

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 seventh session for committee II

20 August 2019: 14h10 - 16h50

Chair: C. Hoover (United States of America)

Secretariat: T. Carroll
S. H. Flensburg
D. Morgan

Rapporteurs: B. Austin
E. Jennings
J. Robinson
E. Vovk

Interpretation and implementation matters (cont.)

General compliance and enforcement (cont.)

35. Disposal of confiscated specimens

Switzerland introduced document CoP18 Doc. 35, summarizing the activities carried out by the Secretariat, the Standing Committee and the working group it had established to implement Decisions 17.118 and 17.119. Although the working group had not been able to reach consensus on a number of issues, the Standing Committee agreed that the two Decisions had been implemented, and proposed two new draft decisions, as included in the document in Annex 1. Attention was also drawn to the proposal by the Secretariat to amend Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.

Canada, the European Union, Peru, South Africa, Switzerland, the United Republic of Tanzania and the United States of America considered that Decisions 17.118 and 17.119 had been implemented and expressed support for the draft decisions included in Annex 1.

Costa Rica (speaking also on behalf of Argentina, Brazil, Guatemala, Honduras and Uruguay), Israel and Nigeria did not consider that Decision 17.119 had been fully implemented. They, India and Indonesia proposed further amendments to the draft decisions. Canada urged Parties to share information on the destination of specimens seized through illegal trade reports.

The United States of America suggested retaining paragraph 3, subparagraph c) of Resolution Conf. 17.8 but with proposed amendments and emphasized that any continuing activities of this Standing Committee working group should be guided a much more specific mandate than previously.

Eurogroup for Animals, speaking as co-chair of the Species Survival Network (SSN) Animals in Captivity Working Group, and on behalf of Animal Welfare Institute, Born Free Foundation, CATCA Environmental and Wildlife Society, Catholic Concern for Animals (CCA), Eurogroup for Animals, Fondation Brigitte Bardot, Four Paws, Humane Society International, Pan African Sanctuary Alliance, Pro Wildlife, Robin des Bois, SSN and World Animal Protection, felt that the draft decisions did not address the clear need for continued

consideration of a number of issues. San Diego Zoo Global, speaking also on behalf of Association of Zoos and Aquariums (AZA), European Association of Zoos and Aquaria (EAZA) and the Wildlife Conservation Society, supported the decisions proposed by the Standing Committee in Annex 1 to document CoP18 Doc. 35 to collect and make available resources on management of seized and confiscated live animals.

It was agreed to delete Decision 17.118. The Chair established a working group comprised of Belgium, Botswana, China, Costa Rica, Ethiopia, the European Union, Israel, Italy, Mexico, the Netherlands, Peru, Singapore, South Africa, Spain, Sweden, Switzerland, the United Republic of Tanzania, the United States of America and Zimbabwe; and the observers being: Animal Welfare Institute, AZA, Born Free Foundation, Cheetah Conservation Fund, Eurogroup for Animals, EAZA, Humane Society International, International Fund for Animal Welfare (IFAW), International Union for Conservation of Nature (IUCN), Ivory Education Institute, Pan African Sanctuary Alliance, San Diego Zoo Global, TRAFFIC, Wildlife Conservation Society, and World Association of Zoos and Aquariums (WAZA). The working group shall consider revising, replacing or deleting Decision 17.119, and consider revising the draft decisions included in Annex 1 to document CoP18 Doc. 35.

36. Storage and management of illegal trade data collected through the Parties' annual illegal trade reports

Canada introduced document CoP18 Doc. 36, through which the Standing Committee invites the Conference of the Parties to adopt draft decision 18.AA and amendments to Resolution Conf. 11.7 (Rev. CoP17) on *National reports*. Canada noted that the Secretariat's suggested amendment to decision 18.AA should read CoP18 Doc. 36, rather than CoP18 Doc. 30.

While expressing general support for the proposal, China and Japan warned against the use of core funds for the project. Japan added that the database would only be useful if all Parties were to submit data. China noted the inevitable timelag between the period of the data and their publication.

The European Union expressed support for more systematic storage of data but shared the concerns regarding submission rates to the database. They suggested adding a specific decision to remind Parties of the importance of submitting their annual reports on illegal wildlife trade, as follows:

Directed to Parties

18.BB. Parties are urged, in compliance with Resolution Conf. 11.17 (Rev. CoP17) on *National reports*, to submit an annual illegal trade report by 31 October 2020 and 31 October 2021 covering actions in the preceding years and in accordance with the report format distributed by the Secretariat.

The European Union also expressed concern regarding financial implications and suggested amending draft decision 18.AA as follows: "The Secretariat shall, subject to the availability of external funds, contract UNODC to establish, host and maintain a database for the storage and management of illegal trade data [...]."

The United States of America supported the proposals including the European Union's suggested amendments and highlighted the need for a sustainable funding mechanism. This was echoed by the United Nations Office on Drugs and Crime (UNODC), that drew attention to information document CoP18 Inf 44.

Draft decision 18.AA in paragraph 12 a) as amended by the Secretariat, Canada and the European Union, and a draft decision 18.BB proposed by the European Union were accepted.

Amendments to paragraphs 3 and 4 of Resolution Conf. 11.17 (Rev CoP17) on *National reports*, contained in paragraph 12 b) were accepted.

The deletion of Decisions 17.121 and 17.122 was also accepted.

37. Working conditions of wildlife rangers and their implications for implementation of CITES

Nepal introduced document CoP18 Doc. 37 and drew attention to a survey of ranger working conditions undertaken by the World Wide Fund with partners, entitled *Life on the Front Line 2018*, and outlined some key findings of the survey. Nepal stated that the results would be considered in depth by the World Ranger Congress in Nepal in November 2019 and welcomed input to those discussions.

The Democratic Republic of the Congo expressed support for the document. Bangladesh expressed its support for the continuation of World Ranger Day and for the World Ranger Congress, and the United Republic of Tanzania urged Parties to pay attention to the survey.

Document CoP18 Doc. 37 was noted.

38. Designation and roles of Management Authorities

The Secretariat introduced document CoP18 Doc. 38, which presented a draft resolution on *Designation and role of Management Authorities*, included in Annex 1.

Norway welcomed the draft resolution. The European Union supported the resolution and noted that the draft resolution did not require to change established administrative practices where these already worked well, highlighting permitting queries as an example. It suggested amendments to the draft resolution. Canada echoed Norway and the European Union in supporting the draft resolution and added that it would be beneficial for Management Authorities to hold and share information on stricter domestic measures or special requirements in a central repository. They also proposed some technical amendments.

The United States supported the draft resolution included in Annex 1 of the document and proposed technical edits. They supported amendments as suggested by Canada, and generally supported those of the European Union with minor changes. Kenya, Viet Nam and Zimbabwe supported the document; minor amendments were also proposed by Japan.

The South Asia Cooperative Environment Programme (SACEP) welcomed the draft resolution in the document, with a proposed a minor amendment.

The Chair asked that the proposed amendments would be incorporated into an in-session document which would be returned for further discussion by Committee II.

39. Guidance for making legal acquisition findings

Canada introduced document CoP18 Doc. 39 on behalf of the Standing Committee, which defined the term 'legal acquisition finding' (LAF) and proposed a draft resolution on guidance for making LAFs based on the outcomes of the workshop held in Brussels in 2018 and discussions held at the 70th meeting of the Standing Committee. Canada underscored that the draft guidance was non-binding in nature and suggested a risk assessment approach as part of the LAF process.

Norway and the European Union expressed support for the draft resolution and the Secretariat's suggestion to delete Decisions 17.65-17.68, highlighting the need for cooperation between importing and exporting countries. The European Union (EU) further proposed some minor editorial amendments to draft decision 18.BB. Canada agreed with the EU, adding that they hoped to receive clarity from the Secretariat on the webpage suggested indraft decision 18.BB c), and also suggesting a minor amendment to Annex 2 to the resolution. The Secretariat clarified that, if a small amount of external funding were available, it would maintain a website with training materials on LAFs available to Parties requiring assistance.

The United States of America supported the adoption of the draft resolution, including its two Annexes, and proposed technical amendments. The United States also supported the three draft decisions. However, they expressed concerns regarding the budget and noted that activities directed to the Secretariat in draft decision 18.BB d) would be more appropriately directed to Parties. China welcomed the non-binding guidance proposed and supported deleting Decisions 17.65-69. They supported the amendments made by the European Union and the United States and proposed minor changes to the draft resolution.

The Center for International Environmental Law, also on behalf of Center for Biological Diversity (CBD), Conservation Analytics, Defenders of Wildlife, Environmental Investigation Agency (EIA), Lewis & Clark Law School - International Environmental Law Project (IELP), Natural Resources Defense Council (NRDC), Pro Wildlife, World Animal Net, World Resources Institute (WRI) and World Wildlife Fund (WWF) expressed their support for the draft resolution and recognised the synergies between documents CoP18 Doc. 39 and CoP18 Doc. 40. The International Wood Products Association, also on behalf of the Confederation of European Music Industries, Fender Musical Instruments Corporation, Forest Based Solutions, Chambre Syndicale de la Façture Instrumentale, International Association of Violin and Bow Makers, the League of American Orchestras, C.F. Martin & Co. Inc., Paul Reed Smith Guitars, and Taylor Guitars, recognised the importance of this document and supported the proposal of a risk-based approach to LAFs, highlighting the

challenges in sufficient documentary evidence for musical instruments and other products which have been transformed multiple times. They supported the adoption of the draft resolution.

The Chair asked that the amendments to the draft resolution in Annex 1 to document CoP18 Doc. 39 suggested by Canada, China, the European Union and the United States of America be incorporated into an in-session document which would be returned to the Committee for review.

It was agreed to delete Decisions 17.65 to 17.68. The three draft decisions proposed by the Secretariat in paragraph I of its comments were accepted with the following amendments to 18.BB:

Decision directed to the Secretariat

18.BB The Secretariat shall:

- a) issue a notification to the Parties requesting input pursuant to paragraph ~~b)~~ a) of Decision 18.AA;
- b) report to the Standing Committee on the progress made in the implementation of Resolution Conf. 18.XX on the basis of information, experiences and examples submitted by the Parties;
- c) subject to external funding, maintain a dedicated webpage regarding the verification of legal acquisition on the CITES website and update it regularly; and
- ~~d) request feedback from the regulated public/applicants to identify challenges in demonstrating legal acquisition of specimens; and~~
- e)d) subject to external funding, organize workshops and other capacity-building activities related to the implementation of Resolution Conf. 18.XX and disseminate training material for the verification of the legal acquisition of CITES specimens.

40. Due diligence by CITES Parties and obligations of importing countries

The United States of America introduced document CoP18 Doc. 40 proposing revisions to Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement* related to the obligations of importing Parties and due diligence, contained in Annex 1 to the document, and presented minor amendments to the Resolution, also included in Annex 1. They proposed the following draft decision, directed to the Standing Committee:

Directed to the Standing Committee

18.AA The Standing Committee shall review Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*, with a view to, *inter alia*, reorganizing to improve usefulness and readability, updating and clarifying where needed, and identifying gaps. Based on its review, the Standing Committee shall make recommendations as appropriate to revise Resolution Conf. 11.3 (Rev. CoP17) and make recommendations to address gaps identified, for consideration at the 19th meeting of the Conference of the Parties.

Canada and the European Union expressed general support for the proposed amendments to Resolution Conf. 11.3 (Rev. CoP17). The European Union suggested maintaining paragraph 2 a) v) of the Resolution amending “where possible” to if needed and proposed further minor amendments to paragraph 1 a) of the Resolution as follows:

1. REMINDS all Parties of their obligation to verify the validity of CITES documents accompanying shipments of CITES-listed specimens, and of the need to implement Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* including at a minimum:
 - a) ~~ensuring~~ verifying that all of the information listed in Annex 1, *Information that should be included in CITES permits and certificates*, to Resolution Conf. 12.3 (Rev. CoP17) is included on the document;

Jamaica also supported the document and suggested changing “informer” to intelligence before the word “networks” in paragraph 15 b) of the Resolution.

China expressed concern that the sovereignty rights of Parties should not be encroached upon. In response, China agreed to a proposal by the United States of America to add if appropriate before “request” in paragraph 2 a) ii) to alleviate concerns regarding relevant determination.

The Bahamas stressed the need for exporting countries with captive-breeding facilities to also exercise due diligence to ensure legal acquirement. Bangladesh suggested that the timeframe of six months in proposed paragraph 5 b) of Annex 1 was too long and proposed the adoption of a stricter timeframe.

The International Wood Products Association, also on behalf of the Confederation of European Music Industries, Fender Musical Instruments Corporation, Forest Based Solutions, Chambre Syndicale de la Façture Instrumentale, International Association of Violin and Bow Makers, the League of American Orchestras, C.F. Martin & Co. Inc., Paul Reed Smith Guitars, and Taylor Guitars, expressed their concern for instances where consultations between Management Authorities resulted in significant delays to exports of goods, and called for greater cooperation between Management Authorities, and communication with permit applicants, to reduce the length of these delays. They welcomed the prospect of further review of the document by the Standing Committee as outlined in the proposal of the draft decision by the United States.

The Center for International Environmental Law, also on behalf of Center for Biological Diversity (CBD), Conservation Analytics, Defenders of Wildlife, Environmental Investigation Agency (EIA), Lewis & Clark Law School - International Environmental Law Project (IELP), Natural Resources Defense Council (NRDC), Pro Wildlife, Wildlife Conservation Society (WCS), World Animal Net, World Resources Institute (WRI) and World Wildlife Fund (WWF) supported the document as proposed by the United States.

The draft amendments to Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement* contained in Annex 1 to document CoP18 Doc. 40 were accepted with the proposed amendments put forward by the European Union and Jamaica and with the following amendments in the Secretariat’s comments: paragraph D i) was accepted; the alternate language at the end of paragraph D ii) was accepted; the alternate language proposed by the European Union of replacing “where possible” with “if needed” in paragraph 2 a) v) of the resolution instead of the Secretariat’s amendment in paragraph D iii) of its comments; paragraph D iv) was accepted and paragraph D v) was not accepted.

The draft decision proposed by the United States of America was accepted.

The meeting was adjourned at 16h50.