

ANNOUNCEMENT OF TENTATIVE U.S. NEGOTIATING
POSITIONS FOR AGENDA ITEMS AND SPECIES
PROPOSALS SUBMITTED BY FOREIGN GOVERNMENTS
AND THE CITES SECRETARIAT

We, the United States, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), will attend the seventeenth regular meeting of the Conference of the Parties to CITES (CoP17) in Johannesburg, South Africa, from September 24 to October 5, 2016. This notice announces the tentative U.S. negotiating positions on amendments to the CITES Appendices (species proposals), draft resolutions and decisions, and agenda items submitted by other countries and the CITES Secretariat for consideration at CoP17. Please note that we published a notice in the **Federal Register** on September 23, 2016 announcing the availability on our website of our tentative U.S. negotiating positions on issues under consideration at CoP17.

DATES: In further developing U.S. negotiating positions on these issues, we will continue to consider information and comments submitted in response to our notice of June 23, 2016 (81 FR 40900). We will also continue to consider information received at the public meeting (announced in the **Federal Register**; 81 FR 40900), which was held on July 19, 2016.

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may become threatened with extinction. These species are listed in Appendices to CITES, which are available on the CITES Secretariat's Web site at <http://www.cites.org/eng/app/index.php>.

Currently 182 countries and the European Union have ratified, accepted, approved, or acceded to CITES; these 183 entities are known as Parties. The Convention calls for regular biennial meetings of the Conference of the Parties, unless the Conference of the Parties decides otherwise. At these meetings, the Parties review the implementation of the Convention, make provisions enabling the CITES Secretariat to carry out its functions, consider amendments to the lists of species in Appendices I and II, consider reports presented by the Secretariat and the permanent CITES committees (Standing, Animals, and Plants Committees), and make recommendations for the improved effectiveness of the Convention. Any Party to CITES may propose amendments to Appendices I and II, and resolutions, decisions, and other agenda items for consideration by all the Parties at meetings of the Conference of the Parties (CoPs).

Accredited nongovernmental organizations (NGOs) may participate in the meeting as approved observers and may speak during sessions when recognized by the meeting Chair, but they may not vote or submit proposals.

With this posting on our website (which corresponds with our sixth CoP17-related **Federal Register** notice published on September 23, 2016 (81 FR 65667), we announce the tentative U.S. negotiating positions on species proposals, draft resolutions and decisions, and agenda items submitted by other Parties and the Secretariat for consideration at CoP17. We published our first

CoP17-related **Federal Register** notice on June 27, 2014 (79 FR 36550), in which we requested information and recommendations on species proposals for the United States to consider submitting for consideration at CoP17. In that notice, we also described the U.S. approach to preparations for CoP17. We published our second such **Federal Register** notice on May 11, 2015 (80 FR 26948), in which we requested information and recommendations on proposed resolutions, decisions, and agenda items for the United States to consider submitting for consideration at CoP17, and provided preliminary information on how to request approved observer status for non-governmental organizations that wish to attend the meeting. In our third CoP17-related **Federal Register** notice, published on August 26, 2015 (80 FR 51830), we requested public comments and information on species proposals that the United States is considering submitting for consideration at CoP17; and in our fourth notice, published on December 4, 2015 (80 FR 75873), we requested public comments and information on proposed resolutions, decisions, and agenda items that the United States was considering submitting for consideration at CoP17, and provided more information on how to request approved observer status for non-governmental organizations that wish to attend the meeting. In our fifth **Federal Register** notice, published on June 23, 2016 (81 FR 40900), we announced the provisional agenda for CoP17, solicited comments on the items on the provisional agenda, and announced a public meeting on July 19, 2016, to discuss the items on the provisional agenda.

Our regulations governing this public process are found in 50 CFR 23.87. Pursuant to 50 CFR 23.87(a)(3)(iii), we are posting on <http://www.regulations.gov> and on our website (<http://www.fws.gov/international/publications-and-media/federal-register-notices.html>) a summary of our proposed negotiating positions on the CoP17 agenda and proposed amendments

to the Appendices, and the reasons for our proposed positions.

Tentative Negotiating Positions

In this posting, we summarize the tentative U.S. negotiating positions on proposals to amend the Appendices (species proposals), draft resolutions and decisions, and agenda items that have been submitted by other countries and the CITES Secretariat. Documents submitted by the United States for consideration by the Parties at CoP17 can be found on the Secretariat's website at: <http://www.cites.org/eng/cop/17/doc/index.php>. Those documents are: CoP17 Docs. 18.1, 27, 40, 52, and (co-sponsored with South Africa) CoP17 Doc. 20. The United States, either alone or as a co-proponent, submitted the following proposals to amend Appendices I and II: CoP17 Props. 9-12, 19, 27, 36, 44, 48, 52, 60, and 62. We will not provide additional explanation of the U.S. negotiating positions for documents and proposals that the United States submitted. The introduction in the text of each of the documents the United States submitted contains a discussion of the background of the issue and the rationale for submitting the document.

In this posting, numerals next to each item correspond to the numbers used in the CoP17 agenda posted on the Secretariat's website. We do not discuss those agenda items without documents in this notice because our positions on those issues are included in the positions on the associated agenda items that do have documents. For some documents, we are still working with other agencies in the United States Government and other CITES Parties to develop the U.S. negotiating positions; the agenda items on which we are undecided are discussed in this posting.

In the discussion that follows, we have generally included a brief description of each species proposal, draft resolution, draft decision, and agenda item submitted by other Parties or the Secretariat, followed by a brief explanation of the tentative U.S. negotiating position for that item. New information that may become available prior to or at CoP17 could lead to modifications of these positions. The U.S. delegation will fully disclose changes in our negotiating positions and the explanations for those changes during public briefings at CoP17. The United States is concerned about the budgetary implications and workload burden that will be placed upon the Parties, the Committees, and the Secretariat, and intends to evaluate all documents for CoP17 in view of these concerns.

Agenda (Provisional)

Opening of the Meeting

The Secretariat will not prepare documents on these agenda items. According to tradition, as the host country for CoP17, South Africa will conduct an opening ceremony and make welcoming remarks. For the election of the Chair and Vice-Chair of the meeting, the host country — in this case, South Africa — will provide the Chair and Vice-Chair. For the election of Chairs of Committees I and II, the United States supports the process of the CITES Standing Committee for nominating candidates who have the required technical knowledge and skills to chair the committees, and also reflect the geographic and cultural diversity of the CITES Parties.

Administrative and financial matters

1. Election of the Chair, Alternate Chair and Vice-Chairs of the meeting and of Chairs of Committees I and II (no document). *Tentative U.S. negotiating position:* Support.
2. Adoption of the agenda (Doc. 2). *Tentative U.S. negotiating position:* Support.
3. Adoption of the working programme (Doc. 3). *Tentative U.S. negotiating position:* Support. Prior to a CoP, the working programme is provisional and changes may be made to it prior to the start of the meeting or at the beginning of the meeting. The United States generally supports the provisional working programme, although we expect that some changes may be proposed, which we will review at the appropriate time.
4. Adoption of the Rules of Procedure (no document).
 - 4.1 Report of the Secretariat (Doc. 4.1). *Tentative U.S. negotiating position:* Support in part the draft amendments to the Rules of Procedure proposed in Annex 2; support draft decision directed to the Standing Committee in Annex 3, with any needed clarifying amendments; support Secretariat's recommendation to repeal Resolution Conf. 13.8, *Participation of observers at meetings of the Conference of the Parties*, if relevant provisions are incorporated into the Rules and other Resolutions. The CITES Secretariat prepared this document, draft Rules of Procedure for CoP17, and a draft decision directed to the Standing Committee to review the Rules intersessionally in particular with regard to the rules related to the participation of Regional

Economic Integration Organizations (REIO) in the CoP as well as the rules on submission of proposals and procedures for making decisions.

CoP17 will be the first meeting of the CoP after the entry into force of the Gaborone Amendment to Article XXI of the Convention in November 2013 and the subsequent accession of the first REIO in 2015, the European Union (EU). The United States has not accepted the Gaborone Amendment, but has worked closely and collaboratively with the Secretariat, EU, and other interested Parties to promote a successful meeting by ensuring the Rules provide clear guidance to all participants in the meeting and explain how each Chair is to conduct business. It is the view of the United States that CITES Articles XXI(4) and XXI(5) contain two guiding principles for REIO participation in CITES. First, the participation rights of REIOs should not be “additional” to the aggregate rights of their Member States. That is, an REIO should be able to exercise the participation rights equivalent to the aggregate rights of its Member States, but should not exercise rights that are additional to those aggregate rights or provide Member States with additional rights that would not exist in the absence of the REIO. Second, REIOs may only participate on matters within their competence. These principles could be addressed directly in the Rules with additional revisions to the draft Rules in Document CoP17 Doc. 4.1 Rev. 1 Annex 2 in two areas: Right to Vote (proposed Rule 26.3) and Quorum (Proposed Rule 9). As such, we have proposed and support adoption of the bracketed text provided in those Rules in Doc. 4.1 (Rev. 1) Annex 2.

The United States further supports proposed Rule 26.4 to ensure that the CITES Parties understand and are aware of the areas of competence for an REIO in which it will exercise its

right to vote and the areas in which its Member States will exercise their right to vote. This provision would encourage each REIO to provide this information for each agenda item prior to each meeting, and otherwise require such announcement or change in such announcement in advance of each vote.

The Secretariat proposes amendments to Rule 26.1 (proposed Rule 28.1) and Rule 30 (proposed Rule 32) to codify a two-thirds majority requirement to amend the Rules of Procedure of the Conference of the Parties. The United States opposes proposed amendments to codify a two-thirds majority requirement for votes to amend the Rules. The United States supports an amendment to Rule 30 (proposed Rule 32), on Amendment of the Rules, to codify a simple majority requirement for votes to amend the Rules, because we believe that such votes are votes on procedural matters relating to the conduct of the business of the meeting and should not require a two-thirds majority. The United States further opposes an amendment to Rule 26.1 (proposed Rule 28.1) as unnecessary under either option.

The draft Rules in Doc. 4.1 (Rev. 1) Annex 2 contain a number of additional amendments suggested by the Secretariat, drafted in consultation with the Chairs of the permanent committees and following input of the Parties, that the United States supports. The United States supports the insertion of two new rules, proposed Rules 1 and 2 and accompanying footnotes, at the beginning of the document, to clarify the scope of the Rules, and to include the definitions of a number of terms used throughout the Rules, to facilitate and clarify their use. The United States supports the proposed amendments to Rule 5 on credentials. The United States supports the proposed amendments to Rules 4, 7, and 14 to incorporate relevant provisions of Resolution

Conf. 13.8 (Rev. CoP16) on *Participation of observers at meetings of the Conference of the Parties*, to clarify the participation of non-State actors in working groups, to ensure that the composition of working groups is considered at the time they are established, and to provide that the chair of each working group should be a delegate. The United States supports the proposed amendments to Rule 19 on right to speak. The United States supports the proposed amendments to Rule 15, Rule 22, and Rule 30. The United States supports the proposed substitution of “Chair” for “Chairman” across the Rules.

The United States supports the Secretariat’s recommendation that the Conference of the Parties repeal Resolution Conf. 13.8 on the *Participation of observers at meetings of the Conference of the Parties*, in light of the understanding that provisions related to selection of venue are already common practice, provided the relevant provisions of the Resolution proposed to be included in Rules 4 and 7 are included by the CoP under this agenda item, and further provided the final provision, concerning the Sponsored Delegates Project is included in the Resolution on the Sponsored Delegates Project proposed for the consideration of the CoP under Agenda Item 8.

4.2 Proposal of Botswana and South Africa (Doc. 4.2). *Tentative U.S. negotiating position:* The United States opposes proposed amendments to codify a two-thirds majority requirement for votes to amend the Rules. The United States supports an amendment to Rule 30 (proposed Rule 32), on Amendment of the Rules, to codify a simple majority requirement for votes to amend the Rules, because we believe that such votes are votes on procedural matters relating to the conduct of the business of the meeting and should not require a two-thirds majority. The United States

further opposes an amendment to Rule 26.1 (proposed Rule 28.1) as unnecessary under either option.

4.3 Proposal of Israel (Doc. 4.3). *Tentative U.S. negotiating position:* Support in principle, in part. Oppose in part. Rule 23 refers to the procedure for deciding on proposals for amendment of Appendices I and II. Rule 23.6 describes the procedure for deciding which proposal should be considered first in cases where two or more proposals relate to the same taxon but are different in substance, requiring that the proposal that will have the least restrictive effect on the trade be decided upon first. Israel proposes to amend Rule 23.6 to change the existing procedure to no longer require that a latter proposal shall not be submitted to decision when the adoption of an earlier less restrictive proposal necessarily implies the rejection of a latter more restrictive proposal, and also proposes to require that where two or more proposals relate to different taxa such that the taxon in one proposal is a subset of the taxon in another, then the proposal covering the largest number of species shall be considered first. The United States supports in principle amending Rule 23.6 to no longer require taking up the least restrictive proposal first, and to allow for the consideration of a greater number of proposals where in the past the United States did not think the rule should have necessarily implied rejection of the proposal based on the acceptance of a less restrictive proposal, but the United States believes that this is a complex issue that could be more thoroughly discussed intersessionally by the Standing Committee in its review of the Rules of Procedure for the Conference of the Parties contemplated in the draft decision proposed in CoP17 Doc. 4.1 (Rev. 1) Annex 3, in order to bring this issue to a conclusion at CoP18 that all Parties may be able to support. Rule 25 refers to methods of voting. Rule 25.2 describes the procedure for when secret ballots apply, and how they may be requested.

Israel proposes to amend Rule 25.2 such that a request for a vote by secret ballot would require approval by a simple majority of the Parties present and voting rather than approval by only 10 Parties as is currently the rule. The United States has historically supported transparency and accountability in voting at CoPs and, therefore, supports the proposal, with clarifying amendments. Rule 26.1 refers to the majority required for voting at the CoP, except where otherwise provided by the Convention, the Rules, or the Terms of Reference for the Administration of the Trust Fund. Israel proposes to amend Rule 26.1 to require that a two-thirds majority vote be required to determine whether a vote on a matter is a vote on a procedural matter relating to the conduct of the business of the meeting, and therefore determine whether the vote itself shall be decided by a simple majority or a two-thirds majority. The United States opposes the proposed amendment to Rule 26.1. Under Rule 18.1, an appeal from a ruling of the Chair on a point of order is to be decided by a simple majority. The proposed amendment to Rule 26.1 would create an exception to Rule 18.1 in cases of appeals from rulings of the Chair on points of order concerning whether a vote on a matter is a vote on a procedural matter relating to the conduct of the business of the meeting, requiring a two-thirds majority to decide an appeal in such cases only. The United States does not believe that such an exception is needed, and rather would likely lead to additional problems in managing a meeting.

5. Credentials Committee (no document).

5.1 Establishment of the Credentials Committee (no document). *Tentative U.S. negotiating position:* Support. The Credentials Committee is necessary to ensure that Parties are properly represented by accredited delegates, allowing them to fully participate in the meeting, including

by casting votes.

5.2 Report of the Credentials Committee (no document). *Tentative U.S. negotiating position:* Undecided. The United States will follow the work of the Credentials Committee and intervene as appropriate.

6. Admission of observers (Doc. 6). *Tentative U.S. negotiating position:* Undecided. A document for this agenda item is not normally distributed prior to the start of a meeting of the CoP. National NGOs are admitted as observers if their headquarters are located in a CITES Party country and if the national government of that Party approves their attendance at the CoP. International NGOs are admitted by approval of the CITES Secretariat. After being approved as an observer, an NGO is admitted to the CoP unless one-third of the Parties object. The United States supports admission to the meeting of all technically qualified NGOs, and opposes unreasonable limitations on their full participation as observers at CoP17. In addition, the United States supports flexibility and openness in the process for disseminating documents produced by NGOs to Party delegates, which are vital to decision-making and scientific and technical understanding.

7. Administration, finance and budget of the Secretariat and of meetings of the Conference of the Parties (no document).

7.1 Administration of the Secretariat (Doc. 7.1). *Tentative U.S. negotiating position:* Undecided. The United States considers the administration of the CITES Secretariat, and the

administrative support it receives from the United Nations Environment Programme (UNEP), to be important factors in the effective implementation of the Convention. The United States believes that the support provided by UNEP should facilitate the Secretariat's work as directed by the Conference of the Parties without impacting substantive policy or related implementation matters in which the Secretariat is involved. At the time this notice was prepared, the development of the U.S. negotiating position was still in preparation.

7.2 Report of UNEP (Doc. 7.2). *Tentative U.S. negotiating position:* Undecided. This document provides a Report of UNEP on its activities and actions related to CITES, in particular the administrative support provided to the Convention. The United States believes that the support provided by UNEP should facilitate the Secretariat's work as directed by the Conference of the Parties without impacting substantive policy or related implementation matters in which the Secretariat is involved. At the time this notice was prepared, the development of the U.S. negotiating position was still in preparation.

7.3 Financial reports for 2014-2016 (Doc. 7.3 and Annexes). *Tentative U.S negotiating position:* Undecided; see position in 7.4.

7.4 Budget and work programme for 2017 to 2019 (Doc. 7.4 and Annexes). *Tentative U.S negotiating position:* Undecided. The comprehensive documents related to the financing and budgeting of the Convention and the Secretariat require extensive review, internal U.S. Government discussion, and analysis of the financial implications for Parties and the impact on the work of the Secretariat and the Committees. The United States will review this document

and all the budget and finance documents carefully, bearing in mind the need to balance workload with available resources. The United States advocates fiscal responsibility and accountability on the part of the Secretariat and the Conference of the Parties, and plans to be an active participant in the budget discussions at CoP17. The voluntary annual contribution of the United States to CITES is determined by the U.S. Department of State.

7.5 Access to finance, including GEF funding (Doc. 7.5). *Tentative U.S negotiating position:* Undecided. This matter will first be discussed at the 67th meeting of the CITES Standing Committee (SC) immediately before the opening of CoP17. At that time, the Secretariat is expected to update the SC on activities in this area since the 66th SC meeting in January 2016. The United States will need to review the report of the Secretariat and the outcomes of the SC meeting before finalizing a tentative negotiating position for Doc. 7.5 at CoP17.

8. Sponsored delegates project (Doc. 8). *Tentative U.S negotiating position:* Support. This document proposes to establish a new resolution formalizing the Sponsored Delegates Project. The United States is a strong supporter of the Sponsored Delegates Project. We believe that this draft resolution would contribute substantially not only to formally recognizing the importance of the Sponsored Delegates Project, but also to providing an open, transparent, and unbiased process for lending support to Parties that require financial assistance.

Strategic matters

9. Revision of the CITES Strategic Vision: 2008-2020 (Doc. 9). *Tentative U.S negotiating*

position: Support. At its 66th meeting, the Standing Committee adopted a revised set of indicators to measure progress in the implementation of the CITES Strategic Vision 2008-2020. In order to be prepared for the development of a strategic vision for the period after 2020, the Secretariat recommends that the Conference of the Parties adopt several draft decisions that would enable the CITES Parties to work toward development of the next CITES Strategic Vision so that a new strategic vision for the period following 2020 can be considered at CoP18. The United States supports the development of a new CITES Strategic Vision for the period following 2020 and supports the process laid out in the proposed draft decisions.

10. Committee reports and recommendations (no document).

10.1 Standing Committee (no document).

10.1.1 Report of the Chair (Doc. 10.1.1). *Tentative U.S. negotiating position:* Support. This report is largely a summary of activities conducted by the Standing Committee since CoP16. The Chair has no specific recommendations, but the Secretariat recommends that the Conference of the Parties agrees to delete Decision 14.29 (Rev. CoP16) and Decision 16.62. The Secretariat further recommends that the proposal from the Standing Committee to amend Resolution Conf. 12.3 (Rev. CoP16), contained in paragraph 12 of CoP17 Doc. 10.1.1 be considered by Committee II at the present meeting. If new recommendations are presented by the Chair, the United States will evaluate them and develop a negotiating position.

10.1.2 Election of regional and alternate regional members (no document). The United States has served as the Member and Mexico as the Alternate Member of the Standing Committee for the

North American Region since CoP15. Generally, the three countries agree on a rotation whereby each of the countries represents the region on one of the committees, and similarly, each holds the position of alternate on a second committee. The United States expects to rotate off of the Standing Committee after CoP17, with Canada as the North American Member and Mexico as the Alternate Member of the Standing Committee.

10.2 Animals Committee (no document).

10.2.1 Report of the Chair (Doc. 10.2.1). *Tentative U.S. negotiating position:* Not needed in part. Support in part. Most of this document is a report by the Chair of her activities or a recounting of the proceedings of meetings of the Animals Committee since CoP16 and, therefore, does not require a position. The outcomes of some of the Animals Committee deliberations are reflected in other agenda items for CoP17, where they are elaborated more substantially. The Animals Committee also, and in consultation with the Plants Committee, recommends adoption of a new Decision directing the Animals and Plants Committees to review their terms of reference as contained in Resolution Conf. 11.1 (Rev. CoP16), *Establishment of Committees*. The United States supports adoption of the draft decision, with possible clarifying amendments, and supports the Secretariat's recommendation that the review be fully coordinated with the proposed review of the Rules of Procedure for the CITES bodies proposed in CoP17 Doc. 11.

10.2.2 Election of regional and alternate regional members (no document). *Tentative U.S. negotiating position:* Support. At the close of CoP17, the term of Dr. Rosemarie Gnam, as the alternate North American Regional representative, will end. Dr. Gnam is from the United States,

where she is the Chief of the Division of Scientific Authority at the U.S. Fish and Wildlife Service. Dr. Gnam has been nominated to serve as the North American Regional Representative following CoP17, while Ms. Carolina Caceres from Canada was nominated to serve as Alternate Representative to the Animals Committee. The United States supports their election.

10.3 Plants Committee (no document).

10.3.1 Report of the Chair (Doc. 10.3.1). *Tentative U.S. negotiating position:* Not needed. Most of this document is either a report by the Chair of her activities or a recounting of the proceedings of meetings of the Plants Committee since CoP16 and, therefore, does not require a position. The outcomes of some of the Plants Committee deliberations are reflected in other agenda items for CoP16, where they are elaborated more substantially.

10.3.2 Election of regional and alternate regional members (no document). *Tentative U.S. negotiating position:* Support. Ms. Isabel Camarena Osorno from Mexico who works in CONABIO (the CITES Scientific Authority) has been nominated to serve as the North American Regional Representative to the Plants Committee, while Ms. Pamela Scruggs from the United States' Scientific Authority was nominated to serve as the Alternate Representative. The United States supports their election.

11. Rules of Procedure for the CITES bodies (Doc. 11). *Tentative U.S. negotiating position:* Support, with clarifying amendments. The Secretariat recommends a review of the Rules of Procedure of CITES Bodies (including the Conference of the Parties, Standing Committee,

Animals Committee, and Plants Committee) with principal aims to ensure greater consistency across the Rules of Procedure of all CITES bodies; to ensure that the rules of the CoP apply *mutatis mutandis* to the CITES Committees; and to eliminate duplication and overlap between the Rules of Procedure and Resolution Conf. 11.1 (Rev. CoP16), *Establishment of Committees*. The Secretariat proposes draft decisions directed to the Standing Committee, Animals Committee, Plants Committee, and Secretariat to conduct this review in the next CoP intersessional period. The Secretariat further recommends that the review be fully coordinated with the proposed review of the Terms of Reference of the Scientific Committees contained in Resolution Conf. 11.1 (Rev. CoP16) proposed in document CoP17 Doc. 10.2.1. The United States supports the recommendations of the Secretariat on the review of the Rules of Procedure of the permanent committees and supports the Secretariat's proposed draft decisions, with clarifying amendments, and will continue to play an active role in this work to ensure that our interests and views are represented.

12. Potential conflicts of interest in the Animals and Plants Committees (Doc. 12). *Tentative U.S. negotiating position*: Support, with minor proposed revisions to encourage timely completion of work under Decisions 16.9 and 16.10. The United States supports transparency and ethical conduct by all members of the Committees and generally supports the conflict of interest procedures adopted at CoP16 in paragraph c) of Resolution Conf. 11.1 (Rev. CoP16), at least for the short term, and therefore supports the extension of Decisions 16.9 and 16.10 into the next CoP intersessional period. However, we continue to encourage timely completion of this important work and the report called for in Decision 16.10 as soon as possible. Therefore, we support the recommendations of the Standing Committee in CoP17 Doc. 16, with some revisions

to ensure timely progress.

13. Establishment of the rural communities committee of the Conference of the Parties (Doc. 13). *Tentative U.S. negotiating position:* Oppose. The document contains a draft resolution on the establishment of a permanent Rural Communities Committee of the Conference of the Parties to give an advisory role to representatives of legally recognized organizations of rural communities or Community Based Natural Resource Management (CBRNM) organizations pertaining to wildlife conservation. The proposed Rural Community Committee would provide guidance and advice to Parties on issues related to wildlife trade in order to assess among other things the social impact of CITES amendment proposals, draft decisions, and draft resolutions to determine their impact on indigenous peoples and local communities. We are concerned that the establishment of the proposed committee is inconsistent with the formalized system for appointment of committees of the Conference of the Parties and established procedures to be followed when committees are created. Further, much of the contemplated work and mandate of the proposed committee is already addressed through the work of the Standing Committee, existing resolutions, and CITES initiatives. The United States could not support establishment of a permanent committee under CITES that did not give Parties a clear role or allow Parties to participate in meetings of the committee, particularly one with the authority to draft resolutions and decisions for consideration by the Conference of the Parties.

14. Cooperation with organizations and multilateral environmental agreements (no document).

14.1 Cooperation with other biodiversity-related conventions (Doc. 14.1). *Tentative U.S. negotiating position:* Support. The document includes two draft decisions. The first encourages Parties to participate in activities to strengthen synergies at the national level among biodiversity-related conventions; and the second directs the Standing Committee to explore, as appropriate, options to strengthen cooperation, collaboration, and synergies on activities related to the Strategic Plan on Biodiversity and its Aichi Targets and the United Nations Sustainable Development Goals, between CITES and the other members of the Liaison Group of Biodiversity-related Conventions, and report to the 18th meeting of the Conference of the Parties. We support the adoption of the two draft decisions, with edits to the second one to make it clear that it does not call for improving cooperation between CITES and the Strategic Plan for Biodiversity.

14.2 International Consortium on Combating Wildlife Crime (ICCWC) (Doc. 14.2). *Tentative U.S. negotiating position:* The United States supports the activities of ICCWC and the adoption of the draft decision in Annex 1 of Doc. 14.2. The United States has provided significant funding for anti-poaching and anti-trafficking programs and projects around the world since CoP16, including the stationing of law enforcement agents in various U.S. embassies to provide assistance to national enforcement authorities. We have also provided financial support for many of the activities described in the report. We hope to continue to provide technical and financial support for anti-trafficking and anti-poaching activities in the coming years.

14.3 Commission for the Conservation of Antarctic Marine Living Resources (Doc. 14.3). *Tentative U.S. negotiating position:* The document should be noted; support, in general, the two

draft decisions proposed by the CITES Secretariat. This document was prepared by the Secretariat of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and submitted by the CITES Secretariat. Resolution Conf. 12.4, *Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources regarding trade in toothfish*, calls for a “permanent flow of information” from CCAMLR to CITES. The CCAMLR Secretariat describes ways in which non-Contracting Parties involved in the harvest or trade of toothfish (*Dissostichus* spp.) can cooperate with CCAMLR. The United States recognizes the threat that IUU fishing poses to toothfish populations and supports adoption of CCAMLR conservation measures by all countries involved in the harvest and/or trade of toothfish. We fully endorse the fundamental principles and language adopted in Resolution Conf. 12.4 in 2002. As a member of CCAMLR, the United States implements the Catch Documentation Scheme and requires CCAMLR catch documents for all toothfish imports.

14.4 Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (Doc. 14.4). *Tentative U.S. negotiating position*: Support. At its 66th meeting (SC66; Geneva, January 2016), the Standing Committee agreed that there was currently no need to adopt a resolution specifically recognizing the relationship between CITES and IPBES and that the IPBES-related Decisions (Decisions 16.13 to 16.15) should be retained with updates to the timeframe as appropriate. This document invites the Conference of the Parties to take note of the progress on IPBES and adopt revisions to Decisions 16.13 to 16.15 to update the timeframes to reflect work to be undertaken during the next intersessional period. The United States supports adoption of the revised draft decisions with minor amendments.

14.5 Cooperation with other organizations (Doc. 14.5). *Tentative U.S. negotiating position:* Support. The document provides details of the cooperation the Secretariat has undertaken with other international organizations since the 16th meeting of the Conference of the Parties (CoP16; Bangkok 2013). In the document, the Secretariat recommends that the Conference of the Parties update the *CITES Strategic Vision: 2008-2020* in Resolution Conf. 16.3, *CITES Strategic Vision: 2008-2020*, to reference the Sustainable Development Goals of the 2030 Agenda for Sustainable Development. The United States supports adoption of the proposed revisions.

14.6 Cooperation with the Global Strategy on Biological Diversity (Doc. 14.6). *Tentative U.S. negotiating position:* Support. With Mexican leadership, the CITES Parties have prepared a report on the CITES contribution to the implementation of the Global Strategy for Plant Conservation (GSPC) 2011-2020. The report characterizes CITES contributions to the five GSPC objectives, which address issues dealing with understanding and conserving plant diversity. In CoP17 Doc. 14.6, the Conference of the Parties is invited to endorse the report and request the Secretariat to forward it to the Secretariat of the Convention on Biological Diversity (CBD), so that it can be considered at CBD's 13th meeting of the Conference of the Parties (COP13-CBD, Cancun, Mexico; December 2016) as the CITES contribution to the implementation of GSPC 2011-2020. The United States supports endorsement of the report and requesting the Secretariat to forward it for consideration at COP13-CBD.

15. Capacity building (Doc. 15). *Tentative U.S. negotiating position:* Support. This document, prepared by the Secretariat, reports on activities undertaken since CoP16 to implement Decisions 16.28 – 16.31 and Decision 12.91 (Rev. CoP16) related to capacity

building. The Conference of the Parties is invited to adopt five draft decisions, including a draft decision calling for the Animals and Plants Committees to establish a joint working group on capacity-building and identification materials. The United States strongly supports capacity building for the implementation and enforcement of the Convention. Several U.S. government agencies or departments (USAID, Department of Agriculture, USFWS, Department of the Interior, NOAA Fisheries and the Department of State) have provided additional funding to the Secretariat since CoP16 for such activities. Additionally, the United States is directly involved in delivering a wide array of capacity-building programs around the world.

16. CITES and livelihoods (Doc. 16). *Tentative U.S. negotiating position:* Oppose in part. The document recommends that, because Decisions 16.17 through 16.25 have been implemented, they may now be deleted. The United States agrees that these Decisions have been implemented and should be deleted. We are not opposed to the adoption of draft Decisions 17.AA – 17.CC, as presented by the Standing Committee, but do not support adoption of draft decisions 17.DD and 17.EE or the Secretariat’s revisions to draft Decision 17.AA. We continue to believe that this issue is largely outside the purview of CITES and would prefer to see such in-depth consideration of livelihoods discussed in fora such as the Convention on Biological Diversity (CBD) and the UN Commission on Sustainable Development.

17. Livelihoods and food security (Doc. 17). *Tentative U.S. negotiating position:* Oppose. This document consists of a draft resolution on livelihoods and food security that calls for the endorsement by the Conference of the Parties of the five strategic objectives established by the Food and Agricultural Organizations of the United Nations (FAO) and a draft resolution that

urges the Parties to take into account the need for food and nutrition security, preservation of cultural identity, and security of livelihoods when making proposed amendments to the Appendices and to give due regard to the need to achieve food and nutrition security for many of the world's populations when making its decisions. The United States believes that this issue is largely outside the purview of CITES and would prefer to see such in-depth consideration of livelihoods discussed in other fora such as the Convention on Biological Diversity (CBD) and the UN Commission on Sustainable Development.

18. Demand reduction (no document).

18.2 Development of CITES demand-reduction guidelines (Doc. 18.2). *Tentative U.S.*

negotiating position: Support with revisions proposed by the CITES Secretariat. This document aims to expand demand reduction efforts beyond species identified in current CITES Decisions, specifically Decision 16.85 on rhinoceroses. The United States supports the adoption of the draft decisions in Doc. 18.2 with the revisions proposed by the Secretariat, so as to avoid duplication with draft decisions contained in Annex 1 of document CoP17 Doc. 25.

19. United Nations World Wildlife Day (Doc. 19). *Tentative U.S. negotiating position:*

Support. This document repeals Resolution Conf. 16.1, which largely called upon the United Nations General Assembly (UNGA) to establish 3 March as World Wildlife Day. The UNGA took this action at its 68th session on 20 December 2013. The draft resolution and decision put forward in the current document make it clear that the Secretariat will continue to facilitate the

global celebration of World Wildlife Day, while looking to the Standing Committee and CITES Parties for significant support.

Interpretation and implementation matters

Existing Resolutions and Decisions

21. Review of Resolutions and Decisions (Doc. 21). *Tentative U.S. negotiating position:* Support in part; oppose in part. This document was prepared by the Secretariat and includes recommendations to correct non-substantive errors or minor editorial faults in existing Resolutions, in accordance with Decision 14.19, adopted at CoP14. The United States supports in principle the process of the Secretariat reviewing Resolutions for which it has observed problems, or for which Parties have informed it that problems exist. We support the proposed revisions to Resolution Conf. 12.6 (Rev. CoP16), Resolution Conf. 12.4, and Resolution Conf. 4.6 (Rev. CoP16) presented in this document. In addition to reviewing Resolutions, the Secretariat has compiled a list of current Decisions that are not anticipated to be subject to discussion at CoP17 under another agenda item and made recommendations regarding whether those Decisions should be deleted or retained. We support most of the recommendations from the Secretariat but do not agree that Decisions 14.81, regarding periodic review of great whales, 14.83, regarding African grey parrots, and 16.58, regarding physical inspection of timber, should be deleted. We may suggest revisions to Decision 14.19 and Resolution Conf. 4.6 (Rev. CoP16) to further clarify the process for review of Resolutions and Decisions.

General compliance and enforcement

22. National laws for implementation of the Convention (Doc. 22). *Tentative U.S. negotiating position:* Support. The National Legislation Project (NLP) was initiated in 1992 at CoP8. The framework for the NLP is provided in Resolution Conf. 8.4 (Rev. CoP15). Its aim is to evaluate national measures for CITES implementation and provide assistance to Parties in the development of adequate measures to implement the Convention. In this document, the Secretariat provides a summary of its activities and reports on progress under the NLP since CoP16. The United States believes that the effectiveness of CITES is significantly undermined when Parties do not have adequate national laws in place for implementing the Convention. We consider the NLP to be critically important for achieving effective implementation of the treaty. We support the new process for implementing the NLP, proposed by the Secretariat in this document, as it is likely to improve the transparency of the NLP and may provide a mechanism to achieve compliance where previous efforts have failed. We support adoption of the draft decisions in Annex 1, with some amendments.

23. CITES compliance matters (Doc. 23). *Tentative U.S. negotiating position:* Support. The purpose of this document prepared by the Secretariat is to map all existing CITES compliance procedures and to identify areas where a more systematic approach in addressing compliance matters could be considered. We see compliance measures as critical tools to combat wildlife trafficking and promote effective CITES implementation. We applaud the Secretariat for developing this document and laying out a path for the Parties, Secretariat and Standing Committee to work together to strengthen the use of compliance measures between CoP17 and

CoP18. We support the Secretariat's observation that legal acquisition of CITES-listed species is an area that warrants increased attention and guidance, and that a lack of sufficient attention to legal acquisition findings undermines the effective implementation of CITES. We agree that the CITES Parties have information to share to help inform an examination of this issue and, therefore, we support adoption of the draft decision directed to the Parties. We also support the draft decision directed to the Standing Committee, which would allow for a holistic look at current practice with regard to handling of compliance matters and provide opportunities to strengthen these efforts. Finally, we support the draft decision directed to the Secretariat to organize a workshop on legal acquisition of CITES specimens and to provide other support and assistance on this issue.

24. National ivory action plans process (Doc. 24). *Tentative U.S. negotiating position:* Support in principle. This document, prepared by the Secretariat, is a report on the history and status of the National Ivory Action Plan (NIAP) process with recommendations from the Secretariat for future actions. The poaching crisis and illegal elephant ivory trade continue to require urgent efforts by the global community. The United States believes that NIAPs can be a useful tool in this fight. We support institutionalizing this process by amending Resolution Conf. 10.10 (Rev. CoP16), *Trade in elephant specimens*, to include reference to the NIAP process. We also support the idea of guidelines for implementation of the NIAP process although we may suggest some revisions to the text proposed by the Secretariat, particularly with regard to compliance measures.

25. Enforcement matters (Doc. 25). *Tentative U.S. negotiating position:* Support in general. This document, submitted by the CITES Secretariat, contains a report on enforcement matters

(required under Resolution Conf. 11.3 (Rev. CoP16)) and information on progress in implementing two enforcement-related Decisions (Decisions 16.39 and 16.40) adopted at CoP16. The United States appreciates the activities of the Secretariat in monitoring enforcement matters and sharing this information with the Parties. We support efforts by the Secretariat and the Standing Committee to ensure that Parties are fully implementing the Convention, including special missions, and legal and technical assistance. We generally support the revisions to Resolution Conf. 11.3 (Rev. CoP16) presented in this document and adoption of the draft Decisions; although we may suggest some amendments to these proposals.

26. Illegal international trade in wildlife (Doc. 26). *Tentative U.S. negotiating position:* Support in general. This document, submitted by South Africa, proposes adoption of a draft resolution, on illegal international trade in wildlife, to assist Parties with the uniform interpretation and implementation of the Convention regarding illegal international trade in wildlife; and adoption of two draft decisions to explore options to further strengthen cooperation and collaboration between CITES and the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption. The United States supports the draft decisions. While we agree that the Parties could benefit from strengthened cooperation and collaboration efforts, we believe the Secretariat's recommendations to revise existing Resolutions to incorporate much of the proposed draft resolution in CoP17 Doc. 26 is preferable to the creation of an additional stand-alone resolution.

28. Prohibiting, preventing and countering corruption facilitating activities conducted in violation of the Convention (Doc. 28). *Tentative U.S. negotiating position:* Support. This

document, submitted by the European Union and Senegal, contains a draft resolution urging Parties to (among other things) “adopt measures to prohibit, prevent, detect and counter instances of corruption and ensure that any corrupt practices associated with the administration, regulation, implementation or enforcement of CITES are punishable as criminal offences with appropriate penalties under national legislation.” The U.S. supports adoption of this draft resolution (with minor revisions and deletion of paragraph 12) because corruption in enforcement and CITES authorities in many countries plays a pivotal role in undermining the effectiveness of the Convention by providing pathways for illicit wildlife trade to occur. The proposed resolution in Doc. 28 also aligns with the Global Enforcement component of the President’s National Strategy for Combating Wildlife Trafficking.

29. Combating wildlife cybercrime (Doc. 29). *Tentative U.S. negotiating position:* Support in part. This document, submitted by Kenya, proposes a draft decisions to address the widespread trade, both legal and illegal, in wildlife products via the internet. While the United States supports efforts to address illegal trade of CITES specimens through the internet, the United States does not support adoption of the draft decisions as proposed in the Annex to the present document and agrees generally with the Secretariat’s comments. Specifically, the United States supports the adoption of the revision to draft Decision 17.C annexed to Document CoP17 Doc. 49, Illegal trade in Cheetahs, broadened to cover all CITES-listed species as proposed by the Secretariat. The United States also supports adoption by the Conference of the Parties of the draft Decision 17.xx, as proposed by the Secretariat, directing the Secretariat to engage with INTERPOL and the Global Complex for Innovation in Singapore, on efforts to combat wildlife crime linked to the internet. The United States agrees that, with the current provisions of

Resolution Conf. 11.3 (Rev. CoP16), the adoption of the revisions to draft decision 17.C in the annex to CoP17 Doc. 49, and the adoption of the draft decision 17.xx, this matter is adequately addressed.

30. Wildlife crime enforcement support in West and Central Africa (Doc. 30). *Tentative U.S. negotiating position:* Support in part. This document, submitted by Gabon, Guinea, Nigeria, Senegal, and Togo, describes the various wildlife enforcement challenges faced in West and Central Africa and proposes adoption of several draft decisions, contained in the Annex to document CoP17 Doc. 30. Some of these decisions are related to wildlife crime enforcement support in West and Central Africa and others concern development of CITES demand-reduction guidelines for West and Central Africa. The United States supports draft Decisions 17.AA, 17.EE, the second 17.FF, and 17.HH under “*ENFORCEMENT DECISIONS*” in the Annex to the CoP17 Doc. 30, with the revisions suggested by the Secretariat. We do not support draft decisions 17.BB, 17.CC, 17.DD, or the first 17.FF in the “*ENFORCEMENT DECISIONS*” section. We anticipate that the draft decisions related to the development of demand-reduction guidelines will not be considered under this agenda item but will be discussed together with agenda item 18 and the draft decision on demand reduction in document CoP16 Doc. 25.

31. Implementation and enforcement of the Convention as it relates to the trade in species listed in Appendix I (Doc. 31). *Tentative U.S. negotiating position:* Support. At CoP16, the Parties adopted Decision 16.39 which directed the Standing Committee, at its 65th meeting, to “initiate a process to assess implementation and enforcement of the Convention as it relates to the trade in species listed in Appendix I. The Committee shall report its findings at the 17th

meeting of the Conference of the Parties to CITES.” The United States proposed the draft Decision adopted at CoP16 that led to this work and chaired the Standing Committee working group. We strongly support these revisions to Resolutions Conf. 4.25 (Rev. CoP16) and 12.8 (Rev. CoP13) and believe that these changes, along with the draft resolution that will be considered under agenda item 32, will strengthen implementation and enforcement of the Convention as it relates to the trade in species listed in Appendix I. We support the Secretariat’s recommendation that the proposed change to Resolution Conf. 12.8 (Rev. CoP13) be considered under agenda item 33, and concur with the recommendation that Decision 16.39 can be deleted.

32. Implementation of the Convention relating to captive-bred and ranched specimens (Doc. 32). *Tentative U.S. negotiating position:* Support. This document presents a new draft resolution regarding implementation of the Convention relating to captive-bred and ranched specimens and a series of draft decisions aimed at strengthening CITES implementation in this area. This effort derives from a document submitted by the United States and the European Union at CoP16. We believe the fraudulent or otherwise incorrect use of source codes undercuts the integrity of the CITES permitting system and undermines the Convention’s mission to ensure that trade is conducted sustainably and legally, and we have been active participants and supporters of this effort since CoP16. The United States supports the four draft decisions in Annex 1 of document CoP17 Doc. 32, with minor amendments. We also support the draft resolution in Annex 2 and firmly believe that the review process laid out in the resolution will be a critical tool to address this pervasive issue. We appreciate the comments of the Secretariat and believe that most of the recommended revisions to the draft resolution will help to ensure a more streamlined and consistent review process.

33. Evaluation of the Review of Significant Trade (Doc. 33). *Tentative U.S. negotiating position:* Support. Since the United States has been actively engaged in the Advisory Working Group (AWG) and helped influence its work and outcomes, as an AWG member we support the document and the Animals and Plants Committees' recommendations to the Conference of the Parties. We also participated in the working group at the 28th meeting of the Animals Committee on this issue, and we were actively engaged in revising the language to Resolution Conf. 12.8 (Rev. CoP13), *Review of Significant Trade in specimens of Appendix-II species*, to achieve consistency and clarity. The United States supports the proposed revised version of Resolution Conf. 12.8 (Rev. CoP13) found in Annex 1; the four draft decisions found in Annex 2; the guidance to the Secretariat and to the Animals and Plants Committees in Annex 3, Annex 4, and Annex 5; the further revisions to Resolution Conf. 12.8 (Rev. CoP13) found in paragraph 34, as well as the minor editorial changes recommended by the Secretariat in its comments; the deletion of Decision 13.67 (Rev. CoP14); and the Animals and Plants Committees recommendation that the Secretariat provide the "Guidance on Formulating Recommendations" to each meeting of the Animals or Plants Committee where recommendations are being formulated.

34. Disposal of illegally-traded and confiscated specimens of Appendix-I, -II and -III species (Doc. 34). *Tentative U.S. negotiating position:* Support. The Standing Committee formed a working group with a mandate to review Resolutions Conf. 9.9, Conf. 9.10 (Rev. CoP15) and Conf. 10.7 (Rev. CoP15) to determine whether to consolidate any of their provisions or simplify them and then report its conclusions and recommendations to the Parties at CoP17. The working group produced a combined resolution, retaining the two annexes to Resolution Conf. 10.7 (Rev.

CoP15) dealing with guidelines on how to dispose of confiscated live animals and plants. The Standing Committee submitted the consolidated resolution, with minor edits, to CoP17 and also agreed to submit two draft decisions for consideration at CoP17. We support the adoption of the draft resolution. The United States has long felt that the existing guidance to the Parties on the disposal and placement of confiscated specimens – particularly live animals – is overly complicated and not sufficiently clear. As such, we believe the proposed consolidation of the relevant terms from the three existing Resolutions is a good step forward. We also support the continuation of the working group, as suggested by the Standing Committee, and the proposed draft decisions, with several proposed changes.

Reporting

35. Review of reporting requirements (no document).

35.1 Report of the Standing Committee (Doc. 35.1). *Tentative U.S. negotiating position:* Support in general. Four Decisions (16.43 – 16.46) on Review of reporting requirements were agreed at the CoP16, directed respectively to the Parties, Standing Committee, Animals and Plants Committees, and the Secretariat. A further two Decisions (Decision 14.41 (Rev. CoP16) and 16.67) concerning reporting were also directed to the Standing Committee and details of Committee's work on them are included in document CoP17 Doc. 35.1. The Standing Committee, at its 66th meeting, adopted a new implementation report format, which the Secretariat will make available for Parties to use to report to the 18th meeting of the Conference of the Parties. The Standing Committee recommends eliminating five reporting requirements,

and amending relevant resolutions accordingly, and adopting two new draft decisions directing the Secretariat to maintain a list of reporting requirements on the CITES website, and to prepare an analysis, including, if possible, a regional breakdown, of progress towards the CITES Strategic Vision: 2008-2020. The United States actively participated in this working group and supports the recommendations. Although the United States is one of few Parties that already reports illegal trade data, we remain concerned about the scope of the new illegal trade reporting requirement, but support the proposed approach which requires the report, but does not subject it to compliance procedures, and allows for Parties to provide explanations for those data elements that are not reported.

35.2 Report of the Secretariat (Doc. 35.2). *Tentative U.S. negotiating position:* Support. The Secretariat believes that cooperation with the Secretariats of other conventions, FAO, UNEP, UNESCO and other bodies in the field of knowledge management and reporting can bring advantages for the Parties and consequently seeks a mandate to continue this activity through a draft decision. The Secretariat has yet to obtain the resources required to publish a graphic presentation of information on implementation of the CITES Strategic Vision indicators on the CITES website. The Secretariat therefore requests that the Conference of the Parties adopt a draft decision to continue this effort. The United States supports these cooperative efforts as long as they are tied to furthering the aims of CITES. We also support continuing to pursue publishing a graphic representation of information on implementation of the CITES Strategic Vision indicators, subject to external funding.

Trade control and traceability

36. Introduction from the sea (Doc. 36). *Tentative U.S. negotiating position:* Support. At CoP16 (Bangkok, 2013), after many years of discussions and negotiations, the Parties adopted significant amendments to Resolution Conf. 14.6 (Rev. CoP16), *Introduction from the sea*, and five related Decisions. Four of those Decisions (16.48-16.51) concern the provision in the resolution for chartering arrangements and one, Decision 16.52, calls on the Secretariat to develop capacity-building materials for use by the Parties in implementing Resolution Conf. 14.6. This document, prepared by the Standing Committee in collaboration with the Secretariat, reports on progress in implementing these five Decisions. The United States supports extending the validity of Decisions 16.48 – 16.51 as provided in Annex 1 to the document, and the further amendment to Decision 16.48 contained in Annex 2.

37. Purpose codes on CITES permits and certificates (Doc. 37). *Tentative U.S. negotiating position:* Support. For over nine years, the United States has been actively involved in discussions on the development of clear definitions and uses of the purpose-of-transaction codes established in Resolution Conf. 12.3 (Rev. CoP16). While the Standing Committee working group established at CoP16 was not able to finalize its work, significant work has been completed. We believe it is important to continue this effort. The United States supports the recommendation of the Standing Committee to adopt the amendment to Decision 14.54 (Rev. CoP16) to re-establish the working group in order to resolve this issue at CoP18.

38. Identification of elephant and mammoth ivory in trade (Doc. 38). *Tentative U.S. negotiating position:* Support in part. This document, submitted by Israel, recommends greater

regulation of the trade in mammoth ivory in order to prevent further negative impacts on living elephant populations. The proponent has developed a draft resolution and three draft decisions for consideration by the Parties. While we appreciate the intent to remove any legal cover for illegally acquired elephant ivory labelled as mammoth ivory, we do not believe the proposed draft resolution is the best way to address this concern or to allocate the resources of the Parties. We also have concerns about creating a stand-alone resolution for trade in specimens of a species that is not itself listed in the CITES Appendices. We agree with the Secretariat that the scope and provisions of the Convention are intended to regulate species that are threatened with extinction, may become threatened, or are protected in at least one country that has asked other CITES Parties for assistance in controlling the trade. We suggest that it may be more appropriate to address the concerns raised by the proponent through amendments to Resolution 10.10 (Rev. CoP16), *Trade in elephant specimens*. The United States supports adoption of two of the three draft decisions. We support the second draft decision directed to the Secretariat and the draft decision directed to the Parties and other donors. We do not see a need for the proposed expert workshop.

39. Hunting trophies (no document).

39.1 Hunting trophies of species listed in Appendix I or II (Doc. 39.1). *Tentative U.S. negotiating position*: Support in part; oppose in part. The United States opposes the recommendations to adopt a new resolution on sport-hunted trophies and adopt changes to Resolution Conf. 13.7 (Rev. CoP16), *Control of trade in personal and household effects*. The United States supports the recommendation to adopt the two draft decisions presented in the

paper, with some revisions to clarify the scope and anticipated results of the decisions. The United States recognizes the need to ensure that the export of sport-hunted trophies does not adversely affect the survival of the trophy species, but we do not believe the proposed draft resolution or the revisions to Resolution Conf. 13.7 (Rev. CoP16) are necessary or appropriate without further justification of the need for these measures. See additional comments related to this issue in our discussion of document CoP17 Doc. 39.2 below.

39.2 Trade in hunting trophies of species listed on Appendix II (Doc. 39.2). *Tentative U.S. negotiating position:* Oppose. This document, submitted by South Africa, contains a draft resolution on trade in hunting trophies of species listed in Appendix II. The draft resolution largely restates existing treaty provisions or recommendations in current resolutions. Therefore, we do not see a need to adopt a new resolution on this issue. We are, however, supportive of convening a working group to discuss these two related documents to identify measures that would be useful to ensure effective implementation of CITES for sport-hunted trophies.

41. Identification of origin of cetaceans bred or kept in captivity (Doc. 41). *Tentative U.S. negotiating position:* Oppose. While the stated purpose of the document is to address concerns about Black Sea bottlenose dolphins, the draft resolution presented in the document would apply to all bottlenose dolphins worldwide. We do not believe that the financial burden and resources necessary to carry out the activities recommended in the draft resolution are justified based on the risk to the species globally. Further, these proposed measures may be duplicative of domestic measures in place in range countries to track captive dolphins.

42. Draft revision of Resolution Conf. 16.8 on *Frequent cross-border non-commercial movements of musical instruments* (Doc. 42). *Tentative U.S. negotiating position*: Support in part; oppose in part. The United States supports removing the requirement that musical instruments traveling under certificate be personally owned. We oppose other proposed revisions. The document includes several proposed revisions to the preambular text of Resolution Conf. 16.8, *Frequent cross-border non-commercial movements of musical instruments*, such as linking the cultural value of musical instruments to the need for having a simple procedure for traveling with them and noting that musical instruments containing small amounts of CITES-listed specimens do not require sophisticated control procedures at each border. The document also includes revisions to the operative text of the Resolution to remove the requirement that a musical instrument traveling under a musical instrument certificate must be personally owned; removing the requirement for presentation and validation of musical instrument certificates at ports of entry and exit; adding a requirement that loaned instruments be accompanied by a copy of a loan agreement between the legal owner and current holder; text urging Parties to ensure that their Customs authorities are aware of the musical instrument certificate; and urging Parties to exempt musical instruments from stricter domestic measures. The United States agrees with the technical fixes proposed by the European Union to remove the requirement that musical instruments traveling under a musical instrument certificate be personally owned. We largely disagree with the remaining proposed revisions, noting in particular that the presentation and validation requirements are requirements of the Convention, found in Articles III, IV, V, VI, Appendix IV, and Resolution Conf. 12.3 (Rev. CoP16).

43. Review of the definition of ‘artificially propagated’ for plants (Doc. 43) *Tentative U.S.*

negotiating position: Likely to support. This document, submitted by China, Georgia, Indonesia, and Kuwait, contains two draft decisions. The draft decisions, directed to the Plants Committee, call for the Committee to review current production systems for artificial propagation and cultivation of plants, and to assess the applicability of the current definitions of artificial propagation in Resolution Conf. 11.11 (Rev. CoP15), *Regulation of trade in plants*; and as appropriate, propose amendments to the Resolution at the 18th meeting of the Conference of the Parties. The United States supports the Secretariat's suggested edits to the two draft decisions, and we may suggest additional edits.

44. Electronic systems and information technologies (Doc. 44). *Tentative U.S. negotiating position:* Support in general. The United States supports the extension of the mandate of the Standing Committee's Working Group on Information Technologies and Electronic Systems. This document reports on implementation of Decision 16.54, on electronic permitting, and developments on e-permitting work by Parties. It recommends adoption of four draft decisions that would, among other things, re-establish the Working Group on Information Technologies and Electronic Systems and redefine its mandate. The United States continues to support the development of Parties' capacity for electronic permitting and encourages efforts in this direction. However, we are concerned that the working group has not addressed validation of permits and certificates through an e-permits or single window environment and the presentation of the permit or certificate at the time of export or imports. While the draft decisions presented in the document begin to address these issues, the United States will recommend some revisions to the draft decisions to strengthen the need for validation and presentation of documents in an e-permitting system.

45. Traceability (Doc. 45). *Tentative U.S. negotiating position:* Support in general. The United States supports the over-arching approach to traceability presented by the Secretariat in Doc. 45 and we support the adoption of the draft Decisions, with the Secretariat's proposed edits. The United States believes that the idea of traceability systems within CITES has good potential to benefit the Convention and the conservation of listed species. The United States also believes that the process proposed by the Secretariat is likely to help prevent spending on inappropriate, or even counterproductive, efforts.

46. Pilot testing of a global traceability information system for reptile skins (Doc. 46). *Tentative U.S. negotiating position:* Support. The United States supports the continuation of this work as one potential option for developing traceability technology and a traceability system. See position in 45.

47. Stocks and stockpiles of specimens of CITES-listed species (Doc. 47). *Tentative U.S. negotiating position:* Support. In this document, the Secretariat notes the current Resolutions and Decisions that contain provisions related to stocks and stockpiles and lists a number of new proposals relating to the issue of stocks that will be considered by the Conference of the Parties at CoP17, including proposals concerning Asian big cats, elephants, pangolins, pythons, rhinoceroses, and saiga antelope. The Secretariat proposes a draft decision, directing the Standing Committee to review existing CITES provisions concerning controls on stocks of specimens of CITES-listed species, consider their objectives and implementation, and report to CoP18. The United States recognizes that stockpiles of specimens of CITES-listed species can

cause difficulties for effective implementation of the Convention if those stockpiles are not properly inventoried, monitored, maintained, and secured. We understand the importance of effective maintenance and security of government-held stockpiles and that such efforts require both time and money. We support the draft decision proposed by the Secretariat.

48. Identification of specimens in trade (no document).

48.1. Timber identification (Doc. 48.1). *Tentative U.S. negotiating position:* Likely to support, pending further consultation with other Parties. The United States agrees with the Secretariat's suggested edit to draft Decision 17.x2. b). The United Nations Office on Drugs and Crime (UNODC) within the framework of the International Consortium on Combating Wildlife Crime prepared the document and the three draft decisions directed to the Parties, the Plants Committee, and the Secretariat concerning improving measures related to CITES-listed tree species. While the United States supports efforts to improve and strengthen timber identification and capacity measures, we are concerned by the amount of work proposed in the draft decision directed to the Plants Committee, and that the work is to be covered under the Plants Committee's regular operational budget.

48.2 Identification Manual (Doc. 48.2). *Tentative U.S. negotiating position:* Support. The United States supports the three draft decisions and continued efforts of the working group to improve the CITES Identification Manual, as it serves a unique and important role and could be considered the foundation of our ability to enforce and implement the Convention for CITES-listed specimens in trade. If the draft decisions are adopted by the Parties, the United States will

continue to engage in the intersessional working group to strengthen and enhance the availability of these important identification materials.

Species specific matters

49. Illegal trade in cheetahs (*Acinonyx jubatus*) (Doc. 49). *Tentative U.S. negotiating position:* Support. This document, prepared by the Standing Committee, provides an update on implementation of Decisions 16.71 – 16.75 on illegal trade in cheetahs. The Standing Committee recommends adoption of seven draft decisions directed to the Secretariat and the Standing Committee. The United States believes this is important work and supports the draft decisions as presented by the Standing Committee. We support the new draft decision proposed by the Secretariat (encouraging Parties and potential donors to provide funding support for implementation of the Decisions, where needed) and we support some of the Secretariat's suggested edits to the draft decisions. The United States supports the Secretariat's recommendation to broaden the language in 17.C to all CITES-listed species. We believe that doing so will help link this issue to others involving social media and e-commerce in particular with Combating Wildlife Cybercrime (Doc. 29), to address illegal trade of CITES specimens through the internet.

50. Sturgeons and paddlefish (*Acipenseriformes* spp.) (Doc. 50). *Tentative U.S. negotiating position:* Support in part. This document, submitted by the Standing Committee, reports on activities undertaken since CoP16 to implement Resolution Conf. 12.7 (Rev. Cop16), *Conservation of and trade in sturgeons and paddlefish*, and Decisions 16.136 – 16.138. Annex 1

to the document contains draft revisions to the Resolution, prepared by an intersessional working group of the Standing Committee. The United States was an active member of the working group and supports the draft revisions to the Resolution, with one notable exception. Some members of the group proposed adding to the resolution (in Annex 1) a definition of “country of origin of caviar.” The working group could not reach consensus on this issue and the definition remains in square brackets in the text. The proposed definition is contrary to the commonly understood meaning of “country of origin” under CITES, found in Annex 2 to Res. Conf. 12.3 (Rev. CoP16), which is “the country in which the specimens were taken from the wild, bred in captivity or artificially propagated.” The bracketed definition is designed to allow a country to import sturgeon from another country, kill the fish and harvest the roe, and list itself, the importing country, as the country of origin of the caviar. We note the increasing emphasis on traceability and the importance of establishing a clear chain of custody for wildlife products in trade. We believe the bracketed definition is contrary to basic CITES principles and, if adopted, would make it difficult, if not impossible, to trace the true origin of specimens in trade. Except for the bracketed definition of “country of origin of caviar” in Annex 1 to the Resolution, we support the proposed changes to Resolution Conf. 12.7. We also support the Secretariat’s recommendation to extend the validity of Decisions 16.136 – 16.138.

51. Conservation of and trade in *Anguilla* spp. (Doc. 51). *Tentative U.S. negotiating position*: Support. The United States supports and will seek amendments to the draft decisions that will endorse a meeting of the American eel (*Anguilla rostra*) range States that the United States hopes to convene to gather information and address technical and information gaps. We prefer not to rely only on consultants and technical workshops, but also to work together as a

region and we want the results of the range States meeting to be fully considered in the CITES process. We believe that through regional leadership and coordination, the United States can ensure a better management outcome for the American eel.

53. Agarwood-producing taxa (*Aquilaria* spp. and *Gyrinops* spp.) (no document).

53.1 Implementation of the Convention for agarwood-producing taxa (Doc. 51). *Tentative U.S. negotiating position*: Support. The document includes two draft decisions (revisions of Decisions 16.156 and 16.157) directed to the Plants Committee and calling on it to continue to consider production systems of tree species, including mixed and monospecific plantations, and the applicability of the current definitions of artificial propagation, and monitor the implementation of Resolution Conf. 16.10, *Implementation of the Convention for agarwood-producing taxa*, respectively. The document also includes a new draft decision (Decision 17.XX) inviting range, transit, consumer, and producer Parties of agarwood products to compile and publish identification manuals on agarwood products, without noting the need to undertake this work in collaboration with the Plants Committee or the Secretariat. The United States supports the adoption of the revisions to Decisions 16.156 and 16.157, and deletion of the three Decisions. However, noting that there remain significant identification issues for agarwood products, we do not support the language in the new draft decision “inviting” range, transit, consumer, and producer Parties to compile and publish identification manuals on agarwood products. Noting that Resolution Conf. 11.19 (Rev. CoP16), *Identification Manual* directs the Secretariat to prepare identification materials, we think that the new draft decision in Document

CoP17 Doc. 53.1 should be revised to direct the Secretariat to undertake this work in collaboration with the Plants Committee.

53.2 Sustainable production of agarwood-producing taxa (*Aquilaria* spp. and *Gyrinops* spp.) (Doc. 53.2). *Tentative U.S. negotiating position*: Likely to support. The document includes six draft decisions directed to the range States of agarwood-producing taxa, the Plants Committee, and the Secretariat concerning continuing work on the conservation and sustainable management of wild and plantation-grown agarwood-producing taxa, and stakeholder collaboration.

54. Humphead wrasse (*Cheilinus undulatus*) (Doc. 54). *Tentative U.S. negotiating position*: Support. The humphead wrasse was listed in CITES Appendix II at CoP13 based on a proposal submitted jointly by Fiji, Ireland, on behalf of the EU, and the United States. Humphead wrasse are harvested primarily to supply live food-fish markets in Asia. This document, prepared by the Standing Committee, reports on progress in implementing Decisions adopted at CoP16 related to humphead wrasse. We support the recommendation of the Standing Committee to extend Decisions 16.139, 15.87 (Rev. CoP16) and 16.140 (with the suggested amendment to Decision 15.87 (Rev. CoP16)) to allow more time for implementation. The United States is committed to improving the conservation status of the humphead wrasse. We have supported efforts to increase the capacity of countries to improve data sharing, monitoring, and enforcement for this species and to implement sustainable fishing practices and CITES requirements. We support the adoption of the Secretariat's draft decisions 17.AA regarding collaboration with FAO (subject to external funding) and 17.BB regarding reporting.

55. Ebonies (*Diospyros* spp.) and palisanders and rosewoods (*Dalbergia* spp.) (no document).

55.1 Action plan for *Diospyros* spp. and *Dalbergia* spp.: report from Madagascar (no document).

55.2 Implementation of the Convention for trade in Malagasy ebonies (*Diospyros* spp.) and palisanders and rosewoods (*Dalbergia* spp.) (Doc. 55.2). *Tentative U.S. negotiating position:* Support. Madagascar is requested to submit a report to the 67th meeting of the Standing Committee (SC67; Johannesburg, September 23, 2016) that includes, among other things, information on its enforcement actions at the national level and the results of a stock audit and use plan for approval by the Standing Committee. At that meeting, the Standing Committee will consider whether the existing recommendation to suspend commercial trade in specimens of species of the genera *Dalbergia* and *Diospyros* from Madagascar can be lifted or should be maintained. The Secretariat notes that the draft Decisions in Annex 2 to Document CoP17 Doc. 55.2 might need to be amended in the light of any actions taken by Madagascar before SC67 and the Standing Committee's decisions at SC67. The United States commends Madagascar, and its many collaborators, on making progress in implementing the Action Plan, and we look forward to hearing from Madagascar both at SC67 and at CoP17 on the additional progress it has made in implementing it. We support adoption of the draft decisions included in Document CoP17 Doc. 55.2, with several minor clarifications and amendments.

56. Sharks and rays (Elasmobranchii spp.) (Doc. 56.1 and Doc. 56.2). *Tentative U.S. negotiating position*: Support. Document CoP17 Doc. 56.2 is the report of the Animals Committee on its activities since CoP16 to implement Resolution Conf. 12.6 (Rev. CoP16), *Conservation and management of sharks*. Document CoP17 Doc. 56.1 was prepared by the Secretariat, in collaboration with the Chair of the Animals Committee. It describes activities undertaken by the Secretariat and the Animals Committee in support of the shark and ray listings adopted at CoP16. The document contains draft decisions based on the recommendations made by the Animals Committee and described in the report of the Animals Committee (in CoP17 Doc. 56.2). The United States supported the recommendations of the Animals Committee at AC27 and AC28 related to sharks and rays; and while we support adoption of the draft decisions in Annex 1 in principle, we acknowledge the broad scope of the work proposed and recognize that considerable external funding will be needed to undertake all of the activities envisaged.

57. Elephants (Elephantidae spp.) (no document).

57.1 Implementation of Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens* (Doc. 57.1). *Tentative U.S. negotiating position*: Support. This document is a report from the Secretariat on progress in implementing the seven Decisions adopted at CoP16 regarding ivory trade and illegal killing of elephants, relevant portions of Resolution Conf. 10.10 (Rev. CoP16), and additional recommendations from the Standing Committee at SC65 (except those related to National Ivory Action Plans, which are addressed in Doc. 24). It contains updates related to (among other things): Monitoring the Illegal Killing of Elephants (MIKE) and the Elephant

Trade Information System (ETIS); the CITES Enforcement Task Force; forensic ivory identification techniques; workshops on controlled deliveries; anti-money laundering and asset recovery manual; collaboration with UNODC; large-scale ivory seizures; illegal trade in live Asian elephants; and ivory stockpiles. This is one of a number of documents that proposes changes to Resolution Conf. 10.10 (Rev. CoP16). In addition, it calls for deletion of Decisions 14.78 (Rev. CoP16), 16.78, and 16.81-16.83 and adoption of three draft decisions, two related to trade in live Asian elephants and one on developing guidance for the management of ivory stockpiles. We support the proposed revisions to Resolution Conf. 10.10 (Rev. CoP16) in Annex 3, but may suggest some amendments to those revisions. We support adoption of the draft decisions in Annex 2 and agree that Decisions 14.78 (Rev. CoP16), 16.78, 16.81, 16.82, and 16.83 can be deleted, provided the related, relevant amendments to Resolution Conf. 10.10 (Rev. CoP16) are adopted.

57.2 Closure of domestic markets for elephant ivory (Doc. 57.2). *Tentative U.S. negotiating position:* Support in principle. The United States supports the principles raised in document CoP17 Doc. 57.2, which contains a draft resolution calling for the CITES Parties to close domestic ivory markets and take other actions to protect elephants. We note that much of what is proposed in this document is also contained in document CoP17 Doc. 27, submitted by the United States. We believe that Resolution Conf. 10.10 (Rev. CoP16) is the most appropriate place to incorporate the content proposed in both documents, rather than adopting a new resolution, as this may create conflicts and inconsistencies between the two resolutions.

57.3 Ivory stockpiles: proposed revision of Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens* (Doc. 57.3). *Tentative U.S. negotiating position:* Support in principle. This document was submitted by Benin, Burkina Faso, Chad, Kenya, Niger, Nigeria, and Senegal. The document proposes changes to Res. Conf. 10.10 (Rev. CoP16) with regard to ivory stockpiles and adoption of two draft decisions. We share many of the concerns raised by the proponents and agree that security of large stockpiles can pose difficult challenges. We support preparation by the Secretariat of guidance on best practices for stockpile maintenance. We also agree with many of the Secretariat's comments, including that it is up to each Party to decide whether it wishes to destroy or maintain its government stockpiles. We note, as the Secretariat has, that there is considerable overlap between the recommendations in this document and the proposals put forward by the Secretariat, at the request of the Standing Committee, in CoP17 Doc. 57.1.

57.4 Trade in live elephants: Proposed revision of Resolution Conf. 10.10 (Rev. CoP16) on *Trade in elephant specimens* (Doc. 57.4). *Tentative U.S. negotiating position:* Do not support. This document was submitted by Burkina Faso, Central African Republic, Chad, Kenya, Mali, Niger, and Senegal. The proponents raise concerns about negative impacts of trade on live African elephants. They propose changes to Res. Conf. 10.10 (Rev. CoP16) to, among other things, restrict trade in live African elephants taken from the wild to recipients that are suitably equipped to house and care for them, and further that the only appropriate and acceptable destinations for such elephants should be *in situ* conservation programs or secure areas in the wild within the species natural range. While we appreciate the concerns raised by the proponents and agree that there is a need for further clarification of the definition of "appropriate and

acceptable destinations,” we do not support this proposal as written. The United States has also submitted a document for consideration at CoP17 (CoP17 Doc. 40), which seeks to clarify and further define what is meant by “appropriate and acceptable destinations” for live Appendix-II animals. Because populations of both African elephants and southern white rhinoceroses are subject to listing annotations that allow trade in live animals to appropriate and acceptable destinations, we believe it is more appropriate to clarify the definition in Resolution Conf. 11.20, *Definition of the term ‘appropriate and acceptable destinations,’* so that it will apply to any population subject to such an annotation, not just African elephants.

57.5 Report on Monitoring the Illegal Killing of Elephants (MIKE) (Doc. 57.5)

and

57.6 Report on the Elephant Trade Information System (ETIS) (Doc. 57.6). *Tentative U.S. negotiating position:* These documents should be noted. Document CoP17 Doc. 57.5 is the Secretariat’s report on implementation of the Monitoring the Illegal Killing of Elephants (MIKE) program. Document CoP17 Doc. 57.6 contains a report, prepared by TRAFFIC, on the data in the Elephant Trade Information System (ETIS). ETIS is a system for collecting and compiling law enforcement data on seizures and confiscations in order to monitor the pattern and scale of illegal trade in elephant specimens. ETIS data are assessed to identify those countries or territories most prominently implicated in the illegal ivory trade. The United States is grateful for these comprehensive reports. We remain concerned by information in both of these reports, which show that levels of illegal killing of elephants remain high, particularly for a number of biologically important populations, and that the illegal ivory trade continues at unacceptably high levels. The authors have noted that since 2012, the quantity of ivory in illegal trade has

remained fairly constant at the highest levels ever recorded in assessments of the ETIS data, with trade levels roughly three times greater than 2007 quantities. It is clear that considerable work remains to be done to secure vulnerable populations, interdict illegal trade, investigate large-scale ivory seizures, and take other actions necessary to ensure the effective implementation of Resolution Conf. 10.10 (Rev. CoP16), the National Ivory Action Plan process, and the long-term conservation of African elephants.

58. International trade in *Encephalartos* spp (Doc. 58). *Tentative U.S. negotiating position:* Support. The document highlights the critical conservation status of many of the African cycads in the genus *Encephalartos*. The document also notes that legal exports of *Encephalartos* specimens, primarily seedlings, from South Africa have increased significantly over the last two decades and that South Africa has put in place measures to safeguard wild populations. Nevertheless, South African authorities remain concerned over the illegal harvest and export of wild specimens. South Africa proposes that the Conference of Parties adopt several draft decisions aimed at determining the scale of the illegal international trade in *Encephalartos* species and facilitating information exchange and collaboration related to enforcement efforts. The United States supports a closer examination of the trade in *Encephalartos* specimens, including consideration of the Secretariat's recommendations to explore using a one-time questionnaire. We look forward to working with South Africa, the Secretariat, and others to determine the best way to proceed on this issue.

59. Hawksbill turtle (*Eretmochelys imbricata*) (Doc. 59). *Tentative U.S. negotiating position:* Support. The hawksbill turtle has been listed in CITES Appendix I since 1977. At

CoP16 (Bangkok, 2013), the Conference of the Parties adopted Decision 16.127, which directed the Secretariat to collaborate with the Secretariat of the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC) and, among other things, encourage implementation of recommendations from a regional workshop on the hawksbill turtle in the wider Caribbean and western Atlantic region. In this document, the Secretariat reports on implementation of Decision 16.127. The CITES and IAC Secretariats agree that Decision 16.127 has been implemented. The United States agrees and therefore supports its deletion. We fully support continued multilateral cooperation on marine turtles in the wider Caribbean region, including through the IAC. We support adoption and implementation of the draft decisions proposed by the Secretariat, subject to the availability of external funds.

60. Asian big cats (Felidae spp.) (no document).

60.1 Report of the Standing Committee (Doc. 60.1). *Tentative U.S. negotiating position:* Support. The document includes an accounting of the various activities undertaken in fulfillment of the Decisions related to Asian big cats. The Secretariat invites the Conference of the Parties to agree to the deletion of Decisions 16.68 to 16.70, as they have been implemented, and to adopt the draft decisions agreed by the Standing Committee at SC66 related to an evaluation of Asian big cat captive breeding facilities. We strongly oppose the Secretariat's recommendation that Decision 14.69 be considered under work being recommended under agenda item 32 on *Implementation of the Convention relating to captive-bred and ranched specimens*. We note that Decision 14.69 is a valid Decision and that the discussion under agenda item 32 primarily concerns whether source codes for captive-bred and ranched specimens are being

accurately/appropriately applied to specimens in trade. Given that the CITES Parties have strongly opposed trade of any kind in tiger specimens, including those originating in captive breeding operations, we do not see the utility of considering tigers in the context of those discussions.

60.2 Proposal of India (India) (Doc. 60.2). *Tentative U.S. negotiating position:* Support. In addition to the draft decisions agreed by the Standing Committee, India proposes the adoption of a number of additional draft decisions. Among other things, the six draft decisions put forward by India, directed to Parties and the Secretariat, call on Parties to share images of seized tiger skins with the national focal points or agencies of tiger range States and support the development of an international database/repository on tiger photo-captures as well as seized tiger skins, which would be maintained by a single entity such as the Global Tiger Forum. We support adoption of these draft decisions and believe that they will assist in addressing illegal trade in tiger parts and derivatives.

61. Great apes (*Hominidae* spp.) (Doc. 61). *Tentative U.S. negotiating position:* Support. Decision 16.67 on Great apes (*Hominidae* spp.) directs the Standing Committee to review Resolution Conf. 13.4 (Rev. CoP16), *Conservation of and trade in great apes*, to establish an illegal trade reporting mechanism. The Working Group on Special Reporting Requirements considered the possible establishment of an illegal-trade reporting mechanism for reporting on illegal trade in great apes and recommended that such reporting should be part of the new annual illegal-trade report, (SC66 Doc. 30.2 Annex 5). The Standing Committee agreed that reporting on illegal trade in great apes should be included in the new annual illegal-trade report. The

Secretariat was to commission a report on the status of great apes for review at CoP17. At the time that this document was prepared, work to compile the report was ongoing but the report would not be ready for the Secretariat to report on the status of great apes at CoP17. The Secretariat recommends that the Conference of the Parties consider the adoption of two draft decisions, one directing the Secretariat to collaborate with great ape specialists to finalize the report mentioned above, and another directing the Standing Committee to consider this report and prepare recommendations for any further actions for consideration at CoP18. We support the Secretariat's recommendation to delete Decision 16.67 as it has been completed. We also support adoption of the draft decisions proposed by the Secretariat.

62. International trade in rosewood timber species [LEGUMINOSAE (Fabaceae)] (Doc. 62). *Tentative U.S. negotiating position:* Support. The document highlights some of the numerous challenges in ensuring that trade in rosewood species is legal and sustainable, including species from a number of different genera traded as "rosewood," lack of distribution and demographic information on rosewood species, and widespread illegal logging around the globe. The document invites the Conference of the Parties to adopt several draft decisions aimed at examining the trade in rosewood species not included in the CITES Appendices. We are likely to support the adoption of draft decisions to undertake this work, pending amendments to the draft decisions. We believe that there is merit in evaluating the numerous issues raised in the document with regard to the biological and trade status of rosewood species in international trade. However, we believe that before any such work is undertaken, discussions concerning the scope of the proposed work and how best to accomplish it are needed.

63. Guidelines to determine the possible impact of trade in lycaons (*Lycaon pictus*) on the conservation of the species (Doc. 63). *Tentative U.S. negotiating position:* Support in part. The African wild dog (*Lycaon pictus*) is not included in any of the CITES Appendices and was listed under the U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA) as Endangered throughout its range, effective February 22, 1984. Wild dogs are now extinct in 25 of the 39 countries of Africa they previously inhabited. It is not clear whether international trade is a significant factor threatening the survival of African wild dogs so it may be useful to undertake a study to answer that question. It may be more appropriate, however, to have the Secretariat hire a consultant to undertake this work (instead of the Animals Committee) and we may want to recommend a change to the proposed process. The United States would support the draft decisions in CoP17 Doc. 63 only if external funding can be provided. If there is little support for the acceptance of the draft decisions proposed, the United States may encourage the range States to review the domestic measures they have in place to protect wild dogs and to consider listing the species in Appendix III. CoP17 Doc. 80, submitted by the EU, encourages range states to use Appendix III as a tool for controlling trade in nationally protected wildlife and improving international cooperation in controlling trade. See the U.S. position for Doc. 80 below.

64. Pangolins (*Manis* spp.) (Doc. 64). *Tentative U.S. negotiating position:* Support. This document describes activities undertaken to implement Decisions 16.41 and 16.42 on pangolins (*Manis* spp.), including information on the First Pangolin Range States Meeting held in Viet Nam in June 2015, co-hosted by the governments of Viet Nam and the United States and attended by 29 African and Asian range State delegates, the Secretariat, pangolin experts, and

others. This document, CoP17 Doc. 64, contains a draft resolution and two draft decisions, developed by the Standing Committee Working Group on Pangolins and forwarded by the Standing Committee for consideration at CoP17. The United States was a member of the working group and supports both the draft resolution and the draft decisions with some revisions. We are concerned about the references to the pangolin breeding facilities noted under the second URGES in the draft resolution. We are unaware of any facility that has successfully bred pangolins reliably in captivity and believe that efforts should be directed instead to aiding those facilities that work to rehabilitate and release captured animals as well as other *in situ* conservation efforts. We also note the importance of maintaining and monitoring inventories of pangolin scale stockpiles to ensure that illegally harvested pangolin scales are not mixed in with stockpiles of legal (pre-convention, pre-zero export quota of Asian species, and possible pre-Appendix-I listing date) scales.

65. Conservation of and trade in East African sandalwood (*Osyris lanceolata*) (Doc. 65). *Tentative U.S. negotiating position:* Undecided. In conjunction with Kenya's CoP16 proposal to list the East African populations (populations of Burundi, Ethiopia, Kenya, Rwanda, Uganda, and the United Republic of Tanzania) of East African sandalwood in Appendix II, Kenya also proposed adoption of several draft decisions to more closely examine the conservation status and impact of trade on this genus, particularly as it relates to species other than *Osyris lanceolata*. Although the draft decisions were adopted, funding to fully implement them was never secured and Kenya is proposing that they be amended to adjust timeframes and renewed at CoP17. Additionally, based on discussions within the Plants Committee, Kenya is proposing that the intersessional work be expanded to include consideration of other look-alike species in the

Santalaceae family and convening a consultative group. The United States agrees with the concerns raised by the CITES Secretariat in its comments concerning expending limited financial and staff resources to evaluate trade in non-listed species. However, we will engage in additional discussions with Kenya and other range States for this genus to assess their willingness to contribute resources and information to this effort.

66. Tibetan antelope (*Pantholops hodgsonii*): enforcement measures (Doc. 66). *Tentative U.S. negotiating position*: Support. The United States supports the recommendations from the Standing Committee (contained in paragraph 10 of the document). Due to the seizures reported by China in 2013, the United States opposed the Secretariat's initial recommendation at CoP16 that the requirement for regular reporting contained in Resolution 11.8 (Rev. CoP13) be eliminated. Based on the information reported in SC65 and SC66 the United States supports the Secretariat's current recommendations and believes it is appropriate that paragraph b), under "DIRECTS", of Resolution Conf. 11.8 (Rev. CoP13) be maintained, and that Decision 16.93 be included in the Resolution. The United States supports the Secretariat's draft decision 17.AA and draft decision 17.BB.

67. Harvesting of and trade in African cherry (*Prunus africana*) (Doc. 67). *Tentative U.S. negotiating position*: Support. The United States supports the draft decision to convene a workshop to discuss sustainable harvest methods, monitoring and traceability systems, and plantation and agroforestry prospects, which would all inform the sustainable use and conservation of *Prunus africana* across the species' range. We tentatively support the Secretariat's recommended amendments to the draft decision, pending further consultation with

members of the Plants Committee and the Secretariat. The United States supports the Secretariat's recommendation that workshop outputs should be 'considered' rather than endorsed or adopted by the Plants Committee.

68. Rhinoceroses (Rhinocerotidae spp.) (Doc. 68). *Tentative U.S. negotiating position:* Support in part. The document includes an accounting of the various activities undertaken in fulfillment of the Decisions related to rhinoceroses. The document invites the Conference of the Parties to delete all of the current rhinoceros Decisions because they have either been implemented or the text of them has been incorporated into Resolution Conf. 9.14 (Rev. CoP15), *Conservation of and trade in African and Asian rhinoceroses*. The document also recommends that the Conference of the Parties adopt two new draft decisions that call on Parties to review Resolution Conf. 9.14 (Rev. CoP17) and the strategies and proposed actions developed by the CITES Rhinoceros Enforcement Task Force as well as poaching and trafficking trends. The United States applauds the working group and the Secretariat for their efforts in implementing the numerous rhinoceros-related Decisions. The two draft decisions in the document are not in the usual form of CITES Decisions and do not include specific instructions to the Parties, Committees, or Secretariat. We will work with the other members of the Standing Committee Working Group on Rhinoceroses, the Secretariat, and others to craft draft decisions that include specific actions, including country-specific actions, to be carried out during the next intersessional period.

69. Illegal trade in the helmeted hornbill (*Rhinoplax vigil*) (Doc. 69). *Tentative U.S. negotiating position:* Support in part. As noted in the draft resolution included in the document,

the helmeted hornbill has been reclassified in the IUCN Red List of Threatened Species as Critically Endangered. Both the document and the IUCN assessment indicate that intensive hunting pressure poses a significant threat to the species. The United States supports taking action within CITES to address the conservation crisis being faced by the species. However, we believe that it would be more appropriate to adopt a series of decisions rather than the draft resolution presented in the document. Indeed, much of the language of the draft resolution, particularly the last three paragraphs in the operative section, would be more appropriate as decisions. We believe that the language could be easily modified as decision language and will urge Indonesia to do so.

70. Saiga antelope (*Saiga tatarica*) (Doc. 70). *Tentative U.S. negotiating position:* Support. The document includes an accounting of the various activities undertaken in fulfillment of the Decisions related to Saiga antelope. While both legal and illegal trade appear to be on the decline, the Secretariat argues that there remains a genuine need for CITES to continue to support these efforts, especially related to implementing the actions outlined in the Medium-Term International Work Programme for Saiga Antelope (2016-2020) [MTIWP (2016-2020)]. The draft Decisions are related to, among other things, the management of stockpiles, promotion of the use of alternatives, and law enforcement. The United States supports the adoption of the draft decisions.

71. Snake trade and conservation management (*Serpentes spp.*) (Doc. 71). *Tentative U.S. negotiating position:* Support in part. The United States recognizes that the trade in snakes (terrestrial, freshwater and marine species) is one of the largest illegal trades in wildlife globally.

We believe that the implementation and enforcement of the Convention needs to be improved for these species. While many of the Secretariat's comments on the draft decisions and resolution are helpful, we believe that others require additional discussion. In general, the United States supports adoption of the draft decisions and the draft resolution, although we recognize that additional discussions on the language will be needed at CoP17; we expect to participate in those discussions.

72. Regional cooperation on the management of and trade in the queen conch (*Strombus gigas*) (Doc. 72). *Tentative U.S. negotiating position:* Support. At CoP16 (Bangkok, 2013), the Conference of the Parties adopted eight interrelated decisions (Decisions 16.141 – 16.148) regarding regional cooperation on management of and trade in the queen conch (*Strombus gigas*). In this document, the Secretariat reports on progress in implementing these Decisions, including considerable work done in the region in collaboration with FAO and regional fisheries organizations, which resulted in, among other things, development of a draft Regional Queen Conch Fisheries Management and Conservation Plan. The Secretariat proposes deletion of all but two of these Decisions and adoption of five more. We support adoption of the draft decisions in Annex 1, and continued regional collaboration; but acknowledge that considerable external funding will be needed to undertake all of the activities envisaged.

73. Tortoises and freshwater turtles (*Testudines* spp.) (Doc. 73). *Tentative U.S. negotiating position:* Support. The United States supports the adoption of the draft decisions proposed by the Secretariat as contained in Annex 5 of CoP17 Doc. 73. The serious problem of trafficking in tortoises and turtles is representative of CITES' on-going struggle to combat all forms of illegal

and unsustainable wildlife trade. Trafficking in these species, while severe in Asia, is a global problem. And as these species are particularly vulnerable to over-exploitation due to their life history traits, the Parties must increase their efforts to stop this illegal trade. The steady increase in seizures over the past 15 years demonstrates that this illegal trade is vibrant, large and on-going. Unfortunately the establishment of the Tortoises and Freshwater Turtles Task Force directed in Decisions 16.119 and 16.120, and funded by the United States, has not yet been convened. We have been informed by the Secretariat that it intends to treat this as a priority after CoP17. However, at CoP17 it will be necessary for the Parties to chart a path forward following the meeting, with the aid of the information provided by IUCN in Doc. 73. Therefore, the United States believes that the existing Decisions on the Task Force (Decisions 16.119 and 16.120) should be revised and extended and we plan to call for and participate in those discussions at CoP17.

74. Totoaba - *Totoaba macdonaldi* – Opportunities for international collaboration within the CITES framework. (Doc. 74). *Tentative U.S. negotiating position:* Support. This document, submitted by Mexico, asks for cooperation from CITES Parties in combating the illegal trade in totoaba. The totoaba is a large finfish endemic to the northern part of the Gulf of California (Sea of Cortez) in Mexico. It has been listed in CITES Appendix I since 1977 and has been listed as endangered under the ESA since the 1970s. The swim bladder of the totoaba is highly prized in Asia, which has fueled an illegal totoaba fishery in recent years. The swim bladders have been smuggled into the United States from Mexico, mostly for export to China. Law enforcement authorities in the United States and Mexico are cooperating on border enforcement efforts to combat this illegal trade, which is also responsible for the recent precipitous decline of the

vaquita porpoise. The vaquita, which is also endemic to the Gulf of California, and is also listed in CITES Appendix I, is caught in gill nets set to capture totoaba (and other fish). In this document, Mexico describes measures it has taken to address the illegal harvest of totoaba, including marine surveillance activities, and to improve management and conservation of the species. The United States supports Mexico's efforts to address the illegal harvest and international trade in totoaba. We remain very concerned about the conservation of both totoaba and vaquita and the impacts of the illegal totoaba fishery on both of these endangered species. While we support the recommendations in this document and stand ready to assist Mexico in combating the illegal totoaba trade, we would like to see a proposal for more definitive actions, including possible draft decisions for consideration at CoP17 and will work with Mexico toward that end. We welcome Mexico's recent commitment to permanently ban all gillnet fishing in the upper reaches of the Gulf of California and its increasing commitment to halting the illegal totoaba fishery.

75. Bushmeat (no document).

75.1 Review of Resolution Conf. 13.11 on *Bushmeat* (Doc. 75.1). *Tentative U.S. negotiating position*: Support. At CoP16, the Standing Committee was directed to review Resolution Conf. 13.11, *Bushmeat*, taking into consideration the decisions and guidance developed under the CBD, the outcomes of the joint CITES/CBD meeting on bushmeat and other relevant sources of information and submit the results and its recommendations for consideration at CoP17. A working group reviewed Resolution Conf. 13.11, and proposed amendments to the Resolution and a draft decision for consideration at CoP17. The United States recommended edits that have

been incorporated into the proposed amendments to the Resolution and also recommended that the work called for in the draft decision be undertaken in collaboration with relevant entities/organizations currently engaged in extensive work on bushmeat. We believe that the revisions made to the draft decision presented in the current document adequately address our concerns and we therefore support its adoption along with the Secretariat's minor editorial amendment to the draft decision. If adopted, we believe that the draft decision should direct the Secretariat to contract the work to a qualified consultant.

75.2 Report of the Central Africa Bushmeat Working Group (Doc. 75.2). *Tentative U.S. negotiating position*: Support. Decisions 14.73 and 14.74 (Rev. CoP16) encouraged the Central African Bushmeat Working Group (CABWG) to collaborate with related organizations and agencies and to report on progress made in implementing national action plans relating to the trade in bushmeat. A report on the subject of bushmeat was to be submitted by the CABWG at CoP17 but despite a letter from the Secretariat to the Management Authorities of the CABWG countries in March 2016 reminding of this report, none has been received. The Secretariat considers that the proposed revision of Resolution Conf. 13.11, *Bushmeat*, no longer requires a regional approach and recommends that Decisions 14.73 and 14.74 (Rev. CoP16) be deleted and that no further decisions be directed to the CABWG. The United States supports the Secretariat's recommendations. The United States has long been concerned by the lack of progress by the CABWG and welcomes the opportunity to take a fresh look at how the CITES Parties can more effectively engage on this important conservation issue through the revision of Resolution Conf. 13.11. The United States recommends that the focus on bushmeat trade be on

ensuring that Appendix-I species are not entering commercial international trade and that Appendix-II and –III species are sustainably and legally managed.

76. Neotropical tree species (Doc. 76). *Tentative U.S. negotiating position:* Support. The document notes the work that was accomplished by the Plants Committee Working Group on Neotropical Tree Species during the CoP16-CoP17 intersessional and calls for the current Decision on this issue to be updated with new timeframes and adopted by the Conference of the Parties. As a significant timber importer, the United States has been an active member of this working group and supports the adoption of the revised Decision.

77. International trade in African tree species (Doc. 77). *Tentative U.S. negotiating position:* Support. At its 22nd meeting (PC22, Tbilisi, 2015), the Plants Committee established an intersessional working group on African tree species to, among other things, share experiences on the sustainable use and management of CITES-listed African tree species; identify gaps to effective CITES implementation for these species; examine processes for developing annual export quotas; and identify other African tree species that may benefit from inclusion in the CITES Appendices. The working group was unable to begin its work and the document invites the Conference of the Parties to adopt two draft decisions calling for this work to be undertaken during the next intersessional period. The United States supports adoption of the draft decisions.

78. Sharing existing written science-based rationales and scientific information for non-detriment findings made for trade in CITES-listed species (Doc. 78). *Tentative U.S. negotiating position:* Support. The United States supports encouraging Parties that have existing written

records of the science-based rationale and information used to make non-detriment findings (noted in paragraph a) ix) A-H of Resolution Conf. 16.7, *Non-detriment findings*) to share these records with other Parties. The proposed additions to Resolution Conf. 16.7 outline a simple process that will allow this information to be submitted to the Secretariat for publication on the CITES website, and thus, made available for all Parties to use. This will help enable Scientific Authorities to make non-detriment findings that are based on the best available scientific information and trade data.

79. Implementation of the *CITES Strategic Vision: 2008-2020* (Doc. 79). *Tentative U.S. negotiating position*: Support in part. The United States does not support the proposed draft decisions as presented by Brazil. We support, in part, the alternative approach presented by the Secretariat. Brazil presents a series of draft decisions regarding actions to prevent extinction of Appendix-I species, particularly by tasking the Secretariat, Animals Committee, and Plants Committee to undertake work to compile, assess, and evaluate information regarding the status and trends of Appendix-I species and to seek funding to further study those identified as most endangered, all of which is related to Aichi Biodiversity Target 12. The Secretariat raises several concerns and proposes an alternative set of draft decisions that would focus more on Appendix-I species impacted by trade. We agree with the objective of Aichi Target 12, and that CITES Parties should be pursuing actions to achieve that ambitious target. However, we note that not all species declines are due to trade and that CITES may not be an effective tool to address ongoing decline in all cases. We also note that there are existing mechanisms for evaluating the status and trends of CITES-listed species. We believe the Secretariat's proposed revisions to the draft decisions lay out a clearer process for exploring this issue and that this

approach would keep the focus on those species that are affected by trade. We believe it is premature to pursue funding via a donor roundtable or other mechanism until this initial work is completed and the Animals and Plants Committees have an opportunity to review the information and make recommendations for consideration at CoP18. Therefore, we do not support the Secretariat's second draft decision directed to the Secretariat at this time.

80. CITES Appendix III - an added-value for the conservation of threatened wildlife with restricted distribution (Doc. 80). *Tentative U.S. negotiating position:* Support in part. The United States supports the proposal's main objective, which is to encourage range States to use CITES Appendix III when appropriate. However, we do not support the draft decisions. We do not support development of the report, envisioned in draft Decision 17. X1, identifying species for which an Appendix-III listing may provide added value for conservation, or the other draft decisions that flow from that proposed report. We do not consider this to be a useful exercise and have tried in the past to avoid creation of similar lists of species of concern as they tend not to result in meaningful actions. We note, as the Secretariat has in its comments, that it is the right of each Party to decide whether it wants to include any of its native species in Appendix III. The United States believes there is utility inherent in strategically using Appendix-III listings to ensure that trade is legal and to enlist the support of the CITES Parties. The United States has listed the Ozark hellbender, Eastern hellbender, alligator snapping turtle and all species of map turtle in CITES Appendix III and is adding four species of freshwater turtles to Appendix III effective Nov. 21, 2016.

Maintenance of the Appendices

81. Standard nomenclature (no document).

81.1 Standard nomenclature: Report of the Animals and Plants Committees (Doc. 81.1).

Tentative U.S. negotiating position: Support or tentatively support. The United States encourages ongoing efforts toward updating existing standard references for nomenclature and identifying new ones, as needed, to facilitate uniform use of scientific names of animals and plants that are listed in the CITES Appendices. The United States supports or tentatively supports all of the more than 20 specific topics raised in this document. These topics, in most instances, have been thoroughly discussed by the Animals and Plants Committees and will help Parties to implement the Convention. The nomenclature specialists will present new information at the meeting to help resolve the remaining issues. The United States tentatively supports all of the recommendations made by the Plant Nomenclature Specialist, pending further review of the Cactus, *Dalbergia*, and *Diospyros* Checklists, as well as exploring options for including the Plants Committee, in addition to the Animals Committee and the Secretariat, on the draft decision pertaining to the use of online databases.

81.2 Standard nomenclature for *Hippocampus* spp. (Doc. 81.2). *Tentative U.S. negotiating position:* Undecided, pending the outcome of discussions between the nomenclature specialists and other species/subject matter experts. The United States is not a range State for these taxa of seahorses.

82. Periodic review of the Appendices (no document).

82.1 Revision of Resolution Conf. 14.8 (Rev. CoP16) on *Periodic Review of species included in Appendices I and II* (Doc. 82.1). *Tentative U.S. negotiating position:* Support. The United States supports the recommendation of the Animals and Plants Committees to adopt the revisions to Resolution Conf. 14.8 (Rev. CoP16), *Periodic Review of species included in Appendices I and II*, while recognizing the need to secure external funding to implement these activities. These revisions are designed to provide guidance and facilitate the process of periodic reviews.

82.2 Review of the Appendices: Felidae spp. (Doc. 82.2). *Tentative U.S. negotiating position:* Support. The United States supports the recommendation of the Animals Committee to adopt the proposed revision to Decision 13.93. An extension of the time period will enable the Parties to complete the review of the Felidae.

83. Annotations (no document).

83.1 Report of the Standing Committee (Doc. 83.1). *Tentative U.S. negotiating position:* Support. The United States served as Chair of the Standing Committee Working Group on Annotations. The document invites the Conference of the Parties to adopt revisions to Resolutions to include a recommendation that, in addition to focusing on the specimens that dominate the trade and the demand for the wild resource, annotations should also focus on specimens that first appear in international trade as exports from the range States. Other recommended revisions include an explanation of the types of substantive annotations, and guiding principles that Parties are urged to follow in crafting annotations. Finally, the document

includes revisions to the current Decisions on Annotations to update them so that additional work on this subject can be continued during the next intersessional period. We support adoption of the revisions to the relevant Decisions and Resolutions included in the document.

83.2 Report of the Working Group (Doc. 83.2). *Tentative U.S. negotiating position:* Support. The United States served as the Chair of the Standing Committee Working Group on Annotations and submitted this report. We support its findings and conclusions.

83.3 Annotations for Appendix II orchids (Doc. 83.3). *Tentative U.S. negotiating position:* Support. This document calls for the resumption of examination of orchids traded internationally as cosmetics, nutritional supplements, traditional medicine, and foodstuffs. The draft decision included in the document calls on the Plants Committee to form a working group to undertake the work and for the working group to also analyze the risk of trade in orchid products to conservation and provide its conclusions about such risk to the Plants Committee for further action. The draft decision directs the Plants Committee to report its findings to CoP18. Noting that this is work that is important to the U.S. personal care products industry, the United States supports resumption of this work and will seek to be a member of any working group formed on this issue in the Plants Committee.

84. Decision-making mechanism for a process of trade in ivory (no document).

84.1 Report of the Standing Committee (Doc. 84.1). *Tentative U.S. negotiating position:* Do not support extending Decision 16.55 or adopting a decision-making mechanism at CoP17. We

appreciate that some countries, including the proponents of document CoP17 Doc. 84.3, who agreed to pursue a Decision Making Mechanism as a component of a larger compromise agreement, are frustrated by the lack of progress on this commitment. But we also believe that the mandate of Decision 16.55 must be considered in the broader context of ongoing elephant poaching and illegal ivory trade. Therefore, given the lack of substantial progress on this issue, and the current state of play with regard to elephant poaching and illegal ivory trade, we do not believe it is appropriate to extend Decision 16.55. We do not support the proposed Decision Making Mechanism presented in document CoP17 Doc. 84.3 annex. We disagree with the proponents' argument that failure to agree to a Decision Making Mechanism would render the current annotation for the Botswana, Namibia, South Africa, and Zimbabwe populations of the African elephant *pro non scripto*. The current annotation was adopted in accordance with Article XV of the Convention, and any changes to the annotation would also require amendment of the Appendices in accordance with Article XV. We agree with the Secretariat, in its comments on document CoP17 Doc. 84.1, that, if Decision 16.55 is not implemented, proposals to allow trade in elephant ivory from populations already in Appendix II that are submitted after November 2017 could be submitted to the Conference of the Parties in accordance with the relevant provisions of the Convention and existing Resolutions, including Article XV and Resolutions Conf. 9.24 (Rev. CoP16) and Conf. 10.9.

84.2 Proposal of Benin, Burkina Faso, Central African Republic, Chad, Ethiopia, Kenya, Niger and Senegal (Doc. 84.2). *Tentative U.S. negotiating position*: See position in 84.1.

84.3 Proposal of Namibia, South Africa and Zimbabwe (Doc. 84.3). *Tentative U.S. negotiating position*: See position in 84.1.

85. Extinct or possibly extinct species (Doc. 85). *Tentative U.S. negotiating position*: Support. The Animals and Plants Committees established an intersessional working group to review the provisions of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, and Decision 16.164 as they apply to species that are either extinct or possibly extinct, develop broad principles that could be applied for treating extinct or possibly extinct species included in the Appendices, and report back to the Committees with their conclusions and recommendations. After identifying several key issues, the Committees arrived at several broad general principles for the treatment of extinct or possibly extinct species in the CITES Appendices and proposed modifications to Resolution Conf. 9.24 (Rev. CoP16). The Standing Committee (Decision 16.165) submitted revisions to the Resolution as proposed by the Scientific Committees, with one amendment to reflect the current IUCN definition of “extinct” directly in the revised Resolution, without reference to the IUCN definition, and recommends that the Parties adopt the revisions. The United States supports the recommendations that the Animals and Plants Committees have made to the Standing Committee. We also support the Standing Committee’s recommendations to the Parties regarding the addition of language to resolution Conf. 9.24 (Rev. CoP16). We also support the deletion of Decisions 16.164 and 16.165.

86. Review of Resolution Conf. 10.9 on *Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II* (Doc. 86). *Tentative U.S.*

negotiating position: Support. As a member of the working group to review Resolution Conf. 10.9, *Consideration of proposals for the transfer of African elephant population from Appendix I to Appendix II*, the United States supports the Standing Committee's recommendation to adopt the amendments to Decision 16.160. This would allow the working group more time to address the mandate given to it by the Standing Committee at its 65th meeting, involve all elephant range States in the discussion, and present its proposal at the 18th meeting of the Conference of the Parties.

87. Freshwater stingrays (Potamotrygonidae spp.) (Doc. 87). *Tentative U.S. negotiating position:* Support. This document was submitted by the Animals Committee and provides a report on activities to implement Decisions 16.130-16.135, adopted at CoP16, related to freshwater stingrays. We support adoption of the draft decisions in this document, including the amendment to draft decision 17.CC proposed by the Secretariat to encourage collaboration between Parties with *ex situ* breeding operations for freshwater stingrays and those with *in situ* conservation programs. As an importer of these species for aquarium use, we are concerned about consumptive use of these species and will continue to work to support regional efforts to help ensure conservation and sustainable management of these species. We support the regional approach to conservation represented in this document.

88. Proposals to amend Appendices I and II (see Prop. documents). The United States reviewed the proposals to amend Appendices I and II within the context of the biological criteria outlined in Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*. This and other relevant resolutions (<http://www.cites.org/eng/res/index.php>) or Articles of the

Convention (<http://www.cites.org/eng/disc/text.php>) will be referred to, as appropriate, in the summaries below. We will not provide any additional explanation of the U.S. negotiating position for documents and proposals that the United States submitted or is a co-proponent of because the introduction in each of those documents contains a discussion of the background of the issue and the rationale for submitting the document. Those proposals include CoP17 Props. 9, 10, 11, 12, 19, 27, 36, 44, 48, 52, 60 and 62.

Prop. 1. Delete Wood bison (*Bison bison athabasca*) from Appendix II. Proposed by Canada. *Tentative U.S. negotiating position:* Support. This species no longer meets the biological and trade criteria in Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II. This proposed deletion from the Appendices is in accordance with the precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

Prop. 2. Include Western tur (*Capra caucasica*) in Appendix II, with a zero quota for wild-taken *Capra caucasica caucasica* exported for commercial purposes or as hunting trophies. Proposed by the European Union and Georgia. *Tentative U.S. negotiating position:* Tentatively support, pending consultation with the Russian Federation and other range States. The species is affected by trade according to the definition in Annex 5 ii) and meets the biological criteria B in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II. A zero quota is proposed for wild populations of the endangered subspecies *C. c. caucasica*, for commercial purposes or hunting trophies, to ensure that international trade does not further threaten the survival of this subspecies.

Prop. 3. Amend the CITES Appendices referring to annotations 1, 2, 3, 4, and 5 of the populations of Vicuña (*Vicugna vicuna*) in Appendix II. Proposed by Peru. *Tentative U.S. negotiating position:* Undecided, pending consultation with vicuña range States on marking and labeling of finished products. While range States are able to identify via a tag/label the country of origin for exports, Parties that re-export vicuña garments and products may not be able to do so, especially if vicuña fibers from several range States are mixed together.

Prop. 4. Transfer all African populations of Lion (*Panthera leo*) from Appendix II to Appendix I. Proposed by Chad, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, Niger, Nigeria, and Togo. *Tentative U.S. negotiating position:* Tentatively support, pending consultation with African range States. Of the 47 sub-populations in 17 countries with population estimates for the lion, in most instances, the wild populations are small and have a restricted area of distribution, and a marked decline in the population size in the wild has been observed or inferred/projected.

Prop. 5. Transfer Florida puma (*Puma concolor coryi*) and Eastern puma (*Puma concolor cougar*) from Appendix I to Appendix II. Proposed by Canada. *Tentative U.S. negotiating position:* Support. This proposal to transfer the two subspecies, *Puma concolor coryi* and *Puma concolor cougar* to Appendix II is based on the outcome of the *Periodic Review of the Appendices for Felidae*. It was noted that because *P. concolor cougar* is considered extinct and *P. concolor coryi* is protected federally under the ESA; both subspecies should be transferred from Appendix I to Appendix II. The species was reviewed under the Periodic Review Process and the United States supports the Animals Committee's recommendation from the 28th meeting of the Animals Committee to transfer the species to Appendix II.

Prop. 6. Transfer Mountain zebra (*Equus zebra zebra*) from Appendix I to Appendix II.

Proposed by South Africa. *Tentative U.S. negotiating position:* Support. This species no longer meets the criteria in Annex I of Resolution Conf. 9.24 (Rev. CoP16) on *Criteria for amendment of Appendices I and II* for inclusion in Appendix I. The United States has consulted with South Africa on their proposed strategy to address the precautionary measures in Annex 4 (specifically [A.2.a) iii]) of Resolution Conf. 9.24 (Rev. CoP16). South Africa has drafted a Biological Management Plan (BMP) for this species that the United States has reviewed. Based on information contained in the BMP, the United States finds that the proposed transfer to Appendix II is in accordance with the precautionary measures set out in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

Prop. 7. Alter the existing annotation on the Appendix-II listing of Swaziland's Southern white rhinoceros (*Ceratotherium simum simum*), adopted at the 13th Conference of Parties in 2004, so as to permit a limited and regulated trade in white rhino horn which has been collected in the past from natural deaths, or recovered from poached Swazi rhino, as well as horn to be harvested in a non-lethal way from a limited number of white rhino in the future in Swaziland. Proposed by Swaziland. *Tentative U.S. negotiating position:* Oppose. Recent data for 2013–2015 suggest that about 1100–1300 southern white rhinos – about 5% of the wild population – are being poached annually. Poaching is at unprecedented levels and continues to increase, as do prices for rhino horn on the black market. The concept that a limited legal trade would provide a conservation benefit to the rhino or that it could be sustainable within the context of the illegal trade is not supported. The United States believes that this proposal to harvest rhino horn for

international trade is premature and runs the risk of exacerbating the current poaching crisis, rather than resolving it.

Prop. 8. Transfer Indian pangolin (*Manis crassicaudata*) from Appendix II to Appendix I.

Proposed by Bangladesh. *Tentative U.S. negotiating position:* Support. The species meets the biological criteria C i) and ii) in Annex 1 and the trade criteria in Annex 5 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix I. This proposal includes the same species as *Prop. 9*, of which the United States is a co-proponent. The United States is concerned that escalating levels of poaching to supply demand of traditional medicine in Asia is resulting in rapid population declines of this species. The United States was active in organizing the First Pangolin Range State Meeting held in Viet Nam in 2015 and supports the recommendation stemming from this meeting that all Asian pangolins should be transferred to Appendix I.

Prop. 13. Transfer Barbary macaque (*Macaca sylvanus*) from Appendix II to Appendix I.

Proposed by the European Union and Morocco. *Tentative U.S. negotiating position:* Support. The species meets the biological criteria C i) in Annex 1 and the trade criteria in Annex 5 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix I. Current and former (Tunisia) range States have expressed support for this proposal, and the United States agrees that an Appendix-I listing for this species is justified.

Prop. 14. Delete the annotation to the listing of the Namibian population of African elephant (*Loxodonta africana*) in Appendix II by deleting any reference to Namibia in that annotation.

Proposed by Namibia. *Tentative U.S. negotiating position:* Oppose. Deleting the annotation to the listing of the Namibian population of African elephant would allow Namibia to establish regular commercial trade in all elephant specimens, including ivory. Given the continuous high levels of elephant poaching and illegal ivory trade, the United States believes it is premature to agree to a resumption of trade in ivory at this time.

Prop. 15. Amend the present Appendix-II listing of the Zimbabwe population of African elephant (*Loxodonta africana*) by removing the annotation in order to achieve an unqualified Appendix-II listing. Proposed by Namibia and Tanzania. *Tentative U.S. negotiating position:* Oppose. Removing the annotation for the Zimbabwe population of African elephant would allow Zimbabwe to establish regular commercial trade in elephant ivory. Given the continuous high levels of elephant poaching and illegal ivory trade, the United States believes it is premature to agree to a resumption of trade in ivory at this time.

Prop. 16. Include all populations of African elephant (*Loxodonta africana*) in Appendix I through the transfer from Appendix II to Appendix I of the populations of Botswana, Namibia, South Africa and Zimbabwe. Proposed by Benin, Burkina Faso, Central African Republic, Chad, Ethiopia, Kenya, Liberia, Mali, Niger, Nigeria, Senegal, Sri Lanka, and Uganda. *Tentative U.S. negotiating position:* Undecided, pending consultations with African range States. The African elephant populations of Botswana, Namibia, South Africa, and Zimbabwe do not appear to meet the biological criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix I at this time. However, the United States may need to re-evaluate its position in light of new information that

has recently been or will be presented and discussed at or prior to CoP17 regarding: the Great Elephant Census (GEC) survey data; the IUCN/SSC African Elephant Specialist Group's updated African Elephant Status Report; the CITES MIKE program's report to CoP17; and the outputs from the Ministerial High-level Meeting to be convened by South Africa just before CoP17. The United States is sympathetic to the concerns expressed by many African elephant range States regarding the need to address the poaching crisis. We hope to work toward addressing this crisis at CoP17 through CoP17 Doc. 27 *Actions to Combat Wildlife Trafficking*, a U.S. submission, and CoP17 Doc. 57.2 *Closure of Domestic Ivory Markets*, as well as through the National Ivory Action Plan (NIAP) process (CoP17 Doc. 24).

Prop. 17. Transfer Peregrine falcon (*Falco peregrinus*) from Appendix I to Appendix II. Proposed by Canada. *Tentative U.S. negotiating position:* Tentatively support, pending consultation with Eurasian range States. This species does not meet the biological criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix I. The precautionary measures set out in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16) appear to be met in most range States, notably in North America and the European Union. Therefore, this species appears to be eligible for transfer from Appendix I to Appendix II in accordance with the precautionary measures in Annex 4 of Resolution 9.24 (Rev. CoP16).

Prop. 18. Transfer Helmeted honeyeater (*Lichenostomus melanops cassidix*) from Appendix I to Appendix II. Proposed by Australia. *Tentative U.S. negotiating position:* Support. There is no evidence that international trade is or may be a threat to the survival of *Lichenostomus melanops*

cassidix, therefore, this species is not affected by trade as defined in Annex 5 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*. As a result, this species does not meet the listing criteria for inclusion in Appendix I under Article II, paragraph 1 of the Convention, and is eligible for transfer from Appendix I to Appendix II in accordance with the precautionary measures in Annex 4 of Resolution 9.24 (Rev. CoP16).

Prop. 20. Transfer Norfolk Island boobook owl (*Ninox novaeseelandiae undulata*) from Appendix I to Appendix II. Proposed by Australia. *Tentative U.S. negotiating position:* Support. The genetically pure form of *Ninox novaeseelandiae undulata* is now extinct. The current subspecies *N. n. undulata* is a hybrid between the genetically pure subspecies, *N. n. undulata*, and the closely related subspecies *N. n. novaeseelandiae*. There is no evidence that international trade is or may be a threat to the survival of this subspecies. As a result, this subspecies does not meet the criteria for inclusion in Appendix I under Article II, paragraph 1 of the Convention, and is eligible for transfer from Appendix I to Appendix II in accordance with Annex 4 precautionary measures A.1 and A.2(a)(i) of Resolution 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*. The species was reviewed under the Periodic Review Process and the United States supports the Animals Committee's recommendation from the 28th meeting of the Animals Committee to transfer the species to Appendix II.

Prop. 21. Transfer from Appendix I to Appendix II of the American crocodile (*Crocodylus acutus*) population (Cuvier, 1807) from the Integrated Management District of Mangroves of the Bay of Cispatá, Tinajones, La Balsa and Surrounding Areas (DMI-BC) of the Department of Córdoba, Republic of Colombia, in accordance with Resolution Conf. 11.16 (Rev. CoP15).

Proposed by Colombia. *Tentative U.S. negotiating position:* Likely to support, pending consultation with Colombia. The proposal to transfer from Appendix I to Appendix II the American crocodile population of the DMI-BC appears to meet the criteria set forth in Resolution Conf. 11.16 (Rev. CoP15), *Ranching and trade of ranched specimens of species transferred from Appendix I to Appendix II*. The United States will consult with Colombia regarding its proposed ranching program and enforcement controls in place to prevent the laundering of wild specimens from outside of the DMI-BC.

Prop. 22. Delete the "zero quota for wild specimens traded for commercial purposes" from the Appendix-II listing of the population in Mexico of Morelet's crocodile (*Crocodylus moreletii*).

Proposed by Mexico. *Tentative U.S. negotiating position:* Support. Although there are no guidelines in Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for assessing the removal of a zero quota for wild specimens from an Appendix-II listed species, such removal may be seen as analogous to the transfer of a species from Appendix I to Appendix II (without a zero export quota). This species' population in Mexico does not meet the biological criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16) for inclusion in Appendix I. The precautionary measures set out in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16) appear to be met. Therefore, the United States supports the deletion of the "zero quota for wild specimens traded for commercial purposes" from the Appendix-II listing of the Mexican population of Morelet's crocodile, allowing an unqualified Appendix-II listing of this species in Mexico. Given the concern regarding the potential for illegal cross-border trade in this species, the United States encourages Mexico to work with Belize and Guatemala to ensure that

unauthorized shipments of wild specimens of *Crocodylus moreletii* are not permitted to enter Mexico from other range States.

Prop. 23. Maintain the Malagasy population of Nile crocodile (*Crocodylus niloticus*) in Appendix II subject to the following annotations:

1. No skins or products within the artisanal industry from wild *C. niloticus* less than 1 meter (m) or greater than 2.5 m total length will be permitted for national or international trade.
2. An initial wild harvest ceiling of 3,000 animals per year for the artisanal industry will be imposed for the first 3 years of operation (2017–2019).
3. No export of raw or processed skins harvested from the wild will be permitted for the first 3 years.
4. Farm production shall be restricted to ranching and/or captive breeding, with national skin production quotas.
5. Management, wild harvest ceiling and national skin production quotas will be audited and reviewed annually by international experts for the first 3 years to ensure sustainability. Proposed by Madagascar. *Tentative U.S. negotiating position:* Oppose. The United States does not understand the conservation benefit of this action and believes that what Madagascar is proposing to do is inappropriate. The proposal appears to be an attempt by Madagascar to circumvent the plain language, intent, and spirit of Resolution Conf. 11.16 (Rev. CoP15), *Ranching and trade of ranched specimens of species transferred from Appendix I to Appendix II*, as well as Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*. If the ranching operations/programs that were the basis of the downlisting of the Malagasy population of Nile crocodile no longer meet the criteria of Resolution Conf. 11.16 (Rev. CoP15),

then action should be taken first to transfer the population back to Appendix I, and then consider whether to transfer the population to Appendix II under Resolution Conf. 9.24 (Rev. CoP16), in which case all applicable precautionary measures in Annex 4 of Resolution 9.24 (Rev. CoP16) would need to be met, rather than an action to find an alternative basis for the Appendix-II listing of this species in Madagascar without meeting the precautionary measures in Annex 4.

Prop. 24. Transfer the Saltwater crocodile (*Crocodylus porosus*) in Malaysia from Appendix I to Appendix II, with wild harvest restricted to the State of Sarawak and a zero quota for wild specimens for the other States of Malaysia (Sabah and Peninsular Malaysia), with no change in the zero quota unless approved by the Parties. Proposed by Malaysia. *Tentative U.S. negotiating position:* Likely to support, pending consultation with Malaysia and Indonesia. The requirements set forth in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, to allow the transfer of a species from Appendix I to Appendix II appear to have been met. It appears that the Malaysian population of the species does not meet the biological criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16) for inclusion in Appendix I. The precautionary measures set out in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16) appear to be met, therefore, the Saltwater crocodile population in Malaysia appears to be eligible for transfer from Appendix I to Appendix II in accordance with Annex 4 of Resolution 9.24 (Rev. CoP16), with wild harvest restricted to the State of Sarawak and a zero quota for wild specimens for the other States of Malaysia (Sabah and Peninsular Malaysia). The United States will consult with Malaysia and Indonesia regarding enforcement measures and compliance with the *Universal tagging system for the identification of crocodile skins*, in accordance with Resolution Conf. 11.12 (Rev. CoP15).

Prop. 25. Include Anzuetoi arboreal alligator lizard (*Abronia anzuetoi*) Campbell & Frost, 1993; Campbell's alligator lizard (*Abronia campbelli*) Brodie & Savage, 1993; *Abronia fimbriata* Cope, 1884; Frost's arboreal alligator lizard (*Abronia frosti*) Campbell, Sasa, Acevedo & Mendelson, 1998; and Meledona arboreal alligator lizard (*Abronia meledona*) Campbell & Brodie, 1999, in Appendix I and Cope's arboreal alligator lizard (*Abronia aurita*) Cope, 1869; Brilliant arboreal alligator lizard (*Abronia gaiophasma*) Campbell & Frost, 1993; Monte Cristo arboreal alligator lizard (*Abronia montecristoi*) Hidalgo, 1983; Salvador arboreal alligator lizard (*Abronia salvadorensis*) Hidalgo, 1983; and Bocourt's arboreal alligator lizard (*Abronia vasconcelosii*) Bocourt, 1871, in Appendix II.

Annotation:

a) zero export quota for wild specimens.

b) zero export quota for specimens bred in non-range countries of the species.

Proposed by Guatemala. *Tentative U.S. negotiating position:* Support in part; oppose in part.

The United States supports the inclusion of the 5 species (*Abronia anzuetoi*, *Abronia campbelli*, *Abronia fimbriata*, *Abronia frosti*, and *Abronia meledona*) in Appendix I and the 5 species (*Abronia aurita*, *Abronia gaiophasma*, *Abronia montecristoi*, *Abronia salvadorensis*, and *Abronia salvadorensis*) in Appendix II because the species meet the biological and trade criteria of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, and supports a zero export quota for wild specimens. However, the United States is opposed to the annotation for setting a zero export quota for specimens bred in non-range countries of the species. Instead, we would recommend that Guatemala work on an individual basis with non-

range countries that trade in captive-bred specimens, rather than setting a zero export quota for these specimens.

Prop. 26. Include Alligator lizards in the genus *Abronia* (29 species) in Appendix II. Proposed by the European Union and Mexico. *Tentative U.S. negotiating position:* Support. The species meet the biological and trade criteria in accordance with criteria A in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II* for inclusion in Appendix II.

Prop. 28. Include Pygmy chameleons in the genera *Rhampholeon* and *Rieppeleon* in Appendix II. Proposed by Kenya. *Tentative U.S. negotiating position:* Support. The species meet the biological and trade criteria in accordance with criteria B in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II. This proposal includes the same species as *Prop. 27*, of which the United States is a co-proponent, and provides additional information on the species found in Kenya.

Prop. 29. Include Psychedelic rock gecko (*Cnemaspis psychedelica*) in Appendix I. Proposed by the European Union and Viet Nam. *Tentative U.S. negotiating position:* Support. This species meets the biological and trade criteria in accordance with criteria B i) in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix I.

Prop. 30. Include Turquoise dwarf gecko (*Lygodactylus williamsi*) in Appendix I. Proposed by the European Union and the United Republic of Tanzania. *Tentative U.S. negotiating position:* Support. This species meets the biological and trade criteria in accordance with criteria B i) and iv) in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix I.

Prop. 31. Include Masobe gecko (*Paroedura masobe*) in Appendix II. Proposed by the European Union and Madagascar. *Tentative U.S. negotiating position:* Support. This species meets the biological and trade criteria in accordance with criteria B in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II.

Prop. 32. Include Earless monitor lizard (*Lanthanotidae* spp.) in Appendix I. Proposed by Malaysia. *Tentative U.S. negotiating position:* Support. This species meets the biological and trade criteria in accordance with criteria B i) in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix I. Listing at the family level is good practice, since it would protect any future discoveries of new species or address any taxonomic splitting of the current species.

Prop. 33. Transfer Chinese crocodile lizard (*Shinisaurus crocodilurus*) from Appendix II to Appendix I. Proposed by China, the European Union, and Viet Nam. *Tentative U.S. negotiating position:* Support. This species meets the biological and trade criteria in accordance with criteria A i), ii), iv) and v); criteria B i), iii) and iv); and criteria C i) and ii) in Annex 1 of

Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix I.

Prop. 34. Include Ashe's bush viper (*Atheris desaixi*) in Appendix II. Proposed by Kenya.

Tentative U.S. negotiating position: Support. This species meets the biological and trade criteria in accordance with Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II.

Prop. 35. Include Kenya horned viper (*Bitis worthingtoni*) in Appendix II. Proposed by Kenya.

Tentative U.S. negotiating position: Support. This species meets the biological and trade criteria in accordance with Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II.

Prop. 37. Transfer Tomato frog (*Dyscophus antongilii*) from Appendix I to Appendix II.

Proposed by Madagascar. *Tentative U.S. negotiating position:* Tentatively oppose, pending consultation with Madagascar. The United States believes that this species should not be transferred from Appendix I to Appendix II because the requirements set forth in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, to allow the transfer of a species from Appendix I to Appendix II do not appear to have been met.

Specifically, it appears that the species continues to meet the biological criteria B iv) in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16) for inclusion in Appendix I. In addition, it is difficult to determine whether the precautionary measures set forth in Annex 4 of Resolution Conf. 9.24

(Rev. CoP16) are or will be met, specifically in terms of Madagascar's ability to implement Article IV of the Convention and to implement appropriate enforcement controls.

Prop. 38. Include False tomato frog (*Dyscophus guineti*) and Antsouhy tomato frog (*Dyscophus insularis*) in Appendix II. Proposed by Madagascar. *Tentative U.S. negotiating position:*

Support. The species meet the biological and trade criteria in accordance with criteria A in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II. Furthermore, there is concern that as a consequence of the Appendix-I listing in 1987 of the similar *Dyscophus antongilii*, collectors interested in "red *Dyscophus*" (red tomato frogs) have shifted their attention to *D. guineti* and *D. insularis*, which have, in recent years, been collected for export in increasing numbers.

Prop. 39. Include Green burrowing frog (*Scaphiophryne marmorata*) and Burrowing frogs (*Scaphiophryne boribory* and *Scaphiophryne spinosa*) in Appendix II. Proposed by Madagascar.

Tentative U.S. negotiating position: Support. *Scaphiophryne marmorata* and *Scaphiophryne boribory* meet the biological and trade criteria in accordance with criteria A in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II. *Scaphiophryne spinosa* meets the criteria in Annex 2b) of Resolution Conf. 9.24 (Rev. CoP16) for inclusion in Appendix II because the species resembles specimens of *S. marmorata* and *S. boribory* and enforcement officers who encounter specimens of these species may be unable to distinguish between them.

Prop. 40. Include Titicaca water frog (*Telmatobius culeus*) in Appendix I. Proposed by Bolivia (Plurinational State of) and Peru. *Tentative U.S. negotiating position:* Support. This species meets the biological criteria C i) in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix I. *T. culeus* is affected by domestic trade in both Bolivia and Peru, and although the true scope of international trade is unknown, there is evidence that it exists and has contributed to the marked decline in the population. The proposal has been submitted jointly by the two range States, Bolivia and Peru, after various regional and international meetings to decide the next steps to conserve the species.

Prop. 41. Include Hong Kong warty newt (*Paramesotriton hongkongensis*) in Appendix II. Proposed by China. *Tentative U.S. negotiating position:* Support. This species meets the biological and trade criteria in accordance with criteria B in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II.

Prop. 42. Include Silky shark (*Carcharhinus falciformis*) in Appendix II. Proposed by Bahamas, Bangladesh, Benin, Brazil, Burkina Faso, Comoros, Dominican Republic, Egypt, the European Union, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Maldives, Mauritania, Palau, Panama, Samoa, Senegal, Sri Lanka, and Ukraine. *Tentative U.S. negotiating position:* Tentatively support, with delayed implementation date agreed upon by the CITES Parties. While there is uncertainty as to whether this species globally meets the biological and trade criteria in accordance with Criteria A in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II, inclusion in Appendix II could complement existing measures adopted by Regional Fishery Management Organizations and

help to ensure that international trade does not continue to drive population declines. Silky sharks are harvested globally in multiple fisheries and CITES Parties will need time to develop non-detriment findings. CITES Parties continue to face challenges and may be in need of further capacity building assistance to effectively implement any additional CITES shark listings. Since silky sharks are harvested for their meat and this commodity involves time-sensitive approval and validation of permits, additional capacity building assistance may be required to address this new need. To allow for effective implementation we believe an 18-month delayed implementation is critical.

Prop. 43. Include Thresher sharks (*Alopias* spp.) in Appendix II. Proposed by Bahamas, Bangladesh, Benin, Brazil, Burkina Faso, Comoros, Dominican Republic, Egypt, the European Union, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Kenya, Maldives, Mauritania, Palau, Panama, Samoa, Senegal, Seychelles, Sri Lanka, and Ukraine. *Tentative U.S. negotiating position:* Tentatively support, with delayed implementation date agreed upon by the CITES Parties. While there is uncertainty as to whether *Alopias superciliosus* (bigeye thresher shark) globally meets the biological and trade criteria in accordance with Criteria A in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II, inclusion in Appendix II could complement measures adopted by Regional Fishery Management Organizations and help to ensure that international trade does not continue to drive population declines. Thresher sharks are harvested globally in multiple fisheries and CITES Parties will need time to develop non-detriment findings. CITES Parties continue to face challenges and may be in need of further capacity building assistance to effectively implement any additional CITES shark listings. Since thresher sharks are harvested

for their meat and this commodity involves time-sensitive approval and validation of permits, additional capacity building assistance may be required to address this new need. To allow for effective implementation we believe an 18-month delayed implementation is critical.

Prop. 45. Include Ocellate river stingray (*Potamotrygon motoro*) in Appendix II. Proposed by Bolivia (Plurinational State of). *Tentative U.S. negotiating position:* Tentatively support pending consultation with the proponent and other range States. Despite the lack of data presented in the proposal, this species may meet the biological and trade criteria in accordance with criteria B in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II, and inclusion in Appendix II could help to ensure that international trade does not drive population declines. Non-detriment findings for harvest could help ensure that international trade is sustainable. Inclusion in CITES Appendix II could also complement any domestic fisheries management measures currently in place and help further the goals established in the 2009 workshop on freshwater rays. Therefore, the United States may consider supporting the request of Bolivia for the Parties' assistance to conserve their native species in the face of demand from international trade.

Prop. 46. Include Banggai cardinalfish (*Pterapogon kauderni*) in Appendix II. Proposed by the European Union. *Tentative U.S. negotiating position:* Support. This species meets the biological and trade criteria in accordance with criteria A in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II.

Prop. 47. Include Clarion angelfish (*Holacanthus clarionensis*) in Appendix II. Proposed by Mexico. *Tentative U.S. negotiating position:* Support. This species appears to meet the biological and trade criteria in accordance with Criteria A in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II, and inclusion in Appendix II could help to ensure that international trade does not drive population declines. The United States is the primary importer of this species and should work with Mexico to support sustainable harvest of its endemic species. Non-detriment findings for harvest could help ensure that international trade is sustainable. Inclusion in CITES Appendix II could also complement any domestic fisheries management measures currently in place.

Prop. 49. Include Cuban landsnails in the genus *Polymita* in Appendix I. Proposed by Cuba. *Tentative U.S. negotiating position:* Support. The species meets the biological criteria B i), ii) and iv) in Annex 1 and the trade criteria in Annex 5 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix I. The entire *Polymita* genus needs to be listed in Appendix I, because of similarity of appearance concerns. The inclusion of only one or some of the six *Polymita* species, rather than all of the species in Appendix I, could potentially cause an identification problem for enforcement officers due to the considerable intraspecific variation in patterning and coloration of the species.

Prop. 50. Include Ponytail palms, Elephant-foot trees in the genus *Beaucarnea* in Appendix II. Proposed by Mexico. *Tentative U.S. negotiating position:* Support. Information indicates that the main species in trade, *Beaucarnea recurvata*, meets the biological and trade criteria in accordance with Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of*

Appendices I and II, for inclusion in Appendix II, and that the ten other species of *Beaucarnea* meet the criteria in Annex 2b) of Resolution Conf. 9.24 (Rev. CoP16) due to similarity of appearance concerns. Although *B. recurvata* is commercially grown worldwide, including in the United States, for the ornamental plant market, a major threat to wild populations is unregulated and illegal harvest of plants and seeds of these species for international plant trade.

Prop. 51. Delete Maury's tillandsia (*Tillandsia mauryana*) from Appendix II. Proposed by Mexico. *Tentative U.S. negotiating position:* Support. This species no longer meets the biological and trade criteria in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II, and there are no similarity of appearance concerns with other CITES-listed *Tillandsia* species (Annex 2b). The precautionary measures A4 and A5 in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16) are also met. As a result of the Periodic Review Process, the United States supports the Plants Committee's recommendation to delete the species from Appendix II.

Prop. 53. Amend the annotation to the listings of Siamese rosewood (*Dalbergia cochinchinensis*) as follows:

Delete the current annotation #5 Logs, sawn wood and veneer sheets. Replace it with annotation #4 that reads as follows:

#4 All parts and derivatives, except:

- a) Seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from Cactaceae spp. exported from Mexico, and to

seeds from *Beccariophoenix madagascariensis* and *Neodypsis decaryi* exported from Madagascar;

- b) Seedling 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 genus *Vanilla* (Orchidaceae) and of the family 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 European *Euphorbia antisyphilitica* packaged and ready for retail trade.

Proposed by Thailand. *Tentative U.S. negotiating position:* Support. This species was listed in Appendix II at CoP16 with annotation #5: logs, sawn wood, and veneer sheets. Information indicates that annotation #5 no longer covers the main parts and derivatives that initially enter international trade from range countries or dominate international trade, and that the listing of the species should be amended to replace annotation #5 with annotation #4 in order to regulate all readily recognizable parts and derivatives, including secondary processed products such as furniture, of this species.

Prop. 54. Include 13 Rosewood species of the genus *Dalbergia* (native to Mexico and Central America) in Appendix II: *Dalbergia calderonii*, *Dalbergia calycina*, *Dalbergia congestiflora*, *Dalbergia cubilquitzensis*, *Dalbergia glomerta*, *Dalbergia longepedunculata*, *Dalbergia luteola*, *Dalbergia melanocardium*, *Dalbergia modesta*, *Dalbergia palo-escrito*, *Dalbergia rhachiflexa*,

Dalbergia ruddae, and *Dalbergia tucurensis*. Proposed by Mexico. *Tentative U.S. negotiating position*: Support. Information indicates that the 13 *Dalbergia* species meet the biological and trade criteria in accordance with criteria B in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II. There has been an increase in *Dalbergia* rosewood from Mexico and Central America in international trade and a growing illegal trade in rosewoods. Trade can also shift, as species are exploited or protected, to unlisted rosewood species. The listing, without annotation, would include all readily recognizable parts and derivatives, including finished products, which would be subject to CITES controls.

Prop. 55. Include Rosewood, Palisander species in the genus *Dalbergia* in Appendix II with exception of the species included in Appendix I. Proposed by Argentina, Brazil, Guatemala, and Kenya. *Tentative U.S. negotiating position*: Undecided. The United States is undecided, pending consultations with Guatemala and African/Asian range States, in particular regarding consideration of a listing annotation focused on the timber products primarily exported by the range States, possible development of an action plan to effectively implement the listing, and the possibility of a delayed implementation date. The intent of the listing concerns timber tree species traded as rosewood. Information indicates that *Dalbergia* species are affected by international trade and, because the wood cannot be reliably distinguished to the species level, there are similarity of appearance concerns. Recent experience shows that the trade in rosewood species can shift to other species, as species become depleted or protected. If the proposal is adopted, we believe that the adoption of complementary Decisions to provide guidance on the implementation of the listing may be worth consideration.

Prop. 56. Include Bubinga species (*Guibourtia tessmannii*, *Guibourtia pellegriniana*, and *Guibourtia demeusei*) in Appendix II. Proposed by the European Union and Gabon. *Tentative U.S. negotiating position:* Support. All three species are in trade. *Guibourtia tessmannii* and *Guibourtia pellegriniana* meet the biological and trade criteria in accordance with criteria B of Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II. *G. demeusei* meets the criteria for inclusion in Appendix II in accordance with criteria A in Annex 2b) of Resolution Conf. 9.24 (Rev. CoP16), because it is apparently not targeted for trade but occurs with the other two species and resemble them such that enforcement officers who encounter specimens of the species are unlikely to be able to distinguish between them.

Prop. 57. Include Kosso, African rosewood (*Pterocarpus erinaceus*) in Appendix II, without annotation specifying the types of specimens to be included. Proposed by Benin, Burkina Faso, Chad, Côte d'Ivoire, European Union, Guinea, Guinea-Bissau, Mali, Nigeria, Senegal, and Togo. *Tentative U.S. negotiating position:* Support. This species meets the biological and trade criteria in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II. This species was included in Appendix III in May 2016, and 15 of 20 range countries have expressed support for the transfer of the species to Appendix II. A CITES listing will ensure sustainable use and conservation of this species in the face of growing international demand.

Prop. 58. Include Baobab, Bottletree (*Adansonia grandidieri*) in Appendix II only for seeds, fruits, oils and live plants, and annotate the listing to this effect. Proposed by Madagascar.

Tentative U.S. negotiating position: Support. This species meets the biological and trade criteria in accordance with criteria B and possibly A in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II.

Overcollection of fruits and seeds is likely contributing to the lopsided size-class structure, exacerbating the poor recruitment seen for this species and contributing to long-term negative population growth. Plants, seeds, fruits, and oil are entering international trade and the species would benefit from listing in Appendix II.

Prop. 59. Include Algerian fir (*Abies numidica*) in Appendix I. Proposed by Algeria. *Tentative U.S. negotiating position:* Oppose. Information indicates that this species does not meet the biological and trade criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix I. This conifer tree is endemic to Algeria, where it is protected in a national nature reserve. There is no evidence of wild collection of specimens for international trade.

Prop. 61. Include the Natal ginger (*Siphonochilus aethiopicus*) populations of Mozambique, South Africa, Swaziland, and Zimbabwe in Appendix II. Proposed by South Africa. *Tentative U.S. negotiating position:* Tentatively support, pending consultation with South Africa regarding the development of identification material. This species appears to meet the biological and trade criteria in accordance with criteria A and B in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP16), *Criteria for amendment of Appendices I and II*, for inclusion in Appendix II. The United States

has concerns regarding potential problems with enforcing such a geographically restricted listing, particularly with regard to the ability to accurately identify the regulated species in trade and determine the origin of parts in trade.

Conclusion of the meeting

89. Determination of the time and venue of the next regular meeting of the Conference of the Parties (no document). *Tentative U.S. negotiating position:* No position necessary at this time. The Secretariat does not normally circulate a document on the time and venue of the next CoP. We anticipate receiving information on this at CoP17, at which time the United States will develop a negotiating position. The United States favors holding CoP18 in a country where all Parties and observers will be admitted without political difficulties, and where facilities are available to ensure the safe and efficient conduct of the meeting.

90. Closing remarks (No document)