

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



Eighteenth meeting of the Conference of the Parties
Geneva (Switzerland), 17 - 28 August 2019

Summary record of the fifth session for Committee II

19 August 2019: 19h20 - 22h05

Chair: C. Hoover (United States of America)

Secretariat: I. Higuero
S. Flensburg
D. Morgan
H. Okuso
J.-C. Vasquez

Rapporteurs: F. Davis
J. Gray
E. Jennings
R. Mackenzie
J. Robinson
C. Stafford

Strategic matters (cont.)

21. Capacity building and identification materials

21.2 Capacity-building activities specified in Resolutions and Decisions

and

21.3 Framework to facilitate coordination, transparency and accountability of CITES capacity-building efforts

The Chair announced that agenda items 21.2 and 21.3 would be considered together.

The Chair of the Standing Committee introduced document CoP18 Doc. 21.2, and the United States of America introduced document CoP18 Doc. 21.3. Noting that the Secretariat had suggested integrating the proposals in the document with those in document CoP18 Doc. 21.2, they drew attention to the proposed draft resolution at Annex 1 concerning the adoption of a comprehensive framework for CITES capacity building. The United States clarified that the objective of the proposal was to initiate a Party-driven process to guide development of a capacity-building framework and noted that in this context a revision of Resolution Conf.3.4 on *Technical cooperation* might be appropriate.

China recognized the concerns of the United States regarding the fragmented nature of capacity-building activities. Bangladesh, Ethiopia, the European Union, Gabon and Guinea supported the proposals in document CoP18 Doc.21.2. The European Union, supported by Canada, identified the need for further intersessional discussion of any comprehensive framework. They believed elements of the proposals in document CoP18 Doc. 21.3 might usefully be incorporated into the draft decisions proposed in document CoP18 Doc. 21.2.

Algeria, Bahrain, Ethiopia, Guinea, Niger and Nigeria emphasised the critical role of capacity building for effective implementation of the Convention.

Turkey reported on a national project building technical and institutional capacity. The International University of Andalucía CITES Masters Programme reported on the achievements of the programme since its inception in 1998, and emphasized the need for additional external support to enable course delivery in French and Spanish.

Conservation Analytics, speaking also on behalf of the World Resources Institute (WRI), drew the attention of participants to information document CoP18 Inf. 50 on *Implementing CITES rosewood species listings* and welcomed feedback to inform the finalization of the document.

The Chair established a working group to consider the draft decisions in Annex 2 of document CoP18 Doc. 21.2 and the Secretariat's comments on them, in light of the proposals in document CoP18 Doc. 21.3, comprising Algeria, Australia, Austria, Bahrain, Bangladesh, China, Ethiopia, Finland, France, Jamaica, Maldives, New Zealand, Niger, Norway, Samoa, Spain and the United States of America; the International Union for Conservation of Nature, Born Free USA, Cheetah Conservation Fund, Conservation Analytics, and the World Resources Institute.

Interpretation and implementation matters

General compliance and enforcement

26. National laws for implementation of the Convention

The Secretariat introduced document CoP18 Doc. 26 (Rev. 1), highlighting significant progress from some Parties since CoP17 in improving their national laws for implementation of CITES, while yet noting that over forty per cent of Parties still had national legislation that fell short of meeting all implementation requirements. The Secretariat pointed out that the document did not reflect all updates from Parties on the status of their implementing legislation, as some had been received only after its publication.

Algeria, Angola, Botswana, Côte d'Ivoire, Ecuador, Gabon, Kenya, Lesotho, Liberia, Niger, Samoa and the United Republic of Tanzania provided updates on progress with improving their CITES-implementing legislation. The West Africa Biodiversity and Climate Change Programme (WC BiCC) drew attention to the fact that the 15 members States of the Economic Community (ECOWAS) had made significant progress on the path towards adopting CITES implementing legislation.

Kenya and Liberia supported the draft decisions in Annex 1 to document CoP18 Doc. 26 (Rev 1). Canada, the European Union, Niger and the United States generally supported the draft decisions, but proposed amendments to make elements of these more time-bound, with Niger, seconded by Nigeria, asking for amendments to ensure access to up-to-date CITES guidance on national legislation. The United States of America also believed that it was inappropriate to limit further consideration of compliance measures only to recommendations to suspend commercial trade for failure to adopt adequate measures to implement the Convention, noting that Resolution Conf. 8.4 (Rev. CoP15) allows for suspension of all CITES trade under such circumstances. The United States believed that this possibility should be reflected in the decisions.

The Chair asked Canada, the European Union, Niger and the United States of America that had suggested specific revisions to send these to the Secretariat in order for it to produce a revised version of the decisions for consideration by Committee II in a later session. He noted that the Committee agreed to the deletion of Decisions 17.58 to 17.64.

27. CITES compliance matters

The Secretariat introduced document CoP18 Doc. 27, noting a minor correction to paragraph 34 to remove ~~further~~ from the fifth line.

Canada, the European Union and the United States of America expressed support for the proposed amendment to Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*, but considered that the draft decisions presented in Annex 2 required further clarification and justification.

The draft amendment to Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement* as contained in Annex 1 to document CoP18 Doc. 27 was accepted and the draft decisions in the same document were not accepted.

28. Compliance Assistance Programme

The Secretariat introduced document CoP18 Doc. 28 on the proposed Compliance Assistance Programme.

The European Union expressed general support for the draft decisions in Annex 1, but, echoed by the United States of America, voiced concerns regarding the tentative budget outlined in Annex 2. They suggested that the Secretariat consider funding under the external budget of the Convention. The United States also suggested that parts of the programme needed refinement. Australia suggested that the Compliance Assistance Programme be considered in the context of agenda items 21.2 and 21.3 on capacity-building and identification materials and recommended that it be considered by the in-session working group established under these agenda items.

The Chair suggested an amendment to draft decision 18.BB as follows:

Directed to the Secretariat

The Secretariat shall, subject to the availability of external funding, establish a Compliance Assistance Programme (CAP) and:

The draft decisions presented in Annex 1 were accepted, with the suggested amendment by the Chair.

29. Country-wide Significant Trade Reviews

The Chair of the Plants Committee introduced document CoP18 Doc. 29 on country-wide significant trade reviews and invited Parties to accept the draft decisions in Annex 1 with the amendments proposed by the Secretariat, and to delete Decision 17.111 as it had been implemented.

The United States of America expressed support for the adoption of the draft decisions in Annex 1, with the amendments proposed by the Secretariat, and for the deletion of Decision 17.111. They expressed some concerns with the use of Madagascar's country-wide Review of Significant Trade to analyse the benefits and disadvantages of this process due to the challenges faced by Madagascar. The United States also reiterated, as stated at the 70th meeting of the Standing Committee (SC70), their support for the creation of an advisory body similar to that currently in place for the Review of Significant Trade. The United States also supported the amendments to draft decision 18.AA a) recommended by the Secretariat.

The draft decisions presented in Annex 1 to document CoP18 Doc. 29 were accepted as amended by the Secretariat in paragraph E of its comments. The deletion of Decision 17.111 was also accepted.

Interpretation and implementation matters (cont.)

General compliance and enforcement (cont.)

30. Compliance in relation to Malagasy ebonies (*Diospyros* spp.) and palisanders and rosewoods (*Dalbergia* spp.)

30.1 Report of Madagascar

Madagascar introduced document CoP18 Doc. 30.1, noting that it supported the Secretariat's comments and proposals for new decisions contained in document CoP18 Doc. 30.2. Madagascar emphasized that it did not plan to engage in trade unless it had sufficient administrative capacity to ensure forest controls, had good control of stockpiles, and could control the risk of illegal logging. It drew attention to recent scientific advances, seizures, arrests and prosecutions, and advances in stock management and inventories. Madagascar reiterated its request made at the 71st meeting of the Standing Committee (SC71) to establish a small advisory group of Parties which could assist it with the implementation of recommendations regarding *Dalbergia* and *Diospyros* spp. intersessionally. It additionally noted that it believed the amendments proposed by the Secretariat to the draft decisions as agreed at the 70th meeting of the Standing Committee (SC70) in document CoP18 Doc. 30.2 were relatively minor and suggested that the decisions as initially submitted to SC70 be considered instead.

30.2 Report of the Standing Committee

As Chair of the Standing Committee, Canada introduced document CoP18 Doc. 30.2. Canada noted that the Standing Committee had received the reports of Madagascar at the 69th and 70th meetings of

the Standing Committee (SC69 and SC70) as directed by Decision 17.204, and that at SC70 it had agreed to propose a suite of draft decisions to replace Decisions 17.203 to 17.208.

China, Kenya and the European Union commended Madagascar on its efforts to implement Decision 17.204 and noted that they remained committed to providing technical and financial support to Madagascar in its efforts to manage *Dalbergia* and *Diospyros* spp. They generally supported the draft decisions in Annex 1 to document CoP18 Doc. 30.2, but the European Union and the United States noted concern that there had been very little time to consider the initial draft decisions at SC70 and suggested a number of amendments. These included, *inter alia*, a request for the Secretariat to issue a Notification to the Parties asking them to remain vigilant for illegal shipments of *Dalbergia* and *Diospyros* spp. originating from Madagascar.

The Environmental Investigation Agency, speaking also on behalf of the Center for International Environmental Law, Conservation Analytics, Species Survival Network, the Wildlife Conservation Society, the World Resources Institute, the World Wildlife Fund, echoed the European Union's comments and reiterated their concern regarding ongoing illegal timber trade in Madagascar.

The Chair established a working group comprising: Belgium, China, the European Union, Kenya, Madagascar, Singapore, the United Kingdom of Great Britain and Northern Ireland, United States of America, the International Tropical Timber Organisation, Conservation Analytics, Environmental Investigation Agency and World Resources Institute. The working group shall discuss proposed changes to the draft decisions in document CoP18 Doc. 30.2 on the basis of interventions made during discussions in Committee II, as well as the suggestion by Madagascar to form a consultative group.

The meeting adjourned at 22h06.