CENTER *for* BIOLOGICAL DIVERSITY

BRIEFING DOCUMENT

CITES CoP19

Panama City, Panama, November 14-25, 2022

Introduction

We are in the midst of an extinction crisis and are losing biodiversity at an unprecedented rate. IPBES estimates we will **lose 1 million species** in the coming decades if we continue with business as usual.[1] Reptiles and amphibians in particular are suffering dramatic declines, with 47% of amphibians and 25% of reptiles currently estimated to be at risk of extinction.[2] Exploitation is a key driver of species loss – it's the primary driver of marine species extinctions and the secondary driver of terrestrial species loss – and CITES recognizes that "international co-operation is essential for the protection" of species against "over-exploitation through international trade."

The Convention's conservation objective must be met to protect the species upon that we rely for food, water purification, and climate control as well as for inspiration and our myths, cultures, and histories. According to IPBES, transformative change is necessary, and **we urge CITES Parties to meet this moment with ambition, vote for conservation at CoP19, and plan for the next 50 years of CITES to save life on Earth.**

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The Center for Biological Diversity is a nonprofit conservation organization with more than 1.7 million members and online activists dedicated to the protection of endangered species and wild places. Learn more at www.biologicaldiversity.org/.

[1] https://ipbes.net/global-assessment
[2] Borgelt, J., Dorber, M., Høiberg, M. A., & Verones, F. (2022). More than half of data deficient species predicted to be threatened by extinction. Communications biology, 5(1), 1-9.

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CENTER for BIOLOGICAL DIVERSITY
Because life is good.

CoP19 Listing Proposals

Species Proposals Recommendations

Proposal 1 Hippopotamus (*Hippopotamus amphibius*) **SUPPORT**
by Benin, Burkina Faso, Central African Republic, Gabon, Guinea, Liberia, Mali, Niger, Senegal, Togo
Transfer hippos from Appendix II to Appendix I

Uplisting hippopotamus to Appendix I would impose a commercial trade ban on hippo ivory (teeth) and skins, benefiting these slow reproducing animals. Assessed as Vulnerable by IUCN[3], hippos have undergone at least a 30% population decline over the past three generations. Given the species' slow rate of reproduction and low reproductive output, coupled with ongoing habitat loss due to human incursion and demand for hippo ivory and skins, the species qualifies for uplisting to Appendix I.

Proposal 2 Southern white rhino (*Ceratotherium simum simum*) **OPPOSE**
by Botswana, Namibia
Transfer of the population of Namibia from Appendix I to Appendix II with an annotation to restrict trade to live animals for in situ conservation and hunting trophies in international trade

Botswana and Namibia argue that the Namibian population no longer meets the biological criteria for listing on CITES Appendix I, as the population is stable and larger than other populations that have been downlisted to Appendix II. However, Namibia's population includes only approximately 1,237 mature individuals, which is still considered small, and this population is highly vulnerable to poaching and illegal trade. Rhino horn is still highly valuable in international trade, and the species and its derivatives remain in high demand. IUCN has assessed the global rhino species as Near Threatened, noting that this would quickly change without the conservation efforts in place today. The IUCN and TRAFFIC report notes that detected rhino poaching mortalities in Namibia over the past 5 years were: 44 in 2017, 93 in 2018, 56 in 2019, 40 in 2020, and 40 in 2021.[4] Additionally, the report flagged high offtakes of white rhinos as hunting trophies with "0.37% to 1.78% harvesting rates of the annual white rhino population" of Namibia from 2018-2021. As the Namibian rhino population still meets the biological criteria for listing on Appendix I and the stability of the species depends on continued protection, the population of Namibia should not be removed from Appendix I.

Proposal 3 Southern white rhino (*Ceratotherium simum simum*) **OPPOSE**
by Eswatini
Remove existing annotation on the Appendix II listing of Eswatini's population

Deletion of the annotation would allow Eswatini to commercially export rhino horn as well as live animals and specimens. Southern white rhinos continue to be assessed as Near Threatened by IUCN due to the grave risk poaching for rhino horn poses to existing populations. The recent IUCN and TRAFFIC report documents a decline in southern white rhino populations.[5] Increasing demand by commercially exporting horn could further imperil this species as well as all other rhino species. The proposal is based primarily upon socioeconomic considerations and not the biological criteria used by CITES for amending the Appendices. Eswatini has only 98 rhinos, and its proposal does not meet the biological criteria in Resolution Conf. 9.24 (Rev. CoP17) for Appendix II listing and trade.

[3] https://www.iucnredlist.org/species/10103/18567364
[4] CoP19 Doc. 75, Annex 4 Table 8
[5] CoP19 Doc. 75, Annex 4.

Proposal 4 African elephant (*Loxodonta africana*) **OPPOSE**
by Zimbabwe
Amend Appendix II elephant annotation to provide for commercial trade in ivory and skins

This proposal by Zimbabwe pertains to elephant populations in Botswana, Namibia, South Africa, and Zimbabwe and would re-open the ivory trade from these countries as well as the commercial leather trade from Zimbabwe by amending the current Annotation to the Appendix-II elephant listing. This proposal does not meet Resolution Conf. 9.24 (Rev. CoP17) Annex 4's directive to use precautionary measures: where there is uncertainty about the impact of trade on a species' conservation, Parties must act in the best interest of the species' conservation and adopt measures that are proportionate to the anticipated risks to the species. Contrary to the proposal (which relies primarily on data from 2016), a recent study using MIKE and PIKE data concluded that outside of eastern Africa, poaching has not declined since 2011.[6] The 2020 UNDOC report explained that "Southern Africa, despite its low PIKE scores, was responsible for the largest share of the elephants poached between 2010 and 2018."[7] Another recent study pinpointed the Kavango Zambezi (KAZA) Transfrontier Conservation Area – located in part in Botswana, Namibia, and Zimbabwe as well as Angola and Zambia – as "a newly emerging poaching hotspot."[8] Thus, poaching for ivory undeniably remains a threat to elephants, and the proposal to open commercial ivory trade is not in the species' best interest. Also, the recent IUCN assessment of savannah elephants documented a reduction of more than 50% of the continental population in the past three generations (75 years) that is understood to be continuing and likely irreversible.[9] Based on this RedList assessment, savannah elephants qualify for listing on Appendix I, and the proposal to reopen commercial ivory trade should be rejected.

Proposal 5 African elephant (*Loxodonta africana*) **SUPPORT**
by Burkina Faso, Equatorial Guinea, Mali, Senegal, Syrian Arab Republic
Uplist populations in Botswana, Namibia, South Africa, and Zimbabwe from Appendix II to Appendix I

Uplisting these four populations to Appendix I would reinstate the commercial ivory ban in effect in 1989, which decreased poaching and demand for ivory. African savannah elephants (*Loxodonta africana*) were recently assessed as Endangered by IUCN due to population decline and ongoing threats including poaching for ivory.[10] Elephants are facing a marked decline (over 50%) that is likely to continue due to both ongoing poaching and ivory demand as well as habitat loss and conflict with people. While poaching in east Africa has decreased,

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[6] Schlossberg, S., Chase, M. J., Gobush, K. S., Wasser, S. K., & Lindsay, K. (2020). State-space models reveal a continuing elephant poaching problem in most of Africa. Scientific reports, 10(1), 1-9 (available at: https://www.nature.com/articles/s41598-020-66906-w). Using different modeling techniques then those employed for the MIKE and PIKE report, this study found that "For Africa as a whole, poaching did decline for 2011–2018, but the decline was entirely due to Eastern African sites. Our results suggest that poaching for ivory has not diminished across most of Africa since 2011."

[7] UNODC. 2020. World Wildlife Crime Report. Trafficking in Protected Species (available at: https://www.unodc.org/documents/data-and-analysis/wildlife/2020/WWLC20_Chapter_3_Elephant_and_Rhino.pdf).

[8] Wasser, S. K., Wolock, C. J., Kuhner, M. K., Brown, J. E., Morris, C., Horwitz, R. J., ... & Weir, B. S. (2022). Elephant genotypes reveal the size and connectivity of transnational ivory traffickers. Nature Human Behaviour, 6(3), 371-382 (available at: https://www.researchgate.net/publication/358600063_Elephant_genotypes_reveal_the_size_and_connectivity_of_transnational_ivory_traffickers).

[9] Gobush, K.S., Edwards, C.T.T, Balfour, D., Wittemyer, G., Maisels, F. & Taylor, R.D. 2021. *Loxodonta africana* (amended version of 2021 assessment). *The IUCN Red List of Threatened Species* 2021: e.T181008073A204401095. https://dx.doi.org/10.2305/IUCN.UK.2021-2.RLTS.T181008073A204401095.en.

[10] Gobush et al. (2021).

bringing down the continental poaching rate, poaching is still a concern in southern Africa.[11] Uplisting these four elephant populations to Appendix I will signal that commercial trade in ivory will not resume and support demand reduction and market closure efforts globally.

Proposal 21 Timber rattlesnake (*Crotalus horridus*) **SUPPORT**
by United States of America
Include on Appendix II

Growing evidence demonstrates the timber rattlesnake, a species whose distribution is limited to the United States, is threatened with extinction. The snake is highly vulnerable to exploitation, as it has a long life, late maturity, and low fecundity; it has been extirpated from large portions of its northern range; and numerous U.S. states have deemed the species threatened. IUCN's outdated 2007 assessment classified the snake as Least Concern but found "an overall consensus among virtually all scientists" that the species "is declining over most parts of its range" and identified collection for pet trade as a threat.[12] The species is in trade. Timber rattlesnakes are widely available for sale as pets online, fetching up to $250 per animal,[13] and as products, including whole skins.[14] International, wild-sourced trade and illegal poaching are well-documented. The Center urges Parties to support inclusion of timber rattlesnakes on Appendix II to address the threat of collection for trade on this declining species.

Proposal 23 Snapping turtles (*Macrochelys temminckii*, *Chelydra serpentina*) **SUPPORT**
by United States of America
Include on Appendix II, *C. serpentina* for look-alike

Two snapping turtle species, *Macrochelys temminckii* and *Chelydra serpentina*, warrant inclusion on CITES Appendix II. IUCN has assessed the species as Vulnerable and Least Concern, respectively, though both assessments are over a decade old. Turtles are vulnerable to overexploitation due to their low fecundity and late maturity. Habitat degradation and harvest threaten both species, and both species are highly traded internationally, largely due to demand for meat. According to U.S. data, an average of 34,000 live *M. temminckii* are exported per year, and live exports of *C. serpentina* totaled 773,205 from 2017-2020. The two species are difficult to distinguish in their immature form. Regulating trade in both snapping turtle species is necessary to avoid overharvest in the wild and the need for listing the species on Appendix I in the future; however, the proposal seeks Appendix-II listing of *C. serpentina* for similarity of appearance.

Proposal 24 Map turtles (*G. barbouri*, *G. ernsti*, *G. gibbonsi*, *G. pearlensis*, *G. pulchra*) **SUPPORT**
by United States of America
Include on Appendix II

The five species of broad-headed map turtles in the genus *Graptemys* warrant inclusion on CITES Appendix II. IUCN has assessed the species as Endangered (*G. pearlensis* and *G. gibbonsi*), Vulnerable (*G. barbouri*), and Near Threatened (*G. ernsti* and *G. pulchra*), and four are believed to have declining population trends; the fifth species' trend is unknown. Habitat degradation and harvest for the pet trade threaten these map turtles. U.S. trade data shows 1.5 million *Graptemys* species specimen were exported between 2005-2022. The five species

[11] Schlossberg et al. (2020).
[12] Hammerson, G.A. 2007. Crotalus horridus. The IUCN Red List of Threatened Species 2007.
[13] *See* https://undergroundreptiles.com/product/canebrake-rattlesnake/.
[14] *See* https://www.etsy.com/listing/1002409595/canebrake-rattlesnake-timber-c071-rattle?ga_order=most_relevant&ga_search_type=all&ga_view_type=gallery&ga_search_query=timber+rattlesnake&ref=sc_gallery-1-2&from_market_listing_grid_ad=1&plkey=fe34257b7e52aecbc5f7ddf101a6a6fc358e2c18%3A1002409.

are also difficult to differentiate. Regulating trade of the five proposed *Graptemys* species is necessary to avoid overharvest in the wild and the need for listing these map turtles on Appendix I in the future.

Proposal 29 Mud turtles (*Kinosternon spp.*) **SUPPORT**
by Brazil, Colombia, Costa Rica, El Salvador, Mexico, Panama, United States
Include genus (20 spp.) on Appendix II (except *K. cora* and *K. vogti*) and include *K. cora* and *K. vogti* on Appendix I

Twenty species of mud turtles in the genus *Kinosternon* warrant inclusion on CITES Appendix II, and the other two living *Kinosternon* species, *K. cora* and *K. vogti*, warrant inclusion on Appendix I. Mud turtles are threatened by habitat fragmentation, habitat loss and degradation, and overexploitation for consumption and the international pet trade. Illegal trade is also a threat to mud turtles, with several species having been documented in the trade without export permit records from origin countries. While population data is lacking for many species, declines are likely. Due to their life history, mud turtles are highly vulnerable to collection. Regulating trade of *Kinosternon* spp. is necessary to avoid overharvest and listing on Appendix I in the future. It is also difficult to distinguish between species of mud turtles, and therefore inclusion on Appendix II is also necessary to avoid enforcement issues. With very restricted distributions, the mud turtles *K. cora* and *K. vogti* are particularly vulnerable to habitat loss and collection for trade, warranting inclusion on Appendix I. IUCN assessed *K. vogti* as Critically Endangered,[15] as it is believed to have experienced a rapid population decline and extirpation from portions of its range and has a declining population trend. *K. cora* has likely experienced population collapses as poaching has increased. Both species have been documented in Asian markets despite not having export permits. *K. vogti* and *K. cora* are both at risk of extinction, and continued trade would be detrimental to the remaining populations.

Proposal 31 Musk turtles (*Sternotherus* spp.) **SUPPORT**
by United States of America
Include genus (4 spp.) on Appendix II

The four species of musk turtles in the genus *Sternotherus* warrant inclusion on CITES Appendix II. Endemic to North America, musk turtles are threatened by habitat loss and collection for the pet trade. U.S. trade data shows that from 2013-2019, 1,498,463 live *Sternotherus* individuals were exported for commercial trade. About 60% of the trade is sourced from wild populations, and most are exported to East Asia. Musk turtles are vulnerable to overcollection because they are particularly slow to reproduce when adults are taken from the wild. While comprehensive population data is lacking, musk turtles have experienced population declines due to pollution and habitat alteration. Because musk turtles continue to be sourced from wild populations that are already threatened by habitat loss, regulating the trade of the four *Sternotherus* species is necessary to ensure that the harvest of musk turtles is not threatening the survival of the wild population.

Proposal 32 Softshell turtles (*Apalone* spp.) **SUPPORT**
by United States of America
Include genus (3 spp.) on Appendix II (except subspp. currently on Appendix I)

The three species of softshell turtles in the genus *Apalone* warrant inclusion on CITES Appendix II. While population data on the species are limited, due to their low fecundity and late maturity, turtles are vulnerable to overexploitation. The three species were assessed as Least Concern by IUCN in 2010, but the assessment is outdated, and limited studies available suggest declines. With their characteristic tubular snout and other unique

[15] Cupul-Magaña, F.G., Butterfield, T., Gregory, T., Iverson, J.B., Macip-Ríos, R. & López-Luna, M.A. 2022. Kinosternon vogti. The IUCN Red List of Threatened Species 2022: e.T215164369A215164374. https://dx.doi.org/10.2305/IUCN.UK.2022-1.RLTS.T215164369A215164374.en. Accessed on 15 September 2022.

features, softshell turtles are threatened by collection for the international pet trade and meat. The U.S. reported 171,007 live *A. ferox* and 1,623 live *A. spinifera* specimens traded from 2016-2021. *A. mutica* and *A. spinifera* are difficult to distinguish, which may skew trade data. Regulating trade of *Apalone* spp. is necessary to avoid overharvest in the wild and the need for listing softshell turtles on Appendix I in the future.

Proposal 34 Glass frogs (*Centrolenidae* spp.) **SUPPORT**
by Argentina, Brazil, Costa Rica, Côte d'Ivoire, Dominican Republic, Ecuador, El Salvador, Gabon, Guinea, Niger, Panama, Peru, Togo, United States of America
Include family on Appendix II

The glass frogs in the family *Centrolenidae* warrant inclusion on CITES Appendix II. Glass frogs are threatened by habitat loss and fragmentation, climate change, invasive species, emerging infectious diseases, and harvest for the international pet trade. Trade in these charismatic amphibians is increasing, as U.S. trade data shows a 44,000% increase between 2016 and 2021. IUCN has assessed 10 species of glass frogs as Critically Endangered, 28 species as Endangered, and 21 species as Vulnerable. Many species of glass frogs are difficult to differentiate, and, in some cases, it is even difficult to distinguish between genera. Therefore, regulating trade of all species in the *Centrolenidae* family is necessary to avoid overharvest in the wild and the need for listing the species on Appendix I in the future.

Proposal 37 Requiem sharks (*Carcharinidae* spp.) **SUPPORT**
by Bangladesh, Colombia, Dominican Republic, Ecuador, El Salvador, European Union, Gabon, Israel, Maldives, Panama, Senegal, Seychelles, Sri Lanka, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland
Include *Carcharinidae* family (19 spp.) on Appendix II

IUCN has assessed all 19 species in the *Carcharinidae* family as Endangered or Critically Endangered due to population reduction due to fisheries exploitation, habitat deterioration, slow life history characteristics, and international trade, with recent declines of 70% or more in populations across their ranges. Members of the family *Carcharhinidae* are visually difficult to distinguish for at least one fin position, except for the daggernose shark (*Isogomphodon oxyrhynchus*) and the whitenose shark (*Nasolamia velox*), and all members of the family are look-alikes when traded as meat. By listing the entire family on Appendix II, the proposal eliminates the issue of mixed shipments and misidentification in the shark fin trade. Regulating trade in the family *Carcharhinidae* is necessary to avoid overharvest in the wild and the need for listing on Appendix I in the future.

Proposal 38 Small hammerhead sharks (*Sphyrnidae* spp.) **SUPPORT**
Brazil, Colombia, Ecuador, European Union, Panama
Include bonnethead and non-listed hammerhead sharks on Appendix II

This proposal seeks inclusion of bonnethead sharks (*Sphyrna tiburo*) and all remaining species in the family Sphyrnidae (hammerhead sharks) that are not already listed on Appendix II, including: *Sphyrna media*, *S. tudes*, *S. corona*, *S. gilberti*, and *Eusphyra blochii*, as well as any other yet-to-be-identified species in the family. *S. tiburo*'s global population is estimated to have declined by 50-79% over the last 3 generations, and it is extirpated from portions of its distribution because of overexploitation. *S. tiburo* fins are found in international shark fin trade hubs, and coastal sharks are increasingly prevalent in the fin trade. CITES Appendix-II listing will ensure that further international trade in *S. tiburo* can be managed sustainably. Smaller-bodied hammerhead species are also being internationally traded. The three large-bodied hammerhead species that are already included in Appendix II *(S. lewini*, *S. mokarran*, and *S. zygaena*) are exposed to illegal trade, because their fins may be hidden in shipments of look-alike species from the wider family. Because *S. lewini* and *S. mokarran* are Critically Endangered globally, loopholes must be closed to address illegal trade in these species. As small hammerhead

species can be look-alikes for each other, as well as for the three species currently listed in the CITES Appendices in their most traded form (dried, unprocessed fins), the remaining non-CITES hammerhead species satisfy Criterion A in Annex 2b of Resolution Conf. 9.24 (Rev. CoP17).

Proposal 39 Rays (*Potamotrygon wallacei* and *P. leopoldi*) **SUPPORT**
by Brazil
Include on Appendix II

Both ray species, *Potamotrygon wallacei* and *P. leopoldi*, are endemic to Brazil and are affected by ornamental trade. *P. leopoldi* is the most valued Brazilian stingray in the ornamental market, and the capture of individuals to form a breeding stock for establishments in Asia, the EU, and North America has affected the population. *P. leopoldi* has a restricted geographical distribution and faces habitat loss. *P. wallacei* has experienced an estimated reduction in population growth of over 4% per year. Since 2019 the Brazilian CITES authority has not authorized the export of freshwater stingrays of the subfamily *Potamotrygoninae* for ornamental purposes. Monitoring data and research on the potamotrygon species' population status is lacking. Appendix-II listing is needed to monitor the supply and international market demand for these species and will provide support for regional and national fisheries management regulations agencies.

Proposal 40 Guitarfishes (*Rhinobatidae* spp.) **SUPPORT**
by Israel, Kenya, Panama, Senegal
Include family on Appendix II

The proposal seeks to list the *Rhinobatidae* family (guitarfishes) on Appendix II (six species and the rest of the family for look-alike). The family contains 37 species; 35 are in decline; IUCN has assessed 23 of the 37 as Endangered and 10 as Critically Endangered. Like other shark-like rays, guitarfishes share the same vulnerable life history and habitat characteristics and are subject to intense fishing pressure and habitat degradation. International trade in fins and skins (legal and illegal) is significant for many of the species but is poorly documented overall. An Appendix-II listing will enable collection of trade data and ensure trade is not detrimental to the species' survival.

Proposal 41 Zebra pleco (*Hypancistrus zebra*) **SUPPORT**
by Brazil
Include on Appendix I

The zebra pleco warrants inclusion on CITES Appendix I. The zebra pleco is threatened primarily by habitat degradation including from dam construction and harvest for the international ornamental fish trade. In 2022 IUCN assessed the species as Critically Endangered. The zebra pleco has a restricted area of distribution, and an 80% decline in fish's wild population is projected over 10 years due to the decreased habitat quality. Listed on Appendix III since 2017, 30,012 zebra pleco specimens were exported from 2017-2020. Brazil bans exports of zebra pleco, but the species is regularly smuggled into Colombia and exported from there. Researchers estimate that about 100,000 specimens are trafficked out of Brazil each year, with about half dying during transit. Due to the species' projected declines and loss of quality habitat, as well as the rate of harvest from the wild, high mortality in trade, and the species' low fecundity, banning the commercial trade of the zebra pleco is necessary to prevent the species' extinction.

Proposal 42 Sea cucumbers (*Thelenota* spp.) **SUPPORT**
by European Union, Seychelles, United States of America
Include genus (3 spp.) on Appendix II

The three *Thelenota* sea cucumber species qualify for listing on Appendix II. All three species are commercially exploited and threatened by the international beche-de-mer trade, which has grown dramatically over the last 25 years. Although generation length is unknown, scientists believe echinoderms may not go through senescence and therefore generation length may exceed several decades. *Thelenota ananas* has been assessed as Endangered by IUCN as populations have declined by 80-90% in at least 50% of its range.[16] With a medium-high market value, *T. ananas* is targeted throughout its range, and fishing pressure has dramatically increased since the 1960s and is expected to continue. *T. anax* is the largest commercial sea cucumber species and has been assessed by IUCN as Data Deficient; however, the species is considered uncommon and is increasingly being targeted in fisheries.[17] IUCN considers *T. anax* populations "very vulnerable to overexploitation" and has recommended that "exploitation of this species should be avoided." *T. rubralineata* has been assessed by IUCN as Data Deficient but is considered very rare. It is exploited in some parts of its range but species-specific fisheries data is limited. IUCN considers the species "likely very vulnerable to overfishing" due its rarity, slow-growth, and long life.[18] Inclusion of the three *Thelenota* species in CITES Appendix II will help preserve these species and their important ecological role for future generations.

[16] Conand, C., Gamboa, R. & Purcell, S. (2013a). *Thelenota ananas*. The IUCN Red List of Threatened Species 2013: e.T180481A1636021. http://dx.doi.org/10.2305/IUCN.UK.2013-1.RLTS.T180481A1636021.en.
[17] Conand, C., Purcell, S. & Gamboa, R. (2013c). *Thelenota anax*. *The IUCN Red List of Threatened Species* 2013: e.T180324A1615023. http://dx.doi.org/10.2305/IUCN.UK.2013-1.RLTS.T180324A1615023.en.
[18] Conand, C., Gamboa, R. & Purcell, S. (2013b). *Thelenota rubralineata*. *The IUCN Red List of Threatened Species* 2013: e.T180285A1610697. http://dx.doi.org/10.2305/IUCN.UK.2013-1.RLTS.T180285A1610697.en.

CoP19 Working Documents

STRATEGIC MATTERS

Doc. 4.1 Report of the Standing Committee on Rules of Procedure **SUPPORT**

Several amendments to the Rules of Procedure are proposed. Most importantly, amendments to Rule 25.6 would alter the order in which proposals are considered by the CoP. Currently, when two or more proposals pertain to the same taxa, the proposal with the least restrictive effect on trade would be taken up first. Under the rule change, the most restrictive proposal – i.e., the proposal with the greatest conservation benefit – would be voted on first. This change improves efficiency because if the first, broadest-conservation-benefit proposal is adopted, it can negate the need to vote on other proposals pertaining to the same taxa. It is important to prioritize proposals for voting that would provide the greatest conservation benefit.

Doc. 4.2 Proposed amendment to Rule 26 **OPPOSE**

This proposal by Zimbabwe and Botswana would change the Rules of Procedure to potentially limit the right to vote on proposals to amend the CITES appendices. Doc. 4.2 proposes to eliminate the one-Party, one-vote model under which CITES has long operated – a model that is supported by the text of the Convention in Article 15 (paragraph 1(b)). Doc. 4.2 would instead assign votes to Parties "proportionate to the population size of the species under discussion or whose status is subject to voting." It is unclear from Doc. 4.2 if non-range, consumer, or transit States would receive a vote at all. The proposed system would also vastly complicate voting by requiring the Parties, with an already packed CoP agenda, to decide how votes are allocated on a proposal-by-proposal basis. Key details are lacking from Doc. 4.2. It does not address vote allocation for species like leopards for which the vast majority of range states do not know the specie's population size. Nor does it address trans-boundary populations of species such as elephants, jaguars, or sharks where populations are shared among many CITES Parties. In sum, the Parties should maintain the existing, equitable one-Party, one-vote model and reject Doc. 4.2.

Doc. 12 World Wildlife Trade Report **OPPOSE**

This proposal by South Africa asks for the preparation of a World Wildlife Trade Report and a set of Decisions regarding future reports and data needed from Parties for their preparation. Doc. 12 suggests that a pilot report is already in preparation and will be submitted as an Inf. Doc. to CoP19.[19] The proposal is premature as CITES Parties and stakeholders have not yet seen the suggested report. The utility of the report to CITES' work program is also unclear. The report would focus on the economics of trade in species *already* listed under CITES. This information would neither contribute to CITES' mandate to ensure imperiled species that are or may be affected by trade receive CITES protections,[20] nor would it aid in conducting the review of significant trade. The subject of the report appears to be beyond the Convention's mandate. Doc. 12 further suggests that CITES Parties include "price data" for CITES specimens in their annual or implementation reports, which would be significantly burdensome and slow the provision of critical data for the CITES trade database. The substantial work and funding the report would require, along with potentially sensitive and onerous data submission requirements, all weigh in favor of rejecting this proposal.

[19] The origin of the report and CITES involvement in it are worth further inquiry as the origins of this work stream do not appear to stem from any CITES meeting.
[20] CITES, Art. II, para 1 ("Appendix I shall include all species …").

Doc. 23. Role of CITES in reducing risk of future zoonotic disease emergence associated with international wildlife trade

The Covid-19 pandemic has ushered in the era of pandemics in which an increasing human population is exploiting nature and wildlife at an increased pace resulting in increased spillover of pathogens from wildlife to people.[21] With the next Covid-like event expected in a decade or less[22], urgent action must be taken both domestically and internationally. While there were early calls for CITES to play a central role in pandemic prevention through an amendment to the text of the treaty, the international focus has shifted to WHO and other more appropriate fora, but interim measures are still desperately needed. We urge CITES Parties to consider international and domestic efforts to ban or curtail trade in live birds and mammals, shorten and simplify wildlife supply chains, reduce demand, and close down market sectors that sell wildlife (whether from the wild or bred in captivity, farmed, or ranched).

Doc. 23.1 Report of the Standing Committee AMEND

Submitted by the Standing Committee, this document presents a set of Decisions that would:

- Request CITES Parties to report on measures taken to mitigate the risk of pathogen spillover from wildlife transshipments, trade, and markets and directs the Standing, Animals, and Plants Committees to develop recommendations based on the report;
- Direct the Secretariat to review the cooperative agreement with OIE and develop a joint program of work to examine ways to reduce spillover risk in supply chains and further collaborate on reducing pathogen spillover risk;
- Direct Standing, Animals, and Plants Committees to consider the development of a One Health resolution for CoP20.

Doc. 23.1 also proposes changes to Resolution Conf. 10.21 (Rev. CoP16) on *Transport of live specimens* to update the guidelines for non-air transport "to mitigate risks to animal and human health posed by international trade in CITES-listed species." We support these Decisions but note that the Decision on the development of a One Health resolution has been overtaken by the preparation of a draft resolution per Doc. 23.2 (discussed below). While these Decisions are important, they will not precipitate immediate action to prevent future pandemics. A G20 high-level panel predicted the next pandemic will come within a decade,[23] and urgent action is needed domestically. The Center urges CITES Parties to take more immediate action to the address the threat of novel pathogen emergence and re-emergence from wildlife exploitation and trade.

Doc. 23.2 One Health and CITES: Human health and animal risks from wildlife trade SUPPORT

Submitted by Côte d'Ivoire, Gabon, The Gambia, Liberia, Niger, Nigeria, and Senegal, this document proposes a One Health Resolution and set of Decisions creating a One Health expert panel to inform the crafting of One Health action plans. The draft Resolution calls on CITES Parties to develop One Health CITES Action Plans, undertake risk analyses for CITES permitting, and ensure adequate training and PPE for those handling live animals. The Resolution further calls on the Chair of Animals Committee and the Secretariat to work with CMS to address the risk of pathogen emergence in international deliberations.

[21] https://ipbes.net/pandemics
[22] https://pandemic-financing.org/report/foreword/
[23] https://pandemic-financing.org/report/foreword/

The Center urges Parties to support the proposal. The One Health action plan concept, if adopted, could be expanded by amending Paragraph d) i) to ensure that the plans address pathogen spillover in addition to disease transmission. While CITES has a role to play in pathogen spillover, amendments could clarify that CITES role should be collaborative and not central. The Decisions regarding the One Health expert panel could be more party-led, so that a Standing Committee working group aids in the drafting of the Terms of Reference for the expert panel and suggests and considers nominations for the Panel.

GENERAL COMPLIANCE AND ENFORCEMENT

29.2. Totoaba (*Totoaba macdonaldi*)

Doc. 29.2.1 Report of the Secretariat **SUPPORT DOC. 29.2.2 OR AMEND**

As the vaquita dwindles to fewer than 10 animals, totoaba fishing and trade in Mexico continues in violation of Mexican law and the Convention. Dec. 18.293(a)(i), adopted at CoP18, urged Mexico to "effectively prevent fishers and vessels from entering" the vaquita protected area. In SC74 Doc. 28.5, the Secretariat concluded that that this directive "*ha[s] not been implemented*." In Doc. 29.2.1, the Secretariat provides additional, compelling evidence that Mexico failed to implement Dec. 18.293, based on the Secretariat's June 2022 mission:

- Mexico has not prevented fishing vessels from accessing the vaquita protection area. Mexico documented 446 vessels engaged in illegal fishing in the area between November 2021 and April 2022.[24] IUCN has further reported that illegal fishing vessels "were present inside the [vaquita protected area] on 88% of the days observed between October 2021 and May 2022."
- Mexico is not inspecting all departing vessels. During its mission, the Secretariat observed, in just over an hour, 15 vessels launching illegally without the required inspection.[25]
- Mexico is not stopping illegal fishing. According to fishers, vessels launch without inspection as a "daily occurrence;" fishers operate illegally "in plain sight without any consequence;" and "the number of illegal fishers is increasing year after year" due to "the lack of enforcement."[26]
- Mexico is not sufficiently penalizing illegal fishers. Officials merely ask fishers to remove nets and leave, failing to "deter illegal fishers" and creating "a situation of impunity."[27]

The Secretariat proposes Decision text, *inter alia*, directing Mexico to strengthen enforcement to "effectively prevent fishers using gillnets from entering" vaquita protected areas, "maintain these areas completely gillnet-free," and "impos[e] strict penalties."[28] The Center urges Parties to adopt the text proposed by the United States in Doc. 29.2.2 (discussed below), or in the alternative, adopt the Secretariat's proposed text, with the following amendments, urging Mexico to:

- In Draft Dec. 18.293(a), "effectively prevent fishers and vessels" from accessing vaquita protected areas (instead of "further strengthen measures to effectively prevent fishers and vessels . . ." as proposed by the Secretariat) to improve clarity and provide a measurable standard;
- In Draft Dec. 18.293(b), ensure surveillance "on a full-time basis" as recommended by SC74; and
- In Draft Dec. 18.293(f), continue to submit reports to the Secretariat every six months.

The Center further urges Parties to support, if proposed at SC75 or at CoP19, any recommended trade sanctions against Mexico for its failure to implement Dec. 18.293 and endangering the vaquita's existence.

[24] CoP19 Doc. 29.2.1(47).
[25] CoP19 Doc. 29.2.1(49).
[26] CoP19 Doc. 29.2.1(49).
[27] CoP19 Doc. 29.2.1(60, 62).
[28] CoP19 Doc. 29.2.1, Annex 3.

Doc. 29.2.2 Renewed and Updated Decisions for CoP19 SUPPORT

The United States further summarizes Mexico's failures to satisfy Dec. 18.293, concluding Mexico's "actions have been neither sufficient nor effective as illegal fishing and trade continues unabated while the nearly extinct vaquita continue to drown in illegal gillnets targeting totoaba."[29] The United States proposes strong, measurable Decision text that more closely reflects concerns expressed by Parties at SC74. The Center urges Parties to adopt the text proposed by the United States, or in the alternative, adopt the Secretariat's proposed text, with the amendments noted above.

REGULATION OF TRADE

Doc. 47 Specimens produced through biotechnology SUPPORT WITH AMENDMENTS

It is beyond time CITES ensures that specimens that contain the DNA of CITES-listed species or that appear to be or test as a CITES-listed specimens are regulated under the Convention. Trade and marketing of proposed products such as synthetic rhino horn, elephant ivory, or pangolin scales raise enforcement concerns and pose threats to CITES-listed species, as they support and potentially stimulate a market for wild-sourced specimen. Doc. 47 proposes to amend Resolution Conf. 9.6 (Rev. CoP16) to help ensure that CITES Parties are consistently applying the Convention to relevant specimens. However, the suggested amendment would introduce a new term "biotechnology," which is undefined, and this vague term may create confusion and belabor discussions around this agenda item. We instead support the alternative language presented in SC74 Doc. 49 paragraph 13 that avoids needing to define "biotechnology." That language would be added to the end of paragraph 1 in Resolution Conf. 9.6 to read:

- This includes: a) products that contain DNA of species included in the Appendices and are not otherwise expressly exempted under this Resolution; and b) products that, although they do not contain actual DNA, appear from a visual, physical, scientific, or forensic examination, test, or any other inspection to be specimens of CITES listed species.

While the suite of proposed Decisions raise points of discussion from the working group that may be worth further deliberation, these points should not be a barrier to regulating these specimens under CITES now.

Doc. 51 Quotas for leopard (*Panthera pardus*) hunting trophies AMEND

Existing quotas for leopard trophies were expanded to their current numbers using a faulty rainfall-based model generated with funding from Safari Club International[30] that resulted in "impossible overestimates" of leopard populations and quotas.[31] As a result, virtually every CoP-set leopard quota since the model was developed is not based on science and thus may not be sustainable. Yet the prior intersessional review failed to address this issue.[32]

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[29] CoP19 Doc. 29.2.2(9).
[30] CoP6 Doc. 6.26 (available at: https://cites.org/sites/default/files/eng/cop/06/doc/E06-26.pdf).
[31] Norton, P. (1990). How many leopards? A criticism of Martin and de Meulenaer's population estimates for Africa. *South African Journal of Science*, *86*(5), 218; Norton, P. (1990). How many leopards? A criticism of Martin and de Meulenaer's population estimates for Africa. *South African Journal of Science*, *86*(5), 218; Nowell, K., & Jackson, P. (Eds.). (1996). *Wild cats: status survey and conservation action plan* (Vol. 382). Gland: IUCN; du Preez, B. D., Loveridge, A. J., & Macdonald, D. W. (2014). To bait or not to bait: a comparison of camera-trapping methods for estimating leopard Panthera pardus density. *Biological Conservation*, *176*, 153-161.
[32] *See, e.g.*, Loveridge, A. J., Sousa, L. L., Seymour-Smith, J. L., Mandisodza-Chikerema, R., & Macdonald, D. W. (2022). Environmental and anthropogenic drivers of African leopard Panthera pardus population density. *Biological Conservation*, *272*, 109641.

The Center urges Parties to support Kenya and Malawi's requests to have their leopard quotas removed and urges adoption of a moratorium on all leopard trophy trade under the quotas. A moratorium is needed because trophy hunting continues to be a threat driving the decline of certain leopard populations and the current quotas fail to ensure trophy hunting is not detrimental to the species' survival. At least until the guidance on non-detriment findings called for by Decision 18.169(c) has been implemented or range countries can provide information on leopard status and overall mortalities, as South Africa has done, leopards should be protected by a trophy trade moratorium. To ensure adequate reviews, Resolution Conf. 10.14 (Rev. CoP16) should be amended to require routine reviews of quotas by the Animals Committee with the aid of scientific experts to align with Resolution Conf. 9.21 (Rev. CoP18).

EXEMPTIONS AND SPECIAL TRADE PROVISIONS

Doc. 55 Registration of operations that breed Appendix-I species in captivity for commercial purposes **SUPPORT**

Doc. 55 proposes amendments to Resolution Conf. 12.10 on *Guidelines for a procedure to register and monitor operations that breed Appendix-I animals for commercial purposes*, which has been in effect for a decade without amendment or reconsideration. The straightforward and logical amendments bolster existing language in Resolution Conf. 12.10 to ensure captive-bred trade comports with the Convention and clarify and strengthen the registration process so it aligns with the Parties' current practices.

The proposal, *inter alia*:

- Clarifies that the Convention's captive breeding exemption at Article VII, paragraph 4 only applies to specific *products* identified in the registration application. Doc. 55(2). The registration application at Resolution Conf. 12.10 Annex 1(11) currently requires MAs to identify which products will be exported from the facility and thus already suggests that only those products are approved for trade;
- Requires MAs to submit an amended registration application if "major changes" in the nature of registered facilities occur. Doc. 55(5)(g). Resolution Conf. 12.10(g) currently requires MAs to "monitor" registered operations and inform the Secretariat if "major changes" occur and thus already suggests those registered operations should be reevaluated;
- Amends the registration application to require a description of the operation's contribution to conservation of wild populations, "including that trade will not negatively affect efforts to combat illegal trade." CITES Parties must ensure that captive-bred wildlife registrations do not undermine Parties' substantial, ongoing work to combat illegal trade. A robust registration process would aid in compliance efforts.

The Center urges Parties to support the proposed text in Doc. 55.

SPECIES SPECIFIC MATTERS

Doc. 66. Elephants

Since CoP18, IUCN has assessed savannah elephants as Endangered[33] and forest elephants as Critically Endangered[34] due to ongoing threats including poaching and population declines over the past three generations.

[33] Gobush, K.S., Edwards, C.T.T, Balfour, D., Wittemyer, G., Maisels, F. & Taylor, R.D. 2021. *Loxodonta africana* (amended version of 2021 assessment). *The IUCN Red List of Threatened Species* 2021: e.T181008073A204401095. https://dx.doi.org/10.2305/IUCN.UK.2021-2.RLTS.T181008073A204401095.en.
[34] Gobush, K.S., Edwards, C.T.T, Maisels, F., Wittemyer, G., Balfour, D. & Taylor, R.D. 2021. *Loxodonta cyclotis* (errata version published in 2021). *The IUCN Red List of Threatened Species* 2021: e.T181007989A204404464. https://dx.doi.org/10.2305/IUCN.UK.2021-1.RLTS.T181007989A204404464.en.

In 2019, the third largest annual seizures of ivory by weight were documented by ETIS.[35] Following domestic ivory market closures around the world including China's market, ivory prices reportedly reached pre-2010 lows,[36] and poaching rates were down according to MIKE and PIKE.[37] Then the Covid-19 pandemic struck with deleterious consequences for people and jobs as well as protected areas and wildlife budgets in Africa. While lockdowns and curtailed international travel and shipments were initially beneficial for species commonly traded on the black market, the lifting of restrictions and the remaining dire economic circumstances have yet to be fully analyzed and the data presented for CoP19 should be treated cautiously.[38]

Doc. 66.1 Implementation of Resolution Conf. 10.10 (Rev. CoP18) on *Trade in elephant specimens* **AMEND**

The Secretariat's document on elephants is, to a certain extent, superseded by working documents submitted by the Parties. As a result, we recommend consideration of the following aspects of the Secretariat's document along with the Parties' working documents:

- The discussion on ivory stockpiled should be considered along with Doc. 66.2.1, and the Decisions as amended and presented in Doc. 66.2.1 should be adopted;
- The discussion on domestic ivory markets should be considered along with Doc. 66.3, and the Decisions as amended and presented in Doc. 66.3 should be adopted; and
- The discussion on implementation of NIAPs should be considered along with Doc. 66.7, and the Decisions in Doc. 66.7 should be adopted.

Doc. 66.2.1 Ivory stockpiles: implementation of Resolution Conf. 10.10 **SUPPORT**

Submitted by Benin, Burkina Faso, Equatorial Guinea, Ethiopia, Gabon, Kenya, Liberia, Niger, Senegal, and Togo the proposed Decision text facilitates compliance with the reporting, marking, and inventorying provisions of Resolution Conf. 10.10 (Rev. CoP18) on *Trade in Elephant Specimens* and urges consideration of destroying stockpiled ivory. Destroying stockpiles or putting them beyond commercial use is important to eliminate stockpile leakage. Ivory from stockpiles was likely present in the record ivory seizures in 2019,[39] and Doc. 66.2.1 documents some of the history of this problem. Stockpiling also signals future ivory markets are anticipated. Failure to report on stocks of ivory and related failure to inventory and maintain stockpiles are a significant concern. In 2021, only 21 CITES Parties reported on their ivory stockpiles while the Secretariat identified at least 44 additional Parties that likely should have reported based on previous seizure data from ETIS.[40] The amended reporting form in Annex 1 to Doc 66.2.1 would spur increased reporting by CITES Parties and provide information on which Parties need to report and those that require support to complete ivory stockpile inventories.

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[35] CoP19 Doc. 66.6.
[36] UNODC, 2016. World wildlife crime report: Trafficking in protected species.
[37] SC74 Doc. 86.
[38] SC74 Doc. 86.
[39] The 2020 UNDOC report noted "Just five large scale seizures made in 2019, totalling over 30 tons, would make it a record year in terms of seizures, contradicting the downward seizure trend seen since 2014. Since poaching levels appear to be down, this suggests either improved interdiction (a higher share of the ivory flow being captured) or sourcing from stockpiles (not from recent illegal killings)." UNODC. 2020. World Wildlife Crime Report. Trafficking in Protected Species. (available at: https://www.unodc.org/documents/data-and-analysis/wildlife/2020/WWLC20_Chapter_3_Elephant_and_Rhino.pdf).
[40] SC74 Doc. 61.2.

Doc. 66.2.2 Establishing a fund upon non-commercial disposal of ivory stockpiles **SUPPORT**

Submitted by Kenya this proposal suggests an intersessional Working Group at Standing Committee to explore establishing a fund that range States can access after non-commercially disposing ivory stockpiles. The fund would provide resources for elephant conservation and Indigenous Peoples and Local Communities living with elephants, and the proposal provides the terms for the fund, criteria for dispersing funds, and the working group mandate (Annex 1). This proposal recognizes the dire economic circumstances of many elephant range States particularly following the Covid-19 pandemic and suggests an alternative to renewed calls for ivory sales or buyouts. Such calls signal that global ivory trade could reopen, fueling demand for ivory and increased poaching. Doc. 66.2.2. recognizes that ivory stockpiles should be put beyond commercial use by decoupling ivory quantities destroyed from the amount of funding received, so as to de-commodify ivory and focus resources where funding is needed for conservation or addressing human-elephant conflict. The Center urges adoption of this proposal.

Doc. 66.3 Implementing aspects of Resolution Conf. 10.10 (Rev. CoP18) on the closure of domestic ivory markets **SUPPORT**

Submitted by Benin, Burkina Faso, Equatorial Guinea, Ethiopia, Gabon, Liberia, Niger, Senegal, and Togo, this document proposes an update to Decisions 18.117-119 including routine analysis in the ETIS report of ivory seizures linked to Parties with open ivory markets. The closure of domestic ivory markets spearheaded by the United States and China in 2016 and amendments to Resolution Conf. 10.10 at CoP17 has resulted in global action for elephants and significant market closures around the world. Yet more work remains to ensure that all markets contributing to illegal trade or poaching, including Japan's market, are closed. ETIS previously provided more country-specific information and should do so again to aid the CITES Parties and Secretariat in identifying Parties whose domestic markets should be closed pursuant to Resolution Conf. 10.10 (Rev. CoP18).

Doc. 66.7 Review of the National Ivory Action Plan process **SUPPORT**

This proposal puts forth a series of Decisions that would review the NIAP process for improvement after a decade of implementation. NIAPs can be a critical tool for aiding CITES Parties in addressing illegal trade in ivory, but after ten years, the system would benefit from updating, including to address concerns about parallel actions under the NIAP process and Article XIII. It also recognizes that compliance by Parties is low and that format changes for the process could increase compliance and reporting by CITES Parties.

Doc. 69.1 and 69.2 Seahorses (*Hippocampus* spp.) **SUPPORT**

Despite CITES protections, seahorses remain imperiled. IUCN has assessed 15 seahorse species as threatened due to habitat loss and trade. For live seahorses, wild-sourced trade has declined, and most live specimen are aquaculture-sourced. SC74 Doc. 70.1, Annex 1. However, experts recommend guidance to distinguish wild- and captive-sourced seahorses, assessment of aquaculture facilities to determine capacity and reliance on wild populations, and population monitoring to support NDFs. *Id.* For dried seahorses, illegal trade is rampant: 95% of seahorses entering Hong Kong SAR originated from countries with seahorse export bans. SC74 Doc. 70.1, Annex 2. Illegal trade in dried seahorses poses a significant threat. The Standing Committee's Doc. 69.1 proposes to extend work initiated at CoP18 directing the Secretariat to convene a seahorse workshop and directing the AC and SC to develop recommendations regarding sustainable, legal trade and enforcement. Doc. 69.2, proposed by several nations, directs the Secretariat to prepare a report on illegal seahorse trade and directs Parties to develop national or regional plans addressing law enforcement and regulation of damaging fishing gear. The Center urges Parties to merge and adopt the text proposed in both Doc. 69.1 and 69.2, including both the seahorse workshop and illegal trade report. The Center further recommends that Parties be directed in 19.BB a) v) to inventory and

assess capacity of seahorse aquaculture facilities and reliance on wild populations for live seahorse trade within their national action plans.

Doc. 71.1 and 71.2 Pangolins (*Manis* spp.) **SUPPORT DOC. 71.2**

Pangolins remain deeply threatened due to continued, illegal trade in their parts. Between 2016 and 2020, an estimated 258,466 pangolins were seized.[41] African nations were primary sources of this trade; China, Lao People's Democratic Republic, and Viet Nam were primary destinations, and demand reduction efforts are not proving effective.[42] The Secretariat's Doc. 71.1 proposes Decision text to encourage in situ conservation plans, identification materials, and strict control measures for stocks and directs the Standing Committee to make appropriate recommendations. The United Kingdom's Doc. 71.2 proposes amendments to Resolution Conf. 17.10 urging Parties to increase enforcement, close domestic markets, and report seizures and stockpile quantities annually. The United Kingdom's proposed Decision text builds on the Secretariat's text and further directs the Standing Committee at SC78 to develop "time-bound and measurable recommendations" for range, transit, and consumer Parties. The Center urges Parties to adopt the United Kingdom's Decision text in Doc 71.2, as it more directly addresses current inadequacies in CITES' response on pangolins, including by quantifying stockpiles, and more appropriately reflects the urgency of pangolins' threats.

Doc. 72 African lions (*Panthera leo*) **AMEND**

Lions have undergone significant population and range contraction. Considered to be Vulnerable by IUCN due to an inferred 43% population decline, trade in bones and other body parts was identified as an emerging threat in addition to killing by people due to conflict, habitat loss, prey base depletion, and mixed impacts of trophy hunting. The Decisions directed to the Secretariat in 19.AA a)-f) provide for broad programs of work without oversight from CITES Parties or Committees. The Decisions should be amended to ensure the Secretariat is seeking input and advice on implementation of lion conservation plans, capacity-building, and the making of non-detriment findings from Parties, including consumer countries and range States, as well as the relevant CITES Committees. The Decisions directed to the Committees and Parties likewise should be expanded to provide the necessary advice and guidance to the Secretariat.

Doc. 75 Rhinoceroses (*Rhinocerotidae* spp.) **AMEND**

Submitted by the Secretariat, the report on rhinos is dire. Overall populations in Africa are down from the numbers reported to CoP18, due to an 11.8% lower population count for southern white rhinos. From 2017 to 2021, southern white rhinoceros decreased at 3.1% per annum, and significant declines were reported in both South Africa and Botswana. The proposed amendments to Resolution Conf. 9.14 (Rev. CoP17) in Annex 2 to Doc. 75 should be supported. The proposed Decision text needs to be strengthened. Time-bound reporting obligations and engagement of the Standing Committee in reviewing reports and making recommendations to CoP20 are both needed to strengthen CITES' response to the dire situation rhinos face.

Doc. 76 Saiga antelope (*Saiga spp.*) **AMEND**

While recent reports regarding saiga populations have generally been positive, the species remains incredibly vulnerable to disease. For example, 88% of one population (the Betpak-Dala population) died due to disease in 2015. International trade and demand also continue threaten the species. A recent report documented

[41] SC74 Doc. 73, Annex 2.
[42] *Id.*

widespread use of saiga specimens in Thailand.[43] It should be clarified during CoP19 that Thailand is an important consumer country.

- Decision 19.AA b) should be amended or another Decision paragraph added to require range and consumer States to report on their saiga horn stockpiles. The text used for ivory stockpile reporting in Resolution Conf. 10.10 (Rev. CoP18) could serve as a guide. Parties could develop a form similar to the one used for ivory stockpile reporting.
- Decision 19.AA should be improved by including time-bound reporting requirements.

The Center urges amendment of the proposed decisions to ensure improved reporting on saiga horn stocks.

Doc. 80 Marine Ornamental Fishes SUPPORT

Each year, an estimated 30-150 million marine ornamental fish are traded from more than 2300 different species.[44] The volume of trade has grown in recent decades, and few species are captive bred in commercial numbers. The vast majority of marine ornamental fishes are not covered by CITES, and there is no comprehensive, international trade monitoring system. The Animal Committee's Doc. 80 proposes to extend work initiated at CoP18 directing the Secretariat to convene a workshop to evaluate marine ornamental fish status, conservation, and management. UNEP-WCMC has been contracted to produce four thematic studies for the workshop covering trade, status, regulations, and enforcement; however, Doc. 80 provides no timeline for the studies' completion. The Center urges Parties to adopt the proposed text and further urges Parties to provide additional funding to support this important work. The Center supports the focus of the thematic studies but recommends that:

- Thematic study 1 comprehensively list all species found in international trade and Thematic study 2 consider the status of each of those species listed (not a subset of top-volume fish), as there may be highly threatened species for which trade is comparatively low but still unsustainable.
- Thematic study 2 evaluate the status and threats of species *and* geographically separate populations thereof, as many ornamental fish are widely distributed and not fished throughout their ranges but may be unsustainably fished at the population level.

Doc. 83 Identifying species at risk of extinction for CITES Parties SUPPORT

Globally we face an unprecedented loss of biodiversity. According to IPBES (2019) 1 million species could be lost in the coming years.[45] Overexploitation of species is a key driver of extinctions. Species that we rely upon for food, livelihoods, water, and climate regulation are at risk, and an ambitious response is needed. The Convention text mandates listings, as "Appendix I *shall* include all species threatened with extinction which are or may be affected by trade."[46] Doc. 83 would help ensure that CITES Parties have the information needed to ensure species in need of CITES' protections receive attention from the Parties. The Decision text could be further strengthened by clarifying that it is up to CITES Parties to decide which species are deserving of listing proposals and that it is up to the CoP to decide if the proposals meet the biological and trade criteria for listing.

[43] Gomez, L., Siriwat, P., & Shepherd, C. R. (2022). The trade of Saiga Antelope horn for traditional medicine in Thailand. *Journal of Threatened Taxa*, *14*(6), 21140-21148. (available at: https://threatenedtaxa.org/JoTT/article/view/7726/8602).
[44] CoP18 Doc. 94(5), (1); Biondo, M. V., & Burki, R. P. (2020). A systematic review of the ornamental fish trade with emphasis on coral reef fishes—an impossible task. *Animals*, *10*(11), 2014.
[45] https://ipbes.net/global-assessment
[46] CITES, Art. II para. 1.

MAINTENANCE OF THE APPENDICES

Doc. 87.1 Proposed amendments to Resolution Conf. 9.24 (Rev. CoP17) **OPPOSE**

Submitted by Botswana, Cambodia, Eswatini, Namibia, and Zimbabwe this proposal seeks to interject socioeconomic considerations into proposals for amendment of the appendices. CITES and its listing process were specifically designed to exclude socioeconomic considerations, which drive overexploitation of species in international trade.[47] Instead, the Convention is designed to foster global collaboration to address this exploitation[48] through consideration of biological factors, science, and whether the species "may be affected by trade."[49] Even before the biological criterial in Resolution Conf. 9.24 were adopted in 1994, certain CITES stakeholders and Parties sought to interject socioeconomic considerations into the science-based listing process,[50] and those efforts have continued to CoP19. As in the past, these latest efforts should be rejected.

Doc. 88 Communications concerning amendments to the Appendices **SUPPORT**

Submitted by the Secretariat, Doc. 88 provides clarity on communications that qualify as Reservations to amendments to the appendices under Article 15. Following CoP18, several CITES Parties lodged communications with the Depositary government purporting to take "reservations" to editorial changes – changing "Rev. CoP17" to "Rev. CoP18" — made by the Secretariat in Annotation 2 on elephants. Doc. 88 clarifies these communications are not "Reservations" and proposes amendments to three resolutions to clarify when Reservations can be taken, the scope of Reservations, and how annotations should be crafted and amended going forward.

The proposed changes to Resolution Conf. 4.25 (Rev. CoP18) on *Reservations* clarifies that when an annotation is amended, any reservation relates *only to the amendment*. The reserving Party is still bound by the version of the annotation in effect prior to the amendment. This change to Resolution Conf. 4.25 is consistent with the plain language of the Convention[51] and should be adopted. Additionally, Resolution Conf. 4.25 should be further clarified to make the rest of the text consistent with this change. Doc. 88 also proposes amendments to Resolution Conf. 11.21 (Rev. CoP18) on *Use of Annotations* to discourage the inclusion of Resolutions and Decisions in Annotations and encourage terms to be defined in the Interpretation section of the Appendices. Doc. 88 further includes amendments to Resolution Conf. 4.6 (Rev. CoP18) on *Submission of Draft Resolutions and other Documents* that clarify that changes to Annotations, including references to Resolutions, require a proposal under Article 15. We urge the adoption of these changes and any others needed to align these Resolutions with the changes suggested in Doc. 88.

[47] Favre, D. S. (1997). The risk of extinction: A risk analysis of the Endangered Species Act as compared to CITES. *NYU Envtl. LJ*, *6*, 341.
[48] CITES, preamble.
[49] CITES, Art. II, para. 1. Or trade must be "subject to strict regulation." CITES, Art. II para. 2(a).
[50] Favre, D. (1993). Debate within the CITES community: what direction for the future. *Nat. Resources J.*, *33*, 875.; *see also* CoP8 Doc. 8.50.
[51] Art. XV, para. 3 ("any Party may by notification in writing . . . make a reservation *with respect to the amendment*") (emphasis added).