

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 ninth session for committee II

21 August 2019: 14h15 - 17h05

Chair: C. Hoover (United States of America)

Secretariat: I. Higuero
S. H. Flensburg
D. Morgan

Rapporteurs: B. Austin
F. Davis
R. Mackenzie
C. Stafford

The Secretary-General informed delegates that Tom Milliken, director of the Elephant Trade Information System (ETIS), was retiring at the end of 2019. Recalling and expressing thanks for his contribution to CITES, she presented him with a token of appreciation.

Species specific matters (cont.)

69. Elephants (Elephantidae spp.) (cont.)

69.5 Implementing aspects of Resolution Conf. 10.10 (Rev. CoP17) on the closure of domestic ivory markets

Kenya, speaking on behalf of the African Elephant Coalition and the Republic of Syria, introduced document CoP18 Doc. 69.5, which proposed amendments to Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens* and four draft decisions. They applauded efforts of Parties that had closed their domestic ivory markets, but noted that some key markets remained open, creating enforcement challenges for range States. Kenya, supported by Angola, Chad, Israel, Liberia, Niger and Nigeria, stressed that it was imperative that all domestic ivory markets were closed as a matter of urgency. They noted that the document proposed to amend Resolution Conf. 10.10 (Rev. CoP17) by, *inter alia*, removing qualifying language urging only Parties with a legal domestic market for ivory that is “contributing to poaching or illegal trade” to close their domestic ivory markets.

The United States of America, supported by the European Union, considered that the focus should remain on the implementation of Resolution Conf. 10.10 (Rev. CoP17) in its current form. The United States recognized that it was important to have a mechanism in CITES to monitor measures taken by Parties to ensure that their domestic ivory markets were not contributing to poaching or illegal trade, and suggested an alternative set of draft decisions as follows:

Directed to Parties

- 18.AA Parties that have not closed their domestic markets for commercial trade in raw and worked ivory are requested to report to the Secretariat for consideration by the Standing Committee at its 73rd and 74th meetings on what measures they are taking to ensure that their domestic ivory markets are not contributing to poaching or illegal trade.

Directed to the Secretariat

18.BB The Secretariat shall compile the reports and make them available to Parties in advance of the Standing Committee meetings.

Directed to the Standing Committee

18.CC The Standing Committee shall:

- a) consider the reports under decision 18.BB; and
- b) report on this matter and make recommendations, as appropriate, to the 19th meeting of Conference of the Parties.

Angola, Benin, Burkina Faso, Cameroon, Chad, Gabon, Ghana, India, Israel, Liberia, Niger and Nigeria spoke in support of the proposals in document CoP 18 Doc. 69.5, arguing that legal domestic ivory markets drove demand for ivory, contributed to poaching and provided opportunities for laundering. They further stressed the need for international cooperation to enable range States to address the threats posed to elephants.

Botswana, Cambodia, Chile, the Democratic Republic of the Congo, Eswatini, the European Union, Japan, Namibia, South Africa, Thailand and Zimbabwe did not support the proposals in document CoP18 Doc. 69.5. Botswana, Eswatini, the European Union, Japan, Namibia, South Africa, and Zimbabwe cautioned against reopening the extensive discussions undertaken on this issue at the 17th meeting of the Conference of the Parties, noting the delicate compromise achieved in Resolution Conf. 10.10 (Rev. CoP17) and many expressing support for the proposals made by the United States. Namibia, echoed by Botswana, Chile, the Democratic Republic of the Congo, Eswatini, Japan, South Africa, Thailand and Zimbabwe, emphasized that the proposed amendments fell outside the scope of CITES. Botswana, Chile, Eswatini, Namibia and Zimbabwe considered that the proposed amendments would result in interference in domestic affairs and sovereignty and would set a worrying precedent.

Botswana, Eswatini, Japan, Namibia, and Zimbabwe expressed the view that there was no evidence to indicate that all domestic ivory markets contributed to poaching or illegal trade. However, Liberia argued it should be up to Parties with domestic ivory markets still in place to prove that their markets did not contribute to these issues.

Australia encouraged all Parties to close their domestic ivory markets but noted the need to consider the proposed inclusion of Resolution Conf. 10.10 (Rev. CoP17) under Resolution Conf. 14.3 on *CITES compliance procedures* as outlined in document CoP18 Doc. 24.

Kenya indicated that they were prepared to accept the draft decisions proposed by the United States, and in the course of debate a number of Parties noted that they provided an acceptable compromise. The Chair noted there was broad support for the United States proposal. South Africa and Zimbabwe were concerned about the reference to recommendations by the Standing Committee to the CoP in draft decision 18.CC as proposed by the United States, arguing that the Standing Committee could not make recommendations on domestic affairs. In response, Canada suggested adding the words “and consistent with the scope and mandate of the Convention” after the words “as appropriate” in draft decision 18.CC proposed by the United States. Benin, Cambodia, Sudan and Thailand expressed support for the United States proposals and this further amendment.

The draft decisions as proposed by the United States of America and amended by Canada were accepted.

83. Rhinoceroses (Rhinocerotidae spp.)

83.1 Report of the Standing Committee and the Secretariat

The Secretariat, the International Union for Conservation of Nature (IUCN) and TRAFFIC introduced document CoP18 Doc. 83.1, stressing the importance of information sharing and the use of forensic technologies.

Mozambique, Viet Nam and Zimbabwe expressed their support for the document. The United States of America also supported the document and proposed a new draft decision to be added to Annex 1. The

European Union and Eswatini, supported by South Africa, Namibia, and the United Republic of Tanzania, proposed further amendments to the wording of the draft decisions.

India summarised its work to tackle poaching and illegal trade, highlighting the need for collaboration between range States, and Viet Nam brought attention to an error in the last paragraph of page 28 in Annex 2 to the document.

China objected to its categorization as a 'priority country of concern', citing their commitment to reducing demand of and illegal trade in rhinoceros horn, and a lack of any due process to agree on measuring this. They asked to be removed from the list of countries in draft decision 18.BB to Annex 1 but noted their support for the remaining draft decisions.

The co-chair of the Species Survival Network's Rhinoceros Working Group, also on behalf of Animal Welfare Institute, Born Free Foundation, Center for Biological Diversity, David Shepherd Wildlife Foundation, Environmental Investigation Agency, Fondation Brigitte Bardot, Natural Resources Defence Council, OSCAP, Pro Wildlife, Robin des Bois, and Species Survival Network, supported the draft decisions and proposed a number of amendments.

The Wildlife Justice Commission highlighted Viet Nam as a key transit and destination country for rhinoceros horn and products and emphasized the importance of collaborative working and strengthening of links with Viet Nam to combat illegal trade.

The Chair requested that an in-session document be produced, incorporating revisions proposed by China, Eswatini, the European Union, and the United States of America, to be brought back to the Committee for further discussion.

It was agreed to delete Decisions 17.133 to 17.144 as they have been implemented.

83.2 Revisions to Resolution Conf. 9.14 (Rev. CoP17) on *Conservation of and trade in African and Asian rhinoceroses*, and associated decisions

Kenya introduced document CoP18 Doc. 83.2. Nepal and Niger expressed support for the document.

The United States of America, supported by Botswana, Eswatini, the European Union, Japan, Namibia, Singapore, South Africa, Tanzania, the United Arab Emirates, and Zimbabwe, opposed the document, considering that many of the proposed revisions were covered by existing CITES provisions. Eswatini, Namibia, South Africa, and the United Republic of Tanzania also considered that the proposed amendment in Resolution Conf. 9.14 (Rev. CoP17) on *Conservation of and trade in African and Asian rhinoceroses*, urging Parties to close all existing domestic markets for trade in rhinoceros horn, went beyond the scope of the Convention.

The United States remarked that they shared Kenya's concerns regarding domestic markets for trade in rhinoceros horn and proposed a draft decision. South Africa expressed support and proposed a minor amendment to include reference to illegal markets so that the full text read as follows:

Directed to Parties where illegal markets for rhino horn exist

Parties in which illegal markets for rhinoceros horn exist are encouraged to develop demand reduction programmes targeted at key identified audiences, taking into consideration the provisions in Resolution. Conf. 17.4 on *Demand reduction strategies to combat illegal trade in CITES-listed species* and taking advantage of the experience and expertise developed in other jurisdictions and by other organizations. Parties are urged to close those markets that contribute to poaching or illegal trade.

Burkina Faso, Eswatini, Kenya, Niger, Nigeria, Togo, and the United Arab Emirates expressed support for the new draft decision proposed by the United States. Eswatini also expressed support for the further amendment proposed by South Africa.

The new draft decision proposed by the United States of America, with the amendment suggested by South Africa, was accepted.

The meeting adjourned at 17h 05.