

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 13th session of Committee II

23 March 2010: 09h20 - 11h05

Chairman: W. Dovey (New Zealand)
Secretariat: J. Barzdo
S. Nash
M. Silva
M. Yeater
Rapporteurs: J. Caldwell
L. Garrett
J. Gray
C. Lippai

27. Introduction from the sea

The Secretariat, introduced document CoP15 Com. II 35, from the Standing Committee's Working Group on Introduction from the Sea, noting the main changes since production of document CoP15 Com. II 14. It said that the Working Group would continue its work, particularly with regard to operative paragraphs two and three of the draft resolution, as reflected in the draft decision in the document. The Secretariat added that regional representation in the Working Group had improved with the inclusion of a representative of Central and South America and the Caribbean, but that representation of Small Island Developing States would still be welcome.

Brazil, on behalf of Central and South America and the Caribbean, except Saint Vincent and the Grenadines, supported the continuation of the Working Group. They favoured the definition of the State of introduction as the port State, this being the State best able to make non-detriment findings in their view, with assistance from the flag State. They considered that defining the flag State as the State of introduction was fraught with complexity, as it would be necessary to check whether vessels were operating under flags of convenience, something beyond the mandate of CITES, and for the flag State, as well as the port State, to issue export permits. They believed entry into the port State to be the point at which specimens first entered trade.

Spain, on behalf of the European Union and its Member States, supported the Working Group's decisions. They favoured the choice of the flag State as the State of introduction, believing that this was in line with international law, and noting that fishing vessels on the high sea were accountable to the laws of flag State nations. They believed that flag States would need to collaborate with port States for proper implementation of CITES. They considered that non-detriment findings should include verification that specimens had been caught in accordance with laws applying to the high seas. They also cited the importance of the Port State Measures Treaty of the Food and Agriculture Organization of the United Nations (FAO). They were disappointed with the slow progress of CITES work on introduction from the sea. The Pew Environment Group echoed these views.

There being no further interventions on this issue, the Chair pronounced the draft revision of Resolution Conf. 14.6 and the draft revision of Decision 14.48 accepted.

19. Review of Decisions

As discussion of elephant proposals in Committee I had now taken place, the Chair referred the Committee to the review of Decision 10.2 (Rev. CoP11) and Decisions 14.75 to 14.79. Namibia proposed that the Secretariat's recommended new decision to replace Decision 14.78, in Annex 2 of document CoP15 Doc. 19, be amended by the insertion of "pending external funding," before "the Secretariat shall:", in order to emphasize the importance of such funding for the activities named in this Decision. This amendment was supported by Mozambique, South Africa, the United States of America, Zambia and Zimbabwe. Nigeria, supported by Benin, Cameroon, the Congo, Kenya and Rwanda thought it premature to replace Decision 14.78. Kenya pointed out that Decisions 14.75 to 14.79 were inter-linked and that deletion or amendment of one could therefore affect the others. In common with Cameroon and Nigeria, they stressed that the *African elephant action plan* needed time for implementation before revision of these Decisions. South Africa, seconded by Zimbabwe, favoured receiving reports from MIKE and ETIS before CoP16 and, therefore, the Secretariat's revision of Decision 14.78. Kenya put forward an amendment to this revised Decision, such that a report on progress with the *African elephant action plan* would also be required for the Standing Committee. In response to a request for clarification from South Africa, the Secretariat said that it did not think it premature to make amendments to Decision 14.78 and added that its proposed revisions to that Decision had been to clarify when, in what form and by whom the data called for should be made available. It noted that Namibia's proposal to introduce a reference to external funding echoed its own recommendation in the revised Decision.

Noting the Secretariat's recommendation to delete Decision 14.75, the United States suggested inserting a paragraph d) in the revised Decision 14.78, to read "d) invite the African elephant range States to provide information on progress made in implementing the African elephant action plan". This was supported by Kenya, who requested a short consultation to consider changes to the Decision, including wording to support external funding for MIKE and ETIS. TRAFFIC, also on behalf of IUCN, stressed that funding was vital for continuation of the work of ETIS and the IUCN/SSC African and Asian Elephant Specialist Groups.

The Chair requested Kenya, Namibia, the United States, the Secretariat and any other interested parties to meet immediately to seek an agreement on the replacement of Decision 14.78. After a short consultation, the Secretariat reported agreement on the following revision of the draft decision directed to the Secretariat in the text to replace Decision 14.78:

Directed to the Secretariat

In preparation for the 61st and 62nd meetings of the Standing Committee, pending the necessary external funding, the Secretariat shall:

- a) produce an updated analysis of MIKE data, pending the availability of adequate new MIKE data ~~and the necessary external funding~~;
- b) invite TRAFFIC to submit an updated analysis of ETIS data and UNEP-WCMC to provide an overview of the latest elephant trade data; ~~and~~
- c) invite the IUCN/SSC African and Asian Elephant Specialist Groups to submit any new and relevant information on the conservation status of elephants, and on pertinent conservation actions and management strategies; ~~and~~
- d) invite the African elephant range States to provide information on progress made in the implementation of the *African elephant action plan*.

On the basis of the information specified above, the Secretariat shall recommend actions for consideration by the Standing Committee.

In conclusion, it was agreed to retain Decision 14.76, to retain Decision 14.79 with the amendment proposed by the Secretariat in document CoP15 Doc. 19, and to delete Decision 14.78 and replace it with the new draft decisions proposed in the document by the Secretariat with the amendments indicated above in the draft decision to the Secretariat.

Spain, on behalf of the European Union and its Member States, supported by India, requested retention of Decisions 14.66, 14.68 and 14.69. This was agreed.

Mexico, referring to previous interventions on this issue, stressed that they did not wish Decision 14.132 to be deleted until the updated *Euphorbia* checklist was completed. The Secretariat explained that it had informed Mexico that the checklist had been completed. Mexico agreed that, in this case, the Decision could be deleted, but urged that, in general, reasons for deletion or retention of Decisions be recorded in writing, as noted in document CoP15 Com. II. 17. Mexico stated that there had been no communication between their delegation and the Secretariat regarding completion of the updated *Euphorbia* checklist and asked that this be recorded in the minutes.

Approval of summary records

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

Spain, on behalf of the European Union and its Member States, requested the following amendments:

- in paragraph h), the text proposed by the Secretariat should be amended to read: "...the exclusion of areas or zones under special regimes...";
- the next paragraph should read: "terminology should be consistent, so that when reference is made to the necessary documentation, "CITES permits and certificates" is used systematically"; and
- the sixth preambular paragraph should read: "NOTING that the verification of the existence of valid export permits or re-export certificates for control of specimens...to discover illegal trade in specimens of species included in the CITES Appendices."

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

Spain, on behalf of the European Union and its Member States, noted several inconsistencies between the English and Spanish versions. The Chair asked that the corrections be provided in writing.

Summary record of the 10th session of Committee II (CoP15 Com. II Rec. 10)

The United States requested deletion of the word "believed" in the second sentence of the last paragraph on page one after "The United States said...", and replacement of "the Secretariat would wish it to" with "it would" in the first paragraph on page two under agenda item 43.2. Turning to page 3, and following discussions earlier in the session, they suggested that the sentence "India reiterated that Decision 14.69 had to be retained" be replaced with "There was no objection to the retention of Decision 14.69". Also on page 3, they suggested deletion of "to" in the second sentence of the second paragraph under agenda item 31 to read: "They stressed the need for a more sophisticated approach ...". They also noted an error in the spelling of "Standing Committee" in the first sentence of the first paragraph under agenda item 34 on page 4.

Australia requested a correction to the second sentence in the third paragraph under agenda item 34 on page 4 to read: "They added that they would consider preparing a case for the International Commission on Zoological Nomenclature and would report back on this issue through the Animals Committee before CoP16".

Kenya requested a correction of the working group composition in the first paragraph of agenda item 45.2, replacing "Zimbabwe" with "South Africa".

Spain, on behalf of the European Union and its Member States, noted that, whilst the proposed changes to paragraph a) under agenda item 32 were correctly captured in document CoP15 Com. II Rec. 10, the Spanish version of document CoP 15 Com. II. 28 was incorrect.

Summary record of the 11th session of Committee II (CoP15 Com. II Rec. 11)

The United States noted that the date of the session was 22 March 2010. Turning to page three, they requested an amendment to the first sentence of the third paragraph under agenda item 41.2 to read: "For the same reasons, the United States opposed the application". They also wished to insert ", as well as the applications in documents CoP15 Doc. 41.3 and CoP15 Doc. 41.4," after "application" in the final sentence of the final paragraph on page 5 under agenda item 41.5.

Colombia requested a number of changes to the Spanish version. The Chair asked for these to be given to the Secretariat in writing for discussion at the 14th session.

TRAFFIC suggested an amendment to the second sentence of the second paragraph on page three to read: “a broadening of geographic scope, and for greater...”. IUCN corrected the second sentence of paragraph 4 under agenda item 51 on page 2 to read: “from non-Parties”.

These summary records were adopted subject to the provision of written text from Colombia.

51. Humphead wrasse: additional management measures needed to combat IUU fishing

Indonesia reported that the working group had met and proposed several amendments to the draft resolution in document CoP15 Doc. 51. These were presented to the Secretariat for circulation to Parties and would be discussed at the 14th session.

The Chair adjourned the session at 11h05.