



## CITES COP16 HIGHLIGHTS: MONDAY, 11 MARCH 2013

Committee I discussed shark and manta ray proposals, agreed by vote, and a sawfish proposal, accepted by consensus. Committee II addressed: amendment of the Appendices; compliance and enforcement issues; leopard quotas; Tibetan antelope; hawksbill turtle; freshwater turtle and tortoises; and sturgeon and paddlefish. Working Groups on rhino, annotations, conflict of interests and musical instruments met during lunch.

### COMMITTEE I

#### PROPOSALS TO AMEND APPENDICES I AND II:

**Carcharhinus longimanus:** COLOMBIA introduced the proposal (CoP16 Prop.42) to include *Carcharhinus longimanus* (oceanic whitetip shark) on Appendix II, with an annotation to delay the entry into effect by 18 months to resolve technical and administrative issues. She underscored the proposal is justified by scientific criteria, outlining agreement among organizations including the Food and Agriculture Organization of the UN (FAO).

BRAZIL and the US supported the proposal as co-proponents. IRELAND, on behalf of the EU and its Member States and Croatia, LIBERIA, the BAHAMAS, NORWAY, REPUBLIC OF CONGO, VENEZUELA, NIGERIA, MALI, SENEGAL, GUINEA and BENIN, among others, also supported the proposal.

Others opposed the listing, including JAPAN, CHINA, SAINT VINCENT AND THE GRENADINES, GRENADA, SINGAPORE and the INTERNATIONAL COALITION OF FISHERIES ASSOCIATIONS.

BRAZIL, HONDURAS and NEW ZEALAND emphasized the species meets the biological criteria for listing in Appendix II, with BRAZIL noting a 2012 finding *Carcharhinus longimanus* had declined by 86%.

The proponents and AUSTRALIA stressed that action by CITES would complement measures by Regional Fisheries Management Organizations (RFMOs). AUSTRALIA underscored her country's success in species-level identification of sharks, including the oceanic whitetip, and said non-detriment findings (NDFs) can be made to allow continued trade in sharks while ensuring their sustainable management.

On implementation, NEW ZEALAND emphasized that financial and technical support would be available for capacity building. IRELAND, on behalf of the EU and its Member States and Croatia, announced it has provided €1.2 million to support capacity building. NIGERIA welcomed the availability of identification guides and offers of capacity-building assistance

for developing countries. Stressing that parties have a range of tools for regulating international trade, REPUBLIC OF THE CONGO said concerns about monitoring mechanisms should not be used as an argument for rejecting the proposal.

The BAHAMAS said sharks are protected in their Exclusive Economic Zone (EEZ) but are targeted in international waters. SENEGAL emphasized support for listing of the oceanic whitetip shark expressed by Western and Central African states at regional meetings. BENIN stated an Appendix II listing would better control international trade and support food security.

CHINA underscored that opposition to a CITES listing does not indicate a lack of concern about shark conservation and sustainable management.

THAILAND called attention to management measures for sharks developed by RFMOs. JAPAN noted doubts that an Appendix II listing would complement the work of RFMOs and expressed concern about implementation and bycatch. CHINA also raised concerns about implementation and enforcement of an Appendix II listing, including, among other things, a lack of stock assessment models in some regions, which would compromise robust NDFs, and challenges in identification of mixed shipments of fins.

SAINT VINCENT AND THE GRENADINES expressed concern that the proposed listing did not fully consider the negative impacts on livelihoods of coastal communities. SINGAPORE commented generally on all three sharks proposals (CoP16 Prop.42-44), opposing the inclusion of commercially exploited aquatic species under CITES, and doubted effective implementation would be possible, pointing to concerns, *inter alia*, about requirements for introduction from the sea.

FAO cautioned that benefits of the listing would depend on its effective implementation.

PEW ENVIRONMENT GROUP, speaking on behalf of WWF, International Fund for Animal Welfare (IFAW) and The Wildlife Conservation Society (WCS) supported the proposal.

As there was no consensus, the Committee put the proposal to vote by secret ballot, as requested by Japan and supported by at least 10 parties. The proposal passed, with 92 for, 42 against and 8 abstentions. Several parties publicly announced their votes.

**Sphyrna lewini, S. mokarran and S. zygaena:** BRAZIL introduced the proposal (CoP16 Prop.43) to include *Sphyrna lewini* (scalloped hammerhead shark) on Appendix II with an annotation to delay the entry into effect by 18 months, with *S. mokarran* (great hammerhead shark) and *S. zygaena* (smooth hammerhead shark) included as look-alike species. He said *S. lewini* is a low productivity species whose populations have declined worldwide and said the proposal will complement current RFMO measures.



Many spoke in favor of the proposal. MEXICO, IRELAND, on behalf of the EU and its Member States and Croatia, HONDURAS, COLOMBIA, COSTA RICA and ECUADOR supported the proposal as co-proponents, with many stressing unregulated international trade in fins.

Noting the importance of shark catch for coastal communities, MEXICO said 90% of its production is national. IRELAND, on behalf of the EU and its Member States and Croatia, and COLOMBIA noted *Sphyrna*'s importance for tourism.

COMOROS, ARGENTINA and NEW ZEALAND, among others, supported the proposal. SIERRA LEONE highlighted the West Africa Subregional Fisheries Commission's support for the listing. NEW ZEALAND noted the decline of *S. lewini* might even qualify it for inclusion in Appendix I. She emphasized the listing would likely have a positive impact on food and livelihoods for subsistence fisheries, by reducing illegal, unreported and unregulated (IUU) fishing. The US underscored that an Appendix II listing does not affect domestic fisheries and trade. FAO stressed, *inter alia*, that IUU fishing remains a threat to the species.

Several parties spoke against the proposal, including the Southern African Development Community (SADC), CHINA, INDIA and JAPAN.

NAMIBIA raised concern that the listing of these three species would lead to the inclusion of other hammerhead shark species on Appendix II as lookalike species. GHANA, on behalf of the Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean (COMHAFAT ATLAFCO), noted concerns about the socio-economic implications of the listing. CHINA highlighted implementation concerns, stating these are even more challenging for hammerhead species than for the oceanic whitetip shark. INDIA stated that information on Indian Ocean stocks for hammerhead sharks is inadequate and unreliable.

JAPAN raised concerns with a CITES listing, including: implementation challenges, including monitoring of small-scale fishing vessels; challenges for some countries in conducting NDFs, leading to a *de facto* trade ban for those countries; and identification problems for customs officers.

Noting a lack of consensus, the Committee proceeded to a vote by secret ballot, as requested by CHINA. The proposal passed, with 91 in favor, 38 against and 8 abstaining. More than ten parties announced their vote for the official record.

**Lamna nasus:** IRELAND, on behalf of the EU and its Member States and Croatia, introduced the proposal (CoP16 Prop.44) to list *Lamna nasus* (porbeagle shark) on Appendix II. He noted *L. nasus* meets the biological criteria for listing, as recognized by IUCN, TRAFFIC and the FAO Expert Panel.

EGYPT, COMOROS and BRAZIL supported the proposal as co-proponents. Among others, EL SALVADOR, REPUBLIC OF CONGO, CANADA, NEW ZEALAND, LIBERIA, the US, PERU, BURKINA FASO, COLOMBIA, MALI, SENEGAL, HONDURAS, ARGENTINA, the DEMOCRATIC REPUBLIC OF CONGO and WWF, also on behalf of IFAW, Wild Aid and Pew Environment Group supported the proposal.

Noting implementation concerns, IRELAND, on behalf of the EU and its Member States and Croatia, supported by BRAZIL, stressed the porbeagle is primarily fished by developed countries and the listing will not result in additional burdens for developing countries. He concluded that, despite assurances at previous CoPs that RFMOs will manage *L. nasus*, RFMOs have not yet done so.

CANADA commended implementation of measures by the EU to protect the porbeagle, noting indications of recovery of the Northwest Atlantic stock, and said an Appendix II listing can

support and complement RFMO efforts. He said decisions taken on introduction from the sea would help CITES implement this listing.

NEW ZEALAND, supported by IRELAND, on behalf of the EU and its Member States and Croatia, provided information not included in the listing proposal. On Southern stocks, he noted examples of their substantial decline. Stressing that it is not sufficient for one country to manage this species, SENEGAL urged African states, particularly on the western and Atlantic coast, to support the proposal and ensure enforcement.

FAO reported that the majority of the FAO Expert Panel agrees the species meets the biological criteria for Appendix II.

Many opposed the proposal, including ICELAND, CHILE, the GAMBIA, REPUBLIC OF KOREA, MOZAMBIQUE, on behalf of SADC, MOROCCO and CREATIVE CONSERVATION SOLUTIONS. THAILAND called for a full stock assessment of the Southern hemisphere prior to a decision on listing. CHINA pointed to implementation challenges. JAPAN opposed, noting: major fisheries targeting porbeagle are well-managed; incidental take is not a major threat to the species; the species as a whole does not meet Appendix-II listing criteria; and identification challenges would confuse customs officials.

The Committee then voted by secret ballot, as requested by GUINEA. The proposal passed, with 93 in favor, 39 against and 8 abstaining. More than 20 parties stated that they voted yes. DENMARK said it voted yes but noted that Greenland opposed the proposal.

**Pristis microdon:** AUSTRALIA introduced the proposal (CoP16 Prop.45) to transfer *Pristis microdon* (freshwater sawfish) from Appendix II to Appendix I. She explained the Pristidae family is listed on Appendix I with the exception of *P. microdon*, and said the species warrants greater CITES protection. She added the transfer to Appendix I would improve enforcement for all Pristidae species.

Among others, SIERRA LEONE, INDONESIA, INDIA, the US, KENYA, COSTA RICA, DEMOCRATIC REPUBLIC OF THE CONGO, SAMOA, HUMANE SOCIETY INTERNATIONAL and SSN, on behalf of Shark Advocates International, Project AWARE, WCS, the German Elasmobranch Society and Shark Trust supported the proposal.

JAPAN asked for further details on the benefits of uplisting. AUSTRALIA clarified the proposal would address look-alike concerns for other listed species, reinforce its domestic export ban and deter traders anticipating future legal international trade. JAPAN said he was not convinced, but did not wish to block consensus.

Committee I accepted the proposal.

**Manta:** ECUADOR introduced the proposal (CoP16 Prop.46) to include the Genus *Manta* (manta rays) in Appendix II with an annotation to delay its entry into effect, noting the genus is distinct from other rays and underscoring its low rates of reproduction and high vulnerability to growing trade in gill plates. BRAZIL and COLOMBIA, as co-proponents, supported the proposal, with BRAZIL underscoring that local fishing communities do not depend on manta rays for food or income. COLOMBIA, supported by SOUTH AFRICA, reiterated that *Manta* conservation may benefit local communities through ecotourism.

Many parties supported the proposal, including MOZAMBIQUE, on behalf of SADC, IRELAND, on behalf of the EU and its Member States and Croatia, URUGUAY, LIBERIA, THAILAND, SOUTH AFRICA and QATAR. AUSTRALIA and the US recognized data gaps, but said the species' vulnerability justified the precaution of listing.

The Convention on the Conservation of Migratory Species of Wild Animals (CMS) informed that *Manta* are listed on CMS Appendix I and that 112 CITES parties are also CMS parties.

CAMBODIA and CHINA opposed the proposal, saying scientific data was insufficient. JAPAN questioned the complementarity of CITES and RFMOs on manta rays, noting the proponents had not raised the need for conservation measures under the relevant RFMOs.

FAO said, *inter alia*, that: it was unable to identify reliable information to assess against decline or population criteria or to comment on projected trends; and trade is an important driver for targeted fisheries.

The Committee voted by secret ballot, as requested by Cambodia. The proposal passed, with 96 in favor, 23 against and 7 abstaining. Many parties announced their votes.

## COMMITTEE II

**AMENDMENT OF THE APPENDICES: Annotations – Report of the Plants Committee and Development and application of annotations:** PC Chair Clemente-Muñoz introduced the document (CoP16 Doc.76 (Rev.1)), highlighting CoP recommendations on: orchids; the review of annotations for *Cactaceae* and *Orchidaceae*; and the annotations to the Appendices for plants.

The US introduced the document (CoP16 Doc.75 (Rev.1)), highlighting challenges associated with developing and implementing annotations.

Several countries expressed support for some of the proposed revisions and draft decisions. CANADA, supported by AUSTRALIA, noted the SC Working Group on Annotations should complete its activities before developing new procedures. IRELAND, on behalf of the EU and its Member States and Croatia, supported simplifying procedures.

Chair Gabel established a working group on these two agenda items, joined by CANADA, AUSTRALIA, the US, GERMANY and the UK, on behalf of the EU and its Member States and Croatia, INDONESIA and the PC Chair.

**LEOPARD QUOTAS:** SOUTH AFRICA introduced the document (CoP16 Doc.52 (Rev.1)) and the proposed revisions and draft decisions to Resolution Conf.10.14 (Rev.CoP14) on quotas for leopard hunting trophies and skins for personal use. She noted textual amendments suggested by the Secretariat. CONSERVATION FORCE suggested that the proposed changes to tag and quota information on export permits for leopard skins should also apply to elephant and crocodile trophies, and, supported by TANZANIA, proposed an intersessional working group. The US stated that the proposed amendments mirror the tagging requirements in the resolution on crocodilians (Resolution Conf.11.129 (Rev.CoP15)). IRELAND, on behalf of the EU and its Member States and Croatia, *inter alia*, requested clarification on whether the term “harvest quota” included leopards killed in defense of humans or livestock. INDIA, NAMIBIA and TANZANIA supported the proposed revisions and draft decisions.

Committee II accepted the document with the Secretariat’s amendments. It also requested IRELAND, on behalf of the EU and its Member States and Croatia, CONSERVATION FORCE and other interested parties to draft a decision directing the SC to monitor progress and implementation and to explore the applicability to other species of the tagging and reporting changes to leopard export permits.

**TIBETAN ANTELOPE:** The Secretariat presented the document (CoP16 Doc.55). He noted that the SC had: reviewed enforcement measures taken by parties to eliminate illegal trade in Tibetan antelope products, as directed by Resolution Conf.11.8 (Rev.CoP13); concluded poaching was “considerably reduced”

from previous levels; and recommended deleting the reporting requirement from Resolution Conf.11.8 (Rev.CoP13). He stated that, since the document was prepared, several large seizures of products made from Tibetan antelope wool (shahtoosh) had been reported, indicating “significant” illegal trade. The Secretariat and SC therefore withdrew their recommendation.

CHINA welcomed the withdrawal of the recommendation and proposed two new draft decisions. The first directs parties to bring seizures of illegal Tibet antelope wool and its products to the attention of the Secretariat, as well as to report progress on follow-up investigations. The second directs the Secretariat to report information about seizures and investigations to SC65. The Committee accepted the draft decisions proposed by China.

**TORTOISES AND FRESHWATER TURTLES: Report of the Standing Committee:** The US introduced the report (CoP16 Doc.58.1 (Rev.1)), highlighting the draft decisions designed, *inter alia*, to strengthen data collection, outreach and collaboration.

**Report of the Animals Committee:** The AC Chair introduced the document (CoP16 Doc. 58.2 (Rev.1)) and noted several recommendations, including to communicate the result of a study on non-detriment findings (NDFs) to the SC.

Chair Gabel proposed reconciling the two reports.

**HAWKSBILL TURTLE:** The Secretariat introduced the document (CoP16 Doc.59 (Rev.1)), noting that Decision 15.84 on the hawksbill turtle has been implemented so that it can be deleted, but a number of recommendations arising from a 2009 regional workshop remain to be implemented.

IRELAND, on behalf of the EU and its Member States and Croatia, and JAMAICA welcomed the document. Committee II agreed to the document, its draft decisions and annex.

**STURGEON AND PADDLEFISH: Report of Animals Committee:** The AC Chair introduced the report (CoP16 Doc.60.1 (Rev.1)), and explained the background of Resolution Conf.12.7 (Rev.CoP14) on conservation of and trade in sturgeons and paddlefish.

The US, supported by IRAN, IWMC-WORLD CONSERVATION TRUST and IRELAND, on behalf of the EU and its Member States and Croatia, expressed concern about the Secretariat’s expansion of the definition of “mixed species” in the labeling of high-quality caviar. The US said it does not accept exports with the mixed code, and could not support expanding its use. With wide support for the Secretariat to provide an overview of molecular, DNA-based and other forensic methods that could assist in identifying the species in trade, the Committee agreed to delete the new definition of mixed species and accept the document.

**Report of the Secretariat:** The Secretariat introduced the report (CoP16 Doc.60.2 (Rev.1)) and the amendments to Resolution Conf.12.7 (Rev.CoP14) on conservation of and trade in sturgeons and paddlefish, stressing that the shift to aquaculture and captive breeding of sturgeons has reduced the need for establishing complex harvest and export quotas for specimens of wild origin.

The US stated there was no evidence that shared stocks have recovered and asked the Secretariat to reinstate the deleted procedures. IRELAND, on behalf of the EU and its Member States and Croatia, supported reference to SC61 Doc.48.2 with regard to range states’ monitoring and evaluation of stocks, while UKRAINE and IRAN, on behalf of AZERBAIJAN, did not support this reference, referring instead to the informal working group on sturgeons and paddlefish’s Inf.Doc.53.

The Committee decided to suspend debate until Tuesday, 12 March, after parties have reviewed Inf.Doc.53 and the Secretariat’s report.

**COMPLIANCE AND ENFORCEMENT: National laws for implementation of the Convention:** The Secretariat introduced the document (CoP16 Doc.28). She reported on progress made by the Secretariat on facilitating, and parties on implementing, CITES-relevant legislation as described in Resolution Conf.8.4 (Rev.CoP15).

The US, *inter alia*, expressed concern about the “perpetual cycle” of parties failing to enact legislative plans and drafts submitted to the Secretariat. He also proposed textual amendments to exclude parties who have been party to the Convention for more than twenty years from claiming that exceptional circumstances prevented them from adopting appropriate measures for implementation. Numerous parties updated the Committee on the status of implementing CITES-relevant national legislation, and requested financial or technical assistance. TANZANIA voiced concern about the time it takes to enact legislation. CHINA supported the proposed draft decisions.

The Committee formed a drafting group, composed of the US, IRELAND, on behalf of the EU and its Member States and Croatia, and CHINA, to work on the amendments suggested by the US.

**Enforcement matters:** The Secretariat introduced the document (CoP16 Doc.29 (Rev.1)), highlighting that illegal trade in a number of CITES-listed species remains a growing problem. He introduced proposed revisions to Resolution Conf.11.3 (Rev. CoP15) on compliance and enforcement along with its draft decisions.

The US supported the report and agreed to the proposed revisions and draft decisions, including the recommendations that parties increase efforts to combat wildlife crime. He proposed, *inter alia*, that in the application of Article XIII on CITES compliance procedures and the timeline for responding to a Secretariat’s request on a compliance matter, “one year” be changed to “six months.” IRELAND, on behalf of the EU and its Member States and Croatia, welcomed the report and supported some of the US amendments. The IUCN Pangolin Specialist Group welcomed the attention of the report to illegal trade in pangolins, with LEWIS AND CLARK COLLEGE proposing language to address the scale of the trade, supported by the US and the PHILIPPINES, with some minor additions.

The Committee noted the report and accepted the proposed amendments to the resolution and draft decisions with amendments. Following this, KENYA asked that African pangolins be also considered. The Chair suggested Kenya raise this issue in plenary.

**National Reports:** The Secretariat and the UK, as Chair of the SC Working Group on Special Reporting Requirements, introduced the document on national reports (CoP16 Doc.30 (Rev.1)), which contained, *inter alia*, harmonization of reporting and reduction of the reporting burden (Decision 14.38). He requested reports from Afghanistan, Equatorial Guinea, Grenada, Lesotho and the Former Yugoslav Republic of Macedonia.

CHINA welcomed the document, praising the use of modern technology to ease the reporting burden. On the development of the Annual Report Upload Facility, UNEP-World Conservation Monitoring Centre (WCMC) clarified that the available facility was a prototype, which would be completed, subject to funding, within two years.

The Committee accepted the document with an amendment and a few minor deletions. Annex five on a new national report format under Article eight was returned to the Working Group for further consideration.

**Disposal of illegally-traded and confiscated specimens of Appendix-I, -II and -III species:** INDONESIA introduced the document (CoP16 Doc.31 (Rev.2)) and the draft decision (CoP16 Doc.31 (Rev. 2) Annex).

HSI voiced concerns that sharing profits from selling confiscated specimens with the countries of origin enabled collusion between exporting states and traders in importing countries. JAMAICA, COLOMBIA, INDIA and IWMC-WORLD CONSERVATION TRUST supported the draft decision, though INDIA expressed reservations about the repatriation of proceeds from sales of confiscated specimens. CHINA, the US, IRELAND, on behalf of the EU and its Member States and Croatia, ISRAEL, KENYA, SERBIA and LEWIS AND CLARK COLLEGE opposed the draft decision, citing, *inter alia*, potential negative impacts on law enforcement and conservation. The US, supported by IRELAND, on behalf of the EU and its Member States and Croatia, proposed drafting a new decision calling for a general review of existing resolutions. INDONESIA stated that the main purpose of its proposal was to improve communication between importing and exporting countries when a specimen is confiscated.

The Committee suspended discussions until the US, Indonesia and China could draft a new decision.

### IN THE CORRIDORS

Despite some early morning grumbles from tired delegates after their work-filled “weekend,” participants turned quickly to business on Monday morning, with Committee II delving into what one described as the “dull but necessary details of the Convention.” The real excitement and passion flowed out of Committee I, with shouts of excitement heard down the halls as parties agreed (by vote) on shark and manta ray proposals. After Friday afternoon declarations that CoP16 was the “turtle CoP,” delegates reflected it might instead be the “marine CoP.” Obvious regional tensions on positions emerged, particularly among African nations, some of whom were accused by peers of deviating from agreed-upon positions. Despite such contention, cheers that followed the secret ballot overpowered the Chair’s voice, as she gamely tried to call on numerous countries seeking to announce their “yes” vote for the record, in a bid to promote transparency. A few delegates sagely pointed out that shouts of joy over listing a species were misplaced, saying such listings actually represent a failure among parties to conserve species or regulate trade. Still, one cautiously optimistic delegate said that if tomorrow’s discussions on timber go well, this CoP could be judged as a success, “provided parties return home and get down to the real business of CITES: implementation.”