

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 sixth session of Committee II

17 March 2010: 14h10 - 16h55

Chairman: W. Dovey (New Zealand)
Secretariat: J. Barzdo
J. Sellar
M. Silva
J. Vasquez
M. Yeater
Rapporteurs: J. Jorgenson
C. Lippai
C. McLardy
J. Robinson

The United States of America reported that progress had been made in the working group considering document CoP15 Doc. 18 Annex 12, and that a compromise document had been submitted to the Secretariat. They also expected that the working group established to consider document CoP15 Doc. 18 Annex 11 would shortly submit its results.

20. National Laws for the implementation of the Convention (continued)

Jordan agreed with the United Kingdom of Great Britain and Northern Ireland that it was unclear if 'domestic measures' referred only to legislation and requested clarification. The Secretariat said that it was for Parties to decide what was meant by the term 'domestic measures'. It noted that generally this term has referred to legislation but acknowledged that some Parties felt it extended to other measures.

China requested deletion of the paragraph starting "Recalling also that" in the preamble of Resolution Conf. 8.4 (Rev. CoP14) to avoid expanding the scope of the agenda item. China and Malaysia, did not support the inclusion [in the revision of Resolution Conf. 8.4 (Rev. CoP14) outlined in Annex 1] of the proposed punitive measures for Parties which had not adopted appropriate legislation, and proposed the deletion of paragraphs 2 and 4 on page 7 of the English version. Brazil agreed, although they noted that their own national legislation had been deemed to be category 1 and therefore the compliance measures proposed would not apply to them. The Plurinational State of Bolivia echoed these comments. India concurred and reported that the process of incorporating the provisions of the Convention into their own national legislation was at an advanced stage.

Sri Lanka described its recent legislative progress. Liberia noted that the previous civil conflict in their country had made enacting wildlife conservation legislation difficult but that this was now being addressed. Malaysia announced that they had passed legislation in December 2009 which they believed qualified for category 1. They too requested that they be removed from the list of priority countries. The Chair requested that this matter be dealt with bilaterally with the Secretariat.

Spain, on behalf of the European Union and its Member States, expressed their appreciation of the progress made on the National Legislation Project, relating especially to technical assistance on legal advice, legislative advice and capacity building. They considered it essential that all Parties had appropriate laws in place as outlined in Article VIII of the Convention, as well as appropriate policies and

procedures to address the Strategic Vision. However, they noted that the enactment of laws may not be the only solution to adequate implementation of the Convention, and other complementary measures relevant to Article VIII (1) could be adopted. They proposed that the term “measures” be retained in Resolution Conf. 8.4 (Rev. CoP14). The International Environmental Law Project concurred with this view. Spain, on behalf of the European Union and its Member States, did not support the inclusion of “dependent territories” in paragraph a) of the same Resolution, stressing that these are not contracting Parties and that sovereign States were responsible for their territories.

The United States believed that the effectiveness of CITES was undermined where Parties had not implemented the Convention under their national measures, and that many Parties that had been identified as having inadequate legislation had acceded to the Convention more than 20 years ago. They supported the inclusion of the proposed compliance measures; the inclusion of “dependent territories” in paragraph a) of Resolution Conf. 8.4 (Rev. CoP14), and a wider scope of the proposed punitive measures to include all trade, rather than only commercial trade. They suggested the establishment of a working group to formulate textual amendments to the Resolution. Israel concurred and welcomed the Secretariat’s initiatives to liaise with prosecutors, suggesting that they also consider liaising with the Interpol wildlife crime working group project on wildlife prosecution assistance.

Mexico was opposed to deleting the word “commercial” from the proposed suspensions of trade as this would impede trade for scientific or conservation purposes. The International Environmental Law Project did not agree, and suggested that, if a Party had no authority to issue permits then it should not issue permits for any purpose. They also commended the National Legislation Project as a model for biodiversity conventions.

The Chair established an open working group to focus on the proposed revisions to Resolution Conf. 8.4 (Rev. CoP14) in Annex 1 of document CoP15 Doc. 20 and the draft decisions contained in Annex 2. He postponed action on this matter pending the results of the working group.

21. National reports

Document CoP15 Doc. 21 was introduced by the Secretariat, who also referred to document CoP15 Inf. 43 “Analysis of parties’ biennial reports on implementation of CITES 2005-2006 and 2007-2008”, produced by UNEP-WCMC and submitted by the Secretariat, and document CoP15 Inf. 44 “Streamlined reporting by Pacific Island countries to the biodiversity-related multilateral environmental agreements”, submitted by Australia.

The Secretariat noted the tasks of the working group had not been completed. It also noted that the working group required a member from the Asian Region, and encouraged the working group to meet in the margins of CoP15. It also urged the working group to collaborate with the working group on Information Technologies and Electronic Systems.

Spain, on behalf of the European Union and its Member States, supported this and noted that Mauritania had submitted annual reports and was no longer subject to a recommendation to suspend trade. The situation with regard to Somalia remained unclear. The Standing Committee at its 59th meeting had identified Parties that had not provided annual reports for the last three years and, although all had now submitted reports, a new deadline for submission of national reports had passed and a new list of Parties in non-compliance had been identified: Cape Verde, Comoros, Côte d’Ivoire, Eritrea, Nicaragua, Palau, Saint Vincent and the Grenadines, Samoa and Swaziland. Draft Notifications to suspend trade were being sent to Parties in non-compliance in order to prompt submission of missing reports. The Secretariat thanked the United States for external funds which had been used to contract UNEP-WCMC to produce annual report feedback tools for Parties and an analysis of the biennial reports, including a review of fees and costs that Parties charge for CITES-related activities. It urged the provision of further information on fees and charging to be provided in the margins of the meeting.

Australia commented on ongoing activities to consolidate reporting activities under several multilateral environmental agreements as outlined in document CoP15 Inf. 44 and, as the Standing Committee representative of Oceania, commented on ongoing actions regarding non-reporting Parties in the region.

Grenada, citing logistical difficulties, apologized for not meeting its annual report submission obligations, and made a plea for additional time. They indicated that they would submit their reports as soon as possible.

Jamaica also supported the proposed revisions to Decision 14.37 and 14.38 as indicated in Annex 1. They highlighted the need to incorporate the indicators identified in the CITES Strategic Vision: 2008-2013 into the biennial reporting format, which should include conservation measures for Appendix-I species and case studies on user fees. They undertook to develop a draft amendment to Decisions 14.37 and 14.38.

Switzerland, making reference to paragraph 20 of the document and the comment regarding efforts to reduce the reporting burden on Parties, indicated that the Working Group on Information Technologies and Electronic Systems had no mandate to examine national reports, and would have to modify its terms of reference if it were to do so.

Noting general agreement by the Parties for the proposed revisions to Decisions 14.37 and 14.38, as well as the suggested modifications proposed by Jamaica, the Chair postponed final action on this matter pending submission of the proposed text by Jamaica.

22. Reporting on trade in artificially propagated plants

Document CoP15 Doc. 22 was introduced by the Secretariat, who made specific reference to the proposed draft revisions to Decisions 14.39, 14.40, and 14.41 in Annex 1, and the need for additional time and funds to complete the directed tasks.

Switzerland highlighted the need to streamline reporting requirements and indicated that the Standing Committee, at its 58th meeting, had formed a working group to assess whether the problems behind the decisions were still valid. The working group had concluded that there was still merit in the decisions.

Malaysia, proposed that paragraph a) of Decision 14.40 be deleted. Switzerland noted that this would require a consequential amendment, the deletion of the words "if such reporting is found to be generally useful" in the proposed new paragraph b). These amendments were agreed.

The United States supported streamlining reporting requirements and indicated that they had been reporting trade in artificially propagated Appendix-II plants under the same taxonomic level at which they were listed in the Appendices. Supporting the proposal to continue the activities called for in the draft decisions, the United States suggested a further amendment to the proposed revision of Decision 14.41 a) so that it would read as follows:

- a) taking into consideration the findings of the Plants Committee, determine whether it is possible to streamline the reporting of trade in artificially propagated Appendix-II plants; and

This was agreed and the draft revisions to Decisions 14.39, 14.40 and 14.41 were accepted as amended.

23. Standard units of reporting for agarwood-producing taxa

Document CoP15 Doc. 23 was introduced by the Secretariat, who highlighted the recommendation that the unit kilograms should be used in preference to "number" for roots and stems.

Malaysia, and Spain on behalf of the European Union and its Member States, supported the recommendations in the document. Indonesia, an exporting country for agarwood-producing taxa, also supported the recommendations and indicated that they were attempting to comply with the "Guidelines for the preparation and submission of CITES annual reports" contained in Notification to the Parties No. 2006/030 of 2 May 2006.

The recommendation in the document was accepted. The Secretariat noted that, if it were adopted, the Secretariat would amend the *Guidelines for the preparation and submission of annual reports* accordingly.

24. Enforcement matters

The Secretariat introduced document CoP15 Doc. 24, providing an update on the implementation of enforcement efforts for a number of Parties. It drew attention to a report provided by Egypt in Annex 3 following a Secretariat mission to the country, and confirmed that, as there were no outstanding Standing Committee recommendations, the matter had now been closed.

It reported on a high-level mission conducted to Nigeria and highlighted the substantial progress made by them, as outlined in document CoP15 Inf. 27. The Standing Committee had decided that the Secretariat

should continue to work with Nigeria and confirm via postal procedure when the trade suspension could be withdrawn.

Israel proposed acceptance of the report of the Secretariat and the draft decisions, and asked to be included in the illegal trade database working group, if created.

Malaysia supported the draft decisions, as did Canada which encouraged Nigeria to become more compliant with the Convention and expressed a desire to join the working group. They were willing to discuss integrating their data into the EU-TWIX model. Nigeria assured the meeting that they were serious about ensuring full compliance with the Convention and had recently seized considerable shipments of ivory. The United States expressed the hope that such efforts would continue in the future. They added that the USFWS and law enforcement authorities had extensive experience in trade databases that would be of use to the working group, in which they wished to play an active role. They expressed their support for both draft decisions. These and other speakers expressed appreciation of the enforcement work of the Secretariat.

The Central African Republic acknowledged the need to obtain reliable information from Parties and enquired whether a mechanism existed to circulate to the Parties any data obtained on criminal activity. They stressed the need for regular feedback from the Parties to strengthen law enforcement, noting their current efforts to establish a mechanism against wildlife trafficking and ensure that offenders were apprehended and brought to justice.

Jordan congratulated Egypt on their efforts to resolve the issues that had been identified during the 2007 mission. They supported the document and noted that the issues were so important that core funding should be allocated to ensure data collation and analysis.

Spain, on behalf of the European Union and its Member States, commented on the excellent progress made by Egypt and Nigeria, as well as the work carried out by the region of Central and South America and the Caribbean with regard to illicit trade in timber, and suggested that a similar initiative could be applied to wildlife trade. They referred to document CoP15 Inf. 37 on enforcement and establishment of a global seizures database and suggested that the working group be tasked with developing a global database based on the EU-TWIX model. They asked to be included in the working group and suggested it include Customs and enforcement officers from around the world, as well as personnel who had experience in using EU-TWIX. They were surprised at the limited number of Parties that had reported on enforcement, as well as the number of Parties that had not yet created a Scientific Authority, noting that this compromised national implementation of the Convention. They encouraged the Secretariat's work with the Food and Agriculture Organization to develop action plans on Illegal Unreported and Unregulated fishing.

Following the proposal by Spain, on behalf of the European Union and its Member States, Colombia supported the establishment of an online database and stated they could provide information contained in their Single Information System on Illegal Trade in Wild Species that had been set up jointly by the national police of Colombia and the Ministry of the Environment. That system contained information on the most illegally traded species in Colombia, and would also, in future, include genetic information. This information would facilitate the identification of species as well as support the work on illegal trade carried out by Interpol Colombia, which currently operated under the national police.

The United States expressed the hope that such efforts would continue in the future. They added that the United States Fish and Wildlife Service law enforcement and particularly its Office of Law Enforcement authorities had extensive experience in trade and enforcement related databases that would be of use to the working group, in which they wished to play an active role.

Indonesia remarked on the ASEAN illicit trade network that had been set up, noting the value of compliance and enforcement to combat illegal trade, and asked to be on the working group, as did UNEP-WCMC.

Botswana registered their support of the draft decisions, congratulated Nigeria on the steps they had taken to regulate enforcement and compliance, and encouraged them to continue with their efforts to complete these in a timely fashion.

Egypt referred to the collaborative project with Italy to develop a biodiversity database, noting that they were now including, and sharing regionally, information from the Convention on endangered wildlife and

had new environmental protection legislation. The capabilities of criminal enforcement authorities to prosecute had been enhanced and all seizures were now confiscated. They noted their collaboration with national wildlife authorities and the need for continued capacity building initiatives.

Saint Vincent and the Grenadines welcomed the renewed focus on the Caribbean region, hoping they would work more closely with the CITES enforcement officer. They deemed collaboration particularly important given the vulnerability of rare endemic species to illegal trade and especially with regard to the introduction of e-commerce in the region, which required equipment and capacity building for enforcement agencies, and, finally, encouraged the Secretariat to approach potential donors to assist with training initiatives.

India supported the draft decisions and gave an update of the efforts made to conserve tigers, including holding several workshops, in collaboration with TRAFFIC and the Wildlife Protection Institute of India, developing guidelines that included local communities, and establishment of an online tiger database, as well as the launch of Operation Tram for the conservation of medicinal plants.

Chile pointed out that special investigation brigades had been trained and deployed as CITES enforcement officers. Colombia offered their information on illegal trade, which included genetic information to assist with species identification that was helping Interpol in Colombia to work with the Colombian Police Force to combat wildlife trafficking.

The World Bank expressed approval of the document and noted that they were assisting developing countries with natural resource management and good governance as well as the Global Tiger Initiative, which was the World Bank's contribution to the UN's 2010 year of biodiversity. They stressed that the goal of the global tiger programme was to double the number of tigers by 2022 and to halt all trade in tiger parts.

ProWildlife drew attention to document CoP15 Inf. 20 regarding Egypt and the smuggling of great apes and that, whilst they appreciated Egypt's progress, they considered that certain aspects of enforcement, such as the repatriation of confiscated great apes, remained lacking. They urged Parties to retain the item on the agenda for future meetings and to prepare appropriate proposals for CoP16.

Appealing to the CITES authorities to share information on seizures of wildlife and smuggling activities, the representative of the Lusaka Agreement Task Force said this would help them to follow up activities in terms of their Memorandum of Understanding with the CITES Secretariat, signed in 2000. They stressed they would continue to assist with implementation of the Convention in their six member States. The Environmental Investigation Agency welcomed the draft decision to establish a working group, which they believed would enhance the implementation of Resolution Conf. 11.3 (Rev. CoP14). TRAFFIC welcomed the development of a global database mirrored on the EU-TWIX which they believed would add value to the working group, and noted the value of regional networks.

The draft decisions were accepted by consensus.

25. Proposed revision of Resolution Conf. 11.3 (Rev CoP14) on *Compliance and enforcement*

Spain, on behalf of the European Union and its Member States, introduced document CoP15 Doc. 25, stating that they accepted the amendments indicated in the Secretariat's comments in the document. They stressed the importance of trained detector dogs as a powerful tool in combating wildlife smuggling, commented that many CITES authorities are not suitably resourced or experienced to address illegal trafficking and recommended that Management Authorities exchange information and communicate with the NGO community when appropriate. They expressed support for the Secretariat's proposed amendments to the text. Canada stated that detector dogs were only one of a wide range of enhanced enforcement tools, and that the draft decision should not refer specifically to just one tool. There being no other objection, the Committee accepted the proposed revision of Resolution Conf. 11.3 (Rev. CoP14) in the Annex to document CoP15 Doc. 25, as amended.

27. Introduction from the sea

The Secretariat introduced document CoP15 Doc. 27, stressing that further work had to be carried out by the working group at the present CoP, included finding a new Chair and discussing ways to use the remainder of the European Union funding. In order to give the working group an opportunity to make progress, the Chair postponed consideration of this item.

42. Great apes

The Secretariat introduced document CoP15 Doc. 42 and pointed out that it was primarily an information document. Malaysia expressed support for the two draft resolutions in the Annex but voiced disapproval of the statement in paragraph 3, commenting that this was inaccurate and undermined the significant progress and positive findings, as outlined in the report of the CITES/GRASP technical mission to Malaysia in November 2007.

Australia, Cameroon, the Democratic Republic of the Congo, Indonesia, Liberia, Mali, Rwanda, Spain, on behalf of the European Union and its Member States, Uganda, the United States and the Convention on the Conservation of Migratory Species of Wild Animals (CMS) all supported the draft decisions. Spain, on behalf of the European Union and its Member States, noted that illegal trade in great apes was still a serious issue and commented on the apparent lack of will on the part of enforcement and prosecution authorities, rather than a lack of legislation. They supported the Secretariat's suggestion that technical missions should be conducted to a selection of gorilla range States and stated that the Secretariats of CITES and GRASP should be joined by officers from Interpol and the World Customs Organization, subject to funding availability. Australia and the United States highlighted the support that they had provided through the Regional National Heritage Program and the USFWS's Great Ape Conservation Fund. Rwanda pointed out that, for the first time, there had been recent seizures of mountain gorillas in Rwanda and the Democratic Republic of Congo. Liberia explained their constraints with regard to holding facilities for specimens confiscated from street sellers and requested support. The Chair recommended that suggestions regarding this should be transmitted to Liberia bilaterally. Mali called for support to implement, in collaboration with Interpol, a network dealing with illegal trade in West Africa. CMS stated that a legally binding agreement signed by 10 gorilla range States had been finalized, and added their continued collaboration, offering support to further missions.

The draft decisions in the Annex to CoP15 Doc. 42 were accepted.

The session was closed at 16h55.