



S. BROAD / TRAFFIC

REPORT OF THE 15TH MEETING OF THE CONFERENCE OF THE PARTIES TO CITES

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OPENING OF THE MEETING

The 15th meeting of the Conference of the Parties (CoP15) to CITES took place in Doha, Qatar, from 13 to 25 March 2010 and was attended by some 800 Party representatives and over 390 observers from inter-governmental, international and national organizations. The following is a summary of salient aspects of the meeting from TRAFFIC's perspective. Unless otherwise stated, amendments to the Appendices adopted at CoP15 entered into force 90 days after the meeting, that is on 23 June 2010. Official proceedings of CoP15 will be published by the CITES Secretariat.

His Excellency the Minister of Environment, Abdulla bin Mubarak bin About Al-Madadi; the Executive Director of UNEP, Mr Achim Steiner; and the Secretary-General of CITES, Mr Willem Wijnstekers, welcomed participants to the meeting. The nomination of Sheikh Doctor Faleh bin Nasser Al-Thani as Chair of the meeting was accepted by acclamation, as were the nominations of Mr John Donaldson (South Africa) and Mr Wilbur Dovey (New Zealand) as Chairs of Committees I and II, respectively. The meeting was opened by Sheikh Doctor Faleh bin Nasser Al-Thani following a display of Qatari ceremonial processions, chants and dances.

ADMINISTRATIVE MATTERS

6. Financing and budgeting of the Secretariat and of meetings of the Conference of the Parties

The Secretariat's financial report for 2007 and 2008 (**document CoP15 Doc. 6.2 (Rev. 1)**), and its report on implementation of the costed programme of work for 2009 (**document CoP15 Doc. 6.3 (Rev. 1)**) were presented in Committee II and subsequently noted in plenary session on the penultimate day of the meeting. The Secretariat's report of its implementation of the costed programme for 2010 to 2011 (**document CoP15 Doc. 6.4 (Rev. 1)**), and its costed programme of work for 2012 to 2013 in **document CoP15 Doc. 6.5 (Rev. 1)** were discussed by the Budget Working Group of Committee II and subsequently accepted in plenary session. The Budget Working Group also drafted a resolution on financing and budgeting of the Secretariat and meetings of the Conference of the Parties, which established a 6% increase in the budget for the costed programme of work 2012 to 2013. This was to be met by an annual drawdown of USD450 000 from the Trust Fund and contributions from the Parties of USD5 225 466 for 2012 and USD5 723 142 for 2013. This draft resolution, which included the scale of contributions from Parties for 2012 to 2013, was adopted (**Resolution Conf. 15.1**).

STRATEGIC MATTERS

7. Committee reports and recommendations

The Chair of the Standing Committee did not submit a report to CoP15, as he was unable to attend the meeting. The report of the Chair of the Animals Committee (**document CoP15 Doc. 7.2.1**) and the report of the Chair of the Plants Committee (**document CoP15 Doc. 7.3.1**) were noted by the meeting. Additionally, it was decided to carry forward matters arising from the documents, namely to refer the question of extending the validity of **Decision 13.93** on the periodic review of Felidae to Committee II, and to refer the issue of potential conflicts of interest in the Animals and Plants Committees to the

Standing Committee. Other significant items from the reports are recorded under subject-specific sections of this summary.

10. Co-operation with other organizations

Document CoP15 Doc. 10.1 on synergy with biodiversity-related international initiatives—specifically post-2010 biodiversity targets, the Biodiversity Indicators Partnership, the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES), and climate change—had been prepared by the Secretariat and contained draft decisions relating to the engagement of CITES with these initiatives. Following requests in Committee I for some refocusing of the decisions and redefinition of parameters for engagement, the decisions on IPBES and climate change were redrafted by a working group. They, and the decisions on Biodiversity Indicators Partnership and post-2010 biodiversity targets, were subsequently adopted (*Decisions 15.10–15.17*), establishing preliminary or continued interaction between CITES and these biodiversity-related initiatives, and requiring reports on developments to CoP16.

The Secretariat presented **document CoP15 Doc. 10.2** in plenary session, reporting on areas related to CITES co-operation with the Food and Agriculture Organization of the United Nations (FAO) since CoP14. There was minimal discussion of the document but, in response to a proposal from China, a draft decision directed to the Standing Committee was adopted (*Decision 15.18*) to analyse the current Memorandum of Understanding (MoU) between CITES and FAO, determine co-operation between the two bodies on forestry issues and ensure co-operation in general was within the framework of the MoU.

In **document CoP15 Doc. 10.4**, the Chair of the Plants Committee reported on CITES activities in collaboration with the Global Strategy for Plant Conservation (GSPC) and other aspects of the Convention on Biological Diversity (CBD) relating to flora. A draft decision in Annex 2 of the document, essentially for further strategic collaboration of this kind, was adopted by consensus (*Decision 15.19*).

There was provision within the agenda for statements from representatives of other conventions and agreements on their CITES-related activities and interventions and these were heard from the Convention on Migratory Species (CMS); the International Tropical Timber Organization (ITTO); and the World Customs Organization (WCO). The Global Tiger Forum had submitted information to the meeting via **document CoP15 Inf. 71**.

11. Co-operation with international financial institutions

This item was introduced but not discussed during the meeting, but the World Bank submitted **document CoP15 Inf. 61**, which set out its co-operation offered to CITES Parties covering a range of issues: investment in

biodiversity; addressing wildlife crime; awareness- and capacity-raising; and enforcement of forestry and fisheries laws.

14. CITES and livelihoods

At its 57th meeting (SC57), in 2008, the Standing Committee agreed on the creation of the Working Group on CITES and Livelihoods and the chair of this group presented **document CoP15 Doc. 14** in Committee II. This document reported on progress with *Decision 14.3* (to develop tools for Parties to assess the impacts of CITES decisions on livelihoods and guidelines to address these). A draft resolution in Annex 1 of the document set out key principles on CITES and livelihoods and draft decisions in Annex 2 were for the Standing Committee to continue the Working Group so that it could finalize the tools and guidelines, and for the Secretariat to co-ordinate review of these by the Parties. There was much support for continuation of the Working Group. The draft resolution was supported by Malaysia and Mexico, but the European Union (EU) and St Lucia considered that the Standing Committee should revise this, in time for CoP16, and the current version was then rejected. The draft decisions received general support. Once they had been amended to reflect the aim of revising the draft resolution and to include in the decision directed to the Secretariat a deadline for revision of the tools and guidelines mentioned in *Decision 14.3*, they were adopted (*Decisions 15.5–15.7*).

16. Capacity building

In **document CoP15 Doc. 16.1**, the Secretariat gave a report on its activities to improve national and regional efforts to implement the Convention, including work on an EU-funded project to identify underlying problems affecting CITES implementation in developing countries, and collaboration with non-governmental organizations (NGOs) on CITES-related training. The report also recommended extension of the validity of *Decision 14.10 Support to Master's programmes* which, with support from Antigua and Barbuda, Chile, China and South Africa, was agreed. Saudi Arabia stressed the need for training materials in more languages, including Arabic. Benin, the Democratic Republic of Congo and Kenya cited obstacles to CITES implementation in Africa and Fiji noted the threat to the economies of small developing countries posed by trade suspensions for non-compliance with CITES. Australia, on behalf of the Oceania region, and Kenya put forward draft decisions directed to the Secretariat to support capacity-building in their regions, including via meetings to be held before SC62. These decisions were adopted (*Decisions 15.21–15.22*).

Committee I noted the Secretariat's report on the International Expert Workshop on Non-detriment Findings in **document CoP15 Doc. 16.2.1**. It also considered the report of the Animals and Plants Committees on the Workshop in **document CoP15 Doc. 16.2.2** and adopted slightly amended versions of the draft decisions in its

annex. These were decisions to further and improve Parties' use of non-detriment findings (NDFs) based on the outcome of the Workshop and to review guidance on NDFs at CoP16 (*Decisions 15.23–15.25*). The amendment to the decision directed to the Secretariat (*Decision 15.25*) stipulated that capacity-building for the making of NDFs and translations of CITES guidelines for the making of NDFs into Arabic, Chinese and Russian should be supported by external funding.

Decisions 14.135 and *14.143* had directed the Plants Committee to develop principles, criteria and indicators for the making of NDFs for wild specimens of high-priority taxa such as timber species; *Prunus africana* and other medicinal plants; and agarwood-producing species. **Document CoP15 Doc. 16.3** contained guidance from the Plants Committee in accordance with these Decisions. Annex 3 of the document contained draft decisions directed to the Parties and the Secretariat to carry forward the findings of Plants Committee working groups on NDFs for these species. The Chair of the Plants Committee proposed amendments in session to align these more closely with the decisions in document CoP15 Doc. 16.2.2 (i.e. the report of the Animals and Plants Committees on the International Expert Workshop on Non-detriment Findings). No Party spoke against the decisions, but China considered that documentation produced in response to *Decisions 14.135* and *14.143* was over-complicated and the EU and Mexico asked for minor amendments to the decisions, which were subsequently adopted (*Decisions 15.26–15.27*).

INTERPRETATION AND IMPLEMENTATION OF THE CONVENTION

Review of Resolutions and Decisions

18. Review of Resolutions

The Secretariat presented a document (**CoP15 Doc. 18**) to address revisions to Resolutions, the need for which became apparent in the course of its normal work, as well as in the context of the specific review under way in line with *Decision 14.19*. The Secretariat proposed changes to 13 Resolutions contained in the document annexes: changes to nine of these, namely *Resolutions Conf. 5.10; Conf. 7.12 (Rev.); Conf. 9.5 (Rev. CoP14); Conf. 9.7 (Rev. CoP13); Conf. 9.10 (Rev. CoP14); Conf. 9.19 (Rev. CoP13); Conf. 11.11 (Rev. CoP14); Conf. 11.21 (Rev. CoP14);* and *Conf. 14.7*, and concomitant actions, were adopted without lengthy discussion or amendment in session, several of the changes being non-substantive or marginally substantive in nature. Other Resolutions were discussed as follows:

The draft decision to review *Resolution Conf. 10.10 (Rev. CoP14) on Trade in elephant specimens*, which provides the mandate for Monitoring of Illegal Killing of Elephants (MIKE) and Elephant Trade Information System (ETIS),

was adopted (*Decision 15.74*) after inclusion of a provision put forward by Rwanda for greater involvement of elephant range States in the review, and after a modification suggested by the USA to direct the decision to the Standing Committee, rather than to the Secretariat.

The Secretariat's proposed amendments to *Resolution Conf. 12.3 (Rev. CoP14) on Permits and certificates* concerned, *inter alia*, explanatory texts for source codes on permits and certificates and the inclusion of a definition of "hunting trophy". Some changes to explanatory texts for source codes D, C and F were adopted as agreed in session, but a working group needed to be set up to develop a definition for "hunting trophy". The group eventually proposed that "hunting trophy" within the context of the Resolution should mean a whole animal or a readily recognizable part or derivative of an animal that was raw, processed or manufactured and in legal trade by or on behalf of the hunter. Additionally with reference to the Resolution, the Secretariat suggested that Parties may wish to review the need for a change to the text to address situations where permits and certificates were not endorsed at the time of export. A working group was set up to examine this question and its proposal that a lack of endorsement of permits and certificates at point of export should trigger liaison between authorities in the importing and exporting countries was adopted. All other changes to the Resolution were adopted in the form proposed by the Secretariat in document CoP15 Doc. 18, or as a result of business under agenda items on electronic permitting and on review of the universal tagging system and trade in small crocodylian leather goods (*Resolution Conf. 12.3 (Rev. CoP15)*).

There was little opposition in Committee II to the proposed deletion of *Resolution Conf. 12.2* and related adoption of a draft decision for the Secretariat to investigate ways to establish a mechanism to secure funding to support provision of technical assistance to CITES Parties. Debate was, however, re-opened in plenary session at the request of the USA, to broaden the means by which funding could be secured. The draft decision was then adopted (*Decision 15.20*).

There was no consensus on the Secretariat's proposals for amendment of *Resolution Conf. 12.10 (Rev. CoP14) on Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes*, which were designed to facilitate the implementation of registration of captive-breeding operations. A working group was therefore set up and its revisions of the Resolution were adopted (*Resolution Conf. 12.10 Rev. CoP15*). The working group noted in session that its most substantive deviation from the Secretariat's proposals had been the provision for the Standing Committee to resolve issues where a Party objected to the registration of a breeding operation.

Finally on this agenda item, the USA and Mexico put forward amendments to Resolutions not in document

CoP15 Doc. 18, respectively to tighten the definition for coral fragments in *Resolution Conf. 11.10 (Rev. CoP14)*, and to direct the Secretariat to provide justification for any proposed changes to Decisions at meetings of the Conference of the Parties (*Resolution Conf. 4.6 (Rev. CoP13)*). These amendments were adopted.

19. Review of Decisions

The Secretariat regularly reviews the validity of Decisions and its report on this process for CoP15 was delivered in **document CoP15 Doc. 19**. Annex 1 of the document contained Decisions that the Secretariat considered needed amending or replacing by the Parties; Annex 2 contained the Secretariat's suggestions for such changes; and Annex 3 contained Decisions that the Secretariat proposed should remain in effect unaltered. It was noted that any Decision not listed in Annex 1, 2 or 3 would cease to be in effect after CoP15, unless the Parties wished otherwise. The meeting agreed to retain all Decisions in Annex 3 unaltered. Following discussion of the Decisions in Annex 1, some were deleted, some revised, some replaced and some retained unchanged, notably:

- The proposal to delete *Decision 14.81*, determining that no periodic review of any great whale listing should occur while the moratorium by the International Whaling Commission was in place, was rejected after a vote, with 24 in favour of its deletion, but 46 against.
- Several African Parties (Cameroon, Democratic Republic of the Congo, Kenya, Liberia, Mali and the Republic of Congo) and the EU were against the Secretariat's recommendation to delete *Decisions 14.73* and *14.74* which directed the Central Africa Bushmeat Working Group to liaise with the CBD on relevant issues and report to CoP15 and, as a result, it was agreed to extend the validity of these Decisions until CoP16.
- It was also agreed similarly to extend the validity of three other Decisions: *Decision 14.138* regarding agreement on exemption of certain agarwood products from CITES controls; *Decision 14.144* to support a workshop aimed at strengthening the capacity of Parties to implement agarwood-related Decisions; and *Decision 14.100* to evaluate the outcomes of the 2007 FAO Workshop on Sustainable Use and Management of Sea Cucumber Fisheries.
- Regarding Decisions on elephants, after in-session consultations which involved Kenya, Namibia, the USA, TRAFFIC, IUCN and the Secretariat, the meeting agreed with the Secretariat's recommendation to delete *Decision 10.2 (Rev. CoP11)* on conditions for the disposal of registered ivory stocks for non-commercial purposes that had been agreed in 1997, but not acted upon positively by donor countries. *Decision 14.75*, which was completed with the tabling of the *African elephant action plan* by the African Elephant range States at CoP15, was also deleted. *Decision 14.78* was replaced (***Decision 14.78 (Rev. CoP15)***), clarifying that updates on ETIS and MIKE, on the status of elephants, from IUCN, and on progress with the *African elephant action plan* should be made available to future meetings of the Standing Committee, contingent upon the provision of external funding. *Decision 14.76* regarding support from donors for elephant-trade-related activities was retained and *Decision 14.79* was amended (***Decision 14.79 (Rev. CoP15)***) to remove its last paragraph, whose actions had been implemented.

There was discussion of some Decisions not included in document CoP15 Doc. 19. Accordingly, it was agreed to retain *Decision 13.93* on reviewing Felidae listings, in line with the Animals Committee's recommendation to keep this Decision, and *Decisions 14.66*, *14.68* and *14.69* concerning domestic trade and captive-breeding of Asian big cats and related enforcement.

Compliance and enforcement

24. Enforcement matters

In accordance with *Resolution Conf. 11.3 (Rev. CoP13)* on *Compliance and enforcement*, requiring a report on enforcement matters at each regular meeting of the Conference of the Parties, the Secretariat presented **document CoP15 Doc. 24**. Annex 3 contained a report from Egypt on improvement of enforcement of CITES in that country following recommendations resulting from a Secretariat mission to Egypt to assess enforcement needs in 2007. As there were no outstanding recommendations on enforcement matters for Egypt, the Secretariat announced that the matter was now closed. The Secretariat reported on a high-level mission to Nigeria to discuss CITES implementation and referred the meeting to **document CoP15 Inf. 27** outlining Nigeria's recent progress with this. The Secretariat would continue to work with Nigeria, with a view to lifting the current trade suspension.

Other items covered by the document included news of Alerts (news of enforcement interest issued by the Secretariat) published since SC58; plans to direct Secretariat attention to enforcement matters in South and Central America and the Caribbean; the inter-sessional work of the CITES Enforcement Experts Group; Illegal, Unreported and Unregulated (IUU) fishing of sturgeons; designation of Parties' enforcement and Scientific Authorities; and the design of a strategy for a co-ordinated approach to wildlife law enforcement by the Secretariat, INTERPOL, the United Nations Office on Drugs and Crime (UNODC) and WCO. Annex 1 of the document set out draft decisions for the establishment of an illegal-trade database working group and these were supported by Botswana, Canada, Israel, Malaysia, India and the USA and adopted by consensus (***Decisions 15.42–15.43***). The EU suggested that the working group be tasked with developing a global seizures database modelled on EU-TWIX (EU Trade in Wildlife Information eXchange).

25. Proposed revision of Resolution Conf. 11.3 (Rev. CoP14) on Compliance and enforcement

This item was introduced by Spain, on behalf of the EU, and aimed to promote the use of sniffer dogs as a means of detecting illegal wildlife trade by adding appropriate text to *Resolution Conf. 11.3 (Rev. CoP14)*. Canada was the only Party to express a doubt about the proposal and the amendments to the Resolution in **document CoP15 Doc. 25**, as modified by the Secretariat's comments in the same document, were therefore adopted.

26. Review of Significant Trade in specimens of Appendix-II plant species

Document CoP15 Doc. 26 (Rev. 1) was introduced by the Chair of the Plants Committee. It concerned the poor response from range States for Asian medicinal species *Cistanche deserticola*, *Dioscorea deltoidea*, *Nardostachys grandiflora*, *Picrorhiza kurrooa*, *Pterocarpus santalinus*, *Rauvolfia serpentina* and *Taxus wallichiana* to *Decision 14.20*, which had directed them to implement regionally co-ordinated actions to improve management of the seven species. In response, the Plants Committee had suggested replacing *Decision 14.20* with two new decisions, set out in the annex to document CoP15 Doc. 26 (Rev. 1), to enable continuation of the incomplete business and to introduce a basis for more and different efforts to stimulate action. They were adopted by consensus, as amended by editorial suggestions from the Secretariat (*Decisions 15.36–15.37*).

Trade control and marking

27. Introduction from the sea

CoP14 had agreed the definition for “the marine environment not under the jurisdiction of any State” contained in *Resolution Conf. 14.6 on Introduction from the sea*. A Decision (14.48) emerging from the same meeting had led to the formation of the Standing Committee Working Group on Introduction from the Sea, tasked with establishing, among other things, the definition for “transportation into a State” and clarification of the term “State of introduction”. Draft revisions to the Resolution reflecting the Working Group’s decisions were presented in Annex 1 to **document CoP15 Doc. 27**, which also contained proposed revisions to *Decision 14.48* in its Annex 2, but a further two versions of the Resolution and Decision (**documents CoP15 Com. II. 14 and Com. II. 35**) were issued before discussion of this agenda item in session, following meetings of the Working Group in the margins of the meeting. These documents and discussion in session reflected the fact that recommendations for definitions of “State of introduction” and “transportation into a State” were still outstanding. Brazil, on behalf of Central and South America and the Caribbean, except Saint Vincent and the Grenadines, supported the continuation of the Working Group to address this and other issues and favoured the definition of “State of introduction” as the port State. In contrast, the EU thought that the flag State should be the “State of introduction”. The EU, echoed by the Pew Environment Group, lamented the slow progress on this issue. The revisions to *Resolution Conf. 14.6* and *Decision 14.48* providing for continued deliberations, with a report to SC62 and CoP16, were adopted.

30.1. Electronic permitting toolkit

The Secretariat introduced this issue, reporting on progress with *Decisions 14.56* and *14.57*, which in particular had been for the Secretariat to instigate preparation of a CD-

ROM and Internet-based toolkit on electronic permitting systems. It directed the meeting to review three new decisions in **document CoP15 Doc. 30.1** Annex, to encourage Parties to use the CITES Electronic Permitting Toolkit, extend the mandate of the Working Group on Information Technologies and Electronic Systems, and otherwise take forward work on this issue. Algeria, Brazil, the EU, Guatemala, on behalf of Central and South America and the Caribbean, and Jamaica backed the development of electronic permitting within CITES. Malaysia, seconded by China and South Africa, was concerned that the use of electronic permitting should not be portrayed as obligatory for Parties, while the USA did not think Parties had had enough time to evaluate the Toolkit and suggested that the work allocated to the Secretariat by the draft decisions should be subject to availability of external funding. The draft decisions, with amendments to reflect this concern and that of Malaysia, were adopted (*Decisions 15.54–56*).

30.2. Proposed revision of Resolution Conf. 12.3 (Rev. CoP14) on Permits and certificates

Amendments to this Resolution presented by the EU in **document CoP15 Doc. 30.2 (Rev. 1)** were to make explicit the fact that electronic transfer for permits and certificates was recognized as a method approved by the Parties. The amendments were adopted, with a slight modification proposed in session by the USA.

32. E-commerce of specimens of CITES-listed species

In **Document CoP15 Doc. 32**, the Secretariat reported that, following consideration of the outcome of the workshop on e-commerce held in Vancouver, in February 2009, the Standing Committee had directed it to prepare a draft decision, with the aim of enabling a better understanding of Internet trade, and draft revisions to *Resolution Conf. 11.3 (Rev. CoP14)*, to include provisions relating to Internet crime. These drafts, set out in the document’s annexes, were adopted (*Decisions 15.57–15.58* and *Resolution Conf. 11.3 (Rev. CoP15)*) after amendment in session, notably to stipulate the necessity of having domestic legislation adequate for investigation and punishment of illegal wildlife e-commerce.

Species trade and conservation

42. Great apes

Document CoP15 Doc. 42 provided a report of the Standing Committee’s inter-sessional activities under the remit of *Resolution Conf. 13.4 on Conservation of and trade in great apes*. The report singled out the fact that the majority of seizures of great apes did not seem to be followed up with adequate investigations. It noted that, at a meeting of the UN Great Apes Survival Project (GRASP) Executive Committee in September 2009, the Secretariat had suggested technical missions led by itself and the GRASP Secretariat to selected Gorilla range States

to assess means of supporting law enforcement, in collaboration with INTERPOL and WCO. The GRASP Executive Committee had accepted this suggestion and the Secretariat accordingly sought endorsement from the Parties for such missions via the draft decisions presented in document CoP15 Doc. 42. These decisions, which also directed the Standing Committee to review the missions' findings and called for a report to CoP16, were adopted (Decisions 15.44–15.45), reflecting wide support in session.

43. Asian big cats

43.1 Report of the Secretariat

In introducing **document CoP15 Doc. 43.1**, the Secretariat noted prominent events related to Tiger conservation in which CITES had been involved inter-sessionally, such as the First Asia Ministerial Conference on Tiger Conservation, held in Hua Hin, Thailand, in January 2010. It also noted that Decisions relating to Asian big cats taken at CoP14 had had little effect on the conservation of the species, yet it believed much of today's illegal trade in Tigers could be markedly reduced if concerted efforts were made, and in the light of this it presented draft decisions designed to galvanize action, in the document's Addendum. Notably, the decisions directed Parties to report incidents of Tiger poaching and illegal trade by 30 June 2010, a date chosen to allow INTERPOL sufficient time to analyse any information submitted before the Global Tiger Summit [the International Tiger Conservation Forum which took place in November 2010], at that time scheduled for September 2010. The information so received was to be disseminated in two documents, one with intelligence for restricted use, the other with public information for the CITES website. India, Nepal and Thailand wished for more time before submitting any such reports, but Bhutan, the EU, Malaysia, Myanmar and the UK were supportive of the decisions in the Addendum, which were adopted (Decisions 15.46–15.49).

43.2 Proposed revision of Resolution Conf. 12.5 on Conservation of and trade in tigers and other Appendix-I big cat species

With **document CoP15 Doc. 43.2**, the EU proposed to strengthen *Resolution Conf. 12.5*, one of the most important CITES tools for monitoring and controlling trade in Tiger parts and derivatives, notably by increasing co-operation between range States, improving enforcement controls, ensuring breeding operations were consistent with the conservation of wild populations, and encouraging consideration of a seizures database. The document contained a revised version of *Resolution Conf. 12.5* in its Annex 1 and comments on this revision from the Secretariat. In introducing the document, Spain responded to these comments from the Secretariat, in particular explaining that, in its opinion, domestic trade could legitimately be controlled under CITES in so far as it affected international trade in Asian big cats. Ghana, Israel, Mali and Rwanda supported the EU's proposed

changes to the Resolution. China, India, Myanmar, Thailand and Viet Nam, however, said that they could not support a revision of the Resolution urging Parties to restrict domestic trade in CITES specimens and they, and Bhutan, Egypt, Indonesia, Japan, Nepal and Pakistan, opposed the EU's proposal. In the light of this, a working group of range States and representatives of the EU met to discuss document CoP15 Doc. 43.2 in more detail, returning with agreed revisions to *Resolution Conf. 12.5*. As Chair of the working group, the UK reported that the revisions had been agreed on the assumption that *Decision 14.69* (stipulating restrictions for operations breeding Tigers on a commercial scale and that Tigers should not be bred for trade in their parts and derivatives) would remain in effect. The working group's revisions, which were adopted (Resolution Conf. 12.5 (Rev. CoP15)), *inter alia* deleted text instructing the Secretariat to initiate compliance proceedings for range States that failed to comply with the Resolution, added a new paragraph recommending Parties to assist range States technically and financially in complying with the Resolution, and deleted Annex 4 of document CoP15 Doc. 43.2 containing definitions of "trade", "intensive operations" and "commercial scale", among others, to be used in interpretation of the Resolution. The USA reiterated an earlier request that a decision to direct the Standing Committee to review and update the form and guidance for reporting incidents of wildlife crime (annexed to document CoP15 Doc. 43.2) should be drawn up. This was agreed (Decision 15.70).

44. Elephants

44.1 Monitoring of illegal trade in ivory and other elephant specimens and 44.2 Monitoring of illegal hunting in elephant range States

The results of the two monitoring systems for elephants under CITES—Monitoring Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS)—were discussed together. In introducing **document CoP15 44.2 (Rev. 1)** on monitoring of illegal hunting in elephant range States, the MIKE Central Co-ordination Unit also drew attention to **document CoP15 Inf. 41** on trends and factors associated with illegal killing of elephants. These documents represented the first time information on trends from the MIKE programme had been presented at a CoP. The analysis found that the most important predictors of levels of poaching in elephant range States were national government effectiveness, whereby countries with low government effectiveness or low Human Development Index scores had higher levels of elephant poaching, but poaching rates declined significantly as government effectiveness and the Human Development Index scores increased. At the site level, elephant poaching was more intense where vegetation cover was greater. Poaching levels were highest in central Africa and lowest in Asia. Finally, no relationship could be inferred between CITES decisions to allow a one-off ivory sale in 2008 and levels and trends of poaching as estimated by the proportion of illegally killed elephants.

The report from the Secretariat in **document CoP15 Doc. 44.1 (Rev. 1)** updated the meeting on the *Action plan for the control of trade in elephant ivory* and commented on recent illegal trade in ivory. With regard to the former, it noted that resources had hampered progress, but also that measures to deal with non-compliance with the plan had not been invoked and recommended that this should be remedied with the assistance of enforcement officers seconded by the Parties. The Secretariat also recommended amending *Resolution Conf. 10.10 (Rev. CoP14)* on *Trade in elephant specimens* to take account of technological advances in ivory marking techniques and to update the *Action plan* to reflect the fact that questionnaires on elephants and trade in ivory had now been undertaken and an assessment report on the responses submitted to the Secretariat by TRAFFIC.

The annex to **document CoP15 Doc. 44.1 (Rev. 1)** comprised the ETIS analysis and was presented by TRAFFIC, which manages ETIS on behalf of the Parties. TRAFFIC also drew attention to **document CoP15 Inf. 53** which provided sub-regional summaries of the ETIS data for all African and Asian elephant range States, allowing the characteristics of each sub-region to be compared with the results of the MIKE analysis. The ETIS analysis demonstrated major increases in ivory seizures in 2006 and 2009 and a steadily increasing trend in illicit trade in ivory since 2004, and showed that large-scale ivory seizures were becoming more frequent with the passage of time. The countries most heavily implicated in illicit trade were the Democratic Republic of the Congo, Nigeria and Thailand, but a further nine countries or territories were of a secondary level of concern. TRAFFIC recommended stepping up actions to match the intent behind adoption of the *Action plan for the control of trade in elephant ivory* via *Decision 13.26 (Rev. CoP14)*.

The USA, supported by China, advocated more active implementation of the *Action plan* and the Secretariat's recommendation to second enforcement officers from CITES Parties to support the Secretariat's work was accepted, with the effect that revisions of *Decision 13.26 (Rev. CoP14)* and of *Resolution Conf. 10.10 (Rev. CoP14)*, with respect to the

marking of ivory, were adopted (*Decision 13.26 (Rev. CoP15)* and *Resolution Conf. 10.10 (Rev. CoP15)*) and **document CoP15 Doc. 44.2 (Rev. 1)** was noted.

45. Rhinoceroses

45.1 Report of the Secretariat

Document CoP15 Doc. 45.1 (Rev. 1) outlined a number of developments related to *Decisions 14.88–14.90* on the declaration of rhinoceros horn stocks and implementation of *Resolution Conf. 9.14 (Rev. CoP14)* on *Conservation of and trade in African and Asian rhinoceroses* in range States where illegal killing of rhinoceroses appeared to have increased. The Secretariat's document also included an annex which comprised the comprehensive report from IUCN and TRAFFIC on the conservation status of African and Asian rhinoceroses. This report highlighted a major escalation in rhinoceros poaching in Zimbabwe and South Africa, the advent of Viet Nam as a major destination for illicit rhinoceros horn, and the apparent extinction of the Northern White Rhinoceros *Ceratotherium simum cottoni* since CoP14.

Further, the Secretariat also offered an Addendum with draft decisions focused on the creation of a joint CITES Ivory and Rhinoceros Enforcement Task Force. Finally, it drew attention to reports on the conservation of rhinoceroses from range States in **documents CoP15 Inf. 32** (South Africa), **CoP15 Inf. 33** (Zimbabwe) and **CoP15 Inf. 62** (Viet Nam), adding that the situation in Zimbabwe was a concern for the CITES community. Botswana, Cameroon, the Democratic Republic of the Congo, Kenya, Nepal and Swaziland supported the draft decisions and were concerned about the steady surge in poaching in some range States. The USA recommended an additional element, directed to the Secretariat, to facilitate bilateral exchanges between key rhinoceros range States and rhinoceros horn consumer States and to report on these at SC61 and 62. These draft decisions were adopted, with the addition of Nepal as one of the Parties prioritized to join the Ivory and Rhinoceros Enforcement Task Force (*Decisions 15.72–73*).

SCENES FROM CoP15



PHOTOGRAPHS: S. BROAD / TRAFFIC

45.2 Revision of Resolution Conf. 9.14 (Rev. CoP14) on Conservation of and trade in African and Asian rhinoceroses

Kenya's document (**CoP15 Doc. 45.2 (Rev. 1)**) for revision of this Resolution and inclusion of defined roles for range and consumer States was broadly supported by Parties, although several were opposed to the proposed amendment that encouraged destruction of rhinoceros horn stocks and establishing a new procedure for the IUCN/TRAFFIC report. These issues were deleted from Kenya's revised proposals in **document CoP15 Com. II. 29**, which was adopted, following two more corrections suggested by the Secretariat. As well as amendments to the Resolution (resulting in **Resolution Conf. 9.14 (Rev. CoP15)**), the revised proposals, which had been agreed in conjunction with other Parties, comprised a draft decision directing the Secretariat to examine implementation of the Resolution and to report on this to SC61, SC62 and SC63 (**Decision 15.71**). South Africa, Zimbabwe and Viet Nam also will be submitting update reports on rhinoceros poaching and rhinoceros horn trade to future meetings of the Standing Committee.

46. Tibetan Antelope *Pantholops hodgsonii*

Resolution Conf. 11.8 (Rev. CoP13) on Conservation of and control of trade in the Tibetan Antelope directs the Standing Committee to provide an update at each meeting of the Conference of the Parties on enforcement measures to counter the illegal trade in Tibetan Antelope products and to fulfil this obligation the Secretariat presented **document CoP15 Doc. 46**. The report suggested a Secretariat mission to liaise with the Government of India and authorities of the State of Jammu and Kashmir, to study ways in which the international community could help to halt the trade in Tibetan Antelope products. This proposal was withdrawn, however, in response to **document CoP15 Inf. 15** provided by the Government of India, who did not agree that a mission was necessary. Document CoP15 Doc. 46 was noted by the meeting.

47. Saiga Antelope *Saiga tatarica*

Document CoP15 Doc. 47, a report by the Secretariat on progress with the seven Saiga Antelope Decisions (*14.91–14.97*) adopted at CoP14, advised that it had not been possible to complete various actions, for example the amassing of information from relevant Parties' biennial reports, as these had not been received in time. The representative from the Convention on the Conservation of Migratory Species of Wild Animals reported in session that one element of these Decisions was fulfilled, as the Russian Federation had signed the MoU concerning Conservation, Restoration and Sustainable Use of the Saiga Antelope and as a result all range States were now signatories. Trade in Saiga horns remained problematic, however, and the draft decisions put forward in the Secretariat's report to CoP15, adopted by consensus (**Decisions 14.91, 14.93 (Rev. CoP15)–14.95 (Rev. CoP15), 14.96 and 14.97 (Rev. CoP15)**), were essentially

reissued directions from the seven CoP14 Decisions. These included the direction to range States to implement the *Medium-Term International Work Programme for the Saiga Antelope (2007–2011)* developed in support of the MoU, and to give information on this in their biennial reports for 2009–2010. States trading in Saiga parts and derivatives and donor States are likewise required to collaborate in managing the trade, and the decisions require a report to CoP16 from the Secretariat on progress on the actions they specify.

48. Snake trade and conservation management

Decisions adopted following discussion of **document CoP15 Doc. 48** submitted by China and the USA (**Decisions 15.75–15.78**), focused on under-regulation of the Asian snake trade. The decisions, which were set out in the document, directed the Secretariat to convene a workshop to consider conservation priorities, management and enforcement needs related to snake trade and provided for results of the workshop to be evaluated in succession by the Animals Committee, the Standing Committee and CoP16.

49. Tortoises and freshwater turtles

In **document CoP15 Doc. 49**, the Secretariat reported on implementation of *Decisions 14.126–129* which had been to extend liaison with WCO to promote the use of harmonized tariff codes for tortoises and turtles; for a summary of Parties' implementation of *Resolution Conf. 11.9 (Rev. CoP13) on Conservation of and trade in tortoises and freshwater turtles*, as contained in biennial reports; and to contract the IUCN/SSC Tortoise and Freshwater Turtle Specialist Group to undertake a study on conservation of and trade in CITES-listed tortoises and freshwater turtles in Asia. In the document, the Secretariat asked Parties to consider the need to continue special reporting on tortoises and turtles as required by *Resolution Conf. 11.9 (Rev. CoP13)*, (*Decision 14.127*), and noted that the IUCN/SSC report, which was the outcome of *Decision 14.128*, was available in **document CoP15 Inf. 22**. As no Party put forward views on this report, the Chair suggested it be considered by a working group, potentially to draft a decision based on its contents. This was done and the resulting document comprised draft decisions, which were adopted (**Decisions 15.79–15.83**). These directed the Animals and Standing Committees to review the IUCN/SSC report and encouraged the Parties to review their implementation of *Resolution Conf. 11.9 (Rev. CoP13)* and to develop national tariff Customs codes—based on the WCO harmonized system—for trade in tortoises and freshwater and terrestrial turtles, as a matter of priority.

50. Hawksbill Turtle *Eretmochelys imbricata*

Decision 14.86 taken at CoP14 had been to raise funds in collaboration with the Inter-American Convention for Protection and Conservation of Sea Turtles (IAC) and the Convention for the Protection and Development of the

Marine Environment of the wider Caribbean region (Cartagena Convention) and its Protocol Concerning Specially Protected Areas and Wildlife (SPA Protocol) for a regional Hawksbill Turtle meeting, and to report on that meeting to CoP15. The meeting in question was held in Mexico, in September 2009, and **document CoP15 Doc. 50**, submitted by IAC and presented by the Secretariat, provided the report of the meeting. The document also contained a draft decision directing the Secretariat to explore opportunities for co-operation with IAC, the Cartagena Convention and its SPA Protocol, including in development of joint proposals to donors, and this decision was adopted by consensus (**Decision 15.84**).

51. Humphead Wrasse *Cheilinus undulatus*: additional management measures needed to combat IUU fishing

In discussion of this agenda item, Australia and Malaysia favoured the draft resolution attached to **document CoP15 Doc. 51**, presented by Indonesia, which was to improve implementation of the Appendix-II listing for Humphead Wrasse. Specifically, the resolution was to address IUU fishing linked to shipments by sea and discrepancies in records between trading entities. China was supportive of improved controls, but advised bilateral initiatives as the way to achieve these and in this it was backed by the EU and Norway, who thought adoption of the resolution would be premature before further discussion of the outcomes of the international workshop on the Humphead Wrasse held in Hong Kong in June 2009 and consideration of the Fisheries Circular planned for publication by FAO in 2010. As there was no consensus emerging, a working group was constituted. It returned to Committee II with draft decisions and, with one amendment proposed by China, these were adopted (**Decisions 15.86–15.88**). Notably, these Decisions urge Parties to consider limiting international transport of Humphead Wrasse to air-borne transport and to work on finding acceptable options for dealing with confiscated fish. Otherwise they urge Parties to step up the normal measures taken for trade control and request the Secretariat's assistance in so doing.

52. Atlantic Bluefin Tuna *Thunnus thynnus*

The document for this agenda item, **CoP15 Doc. 52 (Rev. 1)** containing a draft resolution submitted by Monaco to urge Parties to rebuild stocks of the species, was to be considered by the Parties only in the event of acceptance of an Appendix-I listing for Atlantic Bluefin Tuna and as such was withdrawn following rejection of **document CoP15 Prop. 19** (see agenda item **68. Proposals to amend Appendices I and II**).

53. Conservation and management of sharks and stingrays

The Chair of the Animals Committee introduced **document CoP15 Doc. 53**, reminding the meeting that *Resolution Conf. 12.6* provided the context for work on sharks within CITES, and reporting on the Committee's

activities in the ambit of the seven shark Decisions adopted at CoP14. The document recommended adoption of new decisions and amendments to the Resolution, as the bases for work on: commodity codes for sharks; shark species of concern; freshwater stingrays; the outcome of the FAO technical workshop (November 2008); monitoring and reporting; and links between international trade in shark fins, meat and IUU fishing. Argentina, China, Egypt, Iceland, Japan, Libya, Morocco, the Russian Federation and the United Arab Emirates variously considered that adoption of the document would be unnecessary, premature, or that CITES was an inappropriate forum for managing shark trade altogether, citing identification problems, socio-economic issues, and the desirability of acting in concert with other international agreements as obstacles, among others. Australia, Croatia, the EU, South Africa and the USA, echoed by the Pew Environmental Group and WWF, supported the document in its entirety or for the most part, but the draft decisions and proposed revisions to the Resolution were rejected after a vote, with 52 in favour, 36 against and 11 abstentions, as the required two-thirds' majority was not achieved. On the final day of the meeting, Brazil, seconded by Egypt, asked for debate to be re-opened on the draft decision on freshwater stingrays. No Party opposed this motion and the decision was then adopted without discussion (**Decision 15.85**). New Zealand, seconded by Australia, succeeded in re-opening debate on amendment of *Resolution Conf. 12.6*, although Chile and Gabon opposed this motion. They drew attention to a version of the Resolution set out in **document CoP15 Inf. 70** which no longer identified particular shark species for conservation and which now included clauses on capacity-building for developing countries. This version was adopted by consensus.

57. *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii*

The Chair of the Plants Committee had prepared **document CoP15 Doc. 57** which provided a report on the Committee's work under the terms of *Decision 14.146*, which had adopted an action plan "to complete knowledge on the status of conservation of, trade in and sustainable use" of the four species. In the light of discussions at the 18th meeting of the Plants Committee (PC18), the document recommended continued collection and analysis of information on these plants and included a draft revision of *Decision 14.146* to this end. The EU was supportive of this, but suggested formation of a working group to evaluate the draft decision text. The draft decision's annex (a revision of the *Action plan* for *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii*) directed range States to include their populations of the species in Appendix III, but the Central and South American and Caribbean region, while generally supportive of the document, advised less imperative language on this point and also that assessment of the population status of the four species should be subject to budgetary capacity. Bolivia and Brazil stated

they had already registered their populations of *Cedrela odorata* for listing in Appendix III; Norway, however, urged the Plants Committee to consider recommending Appendix-II listings for the species at CoP16, noting that higher levels of protection for other species had come too late in the past. TRAFFIC intervened to state that it thought efforts would best be spent tackling organized crime and investing in verifying legal trade in the species, citing the current critical conservation status of Big-leaf Mahogany, despite its listing in Appendix II. After these discussions, the draft revision of *Decision 14.146* and its annex were adopted, with amendments in line with comments made by Norway and the Central and South American and Caribbean region, and with endorsement of an associated budget of USD1 000 000 (*Decision 14.146 (Rev. CoP15)*).

58. Big-leaf Mahogany

Document CoP15 Doc. 58 was a submission from the Plants Committee in line with *Decision 14.145* which had adopted the *Action plan for the control of international trade in bigleaf mahogany* and required a report to CoP15 on progress with the plan. Mexico, as Chair of the Bigleaf Mahogany Working Group, reported that the Group had not achieved all its goals, adding that there had been financial constraints in the range States. The intention of the draft decision in the document's annex, therefore, was to allow the work of the Group to continue. The Chair of the Plants Committee noted that in discussion of the previous agenda item, the EU had requested a working group to streamline the text of the revised *Decision 14.146*. Through adoption of this revised Decision, it had now been agreed that the Bigleaf Mahogany Working Group would incorporate *Cedrela odorata*, *Dalbergia retusa*, *D. granadillo* and *D. stevensonii* in its mandate and the Chair of the Plants Committee reiterated a call for a working group, to clarify issues relevant to decisions on these timber species and Big-leaf Mahogany. This was supported by the EU, range States for the species, and the USA and accordingly a working group was established and drew up amendments to the draft decision in document CoP15 Doc. 58. These resulted in three decisions, which were adopted. The Decisions were for the Secretariat to seek external funding for the running of the Working Group, and for the Plants Committee to change the name of the Bigleaf Mahogany Working Group to the "Working Group on Bigleaf Mahogany and Other Neotropical Timber Species" and to support implementation of the new version of *Decision 14.146* (see item on *Cedrela odorata* and *Dalbergia* spp. above). They also mandated continued joint work between CITES and ITTO on this subject and reports to CoP16 from the Secretariat and the Plants Committee. Additionally, a budget of USD45 000 for the Working Group's activities was approved (*Decisions 15.91–15.93*).

61. Report of the Central Africa Bushmeat Working Group

The Secretariat reported in **document CoP15 Doc. 61** that it had not received any report on bushmeat for submission to the meeting by the Central Africa Bushmeat Working Group, as required under *Decision 14.74*. The EU lamented the lack of a report from the Group, while Israel denounced it as unacceptable. Both these Parties and TRAFFIC, WWF and IUCN suggested ways to improve focus on bushmeat as a CITES issue. The Chair of Committee II noted the mandate for continuation of the work of the Central Africa Bushmeat Working Group, via retention of Decisions decided under a previous agenda item.

Amendment of the Appendices

63. Criteria for the inclusion of species in Appendices I and II

With the support of **document CoP15 Doc. 63** presented by the Secretariat, the meeting addressed the problem of differences in interpretation of the criteria for listing species in the Appendices, notably differences between the Secretariat and FAO over when regulation of trade was necessary to ensure that harvest from the wild did not threaten the survival of wild populations (Annex 2 a B. of *Resolution Conf. 9.24 (Rev. CoP14)*). The Secretariat reported that it believed an inter-sessional process was necessary to improve understanding of the criteria and recommended adoption of decisions contained in the document for this purpose. As there was no agreement on these decisions in session, a working group chaired by Canada was set up to review these and it returned to Committee I with versions that were adopted by consensus. The Decisions (*Decisions 15.28–15.30*) called for reports at the 25th meeting of the Animals Committee (AC25) from the Secretariat, FAO and IUCN/TRAFFIC on experiences with applying the criterion in Annex 2 a B. (and introductory text to Annex 2 a) to commercially exploited aquatic species proposed for inclusion in Appendix II at CoPs 13, 14 and 15. Following receipt of these reports, the Animals Committee was directed by the Decisions to develop guidance on application of the criterion, for consideration by the Standing Committee and subsequent presentation to CoP16.

68. Proposals to amend Appendices I and II

Forty-two proposals to amend the Appendices were considered at CoP15. In the account below, the name of the proponent Party or Parties is given in brackets after the proposal number and species. Of the 42 proposals, 28 were decided upon with minimal discussion, as follows:

Prop. 1 *Canis lupus* (Switzerland as Depositary Government, at the request of the Animals Committee). **Addition of an annotation to the species *Canis lupus* listed in Appendices I and II reading: "Excludes the domesticated form and the dingo which are referenced**

as *Canis lupus familiaris* and *Canis lupus dingo*".
Accepted by consensus.

Prop. 7 Mariana Mallard *Anas oustaleti* (Switzerland as Depositary Government, at the request of the Animals Committee). **Deletion from Appendix I.** Accepted by consensus.

Prop. 10 Ornate Spiny-tailed Iguana *Uromastyx ornata* (Israel). **Transfer from Appendix II to Appendix I.** Withdrawn, in view of the fact that there was clear opposition to the proposal in session.

Prop. 11 Honduran Spiny-tailed iguanas *Ctenosaura bakeri*, *C. oedirhina* and *C. melanosterna* (Honduras). **Inclusion in Appendix II.** Accepted by consensus.

Prop. 12 Guatemalan Spiny-tailed Iguana *Ctenosaura plearis* (Guatemala). **Inclusion in Appendix II.** Accepted by consensus.

Prop. 13 Tree frogs *Agalychnis* spp. (Honduras and Mexico). **Inclusion in Appendix II.** Accepted by consensus, concerns voiced by Iceland and Norway over the disparity in conservation status and appearance between the species notwithstanding.

Prop. 14 Kaiser Spotted Newt *Neurergus kaiseri* (Iran). **Inclusion in Appendix I.** Accepted by consensus.

Prop. 20 Satanas Beetle *Dynastes satanas* (Bolivia). **Inclusion in Appendix II.** Accepted by consensus.

Madagascar's proposals for succulent endemic plant species were introduced as a suite. The EU reported it had been unable to determine whether or not the taxa met the criteria for listing in Appendix II and called for a working group to consider the proposals. This was agreed and the final outcome for the proposals (see below) was in line with the group's recommendations, which included draft decisions (**Decisions 15.97** and **15.98**) to gather further information on these and other Malagasy species that could benefit from CITES-listing.

Prop. 22 *Operculicarya decaryi* (Madagascar). **Inclusion in Appendix II.** Withdrawn.

Prop. 23 *Operculicarya hyphaenoides* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.

Prop. 24 *Operculicarya pachypus* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.

Prop. 26 *Zygosicyos pubescens* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.

Prop. 27 *Zygosicyos tripartitus* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.

Prop. 30 *Senna meridionalis* (Madagascar). **Inclusion in Appendix II.** Withdrawn.

Prop. 34 *Adenia firingalavensis* (Madagascar). **Inclusion in Appendix II.** Withdrawn.

Prop. 35 *Adenia olaboensis* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.



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Prop. 36 *Adenia subsessilifolia* (Madagascar). **Inclusion in Appendix II.** Withdrawn.

Prop. 37 Marsh Rose *Orothamnus zeyheri* (South Africa). **Deletion from Appendix II.** Accepted by consensus.

Prop. 38 Swartland Sugarbush *Protea odorata* (South Africa). **Deletion from Appendix II.** Accepted by consensus.

Prop. 39 *Cyphostemma elephantopus* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.

Prop. 40 *Cyphostemma laza* (Madagascar). **Inclusion in Appendix II.** Withdrawn.

Prop. 41 *Cyphostemma montagnacii* (Madagascar). **Inclusion in Appendix II.** Accepted by consensus.

Prop. 25 Cactaceae spp. and all taxa with annotation #1 (Mexico and USA, on behalf of the Plants Committee). **Delete annotations #1 and #4 and replace them both with the following new annotation for plant taxa listed in Appendix II:**

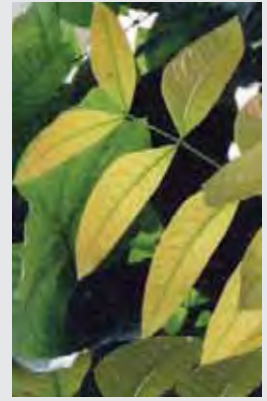
“All parts and derivatives, except:

- a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia) except those seeds from Cactaceae spp. exported from Mexico;
- b) seedlings or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) cut flowers of artificially propagated plants;
- d) fruits and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Vanilla* (Orchidaceae), *Opuntia* subgenus *Opuntia* (Cactaceae), *Hylocereus* and *Selenicereus* (Cactaceae);
- e) stems, flowers, and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (Cactaceae); and
- f) finished products of *Euphorbia antisiphilitica* packaged and ready for retail trade.”

Amend footnote 6 as follows (delete struck-through text):

Artificially propagated specimens of the following hybrids and/or cultivars are not subject to the provisions of the Convention:

- *Hatiora x graeseri*
- *Schlumbergera x buckleyi*



Left to right: *Opuntia microdasys*; *Selenicereus anthonyanus*; *Schlumbergera* sp.; *Swietenia mahagoni*

- *Schlumbergera russelliana* x *Schlumbergera truncata*
- *Schlumbergera orssichiana* x *Schlumbergera truncata*
- *Schlumbergera opuntioides* x *Schlumbergera truncata*
- *Schlumbergera truncata* (cultivars)
- Cactaceae spp. colour mutants ~~lacking chlorophyll~~, grafted on the following grafting stocks: *Harrisia 'Jusbertii'*, *Hylocereus trigonus* or *Hylocereus undatus*
- *Opuntia microdasys* (cultivars).

Accepted by consensus, with an amendment to paragraph d) to revert to an exemption from CITES controls for any cactus fruits and parts and derivatives from naturalized and artificially propagated plants. A draft decision arising from discussions of the proposal was put forward by the EU. It directed the Plants Committee to produce guidance materials on terms used in annotations of the Appendices and was accepted by consensus (**Decision 15.31**).

Prop. 28 Cliff Spurge *Euphorbia misera* (Mexico and USA). **Deletion from Appendix II.** Accepted by consensus.

Prop. 31 Orchidaceae spp. in Appendix I (USA). **Amend the annotation to the listing of Orchidaceae included in Appendix I, as follows: Delete the current annotation, which states:**

For all of the following Appendix-I species, seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers are not subject to the provisions of the Convention.

Replace with the following new annotation:

“For all of the following Appendix-I species, seedling or tissue cultures obtained in vitro, in solid or liquid media, and transported in sterile containers are not subject to the provisions of the Convention only if the specimens meet the definition of ‘artificially propagated’ agreed by the Conference of the Parties.” Accepted by consensus.

Prop. 32 *Beccariophoenix madagascariensis* (Madagascar). **Inclusion of the seeds of the species in Appendix II.** Accepted by consensus, via agreement to amend the annotation in Prop. 25.

Prop. 33 *Dypsis decaryi* (Madagascar). **Inclusion of the seeds of the species in Appendix II.** Accepted by consensus, via agreement to amend the annotation in Prop. 25.

Prop. 42 Palo santo *Bulnesia sarmientoi* (Argentina). **Inclusion in Appendix II.** Accepted by consensus, with a concomitant draft decision suggested by the EU for trading range States and importing Parties, in association with the Plants Committee, to work on identification of essential oil and wood and to report at CoP16 (**Decision 15.96**).

The following fourteen proposals were more controversial than those listed above, final decisions on all but one of the proposals being resolved via a vote, where a two-thirds' majority was required to secure acceptance. **N.B.** Votes below are recorded according to the following format: **in favour/against/abstaining**.

Prop. 2 Bobcat *Lynx rufus* (USA). **Deletion from Appendix II.** The USA renewed its attempt made at previous meetings to remove the Bobcat *L. rufus* from Appendix II, on the grounds that there was no evidence that pelts of other *Lynx* species were traded as *L. rufus*, that it would produce a guide to pelt identification, and that it would list *L. rufus* in Appendix III if its proposal were accepted. Botswana, Canada, China, Japan, Qatar, the Russian Federation, Senegal and Zimbabwe supported the USA's arguments, but the EU, Norway and Tunisia remained concerned that there would be look-alike problems compromising enforcement for other *Lynx* species if the Bobcat were deleted from Appendix II. In view of the lack of consensus, a vote was called and the proposal was rejected (53/46/15).

Prop. 3 Polar Bear *Ursus maritimus* (USA). **Transfer from Appendix II to Appendix I.** In introducing this proposal, the USA stated that the main threat to the Polar Bear *Ursus maritimus* was climate change, but it was concerned that trade had had or may have a detrimental effect on the species. The USA received support from Egypt, Mali, Qatar, Rwanda and Yemen, who favoured a precautionary approach, but were opposed by Canada,

Denmark, Iceland, Norway and the EU, as well as Nunavut Tunngavik Incorporated (a group promoting Inuit economic, social and cultural well-being). Those against the proposal did not think the species met the biological criteria for an Appendix-I listing, nor that it was threatened by international trade. As opinion was divided, delegates proceeded to a vote, as a result of which the proposal was **rejected** (46/62/11).

Prop. 4 African Elephant *Loxodonta africana* (Tanzania). **Transfer the population of the United Republic of Tanzania from Appendix I to Appendix II with an annotation** to allow trade in hunting trophies for non-commercial purposes; a one-off sale of government-registered raw ivory; trade in raw hides; and trade in live animals to appropriate and acceptable destinations, as defined in *Resolution Conf. 11.20*.

Tanzania has Africa's second-largest elephant population, the largest ivory stockpile documented in Africa, and experiences increasing human–elephant conflict. Referring to concerns about enforcement issues that had been expressed by the Secretariat and in the Panel of Experts report, Tanzania drew attention to recent anti-poaching operations and legislation for a new wildlife authority. Tanzania requested that the decision on its proposal be taken in two parts, firstly considering the annotation minus the paragraph (paragraph b)) which would allow the one-off ivory sale and secondly considering the annotation as a whole. This request for division of the proposal for voting purposes was decided by secret ballot (76/37/15). Botswana, China, Japan, Malawi, Qatar and Uganda backed the proposal, while the Congo, the EU, India, Liberia, Nigeria, Rwanda, Tunisia and the USA spoke against it. While there was recognition amongst this last group of Parties that Tanzania had taken measures to conserve its elephant population, the group was concerned that the Tanzanian proposal undermined the agreement reached at CoP14 that no further proposals for trade in ivory from Appendix-II elephants should be submitted until at least nine years after the sales of raw ivory agreed at that meeting. The secret ballot votes on Tanzania's proposal resulted in the rejection of the proposal without paragraph b) (57/45/32), as well as the defeat of the whole proposal (59/60/13). In a final plenary session of the meeting, Tanzania succeeded in re-opening debate on the proposal, but voting again resulted in **rejection** (55/55/34).

Prop. 5 African Elephant *Loxodonta africana* (Zambia). **Transfer of the population of Zambia from Appendix I to Appendix II for the exclusive purposes of allowing trade in hunting trophies for non-commercial purposes; a one-off sale of government-registered raw ivory; trade in raw hides; and trade in live animals to appropriate and acceptable destinations, as defined in *Resolution Conf. 11.20*.**

In introducing its proposal, Zambia cited increasing human–elephant conflict, and the wish to reduce dependency on donors by exercising its sovereign rights,

as underlying causes for submitting the proposal. To appease those opposed to any ivory trade at the present time, Zambia amended its proposal to remove the element of the annotation referring to sale of raw ivory. Support for the amended proposal came from Japan, Norway, South Africa, Uganda, the USA and Zimbabwe, several of whom said they believed effective conservation should be rewarded through benefits to local communities and that Zambia's enforcement system was adequate to cope with the regulation that would be required by acceptance of the proposal. Ghana, Kenya, Mali and Rwanda were against the amended proposal. Reasons cited included their belief that it was against the spirit of the nine-year moratorium on proposals for ivory sales agreed at CoP14; that range States had not been consulted; and that incidence of human–elephant conflict was not a function of the size of elephant population. In response, Uganda and Zambia asked the Secretariat to reiterate the terms of the nine-year moratorium, which it did by confirming that the moratorium applied only to those Parties whose elephants were in Appendix II at the time of CoP14. Noting the divided opinion, Zambia asked for a vote on its amended proposal. This was conducted by secret ballot and resulted in rejection (55/36/40). In a final plenary session of the meeting, Zambia succeeded in re-opening debate on the proposal, but it was again **rejected** (59/47/38).

Prop. 6 African Elephant *Loxodonta africana* (Congo, Ghana, Kenya, Liberia, Mali, Rwanda and Sierra Leone). This proposal to amend the current annotation applying to elephant populations of Botswana, Namibia, South Africa and Zimbabwe sought to apply a 20-year moratorium on legal trade in raw or worked ivory under CITES. However, following the defeat of Proposals 4 and 5, Kenya suggested the meeting consider a draft decision in place of Proposal 6. This decision aimed to prevent all African Elephant range States from submitting proposals to amend the Appendices for the species during the nine-year moratorium period, seeking to extend the terms of the moratorium beyond the four countries with elephant populations in Appendix II. The decision received support from Algeria, Burkino Faso, Liberia, Nigeria and Tunisia but not from Botswana, China, the EU, Tanzania or Uganda. Noting the lack of agreement over the draft decision, Kenya requested adjournment, to allow discussion with other range States, but adjournment was **denied** after a vote (53/58/20). Delegates then proceeded to a vote on the draft decision, which was subsequently **rejected** (38/76/21). Proposal 6 was then **withdrawn**.

Prop. 8 Morelet's Crocodile *Crocodylus moreletii* (Mexico). **Transfer from Appendix I to Appendix II with a zero quota for wild specimens.**

On introducing its proposal, Mexico announced that the zero quota was intended to apply to specimens "for commercial purposes". Nicaragua spoke on behalf of other Central American countries and the Dominican Republic, voicing concern about the proposal as the crocodile's population status in Guatemala and Belize was

uncertain, and there was potential for illegal trade in the region. China and the EU gave the proposal their support, the latter observing that there had been an increase in the population of the species in Mexico recently. Mexico asked that the meeting vote on the proposal as it pertained to the populations of Mexico and Belize only and Guatemala supported this procedure. The meeting then accepted the proposal so amended by consensus, and Mexico then withdrew the proposal in relation to the population of Guatemala.

**Prop. 9 Nile Crocodile *Crocodylus niloticus* (Egypt).
Transfer of the Egyptian population from I to II.**

Egypt stated in the introduction to its proposal that a “zero quota for commercial purposes” would apply. China, Japan, Qatar, Saudi Arabia, the Sudan, Tunisia, Uganda and Yemen backed the proposal, in several cases citing the problems posed by rising crocodile numbers. The EU had concerns about the lack of data in the proposal and a lack of compliance capacity and, supported by Indonesia, it opposed the proposal. Given the division of opinion, there was recourse to a vote (60/38/7) and the proposal was accordingly rejected. However, in the following session of Committee I, the EU announced that it had changed its position and no longer opposed the proposal: it suggested reopening discussion in plenary session. Egypt was subsequently able to do this unopposed and this time no Party spoke against the proposal, which was therefore accepted.

Prop. 15 Scalloped Hammerhead Shark *Sphyrna lewini*, Great Hammerhead Shark *S. mokarran*, Smooth Hammerhead Shark *S. zygaena*, Dusky Shark *Carcharhinus obscurus* and Sandbar Shark *C. plumbeus* (Palau and USA). **Inclusion in Appendix II with the following annotation: “The entry into effect of the inclusion of these species in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues.”**

In introducing this proposal, the USA explained that Scalloped Hammerhead *Sphyrna lewini* satisfied the criteria for inclusion in Appendix II for conservation reasons and that the four other species in the proposal had been included for look-alike reasons, but that it was now withdrawing the two *Carcharhinus* species, in the light of comments from FAO and the Secretariat. The co-proponents emphasized the need for international cooperation to conserve diversity of ocean life and received support for their proposal from Argentina, Australia, Brazil, Colombia, Croatia, the EU, Libya, Monaco, New Zealand, Norway, Qatar and Saudi Arabia, who variously cited as reasons for their support FAO endorsement of the proposal; the need to combat IUU fishing and to cooperate with regional fisheries management organizations (RFMOs); and over-exploitation of hammerhead sharks. The United Arab Emirates, supported by Guinea Bissau and Libya, thought that a 24-month delay on the Appendix-II listing taking effect would be needed to deal with technical and administrative issues. In response, the

USA agreed to amend the proposal to incorporate this longer delay and said it would work with Parties on capacity-building to assist implementation of the proposal.

China, Guinea Bissau, Indonesia, Japan, St Lucia, Senegal and Singapore were against the proposal. Between them, they cited several objections, for example, believing that RFMOs should be the bodies responsible for managing sharks; that enforcement of the proposed listing would be problematic; that there was a lack of documented scientific evidence for the proposal; and that livelihoods issues had been ignored. Japan pointed out, for example, that hammerhead shark was eaten in many Asian and Latin American countries and added that an Appendix-II listing would deny developing States the sovereign right to use their marine resources. Cuba said that, from its perspective, the cost of CITES implementation would outweigh the cost of any conservation benefits.

ICCAT named conservation measures it had taken for sharks, but noted that there were no specific management measures for hammerhead sharks, and FAO summarized its activities with regard to *Sphyrna lewini*, referring to the Report of the Third FAO Expert Advisory Panel for the Assessment of Proposals to Amend Appendices I and II of CITES Concerning Commercially-exploited Aquatic Species (**document CoP15 Doc. 68**).

St Lucia had called for a secret ballot and received sufficient support for this. Voting was on the proposal as amended by the suggestion from the United Arab Emirates for a 24-month delay on its coming into effect. The result being 75/45/14, the proposal was rejected by Committee I. Debate on the proposal was re-opened at the request of the USA and Libya on the final day of the meeting, but again the proposal was rejected in a secret ballot, this time with a result of 76/53/14.

Prop. 16 Oceanic Whitetip Shark *Carcharhinus longimanus* (Palau and USA). **Inclusion in Appendix II with the following annotation: “The entry into effect of the inclusion of *Carcharhinus longimanus* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues.”**

Mindful of discussion of the previous proposal, the USA amended this proposal in session to extend the proposed implementation delay to 24 months and reiterated a commitment to assist with relevant capacity-building activities. There was consistent support from some Parties for the shark proposals and the EU, New Zealand, Saudi Arabia and the United Arab Emirates voiced support for Proposal 16. Chile, China, Indonesia, Japan, the Republic of Korea, Venezuela and Viet Nam opposed it, China reminding the Committee that it had already rejected Proposal 15 that was similar to this one. Japan requested a secret ballot and, this being granted, the Committee proceeded to vote on the proposal, as amended by a 24-month delay in implementation, with a result of 75/51/16 and consequent rejection.

Prop. 17 Porbeagle *Lamna nasus* (Palau and Sweden). **Inclusion in Appendix II with the following annotation: “The entry into effect of the inclusion of *Lamna nasus* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve related technical and administrative issues, such as the possible designation of an additional Management Authority and adoption of Customs codes.”**

The EU opened debate on this proposal, stating that it was convinced the species merited inclusion in Appendix II. Australia, Canada, Egypt, New Zealand and the USA raised similar points in support of the proposal as had been raised in discussion of the previous two proposals, notably drawing attention to the fact that FAO supported listing the Porbeagle in Appendix II, in contrast to the case at CoP14, in the face of compelling evidence from stock assessments. As with the previous two shark species, supporters of the proposal stressed that identification of parts in trade would be possible, but once again China countered this assertion, as other Parties had done in preceding discussions on shark proposals. China and Iceland questioned the value of an Appendix-II listing since the EU was the main fishing entity for this species, yet constituted a single market, but the EU clarified that there was a ban on Porbeagle fishing in its waters, hence any incoming trade would be external. The EU introduced an expert on the species, who gave his validation to several of the reasons set out for an Appendix-II listing, and the EU then called for a vote on the proposal. Grenada asked for a secret ballot and this was allowed. The result of the vote was 86/42/8 and the proposal was thus accepted. However, Singapore, backed by Iceland and Libya, succeeded in re-opening debate in the final plenary session. Japan had requested that the proposal be put immediately to a vote upon re-opening debate, and this motion was carried following a vote (70/59/10). A secret ballot then resulted in rejection of Proposal 17 with the result 84/46/10.

Prop. 18 Spiny Dogfish *Squalus acanthias* (Palau and Sweden). **Inclusion in Appendix II with the following annotation: “The entry into effect of the inclusion of *Squalus acanthias* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve related technical and administrative issues, such as the development of stock assessments and collaborative management agreements for shared stocks and the possible designation of an additional Scientific or Management Authority.”**

In presenting this proposal, the EU explained that it would no longer be catching this species in its own waters and it wished its imports of specimens of the species to come from sustainable sources and required a CITES-listing for this reason. It acknowledged that FAO did not concur that the species met the criteria for listing in Appendix II. Opposition to the proposal was based more on biological issues than in the case of the other shark proposals, Argentina, Canada, Chile, China, Japan, Libya, New

Zealand and Norway all querying the scientific basis for the proposal. Australia and Croatia argued that the species was judged over-exploited in some areas and Australia, echoed by Germany, reasoned that Southern Hemisphere stocks should be listed on look-alike grounds. Germany suggested a vote be taken and Morocco asked for a secret ballot, which was granted. As the result was 60/67/11, the proposal was rejected.

Prop. 19 Atlantic Bluefin Tuna *Thunnus thynnus* (Monaco). **Inclusion in Appendix I.**

Monaco drew attention to the industrial nature of the exploitation of this species over recent decades and the judgement that, according to the International Commission for the Conservation of Atlantic Tunas (ICCAT), under whose oversight the species was managed, this had caused stocks to decline to under 15% of historical levels. It stressed that there was support for the proposal from FAO (as set out by FAO in **document CoP15 Inf. 26**) and drew attention to the mechanism to facilitate a transfer to Appendix II, as appropriate, depending on new information, that would be provided via adoption of **document CoP15 Doc. 52 (Rev. 1)**, a draft resolution to be considered by the Parties in the event of acceptance of Proposal 19.

The EU was supportive, but suggested an amendment (as explained in **document CoP15 Inf. 57**), such that the Appendix-I listing would be delayed until May 2011, to allow evaluation by CITES of the sufficiency or otherwise of the most recent measures taken by ICCAT for the Atlantic Bluefin Tuna. Kenya, Norway and the USA also supported the proposal, mentioning the declining stocks of the fish.



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Canada rejected the proposal, on the grounds that ICCAT was the most appropriate body to manage the species, that Parties could enter reservations to avoid being bound by the conditions of an Appendix-I listing, and because the listing would be powerless to affect domestic markets for the fish. Japan was similarly committed to ICCAT's role, but did not in any case believe the species was endangered. Chile, Grenada, Indonesia, Morocco, Namibia, the Republic of Korea, Senegal, Tunisia, Turkey, the United Arab Emirates and Venezuela likewise objected to the proposal, several stating that ICCAT was the appropriate management body and several voicing concern about socio-economic impacts of acceptance of the proposal. Senegal raised the issue of negative impacts on other species of fish and Grenada, Tunisia and the United Arab Emirates thought an Appendix-I listing could negatively impact food security and thought that any CITES decision on this issue before the outcome of a scientific assessment under way within ICCAT would be premature. Libya thought the proposal contained errors and misrepresentations and also suggested that science had been sacrificed to opinion within FAO. It called for an immediate vote on the proposal and was seconded by Sudan, but opposed by the EU and Monaco, who stated they wanted to adjourn discussion. The USA raised a point of order stating they believed a motion to adjourn debate took precedence over a motion to close debate, according to Rule 18, paragraph 2, but the Chair ruled that, as the request to close the debate had been made before the request to adjourn, this request took precedence. The result of the vote on whether or not to close debate was 72/53/3 and debate was thus closed and Parties proceeded to vote on Proposal 19, firstly as amended by the EU, as this was the version that would have the least restrictive effect on trade. Iceland requested voting by secret ballot and this request received sufficient support. The proposal as amended by the EU was rejected with a result of 43/72/14 and the original proposal was then rejected by the result of the subsequent vote, 20/68/30.

Prop. 21 Red and pink coral *Coralliidae* spp. (*Corallium* spp. and *Paracorallium* spp.) (Sweden and USA). **Inclusion of all species in the family in Appendix II with the following annotation: "The entry into effect of the inclusion of species in the family *Coralliidae* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues."**

This proposal received very similar numbers of votes for and against as the USA's proposal to list *Corallium* spp. in Appendix II in 2007, which received 61 votes in favour and 55 against in the final reckoning at CoP14. During discussions at CoP15, Tunisia, supported by Libya and Morocco, expressed the view that management of corals by the General Fisheries Commission for the Mediterranean (GFCM) would be more appropriate than management by CITES. Libya cautioned consideration of the effect on livelihoods if the proposal were accepted and Morocco and Tunisia believed controls were already adequate. Japan listed several reasons to vote against the

proposal, noting in particular that no coral species was included in the IUCN Red List; that coral populations were substantial in some areas; that Japan itself had strong control of coral fishing and management; and that declines in amounts landed were not a reflection of declines in coral biomass. Iceland, Indonesia, Malaysia, Singapore and Vanuatu also opposed the proposal, and the speaker from FAO reiterated the view of its Expert Advisory Panel that the criteria for an Appendix-II listing were not met, a point additionally made by several of the Parties already mentioned. By contrast, Croatia, Iran and the United Arab Emirates recognized extreme threats to corals and Iran noted these would be more likely to affect livelihoods than an Appendix-II listing. The EU, also supportive of the proposal, referred to massive declines in landings since the 1980s and SeaWeb and the Pew Environment Group questioned the validity of FAO's conclusions on the proposal, equating coral harvesting to mining of a non-renewable resource, and drew attention to the recommendation of the International Coral Reef Initiative on international trade in corals and related issues in document CoP15 Inf. 42.

The USA committed to provide capacity-building support for exporting range countries and financial help for a workshop on identification and the making of non-detriment findings for coral and again stressed the vulnerability of corals to over-exploitation. A vote was then taken by secret ballot, Tunisia having requested this at the beginning of discussions, with a result of 64/59/10 and the proposal was thus rejected.

Prop. 29 Brazilian Rosewood *Aniba rosaeodora* (Brazil). **Inclusion in Appendix II with the following annotation: "#11 Designates logs, sawn wood, veneer sheets, plywood and essential oil."**

Accepted by consensus, but a draft decision arose from discussions that directed "range States and Parties" to work with the Plants Committee on finding the best methods for identification of essential oil and, if required, wood, and to support identification in other ways, including via production of guides and listing of look-alike species. The decision (**Decision 15.90**) also required exploration of mechanisms for making non-detriment findings and a report on progress with specified activities to CoP16.

CONCLUSION OF THE MEETING

69. Time and venue of the next regular meeting of the Conference of the Parties

The Parties accepted an offer from Thailand to host CoP16 in 2013. Exact dates are to be determined. The Secretary-General expected to be in post at the time of CoP16, Mr John Scanlon, had been introduced by the outgoing Secretary-General, Willem Wijnstekers, the previous day.

J. Gray, Reports Editor, TRAFFIC International, and a rapporteur at CoP15.