

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 10th session of Committee II

21 March 2010: 14h10 - 17h00

Chairman: W. Dovey (New Zealand)
Secretariat: J. Barzdo
L. Gauthier
S. Nash
J. Sellar
M. Silva
M. Yeater
Rapporteurs: L. Garrett
J. Gray
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45. Rhinoceroses

45.2 Revision of Resolution Conf. 9.14 (Rev. CoP14) on
Conservation of and trade in African and Asian rhinoceroses (continuation)

Kenya, as chair of the working group considering amendments to Resolution Conf. 9.14 (Rev CoP14), reported that the group had included Namibia, South Africa, Swaziland, Care for the Wild International (for Species Survival Network), TRAFFIC, IUCN SSC and WWF. They had reached agreement on proposed amendments to the Resolution and a new draft decision. The Chair requested the proposal to be submitted in writing for distribution and discussion at a later session of the Committee.

18. Review of Resolutions (continuation)

Annex 11

Israel, as chair of the the working group considering the definition of 'hunting trophy', reported on the results of their deliberations in document CoP15 Com. II. 5, drawing attention to the bracketed text where there was no agreement. The United States of America, supported by Israel and Spain, on behalf of the European Union and its Member States, preferred "and specified". Regarding subparagraph iii), the United States proposed the insertion of ultimately after "origin", and Israel proposed inserting country of before "origin". The Secretariat recalled the recent editorial review of Resolutions under the Standing Committee, in which the term 'and/or' had been eliminated as far as possible. Botswana, South Africa and Zimbabwe indicated that, in this case they could accept "or specified". The Federation of Associations for Hunting and Conservation of the EU, and Safari Club International supported the option of "and/or specified".

The Secretariat further observed that it was unclear who was expected to specify the parts and derivatives mentioned, or how. The United States said that the face of the permit would be the place for specification, and Israel, supported by Spain, on behalf of the European Union and its Member States, thought that the specification would need to be made by the exporting State. South Africa, supported by Safari Club International, believed that re-exporting States would also need to be responsible for specifying parts and derivatives. The Chair requested the Secretariat to take these comments into account and provide a document with a revised text for consideration.

Annex 12

The United States, as chair of the working group considering the review of Resolution Conf. 12.10 (Rev. CoP14), introduced document CoP15 Com. II. 4, which set out the group's proposals. They noted that, although consensus had not been reached in the group, the text in the latter document took account of many ideas and concerns voiced. They pointed out that the most substantive change proposed by the working group was the provision that, where a Party's objection to the registration of a breeding operation could not be resolved after review by the Animals Committee, the case could be taken to the Standing Committee for adjudication. It was felt that this would expedite a final decision. While the working group had accepted most of the Secretariat's suggested amendments in Annex 12 to document CoP15 Doc. 18, it had not wished to retain the proposal for an accelerated registration procedure.

Israel, as a member of the working group, was opposed to the amendments to the Resolution, convinced that they presented no benefits for Appendix-I animals or enforcement. They believed there was inconsistency between the sixth preambular paragraph and the operative paragraph a) under AGREES. Mexico requested some amendments and had noted some inconsistencies between the English and Spanish versions of document CoP15 Com. II. 4. Referring to the Spanish version, they requested that, in paragraph i) under RESOLVES, the text en su siguiente reunión, be inserted after "el Comité Permanente" in the emboldened text. In Annex 2, point 2, the word "y" should be replaced with o after "la solicitud". In the first paragraph of point 3, the intended deletion of "Presidente del", "En caso afirmativo" and all of paragraph 3.a) needed to be reflected. In paragraph 3. b), they wished the insertion of Después del periodo mencionado before "la Secretaría". They noted that the text in paragraphs 4. a) and b) should not be underlined as additional text. Finally, the text in paragraph 6 needed to appear as deleted text in the Spanish version. The Chair requested Mexico to submit these corrections to the Secretariat in writing.

China, South Africa, Spain (on behalf of the European Union and its Member States) and the United States supported the proposals in document CoP15 Com. II. 4. The United States proposed that, in paragraph 5 of Annex 1 of the draft revised resolution, "legislation" be changed to "laws". Spain, on behalf of the European Union and its Member States, suggested "measures" instead, which was acceptable to the United States. Care for the Wild International was concerned about the rationale for revision of Resolution Conf. 12.10 (Rev. CoP14). World Society for the Protection of Animals urged rejection of the changes proposed to the Resolution, noting there had been no consensus in the working group.

The Chair concluded that, as only one Party had objected, the revision of Resolution Conf. 12.10 (Rev. CoP14) in document CoP15 Com. II. 4 was accepted as amended.

43. Asian big cats

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

The United Kingdom of Great Britain and Northern Ireland, on behalf of the European Union and its Member States, as chair of the working group on this item, reported that agreement had been reached on revisions to Resolution Conf. 12.5. They stressed that these revisions had taken range State concerns into account and considering that Decision 14.69 would remain in effect. The Secretariat clarified its earlier statement that, if the Decision were not incorporated into the Resolution, it would be retained as a basis for dealing with issues such as the 'leakage' of specimens from farms, described earlier. The working group's revisions were reported relative to the proposed amendments to Resolution Conf. 12.5 in Annex 1 of document CoP15 Doc. 43.2, as follows:

In the 12th preambular paragraph: firstly, substitute results of for "support given by"; secondly, do not include "for the wider application and use of EU-TWIX as a monitoring and reporting tool". In paragraph d): insert and other Parties after "all range States"; and not include "with other entities". In paragraph e): insert shall seek after "all range States" and taking into account individual national circumstances at the end of the paragraph; and substitute may wish for "should".

Insert a new paragraph after paragraph e), to read: Parties to contribute financial and technical assistance to enable range States to comply with the implementation of this Resolution and enhance capacity-building, improvement of conservation measures and sustainable livelihoods, so as to contribute towards the conservation of Asian big cats. Paragraph f) reverts to the original text of the Resolution. Paragraph g) is to be deleted. In paragraph i): delete "and" before "the Snow Leopard Network" and delete "as well as" before "the CITES Tiger Enforcement Task

Force"; and substitute and the Global Tiger Initiative for "with the aim of improving coordinated international cooperation and action in conservation and trade control".

After the first INSTRUCTS, replace the text with the Secretariat to report to the Standing Committee and the Conference of the Parties on the status of Asian big cats in the wild, their conservation, and trade controls in place in Parties, using information provided by the range States on measures taken to comply with this Resolution and related relevant Decisions and any relevant additional information provided by relevant countries. Regarding paragraph a) under REQUESTS, amend it to read, after "Parties to", submit information in relation to the scale and nature of the trade in Asian big cats to the database to be developed as agreed in Decision 15.XX", with the number of the Decision to be completed by the Secretariat. The changes put forward for paragraph a) under the second RECOMMENDS were to revert to the original text; and and implement is inserted after "develop". Finally, the second paragraph beginning INSTRUCTS is withdrawn, as was Annex 4 to the proposed amendments to Resolution Conf. 12.5 in the document.

China and India, echoed by Bhutan, Nepal and the United States, endorsed these proposed amendments to Resolution Conf. 12.5. There was no objection to the retention of Decision 14.69. The United States referred to their intervention in the seventh session of the Committee and emphasized that they wished for a decision directed to the Standing Committee to review and update the form and guidance, as appropriate, in Annexes 1 to 3 of the draft revision to Resolution Conf. 12.5 and to report to CoP16. This was agreed.

There being no objections, the proposed revision of Resolution Conf. 12.5, with the amendments from the working group were agreed.

Trade control and marking

31. Purpose codes on CITES permits and certificates

The United States, as chair of the Standing Committee's working group on purpose codes, introduced document CoP15 Doc. 31, referring the Committee to Annex 1, containing proposed amendments to Decision 14.54. They stated that there had not been consensus on all issues in the working group, but that paragraphs b) i) and ii) in Annex 1 did not need further discussion and could be deleted.

Spain, on behalf of the European Union and its Member States, supported the proposed amendments to Decision 14.54, with the further amendments proposed by the United States. They stressed the need for a more sophisticated approach to consideration of purpose codes, that would facilitate useful analyses of trade data. They thought purpose codes should be used for both Appendix-I and Appendix-II specimens. Australia, Mexico and South Africa also supported the proposal in Annex 1 of the document, with the amendments put forward by the United States. The proposal, as amended, was accepted.

32. E-commerce of specimens of CITES-listed species

The United Kingdom, as Chair of the Working Group on E-commerce of Specimens of CITES-listed Species, introduced document CoP15 Doc. 32, drawing attention to the workshop that had taken place in Vancouver, Canada in February 2009, in compliance with Decision 14.35. They reported that the workshop had been well-attended by Parties, NGOs and the private sector, including e-bay. The working group recognized the rapid growth in e-commerce and the need to monitor wildlife crime over the internet. They outlined the draft decisions in Annex 1 and the proposed amendments to Resolution Conf. 11.3 (Rev. CoP14) in Annex 2, which included provisions relating to internet crime.

The Secretariat supported the proposed amendments and acknowledged the correlation between improved technology and an increase in trade in the developing world. It considered the link between e-commerce and illegal trade in wildlife, had only been documented in 'grey' literature and believed that any policy should be based on rigorous, peer-reviewed scientific literature. It highlighted the need for capacity building initiatives for those Parties compromised by inadequate technology and resources.

Canada noted the progress they had made in developing the toolkit referred to in paragraph 5 and announced this would be presented to the working group to assist the CITES enforcement community to tackle illegal e-commerce.

The United States of America expressed general support for the document but cautioned that many of the recommendations were relevant to general CITES implementation and not specific to e-commerce. They suggested an amendment to the proposed new paragraph a) under 'Regarding e-commerce of specimens of CITES-listed species' in Annex 2, to refer to "measures" rather than "legislation and regulations" and to add a reference to e-commerce.

Spain, on behalf of the European Union and its Member States, generally supported the draft decisions in Annex 1 and the proposals in Annex 2. As a major market for wildlife and with high internet usage, the European Union had a major role to play in ensuring e-commerce was legal. They remarked that enforcement bodies required adequate resources to tackle violations and noted the importance of international collaboration with other enforcement agencies, such as Interpol. They proposed a revision of new paragraph a) under 'Regarding e-commerce of specimens of CITES-listed species' in Annex 2, referring to the need for CITES-implementing measures to provide for investigations.

The Secretariat remarked that investigations and subsequent convictions would often be carried out under national judicial legislation rather than CITES-implementing measures. It also reminded Parties that, consideration should be given to the financial support required for the full-time position at Interpol outlined in paragraph d) of Annex 2.

In light of these remarks, Spain, on behalf of the European Union and its Member States, revised their proposed changes to paragraph a) as follows:

evaluate or develop ~~CITES-implementing legislation and regulations~~ their domestic measures to ensure that they are sufficient to address the challenges of controlling legal ~~and illegal~~ wildlife trade, investigating illegal wildlife trade and punishing the perpetrators, giving high priority to the offer for sale of specimens of species listed in Appendix I.

China, Malaysia, Switzerland and the United States supported these changes, which were agreed. The International Fund for Animal Welfare supported the document but not the deletion of 'legislation and regulations'. The document was accepted by consensus, as amended.

34. Review of the universal tagging system and trade in small crocodylian leather goods

The United States, as Chair of the Standing Committee Working Group on Trade in Crocodylian Specimens, introduced document CoP15 Doc. 34 and drew attention to the proposed amendments to Resolutions Conf. 11.12 and Conf. 12.3 (Rev. CoP14). With regard to the definition of small crocodylian leather goods, Indonesia suggested that the definition could be based on whether products were derived from left-over sections of skin. The United States noted that there had been extensive discussion within the working group regarding a firm definition but that no consensus had been reached, adding that they thought it unlikely this would be resolved at this meeting.

Spain, on behalf of the European Union and its Member States, Switzerland and IWMC World Conservation Trust (IWMC) supported the proposed changes in the Annex but noted that the problem regarding the administrative burden on Parties to control small crocodylian leather goods had not been addressed.

Australia supported the document but did not support the use of the name *Crocodylus johnsoni*, in the Resolution, noting that their national legislation and permitting system would continue to refer to the species as *C. johnstoni*. They added that they would consider preparing a case for the International Commission on Zoological Nomenclature and would report on this issue through the Animals Committee before CoP16. The United States suggested inclusion of a footnote in the Annex to Resolution Conf. 11.12 to address Australia's concern, to which Australia agreed.

Argentina agreed with any improved enforcement and control measures to avoid illegal trade. They understood that making use of a bar-code an obligation rather than a simple recommendation would mean that Argentina would have to revise its current market system through the modification of tags that had just been updated. Since the inclusion of a bar-code in the tags would be next to impossible, they feared that this measure might become an obstacle to trade in those specimens. The United States confirmed that including a bar-code would not be obligatory but, rather, a desirable way to streamline identification of the products.

The proposed amendments to Resolution Conf. 11.12 in Annex 1 of the document and the proposed amendments to Resolution Conf. 12.3 (Rev. CoP14) in Annex 2 were accepted by consensus.

36. Identification of CITES-listed corals in trade

The United States introduced document CoP15 Doc. 36 drawing attention to the lack of standard nomenclature for CITES-listed corals and noting the circulation of CITES permits that did not conform to Notification No. 2003/020. They stated that coral taxonomy had changed since 2003 and they believed that the list in the annexes of the Notification was outdated and needed revision. They noted that the list of taxa identifiable to genus level also need to be updated and that taxa not included on this list should be identified at the species level on permits. They accepted the revised version of their draft decisions contained in the Secretariat's comments in the document.

Indonesia noted the difficulty encountered for trade due to the use of different taxonomic and nomenclatural references being used by different Parties. Ornamental Fish International agreed and underscored the importance of coral taxonomists participating in any working group established by the Animals Committee. Malaysia supported the comments made by Indonesia and suggested deletion of the last sentence of paragraph b) i) in the Annex.

Australia and Spain, on behalf of the European Union and its Member States, supported the document. Australia proposed that the requirement to identify coral taxa to species level should be limited to permits issued for commercial use and should not apply to permits issued for scientific purposes. The IWMC supported the document but noted that the document would apply to hard corals only and excluded other CITES-listed coral species.

The draft decisions under paragraph D of the Secretariat's comments in the document were accepted.

37. Identification of worked specimens of black coral (*Antipatharia*) and parts thereof in trade

Spain, on behalf of the European Union and its Member States, introduced document CoP15 Doc. 37. They amended their proposal in the document to delete the words 'for consideration by the sixteenth Conference of the Parties' in Annex B. They noted that external funding for an identification guide would not be required as this was being developed by TRAFFIC. The proposed amendments to Resolution Conf. 12.3 (Rev. CoP14) in Annex a of the document and the draft decision in Annex B, as amended, were accepted by consensus.

38. Identification Manual

The Secretariat introduced document CoP15 Doc. 38. It noted that over 100 individuals had registered to contribute to the new web-based wiki-identification manual and that it was working with UNEP-WCMC to develop additional content and functionality, including mobile access for enforcement officers.

Canada announced that they had produced new species identification sheets that would be distributed at this meeting. Spain, on behalf of the European Union and its Member States, encouraged the Secretariat to advertise the identification tool to a wider scientific community and continue producing printed versions. Australia endorsed this suggestion.

The Secretariat, recognizing the technological constraints experienced by some Parties, responded that maintenance of printed versions would be difficult due to the dynamic nature of the Web-based wiki-ID tool and its linkages with the CITES species and trade databases.

The Chair closed the session at 17h00.