



EIA COMMENTS ON THE CITES SECRETARIAT'S RECOMMENDATION TO DELETE DECISION 14.69

BACKGROUND

CoP20 Doc. 77.2 is the Standing Committee's report on the implementation of Decisions 14.69, 18.102, 18.108 and 18.109 on Asian big cats in captivity.

The Standing Committee has invited the CoP to adopt the draft decisions contained in Annex 2 of the document. The Secretariat, in its comments on the document, has suggested an amendment to the text of draft decision 20.AA to delete reference to Decision 14.69 as well as suggesting the deletion of Decision 14.69 itself.

The rationale provided by the Secretariat is that the draft decision in the Annex is *"more aligned to the Convention and work hand in hand with the provisions in Resolution Conf. 12.5 (Rev. CoP19..."*

EIA RECOMMENDATION

EIA urges the CoP to reject the Secretariat's recommendations to delete Decision 14.69 and amend the text of draft decision 20.AA to remove reference to Decision 14.69.

RATIONALE

1. The Secretariat's rationale for deleting Decision 14.69 is not clear. It has not explained in what way the proposed draft decision 20.AA is more aligned with the Convention or Res. Conf. 12.5 (Rev. CoP19). The draft decision text as recommended by the Standing Committee contains a reference to Decision 14.69, making it clear that the Committee did not intend for Decision 14.69 to be deleted.
2. Decision 14.69 was adopted at CoP14 in 2007. It clearly conveys Parties' position that tigers should not be bred for trade in their parts and derivatives. Subsequently, at CoP15 and CoP17, when the prospect of its deletion was discussed, Parties reiterated their support for retaining the decision as is.
3. Since the adoption of Decision 14.69 in 2007, the Parties have adopted other decisions to further the implementation of Decision 14.69. In particular, Parties adopted Decisions 18.102, 18.108 and 18.109 which resulted in missions to Parties with facilities of possible concern keeping tigers in captivity.

Based on these missions, the Standing Committee made several specific recommendations as detailed in Annex 1 of the document and has suggested the adoption of draft decision 20.AA by the CoP. All of this work has been undertaken *inter alia* with a view to implement Decision 14.69.

While some progress has been made, it is clear from several sources, including the Secretariat's mission reports themselves, that much work remains to be done to implement Decision 14.69. Deletion of the decision at this stage would effectively undo the policy basis for conducting this work in the first place.

4. While some text is common to Decision 14.69 and the proposed draft decision 20.AA, they do not have the same scope or implication:

i) Decision 14.69 is directed to all Parties, making the recommendation that tigers should not be bred for trade in their parts and derivatives uniformly applicable. Draft decision 20.AA, in its current state is directed to Parties *"in whose territories there are facilities that breed large numbers of tigers and facilities housing large numbers of tigers."* The language of the draft decision makes its application unclear as it uses the vague term "large numbers". Further, the operative clauses a) to g) in the draft decision are further restricted in their application by the chapeau of the draft decision, which also uses the vague term "large numbers".

ii) Clause d) of the draft decision replicates some of the language from Decision 14.69. However, if Decision 14.69 was deleted, it would lose context and not make complete sense. As per the Secretariat's recommendation, the text would direct Parties which satisfy the criteria in the chapeau to ... "restrict the captive population to a level supportive only to conserving wild tigers *and that tigers should not be bred for trade in their parts and derivatives*, prohibit the establishment of new facilities keeping tigers in captivity with narrow exemptions where warranted". This statement does not read correctly in a grammatical sense. Moreover, the words "and that tigers should not be bred for trade in their parts and derivatives" make sense only in the context of implementing Decision 14.69, which forms the policy basis for the action recommended in clause d).