



**IWMC**  
**World Conservation Trust**

# **Towards CoP16 of CITES**

**(Bangkok, Thailand 3 – 14 March 2013)**

**IWMC Recommendations  
on Draft Resolutions and  
Decisions**

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## **FOREWORD**

In this document, IWMC is not making recommendations on each document submitted for consideration by the Conference of the Parties at CoP16. Its recommendations are therefore limited to those documents, draft resolutions and decisions, and amendments to existing Resolutions and Decisions for which it believes that specific comments and suggestions are necessary.

This means that in general IWMC is in agreement with the proposals made in the documents not subject to its recommendations or at least considers them as acceptable or, whether they are adopted or not, that its views on the subject under consideration, whatever they are, would not be modified. In addition, regarding documents about the funding of the Secretariat, IWMC believes that it is not the role of NGOs to make other recommendations than to use the funds available in the best possible way to support the principles and goals of the Convention

This does not mean however that IWMC would not make additional comments and recommendations on documents and proposals at CoP16, if it is given the opportunity to do so.

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<b>Documents</b>	<b>CoP16 Doc. 4.1, 4.2 and 4.3</b>
<b>Subject</b>	<b>Rules of procedure: proposed amendments</b>
<b>Proponents</b>	<b>Secretariat, Denmark on behalf of the Member States of the European Union and Mexico</b>

## **RECOMMENDATION – ADOPTION of certain amendments, REJECTION of others**

### **BACKGROUND**

1. IWMC supports the amendments proposed by the Secretariat concerning Rules 20, 21 and 25 for the reasons expressed in the document. Regarding the reduction to 120 days of the deadline for the submission of draft resolutions, draft decisions and other documents, IWMC hopes that this would not impede the work of the Secretariat and prevent it to communicate the documents to the Parties early enough before meetings and in the three working languages.
2. Concerning Rule 23 on Procedures for deciding on proposals for amendment of Appendices I and II, IWMC agrees that it should be amended to establish a procedure similar to that applying to draft resolutions and decisions, and in use in most if not all democratic institutions. However, IWMC has serious concerns with respect to the proposed amendments and the way they are explained.
3. IWMC is strongly opposed to any changes to Rule 25, paragraph 2, with respect to secret ballot. It does not agree with the arguments put forward, in particular that of transparency as it is used by the proponents, Denmark and Mexico. The use of secret ballot is not simply a way to protect the sovereignty of the Parties, it is also a way to protect them from lobbying that may easily become means of pressure if not of blackmailing. CITES is a treaty based on the cooperation between its Parties, not made for controlling how each of them makes its decisions and expresses them.
4. In conclusion, IWMC recommends to the Parties:
  - to adopt the amendments to Rules 20, 21 and 25, paragraph 1, proposed by the Secretariat;
  - to adopt proposed by the Secretariat
  - to strongly reject the amendments proposed by Denmark and Mexico to Rule 25, paragraph 2.

# **IWMC World Conservation Trust**

**Document**        **CoP16 Doc. 9**  
**Subject**         **Arrangements for meetings**  
**Proponents**    **Mali and Rwanda**

## **RECOMMENDATION – ADOPTION with amendments**

### **BACKGROUND**

1. IWMC understands the problems faced by non-English speaking Parties during certain CITES meetings, especially when the language spoken in these Parties is not a CITES working language. However, IWMC understand also the problems faced by the Secretariat when organizing such meetings.
2. This issue has been discussed in a number of occasions but, evidently, no satisfactory solution has been found so far.
3. IWMC doubts that all the suggestions made by the proponents in the document would be acceptable for the Secretariat, in particular without proper funding available.
4. Therefore IWMC recommends that the Secretariat meet with interested Parties at CoP16 and prepare a draft resolution acceptable for both sides and submit it for adoption by the Conference.

# IWMC World Conservation Trust

<b>Document</b>	<b>CoP16 Doc. 26</b>
<b>Subject</b>	<b>Draft revision of Resolution Conf. 10.10 (Rev. CoP15) on trade in elephant specimens</b>
<b>Proponent</b>	<b>Chairman of the Standing Committee (prepared by the Secretariat)</b>

## RECOMMENDATION – ADOPTION with amendments

### BACKGROUND

1. IWMC participated in the working group of the Standing Committee on the subject under consideration and it is not fully satisfied with the draft revised text of Resolution Conf. 10.10 (Rev. CoP15) submitted by the Chair of the Standing Committee on behalf of its Committee. IWMC regrets especially the absence of a clearer reference to community-based conservation.
2. Such a reference appears in the section "Regarding improving elephant conservation and management in range States" but not in other sections, in particular in the preamble, for which IWMC proposed the inclusion of the following paragraphs:

*"CONSIDERING the serious threats facing elephants in many parts of their range, including through ,inter alia, human-elephant conflicts, food insecurity, illegal killing for ivory and meat, illegal trade in ivory, habitat loss and fragmentation, and local overabundance;*

*CONSIDERING that one of the main driving factor for poaching was and remains in many areas of the elephant range the lack of tangible benefits for local communities, especially the poorest ones, which in many cases are deprived from legal access to wildlife resources while needing food and income that a sustainable and regulated use of wildlife could provide;*

*RECOGNIZING the need to enhance, inter alia, community-based conservation programmes, institutional and enforcement capacities and development programmes within or adjacent to the elephant range, which also aimed at reducing human-elephant conflicts and improving the management and conservation of elephants and livelihoods of the communities in the long term;".*

3. In addition, IWMC proposed the inclusion in the section on "Monitoring the illegal killing of elephants and trade in elephant specimens" of the following subparagraph ii) under AGREES that a):
  - "ii) *assessing whether and to what extent observed trends are related to measures concerning elephants and trade in elephant specimens taken under the auspices of CITES; changes in the listing of elephant populations in the CITES Appendices; the conduct of legal international trade in ivory; the poverty level; or the lack of comprehensive community-based conservation programmes;*".
4. In view of the serious need to recognize the importance of community-based conservation to fight poaching and improve the community livelihoods, IWMC recommends to the Parties to adopt the proposed draft revised resolution with the addition of the above-mentioned paragraphs and subparagraph.

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**Document**        **CoP16 Doc. 31**

**Subject**        **Disposal of illegally-traded and confiscated specimens of Appendices-II and -III species**

**Proponent**      **Indonesia**

## **RECOMMENDATION – ADOPTION with amendments**

### **BACKGROUND**

5. The main objective of the discussions and amendments to Resolution Conf. 9.10 (Rev. CoP15) proposed by Indonesia in a draft decision appears to be that confiscated specimens be either returned to the country of origin or sold, with the product of the sale sent to that country, unless this is not appropriate.
6. IWMC understands the position of Indonesia but would recommend to the Parties to follow it only on the conditions that the country of origin is in no way involved in any aspect of the illegal activities that have led to the confiscation, and that the funds obtained from a sale be exclusively used to improve the implementation of the Convention and/or promote the conservation of wildlife, the species concerned in particular.
7. Consequently, IWMC recommends to the Parties to adopt the draft decision proposed by Indonesia with amendments as suggested above.

# IWMC World Conservation Trust

<b>Document</b>	<b>CoP16 Doc. 32</b>
<b>Subject</b>	<b>Introduction from the sea</b>
<b>Proponents</b>	<b>Chairman and Vice-chairman of the Working Group on Introduction from the sea on behalf of the Standing Committee</b>

## **RECOMMENDATION – ADOPTION, although...**

### **BACKGROUND**

1. IWMC had the privilege of participating in the Working group on introduction from the sea issues, which met four times since CoP13 in 2004. The meetings were of great interest, although they did not lead to a consensus on all these issues. Until CoP15 the Parties, within the Working Group and in general, were unable to agree on which of the port State or the flag State should be considered as the ‘State of introduction’, i.e. the State in charge of issuing the certificate of introduction and to undertake the associate non-detriment finding.
2. After CoP15, new Chairman and Vice-chairman were elected for the Working Group, who proposed a new approach. This was discussed as described in the document and resulted in the draft amendments to Resolutions Conf. 14.6 (Rev. CoP15) and Conf. 12.3 (Rev. CoP15) proposed in the document, together with a draft decision. Nevertheless, no consensus was reached with regard to the new paragraph c) proposed for Resolution Conf. 14.6 (Rev. CoP15) on the issue of ‘chartering’, in spite of long negotiations.
3. The new approach first eliminates the reference to flag States and replaces it with a reference to States in which the [fishing] vessel is registered, a designation that is not defined, not necessarily well understood and not necessarily designating a State different from the flag State. Secondly, the new approach is based on the assumption that it is only when the fishing vessel is registered in the same State as that where the fished specimens are transported that the provisions regarding the introduction from the sea (Article III, paragraph 5, or Article IV, paragraphs 6 and 7) are applicable. When the State in which the vessel is registered and that in which the specimens are transported are different, the applicable provisions are those concerning exports and imports provided in Article III or IV for any CITES specimens in trade.
4. When one State only is involved, the situation is clear and that State has to issue, to itself, a certificate of introduction from the sea and to make a non-detriment finding. When more than one State is involved, the new approach, in the view of IWMC, is considering, without saying it, that the fishing State (the State in which the vessel is registered although it could be the flag State) is the State of introduction and a State of export, which has to issue a certificate of introduction, to itself, and then an export permit, both subject to the establishment of non-detriment finding. As both documents are similar and have to be issued successively by the same State, the new approach is proposing to exempt that State to issue, to itself, the certificate of introduction. This is understandable and should be acceptable.
5. Although the new approach was not contested within the Working Group, contrary to what happened prior CoP15, as indicated in paragraph 1 above, IWMC has some difficulties to understand how Parties that were opposed to consider the flag State as the State of introduction can accept that the State in which the vessel is registered be that State, instead of the port State, as these Parties wanted.
6. For the Working Group, chartering remained the only unsolved issue, as at least one of its members was opposed to link chartering arrangements with a RFMO/A. If the words ‘if

appropriate' would not be added in the proposed paragraph c) in square brackets, this would lead to an opposition to the whole draft amendments to Resolution Conf.14.6 (Rev. CoP15).

7. Although IWMC may recommend to the Parties to adopt the proposed amendments and draft decision, it still believes that, when two States are involved, the only way to determine which Party should be the State of introduction from the sea, in charge of issuing a certificate of introduction, or an export permit, and making a non-detriment finding, should be, at least in a number of cases, the result of an agreement between the two States involved, i.e. the fishing State (the flag State or the State in which the vessel is registered) and the port State. Consultation between these States, as proposed, may not be sufficient, especially for many port States.

# IWMC World Conservation Trust

**Document**        **CoP16 Doc. 33**

**Subject**        **Non-detriment findings**

**Proponents**    **Chairs of Animals and Plants Committees on behalf of their Committees**

## **RECOMMENDATION – ADOPTION with amendments**

### **BACKGROUND**

1. IWMC can recommend the adoption of a Resolution on the subject under consideration, on the basis of the draft prepared by the Animals and Plants Committees. However, considering the number of proposed amendments or other considerations appearing in the annexes to the document, it is obvious that the proposed draft resolution would need being amended at CoP16. For that purpose, a working group would have to be established by Committee I.
2. To reach a general agreement, the working group and the Conference afterwards would have to recognize that the issue would evolve with time and that the resolution would have to be adapted accordingly. This would facilitate the adoption of a text by consensus. Therefore, it could be worth adopting a decision, or including a provision in the resolution, directing the Animals and Plants Committees to keep the issue on their agendas.
3. In conclusion, IWMC recommends to the Parties the establishment at CoP16 of a working group of Committee I to amend the draft resolution proposed by the Chairs of the Animals and Plants Committees, taking into account the above remarks. IWMC recommends also the adoption of the draft decisions.

# **IWMC World Conservation Trust**

<b>Document</b>	<b>CoP16 Doc. 35</b>
<b>Subject</b>	<b>Improvement of efficiency of international cooperation on permits and certificates verification</b>
<b>Proponent</b>	<b>China</b>

## **RECOMMENDATION – ADOPTION**

### **BACKGROUND**

1. The issue rose by China, the fight against illegal trade, is or should be at the heart of CITES. This was clearly agreed at CoP15 with the adoption of a budget increasing the Secretariat capabilities regarding enforcement.
2. However, as the purpose of CITES is not to impede legitimate trade, verification formalities should not take excessive time (Article VIII, paragraph c). When necessary, the Secretariat should assist the Parties for that purpose to the extent of its possibilities, e.g. as provided by the draft resolution.
3. Consequently, IWMC recommends to the Parties to adopt the draft resolution submitted by China, possibly with some amendments.

# IWMC World Conservation Trust

<b>Documents</b>	<b>CoP16 Doc. 36 and 37</b>
<b>Subject</b>	<b>Decision-mechanism for a process of trade in ivory</b>
<b>Proponents</b>	<b>Chairman of the Standing Committee (prepared by the Secretariat) and Benin, Burkina Faso, Central African Republic, Côte d'Ivoire, Kenya, Liberia and Nigeria</b>

## RECOMMENDATION – REJECTION and ...

### BACKGROUND

1. It appears clearly from all information available that there is no chance for the CoP to agree on a decision-mechanism for a process of trade in ivory, as expected after the adoption of a compromise at CoP14 between the range States of the African elephant. It is a pity that CITES was unable in more than five years to prepare a document and find a common decision, in the spirit of a Convention adopted 40 years ago, on an issue of such significance as is the conservation of the African elephant.
2. In such regrettable circumstances, the Secretariat, in the document submitted by the Chairman of the Standing Committee, had no other choice than to propose that Decision 14.77 be extended until CoP17 and amended to precise the mandate of the Standing Committee.
3. Nevertheless, Decisions 14.77 and 14.78 (Rev.CoP15) were adopted as part of the compromise agreed at CoP14, which included amendments to the annotation to the listing of the populations of *Loxodonta africana* listed in Appendix II providing for a moratorium on the submission by the Parties concerned of proposals to amend Appendix II to allow trade in raw ivory and making reference to these Decisions.
4. In the present situation, the compromise may be considered as defunct and the relevant section of the current annotation and Decisions 14.77 and 14.78 (Rev. CoP15) as well consequently. In addition, it appears unlikely that a new compromise could be found, because the views of the range States in favour of a controlled trade ivory and of those opposed to any such trade are diametrically opposed.
5. As no proposal, except that from Burkina Faso and Kenya (Prop. 12), has been submitted, the annotation may not be amended at CoP16 to reflect the present situation. Therefore, IWMC recommends to the Parties to repeal Decisions 14.77 and 14.78 (Rev. CoP15) - this implying that the amendments proposed to them should be rejected - and adopt a decision asking the Depositary Government, the Government of Switzerland, to prepare and submit a proposal for CoP17 (it does not appear reasonable to act through the postal procedure) to delete the whole annotation to *Loxodonta africana*. This would leave to the Parties engaged in any trade transaction on elephant specimens, in particular ivory, the entire responsibility to ensure that the transaction be conducted in full compliance with the CITES provisions, in taking into account the provisions of Resolution Conf. 10.10 as it could be amended at CoP16. Particular attention would have to be devoted to the marking of the ivory pieces, which should be designed on the basis of modern and efficient techniques.

# IWMC World Conservation Trust

<b>Documents</b>	<b>CoP16 Doc. 60.1 and 60.2</b>
<b>Subject</b>	<b>Sturgeons and paddlefish, reports from the Animals Committee and the Secretariat</b>
<b>Proponents</b>	<b>Animals Committee and the Secretariat</b>

## **RECOMMENDATION – ADOPTION of some amendments**

### **BACKGROUND**

1. IWMC participated in the Working Group of the Animals Committee which prepared the draft amendments to Resolution Conf. 12.7 (Rev. CoP14) that were then accepted by the Committee and are now proposed in document CoP16 Doc. 60.1. If adopted, these amendments would clarify some elements of the Resolution.
2. The Working Group, including IWMC, and the Animals Committee noted with concern the lack of positive actions taken in the Caspian Sea region with regard to the conservation and management of the shared stock of sturgeons.
3. The Working Group was not aware of the various draft amendments to the same Resolution now proposed by the Secretariat in document CoP16 Doc. 60.2 and therefore had no opportunity to consider them. Some of them may easily be supported but several would deserve serious consideration by the Parties, the range States in particular. Whether this may be done at CoP16 is questionable.
4. Recently, IWMC was made aware of a commercial offer of mixed caviar. IWMC believe that trade in mixed caviar should be prohibited, except for pressed caviar, as indicated in the Annex 2 to Resolution Conf. 12.7 (Rev. CoP14), because it may open the door to illegal activities. However, it appears that the wording in Annex 2 is not clear enough. Therefore, IWMC hopes that, in spite of an unavoidable late announcement, the Parties would be able to amend the Resolution one way or another to forbid the mixing of caviar in trade.
5. In conclusion, IWMC recommends to the Parties to adopt the draft amendments proposed by the Animals Committee in document CoP16 Doc. 60.1 and an amendment to prohibit the mixing of caviars, except when pressed, and to consider the draft amendments proposed by the Secretariat in document CoP16 Doc. 60.2 either through a working group to be established at CoP16 or in adopting a decision directed to the Animals Committee for that purpose.

# IWMC World Conservation Trust

**Document**        **CoP16 Doc. 65**

**Subject**        **Regional cooperation on the management of and trade in queen conch  
(*Strombus gigas*)**

**Proponent**      **Colombia**

## **RECOMMENDATION – REJECTION of the draft decision**

### **BACKGROUND**

1. IWMC welcomes the document and report submitted by Colombia but believes that the Conference does not need a decision to take note of them. As the proposed draft decision does not require any further action, the decision would become obsolete as soon as adopted.
2. IWMC recommends therefore to the Parties to take note of the document and attached report and reject the draft decision.

# **IWMC World Conservation Trust**

**Document**        **CoP16 Doc. 71**

**Subject**        **Criteria for the inclusion of species in Appendices I and II**

**Proponent**     **Standing Committee**

## **RECOMMENDATION – TAKE NOTE**

### **BACKGROUND**

1. This document about the divergence of views on the interpretation of criterion B of Annex 2a of Resolution Conf. 9.24 (Rev. CoP14) between the FAO and the CITES Secretariat demonstrates once more the difficulties for CITES to deal with commercially-exploited aquatic, in particular marine, species.
2. The document shows that neither the Animals Committee nor the Standing Committee afterwards have been able to agree on a single interpretation and it is therefore doubtful that the Conference would be able to find a two-thirds majority on the same issue. Even if this would be the case, the Conference would only be able to make a recommendation that the Parties would follow or not, as they would wish.
3. Under such circumstances and remaining of the opinion that the correct interpretation is that proposed by the FAO, IWMC recommends to the Parties to take note of the differing views on the matter and of the document under consideration.

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<b>Documents</b>	<b>CoP16 Doc. 75 and 76</b>
<b>Subjects</b>	<b>Development and application of annotations; Report of Plants Committee on annotations</b>
<b>Proponents</b>	<b>United States of America and Plants Committee</b>

## **RECOMMENDATION – ADOPT recommendations, except one**

### **BACKGROUND**

1. IWMC was pleased to participate in the Working Group of the Standing Committee on Annotations chaired by the United States of America and generally agreed with the recommendations presented in document CoP16 Doc. 75.
2. Nevertheless, regarding the new paragraph a) under **Revise the paragraphs under “DIRECTS”** in Annex 6 to the document mentioned in paragraph 1 above, IWMC expressed the view and still believes that the *Interpretation* section of the Appendices is not the best place to include the definitions of certain terms used in the annotations. As all annotations are listed at the end of the Appendices, the definitions should immediately follow the list of them if not each annotation with terms subject to a definition. Because, on the CITES website, the *Interpretation* of the Appendices is a document separated from the lists of species and annotations, consultation by the enforcement officers would be facilitated if they have not to jump from one document to another to get the needed information. In addition, to alert the reader, each term of an annotation subject to a definition, could be marked one way or another, unless the definitions would follow the individual annotations.
3. If such a suggestion would be adopted by the Conference, paragraphs f) and g) of the terms of reference for the working group on annotations of the Standing Committee proposed in Annex 8 of the same document would have to be amended accordingly.
4. In conclusion, IWMC recommends to the Parties to adopt the recommendations included in document CoP16 Doc. 75 with the changes suggested above, as well as those included in document CoP16 Doc. 76 submitted by the Plants Committee.