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

Thirteenth meeting of the Conference of the Parties Bangkok (Thailand), 2-14 October 2004

Twelfth session: 11 October 2004: 14h02-17h00

Chairman: H. Dublin

Secretariat: W. Wijnstekers

J. Armstrong
T. De Meulenaer
D. Morgan
J. Sellar

UNEP: N. Rotich

Rapporteurs: H. Corrigan

T. InskippA. StattersfieldA. St. John

Interpretation and implementation of the Convention

Species trade and conservation issues

29. Elephants

29.1 Trade in elephant specimens

The Secretariat introduced document CoP13 Doc. 29.1 noting that much of the work undertaken on the control of internal ivory trade in accordance with Decision 12.39 had involved desk studies using the Elephant Trade Information System (ETIS), and communication with countries with active internal markets. It provided updates on the 10 countries concerned as follows: Cameroon had produced an action plan to address illegal trade and had made seizures; China had developed a new registration and recording system for the internal use of ivory, and had also made seizures; the Democratic Republic of the Congo had an action plan; Djibouti had not responded to requests for information; Ethiopia, with financial assistance from WWF, had held a capacity-building workshop; Japan had new legislation on internal controls; Nigeria had an action plan and were committed to further work; Thailand had made seizures; Uganda had no internal trade and were considered to be unnecessarily included in the list; and the United States of America had made seizures and were planning more public outreach work.

The Secretariat then introduced the draft action plan contained in document CoP13 Doc. 29.1 Annex (Rev. 1) noting that, in paragraph 9, it had incorporated the recommendation made by Kenya in document CoP13 Doc. 29.4 to expand the work beyond African countries. It also noted that, in document CoP13 Doc. 29.4, Kenya had made other recommendations covering, for example, enforcement issues and trade controls. However, the Secretariat felt that enforcement issues were already addressed in Resolution Conf. 11.3 and further dealt with by the draft decisions contained in document CoP13 Doc. 23 Annex 3 (which had already been agreed), and that some countries had already taken action with regard to trade controls, thus making changes problematic.

The delegations of Botswana, Egypt, Guinea, Japan, Namibia and Uganda supported the draft action plan. However, the delegation of Kenya felt that more of the issues highlighted in document CoP13 Doc. 29.4 could have been incorporated and suggested looking at this document first. This was supported by the delegation of Ethiopia. The delegation of China, supported by the delegation of India, requested that additional countries be invited to attend the dialogue meetings to take account of the widening of the geographic scope in paragraph 9. The Netherlands, on behalf of the 25 Member States of the European Community, preferred to see the issue of ivory sales in importing countries dealt with under the processes established at CoP12 and proposed to refer this matter to the Standing Committee.

The Chairman concluded that there was general support for the draft action plan detailed in document CoP13 Doc. 29.1 Annex (Rev. 1) and it was <u>accepted</u>. The Secretariat clarified that the text in this Annex would be formatted as a Decision and this was agreed.

29.4 Illegal ivory trade and control of internal markets

The delegation of Kenya introduced document CoP13 Doc. 29.4 (Rev. 1), expressing the view that a period was required without any more proposals to transfer populations of *Loxodonta africana* from Appendix I to Appendix II. They finished by referring to Annex 2, a revision of the preamble and selected operative sections of Resolution Conf. 10.10 (Rev. CoP12) on Trade in elephant specimens.

The delegation of the Netherlands, on behalf of the Member States of the European Community, welcomed the document in principle but proposed amending the draft resolution in Annex 2 so that the first three paragraphs under the section "Regarding trade in raw and worked ivory and quotas for raw ivory" would read as follows:

- a) Parties whose elephant populations are listed in Appendix I refrain from introducing proposals to downlist their elephant populations for a sufficient period following the conditional sale of registered ivory stocks agreed at the 12th meeting of the Conference of the Parties, to allow a ruling on the detrimental impact of the one-off sale.
- b) Parties whose elephant populations are listed in Appendix II refrain from listing proposals on raw ivory during the period referred to in paragraph a).
- c) any further amendments to the regime on worked ivory goods not take effect until the end of the period referred to in paragraph a) and Parties only allow trade in individually marked and certified specimens.

They also noted that acceptance of these amendments would have implications for the wording in subsequent paragraphs of the draft resolution and proposed that, if the amendments were accepted, that the document, including aspects related to internal trade in ivory, should be submitted to the Standing Committee for discussion and finalization at its 53rd meeting. The Secretary-General, although noting there was no precedent for such a role for the Standing Committee, agreed and proposed some wording for a draft decision to this effect. The delegation of Senegal supported the unamended proposal, whereas the delegations of Chad, Côte d'Ivoire and Liberia supported the proposal as amended by the delegation of the Netherlands, on behalf of the Member States of the European Community. The delegation of the Congo, supported by the delegation of Togo, was also in favour of the amended proposal but recommended that a fixed period would be preferable in paragraph a).

The delegation of the United Republic of Tanzania, supported by the delegations of Botswana, Japan, South Africa, Uganda and Zambia, opposed the proposal whether amended or not, stating that range States should be allowed to use their elephant populations in a sustainable way and that more funding was required to help stamp out illegal trade in ivory. The delegation of Botswana added that in their opinion the draft resolution duplicated the action plan agreed under the previous agenda item. The delegation of Namibia was concerned with the attempts to amend the existing proposal, noting that

there were legal implications with the wording proposed by the delegation of the Netherlands, on behalf of the Member States of the European Community; however, the Secretary-General clarified that, in his view, there were no legal problems with the proposed amendments.

The delegation of Ethiopia referred to Annex 1 of document Cop13 Doc. 29.4 (Rev. 1), disputing the information provided on the status of domestic ivory trade in their country. The delegation of Kenya responded that they would clarify this with ETIS and inform the delegation of Ethiopia of the result.

The Chairman called for a vote on Resolution Conf. 10.10 (Rev. CoP12) as amended by the delegation of the Netherlands, on behalf of the Member States of the European Community, and with the addition of the following paragraph: <u>Instructs the Standing Committee at its 53rd meeting to make changes to the text to make it internally consistent with the adopted amendments.</u> This proposal was <u>rejected</u>, with 54 in favour, 41 against and 32 abstentions (Annex 1).

The delegation of Kenya proposed the following amendments to the draft decision in Annex 3 of the document. In the first line of paragraph b) under the direction to the Secretariat add whose elephant populations are listed in Appendix II after "as well as those"; change the text of section ii) under the direction to the Standing Committee to have elephant populations listed in Appendix II; delete paragraph c) in the same direction; and in paragraph d) (which would become paragraph c) change "before adopting the Draft" to when considering implementation of the. A vote was taken and the proposal, as amended, was rejected, with 17 votes in favour, 32 against and 76 abstentions (Annex 2).

29.5 Conditions for the export of registered stocks of ivory in the annotation to the Appendix-II listing of populations of *Loxodonta africana* in Botswana, Namibia and South Africa

The delegation of Kenya <u>withdrew</u> document CoP13 Doc. 29.5 in the light of earlier discussions.

29.6 Ivory stocks in Burundi

The Secretariat introduced document CoP13 Doc. 29.6 and highlighted information contained in document CoP13 Inf. 39 regarding the ivory stock verification mission to Burundi by TRAFFIC and MIKE. The mission verified that the ivory stocks held by Burundi in 2004 were identical to the stockpile they had in 1988. The Secretariat noted that it had provided a number of options for the disposal of the ivory stocks but believed that there was no satisfactory solution at this stage. The delegation of Burundi urged Parties to help them find a solution. They added that the three traders from whom they had confiscated a portion of the current stockpile were suing the Government of Burundi.

The Committee noted document CoP13 Doc. 29.6.

Regular and special reports

- 19. Appendix-I species subject to export quotas
 - 19.3 Black rhinoceros: export quota for Namibia and
 - 19.4 Black rhinoceros: export quota for South Africa

The Chairman drew the Committee's attention to document CoP13 Com. I. 2 on the establishment of export quotas for black rhinoceros hunting trophies noting that the final text of the draft resolution, as amended earlier, had now been provided for information.

Species trade and conservation issues

30. Conservation of and trade in rhinoceroses

The Secretariat introduced document CoP13 Com. I. 3 and it was accepted without comment.

The Committee <u>adopted</u> the summary report in document CoP13 Com. I Rep. 7 with the following amendments. In the first paragraph under agenda item 9.3.1 the reference to "the delegation of the Netherlands, on behalf of " should refer to <u>the delegation of Germany, on behalf of</u>. In the second paragraph under this same agenda item, "if these could be specifically dated" should read <u>in their versions as of a specific date</u>. In the Spanish version, the second paragraph under agenda item 59.1 should refer to BirdLife International as the Red List authority for birds for the IUCN Red List.

The Committee adopted the summary report in document CoP13 Com. I Rep. 8 unamended.

The Committee <u>adopted</u> the English and French versions of the summary report in document CoP13 Com. I Rep. 9 unamended. The following corrections were made to the Spanish version of document CoP13 Com. I Rep. 9: in the second paragraph under agenda item 60 remarks were inadvertently attributed to the Chairman of the Animals Committee rather than the Chairman of the Plants Committee; the agenda item 34 appeared twice, the second version should be retained.

The Committee <u>adopted</u> document CoP13 Com. I Rep. 10 with the following amendment: in the paragraph on discussion of proposal CoP13 Prop. 2 the sentence "The delegation of the United States expressed support for the proposal, providing that the wording in paragraph a) and c) was amended and paragraph d) deleted." should read <u>The delegation of the United States expressed support for the proposal, providing that the wording in paragraphs a) and c) was amended and that the term fossil in paragraph d) was clearly defined.</u>

The session was closed at 17h00.

Agenda item 29.4 - Result of the vote on document CoP13 Doc. 29.4 (Rev. 1), as amended.

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Agenda item 29.4 - Result of the vote on document CoP13 Doc. 29.4 (Rev. 1) Annex 3, as amended.

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