

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 seventh session of Committee II

18 March 2010: 09h10 - 11h55

Chairman: W. Dovey (New Zealand)
Secretariat: J. Barzdo
J. Sellar
M. Yeater
Rapporteurs: J. Gray
J. Jorgenson
K. Malsch
A. Mathur

Report of working groups

The Secretariat reported that in consultation with Jamaica and the United States of America, text had been finalized on proposed revisions to Decision 14.37 as given in document CoP15 Doc. 21 Annex 1. A new subparagraph b) was introduced such that it should read: "Revise the standard biennial report format to gather information from Parties on incentive measures for implementation of the Convention, conservation measures for Appendix-I listed species and case studies for user fees;". Existing subparagraph b) was changed to subparagraph c) and should read: "by SC61 follow up on how the reporting required in the indicators for the CITES Strategic Vision: 2008-2013 would be undertaken; and by SC62, begin applying the indicators. Consequently, existing subparagraph c) would be changed to d).

The proposed amendments were accepted.

The Secretariat reported on the progress made by the Standing Committee working group on introduction from the sea and commented that the working group would continue to meet over the weekend and would report back on the progress made.

Austria, Bulgaria and Spain expressed concern that their votes had not been recorded in summary record CoP15 Com. II Rec. 5. The Chair later clarified that credentials had not been received from Bulgaria, which was why their vote had not been recorded. Furthermore, the technicians would find a solution to ensure that all votes were recorded in future.

27. Introduction from the sea

The Chair postponed discussion on this agenda item pending the report from the working group.

40. Personal and household effects

Document CoP15 Doc. 40 was introduced by the chair of the working group. Although the members had communicated via electronic mail since CoP14, and met in person at SC57 and SC58, it had been difficult to complete the tasks assigned. One of the main issues to be resolved was to clarify the relationship between 'tourist souvenirs' and 'personal and household effects'. The working group also discussed 'hunting trophies', the interpretation of Article VIII, paragraph 3 (b), and personal effects which do not accompany the owner or which are not part of a household move. The Chair of the working group

requested that they be allowed to continue their work in order resolve the items identified in their terms of reference.

Spain, on behalf of the European Union and its Member States, appreciated the activities of the working group and supported the recommendation for the group to continue and complete its activities. They suggested that case studies be compiled on how best to address these issues. In particular, they indicated that specimens acquired over the Internet, as well as scientific specimens, should not be considered as personal and household effects. In reference to the purpose of transaction code H, 'hunting trophy', they also indicated that meat should not be considered as part of a hunting trophy. In addition, they cited a need to improve the reporting of personal and household effects. Given the absence of adequate data, they suggested that Parties take a precautionary approach when taking decisions on this issue.

Anticipating the need to consider this issue further, Spain, on behalf of the European Union and its Member States, suggested amendments to Resolution Conf. 13.7 (Rev. CoP14). One proposed change would specify that CITES permits were required for hunting trophies. Another proposed change would be to clarify in the list of personal effects subject to quantitative limits that, in the case of crocodylians, meat and hunting trophies were excluded. A third proposed change would be to indicate that, when a commodity contained multiple items from multiple species, it should be treated as a single item or specimen. In closing, they apologized to the interpreters for not having provided them with a copy of these amendments, but indicated that a written copy of those items had been submitted to the rapporteurs. Pending translation and distribution of these proposed amendments, the Chair postponed further discussion until the Parties had the opportunity to review a written version of the text.

Benin, Chile, Mali, Saint Lucia, the United Kingdom of Great Britain and Northern Ireland, and the United States of America supported the request by the working group for additional time. In addition Saint Lucia highlighted that all regions needed to be represented in the working group; a tourist souvenir, in their opinion, needed to accompany the person claiming the exemption; hunting trophies needed to be well regulated; Resolution Conf. 13.7 needed to be updated; Parties needed to take a restrictive approach when dealing with personal and household effects; and Parties needed to share information about stricter domestic measures. The United States, however, did not support the proposed revision of Resolution Conf. 13.7. Mali described an ongoing domestic problem where diplomats and visiting medical professionals, for example, acquire specimens of protected species of wildlife during their stay in that country and export those specimens as personal and household effects when they depart. This situation, according to Mali, promotes poaching of these protected species and should be addressed by the Parties. The Chair stated that there was no exemption from CITES controls for diplomats in New Zealand.

The proposed revision to Decision 14.64 of the Conference of the Parties, as indicated in document CoP15 Doc. 40 Annex, was accepted.

43. Asian big cats

43.1 Report of the Secretariat

The Secretariat introduced document CoP15 Doc. 43.1 and the rationale behind the Addendum to the document, noting the poor response from range States in submitting the reports requested in Decision 14.65. It highlighted the training conducted in Jakarta on law enforcement intelligence and other complementary work undertaken, such as the Kathmandu tiger workshop and the first Asian Ministerial Conference on tiger conservation held in Thailand in conjunction with the Global Tiger Initiative. It expressed concern that the lack of Ecomessages received, in spite of an increase in tiger incidents, was hampering coordination of law enforcement efforts at the national and international levels and that law enforcement personnel were noticeably absent at the international tiger workshops.

China sought clarification regarding the sentence in paragraph 9 of the document, which stated that intelligence suggested increased levels of illegal commercial trade in tigers, or their parts and derivatives, from some facilities. The Secretariat clarified that DNA profiling of seized tiger body parts from Southeast Asia revealed that they belonged to an Amur tiger and, as these were found only in the Russian Far East, it indicated that captive-bred tigers were being traded. China recommended to the Secretariat in future to include other references in documents or to share this information with relevant Parties through CITES Management Authorities and/or enforcement to avoid any potential misunderstandings.

Spain, on behalf of the European Union and its Member States, supported the draft decisions in the Addendum and commented that many of the issues raised in the CITES Tiger Missions Technical Team's report from 1999 were still valid. The Standing Committee could play an important role in assisting the range States to implement Decisions 14.65 to 14.72. They expressed support for strengthening law enforcement efforts and supported amendments to the revision of Resolution Conf. 12.5 contained in document CoP15 Doc. 43.2.

India, Nepal and Thailand requested more time to submit reports related to poaching and other tiger related incidents as gathering information required coordinating between different agencies.

Bhutan, Malaysia and Myanmar supported the draft decisions and remarked that the absence of law enforcement officials at international workshops did not reflect upon the importance placed on law enforcement within their countries.

Mali, supported Spain, on behalf of the European Union and its Member States, added that West African nations which were range States for other big cat species also had to strengthen law enforcement efforts. Kenya recognized the importance of crossborder cooperation and drew attention to their successful efforts with neighbouring States.

Bangladesh acknowledged greater efforts were needed in engagement in relevant international fora and in reporting on Tigers.

Responding to concerns about the deadline in the first draft decision, the Secretariat explained that the date of 30 June 2010 had been chosen on the basis that it would allow Interpol sufficient time to analyse information submitted by the Parties before the Global Tiger Summit in September 2010. It stressed that the seminar referred to in the draft decisions directed to the Secretariat was indeed intended to focus on law enforcement as an aspect of Asian big cat conservation, yet this should not be viewed as an indication that the Secretariat thought range States were not taking such enforcement seriously.

The United Kingdom, on behalf of the European Union and its Member States, supported the move to gather information as soon as possible in advance of the Tiger Summit. They backed China's view that such information should be exchanged among law enforcement officers but thought this issue could be best addressed with reference to document CoP15 Doc. 43.2. They were in favour of the draft decisions in the Addendum.

China disagreed with the first draft decision directed to the Secretariat, as they were concerned it would mean intelligence from the Parties would be disseminated publicly. The Secretariat clarified that only general information would be made public; China then withdrew its opposition to the draft decision.

Interpol underscored the importance of distinguishing between 'intelligence', which related to criminal data, and 'information', which was more general and public. They urged Parties to link with their national Interpol bureaux as intelligence was needed from all Parties before Interpol could be effective for Asian big cat conservation: so far it was not in a position to provide any feedback to any Party.

The China Association of Traditional Chinese Medicine drew attention to their commitment to sustainable medicinal practices, highlighting the fact that the use of tiger bone had been illegal in China since 1993. The Wildlife Protection Society of India stated their opposition to stockpiling parts and derivatives of tigers and asked that Parties report on their stockpiles.

Hearing no further opposition to the draft decisions in document CoP15 43.1 Addendum, the Chair pronounced these accepted.

43.2 Proposed revision of Resolution Conf. 12.5 on *Conservation of and trade in tigers and other Appendix-I Asian big cat species*

Spain, on behalf of the European Union and its Member States, presented document CoP15 Doc. 43.2 calling for a revision of Resolution Conf. 12.5, which would allow unity and clarity in the Convention's approach to Asian big cat issues. Responding to the Secretariat's comments in the document, with regard to paragraph B, they said there could be a permissive extension of the

Convention's interpretation of trade in this case and that domestic trade should be controlled only in so far as it affected international trade. To make this clear, the words that would stimulate international trade could be added after "derivatives" in paragraph f) of the first operative paragraph of the draft resolution. With reference to paragraph C of the Secretariat's comments, Spain acknowledged that additional reporting would indeed be required, but that this seemed warranted in view of the Tiger's critical conservation status. They conceded that a less imperative word could be preferable as the first word of the second operative paragraph of the Resolution, for example "REQUESTS". In connection with paragraph D of the comments, they clarified that they did not wish to create a separate new database, but link into an existing one. They agreed with the Secretariat's comment in paragraph E, that there was no need to include a special reference to compliance measures that were already in place, but wished to do this nonetheless in order to highlight them. They wondered whether a preambular paragraph referring to Resolution Conf. 14.3 could be useful. Similarly, they wished to retain text in Annexes 1 to 3 of document CoP15 Doc. 43 as, although this was not species-specific, they wanted to bring these compliance and enforcement issues to the Parties' attention. However, they indicated they were willing for text in paragraph e) of the first operative paragraph of the draft resolution to be transposed to Resolution Conf. 11.3 (Rev. CoP14), with a cross-reference to this in the draft resolution under discussion.

The United States was concerned about the continued decline in conservation status of Asian big cats. Regarding amendments proposed to the draft resolution, they argued that there were precedents within the Convention for addressing domestic trade issues; they thought that the new reporting measures in the draft resolution should be restricted to range States for Asian big cats; they could support the express reference to compliance proceedings in accordance with Resolution Conf. 14.3; they agreed with the Secretariat that Annexes 1 to 3 of the draft resolution should be transferred to Resolution Conf. 11.3 (Rev. CoP14). They considered the Parties should adopt a decision directed to the Standing Committee to update the 10-year-old format for reporting established under the CITES Tiger Enforcement Task Force.

Recognizing the importance of conserving tigers in the wild, range States Bhutan, China, India, Myanmar, Nepal, and Viet Nam outlined the various tiger conservation activities conducted within their countries and within the broader Asian region. China confirmed their commitment to tiger conservation, noting that they has forbidden the use of tiger bones for medical purposes since 1993 and that they had no plans to change their position in that regard. They suggested the need for establishing a cooperative mechanism for taking proactive measures on a voluntary basis regarding tiger conservation.

China, supported by India and Myanmar, Thailand, and Viet Nam, echoed the comments from the Secretariat contained in paragraph B that the proposed paragraphs f) and g), as defined by Annex 4, would reach beyond the mandate of the Convention and were unacceptable to them. In particular, they noted that interpreting 'trade' to include domestic trade was beyond the scope of CITES, highlighting that neither Decision 14.69, as referenced in the footnote to Annex 4, nor Notification to the Parties No. 2008/059 on how to interpret Decision 14.69, was passed by consensus. They believed that this interpretation of trade would contradict Articles VII.1 and XIV.2 of the Convention text.

China also opposed the inclusion of compliance measures within a species-specific resolution. They pointed out that compliance measures were already dealt with in Resolution Conf. 14.3, and that the proposed amendment would set a dangerous precedent that could infringe on sovereignty rights.

Highlighting the limited resources of many Asian big cat range States, China, supported by Myanmar, Thailand and Viet Nam, suggested that the special reporting requirements as described in the proposed amendment would create an unnecessary burden on the Parties and should be reconsidered. They also noted that capacity-building needs should be taken into account. Myanmar went on to suggest that reporting should be confined to what was already available within the biennial and annual reports. China noted the serious problems with the proposal and opposed the proposed amendment, reiterating the need for CITES to respect the sovereignty of the Parties.

India and Myanmar, while recognizing the laudable intent of the proposed amendments by Spain, noted that the provisions made compliance difficult and supported China in its intervention. India, supported by Bhutan, Indonesia Myanmar, Nepal, Thailand, and Viet Nam, concluded that the

proposal was unacceptable to them in its current form and proposed working with range States to create a regional action plan. In the interim, India suggested continuing with the existing Decision 14.69 regarding limitations to captive-bred tigers.

Viet Nam, supported by India, Indonesia and Thailand, proposed that a working group be convened to look at the document in more detail. The Chair requested that range States work with the proponents to find a way forward.

The session was closed at 11h55.