

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

We, the United States, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), will attend the fifteenth regular meeting of the Conference of the Parties to CITES (CoP15) in Doha, Qatar, March 13–25, 2010. This notice announces the tentative U.S. negotiating positions on amendments to the CITES Appendices (species proposals), draft resolutions and decisions, and agenda items submitted by other countries and the CITES Secretariat for consideration at CoP15. Please note that we published in the Federal Register on March 11, 2010, the availability on our website of our tentative U.S. negotiating positions on amendments to the CITES Appendices (species proposals), draft resolutions and decisions, and agenda items submitted by other countries and the CITES Secretariat for consideration at CoP15.

DATES: In further developing U.S. negotiating positions on these issues, we will continue to consider information and comments submitted in response to our notice of November 4, 2009 (74 FR 57190). We will also continue to consider information received at the public meeting announced in that notice, which was held on December 2, 2009.

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may become threatened with extinction. These species are listed in Appendices to CITES, which are available on the CITES Secretariat's website at

<http://www.cites.org/eng/app/appendices.shtml>. Currently, 175 countries, including the United States, are Parties to CITES. The Convention calls for biennial meetings of the Conference of the Parties to review its implementation, make provisions enabling the CITES Secretariat to carry out its functions, consider amendments to the lists of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II, and draft resolutions, decisions, and agenda items for consideration by all the Parties. Accredited nongovernmental organizations (NGOs) may participate in the meeting as approved observers and may speak during sessions when recognized by the meeting Chairman, but they may not vote or submit proposals.

With this posting on our website, we announce the tentative U.S. negotiating positions on species proposals, draft resolutions and decisions, and agenda items submitted by other Parties and the Secretariat for consideration at CoP15. We published our first CoP15-related **Federal Register** notice on September 29, 2008 (73 FR 56605), and with it we requested information and

recommendations on species proposals, draft resolutions and decisions, and agenda items for the United States to consider submitting for consideration at CoP15. We published our second such **Federal Register** notice on July 13, 2009 (74 FR 33460), and with it we requested public comments and information on species proposals, draft resolutions and decisions, and agenda items that the United States was considering submitting for consideration at CoP15. In our third **Federal Register** notice, published on November 4, 2009 (74 FR 57190), we announced the provisional agenda for CoP15, solicited public comments on items on the provisional agenda, and announced a public meeting to discuss the agenda items. That public meeting was held on December 2, 2009.

Our regulations governing this public process are found in 50 CFR 23.87. Pursuant to 50 CFR 23.87(a)(3)(iii), we are posting on our website (http://www.fws.gov/international/newspubs/fedregnot_list.html) a summary of our proposed negotiating positions on the CoP15 agenda and proposed amendments to the Appendices, and the reasons for our proposed positions.

Tentative Negotiating Positions

In this posting on our website, we summarize the tentative U.S. negotiating positions on proposals to amend the Appendices (species proposals), draft resolutions and decisions, and agenda items that have been submitted by other countries and the CITES Secretariat. Documents submitted by the United States for consideration by the Parties at CoP15 can be found on the Secretariat's website at: <http://www.cites.org/eng/cop/index.shtml>. Those documents are:

CoP15 Doc. 36, CoP15 Doc. 41.3, CoP15 Doc. 41.4, CoP15 Doc. 41.5, CoP15 Doc. 48, CoP15 Doc. 54, and CoP15 Doc. 67. The United States, either alone or as a co-proponent, submitted the following proposals to amend Appendices I and II: CoP15 Prop. 2, CoP15 Prop. 3, CoP15 Prop. 15, CoP15 Prop. 16, CoP15 Prop. 21, CoP15 Prop. 25, CoP15 Prop. 28, and CoP15 Prop. 31. In this notice, we will not provide any additional explanation of the U.S. negotiating position for documents and proposals that the United States submitted. The introduction in the text of each of the documents the United States submitted contains a discussion of the background of the issue and the rationale for submitting the document.

In this posting on our website, numerals next to each agenda item or resolution correspond to the numbers used in the agenda for CoP15 and posted on the Secretariat's website. When we posted this information on our website, the Secretariat had not yet made available documents for a number of the agenda items on the CoP15 agenda. For several other documents, we are still working with other agencies in the United States and other CITES Parties to develop the U.S. negotiating positions.

In the discussion that follows, we have included a brief description of each species proposal, draft resolution, draft decision, and agenda item submitted by other Parties or the Secretariat, followed by a brief explanation of the tentative U.S. negotiating position for that item. New information that may become available prior to or at CoP15 could lead to modifications of these positions. The U.S. delegation will fully disclose changes in our negotiating positions and the explanations for those changes during public briefings at CoP15. The United States is concerned about the budgetary implications and workload burden that will be placed upon the Parties, the

committees, and the Secretariat, and intends to evaluate all documents for CoP15 in view of these concerns.

Agenda (Provisional)

Opening of the Meeting

The Secretariat will not prepare documents on these agenda items. According to tradition, as the host country for CoP15, Qatar will conduct an opening ceremony and make welcoming remarks. For the election of the Chair and Vice-Chair of the meeting, the host country — in this case, Qatar — will provide the Meeting Chair and Vice-Chair. For the election of Chairs of Committees I and II, the United States supports the process of the CITES Standing Committee for nominating candidates who have the required technical knowledge and skills to chair the committees, and also reflect the geographic and cultural diversity of the CITES Parties.

Administrative Matters

1. Adoption of the agenda (Doc. 1). *Tentative U.S. negotiating position:* Support.
2. Adoption of the working programme (Doc. 2). *Tentative U.S. negotiating position:* Support. Prior to a CoP, the working programme is provisional and changes may be made to it prior to the start of CoP15 or at the beginning of the CoP. The United States generally supports the provisional working programme, but at the time this information was prepared for posting on

our website, had inquired with the Secretariat for clarification about the scheduled timing and location (Committee room) of several agenda items.

3. Rules of Procedure (Doc. 3). *Tentative U.S. negotiating position:* Support. The CITES Secretariat prepared Document CoP15 Doc. 3, the draft Rules of Procedure for CoP15. The draft Rules are identical to those adopted for CoP14. The only issue the Secretariat raises is with respect to Rule 11, which establishes seating limits in Committees I and II that may require no more than four delegates per Party and no more than two observers per body or agency. The Secretariat points out that the largest available room in Doha for Committee II has an extremely limited amount of space, and recommends that the Parties waive the application of Rule 11 for Committee II, so that the seating may be limited to no more than two delegates per Party and no more than one observer per body or agency. The United States generally supports Rule 11, but understands the reality of the space limitations at the Doha venue and, therefore, supports the Secretariat's recommendation in this instance.

4. Credentials Committee

4.1 Establishment of the Credentials Committee (No document). *Tentative U.S. negotiating position:* Undecided.

4.2 Report of the Credentials Committee (Doc. 4.2). *Tentative U.S. negotiating position:* Undecided. The United States will follow the work of the Credentials Committee and intervene as appropriate.

5. Admission of observers (Doc. 5). *Tentative U.S. negotiating position:* Undecided. A document for this agenda item is not normally distributed prior to the start of a CoP. National NGOs are admitted as observers if their headquarters are located in a CITES Party country and if the national government of that Party approves their attendance at the CoP. International NGOs are admitted by approval of the CITES Secretariat. After being approved as an observer, an NGO is admitted to the CoP unless one-third of the Parties object. The United States supports admission to the meeting of all technically qualified NGOs, and opposes unreasonable limitations on their full participation as observers at CoP15. In addition, the United States supports flexibility and openness in the process for disseminating documents produced by NGOs to Party delegates, which are vital to decision-making and scientific and technical understanding.

6. Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties. *Tentative U.S. negotiating position on Agenda Items 6.1, 6.2, 6.3, 6.4, 6.5 and 6.6:* Undecided. These comprehensive documents related to the financing and budgeting of the Convention and the Secretariat require extensive review, internal discussion, and analysis of the financial implications for Parties and the impact on the work of the Secretariat and the committees. The United States will review the documents carefully, bearing in mind the need to balance tasks with available resources. The United States advocates fiscal responsibility and accountability on the part of the Secretariat and the Conference of the Parties, and plans to be an active participant in the budget discussions at CoP15. The voluntary annual contribution of the United States to CITES is determined through our domestic budgeting process. The United States believes it is necessary that the CITES Secretariat provide additional information on

budgetary and financial matters in relation to the various versions of the costed programme of work proposed. Until such information is provided and analyzed, and discussed with the Parties and the Secretariat, we will not be able to determine our position.

Strategic Matters

7. Committee Reports and Recommendations

7.1 Standing Committee

7.1.1 Report of the Chair (Doc. 7.1.1). *Tentative U.S. negotiating position:* At the time our website posting information was prepared, this document had not been posted on the Secretariat's website. This report is largely a summary of activities conducted by the Standing Committee, or particularly the Chairman, since CoP14. Many of these activities are covered by other CoP15 agenda items.

7.1.2 Election of regional and alternate regional members (Doc. 7.1.2). *Tentative U.S. negotiating position:* Canada has served as the member and Mexico as the alternate member of the Standing Committee for the North American Region since CoP13. Canada, Mexico, and the United States will caucus prior to CoP15 to decide on an appropriate rotation of the three countries among the three permanent committees of CITES (Standing, Animals, and Plants Committees). Generally, the three countries agree on a rotation after every two CoPs whereby each of the countries represents the region on one of the committees, and similarly, each holds

the position of alternate on a second committee. The United States will work with Canada and Mexico to reach consensus on committee representation between CoP15 and CoP17, including which countries should serve as the North American Member and Alternate Member of the Standing Committee.

7.2 Animals Committee

7.2.1 Report of the Chair (Doc. 7.2.1). *Tentative U.S. negotiating position:* Most of this document is a report by the Chairman of his activities or a recounting of the proceedings of meetings of the Animals Committee since CoP14, and therefore does not require a position. The outcomes of some of the Animals Committee deliberations are reflected in other agenda items for CoP15, where they are elaborated more substantially. However, there are some specific recommendations contained in the report requiring positions. These (and the tentative U.S. positions) include:

- that the joint meetings of the Animals and Plants Committees can be valuable opportunities for the two technical committees to coordinate efforts on similar issues when substantial overlap of agenda items occurs, and that such joint meetings of the technical committees should continue to be coordinated when appropriate in the future (Support);
- recommendations regarding the Evaluation of the Review of Significant Trade, made in conjunction with the Plants Committee, regarding the formation and composition of an advisory working group; selection of Animals Committee representation on this working group (which was determined to be the Animals Committee Chairman until CoP15, when

a new representative would be appointed); the identification, completion, and reporting on elements of the Evaluation; selection and prioritization of the following animal taxa for which case studies should be conducted: *Psittacus erithacus*, *Strombus gigas*, *Cuora amboinensis*, *Hippopotamus amphibius*, and the country-wide review of Madagascar; endorsement of the *modus operandi* for conducting the Evaluation; and utilization of expertise from the technical committees by the Secretariat in identifying consultants to carry out the Evaluation (Support);

- recognition that progress has occurred, but that there is a need to extend Decision 13.93 to continue the review of the Felidae, particularly the review of *Lynx* spp. and look-alike issues, until CoP16 (Support);
- a draft decision proposed by the Secretariat to stipulate in the Rules of Procedure of both the Animals and Plants Committees that members or alternate members of the technical committees should not participate in Committee discussions for which they have a financial or personal interest in the outcome. This issue was discussed at length at the joint meeting of the Animals and Plants Committees that was held at the 23rd meeting of the Animals Committee (AC23) and the 17th meeting of the Plants Committee (PC17), and it was decided that it was essentially an ethical matter, more appropriate to a code of conduct rather than to the Rules of Procedure (Support). Though we support the intent of this draft decision, given the strongly divergent views, the issue is unlikely to gain wide support; and
- consideration of providing supplemental funding (\$30,000 annually) to the Animals Committee Chair, especially if the Chair is from a developing country and where

governmental or institutional support is insufficient to fulfill the duties of the position (Support, subject to availability of funds).

7.2.2 Election of regional and alternate regional members (Doc. 7.2.2). *Tentative U.S.*

negotiating position: Since the close of CoP12, the North American region has been represented on the Animals Committee by Dr. Rodrigo A. Medellín of Mexico, serving as the North American regional representative. From CoP13 to CoP14, Mr. Robert R. Gabel of the United States served as the alternate representative; thereafter, Dr. Rosemarie Gnam of the United States served in this position. Canada, Mexico, and the United States will caucus prior to CoP15 to decide on an appropriate rotation of the three countries among the three permanent committees of CITES (Standing, Animals, and Plants Committees). Generally, the three countries agree on a rotation after every two meetings of the CoP, whereby each of the countries represents the region on one of the committees, and similarly, each holds the position of alternate on a second committee. The United States will work with Canada and Mexico to reach consensus on committee representation between CoP15 and CoP17, including which countries should provide the North American Regional Representative and Alternate Representative on the Animals Committee.

7.3 Plants Committee

7.3.1 Report of the Chair (Doc. 7.3.1). *Tentative U.S. negotiating position:* regarding the evaluation of the Significant Trade Review process:

- the Plants Committee agreed: (a) on the composition of the advisory group, subject to the addition of the Scientific Authority of Canada to subparagraph d); (b) to ask the Secretariat to send a letter to the Parties concerned, transmitting the Committee's invitation to those Parties to join the group; (c) to propose the following case studies, listed in order of priority: 1. *Prunus africana*; 2. *Pericopsis elata*; 3. Madagascar, country-based review; and (d) to endorse the *modus operandi* proposed by the Secretariat and to recommend that it be considered as constituting general guidelines and that restrictions should not be imposed on the advisory group, thereby enabling it to propose further modifications (Support);
- the Committee further agreed that allowance should be made for the following: (a) in selecting consultants the Secretariat should take account of the experience of the advisory group and of the Animals and Plants Committees, so as to identify consultants with the appropriate technical expertise to carry out the evaluation; (b) with respect to the case studies, the Parties should be encouraged to participate in the evaluation by carrying out case studies in collaboration with the advisory group and under its direction; and (c) in examining compliance-related matters, consideration should be given to the cases of *Prunus africana* and of the seven Asian species of medicinal plants [see Document PC18 Doc. 8.5 (Rev. 1)] (Support); and
- the Committee also agreed to appoint the specialist on botanical nomenclature (Dr. Noel McGough) as the Plants Committee's representative on the advisory

group, stating that he should share the chairmanship of the group with the Animals Committee representative.

- With respect to the harmonization of nomenclature and taxonomy within the multilateral environmental agreements (MEAs), the Plants Committee pointed out that account had to be taken of the fact that each had differing objectives. Consequently, the Plants Committee recommends that any effort towards harmonization of nomenclature and taxonomy in the MEAs should make allowance for the fact that the lists of CITES species or the standard references are operational tools to facilitate the work of the Convention, and that CITES should retain the ability to adopt such independent standard references as are appropriate to the needs of the Parties (Support).
- At a minimum, the Plants Committee requests the same support in the next budget cycle as in the preceding three years. The Committee also calls on the Parties to give consideration to approving a supplementary budget, estimated by the CITES Secretariat, to support the Chair of the Committee in the event that the chairmanship is held by a national of a developing country (Support, subject to availability of funds).

7.3.2 Election of regional and alternate regional members (Doc. 7.3.2). *Tentative U.S.*

negotiating position: The United States has provided the North American Regional Representative and Canada has provided the Alternate Representative for the Plants Committee since CoP13. Canada, Mexico, and the United States will caucus prior to CoP15 to decide on an appropriate rotation of the three countries among the three permanent committees of CITES (Standing, Animals, and Plants Committees). Generally, the three countries agree on a rotation after every two CoPs whereby each of the countries represents the region on one of the

committees, and similarly, each holds the position of alternate on a second committee. The United States will work with Canada and Mexico to reach consensus on committee representation between CoP15 and CoP17, including which countries should provide the North American Regional Representative and Alternate Representative on the Plants Committee.

8. Implementation of the Strategic Vision: 2008-2013 (Doc. 8). *Tentative U.S. negotiating position:* Support. This document was prepared by the Secretariat, on behalf of the Standing Committee, to describe the progress that has been achieved toward implementation of the Strategic Vision for the Convention. Currently, the Standing Committee Working Group on Special Reporting Requirements is tasked with determining appropriate reporting requirements for the indicators for measuring progress toward the objectives contained in the Strategic Vision. The United States supports the Standing Committee in this work.

9. Review of the scientific committees (Doc. 9). *Tentative U.S. negotiating position:* Support. This document was prepared by the Secretariat on behalf of the Standing Committee. At the 57th and 58th meetings of the Standing Committee (SC57 and SC58), the Committee discussed a proposal to assess the costs, advantages, and disadvantages of the provision of a chairman independent of regional duties and responsibilities, selected by the Conference of the Parties on a regional rotational basis. The Standing Committee agreed to recommend to the Conference of the Parties that future Chairs of the Animals and Plants Committees be elected from amongst the members and be replaced in his or her role as regional member by his or her alternate. To reflect this recommendation by the Standing Committee, this document includes an amendment to Annex 2, first DETERMINES, paragraph e) of Resolution Conf. 11.1 (Rev.

CoP14) on *Establishment of committees*.

10. Cooperation with Other Organizations

10.1 Synergy with biodiversity-related international initiatives (Doc. 10.1). *Tentative U.S.*

negotiating position: Support in part. The Secretariat proposes that the Parties adopt eight new decisions on work related to synergy with biodiversity-related international initiatives. With

regard to the draft decision concerning revision of the *CITES Strategic Vision: 2008-2013*, to

take into account the post-2010 biodiversity targets, the United States supports adoption of the

draft decision. With regard to the 2010 Biodiversity Indicators Partnership, the United States

supports the Secretariat continuing its work as a partner for the ‘Status of species in trade’

element of the indicators of sustainable use, and we support the adoption of the draft decision on

this item. However, we are not supportive of further expanding the role of CITES in this

Partnership unless a clear link can be made to CITES core work. With regard to the

Intergovernmental Platform on Biodiversity and Ecosystem Services, the United States will work

with other Parties at CoP15 to determine how best to frame future CITES engagement in this

initiative and what entity within CITES would be most appropriate to lead such engagement.

With regard to the issue of climate change, we agree with the Secretariat that Parties should

recognize the actual and potential impacts of climate change on CITES implementation and work

with sister organizations to address the wider impact of climate change. We support the

adoption, with amendments, of two of the four draft decisions recommended by the Secretariat

on climate change.

10.2 Cooperation with the Food and Agriculture Organization of the United Nations (Doc. 10.2). *Tentative U.S. negotiating position:* No position is necessary; the CoP is asked to note the report. This document was prepared by the Secretariat to report on: progress in implementing the 2006 Memorandum of Understanding (MoU) between CITES and the Food and Agriculture Organization of the United Nations (FAO) with respect to commercially exploited aquatic species; and on discussions with FAO on how cooperation between the two organizations related to forestry and non-timber forest products might be enhanced (in accordance with Decision 14.6). The United States endorsed the establishment of the 2006 MoU with FAO on commercially exploited aquatic species. We support continued cooperation between the two organizations and effective implementation of the MoU. Under this agenda item, we would like to ask that the CITES Secretariat work with FAO to amend the Terms of Reference for the Ad Hoc Expert Advisory Panel for Assessment of Proposals to CITES developed under the CITES-FAO MoU. We believe that the Terms of Reference could be narrowed such that FAO would provide CITES Parties with scientific expertise about the population status and trends for a species, rather than evaluating the merits of a listing proposal against the CITES biological listing criteria. This would capitalize on the scientific and technical expertise assembled by FAO, yet leave other aspects of the determination about whether a species meets the listing criteria to the Parties.

10.3 CCAMLR: report on toothfish (Doc. 10.3). *Tentative U.S. negotiating position:* Undecided. At the time our website posting information was prepared, this document had not been posted on the Secretariat's website. At CoP12, the Parties adopted Resolution Conf. 12.4, Cooperation between CITES and the Commission for the Conservation of Antarctic Marine

Living Resources (CCAMLR) regarding trade in toothfish, that encouraged CCAMLR to “maintain a permanent flow of information” to CITES through the Conference of the Parties. CoP15 Doc. 10.3 will contain the CCAMLR report to the CITES Parties. The United States recognizes the threat that illegal, unregulated, and unreported (IUU) fishing poses to toothfish populations and fully supports adoption of CCAMLR conservation measures by all countries involved in the toothfish trade. We renew our full endorsement and strong support of the fundamental principles and language adopted in Resolution Conf. 12.4 in 2002.

10.4 Global Strategy for Plant Conservation of the Convention on Biological Diversity (Doc. 10.4). *Tentative U.S. negotiating position:* Support. The United States has participated in the Plants Committee working group addressing collaboration with the Global Strategy for Plant Conservation (GSPC) of the Convention on Biological Diversity. The United States supports adoption of the draft decision included in Document CoP15 Doc. 10.4, which calls on the Plants Committee and the Secretariat to continue collaborating with the GSPC.

10.5 Statements from representatives of other conventions and agreements (No document). *Tentative U.S. negotiating position:* Not applicable.

11. Cooperation with international financial institutions (No document). *Tentative U.S. negotiating position:* Undecided. It is our understanding that the Secretariat has added this agenda item to hold a speaking slot for the World Bank and/or the Global Environment Facility (GEF). Both of these institutions have been invited by the Secretariat to address the CoP. The Secretariat has invited the World Bank to convene a roundtable on wildlife governance and

enforcement; a response is still awaited at the time our website posting information was prepared. The United States will listen carefully to any presentations made by the World Bank and/or GEF and develop a response if necessary. If additional information becomes available prior to CoP15, we will consider it accordingly.

12. Harmonization of Nomenclature and Taxonomy with Other Multilateral Environmental Agreements (Doc. 12). *Tentative U.S. negotiating position:* Support. The CITES Secretariat prepared this document in close cooperation with the nomenclature specialist of the Animals Committee and recommends that CITES adopt changes in the taxonomic names of several CITES-listed cetaceans, which would harmonize CITES marine mammal nomenclature with that of the Convention on the Conservation of Migratory Species of Wild Animals, as well as with that of most species lists, field guides, and national and international agencies. The Secretariat also recommends adding language to Resolution Conf. 12.11 (Rev. CoP14), *Standard nomenclature*, to promote harmonization of CITES nomenclature with that of other multilateral environmental agreements (MEAs). The United States believes that CITES should, when possible and where practicable, promote harmonization between CITES nomenclature and nomenclature of other MEAs and, for this reason, supports these recommendations.

13. Cooperation between Parties and promotion of multilateral measures (Doc. 13). *Tentative U.S. negotiating position:* Oppose. The document reports on the limited progress made in the Parties' review of stricter domestic measures and reservations, and the working group formed at SC57. The purpose of the working group is to review and revise a consultancy report produced under Decision 14.30 that would report on ways to assess how Parties are

implementing stricter domestic measures in existing resolutions. Progress has been slow due to unanticipated delays in working group formation; nominations for positions on the working group from two regions had still not been received at the time the document was posted.

The United States does not support any effort to limit or question a Party's prerogative and right affirmed in Article XIV of the Convention to adopt stricter domestic measures. While we strive for multilateral cooperation, we have a right and responsibility to take stricter domestic measures as needed to enact national conservation and trade management measures, if such action is otherwise consistent with international law. Although the United States opposes retaining these decisions, we have agreed to participate in the working group and provide input.

14. CITES and livelihoods (Doc. 14). *Tentative U.S. negotiating position:* Support in part. The United States opposes adoption of the draft resolution at this time, noting that it is premature to adopt such a resolution without having an opportunity to thoroughly review the documents that are intended to form the basis of these measures. Additionally, we are concerned that much of the language in the draft resolution goes well beyond the scope of CITES. We support adoption of the three draft decisions calling on the Standing Committee and the Secretariat to continue working on developing a toolkit to assess the impacts of implementing CITES listing decisions on the livelihoods of the poor and developing voluntary guidelines for Parties to address the negative impacts of that implementation.

15. National wildlife trade policy reviews (Doc. 15). *Tentative U.S. negotiating position:* Support in part. Document CoP15 Doc. 15 summarizes activities for this issue, includes a report on the CITES Policy Review Project (synthesis report on the four pilot wildlife trade policy

reviews, provided in Annex 4), and outlines proposed future activities. A proposed resolution on wildlife trade policy reviews is presented and encourages exporting and importing countries to carry out such reviews and to develop regional or subregional wildlife trade policy reviews. The United States supports efforts to conduct national wildlife trade policy reviews consistent with the budget and staff resources of the Secretariat, but remains concerned that national wildlife trade policy reviews are time-consuming, few Parties have come forward with interest in having a review, and such undertakings are costly and not part of the Secretariat's core budget. We are concerned with the "ENCOURAGES" provision in the draft resolution, which directs Parties to take into account the needs of indigenous people and local communities when adopting trade policies. The original decision that set the framework for national wildlife trade policy reviews referenced general social and economic considerations that were linked to conservation aspects, but the Secretariat's language in the draft resolution appears to be geared toward poverty alleviation and livelihoods. This is clearly broader than a call to conduct reviews and implement programs consistent with the terms of the Convention, and appears to be an expansion into livelihood issues that are beyond the scope of CITES.

16. Capacity Building

16.1 Report of the Secretariat (Doc. 16.1). *Tentative U.S. negotiating position:* Generally support. This is a report of the Secretariat on its capacity-building activities since CoP14. The United States generally supports the Secretariat's capacity-building activities and has made modest financial contributions to them over the years. Because this report focuses on capacity-building efforts of the Secretariat, it covers only a fraction of the CITES capacity-building efforts

around the world. For example, the United States provides significant support for CITES capacity building, implementation, and enforcement. The vast majority of this support is not routed through the CITES Trust Fund, so it is not reported in this document. During 2007-2008, the United States provided in excess of \$20,000,000 toward the conservation of species affected by international trade, and towards the implementation and enforcement of CITES. The United States remains a strong supporter of CITES and the role of the Secretariat in capacity building, and believes that the activities of the Secretariat, including capacity building, should focus on the highest-priority activities that improve Parties' ability to implement and enforce CITES.

16.2 International expert workshop on non-detriment findings.

16.2.1 Report of the Secretariat on the Non-detriment Finding Workshop (Doc. 16.2.1).

Tentative U.S. negotiating position: None needed. This document describes the Secretariat's efforts to carry out the directives of Decision 14.51 to assist in obtaining funds, planning, making results available, and reporting on the convening of the international expert workshop on non-detriment findings. The workshop made significant progress in the development of guiding principles to be considered in making non-detriment findings.

16.2.2 Report of the Animals and Plants Committees on the Non-detriment Finding Workshop

(Doc. 16.2.2). *Tentative U.S. negotiating position:* Support in part. This document was prepared by the Chairs of the Animals and Plants Committees, with the support of the Mexican Scientific Authority, as Chair of the workshop; four representatives elected by the scientific committee; and the CITES Secretariat. It provides three draft decisions for consideration by the

Parties. These (and the tentative U.S. positions) include:

- a draft decision encouraging the Parties to consider the outputs of the workshop, to enhance CITES Scientific Authority capacities; prioritize activities, such as workshops on capacity building, to better understand what non-detriment findings are and how to enhance the ways to formulate them; and report their findings to the next two Animals and Plants Committees meetings (Support);
- a draft decision directed to the Animals and Plants Committees to (a) review comments from the Parties on the workshop results and advise how best to use the outputs in making non-detriment findings; (b) prepare a discussion paper on how to use the workshop outputs, including a draft resolution on non-detriment finding guidelines, if appropriate, for consideration at CoP16; (c) review the non-detriment finding training materials used by the CITES Secretariat in regional capacity-building workshops and provide advice on improvement; and, (d) using the results of the workshop, (i) establish a mechanism for reporting from Parties on their findings and (ii-iv) prepare draft guidance on the making of non-detriment findings at CoP16 following an outlined procedure (Support, with revisions to reduce duplication and improve clarity); and
- a draft decision directed to the Secretariat to (a) include non-detriment findings as a principal component of their regional capacity-building workshops and (b) coordinate funds to support activities for capacity building on non-detriment findings in regional workshops (Support paragraph (a); oppose paragraph (b), unless the Animals and Plants Committees can clarify how the funds would be used).

16.3 Non-detriment findings for timber, medicinal plants and agarwood (Doc. 16.3). *Tentative*

U.S. negotiating position: Support in part. In this document, the Chair of Plants Committee recommends conducting regional capacity-building workshops using non-detriment findings guidance developed for timber, medicinal plants, and agarwood, and that the CITES Secretariat develop a capacity building module for the making of non-detriment findings for plants. We believe that the recommendations of the Animals and Plants Committee Chairs cited in CoP15 Doc. 16.2.2 (above) with regard to non-detriment findings are a more appropriate way to proceed.

17. Incentives for the implementation of the Convention (Doc. 17). *Tentative U.S. negotiating position:* Oppose. This document, prepared by the Secretariat, summarizes actions taken under Decisions 14.42 through 14.47 with regard to incentives for implementation of the Convention. The Secretariat has identified two main types of incentives currently used by Parties in relation to wildlife management and conservation, certification, and payment for ecosystem services, and notes the potential for, among other things, using the CITES logo as a “brand name.” The Secretariat reports that it has developed terms of reference for the survey of permit fees and administrative costs called for in Decision 14.45, and that if funding is obtained the results may be available at CoP15. Document CoP15 Doc. 17 contains recommendations to companies engaged in CITES trade and draft decisions for consideration by the Parties. The draft decisions direct the Standing Committee to identify options for strengthening CITES as a regulatory certification scheme, and direct the Secretariat to convene a workshop on payment for ecosystem services provided by CITES-listed species and prepare a training package for the private sector.

The United States does not have fundamental objections to the use of economic incentives to further wildlife conservation in the context of CITES and we note that the text of the Convention is silent on this matter. However, we question the value of the work proposed in the draft decisions given budget constraints and other, more urgent issues and activities before the Standing Committee and the Secretariat.

Interpretation and Implementation of the Convention

Review of Resolutions and Decisions

18. Review of Resolutions (Doc. 18). *Tentative U.S. negotiating position:* Support. Prior to CoP12, the Secretariat began a review of the existing CITES resolutions to identify those that were difficult to implement, redundant with other resolutions, or with outdated text. At CoP12, CoP13, and CoP14, the Secretariat proposed changes to and consolidations of sections of several resolutions, which the Parties considered, and some of which the Parties adopted. With Document CoP15 Doc. 18 and its 13 annexes, the Secretariat is continuing this review process by identifying a number of resolutions for which it has proposed changes, consolidations, or transfers of text to other resolutions. The United States supports the process of the Secretariat reviewing resolutions for which, through the course of its CITES work, it has observed substantive problems, or for which Parties or organizations have informed it that problems exist. With regard to the specific proposed revisions to resolutions presented in Annexes 1-13 of this document, the U.S. positions are provided below.

Annex 1: Conf. 5.10 – *Definition of 'primarily commercial purposes'* (Doc. 18A1). *Tentative*

U.S. negotiating position: Support in part. With this document, the Secretariat proposes several mostly non-substantive revisions to Resolution Conf. 5.10, *Definition of 'primarily commercial purposes,'* which the United States supports. However, we do not support the Secretariat's proposal to strike the words 'including profit' from paragraph 2 under 'General principles' in this resolution, nor the proposal to strike the words 'or profit' from paragraphs d) and f) under the 'Examples' in the Annex of the resolution. It is our concern that including both the terms 'economic benefit' and 'profit' in all of these paragraphs makes it clear that 'economic benefit' can be more than just profit.

Annex 2: Conf. 7.12 (Rev.) – Marking requirements for trade in specimens of taxa with populations in both Appendix I and Appendix II (Doc. 18A2). Tentative U.S. negotiating position: Oppose. With this document, the Secretariat proposes several revisions to Resolution Conf. 7.12 (Rev.), *Marking requirements for trade in specimens of taxa with populations in both Appendix I and Appendix II,* basically intended to clarify the concept that any marking systems utilized by Parties for ranched or captive-bred specimens facilitate the application of differential regulatory controls for such specimens from Article III and Article IV specimens. Resolution Conf. 7.12 (Rev.) includes only two recommendations: Recommendation a) is that, with respect to live animal specimens, marking systems that require attaching tags, bands, other labels, or the marking of part of the animal's anatomy be undertaken with due regard for the humane care of the animal concerned; and Recommendation b) is that, with regard to parts and derivatives of ranched or captive-bred animals, where requested by a Party, the Secretariat purchase and provide coded tags or stamps, and that the costs be recovered from that Party. The United States supports repealing Resolution Conf. 7.12 (Rev.) and transferring Recommendation a) to either

Resolution Conf. 10.21 (Rev. CoP14), *Transport of live specimens*, or Resolution Conf. 12.3 (Rev. CoP14), *Permits and certificates*. With regard to Recommendation b), since Parties are not asking the Secretariat to acquire tags or stamps, there is no need to retain this recommendation.

Annex 3: Conf. 9.5 (Rev. CoP14) – *Trade with States not party to the Convention* (Doc. 18A3).

Tentative U.S. negotiating position: Support in part. With this document, the Secretariat proposes a few non-substantive revisions to Resolution Conf. 9.5 (Rev. CoP14), *Trade with States not party to the Convention*, plus several substantive revisions intended to recommend that the Secretariat, instead of removing from the CITES Directory details of the competent authorities of non-Parties received by the Secretariat more than 2 years previously, should retain these details and simply indicate in the Directory of competent authorities the date when details were received. With these proposed revisions, we believe the Secretariat intends for Parties to continue to accept CITES “in lieu of” documentation from non-Parties only if their details were received within the previous 2 years. However, this is not clearly conveyed with the Secretariat’s revisions. Therefore, the United States will suggest additional changes to paragraph b) under “RECOMMENDS” in the Resolution to clarify this point.

Annex 4: Conf. 9.7 (Rev. CoP13) – *Transit and transshipment* (Doc. 18A4). *Tentative U.S.*

negotiating position: Support in part. With this document, the Secretariat proposes several revisions to Resolution Conf. 9.7 (Rev. CoP13), *Transit and transshipment*, intended to clarify the resolution. The United States supports all but one of these proposed revisions. The single exception is with regard to the Secretariat’s proposed technical change to paragraph h) under the

“RECOMMENDS” to reword the text and make it a stand-alone “AGREES” paragraph stating: “AGREES that the Convention must be applied over the whole territory of each Party and does not make any provision for the exclusion of areas or zones under special regimes, such as duty-free shops, free ports or non-Customs zones.” We agree with this approach and support the reworded text. However, to avoid any implication that this is a novel extension of the Convention, or that the Convention itself is somehow insufficient to manifest this agreement, we believe the first word of the paragraph should be changed from “AGREES” to “CONFIRMS.” We also support a discussion at CoP15 on the need for an amendment to the resolution addressing problems reported by the United States with in-transit shipments sitting for extended periods of time in intermediary countries.

Annex 5: Conf. 9.10 (Rev. CoP14) – *Disposal of illegally traded, confiscated and accumulated specimens* (Doc. 18A5). *Tentative U.S. negotiating position:* Support. With this document, the Secretariat proposes a number of revisions to Resolution Conf. 9.10 (Rev. CoP14), *Disposal of illegally traded, confiscated and accumulated specimens*, basically intended to correct inconsistencies in the resolution. The United States supports these proposed revisions.

Annex 6: Conf. 9.19 (Rev.CoP13) – *Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species* (Doc. 18A6). *Tentative U.S. negotiating position:* Support. With this document, the Secretariat proposes several revisions to Resolution Conf. 9.19 (Rev. CoP13), *Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species*, intended to clarify these Guidelines. The United States supports these proposed revisions.

Annex 7: Conf. 10.10 (Rev. CoP14) – *Trade in elephant specimens* (Doc. 18A7). *Tentative U.S. negotiating position:* Support in part. With this document, the Secretariat proposes a draft decision for CoP15 directing the Secretariat, in consultation with the Standing Committee and TRAFFIC, to evaluate the need to revise Resolution Conf. 10.10 (Rev. CoP14), *Trade in elephant specimens*, and present the outcome at CoP16. The United States supports an evaluation of the need to revise Resolution Conf. 10.10 (Rev. CoP14), but believes the decision should direct the Standing Committee to conduct this evaluation, not the Secretariat, because the Standing Committee is best positioned to conduct an impartial evaluation.

Annex 8: Conf. 11.11 (Rev. CoP14) – *Regulation of trade in plants* (Doc. 18A8). *Tentative U.S. negotiating position:* Support. With this document, the Secretariat proposes two minor revisions to Resolution Conf. 11.11 (Rev. CoP14), *Regulation of trade in plants*, to clarify text in the section of the resolution regarding the definition of “artificially propagated.” The United States supports these proposed revisions.

Annex 9: Conf. 11.21 (Rev. CoP14) – *Use of annotations in Appendices I and II* (Doc. 18A9). *Tentative U.S. negotiating position:* Support in part. With this document, the Secretariat proposes two minor revisions to Resolution Conf. 11.21 (Rev. CoP14), *Use of annotations in Appendices I and II*, intended to clarify that, for species transferred from Appendix I to II, annotated such that only certain specimen types are subject to the transfer, the specimen types not included in the annotation are deemed to continue to be included in Appendix I. The United States supports the intent of the minor revisions proposed by the Secretariat, but proposes several

additional changes to the resolution to provide even more clarity.

Annex 10: Conf. 12.2 – *Procedure for approval of externally funded projects* (Doc. 18A10).

Tentative U.S. negotiating position: Support. With this document, the Secretariat proposes the repeal of Resolution Conf. 12.2, *Procedure for approval of externally funded projects*, pointing out that events over the 7 years since its adoption have made it obsolete. Additionally, the Secretariat proposes a draft decision directing the Secretariat to, in cooperation with international financial institutions and potential donors, investigate possible ways to establish a financial mechanism to secure long-term funding to support technical assistance to Parties in relation to regulating wildlife trade. The United States supports both the proposal to repeal Resolution Conf. 12.2 and the draft decision.

Annex 11: Conf. 12.3 (Rev. CoP14) – *Permits and certificates* (Doc. 18A11). *Tentative U.S.*

negotiating position: Support in part. With this document, the Secretariat proposes a number of revisions to Resolution Conf. 12.3 (Rev. CoP14), *Permits and certificates*, intended to both clarify the resolution and address several specific issues. These proposed revisions include such key issues as: a proposal that a definition of the term ‘hunting trophy’ be added to the resolution and suggested text for that definition; a proposed addition to Section X of the resolution to indicate that taxonomic names of hard corals on CITES permits and certificates should comply with the list currently available in CITES Notification to the Parties No. 2003/020; and proposed revisions to Annex 1 of the resolution, and to the permit models in Annexes 2 and 3, to refer to the *IATA Live Animals Regulations* for trade in live animals and the *IATA Perishable Cargo Regulations* for trade in live plants, instead of to the *CITES Guidelines*. The United States

supports the addition of a definition of ‘hunting trophy’ to the resolution, but believes the text of the definition should be revised from that suggested by the Secretariat to instead match the definition of this term currently provided in the U.S. CITES-implementing regulations (50 CFR Part 23). We support the Secretariat’s proposed addition to Section X of the resolution regarding taxonomic names of hard corals on CITES permits and certificates and, in fact, had originally suggested this revision to the Secretariat on the CITES Forum in October 2009. We also support the Secretariat’s proposed revisions to Annex 1 of the resolution, and to the permit models in Annexes 2 and 3, regarding the guidance to follow when trading in live CITES specimens, and again had suggested this revision to the Secretariat on the CITES Forum in October 2009. Finally, the United States believes that new text needs to be added to the resolution pointing out the requirement for exporting authorities to endorse CITES permits and certificates.

Annex 12: Conf. 12.10 (Rev. CoP14) – *Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes* (Doc. 18A12).
Tentative U.S. negotiating position: Support in part. With this document, the Secretariat provides two separate proposed options for revising Resolution Conf. 12.10 (Rev. CoP14), *Guidelines for a procedure to register and monitor operations that breed Appendix-I animal species for commercial purposes*, both intended to clarify the guidelines. The first option is to replace Resolution Conf. 12.10 (Rev. CoP14) with a new resolution modeling the guidelines for registration of Appendix-I animal-breeding operations after those provided in Resolution Conf. 9.19 (Rev. CoP13) for the registration of nurseries exporting artificially propagated specimens of Appendix-I plant species. The second option is to revise Resolution Conf. 12.10 (Rev. CoP14) to clarify the guidelines, and to improve and, in certain circumstances, streamline the procedure

for registering new operations. The United States opposes the first option because we believe there are great differences between the captive breeding of animal species and the artificial propagation of plant species, and that, unlike the process for plant nurseries in Resolution Conf. 9.19 (Rev. CoP13), there remains a need for a CITES review process for registering Appendix-I animal-breeding operations. We support the overall approach suggested by the Secretariat in the second option to clarify the guidelines and to, in some cases, streamline the procedure for registering new operations. However, we believe that the streamlined procedure for registering new operations should be limited to only those applications involving species for which the requesting Party has previously registered an operation with the Secretariat.

Annex 12.d): Canadian form to apply for CITES registration of a captive-breeding operation (Doc. 18A12d). *Tentative U.S. negotiating position:* Support. The application form provided by Canada in this document can serve as a useful model for obtaining the information required for registration as required under Resolution Conf. 12.10 (Rev. CoP14) and contained in Annex 1 of the resolution.

Annex 13: Conf. 14.7 – *Management of nationally established export quotas* (Doc. 18A13). *Tentative U.S. negotiating position:* Support. With this document, the Secretariat proposes the deletion of the first sentence of paragraph 19 of the *Guidelines* provided in the Annex of Resolution Conf. 14.7, *Management of nationally established export quotas*. This sentence currently directs the Secretariat, once it has received and published details of a Party's annual export quota for a particular year, to publish the same quota for subsequent years until it receives a revised quota from that Party. The United States supports the Secretariat's recommendation to

delete this text because we believe its retention could lead to the inappropriate re-posting of export quotas that have changed or have been repealed, but which the Party in question had failed to inform the Secretariat.

19. Review of Decisions (Doc. 19). *Tentative U.S. negotiating position:* Support the process. At CoP13, the Secretariat began a process of reviewing current CITES decisions to identify those that were long term in nature. For these long-term decisions, the Parties adopted the transfer of their text into new or existing resolutions. The Secretariat carried on this review at CoP14, also identifying decisions that it believed had been carried out and could be deleted. With Document CoP15 Doc. 19, the Secretariat is continuing this process by identifying current decisions that it has determined may or may not have been implemented, but that are not obviously out of date and for which the Parties need to decide whether or not to maintain them; decisions that it has determined are still being or are still to be implemented; and decisions that it believes have been carried out or that are being dealt with in the context of discussions of other documents at CoP15. The United States supports the process of the Secretariat carrying on a review of the list of effective decisions after each CoP and presenting its recommendations to the following CoP for decisions to delete, carry over, or incorporate into resolutions.

Compliance and Enforcement

20. National laws for implementation of the Convention (Doc. 20). *Tentative U.S. negotiating position:* Support in part. Document CoP15 Doc. 20 contains the Secretariat's report and recommendations under the National Legislation Project, as called for in Decision

14.27. The Secretariat notes that approximately half of the Parties still lack appropriate implementing legislation and signals the need to “increase the momentum” of legislative enactment to meet the goal, under the CITES Strategic Vision, of all Parties having legislation in Category 1 by CoP16. Document CoP15 Doc. 20 contains proposed revisions to Resolution Conf. 8.4 (Rev. CoP14) that would specifically include dependent territories in the National Legislation Project and incorporate the compliance-related and ongoing aspects of Decisions 14.25-14.27 into the resolution, thereby putting the National Legislation Project on the same level as National Reports and the Review of Significant Trade in terms of compliance-related provisions. The Secretariat has also proposed draft decisions in support of the continuation of work under the National Legislation Project.

The United States firmly believes that the effectiveness of the Convention is undermined when Parties do not have adequate national laws in place for implementing CITES, and we strongly support continued work under the National Legislation Project. We are concerned by the lack of progress on this important issue. We believe it is appropriate to include dependent territories under the Project and to incorporate the ongoing and compliance-related aspects of the relevant decisions into Resolution Conf. 8.4 (Rev. CoP14). The United States supports the Secretariat’s proposed changes to Resolution Conf. 8.4 (Rev. CoP14) with some exceptions.

We do not support insertion of the phrase “and to ensure that specimens pass through any formalities required for trade with a minimum of delay” in the first paragraph of the preamble, but we would support inserting in its place the phrase “including measures to penalize trade in, or possession of, such specimens, and to provide for the confiscation or return to the State of

export of such specimens;” because the latter more accurately characterizes the measures required under Article VIII that are relevant to this resolution. We believe that the preambular paragraph beginning with “RECALLING Resolution Conf. 11.3” should be retained (the Secretariat has proposed its deletion) because it is an important policy statement that expresses the Parties’ consistent concern with adequate implementation of the Convention. Resolution Conf. 11.3 (Rev. CoP14) is still in effect and provides important context to Resolution Conf. 8.4 (Rev. CoP14). The word “commercial” should be deleted from the operative paragraph that begins with “ALSO INSTRUCTS.” We believe it can be appropriate to impose suspensions of trade in all CITES specimens for Parties that fail to meet their obligations under the National Legislation Project. This is in line with recommendations in Resolution Conf. 11.17 (Rev. CoP14), *National reports*.

We are also concerned that the Secretariat, in its proposed amendments to Resolution Conf. 8.4 (Rev. CoP14) and in its draft decisions, has in several places used the term “legislation” when it really means “laws.” We note that “legislation” is one type of law, but that there are other types of laws as well (including decrees, orders, regulations, ordinances, etc.). It is important that Parties have national laws that adequately implement and enforce CITES. Whether those laws are legislation or some other form of law is not important to a Party’s duties under Article VIII. We will propose amendments to the Secretariat’s text to address this concern.

21. National reports (Doc. 21). *Tentative U.S. negotiating position*: Support. With Document CoP15 Doc. 21, the Secretariat reports on progress made in implementing Decisions 14.37 and 14.38 related to national reports. Decision 14.37 directs the Standing Committee to

undertake a review of the recommendations to Parties to provide special CITES reports, assess whether they have been or might be effectively incorporated into the CITES annual and biennial reports, and consider how the biennial report format might be revised to facilitate such incorporation. Decision 14.38 directs the Secretariat to continue to collaborate with the secretariats of other biodiversity-related conventions, UNEP, and other bodies to facilitate the harmonization of knowledge management and reporting, and to identify additional ways to reduce the reporting burden on Parties. Because this work has not been completed, the Secretariat proposes revisions to Decisions 14.37 and 14.38 to continue the work. The United States supports the proposed revisions to Decisions 14.37 and 14.38.

22. Reporting on trade in artificially propagated plants (Doc. 22). *Tentative U.S. negotiating position:* Support. With Document CoP15 Doc. 21, the Secretariat presents the Standing Committee's proposed revisions to CITES Decisions 14.39, 14.40, and 14.41 to carry on work related to reporting on trade in artificially propagated plants, and proposes the Parties adopt these revisions at CoP15. The United States supports the continued work within CITES to identify ways to reduce the reporting burden on Parties and believes that streamlining the manner in which trade in artificially propagated Appendix-II plant specimens is reported would significantly reduce the annual reporting burden on Parties without significantly hindering the utility of annual reports for detecting illegal trade or for other analyses related to the conservation of wild CITES-listed flora. Therefore, we support the Standing Committee's recommendation that Decisions 14.39 – 14.41 be continued for the next intersessional period (between CoP15 and CoP16).

23. Standard units for reporting trade in agarwood-producing taxa (Doc. 23). *Tentative U.S. negotiating position*: Support. Decision 14.139, adopted at CoP14, directs Parties involved in the agarwood trade and the Secretariat to draft standardized reporting units for agarwood specimens in international trade. The Secretariat obtained from the UNEP-WCMC a list of the units of measure used to date in the CITES trade database for such specimens, and subsequently determined that the current advice contained in the *Guidelines for the preparation and submission of CITES annual reports* is, for the most part, sufficient for recording trade in agarwood-producing taxa. The Secretariat obtained from the UNEP-WCMC a list of the units of measure used to date in the CITES trade database for such specimens, and subsequently determined that the current advice contained in the *Guidelines for the preparation and submission of CITES annual reports* is, for the most part, sufficient for recording trade in agarwood-producing taxa. However, the Secretariat recommends that the preferred and alternate units of measure for roots and stems should be switched in the *Guidelines*, thus making ‘kilograms’ the preferred unit and ‘number of specimens’ the alternate. The United States agrees with the Secretariat’s conclusion regarding the units of measure for reporting trade in agarwood-producing taxa. We also agree with the Secretariat’s recommended change to the *Guidelines*.

24. Enforcement matters (Doc. 24). *Tentative U.S. negotiating position*: Support. The United States supports efforts by the Secretariat to engage Nigeria and resolve major enforcement and noncompliance problems. We support the adoption of both draft decisions relating to the gathering and analysis of data on illegal trade and are interested in playing an active role in the working group that would be established if the decisions are adopted. The U.S. Fish and Wildlife Service has extensive experience with the development of wildlife trade and

enforcement databases, and we believe we could add value to this effort. The United States supports the Secretariat's assertions that it wishes to be more active in Central and South America and the Caribbean, and given our ongoing efforts in this area, we should be able to identify ways that we can collaborate with the Secretariat on these efforts. Although the United States generally supports efforts to build effective enforcement capacity, a thorough review of the proposed blueprint is required. We look forward to an oral report on this effort and review of the blueprint at a later date.

Annex: Report submitted by Egypt (English only) (Doc. 24A). *Tentative U.S. negotiating position:* See Doc. 24.

25. Proposed revision of Resolution Conf. 11.3 (Rev. CoP14) on *Compliance and enforcement* (Doc. 25). *Tentative U.S. negotiating position:* Support. The United States supports amending the resolution, but notes that the use of detector dogs is just one of many enforcement tools used globally. There is nothing in the language that mandates any additional action by law enforcement, so if the proposed amendments assist other countries to establish or use detector dog programs, the United States has no objection. However, we support the editorial changes made by the Secretariat rather than the language proposed by the European Community.

26. Review of Significant Trade in specimens of Appendix-II plant species (Doc. 26). *Tentative U.S. negotiating position:* Support. The United States participated in the working group of the 18th meeting of the Plants Committee that developed the recommendations that are

reflected in the document. While the Secretariat's suggested revisions to the draft decisions do not necessarily simplify the wording proposed by the Plants Committee, the United States believes that the revisions are consistent with the intentions of the Plants Committee, and therefore, we support the revised decisions.

Trade Control and Marking

27. Introduction from the sea (Doc. 27). *Tentative U.S. negotiating position:* Support. This document was prepared by the CITES Secretariat, in consultation with the Chair of the Standing Committee, and reports on progress made since CoP14 on issues related to introduction from the sea. In September 2009, a workshop on introduction from the sea was convened in accordance with Decision 14.48. Discussion centered on the meaning of the term "State of introduction" and the need to agree on an interpretation that is both legally consistent with the Convention and pragmatic. The report of the workshop, a discussion document, a revised resolution, and a revised decision, prepared by the Secretariat, were provided to the Standing Committee following SC58 for electronic review. Document CoP15 Doc. 27 includes draft revisions to Resolution Conf. 14.6 and Decision 14.48. The working group was not able to reach agreement on the meaning of the term "State of introduction," and as a result, the proposed revisions to Resolution Conf. 14.6 contain bracketed text. The Secretariat recommends that the CoP determine how to resolve the bracketed text in the revisions to Resolution Conf. 14.6 and adopt the resulting revised resolution and revised decision.

The United States has been actively involved in discussions related to introduction from the sea

since the drafting of the Treaty, and we strongly support continuing efforts to achieve common understanding of the practical application of this CITES provision. We participated in the 2005 and 2009 workshops and the electronic working groups established at SC54 and SC57. We strongly support extending the operation of the working group on introduction from the sea and achieving agreement on the bracketed text in the draft revisions to Resolution Conf. 14.6. As the number of listing proposals for marine species at CoPs continues to increase, the United States believes that continued work on the practical implementation of the introduction from the sea provision is essential.

28. Ranching and trade in ranched specimens (Doc. 28). *Tentative U.S. negotiating position:* Oppose. The United States opposes the draft decisions in CoP15 Doc. 28 Annex 2 and supports only the proposed minor revisions to correct two errors in the text in Resolution Conf. 11.16 (Rev. CoP14). The Secretariat's draft decisions do not appear to have followed through on the recommendations of the Animals Committee at AC24, either by providing proposed revisions to merge the two resolutions, retaining the core elements of these resolutions, or to conduct an analysis of the implications that these steps might have on previously downlisted populations. The United States supports the AC24 recommendations on this issue and will advocate for the completion of that work at CoP15.

29. Production systems for specimens of CITES-listed species (Doc. 29). *Tentative U.S. negotiating position:* Support. The United States supports the recommendations of the Animals and Plants Committees on the use of source code "R," as well as the Secretariat's recommended amendments to Resolutions Conf. 12.3 (Rev. CoP14) and 11.16 (Rev. CoP14). The United

States participated in both working groups and substantially contributed to the recommendations in this document. We continue to support a consistent and limited application of source code “R” and believe that these recommendations accomplish that goal. Despite the Secretariat’s objection, the United States believes there would be value in developing a manual to guide Parties on the use of source codes; therefore, we support the recommendation from the Animals and Plants Committees for the Secretariat to develop such a manual.

30. Electronic Permitting

30.1 Electronic permitting toolkit (Doc. 30.1). *Tentative U.S. negotiating position:*

Support in part. The United States supports the concept of Parties developing capacity for electronic permitting and encourages continued efforts in this direction. However, we have concerns about the capacity of many Parties to adopt electronic permitting systems and whether the various systems would be able to communicate with each other. Further development of the toolbox is needed.

30.2 Proposed revision of Resolution Conf. 12.3 (Rev. CoP14) on *Permits and certificates* (Doc. 30.2). *Tentative U.S. negotiating position:* Support in part. The United States supports the efforts of the United Kingdom and Switzerland to develop a pilot project for the issuance of electronic permits. However, minor changes to the proposed language are required to ensure that electronic permits are only issued when all affected Parties (i.e., exporting, importing, and transiting countries) have agreed to the use of electronic permits.

31. Purpose codes on CITES permits and certificates (Doc. 31). *Tentative U.S. negotiating position:* Support. The United States was the chair of a working group to develop clear definitions and uses of the purpose-of-transaction codes established in Resolution Conf. 12.3 (Rev. CoP14). Unfortunately, the working group was unable to finalize its work. We support the draft decision proposed by the Secretariat to allow the working group to finish its work.

32. E-commerce of specimens of CITES-listed species (Doc. 32). *Tentative U.S. negotiating position:* Support. The United States actively participated in the e-commerce workshop held in Vancouver in February 2009. At that meeting, at SC58, and in the electronic working group that followed SC58, we expressed our general support for the concepts reflected in the working group's recommendations to focus resources, training, and other efforts to combat the illegal and legal but unsustainable e-commerce of wildlife. We also noted at the workshop our concerns that, though the growth of e-commerce is an increasingly important issue that poses unique challenges to regulating wildlife trade and successfully implementing CITES, many of the recommendations posed for e-commerce are equally important for ensuring all aspects of wildlife trade are conducted legally and sustainably. Toward that end, we caution that we should keep the emphasis on e-commerce in perspective as it relates to the larger mission of ensuring successful implementation of CITES overall, and recognize that most, if not all, Parties are already limited in their resources to combat such trade.

Nonetheless, we believe that the approach proposed in Document CoP15 Doc. 32 strikes a good balance of highlighting the issues posed by wildlife trade via e-commerce and the measures that Parties should consider in addressing that type of trade. Therefore, we support both of the draft decisions and the proposed amendments to Resolution Conf. 11.3 (Rev. CoP14), with minor

edits, including an edit to insert “via e-commerce” after the text “and illegal wildlife trade.”

33. Transport of live specimens (Doc. 33). *Tentative U.S. negotiating position:* Support. The United States has consistently participated in the Transport Working Group (TWG) and has worked closely with the International Air Transport Association (IATA) and others to improve wildlife transport, and supports the Secretariat’s recommendations and adoption of the draft decision. The Animals Committee has determined that participation in meetings and collaboration with the World Organization for Animal Health (OIE) to review the OIE Guidelines for the Transport of Animals by Sea and the OIE Guidelines for the Transport of Animals by Land is no longer necessary because these guidelines deal more with livestock than wildlife transport. The TWG will continue to participate in meetings of IATA’s Live Animals and Perishables Board (LAPB). The TWG has begun developing a replacement for the outdated CITES Guidelines for the Transport and Preparation for Shipment of Live Wild Animals and Plants from 1981. We support these efforts.

34. Review of the universal tagging system and trade in small crocodylian leather goods (Doc. 34). *Tentative U.S. negotiating position:* Support. The United States chaired the Standing Committee working group on this matter and supports the proposed revisions to Resolutions Conf. 11.12 and 12.3 (Rev. CoP14). The United States concurs that the tagging of crocodylian skins is an important component of the effective regulation of international trade in crocodylians. Proposed revisions to Resolution Conf. 11.12 are largely to bring the Universal Tagging System up to date with current knowledge of crocodylian taxonomy, conservation, and trade practice, and to streamline the tagging system while maintaining a robust and secure trade

control regime. Proposed revisions to Resolution Conf. 12.3 (Rev. CoP14) include two proposed additions to Paragraph IX regarding permits and certificates for crocodilian specimens. The intent of these additions is to encourage Parties to alleviate administrative burdens and streamline permitting procedures associated with small crocodilian leather products.

35. Standard nomenclature (Doc. 35). *Tentative U.S. negotiating position:* Support in part. The United States supports three broad issues as proposed: revision and publication of the CITES Appendices, nomenclatural changes in CITES-listed animal species, and proposed work program and budget of the nomenclature specialists. The United States also supports the following individual elements: proposed modifications to Resolutions Conf. 9.24 (Rev. CoP14) and 12.11 (Rev. CoP14), consultation with nomenclature specialists prior to submission of any amendment proposal, preparation of a “tool-kit” for Parties to facilitate future updates of nomenclature databases, and review of the nomenclature of several species from Madagascar. The United States opposes the following individual elements: a review of mono-specific taxa leading to a listing at the highest taxon possible, changes to arowana (*Scleropages formosus*) nomenclature, and a review of nomenclature changes to Appendix-III listed species in the context of the issuance of certificates of origin. The United States has several other specific concerns. Three other nomenclature issues are discussed under their own agenda items: CoP15 Prop. 1, regarding the grey wolf, CoP15 Doc. 12, regarding harmonization with other multilateral environmental agreements, and CoP15 Doc. 36, regarding coral.

37. Identification of worked specimens of black coral (*Antipatharia*) and parts thereof in trade (Doc. 37). *Tentative U.S. negotiating position:* Support. This document notes that there is

substantial international trade in black corals, most of it in worked items (jewelry), and while most of the specimens in trade are identified to species, a significant proportion is identified only to the level of genus. Although black corals (*Antipatharia*) have been listed in Appendix II for more than 20 years, there is no CITES standard nomenclature reference for the group.

Document CoP15 Doc. 37 acknowledges that there is considerable confusion with regard to black coral taxonomy and that identification of worked specimens to species, or even genus, can be difficult if not impossible. Under Part XIV paragraph e) of Resolution Conf. 12.3 (Rev. CoP14), *Permits and certificates*, Parties are to refuse to accept permits that do not indicate the scientific name of the species being traded, except in cases where: the Parties have agreed that the use of higher-taxon names is acceptable; the issuing Party can show it is well justified and has communicated the justification to the Secretariat; certain manufactured items contain pre-Convention specimens that cannot be identified to species; or for certain *Tupinambis* skins in specific circumstances. The document proposes that worked specimens of black coral (*Antipatharia*) in trade may be identified to the level of Order for the purpose of reporting and the issuance of CITES permits, and that Parties continue to identify raw black coral and live black coral to species. The United States supports amending the resolution on permits and certificates (Resolution Conf. 12.3 (Rev. CoP14)) and the *Guidelines for the preparation and submission of CITES annual reports* contained in Notification to the Parties No. 2006/030, as proposed in Document CoP15 Doc. 37, instead of simply communicating the text through a Notification. We have proposed, in Document CoP15 Doc. 54, a similar amendment to Resolution Conf. 12.3 (Rev. CoP14) to allow worked specimens of red and pink corals to be reported at the family level should the U.S. proposal to list Coralliidae in Appendix II be adopted.

38. Identification Manual (Doc. 38). *Tentative U.S. negotiating position:* Support. This document is a report from the Secretariat on progress in the development of identification materials for listed species. The United States will continue to be involved in this project, as well as the production of identification materials for which we have responsibility.

39. Using the taxonomic serial number (TSN) in international wildlife trade data: a role for CITES (Doc. 39). *Tentative U.S. negotiating position:* Support in part. Canada submitted this document, which proposes adoption of a draft resolution: a) recommending that CITES, through the Secretariat or a working group, investigate the value and feasibility of incorporating TSNs as an element of its data sets, and b) encouraging Parties to consider the usefulness of incorporating TSNs in their domestic data systems. The United States agrees in part with the comments made by the Secretariat on this document that the first operative paragraph should be presented as a draft decision instead of a draft resolution, and that the CoP should establish a working group to conduct this work. We also agree with the position of the Secretariat that it is premature to consider the use of TSNs in national data systems until the working group reports on the implications and possible benefits of such use.

Exemptions and Special Trade Provisions

40. Personal and household effects (Doc. 40). *Tentative U.S. negotiating position:* Support. The United States supports the recommendation of the Secretariat (and the Chair of the working group on personal and household effects), that discussions by the working group should

continue at CoP15 in order to determine if consensus can be found on issues related to Resolution Conf. 13.7 (Rev. CoP14). Because of a lack of progress in discussions since CoP14, several technical issues remain unresolved, including: treatment of tourist souvenirs as personal and household effects; the definition of a hunting trophy; the interpretation of Article VIII, paragraph 3(b) of the Convention; whether there are specific species or types of personal and household effects which, in view of conservation concerns, would require different treatment under Resolution Conf. 13.7 (Rev. CoP14); collating information about how each Party has implemented Resolution Conf. 13.7 (Rev. CoP14), particularly with regard to any requirements for export permits and assessing whether this indicates a need to amend the resolution; and determining how to treat personal effects which do not accompany the owner or which are not part of a household move. If the working group convenes at CoP15, the United States expects to participate in its deliberations.

41. Applications to register operations that breed Appendix-I animal species in captivity for commercial purposes

41.1 and 41.1 Annexes 1-11. Consideration of operations subject to an objection (Doc. 41.1).

Tentative U.S. negotiating position: Oppose. The Management Authority of the Philippines had requested the registration of a captive-breeding operation for *Amazona barbadensis*, *Ara ambigua*, *Ara macao*, *Cacatua sulphurea abboti*, *C. s. citrinocristata*, *C. s. sulphurea* and *C. moluccensis*. The United States opposed this application when it was first submitted (see Notification to the Parties No. 2008/002 of 21 January 2008) on the grounds that the application did not provide sufficient documentation on legal acquisition of the parental stock. Although

documentation was provided, in several cases it was not specific to the species involved and refers only generically to parrots. Further, documentation for most species was not provided to show that the parental stock was legally exported from range countries. Therefore, the captive-breeding operation does not meet the bred-in-captivity criteria of Resolution Conf. 10.16 (Rev.), specifically paragraph b)ii)A, which requires that the breeding stock must be established in accordance with CITES and relevant national laws.

41.1 Annexes 12-19. Consideration of operations subject to an objection (Doc. 41.1). *Tentative U.S. negotiating position*: Support. These documents relate to registration of three U.S. operations that we have found to meet the requirements of both Resolutions Conf. 10.16 (Rev.) and 12.10 (Rev. CoP14) for registration.

41.2 Request from the Philippines regarding Birds International (Doc. 41.2; Philippines). *Tentative U.S. negotiating position on Agenda Items 41.2, 41.2 Annexes A1-AG3*: Oppose. The Management Authority of the Philippines submitted an application to register a captive-breeding operation for the following birds: *Amazona ochrocephala auropalliata*, *Amazona ochrocephala oratrix*, *Amazona viridigenalis*, *Anodorhynchus hyacinthinus*, *Ara militaris*, *Ara rubrogenys*, *Cacatua goffini*, and *Propyrrhura maracana*. The United States opposed this application prior to and at CoP14 on the grounds that the application did not provide sufficient documentation on legal acquisition of the parental stock. Although documentation was provided, it is not specific to the species involved and refers only generically to parrots. Further, no documentation is provided to show that the parental stock was legally exported from range countries. Therefore, the captive-breeding operation does not meet the bred-in-captivity criteria of Resolution Conf.

10.16 (Rev.), specifically paragraph b)ii)A, which requires that the breeding stock must have been established in accordance with CITES and relevant national laws.

Species Trade and Conservation

42. Great apes (Doc. 42). *Tentative U.S. negotiating position: Support.* The document reports on the implementation of Resolution Conf. 13.4, *Conservation of and trade in great apes*. The Secretariat notes that international illegal trade in orangutans appears to have decreased from the early 2000s, but further efforts are still needed to increase orangutan habitat protection and stop illegal export from countries of origin. The Secretariat also suggested increased efforts to prevent illegal trade in African great apes due to the demand for bushmeat in Africa, expressed disappointment at the lack of adequate follow-up investigations and prosecutions in a majority of great ape seizures, and called for the participation of Interpol and the World Customs Organization (WCO) in technical missions to a few select gorilla range states. The United States supports the recommended draft decisions and believes that the Secretariat should enter into partnerships with other appropriate bodies to increase the protection of great apes and their habitats, and to promote greater enforcement of national legislation and prosecution of those involved with illegal trade in great apes.

43. Asian Big Cats

43.1 Report of the Secretariat (Doc. 43.1); 43.2 Proposed revision of Resolution Conf. 12.5, *Conservation of and trade in tigers and other Appendix-I Asian big cat species* (Doc. 43.2).

Tentative U.S. negotiating position: Support. The United States supports the European Community's proposed amendments to Resolution Conf. 12.5, *Conservation of and trade in tigers and other Appendix-I Asian big cat species*, with some exceptions. We look forward to working with Parties and others at CoP15 to ensure that CITES continues to take a strong stand on this issue and adopts measures to address the illegal killing of and trade in tigers and other Asian big cats.

44. Elephants

44.1 Monitoring of illegal trade in ivory and other elephant specimens (Doc. 44.1); Annex: Report submitted by ETIS (English only) (Doc. 44.1A). *Tentative U.S. negotiating position:* Support in principle. The United States will remain flexible in its position given the likelihood of additional information in advance of or during the CoP. The United States supports the Secretariat's recommendation to delete paragraphs 2 and 6 of the action plan relating to the questionnaire and renumbering of the remaining paragraphs. We are concerned about the lack of progress with regard to implementation of several aspects of the action plan for the control of trade in elephant ivory. We support the Secretariat's recommendation that Parties offer secondments of enforcement officers to assist in verification activities, but we note that this should be a short-term solution to a larger lack of enforcement capacity at the Secretariat that is highlighted in several enforcement-related agenda items. We share the concerns expressed by TRAFFIC that, though the driving forces may not be clear, we are seeing a dramatic increase in illegal ivory trade since 2004, with a sharp upward trend in 2009. We believe that the CITES Parties need to reinvigorate efforts to interdict illegal trade, build capacity in elephant range

states, and take other actions necessary to ensure the effective implementation of Resolution Conf. 10.10 (Rev. CoP14) and Decision 13.26 and its action plan. We agree that measures to date to implement Decision 13.26 have not been sufficient and support the recommendation that the action plan be strengthened and more actively implemented.

44.2 Monitoring of illegal hunting in elephant range States (Doc. 44.2). *Tentative U.S.*

negotiating position: Support. The document recommends only that Parties note the report. The United States is pleased to see the first analysis of MIKE data since establishment of the baseline data at SC55 in 2007. The increase in elephant poaching since 2006 is obviously of concern and should be taken into consideration in evaluating other elephant-related documents and species proposals. We remain concerned about the continuing lack of progress in MIKE implementation in Asia. Because the Secretariat may provide additional analysis and submit one or more information documents prior to CoP15, we will re-evaluate our position in advance of or at CoP15.

45. Rhinoceroses

45.1 Report of the Secretariat (Doc. 45.1); Annex: African and Asian Rhinoceroses - Status, Conservation and Trade (Doc. 45.1A); 45.2 Revision of Resolution Conf. 9.14 (Rev. CoP14), *Conservation of and trade in African and Asian rhinoceroses* (Doc. 45.2). *Tentative U.S.*

negotiating position: Support in part. The United States fully agrees that the poaching of rhinoceroses and illegal trade in rhinoceros horns is an extremely critical issue that should be a high priority at CoP15. We support the recommendations contained in the IUCN/SSC and

TRAFFIC report annexed to Document CoP15 Doc. 45.1. Although we support the intent of Kenya's proposed amendments to Resolution Conf. 9.14 (Rev. CoP14), *Conservation of and trade in African and Asian rhinoceroses*, we agree with many of the concerns raised by the Secretariat concerning the amendments. We believe that the best way to address this issue is to convene a working group at CoP15, and we would seek to be a member of any such working group.

46. Tibetan antelope (Doc. 46). *Tentative U.S. negotiating position:* Support. This document summarizes recent information about Tibetan antelope population increases in China, as well as ongoing enforcement activities. The United States supports the draft decision that would direct the Secretariat to undertake a technical and political mission to India and then to report back to the Standing Committee in time to make any appropriate recommendations at CoP16. This support would build upon previous U.S. efforts, most recently at CoP14 and SC58, in support of the Secretariat and the Standing Committee with regard to Tibetan antelope conservation measures (e.g., anti-poaching) and the need to undertake enhanced enforcement actions.

47. Saiga antelope (Doc. 47). *Tentative U.S. negotiating position:* Support. In this document, the Secretariat proposes that the Parties extend Decisions 14.91 to 14.97, with certain updates to reflect the progress that has been made. In addition, the Secretariat proposes that the Parties encourage saiga horn-consuming industries to contribute to *in situ* conservation activities aimed at restoring wild populations. We support the Secretariat's recommendations and suggest

including saiga antelope on the agenda of the Standing Committee meetings between CoP15 and CoP16.

49. Tortoises and freshwater turtles (Doc. 49). *Tentative U.S. negotiating position:* Support in part. This document was prepared by the CITES Secretariat, and the annexed interim report was prepared by the IUCN Tortoise and Freshwater Turtle Specialist Group (IUCN/TFTSG). The United States provided the funding to support the IUCN/TFTSG contract to produce this report. Regarding Dec. 14.126, the United States is concerned about an apparent lack of activity on the development of tariff codes for turtle and tortoise products since this recommendation was first adopted at CoP13 in 2004. The United States recommends that the Secretariat make this matter a high priority for its work with the World Customs Organization by raising the issue again immediately upon the conclusion of CoP15 and following progress on the matter closely with a report to the next regular meeting of the Standing Committee. Regarding Dec. 14.127 on national reporting requirements, the United States notes that the Parties declined to accept the Secretariat's same recommendation to modify the reporting requirement at CoP14 and instead adopted the current series of decisions designed to provide greater CITES scrutiny of the international trade in tortoises and freshwater and terrestrial turtles. The United States supports the interim recommendation of the IUCN/TFTSG that more and better data are needed to understand the trade and its impact on wild populations, and we do not support lessening the biennial reporting requirement on this trade in Resolution Conf. 11.9 (Rev. CoP13). Regarding Dec. 14.128 and 14.129, we believe this is a very important conservation and implementation issue for CITES, and that, while the Parties have made good progress on this issue, much remains to be done. Unfortunately, due to the early scheduling of CoP15 and other factors, the

final report of the IUCN/TFTSG will only be available at CoP15 in the form of an information document. The United States recognizes that the Parties may choose to make recommendations based on the interim report of the IUCN/TFTSG at CoP15, but we believe that a review of the recommendations and findings by the Animals Committee (and if appropriate the Standing Committee) will provide valuable input to the process of improving the implementation and enforcement of the Convention for these species.

50. Hawksbill turtle (Doc. 50). *Tentative U.S. negotiating position:* Undecided, but likely to support. In this document, the Secretariat proposes a decision to direct the Secretariat to collaborate with the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC), and the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention) and its Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol), to develop a joint proposal for the Global Environment Facility (GEF), considering the outcome of the regional workshop on the hawksbill turtle in the wider Caribbean and western Atlantic region (CoP15 Doc. 50). The United States supports the concept of the draft decision and will work with the Secretariat on specific changes to the language of the draft decision to include adding a timeline to the decision, a requirement to report to the Standing Committee, and to ensure that the IAC, Cartagena Convention, and the SPAW Protocol are all in agreement and committed to this collaboration, and there is a clear understanding of the focus of the GEF proposal.

51. Humphead wrasse: additional management measures needed to combat IUU fishing (Doc. 51). *Tentative U.S. negotiating position:* Support in part. This document, submitted by

Indonesia, points to the impacts of illegal, unregulated, and unreported (IUU) fishing on the humphead wrasse (*Cheilinus undulatus*) and calls on the Parties to adopt a resolution on the conservation of and trade in these coral reef fish. To better control the international trade of humphead wrasse, Indonesia notes that it has introduced an “air only” rule for exporting the species from Indonesia and believes that IUU activities could be considerably reduced if other exporting countries adopted the same requirement. Recommendations in the draft resolution include urging Parties to limit international trade to air-only transport and the establishment of a CITES Humphead Wrasse Task Force. The United States strongly supports Indonesia’s efforts to combat IUU fishing and improve regulation of the international trade in humphead wrasse. While the “air only” rule for export of humphead wrasse adopted by Indonesia is innovative, we do not believe it is appropriate to urge all Parties to limit trade in this way. The United States supports efforts to ensure that wildlife trade is channeled through ports where capacity exists to adequately enforce CITES, as we do through a system of designated ports for wildlife in the United States. However, given that capacities differ from Party to Party, we believe the proposed “air only” language may be overly proscriptive as written in the draft resolution. We would like clarification regarding the mandate and operation of the proposed Task Force before taking a position on its creation. We understand from the Secretariat’s comments on this document that there will be discussions among relevant Parties on this issue at the CoP. We look forward to the outcome of those discussions.

52. Atlantic bluefin tuna (Doc. 52). *Tentative U.S. negotiating position:* Undecided. This resolution complements the proposal to transfer Atlantic bluefin tuna to Appendix I (CoP15 Doc. 15.19). Since the language of this resolution will be driven by the discussion and outcome of the

listing proposal, the United States will work with other CITES Parties to draft the appropriate language to complement the listing, if the proposal is adopted. This work will require flexibility in the U.S. negotiating position.

53. Conservation and management of sharks and stingrays (Doc. 53). *Tentative U.S. negotiating position:* Undecided. In this document, the Animals Committee reports on its work on the conservation of sharks and stingrays, and provides recommendations resulting from these efforts. The Secretariat has incorporated these recommendations into a number of draft decisions, also provided in this document. The Secretariat suggests, and we support, the formation of a working group at CoP15 to discuss the Animals Committee's recommendations.

55. Trade in epiphytic cacti (Cactaceae spp.) (Doc. 55). *Tentative U.S. negotiating position:* Support. In this document, Switzerland proposes a review of epiphytic cacti listed in CITES Appendix II for the purpose of exempting specimens of species that are commonly artificially propagated and pose little conservation risk. The United States supports such a review in combination with the Review of *Euphorbia* species (CoP15 Doc. 56).

56. *Euphorbia* spp. (Doc. 56). *Tentative U.S. negotiating position:* Support. In this document, the Plants Committee proposes to review succulent *Euphorbia* species listed in CITES Appendix II for an estimated budget of USD 30,000. The United States supports the review of these species combined with the review of epiphytic cacti (CoP15 Doc. 55), and suggests that the proposed budget be discussed at the meeting.

57. *Cedrela odorata*, *Dalbergia retusa*, *Dalbergia granadillo* and *Dalbergia stevensonii* (Doc. 57). *Tentative U.S. negotiating position*: Support in part. We agree that CITES should continue to address the trade in and conservation of these four species, but we believe it would be useful to consider these species in a wider working group that considers *Swietenia macrophylla* as well, as was discussed at PC18. We believe that a working group should be convened at CoP15 to identify the scope and develop terms of reference for such a timber working group, and we would seek to assist in developing the terms of reference.

58. Bigleaf mahogany (Doc. 58). *Tentative U.S. negotiating position*: Support in part. At PC18, the bigleaf mahogany range States overwhelmingly supported the continuation of the Bigleaf Mahogany Working Group (BMWG) under the Plants Committee. We believe that it would be more useful to expand the mandate of the BMWG to include at a minimum other neotropical timber species, including *Cedrela odorata* and *Dalbergia* spp. As noted for the previous agenda item, we believe that a working group should be convened at CoP15 to identify the scope and develop terms of reference for such a timber working group, and we would seek to assist in developing the terms of reference.

59. *Taxus cuspidata* (Doc. 59). *Tentative U.S. negotiating position*: Support. This document summarizes the work of the Plants Committee to fulfill Decision 14.147, which directed the Committee to develop recommendations for the treatment of hybrids and cultivars, as well as other horticultural entities, under the Convention. The United States actively participated in this work by the Plants Committee, and we support the recommendations of the Plants Committee to retain the guidance provided in Resolution Conf. 11.11 (Rev. CoP14) on hybrids; to amend this

Resolution by including the definition of “cultivar” contained in the 8th edition of the International Code of Nomenclature for Cultivated Plants; and by including in the Resolution guidance indicating that cultivars are subject to the provisions of the Convention unless specifically excluded by annotation of the Appendices.

60. Agarwood-producing taxa (Doc. 60). *Tentative U.S. negotiating position:* Support. This document, prepared by the Chair of the Plants Committee, proposes to amend Resolution Conf. 10.13 (Rev. CoP14), *Implementation of the Convention for timber species*, and recommends two draft decisions regarding timber species: one directed to the Plants Committee to determine how current definitions of “artificially propagated” apply to mixed- species plantations, and the other to direct the Secretariat to hold a workshop regarding the management of wild and plantation-sourced agarwood. We support all aspects of this proposal, including the Secretariat’s suggested amendments to the draft decision to include the Plants Committee in the development of the workshop.

61. Report of the Central Africa Bushmeat Working Group (Doc. 61). *Tentative U.S. negotiating position:* Support. We agree with the Secretariat that no further action should be taken on this issue. We note that this issue is being addressed in other fora, including the Convention on Biological Diversity’s Liaison Group on Bushmeat, and we believe that this group and organizations such as FAO are better positioned to tackle this important issue.

Amendment of the Appendices

62. Periodic review of the Appendices (Doc. 62). *Tentative U.S. negotiating position:* Oppose. This document, submitted by the Secretariat, proposes repealing Resolution Conf. 14.8, *Periodic Review of the Appendices*, and Annex 2, paragraph h) of Resolution Conf. 11.1, *Establishment of committees*; replacing Resolution Conf. 14.8 with a resolution outlining a new schedule and procedure for reviewing species. The United States opposes most of the elements of this document. The process outlined in Resolution Conf. 14.8 was adopted by the Parties at CoP14, based on the recommendations of a diverse working group that included members of the technical committees (CoP14 Doc. 66). We believe it would be premature to repeal Resolution Conf. 14.8 and replace it with a new review and selection process.

63. Criteria for the inclusion of species in Appendices I and II (Doc. 63). *Tentative U.S. negotiating position:* Undecided. The interpretation of the criteria in Resolution Conf. 9.24 (Rev. CoP14) for listing commercially exploited aquatic species in Appendix II is raised under both CoP15 Doc. 10.2 and CoP15 Doc. 63. Under agenda item 10.2, we would like to ask that the CITES Secretariat work with FAO to amend the Terms of Reference for the Ad Hoc Expert Advisory Panel for Assessment Proposals to CITES developed under the CITES-FAO MoU, which could eliminate the need to address the issues raised under agenda item 63. If Document CoP15 Doc. 63 is introduced, the United States believes it could support an intersessional process if the scope of the decisions proposed by the Secretariat were significantly refined to provide clarification, only, on interpretation of the criteria specific to commercially-exploited aquatic species. The United States would strongly oppose any decision that would re-open Resolution Conf. 9.24 (Rev. CoP14). See also agenda item 10.2, above.

64. Cactaceae and Orchidaceae: review of annotations (Doc. 64). *Tentative U.S. negotiating position*: Support. This document was submitted by the Chair of the Plants Committee on behalf of the Committee and includes recommendations by the Committee relative to its work under Decision 14.130 (also see CoP15 Prop 25). The United States supports the draft decisions included in this document, directed to the Secretariat and to the Parties, to improve understanding among the Parties of the process for exchange of scientific specimens and to encourage broader application by the Parties of the exemption provided in Article VII, paragraph 6, for scientific exchange. We also support the draft decision to direct the Plants Committee to continue its work to evaluate additional taxa to determine whether finished products derived from them may be exempted from the provisions of the Convention, since the Committee has already identified additional taxa with high volumes of finished products in trade that might appropriately be exempted from the provisions of the Convention if the trade is effectively controlled for other specimens (e.g., unprocessed plant material and extracts).

65. Orchids: annotations for species included in Appendix II (Doc. 65). *Tentative U.S. negotiating position*: Undecided. This document reflects efforts by the Plants Committee to determine whether the annotation to the listing of Orchidaceae in Appendix II, to exempt the artificially propagated hybrids of certain genera from the provisions of the Convention subject to certain conditions, has had any adverse impact on the conservation of these species. Although we support the production of additional identification materials to assist the Parties in applying the exemption for certain orchid hybrids, similar to the CITES Secretariat, we are uncertain as to whether renewing Decisions 14.133 and 14.134 is necessary, given that the Plants Committee has identified no adverse impacts to the conservation of orchid species resulting from these

exemptions. We are evaluating the proportion of the trade represented by the Parties that have provided information on the application of these exemptions, to determine whether their experiences with the exemptions represent a majority of the trade or not, and if the latter, whether renewing these decisions is advisable to require additional consultations with Parties trading in Appendix-II orchids.

66. Annotations for tree species included in Appendices II and III (Doc. 66). *Tentative U.S. negotiating position*: Support. Given the lack of information from Parties to support the work of the Plants Committee under Decision 14.148, the United States supports the adoption of a new decision for the Secretariat to commission a trade study, subject to available funding, that would serve as the basis for further work by the Plants Committee to evaluate the annotations to tree species listed in Appendices II and III and recommend appropriate amendments. We therefore also support the continuation of Decision 14.148 for the Plants Committee to continue this work to ensure that the annotations to tree species in Appendix II and III result in the appropriate and effective control of trade in these species.

68. Proposals to amend Appendices I and II (Doc. 68). The proposals to amend Appendices I and II have been reviewed within the context of the biological criteria outlined in Resolution Conf. 9.24 (Rev. CoP14), *Criteria for amendment of Appendices I and II*. This and other relevant resolutions (<http://www.cites.org/eng/res/index.shtml>) or Articles of the Convention (<http://www.cites.org/eng/disc/text.shtml>) will be referred to, as appropriate, in the summaries below. Additional biological information on the taxa for which amendments to the Appendices are proposed in CoP15 Prop. 13, CoP15 Prop. 14, CoP15 Prop. 17, CoP15 Prop. 18, and CoP15

Prop. 19 can be found in the extended version of our previous **Federal Register** notice (74 FR 33460 - published on July 13, 2009), which is posted on our website at:

<http://www.fws.gov/international/pdf/Notice2-possible%20US%20submissions%20WEB.pdf>.

Prop. 1. Addition of an annotation to the grey wolf (*Canis lupus*) listed in Appendices I and II to exclude domesticated dogs and dingos. Proposed by Switzerland as the Depository Government, at the request of the Animals Committee. *Tentative U.S. negotiating position:* Support. The need for this annotation has arisen because the standard reference for mammals recently adopted by the Parties classifies domesticated dogs and dingos as subspecies of the grey wolf. Domesticated dogs and dingos were never intended to be included in the original listing of gray wolves.

Prop. 4. Transfer of the United Republic of Tanzanian population of African elephant (*Loxodonta africana*) from Appendix I to Appendix II for the exclusive purpose of allowing trade in non-commercial hunting trophies, live animals under certain conditions, raw hides, and a one-off sale of elephant ivory. Proposed by the United Republic of Tanzania. *Tentative U.S. negotiating position:* Undecided. The United States is currently evaluating the proposal against the criteria for amending the Appendices (Resolution Conf. 9.24 (Rev. CoP14)) and within the context of other agenda items that relate to this proposal (including the MIKE [Monitoring the Illegal Killing of Elephants] and ETIS [The Elephant Trade Information System] reports (CoP15 Docs. 44.1 and 44.1A)), as well as awaiting the findings of the Panel of Experts on the merits of this proposal under Resolution Conf. 10.9, *Consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II*, before formulating our final position.

However, we have serious concerns as to whether the Tanzania proposal meets the CITES listing criteria for Appendix II.

Prop. 5. Transfer of the Zambian population of African elephant (*Loxodonta africana*) from Appendix I to Appendix II for the exclusive purpose of allowing trade in non-commercial hunting trophies, live animals under certain conditions, raw hides, and a one-off sale of elephant ivory. Proposed by Zambia. *Tentative U.S. negotiating position:* Undecided. While we are awaiting the Panel of Experts, we have serious concerns as to whether the Zambian proposal meets the CITES listing criteria for Appendix II. See also our position for Proposal 4, above.

Prop. 6. Remove paragraph [h] from the annotation regarding the populations of African elephant (*Loxodonta africana*) of Botswana, Namibia, South Africa and Zimbabwe; remove paragraph [f] regarding Namibia and Zimbabwe elephant populations; and include an annotation, regarding all African elephant populations, that imposes a 20-year moratorium on all ivory sales and on future proposals to downlist African elephant populations. Proposed by Congo, Ghana, Kenya, Liberia, Mali, Rwanda and Sierra Leone. *Tentative U.S. negotiating position:* Undecided, pending discussion with the proponents of this proposal. With regard to the 20-year moratorium, while the United States understands the intent of the proposal, we note that imposing a long-term ban on ivory trade would pre-empt future listing proposals. This pre-emptive action appears to violate the terms of the Convention, which explicitly allow any Party to propose amendments to the Appendices of the Convention for consideration by the Conference of the Parties.

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Prop. 7. Deletion of the Mariana mallard (*Anas oustaleti*) from Appendix I. Proposed by Switzerland as the Depositary Government, at the request of the Animals Committee. *Tentative U.S. negotiating position:* Support. This species no longer meets the criteria for inclusion in Appendix I and satisfies the “possibly extinct” criteria (Annex 5 of Resolution Conf. 9.24 (Rev. CoP14)).

Prop. 8. Transfer of Morelet’s crocodile (*Crocodylus moreletii*) from Appendix I to Appendix II with a zero quota for wild specimens. Proposed by Mexico. *Tentative U.S. negotiating position:* Support, with a zero quota for wild specimens, except for scientific specimens. This proposal seeks to transfer the species to Appendix II to allow trade in captive-bred specimens. This species meets the biological criteria for transfer to Appendix II. We have discussed with Mexico the need to allow continued trade in wild specimens for scientific research to support the conservation of the species.

Prop. 9. Transfer of the Egyptian population of the African crocodile (*Crocodylus niloticus*) from Appendix I to Appendix II and approval for ranching program. Proposed by Egypt. *Tentative U.S. negotiating position:* Oppose. The proposal does not meet the criteria for ranching programs, as outlined in Resolution Conf. 11.16 (Rev. CoP14), *Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II*. In accordance with paragraph e) of Resolution Conf. 11.16 (Rev. CoP14), a complete proposal should have been submitted at least 330 days prior to CoP15 for consideration by the Parties. The Secretariat, in consultation with the Animals Committee, would then verify that the criteria specified in paragraph d) of Resolution Conf. 11.16 (Rev. CoP14) were met. Therefore, since the proposal

was submitted in accordance with Resolution Conf. 11.16 (Rev. CoP14), its consideration against the biological criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP14) and any other precautionary measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP14) would expand the scope of the proposal, contrary to the Rules of Procedure.

Prop. 10. Transfer of the ornate spiny-tail lizard (*Uromastix ornata*) from Appendix II to Appendix I. Proposed by Israel. *Tentative U.S. negotiating position:* Oppose. While this species is affected by trade, it is not clearly demonstrated that the species meets the biological criteria for inclusion in Appendix I. Information on the status of the species in the wild is limited and there are no estimates for the global population. The proposal lacks substantive data regarding population size, trends, and population demographics.

Prop. 11. Inclusion of Baker's spiny-tail iguana (*Ctenosaura bakeri*), Roatan spiny-tail iguana (*Ctenosaura oedirhina*), and the Rio Aguan Valley iguana (*Ctenosaura melanosterna*) in Appendix II. Proposed by Honduras. *Tentative U.S. negotiating position:* Undecided, pending consultation with Honduras regarding the similarity of appearance of these species to the Guatemalan spiny-tailed iguana. These species do not appear to meet the criteria for listing in Appendix II in their own right, but do seem to qualify for listing due to similarity of appearance if the Guatemalan spiny-tailed iguana were to be listed. The United States will work with the Chair of Committee I at CoP15 and seek to have Proposal 12, for the Guatemalan spiny-tail iguana, discussed before Proposal 11. Hatchlings or young specimens of these species may be difficult to distinguish from those of the Guatemalan spiny-tailed iguana (*C. palearis*), proposed

by Guatemala for inclusion in Appendix II (CoP15 Prop. 12). As a result, implementation problems could arise if only one of the proposals for *Ctenosaura* spp. is adopted at CoP15.

Prop. 12. Inclusion of the Guatemalan spiny-tail iguana (*Ctenosaura palearis*) in Appendix II. Proposed by Guatemala. *Tentative U.S. negotiating position:* Support. The Guatemalan spiny-tailed iguana is endemic to the Rio Motagua Valley in northeastern Guatemala. The most recent information indicates that the population may be small, consisting of 2,500 – 5,000 individuals. Although approximately 100,000 hectares (ha) of potentially suitable habitat exists, most of the habitat is fragmented and degraded. The species is harvested for subsistence use and export for the international pet trade. However, given the species' status on the Endangered Species List of Guatemala, commercial use of the species is prohibited. Therefore, any exports of the species from Guatemala for commercial purposes have been illegal. Given that the most recent information indicates that the population of the Guatemalan spiny-tailed iguana may be near the guideline figure for a "small population" as defined in Annex 5 of Resolution Conf. 9.24 (Rev. CoP14), that collection for commercial export has been implicated in the decline or potential extirpation of two sub-populations, and that effective enforcement is needed to address the illegal harvest and export of wild specimens for the international pet trade, the Guatemalan spiny-tailed iguana meets the criteria for inclusion in Appendix II in that regulation of trade may be necessary to prevent the species from becoming eligible for inclusion in Appendix I in the near future.

Prop. 13. Inclusion of frog species in the genus *Agalychnis* in Appendix II. Proposed by Honduras and Mexico. *Tentative U.S. negotiating position:* Support. *Agalychnis moreletti* and *A. callidryas* meet the biological criteria for inclusion in Appendix II. The remaining three

species in this genus, *A. annae*, *A. saltator*, and *A. spurrelli*, meet the criteria for inclusion in Appendix II based on their similarity of appearance to the other two species, from which they are difficult to distinguish by non-experts.

Prop. 14. Inclusion of Kaiser's spotted newt (*Neurergus kaiseri*) in Appendix I. Proposed by the Islamic Republic of Iran. *Tentative U.S. negotiating position:* Support. This species meets the biological criteria for inclusion in Appendix I. An Appendix-I listing would reduce the demand for this species and take pressure off the wild population.

Prop. 17. Inclusion of porbeagle (*Lamna nasus*) in Appendix II with entry into effect of the inclusion to be delayed by 18 months to enable Parties to resolve the related technical and administrative issues. Proposed by Palau and Sweden, on behalf of the European Community Member States. *Tentative U.S. negotiating position:* Support. This species meets the biological criteria for inclusion in Appendix II.

Prop. 18. Inclusion of spiny dogfish (*Squalus acanthias*) in Appendix II with entry into effect of the inclusion to be delayed by 18 months to enable Parties to resolve the related technical and administrative issues. Proposed by Palau and Sweden, on behalf of the European Community Member States. *Tentative U.S. negotiating position:* Oppose. This species does not meet the biological criteria for inclusion in Appendix II because it has a large population size, stocks in the United States are sustainably managed in Federal and State waters, and the U.S. Government considers that the Northwest Atlantic and Northeast Pacific stocks are not currently overfished.

Prop. 19. Inclusion of Bluefin tuna (*Thunnus thynnus*) in Appendix I. Proposed by Monaco.

Tentative U.S. negotiating position: Support. Both the Eastern Atlantic and Mediterranean, and Western Atlantic stocks of bluefin tuna meet the biological criteria for inclusion in Appendix I, as a species that has experienced a marked decline in population size in the wild.

Current population information for the species shows that it meets the biological criteria for listing in Appendix I. The Eastern Atlantic and Mediterranean stock of the Atlantic bluefin tuna has declined precipitously during the last 10 years. Based on estimated catches, scientists estimated the spawning stock biomass in 2007 to be 78,724 metric tons. This contrasts with the biomass peak of 1955, at 305,136 metric tons. The decline over the 50-year historical period ranging from 1955 to 2007 is estimated at 74.2 percent, the bulk of which (60.9 percent) took place during the last 10 years.

Threats to the Eastern Atlantic and Mediterranean stock include overharvesting and illegal, unregulated, and unreported fishing by European and Mediterranean fishing fleets. United Nations sources estimate that an adult fish is worth \$50,000 or more.

The Western Atlantic spawning stock has declined by 82.4 percent from 49,482 metric tons in 1970 to 8,693 metric tons in 2007. During the past decade, the Western stock has stabilized at a very low population level. Many experts correlate this stabilization to stronger management and compliance measures adopted for that stock, including scientifically-based harvest quotas and a catch documentation scheme to ensure rigorous compliance by United States fishermen.

The United States notes that the Parties to ICCAT took some unprecedented steps at the ICCAT meeting in November 2009 regarding Eastern Atlantic and Mediterranean bluefin tuna. These steps included a commitment to set future catch levels in line with scientific advice, shorten the fishing season, reduce capacity, and close the fishery if the stock continues to decline. However, in light of the serious compliance problems that have plagued the Eastern Atlantic and Mediterranean fishery, the United States continues to have serious concerns about the ability of ICCAT and its members to fully implement their commitments to strengthen compliance and bring catches in line with scientific advice. Given the implications of these concerns on the long-term viability of both the fish and the fishery, the United States will support the proposal to list Atlantic bluefin tuna in Appendix I at CoP15 and will work actively with Monaco and other CITES and ICCAT Parties to achieve positive results for bluefin tuna at CoP15 and at the 2010 ICCAT annual meeting.

Prop. 20. Inclusion of the Satan beetle (*Dynastes satanas*) in Appendix II. Proposed by the Plurinational State of Bolivia. *Tentative U.S. negotiating position:* Support. This species meets the biological criteria for inclusion in Appendix II.

Prop. 22. Inclusion of *Operculicarya decaryi* in Appendix II. Proposed by Madagascar. *Tentative U.S. negotiating position:* Support. This species meets the biological criteria for inclusion in Appendix II. The United States plans to discuss this proposal with the Chair of Committee I and others at CoP15 because of similarity of appearance issues with other plant species for which Madagascar has submitted listing proposals.

Prop. 23. Inclusion of *Operculicarya hyphaenoides* in Appendix II. Proposed by Madagascar.

Tentative U.S. negotiating position: Support. This species meets the biological criteria for inclusion in Appendix II.

Prop. 24. Inclusion of *Operculicarya pachypus* in Appendix II. Proposed by Madagascar.

Tentative U.S. negotiating position: Support. This species meets the biological criteria for inclusion in Appendix II.

Prop. 26. Inclusion of *Zygosicyos pubescens* in Appendix II. Proposed by Madagascar.

Tentative U.S. negotiating position: Support. This species meets the biological criteria for inclusion in Appendix II.

Prop. 27. Inclusion of *Zygosicyos triparitus* in Appendix II. Proposed by Madagascar.

Tentative U.S. negotiating position: Support. This species meets the biological criteria for inclusion in Appendix II.

Prop. 29. Inclusion of Brazilian rosewood (*Aniba rosaeodora*) in Appendix II with annotation that designates logs, sawn wood, veneer sheets, plywood, and essential oil. Proposed by Brazil.

Tentative U.S. negotiating position: Support, but discussion of the annotation will be needed at the meeting. This species meets the biological criteria for inclusion in Appendix II. Brazil has proposed appending the listing with annotation #11, “logs, sawn wood, veneer sheets, plywood, powder and extracts,” but has included “essential oil” instead of “powder and extracts.”

Prop. 30. Inclusion of *Senna meridionalis* in Appendix II. Proposed by Madagascar. *Tentative U.S. negotiating position:* Undecided, but likely to support, pending further discussion at the meeting.

Prop. 32. Inclusion of the Manarano palm (*Beccariophoenix madagascariensis*) in Appendix II. Proposed by Madagascar. *Tentative U.S. negotiating position:* Support. This species is already listed in Appendix II. Manarano palm seeds are currently exempt from the CITES listing, but wild-harvested seeds are the primary commodity in trade.

Prop. 33. Inclusion of seeds of the triangle palm (*Dypsis decaryi*; according to standard nomenclatural reference adopted by the CoP, this species is correctly named *Neodypsis decaryi*) in Appendix II. Proposed by Madagascar. *Tentative U.S. negotiating position:* Support. This species is already listed in Appendix II. Triangle palm seeds are currently exempt from CITES regulation, but wild-harvested seeds continue to be traded internationally and this trade undermines conservation of the species.

Prop. 34. Inclusion of *Adenia firingalavensis* in Appendix II. Proposed by Madagascar. *Tentative U.S. negotiating position:* Support. This species meets the biological criteria for inclusion in Appendix II.

Prop. 35. Inclusion of *Adenia olaboensis* in Appendix II. Proposed by Madagascar. *Tentative U.S. negotiating position:* Support. This species meets the biological criteria for inclusion in Appendix II.

Prop. 36. Inclusion of *Adenia subsessifolia* (according to standard nomenclatural reference adopted by the CoP, this species is correctly named *Adenia subsessilifolia*) in Appendix II.

Proposed by Madagascar. *Tentative U.S. negotiating position:* Support. This species meets the biological criteria for inclusion in Appendix II.

Prop. 37. Deletion of marsh rose (*Orothamnus zeyheri*) from Appendix II. Proposed by South Africa. *Tentative U.S. negotiating position:* Support. Marsh rose is not internationally traded and there are no look-alike concerns with other CITES-listed plants. Therefore, this species does not satisfy the requirements for continued listing in the CITES Appendices.

Prop. 38. Deletion of Swartland sugarbush (*Protea odorata*) from Appendix II. Proposed by South Africa. *Tentative U.S. negotiating position:* Support. Swartland sugarbush is not internationally traded and there are no look-alike concerns with other CITES-listed plants. Therefore, this species does not satisfy the requirements for continued listing in the CITES Appendices.

Prop. 39. Inclusion of *Cyphostemma elephantopus* in Appendix II. Proposed by Madagascar. *Tentative U.S. negotiating position:* Support. This species meets the biological criteria for inclusion in Appendix II.

Prop. 40. Inclusion of *Cyphostemma laza* in Appendix II. Proposed by Madagascar. *Tentative U.S. negotiating position:* Support. This species meets the biological criteria for inclusion in Appendix II.

Prop. 41. Inclusion of *Cyphostemma montagnacci* in Appendix II. Proposed by Madagascar. *Tentative U.S. negotiating position:* Support. This species meets the biological criteria for inclusion in Appendix II.

Prop. 42. Inclusion of holy wood (*Bulnesia sarmientoi*) in Appendix II with annotation that designates logs, sawn wood, veneer sheets, plywood, and extracts. Proposed by Argentina. *Tentative U.S. negotiating position:* Support, with the proposed current annotation #11, pending further discussion at the meeting and consultation with other range States. Also known as palo santo, this species meets the biological criteria for inclusion in Appendix II.

Conclusion of the Meeting

69. Time and venue of the next regular meeting of the Conference of the Parties (no document). *Tentative U.S. negotiating position:* No position necessary at this time. The Secretariat does not normally circulate a document on the time and venue of the next CoP. We anticipate receiving information on this at CoP15, at which time the United States will develop a negotiating position. The United States favors holding CoP16 in a country where all Parties and observers will be admitted without political difficulties, and where facilities are available to ensure the safe and efficient conduct of the meeting.

70. Closing remarks (No document)