



CITES COP16 HIGHLIGHTS: TUESDAY, 5 MARCH 2013

In the morning, participants convened in an extraordinary plenary to discuss the Rules of Procedure. The work of the Committees resumed before lunch. Committee I discussed saiga antelope and snakes. Committee II reviewed CITES resolutions. The Working Group on Rules of Procedure met during lunch.

In the afternoon, Committee I resumed discussions on snake trade and conservation. It then reviewed sharks and stingrays, queen conch and Madagascar. The Committee also began consideration of agarwood-producing taxa.

Committee II addressed: the review of resolutions; conflicts of interest; the CITES Strategic Vision; cooperation with other multilateral environmental agreements (MEAs) and other biodiversity-related conventions; and the International Consortium on Combating Wildlife Crime (ICWC). Discussions on arrangements for meetings were deferred to Wednesday, and an informal group on sturgeon was formed in anticipation of discussions next week. Working groups were also formed on the queen conch and conflicts of interest.

PLENARY

ADMINISTRATIVE MATTERS: Rules of Procedure: In the morning, delegates convened in an extraordinary plenary, chaired by SC Chair Øystein Størkersen, to resume discussions on the Rules of Procedure related to the use of secret ballots for voting.

The Chair of the Credentials Committee, Zhihua Zhou (China), provided a report on the work of the committee, announcing 127 parties had confirmed credentials, nine had credentials pending confirmation and several had not yet submitted their credentials.

Chair Størkersen re-introduced the discussion on the Rules of Procedure, noting that divergent views had been expressed on Sunday, 3 March, when the issue was initially raised. He suggested the CoP vote on the decision in CoP16 Doc.4.2 (Rev.1), submitted by the EU. Several interventions followed, questioning whether the outcome of such a vote would be decided by a simple or two-thirds majority, with opposing views expressed on whether this vote concerned a procedural or substantive issue. CITES Secretary-General John Scanlon clarified that no decision had been taken on the majority needed

for the proposal to pass but explained if the proposal was supported by less than a simple majority or more than a two-thirds majority, no such decision would be needed.

Extensive discussion followed, with many parties expressing confusion during the debates. Chair Størkersen emphasized that a ruling of the Chair could only be changed by a point of order.

MEXICO supported the Chair's proposal on the way forward. ICELAND asked that this vote be taken by secret ballot. SOUTH AFRICA expressed concern about voting without agreement on how to rule on the outcome of the vote raised a point of order based on Rule 21, that parties should work as far as possible to reach consensus on draft resolutions and decisions. SOUTH AFRICA said she was unconvinced the CoP had exhausted efforts to reach consensus, and requested re-opening debate before taking a vote. Several delegations applauded this intervention. ZAMBIA supported South Africa, and pointed to Rule 18 of the Convention on resolving disputes by negotiation. JAPAN made a procedural motion to apply a two-thirds majority to the outcome of the vote on the draft decision in CoP16 Doc.4.2 (Rev.1), and requested the CoP vote on the motion immediately.

Chair Størkersen, noting that parties wanted a decision on how the CoP would rule on the outcome of a vote before going to a vote, ruled for a simple majority. JAPAN raised a point of order requesting a two-thirds majority.

The Secretariat noted that the number of credentials had been updated to 134. Credentials Committee Chair Zhou, supported by GUINEA and CANADA, requested clarification on the source of this new total. The Secretariat responded it would consult with the Credentials Committee. CHINA, GRENADA, ICELAND and the RUSSIAN FEDERATION supported the motion of SOUTH AFRICA, with CHINA, ICELAND and the RUSSIAN FEDERATION stating that if the motion of Japan was to go forward first, they requested the vote be taken by secret ballot. SOUTH AFRICA reiterated the need to consider the issue of consensus before moving forward on Japan's motion.

The SC Chair proposed deferring the issue to Wednesday morning and asked SOUTH AFRICA to chair a working group on Rules of Procedure. He noted that, in absence of agreement, he will propose to revert back to Japan's proposal on voting.



COMMITTEE I**SPECIES TRADE AND CONSERVATION: Saiga**

Antelope: The Secretariat introduced the relevant document (CoP16 Doc.56), highlighting collaboration on saiga antelope with the Convention on the Conservation of Migratory Species of Wild Animals (CMS). He stressed that none of the range states had submitted their reports or implemented the CoP15 decisions. He noted that as a result he could not provide an assessment of the status of such decisions. He noted some threats faced by the species, including: the ongoing construction of a border fence between Uzbekistan and Kazakhstan, which could prevent saiga migration and facilitate poaching; livestock competition; disease; and illegal trade.

He highlighted the draft decisions, calling, *inter alia*, on range states to implement the measures that are contained in the Medium-Term International Work Programme for the Saiga Antelope (2011-2015), developed in support of the Memorandum of Understanding (MoU) concerning conservation, restoration and sustainable use of the Saiga Antelope and its Saiga Action Plan. He also highlighted the decision directed to consumer and trading countries of saiga parts and derivatives to contribute financially towards saiga antelope conservation.

CMS clarified, in response to a query from JAPAN, that the online saiga antelope database is being developed by the Saiga Conservation Alliance and the Association for the Conservation of Biodiversity of Kazakhstan (ACBK), as MoU Coordinators, and will be launched in June 2013.

The RUSSIAN FEDERATION proposed listing saiga antelope under CITES Appendix I, noting that a draft proposal is under preparation. CHINA questioned whether an Appendix I listing would be warranted, in light of the planned efforts and cooperation. The US and IRELAND, on behalf of the EU and its Member States and Croatia, expressed support for the proposed draft decisions. The US noted concern about the lack of reporting.

The Committee agreed to the proposed decisions.

Snake Trade And Conservation Management:

SWITZERLAND introduced the document (CoP16 Doc.57 (Rev.1)) on behalf of the SC. He reported on, *inter alia*, a workshop on trade of snakes in Asia (Decision 15.75) and introduced draft decisions on: a study of production systems for Asian snakes listed in Appendix II; guidance for making non-detriment findings (NDFs); methods for differentiating wild from captive species; a traceability system; capacity building and training; and collaboration on enforcement.

INDONESIA suggested several amendments to the draft decisions, including guidelines on wild population production systems and establishing a cost-effective marking system for captive-bred products. CHINA stressed the need to maintain a balance between trade in and conservation of Asian snake species.

The AC Chair noted a draft decision in paragraph 84 of CoP16 Doc.10.2.1 (Rev.1) on the final IUCN red list assessments for Asian snakes, which the AC recommended the CoP adopt. The Committee agreed.

Sharks and Stingrays: Committee I Chair Caceres

introduced the document (CoP16 Doc.61 (Rev.1)). NEW ZEALAND presented on the main activities of the Sharks Working Group since CoP15 and introduced two draft decisions as well as proposed amendments to Resolution Conf.12.6 (Rev. CoP15) on conservation and management of sharks. The first draft decision directs the Secretariat to: request parties to submit information on domestic laws and regulations concerning sharks; make this information available on the CITES website; and collaborate with the Food and Agriculture Organization (FAO) to develop a single resource on current Regional Fisheries Management Organization (RFMO) measures for sharks. The second draft decision, for which he suggested minor wording changes, directs parties to engage with the work of CMS. He also noted the Secretariat's suggestion to either delete Decision 15.85 on freshwater stingrays or transfer it to Resolution Conf.12.6 (Rev. CoP15).

COLOMBIA, as well as AUSTRALIA, supported retaining text on freshwater stingrays within Resolution Conf.12.6. CHINA suggested deleting the final clause of operative paragraph six in Resolution Conf.12.6, citing duplication with operative paragraph eight. IRELAND on behalf of the EU and its Member States and Croatia, HONDURAS and COLOMBIA agreed to the proposed draft decisions and resolution amendments. CMS and FAO reported on synergies with CITES. IUCN proposed additional text on the need for details specifying the nature of reported data on sharks. NEW ZEALAND agreed to deleting the final clause of operative paragraph six, as suggested by CHINA, but suggested adding the text proposed by IUCN to operative paragraph eight. MEXICO requested time to review the proposed textual revisions.

The Committee agreed to the proposed draft decisions, including the amendments by the Secretariat and New Zealand, and also agreed to delete the final clause of operative paragraph six in Resolution Conf. 12.6. Chair Caceres proposed, and parties agreed, to delay decisions about the wording of operative paragraph eight until the following day.

Sea Cucumbers: NEW ZEALAND introduced the document (CoP16 Doc.64 (Rev.1)), noting, *inter alia*, close collaboration between CITES and FAO. He said the AC believes its mandate fulfilled and recommends repealing Decision 14.100 (Rev. CoP15).

COLOMBIA requested additional explanation from the AC on its conclusions and follow-up. ECUADOR, supported by AUSTRALIA, on behalf of Oceania, recommended postponing the decision to repeal Decision 14.100 until CoP17. NEW ZEALAND, supported by the US, responded that the Working Group felt their mandate was fulfilled and said parties could propose Appendix II or III listings. NORWAY agreed, noting the need to distinguish between CITES and FAO tasks. JAPAN and CHINA also supported repealing Decision 14.100. AC Chair Solana agreed the mandate of Decision 14.100 had been fulfilled, and suggested additional work would require a further mandate.

AUSTRALIA said it would not block consensus. Noting that it has species listed under Appendix III, ECUADOR agreed to join the consensus. Parties agreed to repeal Decision 14.100.

Queen Conch: Colombia presented the document (CoP16 Doc.65 (Rev.1)) on regional cooperation on the management of and trade in the queen conch (*Strombus gigas*), and requested the establishment of a working group to address draft decisions concerning trade in and conservation of the species.

COLOMBIA, BELIZE, BAHAMAS, JAMAICA, the US, FRANCE and the UK, on behalf of the EU and its Member States and Croatia, CUBA, MEXICO, DOMINICAN REPUBLIC and ANTIGUA AND BARBUDA volunteered to participate in the working group, with COLOMBIA chairing. The Working Group will report back on Thursday, 7 March.

Madagascar: PC Chair Clemente-Muñoz introduced the draft decisions in the document (CoP16 Doc.66 (Rev.1)). Nomenclature Specialist Noel McGough (UK) highlighted work by Madagascar, including: development of identification techniques; preparation of identification material; field surveys for NDFs; and submission of proposals to CoP16 (CoP16 Prop. 51, 58, 63-66 and Prop.71). He said this work completes tasks outlined in Decision 15.97 and recommended repealing it.

MADAGASCAR described its activities on, *inter alia*: development of timber identification methodologies, noting its preference for simple, low-cost techniques; preparation of an identification guide on nineteen timber species, including seventeen *Dalbergia* and seven *Diospyros* species on the basis of macroscopic characteristics (PC20 Inf.3); capacity building for customs agents; a pilot project on community-based sustainable management; and ongoing studies to gather data on the trade of five succulent species.

IRELAND, on behalf of the EU and its Member States and Croatia, agreed the tasks had been accomplished and welcomed ongoing work by Madagascar. Parties agreed to note the document and reports and to repeal Decision 15.97.

Agarwood: The Chair introduced the PC Report (CoP16 Doc.67.1 (Rev.2) and the draft resolution on implementation of the Convention for agarwood-producing taxa (CoP16 Doc.67.2 (Rev.1)). PC Chair Clemente-Muñoz emphasized the extension of the application of Resolution Conf. 10.13 on implementation of the Convention for timber species to include not only timber but also traded tree species. KUWAIT noted that the draft resolution amended definitions of “artificially propagated plants” in Decision 15.94 on agarwood-producing taxa, which do not currently apply to field conditions, or to mixed-species plantations prevalent in the tropics. AUSTRALIA, supported by INDONESIA, CANADA, CHINA and BAHRAIN, preferred the scope and definitions in the draft resolution. The US and IRELAND, on behalf of the EU and its Member States and Croatia, requested forming a drafting group on the draft resolution. The Chair said the discussion would continue on Wednesday.

COMMITTEE II

INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION: Review of Resolutions: The Secretariat introduced proposed amendments to resolutions contained in the annexes to the review of resolutions document (CoP16 Doc.25A1-11).

On Resolution Conf. 9.6 (Rev.) on trade in readily recognizable parts and derivatives in Annex three, the Committee discussed the exemption from CITES provisions of ambergris from sperm whale, urine and faeces. After a debate, the Committee agreed to the exemption of all three with amended language proposed by IRELAND, on the behalf of the EU and its Member States and Croatia. On Resolution Conf. 12.3 (Rev. CoP15) on permits and certificates contained in Annex eight, many countries disagreed with the Secretariat’s definition of “state of usual residence.” The Secretariat deleted the relevant text. IRELAND, on behalf of the EU and its Member States and Croatia, supported by the US, objected to the amendment of Resolution Conf.12.10 (Rev.CoP15) (registration of operations that breed Appendix-I animal species for commercial purposes) in Annex nine. The Committee rejected the change.

The Committee, *inter alia*, agreed to: revisions to Resolution Conf.9.5 (Rev.CoP15) on trade with states not party to the Convention in Annex two; minor changes to Resolution Conf.9.24 (Rev.CoP15) on criteria for amendment of Appendixes I and II in Annex four; and minor changes to Resolution Conf. 13.8 on participation of observers at meetings of the CoP in Annex 11.

STRATEGIC MATTERS: Potential conflicts of interest in the Animals and Plants Committees: IRELAND, on behalf of the EU and its Member States, Croatia and Iceland, introduced the document (CoP16 Doc.11 (Rev.1)) citing that, unlike other conventions, there are no provisions on conflict of interest for the CITES AC and PC. He introduced the proposal, which says, *inter alia*, that: candidates should disclose any current or past professional, financial or other interest that could call into question their impartiality, objectivity or independence in carrying out their duties; the declaration of interests of members shall be made publicly available by the Secretariat; and when a member, or the Secretariat, considers that this representative has a professional, financial or other interest that could call into question his or her impartiality, the Committee should be informed in advance, as the concerned member may participate in the discussion but not in the making of any decision on that subject.

NEW ZEALAND, AUSTRALIA, NORWAY and COLOMBIA supported the proposal. The US noted that the current proposal needs further clarification, including narrowing the scope to financial matters. CANADA, while supportive of addressing the issue, noted that the disclosure to the public of the declaration of interest is not warranted. CHINA, supported by INDONESIA, expressed concerns, noting that “conflict of interest” should be clearly defined and not apply to past conflicts of interests or those that could arise in the future. PC Chair Clemente-Muñoz called for ensuring transparency. The Committee established a working group to address the issue. IRELAND, on behalf of the EU and its Member States and Croatia, agreed to chair it. The US, CANADA, AUSTRALIA, NEW ZEALAND, CHINA, the UK, MEXICO, KENYA, NORWAY and JAPAN joined.

CITES Strategic Vision: The Secretariat presented the revised CITES Strategic Vision (CoP16 Doc.12), as agreed by the SC. Among the changes, he highlighted its extension to

2020 and references to the CBD Strategic Plan for Biodiversity and relevant Aichi Biodiversity Targets. He noted that if CITES could demonstrate its contribution to the Strategic Plan and Aichi Targets, there might be opportunities for CITES to access GEF financing.

IRELAND, on behalf of the EU and its Member States and Croatia, JAPAN and BRAZIL supported the revised text. The US, supported by INDIA, preferred excluding reference to the Aichi Targets and outcomes of the UN Conference on Sustainable Development (UNCSD or Rio+20) in the Strategic Vision. COLOMBIA agreed on the exclusion of Aichi Targets but wished to retain mention of Rio+20 outcomes.

Following consultations, the Committee agreed to delete text on the green economy in the general introduction, and to retain reference to the Aichi Targets and the Rio+20 outcomes, taking note that the US opposed these elements.

Cooperation with Organizations and MEAs and Draft Resolution and Decision on the Cooperation of CITES with Other Biodiversity-Related Conventions: The Secretariat introduced the relevant document on MEAs (CoP16 Doc.13) and suggested that cooperation efforts undertaken to implement goal three of the CITES Strategic Vision on cooperation fell into several clusters. He cited, in particular, cooperation with: FAO on the conservation and sustainable use of sharks; the International Tropical Timber Organization (ITTO) on trade in tropical timber; CMS on saker falcon, elephants, saiga antelope and sharks; and the CBD on integrating CITES priorities into National Biodiversity Strategies and Action Plans (NBSAPs).

Switzerland then introduced document CoP16 Doc.14 (Rev.1) and relevant draft resolution and decisions, related to the collaboration of CITES with biodiversity-related conventions.

CMS welcomed the report of the Secretariat. She noted that at CMS CoP10 in 2011, two species relevant to CITES were listed on the CMS Appendices, namely the saker falcon and the argali. She highlighted the meeting held in Bishkek, Kyrgyzstan in December 2012 on developing an argali action plan. She noted that argali sheep is particularly relevant to CITES because of the trophy hunting of the species. She then provided updates on the Sharks MoU.

IRELAND, on behalf of the EU and its Member States and Croatia, expressed support for the proposal by Switzerland and provided minor comments to ensure coherence in national-level implementation in addition to cooperation. The US expressed concern with the amount of time invested in the collaborative efforts and proposed reviewing and rationalizing existing resolutions on cooperation. She opposed the draft decision in CoP16 Doc.13.

Following amendments, the Committee agreed to both documents, now considered as one.

ICCWC: The Secretariat introduced the document on the ICCWC (CoP16 Doc.15 (Rev.1)), outlining the Consortium and its development, and noting, among other things, the recruitment of a junior professional staff member for a short-term post in the Secretariat, funded by the UK. The creation and work of the ICCWC was welcomed by the US, IRELAND, on behalf of the EU and its Member States and Croatia, AUSTRALIA, SOUTH AFRICA, DEMOCRATIC REPUBLIC OF CONGO and EL

SALVADOR. WWF, also on behalf of TRAFFIC, urged states, among other things, to implement the ICCWC wildlife and forest crime analytic toolkit. Committee II noted the report with appreciation.

Cooperation between Parties and Promotion of Multilateral Measures: SOUTH AFRICA introduced the relevant document (CoP16 Doc.18 (Rev.1)), highlighting the activities of the Working Group on Multilateral Measures. She said that the SC agreed it would be useful for the Secretariat to initiate a portal or web-based system for parties to provide information on their stricter domestic measures on a voluntary basis. She also noted the draft decisions, including the request that the Secretariat commission a consultancy report to assess whether all parties to the CoP implement resolutions consistently and whether there is a need to clarify, revise or repeal them.

INDIA pointed out that strict domestic measures may not always be implemented solely to fulfill CITES obligations. While supporting the establishment of a database, he objected to having a foreign consultant review and assess domestic legislation based on the current terms of reference. The US proposed changes to the terms of reference. The Committee agreed to the draft decisions taking into consideration, among other things, the concerns of the US.

ADMINISTRATIVE MATTERS

ARRANGEMENTS FOR MEETINGS: The Committee agreed to address the issue (CoP16 Doc.9 (Rev.1)) on Wednesday afternoon, to allow time for Rwanda and the Central African Republic to consult with the Secretariat.

IN THE CORRIDORS

Delegates left the morning's extraordinary plenary with many voicing frustration over failure to reach a consensus on voting by secret ballot. Several expressed confusion about the entire morning's debates. One explained he had lost track of whether he was supposed to vote on the secret ballot issue, or the majority needed to even address the secret ballot issue. This widespread uncertainty led to a plenary that one insider described as "full of ire" and another noted "had more passion than reason," with some delegates shouting and others banging placards. For some delegates, the debates also highlighted the intense pressures faced by those guiding discussions at the CoPs, with SC Chair Størkersen remarking that this was "the most contentious issue I have ever had on my plate." Many recognized the expertise possessed by some CITES senior staff, such as Jonathan Barszdo and Marci Yeater, whom one delegate referred to as the "gold medalists of CITES," for their ability to provide guidance to the parties. Another voiced concern about the impending loss of institutional memory when these individuals retire. Meanwhile, the contentious debate over the secret ballots will continue Wednesday morning in what promises to be another "extraordinary" extraordinary plenary.