

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

Sixteenth meeting of the Conference of the Parties
Bangkok (Thailand), 3-14 March 2013

Summary record of the 13th session of Committee I

12 March 2013: 14h10-17H45

Chair: C. Caceres (Canada)
Secretariat: D. Morgan
M. Sosa Schmidt
M. Yeater
Rapporteurs: L. Garrett
J. Gray
A. Mathur
C. Rutherford

Interpretation and implementation of the Convention

Amendment of the Appendices

77. Proposals to amend Appendices I and II

The United States of America introduced proposal CoP16 Prop. 53 to amend the annotation to the listing of *Panax ginseng* and *P. quinquefolius* (ginseng) included in Appendix II, stressing that the proposed amendment was intended to clarify the commodities that are not subject to the provisions of the Convention. Ireland, on behalf of the Member States of the European Union and Croatia, proposed a draft decision as follows:

Directed to the Standing Committee

16.XX *The Working Group on Annotations should review the annotation to the listing of Panax ginseng and P. quinquefolius with a view to its standardization and amendment, as appropriate.*

Canada felt that the proposed amendment to the annotation was not necessary but would not block consensus if it were accompanied by the proposed draft decision. The United States did not object to the draft decision, which was accepted by consensus along with proposal CoP16 Prop. 53.

The Committee agreed that three proposals submitted by Brazil to delete various *Tillandsia* species from Appendix II could be considered together. The proposals were CoP16 Prop. 54 concerning *Tillandsia kautskyi* (Kautsky's tillandsia); CoP16 Prop. 55 concerning *T. sprengeliana* (Sprengel's tillandsia); and CoP16 Prop. 56 concerning *T. sucrei* (sugar tillandsia). Brazil introduced these. They were supported by Chile, Ireland, on behalf of the Member States of the European Union and Croatia, Madagascar and the Chair of the Plants Committee, and were accepted by consensus.

The United States introduced proposal CoP16 Prop. 57 to delete *Dudleya stolonifera* (laguna beach live-forever) and *D. traskiae* (Santa Barbara Island live-forever) from Appendix II, noting that this proposal arose from discussions under the Periodic Review of the Appendices. This was supported by the Chair of the Plants Committee and the proposal was accepted by consensus.

The Committee agreed that two proposals submitted by Madagascar could be considered together. These were proposals CoP16 Prop. 58 to include the populations of Madagascar of *Diospyros* species (Malagasy ebony) in Appendix II and CoP16 Prop. 63 to include the populations of Madagascar of *Dalbergia* species (Malagasy rosewood) in Appendix II, both with an annotation. Madagascar also proposed a draft decision for an action plan for *Diospyros* and *Dalbergia* species as follows, indicating that text for this was also contained in document CoP16 Inf. 52.

Decision 16. XX

*The Conference of the Parties has adopted the Action Plan attached as Annex X to these Decisions to facilitate adequate implementation of the Appendix-II listings of *Diospyros* spp. (populations of Madagascar) and *Dalbergia* spp. (populations of Madagascar).*

Annex X

Madagascar shall:

1. *Establish, in collaboration with the CITES Secretariat, a science-based precautionary export quota for the listed taxa where an adequate non-detriment finding (NDFs) can be undertaken and clearly documented for any species planned for export;*
2. *Establish, as appropriate, and with key partners (including the CITES Secretariat, CITES Plants Committee, International Timber Trade Organization (ITTO), main importing countries, national and international research and conservation organizations), a process (research, information gathering and analysis) to identify the main species to be exported. NDFs should be the subject of a workshop for selected species to establish the adequate NDFs required in paragraph 1;*
3. *Collaborate, as appropriate, with the key partners indicated in paragraph 2 above to prepare identification material and tests for use in CITES enforcement to identify main taxa as they are traded;*
4. *Put in place an embargo on export of stocks of these timbers until the CITES Standing Committee has approved the results of a stockpile audit, and use a plan to determine what components of the stockpile have been legally accumulated and can be legally exported;*
5. *Collaborate, as appropriate, with the key partners indicated in paragraph 2 above to establish enforcement mechanisms to assist in the implementation of any export quota, stockpile control and opening of any legal and sustainable trade utilizing timber tracking systems and other technology as appropriate;*
6. *Provide written reports on progress on the implementation of the plan to the Secretariat and Plants Committee in compliance with document deadlines for meetings of that Committee; and*
7. *Provide a document outlining progress on implementation and any required adjustments to the Action Plan for the 17th meeting of the Conference of the Parties.*

The Plants Committee shall:

1. *Work with Madagascar to implement this Action Plan and provide a format for and guidance on reporting on progress for the 17th meeting of the Conference of the Parties;*
2. *Receive reports from Madagascar on the implementation of the plan, analyse and assess these, and assist and advise on the same at its 21st and 22nd meetings; and*
3. *Recommend and facilitate the preparation of a standard reference for the names of *Diospyros* spp. (populations of Madagascar) and *Dalbergia* spp. (populations of Madagascar) to be adopted, if appropriate, at the 17th meeting of the Conference of the Parties.*

Importing countries shall:

1. *Work with Madagascar to implement this Action Plan and provide guidance on sources of funding, and, where possible, provide funding and technical support to implement the plan.*

The Secretariat shall:

1. Assist Madagascar in the preparation of a stockpile audit and use a plan for presentation to the CITES Standing Committee;
2. Seek external funding from interested Parties, intergovernmental and non-governmental organizations, exporters, importers and other entities directly interested in supporting this Decision;
3. Inform relevant Parties of the management of funds that have been raised, of technical assistance available, and of how they may access these resources;
4. Request technical assistance of ITTO in the framework of Resolution Conf. 14.4 on Cooperation between CITES and ITTO regarding trade in tropical timber, and
5. Promote, facilitate and assist capacity building in Madagascar and in importing countries, including as appropriate transit countries, through workshops, training and other activities considered relevant, between the 16th and 17th meetings of the Conference of the Parties.

Cameroon, Colombia, the Republic of Korea, Senegal, South Africa, Thailand, the United States and the Environmental Investigation Agency US supported the proposals. China also supported the proposals and suggested an amendment to the action plan in the paragraph beginning "Importing countries" to read as follows:

Importing countries, especially developed countries party to CITES, shall:

1. Work with Madagascar to implement this Action Plan, make recommendations and provide guidance on sources of funding when necessary, and where possible provide funding and technical support to implement the plan on a voluntary basis.

Ireland, on behalf of the Member States of the European Union and Croatia, supported the proposals and the amendment to the action plan suggested by China, commending China on taking action against illegal trade.

The Secretariat requested clarification as to whether the proposals covered only species that were endemic to Madagascar. In response, Madagascar stated that all species found on its territory were intended to be included in the listing, including the Malagasy populations of two species also found in other countries. The Secretariat also proposed amending paragraph 1 of the section of the action plan directed to the Secretariat as follows:

1. Subject to available resources, Assist Madagascar in the preparation of a stockpile audit and use a plan consistent with the Convention and relevant Resolutions and Decisions of the CoP for presentation to the CITES Standing Committee;

Madagascar agreed to the two amendments proposed, and proposals CoP16 Prop. 58 and CoP16 Prop. 63, together with the draft decision and its annex, were accepted by consensus.

Brazil introduced proposal CoP16 Prop. 59 (Rev. 1) to amend annotation #12 ["logs, sawn wood, veneer sheets, plywood and essential oil (excluding finished products packaged and ready for retail trade)"] for *Aniba roseadora* (Brazilian rosewood), noting that the definition of "extract" proposed in paragraph 10 of document CoP16 Doc. 75 (Rev. 1) concerning *Development and application of annotations* had been accepted in Committee II. As a result, the definition of "extract" would now cover essential oils. Argentina, Madagascar, Senegal and the Chair of the Plants Committee supported the proposal, which was accepted by consensus.

Thailand and Viet Nam presented proposal CoP16 Prop. 60 to include *Dalbergia cochinchinensis* (Thailand rosewood) in Appendix II with annotation #5 ("logs, sawn wood and veneer sheets"), noting the importance of identification material and working with the Secretariat, the Plants Committee, and other range States to update the Identification Manual for all CITES-listed *Dalbergia*. Belize, Canada, Ireland, on behalf of the Member States of the European Union and Croatia, Indonesia, Liberia, Madagascar, Senegal, South Africa, Switzerland, the Chair of the Plants Committee and Environmental Investigation Agency supported the proposal, which was accepted by consensus.

Proposal CoP16 Prop. 61 to include *Dalbergia granadillo* and *D. retusa* (granadillo rosewood and black rosewood) in Appendix II was introduced by Belize. It asked to amend the proposal by applying annotation #6 ("logs, sawn wood, veneer sheets and plywood"). Belize indicated that field identification material was in preparation and echoed the importance of collaborating with other range States to include other *Dalbergia* species.

Colombia, on behalf of all South American countries, together with the Bahamas, Costa Rica as a representative of the Central American Commission on Environment and Development, Guatemala, Madagascar, Mexico, Panama, Thailand, the United States and the Species Survival Network supported the proposal. Colombia noted that a decrease in availability of *Dalbergia* spp. in other parts of the range of the genus was increasing international demand for the species from Central America. It emphasized that both species were often traded under the same name, and hence *D. granadillo* warranted listing for look-alike reasons, and that an Appendix-II listing would improve the availability of information regarding the species. Several countries mentioned illegal trade, and Thailand felt that an Appendix-II listing was appropriate given the current situation with other rosewood species. The Chair of the Plants Committee noted the efforts of the Committee's Working Group on the Bigleaf Mahogany and Other Neotropical Timber Species in contributing to this proposal.

Guatemala wished it to be noted in the record that the maps and other content in the supporting statements to proposals CoP16 Prop. 61 and Prop. 62 did not constitute a waiver of all or part of the sovereignty over any territory (land or sea) or precedents for the strengthening or weakening of the claims of Parties over any territory.

Proposal CoP16 Prop. 61, with the amendment to include annotation #6, was accepted by consensus.

Proposal CoP16 Prop. 62 to include *Dalbergia stevensonii* (Honduras rosewood) in Appendix II was introduced by Belize. It asked to amend the proposal by applying annotation #6.

The Chair noted that some Parties had expressed their support for the proposal during discussion of the previous proposal. These included the Bahamas, Costa Rica, Guatemala, Mexico and the United States. Ireland, on behalf of the Member States of the European Union and Croatia, welcomed proposal CoP16 Prop. 62 with the proposed amendment. Pro Wildlife also supported the proposal.

Proposal CoP16 Prop. 62, as amended, was accepted by consensus.

Proposal CoP16 Prop. 69 to include *Osyris lanceolata* (East African sandalwood) in Appendix II was introduced by Kenya. It asked to reduce the scope of the proposal by including only populations of Burundi, Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania, and by applying annotation #2 ["all parts and derivatives except: a) seeds and pollen; and b) finished products packaged and ready for retail trade"]. It also proposed the following two draft decisions:

Directed to the Plants Committee and the Eastern African range States of Osyris species

Decision 16.xx

The Plants Committee and Eastern African range States of Osyris species shall:

- a) *review and gather further information on the conservation status of, trade in and use of Osyris species within the region and internationally;*
- b) *assess the impact of such trade on the conservation status of Osyris species in Eastern Africa;*
- c) *assess the impact of such trade extending to population not covered by the Appendix-II listings;*
- d) *assess the data required to make non-detriment findings following the existing guidance;*
- e) *identify mechanisms to help build capacity to carry out non-detriment findings for currently-listed populations; and*
- f) *report on their work at the 17th meeting of the Conference of the Parties and, if necessary, prepare proposals to amend the Appendices for submission at that meeting.*

Directed to the Secretariat

Decision 16.xx

The Secretariat shall work with the Plants Committee to seek the external funding required for the implementation of Decision 16.xx above.

The Chair of the Plants Committee, while recognizing the potential difficulties raised by split-listings, suggested that such a listing was appropriate in this case.

The United Republic of Tanzania drew attention to the emergence of *Osyris lanceolata* on the market as a substitute source for sandalwood oil and noted its current domestic legislation banning trade. It, together with Burundi, Colombia, Ethiopia, Ireland, on behalf of the Member States of the European Union and Croatia, Senegal and Uganda supported the proposal. Uganda noted that insufficient information existed regarding the status of the species. Burundi stated it had yet to conduct a scientific study to produce a non-detriment finding, but reported unauthorized exports to the United Republic of Tanzania from its territory, noting that two tons had been seized since March 2012. South Africa explained that, while there was no need to list its own population of the species in Appendix II, it supported the amended proposal. Ireland, on behalf of the Member States of the European Union and Croatia, welcomed the draft decisions. Colombia and Ethiopia highlighted the livelihood issues related to this species.

Australia noted high demand for the species and echoed earlier concerns that low supply of other species of sandalwood appeared to be driving trade in eastern Africa. Defenders of Wildlife encouraged Parties to support the proposal.

Proposal CoP16 Prop. 69, as amended, and the draft decisions proposed by Kenya were accepted by consensus.

China introduced proposal CoP16 Prop. 70 to replace the annotation to the listing of *Aquilaria* and *Gyrinops* species (agarwood-producing species), explaining that it wished to delete paragraph e) of its proposed new annotation and re-letter the subsequent paragraphs accordingly. It further explained that paragraphs a) to d), inclusive, were simply modifications of existing annotation #4¹, and that the two other paragraphs had been included to cover exhausted agarwood powder – of quite low value and readily identified – and certain finished products not important in trade. China referred the Committee to documents CoP16 Inf. 3 and Inf. 20. It also proposed the following two draft decisions for consideration by the Committee:

Directed to exporting and importing countries of agarwood-producing taxa

16.AA *To facilitate the implementation of the annotation to agarwood-producing taxa, based on document CoP16 Inf. 3 and further information available, exporting and importing countries of agarwood-producing taxa shall/should produce an identification manual for agarwood products and communicate it to the Secretariat.*

Directed to the Secretariat

16.BB *The Secretariat shall, upon receipt of the identification manual mentioned in Decision 16.AA, make it available to Parties via the CITES website.*

The Chair of the Plants Committee supported the proposal, noting it was the result of much good work and cooperation in recent years by that Committee and exporting and importing countries. Ireland, on behalf of

¹ *All parts and derivatives, except:*

- a) *seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from Cactaceae spp. exported from Mexico, and to seeds from Beccariophoenix madagascariensis and Neodopsis decaryi exported from Madagascar;*
- b) *seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers;*
- c) *cut flowers of artificially propagated plants;*
- d) *fruits, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genus Vanilla (Orchidaceae) and of the family Cactaceae;*
- e) *stems, flowers, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genera Opuntia subgenus Opuntia and Selenicereus (Cactaceae); and*
- f) *finished products of Euphorbia antisiphilitica packaged and ready for retail trade.*

the Member States of the European Union and Croatia, also supported the proposal, now that paragraph e) had been removed. In addition, they supported the proposed draft decisions and said they would assist in the production of the identification manual. Egypt, Malaysia, Qatar and Senegal supported the proposal. In relation to paragraph f), TRAFFIC questioned the ease of distinction between pure and exhausted powder in shipments.

The Secretariat advised the Parties to ensure consistency with document CoP16 Doc. 47 regarding personal effects exemptions for agarwood products.

Proposal CoP16 Prop. 70, as amended by China, and the two draft decisions were accepted by consensus, with the comments of TRAFFIC and the Secretariat noted.

Exemptions and special trade provisions

47. Proposed revision of Resolution Conf. 13.7 (Rev. CoP14) on Control of trade in personal and household effects

In order to reconcile the new annotation to the listing of *Aquilaria* and *Gyrinops* species and document CoP16 Doc. 47 regarding personal effects exemptions for agarwood products, Kuwait suggested revisions to text in the annex of that document, as indicated below:

Specimens of agarwood – up to 1 kg woodchips, ~~6024~~ ml oil and 2 ~~pieces~~ sets of beads or prayer beads (or 2 necklaces, or bracelets) per person

Indonesia, Malaysia, Oman and Qatar supported Kuwait's amendment, which was then accepted by consensus.

Adoption of summary records

Summary record CoP16 Com. I Rec. 5; was adopted.

In the summary record of the sixth session (CoP16 Com. I Rec. 6), in consideration of proposal CoP16 Prop. 2 (Rev. 2), Mexico requested replacing "Mexico pointed out that the annotation proposed by Ecuador did not include the additional detail on trade in all other specimens, as specified in annotations relating to other vicuña populations" in the fourth paragraph on page 1 with Mexico congratulated Ecuador and recommended that their proposed annotation include, as in previous proposals related to vicuña, a sentence at the end that clarified that all specimens from other populations should continue to be considered in Appendix I. The summary record in CoP16 Com. I Rec. 6 was adopted as amended.

Summary record CoP16 Com. I Rec. 7 was adopted.

In the summary record of the eighth session (CoP16 Com. I Rec. 8), Japan observed that it had been included in the list of Parties supporting proposal CoP16 Prop. 24 and requested deletion. China also observed that it had been included in the list of Parties supporting proposal CoP16 Prop. 23 in error and requested deletion. Mexico asked that the common name for *Crocodylus acutus* in the second paragraph and in Annex 1 in the Spanish version be changed. It also wished to replace "for all specimens" with for harvest from the wild after "zero export quota" in the third paragraph. The summary record in CoP16 Com. I Rec. 8 was adopted as amended.

In the summary record of the ninth session (CoP16 Com. I Rec. 9), Canada requested the addition of supported the proposal and in the seventeenth paragraph after "Canada, as a range State,". The United States asked, where it was applicable, to add by consensus to all summary records. The summary record in CoP16 Com. I Rec. 9 was adopted as amended.

Ireland, on behalf of the Member States of the European Union and Croatia, requested to be referred to as "Ireland" rather than "it" in the summary records.

Summary record CoP16 Com. I Rec. 10 was adopted.

The meeting was closed at 17h45.