

CITES COP17: ANNOUNCEMENT OF PROPOSED RESOLUTIONS, DECISIONS, AND AGENDA ITEMS BEING CONSIDERED BY THE UNITED STATES; OBSERVER INFORMATION

The United States, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), may submit proposed resolutions, decisions, and agenda items for consideration at meetings of the Conference of the Parties to CITES. The United States may also propose amendments to the CITES Appendices for consideration at meetings of the Conference of the Parties. The seventeenth regular meeting of the Conference of the Parties to CITES (CoP17) is scheduled to be held in Johannesburg, South Africa, September 24 – October 5, 2016. In this document, we describe proposed resolutions, decisions, and agenda items that the United States is considering submitting for consideration at CoP17, and provide information on how non-governmental organizations based in the United States can attend CoP17 as observers.

Please note that we published a notice in the **Federal Register** on December 4, 2015, in which we simply listed each issue that the United States is considering for CoP17, but did not describe each issue in detail or explain the rationale for the tentative U.S. position on each issue.

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 website at <http://www.cites.org/eng/app/appendices.php>. Currently, 180 countries, including the United States, and one regional economic integration organization, the European Union, are Parties to CITES. 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 CITES, 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 make recommendations for the improved effectiveness of CITES. Any Party to CITES may propose amendments to Appendices I and II, resolutions, decisions, and agenda items for consideration by all the Parties at the meetings.

Recommendations for Resolutions, Decisions, and Agenda Items for the United States to Consider Submitting for CoP17

In our **Federal Register** notice published on May 11, 2015 (80 FR 26948), we requested information and recommendations on potential resolutions, decisions, and agenda items for the United States to submit for consideration at CoP17. We received information and recommendations from the following organizations: American Federation of Violin and Bow Makers; American Society of Mammalogists; Animal Welfare Institute; Campaign Against Canned Hunting; Center for International Environmental Law; Chamber Music America; Environmental Investigation Agency; Free Morgan Foundation; Friends of Animals; Global March for Elephants and Rhinos; International Environmental Law Project; League of American Orchestras; Maniago Safaris Ltd.; National Association of Music Merchants; Ornithological

Council; Society for the Preservation of Natural History Collections; Species Survival Network; Sustainable Fisheries Association, Inc.; Wildlife Conservation Society; and World Wildlife Fund. We also received comments from one individual. In addition, we received comments from Global March for Elephants and Rhinos and Sustainable Fisheries Association, Inc. related to proposals to amend the CITES Appendices. Both of these comments were outside the scope of this action.

We considered all of the recommendations of the above individual and organizations, as well as the factors described in the U.S. approach for CoP17 discussed in our June 27, 2014, **Federal Register** notice, when compiling a list of resolutions, decisions, and agenda items that the United States is likely to submit for consideration by the Parties at CoP17. We also compiled lists of resolutions, decisions, and agenda items for consideration at CoP17 that the United States either is currently undecided about submitting, is not considering submitting at this time, or plans to address in other ways. In compiling these lists, we also considered potential submissions that we identified internally. The United States may consider submitting documents for some of the issues for which it is currently undecided or not considering submitting at this time, depending on the outcome of discussions of these issues in the CITES Standing Committee, additional consultations with range country governments and subject matter experts, or comments we receive during the public comment period for the notice.

We welcome your comments and information regarding the resolutions, decisions, and agenda items that the United States is likely to submit, currently undecided about submitting, or currently planning not to submit. Please see our December 4, 2015, **Federal Register** notice for information on how to submit.

A. What resolutions, decisions, and agenda items is the United States likely to submit for consideration at CoP17?

Wildlife trafficking

The Wildlife Conservation Society (WCS) recommended that we submit a document reporting on the United States' significant progress and leadership since CoP16 (March 2013), including the President's Executive Order on Wildlife Trafficking, the Wildlife Trafficking Task Force, the National Strategy for Combating Wildlife Trafficking, and other efforts. Recognizing that there has been a great deal of effort to combat wildlife trafficking since CoP16, both by the United States and by other countries, we agree that this could be a useful issue for further discussion at CoP17. We intend to discuss this issue with other countries in the context of CoP17 and are likely to submit a document on our own or co-sponsored with one or more other countries that have similarly prioritized combating wildlife trafficking since CoP16.

B. On what resolutions, decisions, and agenda items is the United States still undecided, pending additional information and consultations?

1. Trade in live elephants

The Species Survival Network (SSN) recommended that the United States propose that the Parties adopt a decision at CoP17 to review trade in live elephants to ensure that such trade is legal and conducted in compliance with CITES. SSN noted that the Standing Committee agreed at its 65th meeting (SC65; July 2014) that the Secretariat would “conduct a review of the implementation of Resolution Conf. 10.10 (Rev. CoP16), in particular the trade in live elephants, in Asian elephant ranges States and other relevant Parties and report its findings at SC66.” SSN expressed its belief that this effort should be expanded to include African elephants and that it should address aspects of capture, preparation for shipment, and transport, as well as what constitutes an appropriate and acceptable destination for elephants, citing concerns about several cases in recent years where juvenile elephants have been captured, held, and transported under unacceptable conditions, resulting in high mortality rates. They suggest that clarification of CITES requirements for preparation for shipment of live animals and the meaning of “appropriate and acceptable destinations” is needed to ensure that existing requirements to safeguard the welfare of animals in trade are implemented. The United States has always been a strong proponent of humane transport and treatment of animals in trade and we share the concerns raised by SSN. We are undecided about submitting a document on this issue for CoP17, pending evaluation of the Secretariat’s report and the outcome of discussions at the 66th meeting of the Standing Committee (SC66, January 2016).

2. Trade in elephant ivory: domestic ivory markets

EIA, SSN, and WCS recommended that the United States submit a document encouraging Parties to close their domestic elephant ivory markets. EIA expressed its concerns about the ongoing African elephant poaching crisis and urged the United States to “continue to build on the mandate of President Obama’s Executive Order on Combating Wildlife Trafficking” by advocating for a CITES ban on all domestic trade in ivory. EIA believes that CITES Parties must “re-establish precautionary policies and protections” for African elephants to address “the far reaching damage” to elephants caused by the CITES-approved “one-off” sales of ivory and that legal domestic markets provide cover for laundering of illicit ivory. EIA recommended that the United States work with key elephant range states and like-minded CITES Parties to advocate, support, and propose a resolution to ban domestic elephant ivory trade, and support other countries’ independent efforts to ban domestic elephant ivory trade. SSN also recommended that the United States submit a working document encouraging the closure of legal domestic elephant ivory markets, noting that such a document could illustrate “how a suite of well-designed actions to close legal domestic trade in ivory can significantly curtail laundering opportunities and ivory trafficking.” WCS stated that the evidence is clear that the existence of legal domestic ivory markets undermines enforcement efforts, and facilitates trafficking in ivory and laundering of illegal ivory, and urged the United States to promote closure of all domestic ivory markets. They recommended that the United States submit an amendment to Resolution Conf. 10.10 (Rev. CoP16) or a new resolution recommending that Parties close their domestic elephant ivory markets. Three commenters, Global March for Elephants and Rhinos, Maniago Safaris Ltd., and a private individual, recommended that the United States advocate for a complete ban on global elephant ivory trade.

Putting an end to trafficking of elephant ivory is a priority for the United States. We agree that unregulated legal markets can provide cover for laundering of illegal ivory and have recently

taken steps to more strictly regulate the U.S. domestic market. We take note of the comments provided. We are undecided about submitting a document on this issue for consideration at CoP17.

3. Trade in live rhinoceroses

Global March for Elephants and Rhinos commented that rhinoceroses should not be shipped to non-indigenous locales, such as Texas, as part of a large-scale relocation project. All species of rhinoceros are included in Appendix I, except for certain populations of the southern white rhinoceros subspecies, *Ceratotherium simum simum*. The South African and Swaziland populations of southern white rhinoceros are included in Appendix II for “the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and hunting trophies.” All other populations of this subspecies and all other specimens of the South African and Swaziland populations are included in Appendix I and must be regulated accordingly. In Resolution Conf. 11.20 on *Definition of the term ‘appropriate and acceptable destinations,’* the CITES Parties have defined the term ‘appropriate and acceptable destinations’ to mean destinations where the Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it. The United States has had extensive discussions regarding this term and the currently agreed-upon definition, and we may submit a discussion document on this subject for consideration at CoP17.

4. Trade in rhinoceros horn: synthetic products

In its comments, SSN noted that there are alarming developments in the biotech industry with the development of manufactured rhinoceros horns using synthetic DNA. SSN noted that the San Francisco-based company Pembient has produced a video in Vietnamese, advertising “rhinoceros horn” cosmetic cream and has also announced the production of a new “rhinoceros horn” beer for the Chinese market. SSN is concerned about the mixed message this will send to consumers and potential consumer markets, the enforcement problems faced by the introduction of synthetic rhinoceros horn to the market, and the further expansion of the use of rhinoceros horn. They urged the United States to submit a discussion document outlining the potential problems raised by the introduction of synthetic wildlife products and examining ways that CITES could address them. The United States is aware of this issue and is considering how best to address it, both in terms of our domestic legislation and under CITES. We are also considering the development of a discussion document for CoP17 on this issue.

5. Trade in pangolins

SSN recommended that the United States consider submitting a resolution for consideration at CoP17 to: 1) urge all Parties to adopt and implement comprehensive legislation and enforcement controls to reduce illegal trade in pangolins and pangolins parts and derivatives; 2) instruct the Secretariat and other appropriate bodies, where possible, to assist those Parties with inadequate legislation, enforcement, or control of stocks; 3) recommend that cooperation among law enforcement authorities in range and consumer States be increased through existing international, regional and national law enforcement mechanisms; 4) urge consumer States, as a matter of priority, to work with all user groups and industries to develop and implement strategies to

reduce the use and consumption of pangolins and pangolin parts and derivatives; 5) urge those Parties that possess stocks of parts and derivatives of pangolins to consolidate and ensure adequate control of such stocks, and where possible destroy them; and 6) instruct the Secretariat to report to the Animals Committee and Standing Committee and the Conference of the Parties on the status of pangolins in the wild, their conservation, and trade controls in place in range States. SSN additionally recommended that the United States submit a draft decision encouraging Parties to submit information to the Secretariat on their activities related to compliance with this resolution, the Secretariat to compile a report on Party responses for transmission to the Animals and Standing Committees, and the Committees to review these materials and determine any actions deemed necessary to combat illegal trade in pangolins.

EIA commented about escalating illegal trade in pangolins and recommended that the United States support any proposals for improving protection for pangolins, including an up-listing proposal for pangolins. They note that, between 2000 and May 2015, an estimated 215 tons of pangolins (live and carcasses) have been seized globally, and an estimated one million pangolins have been traded in Asia between 2000 and 2013.

At CoP16 the Parties adopted Decisions 16.41 and 16.42. Decision 16.41 directed pangolin range states to compile information on the conservation and illegal trade in Asian pangolins and to summarize and report their results at SC65. Decision 16.42 also directed the Standing Committee to review the information given by range States in order to develop recommendations to address the illegal trade in pangolin species, and report their findings at CoP17. Reports submitted at SC65 indicated an alarming escalation of illegal trade in pangolin species and emphasized the need for increased enforcement efforts in addressing illegal trade in pangolin specimens. A pangolin working group was created that prepared a questionnaire to assist Parties in compiling information on the conservation of and trade in Asian and African pangolins (CITES Notification 2014/059). Responses to the questionnaire were requested to be submitted to the Secretariat by June 30, 2015.

Pangolin trade and conservation is a high priority item for the United States and we share SSN's and EIA's concerns about the illegal trade in pangolins. The United States co-hosted the First Pangolin Range States Meeting in Da Nang, Viet Nam, in June 2015, attended by 29 of the 48 pangolin range States. At this time the United States is undecided about whether to submit a document on the issue for consideration at CoP17. In reaching a decision, we may analyze the questionnaire results, evaluate outcomes of discussions at SC66, and consult with Asian and African pangolin range States to gauge their interest in moving forward with additional measures on this issue. Additionally, the United States is currently considering the possibility of submitting a proposal to transfer to CITES Appendix I pangolin species presently listed in Appendix II (see our Federal Register notice of August 28, 2015 (80 FR 51830)).

6. Trade in sport-hunted trophies

Friends of Animals recommended that we submit several draft decisions, including a draft decision directing Parties that undertake voluntary wildlife trade policy reviews to examine the probable impacts of lawful sport hunting on the sustainability of the hunted species in the wild and provide the Secretariat with the results so that these may be shared with the Parties; a draft

decision directing the Animals Committee to form a working group to examine the probable impacts of lawful sport hunting on the sustainability of the hunted species in the wild and submit its findings to the Secretariat; and a draft decision directing the Secretariat to compile information received on this issue on its website, assist interested Parties in examining the probable impacts of lawful sport hunting on the sustainability of the hunted species in the wild, organize a conference to examine the findings of the Animals Committee on the probable impacts of lawful sport hunting on the sustainability of the hunted species in the wild, and report at SC69 and CoP18. We agree that, due to the substantial attention devoted to sport hunting of certain CITES-listed species and the specific resolutions and decisions that consider sport hunting, it may be useful to examine more closely how CITES treats sport hunting. We are considering the utility of raising these issues via a discussion document at CoP17.

7. Marine species: interpretation of CITES Article XIV, paragraphs 4 and 5

The International Environmental Law Project (IELP) has suggested that the United States submit a draft resolution to clarify the ambiguities that exist in paragraphs 4 and 5 of Article XIV of the Convention, regarding trade in certain marine species. IELP states that the increasing number of marine species listed in CITES Appendix II increases the likelihood that Parties will utilize the provisions in these two paragraphs in Article XIV and asserts that before a Party makes use these provisions, the Parties should clarify their scope and application. Article XIV, paragraphs 4 and 5, state the following:

4. A State Party to the present Convention, which is also a Party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.

5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.

We agree that there are ambiguities in paragraphs 4 and 5 of Article XIV that should be clarified and note that these ambiguities have been the subject of discussion by CITES Parties for many years. We are evaluating the proposal prepared by IELP and are currently undecided as to whether we will submit a document on this issue for consideration at CoP17.

8. Marine species: CITES National Legislation Project

WCS commented that there is a need for technical guidance to Parties and assistance in revision to national legislation to ensure that CITES can be implemented fully for marine species. To

help fill this need, WCS suggested that there be a specific request to the Food and Agriculture Organization of the United Nations (FAO) to engage with the CITES National Legislation Project as it pertains to marine species, and has encouraged the United States to promote such a request. WCS recommended that we submit a document on this issue or otherwise ensure that it is on the agenda for CoP17. The United States believes that when Parties fail to develop and adopt legislation or regulations adequate to implement the Convention for all listed species, the core mission and objectives of CITES are undermined. We are evaluating the recommendations from WCS and are currently undecided as to whether we will submit a document on this issue for consideration at CoP17.

9. Marine species: sharks and rays

WCS recommended that the United States ensure that there is a separate agenda item at CoP17 on sharks and rays so that the outcomes of the working groups on sharks and rays and the deliberations of the Animals Committee and Standing Committee on this issue are discussed, and also to ensure a discussion on capacity-building needs in the issuance of non-detriment findings for CITES-listed sharks and rays. The United States has been an active participant in the CITES working groups on sharks and rays. We consider it a priority to ensure effective implementation of the Convention for these species and have worked toward that goal, both at home and abroad, since the adoption of the listing proposals at CoP16. We believe this issue will likely be on the agenda for CoP17 and are undecided about the need to submit a document, pending the outcome of discussions at SC66.

10. Marine species: fish maw trade

World Wildlife Fund (WWF) raised concerns about the rapid decline in the populations of the vaquita porpoise (*Phocoena sinus*) in the Gulf of California (Mexico) precipitated by increases in the illegal harvest of totoaba (*Totoaba macdonaldi*) for their swim bladders (fish maws). The critically endangered vaquita are caught as bycatch in the illegal totoaba fishery. Both the vaquita and the totoaba are endemic to Mexico and both are listed in CITES Appendix I. The illegal fishery for totoaba is driven by international demand for totoaba swim bladders. This illegal trade is lucrative, with much of the product exported to Asian markets, some of it through the United States. WWF noted the limited understanding of the market dynamics of this trade and recommended that the United States submit a draft decision to further explore the fish maw trade to identify critical intervention points to ensure that this trade, which threatens two endangered species, can be stopped. The United States shares the concerns expressed by WWF. We have been working with Mexico on this issue for some time. For example, the U.S. Government has provided training to border officers on identifying totoaba swim bladders, is working cooperatively and sharing information with Mexican officials regarding trafficking methods and routes, has conducted multiple operations on the U.S./Mexico border targeting smuggled seafood products, and has provided assistance to develop, test, and put into use alternative fishing gear to replace entangling gillnets. We have also initiated trilateral discussions with Mexico and China to address this illegal trade. Mexico announced at the 28th meeting of the Animals Committee (AC28, September 2015) that it intends to submit a document on this illegal trade for consideration at SC66. We continue to work with Mexico and

remain undecided about submitting a document on this issue pending the outcome of discussions at SC66.

11. Wildlife trafficking

WCS recommended that we submit an agenda item on the issue of wildlife trafficking and the transport industry to facilitate reporting to the CoP on U.S. initiatives (such as the USAID ROUTES program), and other initiatives (by the CITES Secretariat, United for Wildlife and the Royal Foundation, and others). We are undecided on this specific recommendation, although it could be incorporated into the submission we have indicated above that we are likely to submit regarding efforts to combat wildlife trafficking more broadly.

12. Traveling with musical instruments

The American Federation of Violin and Bow Makers, Chamber Music America (CMA), and the League of American Orchestras recommended that the United States support establishing more efficient and uniform procedures for CITES Parties in issuing documents for international transport of musical instruments and in inspecting and clearing these documents. These three organizations, as well as the National Association of Music Merchants (NAMM) recommended that the United States support establishing clear guidance for international travel with musical instruments. Finally, NAMM recommended that the United States work with CITES officials in other countries to ensure that concepts such as the musical instrument certificate and personal effects exemption for musical instruments containing CITES-listed species are adopted by all CITES Parties. The CITES Parties now have over 2 years of experience in implementing the provisions of Resolution Conf. 16.8, and the United States may submit a discussion document for consideration at CoP17 outlining our experiences and recommending amendments to improve and make several technical fixes to the resolution.

13. National CITES legislation

WCS highlighted the importance of the CITES National Legislation Project and the significant work that has been done by the CITES Secretariat in this regard. WCS noted its belief that there is room for improvement in the Project and recommended that the United States propose an amendment to Resolution Conf. 8.4 (Rev. CoP15), on *National laws for implementation of the Convention*, to provide clear guidelines as to the criteria for inclusion in Categories 1, 2, and 3 under the CITES National Legislation Project. In addition, WCS recommended that the United States propose that Decisions 16.33-16.38, on *National laws for implementation of the Convention*, are updated to account for changing dates and reference to CoP17.

WWF stated its belief that the CITES National Legislation Project should be overhauled. They expressed concern that some Parties with deficient legislation are granted Category 1 designation and that CITES is therefore effectively sanctioning their inability to implement the Convention and “undermining everything the Convention is designed to achieve.” WWF acknowledged the limited resources available to the CITES Secretariat and suggested that this could be addressed by developing a budget to address such issues, which could be facilitated by a CoP decision to

“encourage a flow of dedicated funds” to the Secretariat to carry out its work relative to this Project.

The United States believes that the effectiveness of CITES is significantly undermined when Parties do not have adequate measures in place for implementing the Convention, and we share many of the concerns expressed by WCS and WWF. We consider the National Legislation Project to be critically important for achieving effective implementation of the treaty and acknowledge that while progress has been made, there are still too many Parties without adequate measures in place for implementing the Convention. At CoP16, we worked to ensure that the decisions adopted regarding national measures for implementing CITES would provide increased incentives for countries, particularly those that have been Parties to CITES for more than 20 years, to enact adequate measures before SC66. We are evaluating the recommendations from WCS and WWF and are currently undecided, pending the outcome of discussions at SC66, as to whether we will submit a document on this issue for consideration at CoP17.

14. CoP Rules of Procedure: secret ballots

Global March for Elephants and Rhinos recommended that the United States submit a proposal to amend Rule 25 (Methods of Voting) of the Rules of Procedure of the Conference of the Parties (CoP) to eliminate voting by secret ballots except with respect to the election of officers. This commenter stated that each voting Party should be accountable to the people of the country it represents, and that this is impossible to achieve if there is no public record on how delegates vote on specific issues at CoPs.

The United States has historically supported transparency and accountability in voting at CoPs, and has opposed the use of secret ballots in CITES except under extraordinary circumstances. At CoP16, the European Union proposed an amendment to Rule 25 of the CoP Rules of Procedure to reduce the frequency of the use of secret ballots. Chile and Mexico submitted a separate but similar proposal at CoP16. The United States vocally supported these proposals at CoP16 and participated in a working group established at the CoP to discuss them. However, after a spirited debate, the working group Chair reported back to the CoP that the working group had been unable to reach consensus on the proposals. Therefore, the proposals were voted on and although each received a majority of votes to adopt, neither received the two-thirds of votes necessary for adoption; thus both proposals were rejected.

The United States continues to oppose the use of secret ballots in CITES except under extraordinary circumstances. However, because two proposals at the last CoP to reduce the frequency of the use of secret ballots both failed after 2 days of discussion, including a working group on the issue, we remain undecided as to whether we will submit a proposal to amend the CoP Rules of Procedure to reduce the use of secret ballots except with respect to the election of officers. We intend to consult internally and with other Parties on this issue to determine whether we should submit a proposal for CoP17.

15. CoP Rules of Procedure: credentials and voting procedures for regional economic integration organizations

IELP recommended that the United States submit a proposal to amend the Rules of Procedure of the CoP so that they address two issues with respect to the participation of regional economic integration organizations at CoPs: credentials and voting. In 2015, the European Union became the 181st CITES member, making it the first regional economic integration organization to ratify the Convention. The CoP Rules of Procedure are currently silent on how a regional economic integration organization submits credentials for a CoP and do not address voting procedures for a regional economic integration organization.

The United States agrees that the CoP Rules of Procedure need to be amended to address these issues with respect to regional economic integration organizations. We have already been in contact with the CITES Secretariat regarding the Rules of Procedure with respect to the European Union and the Secretariat has promised to provide us with information in this regard. We are currently undecided as to whether to submit a proposal to amend the CoP Rules of Procedure to address credentials and voting procedures for regional economic integration organizations and will make our decision after we receive information about this issue from the Secretariat.

16. Annual reporting on seized specimens

The Environmental Investigation Agency (EIA) recommended that the United States support mandatory annual reporting on illegal CITES trade, with the penalty for failure to report such trade similar to the penalty for failure to submit annual report. EIA commented that a critical gap within the CITES framework is the lack of a comprehensive mechanism for gathering data on illegal trade in CITES-listed species to better inform CITES decision-making in assessing the trade threat. The United States shares EIA's concerns over the lack of reporting of illegal trade. The United States believes that Parties should report on CITES-listed species specimens that have been seized or refused entry directly into their CITES annual reports (as the United States currently does, with an additional data field called "Status," that includes codes for specimens that have been "cleared," "seized," and "refused entry").

As a result of discussions at CoP16, Resolution Conf. 11.17 (Rev. CoP16) was revised to reflect those concerns by recognizing "the importance of the national reports as a tool for monitoring the implementation of the Convention and the level of legal and illegal international trade in specimens of species included in the appendices." In addition, the Standing Committee was directed in Decision 16.44 to "consider appropriate means for collecting statistical information on illegal trade through the annual report, taking into account the data fields contained in the INTERPOL Ecomessage or other relevant reporting formats."

Currently, the Working Group on Special Reporting Requirements is discussing potential means of gathering data on illegal trade in CITES specimens, so it appears that this matter is currently being addressed through the working group. A report from the working group is currently on the SC66 agenda, so we will evaluate progress on this issue before deciding whether a U.S. submission for CoP17 is appropriate.

17. Validated reference material

One of the challenges we have identified regarding effective implementation of CITES listings, particularly for timber listings, is the lack of validated reference material for the listed species to enable development of identification methodologies. The United Nations Office on Drugs and Crime (UNODC), within the framework of the International Consortium on Combating Wildlife Crime (ICWC), of which the CITES Secretariat is a member, is leading an initiative to strengthen the development and use of tools and technologies to address timber trafficking. One of the outcomes of an Expert Group convened by UNODC in December 2014 is the need for validated reference material (herbarium voucher specimens, heartwood samples, and look-alike species) to accompany the enactment of any new laws regarding timber taxa to enable suitable forensic tests to be developed. This initiative is ongoing and being discussed within the CITES Plants Committee. In light of the importance of having validated reference material available for the development of forensic identification techniques, the United States is considering preparing a discussion document on this issue for consideration at CoP17.

18. Trade in timber for hongmu

SSN encouraged the United States to prepare a discussion document on the legal and illegal trade in timber for hongmu, which is primarily used for the manufacture of traditional Chinese furniture, and the potential to address this issue in CITES. According to SSN, hongmu refers to the heartwood of *Pterocarpus* spp., *Dalbergia* spp., *Millettia* spp., *Cassia* spp., and *Diospyros* spp., and 33 species from these five genera are classified as “hongmu.” Once considered a luxury item only for the wealthy, hongmu furniture is now in high demand by China’s growing middle class. SSN noted that the demand for this wood is leading to illegal and unsustainable harvest of these species from tropical forests around the world. Although some of these species have been listed in the CITES Appendices, SSN believes that the full range of species exploited for this trade should be examined by CITES. They recommended that the United States prepare a discussion document summarizing the issues involved and include draft decisions directing the Plants Committee and Standing Committee to make recommendations for action in response to a report prepared by a consultant under the direction of the Secretariat, on the range of species involved, the current trade (both legal and illegal), and recommendations for action. The United States believes the idea of a consultant preparing a report on this issue has merit, as it would be helpful to know which species (CITES-listed and non-listed) are used in making this furniture. We plan to examine ways to begin evaluating the issue of trade in timber species for hongmu in the Plants Committee and Standing Committee. However, we currently remain undecided as to whether to submit a document on this issue for CoP17.

19. Nationally established Appendix-II export quotas

At CoP12 (November 2002), the United States submitted a discussion document on the implementation and enforcement of nationally established Appendix-II export quotas. The CoP directed the Standing Committee to examine the management of these quotas by the Parties and report its findings to CoP13. Between CoP12 and CoP13, the United States chaired a working group on this issue that reported to CoP13 (October 2004), resulting in the adoption of Resolution Conf. 14.7. Nationally established export quotas cover a large percentage of the authorized trade in Appendix-II specimens and since the adoption of Conf. 14.7 (Rev. CoP15), the Parties have examined the practices of Parties and the activities of the Secretariat in this area.

It is unclear if a more consistent approach to quota setting has developed among the Parties and how the Secretariat executes its role in the process as provided for in the Resolution. The United States believes that such a review may be needed, although we also recognize that it would be a significant undertaking. Therefore, the United States is undecided as to whether it will submit a document on this issue for CoP17.

20. CITES specimens accompanied by court-ordered CITES documents

The United States is aware of a number of instances over the past several years where CITES specimens of plants and animals were exported accompanied by CITES documents issued by the Management Authorities of the exporting countries under court orders, even though the Scientific Authorities had not made the required CITES non-detriment findings and the Management Authorities had not made the required CITES legal acquisition findings. We have prepared a document on this issue for discussion at SC66, in which we have proposed that the Standing Committee request the Depository Government (Switzerland) to submit a document for CoP17 proposing a revision to CITES Resolution Conf. 12.3 (Rev. CoP16), on *Permits and certificates*, recommending that: exporting Parties not export specimens of CITES-listed species without evidence of legal origin of specimens of the species and without evidence of a non-detriment finding; and importing Parties reject shipments of specimens of CITES species accompanied by export permits issued under court order without the required CITES findings. If the Standing Committee decides at SC66 not to request the Depository Government to submit the document for CoP17, the United States will likely submit it.

21. Administrative hosting arrangements

The United States is currently chairing a working group of the Standing Committee that is reviewing the administrative hosting arrangements for the CITES Secretariat. The working group was formed at AC65 under the agenda item "Relationship with the United Nations Environment Programme." This issue will be discussed at SC66 in January 2016. Depending on progress made through SC66, we may submit a document on this issue for consideration at CoP17.

22. Youth participation

The United States is considering preparing a draft resolution for CoP17 exploring the opportunities for youth participation in CITES fora, including but not limited to official CoP events, side events, and related programs during and after CoP17. Where appropriate, such activities would be conducted in partnership with other CITES delegations and observer participants.

C. What resolutions, decisions, and agenda items is the United States not likely to submit for consideration at CoP17, unless we receive significant additional information?

1. Trade in elephant specimens: Resolution Conf. 10.10 (Rev. CoP16)

EIA recommended that the United States propose a comprehensive review of Resolution Conf. 10.10 (Rev. CoP16), on *Trade in elephant specimens*, including efficacy and compliance. WCS recommended that the United States submit a resolution or decision requiring Parties to report on their progress in implementing Resolution Conf. 10.10 (Rev. CoP16), in particular with regard to domestic ivory markets. In addition, WCS recommended that we submit an amendment to Resolution Conf. 10.10 (Rev. CoP16) or a new resolution recommending that Parties close their domestic elephant ivory markets. Given the extensive revision of Resolution Conf. 10.10 (Rev. CoP16) at the last meeting of the Conference of the Parties, we are unlikely to submit a document proposing further amendments at this time. However, see item number 2 in Section B above regarding U.S. consideration of a document for CoP17 on domestic ivory trade.

2. Trade in elephant ivory: decision-making mechanism

At CoP14, the Parties agreed (in Decision 14.77) to direct the Standing Committee, assisted by the Secretariat, to propose “a decision-making mechanism for a process of trade in ivory” for approval by the Conference of the Parties at its 16th meeting. At CoP16, in Decision 16.55, the Parties extended the deadline for proposing a decision-making mechanism until CoP17.

EIA recommended that the United States call for greater transparency and wider consultation on development of a decision-making mechanism (DMM) for authorizing ivory trade and request that the background study, the terms of reference for the study, and related documents be made available on the CITES website for public comment before being finalized at SC66. In addition, EIA recommended that the United States, as a member of the DMM Working Group, call for a suspension of the discussion on the DMM and oppose any proposals for international trade in elephant ivory or downlisting of elephant populations.

SSN noted that Decision 14.77, concerning a decision-making mechanism for a future trade in ivory, was adopted as part of a compromise package in 2007, before the current elephant poaching crisis began to take hold. In light of the present situation, with tens of thousands of elephants being poached annually, and in recognition of the strenuous efforts by the international community to address the issue, SSN believes it would be entirely inappropriate and counterproductive for CITES Parties to further debate the adoption of a decision-making mechanism for a future trade in ivory and recommended that the United States advocate that Decision 16.55, concerning a decision-making mechanism for a process of trade in elephant ivory, not be renewed at CoP17.

The United States has followed this issue closely and is a member of the CITES DMM working group. We have taken note of the comments provided and, while we agree that much has changed since this process was first begun, we are unlikely to submit a document on this issue pending the outcome of discussions at SC66.

3. Trade in elephant ivory: National Ivory Action Plans

EIA recommended that the United States call for: the publication on the CITES website of the National Ivory Action Plans of the primary concern countries, and the implementation reports by the primary concern countries, secondary concern countries, and the importance to watch

countries, along with the feedback by the Secretariat on the content and implementation of the Plans; revision of the National Ivory Action Plans where appropriate to include meaningful milestones with timeframes for implementation, and evidence to measure the impact through specific indicators; trade suspensions for Tanzania until they can demonstrate progress in effectively addressing illegal trade in ivory; adoption of a moratorium on domestic ivory trade in China, Hong Kong, Thailand, and Japan, where domestic ivory markets are perpetuating illegal trade in ivory or licensed trade in ivory has facilitated illegal trade and has been used as a laundering mechanism for the trade in illegal ivory; destruction of ivory stockpiles following independent inventory; and an audit and DNA analysis for investigations.

In addition, EIA recommended that the United States: urge China, Thailand, and Viet Nam to detect, investigate, and apprehend the criminal networks using Laos as a hub for trafficking ivory and other wildlife; and call for Japan to be moved higher up on the National Ivory Action Plans list to “primary concern” and for Japan to adopt a National Ivory Action Plan, including a commitment to implement a domestic ivory trade ban.

The United States considers the National Ivory Action Plans, consisting of concrete actions with specific deadlines for completion, to be a positive step forward in actively addressing illegal ivory trade. We are continuing to monitor progress on implementation of National Ivory Action Plans and will closely evaluate reports at SC66. We are unlikely to submit a document on this issue.

4. Trade in elephant ivory: stockpiles

WCS recommended that the United States submit a document outlining the rationale for destruction of elephant ivory stockpiles, summarizing progress on the issue since CoP16, and encouraging all Parties to destroy their stockpiles. WCS stated its belief that there is confusion surrounding this issue and provided a document titled *Ivory stockpile destruction and CITES*. We take note of the information provided by WCS but are unlikely to submit a document on this issue, though we may raise the issue in a broader submission regarding U.S. efforts to combat wildlife trafficking.

5. Trade in rhinoceros horn

EIA raised concerns about the escalation of rhinoceros poaching worldwide, despite stated commitments by key countries implicated in the illegal trade in rhinoceros horns. EIA believes that any proposals for legal trade in rhinoceros horn are inappropriate in light of the ongoing rhinoceros poaching crisis. They believe that legalizing international trade in rhinoceros horn would only serve to exacerbate the poaching crisis and undermine ongoing demand reduction strategies. EIA urged the United States to oppose any proposals to legalize trade in rhinoceros horn, both domestically and internationally. The call to oppose any resumption of legal trade in rhinoceros horn was echoed by Maniago Safaris Ltd.

Noting that Mozambique has been implicated in the illegal trade in rhinoceros horn, EIA urged the United States to hold Mozambique accountable at CoP17 to the goals and timeline presented in its National Rhino and Ivory Action Plan (NIRAP) and seriously consider sanctions for non-

compliance if meaningful implementation has not occurred. EIA noted that reports on South Africa-Mozambique cooperation and Viet Nam's demand reduction measures are also expected before CoP17 and urged the United States to hold these Parties accountable to their reporting and implementation commitments. Finally, EIA urged the United States to support policies to require that all seized rhinoceros horn be DNA-tested, properly recorded, and subsequently destroyed in a timely manner to prevent theft from stockpiles. EIA did not call on the United States to submit any resolutions, decisions, or agenda items on this issue. The United States will carefully consider any proposals or discussion documents submitted for CoP17 on trade in rhinoceros horn and will develop its position based on internal discussion within the U.S. Government and public consultation. We will be actively involved in discussions on this issue at CoP17 and will hold Parties accountable to the tasks and timelines laid out in the decisions adopted at CoP16.

6. Trade in cheetahs

WCS recommended that the United States ensure that the issue of illegal trade in cheetahs is on the agenda for CoP17. The United States shares concerns about illegal trade in cheetahs. While Decisions 16.71-16.75 all address illegal trade in cheetahs, Decision 16.73 specifically directs the Standing Committee to consider the recommendations of the Animals Committee made in accordance with Decision 16.72, and make its own recommendations, as appropriate, for communication to the Parties or for consideration at CoP17. Consequently, there is no need for the United States to submit a document to ensure that this issue is on the agenda.

7. Trade in Africa lions: lion farming and trade in lion trophies

Campaign Against Canned Hunting (CACH) recommended that the United States submit a document for consideration at CoP17 on the issue of lion farming for trade in their body parts. CACH stated that lion farming in South Africa will empty the African plains of lions the same way that tiger farms are contributing to emptying the forests of Asia of their tigers. Global March for Elephants and Rhinos recommended that the United States act to end the farming of lions in South Africa and the export and import of lion trophies. Any import of African lion and their parts for commercial purposes requires a permit contingent on several factors and so the United States is unlikely to submit any agenda items regarding lion farming. With respect to the recommendation that the United States act to end the export and import of lion trophies, please refer to item number 6 in Section B above. This item is entitled "Trade in sport-hunted trophies."

8. Trade in Africa lions: protections

EIA recommended that the United States support any proposals for improving protection of African lions, including their up-listing. They noted that lion population declines across the African continent should result in classifying the taxa as Critically Endangered under the IUCN Red List. In 1977, all lions (*Panthera leo*), with the exception of the Asiatic lion subspecies (*Panthera leo persica*), were included in Appendix II under the family Felidae listing. At that time, the Asiatic lion, which had been in Appendix II since 1975, was transferred to Appendix I. Kenya submitted a proposal for consideration at CoP13 to transfer lion populations of western

and central Africa from Appendix II to Appendix I. However, Kenya withdrew its proposal during discussions at CoP13 due to a lack of regional consensus on the proposal.

The Animals Committee is conducting a Periodic Review of the African lion, scheduled to be completed by CoP17 in accordance with CITES Decision 13.93 (Rev. CoP16). At AC27, a representative of IUCN informed the Animals Committee that an updated Red List Assessment of the African lion would be completed in 2015. As the issue of transferring lions from Appendix II to Appendix I requires a listing proposal, the United States is unlikely to submit any resolution or decision supporting such an up-listing, but would carefully consider a proposal if one is submitted. We will also carefully consider any other proposals at CoP17 for improving protection of African lions.

9. Trade in Asian big cats

EIA and SSN noted that, although the numbers of tigers and other Asian big cats in trade are small compared to other species such as elephants and rhinoceroses, the numbers of wild tigers are critically low and seriously threatened by international trade. They noted that, at CoP16, Parties adopted a decision calling on Parties to review the implementation of Resolution Conf. 12.5 (Rev. CoP16), on *Conservation of and trade in tigers and other Appendix-I Asian big cat species*, and the Standing Committee at its 65th meeting subsequently formed an intersessional working group.

SSN recommends that, based on the reports submitted to the Standing Committee Asian Big Cat Working Group and its analysis of those reports, as well as information obtained from outside sources, the United States call for a number of actions to be completed before CoP17. They include: an immediate ban on internal and international commercial trade in tigers parts and derivatives; the submission of action plans by countries of primary concern that incorporate deadlines for the phasing-out of intensive operations engaged in internal and international commercial trade in tiger parts and derivatives and the conversion of facilities engaged in commercial breeding of tigers operations solely supportive of conservation; and the destruction of Asian big cat stockpiles. For Parties that have failed to comply with those recommendations, SSN called on the United States to recommend trade suspensions against them at CoP17.

As SSN noted, there is an ongoing process within the Standing Committee to consider many of the issues they have raised in their recommendations. The United States is actively involved in those efforts and will carefully consider what measures to take leading into CoP17 to address the conservation of and trade in Asian big cats. Noting that Asian big cats will be on the agenda for CoP17, WCS urges the United States to draw on its expertise regarding this issue. We look forward to consulting with them and other relevant conservation organizations as we prepare for CoP17.

10. Trade in bears

EIA referenced a report prepared by TRAFFIC that suggests that there continues to be a steady and ongoing international trade in bear parts and derivatives. EIA also noted that, since 2012, there have been large seizures of bear parts in southern China and in the area of the Russia-China

border. EIA urged the United States to support any documents submitted to CoP17 that call for improving the protection of bears and adopting measures to tackle the escalating trade in bear specimens, including requiring Parties to report on implementation of Resolution Conf. 10.8 (Rev. CoP14), on *Conservation of and trade in bears*. EIA did not call on the United States to submit any resolutions, decisions, or agenda items on this issue. The United States will carefully consider any proposals or discussion documents submitted on trade in bears to CoP17 and will develop its position based on internal discussion within the U.S. Government and public consultation.

11. Great apes

WCS recommended that the United States ensure that the issue of great apes is on the agenda for CoP17. Resolution 13.4 (Rev. CoP16), on *Conservation and trade in great apes*, calls on Parties to increase legislation and enforcement in the trade in great apes and directs the Standing Committee to report on the implementation of the resolution at each meeting of the Conference of the Parties. Because reporting on the issue is already required, there is no need for the United States to submit a document to include it on the agenda for CoP17.

12. Saiga antelope

Noting that the issue of trade in saiga antelope will undoubtedly be on the agenda for CoP17, WCS urged the United States to draw on its expertise regarding this issue. We look forward to consulting with them and other relevant conservation organizations as we prepare for CoP17.

13. Trade in sport-hunted trophies

An individual commenter recommended that the United States ban imports into the United States of trophies of CITES-listed species. We remain committed to fully implementing the Convention and strengthening CITES controls to ensure that international trade is legal and sustainable. Although we are considering submitting a document on this subject more broadly, we are unlikely to submit a document that is specifically responsive to this recommendation.

14. Trade in hornbills and sandalwood

EIA noted the ongoing illegal logging and international trade in the Appendix-II species red sandalwood (*Pterocarpus santalinus*). It noted that this Indian endemic appears to be primarily traded to the furniture industry in China and that the illegal international trade involves individuals and networks also linked to other criminal activities. A second species, the Indonesian helmeted hornbill (*Rhinoplax vigil*) is listed in Appendix I and, according to EIA, is also poached and illegally traded to China, where the casques are carved into decorative collectibles. EIA asserted in its comments that helmeted hornbill is processed and traded by some of the same criminal networks that trade and process elephant ivory, rhinoceros horn, and tiger teeth.

For both of these species, EIA recommended that the United States urge source, transit, and consumer countries to demonstrate greater investment in proactive intelligence-led initiatives to

target criminal networks, and urge China to issue clear directives targeting the carving industry and consumers to deter trade in such products. Although the United States is unlikely to prepare discussion documents on either of these issues for submission to CoP17, we will consider how best to evaluate and address them within the context of ongoing discussions regarding related wildlife trafficking issues.

15. Trade in freshwater turtles and tortoises

WCS recommended that the United States ensure that the issue of trade in tortoises and freshwater turtles is on the agenda of CoP17. At CoP16, the Parties adopted an extensive list of decisions related to the trade and conservation of tortoises and freshwater and terrestrial turtles: Decisions 16.109-16.124. The work conducted to fulfill the requirements of these decisions has been discussed by the Animals Committee and will be discussed at SC66. We anticipate that the issues of trade in tortoises and freshwater turtles will be on the agenda of CoP17. Therefore, the United States is unlikely to submit an additional document to CoP17 on this issue.

16. Marine species: Harmonized Tariff System (HTS) codes

The Animal Welfare Institute (AWI) recommended that the United States submit a draft resolution recommending that the Parties adopt a list of new 6-digit, 8-digit, and 10-digit codes under the World Customs Organization's Harmonized Commodity and Coding System (HS) related to shark and cetacean species and commodities. AWI also recommended that the Parties adopt a CITES description code for "blubber" to use on CITES permits and in annual reports. While we recognize the potential benefit of additional HS codes for marine species and products of marine species in trade, and have worked to support FAO's efforts to increase the HS codes available for shark products in trade, we are unlikely to move forward with this recommendation at this time given other priorities.

17. Marine species: breeding cetaceans

Free Morgan Foundation raised the concern that wild-captured cetaceans, particularly orcas, are being bred in captivity and subsequently used in a commercial nature, i.e., to perform. We do not believe that this situation is occurring frequently enough to be a priority for our submissions for CoP17. Therefore, it is unlikely that we will prepare a discussion document on this issue for consideration at CoP17.

18. Trade in rosewood and ebony

EIA recommended that the United States continue to support Madagascar in its efforts to combat illegal harvest of and trade in rosewood (*Dalbergia* spp.) and ebony (*Diospyros* spp.), maintain pressure on Madagascar to establish strong enforcement mechanisms to secure both its national parks and precious timber stockpiles, and demand the continued extension of Madagascar's zero export quota and delayed consideration of the stockpile audit and use plan if significant progress to complete all steps of the CITES Action Plan regarding these taxa is not made. EIA also recommended that the United States support and encourage support from all CITES Parties for any proposal to improve the protection of *Dalbergia cochinchinensis*, *Dalbergia oliveri*, and

Pterocarpus macrocarpus through proposals that may arise from regional discussions. Finally, EIA recommended that we support and encourage support from all Parties for any proposal to strengthen existing CITES controls for *Dalbergia cochinchinensis*.

The United States fully supports implementation of the Action Plan for *Diospyros* spp. and *Dalbergia* spp. and facilitating the successful implementation of the Appendix-II listings of Madagascan *Dalbergia* spp. and *Diospyros* spp. Likewise, we support continuing the extension of Madagascar's current zero export quota for these taxa until Madagascar has made significant progress in completing all steps of the Action Plan and until the problem of illegal exports of wood of these taxa from Madagascar has been brought under control. The issue of Madagascar's implementation of Action Plan was considered at the 22nd meeting of the CITES Plants Committee (PC22, October 2015). Based on the discussions of an in-session working group at the meeting, the Plants Committee adopted a number of recommendations concerning Madagascar's continued progress on implementing the Action Plan, including with regard to the issuance of documents to facilitate the export of wood samples to accredited laboratories to assist in species identification and urging Madagascar to complete the process of becoming a member of the International Tropical Timber Organization (ITTO) so that it can receive additional assistance from that body. This issue will also be discussed at SC66 (January 2016), and will be on the agenda for CoP17. The United States will actively participate in all of these discussions and advocate its positions. However, we do not plan to submit our own document on the issue for CoP17.

With respect to *Dalbergia cochinchinensis*, Thailand submitted a document for PC22 announcing its intention to submit a proposal for CoP17 to amend the annotation to the Appendix-II listing of this species. The annotation currently includes only logs, sawn wood, and veneer sheets. Thailand in its document and EIA in its comments both reported that trade information from range countries and importing countries show that semi-finished wood products and furniture, commodities not included in Appendix II under the current annotation for the species, represent a large portion of the exports from range countries. Therefore, these exports are currently being carried out without CITES documentation. Thailand's draft amendment to the annotation, if adopted, would include semi-finished wood products and furniture under the Appendix-II listing. The United States believes the annotation to the Appendix-II listing of *Dalbergia cochinchinensis* should include all commodities that are exported from the range countries and supports a proposal to amend the annotation as such. However, we do not believe it will be necessary to submit our own proposal on the issue for CoP17.

With respect to *Dalbergia oliveri* and *Pterocarpus macrocarpus*, these species are not currently listed under CITES. If proposals or discussion documents to improve the protection of these species are submitted for consideration at CoP17, the United States will evaluate them and develop its positions in the lead-up to CoP17.

19. Wildlife trafficking

WCS recommended that the United States encourage a specific report from the United Kingdom on the London Conference on the Illegal Wildlife Trade (February 2014) and from Botswana on

the Kasane Conference on the Illegal Trade (March 2015). Although we are unlikely to submit a document on this subject, we will consult with our CITES counterparts in the United Kingdom and Botswana to encourage them to submit or provide oral reports on these meetings.

20. Traveling with musical instruments: personal effects exemption

The American Federation of Violin and Bow Makers and NAMM recommended that the United States support implementation of a personal effects exemption for musical instruments containing CITES-listed species. Similarly, CMA and the League of American Orchestras recommended that the United States support implementation of a personal effects exemption for musical instruments containing CITES-listed species transported by cargo under a carnet. Although we are unlikely to submit a document proposing a personal effects exemption for musical instruments or recommending the use of carnets, we will continue to discuss the international travel of musical instruments containing CITES-listed species in an effort to further streamline the CITES process while adhering to the requirements of the Convention and domestic law.

21. Traveling with musical instruments: commercial travel and *de minimis* exemption

The American Federation of Violin and Bow Makers recommended that the United States support extending the use of the musical instrument certificate to commercial travel and advocate for the adoption of a general *de minimis* exemption from CITES requirements for instruments containing small amounts of CITES-listed species. Both of these recommendations are outside the intent of the musical instrument certificate outlined in Resolution Conf. 16.8, on *Frequent cross-border non-commercial movements of musical instruments*. However, the United States will continue to work with the American Federation of Violin and Bow Makers, other instrument manufacturers, and the musician communities to improve the musical instrument certificate system and explore other ways to relieve the burden on this industry while abiding by CITES and domestic obligations and supporting the conservation of the relevant species.

22. CITES and livelihoods

WCS recommended that the United States ensure that the issue of CITES and livelihoods is on the agenda for CoP17. Decisions 16.17-16.25 deal with issues on CITES and Livelihoods and the Standing Committee Working Group on CITES and Livelihoods its work. Because Decision 16.23 directs the Standing Committee to report on the progress made on this issue at CoP17, there is no need for the United States to submit a document to include it on the agenda.

23. Enforcement matters: establishment of a CITES Enforcement Working Group

EIA recommended that the United States call for a CITES Enforcement Expert Working Group to be convened on a regular basis and for Parties to be represented on the group by the concerned national law enforcement agencies. The Standing Committee and the Conference of the Parties generally include several agenda items relating to enforcement issues. These venues have proven to be suitable for the discussion and resolution of enforcement matters. The United States is unlikely to submit a document on this issue, although we will continue to advocate for

stronger and more effective enforcement of CITES provisions.

24. Enforcement matters: adoption of indicators

EIA also recommended that the United States support the adoption of indicators of effective enforcement and call for Parties to fully implement such indicators. In its comments, EIA noted that the Secretariat is working with the ICCWC partners to create such indicators so that the success of Parties enforcing the Convention can be evaluated. The United States awaits the output of this effort, which may be reported at SC66, and expects that, if needed, it will be on the agenda of CoP17. Therefore, we are unlikely to submit a document to CoP17 on this issue.

25. Enforcement matters: tackling illegal trade through social media channels

EIA recommended that the United States call for measures to be adopted for Parties to tackle illegal trade in CITES species through social media channels. EIA cited the use of Internet-based websites and chat rooms to offer illegal wildlife for sale and noted that greater intelligence-led enforcement activities are needed to address this issue. Wildlife trafficking over the Internet has been discussed in a wide variety of CITES and related venues for a number of years. Significant progress has been made by many countries in addressing this as an enforcement challenge, although much remains to be done. The United States did not support extending the mandate of the Standing Committee's e-commerce working group at SC63 (March 2013) because we believe that the issue of e-commerce and illegal trade through the Internet is part of the basic responsibilities of the Parties to ensure their successful implementation and enforcement of the Convention. While we believe that Parties should devote enforcement efforts toward Internet trafficking of CITES species, we do not believe that separate measures addressing this are necessary. The Standing Committee e-commerce working group disbanded prior to SC65, and the item was dropped from the agenda of the meeting without objection. Therefore, the United States is unlikely to submit a document on this issue for CoP17.

26. Enforcement matters: amendment to Resolution Conf. 11.3 (Rev. CoP16), on *Compliance and enforcement*

SSN recommended that the United States propose amendments to Resolution Conf. 11.3 (Rev. CoP16), on *Compliance and enforcement*, in order to re-establish a working group to explore greater CITES emphasis on enforcement efforts, and to recommend that Parties prohibit trade in animals and plants illegally taken, possessed, transported, or sold, similar to the U.S. Lacey Act (18 U.S.C. 42-43; 16 U.S.C. 3371 et seq.). The Standing Committee has previously considered the formation of an Enforcement Committee, which was a proposal of the United States, but the Committee did not support its creation. Both the CoP and the Standing Committee regularly discuss enforcement matters and they both form working groups that discuss enforcement issues on a regular basis. The United States believes that the past work of the Standing Committee and the CoP to address enforcement issues has been productive, and it is not clear whether an additional over-arching enforcement working group would be value-added or simply redundant. The United States also discusses the benefits and value of the Lacey Act on a regular basis with Parties, the CITES Secretariat, and other organizations. The United States remains a strong supporter of the Parties' right to adopt stricter domestic measures, and while we may encourage Parties to do so in some circumstances, we also recognize the right of Parties to not adopt such

measures. The United States is unlikely to submit a document on these issues.

27. CITES trade data reporting

SSN recommended that the United States submit a draft resolution for CoP17 that describes in detail the need to accurately and adequately describe in CITES annual reports both the type of specimen being traded and the quantity of specimens, and that this resolution should recommend that Parties issue permits and report trade using two units of measurement (such as the quantity of specimens and a standard unit of measure, such as weight or volume). SSN commented that the accurate recording on permits and in annual reports of the description of specimens and the units of measurement is necessary for such data to be utilized in determining the extent of international trade in CITES-listed species and the impact of trade on the wild populations of these species.

We agree that providing complete and accurate specimen descriptions, quantities, and units of measurement on CITES permits is essential. We also agree that accurately recording such data in CITES annual reports is crucial if such data are to be meaningfully used in determining the extent of international trade and the impact of trade on the wild populations of CITES-listed species. However, we do not believe that it is necessary to submit a draft resolution for CoP17 that describes in detail the need to accurately and adequately describe in CITES annual reports both the type of specimen being trade and the quantity of specimens. CITES Resolution Conf. 11.17 (Rev. CoP16), on *National reports*, recognizes the importance of annual reports as a tool for monitoring the implementation of the Convention and the level of international trade in specimens of CITES-listed species. This Resolution also urges Parties to submit their annual reports in accordance with the *Guidelines for the preparation and submission of CITES annual reports*, and the *Guidelines* provide specific instructions for standardized reporting of specimen descriptions, units of measure, and quantity. Likewise, the instructions and explanations for the standard CITES permit form provided in Annex 2 of Resolution Conf. 12.3 (Rev. CoP16), on *Permits and certificates*, recommend that detailed information be provided in Block 9 describing the permitted specimen, and that the quantity and unit of measure be provided in Block 11 and should conform to the *Guidelines for the preparation and submission of CITES annual reports*.

It has been and continues to be a long and difficult process for CITES to get all Parties to harmonize their permits and the information provided on them. It has also been difficult to get Parties to submit accurate, timely, and standardized annual reports. However, over the past several years, we have observed a continuing and marked improvement in both, and recording specimen descriptions, units of measure, and quantities have become more consistent. We continue to believe that the additional burden of requiring the reporting of CITES trade using two units of measurement would, rather than clarifying the trade data and making it more useful, make the trade data more confusing and less standardized. Therefore, the United States is not likely to submit the draft resolution proposed by SSN for consideration at CoP17.

28. Purpose of Transaction codes on CITES permits

Free Morgan Foundation proposed that the United States call for the consistent use of CITES Purpose of Transaction codes so that the same code is used on both import and export CITES

documents. Free Morgan asserted that the impact of import and export documents not identifying the same Purpose of Transaction code is that it allows for the circumvention of national laws. Specifically, Free Morgan was concerned that inconsistent use of the Purpose of Transaction codes could lead to Appendix-I specimens being traded in contravention to the Treaty.

The United States strongly supports the consistent use of Purposes of Transaction codes, as well as the development of definitions for the codes and guidance on their use. However, there are efforts currently under way to address this issue through a working group established at SC64. The working group is to report the results of its work SC66. This working group is a continuation of the Parties' efforts to address a resolution proposed by the United States at CoP14. Because this issue is being addressed through the Standing Committee, it is unlikely that the United States will submit a document on this issue for CoP17.

29. Legal owner information on CITES permits

Free Morgan Foundation requested that the United States raise the question of legal ownership of a CITES specimen in trade. It is Free Morgan's supposition that Parties are confused over who is responsible for the welfare of an animal if the legal ownership is not documented on the face of a CITES document. However, we do not believe that having this information identified on the face of a CITES document would provide Parties with any greater recourse regarding legal actions for mistreatment of an animal. Parties are responsible for determining if a specimen was legally acquired before issuing a CITES document. Therefore, legal ownership of a specimen should already be known by the exporting Parties.

30. Guidelines for making legal acquisition findings

The Center for International Environmental Law (CIEL) and EIA commented on the need for clear guidance for the Parties on how to make the required finding that a specimen was not obtained in contravention to all applicable laws, the "legal acquisition finding," before issuing a CITES export permit. According to their comments, few Parties have clear regulations or internal guidance on the mechanisms their Management Authorities use when making this finding.

While the United States recognizes and supports the need for consistent implementation of all elements of the Treaty, there may be more effective methods to address this issue than proposing a resolution or amendments to any current resolutions. As mentioned by the commenters, the CITES National Legislation Project and the "Model Law" put forward by the CITES Secretariat may be better avenues to continue the discussion on this topic. In addition, direct interaction with Parties, such as recently held workshops regarding implementation of the CITES shark listings, may be a way to address specific issues that Parties face when making a legal acquisition finding for particular species or a suite of species affected by similar circumstances.

31. CITES document validation for scientific research

The Ornithological Council, American Society of Mammalogists, and Society for the Preservation of Natural History Collections recommended that the United States propose to revise, suspend, or revoke the CITES document validation requirement for the movement of CITES-listed species for scientific research. Article VII, paragraph 6, of the Convention allows a specific exemption for the noncommercial exchange of scientific specimens between registered scientific institutions. International trade in CITES-listed scientific specimens that do not meet the requirements for an exemption must be accompanied by a valid CITES document. To be considered valid, the United States requires CITES documents to be validated or certified at the time of export or re-export, including the actual quantity of the specimens being exported or re-exported. This validation requirement is consistent with the recommendations in Resolution Conf. 12.3 (Rev. CoP16), *Permits and certificates*; Article VI, paragraph 2, and Appendix IV of the CITES Treaty; and the U.S. CITES-implementing regulations. Because validation is called for by the Convention unless the exemption allowed for in Article VII, paragraph 6, applies, the United States is unlikely to submit a document for CoP17 on validation of permits for trade in scientific research materials.

32. Primarily commercial purposes

Free Morgan Foundation called on the United States to present a document that would provide criteria and clear guidance to Parties on distinguishing between transactions that are “primarily commercial” and those that are for “bona fide scientific research.” They specifically referenced a recent ruling by the International Court of Justice regarding a Japanese whaling program that was “not primarily motivated by scientific concerns.” It is their belief that Parties need specific criteria in order to make this determination consistently.

Resolution Conf. 5.10 (Rev. CoP15) provides guidance to Parties on making “not for primarily commercial purposes” findings, as required under Article III of the Convention. Although this resolution only provides guidance, not strict criteria, the United States believes that the current resolution is adequate to provide Parties with a consistent understanding of the required finding for Appendix-I species. Given the wide range of scientific endeavors, it would be difficult to develop specific criteria for making a determination of whether an activity involving a CITES-listed species would be “bona fide scientific research.” Instead, Parties must weigh the totality of the information available regarding the purpose of a transaction and whether the proposed activity meets the criteria for issuing an import permit under CITES.

33. Bred in captivity

IELP recommended that the United States propose revisions to Resolutions Conf. 5.10 (Rev. CoP15), Conf. 10.16 (Rev.), and Conf. 12.10 (Rev. CoP15), to clarify the provisions of paragraphs 4 and 5 of CITES Article VII for specimens bred in captivity. The United States recognizes that issues related to the provisions of these three resolutions are in need of clarification. The issues related to the implementation of the Convention in this area are actively being discussed by working groups of the Standing Committee. These working groups will provide reports to SC66, which will allow for a full discussion of these issues at the meeting, including the likelihood that the issue will be placed on the agenda of CoP17. Therefore, the United States is unlikely to submit a document for CoP17 on these issues.

34. Laundering of wild-caught specimens

WCS recommended that the United States submit an agenda item for CoP17 on the issue of laundering of wild-caught animals as captive-bred through the issuance of CITES export permits or re-export documents. The United States is aware of this problem and shares the concerns of WCS. The United States fully supports efforts and initiatives to better ensure that CITES documents accurately reflect the true source of specimens in trade, and we have spoken at previous CITES meetings on this issue. The United States is currently chairing a Contact Group in the Standing Committee discussing these issues in response to Document SC65 Inf. 4. This issue has and will be discussed in meetings of the Animals Committee and Standing Committee, and we anticipate that it will receive adequate attention and consideration at CoP17. Therefore, the United States is unlikely to submit a document on this issue for CoP17.

35. Interval between CoPs

WCS recommended that the United States submit an agenda item clarifying that CoPs should be 2 years apart, and that CoP18 should be held no later than October 2018. WCS pointed out that Article XI of the Convention states that CoPs shall be convened at least once every 2 years unless the Parties decide otherwise, and also pointed out that the interval between recent CoPs has been at least 2 and half years and the interval between CoP16 and CoP17 will be more than 40 months.

The United States agrees that, ideally, CoPs should be 2 years apart. However, several CoPs ago, the Parties recognized that holding CoPs 2 years apart was placing a great strain on the CITES budget, and that this strain would be relieved to some extent by extending the interval between CoPs to approximately 2 and a half years. The United States supports this decision and, therefore, does not propose to submit an agenda item on this issue for consideration at CoP17.

36. Unlisted species

SSN recommended that the United States adopt a formal mechanism that, in collaboration with IUCN, would allow for selection and review of unlisted species subject to significant levels of international trade for possible listing in the CITES Appendices. The United States recognizes the responsibility of each Party to monitor unlisted species, especially those that are native to their country, to determine if significant levels of international trade may affect their conservation status such that they should be considered for inclusion in one of the CITES Appendices. The United States also recognizes the role the Parties have in submitting proposals to the CoP for consideration by the Parties. Given limited resources available to address the existing CITES Costed Program of Work and the fact that there are existing mechanisms available to the Parties to select and review unlisted species subject to significant levels of international trade for possible listing in the CITES Appendices, the United States is unlikely to propose a new mechanism to undertake this task.

Request for Information and Comments

We invite information and comments concerning any of the proposed CoP17 resolutions, decisions, and agenda items discussed above. You must submit your information and comments by the date specified in the **DATES** section of our December 4, 2015, **Federal Register** notice to the address specified in the **ADDRESSES** section of that notice, to ensure that we consider them. More information on commenting, and on how you may view comments we receive, is also included in our December 4, 2015, **Federal Register** notice.

Observers

Article XI, paragraph 7 of CITES states the following:

“Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and

(b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.”

Persons wishing to be observers representing international non-governmental organizations (which must have offices in more than one country) at CoP17 may request approval directly from the CITES Secretariat. Persons wishing to be observers representing U.S. national non-governmental organizations at CoP17 must receive prior approval from our Division of Management Authority. Once we grant our approval, a U.S. national non-governmental organization is eligible to register with the Secretariat and must do so at least 6 weeks prior to the opening of CoP17 to participate in CoP17 as an observer. Individuals who are not affiliated with an organization may not register as observers. An international non-governmental organization with at least one office in the United States may register as a U.S. non-governmental organization if it prefers.

Any organization that submits a request to us for approval as an observer should include evidence of their technical qualifications in protection, conservation, or management of wild fauna or flora, for both the organization and the individual representative(s). The request should include copies of the organization’s charter and any bylaws, and a list of representatives it intends to send to CoP17. Organizations seeking approval for the first time should detail their experience in the protection, conservation, or management of wild fauna or flora, as well as their purposes for wishing to participate in CoP17 as an observer. An organization that we have previously approved as an observer at a meeting of the Conference of the Parties within the past 5 years must submit a request, but does not need to provide as much detailed information concerning its qualifications as an organization seeking approval for the first time. These requests should be sent to the Division of Management Authority, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS:IA, Falls Church, VA 22041; or via e-mail at: managementauthority@fws.gov; or via fax at: 703-358-2298.

Once we approve an organization as an observer, we will inform them of the appropriate page on the CITES website where they may obtain instructions for registration with the CITES Secretariat, including a meeting registration form and travel and hotel information. A list of organizations approved for observer status at CoP17 will be available upon request from the Division of Management Authority just prior to the start of CoP17.

Future Actions

We expect the CITES Secretariat to provide us with a provisional agenda for CoP17 within the next several months. Once we receive the provisional agenda, we will publish it in a **Federal Register** notice and provide the Secretariat's website address. We will also provide the provisional agenda on our website at <http://www.fws.gov/international/CITES/CoP17/index.html>.

The United States will submit any proposed resolutions, decisions, and agenda items, as well as any species proposals, for consideration at CoP17 to the CITES Secretariat 150 days prior to the start of the meeting (i.e., by April 27, 2016). We will consider all available information and comments we receive during the comment period for the December 4, 2015, **Federal Register** notice as we decide which proposed resolutions, decisions, and agenda items warrant submission by the United States for consideration by the Parties. With respect to our notice published on August 26, 2015 (80 FR 51830), we are considering all available information and comments we received during the comment period for that notice as we decide which species proposals warrant submission by the United States for consideration by the Parties. Approximately 4 months prior to CoP17, we will post on our website an announcement of the species proposals and proposed resolutions, decisions, and agenda items submitted by the United States to the CITES Secretariat for consideration at CoP17.

Through an additional notice and website posting in advance of CoP17, we will inform you about preliminary negotiating positions on resolutions, decisions, and agenda items, and amendments to the Appendices proposed by other Parties for consideration at CoP17. We will also publish an announcement of a public meeting tentatively to be held approximately 2 to 3 months prior to CoP17, to receive public input on our positions regarding issues on the agenda for CoP17.

The procedures for developing U.S. documents and negotiating positions for a meeting of the Conference of the Parties to CITES are outlined at 50 CFR 23.87. As noted at 50 CFR 23.87(c), we may modify or suspend the procedures outlined there if they would interfere with the timely or appropriate development of documents for submission to the meeting of the Conference of the Parties or of U.S. negotiating positions.