

CITES COP16 HIGHLIGHTS: WEDNESDAY, 6 MARCH 2013

In the morning, the extraordinary plenary completed its discussions on Rules of Procedure. Committee I discussed agarwood, bigleaf mahogany, periodic review of the appendices and other matters. Committee II addressed CITES and livelihoods, wildlife trade policy reviews, capacity building and other issues.

Committee II Chair Gabel noted that agenda items 73 (proposed revision of Resolution Conf.10.9 on consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II), 36 (decision-making mechanism (DMM) for a process of trade in ivory) and 37 (proposal to amend Decision 14.77 on a DMM for a future trade in elephant ivory) would be discussed together on Thursday.

The Working Group on Conflicts and the informal working group on sturgeon met today. Committee II called for a small working group on CITES and livelihoods. Mexico announced that the Working Group on IPBES would meet Thursday.

PLENARY

ADMINISTRATIVE MATTERS: Rules of Procedure:

In the morning, delegates convened in another extraordinary plenary, chaired by SC Chair Øystein Størkersen, to resume discussions on the question of the majority required to decide on a motion for a secret ballot. The Chair of the Credentials Committee, Zhihua Zhou (China), updated the number of parties with confirmed credentials to 136.

SOUTH AFRICA, Chair of the Friends of the Chair Working Group established by the extraordinary plenary on Tuesday, reported that the group had failed to reach consensus on both the decision in CoP16 Doc.4.2 (Rev.1), submitted by the EU, and the majority required to amend the Rules of Procedure. SOUTH AFRICA noted some parties suggested deferring discussions to the next CoP and establishing an intersessional working group, while other parties preferred continuing discussions to reach consensus. IRELAND, on behalf of the EU and its Member States and Croatia, opposed postponing discussions to CoP17. MEXICO preferred to continue to seek consensus.

CHINA said consensus was impossible, and suggested voting without delay on the motion raised by Japan. COLOMBIA proposed amending the EU proposal by increasing the threshold of countries requesting a secret ballot from 10 to 40, while INDONESIA proposed an increase from 10 to 14. JAPAN, QATAR, KUWAIT, IRELAND, on behalf of the EU and its

Member States and Croatia, and GUINEA supported China's suggestion to vote immediately. CHINA reiterated his request for a secret ballot. Chair Størkersen opened the floor to supporting requests, and the threshold of 10 parties was met.

The CoP proceeded to a vote, with the outcome to be decided by a simple majority according to Rule 26.1. Japan's motion for a two-thirds majority was carried, with 71 voting in favor, 56 against and 3 abstaining.

Proposal to improve transparency of voting during meetings of the CoP: IRELAND, on behalf of the EU and its Member States and Croatia, reiterated the importance of transparency. The SC Chair called for a vote on Colombia's proposed amendment, to increase the threshold for countries to request a secret ballot from 10 to 40. CHINA proposed and 10 parties supported a vote by secret ballot. Colombia's proposed amendment was not accepted, with 67 voting against, 60 in favor and 4 abstaining.

The SC Chair then asked for a vote on the EU proposal. The proposal recommends amending Rule 25, specifically by deleting the sentence "the Presiding Officer shall ask whether the request is seconded. If it is seconded by 10 Representatives the vote shall be by secret ballot," and adding that the request for a secret ballot shall immediately be voted upon. It also states that the motion for a secret ballot may not be conducted by secret ballot. CHINA requested a secret ballot on this vote, which GUINEA, NAMIBIA, JAPAN, KUWAIT, ZAMBIA, THAILAND, SOUTH AFRICA, ZIMBABWE, MOROCCO, IRAN, the RUSSIAN FEDERATION, UGANDA, SINGAPORE, ALGERIA, ICELAND, QATAR, CUBA, TANZANIA and others supported.

The proposal was not accepted, as a two-thirds majority was not achieved, with 62 voting against, 62 in favor and 5 abstaining.

Proposed amendment to Rule 25 on Methods of voting – Use of secret ballots: MEXICO stressed that the motivation for the proposal was to achieve greater transparency. The US proposed an amendment to the proposal to require 25 votes, instead of 10, as set forth in Rule 25.

The SC Chair called for a vote on the proposal as amended by the US. CHINA requested voting by secret ballot. The vote was supported by GUINEA, GRENADA, SINGAPORE, JAPAN, MOZAMBIQUE, ANTIGUA AND BARBUDA, CHINA, VIET NAM, ALGERIA, KUWAIT, ZIMBABWE, INDONESIA, ICELAND, IRAN, QATAR, TANZANIA, GHANA, the RUSSIAN FEDERATION, BOTSWANA,



UGANDA, CUBA, CAMBODIA, EGYPT, the PHILIPPINES, COMOROS and DEMOCRATIC REPUBLIC OF CONGO, among others. The proposal was not accepted, as a two-thirds majority was not achieved. 41 voted in favor and 91 against.

Delegates then moved to vote on Mexico's proposal, which would increase the quorum to one-third for requesting a secret ballot and require that a motion for a secret ballot not be decided by secret ballot. CHINA asked for a vote by secret ballot. GUINEA, EGYPT, IRAN, ANTIGUA AND BARBUDA, NAMIBIA, SOUTH AFRICA, GRENADA, KUWAIT, ICELAND, THAILAND, JAPAN, VIETNAM, COMOROS, SAINT LUCIA AND THE GRENADINES, SINGAPORE, QATAR, UGANDA, INDONESIA, ZAMBIA, ALGERIA, CUBA, the RUSSIAN FEDERATION, GHANA, BOTSWANA, the PHILIPPINES, TANZANIA, DEMOCRATIC REPUBLIC OF CONGO, KENYA, MOROCCO and CAMBODIA supported the request, among others.

ISRAEL proposed voting on changing the quorum needed for the use of secret ballot first, and then voting on the motion that a secret ballot shall not proceed through secret ballot. MEXICO agreed. CHINA questioned the need for separate votes.

Delegates moved to vote on the question. The proposal to change the quorum for the secret ballot from ten to one-third was not accepted, as a two-thirds majority was not achieved, with 66 in favor, 64 against and 2 abstaining.

Delegates then moved to vote on the second part of Mexico's proposal. NAMIBIA asked whether a two-thirds majority was required on this vote. The SC Chair confirmed. The proposal was not accepted. 67 voted in favor, 50 against and 11 abstained.

COMMITTEE I

SPECIES TRADE AND CONSERVATION: Agarwood:

The Committee continued discussion on the draft resolution on implementation of the Convention for agarwood-producing taxa (CoP16 Doc 67.2 (Rev. 1)). The US expressed concern about the resolution's definition of "artificially propagated," which they felt could potentially allow repeated collection and export of wild specimens. The US then proposed a draft decision, requesting the PC to monitor the resolution's implementation to assess its contribution to the long-term survival of agarwood-producing species and to report at CoP17. CHINA, KUWAIT, CANADA, INDONESIA, AUSTRALIA, VIET NAM, MALAYSIA and THAILAND supported this decision and the draft resolution was accepted.

Committee I re-convened in the afternoon to consider the draft resolution and draft decisions in the PC Report on agarwood-producing taxa (CoP16 Doc.67.1 (Rev.2)). Chair Caceres noted divergent views from parties on whether amendments to Resolution Conf.10.13, as indicated in the draft resolution, were required in light of agreement on the draft resolution on agarwood-producing taxa. IRELAND, on behalf of the EU and its Member States and Croatia, CANADA, the US and KUWAIT supported the draft decisions but opposed the revision to Resolution Conf.10.13, particularly the addition of the term "mixed" to discussions of plantations. IRELAND, on behalf of the EU and its Member States and Croatia, BRAZIL and CHILE supported directing the PC to further examine the definition of plantations and to report to CoP17.

The Committee agreed to reject the changes to Resolution Conf.10.13 and accept the decisions contained in the document, including the direction to the PC to continue considering these production systems.

Bigleaf mahogany: PC Chair Clemente-Muñoz introduced the document (CoP16 Doc.68 (Rev.1)) and described the activities of the Working Group on the Bigleaf Mahogany and Other Neotropical Timber Species.

GUATEMALA proposed two draft decisions: to the PC, on the work and reporting of the Working Group; and to the Secretariat, on seeking external funding.

The PC Chair, the US, PERU, COSTA RICA, CHILE, IRELAND, on behalf of the EU and its Member States and Croatia, and MEXICO supported the proposals. The Committee agreed to the two decisions and repealed Decisions 15.91 and 15.92.

Sharks and Stingrays: Committee I Chair Caceres introduced document COP16 Doc 16.Com I.1 on proposed amendments to Resolution Conf.12.6 (Rev.CoP16) on conservation and management of sharks (class Chondrichthyes). NEW ZEALAND reminded delegates of its proposal to add "data reporting" to operative paragraph eight in Resolution Conf.12.6 (Rev.CoP15). Parties agreed to the addition.

***Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii*:** PC Chair Clemente-Muñoz introduced document CoP16 Doc.69 (Rev.1), outlining the PC's work and its Working Group on the Bigleaf Mahogany and Other Neotropical Timber Species in relation to tasks assigned under Decision 14.146 (Rev.CoP15) on *Cedrela odorata*, *Dalbergia retusa*, *D. granadillo* and *D. stevensonii*.

Noting that repealing Decision 14.146 (Rev.CoP15) would also repeal its Annex, the US asked to note that the existing Annex 4 work plan be considered when establishing terms of reference for the Working Group. Referencing its populations of *Cedrela odorata*, CÔTE D'IVOIRE requested the Working Group to develop provisions for artificial propagation of species in plantations outside range states.

Agreeing to the addition of comments by the US and CÔTE D'IVOIRE in the minutes of CoP16, Committee I noted the decision and agreed to repeal Decision 14.146 (Rev.CoP15).

TRADE CONTROL AND MARKING: Committee I Chair Caceres introduced draft decisions on non-detriment findings (NDFs) from agarwood and other timber species, as contained in CoP16 Doc.33 (Rev.1). KUWAIT proposed withdrawing the two draft decisions, noting the same language is included in the draft decision of the Annex on NDF. PC Chair Clemente-Muñoz agreed it was a duplication. Parties agreed to not adopt the draft decisions.

CRITERIA FOR THE INCLUSION OF SPECIES IN APPENDICES I AND II: CANADA, on behalf of the AC Working Group on Criteria and the SC, introduced the document on criteria for the inclusion of species in Appendices I and II (CoP16 Doc.71 (Rev.1)), noting the outcomes of work related to Decisions 15.28, 15.29 and 15.30, on the application to commercially exploited aquatic species of Annex 2a criterion B and the introductory text to Annex 2a of Resolution Conf.9.24 (Rev.CoP15). She said the AC had found, and the SC concurred, that it was not possible to provide guidance favoring a single approach. Committee I noted a comment by IUCN, also on behalf of TRAFFIC, recommending further discussion and possible guidance on the issue, and the Committee also noted the document and repealed the decisions.

CRITERIA RELATED TO RANCHED POPULATIONS: URUGUAY introduced the outcomes of the AC's work on Decision 15.51 related to the criteria for the transfer of ranched

populations from Appendix I to Appendix II, including the outcomes of a Working Group on the issue established at AC25 (CoP16 Doc.72 (Rev.2)).

CHINA noted concern about the application of criteria to ranching operations, and AUSTRALIA clarified the Working Group's goal was to consider reinstating ranching criteria as a criteria for appendix transfers.

Committee I agreed to modifications of Resolution Conf.9.24 A4 (Rev.CoP15), but did not agree to the recommendation in paragraph six to address Resolution Conf.11.16 (Rev.CoP15) and Resolution Conf.9.20 (Rev.) together, in a separate resolution.

PERIODIC REVIEW OF THE APPENDICES:

Revision of Resolution Conf.14.8 on Periodic Review of the Appendices: AC Chair Solana introduced the document (CoP16 Doc.74.1 (Rev.1)), noting the bracketed text represents changes proposed by SC62. MEXICO, supported by CHINA, supported the document as a whole.

In the flow chart on protocol for the assessment of taxa for consideration in the Periodic Review of the Appendices, contained in the Annex, NEW ZEALAND proposed adding IUCN's vulnerable and extinct categories to the existing list of endangered, critically endangered and least concerned species. SOUTH AFRICA suggested reference to extinct and extinct in the wild. The US expressed concern about adding to the number of species for review, noting existing difficulties in accomplishing reviews. MEXICO preferred retaining the original categories.

IUCN proposed adding vulnerable, extinct and extinct in the wild to the right side of the flow chart, rather than on the left as originally proposed. AC Chair Solana suggested looking for all the CITES species that IUCN has categorized as extinct or extinct in the wild in the next species selection exercise.

Following continued discussion, the Secretariat noted it has recognized challenges in applying the existing criteria for amending appendices to extinct or possibly extinct species that may warrant holistic review of extinct or possibly extinct species on the appendices.

Parties agreed to accept the amended text and to repeal decision 15.51, recognizing that the mandate had been fulfilled. Parties also agreed to consider the AC Chair's suggestion under the agenda item on proposals to amend Appendices I and II (CoP16 Doc.77).

Felidae: The US introduced the review of the appendices on Felidae (CoP16 Doc.74.2 (Rev.1)), noting it provided an update on progress on Decision 13.93 (Rev.CoP15) concerning the periodic review of Felidae as directed to the AC. She outlined: completed reviews for *Panthera onca* by Mexico and *Lynx* species by the US, with associated agreement by the AC on species listings in the Appendices; termination of several periodic reviews because of the lack of response by parties; and ongoing reviews for *Panthera leo*, *Puma concolor* and *P. concolor coryi*. The Committee agreed to the revised decision to extend Decision 13.93 to accommodate ongoing reviews, with amendment by the Secretariat to delete already-completed tasks, and by the AC Chair to replace the word "progress" with "results" in the request to the AC for a report at CoP17.

Proposals to amend Appendices I and II: The Secretariat introduced the document (CoP16 Doc.77), drawing attention to paragraph twelve on extinct or possibly extinct species.

PARAGUAY, AUSTRALIA, ISRAEL, MEXICO and IUCN, also on behalf of TRAFFIC, thanked the Secretariat for this work. PARAGUAY asked for clarification related to higher taxa. Noting it encountered several challenges in developing listing proposals, AUSTRALIA asked parties to support their proposals on their merits. Noting it also has a proposal on this discussion, MEXICO supported Australia. MEXICO, supported by ISRAEL, also recommended the AC and PC more closely examine the issue of extinct and possibly extinct species. Parties agreed to accept the decision.

COMMITTEE II

STRATEGIC MATTERS: CITES and livelihoods: PERU introduced the document (CoP16 Doc.19 (Rev.1)). She provided an overview of the activities of the Working Group on CITES and livelihoods, the draft resolution and the draft decisions aimed at, *inter alia*, encouraging parties to carry out voluntary rapid assessments of the impact of implementation of CITES listing decisions on the livelihoods of poor rural communities and on mitigation of negative impacts.

BRAZIL asked for clarification on access to genetic resources, traditional knowledge and access and benefit sharing, and also proposed deleting the reference to cultural and intellectual property rights. SOUTH AFRICA agreed to Brazil's amendment on traditional knowledge. ARGENTINA, supported by COLOMBIA, welcomed the attention to this issue and proposed minor changes to the draft decisions. The US, while supportive of the work of the Working Group, urged its completion and opposed the proposed draft resolution, on the basis that the issues it describes are addressed by the Convention on Biological Diversity (CBD). The US also opposed most of the draft decisions. IRELAND, on behalf of the EU and its Member States and Croatia, supported the draft resolution and decisions but noted that CITES species listings are not the only factors that impact livelihoods.

IUCN, supported by EL SALVADOR, requested that a deleted reference to human-wildlife conflict be retained.

Chair Gabel called for a small working group on CITES and livelihoods. PERU, SOUTH AFRICA, the US, BRAZIL, ARGENTINA, IRELAND, ZIMBABWE, CANADA, AUSTRALIA, MEXICO and COLOMBIA volunteered to participate in the working group, with PERU chairing.

Potential conflicts of interest in the Animals and Plants Committees – Report from the Working Group: IRELAND, on behalf of the EU and its Member States and Croatia, reporting for the Working Group on conflict of interest, noted that the Working Group had met three times and planned to meet again Wednesday evening. Chair Gabel requested the distribution of the Working Group's text Thursday morning for consideration in Committee II on Thursday afternoon.

Financing and budgeting of the Secretariat and of meetings of the CoP – Report from the Working Group: SWITZERLAND reported on fruitful discussions, but noted the Working Group has not completed its work.

Wildlife trade policy reviews: The Secretariat introduced the document (CoP16 Doc.20), highlighting the "Framework for reviewing wildlife trade policies" contained in Annex two. She also reviewed two draft decisions. The first requests parties that voluntarily undertake wildlife trade policy reviews to provide details to the Secretariat. The second directs the Secretariat to make this information available online and assist parties in undertaking wildlife trade policy reviews. She said

the Secretariat believes Decision 15.8, on national wildlife trade policy reviews, had been implemented, and recommended its deletion.

UGANDA described its experience as one of four pilot countries to review its national wildlife trade policies using the proposed framework, and expressed support, along with IRELAND, on behalf of the EU and its Member States and Croatia, for the draft decisions.

Committee II agreed to the draft decisions in CoP16 Doc.20 A1 and to delete Decision 15.8.

Capacity Building: The Secretariat introduced the relevant document (CoP16 Doc.21), highlighting the draft decisions, which, *inter alia*, encourage parties, donors and partners to support party-driven activities, including through financial and in-kind support.

Many countries welcomed the report and draft decisions, recognizing the importance of capacity building. BAHRAIN proposed that one of the draft decisions refer specifically to support for new parties and their scientific and management authorities. NEW ZEALAND supported the draft decisions, recognizing the importance of capacity building.

Committee II accepted the draft decisions with some amendments.

Proposal concerning a needs assessment for strengthening the implementation of CITES in developing countries:

GHANA introduced the document concerning a needs assessment to strengthen CITES implementation in developing countries (CoP16 Doc.22 (Rev.1)). SIERRA LEONE and GHANA said the Secretariat's recommendation limited the scope of the proposed needs assessment. The US, supported by IRELAND, on behalf of the EU and its Member States and Croatia, asked the document's proponents and the Secretariat to refine their text together. The Chair noted this, and requested it be done and discussed in a future session.

Capacity-building programme for science-based establishment and implementation of voluntary national export quotas for Appendix-II species – Report of the Animals and Plants Committees:

AC Chair Carlos Ibero Solana (Spain) introduced the document (CoP16 Doc.23) and highlighted the activities of the Intersessional Working Group on Capacity Building, mandated by PC19 and AC25 to provide suggestions for improving the Secretariat's capacity-building materials related to NDFs. He introduced a draft decision directing the Secretariat to, among other things, invite parties to submit experiences related to NDFs for inclusion on the CITES website. He introduced a proposed amendment to Resolution Conf.11.1 (Rev.CoP15) making the provision of scientific advice on training materials used in capacity-building a regular part of the Committees' work. He also introduced amendments to Decisions 12.91 and 15.24.

Committee II accepted the draft decision and the proposed amendments.

ADMINISTRATIVE MATTERS: Arrangements for meetings: RWANDA said the proposal proponents agreed to prepare guidelines. The proposal on advising the Secretariat on the organization of special meetings was withdrawn.

INTERPRETATIONS AND IMPLEMENTATION OF THE CONVENTION: Review of Resolutions: The Committee reviewed the proposed amendment to Resolution Conf.9.5 (Rev.

CoP15) (CoP16 Com.II.1). CANADA made a further proposal to simplify the text. The Committee accepted the document with Canada's change.

On the draft amendment to Resolution Conf.12.3 (Rev.CoP15) on permits and certificates (CoP16 Com. II. 2), CANADA, supported by the US, proposed reinstating the deleted text on the quantity of specimens. In absence of agreement, the discussion was suspended until Thursday, 7 March.

The Committee agreed to the proposed amendments to Resolution Conf.13.6 on the implementation of Article vii, paragraph two, concerning "pre-convention" specimens (CoP16 Com.II.3).

Physical inspection of timber shipments: The US introduced the document on physical inspection of timber shipments (CoP16 Doc.42 (Rev.1)) and explained the proposed decision directed the Secretariat to obtain information from parties that have developed procedures for identification and measurement of CITES-listed tree species. IRELAND, on behalf of the EU and its Member States and Croatia, supported the draft decision, and thanked Italy for its report (SC62 Doc.36) on the progress of the working group for capacity building. The Committee then accepted the draft decision with the Secretariat deletion of decision 14.61 (Rev.CoP15).

Electronic permitting: The Secretariat introduced the document on electronic permitting (CoP16 Doc.34), praising CITES for updating the e-permitting toolkit to trace permits down the trading chain. He encouraged parties to adopt the draft decision, which *inter alia*: encouraged collaboration with UNEP World Conservation Monitoring Centre (WCMC), the World Customs Organization (WCO) and others to standardize e-permitting. INDONESIA expressed concerns about trade between compliant and non-compliant states, system security and paperless systems. THAILAND, the US and CANADA requested to join the existing working group. The Committee accepted both the draft decision and the deletion of Decisions 15.54 and 15.55.

IN THE CORRIDORS

After the morning extraordinary plenary's decision on voting and secret ballots, delegates turned their attention to the "real business" of the CoP: listings and proposals. Several delegates, particularly those who expressed dismay on the secret ballot outcome, expressed more pessimism than they had in the first few days of the CoP. One suggested the behavior and lobbying exhibited over the past two days indicates there will be "nasty debates" and tactics in the days ahead, particularly on the question of the listing of sharks. Others remained optimistic, saying that such tactics would not prevent this year from becoming the year of the sharks; many pointed to growing Latin American, African and Arab support for listing the porbeagle, hammerhead and oceanic whitetip. Lobbying on the proposed uplisting of polar bears was seen in full force, with one delegate commenting that "we've seen polar bears everywhere," referring to the prevalence of plush polar bear toys being distributed by some NGOs and paraded by conference staff. Another worried that "scientific "misinformation would confuse parties' decisions. Discussions surrounding plants seemed more muted, with the resolutions on agarwood passing without contentious debate, leading one observer to hope that "resolutions on plants will smooth the way for the animals."