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THE 16TH MEETING OF THE CONFERENCE OF THE PARTIES TO CITES

INTRODUCTION

The 16th meeting of the Conference of the Parties (CoP16) to CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) took place in Bangkok, Thailand, from 3 to 14 March 2013. In this, the year of the 40th birthday of the Convention, a record number registered for the meeting, resulting in attendance by some 2000 participants comprising Party representatives and observers from inter-governmental, international and national organizations.

The unprecedented number of participants is not necessarily a measure of increased engagement with CITES issues, but Secretary-General John E. Scanlon observed in his opening remarks at CoP16 that there was indeed renewed interest in CITES, though regrettably fuelled in part by an increase in wildlife poaching, particularly of elephants and rhinoceroses. In welcoming attendees and stressing the importance of CITES in the meeting's opening session, he was joined by dignitaries at the highest level—His Royal Highness The Duke of Cambridge (by video address), and the Prime Minister of Thailand, Yingluck Shinawatra—another benchmark for the Convention. In accordance with tradition, the Chairman of the CITES Standing Committee (Øystein Størkersen) and the Executive Director of UNEP (Achim Steiner) also gave opening speeches.

Oceanic Whitetip Shark *Carcharhinus longimanus* (above with pilot fish) was included in CITES Appendix II at CoP16. The species is heavily exploited throughout its range because of the strong international demand for its fins.

The following summary accounts of CoP16 developments are written by members of TRAFFIC's delegation at the meeting and include contextual information and comment. References in parentheses (*CoP16 Doc. 4.2 (Rev. 1)*) and so on) are to formal documents of the CoP.

ADMINISTRATIVE AND STRATEGIC MATTERS

by Sabri Zain

Towards a fully transparent Convention?

Transparency was a key theme that emerged early on during the CoP, particularly in relation to discussions on the Rules of Procedure for secret ballots and potential conflicts of interest in the Animals and Plants Committees. Noting that the Rules of Procedure considered open voting as the rule and—other than for elections and choices of meeting venue—secret voting only as an exception, the European Union (EU) was concerned that a secret ballot had taken place on 69 occasions since CoP9, and on issues relating partly to important conservation matters, in particular on marine species or subjects, elephants and ivory trade. They claimed this undermined the integrity of the Convention and ran counter to the agreed goal of promoting transparency and accountability in international fora.

With the current Rules of Procedure requiring only 10 Parties to second a request for a secret ballot for it to be accepted, the EU proposed an amendment to the Rules stipulating that a request for a secret ballot should immediately be voted upon and that a motion for a secret ballot may not itself

be conducted by secret ballot (*CoP16 Doc. 4.2 (Rev. 1)*). A second proposal, from Mexico, also suggested that the threshold for accepting secret ballots should be raised from 10 supporting Parties, to one third of the Parties voting (*CoP16 Doc. 4.3 (Rev. 1)*). The CoP was clearly divided on this issue, with many Parties voicing support for raising the 10-Party threshold and others disagreeing that secret ballots were used too frequently and arguing that they were in line with basic democratic principles.

The debate was further complicated when the question was raised of whether a vote to decide on the issue of secret ballots concerned a procedural or substantive issue, which would determine whether it would be decided by a simple or a two-thirds' majority of Parties. Japan proposed a motion that a two-thirds' majority be required to amend the Rules of Procedure.

Despite the convening of a "Friends of the Chair" Group to help resolve these issues, debate continued in extraordinary plenary sessions over a three-day period and a vote was necessary to end the deadlock. Japan's motion that amendment of the Rules of Procedure be supported by at least two thirds of the Parties voting was carried, while the proposal from the EU did not achieve the two-thirds' majority support necessary to be carried, and Mexico's proposal was also rejected.

It is unlikely that this issue has been fully resolved by the outcome of the votes in session: during the remainder of the meeting, many Parties took the floor and announced their votes almost every time a secret ballot was concluded on an agenda item or listing proposal, highlighting that they were doing so in the interest of transparency.

Funding the Convention

Funding for support to the Convention is always a strategically important discussion at the CoP. With debate centred on the growth scenario for the Secretariat's budget, Parties were presented with the options of a budget with zero real growth (which would allow the maintenance of staff levels at the Secretariat) or a budget with zero nominal growth (which would mean having to reduce staff numbers) (*CoP16 Doc. 8.3 (Rev. 1)*). This latter option was supported by Japan, but in the event a compromise between the two options was finally reached (*Resolution Conf. 16.2*).

The Secretariat proposed that the CoP accept the Global Environment Facility (GEF) as a financial mechanism for CITES (*CoP16 Doc. 8.4*), stating the need for such a mechanism to assist Parties in implementing their international

environmental commitments, and pointing out that the GEF was the financial mechanism of four other environmental Conventions. A number of Parties, however, noted that GEF funding was primarily a country-driven process and that some countries were already receiving support from the GEF for their national activities. In the end, Parties agreed to defer consideration of a financial mechanism for CITES, instructing the Secretariat to explore the risks, benefits, necessity and feasibility, as well as the legal and other implications, of GEF becoming a financial mechanism for CITES (*Decision 16.2*). They agreed that the Secretariat should continue to develop its working relationship with GEF and draw attention to CITES priorities to try and strengthen the species-based component in the period of the Sixth Replenishment of GEF Resources (GEF-6).

Strengthening synergies with other multilateral environmental agreements (MEAs)

The theme of GEF financing was reiterated in the discussions on the CITES Strategic Vision (*CoP16 Doc. 12*), when the Secretariat noted that the proposal to include references to the CBD Strategic Plan on Biodiversity 2011–2020 and the relevant Aichi Biodiversity Targets in the Strategic Vision could demonstrate the contribution of CITES to these and thereby allow opportunities for CITES to access GEF financing. The USA opposed these inclusions, but the overall decision was to incorporate them, and to extend the validity of the Strategic Vision and Action Plan to 2020 (*Resolution Conf. 16.3*).

Steady progress was made in additional ways in strengthening co-operation with other multilateral environmental agreements: *Resolution Conf. 16.4 Cooperation of CITES with other biodiversity-related conventions* encourages Parties to consider further opportunities to strengthen the co-operation, co-ordination and synergies among the biodiversity-related conventions at all relevant levels, while *Resolution Conf. 16.5 Cooperation with the Global Strategy for Plant Conservation of the Convention on Biological Diversity* encourages collaboration on implementation of the said Strategy. A proposal for a memorandum of understanding between the Liaison Group of Biodiversity-related Conventions (BLG) and the Secretariat of Intergovernmental Science–Policy Platform on Biodiversity and Ecosystem Services (IPBES) was not accepted, but Parties did agree a series of Decisions promoting links between IPBES and CITES, including via establishment of a Standing Committee Working Group on IPBES.

ENFORCEMENT AND COMPLIANCE *by Sabri Zain*

High-level calls to action

Public attention in the months before CoP16 had been focused on reports of unprecedented levels of poaching of African Elephants *Loxodonta africana* and rhinoceroses Rhinocerotidae, accompanied by calls for significantly improved efforts to stem the killing. These calls were echoed at the highest levels of government, prompting recognition of wildlife crime as a serious transnational organized crime by the UN General Assembly, the Asia-Pacific Economic Cooperation (APEC) and the Convention against Transnational Organized Crime (CTOC). The then US Secretary of State, Hillary Clinton, made a strong “Call for Action” against wildlife crime, urging “strengthened and expanded enforcement”.

This growing high-level commitment was clearly visible at CoP16, strikingly with a pledge from the Prime Minister of Thailand to take forward the CITES agenda and the exhortation from HRH The Duke of Cambridge, to combat “shocking levels” of poaching and illegal trade. Additionally, the CoP hosted a “roundtable” on combating transnational organized wildlife and forest crime for ministers and high-level representatives. Organized by the International Consortium on Combating Wildlife Crime (ICCWC) in close co-ordination with the Government of Thailand, the event was held to share experiences across States and regions of efforts to combat such crime, and to reaffirm a commitment to counter it at top political levels.

Making enforcement work

Enforcement and compliance emerged as dominating themes during CoP16, particularly in the light of critical poaching developments noted above that set the scene long before the meeting began. Parties worked constructively on agreeing a number of new and innovative measures for inclusion in *Resolution 11.3 Compliance and enforcement*, including an encouragement to Parties to increase their use of specialized investigation techniques and tools, such as the ICCWC Wildlife and Forest Crime Analytic Toolkit. New issues were also highlighted in the revised Resolution, such as the need to provide real-time support to park rangers confronted by heavily armed groups, as well as the need to combat money laundering and facilitate the forfeiture of assets of criminals.

Decision 16.40, another notable enforcement-related output of CoP16, enshrines agreement to assess follow-up actions after large seizures of CITES specimens; to initiate a process to assess implementation and enforcement of CITES for

species listed in Appendix I; and to establish Wildlife Incident Support Teams (WISTs) to assist countries affected by significant poaching or making large-scale seizures of CITES specimens.

Renewed emphasis on strengthened enforcement also resulted in new measures in a number of the species-specific items on the CoP agenda, particularly in relation to illegal killing and trade of elephants and rhinoceroses (see separate sections on those species below).

Capacity-building for enforcement was a recurring item of discussion at the CoP and the subject of a joint side event co-organized by Japan’s Ministry of the Environment and TRAFFIC. This event highlighted capacity-building activities in South-east Asia to promote enforcement of trade regulations for CITES-listed species. It examined successes, lessons learnt and areas for further collaboration between governments and NGOs.

Regional co-operation

Regional co-operation can be seen as a highlight of CoP16, in so far as it was the occasion of the first-ever global meeting of wildlife enforcement networks (WENs), in the margins of the main meeting, on 5 March. This convocation of the WENs, organized by ICCWC, aimed to enable them to share experiences and to discuss the need for their enhanced co-operation and co-ordination. More than 10 WENs participated in the event and participants encouraged ICCWC to organize further meetings for them. As a step beyond this, moreover, ICCWC was encouraged to facilitate the creation and functioning of a “network of the wildlife enforcement networks”, to fortify the role of WENs, and to foster attention from civil society organizations, to draw more notice to the magnitude of wildlife crime and to work with them to reduce demand for endangered species.

Individual WENs, including the South Asia WEN, ASEAN WEN, Lusaka Task Force and Horn of Africa WEN organized separate events at the meeting highlighting different aspects of their work.

Giving CITES “teeth”

The seriousness with which Parties are now viewing enforcement was reflected in the emphasis placed on giving CITES “teeth” in many of the discussions at CoP16. The opening speeches at the 63rd meeting of the Standing Committee (SC63) on the eve of the CoP reminded Parties of the importance of using the criteria and measures provided in *Resolution Conf. 14.3 CITES Compliance Procedures* and at the CoP itself Parties agreed new texts pursuant to that Resolution regarding illegal trade in rhinoceroses

(*Decision 16.91*) and elephants (*Resolution Conf. 10.10 (Rev. CoP16)*) (see separate sections on those species below). These are designed to drive effective implementation and address the issue of accountability concerning lack of progress in line with CITES aims.

Discussion of national laws for the implementation of the Convention is a regular feature of CoP meetings. At CoP16, a US proposal was accepted whereby Parties who have been members of CITES for more than 20 years cannot justifiably claim that exceptional circumstances prevent them from adopting appropriate measures for its effective implementation. Clearly, there are a number of Parties that are growing impatient with repeated and consistent failure to demonstrate adequate progress with CITES-implementing legislation in certain cases—perhaps prompted by the growing sense of urgency to address levels of poaching and illegal trade that may spiral out of control if left unchecked.

ELEPHANTS by Tom Milliken

Following the withdrawal of an African Elephant downlisting and ivory trade proposal by Tanzania, discussions on elephants at CoP16 focused on the escalating conservation crisis in Africa. As noted previously, the sense of urgency for CITES to take action was evident from the start of the meeting. Elephants were “centre stage” in the opening ceremony and Thailand’s Prime Minister Yingluck Shinawatra announced that her country would “work towards amending the national legislation with the goal of putting an end to ivory trade and to be in line with international norms”. As Thailand is one of the largest unregulated ivory markets in Asia, and a country identified in every Elephant Trade Information System (ETIS) analysis as heavily implicated in illicit trade, this declaration from the host country provided impetus for realizing strong action on elephant issues throughout CoP16.

Against this backdrop, the analytical results of ETIS (*CoP16 Doc. 53.2.2 (Rev. 1)*), the CITES monitoring system to track illegal ivory trade that is managed by TRAFFIC, proved critical to the elephant deliberations and, ultimately, received unprecedented uptake in a series of measures to tackle illegal ivory trade. Indeed, the ETIS analysis to CoP16 documented record illegal trade in ivory, 2011 levels being three times greater than those found in 1998. Likewise, the report from the Monitoring Illegal Killing of Elephants (MIKE) programme showed the highest levels of poaching since the system began analysing site-specific data more than a decade ago and, also likewise, the evidence from this monitoring system was instrumental to proceedings at CoP16.

The revision at CoP16 of the CITES Resolution (*Resolution Conf. 10.10 Trade in Elephant Specimens*)—the Resolution that mandates MIKE and ETIS, establishes criteria against which legal domestic trade in ivory must comply, and provides the general framework for addressing trade in elephant specimens under the Convention—resulted in a significantly strengthened text that introduced a number of new measures, such as:

- compulsory annual reporting of all ivory stockpiles held by governments anywhere in the world;
- mandatory forensic examination of all large-scale ivory seizures (seizures of 500 kg or more);
- inclusion of “demand reduction” as a necessary course of action in end-use markets for ivory;
- the tracking of trade in live elephants; and
- a compliance mechanism in accordance with *Resolution Conf. 14.3 CITES compliance procedures* including the threat of sanctions when Parties fail to implement the Resolution’s requirements.

A series of CITES Decisions to support elephant conservation over the next three years were also adopted at CoP16, as summarized below.

- *Decision 16.78* mandates the Secretariat, subject to funding, “to convene a CITES Ivory Enforcement Task Force” comprising China (Hong Kong separately represented), Kenya, Malaysia, Philippines, South Africa, Tanzania, Thailand, Uganda and Viet Nam, together with the International Coalition to Combat Wildlife Crime (ICWC) partner organizations. The task force will review current law enforcement strategies and practices, promote law enforcement collaboration all along the trade chain, examine DNA testing and other forensic identification techniques for ivory, and consider the broader use of controlled deliveries, anti-money-laundering and asset recovery mechanisms as tools for combating wildlife crime. With one exception, all the designated countries in the task force were identified in the ETIS analysis to CoP16 as “countries of primary concern”, and Uganda was included as it was highlighted as being of concern in an ETIS report to SC62. In various combinations, these nine countries form the principal trade chains through which an estimated three quarters of the illegal ivory trade has moved since 2009. Thus, the prospect of collaborative law enforcement among this set of players holds promise for positively inhibiting ivory trade crime.
- *Decisions 16.79* and *16.80* subject a further 15 nations to a CITES oversight process that will examine their ivory trade policies and actions. In this regard, the Secretariat is charged with seeking clarification on implementation of CITES and other provisions concerning control of trade in elephant ivory and ivory markets and reporting on its findings to the next meeting of the Standing Committee. Based on the

ETIS analysis, Cameroon, Congo, the Democratic Republic of the Congo, Egypt, Ethiopia, Gabon, Mozambique, Nigeria and Uganda were identified as countries of “secondary concern”, whilst Angola, Cambodia, Japan, Lao People’s Democratic Republic, Qatar and the United Arab Emirates were seen as “important to watch”, thus making up the 15. Additional actions directed at these individual countries can be taken by the Standing Committee if problematic issues are subsequently revealed.

- *Decision 16.81* serves to foster co-operation between CITES and the UN Office on Drugs and Crime.
- *Decisions 16.82* and *14.78* deal with reporting to future Standing Committee meetings and the role of the Standing Committee in tracking progress on the other Decisions.
- *Decision 16.83* was formulated to direct all Parties involved in any ivory seizure of 500 kg or more to collect and submit samples to appropriate forensic laboratories for analysis within 90 days of the seizure. With effective implementation, this move should reveal sources of large quantities of ivory that would otherwise be likely to remain unknown.

In other developments instigated by the provision of ETIS results to SC62, further deliberations at SC63 and SC64, held just prior to and after CoP16, resulted in China and Thailand as destination countries, Malaysia, Hong Kong, Philippines and Viet Nam as transit countries/territories, and Kenya, Tanzania and Uganda as source countries, having to prepare detailed national ivory trade action plans and submit them to the Secretariat by 15 May 2013. *SC64 Doc. 2* states “...the eight Parties should keep the Secretariat updated via electronic means about progress made against timeframes and milestones; and the Secretariat shall monitor progress and will keep the Standing Committee informed intersessionally via electronic means”. All action plans were submitted by the deadline. Together with other results of CoP16, they hold great potential for putting “teeth” into the CITES framework for dealing with illegal trade in ivory, and holding governments accountable for their ivory trade policies and practices.

All in all, CoP16 has provided elephant conservation with a robust framework for action to address a range of issues in the global effort to arrest escalating illegal trade in ivory. ETIS played an indispensable role in identifying priority countries for attention and guiding the development of subsequent CITES policy actions and interventions.

RHINOCEROSSES by Tom Milliken

The relentless surge in rhinoceros poaching for the continuing horn trade to Asia, especially Viet Nam, was documented in a report for CoP16 by IUCN and TRAFFIC (*CoP16 Doc. 54.2 (Rev. 1)*). This report, mandated by *Resolution Conf. 9.14*, highlighted: record poaching losses in South Africa; the highest number of rhinoceros horns in trade in two decades; the advent of Europe and North America as sources of rhinoceros horn through thefts from museums and other institutions and the illegal acquisition of sport-hunted trophies; the use of European sport hunters in South Africa as conduits for illegal horn trade to Viet Nam; and the emerging roles of Mozambique and China in the illicit trade. The report concluded “Rhinos are facing a crisis and there is no room for complacency.” The CITES Parties clearly received the message, adopting a series of forceful measures to address critical rhinoceros conservation issues, as highlighted below.

- *Decision 16.84* directed all Parties to report rhinoceros horn seizures to the Secretariat and all countries along the trade chain to enable follow-up investigations, and to submit seized horn samples to accredited forensic laboratories for DNA analysis, as described in document *CoP16 Doc. 54.2 (Rev. 1)*. The Decision also calls for national legislation to underpin the use of specialized investigative techniques (such as controlled deliveries and covert investigations) and other law enforcement tools (for instance, anti-money-laundering and asset forfeiture legislation) to combat rhinoceros crime, and for prosecutions to employ a combination of relevant legislation so that penalties serve as effective deterrents. *Decision 16.84* also further strengthens CITES permitting procedures for rhinoceros horn specimens; calls for measures to regulate internal trade in rhinoceros specimens such as sport-hunted trophies or antique specimens, including all parts or derivatives; and stipulates that Parties should consider stricter domestic measures to regulate the re-export of rhinoceros horn products.
- *Decision 16.85* represents far-reaching, landmark progress in terms of the purview of CITES in addressing demand for endangered species products. It calls for all Parties identified as a range or consumer State “to develop and implement long-term demand reduction strategies or programmes and immediate actions aimed at reducing the illegal movement and consumption of rhino horn products, taking into consideration the draft demand reduction principles included in the Annex to document *CoP16 Doc. 54.1 (Rev. 1)*, to achieve measurable change in consumer behaviour”. In range States, the Decision continues,

“strategies or programmes to enhance community awareness with regard to the economic, social and environmental impacts of illicit trafficking in wildlife crime” should also be developed. Actions taken in this regard need to be reported to the CITES Rhino Working Group by 31 January 2015, so that “best practices” and challenges can be elucidated for a report to SC66.

- *Decision 16.86* is directed at Viet Nam, which was identified at CoP15 as the principal destination for rhinoceros horn. Viet Nam is exhorted to implement those elements of the South Africa–Viet Nam action plan that will serve to strengthen national management of rhinoceros horn trophies (including issues of tracking, possession, alteration and transfer of ownership), and improving investigations and prosecutions of Vietnamese nationals or others implicated in rhinoceros crime. This Decision also calls on Viet Nam “to conduct consumer behaviour research to develop and implement demand reduction strategies or programmes aimed at reducing the consumption of rhino horn products”, and to report on this and other activities, including arrests, seizures, prosecutions and penalties in rhinoceros crime cases, to the Secretariat by 31 January 2014.
- *Decision 16.87* is directed at Mozambique, a country that has emerged as the main staging ground for rhinoceros poaching incursions into South Africa’s Kruger National Park and the leading point of export for illicit rhinoceros horn in Africa at the present time. It calls on Mozambique to implement *Resolution Conf. 9.14 (Rev. CoP15)* and *Decision 16.84* effectively, with special attention to enacting legislation to establish penalties for rhinoceros crime that serve as a deterrent. Mozambique needs to produce a comprehensive report on its efforts to the Secretariat by 31 January 2014 for consideration by the CITES Rhino Working Group.
- *Decision 16.88* is directed at both Mozambique and South Africa, calling for enhanced bilateral co-operation to combat rhinoceros poaching and illegal horn trade, and a comprehensive report to the Secretariat by 31 January 2014 on actions taken.
- *Decision 16.89* requires the Secretariat, subject to external funding, to convene a CITES Rhinoceros Enforcement Task Force comprising Parties affected by rhinoceros poaching and illegal trade, the ICCWC partner organizations, EUROPOL “and, as appropriate, other Parties and experts. The Task Force should develop strategies to improve international cooperation”. The Decision also calls for the Task Force to develop “guidelines on best practices, protocols and operational procedures, that will promote the use of wildlife forensic technology; examine the implementation of *Resolution Conf. 9.14 (Rev. CoP15)* in...South Africa and Zimbabwe;... examine progress with curtailing illegal trade in rhinoceros parts and derivatives by citizens of

implicated States, particularly Viet Nam;...and revise *Resolution Conf. 9.14 (Rev. CoP15)*, taking into consideration the contents of *Decisions 16.84* and *16.85* and submit this revised version for consideration at the 17th meeting of the Conference of the Parties”. *Decision 16.89* further solicits external funding “to undertake a technical mission to the Lao People’s Democratic Republic to assess current enforcement activities relevant to illegal trade in wildlife, in particular in rhinoceros parts and derivatives, and the implementation of *Resolution Conf. 9.14 (Rev. CoP15)*”.

- Reports on actions taken pursuant to *Decisions 16.85–16.89* will be considered at SC65 and SC66, following evaluation by the CITES Rhino Working Group, as mandated in *Decision 16.90*.
- *Decision 16.91* calls upon the Standing Committee, at SC64, to extend the mandate of the Rhino Working Group that was first established at SC61 in August 2011. This was subsequently done on the last day of CoP16.
- In *Decision 16.92*, the Standing Committee is charged with reviewing the definition of “hunting trophy” provided in *Resolution Conf. 12.3 (Rev. CoP16)*, as it applies to rhinoceros horn hunting trophies, and determining whether revision is needed to eliminate any possible abuse of the definition to facilitate illegal trade in rhinoceros horn.

Collectively, these measures establish a far-reaching plan of engagement under CITES for international action to tackle the escalating illicit rhinoceros horn trade. The degree of specificity and the breadth of content in these Decisions hold considerable hope for improving the conservation status of the world’s five beleaguered rhinoceros species.

TIMBER SPECIES by David Newton

At CITES CoP16 there were six listing proposals concerning timber, the majority involving species that have been under harvest pressure for many years and that are in some instances now very rare in the wild. Two proposals were submitted by Madagascar (*CoP16 Props 58* and *63*), to include that country’s populations of Malagasy Ebony *Diospyros* spp. and Malagasy Rosewood *Dalbergia* spp. in Appendix II (with annotations); two from Belize (*CoP16 Props 61* and *62*) were for inclusion of three rosewood *Dalbergia* species in Appendix II; Thailand and Viet Nam put forward a proposal (*CoP16 Prop. 60*) to list another rosewood species (*D. cochinchinensis*) in Appendix II; and Brazil proposed amendment (*CoP16 Prop. 59*) of the annotation #12 for Brazilian Rosewood *Aniba*

rosaeodora to read “Logs, sawn wood, veneer sheets, plywood and extracts. Finished products containing such extracts as ingredients, including fragrances, are not considered to be covered by this annotation”, so that “extracts” (a defined term) rather than “essential oils” (the undefined term previously used in the annotation) would be covered by CITES provisions.

Remembering past struggles to get timber listed in CITES, for example attempts to list the commercially significant Big-leaf Mahogany *Swietenia macrophylla* in Appendix II at CoPs from 1992 to 2002, it might have been expected that there would again be enormous resistance from Parties to proposed listings of valuable timber species. Opposition in the past to the listing of commercially valuable timber species has often been greatest from range States of the species concerned. At CoP16, however, it was the range States themselves proposing the listings. In addition, in the background, the Southern African Development Community (SADC) reached agreement on supporting Madagascar’s timber proposals, just as a bloc of Asian Parties achieved a similar consensus on support for Thailand and Viet Nam’s proposal, while the Latin Americans pulled together to work to get Belize’s proposals approved.

When the day for tabling the timber proposals arrived, debates were among the easiest and most collaborative in nature of any CITES timber proposal debates. Each and every proposal was adopted and any amendments suggested seemed completely appropriate. A particularly heartening aspect of proceedings was perhaps the extent to which countries were prepared to take on formal Decisions that impose big responsibilities. This was nowhere more striking than in the case of the complex Decision (16.152) entered into by Madagascar for the management of its newly listed timber species. This Decision entails adoption of an action plan for such management, stipulating several concrete actions (for instance, the preparation of identification tools and establishment of precautionary export quotas based on documented Non-detriment Findings (NDFs)) and regular reports back to the CITES Plants Committee and the Secretariat. Belize, too, clearly appears willing to take on management of Appendix-II listings for the three species of *Dalbergia* it proposed. Such voluntary acceptance of responsibility, and in general the full support of range States for the timber proposals, distinguishes CoP16 from its predecessors. The ease of debate seems to indicate a new acceptance that the CITES community and Convention itself can assist countries to manage their natural resources more effectively, even those commercially prized.

Out of all these listing proposals, the most challenging to implement was always going to be the Madagascar *Diospyros* spp. and *Dalbergia* spp. proposals. The reasons for this are that the listings include dozens of species, many of which are hard to identify, their distribution and populations are largely unknown, and because Madagascar is struggling with illegal timber trade on a large scale owing to serious governance under-capacity. However, since CoP16, the World Bank has put out a tender requesting assistance with the management of Madagascar’s timber resources, including a legal review of timber-relevant statutes and management of illegal timber stockpiles. Obtaining this support will go a long way to assisting with implementation of the new responsibilities Madagascar has for the ebony and rosewood species.

FISHES by Glenn Sant

Controversy over the inclusion in CITES of marine species—Atlantic Bluefin Tuna *Thunnus thynnus* and seahorses *Hippocampus* spp., for example—has marked CoPs over the past decade. After CoP15, where all marine proposals failed, many will have been left with a particularly negative view of the capacity for CITES to make well-reasoned decisions on commercially important marine species. All this changed at CoP16, which can truly be seen as a moment of sea change in the history of marine species in CITES.

Introduction from the Sea

CITES Parties have pursued an agreement on “Introduction from the Sea”—or the question of how the harvest of marine resources outside the jurisdiction of any State is permitted in relation to Appendix-II species—over many years. CoP16 saw a culmination of discussions on this, following resolution of some final elements of the process through a working group of the CITES Standing Committee. In the outcome (*Resolution Conf. 14.6 (Rev. CoP16)*), clear responsibility has been given to the Flag State (State of vessel registration) to issue export permits for implicated marine specimens—which will require legal and NDF findings. The exception is when one State charters a vessel from another, in which case responsibility for permitting is via written arrangement between the two States (*Decisions 16.48–51* relate). It was especially timely that Parties agreed explicit instruction on how CITES should be implemented for species caught on the high seas just prior to consideration of proposals to list several shark and ray species.

Sharks and rays

The debate around sharks and rays at CoP16 involved the discussion of a number of issues related to Decisions of the Parties, an amendment to update a Resolution with broad application across all sharks and rays, and passion-filled debate resulting variously in rejection and acceptance of listing proposals.

Leading up to the CoP, debate over the merits of the seven proposals (*CoP16 Props 42–48*) to list species of sharks and rays was already spirited. In the event, two thirds of the 178 Parties to CITES voting at the CoP considered that Oceanic Whitetip Shark *Carcharhinus longimanus*, Porbeagle *Lamna nasus*, three species of hammerhead shark *Sphyrna* spp. and manta rays *Manta* spp. merited inclusion in CITES Appendix II. They also accepted, by consensus, a proposal to transfer the Freshwater Sawfish *Pristis microdon* from Appendix II to Appendix I. These outcomes were in sharp contrast to past experiences, and indeed proposals for a number of the same species had been rejected at CoP15.

The atmosphere during the final sessions at the CoP when these new elasmobranch listings were due to be confirmed was electric—and raucous when attempts by the minority of Parties opposing the listings failed to find the support necessary to re-open debate, thus ensuring the listings' adoption. The vote on whether to re-open debate in plenary session was via secret ballot: never in the history of CITES have so many Parties taken the floor after such a ballot to declare their vote, and the pride expressed by several Parties who reported that they had supported the listings was notable. This moment in CITES history was also remarkable as the point at which arguments that the Convention should not apply to commercially important marine species became decidedly unconvincing.

Effective implementation of the listing of these seven commercially important species undoubtedly remains a concern and the largest importer of shark fins in the world, China, took the floor following endorsement of the listings, calling on exporting Parties to ensure they addressed the issues of legal acquisition and NDF findings adequately when issuing permits for export. However, the listings mark a new step towards addressing the broader issue of responses to management challenges for fisheries affected by international trade and, to assist Parties, the listings do not come into effect until September 2014. This is in recognition of the implementation issues to address, particularly as they relate to the obligations for Flag States catching and trading the species, as these States must be able

to prove legal acquisition and produce NDFs (i.e. vouch for sustainable harvesting) before issuing export permits. It is worth considering with regard to the practicalities of the CITES shark listings that the challenges are the same challenges that any fisheries management regime would need to face in order to manage the species involved responsibly—all the more of a hurdle since none of these species has been responsibly managed in the past, and hence the dramatic declines caused to their numbers as a direct consequence of harvest for international trade. A number of Parties, including Brazil and the EU, provided generous offers of help with capacity-building for effective implementation of the listings, particularly for developing countries. Drawing on its recent study *Into the Deep: Implementing CITES Measures for Commercially Valuable Sharks and Manta Rays*, TRAFFIC is also assisting Parties in preparing for entry into force of the new listings, for example co-convening a regional workshop for Oceania on implementation requirements.

Freshwater stingrays *Paratrygon aiereba*, *Potamotrygon motoro* and *P. schroederi* had also been proposed for inclusion in Appendix II (*CoP16 Props 47 and 48*), but the Parties did not agree to list these species. Instead, they agreed a series of Decisions to continue work on the taxa within the Animals Committee via a working group tasked with considering the conservation statuses of the species, national-level progress on management, and with advising whether the species should be prioritized for inclusion in Appendix II.

Other marine species

Sharks were not the only marine species for which important decisions were made at CoP16. The continued difficulties around implementation and enforcement of the Appendix-II listing of Humphead Wrasse *Cheilinus undulatus* were discussed, with the result that Parties, the Standing Committee and the IUCN Groupers and Wrasses Specialist Group were variously tasked with working to improve implementation of the listing via *Decisions 16.139, 15.87 (Rev. CoP16) and 16.140*.

In contrast to the definite steps taken so far mentioned, little headway was made at CoP16 with sea cucumbers and toothfish. In discussion of *Decision 14.100 (Rev. CoP15)* on sea cucumbers, some regions, such as Oceania, said they wanted to see the Animals Committee extend its review of sustainable use and management of sea cucumber fisheries, but there was no consensus on how to proceed, and no new Decision was taken forward. When it came to toothfish, Parties were silent in response to presentation of the report of the

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) (*CoP16 Doc. 63 (Rev. 1)*) in Committee II. The report catalogued a lack of co-operation with CCAMLR on the part of CITES Parties, specifically in addressing illegal fishing of Patagonian Toothfish *Dissostichus eleginoides*. CoP16 merely “noted” this report, despite the fact that, in 2002, a proposal to include the Patagonian Toothfish in Appendix II was withdrawn after Parties instead committed to co-operate with CCAMLR.

“OTHER” PROPOSALS by *Thomasina Oldfield*

Not only did CoP16 see a record number of participants, it also dealt with the highest number of proposals to amend the CITES Appendices since 1997: the 71 proposals considered contrast with a relatively minor total of 42 at the previous CoP and, furthermore, a number of these 71 proposals involved multiple species.

The high number of proposals was in part due to a drive by the Plants and Animals Committees to “tidy up” the Appendices following their “Periodic Review”. This process aims to ensure the Convention is kept up to date and avoids creating unnecessary administrative burdens through regulation of specimens of species that need no longer be under the purview of CITES.

The Periodic Review process amasses information on selected species, mostly from range States, for discussion and subsequent listing amendment recommendations from the Animals and Plants Committees. Accordingly, CoP16 considered proposals regarding species thought to be in little demand from the wild internationally: *Gallus sonneratii*, *Ithaginis cruentus*, *Tetraogallus caspius*, *Tetraogallus tibetanus*, *Tillandsia kautskyi*, *Tillandsia suerei*, *Tillandsia sprengeliana* and *Dudleya stolonifera* and proposals regarding extinct species: *Rheobatrachus silus*, *Rheobatrachus vitellinus*, *Pteropus brunneus*, *Thylacinus cynocephalus*, *Onychogalea lunata*, *Caloprymus campestris*, *Chaeropus ecaudatus*, *Macrotis leucura* and *Sceloglaux albifacies*.

The proposals to delete the extinct species from the Appendices were adopted. Some of the species in question had been extirpated decades before CITES came into being and others, such as the gastric-brooding frogs of Australia, much more recently. A few species, *Pteropus brunneus* for instance, may never have even existed, yet had been included in the Appendices as a result of a higher-taxon (e.g. genus or family) listing.

Discussions on the other Periodic Review proposals were less straightforward. Despite the

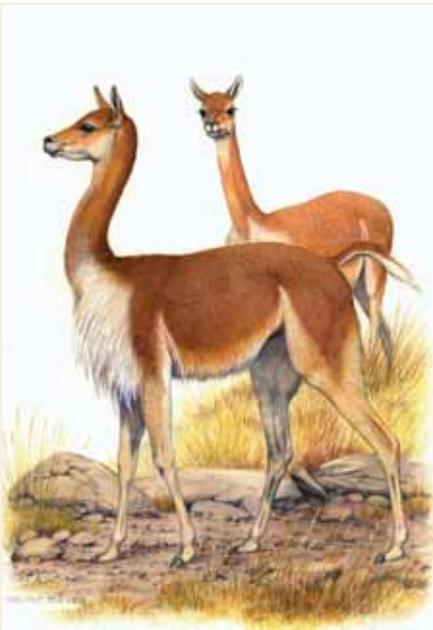
fact that relevant documents had been available on the CITES website for comment and engagement, range States were not supportive of amendments proposed in cases where they had not been actively involved in the lead-up processes. This was clearly a frustration to some. Limited engagement by range States in the Periodic Review often reflects lack of capacity (mainly funds), and some non-range States took on leadership responsibility in order to move forward intersessionally. Reflections on how well this worked may influence approaches to listing amendments resulting from Periodic Review efforts in future.

In huge contrast to the level of demand for species whose listings were the subject of Periodic Review, demand for certain crocodiles that were the subject of debate is very high. Three proposals to downlist populations of crocodile species in Thailand and Colombia were debated at length. The aim of two of these (the Thai proposals for *Crocodylus porosus* and *C. siamensis*) was not to permit trade in wild specimens, but apparently to facilitate trade in Thailand’s extensive stock of captive-bred crocodiles. The proposals were ultimately rejected, despite receiving robust support in session.

A large number of proposals (*CoP16 Props 28–38*) to amend the listings of various turtle and tortoise species were submitted, two of which involved multiple species and amendments. In considering these last-mentioned proposals, the IUCN/TRAFFIC *Analyses of the Proposals to Amend the Appendices at the 16th meeting of the Conference of the Parties*, assessed the status of each species individually against the CITES listing criteria, as seemed appropriate. However, discussions on these proposals at the CoP did not follow such lines and indeed most of the turtle proposals were accepted with very little opposition. This raises the issue of how the listing criteria should be applied in the case of multi-species proposals and it will be instructive to note whether experience at CoP16 affects the submitting of such proposals in future.

The West African Manatee *Trichechus senegalensis* was listed in Appendix I at CoP16. It appears that some international trade in this mammal goes unreported: proponents of the listing hope it will help focus attention on this elusive and vulnerable species.

Madagascar submitted numerous proposals to list ornamental endemic succulent plants species at CoP16. Several had been submitted to the previous CoP, but withdrawn or rejected at that time. This resulted (via *Decision 15.97*) in a process through the Plants Committee to review and gather further



THE TASMANIAN TIGER (TOP), WHICH HAS BEEN DELETED FROM CITES APPENDIX I, HAS BEEN CLASSIFIED BY IUCN AS EXTINCT SINCE 1982. ATTWATER'S GREATER PRAIRIE CHICKEN (CENTRE), PROTECTED BY DOMESTIC LEGISLATION IN ITS NATIVE USA, HAS BEEN TRANSFERRED FROM APPENDIX I TO II. A PROPOSAL TO TRANSFER ECUADOR'S POPULATION OF VICUÑA (BOTTOM) FROM APPENDIX I TO II WAS ADOPTED.

information on the taxa in question, which in turn led to submission of the proposals to CoP16: these were discussed as a block, and all were adopted.

Another species the subject of a renewed proposal at CoP16 following rejection at CoP15 was the Polar Bear *Ursus maritimus*. It was again proposed for transfer from Appendix II to I and discussions were, as expected, impassioned on both sides of the debate. That the Polar Bear, the icon of a "melting world", is traded comes as a surprise to many. Although there was little information to add to that from the previous proposal, recent data have shown accelerating decreases in the extent of summer sea ice coverage, an important factor for the Polar Bear's life history. During discussion of the Polar Bear proposal, there was a strong and vocal presence from Inuit communities, who made ardent pleas in favour of continued trade in this species, which provides their people with valuable income. In the end, the Polar Bear was not transferred to Appendix I. The arguments used in debate related closely to the CITES listing criteria, but there appears to be ambiguity over projection of population declines and, given that interest in the issue of the Polar Bear's status under CITES is unlikely to dissipate, this risks stalling future deliberations if not resolved.

LISTING CRITERIA by *Thomasina Oldfield*

The efforts to develop the criteria over the years have been significant and, although not binding, the criteria in *Resolution Conf. 9.24* give credibility to decisions that reference them. Reflecting on decisions made on proposals at CoP16, it appears that the criteria mattered and were the basis of debate when there were strong opposing views, but appeared to be less important when proposals were not controversial, or only mildly so. This is frustrating to those who uphold the criteria as the basis for assessing the merit of listing proposals. However, important decisions were taken at this CoP that should lead to real conservation benefits regarding the species concerned, in many cases because the criteria were there to guide the decisions taken.

This report was compiled by the following TRAFFIC staff:

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< DRAWINGS TOP AND BOTTOM BY HELMUT DILLER / WWF-CANON; PAUL BARRUEL / WWF-CANON (CENTRE)

LISTING PROPOSALS SUBMITTED TO CoP16 AND OUTCOMES.

Prop. No.	Species	English common name	Proposal	Result
1	<i>Rupicapra pyrenaica ornata</i>	Pyrenean Chamois	Transfer App I to App II	Adopted
2	<i>Vicugna vicugna</i>	Vicuña	Transfer Ecuador's pop.App I to App II	Adopted
3	<i>Ursus maritimus</i>	Polar Bear	Transfer App II to App I	Rejected
4	<i>Pteropus brunneus</i>	Dusky Flying-fox	Deletion App II	Adopted
5	<i>Thylacinus cynocephalus</i>	Tasmanian Tiger	Deletion App I	Adopted
6	<i>Onychogalea lunata</i>	Crescent Nailtail Wallaby	Deletion App I	Adopted
7	<i>Caloprymnus campestris</i>	Buff-nosed Rat-kangaroo	Deletion App I	Adopted
8	<i>Chaeropus ecaudatus</i>	Pig-footed Bandicoot	Deletion App I	Adopted
9	<i>Macrotis leucura</i>	Lesser Rabbit-eared Bandicoot	Deletion App I	Adopted
10	<i>Ceratotherium simum simum</i>	White Rhinoceros	Amend annotation	Withdrawn
11	<i>Loxodonta africana</i>	African Elephant	Transfer App I to App II	Withdrawn
12	<i>Loxodonta africana</i>	African Elephant	Amend annotation	Withdrawn
13	<i>Trichechus senegalensis</i>	West African Manatee	Transfer App II to App I	Adopted
14	<i>Caracara lutosa</i>	Guadalupe Caracara	Deletion App II	Adopted
15	<i>Gallus sonneratii</i>	Sonnerat's Junglefowl	Deletion App II	Rejected
16	<i>Ithaginis cruentus</i>	Blood Pheasant	Deletion App II	Rejected
17	<i>Lophura imperialis</i>	Imperial Pheasant	Deletion App I	Adopted
18	<i>Tetraogallus caspius</i>	Caspian Snowcock	Transfer App I to App II	Rejected
19	<i>Tetraogallus tibetanus</i>	Tibetan Snowcock	Transfer App I to App II	Rejected
20	<i>Tympanuchus cupido attwateri</i>	Attwater's Prairie-chicken	Transfer App I to App II	Adopted
21	<i>Campephilus imperialis</i>	Imperial Woodpecker	Deletion App I	Adopted
22	<i>Sceloglaux albifacies</i>	Laughing Owl	Deletion App II	Adopted
23	<i>Crocodylus acutus</i>	American Crocodile	Transfer Cispata Bay pop.App I to App II	Rejected
24	<i>Crocodylus porosus</i>	Saltwater Crocodile	Transfer Thailand pop.App I to App II with a zero quota for wild specimens	Rejected
25	<i>Crocodylus siamensis</i>	Siamese Crocodile	Transfer Thailand pop.App I to App II	Rejected
26	<i>Naultinus</i> spp.	New Zealand green geckos	Inclusion in App II	Adopted
27	<i>Protobothrops mangshanensis</i>	Mangshan Pit-viper	Inclusion in App II	Adopted
28	<i>Chelodina mccordi</i>	Roti Island Snake-necked Turtle	Transfer App II to App I	Maintained App II with zero quota
29	<i>Clemmys guttata</i>	Spotted Turtle	Inclusion in App II	Adopted
30	<i>Emydoidea blandingii</i>	Blanding's Turtle	Inclusion in App II	Adopted
31	<i>Malaclemys terrapin</i>	Diamondback Terrapin	Inclusion in App II	Adopted
32	Geoemydidae	Freshwater box turtles	Inclusion in App II	Adopted
33	<i>Cuora galbinifrons</i>	Indochinese Box Turtle	Transfer App II to App I	Addressed through Prop 32
34	<i>Geoemyda japonica</i>	Ryukyu Black-breasted Leaf Turtle	Inclusion in App II	Addressed through Prop 32
35	<i>Mauremys annamensis</i>	Annam Leaf Turtle	Transfer App II to App I	Addressed through Prop 32
36	Platysternidae	Big-headed turtles	Transfer App II to App I	Adopted
37	<i>Geochelone platynota</i>	Burmese Star Tortoise	Transfer App II to App I	Adopted

LISTING PROPOSALS SUBMITTED TO CoP16 AND OUTCOMES.

Prop. No.	Species	English common name	Proposal	Result
38	Trionychidae	Softshell turtles	Inclusion in App II	Adopted
39	<i>Epipedobates machalilla</i>	Machalilla Poison Dart Frog	Inclusion in App II	Adopted
40	<i>Rheobatrachus silus</i>	Southern Gastric-brooding Frog	Deletion App II	Adopted
41	<i>Rheobatrachus vitellinus</i>	Northern Gastric-brooding Frog	Deletion App II	Adopted
42	<i>Carcharhinus longimanus</i>	Oceanic Whitetip Shark	Inclusion in App II	Adopted
43	<i>Sphyrna lewini</i> , <i>S. mokarran</i> and <i>S. zygaena</i>	Scalloped Hammerhead Shark, Great Hammerhead Shark and Smooth Hammerhead Shark	Inclusion in App II	Adopted
44	<i>Lamna nasus</i>	Porbeagle Shark	Inclusion in App II	Adopted
45	<i>Pristis microdon</i>	Freshwater Sawfish	Transfer App II to App I	Adopted
46	<i>Manta</i> spp.	Manta rays	Inclusion in App II	Adopted
47	<i>Paratrygon aiereba</i>	Ceja River Stingray	Inclusion in App II	Rejected
48	<i>Potamotrygon motoro</i> , <i>Potamotrygon schroederi</i>	Ocellate River Stingray and Rosette River Stingray,	Inclusion in App II	Rejected
49	<i>Papilio hospiton</i>	Corsican Swallowtail butterfly	Transfer App I to App II	Adopted
50	<i>Yucca queretaroensis</i>	Queretaro Yucca	Inclusion in App II	Adopted
51	<i>Oberculicarya decaryi</i>	Jabihy	Inclusion in App II	Adopted
52	<i>Hoodia</i> spp.	Hoodia	Amendment to the annotation	Adopted
53	<i>Panax ginseng</i> and <i>Panax quinquefolius</i>	Ginseng	Amend the annotation to the listings in App I	Adopted
54	<i>Tillandsia kautskyi</i>	Kautsky's Tillandsia	Deletion App II	Adopted
55	<i>Tillandsia sprengeiana</i>	Sprengel's Tillandsia	Deletion App II	Adopted
56	<i>Tillandsia sucrei</i>	Sugar Tillandsia	Deletion App II	Adopted
57	<i>Dudleya stolonifera</i> and <i>Dudleya traskiae</i>	Laguna Beach Live-forever and Santa Barbara Island Live-forever	Deletion App II	Adopted
58	<i>Diospyros</i> spp.	Madagascan ebony woods	Inclusion of pop of Madagascar in App II, with annotation	Adopted
59	<i>Aniba rosaeodora</i>	Brazilian Rosewood	Modify annotation #12	Adopted
60	<i>Dalbergia cochinchinensis</i>	Thailand Rosewood	Inclusion in App II	Adopted
61	<i>Dalbergia retusa</i> and <i>Dalbergia granadillo</i>	Black Rosewood and Granadillo Rosewood	Inclusion in App II	Adopted
62	<i>Dalbergia stevensonii</i>	Honduras Rosewood	Inclusion in App II	Adopted
63	<i>Dalbergia</i> spp.	Malagasy rosewoods	Inclusion of pops of Madagascar in App II, with annotation	Adopted
64	<i>Senna meridionalis</i>	Taraby	Inclusion in App II	Adopted
65	<i>Adenia firingalavensis</i>	Lokoranga	Inclusion in App II	Adopted
66	<i>Adenia subsessifolia</i>	Katakata	Inclusion in App II	Adopted
67	<i>Uncarina grandidieri</i>	Uncarina	Inclusion in App II	Adopted
68	<i>Uncarina stellulifera</i>	Uncarina	Inclusion in App II	Adopted
69	<i>Osyris lanceolata</i>	East African Sandalwood	Inclusion in App II	Adopted for pops of KE, TZ,UG,RU, BU,ET with annotations
70	<i>Aquilaria</i> spp. and <i>Gyrinops</i> spp.	Agarwood	Delete current annotation and replace	Adopted
71	<i>Cyphostemma laza</i>	Laza	Inclusion in App II	Adopted