

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 eleventh session of Committee II

2 October 2016: 14h20 - 17h15

Chair: J. Barzdo (Switzerland)

Secretariat: J. Blanc
S. Flensburg
D. Kachelriess
D. Morgan
H. Okusu
J. Scanlon
J-C. Vasquez

Rapporteurs: P. Cremona
F. Davis
J. McAlpine
B. Price

Species specific matters

57. Elephants

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

57.2 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*

and

27. Actions to combat wildlife trafficking

Norway, as the Chair of the working group established by the Committee to address these issues introduced document CoP17 Com. II 6, containing draft decisions and proposed amendments to Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens*. He proposed further amendments: replacing “illegal killing” with “poaching” in the first REQUESTS of the operative section of the draft amendments to the resolution, removing “legal and illegal” from draft decision 17.CC a), and removing “as appropriate” from draft decision 17.CC c). He further drew attention to the recommendation to delete Decisions 14.78 (Rev. CoP16), 16.78, 16.81, 16.82 and 16.83.

China suggested replacing “the range States of Asian elephants” with “all Parties” in the first line of draft decision 17.AA. Kenya proposed the inclusion of “Where appropriate” at the start of the first line of draft decision 17.CC.

The International Union for Conservation of Nature (IUCN), echoed by Elephant Family, offered to help secure financial and technical support for range States to implement the draft decisions.

The Committee agreed to adopt the draft decisions and the proposed amendments to Resolution Conf. 10.10 (Rev. CoP16) in document CoP17 Com. II. 6 with the amendments suggested by China, Kenya and Norway. The Committee also agreed to delete Decisions 14.78 (Rev. CoP16), 16.78, 16.81, 16.82 and 16.83.

24. National ivory action plans process

Canada, as the Chair of the Working Group established by the Committee to address this issue, introduced document CoP17 Com. II. 17, which proposed draft decisions and a revision to Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens*. They further proposed replacing “cooperation” with consultation in Step 3 a) and Step 5 b) of draft Annex XX to the Resolution and the insertion of to the Standing Committee between “recommend” and “that the Party” in Step 5 c).

The Committee agreed to adopt the draft decisions and the amendments to Resolution Conf. 10.10 (Rev. CoP16) proposed in document CoP17 Com. II. 17 with the amendments proposed by Canada and agreed to the deletion of Decisions 16.79 and 16.80.

Interpretation and implementation matters

Trade control and traceability

36. Introduction from the sea

The Secretariat introduced document CoP17 Doc. 36. Annex 1 to the document proposed the extension of the validity of Decisions 16.48 to 16.51. Annex 2 contained a draft decision and further amendments to Decision 16.48. In the document, the Secretariat proposed deletion of Decision 16.52.

Brazil, China, the European Union, Iceland, New Zealand, Norway, Japan, the United States of America and the Secretariat of the Pacific Regional Environmental Programme (SPREP) supported the proposal to extend the validity of Decisions 16.48 to 16.51, and the amendments to Decision 16.48 proposed by the Secretariat. The Secretariat of the Pacific Regional Environment Programme (SPREP) noted that they were willing to cooperate in providing training relating to the making of non-detriment findings for marine species.

The European Union, noting that the provisions on chartering did not appear to have been used, suggested the deletion of these provisions from Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea* and amendment of the Secretariat’s recommendations accordingly. New Zealand, with support from Brazil and Japan, did not agree with this proposal. The European Union agreed not to insist on the deletion of this.

The European Union also noted the comments from the Secretariat on the process for obtaining biological samples from the sea, but thought that efforts should be made to better understand the problem before any resources were committed to address it.

Regarding draft decision 17.AA proposed by the Secretariat, Norway, supported by Iceland, Japan and the United States of America, questioned the use of the Secretariat’s resources to monitor the negotiations. Brazil and New Zealand, supported by the Maldives, supported retention of the draft decision. Following clarification from the Secretariat, Japan indicated that it would not oppose the draft decision. Norway suggested proposed amendments and the Chair asked the Secretariat to work with Norway to produce a revised draft for consideration. This was presented later in the session as follows:

17.AA The Secretariat shall ~~monitor~~ report to the Standing Committee as appropriate on the results of the negotiations on the development of an international legally-binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ),—and report on the process to the Standing Committee as appropriate.

The revised versions of Decisions 16.48 to 16.51, including the proposed amendments by the Secretariat, the deletion of Decision 16.52, and draft decision 17.AA in Annex 2 to document CoP17 Doc. 36, as amended by Norway, were accepted.

38. Identification of elephant and mammoth ivory in trade

On the basis of informal discussions held with the Russian Federation following the previous session, Israel withdrew the proposal in paragraph 3 of the Addendum to CoP17 Doc. 38. They also proposed amending paragraph 4 c) to read: identify specimens of elephant ivory, other types of ivory, and ivory look-alike materials; and inserting voluntary before “funding” in draft decision 17.BB. The Russian Federation supported these changes.

The amendments to Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens* and the draft decisions included in the Addendum to CoP17 Doc. 38, as amended by Israel, were accepted.

48. Identification of specimens in trade

48.2 Identification Manual

The Chair of the Animals Committee introduced document CoP17 Doc. 48.2, Annex 1 to which contained a series of draft decisions. The document also proposed the deletion of Decisions 16.59, 16.60 and 16.61 on the basis that they had been implemented or would be superseded by the proposed draft decisions. She noted that draft decision 17.AA in Annex 1 to the document was intended to be identical to draft decision 17.BB in Annex 1 to CoP17 Doc. 15, but that the texts had unintentionally diverged because of editorial changes. On this basis, the Chair recommended that draft decision 17.AA be discussed under agenda item 15.

The Chair proposed moving the text “subject to the availability of funds” from paragraph b) of draft decision 17.CC to the first line of the decision.

The Republic of Korea indicated that they were ready to contribute identification materials. Switzerland informed the Committee that they had funded the French translation of the identification manual “CITES and Timber: A Guide to CITES-listed Tree Species”, a hard copy of which would be made available to French-speaking Parties and which was also available online.

Draft decisions 17.BB and 17.CC in Annex 1 to document CoP17 Doc. 48.2, including the amendment proposed by the Chair, were agreed. The deletion of Decisions 16.59, 16.60 and 16.61 was also agreed.

Strategic matters

15. Capacity building

The Secretariat introduced document CoP17 Doc. 15, which reported on the implementation of Decisions 16.28 to 16.31 and Decision 12.91 (Rev. CoP16) noting that the workshops mentioned in paragraph 15 had been successfully held with financial support provided by the European Union. Annex 1 to the document contained a number of draft decisions. The Secretariat recommended the deletion of Decisions 16.28 to 16.32 and Decision 12.91 (Rev. CoP16).

The Chair of the Animals Committee proposed amendments to draft decision 17.BB included in document CoP17 Doc. 15 to align the text with draft decision 17.AA in Annex 1 to document CoP17 Doc. 48.2. The draft decision was to be directed to “the Plants and Animals Committees and the Secretariat”. A new paragraph e) should be inserted that was identical to paragraph e) in draft decision 17.AA in Annex 1 to document CoP17 Doc. 48.2; the original paragraphs e) and f) would therefore be renumbered f) and g). The text of paragraph g) was to be replaced with the text of paragraph f) in draft decision 17.AA in Annex 1 to document CoP17 Doc. 48.2. The Chair indicated that, if these amendments were agreed, draft decision 17.AA proposed in document CoP17 Doc. 48.2 could be disregarded.

The European Union and its member States supported the draft decisions with the amendments proposed by the Chair of the Animals Committee, and proposed inclusion of a reference to the United Nations Environment Programme (UNEP) in sub-paragraph e) of draft decision 17.DD. They also called upon Parties to contribute funding.

The Committee agreed to the draft decisions set out in document CoP17 Doc. 15, as amended by the acting Chair of the Plants Committee and the European Union. The deletion of Decisions 16.28 to 16.32 and Decision 12.91 (Rev. CoP16) was agreed.

Interpretation and implementation matters

Trade controls and traceability

41. Identification of origin of cetaceans bred or kept in captivity

Ukraine introduced document CoP17 Doc. 41 the Annex to which contained a draft resolution on the identification of origin of cetaceans bred or kept in captivity. They clarified that the draft resolution was intended to refer only to the subspecies *Tursiops truncatus ponticus* rather than the species across its global range.

Canada, the European Union and its member States, and the United States of America thanked Ukraine for raising the issue, but expressed concerns about the scope of the proposed resolution and indicated they would appreciate the opportunity to discuss the resolution further with Ukraine.

Japan did not support the proposal and felt the financial burden posed by the draft resolution was disproportionate to the risk to species as a whole. They were happy to participate in further discussion.

The Convention on Migratory Species (CMS) speaking on behalf of the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) encouraged Parties to support further measures to improve traceability of live *Tursiops truncatus ponticus*. The Alliance of Marine Mammal Parks and Aquariums did not think that the resolution provided a solution to the perceived problem, but expressed a wish to remain engaged in further discussions.

Noting a lack of consensus, the Chair established a drafting group to further discuss this draft resolution, comprising Canada, the European Union, Japan, Ukraine, the United States, CMS and the Alliance of Marine Mammal Parks and Aquariums.

Species specific matters

Maintenance of the Appendices

83.1 Report of the Standing Committee

and

83.2 Annotations for species listed in the CITES Appendices: Report of the working group

Documents CoP17 Docs 83.1 and 83.2 were introduced by the United States of America the former document on behalf of the Standing Committee. The Annexes to document CoP17 Doc. 83.1 contained proposed revisions to Resolutions and Decisions as follows: Annex 1: Proposed amendment to Resolution Conf. 5.20 (Rev. CoP16) on *Guidelines for the Secretariat when making recommendations in accordance with Article XV*; Annex 2: Proposed amendments to Resolution Conf. 9.24 (Rev. CoP16) on *Criteria for amendment of Appendices I and II*; Annex 3: Proposed amendments to Resolution Conf. 9.25 (Rev. CoP16) on *Inclusion of species in Appendix III*; Annex 4: Proposed amendments to Resolution Conf. 11.21 (Rev. CoP16) on *Use of Annotations in Appendices I and II*; and Annex 5: Proposed amendments to Decision 16.162 and 16.163. In the document, the Secretariat had proposed deletion of Decisions 14.148 (Rev. CoP16) and 16.151, together with further amendments to Resolution Conf. 11.21 (Rev. CoP16) and Decisions 16.162 and 16.163.

Concerned the proposed revision of Resolution Conf. 11.21 (Rev. CoP16), the United States agreed with sub-paragraphs a), d) and e) of paragraph E of the Secretariat's comments. The United States proposed that a new sub-paragraph a) follow on immediately after the introductory paragraph to the proposed revision of Decision 16.162 in Annex 5 of document CoP17 Doc. 83.1 as follows: to further consider procedures for crafting annotations and develop recommendations for improving them;

The European Union supported the changes to Resolution Conf. 11.21 (Rev. CoP16) with the Secretariat's amendments which had been by read the United States. The European Union further

supported the amendments in Annex 5 of Decision 16.162, and the deletion of Decisions 14.158 and 16.151 as recommended by the Secretariat. In Annex 1 of document CoP17 Doc. 83.1 they noted that “world” in sub-paragraph d) i) should read wild.

The Committee agreed to the proposed amendment to the Resolutions and Decisions in the Annexes to document CoP17 Doc. 83.1, including the Secretariat’s proposed amendments, as amended by the European Union and the United States of America. The Committee also agreed to the deletion of Decisions 14.148 (Rev. CoP16) and 16.151. Document CoP17 Doc. 83.2 was noted.

83.3 Annotations for Appendix II orchids

The acting Chair of the Plants Committee introduced document CoP17 Doc. 83.3 containing a draft decision directed to the Plants Committee. In the document, the Secretariat had proposed some amendments to this draft decision and an additional decision directed to the Standing Committee, which the acting Chair of the Plants Committee supported.

The European Union and its member States, the Republic of Korea, and IUCN supported both draft decisions, and the Secretariat’s proposed amendments. Ireland noted that they should be included among the Parties listed in paragraph 3 of document CoP17 Doc. 83.3.

The Committee agreed to the draft decisions in document CoP17 Doc. 83.3, with the proposed amendments by the Secretariat.

Interpretation and implementation matters

General compliance and enforcement

22. National laws for implementation of the Convention

The Secretariat presented document CoP17 Com. II. 2 containing draft decisions which were agreed. It was agreed to delete Decisions 16.33 to 16.38.

Strategic matters

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

Brazil as chair of the working group established by the Committee to address this issue presented document CoP17 Com. II.7 containing draft decisions directed to the Standing Committee.

Botswana, Canada, the European Union and its member States, South Africa, Zambia and Zimbabwe, Livelihood International and IWMC World Conservation Trust thanked Brazil for their leadership in a difficult debate and supported the draft decisions. The Natural Resources Defence Council urged Parties to design a process that was transparent and inclusive.

The draft decisions in document CoP17 Com. II.7 were agreed.

16. CITES and livelihoods

The Secretariat presented documents CoP17 Com. II. 4 containing a draft revision to Resolution Conf. 16.6 on *CITES and livelihoods* and CoP17 Com. II. 5 (Rev. 1) containing draft decisions. They proposed deletion of the first “an” from sub-paragraph c) of draft decision 17.EE.

The draft revisions to Resolution Conf. 16.6 in document CoP17 Com. II. 4 and the draft decisions in document CoP17. Com. II. 5 (Rev.1), as amended by the Secretariat were agreed.

Species specific matters

68. Rhinoceroses

The European Union presented document CoP17 Com. II. 14 containing draft decisions and proposed amendments to Resolution Conf. 9.14 (Rev. CoP15) on *Conservation of and trade in African and Asian rhinoceroses*. These were agreed, and Decisions 16.84 to 16.92 were agreed to be deleted.

Interpretation and implementation matters

General compliance and enforcement

32. Implementation of the Convention relating to captive-bred and ranched specimens

The European Union presented document CoP17. Com. II. 18 containing a draft resolution and draft decisions which were agreed, as was deletion of Decisions 15.52, 15.53 and 16.63 to 16.66.

Summary records

CoP17 Com. II. Rec. 6

Under agenda item 23, the United States of America asked that 'important' be replaced with 'importance' in the fifth paragraph 5.

CoP17 Com. II. Rec. 7

Under agenda item 18.2, the Chair requested that the word 'draft' be inserted before 'decisions' in the sixth paragraph.

CoP17 Com. II. Rec. 8

Under agenda item 32, Brazil asked to be removed from the beginning of the third paragraph and to be added to the beginning of the third sentence of that paragraph. Canada requested that "but believed it" in the fourth paragraph be replaced with and supported its adoption. However Canada indicated that the resolution and that "Committee II" in that paragraph be changed to Committee I.

CoP17 Com. II. Rec. 9

Under agenda item 58, Japan asked to be deleted from the beginning of the second paragraph and for the following sentence to added at the end of that paragraph: Japan supported Secretariat's comment DIRECTED TO ALL PARTIES on seizures of specimens of *Encephalartos* and did not support the proposal by South Africa on this issue.

Under agenda item 60, the United States of America asked that in the third paragraph "they wished Decision 14.69 to be deleted" be changed to they proposed that Decision 14.69 be deleted.

The summary records in documents CoP17 Com. II Rec. 6, CoP17 Com. II Rec. 7, CoP17 Com. II Rec. 8 and CoP17 Com. II Rec. 9 were adopted with the above amendments.

The meeting was adjourned at 17h12.