

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 thirteenth session for committee II

25 August 2019: 14h15 - 17h15

Chair: C. Hoover (United States of America)

Secretariat: H. Gandois
I. Higuero
B. Janse van Rensburg
D. Morgan
J. Stahl

Rapporteurs: B. Austin
J. Caldwell
J. Robinson
C. Stafford

Interpretation and implementation matters (cont.)

General compliance and enforcement (cont.)

38. Designation and roles of Management Authorities

The Secretariat introduced document CoP18 Com. II. 5 on *Designation and role of Management Authorities*, prepared by the Secretariat and incorporating comments made by several Parties during the discussion in the seventh session of Committee II.

Canada, the European Union and the United States of America proposed amendments to the text in the draft resolution contained in CoP18 Com. II. 5. After some debate, the Chair proposed the following:

Remove of “or other governmental authority” from paragraph 2. c) of the draft resolution;

Insert of and monitoring after “this may involve inspecting” in para 4. g) and delete of “where appropriate” in the same sentence, so this sentence would read as follows:

- g) monitoring the management of each captive-breeding operation under its jurisdiction, in collaboration with the Scientific Authority, in accordance with Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*; recognising that this may involve inspecting and monitoring captive breeding operations and nurseries to confirm the identity and legal origin of the parental stock and to detect the presence of unauthorized specimens held at or exported by the operation;

Delete “shall” and insert are to in its place, at the end of the first sentence in paragraph 7;

Amend “their” to the in the first sentence of paragraph 8. and insert of their before “Management Authorities” in the same sentence;

Retain “under Article VII, paragraph 4” in paragraph 9. a);

Retain “in accordance with Article VII, paragraph 6” in paragraph 9. c) with the placement in in-session document CoP18 Com. II. 5;

Amend “registering” to “approving” in paragraph 9. e), f) and g); and

Delete of “or other government authority” in paragraph 14. and paragraph 18.

These amendments to the draft resolution in CoP18 Com. II. 5 were approved.

Species specific matters (cont.)

69. Elephants (Elephantidae spp.)

69.1 Implementation of Resolution Conf 10.10 (Rev CoP17) on Trade in elephant specimens

The Secretariat introduced in-session document CoP18 Com. II. 6 concerning *Implementation of Resolution Conf. 10.10 (Rev. CoP17) on Trade in elephants specimens* containing amendments to paragraph 26 g) of Resolution Conf. 10.10 (Rev CoP17) and to the *Guidelines to the National Ivory Action Plan Process*, in Annex 3.

The European Union questioned why amendments were being proposed as they were not aware of any problems relating to the current guidelines. They added that the current guidelines had resulted from extensive discussions which led to consensus at the 17th meeting of the Conference of the Parties (Johannesburg, 2016), and believed that any changes should be concise and have no impact on the agreed process. Interventions were made by Bahrain, China, Kuwait, Saudi Arabia, South Africa, Uganda, the United Arab Emirates, and the United States of America with discussion particularly surrounding the proposed amendments to paragraph a) of Step 1, and paragraph b) of Step 5. Several Parties argued that it was inappropriate for the Standing Committee to be considering information other than that contained in the ETIS report when making decisions about which countries to include in the National Ivory Action Plans (NIAP) process. In response to the amendments suggested to para b) of Step 5, the Secretary General raised concerns that a mandate to retain consultants would have budgetary implications and may impact impartiality.

After some debate, document Com. II. 6 was accepted, with the following amendments to the text relating to Annex 3 of Resolution Conf. 10.10 (Rev CoP17):

Retain the original paragraph a) under Step 1 of Annex 3: *Guidelines to the National Ivory Action Plans Process*, contained in CoP18 Com. II. 6, and delete the (newly proposed) paragraph a);

Retain the original wording in paragraph b) under Step 1 of the same Annex;

Retain the second option under paragraph c) under step 1 of the same Annex with the suggestion by the United States of America to insert “generally” after “Category C Parties are” in the third bullet point;

Retain the word “affected” in footnote no. 3, in the place of “impacted”; and

Amend the wording in para b) under step 4: *Monitoring of implementation* as suggested by the European Union to read the following:

Parties should report on progress with the implementation, based on indicators that are mentioned in Step 2 a) subparagraph 3, vi), for each NIAP action using the template and allocating to each NIAP action one of the following ratings, as relevant:

Retain the original text in paragraph b) under Step 5 of the same Annex.

Interpretation and implementation matters (cont.)

Exemptions and special trade provisions (cont.)

59. Definition of the term ‘artificially propagated’

59.2 Source codes for plant specimens in trade

The Chair of the Plants Committee introduced document CoP18 Doc. 59.2, noting that an intersessional working group established to consider the applicability of the definition of artificial propagation for a number of production systems had concluded that a new source code (“Y”) was needed to recognise specimens. Such a source code would have implications for a number of Resolutions, and as a result the Standing Committee had asked the Secretariat to propose consequential changes to these, outlined in paragraph C of its comments in document CoP18 Doc. 59.2. With respect to the Secretariat’s proposal to amend Resolution Conf. 16.10 on *Implementation of the Convention for agarwood-producing taxa*, the Chair of the Plants Committee argued that it would be premature to consider a change to the Resolution while monitoring of its implementation was still underway. Regarding the Secretariat’s amendment to Resolution Conf. 11.11 (Rev CoP17) on *Regulation of trade in plants* as found in Annex 1, she recommended that Parties adopt this with the clarifying text proposed by the Secretariat in paragraph D i) to v) of its comments in document CoP18 Doc. 59.2; however retaining the wording proposed for ‘assisted production plant’ in paragraph X1. b) as agreed by the Plants and Animals Committee.

Following the introduction of the document the Secretariat withdrew its proposal to amend Resolution Conf. 16.10 on *Implementation of the Convention for agarwood-producing taxa*.

Australia (speaking also on behalf of New Zealand and Samoa), Canada, China, the European Union, Georgia, Peru and the United States spoke in support of the establishment of the new source code “Y”, noting that it would allow the Convention to better reflect the diverse production systems in place for CITES-listed plants.

Canada supported Australia, China, the European Union and the United States of America noting that it did not support the Secretariat’s proposed amendment in paragraph C of document CoP18 Doc. 59.2 to indicate which source codes required a non-detriment finding with the use of an asterisk, arguing that whether and how permits should be issued should be specified elsewhere. The United States suggested the following additional amendments to Resolution Conf. 11.11 (Rev. CoP17) in Annex 1: firstly, in paragraph 4 , iv) A., replace “Article III of the Convention” with “Resolution Conf. 16.7 on Non-detriment findings”. Secondly, in paragraph X1. a) i), replace “comply with” with “fulfil”.

The United States and Australia also expressed support for the proposed decisions in Annex 3 and the deletion of Decisions 16.156 (Rev. CoP17) and 17.175 to 17.177 respectively.

Thailand stated that it did not believe that source Y would be suitable for some systems of orchid production.

The amendments to Resolution Conf. 11.11 (Rev. CoP17) on *Regulation of trade in plants* in Annex 1 were accepted, with the Secretariat’s suggested amendments outlined in para. D i) to iv) and the two amendments suggested by the United States. The amendments to Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates* were accepted as outlined in Annex 2, with the Secretariat’s suggested amendments outlined in para. C of its comments only in relation to paragraph 10 of the Instructions and explanations in Annex 2 and in paragraph 12 of the Instructions and explanations in Annex 3 of the Resolution. The amendments to Resolution Conf. 12.8 (Rev. CoP17) on *Review of Significant Trade in specimens of Appendix-II species* were accepted as outlined in paragraph C of the Secretariat’s comments. The draft decisions presented in Annex 3 were accepted noting that they would need to be closely coordinated with the work foreseen to be undertaken by the Plants and Standing Committees in the Decisions proposed by the Standing Committee in document CoP18 Doc. 57. It was agreed to delete Decisions 16.156 (Rev. CoP17) and 17.175 to 17.177.

78. Illegal trade in Tibetan antelope (*Pantholops hodgsonii*)

Canada introduced document CoP18 Doc. 78. It noted that based on feedback provided to the Standing Committee by an in-session working group established at its 69th meeting, the Standing Committee had

adopted a number of recommendations directed to Parties affected by the illegal trade in parts and derivatives of the Tibetan antelope, as presented in document SC69 Sum. 10 (Rev.1), under agenda item 59. Parties were invited to note document CoP18 Doc. 78.

The Secretariat highlighted its proposed amendments to Resolution Conf. 11.8 (Rev. CoP17) on *Conservation of and control of trade in the Tibetan antelope* which would remove the obligation of the Secretariat to report to each meeting of the Standing Committee, as detailed in document CoP18 Doc. 78, and indicated that Decision 17.131 to 17.132 could be deleted.

The United States of America expressed concern given the continued seizures relating to this species, but also noted its improved conservation status. They agreed to the amendments by the Secretariat to remove the obligation for reporting at every Standing Committee meeting, noting the requirement for the Secretariat to report as appropriate. Switzerland agreed in principle with the Secretariat's amendments in document CoP18 Doc. 78. They highlighted that there were still issues to resolve regarding stockpiles and origins of the wool in seized products and encouraged further collaboration on this. They agreed with the recommendations of the Secretariat and the Standing Committee although they did not consider the previous Decisions 17.131 to 17.132 to be fully implemented.

China did not support the Secretariat's proposal to revise Resolution Conf 11.8 (Rev. CoP17) and believed that regular review should be retained.

The report of the Standing Committee contained in CoP18 Doc. 78 was noted, and it was agreed to delete Decisions 17.131 and 17.132.

Species specific matters (cont.)

81. African grey parrots (*Psittacus erithacus*)

South Africa introduced the document CoP18 Doc. 81, proposing an extension to Decisions 17.253 to 17.258 concerning *Psittacus erithacus*, with one amendment to Decision 17.256.

The United States supported deletion of 17.253, 17.254, 17.255 and 17.257 as recommended by the Secretariat, and proposed the following changes to 17.256:

17.256 (Rev. CoP18) *Directed to range States of Psittacus erithacus*

The range States of *Psittacus erithacus* should: with the support of the CITES Secretariat, relevant experts, relevant CITES Parties, non-governmental organizations and other stakeholders, develop and update National Action Plans, with timeframes, deliverables, and milestones, for the conservation of the species. The following key issues should be addressed:

- a) as appropriate, undertake a scientifically based field survey to establish the population status of the species as well as population trends in the range States to review progress made towards the restoration and conservation of the species, and in support of the activities proposed in paragraph c);
- c) identify suitable habitat in range States for re-population of *Psittacus erithacus* where appropriate and feasible, using wild sourced specimens seized from illegal trade; and

The European Union suggested the following addition to paragraph c), in addition to the amendments made by the United States:

- c) identify suitable habitat in range States for re-population of *Psittacus erithacus* where appropriate and feasible, using wild sourced specimens seized from illegal trade and following internationally agreed guidelines for any such reintroductions; and

The European Union and the United States supported the remainder of the Secretariat's recommendations in relation to Decision 17.256.

Nigeria, supported by Ghana, agreed to the draft decisions as amended by the Secretariat, but stressed the need to put in place systems to prevent laundering of wild parrots.

Gabon encouraged relevant organizations to work with range States to determine the most appropriate means to support wild populations of *Psittacus erithacus*.

Wildlife Conservation Society (WCS), speaking also on behalf of Birdlife International, TRAFFIC, World Parrot Trust, World Wildlife Fund (WWF), and Zoological Society of London (ZSL), recommended that any reintroduction of seized or captive-bred birds adhere to guidelines produced by the IUCN/SSC Reintroduction Specialist Group. The Parrot Breeders Association of Southern Africa drew attention to the increasing time taken to register new captive-breeding operations and supported the proposed extension.

The Chair noted South Africa's acceptance of the amendments proposed by the Secretariat, the European Union and the United States. The deletion of Decisions 17.253, 17.254, 17.255 and 17.257 was agreed. The extension of Decisions 17.258 as amended by South Africa in paragraph 2 of document CoP19 Doc. 81 was accepted together with 17.256, as amended by the Secretariat, the European Union and the United States.

61. Sturgeons and paddlefish (*Acipenseriformes* spp.)

The Secretariat introduced document CoP18 Doc. 61 and summarised ongoing discussions held on the definition of "country of origin of caviar" in the Animals and Standing Committees, and invited Parties to adopt the draft decision presented in Annex 1 to the document.

The Russian Federation suggested that if a decision on a definition for "country of origin of caviar" could not be reached, this matter should be directed to the Standing Committee for further consultation before the 19th Conference of the Parties.

Canada, the European Union, and Japan also noted the lack of consensus on the definition of "country of origin of caviar" and supported the renewal of the mandate to the Standing Committee to continue work on the issue of the application of the CITES caviar labelling system. Senegal highlighted the need to take into account the traceability of products.

The United States of America supported the deletion of Decision 17.185 and suggested the following amendment to the text in draft decision 18.XX a) in Annex 1:

- a) consider the practical challenges in the implementation of the provisions of the Convention with regard to the application of the "CITES guidelines for a universal labelling system for the trade in and identification of caviar" contained in Annex 1 of Resolution Conf. 12.7 (Rev. CoP17) in light of the recognized shift in many cases from wild caught specimens to non-wild specimens produced in aquaculture facilities in source from wild to aquaculture; and

The adoption of draft decision 18.XX, as amended by the United States, and the deletion of Decision 17.185, was agreed.

98. Reservations with respect to amendments to Appendices I and II

The Secretariat introduced document CoP18 Doc. 98, regarding reservations made after the 90-day deadline and the effective date of the withdrawal of a reservation, and invited Parties to adopt the amendment to Resolution Conf. 4.25 (Rev. CoP14) on *Reservations* as set out in Annex 1.

The European Union and Switzerland, as the Depository Government, expressed support for the amendments proposed.

The United States of America supported the proposal and proposed the following amendments to Annex 1:

1. In the preamble, after the second preambular paragraph:

~~ACKNOWLEDGING that different interpretations may exist with respect to the submission and acceptance of late reservations;~~

NOTING that for the effective application of the Convention, clarity on the deadline for the submission of a reservation, treatment of a late reservation and effective date of the withdrawal of a reservation is critical;

2. In the operative part of the Resolution, amend paragraphs 5 and 6 as follows:
 5. ~~URGES any Party~~ REMINDS Parties of the requirement to notify the Depositary Government in writing of a reservation it wishes to make with respect to an amendment to Appendix I or II within 90 days after the meeting, in accordance with Article XV, paragraph 3, of the Convention;
 6. REQUESTS the Depositary Government not to ~~accept any reservations~~ consider valid any reservation with respect to an amendment to Appendix I or II entered after the 90-day deadline; and

Guyana supported the text proposed by the United States.

The proposed amendments to resolution Conf. 4.25 (Rev.CoP14) as amended by the United States were accepted.

103. Guidance for the publication of the Appendices

Document CoP18 Doc. 103 was introduced by Canada, which proposed, in a series of draft decisions, the development of guidance to address the complexity of annotations and how to present them in a standard way for publication in the Appendices. They supported the amendments as suggested by the Secretariat.

China expressed their support for the draft decisions, supporting the Secretariat's amendments, and proposed the following amendment to 18.AA a):

- a) in consultation with the Animals and Plants Committees, develop guidance for improved clarity and predictability in the presentation of the Appendices;

The European Union, Switzerland and the United States of America supported the Secretariat's amendments to the draft decisions. The United States also agreed with amendments as proposed by China.

Draft decisions 18.AA and 18.BB, as amended by the Secretariat and China, were agreed.

Canada noted that in accepting the Secretariat's deletions of text in 18.AA a), they anticipated further discussion of those elements.

Summary records

CoP18 Com. II Rec. 1

Under agenda item 7.5, in the second paragraph, the Secretariat requested the addition of inverted commas before the word 'facilitate'; under agenda item 7.6, the acronym 'SPD' should be replaced by SDP; under agenda item 8, in the fourth line of the last paragraph, the word 'on' should be inserted before the word 'document'.

CoP18 Com. II Rec. 2

Under agenda item 15.5 in the second paragraph, the reference to 'CoP17' should be amended to 'CoP18'; under agenda item 11 in the second paragraph, the United States wished to add 'and that no new instrument or protocol should be negotiated' at the end of the sentence beginning 'The United States of America opposed...'; under agenda item 15.1 in the first sentence of the second paragraph, the United States wished to replace "document CoP18 Doc. 15.1, including" with 'cooperation with other biodiversity related conventions and'; and to replace "working' group" with drafting group in the last paragraph; Safari Club International, under agenda item 11 in paragraph 3, wished to replace "working' group" with drafting group.

CoP18 Com. II Rec. 3

Under agenda item 17 in the first paragraph, the Secretariat requested the removal of the duplicated wording 'and 17.3 and 18.2 would be considered together'; Canada, under agenda item 18.3 in the third paragraph, noted that they too had raised concerns with the proposed amendments; the United States, under agenda item 18.3 in the third paragraph, noted that they wished to add the following text to the end of the paragraph: "The United States opposed the proposed amendments and offered a decision to prepare non-binding guidance on consultations as an alternative"; under agenda item 15.6 on the United States wished to add the word 'between'

after “draft MoUs” in the second to last paragraph.; under agenda item 15.6 in the same paragraph the European Union wished to add the phrase ‘and expressed interest that joint programmes of work would also have scrutiny’ following the first sentence.

The summary records in documents CoP18 Com. II Rec. 1, CoP18 Com. II Rec. 2 and CoP18 Com. II Rec. 3 were adopted with the above amendments.

Colombia wished it to be noted that their intervention on agenda item 10 in document CoP18 Com. II Rec. 1 had not been correctly recorded.

The meeting was adjourned at 17h15.