



Animal Welfare Institute

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Public Comments Processing
Attn: FWS–HQ– IA–2014–0018
Division of Policy, Performance, and Management Programs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS BPHC
Falls Church, VA 22041

Re: Docket No. FWS–HQ–IA–2014–0018

To Whom It May Concern:

On behalf of the Animal Welfare Institute (AWI), I provide the following comments on the items on the provisional agenda for the 17th meeting of the Conference of the Parties (CoP) to the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (hereafter CITES, Convention, or treaty) for consideration by the United States Fish and Wildlife Service (USFWS) as it develops its negotiating positions for CoP17 (81 Federal Register 40900).

AWI was an original proponent of CITES advocating for its adoption and for the United States to accede to its requirements. AWI continues to support CITES and believes that it, despite deficiencies both in its plain language and implementation, provides a useful tool to promote international collaboration to regulate the trade in the world's most imperiled species.

CITES, however, is 43 years old and while it is a dynamic convention that is regularly updated by amending its protected species appendices and through the adoption of resolutions and decision that interpret and implement its mandates, its relevance to modern realities of wildlife conservation, including legal and illegal wildlife trade, may be waning. The world's biodiversity is declining as a result of a host of largely anthropogenic factors including an overabundance of humans; habitat loss, degradation, and fragmentation; climate change; pollution; industrial and recreational activities that displace and disturb wildlife; and wildlife trade.

While CITES is one of many national and international "fingers in the dike" of biodiversity loss and ecosystem collapse, it may no longer represent an efficacious tool to combat over-exploitation of wildlife (legal and illegal). Given demand for wildlife products, greed, corruption, and a fundamental deficiency in sufficient knowledge of the ecology and biology of the majority of species in trade, while CITES appears effective on paper, its implementation is lacking. Many CITES member governments still

don't have sufficient national legislation implementing CITES, overall compliance with CITES requirements is deficient, and enforcement efforts, though improving in some respects, remain woefully inadequate in many parts of the world.

A fundamental problem with the origins of CITES is that, as indicated in its name, it only protects species that have declined to the point of imperilment as a consequence of wildlife trade. This may have been a sensible strategy in the early 1970s when CITES was being developed given dynamics of wildlife trade at that time. Today, with modern air travel permitting the rapid transportation of goods and products (including wildlife) around the globe, consumer demand for wildlife and its products, and the potential for financial profit, the dynamics of wildlife trade have changed. Ultimately, CITES may need to be substantially amended or replaced altogether with a treaty that protects all species unless it can be proven, with credible scientific evidence, that the collection or capture and trade in wildlife can be allowed without adversely impacting a population, ecological processes, or the well-being of individual animals. The benefits of a "Convention on the International Trade in Common Species" would be significant in global efforts to protect wildlife and to contribute to efforts to reverse the ongoing decline in global biodiversity.

Other broad concerns, including some applicable to the deliberations at CoP17, include the overarching focus within CITES on sustainable use, livelihoods, and, more recently food security. While the concept of "sustainable use" is clear, its interpretation and implementation are not. It's too simple to apply this concept to the protection and conservation of all wildlife -- plants and animals. While there are numerous definitions of the concept, CITES does not have an agreed upon definition of "sustainable use." While people will interpret that concept differently, its implementation is often based on mere numbers. If there is a sufficient number of a particular species then the "take" of a proportion of that population can be done sustainably or without harm to the population. For plants and animals, relying on numbers alone to determine sustainability ignores the role of the species in the ecosystem, how it influences ecosystem processes, and the importance of the individual to the ecology of its habitat. For animals, the concept of sustainable use ignores individual and group behaviors, group (e.g., herd, pack, flock) social dynamics, and sentience (i.e., the ability to feel pain and suffer).

The concept of "sustainable use" needs to be replaced or reconsidered in order to capture the other factors that must be considered, particularly in regard to animals, to ensure their conservation, to protect their role and function in the ecosystem, and to enhance their well-being. In addition, the concept of "sustainable use" must, at its core, be precautionary so that the species, plant or animal, and its protection is given the benefit of the doubt when there is any question about the impact of, in this case wildlife trade, on its survival, ecology, and well-being.

For years CITES has increased its emphasis on livelihoods. Livelihoods are critically important and ensuring their protection can aid in protecting wildlife and their habitat. However, what continues to be ignored is that CITES was never intended to be a tool to protect livelihoods. Indeed, the preambular text

of the Convention, which must be the fundamental basis for decisions made, says nothing about protecting livelihoods but, rather, focuses on the protection of wild fauna and flora from over-exploitation through international trade. Consequently, while decisions made under CITES can benefit livelihoods, those decision must not be influenced by, based on, or contingent upon a concern for livelihoods. There are other international conventions and mechanisms that focus on livelihoods and it is there, not within CITES, where efforts to protect livelihoods should be pursued. Moreover, the protection of livelihoods should not be interpreted as livelihoods enhanced by the trade in wildlife or wildlife products.

Similarly, providing for or enhancing food security, although of critical importance, is not a mandate of CITES and decisions made at CoP17 or at other CITES meetings must not be influenced by concerns about food security. Admittedly, national laws that permit the capture of wildlife for domestic consumption are not under the purview of CITES. Yet, if a species is imperiled by its international trade for food, CITES mandates that the protection of the species takes precedence over food security concerns. This is not to diminish the importance of food security but, rather, to emphasize that species protection from over-exploitation for international trade is the principle mandate of CITES. There are a host of other entities, institutions, organizations, treaties, and international standards that are focused on enhancing and protecting food security where such concerns are more properly addressed.

The remainder of this document will provide input on a number of the CoP17 working documents and species proposals. Input is not provided on every document. Where such input is missing this should not be interpreted as indifference, support, or opposition to the document or proposal.

Working Documents:

CoP17 Doc. 4.3: Adoption of the Rule of Procedure:

AWI encourages the US to support this document and proposed revision to the rules of procedure as offered by the government of Israel. All four procedural changes proposed by Israel will help resolve procedural issues that have arisen at previous CITES meetings, will promote transparency in the voting process by making the use of secret ballots more difficult to approve, and by clarifying how votes are cast by regional economic integration organizations. The proposed revision to procedures to increase the difficulty in calling for a secret ballot is of particular importance to ensure that governments must be transparent to their officials and constituents in regard to their votes, particularly on controversial issues.

CoP17 Doc. 12: Potential Conflicts of Interest in the Animals and Plants Committees:

AWI encourages the US to support this document and its associated draft decisions. It is imperative that the conflicts of interest of those nominated to serve on the CITES Animals and Plants Committees should

be taken into consideration before their nominations are subject to a vote by regional countries and, if elected, are disclosed to members of the committees.

Nevertheless, it is likely that some officials elected to serve on these committees will not be forthcoming with potential conflicts. To address this, it is imperative that a mechanism be established to permit other parties and observer organization to submit evidence of potential conflicts for any committee members to the Secretariat for consideration by members of the committee. Ideally, such information should be compiled before the regional vote on the person's nomination but, at a minimum, if such information exists it should be made available to committee members so that they, through their respective chairs, can seek clarification from the member as to his/her potential conflicts. AWI requests that the US raise this issue when this document is open for discussion at CoP17.

In addition, the US should recommend that any conflict of interest information submitted by a committee member be made publicly available via the CITES website so that all participants in CITES meetings are aware of such conflicts. Finally, if the Standing Committee does not already have its own conflict to interest policy, this policy should be extended to that committee or, at a minimum, the US should propose the development of a similar policy for the Standing Committee.

CoP17 Doc. 13: Establishment of the Rural Communities Committee of the Conference of the Parties:

AWI encourages the US to oppose this document and its associated draft resolution. This is dangerous document submitted by Namibia, Tanzania, Zambia and Zimbabwe. The intent of the draft resolution is, among other things, to establish a formal Rural Communities Committee (RCC) (comprised of representatives of legally recognized members of indigenous and/or rural communities and from Community Based Natural Resource Management programs) to provide guidance and advice to the Conference of the Parties and the Secretariat on issues related to wildlife trade, to assess the social impact of CITES decisions on rural communities, to draft resolutions and decisions for consideration by the Conference of the Parties, and to report to the Conference of the Parties on its intersessional activities. If these proposals were not bold enough, the draft resolution specifies that the CITES Secretariat must make provision for the payment of reasonable and justifiable travel expenses for RCC members and its Chair and that, if requested, the Secretariat will provide secretarial services for the RCC.

The US should welcome the participation of the RCC and/or of legally recognized members of indigenous and/or rural communities at CITES committee meetings and the Conference of the Parties as is currently the practice for accredited inter-governmental and non-governmental organization but not in the capacity proposed in the draft resolution and not requiring payment of travel expenses and provision of secretarial services for the RCC. If the RCC is created and if it wants to participate in CITES meetings, it merely has to go through the accreditation process and then it can fully participate and provide input on the myriad issues deliberated within CITES. Alternatively, if the RCC is created it can encourage its individual members to participate in decision-making processes on CITES issues

undertaken by their national governments. There is no reason nor justification to provide the RCC with the unique access that it requests and which will create a new and significant financial burden on the CITES Secretariat.

If this document were to pass, it would likely lead to other coalitions seeking similar official status within CITES. For example, AWI could create a Coalition of Animal Welfare Organizations Concerned about the Welfare of Animals in Trade (CAWOCWAT) and seek the same opportunities, privileges, and reimbursement for expenses being requested by the RCC since animal welfare concerns are not adequately represented by the current party membership of CITES. It is unlikely that parties would agree to such a role for CAWOCWAT and, similarly, the request for the RCC must be rejected.

CoP17 Doc. 16: CITES and Livelihoods:

AWI encourages the US to oppose this document and its associated draft decisions. As explained above, while livelihoods are important, CITES was never intended to preserve or protect livelihoods over the conservation of wild species and their protection from over-exploitation for international trade. Consequently, the implementation of rapid assessments to determine how CITES listing have impacted livelihoods is unnecessary since the protection of livelihoods is not a factor that should be considered or that should influence CITES listing decisions. It is possible that certain listing decisions have impacted livelihoods of certain people but that does not justify a reconsideration of those listings and/or reluctance to approve future listings because they may impact livelihoods. AWI is concerned that there is a distinct ulterior motive underlying the ongoing efforts to integrate livelihoods into the decision-making process used for CITES listings and it is intended to weaken the conservation mandate of the Convention and its ability to use Appendix I or II listings to gain control of international trade that may be adversely impacting wildlife species.

CoP17 Doc. 17: Livelihoods and Food Security:

AWI encourages the US to oppose this document and its associated resolution. As explained above, while food security is an important issue, protecting or enhancing food security is not a mandate of CITES and the fundamental focus of CITES on wild species protection from international trade should not be compromised or influenced by concerns over food security. The proponents of this document, Antigua & Barbuda, Côte d'Ivoire, and Namibia should be applauded for their efforts to protect food security but told that there are other international fora, like the Food and Agricultural Organization, where such concerns are more appropriately addressed and that the CITES mandate does not permit its decisions to be influenced by food security concerns. Again, this is not to diminish the importance of food security but, rather, it is to prevent the fundamental purpose of CITES from being weakened or subverted by focusing on issues beyond its purpose or mandate.

CoP17 Doc. 18.1: Demand Reduction Strategies to Combat Illegal Trade in CITES-Listed Species:

AWI thanks the US for submitting this document and for advocating for approval of the associated draft resolution. While it is appropriate to develop demand reduction strategies to combat illegal trade, employing such strategies against all trade in wildlife would be advisable. Given the inherent weaknesses in the implementation of CITES (particularly in regard to the making of credible non-detriment findings), ongoing and increasing demand for CITES species, and demand for species not afforded protection by CITES, it is highly doubtful that all so-called “legal” trade in wildlife is not adversely impacting populations and entire species. Implementing strategies to reduce demand for all wildlife species in trade would aid in protection global biodiversity by reducing the overall impact of demand from the US (a significant consumer country) for wildlife species and products.

CoP 17 Doc. 18.2: Wildlife Crime Enforcement Support in West and Central Africa and Development of CITES Demand-Reduction Guidelines:

AWI encourages the US to support this document and its associated decisions. If the Decisions attached to this document are approved it is hoped that the US will assist in the implementation of this decision. In particular, the US should aid West and Central African governments by providing legal experts (from the government or support attorneys from the private sector) to provide legal assistance for the revision of existing laws or drafting of new laws to fully implement CITES as called for in Decision 17.DD (in section directed to the Secretariat). This effort does not have to be solely the responsibility of the Secretariat and, indeed, the US may want to recommend a revision to the Decision to include text in the section directed to Parties to request that Parties provide legal assistance to Western and Central African countries in need.

Furthermore, in the section of the Decision on demand reduction strategies and, specifically in 17.DD (directed to the Secretariat), the US should recommend that the text be amended to include reference to “multi-disciplinary” consultants to review demand reduction practices and challenges. This could facilitate the inclusion of advertisement experts, sociologists, experts in human dimensions of wildlife management, and other non-traditional experts to broaden the review of demand reduction practices.

CoP17 Doc. 20 Empowering the Next Generation: CITES and Youth Engagement:

AWI thanks the US for submitting this document with South Africa. AWI suggests that the co-proponents of this document, the CITES Secretariat, and other parties consider seeking external funds to facilitate the attendance of select youths engaged in wildlife and environmental protection at CoP 18.

CoP17 Doc. 21 Review of Resolution and Decisions:

The Secretariat submitted this document with recommendations for the retention or deletion of decisions made at CoP16. AWI encourages the USFWS to take the following positions on the recommendations made by the Secretariat:

Decision 16.1: Support deletion. The Secretariat also recommends deletion of decision 16.2 but this clearly was a mistake in the text and should be ignored.

Decisions 16.26 and 16.27: Reject deletion. The Secretariat recommends deletion of these decisions because no further wildlife trade policy reviews have been undertaken and no funds are available to organize regional or sub-regional workshops. Given the potential value of such reviews and workshops, these decisions should be retained in case new reviews are undertaken or in the event that funding becomes available for such workshops.

Decision 16.53: Support retention as the development and sharing of non-detriment findings is an ongoing process and need.

Decision 16.58: No opinion.

Decisions 16.76 and 16.77: Reject deletion. The Secretariat recommends deletion of these decisions related to quotas for leopard hunting trophies and skins for personal use simply because only three countries responded to a notification on the subject and none reported any problems with the implementation of the quota system. Considering that leopard trophies and skins continue to be exported and that additional countries permit the import of these products, instead of deleting the decisions they should be retained and a new notification issue to seek responses from other parties.

Decision 14.81: Reject deletion. The International Whaling Commission's moratorium on commercial whaling of great whales remains intact. Consequently, this decision must remain in place until and unless the moratorium is revised or repealed. If, as suggested this decision is included on Res. Conf. 14.8 (Rev. CoP16), this is acceptable but the amendment to the resolution must be approved before this decision is deleted.

Decisions 14.82 through 14.85. Reject deletion. The Secretariat recommends the deletion of these decisions regarding the grey parrot claiming that they "have largely been complied with." It is unclear if that is entirely true given the broad range of topics covered in these decisions, particularly in Decision 14.83. Moreover, given ongoing problems and concerns about the trade, including illegal trade, of the grey parrot, these decisions should be retained.

Decisions 16.125 and 16.126: Support deletion.

CoP17 Doc. 22: National Laws for Implementation of the Convention:

It is astonishing that there are 46 and 35 parties to CITES that acceded to the treaty more than eight years ago and still have national legislation implementing CITES in categories 2 and 3, respectively. For parties that joined since March 2008, none of the nine have legislation in Category 1. This inability or unwillingness to promulgate laws that fully implement CITES should no longer be tolerated. For any party that joined CITES more than three years ago that does not have national legislation in Category 1

and can't provide an explanation for its failure, there should be a suspension of all trade in CITES listed species. The ongoing soft approach by the Secretariat, Standing Committee, and parties to such non-compliance is not working. Trade suspensions will provide the incentive necessary to promulgate laws that fully implement CITES which is critical for the implementation of the Convention. AWI strongly encourages the US to make this recommendation during the discussion of this document or at the 69th meeting of the Standing Committee.

In addition, the US should recommend that the Secretariat request a copy of the national legislation implementing CITES from all Parties with legislation in Category 1 and make the legislation publicly available on the CITES website. Considering the importance of transparency within CITES and recognizing that national laws are considered public documents in every country, it is unclear why the Secretariat has not already established a link to access such laws and/or why any Party would oppose such transparency.

CoP17 Doc. 26: Illegal International Trade in Wildlife:

The resolution associated with this document should be amended to remove text in paragraph b) explaining that the annual illegal trade report is not subject to compliance procedures for reasons articulated in CoP17 Doc. 35.1 below. In addition, the resolution section entitled "regarding communities, governance, incentives and sustainable use in combatting wildlife crime," should be amended, as explained above, to include the concept of developing alternative livelihoods that don't involve the collection, capture, or use of wildlife products (see, e.g., paragraph a in the draft resolution). Within CITES it appears that the concept of "sustainable livelihoods" assumes the use of wildlife products when it may be more appropriate to develop and promote alternatives that don't involve any use of such products in order to protect and rebuild wildlife populations. As to paragraphs b), c), and d), while indigenous peoples must have a role in the decision-making process regarding the use of wildlife, they should not be provided special treatment within CITES for reasons explained in CoP17 Doc. 13. AWI welcomes input from indigenous peoples on CITES related issues either through their national governments or if they organize themselves as international or national organizations that participate in CITES meetings as civil society observers. They should not be provided any more formal or official role in CITES decision-making processes unless the same is extended to the interest groups that also have equally valid concerns about wildlife trade.

CoP17 Doc. 27: Actions to Combat Wildlife Trafficking:

AWI thanks the US for submitting this document and for advocating for the approval of the attached resolution. In particular, AWI thanks the US for the inclusion of text regarding the need to close domestic ivory markets and to address concerns about wildlife products produced from synthetic or cultured DNA; issues that are critically important for the conservation of elephants, rhinos, and other species.

CoP17 Doc. 28: Prohibiting, Preventing and Countering Corruption Facilitating Activities Conducted in Violation of the Convention:

The US should support this document. Corruption among public officials, police and other law enforcement agents, and other involved in the oversight of wildlife trade is a key contributor to illegal trafficking. While it is impossible to entirely eliminate corruption, every effort must be made to combat corruption and the Resolution attached to this Document, if approved and fully implemented by CITES Parties, will aid in this effort.

CoP17 Doc. 29: Combatting Wildlife Cybercrime:

The US should support this document. Wildlife cybercrime is an increasing concern given the increase in access to and use of the Internet worldwide as an electronic marketplace for essentially any product. In addition, wildlife criminals may prefer to use the Internet as their electronic market given technologies that can make it difficult to identify them or their location. While some corporations that operate online selling sites have made efforts to help enforce laws pertaining to the international trade in protected wildlife, some have not acted responsibly and wildlife criminals are constantly evolving to find more secretive ways to sell their products.

The US should recommend at CoP 17 or within any working group established by the Standing Committee if the Decision in this document is approved, that a list of all national or global corporations that operate internet auction or selling sites be compiled. The Standing Committee should then request that the Secretariat send a letter to said corporations introducing them to CITES, explaining the importance of CITES and species protection, seeking their cooperation to report and prevent wildlife cybercrime, and inviting them to an international workshop to further discuss strategies to address this growing threat. While the Secretariat, Parties, intergovernmental and non-governmental organizations have contacted some of these corporations about these issues, a workshop would provide an opportunity to influence all such corporations and, ideally, to seek their support for a Memorandum of Understanding committing them to specific actions to help stop wildlife cybercrime.

In addition, it should be recommended that the CITES Secretariat, in consultation with Parties, observer organizations, and experts develop capacity building and training materials that can be made available in different formats on the CITES website.

CoP17 Doc. 30: Wildlife Crime Enforcement Support in West and Central Africa and Development of CITES Demand-Reduction Guidelines.

The US is encouraged to support this document and the associated decisions.

CoP17 Doc. 31: Implementation and Enforcement of the Convention as it Relates to the Trade in Species Listed in Appendix I:

AWI encourages the US to support this document and the proposed amendments to Res. Conf. 12.8 (Rev. CoP13) and Res. Conf. 11.3 (Rev. CoP16) and it thanks the US for the leadership it provided to the Standing Committee working group that was formed to address this important issue. The proposed amendments to the two resolutions is a start to creating a mechanism to assess whether trade in Appendix I species is being conducted in compliance with the Convention. If the proposed amendments to the resolutions do not prove to provide a sufficient basis to facilitate a review of legally questionable trade in Appendix I species, this issue may need to be revisited in order to create a formal review process for Appendix I species similar to that provided for Appendix II species via the Review of Significant Trade.

CoP17 Doc. 32: Implementation of the Convention Relating to Captive-Bred and Ranched Specimens:

AWI encourages the US to support this document and the associated draft decisions and resolution which would provide a new tool to assess whether trade in captive-bred and ranched specimens is being conducted in compliance with the Convention. If approved, the new tool, referred to as the “Review of Trade in Animal Specimens Reported as Produced in Captivity” would provide a mechanism for parties and observer organizations to identify trade in captive-bred specimens that warrants evaluation to ensure it is consistent with the terms of the treaty. Just as the Review of Significant Trade process was developed to assess whether trade in Appendix II species was being conducted in compliance with CITES rules, this provides a similar mechanism for animals produced in captivity. While there may be details relevant to the implementation of this new review tool that will have to be addressed after the process is implemented, this is a significant first step in providing a mechanism to question the legitimacy of captive breeding and ranching operations and their compliance with the Convention.

CoP17 Doc. 33: Evaluation of the Review of Significant Trade:

AWI encourages the US to support this document and its associated proposed amendments to Res. Conf. 12.8 (Rev. CoP13) draft resolution and annexes. The existing Review of Significant Trade process is fraught with problems including a lack of transparency, accountability, and the amount of time required to work a species/country combination through the process. The proposed amendments to Res. Conf. 12.8, if accepted, will address some of the deficiencies in the review process. AWI encourages the US to consider the following additional revisions to the proposed amendments.

- 1) Include reference to Res. Conf. 4.25 and, specifically, that Appendix I specimens traded under reservation can be subject to inclusion in the Review of Significant Trade since they are considered traded as Appendix II specimens. This inclusion would be consistent with the recommendations contained in CoP17 Doc. 31.
- 2) In Stage 1, paragraph a) combine the summary and extended analysis of trade data into a single ask. If this were done then, instead of asking consultants to provide a summary and extended analysis they would simply provide an extended analysis that would combine the information

that is proposed to be included in the summary and in the extended analysis as delineated in Annex B.

- 3) In Stage 1, paragraph c) it should be clarified if the reference to “a proponent” can include non-governmental organizations. This should be the case since non-governmental organizations often may have more information about questionable trade in Appendix II specimens that may not be in compliance with the Convention than parties.
- 4) In Stage 2, subparagraph d) ii) the information that is proposed to be compiled and reported by consultants should be required to be submitted by the range state that has a species selected to be included in the Review of Significant Trade. Indeed, considering that the purpose of the review process is to determine if the range state is acting in compliance with Article IV of the Convention which requires the making of credible non-detriment findings, if it is acting in compliance the biological, management, and trade information identified in this subparagraph should be available. If the range state were required to submit this information, consultants would not have to be hired and paid to perform this role thereby saving funds.
- 5) In Stage 2, paragraph e) the categorization of species/country combinations into “action is needed,” “unknown status,” or “less concern” should be based both on any materials submitted by the range states and the report required under subparagraph d) ii). At present, the language indicates that the categorization process will be based solely on the report required under subparagraph d) ii).
- 6) In Stage 4, paragraph k) subparagraph i), the text should be amended so that the Secretariat, Chair of the Standing Committee, and member of the standing committee are all consulted to determine if a range state should be removed from the review process. At present, that decision is to be made only by the Secretariat in consultation with the Chair of the Standing Committee. Members of the standing committee should also be able to participate in the process intersessionally as is the case for members of the plants and animals committee as indicated in paragraph k) subparagraphs ii and iii.

CoP17 Doc. 34: Disposal of Illegally Traded and Confiscated Specimens of Appendix I, II, and III Species:

Key considerations in the disposal of illegally traded and confiscated specimens of Appendix I, II, and III species are that: 1) all efforts should be made to ensure the proper care and well-being of any confiscated live animals; 2) the destruction of any confiscated live animals should only be pursued as a last resort and only when the animals are diseased (and cannot be treated) or to relieve suffering as a result of an injury; 3) exporting countries should always strive to accept the return of confiscated specimens, including live animals, unless returning the species will compromise the welfare of the animals; 4) the cost incurred for the care and transport of any confiscated specimens should be charged to the person, persons, or companies that illegally imported the specimens; and 5) under no circumstances should illegally traded and confiscated specimens of Appendix I, II, or III species be sold in commercial trade so as to not profit from illegal trade or to increase demand for wildlife products. While AWI supports most of the content of the consolidated and revised version of Res. Confs. 9.9, 9.10

(Rev. CoP15), and 10.7 (Rev. CoP15), it requests that the US ensure that these five key considerations are included in the consolidated and revised resolution. Furthermore, in subparagraph e) under the third recommends in the consolidated and revised resolution, the US should request that Appendix III be included in that paragraph so that seized and confiscated wild-collected specimens of Appendix III species are provide proper care as a priority as recommended for Appendix I and Appendix II specimens.

CoP17 Doc. 35.1: Review of Reporting Requirements:

AWI encourages the US to support this document. AWI fully supports the development of the new annual illegal trade report as included in Decision 16.44 (e) but is concerned that while the report is mandatory it would not be subject to compliance procedures. It is illogical to refer to a report as mandatory but to then indicate that a failure to submit the mandatory report will not result in any adverse consequences. In order to monitor the effectiveness of wildlife law enforcement efforts, it is critical to collect data on illegal wildlife trade over time. Considering the history of poor responses from CITES Parties to requests made by the Secretariat on behalf of any of the CITES committees, advising Parties that there is no consequence to not submitting a mandatory report is short-sighted. AWI encourages the US to recommend that this reference be reversed.

In addition, in Annex 1 of this document which provides amendments to Res. Conf. 8.13 (Rev.), AWI objects to the proposed deletion of paragraph b) regarding outreach to known manufacturers of microchip implants and associated equipment. Coded microchips should continue to be considered a key tool to mark wildlife products and the outreach reflected in paragraph should be continued. Given the ongoing improvement in microchip technology, such chips could and should be considered as a permanent tag in wildlife products which could provide a complete history of the source of the product, its route from source to the consumer, and data documenting its legality which could be useful for enforcement authorities. AWI encourages the US to reject the deletion of paragraph b) during the discussion of this document.

CoP17 Doc. 38: Identification of Elephant and Mammoth Ivory in Trade:

AWI encourages the US to support this document and its associated draft resolution. As noted in the document, there is evidence that the legal trade in mammoth ivory is being used to launder illegally sourced elephant ivory and ivory products thereby maintaining incentives for elephant poaching. If the draft resolution is approved, its operative paragraphs would provide a strong foundation to begin to address this problem. Considering that mammoth ivory products are routinely imported into the US, if this resolution is approved we strongly encourage the US to urgently comply with operative paragraphs a-f so that the US is not contributing to illegal trade in elephant ivory by allowing legal trade in mammoth ivory. Eventually, the mammoth, despite being extinct, may need to be listed on the CITES Appendices to either prohibit the commercial trade in mammoth ivory or to regulate its trade.

CoP17 Doc. 39.1: Hunting Trophies of Species Listed in Appendix I or II:

While AWI has concerns about certain elements of this proposal it encourages the US to support this document and its associated draft resolution, proposed amendment to Res. Conf. 13.7 (Rev. CoP16), and draft decisions, if amended as described below. AWI does not concur with text in the document and draft resolution that trophy hunting provides a conservation benefit given the lack of credible evidence provided by the trophy hunting evidence or countries that permit trophy hunting to support this claim. To strengthen the draft resolution, AWI encourages the US to seek the following amendments to the resolution text. First, under operative paragraph 2, it should be clearly stated that a non-detriment finding is required for the export and import of a sport hunted trophy of an Appendix I species and for the export of an Appendix II species unless a national export quota has been established and reported to the Secretariat. The current text does not explicitly state that a non-detriment finding is required for trade in trophies of Appendix I and II species for which a national export quota has not been established. Second, although included in Res. Conf. 13.7 (Rev. CoP16), it should be noted in the preambular text of the draft resolution that a hunting trophy does not qualify for the personal and household effects exemption. Third, paragraph 3 of the draft resolution should be amended to include reference to Appendix II since, if trophy hunting of Appendix II species, is to be allowed it should produce tangible conservation benefits for Appendix II species involved as is proposed for Appendix I species.

CoP17 Doc. 39.2: Trade in Hunting Trophies of Species Listed on Appendix II:

AWI encourages the US to oppose this document and its associated draft resolution. The proponent of this document, South Africa, has a self-serving reason to introduce and support the draft resolution given the trophy hunting industry in the country. AWI rejects the ongoing claims that trophy hunting provides a conservation benefit to wildlife. Indeed, there is an increasing body of scientific and gray literature raising concerns over the alleged conservation benefits of trophy hunting in many African countries. Moreover, there can be little question that the non-consumptive use of African wildlife will, over time, generate far more revenue from tourists than can be obtained through trophy hunting since live wildlife can be observed by thousands if not millions of people annually while an animal killed by a trophy hunter, once dead, can no longer generate revenue.

The clear intent behind this document and the associated draft resolution is not to improve the international management of trophy hunting but, rather, to undermine the sovereign authority of importing countries to question the validity of a non-detriment finding made by an exporting country and to interfere with the sovereign right of any country to implement stricter domestic measures which may impact the country's willingness to accept sport hunted wildlife trophies.

CoP17 Doc. 40: International Trade in Live Appendix II Animals to Appropriate and Acceptable Destinations:

AWI appreciates the submission of this document by the US but has concerns about some of the proposed amendments to Res. Conf. 11.20. As an initial matter, as required by the Convention, the trade in live, Appendix I specimens must include a determination by the importing country that the

facility receiving the animal is suitably equipped to house and care for it. For Appendix II specimens, the same standard does not apply but the state of export must determine that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment. The concept of “appropriate and acceptable destinations” is only applicable to species in Appendix II for which an annotation is included with the species listing that requires such a finding to be made by the state of import. In making this finding, the state of import must be satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it.

This raises a number of concerns. First, there is no actual definition of “appropriate and acceptable destinations” as it effectively is synonymous with the concept of “suitably equipped.” This concept also does not appear to be defined by CITES and, therefore, parties may interpret it differently. Absent national legislation dictating standards for the care and husbandry of captive wild animals, some parties may interpret “suitably equipped” to be satisfied if there is a sturdy cage or enclosure for the animal, the cage or enclosure is of sufficient size to hold the animal, and that personnel have the capacity to feed the animal.

This is not sufficient. At a minimum, “suitably equipped” should be interpreted primarily to ensure the well-being of the animal to the extent possible in captivity. Consequently, enclosures must be of a size to meet the physical needs of the animal, personnel should have expertise in the care of the particular species, veterinarians must be present to ensure the health of the animals and to address any injuries or disease conditions, and there must be a psychological enrichment program to ensure the psychological health of the animal.

Second, the concept of “suitably equipped” as interpreted in the previous paragraph should be applied to all Appendix II species to ensure that when they are traded live their well-being is protected to the greatest extent possible in captivity. At present, absent national legislation to protect imported Appendix II species, there are no standards that govern how these animals must be cared for in captivity.

Third, in regard to the proposed amendment to Res. Conf. 11.20 reflected in paragraph b) in the operative section of the resolution, this text will create pay to trade situations that will allow for the live trade in wild caught Appendix II species for lifelong confinement in a cage if there is support for an *in situ* conservation program.

There is no further explanation as to what types of *in situ* conservation programs would merit support, if they would have to be for the same species as in trade, what criteria such *in situ* conservation programs would have to meet to demonstrate that they provide a meaningful conservation benefit to wild species, what type of support would be acceptable (i.e., financial, technical, equipment), the duration of such support, or who would monitor such programs to ensure that their activities continue to benefit wild species. If approved, this language would permit, as an example, a zoo in the US to import a wild-caught Appendix II animal in exchange for a \$500 contribution to an *in situ* conservation program.

Before this language should be discussed or approved there must be further elaboration of the details of how such a support program would operate. It could provide benefits for wild species but it also may be intended to legitimize the controversial trade in wild-caught Appendix II species by mandating that the importer provide support for some random *in situ* conservation program.

CoP17 Doc. 41: Identification of Origin of Cetaceans Bred or Kept in Captivity:

AWI encourages the US to support this document and its associated draft recommendation (which presumably is intended to be a draft resolution). This particular document and draft resolution, despite the title, is limited to *Tursiops truncatus* and proposes to obtain genetic samples from *Tursiops truncatus* in trade and to create a repository for these samples. The intent behind the genetic sampling is to ensure the proper identification of individual *Tursiops truncatus* in trade to reduce the incidents of wild caught animals being imported to take the place of captive animals who have died or to be mis-declared as captive-bred animals. Should this draft resolution be approved and the genetic identification mechanism for *Tursiops truncatus* proves to be effective, this resolution could be amended to apply the same genetic sampling structure to other cetaceans in captivity.

CoP17 Doc. 45: Traceability:

AWI encourages the US to support this document and its associated decisions. AWI believes that coded microchips remain a key tool to enhance the traceability of many wildlife products, particularly live animals or animal products and intends to promote the use of such chips should the decision be approved within the Standing Committee.

CoP17 Doc. 47: Stocks and Stockpiles of Specimens of CITES-Listed Species:

AWI encourages the US to support this document and the draft decision recommended by the Secretariat. Any assessment of the handling, monitoring, and management of stocks or stockpiles of CITES listed species should recommend: 1) the use of a single term “stock” or “stockpile” to describe any collection of CITES listed species, parts or derivatives held by a government or private party; 2) should encourage the inventory of government-held and privately owned stocks of CITES-listed species; and 3) that parties should be encouraged to destroy stocks of CITES Appendix I and II specimens, products, or derivatives with the exception of live animals unless their destruction is required due to disease transmission concerns or to eliminate their suffering due to any injuries sustained while in trade. There should be no trade, for commercial purposes, in any stocks of illegally sourced, confiscated, or seized animals, plants, or products from any CITES listed species so as to avoid creating a demand for such species or products.

CoP17 Doc. 48.2: Identification Manual:

The US should support this document. The ability to identify CITES species and specimens in trade is crucial to the implementation of CITES. In addition to the DNA and isotope-based forensic techniques to

aid in determining the geographical source and age of specimens, AWI notes the development of a rapid immune colloidal gold strip that relies on myoglobin sequences to differentiate between the meat of various cetacean and other species.¹ This or similar technologies may be useful to aid in the identification of any meat products from CITES listed species that are traded internationally.

CoP17 Doc. 49: Illegal Trade in Cheetahs:

AWI encourages the US to support this document and its associated draft decisions. The US should reject the Secretariat's recommendation to remove reference to the 69th and 70th meetings of the CITES Standing Committee in Decisions 17.B and 17.F as there needs to be some deadline for development of the cheetah trade resource kit proposed in Decision 17.A and that deadline, given the urgency of the need for the kit, should be as soon as possible. Removing the references to the 69th and 70th meetings of the Standing Committee could result in a delayed development of the proposed resource kit.

CoP17 Doc. 51: Conservation of and Trade in *Anquilla* spp.:

AWI encourages the US to support this document and its associated draft decisions. The information contained in this document should be a lesson that a CITES listing of one species may have dramatic and adverse impacts on similar species. In this case, the Appendix II listing of the European eel at CoP14 has triggered a substantial increase in demand for other eel species, including the American eel, to satiate the significant demand for eels in Asian countries. As is so common with species that are in demand, particularly in Asia, once one source for the species is depleted or protected, other sources or species are then targeted resulting in the serial depletion of all related species throughout their range, creating conservation management issues for range states, and ultimately requiring that the other, related species be considered for CITES listing.

CoP17 Doc. 52: Review of Precious Corals in International Trade:

AWI supports this document and thanks the United States for submitting and advocating for the draft decisions contained in the document to assess the conservation status and effectiveness of management measures for red and pink corals and to evaluate the lessons learned from the Appendix II listing of black corals.

CoP17 Doc. 57.2: Closure of Domestic Markets for Elephant Ivory:

AWI encourages the US to support this document and its associated draft resolution. Considering the current plight of elephants, including the slaughter of nearly 100 African elephants every day to feed the

¹ See, Lo et al. 2013. Rapid Immune Colloidal Gold Strip for Cetacean Meat Restraining Illegal Trade and Consumption: Implications for Conservation and Public Health. PLOS One, Vol. 8, Issue 3. Available at: <http://journals.plos.org/plosone/article/asset?id=10.1371%2Fjournal.pone.0060704.PDF>

ivory trade, a comprehensive response is required to reduce and, eventually, end the poaching of elephants. This must include an international effort to close domestic ivory markets. AWI applauds efforts made by the US to strengthen its rules regarding the export and import of ivory and ivory products and welcomes similar pronouncements from China, Hong Kong, and other governments. The draft resolution, if approved, would provide a foundation to advance international efforts to close domestic ivory markets to reduce demand for ivory products and, thereby, remove incentives for elephant poaching.

CoP17 Doc. 57.3: Ivory Stockpiles Proposed Revision of Resolution Conf. 10.10 (Rev. CoP16) on Trade in Elephant Specimens:

AWI encourages the US to support this document. Over the past five years a number of governments, including the US, have engaged in ivory crush or destruction events to eliminate or reduce their stocks or stockpiles of ivory and to send a clear message to elephant poachers and the criminal syndicates that drive the illegal trade in ivory that the world will not tolerate the ongoing slaughter of elephants to feed the ivory trade. This document including the proposed amendments to Res. Conf. 10.10 (Rev. CoP16) and draft decision establishes standards for the inventory, monitoring, testing, and destruction of ivory stockpiles. Considering the cost of maintaining and guarding ivory stockpiles and the potential risks of doing so particularly for those responsible for protecting such stocks, parties would be well advised, after a sample of the product has been obtained for forensic testing, to destroy collected or seized ivory products, including raw ivory, as soon as realistically possible.

CoP17 Doc. 57.4: Trade in Live Elephants Proposed Revision of Res. Conf. 10.10 (Rev. CoP16) on Trade in Live Elephants:

AWI encourages the US to support this document and the associated proposed amendments to Res. Conf. 10.10 (Rev. CoP16). There is no compelling reason to permit the trade in live, wild elephants to zoos or other captive facilities. Conversely, as indicated in the document and as made clear in the scientific literature, there are a host of concerns associated with the capture, gentling, and lifelong confinement of wild elephants in captivity not only to the animals targeted for capture but for the family groups remaining in the wild. The trauma associated with the capture, handling, and transportation of wild elephants and the myriad difficulties with keeping elephants in captivity can no longer be ignored. Nor can we disregard the emotional costs of trading live elephants on the captured elephants and their kin remaining in the wild.

The US recently authorized the import of live, wild caught elephants from Swaziland to three US zoos. While it was convinced that this was a “rescue” operation, the reality is that there were plenty of actions that could have been taken in Swaziland to retain these elephants and to provide them additional space. Consequently, the decision made by the USFWS was in error and only served to benefit the three US zoos and enrich a private organization in Swaziland. Despite this decision, the US should support the proposed amendments to Res. Conf. 10.10 (Rev. CoP16) which would only permit the trade in wild

caught, live elephants for *in situ* conservation programs. It is important that trade in existing captive elephants be permitted in order to facilitate the transfer of captive elephants from substandard facilities to facilities that may provide more appropriate captive facilities and care but, for wild elephants, their capture and trade should be limited to *in situ* conservation projects.

CoP17 Doc. 60.1: Asian Big Cats:

AWI encourages the US to support this document and the associated draft decisions. The ongoing and massive captive breeding of tigers in China and other Asian countries should be of significant conservation concern given the dire status of wild tigers.

As indicated in this document, the breeding and maintenance of an increasing number of captive tigers in Asian big cat range states and the associated expense, it is inconceivable that this is done solely to benefit the conservation of wild tigers. This, in turn, suggests that tiger parts and products continue to enter the illegal domestic and international trade in tiger parts. While there are ongoing concerns with the illegal capture, killing and trade in wild tigers, the problem with captive tigers and the illicit trade in their parts have been the subject of considerable efforts by CITES and its parties to resolve without a great deal of success. Contrary to past claims including those made by the Government of China, there is absolutely no conservation benefit from keeping tigers in captivity or from mass-producing them, often in inhumane conditions. It is virtually impossible to retrain a captive-born tiger to survive in the wild and, without careful breeding, husbandry, and veterinary care programs, the genetic integrity and disease status of captive tigers would render them inappropriate and even potentially damaging for release into the wild.

The draft decision included in this document, if approved, would be an initial step toward obtaining more information and imposing some controls on the breeding of tigers in captivity. This would affect the US given the large number of captive tigers maintained in private ownership in the country but this should not discourage the US from supporting the draft decisions. Indeed, while the US has improved its oversight of captive tigers, it has to take additional actions, independent of and in collaboration with state wildlife agencies, to reduce if not entirely eliminate the breeding of captive tigers held by private parties, the domestic sale of tigers, and to ensure that parts and products from tigers in the US are not entering the illegal trade.

CoP17 Doc. 60.2: Asian Big Cats:

AWI encourages the US to support this document and its associated draft decisions. Given the plight of wild tigers and ongoing illicit trade in tiger parts, including pelts, the collection of photographs of wild tigers and tiger skins and their use to identify the origins of tiger skins in trade using the stripe pattern unique to each tiger will aid in law enforcement efforts to combat the illicit trade in tigers.

CoP17 Doc. 61: Great Apes:

AWI encourages the US to support this document and the recommended decisions proposed by the Secretariat. The ongoing illegal trade in great apes and the increasing anthropogenic threats to remaining wild populations and their habitats requires a global effort reverse their drastic decline. While the number of great apes in illegal trade pales in comparison to the volume of other species in illegal trade, the fact that great apes are the closest living relatives of humans, that they (like all animals) are sentient, intelligent beings, and that the capture of any great ape for trade often results in the killing of many others, there should be global outrage among governments and the public that such illegal trade continues. The US is to be applauded for its decision to designate all chimpanzees, including those held in captivity, as endangered under the Endangered Species Act but so long as it continues to permit any great ape to be used in entertainment and/or in advertising campaigns, it is creating a demand for these species. The US should commit to not permitting such uses in the future and to implement demand reduction strategies in the US in order to prevent it from being a destination for illegally sourced great apes.

CoP17 Doc. 64: Pangolins:

AWI encourages the US to support this document and its associated draft resolution and draft decisions. The US is commended for its ongoing efforts to highlight the significant conservation concerns associated with the substantial illegal trade in pangolins and their products. The only substantive concern with the draft resolution is the references to the captive breeding of pangolins. There is virtually no evidence to suggest that pangolins can be successfully bred in captivity and, instead of promoting captive breeding of the species, such *ex situ* uses of pangolins should be discouraged in favor of *in situ* conservation projects.

CoP17 Doc. 66: Tibetan Antelope Enforcement Measures:

AWI encourages the US to support this document. The illegal trade in shatoosh shawls made from Tibetan antelope has been a concern for decades. It is particularly troubling that lower quality and, therefore, lower priced shawls containing shatoosh and cashmere have been found for sale as this trend could further impact Tibetan antelope populations.

CoP17 Doc. 68: Rhinoceroses:

AWI encourages the US to support this document, its draft decisions, the proposed amendments to Res. Conf. 9.14 (Rev. CoP15), and the proposed new annex to Res. Conf. 9.14. As documented in the international media and numerous reports, rhino poaching has escalated significantly in the past decade with the epicenter of the epidemic in South Africa. To combat this poaching and eradicate the illicit trade in rhino horn will take international collaboration and the implementation of a myriad of strategies and tools. The draft decisions and proposed amendments to Res. Conf. 9.14 contained in this document may provide a foundation to reverse the troubling trajectory for rhinos.

CoP17 Doc. 69: Illegal Trade in Helmeted Hornbill:

AWI encourages the US to support this document and its associated draft resolution. Helmeted hornbills in Indonesia have been increasingly threatened by poaching since 2011 as demand for hornbill ivory or red ivory has increased, primarily in China. The operative paragraphs in the draft resolution, if approved, will aid in addressing this poaching threat and conserving the species by, among other ways, strengthening laws for the protection of the helmeted hornbill, eliminate domestic sales of hornbill ivory, and implement demand reduction strategies.

CoP17 Doc. 72: Regional Cooperation on the Management of and Trade in the Queen Conch:

AWI encourages the US to support this document and its associated draft decisions. AWI notes with concern, however, that the document and draft decisions appear to suggest that the range states of the queen conch do not have the scientific data and/or capacity to make credible non-detriment findings to permit the trade in this species and yet such trade continues. If this is the case, the US should recommend that all trade in queen conch be suspended pending the production of credible non-detriment findings by all range states engaged in trade or it should commit to recommending that the queen conch be included in the Review of Significant Trade at the next meeting of the CITES Animals Committee.

CoP17 Doc. 74: Totoaba – Opportunities for International Collaboration within the CITES Framework:

AWI encourages the US to work with proponent (Mexico) to revised this document to strengthen its content and impact given the extremely dire status of the vaquita which is on the verge of extinction due to entanglement in gillnets used by poachers to capture valuable totoaba to export their swim bladders to Asia and, particularly, China and Hong Kong. AWI acknowledges efforts undertaken by Mexico to address the illegal capture and trade of totoaba and to protect the vaquita. Indeed, the current proposal is already out-of-date due to new developments both in Mexico and elsewhere that may impact efforts to protect the vaquita and to reduce the impact of illegal totoaba fishing on the species.

Nevertheless, considering that there are fewer than 50 vaquita remaining in the wild, the recommendations to the Conference of the Parties contained in this document are weak and must be revised and strengthened in order to provide a meaningful outcome for both species. AWI encourages the US, Mexico, and China to engage in trilateral meetings at CoP17 in order to continue deliberations on the need for collaboration to prevent the extinction of the vaquita but we request that the US emphasize the urgency of action that is essential at this time. Absent significant efforts to stop the illegal capture of totoaba and smuggling of its swim bladders to China and Hong Kong, including enforcement and demand reduction in China, it is very likely that the vaquita will be extinct in the near future.

CoP17 Doc. 75.1: Bushmeat:

AWI encourages the US to support this document and its associated proposed amendments to Res. Conf. 13.11. The capture and killing of wildlife for bushmeat for domestic consumption or international trade is a significant threat to a variety of wildlife species. This threat, although often tied to Africa, is relevant to many countries around the world. The amendments to Res. Conf. 13.11 will assist parties in improving their control and management of the bushmeat trade.

AWI notes, however, that the notion of a sustainable bushmeat trade is unlikely, particularly given the dearth of information on the status of those wildlife populations targeted for bushmeat, a lack of long-term studies on the trends in those populations, virtually no information on the number or characteristics of animals killed for bushmeat or otherwise removed from the populations, which prevents any assessment of the impact of anthropogenic threats to the short and long-term survival of these populations. If sustainability is the long-term goal of parties that permit trade in bushmeat, they will have to invest in basic and long-term scientific study to improve their knowledge of the ecology, biology, and threats to the species to enhance their management decisions.

Ideally, parties that permit trade in bushmeat will implement demand reduction strategies in order to educate consumers about the risks of consuming bushmeat (i.e., disease) and the impact of bushmeat on wildlife populations.

CoP17 Doc. 75.2: Report of the Central Africa Bushmeat Working Group:

AWI is disappointed that the Central Africa Bushmeat Working Group has failed to provide information in response to Decisions 14.73 and 14.74. Considering the critical importance of the capture and killing of wildlife for the domestic and international trade in bushmeat in Africa and elsewhere, the failure of this working group to apparently engage in any discussions or make any progress in complying with the relevant decisions is discouraging. AWI recommends that the US, either on the floor at CoP17 or during private discussions with delegates from Cameroon, Central African Republic, Congo, Democratic Republic of the Congo, Equatorial Guinea, and Gabon seek input on the reasons for this lack of compliance and determine if there's any reason to believe that this working group should be retained. While there are other bushmeat-related initiatives within CITES and other conventions, if these countries only need financial or technical assistance to address the bushmeat crisis in Central Africa, then these decisions should be retained and other parties, including the US, should strive to provide the resources and other tools that are needed for this working group to satisfy the relevant decisions.

CoP17 Doc. 78: Sharing Existing Written Science-Based Rationales and Scientific Information for Non-Detriment Findings made for Trade in CITES Listed Species:

AWI encourages the US to support this document and the proposed amendments to Res. Conf. 16.7. The document, including the proposed amendment text, should be revised to promote the sharing of actual

non-detriment findings in addition to any science-based rationales or scientific information underlying such findings and the text “where they exist” in the amendments to the resolution should be removed.

While sharing science-based rationales and scientific information underlying non-detriment findings, it is illogical and inconsistent with the promotion of transparency within CITES not to share credible non-detriment finds made by CITES Parties. These findings and the other information must be shared in a publicly accessible portal on the CITES website and the US itself should establish a link on its CITES webpage where the public can access non-detriment findings made by US CITES authorities.

The “where they exist” text should be stricken from the proposed amendments to the resolution as its inclusion suggests that credible non-detriment findings are not made as required by the Convention and/or such findings are not substantiated with relevant scientific information. While there is no question that not all CITES parties fully comply with the requirement to make credible non-detriment findings, the CITES resolution on non-detriment findings should not excuse or ignore such non-compliance.

CoP17 Doc. 79: Implementation of CITES Strategic Vision: 2008-2020:

In regard to the draft decisions attached to this document, the US should seek clarification on what information requested on the conservation status of and measures adopted for species included in Appendix I is being sought as this is not articulated in the document or in the text of the draft decisions.

CoP17 Doc. 84.2: Decision-making Mechanism for a Process to Trade in Ivory:

AWI encourages the US to support this document which, if approved, would terminate any further discussions in regard to the development of a decision-making mechanism for trade in ivory. Considering the current plight of elephants and recognizing the substantial increase in elephant poaching, including after the second one-off sale of ivory in 2008, there is no justification to continue to develop any decision-making mechanism for trade in ivory. As explained in the document, any ongoing discussion of such a mechanism only provide an incentive for poachers, criminal syndicates, and unscrupulous entrepreneurs to stockpile illegally sourced ivory in hopes that a legal trade is eventually permitted.

CoP17 Doc. 84.3: Decision-making Mechanism for a Process of Trade in Ivory:

AWI encourages the US to oppose this document and its associated proposed amendment to Res. Conf. 10.10 (Rev. CoP16). The proponents of this document, Namibia, South Africa, and Zimbabwe not only have a self-serving interest in the continuation of discussions regarding a decision-making mechanism for trade in ivory but they are ignoring the brutal reality of the current plight of elephant including the unsustainable poaching of African elephants to feed the ivory trade. Authorizing a legal trade in ivory or even discussing the possibility of permitting such trade will only incentivize poachers, criminal syndicates, and unscrupulous entrepreneurs to stockpile illegally source ivory tusks and products in the

hope that a legal trade will be permitted. Instead of attempting to be part of a solution to this problem by joining the other African elephant range states in seeking the termination of the decision-making mechanism process, the proponents are attempting to prolong the life of a process that hasn't made any substantive progress since CoP14 and which presently is on life-support.

Notably, although not admitted by the proponent countries, elephant poaching incidents are increasing in their countries raising concerns that the scourge of poaching that has decimated elephant population elsewhere in Africa is now targeting the elephants in their countries.

While the proponent countries threaten to effectively ignore the current annotations to the listing of the African elephant in their countries if the decision-making mechanism process is not continued, the US should not be swayed by such threats which, if exercised, will surely result in considerable condemnation of the proponent countries nationally and internationally.

CoP17 Doc. 85: Extinct or Possibly Extinct Species:

AWI encourages the US to support this document and its proposed amendments to the annexes of Res. Conf. 9.24 (Rev. CoP16) with the exception of recommended text that "extinct species should not normally be proposed for inclusion in the Appendices." While this text is drafted to avoid entirely closing the door on adding an extinct species to the CITES Appendices, it should be clarified that there are circumstances when extinct species should and could be added to the Appendices. In particular, it should be possible to add extinct species to the Appendices when the trade in their parts or products may be harming conservation or complicating law enforcement efforts for an extant CITES-listed species. The mammoth is a perfect example of an extinct species that may warrant inclusion on the CITES Appendices if evidence of the trade in mammoth ivory being used to launder illegally sourced elephant ivory continues to increase.

CoP17 Doc. 86: Review of Res. Conf. 10.9 on Conservation of Proposals for the Transfer of African Elephant Populations from Appendix I to Appendix II:

AWI encourages the US to oppose this document and its proposed amendment to Decision 16.160. Although the proposed amendment would only change a reporting date from CoP17 to CoP18, the fact that Botswana, as Chair of the Standing Committee working group on this issue established in 2014, was unable to initiate any meaningful deliberations of the working group in the past two years demonstrates its lack of commitment to this issue. Moreover, given the current status of African elephant populations and the ongoing elephant poaching crisis which is increasingly impacting elephant population in the four southern African countries with elephant populations in Appendix II, it would appear to be a waste of time and energy to continue with a working group whose discussions are likely to be inconsequential since the downlisting of any elephant population from Appendix I to II is unlikely to be approved in the near future.

AWI also notes with concern the suggestion by the Secretariat that parties may want to consider whether the establishment of an FAO-like ad hoc expert panel to review listing proposals for elephants and other terrestrial species like the FAO does for marine species would be advisable. The US should strongly discourage any discussion of such an expert ad hoc panel not only because no such external review is required but also because of the difficulties that have been encountered between CITES, CITES parties, and the FAO in regard to its interpretation of the Appendix I and Appendix II listing criteria in regard to marine species. The establishment of a similar ad hoc expert group to review terrestrial proposal could lead to similar difficulties which must be avoided.

Species Proposals:

The majority of the species proposals submitted for consideration at CoP17 propose the inclusion of entire taxa or species in CITES Appendix I or II. There are also several proposals to delist or downlist particular species or populations.

AWI is searching for any new scientific evidence or trade data that may be of relevance to any of the species proposals and which may provide additional information to either support or reject the proposal. At this time that research is ongoing and no additional information can be provided for any of the proposal in this comment letter.

Consequently, while there is no reason to repeat the biological, ecological, or trade data contained in each proposal when advocating for the US to support or reject them, revisiting the criteria for listing species in Appendix I and II may be instructive in developing US positions on each proposal.

As indicated in Article II of the Convention, species that qualify for listing under Appendix I must be threatened with extinction and which are or may be affected by trade. Consequently, a species could qualify for Appendix I listing even if there is insufficient data to demonstrate that it is directly affected by trade. For listing a species on Appendix II, the species is not threatened with extinction but may become so unless international trade in the species is subject to strict regulation or if regulation in the trade of the species is required to protect another species that could become threatened by unregulated international trade (i.e., look-a-like species). The criteria for listing species in Appendix I and II are further articulated in Res. Conf. 9.24 (Rev. CoP16).

For Appendix I, a species is considered threatened with extinction if:

- the wild population is or is likely to be small and has an observed, inferred or projected decline in the number of individuals or area and quality of habitat, is made up of a number of very small subpopulations, the majority of specimens are geographically concentrated during one or more life-history phases, the population experiences large, short term fluctuations in population size, OR the species is highly vulnerable to either intrinsic or extrinsic factors;

- the wild population occupies a limited area of distribution and the population is fragmented or occurs at only a few locations, experiences large fluctuations in numbers or area of distribution, is highly vulnerable to either intrinsic or extrinsic factors, OR the population experiences an observed, inferred or projected decrease in the area of distribution, habitat, number of subpopulations, number of individuals, habitat quality, OR recruitment;
- the wild population has experiences a marked decline which is either ongoing or has occurred in the past but has a potential to resume OR is inferred or projected on the basis of a decrease in habitat, a reduction in the quality of habitat, exploitation levels or patterns, high vulnerability to either intrinsic or extrinsic factors, OR decreasing recruitment.

As reflected in these standards there are a variety of circumstances that can qualify a species for designation in Appendix I and, within these standards, only a single criteria must be satisfied to justify a species listing in Appendix I. Consequently, when dealing with a species that ranges over multiple countries living in populations for which there may or may not be connectivity, even if some of the population don't individually qualify for an Appendix I designation, the species may still qualify due to a decrease of decline in habitat area, habitat quality, or if the species is highly susceptible to various intrinsic or extrinsic factors that may be threatening its survival.

To qualify for listing in Appendix II, it must be known, inferred, or projected, based on available trade data and information on the status and trends of the wild populations of the species, that trade in a species must be regulated to prevent the species from qualifying for listing in Appendix I OR it is known, inferred, or projected that trade in the species must be regulated to ensure that removal of the species from the wild is not reducing the species population in the wild to a level where its survival may be threatened by "continued harvesting or other influences." Alternatively, a species can be listed in Appendix II if the species itself or any parts of the species in trade closely resemble species that meet the other standards for being included on Appendix II or Appendix I OR there are other compelling reasons to ensure that the effective control in the trade in currently listed species is achieved. Consequently, if trade data is not available for a species that does not, by itself, disqualify a species from consideration for an Appendix II listing. That species still qualifies for listing if it can be inferred or projected that trade may reduce the species in the wild to the extent where its survival may be threatened by factors that do not have to be connect to trade.

Importantly, Res. Conf. 9.24 (Rev. CoP16) cautions against the split-listing of species since this may complicate enforcement issues but, if split listing occurs, it should be based on national or regional populations versus subspecies. In addition, parties must adhere to the precautionary approach or principle so that when there is uncertainty regarding the status of the species or the impact of trade on the conservation of the species, parties act in the best interest of the conservation of the species and adopt measures that are proportion to the anticipated risks to the species. This precautionary approach is crucial to making decisions on species proposals as often all of the information and data that parties may wish exists to justify a listing proposal simply isn't available or its quality is weak. In this case,

parties must still give the benefit to the conservation of the species by approving versus rejecting a listing proposal.

In consideration of these criteria, AWI encourages the US to take the following positions on the species proposals submitted for consideration at CoP17. Not all species proposals are included below. For those proposal for which AWI provides no input this should not be interpreted as either support or opposition for those proposals.

CoP17 Prop. 1: Remove wood bison from Appendix II.

AWI would prefer that this species remain on Appendix II to ensure that trade remains subject to required findings but will not oppose the removal of this species from Appendix II.

CoP17 Prop. 2: Include the western tur on Appendix II with a zero export quota for wild taken animals exported for commercial purposes or as hunting trophies.

AWI encourages the US to support this proposal due to past population decline and given the adverse impact of hunting and illegal trade on the species.

CoP17 Prop. 4: Transfer of African lions from Appendix II to Appendix I.

AWI encourages the US to support this proposal due to the ongoing decline in African lion populations, the variety of anthropogenic threats to the species, and an increase in the trade in lions and their parts. While AWI would prefer that the export of sport hunted lion trophies be prohibited as a result of an Appendix I listing, sport hunted trophies could still be exported under an Appendix I listing.

CoP17 Prop. 5: Transfer of the Eastern cougar and Florida panther from Appendix I to Appendix II.

AWI finds it odd that Canada is requesting the transfer of the Florida panther, a species that is not found in Canada, from Appendix I to Appendix II. Nevertheless, if the US supports this downlisting, AWI will not oppose.

CoP17 Prop. 6: Transfer of the Cape mountain zebra from Appendix I to Appendix II.

AWI encourages the US to oppose this proposal because the population of Cape mountain zebra is still less than 4,800 animals and since South African, the proposal proponent, is clearly seeking a downlisting in order to increase international trade in the species. If South Africa were willing to amend this proposal to include a zero export quota for export of the species for commercial and non-commercial purposes to permit the population to continue to recover, this could make the downlisting more acceptable.

CoP17 Prop. 7: Alter the existing annotation on the Appendix II listing of Swaziland's white rhino to permit the legal trade in rhino horn.

AWI encourages the US to oppose this proposal. The proposal itself is weak and provides little evidence to merit a decision that could have dramatic and long-term implications to the conservation and survival of white rhino. Considering the poaching epidemic that is threatening all rhino populations at this time and the potential for any legal trade to stimulate demand for rhino horn thereby incentivizing more poaching, there is not possible justification for this proposal. Notably, this proposal was submitted only by Swaziland and, to date, no other rhino range state has supported this proposal.

CoP17 Props. 8, 9, 10, 11, and 12: The transfer of the Indian, thick-tailed, Philippine, Chinese, Sunda, African white-bellied, black-bellied, giant ground, and Temminck's ground pangolins from Appendix II to Appendix I.

AWI encourages the US to support these proposals and thanks the US for its ongoing commitment to addressing the conservation threats to all pangolin species caused by the substantial illegal and unsustainable trade in pangolins and their parts and derivatives. Pangolins are the most heavily trafficked species in the world and, as Asian pangolin populations have declined, African pangolin species are increasingly subject to illegal trade to feed the seemingly insatiable demand for pangolin products primarily in China.

CoP17 Prop. 13: Transfer of the Barbary ape from Appendix II to Appendix I.

AWI encourages the US to support this proposal given a decline in the population size of this species by more than 50 percent over 24 years, adverse impacts of illegal trade on the species, and ongoing anthropogenic threats to the species habitat.

CoP17 Prop. 14: Deleting the annotation from the African elephant population listing for Namibia.

AWI encourages the US to reject this proposal which is being used by Namibia to effectively blackmail other parties into resuming discussions on the decision-making mechanism for trade in ivory. Neither the US nor other parties should give any credence to this threat from Namibia by supporting this proposal. If this proposal is rejected and Namibia elects to ignore the terms of the annotation it will risk international condemnation and outrage for doing so particularly given the declining status of elephants in Africa including evidence of increased elephant poaching incidents in Namibia.

CoP17 Prop. 15: Deleting the annotation from the African elephant population listing for Zimbabwe.

AWI encourages the US to reject this proposal which is being used by Zimbabwe to call into question the merits of the previous agreement that resulted in no proposals to downlist any population of African elephants for a period of nine years. That nine year period expires in 2017. Zimbabwe claims that the 27 years experiment in banning the trade in ivory has been a failure, that elephant poaching incidents have increased, and alleges that the trade ban is responsible. In reality, the trade ban, in place from 1989 through the late 1990s, was effective in that it substantially reduced poaching rates of African elephants. This success was subverted by the CITES decisions to permit the one-off sale of stockpiled

ivory from South Africa, Zimbabwe, Namibia, and Botswana to Japan and then to Japan and China. These sales triggered the escalation in elephant poaching which continues to threaten elephant population with nearly 100 elephants killed each day. Now is not the time to remove the annotation on Zimbabwe's elephant listing. If this proposal is rejected and Zimbabwe elects to ignore the terms of the annotation it will risk international condemnation and outrage for doing so particularly given the declining status of elephants in Africa including evidence of increased elephant poaching incidents in Zimbabwe.

CoP17 Prop. 16: Transfer of Appendix II African elephant population to Appendix I.

AWI encourages the US to support this proposal in order to increase international protections for African elephants given the ongoing poaching epidemic and other anthropogenic threats to African elephants and their habitat. Not surprisingly, southern African countries with elephants in Appendix II are opposing this proposal while all other African elephant range states support its adoption. While elephant populations remain larger in the four Appendix II species than in other countries, all four countries have seen an increase in elephant poaching incidents and, in Zimbabwe, there is credible evidence that its elephant population have declined significantly over the past decade. Moreover, with the results of the Great Elephant Census scheduled for release prior to CoP17, most elephant experts agree that these results will demonstrate an ongoing decline in both the continental elephant population and likely for all national populations. Considering the dramatic decline in elephant poaching that resulted from the original listing of all elephant populations in Appendix I and evidence that past one-off sales have triggered the escalation in elephant poaching that currently removes nearly 100 elephants each day, returning all African elephants to Appendix I will provide additional international protections that should reduce poaching rates.

CoP17 Prop. 17: Transfer of the peregrine falcon from Appendix I to Appendix II.

AWI encourages the US to oppose this proposal due to the ongoing high demand for falcons in international trade and the lack of information on population size and the status and trend in peregrine populations with the exception of those in North America. This proposal would be more acceptable if Canada agreed to include a zero export quota for commercial and non-commercial purposes.

CoP17 Prop. 18: Transfer of helmeted honeyeater from Appendix I to Appendix II.

AWI encourages the US to support this proposal.

CoP17 Prop. 19: Transfer of the grey parrot from Appendix II to Appendix I.

AWI encourages the US to support this proposal to provide full international protection to this species that is popular in the pet trade. Given the significant decline in grey parrot numbers, evidence of trade in excess of export quotas, incidents of illegal trade, a failure of nearly all range states to develop and

implement national management plans, high post-capture and pre-export mortality rates, and other anthropogenic threats to the species and its habitat, an Appendix I listing is warranted for this species.

CoP17 Prop. 20: Transfer the Southern boobook from Appendix I to Appendix II.

AWI encourages the US to support this proposal.

CoP17 Prop. 21: Transfer of the American crocodile population from the Integrated Management District of Mangroves of the Bay of Cispatá, Tinajones, La Balsa and surrounding areas of the department of Córdoba, Republic of Colombia from Appendix I to Appendix II.

AWI encourages the US to oppose this proposal since it would create a split-listing situation for the American crocodile within Colombia which will complicate law enforcement efforts and due to the lack of credible data as to the population size and trends for this particular crocodile population in Colombia.

CoP17 Prop. 22: Deletion of the “zero quota for wild specimens traded for commercial purposes” from the Appendix II listing of the Morelet’s crocodile in Mexico.

AWI prefers that this language is retained in the Appendix II listing for this species in Mexico and rejects to the use of crocodile or other reptiles for the manufacture of shoes, purses, or other items. Nevertheless, AWI will not oppose this deletion of this text at CoP17.

CoP17 Prop. 23: Adoption of annotation language for the Appendix II listing of the Nile crocodile in Madagascar to permit but regulate the domestic and international trade in this species.

AWI encourages the US to oppose this proposal due repeated concerns expressed by the CITES Standing Committee meeting regarding Madagascar’s management of crocodile exports and the lack of sufficient time since a suspension of trade was lifted in December 2014 to adequately assess if it can comply with CITES. In addition, the annotation language includes a quota that would only be valid for three years after which no quote would exist which could lead to excessive amounts of crocodile skins in trade and be detrimental to Nile crocodile populations.

CoP17 Prop. 24: Transfer of the saltwater crocodile in Malaysia from Appendix I to Appendix II with wild harvest restricted to the State of Sarawak and a zero quota for wild specimens for other States of Brazil.

AWI encourages the US to oppose this proposal since it fails to provide sufficient information to demonstrate that the saltwater crocodile population country-wide no longer satisfies the criteria for Appendix I. The proposal only provided detailed and more recent information for Sarawak and population trends are unclear. The small number of adult crocodiles in Sarawak along with intrinsic factors which threaten the population indicates that this species still meets the CITES criteria for Appendix I.

CoP17 Props. 25 and 26. Inclusion of some or all alligator lizards (*Abronia* spp.) on Appendix II.

AWI encourages the US to support both of these proposals. Ideally, all alligator lizards should be included on Appendix I instead of approving a split listing scenario. However, since neither proposal is seeking an Appendix I listing for all alligator lizards, AWI encourages the US to support the listing on Appendix I of those species designated in Prop. 25 and the listing of all other species in Appendix II. Based on the evidence presented in both proposals, these species warrant protection on Appendix I and/or Appendix II.

CoP17 Props. 27 and 28: Include the African pygmy chameleons from the genera *Rhampholeon* spp. and *Rieppeleon* spp. on Appendix II.

AWI encourages the US to support this proposal. Support is justified since these are the only chameleon species that are not protected by CITES, the unregulated and unmonitored trade in nearly all species for the international pet trade, the large number of species from both genera in trade, due to the similarity of appearance of these species (some of which are being proposed for Appendix II list for look-a-like reasons), the limited distribution and restricted range of several species, and due to other intrinsic and extrinsic factors affecting the species survival. While the proposal are different in respect to the species to be designated under Appendix II pursuant to Res. Conf. 9.24 (Rev. CoP14) Annex 2a, Paragraph B and Paragraph A, the end result of either proposal, if approved, is increased protection for these chameleons.

CoP17 Prop. 29: Inclusion of the psychedelic rock gecko in Appendix I.

AWI encourages the US to support this proposal since this species is endemic to an island off the coast of southern Viet Nam (and Viet Nam is a co-proponent for the proposal), there are only an estimated 732 individuals surviving, and given the extremely small extent of occurrence comprising an area less than 6 km².

CoP17 Prop. 30: Inclusion of the turquoise dwarf gecko on Appendix I.

AWI encourages the US to support this proposal since this species is endemic to a few, isolated patches of forest in eastern Tanzania, given the high demand for the species in the international pet trade, rapid population decline particularly between 2004 and 2009 (and likely ongoing), and due to anthropogenic threats to its habitat.

CoP17 Prop. 31: Inclusion of the masobe gecko in Appendix II.

AWI encourages the US to support this proposal since this species is endemic to Madagascar (a co-proponent), it is in demand for the international pet trade, its restricted extent of occurrence, limited range of its habitat, loss in habitat quality, and the presumed decline in population numbers.

CoP17 Prop. 32: Inclusion of the earless monitor lizard in Appendix I.

AWI encourages the US to support this proposal due to the prevalence of the species in illegal international trade, the inferred impact of trade in the species is deemed to be great, the species small area of occupancy, its fragmented distribution, and due to ongoing anthropogenic threats to its habitat.

CoP17 Prop. 33: Transfer of the crocodile lizard from Appendix II to Appendix I.

AWI encourages the US to support this proposal as the species includes only an estimated 1050 individuals, it has experience marked historic and ongoing population declines, remaining subpopulations are very small, subpopulations are subject to large short-term fluctuations, the species range is restricted and fragmented, it is in demand for the international pet trade and local consumption, and it is subject to both intrinsic and extrinsic threats.

CoP17 Prop. 34: Inclusion of the Mt. Kenya bush viper in Appendix II.

AWI encourages the US to support this proposal since the species is endemic to Kenya (the proponent), it has a restricted range, natural densities are very low, and populations are reported to be in decline due to habitat degradation and illegal collection for the international pet and zoological trade. Population estimates are not available but recent sampling effort discovered only 13 individual animals.

CoP17 Prop. 35: Inclusion of the Kenya horned viper in Appendix II.

AWI encourages the US to support this proposal as the species is endemic to Kenya (the proponent), has a restricted range, and its populations are reported or inferred to be in decline due to habitat degradation and loss and illegal collection for international trade.

CoP17 Prop. 36: Inclusion of six species of softshell turtles in Appendix II.

AWI thanks the US for being a co-proponent on this proposal and support the inclusion of these species on Appendix II.

CoP17 Props. 37 and 38: Transfer of the tomato frog from Appendix I to Appendix II and inclusion of the false tomato frog and the antsouhy tomato frog in Appendix II.

AWI encourages the US to oppose Prop. 37 and support Prop. 38. While these proposals reveal that all three tomato frog species are adversely impacted by habitat loss and degradation, no population data or trend information is provided for any of the species. All three species are in demand for the pet trade but the tomato frog has not been allowed to be exported from Madagascar for commercial purposes since 1987 when it was included on Appendix I. Data is provided for the legal trade in the other two tomato frog species but it is noted that the proponent, Madagascar, is unaware of "whether current unregulated levels of harvesting wild frogs are sustainable or not." As these are distinct species, a split listing scenario if the US rejects Prop. 37 and supports Prop. 38 is not relevant. The concern here is that the downlisting of the tomato frog in conjunction with the inclusion of the other two species on

Appendix II, could increase trade in the tomato frog potentially requiring it to be returned to Appendix I. Admittedly, however, given the lack of any population, trend data, or other information required to make a credible non-detriment finding, if these species were all included on Appendix II and if Madagascar fully complied with the terms of the Convention (which has not historically been the case) there should be no exports permitted of these species. Nevertheless, retaining the tomato frog on Appendix I and adding the false and antsouhy tomato frogs on Appendix II is the most precautionary outcome of these proposals.

CoP17 Prop. 39: Inclusion of the *Scaphiophryne marmorata* and *Scaphiophryne boribory* (commonly referred to as green marbled burrowing frogs) in Appendix II.

AWI encourages the US to support this proposal. While no information is available on the population size or trend for either species, both species are in demand for the international pet trade and while the number of animals in trade is relatively small the proponent, Madagascar, concedes that “it is not clear whether current unregulated levels of harvesting wild frogs are sustainable or not.” Without understanding the impact of trade on population status along with threats to the species habitat and disease concerns, these species warrant inclusion on Appendix II.

CoP17 Prop. 40: Inclusion of the Titicaca water frog in Appendix I.

AWI encourages the US to support this proposal given a population decline of over 80 percent over the past three generations, evidence of illegal and indiscriminate collection and international trade for human consumption, traditional medicine, and the creation of frog extract, and due to threats from disease and anthropogenic factors contributing to habitat degradation. This species is endemic to the Lake Titicaca basin which falls under the jurisdiction of Bolivia and Peru (the proponents).

CoP17 Prop. 41: Inclusion of the Hong Kong newt in Appendix II.

AWI encourages the US to support this proposal as this species is endemic to China, it has a restricted distribution in Hong Kong and the coastal Guangdong Province of China, it is in high demand for the international pet trade which threatens the survival of wild population, its population trend is decreasing, and its habitat is subject to anthropogenic threats.

CoP17 Props. 42 and 43: Inclusion of the silky shark and thresher sharks in Appendix II.

AWI encourages the US to support these proposals. This support is warranted for the silky shark and all thresher shark species due to significant declines in the populations of all species throughout their range, ongoing removal of the species as a result of bycatch and directed fisheries, ongoing demand for shark fin and other shark products, and due to intrinsic factors that make both species highly vulnerable to exploitation and slow to recover from population declines.

CoP17 Prop. 44: Inclusion of the sicklefin devil ray, spinetail devil ray, and all other species of devil ray in Appendix II.

AWI encourages the US to support this proposal. This support is warranted as these two species have declined by 99 and 96 percent respectively in the Indo-Pacific region in only the past 10-15 years, their populations are small and highly fragmented, their known aggregating behavior make them highly susceptible to capture, they have exceptionally low productivity, demand for ray gill plates remains high, and these species have a limited ability to recover from a depleted state. The remaining devil ray species are proposed for inclusion in Appendix II due to their similarity of appearance with the sicklefin and spinetail devil rays.

CoP17 Prop. 45: Inclusion of *Potamotrygon motoro* (a freshwater stingray) in Appendix II.

AWI encourages the US to support this proposal due to the significant demand for this species in the ornamental fish trade, habitat degradation, harvest for domestic consumption and use in traditional medicines, evidence of illegal trade, and other intrinsic factors.

CoP17 Prop. 46: Inclusion of the Banggai cardinalfish in Appendix II.

AWI encourages the US to support this proposal. This support is warranted given the ongoing decline of over 90 percent based on estimates of the pre-harvest population size, the restricted range of the species, small population sizes, low densities, evidence of localized extirpations, significant demand for the international pet trade resulting in enormous offtake of fish from the wild (peaking in 2007 at an estimated 900,000 fish), inability to disperse, habitat degradation and loss, and other extrinsic and intrinsic factors that threaten the survival of the species. In addition, the US proposed an Appendix II listing for this species in 2007 and the status of the species has only declined since then.

CoP17 Prop. 47: Inclusion of the Clarion angelfish in Appendix II.

AWI encourages the US to support this proposal since the species is endemic to Mexico (the proponent), it is in significant demand in the international aquarium fish trade, it exists at extremely low densities, and it has experienced a 95 percent decline in population in the late 1990s due to illegal collection.

CoP17 Prop. 48: Inclusion of the family Nautilidae in Appendix II.

AWI thanks the US for being a co-proponent of this proposal and supports the listing of this species in Appendix II.

Conclusion:

AWI appreciates the opportunity to submit this information for consideration by the USFWS and looks forward to working with the US at CoP17 to ensure the approval of those working documents and species proposals which both the US and AWI support. Should you have any questions about the

content of this letter or need additional information, please contact Mr. DJ Schubert at dj@awionline.org or, by telephone, at (609) 601-2875.

Sincerely,

A handwritten signature in cursive script, appearing to read "D.J. Schubert".

DJ Schubert
Wildlife Biologist