

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Seventeenth meeting of the Conference of the Parties
Johannesburg (South Africa), 24 September – 5 October 2016

Summary record of the second session of Committee II

26 September 2016: 9h00 - 12h00

Chair: J. Barzdo (Switzerland)

Secretariat: J. Scanlon
J. Blanc
B. Janse van Rensburg
D. Morgan
J. C. Vasquez

Rapporteurs: P. Cremona
M. Groves
E. King
B. Price

Species specific matters

57. Elephants

57.5 Report on Monitoring the Illegal Killing of Elephants (MIKE)

The Secretariat introduced document CoP17 Doc. 57.5 and its Addendum, acknowledging the funding received from the European Union (including funding to the United Nations Organisation on Drugs and Crime to support MIKE implementation in South and South-east Asia), France and the United States Fish and Wildlife Service.

Uganda expressed concern regarding data quality and called upon the MIKE programme to check the authenticity of carcass data reported by range States. They believed that Proportion of Illegally Killed Elephants (PIKE) alone was not a good indication of the level of poaching. Uganda noted a discrepancy between paragraph 58 and the data presented in Figure 1 of the document.

South Africa, on behalf of the Southern African Development Community (SADC), supported the outcomes of the MIKE report, emphasizing the correlation between poaching levels and the quality of human livelihoods at the site level, the quality of governance at the country level, and demand for ivory at the global level, and the need to target interventions accordingly. They acknowledged the recent increase in PIKE for Kruger National Park and emphasized the need to work collaboratively to address this.

The United States of America noted progress in reporting to MIKE from Asian sites. However, they expressed concern that a number of elephant populations of biological importance had PIKE levels of 0.7 or higher.

Kenya, supported by Israel and Amboseli Trust for Elephants, believed that there should be a data verification process and that the data analysis should be open to wider scientific review. Zimbabwe did

not believe that such review was necessary. On a request from the Chair, Kenya agreed to defer further discussion of these issues until consideration of CoP17 Doc. 57.1.

The European Union and its member States underscored their commitment to partners as shown through the EU Action Plan Against Wildlife Trafficking. They supported the continuation of the National Ivory Action Plan (NIAP) process.

India reported their revived efforts to report to MIKE through Project Elephant and the Wildlife Crime Support Unit.

Namibia concurred with the findings of the present document in paragraph 58 which indicated that there was no evidence to suggest that the illegal killing of elephants increased or decreased as a direct result of the one-off ivory sale in 2008.

Humane Society International drew attention to a working paper written by S. Hsiang and N. Sekar, published on the website of the National Bureau of Economic Research (NBER), noting its conclusions differed from those in paragraph 58. The Secretariat observed that the working paper had not been published in a peer-reviewed journal and drew the Committee's attention to CoP17 Inf. 42, submitted by the MIKE and ETIS Technical Advisory Group, setting out reasons why the group believed the logic and method of the working paper to be flawed.

Regarding requests for further data verification and audit, the Secretariat pointed out that the current process followed guidance from the Parties, noting that the public availability of some of the carcass data was restricted due to Parties' wishes. It noted the intention of the MIKE programme to initiate an audit of carcass data with EU funding.

The document was noted.

57.6 Report on the Elephant Trade Information System (ETIS)

The Secretariat introduced document CoP17 Doc. 57.6 (Rev. 1) and its Addendum, prepared by TRAFFIC and covering ETIS reporting for 2007-2014.

Sri Lanka noted that their inclusion as a "country of secondary concern" was based on one large seizure of an in-transit shipment.

China, supported by Singapore, noted that, in the report, the role each country played in the illegal trade in ivory was not expressed directly as number and quantity of seizures for each country. They also noted that data in the report came from a variety of sources, and expressed concern about the lack of verification of data received from destination or transit countries. China drew attention to CoP 17 Inf. 23 that they had submitted and which they believed could help improve the methods used to produce the report. They noted they were willing to provide expert support for this work.

China and Uganda both drew attention to the fact that the ETIS report only included data up to 2014 and so only covered one year of National Ivory Action Plan (NIAP) implementation. Uganda expressed concern about the grouping of Parties and felt that the criteria for these groupings were not clear. They further noted they had presented on NIAP implementation to the 67th meeting of the Standing Committee and were recognized to have implemented all actions called for and strengthened enforcement. They expressed frustration about what more was expected of them to be able to move out of the "primary concern" category.

The Chair noted these frustrations and explained that NIAPs would be discussed under agenda item 24. He asked for comments relating to them to be reserved until then.

The United Arab Emirates acknowledged that the positive efforts they had made had been noted in the report but requested clarification for their listing in the 'Important to Watch' category and on exit strategies for Parties included in the various categories. They did not accept the conclusions of the document and urged a review of the ETIS analysis to ensure engagement of Parties of concern.

Singapore and the Philippines both stated that they had not been consulted during the production of the analysis, and noted that this was not in line with the process outlined in paragraph 5 of Annex 1 of Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens*, which states that the analysis

will be coordinated 'in consultation with relevant Parties'. Singapore considered themselves to be a relevant Party and noted inaccuracies in the report which they believed could have been avoided through consultation. They stressed that consultation was important to ensure credible data, especially as the ETIS analysis was used for making decisions. Singapore also clarified a number of statements in the report: first that it does not have any ivory stockpiles, and second that it does not condone the illegal trade in ivory and has a strong legal and regulatory regime in this respect. Singapore did not accept the findings of the present document as they are currently reflected.

The Philippines further sought clarification on why the governance indicator for "rule of law" for the Philippines was reported as a negative score and on the inclusion of a statement that the country still harboured a domestic ivory carving industry.

In response, TRAFFIC noted that 96% of records in the current analysis came from governments, and that TRAFFIC accepted these as verified. However, they indicated that Parties did not always submit data in timely fashion, as requested in Resolution Conf. 10.10 (Rev. CoP16). They acknowledged that the analytic methods used were complex, but stressed that they were always willing to work with Parties to explain them. Regarding consultation, they noted that the analyses were costly and time-consuming, and bound by the timeframe established by the Parties. Finding a funding mechanism for ETIS remained challenging.

The document was noted.

The chair proposed that CoP17 Docs 57.1, 57.2, 57.3, 24 and Annex 1 to document CoP17 Doc. 27 be introduced together for joint consideration.

57.1 Implementation of Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens*

The Secretariat introduced document CoP17 Doc. 57.1, indicating that, on the basis of determinations made by the Standing Committee, Decisions 14.78 (Rev. CoP16), 16.78, 16.81 and 16.82 were recommended for deletion as these had been implemented. Annex 2 to the document contained three draft decisions. Annex 3 contained proposed amendments to Resolution Conf. 10.10 (Rev. CoP16). The provisions included in Decision 16.83 had been incorporated into the proposed amendments; this Decision could therefore also be deleted if these were accepted.

57.2 Closure of domestic markets for elephant ivory

Niger introduced document CoP17 Doc. 57.2 on behalf of the proponents and the 29 members of the African Elephant Coalition and the 14 members of the Initiative of the Protection of Elephants. The document contained a draft resolution on the closure of domestic markets for elephant ivory.

57.3 Ivory stockpiles: proposed revision of Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens*

Chad introduced document CoP17 Doc. 57.3, on ivory stockpile management, on behalf of the proponents and the 29 members of the African Elephant Coalition and the 14 members of the Elephant Protection Initiative. Annex 1 to the document contained proposed amendments to Resolution Conf. 10.10 (Rev. CoP16). Annex 2 contained a draft decision regarding ivory stockpile management.

24. National ivory action plans process

The Secretariat introduced CoP17 Doc. 24 (Rev. 1), which provided information on the implementation of National Ivory Action Plans (NIAPs). Annex 1 to the document contained proposed amendments to Resolution Conf. 10.10 (Rev. CoP16). Annex 2 contained ten draft decisions.

27. Actions to combat wildlife trafficking

The United States of America introduced Annex 1 to document CoP17 Doc. 27 which contained proposed revisions to Resolution Conf. 10.10 (Rev. CoP16), focused on domestic markets for ivory. They noted that while some Parties might consider the proposed revisions to be beyond the scope of the Convention, the United States was of the opinion that addressing the closure of domestic ivory markets was justified because, in the case of ivory, there appeared to be a clear link between domestic trade and illegal international trade.

They also observed that there was precedent in previous decisions of the Conference of the Parties for measures such as they proposed

Namibia, raising a point of order, called for closure of the debate on CoP17 Doc. 57.2 under Rule 20.2 of the Rules of Procedure on the basis that the document did not fall within the scope of the Convention, citing United Nations General Assembly resolution 1803 on “Permanent sovereignty over natural resources” and Article 3 (“Principle”) of the Convention on Biological Diversity. Swaziland supported Namibia. Israel and Kenya opposed Namibia. Israel, citing Article XIV paragraph 1 of the Convention, argued that the proposals in document CoP17 Doc. 57.2 did not challenge sovereignty as they comprised recommendations rather than requirements. The motion to close the debate on CoP17 Doc. 57.2 was subsequently put to a vote. The result was 31 in favour and 57 against and 7 abstentions (see Annex 1). The motion was thus rejected.

The Chair recommended the formation of two working groups, the first to discuss documents CoP17 Docs 57.1, 57.2, 57.3 and Annex 1 to document CoP17 Doc. 27, and the second to discuss document CoP17 Doc. 24 (Rev. 1), with the composition of these working groups to be decided in the subsequent session.

The meeting was adjourned at 12h12.

Voting report sorted by name

Conference Name **COM2 2609 Morning**

9/26/2016

Subject Title

57.2 Motion

Long description

Short description

Chairman Panel 01
 Chairman Panel 02
 Chairman Panel 03
 Chairman Panel 04
 Chairman Panel 05
 Chairman Panel 06

Total Vote Result

Voting start time 9/26/2016 12:04:11 PM
 Voting stop time 9/26/2016 12:04:43 PM
 Voting Configuration PROCEDURAL (SM)
 Voting mode Open
 Vote Result REJECTED

YES 31
 ABSTAIN 7
 NO 57

Group Voting Result

Group	Present	Absent	YES	ABSTAIN	NO	Not voted
Nations	104	22	31	7	57	9
Total Results	104	22	31	7	57	9

Individual Voting Result

Seat Number	Name	Present	YES	ABSTAIN	NO	Not voted	Time
615	Angola (NAT)	X			X		12:04:14 PM
617	Argentina (NAT)	X			X		12:04:15 PM
619	Australia (NAT)	X			X		12:04:14 PM
	Austria (NAT)						
703	Bahrain (NAT)	X	X				12:04:40 PM
706	Belarus (NAT)	X				X	
707	Belgium (NAT)	X			X		12:04:13 PM
709	Benin (NAT)	X			X		12:04:22 PM
	Bhutan (NAT)						
	Bolivia (NAT)						
713	Botswana (NAT)	X			X		12:04:14 PM
714	Brazil (NAT)	X	X				12:04:15 PM
716	Bulgaria (NAT)	X			X		12:04:20 PM
	Cambodia (NAT)						
802	Canada (NAT)	X			X		12:04:14 PM
803	Central African Republic (NAT)	X	X				12:04:19 PM
804	Chad (NAT)	X	X				12:04:36 PM
805	Chile (NAT)	X	X				12:04:21 PM
806	China (NAT)	X	X				12:04:18 PM
807	Colombia (NAT)	X		X			12:04:20 PM
	Congo (NAT)						
810	Costa Rica (NAT)	X			X		12:04:30 PM
811	Côte d'Ivoire (NAT)	X	X				12:04:30 PM
812	Croatia (NAT)	X			X		12:04:15 PM

Voting report sorted by name

Conference Name

COM2 2609 Morning

9/26/2016

Seat Number	Name	Present	YES	ABSTAIN	NO	Not voted	Time
813	Cuba (NAT)	X	X				12:04:39 PM
814	Cyprus (NAT)	X			X		12:04:22 PM
815	Czech Republic (NAT)	X			X		12:04:19 PM
816	D R Congo (NAT)	X				X	
817	Denmark (NAT)	X			X		12:04:18 PM
	Dominican Republic (NAT)						
901	Ecuador (NAT)	X	X				12:04:16 PM
906	Estonia (NAT)	X			X		12:04:22 PM
908	European Union (NAT)	X				X	
909	Fiji (NAT)	X		X			12:04:41 PM
910	Finland (NAT)	X			X		12:04:14 PM
911	France (NAT)	X			X		12:04:18 PM
912	Gabon (NAT)	X			X		12:04:16 PM
	Gambia (NAT)						
914	Georgia (NAT)	X			X		12:04:15 PM
915	Germany (NAT)	X			X		12:04:15 PM
917	Greece (NAT)	X			X		12:04:16 PM
919	Guatemala (NAT)	X			X		12:04:18 PM
920	Guinea (NAT)	X			X		12:04:27 PM
1010	Guyana (NAT)	X	X				12:04:14 PM
1011	Honduras (NAT)	X			X		12:04:24 PM
1012	Hungary (NAT)	X			X		12:04:15 PM
101	Iceland (NAT)	X		X			12:04:31 PM
102	India (NAT)	X			X		12:04:18 PM
103	Indonesia (NAT)	X			X		12:04:21 PM
104	Iran (NAT)	X			X		12:04:17 PM
106	Ireland (NAT)	X			X		12:04:21 PM
107	Israel (NAT)	X			X		12:04:16 PM
108	Italy (NAT)	X			X		12:04:22 PM
109	Jamaica (NAT)	X			X		12:04:17 PM
110	Japan (NAT)	X	X				12:04:14 PM
111	Jordan (NAT)	X	X				12:04:19 PM
113	Kenya (NAT)	X			X		12:04:16 PM
114	Kuwait (NAT)	X	X				12:04:13 PM
117	Latvia (NAT)	X			X		12:04:13 PM
118	Lebanon (NAT)	X	X				12:04:36 PM
202	Liechtenstein (NAT)	X			X		12:04:23 PM
203	Lithuania (NAT)	X			X		12:04:25 PM
204	Luxembourg (NAT)	X			X		12:04:16 PM
205	Madagascar (NAT)	X	X				12:04:16 PM
206	Malawi (NAT)	X			X		12:04:15 PM
207	Malaysia (NAT)	X	X				12:04:27 PM
208	Maldives (NAT)	X	X				12:04:22 PM
209	Mali (NAT)	X			X		12:04:34 PM
210	Malta (NAT)	X			X		12:04:21 PM
211	Mauritania (NAT)	X				X	
	Mauritius (NAT)						
213	Mexico (NAT)	X			X		12:04:18 PM
214	Monaco (NAT)	X			X		12:04:15 PM
	Montenegro (NAT)						
217	Morocco (NAT)	X			X		12:04:24 PM
218	Mozambique (NAT)	X			X		12:04:16 PM
219	Myanmar (NAT)	X			X		12:04:17 PM
301	Nepal (NAT)	X	X				12:04:28 PM
302	Netherlands (NAT)	X			X		12:04:15 PM
303	New Zealand (NAT)	X			X		12:04:14 PM
305	Niger (NAT)	X			X		12:04:17 PM
306	Nigeria (NAT)	X				X	
307	Norway (NAT)	X		X			12:04:38 PM
	Oman (NAT)						
	Pakistan (NAT)						

Voting report sorted by name

Conference Name

COM2 2609 Morning

9/26/2016

Seat Number	Name	Present	YES	ABSTAIN	NO	Not voted	Time
	Panama (NAT)						
314	Peru (NAT)	X	X				12:04:39 PM
315	Philippines (NAT)	X				X	
316	Poland (NAT)	X			X		12:04:16 PM
317	Portugal (NAT)	X			X		12:04:14 PM
319	Rep of Korea (NAT)	X	X				12:04:37 PM
	Republic of Moldova (NAT)						
401	Romania (NAT)	X			X		12:04:17 PM
402	Russian Federation (NAT)	X	X				12:04:17 PM
	Saint Kitts and Nevis (NAT)						
	Saint Lucia (NAT)						
	Samoa (NAT)						
	Senegal (NAT)						
	Sierra Leone (NAT)						
415	Singapore (NAT)	X		X			12:04:16 PM
416	Slovakia (NAT)	X			X		12:04:14 PM
417	Slovenia (NAT)	X			X		12:04:14 PM
	Somalia (NAT)						
501	South Africa (NAT)	X	X				12:04:15 PM
502	Spain (NAT)	X			X		12:04:16 PM
503	Sri Lanka (NAT)	X	X				12:04:15 PM
504	Sudan (NAT)	X				X	
506	Swaziland (NAT)	X	X				12:04:17 PM
507	Sweden (NAT)	X			X		12:04:15 PM
508	Switzerland (NAT)	X			X		12:04:14 PM
	Syrian Arab Republic (NAT)						
602	Tanzania (NAT)	X	X				12:04:16 PM
511	Thailand (NAT)	X	X				12:04:15 PM
513	Togo (NAT)	X				X	
515	Trinidad and Tobago (NAT)	X	X				12:04:16 PM
516	Tunisia (NAT)	X		X			12:04:36 PM
517	Turkey (NAT)	X	X				12:04:16 PM
520	UAE (NAT)	X	X				12:04:33 PM
518	Uganda (NAT)	X	X				12:04:17 PM
	Ukraine (NAT)						
601	United Kingdom (NAT)	X			X		12:04:18 PM
	Uruguay (NAT)						
603	USA (NAT)	X			X		12:04:24 PM
607	Venezuela (NAT)	X		X			12:04:23 PM
608	Vietnam (NAT)	X				X	
611	Zimbabwe (NAT)	X	X				12:04:15 PM