

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 12th session of Committee II

22 March 2010: 14h20 - 16h40

Chairman: W. Dovey (New Zealand)

Secretariat: J. Barzdo

S. Nash

J. Sellar

M. Silva

M. Yeater

Rapporteurs: C. McLardy

K. Malsch

A. Mathur

J. Robinson

18. Review of Resolutions

The Secretariat introduced document CoP15 Com. II. 30 on the definition of "hunting trophy", prepared following discussions of document CoP15 Com. II. 5 at the 10th session of Committee II. It stated that the revised document incorporated comments received and that the "identifiable" had been avoided as it was undefined. They suggested that the term "readily recognizable", as used in Article I (b) of the Convention, was preferable as it was defined in Resolution Conf. 9.6 (Rev.), but this too had been omitted as unnecessary. This was supported by Australia who said that the nature of the specimen would be stated on the CITES permit. Israel, supported by Bahamas, Chile and Kenya, believed that either "identifiable" or "readily recognizable" should be included.

The Chair and Secretariat proposed that the definition be amended by inserting "readily recognizable" before "part or derivative". This was agreed.

The Chair then sought any further comments on the proposed amendments to Annex 11 a) of document CoP15 Doc. 18. There being none, it was accepted with the amendments agreed at this session and earlier sessions.

20. National laws for implementation of the Convention

The United States of America, as co-chair of the working group considering this item, introduced document CoP15 Com. II. 24, stating that the reference to dependent territories had been deleted as Parties were responsible for implementation of the Convention in their dependent territories. They noted that the working group had agreed to retain references to "measures" and "domestic measures" as found in the original text of the Resolution and in the Convention, in place of the proposed references to "legislation" and "national legislation".

The draft amendments to Resolution Conf. 8.4 (Rev. CoP14) and the draft decisions in document CoP15 Com. II. 24 were accepted by consensus.

45. Rhinoceroses

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

The Secretariat introduced document CoP15 Com. II 29, prepared on behalf of Kenya, following discussions of document CoP15 Doc. 45.2 (Rev. 1) Annex, at the eighth session of Committee II. It proposed deletion of paragraph c) in the draft decision directed to the Secretariat as the work to be undertaken should be carried out by IUCN. It also proposed deletion of the paragraph "CALLS upon the CITES Secretariat to implement the recommendations of the IUCN/TRAFFIC reports and the CITES Standing Committee to report on progress of implementation and" as it conflicted with activities directed to the Secretariat within the document.

Kenya expressed gratitude to all Parties that had assisted in the preparation of the document and in the working group and agreed to the proposed amendments, as did Swaziland and Care for the Wild International.

With the amendments announced by the Secretariat, the draft decision and draft revision of Resolution Conf. 9.14 (Rev. CoP14) contained in document CoP15 Com. II. 29 were accepted.

64. Cactaceae and Orchidaceae: review of annotations

The Chair of the Plants Committee introduced document CoP15 Doc. 64 on herbarium specimens, urging the Parties to adopt the draft decisions, in order to increase the exposure of CITES within the scientific community. The representative of the United States, as regional representative of North America on the Plants Committee, agreed, noting that the draft decisions would inform scientists about the existing procedures and would encourage their use. Given the technical nature of the work of reviewing plant taxa for the potential exemption of finished products, they disagreed with the Secretariat's recommendation to refer the issue to the Standing Committee and felt that the Plants Committee was the more appropriate Committee to continue the work on identifying exemptions. They supported the draft decisions as proposed by the Plants Committee. Spain, on behalf of the European Union and its Member States, agreed with these comments.

Mexico, concerned with the lack of awareness of the registration process for herbariums within the scientific community, registered their support for the draft decisions in order to bring the scientific community closer to CITES. China, supported by Malaysia, supported the draft decisions proposed by the Plants Committee, but suggested that the Plants Committee should develop a clearer definition of "finished products" to assist with the preparation of proposals to amend Appendix II.

The draft decisions in document CoP15 Doc. 64 Annex were accepted by consensus.

65. Orchids: annotations for species included in Appendix II

The Chair of the Plants Committee introduced document CoP15 Doc. 65, highlighting that the draft decisions could help allay concerns raised by Parties on the difficulties of identifying artificially propagated orchid hybrids in trade. She remarked on the low response rate to Notification to the Parties No. 2008/045 requesting information on possible conservation problems arising from the implementation of the annotation. The Secretariat suggested that the low response rate to the Notification could indicate that implementation was not a problem and that monitoring need not continue.

Mexico, did not agree with the Secretariat, and felt that identification materials and more time to monitor the implementation effects of the annotation were needed, and supported the draft decisions. The United States pointed out that the seven countries that did respond to the notification only represented about 25 per cent of the trade in orchids and that many of the major trading countries had not responded. They recommended that a more targeted approach be taken, including letters specifically sent to the most significant trading partners, to improve the response rate and provide a better basis for decision-making. Spain, on behalf of the European Union and its Member States, pointed out the positive effects that Decision 14.133 had already had, and expressed their support for the draft decisions.

Thailand also supported the draft decisions and enquired about the availability of their identification materials on the CITES website. The Secretariat reassured the Parties that making identification materials available on the CITES website was a high priority for the Secretariat.

Finding majority support, the Chair announced that the draft decisions in the Annex to document CoP15 Doc. 65 were accepted.

66. Annotations for tree species included in Appendices II and III

The Chair of the Plants Committee introduced document CoP15 Doc. 66, noting problems with the identification of tree specimens, especially mahogany, owing to the lack of a definition for "finished" and "semi-finished" products. Highlighting Decision 14.148, she recommended that Parties adopt the draft decisions directed to the Secretariat and the Plants Committee.

The representative of the United States, as regional representative of North America on the Plants Committee, commented that, as only three range States and one importing country had responded to Notification to the Parties No. 2008/046, a trade study was more practical than issuing another Notification.

Spain, on behalf of the European Union and its Member States, supported the draft decisions, noting that a trade study would provide the background information and data required to define terms and prepare annotations.

The draft decisions in the Annex to document CoP15 Doc. 66 were accepted.

67. Inconsistent implementation of Appendix-III timber listings annotated to include only the national populations of the listing countries

The United States of America introduced document CoP15 Doc. 67, which had been produced to address the implementation problems and confusion that Parties experienced where countries had included only their national populations of a timber species in Appendix III. The United States clarified that an Appendix-III listing restricted to a national population did not require other range States to issue certificates of origin. They believed that such listings were inconsistently implemented and did not result in effective control of trade or adequate reporting, diminishing cooperation between Parties and thereby reducing the effectiveness of Appendix-III listings. They drew attention to the proposed amendments to Resolution Conf. 9.25 (Rev. CoP14) in the document and emphasized that the amendments would not prevent Parties from exercising their rights to request such a listing. They referred to the proposed new paragraph which called on Parties to consult with the Secretariat for advice, to ensure that the effect of any proposed listing would reflect the intention of the requesting Party. They reported that the recommendations had been made with the endorsement of the Plants Committee and the Standing Committee. The Secretariat supported the proposed amendments and confirmed that they would issue a Notification to the Parties as soon as possible to give their views on how such listings should be implemented.

Spain, on behalf of the European Union and its Member States, supported the proposed amendments to Resolution Conf. 9.25 (Rev. CoP14) in the Annex to the document. Malaysia, supported by China requested the retention of paragraph a) iv) under the second RECOMMENDS, noting that not all range States applied the same level of species protection, and removing the potential to list distinct geographical populations would be a conservation disincentive. China commented that there had been no consensus on the deletion of the paragraph within the Standing Committee, and that range States of the relevant timber species had been under-represented in the discussions. As a compromise, Saint Lucia proposed that the paragraph in question be retained but with an amendment, to change "population" to "population or populations." This was agreed.

The draft revision of Resolution Conf. 9.25 (Rev. CoP14) was accepted as amended.

Approval of summary records

The Chair then called for comments on the summary records that had been distributed.

Summary record of the first session of Committee II (CoP15 Com. II Rec. 1)

The United States suggested that in the fifth paragraph of agenda item 6.6 on *Non-payment of contributions*, the word "environmental" should be substituted for "economic". With this amendment, summary record CoP15 Com. II Rep. 1 was adopted.

Summary record of the second session of Committee II (CoP15 Com. II Rec. 2)

Mexico suggested amending the text in the seventh paragraph under item 14 on *CITES and livelihoods* to read:

"Malaysia and Mexico generally supported the draft decisions and the draft resolution, and Mexico suggested an amendment ~~in relation to the resolution~~ so that the document reflects the importance with regard to cooperation between *ex-situ* breeding operations and conservation efforts *in situ* in the context of CITES livelihoods."

With this amendment, Summary Record CoP15 Com. II Rep. 2 was adopted.

Summary record of the third session of Committee II (CoP15 Com. II Rec. 3)

Under agenda item 17 on *Incentives for the implementation of the Convention*, Chile suggested the replacement of the word "but" with "and" following "ecosystem services". Mexico suggested the addition of a new sentence in paragraph 6 following "certification body" to read: Furthermore, Mexico pointed out that environmental services were not covered by this Convention. On agenda item 18 on *Review of Resolutions*, the United States suggested deletion of the word "and" in the first sentence following "document" and "in diameter" following "30mm". Mexico suggested amendments to the following paragraph as follows:

Mexico proposed an amendment to Resolution Conf. 4.6 (Rev. CoP13) that directs the Secretariat: "the Secretariat should provide the Conference of the Parties with a full analysis of all valid decisions and suggesting amendments, deletions, or maintenance of those decisions and indicating the justification for each of those."

In paragraph 2 of Annex 3 of the same agenda item, the United States proposed deletion of "no" preceding "more recent information". With these amendments, summary record CoP15 Com. II Rep. 3 was adopted.

Summary record of the fourth session of Committee II (CoP15 Com. II Rec. 4)

Mexico suggested the addition of a new sentence under Annex 11 of agenda item 18 after "paragraph g" as follows: In addition, Mexico suggested waiting for the results of the working group on personal effects. The United States noted that they had been omitted from the list of Parties included in both of the working groups established under this agenda item. Mexico also suggested an amendment to the final paragraph under Annex 11 to delete the text ", since it comprised a proposed amendment;" and to pluralize "microchips". They also noted a grammatical correction required in the Spanish version, in paragraph 3.

China suggested an amendment to text in the sixth paragraph under Annex 12 to read: "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." With these amendments, summary record CoP15 Com. II Rep. 4 was adopted.

Summary record of the fifth session of Committee II (CoP15 Com. II Rec. 5)

The Chair noted that the title incorrectly referred to the fourth session and should be amended to the fifth session. Mexico suggested an additional sentence after "under discussion" in paragraph 1 of agenda item 19 on *Review of Decisions* to read: "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." They further suggested the addition of the word "regional" preceding "meetings" in the third paragraph. In the same paragraph, the United States proposed deletion of the word "suggest" in the last sentence. On the same agenda item, Mexico suggested replacing the word "thought" with "clarified" regarding the proposed deletion of Decisions 14.82 to 14.85 concerning the grey parrot.

Spain on behalf of the European Union and its Member States wished to replace the word "between" with "of" in the antepenultimate paragraph.

With regard to the record of the continuation of discussion on agenda item 19, in the fourth paragraph, the United States asked for clarity on the meaning of the sentence. The Chair resolved the confusion by adding the text "because it created an ongoing requirement" following "Secretariat". On the same agenda item, Mexico suggested amendments to the summary record to read: "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." and additionally: 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."

With these amendments, summary record CoP15 Com. II Rep. 5 was adopted.

Summary record of the sixth session of Committee II (CoP15 Com. II Rec. 6)

Regarding agenda item 20 on *National laws for the implementation of the Convention*, China noted they had requested deletion of the paragraph starting "Recalling also that" in the preambular section of Resolution Conf. 8.4 (Rev. CoP14) to avoid expanding the scope of the agenda item. Spain on behalf of the European Union and its Member States, requested an amendment to the fourth paragraph, so that it would read: "Spain, ... 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." In the sixth paragraph under agenda item 21 on *National reports*, Jamaica suggested deletion of the words "and charging" and the addition of the word "user" prior to "fees".

Under agenda item 24 on *Enforcement matters*, Colombia pointed out that their intervention had not been recorded and provided the following text to be inserted:

"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 proposed a further amendment as follows:

"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."

Saint Vincent and the Grenadines requested the addition of the words "rare endemic" to precede the word "species" in the summary record and substitute "e-permitting" with "e-commerce" and the amendment of the text to read "which required equipment and capacity building for enforcement agencies,". With these amendments, summary record CoP15 Com. II Rep. 6 was adopted.

Summary record of the seventh session of Committee II (CoP15 Com. II Rec. 7)

Spain, on behalf of the European Union and its Member States, referring to agenda item 40 on *Personal and household effects*, requested the addition of a sentence following "hunting trophies" to read: "Another proposed change would be to clarify in the list of personal effects subject to quantitative limits that, in the case of crocodilians, meat and hunting trophies were excluded. A third proposed change would be to indicate that, when a commodity..."

In agenda item 43.1 (*Report of the Secretariat*), China requested the addition of a sentence to the end of the second paragraph to read: "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." In the second sentence of the following paragraph, Spain, on behalf of the European Union and its Member States pointed out that "Secretariat" should be replaced with "Standing Committee". With these amendments, summary record CoP15 Com. II Rep. 7 was adopted.

Summary record of the eighth session of Committee II (CoP15 Com. II Rec. 8)

Regarding agenda item 45.1 (*Report of the Secretariat*), Viet Nam requested that the word "seizures" be replaced with "legal imports". With this amendment, summary record CoP15 Com. II Rep. 8 was adopted.

Summary record of the ninth session of Committee II (CoP15 Com. II Rec. 9)

This was adopted without amendment.

The United States drew attention to document CoP15 Doc. 30.2 Proposed revision of Resolution Conf. 12.3 (Rev. CoP14) on *Permits and Certificates*, noting that in section I. Regarding standardization of CITES permits and certificates in paragraph f) ii), the word "its" should be replaced with "their".

The session closed at 16h40.