

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Species specific matters

Asian big cats (Felidae spp.)

DRAFT DECISIONS ON ASIAN BIG CATS

1. This document has been submitted by India.*

Background

Implementation of Decisions 14.69, 17.229 and 17.227

2. At its 14th meeting (CoP14, The Hague, 2007), the Conference of the Parties adopted Decision 14.69 as follows:

Directed to the Parties, especially Appendix-I Asian big cat range States

14.69 *Parties with intensive operations breeding tigers on a commercial scale shall implement measures to restrict the captive population to a level supportive only to conserving wild tigers; tigers should not be bred for trade in their parts and derivatives.*

3. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decisions 17.229 and 17.227 as follows:

Directed to the Secretariat

17.229 *Subject to external funding, the Secretariat shall:*

- a) *conduct a review of the number of facilities keeping Asian big cats in captivity in the territories of Parties and the number of Asian big cats kept in these facilities;*
- b) *liaise with ICCWC and other partners, as appropriate, to review legal and illegal trade in Asian big cats from or through such facilities, identifying those which may be of concern; and*
- c) *undertake a mission to those Parties in whose territories there are facilities of concern with the purpose of gaining a better understanding of the operations and activities undertaken by them.*

* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

Directed to the Standing Committee

17.227 *The Standing Committee shall review the report and recommendations of the Secretariat concerning the implementation of Decisions 17.226, 17.228, 17.229 and 17.230, and determine whether any further time-bound, country specific actions are necessary to ensure implementation of these Decisions.*

4. At the 70th meeting of the Standing Committee, the Secretariat reported that keeping Decision 14.69 and 17.229 in mind, it had identified 66 facilities keeping tigers in captivity in 7 Parties which may be of concern either: a) on the basis that the number of tigers being kept at such facilities was questionable since it exceeded what would be necessary for conservation of the species; or b) on the basis of information that had come to the attention of the Secretariat in the course of its regular work that the facility might be involved in illegal trade. The Secretariat reported that it would be writing to the Seven Parties concerned to present them with the details of the facilities identified, and propose, where appropriate, to conduct a mission to visit the identified facilities to gain a better understanding of its operations and activities.¹
5. At the time of writing of this document, no further information is available on what progress has been made in implementing Decisions 14.69, 17.229, and 17.227. It is clear from Decision 17.227 that the Conference of the Parties intended for the Standing Committee to have sufficient information to determine whether any time-bound, country specific actions were required to implement the decisions. This is not the case at the time of writing of this proposal, and it has been more than 11 years since Decision 14.69 was adopted and it is yet to be implemented. Accordingly, the proponents have recommended the adoption of draft decisions directing Parties which have facilities of concern identified by the Secretariat in the course of its implementation of Decision 17.229 to take certain measures to implement Decision 14.69 and Resolution Conf. 12.5 (Rev. CoP17) on *Conservation of and trade in tigers and other Appendix I Asian big cat species*.

Implementation of Decisions 17.228 and 17.227

6. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decision 17.228 as follows:

Directed to the Secretariat

17.228 *Subject to external funds, the Secretariat shall, in consultation with range and consumer States, and in cooperation with partner organizations in the International Consortium on Combating Wildlife Crime (ICWC) and, as appropriate, other experts and organizations, continue the review of implementation of Resolution Conf. 12.5 (Rev. CoP17) and associated Decisions and prepare a report in consideration of legislative and regulatory measures; national law enforcement; demand reduction, education and awareness; prevention of illegal trade in parts and derivatives from facilities for keeping Asian big cats in captivity; and management of national and privately-held stocks of parts and derivatives.*

8. With the generous support of the United Kingdom of Great Britain and Northern Ireland, the review of implementation of Resolution Conf. 12.5 (Rev. CoP17) was conducted and presented to the Standing Committee at its 70th meeting (hereinafter referred to as the Review).² This Review follows on from another comprehensive review of implementation of Resolution Conf. 12.5 (Rev. CoP17) which was conducted in 2014 and presented to the 65th meeting of the Standing Committee.³ The Review has provided the Parties with a wealth of knowledge on the illegal trade in Asian big cats and the gaps and barriers to the implementation of Resolution Conf. 12.5 (Rev. CoP17) including the following specific information:
 - a) That some Parties continue to allow some types of internal, and in the case of one Party, international trade in Asian big cat parts and derivatives which appear to meet the CITES definition of primarily

¹ Paragraphs 9-13 of SC70 Doc. 51.

² SC70 Doc. 51 Annex 4 along with the Executive Summary in Annex 3.

³ SC65 Doc. 38 Annex 1.

commercial. This is despite the recommendation in paragraph 1b) of Resolution Conf. 12.5 (Rev. CoP17) urging Parties to voluntarily prohibit internal trade in such parts and derivatives;⁴

- b) That while possession of Asian big cat parts and derivatives is regulated by most Parties, one Party does not do so, and that enforcement action against consumers of such illegal parts and derivatives is limited;⁵
 - c) That some Parties do not protect non-native Asian big cat species⁶ and that many Parties have not incorporated the definition of “readily recognizable” from Resolution Conf. 9.6 (Rev. CoP16) into their laws;⁷
 - d) That the organized poaching of Asian big cats is continuing and possibly escalating, and that such poaching is largely driven by illegal trade;⁸
 - e) That reducing supply can be a major factor in reducing demand for Asian big cat parts and derivatives. The continued availability of big cat products through channels which appear to consumers to be legal – including tiger farms and unpoliced “wildlife trade tourism” markets in Lao PDR and Myanmar – is likely to counteract demand reduction messaging. The use of other big cats as substitutes for tiger not only poses a threat to these species but also continues to grow demand for tiger products;⁹
 - f) That leopards are the only large felid to have deteriorated significantly in conservation status in recent years and that the illegal trade in leopard parts and derivatives is of particular concern.¹⁰
 - g) That China, and to a lesser extent Vietnam appear to be the primary destinations for international illegal big cat trade, which appears to also be illegally supplied from captive internal sources. While considerable efforts have been made towards studying consumer motivations and consumer education, there have been few concrete strategies which combine efforts to reduce demand with efforts to reduce supply.¹¹
9. At its 70th meeting the Standing Committee established an in-session working group with a mandate to consider the Review and draft overarching decisions for consideration by the Conference of the Parties.¹² However, due to some objections, the working group was not able to consider any substantive recommendations to take forward from the Review.¹³ Instead, the Standing Committee invited Parties to point out any inaccuracies in the Review, or submit any other relevant information to the Secretariat by November 16 2018. It directed the Secretariat to present an updated and revised report on the basis of such information and prepare draft decisions for consideration by the Conference of the Parties.¹⁴
10. No further information is available at the time of writing of this document. As a result, the Standing Committee has again not been able to fulfil the mandate in Decision 17.227 and determine whether any time-bound, country specific actions are required to implement the decisions. Given the wealth of information contained in the Review and the considerable time and resources that have gone into producing it, the Proponents feel that it would be wasteful if no substantive recommendations on Asian big cats came about as a result of it. Accordingly, the Proponents have suggested some draft decisions for adoption by the Conference of the Parties on the basis of important information in the Review as it stands at the time of writing this proposal.

⁴ SC70 Doc. 51 Annex 4, page 48; SC70 Doc. 51 Annex 3.

⁵ SC70 Doc. 51 Annex 4, page 43; SC70 Doc. 51 Annex 3.

⁶ SC70 Doc. 51 Annex 4, page 42.

⁷ SC70 Doc. 51 Annex 4, page 40.

⁸ SC70 Doc. 51 Annex 4, page 116, 70-74; SC70 Doc. 51 Annex 3.

⁹ SC70 Doc. 51 Annex 3.

¹⁰ SC70 Doc. 51 Annex 4, pages 24-26.

¹¹ SC70 Doc. 51 Annex 4, pages 123, and 90-106.

¹² SC70 Sum. 5 (Rev. 1)(03/10/18).

¹³ SC70 Com.7

¹⁴ SC70 Sum. 12 (Rev. 1)(05/10/18).

Implementation of paragraph 1k) of Resolution Conf. 12.5 (Rev. CoP17)

11. Paragraph 1k) of Resolution Conf. 12.5 (Rev. CoP17), inserted at the 17th meeting of the Conference of the Parties in 2016, urges Parties making seizures of tiger skins to share images of seized tiger skins with the national focal points of tiger range States which have photographic identification databases for tigers. The Secretariat reported orally at the 69th meeting of the Standing Committee, and in writing at the 70th meeting of the Standing Committee that India and Thailand had such databases along with the contact details of the national focal points.¹⁵ India has not received any images of seized tiger skins from Parties since the adoption of paragraph 1k). The information that may result from such exchange could be extremely valuable from an enforcement point of view as it has the potential to throw light on the illegal trade in tigers from the point of poaching onwards to the final destination. Accordingly the Proponents have proposed a draft decision directing Parties to share images of seized tiger skins with the national focal points of India and Thailand so as to implement paragraph 1k) of Resolution Conf. 12.5 (Rev. CoP17).

Recommendations

12. The Conference of the Parties is invited to adopt the suite of draft decisions set out in Annex I to this document.

COMMENTS OF THE SECRETARIAT

- A. Parties have recognized the concerns about trade in Asian big cat specimens through the adoption of Resolution Conf. 12.5 (Rev. CoP17) on *Conservation of and trade in tigers and other Appendix-I Asian big cat species*, and associated Decisions; and the Secretariat is committed to assist Parties in complying with these provisions. However, the Secretariat considers that the focus should be on reinforcing implementation of the existing provisions. The Secretariat notes that some of the proposed draft decisions in Annex 1 of the present document overlap with what is proposed in Annexes 1 and 2 to document CoP18 Doc. 71.1 on *Asian big cats (Felidae spp.)*. It also notes that some of the proposed draft decisions duplicate provisions in the Convention and recommendations in Resolution Conf. 12.5 (Rev. CoP17), as well as Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*. In light of this and for the specific reasons set out below, the Secretariat does not recommend the adoption of the draft decisions in Annex 1.
- B. As described in document CoP18 Doc. 71.1, the Secretariat is implementing Decisions adopted at the 17th meeting of the Conference of the Parties regarding facilities that may be of concern keeping Asian big cats in captivity. In this regard, the Secretariat, in Annex 1 to document CoP18 Doc. 71.1, proposes draft decisions 18.CC, 18.DD and 18.EE. In draft decision 18.DD in Annex 1 to document CoP18 Doc. 71.1, it is proposed that the Standing Committee shall review the report and recommendations of the Secretariat concerning the implementation of draft decision 18.EE and determine whether any further measures are needed to ensure implementation of the Convention, as well as Resolution Conf. 12.5 (Rev. CoP17) and Decision 14.69. In the light of this ongoing work, the Secretariat suggests that draft decision 18.AA proposed in Annex 1 to the present document is premature, and much of its content seems to go beyond the scope of the Convention and what can be imposed on sovereign States. The Secretariat therefore does not recommend the adoption of draft decision 18.AA in Annex 1 to the present document.
- C. Regarding proposed draft decision 18.BB, the Secretariat notes that international trade is regulated by the Convention. Further, regarding domestic trade, the Secretariat considers that the proposed draft decision 18.BB goes beyond Resolution Conf. 12.5 (Rev. CoP17) which urges Parties to voluntarily prohibit internal trade. The Secretariat therefore does not recommend the adoption of proposed draft decision 18.BB in Annex 1 to the present document. Regarding voluntarily prohibiting internal trade in tiger and other Asian big cat species, the Secretariat, in Annex 2 to document CoP18 Doc. 71.1, proposes that the current paragraph 1 sub-paragraph b) in Resolution Conf. 12.5 (Rev. CoP17) should be aligned with other resolutions that address domestic markets that are contributing to poaching or illegal trade, such as Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens*. In this regard, the Secretariat proposes that the text of the current paragraph 1 sub-paragraph b) in Resolution Conf. 12.5 (Rev. CoP17) be replaced with a new sub-paragraph g) in paragraph 3 of the Resolution, which recommends all Parties in whose jurisdiction there is a legal domestic market for specimens of tiger and other Asian big cat species that is contributing to poaching

¹⁵ Paragraph 14 of SC70 Doc. 42.1.

or illegal trade, take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in tiger and other Asian big cat specimens.

- D. Regarding the proposed draft decision 18.CC, the Secretariat notes that Article VIII of the Convention already states that Parties shall take appropriate measures to enforce the provisions of the Convention, including to penalize trade in, and possession of, illegally traded specimens. Paragraph 1 (a) of Article XIV recognizes that the provisions of the Convention do not affect the right of Parties to adopt stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof. Resolutions Conf. 11.3 (Rev. CoP17) and Conf. 12.5 (Rev. CoP17) provides further recommendations regarding enforcement actions. Annex 2 to document CoP18 Doc. 71.1 includes a proposal to revise paragraph 1 sub-paragraphs a) and b) of Resolution Conf. 12.5 (Rev. CoP17). The Secretariat therefore does not recommend the adoption of draft decision 18.CC in Annex 1 to the present document.
- E. Regarding the proposed draft decision 18.DD, the Secretariat refers to Annex 2 to document CoP18 Doc. 71.1 and the proposed new text under the second “RECALLING” in the preamble of Resolution Conf. 12.5 (Rev. CoP17) regarding “readily recognizable part or derivative” and the proposed revised text of paragraph 1 a) of the Resolution regarding including of the text “non-native Asian big cat species”. Further, the Secretariat considers that the report required by Parties under Article VIII, paragraph 7) b) of the Convention and Resolution Conf. 11.17 (Rev. CoP17) on *National reports* is suitable for Parties to report on measures taken to implement the Convention and recommendations in Resolutions and therefore any additional species-specific special reporting is not recommended.
- F. The Secretariat does not recommend the adoption of the proposed draft decision 18.EE in Annex 1 to the present document since draft decisions 18.AA and 18.BB in Annex 1 to document CoP18 Doc. 71.1, paragraph 1 c) of Resolution Conf. 12.5 (Rev. CoP17) and paragraphs 2 and 3 of Resolution 11.17 (Rev. CoP17) already cover what is intended by draft decision 18.EE. Matters related to illegal trade in Asian big cat species could be addressed further through the activities to be conducted by the Big Cat Task Force, if established, as proposed in document CoP18 Doc 76.1.
- G. The objectives of draft decision 18.FF can be achieved through the implementation of draft decision 18.BB in Annex 1 to document CoP18 Doc. 71.1 and paragraph 1 c) of Resolution Conf. 12.5 (Rev. CoP17) and is therefore not recommended for adoption.
- H. The Secretariat notes that India has not received any images of seized tiger skins from Parties since the adoption of paragraph 1 k) of Resolution Conf. 12.5 (Rev. CoP17) and encourages Parties making seizures of tiger skins within their territories, when possible, to make use of available photographic identification databases for tigers, to identify the origin of illegal specimens as indicated in paragraph 1 k) of Resolution Conf. 12.5 (Rev. CoP17). Therefore, the Secretariat does not recommend adopting the proposed draft decision 18.GG in Annex 1 to the present document.
- I. Regarding draft decision 18.HH, the Secretariat notes that the Standing Committee at its 70th meeting (SC70, Sochi, October 2018), agreed a recommendation as presented in the summary record of that meeting (see SC70 SR), requesting Parties to take note of the concerns regarding illegal trade in leopard parts and derivatives as outlined in Annex 4 to document SC70 Doc. 51, as well as any future updated and revised iteration of it, and any additional information, and to take this into account when developing work programmes and undertaking law enforcement operations. It should be noted that the Committee decided to not name any specific Parties in its recommendation. The Secretariat considers that draft decision 18.AA in Annex 1 to document CoP18 Doc. 71.1, paragraph 1 c) of Resolution Conf. 12.5 (Rev. CoP17) and the recommendation related to illegal trade in leopards agreed by the Standing Committee at SC70, already respond to the issue raised in draft decision 18.HH in Annex 1 to the present document and therefore does not recommend its adoption.
- J. The Secretariat considers that the intention of draft decision 18.II is addressed by paragraph 5 in Resolution Conf. 12.5 (Rev. CoP17) as well as by the proposed new text under the last “RECALLING” in the preamble of Resolution Conf. 12.5 (Rev. CoP17), as outlined in Annex 2 to document CoP18 Doc. 71.1. The Secretariat therefore does not recommend the adoption of the proposed draft decision.
- K. In the light of the comments above, the Secretariat does not recommend the adoption of draft decisions 18.JJ, 18.KK and 18.LL in Annex 1 to the present document. The Secretariat reminds Parties of the reporting requirements directed to the Secretariat in paragraph 2 a) of Resolution Conf. 12.5 (Rev. CoP17) and highlights the proposed draft decisions 18.DD and 18.EE in Annex 1 to document CoP18 Doc. 71.1.

18.AA *Directed to the Parties*

Parties identified as having facilities of concern with regard to legal and illegal trade in Asian big cats by the Secretariat in the course of implementation of Decision 17.229 are urged to:

- a) take measures to implement Decision 14.69, including by immediately halting breeding and developing by SC73 a time-bound phase out program, at least for the facilities of concern identified by the Secretariat;
- b) take measures to inventory captive populations of Asian big cats in their territory using, for example, DNA and stripe or spot pattern profiling, by 3 June 2020;
- c) take measures to ensure that the captive population of Asian big cats kept by facilities in their territory are subject to independent monitoring to prevent laundering of illegally-acquired specimens and report to the Secretariat on the measures taken by 3 June 2020; and
- d) strengthen compliance with paragraph 1 b), g), and h) of Resolution Conf. 12.5 (Rev. CoP17) through law enforcement actions against facilities engaged in illegal domestic or international trade in captive Asian big cats.

18.BB *Directed to the Parties*

All Parties, especially Parties identified in SC70 Doc. 51 Annex 4, which have not prohibited domestic and international commercial trade in all Asian big cat parts and derivatives, from any source, should do so as a matter of urgency.

18.CC *Directed to the Parties*

All Parties, especially consumer States are urged to regulate the possession of Asian big cats and their parts and derivatives and take law enforcement action against those engaged in illegal trade of Asian big cat parts and derivatives.

18.DD *Directed to the Parties*

All Parties, particularly Asian big cat range states, are encouraged to amend national laws so as to afford non-native species of big cats with the same protection as native big cat species, and to incorporate the definition of “readily recognizable” from Resolution Conf. 9.6 (Rev. CoP16) in applicable legislation and to report what actions have been taken to the Secretariat.

18.EE *Directed to the Parties*

All Parties implicated in illegal Asian big cat trade, as identified by the review conducted by the Secretariat, should strengthen enforcement efforts and cooperation with neighbouring countries to dismantle criminal networks trafficking in Asian big cats and regularly report on progress made in tackling illegal Asian big cat trade, including outcomes of cases, in the Annual Illegal Trade report.

18.FF *Directed to the Parties*

China, Laos and Myanmar should strengthen co-operation, including through joint enforcement operations, to stop illegal wildlife trade at border towns in Lao People’s Democratic Republic and Myanmar identified in SC70 Doc. 51 Annex 4.

18.GG *Directed to the Parties*

All Parties that have made seizures of tiger skins since CoP17 should share images of such skins with the national focal points of India and Thailand by 31 August 2019 and all Parties should share images of any skins seized hereafter within 90 days of such seizure.

18.HH *Directed to the Parties*

Parties, in particular Afghanistan, Cambodia, China, India, Lao People's Democratic Republic, Myanmar, Nepal and Viet Nam, shall take serious consideration of the concerns regarding illegal trade in leopard parts and derivatives as outlined in Annex 4 of document SC70 Doc. 51 and take measures to address these.

18.II *Directed to the Parties*

Globally acknowledged consumer states, shall take urgent action to end demand for tiger and other big cat parts and derivatives including working with consumer behaviour change experts to conduct targeted behaviour change initiatives with metrics to assess efficacy, along with appropriate legislative and regulatory measures, to deter consumers from purchasing any big cat products.

18.JJ *Directed to the Parties*

All Parties are urged to report to the Secretariat on progress made in implementation of Decisions [18.AA] to [18.II] in time for the Secretariat to report to the Standing Committee and CoP as per requirements in paragraph 2a) of Resolution Conf. 12.5 (Rev CoP17).

18.KK *Directed to the Secretariat*

The Secretariat shall report to the Standing Committee on progress in implementation of Decisions [18.AA] to [18.JJ], and on the basis of the report, formulate country specific time-bound recommendations for consideration by the Standing Committee.

18.LL *Directed to the Standing Committee*

The Standing Committee shall review the report and recommendations of the Secretariat concerning the implementation of Decisions [18.AA] to [18.JJ], and determine what time-bound, country specific actions are necessary to ensure implementation of these Decisions, including appropriate compliance measures in accordance with Resolution Conf. 14.3 on CITES compliance procedures.

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The authors of this document propose the following tentative budget and source of funding.

This proposal does not contain any additional budgetary or workload implications for the Secretariat apart from its regular reporting requirements under paragraph 2 a) of Resolution Conf. 12.5 (Rev CoP17).