals in this regard to the 16th meeting of the Conference of the Parties."

The draft decision was accepted.

Israel and the United States, respectively, reported that the results of the working groups on the definition of "hunting trophy", and on revision of Resolution Conf. 12.10 (Rev. CoP14) were not yet available.

19. Review of Decisions

The Secretariat introduced document CoP15 Doc. 19 on the review of Decisions, drawing attention to its recommendations in paragraphs 5 and 6. The Chair added that, as a result of the recommendation in paragraph 38 of the Report of the Chair of the Animals Committee, Decision 13.93 should be added to Annex 3 of the document under discussion. Mexico expressed its disagreement with the way the Secretariat prepared document CoP15 Doc. 19 by promoting the elimination of a large number of Decisions without any analysis or justification. At the request of Mexico, the Chair agreed to take comments on additional Decisions that Parties wished to be retained at the end of discussion of the document. He then sought comments on Annex 1 of the document.

Regarding Decisions 14.5 and 14.8, the Secretariat's recommendation to incorporate the former into Resolution Conf. 11.1 (Rev. CoP14) and to delete the latter was accepted. The Secretariat was asked to prepare a document to show how the incorporation would be done.

In discussion of Decisions 13.14 (Rev. CoP14) to 13.17, there was some support for either their retention or their transfer to a Resolution, including from Chile, China and Mexico. With reference to Decision 13.16,

Mexico, supported by Mali, wished to know which regional meetings in particular had been supported by funds raised and demanded transparency. The Secretariat stated that funds raised were channelled through the Sponsored Delegates Project and that the Secretariat's accounts were available through UNEP, allowing full transparency. The Chair requested that, if Kenya required further information, they seek this from the Secretariat bilaterally. Spain, on behalf of the European Union and its Member States, proposed the transfer of Decisions 13.16 and 13.17 to Resolution Conf. 11.1 (Rev. CoP14), and the United States requested the same for Decision 13.15. As a result of discussions, the Chair then moved that Decisions 13.14 to 13.17 be incorporated within Resolution Conf. 11.1 (Rev. CoP14). This was agreed and the Secretariat undertook to produce a draft document to propose how this might be done.

There were no comments on the Secretariat's recommendation regarding Decision 14.18 and this was agreed.

The Chair deferred discussion of Decision 14.61 for consideration in Annex 2 of the document.

Regarding the recommendation to delete the unimplemented Decisions 14.73 and 14.74 on bushmeat, Cameroon, the Congo, the Democratic Republic of the Congo, Kenya, Liberia, Mali and Spain, on behalf of the European Union and its Member States, were against deletion, citing the need for closer collaboration with other organizations on bushmeat and the desirability of maintaining the Decisions until the Bushmeat Working Group had completed its work. Additionally, Spain proposed an amendment to the last sentence of Decision 14.74 to indicate that a report was required at CoP16. Mexico asked for a clear link to be drawn between the Decisions and document CoP15 Doc. 61, the Report of the Central African Bushmeat Working Group. The Chair noted that it was agreed that the two decisions were maintained, with the amendment proposed by Spain.

The Chair requested comments on the recommendations to delete or amend Decisions 10.2 (Rev. CoP11), 14.75, 14.76, 14.78 and 14.79. Kenya noted that the Elephant Action plan was being finalized for presentation later in the meeting and recommended that all Decisions relating to elephants should be deferred until that Plan had been discussed. This suggestion was supported by Benin, the Congo and Sierra Leone. Spain, on behalf of the European Union and its Member States, and supported by Mexico and the United States, agreed with the proposed deletion of Decision 10.2 (Rev. CoP11) but were in favour of deferring discussion of the remaining decisions. It was therefore agreed to defer discussion on all these Decisions until later in the meeting.

Regarding Decision 14.81, Mexico opposed its deletion on the basis that the draft resolution on the periodic review in document CoP15 Doc. 62 had not been accepted in Committee I. This view was supported by Argentina, Brazil, Chile, Israel and the United States, but opposed by China, Iceland and Norway. The Chair put the issue to a vote, which resulted in 24 in favour of deletion of the decision, 46 against and 9 abstentions. The recommendation to delete the Decision was thus rejected.

Regarding the proposed deletion of Decisions 14.82 to 14.85 concerning the grey parrot, Mexico clarified that the failure to raise funds was insufficient justification for deletion. Cameroon, the Democratic Republic of the Congo, Israel, Nigeria, Sierra Leone and Spain, on behalf of the European Union and its Member States, proposed the retention of these decisions. Among reasons given for this were that management plans for the trade were pending and there was continuing illegal trade. The proposed deletion was rejected.

Regarding decisions 14.82 to 14.84, Spain, on behalf of the European Union and its Member States, noting the low level of trade of the European Union and the United States of America, proposed that the Animals Committee conduct a review of trade to determine whether the decisions were still warranted and report at CoP16. The Chair requested text for a draft decision at a forthcoming session.

Regarding Decisions 14.138 and 14.144, on Agarwood-producing taxa, Kuwait supported the extension of these Decisions, to refer to CoP16, and offered to host a regional workshop, which would develop proposals for that meeting. This extension was supported by Indonesia (who also offered to host a workshop in 2011), Japan, Malaysia, Spain, on behalf of the European Union and its Member States, Thailand and the United States. The extension of Decisions 14.138 and 14.144 to CoP16 was accepted.

Discussion of this agenda item was suspended.

33. Transport of live specimens

The Chair of the Animals Committee introduced CoP15 Doc. 33. He pointed out that there was no permanent working group on the transport of live animals and plants, and that this would need to be reestablished at the 25th meeting of the Animals Committee. Malaysia and the United States of America supported the recommendation to delete Decisions 14.158 and 14.159. Spain, on behalf of the European Union and its Member States, also supported this recommendation and stressed the importance of continued work on the new guidelines for non-air transport of live animals and plants. They also proposed that the recommendations in paragraphs 22 b) iii) and iv) be adopted as new decisions directed to the Secretariat, as follows:

- 15.xx Explore ways to establish enhanced cooperation between CITES and various organizations that deal with transport (OIE/ World Animal Health Organization, International Maritime Organization, etc.) through, *inter alia*, a Memorandum of Understanding, or the creation of a liaison group.
- 15.xx Incorporate the transport related guidance found in paragraphs 77-89 of document AC24 Doc. 15.2 into the CITES National Legislation Project.

The draft decisions presented at the end of the document, and these additions, were accepted. The deletion of Decisions 14.58 and 14.59 were also accepted.

19. Review of Decisions (continuation)

Turning to Annex 2 of document CoP15 Doc. 19, the proposed revision of Decision 14.61 relating to physical inspection of timber shipments was accepted without comment.

Decisions 14.76 and 14.78 regarding elephant conservation were deferred for discussion after the discussions of elephant proposals in Committee I.

In relation to Annex 3 of document CoP15 Doc. 19, Mexico recommended that Decision 14.19 be incorporated into Resolution Conf. 4.6 (Rev. CoP13). The Secretariat noted that the aim of Decision 14.9 was a one-off exercise to conduct an editorial review of the current Resolutions; in the process, the need for some substantive amendments had been identified and drawn to the attention of the Standing Committee, and a number of them were contained in document CoP15 Doc. 18. The Secretariat noted that once the current editorial review, overseen by the Standing Committee, was complete, the decision could be deleted. This was supported by Chile and the United States.

Mexico sought further clarification, believing that a review of the Resolutions was essential for the work of the CoP and that this work be conducted prior to and after a CoP, proposing that this be directed to the Secretariat because it created an ongoing requirement. They understood that, if the decisions were not modified, they would continue to be in force and therefore require action at CoP16. They felt that incorporation of this review into a Resolution would require less work.

The Chair recalled that in principle Decisions should be valid only until the next CoP but, if incorporated into a Resolution would generate a greater workload for the Secretariat at a time of budget stringency. Maintenance of Decision 14.19 without amendment was accepted.

The Chair noted that some Parties had concerns regarding Decisions that were not mentioned or included in document CoP15 Doc. 19. Mexico highlighted the importance of maintaining Decision 14.14 regarding capacity building in Oceania but questioned why Decisions 14.31 and 14.32 were proposed for deletion. They were unclear which document dealt with this issue or Decisions 14.33 and 14.34 regarding the enforcement expert group and sought clarification, which the Secretariat undertook to provide later. Mexico suggested the deletion of Decisions 14.98 to 14.100 as the workshop had taken place, and that Decision 14.131 be retained as the development of the checklist referred to in the Resolution was not completed.

However, Australia proposed an amendment to the wording of decision 14.100 regarding sea cucumbers, deleting 'to be' and replacing '~~45th~~' with '16th' to allow time to consider the FAO's workshop report and any follow up action required. This was accepted.

The United States wished to retain Decision 13.93, as requested by the Animals Committee. This was accepted.

The United States also believed that Decision 14.108 had been addressed in Committee I and the Secretariat noted this.

20. National laws for implementation of the Convention

The Secretariat introduced the document, reporting that 85 Parties now had legislation in Category 1, 51 in Category 2 and 40 in Category 3. Of the dependent territories, 11 had legislation in Category 1, 16 in Category 2 and two in Category 3. It congratulated Parties who had moved their legislation into Category 1.

Written cautions had been issued to a number of Parties and, unless a response had been received by 30 September 2010, trade suspensions would be imposed by the Standing Committee. Although some Parties had already responded, the Secretariat encouraged contact at CoP15 from others which had yet to do so.

The Secretariat reported that Decision 14.27 e), f) and g) ii) had been completed, thanking Japan for funding legislative missions to Guyana and Suriname as well as a legislative workshop for francophone countries in North, West and East Africa in February 2009. Regarding the *CITES Strategic Vision: 2008-2013*, it suggested that effort to place the legislation of all Parties into Category 1 should be incorporated into a Resolution. Following successful liaison with Brunei Darussalam, Nigeria and the United States, the Secretariat suggested that Parties with prosecutors and government lawyers within their delegations should contact the Secretariat with an idea to work towards forming a legal network.

The session was adjourned at 11h55.

MOTION: Agenda 19
Review of Decisions

VOTE TOTALS:

Yes : 24
No : 46
Abstain : 9

VOTE BREAKDOWN

	GROUP DETAILS		RESULTS OF VOTE		
	NAME	SIZE	Yes	No	Abstain
	Europe	37	5	23	1
	Africa	33	6	8	2
	Asia	27	8	3	4
C/S America & Carib,	24	4	7	2	13
	Oceania	5	0	3	0
	N America,	3	1	2	0

THE INDIVIDUAL RESULTS WERE AS FOLLOWS

MIC CARD	DELEGATE	INFORMATION	VOTE
1	1	AF Afghanistan	
3	3	DZ Algeria	
4	4	AG Antigua and Barbuda,	Yes
5	5	AR Argentina	No
6	6	AM Armenia	No
7	7	AU Australia	No
8	8	AT Austria	
9	9	AZ Azerbaijan	
10	10	BS Bahamas	No
11	11	BD Bangladesh	
14	14	BE Belgium	No
16	16	BJ Benin	No
17	17	BT Bhutan	
18	18	BO Bolivia (Plurinational State of),	Yes
20	20	BW Botswana	Yes
21	21	BR Brazil	No
22	22	BN Brunei Darussalam,	
24	24	BF Burkina Faso,	
25	25	BI Burundi	
26	26	KH Cambodia	Yes
27	27	CM Cameroon	No
28	28	CA Canada	Yes
30	30	CF Central African Republic,	
32	32	CL Chile	No
33	33	CN China	Yes
34	34	CO Colombia	No
36	36	CG Congo	
37	37	CR Costa Rica,	
39	39	HR Croatia	No
40	901	CU Cuba	
42	42	CZ Czech Republic,	No
44	44	DK Denmark	No
46	46	DM Dominica	
47	47	DO Dominican Republic,	
48	48	EC Ecuador	No
49	49	EG Egypt	
50	50	SV El Salvador,	

53	53	EE	Estonia	No
54	54	ET	Ethiopia	
55	55	FJ	Fiji	
56	56	FI	Finland	No
57	57	FR	France	No
60	60	GE	Georgia	
61	61	DE	Germany	No
62	62	GH	Ghana	No
63	63	GR	Greece	No
64	64	GD	Grenada	Abstain
65	65	GT	Guatemala	
66	66	GN	Guinea	Yes
68	68	GY	Guyana	Yes
69	69	HN	Honduras	
70	70	HU	Hungary	No
71	71	IS	Iceland	Yes
72	72	IN	India	Abstain
74	74	IR	Iran (Islamic Republic of),	Abstain
75	75	IE	Ireland	No
76	76	IL	Israel	No
77	77	IT	Italy	No
78	78	JM	Jamaica	No
79	79	JP	Japan	Yes
80	80	JO	Jordan	Abstain
82	82	KE	Kenya	No
83	83	KW	Kuwait	Yes
84	84	KG	Kyrgyzstan	
86	86	LV	Latvia	No
88	88	LR	Liberia	Yes
89	89	LY	Libyan Arab Jamahiriya,	
90	90	LI	Liechtenstein	Yes
92	92	LU	Luxembourg	No
93	93	MG	Madagascar	Abstain
94	94	MW	Malawi	
95	95	MY	Malaysia	Yes
96	96	ML	Mali	
97	97	MT	Malta	No
98	98	MR	Mauritania	No
99	99	MU	Mauritius	
100	100	MX	Mexico	No
101	101	MC	Monaco	No
102	102	MN	Mongolia	
103	103	ME	Montenegro	
104	104	MA	Morocco	No
106	106	MM	Myanmar	
107	107	NA	Namibia	Yes
108	108	NP	Nepal	Yes
109	109	NL	Netherlands	No
110	110	NZ	New Zealand,	No
111	111	NI	Nicaragua	Abstain
112	112	NE	Niger	Yes
114	114	NO	Norway	Yes
115	115	OM	Oman	No
116	116	PK	Pakistan	Yes
118	118	PA	Panama	
122	122	PH	Philippines	
123	123	PL	Poland	No
124	124	PT	Portugal	No
125	125	QA	Qatar	No
126	126	KR	Republic of Korea,	Yes
127	127	MD	Republic of Moldova,	
128	128	RO	Romania	No
129	129	RU	Russian Federation,	Yes
132	132	LC	Saint Lucia,	Yes

133	133	VC Saint Vincent and the Grenadines,	
134	134	WS Samoa	No
138	138	SN Senegal	
139	139	RS Serbia	
141	141	SL Sierra Leone,	
142	142	SG Singapore	
143	143	SK Slovakia	
147	147	ZA South Africa,	
148	148	ES Spain	
149	149	LK Sri Lanka,	
150	150	SD Sudan	
151	151	SR Suriname	
152	152	SZ Swaziland	No
153	153	SE Sweden	No
154	154	CH Switzerland	Yes
155	155	SY Syrian Arab Republic,	
156	156	TH Thailand	Abstain
158	158	TG Togo	
160	160	TN Tunisia	
161	161	TR Turkey	Abstain
162	162	UG Uganda	Abstain
165	165	GB United Kingdom of Great Britain and Northern Ireland,	No
166	166	TZ United Republic of Tanzania,	No
167	167	US United States of America,	No
168	168	UY Uruguay	
170	170	VU Vanuatu	
172	172	VN Viet Nam,	
175	175	ZW Zimbabwe	Yes