

BRIEFING DOCUMENT: CITES CoP18

COMMENTS ON CITES CoP18 LISTING PROPOSALS, WORKING DOCUMENTS AND ANTICIPATED STANDING COMMITTEE AGENDA ITEMS

August 2019



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Regarding enforcement

The lack of progress by Laos to tackle wildlife trafficking is a serious concern as the country continues to offer a safe haven for major wildlife traffickers. Tiger bone, teeth, claws and tiger bone wine; elephant ivory; rhino horn and other illegal wildlife products are openly traded in Laos and are also increasingly sold online, primarily catering to Chinese and Vietnamese consumers. While some limited enforcement action has been taken against ivory trade, the response has been far from adequate. For example, while Laos itself has seized 121kg of ivory, it has been linked with at least 14,505kg ivory seized outside the country, estimated to be sourced from over 2,165 elephants (2010 – 2018). Further, EIA investigations have also documented large quantities of ivory and other wildlife being trafficked from Malaysia through Laos into Vietnam.¹

Despite this, the Secretariat has concluded in its report that “Lao PDR continues to effectively implement

its NIAP and shows progress in the implementation of a number of actions, in particular with respect to legislation and regulations (Pillar 1) and enforcement (Pillar 2) of the NIAP.” At the same time, the Secretariat has noted that “Lao PDR has not reported whether any of the arrested offenders can be considered to be ‘mid-to high-profile cases involving organized or transboundary activities’; nor has the nationality of the offenders been provided.”

EIA welcomes the intention of the Government of Laos to implement the ICCWC Wildlife and Forest Crime Analytic Toolkit and the ICCWC Indicator Framework for wildlife and forest crime and urges the Government of Laos to significantly strengthen its ongoing enforcement efforts and increase international co-operation with key countries including China, Malaysia and Vietnam.

Regarding tiger farming and tiger trade

The situation regarding tiger farming and captive tiger trade in Laos appears to be worsening. The audit of captive tigers in the country has also been significantly delayed with only three facilities having been audited at the time of writing (July 2019). In 2016, the Government of Laos announced that it will close all tiger farms in the country yet, as shown in the table below, there has been an increase in the number of tiger farms in the country with new facilities set up in 2017 and 2018.

Facility	Province	2016	2017	2018	2019
Vannaseng Fulrange Facility	Bolikhamxay (nr. Thailand border)	102	235	89-111	
Vannaseng's Laksao facility	Bolikhamxay (nr. Vietnam border)	50-60	At least 13 (capacity for 100-130)	86-106 (including cubs)	
Vinasakhone Facility / Muang Thong or Thakek Tiger Farm	Khammouane (nr. Thailand border)	400	97	69	54
Facility at the Golden Triangle Special Economic Zone	Bokeo (nr. Myanmar/ China border)	35 (casino facility)	~35 (casino facility)	35-35 (casino facility)	70-75 (new tiger and bear farm)
Samlem Kham Facility at the southern boundary of the Golden Triangle Special Economic Zone	Bokeo (nr. Myanmar/ China border)	Previously undocumented	Previously undocumented	25-26 (24 juveniles, 2 cubs)	Facility dismantled; location of tigers unknown
Say Nam Theun Facility at Ban Tha Bak	Bolikhamxay (nr. Vietnam border)	Construction started	Construction ongoing	17-40	53

¹ EIA, 2018. *Exposing the Hydra*

The individuals and businesses associated with all seven captive tiger facilities in Laos shown in the table above have been linked to wildlife trafficking, yet, the Government of Laos has authorized the “conversion” these facilities into so-called zoos or safari parks which EIA previously warned that these would likely serve as a front for illegal activities. This includes one facility where the owners cannot account for the disappearance of 300 tigers between 2016 and 2018, and another where the owners have been declared an organised crime group by the US government and two others where the owners are part of a major Africa-Asia wildlife crime network.² A recent May 2019 Washington Post publication has documented the sale of tiger products at retail shops and markets in Laos including tiger bone carvings, claws and teeth, and found that trade in tigers continues to take place through captive tiger facilities in Laos. This includes one of the new tiger facilities (Say Nam Theun Facility at Ban Tha Bak) which began tiger breeding operations as recently as 2018 and promotes itself as a tourist attraction but in reality, serves as a front for tiger breeding, killing and selling. Further, a major seizure of seven tiger carcasses in July 2019 in Hanoi, Vietnam has confirmed the role of a serious organised criminal network involved in trafficking tigers from a Laos farm into Vietnam.

The Secretariat’s report fails to include information from its own missions which found serious discrepancies in the numbers of captive tigers in facilities in Laos, raising concerns about the role of such facilities in tiger trafficking.

The Secretariat’s report notes that *Appendices Decision No. 0188/MAF on the Establishment and Management of zoos, wildlife farms, centers for rehabilitation and breeding of wildlife and wild flora farms*, dated 8 February 2019 issued by the Minister of Agriculture and Forestry prohibits commercial breeding of certain species; however it is concerning that *Appendices Decision No. 0188* remains inadequate to the task of fully ensuring compliance with the provisions of the Convention and relevant Resolutions and Decisions”, as required by SC70 recommendation (l). Further clarification and amendments are required to ensure implementation of Decision 14.69 as it is not clear whether the prohibition in Decision No. 0188 would apply to breeding of tigers and other Asian big cats and whether trade in parts and finished products (such as tiger bone wine) from or through such facilities is prohibited.

EIA recommends that SC71 and/or CoP18 adopt a recommendation to immediately suspend commercial trade in all CITES specimens which should remain in force until Laos demonstrates significant implementation of the Secretariat’s recommendations as well as additional recommendations as follows:

- **Urge Laos to prioritise implementation of recommendation (i) as a matter of urgency,**

including investigating individuals and businesses implicated in illegal trade from and through captive tiger facilities in Laos Given the links between captive tiger facilities in Laos and wildlife trafficking and other serious crimes, urge Laos to ensure that any captive tiger facility suspected to be implicated in illegal wildlife trade should not be allowed to continue to keep tigers and other wildlife for any purpose

- **Urge Laos to strengthen Decision No. 0188 to ensure compliance with CITES Decision 14.69**
- **In relation to recommendation (m), urge Laos to ensure that the captive tiger audit provides an explanation for discrepancies in tiger numbers and that Laos’ next report to Standing Committee includes an explanation and evidence (such as documents related to exchange / sale / export), for the movement of tigers from and through these facilities**
- **Upon completion of the audit, consult with the advisory committee of experts regarding a plan to close down the farms, including a means to ensure that there is close monitoring of captive tiger facilities in Laos to ensure that there is no trade/ transfer of tigers from or through these facilities; and that no new tiger cubs are born in these facilities**
- **In relation to recommendation (n), urge Laos to ensure that those with expertise in looking after tigers in captivity and running wildlife sanctuaries where there is no breeding, buying, selling, or handling by visitors are consulted**

SC71 Doc. 11: National ivory action plans process (also related to CoP18 Doc. 27: CITES compliance matters; CoP18 Doc. 69.1: Elephants: Implementation of Resolution Conf. 10.10 (Rev. CoP17) on Trade in Elephant Specimens; CoP18 Doc. 69.3: ETIS report)

The National Ivory Action Plan (NIAP) process is an important framework developed as a response to the elephant poaching crisis. If implemented effectively, the NIAP process can contribute significantly to a reduction in elephant poaching and the illegal trade in ivory. Although the NIAP process has helped some Parties to make significant progress, it is important

² [EIA, 2018. Key concerns and recommendations: SC70 Doc. 27.3.1: Application of Article XIII in the Lao People’s Democratic Republic](#)

to ensure that the NAP framework is effectively implemented in a meaningful manner so that it is successful in reducing elephant poaching and ivory trafficking. Several NIAP issues have been tabled for discussion at CITES SC71 (under Agenda Item 11), however given that SC71 is a one-day meeting of the Standing Committee scheduled to go through a heavy agenda, we would urge that issues pertaining to NIAPs receive due consideration at both SC71 and CoP18.

[The ETIS report to CoP18](#) has identified the following countries of concern, relevant for the NIAP process:

- Category A: Malaysia, Mozambique, Nigeria and Vietnam
- Category B: Kenya, Tanzania, Uganda, China and Hong Kong SAR
- Category C: Democratic Republic of the Congo (DRC), Congo, South Africa, Cameroon, Gabon, Zimbabwe, Angola, United Arab Emirates (UAE), Ethiopia, Cambodia, Singapore, Laos, Turkey and Burundi

SC71 should address the findings of the ETIS report (CoP18 Doc. 69.3) particularly in relation to Vietnam where the report has concluded that Vietnam is “*the leading destination for illicit ivory, surpassing China (including Hong Kong SAR)*” where “*the situation has worsened considerably*”.³ EIA investigations and research, as well as multiple independent sources also confirm that the situation in Vietnam is a serious cause for concern and that vast quantities of ivory continue to be trafficked from Africa into Vietnam by organised Vietnamese criminal networks.⁴ A [new report published by EIA](#) highlights several significant concerns about

lack of progress in Vietnam to tackle wildlife trafficking. EIA calls on SC71 and CoP18 to initiate Article XIII compliance proceedings in relation to Vietnam for lack of sufficient progress in addressing illegal trade in ivory as well as other CITES Appendix-I listed specimens such as rhino horn, pangolin scales and tiger skin and bones.

Further, the ETIS report identifies three new countries for inclusion in the NIAP process: Zimbabwe, Turkey and Burundi. In addition, countries identified as being of concern in the ETIS report but which are not currently participating in the NIAP process include: China, Kenya, Tanzania, Uganda, Singapore, South Africa, and UAE. The Secretariat has recommended that none of these Parties should participate in the NIAP process despite the wealth of information available on the critical role played by these countries in ivory trafficking. EIA recommends that these Parties should be required to participate in the NIAP process, or at minimum to report to SC73 on the concerns identified in the ETIS report

Set out below is a brief summary of recommendations regarding each country of concern. We would also draw your attention to the [recommendations of a report published in September 2018](#) which assessed progress made by several NIAP countries. In addition, we note that the following countries have not submitted a single CITES Annual Illegal Trade Report for the years 2016 and 2017: Angola, Burundi, Cambodia, Cameroon, Congo, DRC, Egypt, Ethiopia, Gabon, Kenya, Mozambique, Sri Lanka, Togo, Uganda, Tanzania and Zimbabwe. The following countries have only submitted one Annual Illegal Trade Report: Laos (2016) and Malaysia (2017).

³ [Pg. 17, ETIS Report - CoP18 Doc. 69.3](#)

⁴ [EIA. 2018. Exposing the Hydra](#); see also [EIA. 2018. Taking Stock: An assessment of progress under the National Ivory Action Plan process](#)

Country	CoP17 ETIS Category	SC70 Progress Rating	CoP18 ETIS Category	Secretariat's Recommendation ⁱ	Recommendation for CITES SC71/CoP18
Vietnam	Category A	None	Category A	None	Note that the ETIS report has concluded that the situation "has worsened considerably" with the country now functioning "as the leading destination for illicit ivory, surpassing China (including Hong Kong SAR)". Other sources also confirm that the lack of meaningful action in Vietnam is exacerbating ivory and other wildlife trafficking. Call for initiating compliance proceedings under Article XIII at SC71/CoP18 with trade suspensions to be imposed at SC73 if significant progress has not been made in addressing illegal ivory trade.
Nigeria	Category B	No progress report	Category A	Submit revised NIAP	Support Secretariat's recommendation and request that Nigeria expedite NIAP implementation especially since it has moved from Category B to A. Request that Nigeria include NIAP progress in its Article XIII progress report due by 31 Dec 2019 so that the NIAP and Article XIII processes are consistent. The report should address key concerns identified in the ETIS report including Nigeria's role as the main entrepôt/exit point for illegal ivory from West, Central and even East Africa, open availability of ivory particularly in Lagos, and growth of ivory processing operations.
Mozambique	Category C	Achieved; consider revision of NIAP or exit at SC73	Category A	Submit revised NIAP	Support Secretariat's recommendation and request that Mozambique expedite NIAP implementation especially since it has moved from Category C to A. Call for SC73 to consider Article XIII proceedings in the absence of sufficient progress particularly to address key concerns identified in the ETIS report regarding transnational organised crime and corruption facilitating high volume illegal ivory trade flows, ivory thefts from government stockpiles, and its role as both a source and entrepôt/exit point for illegal ivory.
Malaysia	Category A	Partial progress	Category A	None	Call for SC73 to consider Article XIII proceedings in the absence of sufficient progress particularly to address key concerns identified in the ETIS report regarding transnational organised crime facilitating high volume illegal ivory trade flows, and its role as an important entrepôt/transit point for illegal ivory.
Kenya	Category A	Achieved; allowed to exit	Category B	Not include in the NIAP process	Reject Secretariat's recommendation. Alternatively, if not required to develop a NIAP, at minimum, request that Kenya report to SC73 demonstrating progress made in addressing concerns identified in ETIS report regarding transnational organised crime and corruption facilitating high volume illegal ivory trade flows, lack of effective prosecutions and role of Mombasa port as a major exit point for illegal ivory.
Tanzania	Category A	Achieved; allowed to exit	Category B	Not include in the NIAP process	Reject Secretariat's recommendation. Alternatively, if not required to develop a NIAP, at minimum, request that Tanzania report to SC73 demonstrating progress made in addressing concerns identified in ETIS report regarding transnational organised crime and corruption facilitating high volume illegal ivory trade flows, including lack of effective and timely prosecutions and its role as an exit point for illegal ivory.
Uganda	Category A	Achieved; allowed to exit	Category B	Not include in the NIAP process	Reject Secretariat's recommendation. Alternatively, if not required to develop a NIAP, at minimum, request that Uganda report to SC73 demonstrating progress made in addressing concerns identified in ETIS report regarding transnational organised crime and corruption facilitating high volume illegal ivory trade flows, and illegal imports into Uganda from Burundi's ivory stockpile.

ⁱ SC71 Doc. 11 and SC71 Doc. 11 Annex 1; CoP18 Doc. 27; CoP18 Doc.69.1; CoP18 Doc. 69.3 (Rev. 1).

Country	CoP17 ETIS Category	SC70 Progress Rating	CoP18 ETIS Category	Secretariat's Recommendation	Recommendation for CITES SC71/CoP18
Mainland China	Category A	Achieved; allowed to exit	Category B	Not include in the NIAP process	Reject Secretariat's recommendation. Alternatively, if not required to develop a NIAP, at minimum, request that mainland China report to SC73 demonstrating progress made in addressing concerns identified in ETIS report regarding transnational organised crime facilitating high volume illegal ivory trade flows, rapidly growing cross-border markets in neighbouring Vietnam, Laos and Myanmar as well as in Cambodia catering to Chinese buyers, Chinese-led criminal syndicates in Africa involved in large-scale ivory trafficking and ivory processing, and under-reporting of ETIS seizure data.
Hong Kong SAR	Category A	None; consider exit at SC73	Category B	None	Request that Hong Kong SAR demonstrate progress made in addressing concerns identified in ETIS report in its SC73 NIAP progress report regarding transnational organised crime facilitating high volume illegal ivory trade flows and delayed implementation of the closure of its legal domestic ivory market.
DRC	Category C	Limited progress	Category C	None	Request that DRC demonstrate progress made in addressing concerns identified in ETIS report in its SC73 NIAP progress report regarding lack of enforcement, presence of an active and significant domestic ivory market, commercial scale exports of worked ivory to Asia and role as a source country.
Congo	Category B	No progress report	Category C	Limited progress rating	Request that DRC address concerns identified in ETIS report in its SC73 NIAP progress report regarding lack of enforcement and role as a source country.
South Africa	Category B	N.A	Category C	Not include in the NIAP process	Reject Secretariat's recommendation. Alternatively, if not required to develop a NIAP, at minimum, request that South Africa report to SC73 on concerns identified in ETIS report regarding illicit ivory trade flows into and from South Africa, growing ivory processing operations and role as a source country.
Cameroon	Category B	Limited progress	Category C	None	Request that Cameroon address concerns identified in ETIS report in its SC73 NIAP progress report regarding its role as a source as well as a transit country and role of the port of Douala as an exit point for large consignments of ivory.
Gabon	Category B	No progress report	Category C	Limited progress rating	Request that Gabon address concerns identified in ETIS report in its SC73 NIAP progress report regarding its role as a source country.
Zimbabwe	None	N.A	Category C	Not include in the NIAP process; encourage prevention of illegal exports of worked ivory	Reject Secretariat's recommendation and include in NIAP process. Alternatively, if not required to develop a NIAP, at minimum, request that Zimbabwe report to SC73 on concerns identified in ETIS report regarding illegal exports of worked ivory, growing ivory processing operations and role as a source country.
Angola	Category C	Limited progress	Category C	None	Request that Angola address concerns identified in ETIS report in its SC73 NIAP progress report regarding growing ivory processing operations presence of Vietnamese syndicates operating in the country.

Country	CoP17 ETIS Category	SC70 Progress Rating	CoP18 ETIS Category	Secretariat's Recommendation	Recommendation for CITES SC71/CoP18
UAE	Category C	N.A	Category C	Not include in the NIAP process	Reject Secretariat's recommendation and include in NIAP process. Alternatively, if not required to develop a NIAP, at minimum, request that the UAE report to SC73 on concerns identified in ETIS report regarding its role as a major transit country for ivory trafficking by air, increasing detection along certain airline routes and the need to strengthen co-operation with source and onward destination countries.
Ethiopia	Category B	Partial progress	Category C	None	Request that Ethiopia address concerns identified in ETIS report in its SC73 NIAP progress report regarding its role as a major source/transit country for ivory trafficking by air, increasing detection along certain airline routes and the need to strengthen cooperation with source and onward transit/destination countries.
Cambodia	Category B	Partial pro-gress	Category C	None	Request that Cambodia address concerns identified in ETIS report in its SC73 NIAP progress report regarding its role as a transit and destination country, presence of a growing ivory market, and the need to strengthen cooperation with China and Vietnam.
Singapore	Category A	N.A	Category C	Not include in the NIAP process	Reject Secretariat's recommendation and include in NIAP process. Alternatively, if not required to develop a NIAP, at minimum, request that Singapore report to SC73 on concerns identified in ETIS report regarding its role as a transit country for large-scale volumes of illegal ivory and the need to strengthen cooperation with source and onward destination countries.
Laos	Category C	Partial progress	Category C	None	Call for reporting on NIAP progress to be included in future Article XIII progress reports.
Turkey	None	N.A	Category C	Not include in the NIAP process but to report on progress	Reject Secretariat's recommendation and include in NIAP process. Request that Turkey's report to SC73 address concerns identified in ETIS report regarding its role as a major transit country for ivory trafficking by air, increasing detection along certain airline routes and the need to strengthen cooperation with source and onward destination countries.
Burundi	None	N.A	Category C	Not include in the NIAP process but to report on progress	Reject Secretariat's recommendation and include in NIAP process. Request that Burundi's report to SC73 demonstrate progress made in conducting an inventory of its ivory stockpile and destroying its stockpile in accordance with best practice to avoid any further leakage. Request Burundi to invite a mission from the CITES Secretariat to assess progress made in implementing recommendations.
Malawi	Category A	Partial progress	None	Achieved rating; allow to exit	Support Secretariat's recommendation however, in light of concerns about increasing poaching and ivory trafficking in Southern Africa, recommend that Malawi remain vigilant and strengthen efforts to tackle illegal ivory trade.
Togo	Category A	No progress report	None	Limited progress rating, strengthen implementation of NIAP	Support Secretariat's recommendation

Country	CoP17 ETIS Category	SC70 Progress Rating	CoP18 ETIS Category	Secretariat's Recommendation	Recommendation for CITES SC71/CoP18
Thailand	Category B	Achieved; allowed to exit	None	None	Given that the ETIS Report acknowledges the presence of organised criminal activity in Thailand, and in light of large-scale ivory trade flows through neighbouring countries, recommend that Thailand be vigilant and strengthen efforts to tackle illegal ivory trade.
Egypt	Category C	Limited progress	None	Note that Egypt did not revise its NIAP as requested by SC70; allow to exit	Reject Secretariat's recommendation. Request that Egypt close its domestic ivory market and report on progress made to SC73.
Japan	Category C	N.A	None	None	Call on Japan to be included in the NIAP process and to demonstrate progress made in closing its legal domestic ivory markets on an urgent basis. Further, request that Japan address concerns identified in ETIS report in its SC73 NIAP progress report regarding lack of enforcement.
Qatar	Category C	Partial progress	None	None	Request that Qatar address concerns identified in ETIS report regarding its role as a major transit country for ivory trafficking by air, increasing detection along certain airline routes and the need to strengthen cooperation with source and onward transit/destination countries.

SC71 Doc. 19: Facilities which may be of concern keeping Asian big cats (*Felidae spp.*) in captivity

See comments and recommendations above under CoP18 Docs. 71.1 and 71.2 regarding lack of progress in implementing Decision 17.226 and 17.229 and comments on China's response to Notification 2018/002.

SC71 Doc. 20: Conservation of and trade in African and Asian rhinoceroses (*Rhinocerotidae spp.*): Report of the Secretariat on Viet Nam

Vietnam continues to be a primary consumer and transit country for rhino horn, and the continued demand for rhino horn in Vietnam has been identified by the IUCN and TRAFFIC as a key driver of the illegal rhino horn trade.⁵ Significant quantities of rhino horn continues to be smuggled into Vietnam by organized Vietnamese criminal networks operating in several countries in Africa and Southeast Asia. An EIA analysis of publicly available information on rhino horn seizures found that as of 22 April 2019 Vietnam has been linked to 26.4 percent of global rhino horn seizures by weight.⁶

Vietnam's report on the implementation of its Penal Code submitted to SC71 underscores that significant work remains for Vietnam to effectively apply its updated enforcement measures in order to investigate and dismantle the organized criminal networks involved in the illegal rhino horn trade. Vietnam reports that in 2018 the Border Guard Command coordinated with other enforcement agencies on 10 cases involving 29 suspects. Two of the cases were processed as criminal violations and the remaining eight as administrative violations, however the particular species involved were not specified nor were the outcomes of the cases or details of the penalties imposed. Moreover, out of 40 illegal wildlife trade cases involving Customs, three involved rhino horn but again no details on the outcomes of the cases or any associated penalties were provided. Vietnam also reports that its Department of Forest Protection

conducted investigations at carving and souvenir are described and the outcome of the investigation is unclear. Vietnam has also failed to establish a national protocol for the collection of rhino horn samples from seizures to be used for forensic analysis, reporting instead that the development of such guidelines remains ongoing.

EIA calls on SC71 and CoP18 to impose trade suspensions against Vietnam for lack of sufficient progress in addressing illegal trade in rhino horn as well as other CITES Appendix I-listed specimens such as ivory, pangolin scales, and tiger skin and bones.

EIA recommends that SC71:

Recommend trade suspensions against Vietnam until demonstrable progress has been made to address its significant role in the illegal trade in rhino horn and other CITES Appendix I specimens

Recommend that (b) should include specifying that Vietnam provide information on the species involved, penalties imposed, and outcome of cases in its report on the status of activities conducted regarding recommendation a) ii);

Urge Vietnam to conduct cross-border investigations together with law enforcement agencies in China, Laos, and other countries implicated in the movement of rhino horn into and out of Vietnam;

Urge Vietnam to institutionalize a protocol for collecting rhino horn samples from seizures as a matter of urgency, and to share such samples with authorities in South Africa for analysis utilizing the Rhino DNA Index System at the University of Pretoria to determine whether the source of the rhino horn can be identified.

shops in two communes in Hanoi, yet no further details

⁵ [CoP18 Doc. 83.1 Annex 2](#)
⁶ EIA Trade Database

Proposals for Amendment of Appendices I and II

Proposal 2 from Mongolia and the United States of America to transfer *Saiga tatarica* (saiga) from Appendix II to Appendix I

The global population of saiga (*Saiga tatarica*), classified as Critically Endangered by the IUCN, has been reduced by more than 86 per cent since the mid-1970s. The IUCN's most recent population estimate found the total number of saiga to be between 164,600 and 165,600 animals comprised of two subspecies, *S. t. tatarica* (approximately 160,000 individuals) and *S. t. mongolica* (approximately 5,000 individuals), found in five range states (Mongolia, Russia, Kazakhstan, Uzbekistan, and Turkmenistan).⁷ Poaching, illegal trade, habitat loss, and mass die-off events threaten to drive the species toward extinction.

A 2019 population census has indicated that Kazakhstan's saiga population has climbed back to roughly the same size as before the mass die-off event in 2015.⁸ While the population increase is welcome news, it should not suggest that the population has fully recovered nor that the threats to saiga are in any way diminished. The continued risk of mass die-offs combined with habitat loss, poaching, and illegal trade present substantial threats to the continued survival of the saiga.

Trade in saiga parts and derivatives consists largely of horn destined primarily for East and Southeast Asian countries for use in traditional medicine. Demand for saiga horn is considerable; in China alone, it is estimated that between six and 10 tons of saiga horn is consumed annually.⁹ All range states have prohibited hunting and legal exports since 2005, and saiga horn stockpiles in countries like Singapore and China supply much of the horn in trade today.¹⁰

However, the current total stockpile of saiga horn, shavings, and other horn derivatives held by the seven most important consumer and trading countries (China, Japan, Kazakhstan, Malaysia, the Russian Federation, South Korea, and Singapore¹¹) is unknown, as is the precise breakdown of pre-Convention specimens and specimens acquired after the Appendix II listing entered into force in February 1995. An accurate accounting of stockpiled specimens, including a breakdown of pre-Convention specimens that by definition do not have a CITES record documenting their import from a saiga range state, is necessary to effectively monitor offtake to prevent illegal saiga horn from being laundered through the stockpile as "pre-Convention."

Despite no new saiga horn legally entering the market from saiga range states, the trade in saiga horn and

horn products sourced from stockpiles persists, raising questions about the legality of the specimens included in the stockpiles and stockpile management practices.

The massive market for saiga horn in consumer countries like China, Singapore, and Malaysia perpetuates consumer demand, which in turn drives poaching and illegal trade. The CITES Secretariat identified at least 88 seizures of saiga specimens including horns, skulls, and medicinal products made around the world between 2007 and 2012.¹² According to the International Fund for Animal Welfare, Russian authorities made at least eight saiga seizures in 2018 involving 358 horns.¹³ Recent large-scale seizures of saiga horn in China demonstrate the presence of organized criminal syndicates trafficking in saiga parts and derivatives. For instance, in September 2016, a six-month investigation culminated with Chinese authorities seizing 1.5 tons of stockpiled saiga horn and arresting 12 suspected syndicate members.¹⁴

Mass die-off events have had the most devastating impacts on saiga populations in recent years. One of the worst die-offs in recent history occurred in 2015 with the loss of 211,000 *S. t. tatarica* in Kazakhstan killed by the bacterium *Pasteurella multocida*, representing a population decline of 62 per cent for the Betpak-Dala population.¹⁵ Additionally, a similar die-off in 2016, caused in this case by the *peste de petits ruminants* virus, eliminated more than half of the then-total population of 11,000 *S. t. mongolica* subspecies.¹⁶

Despite the difficulties associated with breeding saiga in captivity, captive breeding has been suggested as source of saiga horn for commercial use. In 2018, a Chinese pharmaceutical company established its own commercial breeding facility in Ukraine to supply saiga horn for its medicinal products.¹⁷ If saiga remain on Appendix II there is no opportunity for CITES Parties to provide oversight of saiga captive breeding facilities, and under Article VII(5) of the Convention parts and derivatives from saiga produced in captivity would be exported with a captive breeding certificate in lieu of an export permit and would not require a non-detriment finding (NDF). Conversely, an Appendix I listing would require any saiga captive breeding facilities intending to export saiga products to be registered with the CITES Secretariat per Resolution Conf. 12.10 (Rev. CoP15) and exports of saiga products produced from a registered facilities would require an export permit and an NDF under Article VII(4).

Saiga are clearly affected by trade and meet the biological criteria for Appendix I detailed in Resolution Conf. 9.24

7 IUCN SSC Antelope Specialist Group 2018. *Saiga tatarica*. The IUCN Red List of Threatened Species 2018. e.T19832A50194357.

8 Fauna & Flora International. 2019. Steppe change: Kazakhstan saiga population doubled in last two years.

9 CoP16 Doc. 56. 2013. Saiga antelope

10 Saiga Conservation Alliance. Autumn 2018/Winter 2019. Saiga News Issue 24

11 CoP16 Doc. 56. 2013. Saiga antelope

12 CoP16 Inf. 4. 2013. Reported seizures of saiga antelope specimens, 2007 to 2012

13 IFAW. 2019. Report on the research into illegal trade in saiga antelope derivatives in Russia

14 Saiga Conservation Alliance. Autumn 2016 Saiga News Issue 21

15 Kock, R. A., Orynbayev, M., Robinson, S., Zuther, S., Singh, N. J., Beauvais, W. & Rystaeva, R. (2018). Saigas on the brink: Multidisciplinary analysis of the factors influencing mass mortality events. *Science advances*, 4(1), eaao2314.

16 IUCN SSC Antelope Specialist Group 2018. *Saiga tatarica*. The IUCN Red List of Threatened Species 2018. e.T19832A50194357

17 Saiga Conservation Alliance. Autumn 2018/Winter 2019 Saiga News Issue 24

(Rev. CoP17). The species has experienced a marked long-term decline in its wild population, which is now at less than 20 percent of historic levels. Moreover, saiga are susceptible to large fluctuations in population size and are vulnerable to a multitude of intrinsic and extrinsic factors including disease and habitat loss, destruction, and degradation.

EIA recommends that CoP18 adopt the proposal submitted by Mongolia and the United States of America.

Proposal 6 from India, Nepal and Philippines to transfer *Aonyx cinereus* (Asian small-clawed otter) from Appendix II to Appendix I, and Proposal 7 from Bangladesh, India and Nepal to transfer *Lutrogale perspicillata* (smooth-coated otter) from Appendix II to Appendix I

Both species meet the criteria in Resolution Conf. 9.24 (Rev. CoP17) for transfer from Appendix II to Appendix I. Populations of both species have declined by more than 30 per cent in the past 30 years, largely due to significant reductions in their range and the hunting or capture for skins and the pet trade. Illegal trade in skins and the live pet trade poses a serious threat to all Asian otter species.¹⁸

Of 6,010 otter specimens seized worldwide between 1980 and 2018, 383 were identified as Asian small-clawed otters, and 90 as smooth-coated otters, although a large number of skins seized, but not identified to species level, were likely smooth-coated. Between 2004 and 2015, EIA has documented a large number of otter skins offered for sale alongside tiger and leopard skins in China.¹⁹ Illegal pet trade is a growing threat to both species, and live otters are increasingly offered for sale online.

The hairy-nosed otter (*Lutra sumatrana*), Asia's rarest otter species, also meets criteria for transfer to Appendix I. The species has declined by more than 50 per cent in 30 years, to an extremely small population (between 50 and a few hundred individuals) and limited range.

EIA recommends that CoP18 adopt the proposals submitted by India, Nepal, Philippines and Bangladesh.

EIA recommends that CoP18 support any additional proposals to increase protection for *Lutra sumatrana* (Hairy-nosed otter).

Proposal 8 from Eswatini and Proposal 9 from Namibia on *Ceratotherium simum simum* (Southern white rhinoceros)

EIA opposes the proposals by Eswatini and Namibia to weaken CITES protection for rhinos. All populations of African rhino species are under severe pressure from poaching and illegal trade, and many are further at risk from drought, ecosystem degradation, and habitat fragmentation. The ongoing poaching crisis ravaging white and black rhino populations across Africa has lasted more than a decade and resulted in more than 9,200 rhinos killed for their horn, which remains in high demand in Asia, predominantly in China and Vietnam.

Based on publicly available information, an EIA analysis has found that between April 2006 and April 2019, a total of 646 rhino horn seizures have taken place globally involving approximately 6,350kg of rhino horn, equivalent to approximately 2,284 individual horns. Further, EIA records document the seizure of 1,886.4kg of rhino horn linked to China (29.7 per cent of total seizures) and 1,692.7kg linked to Vietnam (27 per cent of total seizures). This indicates that substantial demand for rhino horn exists in these two countries even though their national laws explicitly prohibit trade in rhino horn.

Proposal by Eswatini

Eswatini is seeking to remove the existing annotation to the Appendix II listing of its southern white rhino population, thereby permitting legal trade in rhino horn and other derivatives. By seeking to stimulate demand and allow commercial international trade in rhino horn, this proposal would undermine years of demand reduction efforts, increase the burden on law enforcement, challenge domestic laws restricting rhino horn trade in consumer countries, provide a parallel market to launder illegally sourced rhino horns into trade, and ultimately cause poaching rates to escalate for rhino species around the world.

The proposal presents a simplistic system for legal international trade in rhino horn and fails to address how this system could facilitate the laundering of illegally sourced rhino horn. Potential buyers for Eswatini rhino horn are described as licensed vendors that are "likely to include Traditional Chinese Medicine hospitals in the Far East". There are no systems in place in these "Far East" countries, presumably China and Vietnam, to prevent laundering or allow for legal trade in rhino horn, which would violate a number of domestic laws in both countries.

Eswatini also fails to account for the significant increase in consumer demand for rhino products in countries with substantial latent markets that would result from legalised international trade. A 2018 USAID study on Chinese consumer attitudes toward illegal wildlife products found that 15 per cent of the general population found buying rhino products socially acceptable, and 77 per cent of those surveyed who had purchased rhino products in the past year intended to do so again.²⁰ Moreover, a 2016 NRDC report on demand for rhino horn in China estimated that 8.1 per cent of respondents may have purchased rhino horn in the past decade, and suggests that "demand [for rhino horn] might expand if

18. Gomez, L., Leupen, B.T.C., Theng, M., Fernandez, K., and Savage, M. 2016. Illegal Otter Trade: An analysis of seizures in selected Asian countries (1980-2015). TRAFFIC. Petaling Jaya, Selangor, Malaysia.

19. EIA. 2004. *The Tiger Skin Trail*.

20. USAID. 2018. *Consumer research findings on elephant, pangolin, rhino and tiger parts and products in China*.

legal trade was introduced because it would remove the current deterrent to purchasing”.²¹

Eswatini submitted a nearly identical proposal at CoP17 (Johannesburg, 2016), which was resoundingly rejected by the vast majority of Parties, including African and Asian rhino range states. The defeat of this proposal served as a powerful pronouncement by the world’s governments to maintain the international ban on trade in rhino horn. Three years later, rhino poaching and illegal trade remains a significant threat to the white rhino. The effects of poaching on southern Africa’s rhino populations has been exacerbated by the effects of a prolonged drought that has caused additional rhino mortality. In Eswatini, the recent drought has reduced its already extremely small rhino population to 66 animals from the 73 that comprised its countrywide population at the time of the previous CoP. Thus, the risks that legal trade presents are even greater for Eswatini’s rhinos today than they were three years ago.

Proposal by Namibia

Namibia is seeking to down-list its population of southern white rhino from Appendix I to Appendix II with an annotation to allow international trade exclusively in hunting trophies and live animals to appropriate and acceptable destinations. EIA recommends that CITES Parties reject Namibia’s proposal.

African rhinos remain under significant pressure from poaching and illegal trade in their horn, and Namibia’s white and black rhino populations are no exception. Namibia has averaged 57 rhinos killed annually since poaching rates began to escalate in the country in 2014.²² In 2018, Namibia lost 57 rhinos to poaching, representing an approximately 30 per cent increase over the 44 rhinos poached in 2017.²³ This escalation in poaching prompted a recommendation by the IUCN and TRAFFIC in its report to CoP17 for Namibia to be considered as a Priority Country for Attention by the CITES rhino working group, and this recommendation was echoed in the working group’s report to SC70. Whilst rhino poaching has increased in Namibia, the conviction rate for poaching and rhino horn trafficking has failed to keep pace and remains unacceptably low. Out of 85 reported cases for rhino-related crimes in Namibia between 2016 and October 2018, only one had resulted in a conviction. The IUCN/TRAFFIC report to CoP18 produced in accordance with Resolution Conf. 9.14 (Rev. CoP17) also highlights this concern, noting that delays in forensic reporting have led to case backlogs.²⁴

In the summary of its analysis of Namibia’s proposal, the IUCN and TRAFFIC note that Mozambique, Zimbabwe, and South Africa continue to experience high levels of rhino poaching, though Namibia has been excluded from this list without any justification.²⁵ Namibia has lost more rhinos to poaching than Zimbabwe every year since 2014, including nearly double the number of rhinos lost in 2015-2016 and more than three times as many in 2018.

The proposal presents commercial trade in live animals and hunting trophies as a critical revenue generator for conservation but fails to quantify the financial contribution of non-lethal rhino tourism. Moreover, trade in live animals and hunting trophies is already possible under the existing Appendix I listing and is already occurring with respect to Namibia. Exporter-reported CITES trade data indicates Namibia has traded 29 live white rhinos, 43 white rhino trophies, and 80 white rhino specimens with purpose code ‘H’ between 2010 and 2017.

Namibia’s southern white rhino population remains small at just 1,037 animals according to the proposal. Most are privately owned, leaving only 267 rhinos ranging across three protected areas. The fact that the majority of Namibia’s rhinos are privately owned also raises concerns about the role of the Government in extending due protection to the species and implementing the necessary precautionary measures as per Annex 4 of Resolution Conf. 9.24 (Rev. CoP17); these factors do not justify a down-listing of Namibia’s rhino population.

The small countrywide population of Namibia’s southern white rhinos together with the high risk of poaching and illegal trade justifies the current Appendix I listing of this species.

EIA recommends that CoP18 reject the proposals submitted by Eswatini and Namibia.

EIA recommends that CITES Parties encourage Eswatini and Namibia to withdraw their proposals.

Proposal 10 from Zambia for transfer of *Loxodonta africana* (population of Zambia) from Appendix I to Appendix II

Zambia’s proposal seeks to (a) transfer its elephant population from CITES Appendix I to Appendix II, and (b) trade in ivory and other elephant specimens. EIA recommends that Parties reject this proposal because it does not satisfy the criteria for down-listing. EIA is concerned that the proposal contains contradictory and inaccurate seizure data which downplays poaching in Zambia and the significant role of Zambia in ivory trafficking.

The proposal lacks updated population data to justify down-listing and is based on survey results which date back to 2015. Further, the proposal fails to address a number of key findings from the Great Elephant Census (GEC):

- The GEC found that “in Zambia, elephant populations in the West Zambezi ecosystem plummeted from 900 in 2004 to 48 in 2015, but populations in the Kafue ecosystem grew by 55% to 6,700 over the same time period.” The GEC further noted “wide internal variation in population status in different parts of the country” in Zambia and used the country’s

21 [RDC.2016.Rhino rage: what is driving illegal consumer demand for rhino horn.](#)

22 [CoP18 Doc. 83.1 Annex 2](#)

23 [Xinhua. 2019. 57 rhinos, 26 elephants poached in Namibia last year.](#)

24 [CoP18 Doc. 83.1 Annex 2](#)

25 IUCN/TRAFFIC Analyses of Proposals to CoP18 – Prop. 9

elephant population as an example to illustrate that just because overall the elephant numbers in a country may appear to be stable that does not mean all regional trends are consistent.

- The GEC found massive increases in carcass ratio in Sioma Ngwezi National Park, an indication of large-scale poaching activity. Sharp increases in carcass ratios since 2008 across the country suggest that Zambia's elephant population is still threatened.
- The GEC has noted that certain "elephant populations are on the verge of local extinction" in southwest Zambia.

The 2016 IUCN African Elephant Status Report similarly highlights that poaching continues to be a problem across Zambia.²⁶ The Monitoring of Illegal Killing of Elephants (MIKE) report for CoP18 (CoP18 Doc. 69.2) states that poaching is increasing in South Luangwa National Park (the only MIKE site in Zambia until 2018); four new MIKE sites have been added in Zambia although MIKE data for these sites is not yet available.

Scientists agree that Zambia's elephant population is highly migratory spanning borders with neighbouring countries including those with elephant populations on CITES Appendix I such as Angola and Malawi.²⁷ While Zambia seeks to down-list its elephant population and resume ivory trade, its neighbours continue to face poaching concerns; for example, a recent study warned that Angola's elephant population has been declining since 2015.²⁸ Indeed, Resolution Conf. 9.24 (Rev. CoP17), on *Criteria for amendment of Appendices I and II* does not support split-listing and states that: "Listing of a species in more than one Appendix should be avoided in general in view of the enforcement problems it creates."

Zambia is seeking to sell its ivory; however, its proposal has significant inconsistencies in relation to the size of its stockpile. We are concerned that the proposal presents inaccurate and contradictory seizure data; while the proposal suggests that less than one tonne of ivory was seized in Zambia in 2017, publicly-reported information states that Zambia seized over three tons of ivory in 2017.²⁹ A comparison of the figures presented in the current proposal with the down-listing proposal submitted by Zambia in 2010 indicates that at least 12 tons of ivory have been seized in Zambia since 2010, equivalent to ivory sourced from at least 1,785 elephants.³⁰

The Elephant Trade Information System (ETIS) report for CoP18 (CoP18 Doc. 69.3) identifies Zambia as a country of concern linked with large-scale movements of ivory suggesting a considerable level of criminal activity enabled by corruption. Indeed, the most recent Transparency International Corruption Perceptions Index found that there has been an increase in corruption in Zambia.³¹ The role of Zambian nationals in poaching and trafficking ivory in and around Zambia

has been growing. Since 2011, Zambian nationals have been implicated at least 28 poaching/seizure incidents outside of Zambia, involving over a ton of ivory in Angola, Botswana, Zimbabwe, Malawi, Namibia, and the UK.³² Further, whilst the country has made efforts to increase enforcement action, this has not resulted in successful prosecutions and convictions of offenders. For example, since 2012, over three tons of ivory has been stolen from the Zambian government stockpile. To date, it remains unclear whether there have been any prosecutions in connection to the theft. EIA investigations in 2010 found that Zambia lacked a proper system to address ivory trafficking.³³ Zambia's 2010 down-listing proposal at CoP15 was rejected based on a number of these grounds, and it is concerning that Zambia has still not addressed these critical gaps.

Zambia has failed to consult the majority of African elephant range states who oppose down-listing and are in fact in favour of up-listing all elephant populations and the closure of domestic ivory markets. There is overwhelming evidence to prove that down-listing elephant populations to Appendix II does not prevent elephant poaching or ivory trafficking as the proposal suggests (see comments below) and legal markets provide cover and incentive for illegal ivory trade.³⁴ EIA investigations in China documented the impact of the 2008 CITES one-off ivory sale in fuelling ivory trafficking and stimulating demand for ivory.³⁵

Further, Zambia has failed to submit a single annual illegal trade report as required under CITES reporting obligations. The discrepancies in seizure data as described above also raise concerns about possible under-reporting by Zambia to ETIS. Although Zambia became a Party to CITES in 1981, it does not yet have appropriate CITES legislation (classified under Category 2 of the CITES National Legislation Project).

EIA recommends that CoP18 reject Zambia's proposal.

Proposal 11 from Botswana, Namibia, and Zimbabwe to amend Annotation 2 to the Appendix II listing of *Loxodonta africana* (populations of Botswana, Namibia, South Africa and Zimbabwe); and Proposal 12 from Burkina Faso, Côte d'Ivoire, Gabon, Kenya, Liberia, Niger, Nigeria, Sudan, Syrian Arab Republic and Togo for transfer of *Loxodonta africana* (populations of Botswana, Namibia, South Africa and Zimbabwe) from Appendix II to Appendix I

Botswana, Zimbabwe and Namibia have submitted a

26. IUCN. 2016. African Elephant Status Report: An update from the African Elephant Database.

27. Lindsay, K. et al. 2017. The shared nature of Africa's elephants. *Biological Conservation* Vol. 215 pp.260-267.

28. Schlossberg, S. et al. 2018. Poaching and human encroachment reverse recovery of African savannah elephants in south-east Angola despite 14 years of peace. [Online] 13(3).

29. The Livingstone biweekly. 2018. New Crime Fighting Equipment for the Department of National Parks and Wildlife.

30. Assuming 6.7kg of ivory per elephant as per Centre for Conservation Biology, University of Washington.

31. Transparency International. Corruption Perception Index 2018.

32. EIA Trade Database.

33. EIA. 2010. Open Season: The Burgeoning Illegal Ivory Trade in Tanzania and Zambia.

34. UNODC. 2010. The Globalization of Crime: A Transnational Organized Crime Threat Assessment at 278.

35. E.g., EIA. 2012. Blood Ivory: Exposing the myth of a regulated ivory market.

proposal to amend Annotation 2 to the Appendix II listing of African elephants (*Loxodonta africana*), seeking to reopen international commercial trade in ivory and other elephant specimens sourced from their own elephant populations as well as the population of South Africa. EIA recommends that CoP18 reject this proposal.

The proposal submitted by Burkina Faso and nine other Parties, on behalf of the African Elephant Coalition (which represents the majority of African elephant range states) seeks to strengthen protection of African elephants under CITES by transferring all elephant populations to Appendix I. EIA recommends that CoP 18 support this proposal.

The proposal submitted by Botswana, Zimbabwe and Namibia fails to recognise the devastating consequences that legal ivory markets have on elephant populations which led to the Conference of the Parties calling on all CITES Parties to close domestic ivory markets (Resolution Conf. 10.10 Rev. CoP17). There is overwhelming evidence to show that previous CITES one-off ivory sales had a significant impact on stimulating demand for ivory in China and other Asian markets: they exacerbated elephant poaching and ivory trafficking, resulting in huge declines in some elephant populations particularly in Tanzania and Mozambique.

Poaching and ivory trafficking is a continuing threat to elephants in Appendix II countries and authorising legal trade would only aggravate the situation in the region. In this regard, it is important to note that the elephant populations of all Appendix II countries (Botswana, Namibia, South Africa and Zimbabwe) are shared with countries whose elephant populations are on Appendix I, including Mozambique, Angola, and Zambia.

The MIKE Report for CoP18 (CoP18 Doc. 69.2) has found an increase in Proportion of illegally killed elephants (PIKE) for Southern Africa since 2016, including in Chobe National Park (Botswana) and Kruger National Park (South Africa). The 2016 IUCN African Elephant Status Report noted a serious decline in Zimbabwe's elephant population.³⁶ The IUCN Report also highlighted the "poaching of elephants by armed gangs" as an increasing threat in northern Botswana and found a "notable increase" of carcass ratio since 2012 in Botswana. In relation to South Africa, the IUCN report noted an increase in elephant poaching since 2008, particularly in Kruger National Park. Indeed, South Africa's recent introduction of Project Ivory in Kruger Park is a recognition of increased poaching there.³⁷ Regarding Namibia, the IUCN Report noted an increase in poaching in the Zambezi Region since 2006. According to data from the GEC, elephant population had decreased by 15 per cent since 2010 in Botswana and by 6 per cent in Zimbabwe; within the Sebungwe region in Zimbabwe, the population was reduced by 74 per cent.³⁸

The ETIS report to CoP18 (CoP18 Doc. 69.3) recommends South Africa and Zimbabwe as Category C countries of concern, which may potentially be requested to participate in the National Ivory Action Plan (NIAP)

process, finding that "considerable quantities of ivory have entered international trade from South Africa" and that Zimbabwe is a major source of raw ivory. The ETIS Report also identifies Namibia as a country of origin or export for illegally worked ivory, and that Botswana is also an important source of illegal trade in raw ivory.

The proposal submitted by Burkina Faso and other Parties demonstrates that the overwhelming majority of African elephant range states are in favour of closing all domestic ivory markets and that there is very little international appetite for resuming international commercial trade in ivory, including China, historically home to one of the world's largest ivory markets, which has recently implemented a domestic ivory trade ban.

EIA recommends that CoP18 reject the proposal by Botswana, Namibia and Zimbabwe and support the proposal submitted by Burkina Faso and other Parties. At a minimum, EIA urges CoP18 to support proposals that either maintain or increase protection for elephants under the CITES framework.

Proposal 19 from Burkina Faso, Cote d'Ivoire, and Senegal to transfer *Balearica pavonina* (black-crowned crane) from Appendix II to Appendix I

The black-crowned crane (*Balearica pavonina*) has a total estimated population of between 43,000 and 70,000 individuals. It is classified as Vulnerable by IUCN, which notes that the population is declining rapidly as a result of capture for domestication or illegal international trade, as well as habitat loss. The global population is comprised of two subspecies, *B. p. pavonina* (15,000 individuals) and *B. p. ceciliae* (28,000-55,000 individuals).³⁹

The black-crowned crane has been included in the Review of Significant Trade (RST) process twice. First after AC24 in 2009 as an urgent case for all range states. Thereafter, at AC26 in 2012 when the species was retained for Guinea (urgent concern), Nigeria (possible concern), and Sudan and South Sudan (possible concern). Nigeria was removed from the RST at SC63 in 2013 after the Committee determined that Nigeria had implemented relevant recommendations. SC63 recommended that trade suspensions for Guinea, Sudan and South Sudan remain in place.

At AC29 in 2017, the black-crowned crane was once again included in the RST, this time for Mali (high volume, globally threatened). No response was received from Mali by AC30. The RST working group at AC30 in 2018 suggested that the cranes traded by Mali could be unreported re-exports of cranes originally sourced from Guinea, which remains under a trade suspension. Recommendations for Mali were provided in AC30 Com. 11 (Rev. by Sec.) and included the establishment of a

36. IUCN. 2016. African Elephant Status Report: An update from the African Elephant Database.

37. The Citizen. 2019. Kruger Park launches Project Ivory to protect its elephants.

38. The Great Elephant Census. 2015.

39. BirdLife International 2016. Balearica pavonina. The IUCN Red List of Threatened Species 2016: e.T22692039A93334339.

zero-export quota within 30 days.

In addition to ongoing illegal trade, the black-crowned crane is also experiencing pressure from habitat loss and degradation caused by environmental factors such as drought and anthropogenic activities including agriculture and industrial construction.⁴⁰

EIA recommends that CoP18 adopt the proposal submitted by Burkina Faso, Cote d'Ivoire, and Senegal.

Proposal 29 from St. Vincent and the Grenadines to list *Gonatodes daudini* (Union Island gecko) in Appendix I

The Union Island gecko meets the criteria in Resolution Conf. 9.24 (Rev. CoP17) for inclusion in Appendix I. The Union Island gecko is classified as Critically Endangered by the IUCN and survives within a single forest fragment totalling less than one square kilometre on Union Island in St. Vincent and the Grenadines.⁴¹ According to the proposal, the total population of the species is comprised of 9,957 individuals, though a separate study has estimated the population to be 8,176 individuals.⁴²

The international pet trade is the primary threat to the species' survival.⁴³ This claim is supported by a 2019 study which found that 36 Union Island geckos were advertised for sale online between September 2014 and December 2018;⁴⁴ all advertisements were posted by traders based in European countries, with German-based dealers accounting for 39 per cent of the postings. Of the 19 advertisements, only seven provided information on the origin of the animals and amongst these, five geckos were reported to have been obtained from the wild.

EIA recommends that CoP18 adopt the proposal submitted by St. Vincent and the Grenadines.

Proposal 36 from Bangladesh, India, Senegal and Sri Lanka to transfer *Geochelone elegans* (Indian star tortoise) from Appendix II to Appendix I

This species was classified as 'Vulnerable' by the IUCN Red List in 2016 (previously listed as 'Least Concern'),⁴⁵ with poaching for international trade highlighted as a significant threat. A 2015 study found discrepancies in the CITES trade data that indicate potential illegal activity.⁴⁶ The same study also found that 55,000 individuals had been poached over one year in a single location

in southern India. The role of transnational organised crime has been widely recognised in the trafficking of Indian star tortoise, with sophisticated criminal groups becoming established in the trade of the species.⁴⁷

EIA recommends that CoP18 adopt the proposal submitted by Bangladesh, India, Senegal and Sri Lanka.

Proposal 50 from Malawi to include *Widdringtonia whytei* in Appendix II

Widdringtonia whytei ("Mulanje cedar"), a conifer of the cypress family is endemic to the Mount Mulanje massif and is the national tree of Malawi. The species is classified on the IUCN Red List of Endangered Species as "critically endangered". A baseline survey in 2017 found only seven mature individuals left in the wild and concluded that the species was practically extinct. A survey in 2018 found no mature individual trees left in the wild. Malawi has started a major effort to restore *Widdringtonia whytei* in its natural habitat on Mount Mulanje, while small plantations have also been established in other areas in the country. The catastrophic downfall of the Mulanje cedar can be attributed to illegal logging, fire damage and invasive tree species. Harvesting was previously authorized for the salvage logging of dead trees, but since 2007, all logging of the species is illegal. It is estimated that in the last ten years, 115,000 m³ of Mulanje cedar have been harvested illegally.

As the national tree of Malawi, it plays a significant role in the country's culture, and social fabric, so its extinction would have consequences far beyond the obvious ecological and economic implications. Given the dire state of this species in the wild it is necessary to include it in CITES Appendix II, while continuing its restoration and plantation development efforts.

EIA recommends that CoP18 adopt the proposal by Malawi to include *Widdringtonia whytei* in Appendix II.

Proposal 54 from Malawi to include *Pterocarpus tinctorius* in Appendix II

The global trade in both *Dalbergia* and *Pterocarpus* species has been widely recognized as being out of control, unsustainable and largely illegal. As stated in CoP17 Inf. 48: "Serial depletion of rosewood species across the globe is a real and substantial risk to their survival".⁴⁸

40. Meine, C. D. and Archibald, G. W. 1996. The cranes - status survey and conservation action plan. International Union for Conservation of Nature and Natural Resources, Gland, Switzerland, and Cambridge, U.K.

41. Powell, R. & Henderson, R.W. 2011. *Gonatodes daudini* (errata version published in 2017). The IUCN Red List of Threatened Species 2011: e.T194258A115333400.

42. Shepherd, C. R., Janssen, J., & Noseworthy, J. 2019. A case for listing the Union Island Gecko *Gonatodes daudini* in the Appendices of CITES. Global Ecology and Conservation, e00549.

43. Daltry, J.C., Adams, R., Gaymes, G., Providence, F., Sweeney, R. 2016. Union Island Gecko: Conservation Action Plan, 2016e2021. Report to the Saint Vincent & the Grenadines Forestry, Department, Fauna & Flora International, Union Island Environmental Attackers and Virginia Zoo.

44. Shepherd, C. R., Janssen, J., & Noseworthy, J. 2019. A case for listing the Union Island Gecko *Gonatodes daudini* in the Appendices of CITES. Global Ecology and Conservation, e00549.

22. EIA Trade Database: EIA. 2016. Skinning the Cat.

46. D'Cruze N, Singh B, Morrison T, Schmidt-Burbach J, Macdonald DW, Mookerjee A (2015) A star attraction: The illegal trade in Indian Star Tortoises. Nature Conservation 13: 1-19.

47. Earth Touch News. 2015. Tortoise's starry shell makes it a target for 'shocking' illegal trade.

48. Cop17 Inf. 48.

Available information indicates that the illegal and unsustainable exploitation of *Pterocarpus tinctorius*, often referred to as “Mukula” in range states, has already had severe reported impacts on its wild populations in various range states. Without stronger protection and international regulation of trade, the growing exploitation of *Pterocarpus tinctorius* is likely to result in the commercial extinction of the species in various range states.

The “boom” in Mukula wood trade started in Zambia after 2010, and the extraction of the African rosewood has since spread throughout neighboring countries. As Cerutti et al. found, existing national laws have proven inadequate for coping with the fast-spreading international business models of Chinese traders and “while Zambian forests were being emptied of rosewood [...], buyers and traders had already started storming the forests of Malawi, DRC and Mozambique and shipping containers from Kenya, Tanzania, Mozambique, South Africa and Namibia.”⁴⁹ The same well documented model of trans-border “boom and bust”⁵⁰ in the rosewood trade which brought *Pterocarpus erinaceus* (“kosso”) to the brink of commercial extinction in several range states, is now playing out for Mukula trees, creating a ‘leakage’ effect, which simply shifts negative impacts from one geography to another. As stated by Malawi⁵¹, “*Pterocarpus tinctorius* will be the next domino to fall” in the search for the last available rosewood resources.

Although several range States have passed protective measures at various stages such as harvesting and/or export bans, illegal logging and trade in *P. tinctorius* continues to thrive through well-organized smuggling routes, often involving multiple countries, including non-range states. For example, when Mozambique and Angola banned log exports in 2017, exports surged in Namibia, which has no standing populations of *P. tinctorius* itself (Grobler 2017).

As with all rosewood species, the principal destination for *P. tinctorius* is China, which has no regulation in place that prevents the import of illegal timber. Reliable trade data regarding this species is hard to come by since it has not been included in the official list of Chinese “Hongmu” species, although various studies and field investigations over the past years have confirmed a surge in uncontrolled illegal logging and trade in *P. tinctorius* from African countries.⁵² In the case of Zambia, Chinese customs data shows log imports have almost doubled from 35,000 m³ in 2015, to 65,000 in just the first half of 2017. Exceeding the total number of logs in all of 2016. CIFOR research indicates that “the vast majority” of these logs are *P. tinctorius*⁵³.

Misdeclaration upon export is common, resulting in staggering discrepancies between exporting and importing countries. In 2016, Zambia declared log exports of about 3,000m³ with an approximate value of US\$900,000, while China declared imports of about 61,000m³ with an approximate value of US\$87 million.

Paying bribes to high level officials as well as to control posts during road transport in range states is reported by traders as being part of the rosewood business model. According to Cerutti et al., recent Mukula trade in Zambia has amounted to an estimated 110,000m³ per annum, with revenue losses of about US\$3.2 million, and estimated bribes paid to state officials of about US\$1.7 million. The forest area harvested for this volume is estimated to be between 90,000 and 150,000 hectares.

The history of devastating logging and trade in other rosewood species (*Dalbergia cochinchinensis*, *Pterocarpus erinaceus*) serves as a cautionary tale that the international regulation of trade is necessary in order to ensure the sustainable harvesting and trade of high demand precious rosewood species, in order to protect such species from commercial extinction.

The Appendix II listing will provide urgently needed support to range states in the management and regulation of the trade in *Pterocarpus tinctorius*. For example, the listing of *Pterocarpus erinaceus* in Appendix II at CoP17 can be expected to result in a significant reduction in illegal harvesting and trade, saving the species from commercial extinction.

EIA recommends that CoP18 adopt the proposal by Malawi to include *Pterocarpus tinctorius* in Appendix II.

Proposal 57 from Ecuador to include *Cedrela odorata* in Appendix II, and to include all species of the genus *Cedrela* spp. in Appendix II

The *Cedrela* genus represents 17 tree species, the distribution of which extends throughout Latin America from Mexico in the North to Argentina in the South. By far the most exploited and traded species, *Cedrela odorata*, makes up over 90 per cent of the trade in *Cedrela*. However, as expressed by various range states, physical and anatomical characteristics of the wood makes it extremely difficult to distinguish between species of *Cedrela* in trade, and the genus is often treated as one single species in forest management plans. Trade in *Cedrela*, in particular *Cedrela odorata*, has seen a significant increase over the past 17 years, as both exports and prices for the species rose sharply after *Swietenia macrophylla* was included in CITES Appendix II in 2002. Bolivia and Brazil have listed *Cedrela odorata* on Appendix III since 2001. In addition, Colombia, Guatemala, and Peru listed their national populations on Appendix III. In 2010, Bolivia included *Cedrela fissilis* and *Cedrela lilloi* in Appendix III.

Uncontrolled overexploitation and illegal logging are the main causes for changes observed in population structures and have led to the overall decline in *Cedrela* spp. (Mark & Rivers 2017).

49. IIED/CIFOR. 2018. Informality, global capital, rural development and the environment: Mukula (rosewood) trade between China and Zambia

50. EIA. 2016. Cycles of Destruction: Unsustainability, Illegality, and Violence in the Hongmu Trade

51. CoP18. Malawi. Proposal to list the species *Pterocarpus tinctorius* in CITES Appendix II

52. Kuo. 2018. Chinese demand for rosewood furniture is decimating a rare, slow-growing species of African tree

53. Cerutti. 2018. A Ponzi scheme with Nature? Lessons from the Zambia-China rosewood trade.

Illegal logging rates are found to be elevated in the majority of range states, in particular the largest exporters Peru and Brazil. In Peru alone, the government oversight agency OSINFOR identified the illegal extraction of 274,000m³ of timber valued at more than \$30 million, equivalent to 5,000 loaded trucks between October 2017 and August 2018.⁵⁴ EIA has been documenting the systematic large-scale illegal harvesting and trade of cedar and mahogany in Peru since 2012.⁵⁵

International regulation of trade in *Cedrela spp.* through listing on Appendix II will provide much needed support to range states to control the harvesting and export of the heavily traded species in order to ensure the survival of wild populations, while at the same time assuring importing parties of the legal origin of the wood.

EIA recommends that CoP18 adopt the proposal by Ecuador to include *Cedrela spp.* in Appendix II.

54. Ojo Publico. 2018. Dirty Timber. The last trees of the Amazon.

55. EIA. 2012. The Laundering Machine. How Fraud and Corruption in Peru's Concession System are Destroying the Future of its Forests.

CoP18 Working Documents

1. CoP18 Doc. 15.5: The International Consortium on Combating Wildlife Crime (ICCWC)

EIA welcomes the significant contributions of ICCWC and the support provided by the donor community for implementing ICCWC activities. EIA welcomes the implementation of the ICCWC Wildlife and Forest Crime Analytic Toolkit in 25 countries (at various stages of implementation); the Toolkit enables Parties to address key gaps in the preventive, law enforcement, and criminal justice responses to wildlife crime. Further, the implementation of the ICCWC Indicator Framework for Wildlife and Forest Crime is now included as an integral part of the implementation of the ICCWC Toolkit which facilitates information gathering for the Toolkit analysis.

EIA is concerned however, that in most cases, the ICCWC Toolkit/Indicator Framework analysis and recommendations are not publicly available, raising concerns regarding lack of transparency and accountability and making it difficult for stakeholders, including donors, to assess progress made. While the Toolkit analyses and reports of some Parties have been made publicly available, several Parties which have completed the Toolkit/Indicator analysis have declined to publish the report including: Botswana, Gabon, Madagascar, Mexico, Mozambique, Nepal, Peru, and Tanzania. Based on limited publicly available information, it is likely that the recommendations arising from this process are far from being implemented. Thus, EIA disagrees with the Secretariat's conclusion that Decision 17.52(a) (which encourages Parties to make use of the ICCWC Indicator Framework) has been implemented.

EIA recommends that CoP18 adopt new decisions urging:

- **Parties who are yet to implement the ICCWC Wildlife and Forest Crime Analytic Toolkit and ICCWC Indicator Framework for Wildlife and Forest Crime, do so expeditiously; and**
- **All Parties who have completed or are in the process of implementing the ICCWC Toolkit and the Indicator Framework ensure that the ICCWC report and recommendations are publicly available and that the**

recommendations arising from this process are promptly implemented.

EIA recommends that CoP18 support the Secretariat's proposed draft decision on providing funding for ICCWC.

2. CoP18 Doc. 26: National laws for implementation of the Convention

EIA welcomes the progress made by several Parties in adopting new legislation to strengthen implementation of the Convention. There are however two key concerns regarding the current approach towards assessing whether national laws are compliant with the Convention. First, a number of Parties placed in Category 1 of the National Legislation Project (NLP) (i.e. the category for Parties which have been most successful in adopting national legislation for CITES implementation), have key gaps in their legislation which hinder effective implementation of CITES and contradicts their Category 1 assessment. For example, although it is encouraging that Thailand has amended its law to include the African elephant under the Wildlife Animal Preservation and Protection Act, such protection has not been extended to other non-native CITES-listed species including CITES Appendix I species.⁵⁶ Similarly, only some non-native CITES listed species such as African elephants, pangolins and rhinos were recently afforded protection under Cambodian law.⁵⁷ Indonesia does not regulate domestic trade in any non-native CITES listed species.⁵⁸ China has failed to criminalise possession of illegal wildlife products despite only recently amending its wildlife law.⁵⁹ A number of these concerns have also been identified by analysis conducted by EIA.⁶⁰ Yet, all four countries are listed in Category 1.

Second, the criteria currently used for assessing whether legislation is compliant with CITES is outdated and should take into consideration Resolutions and Decisions adopted by the Conference of the Parties calling for legislation which meets important additional criteria to ensure CITES is fit for purpose,⁶¹ including species-specific CITES recommendations applicable to strengthening national legislation.⁶² Finally, a significant body of work has been completed under the ICCWC framework to develop key indicators for appropriate national legislation to combat wildlife and forest crime,⁶³ which is not fully reflected under the criteria used to categorise Parties under the NLP.

56. UNODC. 2017. Criminal justice response to wildlife crime in Thailand: A Rapid Assessment.

57. UNODC. 2018. Cambodia amends legal loophole for wildlife trafficking, but still facing law enforcement obstacles.

58. TRAFFIC. 2018. *Slow and Steady: The Global Footprint of Jakarta's Tortoise and Freshwater Turtle Trade*.

59. EIA. 2016. *Time for Action: End the criminality and corruption fuelling wildlife crime*.

60. Id.; EIA. 2018. *Taking Stock: An assessment of progress under the National Ivory Action Plan process*.

61. E.g., Resolution Conf. 11.3 (Rev. CoP17), on Compliance and enforcement (recommends that illegal wildlife trade be treated as a predicate offence); Resolution Conf. 17.6, on Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention (urges Parties to ensure that any corrupt practices associated with CITES are subject to appropriate penalties); Resolution Conf. 17.8 on Disposal of illegally traded and confiscated specimens of CITES-listed species (provides guidelines for disposal of CITES specimens).

62. E.g., Resolution Conf. 10.10 (Rev. CoP17), on Trade in elephant specimens (recommends that Parties amend legislation to close their domestic ivory markets); Resolution Conf. 12.5 (Rev. CoP17) on Conservation of and trade in tigers and other Appendix-I Asian big cat species (urges Parties to voluntarily prohibit internal trade in Asian big cats); Resolution Conf. 9.14 (Rev. CoP17) on Conservation of and trade in African and Asian rhinoceroses (calls for legislation to facilitate the use of specialized investigation techniques); Resolution Conf. 11.8 (Rev. CoP17) on Conservation of and control of trade in the Tibetan antelope (recommends legislation to eliminate commercial trade in Tibetan antelope).

63. E.g., UNODC. 2018. *Guide on Drafting Legislation to Combat Wildlife Crime*.

EIA recommends that CoP18 adopt a decision directing the Secretariat, in collaboration with ICCWC and other relevant stakeholders, to:

- **review the current categorisation of Parties and the criteria used to classify Parties in Categories 1, 2 and 3 of the NLP; and**
- **propose to CoP19 any changes to the NLP categorisation of Parties, and any relevant amendments to Resolution Conf. 8.4 (Rev. CoP15) with the view to harmonize and strengthen national legislation of CITES Parties related to legal and illegal trade in CITES listed species.**

3. CoP18 Doc. 27: CITES compliance matters

Regarding the application of Article XIII in the Lao People's Democratic Republic (Laos):

Please refer to comments above under SC71 Doc. 10.1 - Application of Article XIII in the Lao People's Democratic Republic.

Regarding the National Ivory Action Plans (NIAPs):

Please refer to comments above under SC71 Doc. 11 - National ivory action plans process.

4. CoP18 Docs. 30.1 and 30.2: Compliance in relation to Malagasy ebonies (*Diospyros spp.*) and palisanders and rosewoods (*Dalbergia spp.*), Report of Madagascar and Report of the Standing Committee

The trade suspension of trade in Malagasy ebonies, palisanders, and rosewoods was upheld by SC69⁶⁴ and confirmed by the Secretariat in its conclusions for SC70.⁶⁵ It is necessary to clarify the maintenance of the trade suspension in Decision 18.AA of Doc. 30.1 at CoP18.

At its 69th meeting, the Standing Committee noted the fact that none of the high-level offenders and highly influential timber barons have been convicted to date in Madagascar and subsequently recommended to amend paragraph e) of Decision 17.204: "significantly strengthening control and enforcement measures against illegal logging and export at the national level, including seizures, investigations, arrests, prosecutions, and sanctions, including towards high-level offenders,"⁶⁶ While certain arrests have been made in connection to suspected shipments, organizers of timber crime in Madagascar continue to go unpunished,

often thanks to high-level political connections. As documented by EIA and others,⁶⁷ some were even proposed to directly benefit from potential future stockpile sales.

The Standing Committee at its 69th meeting, has recognized the importance of vast amounts of hidden stockpiles in Madagascar, which are estimated up to two million logs⁶⁸ – over 80 percent of the country's total stockpiles. These "hidden stockpiles" are currently being completely ignored and pose a significant risk of increased timber laundering and illegal trade. An effort needs to be made to recover them as part of the stockpile plan. Given the scale of hidden stockpiles and the risk they pose regarding increased timber laundering and illegal trade, this recommendation from SC69⁶⁹ should be included in the Decisions adopted by CoP18.

At SC70, the EU proposed the following amendment to the text of paragraph f) of Decision 17.204 in order to clarify an adequate sequencing of measures to ensure that potential stockpile sales cannot be carried out without appropriate functional governance frameworks and adequate enforcement measures in place: "submit regular updates on audited inventories of at least a third of the stockpiles of species of *Dalbergia* and *Diospyros* from Madagascar, and after substantial progress has been achieved on paragraphs a) to e), submit a modified use plan for consideration, approval and further guidance from the Standing Committee."⁷⁰ This underlined portion of the amendment proposed by the EU should be inserted in paragraph f) of the Decision.

EIA recommends that CoP18 adopt the Secretariat's draft decisions in CoP18 Doc. 30.2, subject to the following amendments:

- **Include maintenance of trade suspension on Malagasy *Diospyros* spp. and *Dalbergia* spp in the text of draft decision 18.AA**
- **Add "including towards high-level offenders" at the end of 18.BB e)**
- **Add paragraph to 18BB as per SC69 SR: "Make progress in developing a plan for how it will identify and take control of undeclared and hidden stocks of *Dalbergia* spp. and *Diospyros* spp. and provide information related to these efforts in its report to the Standing Committee."**⁷¹
- **Include provision as per SC70 Com.14 ensuring adequate sequencing of measures: compliance with relevant decisions is necessary before potential stockpile sales**

⁶⁴ SC69 SR

⁶⁵ SC70 Doc. 27.5.2

⁶⁶ SC69 SR

⁶⁷ EIA, 2018. *Paying Off the Traffickers: A Costly and Dangerous Precedent*

⁶⁸ SC67 Doc. 19.1

⁶⁹ SC69 SR

⁷⁰ SC70 Com.14

⁷¹ SC69 SR

could be considered.

- **Amend paragraph g) to require written progress reports to Plants Committee, Standing Committee and CoP19.**

5. CoP18 Doc. 31: Domestic markets for illegally traded specimens

EIA agrees with the finding that ivory bans in one country could potentially shift markets into adjacent countries leading to an increase in volume of sales. EIA is concerned that this precise problem will play out in the Asian region as China and Hong Kong SAR implement their domestic ivory bans while Japan continues to protect its legal domestic ivory market. EIA also shares the concerns regarding the enforcement of domestic ivory bans online, including illegal ivory trade through social media and agrees that it is appropriate to await the findings and recommendations of the full study before considering possible amendments to Resolution Conf. 11.3.

EIA recommends that CoP18 adopt the proposed amendment to Resolution Conf. 10.10 (Rev. CoP17) on Trade in elephant specimens contained in Annex 1 and the revised Decisions 17.87-17.88, contained in Annex 2.

In relation to the second phase of the study on domestic controls in consumer markets for specimens of CITES-listed species for which international trade is predominantly illegal, EIA supports the observation of the Secretariat that the study focuses on rhinoceroses, Tibetan antelope, tiger, cheetah, leopard and pangolins.

6. CoP18 Doc. 32: Enforcement Matters; and Doc. 36: Storage and management of illegal trade data collected through the Parties' annual illegal trade reports

The Conference of the Parties has increasingly affirmed the importance of strengthening the enforcement response to illegal trade in CITES-listed species for the implementation of the Convention. The newly established annual illegal trade report process facilitates the gathering of data on illegal trade in CITES species. The Convention has operated with inconsistent or limited information on illegal trade for more than 40 years whilst continuing to make important decisions on trafficked species; if implemented properly, the annual illegal trade report process could overcome this gap and play a critical role in enabling CITES Parties to accurately assess the threat posed by wildlife and timber trafficking.

The Secretariat's report in CoP18 Doc. 32 indicates that 120 Parties have failed to submit their annual illegal trade report for 2016, and 123 Parties failed to report for

2017; the majority of CITES Parties (65-67 per cent) are therefore failing to submit annual illegal trade reports. 114 Parties (62 per cent) have failed to submit a single annual illegal trade report including Botswana, Cambodia, Democratic Republic of the Congo (DRC), Indonesia, Kenya, Russia, Tanzania, Zambia and Zimbabwe.

Further, there remain serious concerns regarding lack of transparency and accountability in relation to enforcement matters. The illegal trade reports (excluding any sensitive information) are not publicly available which is a particular concern because analysis from the annual illegal trade reports is not made available in time for relevant meetings of the CITES Standing Committee and Conference of the Parties. While the UNODC is preparing the much anticipated second World Wildlife Crime Report expected to be published in the next few months, it is unclear whether the Report will be published in sufficient time to inform decision-making at CoP18. EIA recommends strengthening the proposal in CoP18 Doc. 36 in order to address concerns of transparency and ensure that trade data analysis is made available in time for key CITES meetings.

The Secretariat's report in CoP18 Doc. 36 contains a proposal to provide funding for UNODC for the management and analysis of CITES annual illegal trade data. EIA welcomes the engagement of UNODC in this initiative and strongly urges CITES Parties and the donor community to provide the funding required to ensure that this creates a long-term sustainable mechanism that will inform the decision making of Parties.

CoP18 Doc. 32

EIA recommends that CoP18 adopt a decision requesting Parties which have not submitted their annual illegal trade reports for 2016 and/or 2017, to do so no later than 31 July, 2019, and directing the Standing Committee to consider appropriate measures for failure to submit such reports, including measures under Resolution Conf. 14.3 on CITES Compliance Procedures.

CoP18 Doc. 36

EIA recommends that CoP18 adopt the proposed draft Decisions subject to the following amendments in the proposal in Annex A: (a) enabling public access to the illegal trade data management system excluding any sensitive information; and (b) requesting that UNODC submit the annual deliverables listed in Section 3.3 of Annex A in time for meetings of the CITES Standing Committee and Conference of the Parties.

7. CoP18 Doc. 39: Guidance for making legal acquisition findings

Verification of legal acquisition is fundamental to

the effectiveness of CITES implementation. The draft resolution and guidance contained in CoP18 Doc. 39 provides important additional tools to support Management Authorities in carrying out their duties. They were drafted and refined during the expert workshop and during subsequent discussions at Animals Committee and Standing Committee.

EIA is disappointed that language explaining the obligations of importing Parties to verify the validity of CITES documents accompanying shipments of CITES-listed specimens, and to exercise due diligence when presented with a CITES permit or certificate, were removed from the draft resolution at SC70 and are now only included by reference to Resolution Conf. 11.3 (proposed amends in CoP18 Doc 40). EIA supports the proposed amends to Resolution Conf 11.3; however, we agree with the Secretariat that international cooperation is at the heart of the Convention and the legal acquisition finding (LAF) process and that, in this spirit, the duties of both importing and exporting Parties should be included in the draft resolution. At the CoP, Parties are free to expand the scope of the resolution beyond the original mandate from CoP17 which was narrowly interpreted at SC70 by some Parties to only include the duties of exporting Parties. EIA encourages Parties to re-insert text in the resolution to include the shared responsibility of importing Parties in the verification of legality (including due diligence), although this need not necessarily go into the same level of detail as the proposed additions and amendments in CoP18 Doc 40.

EIA supports the draft resolution on Legal Acquisition Findings, including Annex 1 “Guidance for making legal acquisition findings,” and encourages Parties to add text to the resolution to include the shared responsibility of importing Parties in the verification of legality (including due diligence).

8. CoP18 Doc. 40: Due diligence by CITES Parties and obligations of importing countries

EIA supports the proposed amendment to Resolution Conf. 11.3 regarding the duties of importing Parties with respect to verifying legal acquisition. In addition, EIA supports the inclusion of similar language in the draft resolution in CoP18 Doc. 39 which is explicitly focused on legal acquisition findings. See also comments on CoP18 Doc. 39 above.

EIA recommends that CoP18 adopt the proposed amendment to Resolution Conf. 11.3 explaining the obligations of importing Parties to verify the validity of CITES documents accompanying shipments of CITES-listed specimens and to exercise due diligence when presented with a CITES permit or certificate.

9. CoP18 Doc. 45: Non-detriment findings

EIA welcomes the document submitted by the Animals Committee in collaboration with the Chair of the Plants Committee and urges Parties to support the draft decisions on *non-detriment findings* (NDFs). The decisions support implementation of Resolution Conf. 16.7 (Rev. CoP17) on Non-detriment findings by directing the Secretariat to review available materials and guidance for making NDFs and, in consultation with the Animals and Plants Committees, to identify gaps where new or additional guidance is needed. The Secretariat is further directed to organize one or more interdisciplinary expert workshops on NDFs, including a second international expert workshop on NDFs as a follow-up from the expert workshop held in Cancun, Mexico, in 2008. The Animals and Plants Committees should review the Secretariat’s analysis of existing NDF materials and preparations for the second international expert workshop, and report on these activities to CoP19.

While non-binding guidance is useful for Parties to make the best-possible NDFs, EIA is concerned that many Parties fail to abide by key components of Resolution Conf. 16.7 (Rev. CoP17), namely the provisions in paragraphs 2(d) and (e), which encourage Parties to maintain written records of the science-based rationale included in the Scientific Authorities’ NDF assessments, and to provide these written records to the Secretariat for publication on the CITES website. It is impossible to ensure Parties are abiding by Articles III and IV of the Convention without improved transparency and accountability with respect to NDFs, critical to the successful implementation of CITES.

EIA recommends that CoP18 adopt the decisions contained in CoP18 Doc. 45 and calls on Parties to maintain written records of the science-based rationale used in NDF assessments and to provide these records to the Secretariat for publication on the CITES website in accordance with Resolution Conf. 16.7 (Rev. CoP17).

10. CoP18 Doc. 48: Black rhinoceros hunting trophies: export quota for South Africa

EIA opposes the proposal submitted by South Africa to increase its annual quota from five adult male black rhinos (*Diceros bicornis*) to a total number of adult male black rhinos not exceeding 0.5% of the total black rhino population in South Africa in the year of export. Based on the most recent estimate of South Africa’s total black rhino population (1,893 individuals⁷²), the proposal would approximately double the export quota from five to nine rhinos.

Africa has been afflicted by rampant rhino poaching for more than a decade, for which South Africa has been ground zero. Rhino poaching began to increase in South Africa in 2007, which saw 13 rhinos killed, before rapidly increasing in subsequent years until peaking at

⁷² CoP17 Doc. 68 Annex 5.

1,215 rhinos poached in 2015.⁷³ Poaching remains a major threat to South Africa's rhinos, with more than 1,000 rhinos lost annually to poaching between 2013 and 2017. In total, 7,912 rhinos have been poached in South Africa since 2007 according to official statistics from South Africa's Department of Environmental Affairs.

At only 5,250 individuals, the black rhino is listed as Critically Endangered by the IUCN and is faced with a greater risk of extinction than Africa's other rhino species, the white rhino, whose total population numbers approximately 20,378.⁷⁴ Decades of poaching in the latter half of the 20th century reduced the continent's black rhino population to only a fraction of its former size (reduced by 97.6 per cent since 1960) and extirpated the species from several of its former range states.⁷⁵ South Africa is home to 1,893 black rhino, made up of all three extant subspecies. The southern-central black rhino (*D. b. minor*) is the most abundant at approximately 1,560 individuals, but also under the most pressure from poaching. The countrywide population of *D. b. minor* is decreasing at a rate of 1.35% annually according to the proposal. The populations of the other two subspecies, *D. b. bicornis* and *D. b. michaeli*, are significantly smaller at 254 and 79 individuals, respectively.

The proposal seeks to nearly double the export quota for black rhino trophies, yet between 2005 and 2015 South Africa's black rhino trophy exports have averaged less than the current maximum quota of five trophies. The proposal goes on to argue that trophy exports would provide an incentive for private individuals to possess black rhinos, thus increasing its range. The claim that an extra four trophy exports will provide meaningful motivation for more private individuals to own black rhinos is dubious; however, this is not to say that a higher quota will be beneficial. The proposal concedes that an export quota of 0.5% of the population for hunting trophies will increase total offtake to 48 per cent of the potential annual population increment. Any greater increase to a potential trophy hunting quota would be a reckless decision for a small, endangered population faced with a significant poaching threat.

Moreover, the proposal acknowledges that suitable habitat is available in at least seven national parks located within the black rhino's historic range, but due to insufficient security measures does not present a viable option for range expansion. The IUCN reports that black rhino habitat is declining in area, extent and/or quality,⁷⁶ and securing intact habitat so that South Africa can increase its truly wild population of black rhino should be a priority for black rhino recovery, yet the proposal does not commit to utilizing revenues from the increased export quota for habitat acquisition or anti-poaching measures, instead asserting that such revenues "could" be used for such purposes.

EIA recommends that CITES Parties reject the proposal submitted by South Africa to increase its export quota for black rhino trophy exports.

11. CoP18 Doc. 49.1: Implications of the transfer of a species to Appendix I: Report of the Secretariat

The Secretariat has provided a legal analysis of the treatment of trade in specimens acquired while the specimen was listed on Appendix II, prior to listing on Appendix I. The issue surfaced at SC69 in the context of pangolin scale stockpiles. It became apparent that previous advice from the Secretariat was being interpreted by some Parties to allow a so-called "pre-Appendix I exemption" whereby pangolin scales that were stockpiled while pangolins were still listed on Appendix II could be commercially traded as Appendix II parts with just an export permit even though pangolins are now listed on Appendix I. The Secretariat's advice on this matter is now clarified in CoP18 Doc. 49.1.

EIA supports the Secretariat's analysis and conclusion that the plain language of the Convention does not provide an exemption for situations in which a specimen is acquired prior to an up-listing from Appendix II to Appendix I in contrast to the specific exemption provided for "pre-Convention" specimens. Importantly, the Secretariat's analysis also explains that the principle of "non-retroactivity of the law," which was raised at SC70 as a concern, is not applicable in this situation. The rules of the Convention apply at the time of trade in a specimen, not at the time of acquisition of a specimen. Therefore, it is unreasonable to claim that Parties are being retroactively penalized by not being allowed to commercially trade in an Appendix I specimen that was acquired when the specimen was on Appendix II.

The Secretariat's analysis also confirms that the history of CITES decisions on this topic does not support the existence of a "pre-Appendix I exemption." Such an exemption would create significant perverse incentives for stockpiling Appendix II specimens, especially in the 150 days after an Appendix I proposal becomes public. This incentive is directly contrary to Resolution Conf. 13.6 paragraph 3, which calls on CITES Parties to "prevent" such excessive acquisition.

EIA recommends that CoP18 support the Secretariat's legal analysis relating to the issue of trade in specimens acquired prior to inclusion in Appendix I, while the specimen was listed on Appendix II, in particular the conclusion that such specimens should be subject to the provisions of Article III at the time of international trade (export, import, re-export or introduction from the sea).

12. CoP18 Doc. 64: Precious corals

EIA welcomes the recommendations to extend Decisions 17.192 and 17.193 given the delay in finalizing the study on CITES and non-CITES listed precious coral species

73. South Africa Department of Environmental Affairs

74. CoP17 Doc. 68 Annex 5.

75. [Emslie, R. 2012. Diceros bicornis. The IUCN Red List of Threatened Species 2012. e.T6557A16980917.](#)

76. Id.

(black, red, and pink coral species including species within the order *Antipatharia*, and family *Coralliidae*).

EIA recommends that CoP18 adopt the recommendations to extend Decisions 17.192 and 17.193.

13. CoP18 Doc. 69.1: Elephants: Implementation of Resolution Conf. 10.10 (Rev. CoP17) on Trade in Elephant Specimens

The document proposes certain amendments to the NIAP process; however, EIA believes that additional amendments should be adopted to strengthen the process to ensure that progress made is linked to actual impact on the ground, such as a reduction in poaching or trafficking, and that internationally accepted indicators are used to assess progress made in addressing illegal ivory trade. The NIAP Guidelines call for the use of performance indicators and targets which measure the “impact of the actions in the NIAPs” such as data on elephant poaching, ivory seizures, successful prosecutions and any relevant indicators from the ICCWC Indicator Framework for Combating Wildlife and Forest Crime. Currently, the Secretariat’s assessment of progress and any recommendation for a Party to exit the NIAP process appears to focus on whether a Party has ‘achieved’ or ‘substantially achieved’ a percentage of actions in its NIAP, without reference to any evidence of impact and without weighting the relative importance of individual NIAP actions. This is potentially misleading: some actions that have been achieved may not be as critical as others that are yet to be implemented, presenting a skewed impression of progress made. For example, the ETIS report to CoP18 has linked Hong Kong with ivory trade flows into China and a new study found that just 1 per cent of seizures of wildlife in containers led to prosecutions in Hong Kong.⁷⁷ There has not been a single prosecution in relation to the world’s largest seizure which took place in Hong Kong in July 2017 when seven tonnes of ivory were seized.⁷⁸ Yet, the Secretariat’s assessment of progress in Hong Kong has concluded that Hong Kong has “substantially achieved its NIAP”.

EIA recommends that CoP18 adopt additional amendments to Annex 3 to Resolution Conf. 10.10 (Rev. CoP17) incorporating the following elements:

- **Under Step 4 regarding the monitoring of implementation of NIAPs, the focus should be on key outcomes and impact such as a reduction in poaching and ivory trafficking rather than a tick-box exercise of the completion of activities;**
- **Under Step 5 regarding completion of a NIAP and exit from the NIAP process, any Party being considered for exit from the NIAP process should be requested to implement the ICCWC Indicator Framework for Wildlife**

and Forest Crime and share the results of this process with the Secretariat;

- **Under Step 5(b)(ii), in cases where good progress has been made by a Party but which nonetheless continues to be significantly implicated in poaching/ivory trafficking, the concerned Party’s reporting obligations could be reduced to focus only on key action(s) that are yet to be achieved; and**
- **Under Step 5(c), additional factors should be considered including: the impacts of implementation of the NIAP demonstrated by the performance indicators and targets identified in Step 2, paragraph a) 3. Vi).**

14. CoP18 Doc. 69.2: Elephants: MIKE Report; Doc. 69.3: ETIS report

Please refer to comments above under SC71 Doc. 11 - National ivory action plans process.

At the outset it should be noted that the MIKE and ETIS reports have not assessed data from 2018; and the ETIS report is based on incomplete data for 2017. The MIKE report has found an increase in PIKE in Southern Africa including Botswana, South Africa, Zambia and Mozambique; with PIKE levels remaining high in Central and West Africa. The report also flags concerns about lack of reporting by certain MIKE sites. While the MIKE report concludes that it is “perhaps impossible” to assess the effects of the CITES authorised ivory sales on elephant populations, there is overwhelming evidence that the sales did exacerbate poaching and ivory trafficking. Indeed, the ETIS Report concludes that the closure of China’s domestic legal ivory market - a market established with the 2008 CITES ivory one-off sale - could have diminished the role of China in global illegal ivory trade.

According to the ETIS Report, between 2008 and 2017, nearly 400 tonnes of ivory have been seized, equivalent to ivory sourced from 58,672 elephants (Table 1). The report also flags serious concerns about the under-reporting of ivory seizures. The report has identified the following countries as countries of concern, relevant for the NIAP process:

- Category A: Malaysia, Mozambique, Nigeria and Vietnam
- Category B: Kenya, Tanzania, Uganda, China and Hong Kong SAR
- Category C: Democratic Republic of the Congo, Congo, South Africa, Cameroon, Gabon, Zimbabwe, Angola, United Arab Emirates (UAE), Ethiopia, Cambodia, Singapore, Laos, Turkey and Burundi.

In particular, Vietnam has been flagged as a major country of concern where the situation “has worsened considerably” with the country now becoming the leading

⁷⁷ ADMCF, 2018, *Trading in Extinction, Hong Kong*.

⁷⁸ South China Morning Post, 2019, *Wildlife smugglers still at large after Hong Kong’s biggest ivory seizure in 30 years results in zero prosecutions*.

destination for illicit ivory, surpassing China, including Hong Kong SAR. Further, Parties which were allowed to exit the NIAP process at SC70 (i.e., China, Kenya, Tanzania, and Uganda) continue to be flagged in the ETIS report as Category B countries of concern. Other countries identified as being of concern by ETIS at both CoP16 and now at CoP18, but which are not currently participating in the NIAP process include: Singapore, South Africa and UAE. Zimbabwe, Turkey and Burundi have been flagged as new countries of concern in the ETIS report.

Further, EIA is disappointed to see that Japan has been removed from Category C. Japan has had more than 22 ivory seizures since 2010 and there have been more than 146 seizures of ivory outside but linked to Japan, mostly in China. Japan should be categorized as a Category A country based on the size of its active domestic ivory market, systematic loopholes enabling illegal trade, continuing trade in raw ivory, lack of supervision of online trade and illegal exports. Customs enforcement effort in Japan is low to non-existent.

Finally, the ETIS report has stated that only 21 out of 107 large-scale ivory seizures (19.6 per cent) have been assessed forensically. In the few cases where the forensic analysis has been conducted, the results are not publicly available, again raising concerns of lack of transparency.

Regarding NIAPs and the ETIS Report, please refer to EIA recommendations above under SC71 Doc. 11 - National ivory action plans process. In addition, EIA recommends that CoP18 adopt the following decisions:

- **directing the Secretariat to issue a Notification listing the countries which have failed to conduct forensic analysis on large-scale seizures in accordance with Resolution Conf. 10.10 and request that such Parties submit the results of such analysis by SC73; and directing the Standing Committee at SC73 to adopt appropriate measures for lack of compliance; and**
- **directing the Secretariat, in collaboration with ETIS, to publish a regularly updated list of Parties which have made large-scale ivory seizures and also provide information on whether or not forensic analysis has been conducted on such seizures and, where such analysis has been conducted, provide a summary of the forensic results.**

15. CoP18 Doc. 69.5: Closure of Domestic ivory markets

EIA supports the proposal submitted by eight African elephant range states and the Syrian Arab Republic calling for the closure of all remaining domestic ivory markets as a matter of urgency. In addition, EIA recommends strengthening the language of the proposed

Decisions with concrete short-term timelines for Japan and the European Union to reflect the urgent need to close domestic ivory markets globally.

Japan

Japan is one of the largest ivory markets in the world, with significant regulatory loopholes that enable unregistered, and thus illegal, ivory to easily make its way onto the market. Despite recent amendments to Japanese law, significant loopholes still remain that facilitate illegal trade.

Of particular concern is the fact that Japan continues to allow raw ivory to enter the market, supplying manufacturers and wholesalers with whole tusks and large pieces to craft *hanko* name seals and other items. In August 2017, the Government of Japan launched a two-year campaign encouraging the registration of whole tusks in private possession before stricter measures are to be put into place after the registration scheme ends in June 2019. It is only after this period that Japan is considering re-examining its flawed registration system and tightening its requirements for proof of legality of tusks presented for registration. In the meantime, unsubstantiated third-party statements are still being accepted as proof of legality of tusks presented for registration. Over the first year of the campaign, 1,212 applications to register 1,897 tusks for sale were received by the Japan Wildlife Research Centre. Of these, 1,186 (98 per cent) were verified using a statement submitted by a third party, including 946 (78 per cent) by relatives and 240 (20 per cent) from other third parties.

On July 1, 2019, the Government of Japan implemented a carbon dating requirement for registering whole tusks for sale; however, the new requirement will not apply to cut pieces of raw ivory because the law still exempts any cut pieces from registration. Thus, to avoid registration and associated carbon dating requirements, all a trader needs to do is cut a tusk into two pieces. The carbon dating requirement is also ineffective because it only proves the age of a tusk, not the origin or date of acquisition, and the testing process and analysis is not conducted with government oversight.

Of further concern is Japan's market for ivory *hanko* (name seals), which consist of 80 per cent of Japan's ivory market. A recent survey of ivory *hanko* sellers highlight that the *hanko* industry is susceptible to abuse and fraud in trade, and further that a Government awareness campaign to educate ivory retailers on the legal framework of Japan's ivory trade has been largely unsuccessful.⁷⁹ Of 303 surveyed ivory *hanko* retailers, 34 per cent of shops attempted to sell *hanko* knowing the customer intended to export it, not knowing that export is illegal, and 23 per cent of shops attempted to sell ivory *hanko* to customers knowing it would be exported, and knowing that export is prohibited. Moreover, illegal export of ivory to China from Japan remains a persistent problem. As of June 2019, Chinese officials have seized more ivory from Japan than in all of 2018.⁸⁰ Given the large number of illegal exports seized in other countries, particularly China, in recent years, the lack of awareness as well as enforcement is very problematic.

All signs indicate that Japan's intent is to keep its ivory

⁷⁹ EIA. 2018. [How Ivory Hanko Destroyed Africa's Elephants And Drives Japan's Illegal Ivory Trade](#).
⁸⁰ China Dialogue. 2019. [Seizures of ivory trafficked from Japan escalate](#)

market intact despite the demonstrated weakness of its controls. It is critical that Parties support the efforts of elephant range states and call on the Government of Japan to close its domestic ivory market on an urgent basis.

European Union

EIA welcomes efforts to restrict EU ivory markets, however the draft proposal from the European Commission presented in January 2019 fall well short of the action required by the EU and its Member States to seriously tackle elephant poaching and ivory trafficking. The proposal is inconsistent with stricter domestic measures taken by several Member States including the UK and fails to implement the recommendation contained in Resolution Conf. 10.10 calling for the closure of legal domestic ivory markets as a matter of urgency.

EIA recommends that CoP18:

- **support the proposed amendments to Resolution Conf. 10.10 (Rev. CoP17) as contained in Annex 1; and**
- **support the draft Decisions contained in Annex 1 with an amendment to establish short-term deadlines for Japan and the EU to close their markets.**

16. CoP18 Doc. 71.1: Asian big cats: Report of the Secretariat

In brief, there has been very little progress under CITES in tackling Asian big cat trade, in part due to the fact that despite the significant findings of the review conducted as per Decision 17.228, neither the Secretariat nor the CITES Standing Committee recommended any "time-bound country specific actions" in accordance with Decision 17.227. Further, despite the availability of funding, the Secretariat has not conducted missions to Asian big cat captive facilities of concern in accordance with Decision 17.229. Whilst EIA supports the proposal of the Secretariat in CoP18 Doc. 71.1 subject to certain amendments, we urge CITES CoP18 to also adopt the stronger time-bound decisions which have been presented in India's proposal in CoP18 Doc. 71.2 (see comments below). EIA believes that the Secretariat's recommendations complement India's proposal in Doc. 71.2.

Regarding Decision 17.228 (Review of Asian big cat trade)

The Secretariat's report highlights key findings of the comprehensive review of implementation of Resolution Conf. 12.5 (Rev.CoP17) conducted in 2018 by an independent consultant (SC70 Doc. 51, Annex 4).

The review built upon another comprehensive review on Asian big cat trade conducted in 2014 (SC65 Doc 38, Annex 1). Despite the compelling findings on escalating Asian big cat trade presented in both reviews, it is extremely disappointing that the 70th meeting of the CITES Standing Committee failed to implement its mandate set by CoP17 to determine if further "time-bound, country specific actions" are required on the basis of the review. EIA supports the draft Decisions proposed by India in CoP18 Doc 71.2 to expedite this process and urges Parties to note that Decision 17.227 remains unimplemented.

Regarding Decisions 17.226 and 17.229 (Asian big cat captive facilities)

The Secretariat has identified 66 Asian big cat facilities of concern in seven countries: China, Czech Republic, Lao PDR, Thailand, South Africa, the US and Viet Nam. Over half of these facilities of concern are located in China. The Secretariat's delay in conducting missions to relevant countries, despite available funding, is frustrating and disappointing. Parties are urged to direct the Secretariat to prioritise actions to implement these Decisions as new CoP18 Decisions.

Regarding Annex 5 of Doc. 71.1 (report submitted by China)

EIA is extremely concerned that China's response to Notification 2018/002, presented as CoP18 Doc. 71.1 Annex 5, confirms that there is a legal domestic market in China for CITES Appendix-I listed Asian big cat specimens sourced from both wild and captive-bred animals. The document specifically notes that domestic trade in tiger skins, leopard skins and leopard bone (possibly including snow leopard and clouded leopard) is permitted by the Government of China.

Indeed, both the 2014 and 2018 reviews of Asian big cat trade identified serious concerns about China's legal domestic trade in Asian big cat specimens for commercial purposes, including trade in wild-caught non-native specimens of Asian big cats. China's legal domestic market is stimulating demand, and fuelling poaching and trafficking of wild-caught CITES Appendix-I listed Asian big cats. China's legal market is of particular concern especially because the review of Asian big cat trade has identified China (and to a lesser extent Vietnam) as the "primary destinations for international illegal big cat trade".⁸¹ Thus, EIA strongly supports the proposals in Doc.71.1 and 71.2 to close legal domestic markets for Asian big cats and we urge Parties to call on China to close its market as a matter of urgency.

Specific responses to statements made by China in Annex 5 are presented in the table below:

⁸¹ [Annex 4 to SC70 Doc. 51, pgs19, 90-101, 123; Annex 3 to SC70 Doc. 51](#)

Statement in China's Report	EIA Response
<p>"There are four kinds of captive facilities that keep Asian big cats in China: city zoos, wildlife parks, commercial farms (mainly for tigers), and rescuing and rehabilitation institutions. The native species of Asian big cats kept in captivity include tiger, leopard, snow leopard and clouded leopard, all of them are listed as State first class protected species and receive highest level of protection in China." (paragraph 1)</p>	<p>An indication that commercial farms may hold Asian big cats other than tigers is of concern. SC70 Doc. 51 Annex 2, Review of facilities keeping Asian big cats (Felidae spp.) in captivity contains no information on leopards or clouded leopards held in captivity in mainland China and lists only one facility with snow leopards. China's Wildlife Protection Law (WPL) allows for trade in the parts and derivatives of State first class protected species, sourced from both wild and captive-bred animals.ⁱ All CITES Appendix-I listed Asian big cats fall under the WPL.</p>
<p>"Legislation and administrative regulations are in place to regulate the management of those facilities and the trade in those big cats, their products and derivatives originated from them." (paragraph 2)</p>	<p>This confirms that China has in place a legal domestic market for Asian big cats.</p>
<p>"And transaction in the big cats and their products must be approved by the national wildlife authorities and accompanied with official wildlife product marks to ensure traceability." (paragraph 2)</p>	<p>There is overwhelming evidence to demonstrate that China's wildlife trade regulatory scheme contains critical loopholes and can be exploited to launder wild-caught specimens. For example, EIA investigations have documented the misuse of permits and product marks in the trade of ivoryⁱⁱ and tiger skinsⁱⁱⁱ enabling laundering of illegally-sourced specimens. Permits have been issued for the sale of leopard bone seemingly without proof of legal origin.^{iv} Non-compliance with these regulations has also been noted for Asian big cat products.</p>
<p>"The State Council of the Government of China stepped up control of use of tiger bone by issuing an executive decree that imposed on a categorically ban on the use of tiger bones in traditional Chinese medicine in 1993." (paragraph 4)</p>	<p>This executive decree was repealed and replaced by Decree No. 36 (2018), issued in October 2018, which conversely permits the use of farmed tiger bone in traditional Chinese medicine.^v Even prior to this, Notification No. 139 (2005) issued in 2005 refers to a pilot programme to allow the production of medicine from the bones of captive-bred tigers. The full text of the notification is unavailable, but this was used as justification by tiger farmers for investment in the commercial-scale production of tiger bone wine.^{vi}</p>
<p>"In a notice issued by the SFA in 2007, the trade of skins from tiger and leopards and their products is allowed under strict scrutiny." (paragraph 8)</p>	<p>This confirms that trade in tiger and leopard skins is permitted. EIA investigations have documented how the legal domestic market in China for tiger skins involves traders actively marketing tiger products for commercial purposes and stimulating demand, and how traders can launder illegal specimens by reusing permits.^{vii}</p>

i. [EIA_China's Wildlife Protection Law](#)

ii. [EIA_Blood Ivory](#)

iii. [EIA_2013_Hidden in Plain Sight](#)

iv. [EIA_2018_Down to the Bone: China's alarming trade in leopard bones](#)

v. [Notice of the State Council on Strictly Controlling the Operation and Utilization of Rhinoceros and Tigers and their Products, 2018](#)

vi. [EIA_2013_Hidden in Plain Sight](#)

vii. Id.

Statement in China's Report	EIA Response
<p>"A regulation from the State Food and Drug administration (2006/118) rules that since January 1, 2006, only the outstanding stockpile of leopard bones held by pharmaceutical factories and verified by the national forestry authorities can be used for medicinal purposes." (paragraph 9)</p>	<p>Recent evidence indicates non-compliance with this regulation. A permit in 2018 allowed the sale of 1.23 tonnes of leopard bone (estimated to represent over 150 leopards) from a company in Sichuan to a company in Inner Mongolia for the production of leopard bone wine.^{viii} Media reports revealed that the stock of bone in question was not verified by authorities until 2010. When government inspectors asked about the source of leopard bone, the individual stated that his father had purchased the bone from many different people over the past few decades while travelling around. Authorities could not produce evidence of legal origin to support verification of this stock and subsequent issuance of trade permits.^{ix} China's leopard bone stocks in 2006 were not publicly declared and the above example refers to a single transaction between two companies. There are over 30 companies licensed to use leopard bone. China's wild population is less than 400 animals. Bone of leopards poached in neighbouring countries seized on route to China are likely entering this market.</p>
<p>"The Chinese government further announced on 12 November 2018 that "three strict bans" would be applied to the conservation of tigers, i.e., the import and export of tigers and their products will be strictly banned; the sale, purchase, transport, carrying and mailing of tigers and their products will be strictly banned; and the use of tiger bones in medicine will be strictly banned." (paragraph 10)</p>	<p>This statement is contradicted by paragraph 8, which confirms that trade in tiger skins is allowed, and by Decree No. 36 (2018), which is still listed on the State Council website as valid policy, and which specifically states that the use of farmed tiger bone in medicine is permitted.</p>

EIA recommends that CoP18 adopt the Secretariat's draft decisions and proposed amendments to Resolution Conf. 12.5 (Rev. CoP17), subject to the following amendments:

- **Amend draft decision 18.DD to direct the Standing Committee to adopt time-bound, country-specific measures;**
- **Amend draft decision 18.EE to specify that the missions to Asian big cat facilities of concern must be completed expeditiously with a view to present findings and recommendations from the missions to SC73.**

17. CoP18 Doc. 71.2: Draft Decisions on Asian big cats: submitted by the Government of India

EIA strongly supports this proposal submitted by India. Detailed comments on this agenda item are available in Part 1 of EIA's CITES briefing document. In this document, EIA would like to respond to the Secretariat's comments

on Doc. 71.2

EIA is concerned by the Secretariat's opposition to Doc. 71.2, submitted by the range state with the world's largest tiger population; the Secretariat's approach ignores the critical enforcement challenges being faced by many Asian big cat range states, stimulated by demand outside their borders. For example, paragraph 11 of Doc. 71.2 notes that India has not received any images of seized tiger skins from Parties since the adoption of paragraph 1(k) in Resolution Conf. 12.5 (Rev. CoP17); a simple measure which could go a long way in strengthening enforcement efforts by identifying the origin of the seized tiger specimen. In order to address this enforcement gap, draft decision 18.GG has proposed a deadline by which Parties are encouraged to share such images. Yet, the Secretariat does not see fit to support this draft decision.

Indeed, it is due to delay on the part of the Secretariat in implementing decisions on Asian big cats adopted at CoP17 that has motivated India to submit its proposal with draft decisions which set clear deadlines and milestones for assessing progress in tackling Asian big cat trade (see paragraphs 5 and 10, Doc. 71.2 which raises concerns about delays and lack of progress in implementing Asian big cat decisions). For example, the Secretariat has failed to conduct missions to Asian

viii. [EIA, 2018. Down to the Bone: China's alarming trade in leopard bones](#)

ix. [Qiyong, X. 2018. 起底豹骨王：数学教师向药酒企业售豹骨1.23吨，来源成谜 \[The Paper\]](#)

big cat captive facilities of concern in accordance with Decision 17.229 which was adopted in 2016, and is instead proposing an extension of another 2-3 years until the next CoP for completing this process. While EIA supports this necessary extension we recognise the concerns of India, reflected in Draft decision 18.AA, proposing specific emergency deadlines for tackling trade in tiger specimens sourced from Asian big cat captive facilities.

The Secretariat in paragraph (A) of its comments on Doc. 71.2 states that “the focus should be on reinforcing implementation of existing provisions”; the draft decisions in Doc. 71.2 aim to achieve exactly this purpose, i.e. to facilitate implementation of Resolution Conf. 12.5 and associated decisions on Asian big cats. While there may be some overlap between the Secretariat’s proposal in Doc. 71.1, and the proposal in Doc. 71.2, these could easily be resolved by adopting appropriate text which incorporates key elements of both proposals.

EIA recommends that CoP18 adopt the draft decisions in CoP 18 Doc. 71.2.

Where there exists some overlap between the proposals in Doc. 71.1 and Doc. 71.2, EIA recommends that appropriate text be adopted to incorporate key elements of the draft Decisions in both documents.

18. CoP18 Doc. 73: Great Apes (*Hominidae spp.*)

EIA welcomes, in part, the recommendation to amend and update Resolution Conf. 13.4 (Rev. CoP16) on Conservation of and trade in great apes, however, the proposal to remove the instructions to the Secretariat and Standing Committee to report on the implementation of the Resolution at each regular meeting of the Standing Committee and Conference of the Parties, respectively, is a serious concern. Further, EIA is also concerned about the proposed deletion of the instruction for the Standing Committee to consider other measures such as technical and political missions.

While we understand the Secretariat’s concerns regarding workload and heavy agendas, the threats to great apes posed by illegal trade remain significant and the need for regular reporting remains. The elimination of the Resolution’s strongest provisions sends the message that Parties disregard the impacts of illegal trade on the continued survival of great apes and are willing to abdicate their responsibilities to actively address the issue within the CITES framework.

EIA recommends that CoP18:

- **reject the removal of paragraphs 2(d) and 3(a) (b)(c) from Resolution Conf. 13.4 (Rev. CoP16), which would eliminate the requirements for**

the Secretariat and Standing Committee to regularly report on Parties’ implementation of the Resolution; and

- **support the other proposed amendments to strengthen Resolution Conf. 13.4 (Rev. CoP16), as contained in Annex 1.**

19. CoP18 Doc. 75: Pangolins

Since 2010, at least 11,678 pangolin carcasses, 7,319 live pangolins and 180,267kg of pangolin scales have been seized.⁸² Pangolin seizure reports highlighted by the Secretariat implicate China, notably Hong Kong SAR, Thailand and Nigeria in the industrial scale trafficking of pangolins (paragraph 15). In light of the critical threat posed by trafficking to pangolins, the Secretariat has noted that “it remains essential for Parties to remain vigilant and to further scale up efforts to address this illegal trade.” Yet, the Secretariat’s report does not contain targeted recommendations that are proportional to the serious scale of the problem, i.e., the large-scale trafficking of pangolins which is exacerbating the ongoing pangolin poaching crisis in Africa and Asia.

Although paragraph 6 of Resolution Conf. 17.10 encourages consumer States to conduct research into the motivations of pangolin consumption and to implement measures to reduce demand; in China, which is one of the largest destinations for pangolin specimens, there continues to be significant demand for medicines that contain pangolin.⁸³ Indeed, use of pangolin specimens for medicinal purpose is driving much of the global pangolin trade,⁸⁴ and China’s problematic legislation allowing legal trade in pangolins is worsening the situation.

The Secretariat’s report on law enforcement activities highlights successful pangolin seizures through ‘Operation Thunderbird’, ‘Operation Save REP’ and ‘Operation Thunderstorm’. The report also highlights successful investigations relating to the issue of fraudulent permits in DRC and encourages parties to share information on pangolin seizures with other parties to support investigations. While seizures play an important role in enforcement, seizures of contraband alone do very little to disrupt the activities of organised criminal networks involved in trafficking; only with the arrest and prosecution of individuals involved in trafficking through robust investigations resulting in deterrent sentencing, will it be possible to deter large-scale illegal trade in pangolins.

EIA recommends that CoP18 support the Secretariat’s draft decisions and adopt additional decisions:

- **requesting that China amend relevant laws and policies to expeditiously close its domestic legal market for pangolin specimens and report on progress made by SC73; and**

82. EIA Trade Database.

83. Zhang, L. & Yin, F. 2014. Wildlife consumption and conservation awareness in China: a long way to go. *Biodiversity Conservation*, 23, 2371-2381.

84. Zhou, Z.M., Zhou, Y., Newman, C. and Macdonald, D.W. 2014. Scaling up pangolin protection in China, peer-reviewed letter. *Frontiers in Ecology and the Environment*, 12(2), 97-98; Cheng, W., Xing, S. and Bonebrake, T. C. 2017. Recent Pangolin Seizures in China Reveal Priority Areas for Intervention. *Conservation Letters*, 10: 757-764. doi:10.1111/conl.12339.

- **requesting that China, Thailand, Nigeria, Vietnam and other Parties implicated in high volumes of illegal pangolin trade, strengthen enforcement efforts to tackle trans-national pangolin trafficking networks including through the prosecution and recovery of proceeds of crime, and report on progress made by SC73.**

20. CoP18 Doc. 77.1: Jaguar trade; Doc. 77.2: Illegal trade in jaguar

A minimum of 861 jaguars were seized from illegal trade between 2012 and 2018.⁸⁵

In order to meet the demand for big cats in Asia, trafficking networks are now sourcing specimens from poached jaguars in Latin America. The proposal submitted by Costa Rica and Mexico (CoP18 Doc. 77.1) notes that: “in recent years there has been increasing evidence that illegal trade in jaguar parts in Latin America may be on the rise, which could jeopardize the conservation advances of the past four decades, in addition to potentially driving population declines and local extinctions.”

Based on seizures of canines alone, a minimum of 171 jaguars are known to have been poached and trafficked between Bolivia and China during the period 2013 and 2018.⁸⁶ Seizures of canines and other jaguar body parts destined for China in other source countries have also been recorded and there are also reports of jaguar bones being used to make wine and bone glue in the same way tiger bone is processed.⁸⁷ Jaguar bone has also been seized in China.⁸⁸ Jaguar parts are not “replacing” or “substituting” tiger parts in the market (i.e. they are not being used instead of tiger), they are supplementary to tiger (i.e. are being used in addition to tiger), and are often marketed as tiger.⁸⁹

EIA is supportive of the proposals submitted and we would recommend additional measures as outlined below. EIA is concerned that relying solely on a consultancy to conduct a study to adopt appropriate measures in the future may result in an unreasonable delay, during which time jaguar trafficking will continue to take place. EIA notes that despite comprehensive studies on Asian big cat trade being made available, time-bound country specific actions are yet to be determined by the Standing Committee. We recommend therefore that CoP18 adopt targeted decisions based on information that is currently available. For example, China is a primary consumer country for jaguar parts and products, sourced from Bolivia, Peru, Brazil, Belize and Suriname;⁹⁰ these Parties should be requested to strengthen efforts to tackle illegal jaguar trade.

CoP18 Doc. 77.1

EIA recommends that CoP18 adopt draft Decisions 18.AA, 18.BB, and 18.DD. Regarding draft Decision 18.CC, it is not clear what

advantages there are to involve the Animals Committee regarding enforcement matters. This may cause unnecessary delays to act on findings of the study. Thus, Parties should clarify the intent of draft Decision 18.CC and adopt a modified Decision if required.

CoP18 Doc. 77.2

EIA recommends that CoP18 adopt the draft resolution in CoP18 Doc 77.2 with the minor amends listed below (new text underlined and proposed deletions in ~~strikethrough~~):

Preambular paragraph 5:

NOTING WITH CONCERN that illegal trade and poaching have increased in recent years due to growth in the demand of jaguar teeth and other body parts in the black market, to replace supplementing the trade in tiger teeth and other body parts used in the Asian illegal market;

Operative paragraph 1) URGES c):

c) prohibit the sale and acquisition – including online sales and domestic trade – of live specimens and of parts and derivatives of jaguars, including from captive sources in the countries of the region;

Operative paragraph 1) URGES e):

e) establish a cross-border cooperation network between range States for the management of contiguous habitat, the design and implementation of conservation corridors and the strengthening of enforcement controls, including anti-poaching measures and collecting and sharing of information between law enforcement agencies and INTERPOL regarding incidents of poaching, trafficking or illegal sales – including online sales – of the jaguar and its parts and derivatives aimed at securing convictions and deterrent sentencing;

Operative paragraph 2) DIRECTS c)

c) facilitate the exchange of information between source, transit and destination Parties and experiences between the natural range States of the species and the Parties that constitute the final illegal trade in order to investigate the networks that enable illegal trade;

In addition, EIA recommends that CoP18 adopt a decision directing China, Bolivia, Peru, Brazil, Belize and Suriname to include jaguar trade

85. Thais Morcatty, K. Anne-Isola Nekariz, Qingyong Ni, Vincent Nijman. Jaguar seizure data 2012-2018.

86. Berton, E.F. 2018. *A journey into the Amazon Jaguar black market*.

87. World Animal Protection. 2018. Uncovering a secret slaughter: Suriname's jaguar trade exposed

88. Cui, H. 2014. 携带豹骨入境却谎称鹿骨 厦门海关查获美洲豹皮骨 [Xiamen News].

89. SC70 Doc. 51 Annex 4.

90. EIA Trade Database

incidents in their annual illegal trade reports and to enable the sharing of this information with ICCWC who may be able to facilitate further investigation.

21. CoP18 Doc. 83.1: Rhinoceroses (*Rhinocerotidae spp.*) Report of the Standing Committee and the Secretariat

The report of the IUCN and TRAFFIC to CoP18 on the status, conservation and trade of Africa and Asian rhinoceroses contained in Annex 2 to CoP18 Doc. 83.1 indicates that the continental white rhino population has been in decline since 2012. There are currently an estimated 18,067 white rhinos in Africa, down from an estimated 21,320 in 2012. The estimated black rhino population has increased slightly during this same period from an estimated 4,845 rhinos in 2012 to 5,495 today.

The reduced white rhino population is attributed predominantly to poaching, especially in South Africa's Kruger National Park. From 2012-2017, the white rhino population in Kruger National Park dropped by 51 percent. Significant white rhino losses were felt throughout South Africa's other state-run parks and game reserves, which experienced a 26 percent decline in white rhino numbers during the same time period. At least 1,124 rhinos were poached in Africa in 2017, the fifth consecutive year poaching rates exceeding 1,000 animals and equivalent to 3.1 rhinos lost to poaching daily. In addition to South Africa, the rhino poaching rates in Namibia and Zimbabwe are of concern, as is the recent uptick in poaching identified in Botswana.

China and Vietnam remain the two main rhino horn consumer states and the key drivers of the illegal rhino horn trade. Chinese and Vietnamese nationals comprised 97 percent of Asian individuals arrested in connection to rhino horn seizures made in Africa, or made in Asia coming directly from Africa, from 2009-2018. The rhino horn trade flow to Vietnam increased by 24% in 2014-2018 compared to 2009-2013, and the country accounted for more than 25 percent of seizures by weight according to TRAFFIC's data. The report notes that China is a key destination country for rhino horn, and that recent seizure data may indicate that Chinese demand for rhino horn could be increasing.

Vietnam's revised Penal Code is a welcome improvement to the country's regulatory framework prohibiting trade in rhino horn, however it is unfortunate that even after two years of delays and subsequent revisions the Penal Code still contains enforcement loopholes. The strengthened provisions do not apply to rhino horn that weighs less than 50 grams, a significant exemption for cases that may involve powdered rhino horn or small carved rhino horn trinkets. EIA's comments on the report submitted by Vietnam to SC71 on the implementation of its revised Penal Code can be found on page 13 of this document.

The report by IUCN and TRAFFIC further highlights the continued role of Southeast Asian countries in the illegal rhino horn trade. The Golden Triangle region of Thailand,

Myanmar, and Lao PDR is infamous for its illegal wildlife markets where parts and products from species like rhinos, elephants, tigers, pangolins, bears, and helmeted hornbills can be bought and sold. Despite this region having been identified as a wildlife trafficking hotspot years ago, authorities have done little to shut down the trade, with rhino horn being displayed openly for sale as recently as April 2018. Additionally, recent investigations have underscored Myanmar's role as a transit country for horn from greater-one horn rhinos poached in India and destined for China.

It is disappointing that several Asian rhino range states did not report on the status of their rhino horn stockpiles in line with Resolution Conf. 9.14 (Rev. CoP17). Moreover, China's consistent failure to declare its rhino horn stockpiles is of continued concern, especially given that the Government of China is considering allowing rhino horn to be used in traditional medicine once again. It is encouraging that Kenya, Namibia, South Africa, and Zimbabwe reported data, however the failure to distinguish between legal and illegal stock in Kenya and the submission of only recent accumulations from South Africa is disappointing and reduces the data's utility. As the number of rhinos in private ownership increases, it is imperative that all private rhino owners accurately account for their horn stocks and regularly report on their status to their respective governments in order to inform accurate stockpile reports to the CITES Secretariat.

EIA recommends that CoP18 adopt the draft decision in CoP18 Doc. 83.1 with the following amendments:

- **Add time-bound reporting requirements to draft decisions 18.BB (in advance of SC73 and SC74), 18.CC (in advance of SC73), and 18.FF (in advance of SC73 and SC74);**
- **Add Botswana to the list of Parties to which 18.BB is directed;**
- **Add China, Mozambique, Namibia, South Africa, and Vietnam to Parties to which 18:CC is directed;**
- **Adopt a decision encouraging China, India, Myanmar, and Vietnam to enhance their enforcement capacity and collaborate on investigations into cross-border rhino horn trade, and submit a report on progress to SC73;**
- **Adopt a decision encouraging Lao PDR, Myanmar, and Thailand to investigate reports of whole, powdered, and worked rhino horn for sale at markets in the Golden Triangle region and take any enforcement action necessary, and submit a report to SC73;**
- **Adopt a decision encouraging South Africa and Namibia to investigate identified**

discrepancies in reported exports of hunting trophies and submit a report on measures taken to address these discrepancies to SC73;

- **Adopt a decision directing Parties to incorporate the best practices from the IUNC/TRAFFIC report when implementing Resolution Conf. 9.14 (Rev. CoP17);**

22. CoP18 Doc. 83.2: Revisions to Resolution Conf. 9.14 (Rev. CoP17) on Conservation of and trade in African and Asian rhinoceroses, and associated decisions

EIA welcomes and strongly supports the proposal submitted by Kenya to strengthen the provisions of Resolution Conf. 9.14 (Rev. CoP17) and the proposed Decisions contained in Annex 2 of CoP18 Doc. 83.2. The revisions to Resolution Conf. 9.14 (Rev. CoP17) would inter alia urge Parties to close all domestic markets for raw and worked rhino horn or other rhino parts and derivatives as a matter of urgency and consider the destruction of rhino horn stockpiles as a management option. The proposed Decisions seek to evaluate implementation of the Resolution and the impacts this has had on reducing rhino poaching and illegal trade.

Africa's rhinos are suffering a poaching epidemic that has resulted in the slaughter of more than 9,200 rhinos since 2006 to satisfy resurgent demand for rhino horn, primarily in China and Vietnam.⁹¹ While many Parties have taken steps to strengthen their domestic legislation and improve enforcement, some Parties have failed to take appropriate action to eliminate domestic rhino horn trade by either tolerating illicit markets or encouraging the trade in and use of rhino horn.

Domestic legal markets for rhino parts and derivatives provide opportunities to launder illegal rhino products, increase the burden on law enforcement, send mixed messages to consumers, and undermine years of demand reduction efforts. The international ban on rhino horn trade has been most successful at alleviating poaching pressure and reducing illegal trade when augmented by complementary domestic trade bans by CITES Parties.

For instance, after decades of rampant poaching, in 1992/1993 Taiwan and China, two of the largest importers of poached rhino horn at the time, took the critical step of banning domestic trade in rhino horn. Strong enforcement actions accompanied domestic market closures, which resulted in a sharp decline in poaching and recovery of rhino populations.⁹²

Recent announcements by China of its intention to weaken its domestic rhino horn trade ban could be devastating for the continued survival of wild rhinos if these policies are implemented. In October 2018, China's State Council repealed the country's domestic trade ban and replaced it

with a partial ban that allowed for use of rhino horn from captive-bred animals for medicinal purposes and trade in still-undefined "cultural relics" comprised of rhino horn.⁹³

On November 12th, a representative from the State Council announced that the development of implementing regulations for the new policy would be postponed and the 1993 ban would be enforced for the time being.⁹⁴ While this pledge was a welcome gesture, only a new order from the State Council can legally overturn the policy change announced in October.

If China does decide to move forward with this new policy, it could unleash a torrent of demand for rhino products that would in turn cause poaching rates to skyrocket. Illegal trade data clearly indicates significant demand for rhino horn in China, with more than 1.8 tons of seized rhino horn linked to China, including Hong Kong SAR, since 2006 (accounting for nearly 30 per cent of global seizures). Furthermore, a 2018 USAID study on Chinese consumer attitudes toward illegal wildlife products found that 15 per cent of the general population considered buying rhino products socially acceptable, with 8 per cent of respondents claiming to have purchased rhino products within the past year.⁹⁵

Many Chinese consumers buy rhino horn abroad, especially in neighbouring Southeast Asian countries where wildlife protection laws are unclear or unenforced. Well-established rhino horn black markets, including physical marketplaces, loosely-structured networks of dealers, and online trade platforms, increase demand, promote corruption, complicate enforcement, and contravene existing CITES provisions designed to protect rhinos. In most Southeast Asian countries African rhino species do not enjoy full protected status under relevant national legislation, and well-known illicit wildlife markets exist near China's southern border in places such as Mong La in Myanmar and the Golden Triangle Special Economic Zone in Laos that cater specifically to Chinese clientele.

Rhino horn trade has been legal in South Africa since April 2017 when the moratorium on domestic trade was overturned on procedural grounds after a lengthy court battle. Before the moratorium, South Africa's legal domestic rhino horn trade provided opportunities for wildlife traffickers to launder illegally sourced rhino horn onto the legal market where it would eventually make its way to consumers in Asia.⁹⁶ These conditions exist again today, made worse by the failure of the Government of South Africa to implement domestic rhino horn trade regulations. More than 860 rhino horns have been traded within South Africa as of November 2018 since the moratorium was lifted.

There is a strong CITES precedent for addressing domestic trade in specimens of *species at risk from heavy trade* in their parts and derivatives. Before it was replaced by Resolution Conf. 9.14 (Rev. CoP17), Resolution Conf. 6.10, on Trade in rhinoceros products, urged "a complete prohibition on all sales and trade, internal and international, of rhinoceros parts and derivatives,

⁹¹ CoP18 Doc. 83.1 Annex 2.

⁹² Reeve, R. (2014). Policing international trade in endangered species: the CITES treaty and compliance. Routledge.

⁹³ Notice of the State Council on Strictly Controlling the Operation and Utilization of Rhinoceros and Tigers and their Products, 2018.

⁹⁴ China.org.cn, 2018, State Council Executive Deputy-Secretary Ding Xuedong Answers Media Questions.

⁹⁵ USAID Wildlife Asia (2018). Research Study on Consumer Demand for Elephant, Pangolin, Rhino and Tiger Parts and Products in China (English): USAID Powerpoint presentation of Globescan study results.

⁹⁶ Department of Environmental Affairs, 2014. The viability of legalising trade in rhino horn in South Africa

especially horn..." At CoP17, Parties acknowledged the role domestic ivory markets play in the ongoing slaughter of the world's elephants and agreed to amend Resolution Conf. 10.10 (Rev. CoP17), on Trade in elephant specimens, calling for the closure of legal domestic ivory markets as a matter of urgency.

Unless kept for legitimate enforcement and scientific purposes, rhino horn stockpiles should be destroyed and their destruction should be recognized by Parties as a best practice for rhino horn stockpile management. There is an inherent risk of theft for stockpiles of rhino horn and other wildlife products for which illegal trade occurs. This leads to significant security costs that create an added burden for often underfunded and understaffed wildlife management agencies. Major rhino horn thefts have taken place in Mozambique, Zimbabwe, Vietnam, and South Africa in recent years, and according to TRAFFIC at least 389 rhino horns were stolen from government and private stocks between October 2012 and December 2015. Destruction as a stockpile management tool addresses funding and security challenges and reinforces the CITES trade ban by demonstrating that rhino horn is not a commodity to be bought and sold.

EIA recommends that CoP18 support the proposed amendments to Resolution Conf. 9.14 (Rev. CoP17) and the proposed decisions presented in Annex 2 to Doc. 83.2.

23. CoP18 Doc. 86: Saiga antelope (*Saiga spp.*)

The current total global stockpile of saiga horn, shavings, and other horn derivatives held by the seven most important consumer and trading countries (China, Japan, Kazakhstan, Malaysia, the Russian Federation, the South Korea, and Singapore⁹⁷) is unknown, as is the precise breakdown of pre-Convention specimens and specimens acquired after the Appendix II listing entered into force in February 1995.

In 2006, China, Japan, Malaysia, South Korea, and Singapore reported stockpiles to the CITES Secretariat totaling more than 130 tons.⁹⁸ Based on the reported annual saiga horn consumption rate in China (6-10 tons) and the persistent demand for horn in consumer countries, the CITES Secretariat estimated that stockpiles would only last another 10 to 15 years (i.e., total depletion would be occur between 2016 and 2021).⁹⁹

The most recent official estimate of China's saiga horn stockpile is from 30 December 2011, when China reported possessing a stockpile of 115 tons.¹⁰⁰ It is unclear how much of this stock consisted of pre-Convention horn. At the third meeting of CMS MoU signatories in 2015, Singapore reported possessing a pre-Convention stockpile totaling less than 20 tons¹⁰¹ while all saiga range states reported having zero stockpiles. According to CITES trade data consumer countries imported only

5.2 kg of saiga specimens, along with another 57 saiga specimens of undeclared weight, since 2006 from non-consumer countries. If no new saiga horn is legally entering the market and consumption rates have not declined, then the current levels of saiga horn stockpiles can only be explained by inaccurate past stockpile estimates and/or the addition of illegally-sourced saiga horn.

Illegal international trade in saiga horn has persisted since the species was listed on CITES Appendix II at CoP9 in 1994, and several large-scale seizures have occurred in recent years. Between early-2012 and mid-2014, 14.9 tons of saiga horn was seized by China's Urumqi Customs.¹⁰² In 2015, 5.3 tons of horn was seized at the China-Kyrgyzstan border.¹⁰³ In September 2016, a six-month investigation culminated with Chinese authorities seizing 1.5 tons of stockpiled saiga horn and arresting 12 suspects.¹⁰⁴ In April 2018, China arrested eight suspected members a wildlife trafficking syndicate comprised of Chinese and Russian nationals, seizing more than 1.2 tons of saiga horn along with 322 elephant tusks, 70 bear teeth, and 44 bear bile sacks.¹⁰⁵

It is unknown how much illegal saiga horn has been laundered onto the legal market since the saiga was listed on Appendix II, but the high volume of horn seized in recent years suggests that significant quantities of illegal horn may have offset reductions to legal stockpiles. Without accurate estimates and effective management of private and state-owned stockpiles, it will be impossible for Parties to successfully monitor trade in saiga specimens, prevent laundering of illegal horn, and take the necessary steps to adjust for the eventual depletion of legal stockpiles.

EIA recommends that CoP18 adopt the draft decision in CoP18 Doc. 86 with the following amendments:

- **Add time-bound reporting requirements for paragraph c) of Decision 18.BB and Decision 18.CC (in advance of SC73 and at SC73, respectively);**
- **Add a reporting requirement for progress made under paragraph d) of Decision 18.BB (in advance of SC73);**
- **Adopt a decision (18.XX) directed to range States of saiga antelope (*Saiga spp.*) (Kazakhstan, Mongolia, the Russian Federation, Turkmenistan, and Uzbekistan), and important consumer and trading countries of saiga parts and derivatives (China, Hong Kong SAR, Japan, Malaysia, and Singapore) to identify and secure stockpiles, both government-held and privately-held, of saiga horn and other**

⁹⁷ CoP14 Doc. 56

⁹⁸ CoP16 Doc. 56, 2013. Saiga antelope

⁹⁹ Id.

¹⁰⁰ CoP16 Doc. 56

¹⁰¹ UNEP/CMS/Saiga/MOS3/inf.22.3

¹⁰² Saiga Conservation Alliance, Spring 2018, Saiga News Issue 23

¹⁰³ Saiga Conservation Alliance, Winter 2015/Spring 2016, Saiga News Issue 20

¹⁰⁴ Saiga Conservation Alliance, Autumn 2016, Saiga News Issue 21

¹⁰⁵ General Administration of Customs, 2019

saiga parts and derivatives, and declare these stockpiles, distinguishing between pre-Convention specimens and specimens acquired after the saiga Appendix II listing entered into force in 1995, to the Secretariat prior to the 73rd meeting of the Standing Committee;

- **Add a new paragraph e) to Decision 18.BB directing the Secretariat to report on information received under proposed draft decision 18.XX in advance of SC73;**
- **Amend Decision 18.CC to also apply to information received under proposed draft decision 18.XX.**

24. Cop18 Doc. 89: Totoaba (*Totoaba macdonaldi*)

Illegal fishing and international trade in totoaba continue apace, threatening the critically endangered vaquita with imminent extinction. Decisions 17.145 to 17.151 adopted at CoP17 directed range, transit and consumer States to eliminate the supply and demand of totoaba, increase law enforcement measures, share information to SC69 and SC70, and directed the Secretariat to commission a study to assess and make recommendations regarding totoaba and vaquita.

At SC69, information from Mexico, China and the USA was considered, and the countries were encouraged to continue collaboration and implement measures agreed at the August 2017 trilateral meeting. At SC70, the Standing Committee made a series of decisions, including urging the Secretariat to undertake a high-level mission in early 2019, encouraging co-funding for the Secretariat study, and preparing a report to the Conference of the Parties on the implementation of Decisions 17.145 to 17.151.

To date, the study remains incomplete, a promised high-level mission to Mexico by the CITES Secretariat is unconfirmed, and there are no further recommendations to address the totoaba trade proposed for consideration at CoP18. Instead, under the Secretariat's proposal, further recommendations will not be made until CoP19 – by which time the vaquita will likely be extinct.

Despite promises by Mexico and the actions already taken by the Parties, the illicit totoaba trade and the vaquita's decline continues. During the 2018 totoaba season, 400 active totoaba nets were documented, leading experts to conclude that illegal totoaba fishing to service the largely Chinese market "remains at a very high level."¹⁰⁶ Mexico's fisheries agency under newly elected President Obrador has stated publicly that it may open the vaquita refuge to fishing, though no specific plans have been proposed.

Through a series of field investigations during the last three years EIA has built up a detailed picture of the illegal trade in totoaba between the main source country of Mexico and the main market, China, and identified some of the main culprits behind the trafficking. Detailed

information and evidence on these individuals have been provided to the relevant law enforcement agencies in Mexico, the US and China.

There are indications of improved enforcement at both ends of the supply chain, with multiple seizures in Mexico and inspections in southern China leading to a cessation of open sale in some of the main markets. In December 2018 China Customs reported a successful operation across the southern regions of Guangdong and Guangxi, leading to the arrests of 16 individuals representing one of the main trafficking syndicates in totoaba swim bladders, and confiscating over 444kg of totoaba swim bladders worth an estimated RMB 182 million (\$62 million).¹⁰⁷

Yet the trade persists, with high levels of illegal fishing continuing in the upper Gulf of California to supply the international market. The multiple seizures in Mexico do not appear to have led to any significant convictions and violent criminal gangs running the illegal fishing and smuggling operations are largely untouched by enforcement. Improved cooperation between agencies in the three main countries implicated in the trade – Mexico, the US and China – is urgently needed to disrupt and dismantle the serious and organised criminal networks driving the totoaba vaquita towards extinction. Other countries involved in the trade as transit countries, including South Korea and Japan, also need to take urgent action.

The vaquita is a CITES Appendix I species, and the Parties have a responsibility to act to prevent its extinction. Thus, EIA believes that there are compelling grounds to initiate compliance proceedings against Mexico which will highlight the gravity of the Convention violations by Mexico and encourage the Mexican government to comply with CITES by stopping totoaba exports.

EIA recommends that CoP18 adopt decisions:

- **initiating compliance procedures against Mexico under Resolution Conf. 14.3;**
- **requesting that Mexico demonstrate the following actions:**
 1. **fully implement all recommendations from the 10th report of the International Committee for the Recovery of the Vaquita (CIRVA);**
 2. **fully fund and expand the net removal program in the Upper Gulf of California to establish and maintain the area as a net free zone;**
 3. **develop a transparent and effective alternative fishing gear program for local fishermen;**
 4. **develop a strategy along with the Federal Prosecutor Office to improve law enforcement capacity in the Upper Gulf to provide 24/7/365 coverage of all**

106. IUCN-SSG Cetacean Specialist Group. 2018. *Totoaba season ends with 400 active totoaba gillnets removed.*

107. China Daily. 2018. *China Customs cracks major totoaba smuggling ring 26 December 2018.*

ports and open water vaquita habitat and to dismantle the totoaba trafficking networks including through intelligence led enforcement strategies;

- 5. withdraw the application for the registration of any totoaba captive breeding facility under CITES Resolution Conf. 12.10, as this will undermine efforts to combat the illegal totoaba trade and reduce demand for totoaba;**
 - 6. continue and enhance collaboration with law enforcement authorities in totoaba demand and transit countries, including China, US, Japan and South Korea; and**
 - 7. maintain a long-term monitoring program for vaquita; and**
- directing the Standing Committee to review progress made by Mexico and to adopt any appropriate measures for lack of implementation.**

25. CoP18 Doc. 104: Review of Resolution Conf. 10.9 on Consideration of Proposals for the Transfer of African elephant populations from Appendix I to Appendix II

Resolution Conf. 10.9 is no longer required to assess elephant down-listing proposals because an effective mechanism already exists for this purpose under Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for amendment of Appendices I and II* which provides sufficient and adequate guidance for dealing with amendments to CITES Appendices I and II. The Secretariat has on numerous occasions recommended repeal of Resolution Conf. 10.9 arguing that Resolution Conf. 9.24 introduces a number of safeguards making the former redundant.¹⁰⁸ Further, Panel of Experts assessments under Resolution Conf. 10.9 have failed to persuade the Parties in their decision-making on elephant down-listing proposals.

EIA recommends that CoP18 adopt the recommendation to repeal Resolution Conf. 10.9.

26. CoP18 Doc. 105.1: Secretariat's assessment of the proposals to amend Appendices I and II

Detailed comments on proposals to amend the CITES Appendices can be found beginning on pg. 11.

Proposal 9 – Namibia's rhino down-listing proposal

As the Secretariat recognizes in its assessment of Namibia's proposal, all rhino populations tend to be vulnerable to external factors, especially poaching driven by illegal trade in rhino horn. This holds true for Namibia, which has averaged 57 rhinos killed annually since poaching rates began to escalate in the country in 2014.¹⁰⁹ Namibia lost 57 rhinos to poaching in 2018 representing an approximately 30 per cent increase over the 44 rhinos illegally killed in 2017.¹¹⁰

In the summary of its analysis of Namibia's proposal, the IUCN and TRAFFIC note that Mozambique, Zimbabwe, and South Africa continue to experience high levels of rhino poaching, though Namibia is has been excluded from this list without any justification.¹¹¹ Namibia has lost more rhinos to poaching than Zimbabwe every year since 2014, including nearly double the number of rhinos lost in 2015-2016 and more than three times as many in 2018.¹¹²

As noted in our comments dated February 19, 2019, Namibia has faced major challenges in successful prosecutions for poaching and rhino horn trafficking.¹¹³ The IUCN/TRAFFIC report to CoP18 produced in accordance with Resolution Conf. 9.14 (Rev. CoP17) also highlights this concern, noting that delays in forensic reporting have led to case backlogs.¹¹⁴

There is also a concern that this proposal will function as a stepping stone toward a future legal trade proposal offered at a subsequent meeting of the CITES Conference of the Parties. Unlike the downlisting proposal offered by Eswatini at CoP13, which explicitly stated that it wished to maintain the ban on international trade on all rhino specimens not specified in its annotation (i.e. rhino horn), Namibia has made no such assurances in its proposal. Quite the opposite, Namibia's Minister of Environment has on multiple occasions argued that the CITES rhino horn trade ban is ineffective and advocated for legal trade in rhino horn.¹¹⁵

Namibia's southern white rhino population remains small at just 1,037 animals according to the proposal. Most are privately owned, leaving only 267 rhinos ranging across three protected areas. While the proposal claims this population total is "not small", the Secretariat's analysis states that it in fact does "[seem] to meet the definition of 'small wild population'" contained in Annex 5 of Resolution Conf. 9.24 (Rev. CoP17), and goes on to note that for some low-productivity species, like the southern white rhino, population totals of less than 5,000 individuals have been found to be an appropriate guideline for meeting the criteria for 'small wild population'. The fact that the majority of Namibia's rhinos are privately owned also raises concerns about the role of the Government in extending due protection to the species and implementing the necessary precautionary measures as per Annex 4 of Resolution Conf. 9.24 (Rev.

108. See, e.g., SC36 (1996) Summary Report at pg. 19; SC37 (1996) Summary Report at pg. 35; Doc. 10.45 (Rev.) (1997) at pgs. 674-677; CoP17 Doc. 86 (2016); SC69 Doc. 70 (2017).

109. [CoP18 Doc. 83.1 Annex 2](#)

110. [Xinhua, 2019, 57 rhinos, 26 elephants poached in Namibia last year.](#)

111. IUCN/TRAFFIC Analyses of Proposals to CoP18 – Prop. 9

112. [CoP18 Doc. 83.1 Annex 2](#)

113. [EIA Briefing for CITES CoP18](#)

114. [CoP18 Doc. 83.1 Annex 2](#)

115. [Smith, J. 2018. Calls for legal horn trade \[Namibian Sun\]; Chiringa, K. 2018. Shifeta unfazed as China lifts ban on rhino horn trade \[The Villager\]](#)

Rhinoceros Poaching Rates in Mozambique, Namibia, South Africa, and Zimbabwe (2012-2018)

	2012	2013	2014	2015	2016	2017	2018
Mozambique	16	15	19	13	5	4	1*
Namibia	1	4	30	97	61	44	57
South Africa	668	1,004	1,215	1,175	1,054	1,028	769
Zimbabwe	31	38	20	50	35	36	15*

* Data as of 31 July 2018 for Mozambique and 30 September 2018 for Zimbabwe; CoP18 Doc. 83.1 Annex 2

CoP17); these factors do not justify a down-listing of Namibia's rhino population.

The small countrywide population of Namibia's southern white rhinos together with the high risk of poaching and illegal trade justifies the current Appendix I listing of this species.

Proposal 10 - Zambia's elephant down-listing proposal

EIA opposes both the down-listing and trade elements of Proposal 10. There are major inconsistencies in ivory seizure data presented in the Proposal which are not addressed in either the Secretariat's or IUCN/TRAFFIC's assessments. The IUCN/TRAFFIC assessment states that according to the ETIS data, 161 seizures of approximately 3,773kg were reported by Zambia over a 5-year period (2014–2018); however, publicly available information suggests that in one year alone, in 2017, over 3,000kg of ivory was seized in Zambia, contradicting information in the proposal which claims that 1,348.8kg ivory was seized in 2017.¹¹⁶ This raises concerns that the ETIS analysis is based on incomplete information and that Zambia does indeed play a bigger role in ivory trafficking. Further, a comparison of the figures presented in the proposal with the down-listing proposal submitted by Zambia in 2010 indicates that at least 12,000kg of ivory has been seized in Zambia since 2010. EIA is also concerned that Zambia has failed to conduct a recent elephant population census, the results of which could have better informed CITES decision-making.

Resolution Conf. 9.24 (Rev. CoP17) on Criteria for amendment of Appendices I and II requires that proposals to transfer a species from Appendix I to Appendix II can only be approved if a) the criteria in Annex 4 regarding precautionary measures are met and b) the criteria for listing on Appendix I are not met. Proposal 10 does not meet the precautionary measures required to warrant a down-listing, a conclusion also supported by the Secretariat's provisional assessment, which states that Proposal 10 "does not specifically address precautionary measures"; the IUCN/TRAFFIC assessment also states that Proposal 10 provides

little information regarding precautionary measures. It is evident that Proposal 10 submitted by Zambia contradicts the precautionary approach and does not meet the criteria listed in Annex 4.

Proposal 11 - Ivory trade proposal by Botswana and other Parties

EIA opposes Proposal 11. The IUCN/TRAFFIC assessment concludes that "enforcement controls and compliance may be problematic" in the proponent countries, and that "independent assessments of stockpile management have not been conducted in recent years". Similarly, the Secretariat's assessment of Proposal 11 also concludes that the precautionary safeguards in Annex 4 of Resolution Conf. 9.24 (Rev. CoP17) have not been satisfied.

The countries that are seeking to sell their ivory stockpiles in Proposal 11 have been flagged as countries of concern through the MIKE and ETIS analyses confirming that they do not have in place the necessary precautionary measures, such as effective enforcement controls. Zimbabwe and South Africa are expected to be considered by the Standing Committee for inclusion in the CITES National Ivory Action Plan (NIAP) process.¹¹⁷ Both the MIKE and ETIS analyses have identified concerns related to poaching and ivory trafficking in Botswana and Namibia. An independent elephant population survey conducted in Botswana in 2018 and made publicly available in February 2019 confirms a significant poaching outbreak in at least four distinct hotspots in Botswana.¹¹⁸ We are extremely concerned that the Government of Botswana is choosing to reject these findings instead of taking urgent action to address the increase in poaching.¹¹⁹

The Secretariat's assessment fails to note that 76 per cent of Africa's elephants are found in transboundary populations including the populations of Botswana, Namibia, Zimbabwe and South Africa.¹²⁰ Indeed, the populations of Botswana and Namibia are notable examples of highly migratory-nomadic savanna

¹¹⁶ [The Livingstone Weekly, 24 January 2018](#)

¹¹⁷ [ETIS Report - CoP18 Doc. 69.3](#)

¹¹⁸ [Elephants Without Borders, 2019, 2018 Botswana Aerial Survey Report](#)

¹¹⁹ [EIA, 2019, Botswana's elephants poaching crisis is all too real, leaving no room for head-in-the-sand denials](#)

¹²⁰ [Lindsay, K. et al. 2017, The shared nature of Africa's elephants, Biological Conservation Vol. 215 pp.260-267 \(last accessed March 20, 2019\).](#)

elephants with large ranges.¹²¹ These factors should be taken into consideration in evaluating the impact of future ivory trade on elephants throughout the continent. Indeed, Annex 4 of Resolution Conf. 9.24 (Rev. CoP17) on Criteria for amendment of Appendices I and II recommends that where there is uncertainty of the impact of trade on the conservation of a species, Parties must act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species. Rejecting Proposal 11 and any future legal international commercial trade in ivory would be in the best interests of elephant conservation.

¹²¹ Id.