

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 seventh session of Committee II

7 March 2013: 14h15 – 17h30

Chair: R. Gabel (United States of America)
Secretariat: J. Scanlon
J. Barzdo
T. de Meulenaer
M. Yeater
Rapporteurs: J. Caldwell
S. Glaser
R. Parry-Jones
C. Rutherford

Interpretation and implementation of the Convention

Review of Resolutions

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

The Secretariat introduced document CoP16 Doc. 26 (Rev. 1) and recognized the excellent work done by the joint Working Group on the Review of Resolution of Conf. 10.10 (Rev. CoP15).

Speaking on behalf of the Southern African Development Community, Mozambique, supported by Botswana, asked for the wording in Annex 2 of the document to be improved by an intersessional drafting group. Indonesia also supported the establishment of a drafting group, pointing out that it had already implemented a national strategy and believed that other Asian range States had done so too, so that a regional strategy was not required. Although in favour of a drafting group, India urged that any such group complete its work during the meeting.

China pointed out that many countries already had internal procedures for dealing with confiscated ivory and was concerned that the process for marking and reporting on stockpiles of ivory, referred to in paragraph e) in the section labelled '*Regarding trade in elephant specimens*', would place an additional burden on already stretched resources. China and Thailand believed that it was important to involve all Parties in the process.

Ireland on behalf of the Member States of the European Union and Croatia, noted that some issues were not addressed in the document, including trade in live elephants and a demand reduction strategy. It strongly supported the suggested development of an Asian elephant conservation strategy and the establishment of an Asian Elephant Fund. Ireland also believed it was important to conclude the work on this item at the present meeting, a view echoed by Kenya and the United States of America.

A drafting group comprising China, Germany, India, Kenya, South Africa, Thailand, Uganda and the United States (chair) was formed. Further discussion was suspended until the group had reported back.

Trade control and marking

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

and

37. Proposal to amend Decision 14.77 on a *Decision-making mechanism for a future trade in elephant ivory*

The Secretariat introduced document CoP16 Doc. 36 (Rev. 1) and proposed adding a new paragraph c) in the draft decision directed to the Standing Committee in paragraph 21, to read: Work on the development of a decision-making process shall be conducted in collaboration with all elephant range States in both French and English.

Benin introduced document CoP16 Doc. 37 (Rev. 1) and believed that the Parties should clarify what was meant by "a decision-making mechanism" in the revised text of Decision 14.77 and that development of a new draft mechanism should be finalized for consideration at CoP17.

Botswana and South Africa supported the recommendations in document CoP16 Doc. 36 (Rev. 1) and requested adherence to the timeline outlined in paragraph 19. The Democratic Republic of the Congo said it was important to involve all range States in the elaboration of the decision-making process. South Africa and the United States supported the additional paragraph c) suggested by the Secretariat. Ireland, on behalf of the Member States of the European Union and Croatia, while supporting the recommendations in document CoP16 Doc. 36 (Rev. 1), felt unable to agree with all points included in document CoP16 Doc. 37 (Rev. 1). The Congo and India supported the idea of establishing a working group to report to CoP17 but India advised caution regarding the establishment of a mechanism that might enable trade in ivory while the present poaching crisis prevailed.

The Wildlife Conservation Society, supported by the Environmental Investigation Agency, urged the Secretariat to commission a study of the trade chain and to suggest that discussion of a decision-making mechanism be suspended until such time as this had been completed and its recommendations implemented.

Noting the similarities between the two documents under discussion, the Chair asked the Secretariat to confer with the Parties that had submitted document CoP16 Doc. 37 (Rev. 1), to see whether the draft decisions contained in the documents could be harmonized.

The Democratic Republic of the Congo asked that the summary record show their extreme disapproval of a statement made by WWF International in the sixth session of Committee II that it believed should not have been made in this forum.

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 document CoP16 Doc. 73 (Rev. 1) and its Annex. Supported by Sierra Leone, they proposed adding a draft decision as follows:

Directed to the Standing Committee:

The Standing Committee shall

- a) *at SC64 set up a working group made up of the chair of the Standing Committee, representatives of all range States of African and Asian elephants and the Secretariat,*
- b) *at SC64 agree the terms of the working group and produce a preliminary report for submission to SC65, with the final report being prepared for and considered at SC66,*
- c) *request the assistance of the Secretariat for assistance with regard to translation, and*
- d) *review the recommendations of the working group at the 65th and 66th meetings of the Standing Committee and submit these to CoP17.*

Botswana, South Africa and the United States did not support the proposed revision of Resolution Conf. 10.9. Noting the Secretariat's draft decision in the document, the United States and Ireland, on behalf of the Member States of the European Union and Croatia, suggested that Côte d'Ivoire meet with the Secretariat to harmonize their proposed draft decisions. The Chair agreed and suspended the debate pending the outcome of the discussions.

Trade control and marking

32. Introduction from the sea

The Chair of the Standing Committee Working Group on Introduction from the Sea introduced document CoP16 Doc. 32 (Rev. 1), concerning proposed amendments to Resolution Conf. 14.6 (Rev. CoP15) and Resolution Conf. 12.3 (Rev. CoP15).

The Chair of the Committee emphasized that this was not the appropriate forum to discuss marine-related proposals to amend the Appendices.

Ireland, on behalf of the Member States of the European Union and Croatia, referred Parties to some draft decisions contained in information document CoP16 Inf. 48 and commended these to the Committee.

Australia, supported by Brazil, Canada, Colombia, Mexico, New Zealand, Norway, Samoa, the United States and PEW Environment Group commended the Working Group on their hard work and fully supported the proposed amendments to the Resolutions and the draft decisions in the annexes to document CoP16 Doc. 32 (Rev. 1). They also supported the proposals referred to by Ireland.

China expressed concern that not all Parties' views were fully represented in the document and, noting the difficulty of making non-detriment findings, and the complexity of the procedure for permit issuance, supported by Indonesia, called for further consultation. India stated that calling upon the Parties to consult and cooperate with relevant Regional Fisheries Management Organizations (RFMOs) went beyond the scope and mandate of the Convention. Furthermore, India opined that it would be difficult to determine which would be the relevant RFMO in a given situation when a large number of Parties were not members of any of the existing RFMOs. It further averred that the proposed text regarding chartering provisions went beyond the scope of CITES and encroached upon the sovereign rights of Parties.

Argentina proposed amending paragraph c) under 'FURTHER AGREES that' by inserting the words if applicable at the end of paragraphs i) and ii). It explained that, regarding chartering arrangements, the draft resolution did not envisage an alternative framework for States that were not members of any relevant RFMOs, and did not consider the status of areas or species for which no such organizations existed. The obligations arising from CITES fell upon States that were Parties to the Convention, not on RFMOs that such Parties might be members of. In turn, the regulations of RFMOs applied to their member States. It added that it would like more time to consider the proposals made by Ireland on behalf of the Member States of the European Union and Croatia.

Japan agreed with the outputs of the Working Group but, noting the views of China, India and Indonesia, sought further discussion with a view to adopting CoP16 Doc. 32 (Rev. 1) by consensus.

Argentina stated that the issue had been submitted in square brackets, and that it had proposed an amendment. It could not therefore accept the document by consensus. The Chair observed that there appeared to be a clear majority in support of the proposed amendments to Resolution Conf. 14.6 (Rev. CoP15) contained in Annex 1 to document CoP16 Doc. 32 (Rev. 1), the proposed amendment to Resolution Conf. 12.3 (Rev. CoP15) contained in Annex 2, the draft decisions contained in Annex 3 and the proposed amendments to document CoP16 Doc. 32 (Rev. 1) contained in document CoP16 Inf. 48, and he called for a vote. Fifty-six countries voted in favour of the revisions, 15 against and 14 abstained (see the Annex). The proposed amendments and draft decisions were therefore accepted. Argentina and India requested that their comments be noted in the summary record. Argentina then asked why its amendment had not been subjected to a vote, while that put forward by Ireland on behalf of the Member States of the European Union and Croatia had. It said that CITES had 178 Party States while the European Union had 27 Member States.

35. Improving the efficiency of international cooperation on permit and certificate verification

China presented document CoP16 Doc. 35 (Rev. 1) regarding *Improving the efficiency of international cooperation on permit and certificate verification*.

Ireland, on behalf of the Member States of the European Union and Croatia, supported by Australia, Indonesia and the United States, expressed support in principle but felt that the issue might be better addressed through amendment of Resolution Conf. 12.3 (Rev. CoP15).

The Chair referred the issue to a working group comprising Australia, China (chair), Ireland on behalf of the Member States of the European Union and Croatia, South Africa and the United States. The Chair asked the working group to report back to the Committee.

40. Cross-border movement of musical instruments

The United States introduced document CoP16 Doc.40 (Rev. 1), concerning the cross-border movement of musical instruments. Noting the extensive comments it had received, the United States proposed formation of a working group. The Chair assented and formed a group comprising Australia, Canada, China, Ireland on behalf of the Member States of the European Union and Croatia, Indonesia, Germany, South Africa, Switzerland and the United States.

The meeting was adjourned at 17h31.

VOTE ON THE PROPOSED AMENDMENTS TO RESOLUTION CONF. 14.6 (REV COP15) CONTAINED IN ANNEX 1 TO DOCUMENT COP16 DOC. 32 (REV. 1), THE PROPOSED AMENDMENT TO RESOLUTION CONF.12.3 (REV. COP15) CONTAINED IN ANNEX 2, THE DRAFT DECISIONS CONTAINED IN ANNEX 3 AND THE PROPOSED AMENDMENTS TO DOCUMENT COP16 DOC. 32 (REV. 1) CONTAINED IN DOCUMENT COP16 INF. 48

List provided in English only.

1	Afghanistan	NA
2	Albania	NA
3	Algeria	NV
4	Antigua and Barbuda	NV
5	Argentina	NO
6	Armenia	NV
7	Australia	YES
8	Austria	YES
9	Azerbaijan	NV
10	Bahamas	YES
11	Bahrain	NVP
12	Bangladesh	NA
13	Barbados	NA
14	Belarus	NV
15	Belgium	YES
16	Belize	NV
17	Benin	ABST
18	Bhutan	ABST
19	Bolivia (Plurinational State of)	NA
20	Bosnia and Herzegovina	NV
21	Botswana	ABST
22	Brazil	YES
23	Brunei Darussalam	ABST
24	Bulgaria	NV
25	Burkina Faso	NVP
26	Burundi	NO
27	Cambodia	NV
28	Cameroon	NVP
29	Canada	YES
30	Cape Verde	NA
31	Central African Republic	YES
32	Chad	NA
33	Chile	YES
34	China	NO
35	Colombia	YES
36	Comoros	NV

37	Congo	YES
38	Costa Rica	YES
39	Côte d'Ivoire	NV
40	Croatia	YES
41	Cuba	NV
42	Cyprus	NA
43	Czech Republic	YES
44	Democratic Republic of the Congo	NVP
45	Denmark	YES
46	Djibouti	NA
47	Dominica	NA
48	Dominican Republic	YES
49	Ecuador	NV
50	Egypt	NV
51	El Salvador	YES
52	Equatorial Guinea	NA
53	Eritrea	NA
54	Estonia	YES
55	Ethiopia	NV
56	Fiji	NA
57	Finland	YES
58	France	YES
59	Gabon	NA
60	Gambia	NV
61	Georgia	NV
62	Germany	YES
63	Ghana	ABST
64	Greece	NV
65	Grenada	ABST
66	Guatemala	NV
67	Guinea	NO
68	Guinea-Bissau	NA
69	Guyana	NO
70	Honduras	YES
71	Hungary	YES
72	Iceland	YES
73	India	NO
74	Indonesia	NVP
75	Iran (Islamic Republic of)	NA
76	Ireland	YES
77	Israel	YES
78	Italy	YES
79	Jamaica	ABST
80	Japan	YES

81	Jordan	NV
82	Kazakhstan	NA
83	Kenya	YES
84	Kuwait	YES
85	Kyrgyzstan	NA
86	Lao People's Democratic Republic	NV
87	Latvia	YES
88	Lesotho	NA
89	Liberia	NV
90	Libya	NV
91	Liechtenstein	NV
92	Lithuania	YES
93	Luxembourg	YES
94	Madagascar	ABST
95	Malawi	NA
96	Malaysia	NO
98	Mali	NV
99	Maldives	NA
100	Malta	YES
101	Mauritania	NV
102	Mauritius	NA
103	Mexico	NA
104	Monaco	NV
105	Mongolia	NA
106	Montenegro	NV
107	Morocco	NV
108	Mozambique	NO
109	Myanmar	NV
110	Namibia	NO
111	Nepal	YES
112	Netherlands	YES
113	New Zealand	YES
114	Nicaragua	NA
115	Niger	NV
116	Nigeria	NA
117	Norway	YES
118	Oman	NV
119	Pakistan	NVP
120	Palau	NA
121	Panama	NV
122	Papua New Guinea	NA
123	Paraguay	ABST
124	Peru	NVP
125	Philippines	NO

126	Poland	YES
127	Portugal	YES
128	Qatar	NV
129	Republic of Korea	YES
130	Republic of Moldova	YES
131	Romania	YES
132	Russian Federation	YES
133	Rwanda	NA
134	Saint Kitts and Nevis	NV
135	Saint Lucia	NV
136	Saint Vincent and the Grenadines	NV
137	Samoa	YES
138	San Marino	NA
139	Sao Tome and Principe	YES
140	Saudi Arabia	NA
141	Senegal	NV
142	Serbia	YES
143	Seychelles	NV
144	Sierra Leone	NV
145	Singapore	ABST
146	Slovakia	YES
147	Slovenia	YES
148	Solomon Islands	NA
149	Somalia	NV
150	South Africa	YES
151	Spain	YES
152	Sri Lanka	NO
153	Sudan	NV
154	Suriname	YES
155	Swaziland	YES
156	Sweden	YES
157	Switzerland	YES
158	Syrian Arab Republic	NA
159	Thailand	NO
160	The former Yugoslav Republic of Macedonia	NA
161	Togo	ABST
162	Trinidad and Tobago	NA
163	Tunisia	NV
164	Turkey	ABST
165	Uganda	ABST
166	Ukraine	ABST
167	United Arab Emirates	NV
168	United Kingdom	YES
169	United Republic of Tanzania	NVP

170	United States	YES
171	Uruguay	NV
172	Uzbekistan	NA
173	Vanuatu	NV
174	Venezuela (Bolivarian Republic of)	NV
175	Viet Nam	NO
176	Yemen	NV
177	Zambia	NO
178	Zimbabwe	NO