



CITES COP16 HIGHLIGHTS: THURSDAY, 7 MARCH 2013

Committee I reviewed proposals to amend Appendices I and II throughout the day. Committee II discussed, among other topics: reports from the Secretariat and TRAFFIC on monitoring the illegal killing of elephants (MIKE) and the elephant trade information system (ETIS); the proposed new resolution concerning the African Elephant Action Plan (AEAP) and African Elephant Fund (AEF); and introduction from the sea.

COMMITTEE I

PROPOSALS TO AMEND APPENDICES I AND II: On Thursday morning, Committee I began considering proposals to amend Appendices I and II (CoP16 Doc.77).

Rupicapra pyrenaica ornata: IRELAND, on behalf of the EU and its Member States and Croatia, introduced the proposal to transfer Abruzzo chamois (*Rupicapra pyrenaica ornata*) from Appendix I to Appendix II (CoP16 Prop.1), as endorsed by the AC. He noted that Italy, as the range state, had undertaken a Periodic Review for the species, and highlighted the strict protection in place at the national and regional level. Committee I accepted the proposal.

Vicugna vicugna: ECUADOR introduced the proposal to transfer vicuña (*Vicugna vicugna*) from Appendix I to Appendix II (CoP16 Prop.2), with an annotation specifying, among other things, enabling requirements. ARGENTINA, CHILE, QATAR, COSTA RICA, VENEZUELA, SENEGAL and COLOMBIA supported the proposal. MEXICO lauded the proposal, but queried whether the annotation could be amended to align its provisions with annotations of other vicuña listings. ECUADOR agreed, and IRELAND, on behalf of the EU and its Member States and Croatia, and PERU supported the proposal with the modified annotation. Committee I agreed to the proposal as amended.

Ursus maritimus: The US introduced the proposal to transfer the polar bear (*Ursus maritimus*) from Appendix II to Appendix I (CoP16 Prop.3). Noting the projected decline in polar bear habitat of 66% by 2050, and pointing to climate change, not trade, as the main threat to the species, he said an Appendix I listing "is not the solution, but is part of the solution" for the protection of the species.

In extensive discussions, parties expressed divergent views, differing on whether the polar bear met the scientific and trade criteria for uplisting.

Among others, INDIA, LIBERIA, SENEGAL, UKRAINE, NIGER, COMOROS and the CENTER FOR BIOLOGICAL DIVERSITY supported the US proposal.

The RUSSIAN FEDERATION strongly supported the US proposal, highlighting its concerns that legal international trade facilitates illegal trade and poaching of Russian sub-populations.

ICELAND, JAPAN, KUWAIT, SOUTH AFRICA and the ASSOCIATION OF WESTERN FISH AND WILDLIFE AGENCIES opposed it. GREENLAND, on behalf of Denmark, opposed the proposal on the grounds that the species does not meet the biological criteria, noting the proposal was recommended for rejection by the CITES Secretariat, IUCN, TRAFFIC and the majority of the IUCN/Species Survival Commission (SSC) Polar Bear Specialist Group.

CANADA rejected the US proposal, stating that the polar bear does not meet the criteria for an appendix transfer and that uplisting the species would put the integrity of the Convention at risk. A representative of the territorial government of Nunavut, Canada, spoke on behalf of the Arctic people of Canada and opposed the US proposal. He underscored the relationship between the Inuit and polar bear, and outlined domestic management arrangements, which he said are dynamic and adaptive. He stated CITES intervention is not in the best interest of polar bears.

Noting efforts to find common ground and a constructive way forward, IRELAND, on behalf of the EU and its Member States and Croatia, presented an amendment to the US proposal. He regretted that the gap between opposing positions among range states had not yet been bridged. Recognizing the need for CITES parties to engage in addressing climate change, he said parties also "can and must" do more for the polar bear within CITES, outlining the EU proposal to maintain the Appendix II listing with an annotation describing a "package of measures," including for range states to set export quotas at subpopulation levels and the AC to include the polar bear in the Review of Significant Trade (RST) as an urgent case to review before CoP17, along with several draft decisions.

Chair Caceres confirmed that, under Rule 23.5, any representative may propose an amendment to a proposal to reduce its scope or make it more precise, and said the EU proposal does this. ISRAEL challenged the Chair's ruling on the validity of the EU proposal (CoP16 Inf. 44), claiming it did not reduce the scope of CoP16 Prop.3. The motion went to a vote and did not obtain a simple majority. It was not carried, with 26 voting in favor, 73 against and 15 abstaining.



The range states of NORWAY and GREENLAND, on behalf of Denmark, supported the EU proposal, and NORWAY suggested revisiting CITES measures to protect the polar bear, including a possible Appendix I listing, at CoP17, based on updated scientific knowledge.

The US and NIGER opposed the EU proposal. The RUSSIAN FEDERATION opposed the EU proposal, saying it preserves the status quo. CANADA opposed the EU proposal, with an Inuit representative, on behalf of Canada, stating that it would undermine the management of polar bears by Inuit peoples and the Canadian government. EGYPT requested further clarification on the science.

BRAZIL welcomed the EU proposal but requested the deletion of the decision directed to the parties, noting that it more appropriately falls under the mandate of the UN Framework Convention of Climate Change (UNFCCC). In response, IRELAND, on behalf of the EU and its Member States and Croatia, recognized that climate change is the main stress on the polar bear's future and not a fundamental pillar of the draft decisions. He agreed to remove the decision related to climate change.

PARAGUAY requested clarification on declines in polar bear population estimates from the IUCN Polar Bear Specialist Group. IUCN said, *inter alia*: the global population of polar bears is approximately 20,000-25,000, which is not small; the area of distribution is not restricted; and the population has not undergone a marked decline from a hypothesized baseline, noting that each of these estimates is accompanied by a large degree of uncertainty. Noting that CITES guidelines only specify a 5 to 10 year timeframe when evaluating declines for Appendix II species, she recommended clarifying the time periods on which future declines can be estimated.

The NATURAL RESOURCES DEFENSE COUNCIL (NRDC), also on behalf of the International Fund for Animal Welfare (IFAW) and Humane Society International, noted, *inter alia*, increases in prices for polar bear hides and quotas in Canada, stressing that quotas in Canada are determined at the subnational, not national, level. He urged parties to support the US proposal.

INUIT TAPIRIIT KANATAMI stressed the potential impact of the decision on the livelihoods of Inuit populations and urged parties to oppose the US proposal.

The Committee voted on the EU proposal, with 63 in favor, 43 against and 17 abstaining. The Committee then voted on the US proposal, with 38 in favor, 42 against and 46 abstaining. Neither vote obtained the two-thirds majority needed to pass.

Pteropus brunneus: AUSTRALIA introduced its proposal (CoP14 Prop.4) to delete *Pteropus brunneus* (Dusky flying fox), from Appendix II, stating its intention to simplify the appendices by removing a species that is extinct. NEW ZEALAND and QATAR supported the proposal. The Committee agreed to the proposal.

Thylacinus cynocephalus, Onychogalea lunata, Caloprymnus campestris, Chaeropus ecaudatus, Macrotis leucura: AUSTRALIA presented its proposals to remove *Thylacinus cynocephalus* (Tasmanian tiger) (CoP16 Prop.5), *Onychogalea lunata* (Crescent nailtail wallaby) (CoP16 Prop.6), *Caloprymnus campestris* (Buff-nosed rat-kangaroo) (CoP16 Prop.7), *Chaeropus ecaudatus* (Pig-footed bandicoot) (CoP16 Prop.8), *Macrotis leucura* (Lesser rabbit-eared bandicoot) (CoP16 Prop.9) from Appendix I as a set.

AUSTRALIA said all five species are extinct and therefore it did not consider it necessary to apply the precautionary measure of moving the species from Appendix I to Appendix II to monitor its trade. NEW ZEALAND, QATAR, PARAGUAY and CHINA supported the proposals, and the Committee agreed.

Ceratotherium simum simum: KENYA outlined the objectives of its proposal for amending an annotation on the South Africa and Swaziland populations of *Ceratotherium simum simum* (Southern white rhino) listed in Appendix II to specify a temporary zero quota on hunting trophies (CoP16 Prop.10). He explained the aim was to reduce the quantity of legal rhino horn entering illegal markets and to reduce, as a result, poaching in Kenya and other rhino range states. Noting opposition from some parties to the proposed annotation, he outlined a number of consultations held on the proposal and its goals, and announced the withdrawal of the proposal. He asked parties to instead consider and support the decisions contained in CoP16 Doc.54.1 and Doc.54.2, to be discussed in Committee II. The proposal was withdrawn.

Loxodonta africana: BURKINA FASO, also on behalf of Kenya, withdrew their proposal on *Loxodonta africana* (African elephant) (CoP16 Prop.12). KENYA called on parties to: address illegal killing of and trade in elephants; address consumer demand; and respect the moratorium on ivory.

Trichechus senegalensis: SENEGAL, with BENIN and SIERRA LEONE, presented the proposal to transfer *Trichechus senegalensis* (West African manatee) from Appendix II to Appendix I (CoP16 Prop.13). SENEGAL noted actions being taken by range states, and their general support for the listing proposal. Acknowledging the limited data available on the species and its status, BENIN underscored the threat to the species from illegal international trade and the need to adopt a precautionary approach to its conservation. Numerous delegates expressed support for the proposal, including COLOMBIA, the US, EGYPT and HUMANE SOCIETY INTERNATIONAL, on behalf of the Species Survival Commission (SSC). The CONVENTION ON MIGRATORY SPECIES (CMS) highlighted efforts under CMS, including a Memorandum of Understanding (MoU) on the conservation of the manatee and small cetaceans of Western Africa and Macaronesia.

Committee I accepted the proposal by consensus.

Caracara lutosa: MEXICO introduced its proposal to delete *Caracara lutosa* (Guadalupe caracara) (CoP16 Prop.14) from Appendix II, noting that the species is extinct. PARAGUAY, PERU, VENEZUELA, BRAZIL, AUSTRALIA, CHILE and NEW ZEALAND supported the proposal, with NEW ZEALAND adding that an annotation was not needed. Committee I agreed to the proposal.

Gallus sonneratii: NEW ZEALAND, on behalf of the AC, presented the proposal on the removal of *Gallus sonneratii* (grey junglefowl) from Appendix II (CoP16 Prop.15). INDIA, supported by PAKISTAN and QATAR, opposed the proposal, highlighting concerns about declining populations and the potential for a de-listing to threaten the species by promoting trade in feathers. The US noted India's opposition and supported their position. The US, supported by AC Chair Solana, urged states to participate in Periodic Reviews. Committee I did not accept the proposal.

Ithaginis cruentus: NEW ZEALAND, on behalf of the AC, introduced the proposal to remove *Ithaginis cruentus* (blood pheasant) from Appendix II (CoP16 Prop.16), noting the outcome of the Periodic Review indicated it no longer met listing criteria.

Range states CHINA, INDIA, NEPAL and BHUTAN, supported by PAKISTAN, opposed the proposal, indicating deletion from the Appendix might trigger international trade that would threaten the species. The US supported range state views, but noted “frustration” that range states had not responded during the Periodic Review.

The Committee did not accept the proposal.

Lophura imperialis: FRANCE introduced the proposal to delete *Lophura imperialis* (Imperial pheasant) (CoP16 Prop.17) from Appendix I. He reported that *Lophura imperialis* is a hybrid between *L. edwardsi* (Edward's pheasant), which is also listed, and *L. nycthemera*. VIET NAM, the range state, supported the proposal. Parties agreed to support the proposal with the Secretariat's editorial modification.

Tetraogallus caspius: NEW ZEALAND, on behalf of the AC, introduced the proposal to transfer *Tetraogallus caspius* (Caspian snowcock) (CoP16 Prop.18) from Appendix I to Appendix II. He said the population does not meet the criteria for an Appendix I listing. GEORGIA supported downlisting if the other six range states agreed. ARMENIA informed parties its population is vulnerable and opposed the proposal. GEORGIA then opposed the proposal.

Committee I rejected the proposal.

Tetraogallus tibetanus: NEW ZEALAND, on behalf of the AC, introduced the proposal to transfer *Tetraogallus tibetanus* (Tibetan snowcock) from Appendix I to Appendix II (CoP16 Prop.19), noting the Periodic Review found the species no longer meets the biological criteria for Appendix I. Range states CHINA, INDIA, NEPAL and BHUTAN, supported by QATAR, opposed the proposal, citing lack of data and concerns that a downlisting would spur trade. AC Chair Solana recognized the right of range states to participate in appendix listings and transfers, but cited concern with justifications raised in the discussion based on anecdotal observations and data gaps.

Committee I did not accept the proposal.

Tympanuchus cupido attwateri: SWITZERLAND, on behalf of the US, presented the proposal to transfer *Tympanuchus cupido attwateri* (Attwater's greater prairie chicken) from Appendix I to Appendix II (CoP16 Prop.20). The US supported the proposal, saying the species is intensively managed and protected in the US, and no threat is posed by the appendix transfer.

Committee I agreed to the proposal.

Campetherus imperialis: MEXICO introduced the proposal to delete *Campetherus imperialis* (Imperial woodpecker) from Appendix I, noting it is extinct. AUSTRALIA, PARAGUAY and VENEZUELA supported the proposal. The Committee agreed to the proposal.

Sceloglaux albifacies: NEW ZEALAND introduced the proposal to remove *Sceloglaux albifacies* (laughing owl) (CoP16 Prop.22) from Appendix II, noting that it is extinct. AUSTRALIA and VENEZUELA supported the proposal. The Committee agreed to the proposal.

COMMITTEE II

ELEPHANTS: MIKE: The CITES Secretariat introduced document CoP16 Doc.53.1 and the addendum. Before discussing the document, the IUCN African Elephant Specialist Group provided a report, highlighting decline in data quality, habitat loss and human-wildlife conflict. The Secretariat explained that MIKE evaluates relative poaching levels based on the proportion of illegally killed elephants (PIKE), calculated by dividing the number of illegally killed elephants by the total number of elephant carcasses found, aggregated by year for each site.

He noted increased trends in illegal killing of elephants. He emphasized correlations between higher levels of poaching and: poverty; poor enforcement; corruption; and demand. He stressed that all these factors must be addressed to curb poaching.

KENYA welcomed the reference to the correlation between illegal killing and demand. He said the demand is too high and asked for a ban in the sale of ivory. INDIA requested to develop a sustainable funding mechanism to support MIKE, which IRELAND, on behalf of the EU and its Member States and Croatia, pledged to continue to support. CHINA expressed concern for the rise in illegal trade. While acknowledging the importance of international cooperation, he said the primary responsibility for preventing poaching lies with the African range states. SWAZILAND said demand would never be eliminated and recommended focusing efforts on reducing demand and making it sustainable. DEMOCRATIC REPUBLIC OF CONGO called for a higher-level response in the form of an international force. INTERNATIONAL RANGER FEDERATION highlighted the loss of human lives in implementing CITES decisions on elephants. He called for a full ban on ivory trade.

The Committee took note of the report.

Monitoring of illegal trade in ivory and other elephant specimens: Report of the Secretariat: The Secretariat introduced the document (CoP16 Doc.53.2.1), noting the amount of seized ivory has escalated since CoP15 and is at its highest level in the 16-year period examined by ETIS. He noted the need for better communication, collaboration and coordination, and the use of controlled delivery techniques and wildlife forensic technology.

Chair Gabel proposed, and the Committee agreed, considering the draft decisions in this report together with the draft decisions in the TRAFFIC report.

ETIS report of TRAFFIC: TRAFFIC presented the relevant report (CoP16 Doc.53.2.2 (Rev.1)). He pointed to Thailand, Malaysia, the Philippines, Viet Nam, Hong Kong (SAR), South Africa, Kenya, Tanzania and China as “priorities of greatest concern” with regards to illegal ivory trade. He stated that the amount of ivory seized in 2011 was indicative of organized crime. He said the nine-year moratorium and one-off sale of ivory in the same year sent “mixed signals,” and made it difficult to estimate the effects of CITES decisions.

The US proposed the CoP follow the lead of SC63 and develop country-specific actions on ivory trade and markets. CHINA lamented the focus on a select group of Asian countries. SWAZILAND noted that 40% of the illegal trade could be addressed by engaging China and Viet Nam and thus supported efforts to improve investigative techniques.

WWF called for strong measures to make countries accountable for the implementation of their commitments, which he said are important for the reputation of CITES.

The Committee suspended discussion on these two agenda items and called for a working group to revise the draft decisions, consisting of the US, IRELAND on behalf of the EU and its Member States and Croatia, the PHILIPPINES and KENYA. The Working Group will report back on Friday, 8 March.

Proposed new resolution concerning the AEAP and AEF: NIGERIA proposed a new resolution concerning the AEAP and AEF (CoP16 Doc.53.3 (Rev. 2)). LIBERIA, BURKINA FASO and BAHRAIN supported the resolution, while IRELAND, on behalf of the EU and its Member States and Croatia, emphasized that range states should prioritize fundraising at a national level.

The Secretariat was supportive of the resolution, but stated it would have difficulty fulfilling the requests due to lack of capacity.

Draft revision of Resolution Conf.10.10 (Rev.COP15) on trade in elephant specimens: The Secretariat introduced the relevant document (COP16 Doc.26 (Rev.1)) and provided background information, noting the draft revision merges and streamlines different proposals.

MOZAMBIQUE called for delinking the trade in raw ivory from the AEAP and proposed the establishment of a drafting group to amend the wording. CHINA questioned the proposed recommendation in the draft revision asking range states to maintain an inventory of their ivory stockpiles.

Chair Gable suspended the discussion and established a drafting group joined by THAILAND, INDIA, SOUTH AFRICA, INDONESIA, MALAYSIA, GERMANY, on behalf of the EU and its Member States and Croatia, KENYA, CHINA and the US.

Decision-making mechanism (DMM) for a process of trade in ivory and proposal to amend Decision 14.77 on a (DMM) for a future trade in elephant ivory: The Secretariat introduced the document on a DMM for a process of trade in ivory (COP16 Doc.36 (Rev.1)), underlining that this mechanism does not propose ivory trade but instead: clarifies the basis for the CoP to make a decision on whether to authorize commercial international trade in ivory; specifies criteria needed for such trade; explains the organization and management of any future trade; and determines the roles of CITES bodies in monitoring and evaluating compliance. In the decisions, the Secretariat directed the SC to postpone approval of the mechanism to COP17, establish a working group with regional representation from range states, among others, and conduct work in both French and English.

BURKINA FASO introduced COP16 Doc.37 (Rev.1) on amending Decision 14.77 on a DMM for a future trade in elephant ivory, which also requests postponement of the mechanism to COP17.

INDIA called for caution in pursuing this mechanism. The WILDLIFE CONSERVATION SOCIETY (WCS), supported by the ENVIRONMENTAL INVESTIGATION AGENCY (EIA), opposed the focus on the DMM, believing it distracts from law enforcement and demand reduction. SOUTH AFRICA, supported by BOTSWANA, expressed disappointment in the delay in implementing Decision 14.77, and thus did not support either document.

The Chair asked the proponents of the two resolutions to confer to find compromise text.

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 presented the document (COP16 Doc.73 (Rev.1)). She presented a draft decision directing the SC to establish a working group to further review and revise Resolution Conf.10.9 in advance of COP17.

SIERRA LEONE supported the proposed draft decision and amendments, while BOTSWANA and SOUTH AFRICA opposed them. The US, supported by IRELAND, on behalf of the EU and its Member States and Croatia, noted that the draft decision presented by CÔTE D'IVOIRE was similar to the draft decision proposed by the Secretariat in COP16 Doc.73 (Rev.1), and suggested harmonizing them. The Chair suspended discussion to allow the Secretariat and CÔTE D'IVOIRE to consult.

TRADE CONTROL AND MARKING: Introduction

from the sea: The Secretariat introduced the relevant document (COP16 Doc.32 (Rev.1)), highlighting the work of the Working Group on Introduction from the Sea and the development of draft decisions and revisions to existing resolutions.

AUSTRALIA highlighted that the proposed revisions provide clarity on the role of flag and port states in the introduction from the sea process. BRAZIL, the US, CANADA, NEW ZEALAND, NORWAY, PEW ENVIRONMENT GROUP and others welcomed the proposed revisions and draft decisions, including the amendments on the draft decisions set forth in the revised EU proposal (COP16 Inf.48), circulated by IRELAND, on behalf of the EU and its Member States and Croatia. CHINA noted that their views are not reflected in the document. He and INDIA opposed adopting the results of the Working Group. ARGENTINA and others objected to the text.

To address the lack of consensus, Chair Gabel called for a vote to adopt the revised resolutions, including the text in brackets, and the draft decisions as amended by the EU proposal. The vote carried, with 56 in favor, 15 opposed and 14 abstaining.

Improving the efficiency of international cooperation on permit and certificate verification: CHINA introduced the document on improving the efficiency of international cooperation on permit and certificate verification (COP16 Doc.35 (Rev.1)). IRELAND, on behalf of the EU and its Member States and Croatia, AUSTRALIA, the US, CHINA and SOUTH AFRICA volunteered to participate in a working group to amend Resolution Conf.12.3 on Permits and Certificates instead of considering the proposed new draft resolution.

Cross-border movement of musical instruments: The US introduced the document on cross-border movement of musical instruments (COP16 Doc.40 (Rev.1)), addressing challenges faced by musicians and institutions traveling with musical instruments containing CITES-listed species. She proposed an amendment to add to the groups allowed certain permits, then proposed a working group be set up to refine this text. The Chair agreed, and CANADA, AUSTRALIA, GERMANY, IRELAND, SWITZERLAND, CHINA, SOUTH AFRICA and INDONESIA volunteered to join.

IN THE CORRIDORS

Many participants teared up in reaction to dramatic statistics on the loss of human life in the fight against elephant poaching, described by the International Ranger Federation in Committee II. Some highlighted how the plight of the widows and orphans of rangers killed in the line of duty is often "lost in the cracks," while the world focuses on images of slaughtered elephants. The morning discussions on elephants revealed great uncertainty, with divergent data and views on: range-wide population trends; correlations between one-off sales and poaching; and whether a complete ban or a mechanism allowing controlled trade represented the most promising way forward. Meanwhile, Committee I listened to conflicting views and impassioned statements on polar bears. The US proposal to uplist the polar bear and the EU's compromise text both failed to gain the two-thirds majority needed for acceptance, but one NGO reminded her colleagues that "this is just a Committee — nothing is final until next week, in the CoP." Another noted the large number of parties that abstained, suggesting the potential to pick up a few extra votes over the next week.