

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 II

12 March 2013: 13h45 – 17h30

Chair: R. Gabel (United States of America)
Secretariat: J. Scanlon
J. Barzdo
B. Janse van Rensburg
T. De Meulenaer
Rapporteurs: J. Caldwell
P. Cremona
S. Delany
R. Parry-Jones

Interpretation and implementation of the Convention

Amendment of the Appendices

75. Development and application of annotations

and

76. Annotations – Report of the Plants Committee

The United States introduced document CoP16 Com. II. 27 containing draft decisions and draft revisions to Resolutions. It had been prepared by a working group of the Committee and was based on revisions proposed in documents CoP16 Doc. 75 (Rev. 1) and CoP16 Doc. 76 (Rev. 1). The United States further clarified that document CoP16 Com. II. 27 reflected only the changes proposed by the working group to the text in the Annexes to document CoP16 Doc. 75 (Rev. 1). Therefore, the two documents were to be considered together. The United States drew attention to the definition of the term “extract” in paragraph 10 of document CoP16 Doc. 75 (Rev. 1) and the Chair of the Plants Committee drew attention to definitions of “powder”, “woodchip” and “finished product packaged and ready for retail trade” in paragraph 72 of document CoP16 Doc. 76 (Rev. 1).

The United States noted its understanding that any references to “the *Interpretation* Section of the Appendices” referred to the “Interpretation” document concerning the Appendices, published alongside the Appendices on the CITES website and modifiable by decisions of the Conference of the Parties, but not part of the legally-binding provisions of the Convention.

The four definitions were accepted and it was noted that they could be discussed further by a working group of the Standing Committee. The draft decisions and draft amendments to Resolutions Conf. 5.20, Conf. 9.24 (Rev. CoP15), Conf. 9.25 (Rev. CoP15) and Conf. 11.21 (Rev. CoP15) in document CoP16 Com. II. 27, and the draft amendments to Resolutions Conf. 8.21 and Conf. 11.19 in document CoP16 Doc. 75 (Rev. 1), were also accepted.

Species trade and conservation

53. Elephants

53.2 Monitoring of illegal trade in ivory and other elephant specimens

Ireland, on behalf of the Member States of the European Union and Croatia, introduced document CoP16 Com. II. 22, which contained revisions of draft decisions proposed in documents CoP16 Doc. 53.2.1 and CoP16 Doc 53.2.2 (Rev. 1).

China requested the removal of its name from paragraph a) of draft decision 16.B, as it already appeared in draft decision 16.A, and this was agreed.

The United States suggested amending draft decision 16.D as follows:

16.D ~~The Secretary-General of CITES shall write to the President of the United Nations Security Council and the Secretariat General of the United Nations convey the concerns of the Parties to CITES about, subject to any guidance from the Standing Committee, will cooperate with the United Nations Office on Drugs and Crime regarding:~~

- a) ~~the levels of illegal killing of elephants in Africa and the related illegal trade in elephant ivory; and~~*
- b) ~~the national security implications for certain countries in Africa of this illegal killing and trade; and~~*
- e) ~~request that these concerns be brought to the attention of the United Nations General Assembly and the Security Council.~~*

~~The Secretary-General shall consult with the Executive Director of the United Nations Office on Drugs and Crime to further explore the most appropriate way to draw these concerns to the attention of the United Nations Security Council and the United Nations General Assembly.~~

Kenya proposed the following amendments to draft decision 16.F:

16.F ~~Parties involved in large scale ivory seizures (i.e. a seizure of 800-500 kg or more) should collect and submit samples from the ivory seized within 60 days of the seizure and from all large seizures from the past 24 months. They should submit the samples for analysis to begin immediately to an appropriate forensic-analysis facilities within 60 days of the seizure to capable of reliably determining the origin of such the ivory samples, with the aim of addressing the entire crime chain.~~

The amendments were supported by Cameroon, the Congo and Gabon. China, supported by Malaysia, Thailand and Viet Nam, also supported them but proposed extending the period for forensic analysis from 60 days to 90 days and this was agreed.

Thailand expressed concern about providing samples from seizures in the past 24 months. This would be acceptable, however, if the words if possible, were added to Kenya's text in connection with the large seizures made in the past 24 months. Kenya noted that Thailand's proposed amendment was related to financial constraints, but would not object if it was understood that "if possible" was synonymous with "if resources allow".

Gabon, supported by Save the Elephant, suggested further amendments to draft decision 16.E with the intention of reducing demand for ivory products. It suggested two new draft decisions which the Chair advised should be directed to the Standing Committee. South Africa, echoed by Botswana, expressed concern that the substantial amendments proposed by Gabon were beyond the remit of the drafting group.

The Center for Conservation Biology at the University of Washington noted that it had carried out analyses of recent seizures of ivory to identify the sources and that the process of obtaining samples

had been slow. It expressed willingness to work on existing seized stocks and to be a part of any working group involved in moving the process forward.

The Committee accepted the draft decisions in document CoP16 Com. II. 22, as amended during the session, including Thailand's proposed change, and noting Kenya's caveat. The Chair noted that acceptance of changes to draft decision 16.F meant that draft decision 16.E should now be amended to include a reference to 16.F after 16.D. This was agreed.

53.3 Proposed new resolution concerning the *African Elephant Action Plan* and *African Elephant Fund*

Nigeria introduced document CoP16 Com. II. 17, containing a draft resolution prepared on the basis of document CoP16 Doc. 53.3 (Rev. 2) Annex 1 regarding the *African Elephant Action Plan* and *African Elephant Fund*. It concluded the introduction by proposing replacement of the final paragraph with the following text:

URGES UNEP to ensure that it provides the necessary support to the African Elephant Fund Steering Committee, including serving as Secretariat to the fund through appropriate modalities to be agreed by UNEP and the Steering Committee.

Kenya supported this amendment and suggested that, in the paragraph of the preambular text beginning "RECOGNIZING and APPRECIATING the support" the words and the IUCN/SSC Elephant Specialist Group be added after "CITES Secretariat".

The United States proposed various amendments to the document including to text referring to the involvement of UNEP. South Africa, echoed by UNEP and the CITES Secretariat, did not support such amendments as it believed this would weaken the intent. UNEP reminded delegates that the African Elephant Fund, created under Decision 14.79 (Rev. CoP15), was administered by UNEP, and wished to maintain the original text formalizing UNEP's continued engagement with the Fund.

China Arts and Crafts Association noted their donations to support elephant conservation, and called for greater actions by all stakeholders so that this natural resource could continue to be used sustainably. The China Wildlife Conservation Association (CWCA) and China Ivory Enterprise noted their collaborative actions for elephant conservation, including establishment of a fund in 2011 to support actions, such as research and law enforcement.

The draft resolution in document CoP16 Com. II. 17, with Kenya's proposed amendment, was accepted.

Review of Resolutions

26. Draft revision of Resolution Conf. 10.10 (Rev CoP15) on *Trade in elephant specimens*

Document CoP16 Com. II. 26, which had been prepared by a drafting group on the basis of Annex 1 of document CoP16 Doc. 26 (Rev. 1), was introduced by the United States as chair of the group. It proposed two additional amendments: in the second paragraph of the preambular text beginning "CONSIDERING", "requirements of the Convention" would be replaced by provisions of this Resolution; and in the first paragraph under the heading ***Regarding trade in elephant specimens***, "Parties designated as" would be changed to Parties that may be designated as.

Under the same heading, Gabon, supported by Ireland on behalf of the Member States of the European Union and Croatia, and the United States, proposed adding as part of a supply-and-demand reduction strategy immediately after "campaigns" in paragraph d). South Africa opposed this amendment. After further discussion, a compromise was reached whereby the wording was amended to supply and demand reduction and inserted after "including" in the same paragraph. South Africa further proposed adding including the impact of illegal killing and illegal trade on elephant populations after "challenges" in paragraph d).

Also under the heading ***Regarding trade in elephant specimens***, Cambodia proposed adding and report back on their progress to the Secretariat at the end of the paragraph beginning "RECOMMENDS that all elephant range States". This was opposed by India, and subsequently not accepted.

Kenya proposed that, in the second paragraph under **Regarding the traceability of elephant specimens in trade**, the reference to 800 kg be amended to 500 kg to ensure conformity with amendments made in draft decision 16.F of document CoP16 Com. II. 22 under agenda item 53.1. Kenya also emphasized the need for MIKE resources to be allocated towards data collection, in addition to data analysis.

Malaysia, supported by China and Thailand, emphasized the need for consultation with affected Parties to avoid misinterpretation of data, which could result in trade suspensions, and proposed that, in Annex 1 of the draft resolution, under **5. Data analysis and interpretation**, the words "in consultation with the TAG" be revised to in consultation with the relevant Parties and the TAG.

Botswana noted that the mandate under Decision 14.78 (Rev. CoP15) would expire at the present meeting and, supported by the United States, proposed text to extend the Secretariat's mandate through this Decision. The Chair proposed extending the mandate of Decision 14.78 (Rev. CoP15) to CoP17. This was accepted.

The Chair noted that Decisions 13.26 (Rev. CoP15), 14.76, 14.77, 14.79 (Rev. CoP15) and 15.74 had been fulfilled and their deletion was accepted. The revisions to Resolution Conf. 10.10 (Rev. CoP15) in document CoP16 Com. II. 26, incorporating the changes detailed above, were accepted.

Trade control and marking

36. Decision-making mechanism for a process of trade in ivory

The draft decision in document CoP16 Com. II. 18, based on document CoP16 Doc. 36 (Rev. 1), was introduced by the Secretariat, which highlighted paragraph c) in which new elements had been introduced.

Kenya objected to the deletion of the word "authorizing" in paragraph a) of the draft decision. The Secretariat clarified that the revised text was appropriate because the deletion, proposed by South Africa during discussions on document CoP16 Doc. 36 (Rev. 1), aligned this text with that of Decision 14.77. Kenya noted the misunderstandings and confusion regarding the ivory trade mechanism and opined that inclusion of the word "authorizing" clarified the entire process. Kenya also sought clarification from the Secretariat as to how key Party stakeholders would be identified. The Chair offered that the United States, as Vice-Chair of the Standing Committee, relay the concerns of Kenya to the Standing Committee.

South Africa sought clarification on the implications of deleting Decisions 13.26 (Rev. CoP15), 14.76, 14.77 and 14.79 (Rev. CoP15), as agreed under the previous agenda item. The Chair clarified that a footnote could be provided in annotation number 5 to the listing of *Loxodonta africana* to the effect that Decision 14.77 had been replaced by Decision 16.XX.

The draft decision in document CoP16 Com. II. 18 was accepted.

Amendment of the Appendices

73. Proposed revision of Resolution Conf. 10.9 on Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II

Côte d'Ivoire introduced the draft decision in document CoP16 Com. II. 19, based on document CoP16 Doc. 73 (Rev. 1), noting that the document had been prepared also by Sierra Leone and the Secretariat. The draft decision was accepted.

Review of Resolutions

25. Proposals of the Secretariat

The draft amendments to Resolution Conf. 12.3 (Rev. CoP15) as found in CoP16 Doc. 25, Annex 8.2, were introduced by Ireland, on behalf of the Member States of the European Union and Croatia, representing the drafting group. Ireland noted that consensus on wording had not been reached in the drafting group, and therefore suggested the acceptance of the draft amendments contained in document CoP16 Com. II. 2. This was accepted.

Trade control and marking

44. Identification Manual

44.2 Report of the Plants Committee

The draft decisions in document CoP16 Com. II. 16, prepared on the basis of the Annex to document CoP16 Doc. 44.2 (Rev. 1) concerning the Wiki Manual, were introduced by the Secretariat, which noted that the document reflected the amendments recommended by the United States. The draft decisions were accepted.

Species trade and conservation

58. Tortoises and freshwater turtles

58.1 Report of the Standing Committee

and

58.2 Report of the Animals Committee

The draft decisions in document CoP16 Com. II. 23, prepared on the basis of documents CoP16 Doc. 58.1 (Rev. 1) and CoP16 Doc. 58.2 (Rev. 1), were introduced by the United States, noting that they harmonized these two documents and that there was an additional draft decision (16.P) regarding inclusion of two species in the *Periodic Review of the Appendices*. A minor revision was also proposed to paragraph a) of draft decision 16.K, to insert pursuant to in lieu of "in compliance with".

The Chair of the Animals Committee drew attention to an error in the Spanish version of 16.B which should refer to the 27th meeting of the Animals Committee and not "the 17th meeting of the Standing Committee".

The draft decisions in document CoP16 Com. II 23 were accepted as amended.

54. Rhinoceroses

54.1 Report of the Working Group

and

54.2 Report of the Secretariat

The draft decisions in document CoP16 Com. II. 24, prepared on the basis of documents CoP16 Doc. 54.1 (Rev. 1) and CoP16 Doc. 54.2 (Rev. 1), were introduced by the United Kingdom of Great Britain and Northern Ireland as chair of the Committee's working group. The United Kingdom noted a large degree of consensus and drew attention to an additional decision, 16.FF, directed to the Secretariat. It noted that decision 16.CC incorporated text from document CoP16 Inf. 24 concerning illegal trade in rhinoceros horn in Viet Nam, and called for Parties to provide support to Viet Nam.

Uganda, supported by the United Republic of Tanzania, suggested that the term "horn" be replaced by specimens in paragraph a) of 16.AA, and that the heading of 16.BB be abbreviated to "Directed to all Parties" to avoid repetition with the operative text of the draft decision.

Kenya noted that use of the terms "hunting trophy" and "rhino horn trophy" should be standardized throughout the document. Viet Nam proposed a review of the definition of the term "hunting trophy", as provided in Resolution Conf. 12.3 (Rev. CoP15), and that draft decision 16.FF be amended to reflect this. The Chair suggested that the Secretariat draft a decision directed to the Standing Committee to conduct such a review. The United States suggested that this review be limited to rhinoceros hunting trophies given that the issue had been discussed extensively at CoP15.

Viet Nam further reiterated its commitment to collaborate with other Parties in addressing illegal trade in rhinoceros specimens, noting that Viet Nam was a priority country for technical and financial support. It proposed adding pursuant to the national laws and CITES Resolutions to the end of

paragraph a) i) of draft decision 16.CC. Swaziland proposed inserting possessing or between "illegally" and "trading" in paragraph a) and inserting possession and between "horn" and "trade" in paragraph c) i) of 16.CC.

The draft decisions in document CoP16 Com. II. 24 were accepted as amended and with the addition of the draft decision directed to the Standing Committee suggested by the Chair.

The meeting was adjourned at 18h05.