

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 sixth session of Committee II

28 September 2016: 9h00 - 12h25

Chair: J. Barzdo (Switzerland)

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

Rapporteurs: J. Caldwell  
E. King  
J. McAlpine  
M. Groves

**Adoption of Summary Records**

CoP17 Com. II. Rec. 1

In agenda item 7.4 Japan noted that they supported the zero nominal growth budget scenario, and wished to follow Brazil in the second paragraph.

CoP17 Com. II. Rec. 2

Singapore requested the inclusion of an additional sentence after the second sentence in the seventh paragraph under agenda item 57.6 as follows: 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.

CoP17 Com. II. Rec. 3

Japan requested the modification of the text under agenda item 84.3 reading “Japan ~~recognized there were differing views on sustainable use and~~ encouraged further discussions to establish a system to achieve sustainable use and Swaziland...”.

The United States of America requested the addition of the text of America” after “United Sates” on page one of the English version of the document and observed that document CoP17 Doc. 57.6 had already been noted in CoP17 Com. II. Rec. 2

The Summary Records were adopted as amended.

## **Strategic matters**

### 13. Establishment of the rural communities committee of the Conference of the Parties

The Chair of the working group (Brazil) sought guidance from the Committee Chair regarding the group's mandate. The latter stated that the working group should map out an intersessional process to find ways of improving engagement with rural communities in the CITES decision-making process; this would be likely to involve the development of terms of reference and guidance for the Standing Committee. He urged the working group to try to seek consensus and proposed not to discuss this item again until the working group had returned with concrete proposals.

## **Interpretation and implementation matters**

### General compliance and enforcement

#### 23. CITES compliance matters

The Secretariat introduced document CoP17 Doc. 23 outlining existing CITES compliance procedures and identifying areas where a more systematic approach in addressing compliance matters could be considered; it recommended adoption of the five draft decisions contained in Annex 1.

The European Union and its member States were in general support of the document, but believed sub-paragraphs a) and b) of draft decision 17.B should be deleted. They noted that the Standing Committee already had clear guidance in Resolution Conf. 14.3 on *CITES compliance procedures* on when to use such procedures and considered the addition of graduated layers of compliance measures would be overly restrictive. They fully supported sub-paragraph a) in draft decision 17.C as they believed it would help Parties.

South Africa was also in general support and believed that the Standing Committee should further explore the possibility of including issues relating to compliance action plans to help Parties in compliance.

The United States of America supported draft decision 17. A and shared the views of the European Union and its member States regarding graduated layers of compliance procedures. They believed that lack of guidance on legal acquisition findings undermined implementation and suggested a new sub-paragraph in draft decision 17.B to read as follows: provide guidance on verifying the legal acquisition of founder stock of captive-bred CITES listed species to be exported.

New Zealand, supported by Colombia, highlighted the importance of legal acquisition findings and suggested that guidelines be produced similar to those developed for non-detriment findings. They noted that the potential request to the Standing Committee to explore ways of monitoring levels of compliance and increasing the effectiveness of measures aimed at improving compliance, detailed in paragraph 50 of the document, were not reflected in the draft decisions. Australia supported the Secretariat's suggestion that electronic CITES permits and electronic information storage could be of benefit.

China, supported by Kuwait, opposed draft decisions 17.B, 17.C and 17.D and the recommendation of the Secretariat in paragraph 20 that Article XIII be used more frequently where Parties are the subject of several concurrent compliance procedures. They believed that Resolution Conf. 14.3 was clear and strict enough, and that cooperation between Parties was preferable to the imposition of trade restrictions. They noted that lack of funding or capacity may affect Parties' compliance and stated they would be happy with sub-paragraph c) of draft decision 17.B if the compliance assistance programme referred to were externally funded.

The United Nations Environment Programme (UNEP) on behalf of UNEP-WCMC welcomed the draft decisions. Lewis and Clark – International Environmental Law Project, the Centre for International Environmental Law, also representing the Environmental Investigation Agency, the World Resources Institute, and Global Eye, suggested changes to draft decision 17.B.

China agreed not to block consensus and the Committee agreed to the draft decisions in Annex 1 of document CoP17 Doc. 23 with the deletion of sub-paragraphs a) and b) from draft decision 17.B, and the addition of a new penultimate paragraph to that draft decision as proposed by the United States.

25. Enforcement matters

and

26. Illegal international trade in wildlife

The Chair proposed discussing agenda items 25 and 26 together.

The Secretariat introduced document CoP17 Doc. 25, explaining that in paragraph a) v) of draft decision B in Annex 1 of the document, the text “advice on whether demand reduction and community awareness programmes led to behavioural change, and” should have been underlined to indicate that it was from the Secretariat and not the Standing Committee. Annex 1 to the document contained two draft decisions; Annex 2 contained proposed revisions to Resolution Conf. 11.3 (Rev. CoP16) on *Compliance and enforcement*. Two paragraphs of Decision 16.40 were proposed for deletion, paragraph a) because it had been incorporated into the proposed revisions to the Resolution and paragraph b) because it had been implemented.

South Africa stated they would withdraw document CoP17 Doc. 26 on the condition that key elements of the draft resolution in Annex 1 and draft decisions in Annex 2 of the document were included in any decisions and amendments to Resolution Conf. 11.3 (Rev. CoP16) agreed under discussion of these two agenda items.

China generally supported the draft decisions and proposed amendments to Resolution Conf. 11.3 (Rev. CoP16) in document CoP17 Doc. 25. They also supported South Africa’s suggestion to merge the proposals from the two documents. They stressed that addressing corruption was equally the responsibility of importing and exporting countries. Australia, Canada, the European Union, the United States of America, The Humane Society International and Lewis and Clark – International Environmental Law Project all supported the documents in general, but had suggestions for textual changes.

Japan and the United States highlighted the problems of providing information while covert operations were ongoing. Brazil sought assurance that the activities envisaged under the draft decisions fell within the remit of the Convention. Switzerland stressed its commitment to supporting enforcement matters under the Convention.

The Chair asked the Secretariat to work with a drafting group, comprising Australia, Canada, the European Union, the United States of America and South Africa, to produce a consolidated text including all of the suggestions made for changes to the draft decisions and proposed revisions to Resolution Conf. 11.3 (Rev. CoP16) in document CoP17 Doc. 25, incorporating relevant parts of document CoP17 Doc. 26, for consideration at a later session.

28. Prohibiting, preventing and countering corruption facilitating activities conducted in violation of the Convention

The European Union and Senegal introduced document CoP17 Doc. 28, the Annex to which contained a draft resolution on “Prohibiting, preventing, detecting and countering corruption facilitating activities conducted in violation of the Convention”.

Jamaica and New Zealand supported the draft resolution. Brazil and the United States of America were also generally in support, although both proposed deletion of paragraph 12, stating that ongoing covert operations could not be reported on. The United States of America proposed a number of further amendments to the draft resolution.

China emphasized the need for collaboration and believed that it was not desirable to establish anti-corruption mechanisms separate from those already established.

The Chair proposed that Parties suggesting amendments liaise with the European Union, to produce revised text for consideration by the Committee at a subsequent session.

The meeting was adjourned at 12h25.