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CITES Scientific & Management Authority
Canadian Wildlife Service
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Submitted by email

To whom it may concern,

We at Wildlife Conservation Society and WCS Canada appreciate the opportunity to respond to the notice of Environment and Climate Change Canada (ECCC) regarding species proposals in advance of 18th meeting of the Conference of the Parties (CoP18) to CITES.

WCS Canada's scientists specialize in fish and wildlife ecology, conservation biology, landscape ecology, and species at risk assessment and recovery in Canada. We are affiliated with sister programs of WCS in nearly 60 countries with long-term commitments and conservation programs in dozens of landscapes and seascapes across the globe. WCS's 'on-the-ground' presence where we work enables us to address multiple aspects of wildlife exploitation and trade, including wildlife crime, at all points along the trade chain in source, transit and consumer countries. WCS is a strong supporter of CITES, has staff who have attended all meetings of the Conference of the Parties since CoP7 in 1989, and will be represented by many international wildlife and policy experts at the Eighteenth meeting of the Conference of the Parties (CoP17) in Sri Lanka. One of us (Dr. Lieberman), leads this and other international policy initiatives at WCS along with all matters of international policy, and also serves as the Chair of the Board of WCS Canada.

This letter contains recommendations regarding species proposals, but also recommendations on agenda items for inclusion during CoP18.

I. Proposals to amend the Appendices:

We recommend the following species or taxa for either inclusion of the species in CITES Appendix II or the transfer of species from Appendix II to I, in accordance with Resolution Conf. 9.24 (Rev. CoP17).

1. **American eel (*Anguilla rostrata*)** for inclusion in Appendix II, pursuant to Resolution Conf. 9.24 (Rev. CoP17), Annex 2a.

The American eel (*Anguilla rostrata*) is found in freshwater, estuarine and marine habitats along the east coast of the Western Hemisphere from Greenland and Iceland to South America. American eels are catadromous and spawn in the Sargasso Sea (as does the European eel, *Anguilla anguilla*). After hatching, American eel larvae drift for roughly a year until they develop into glass eels, and then they migrate into freshwater environments. Once the elvers reach freshwater, they develop pigmentation, eventually turning into ‘yellow’ eels, and then ‘silver’ eels (adults). When they reach the silver eel stage, American eels migrate back to the Sargasso Sea to aggregate, spawn and die. American eels and other eel species may spend anywhere from 10 to 40 years in freshwater ecosystems before returning to spawn.

The American eel has been extirpated from portions of its historical freshwater habitat and is at, or near, historically low levels elsewhere. This decline is driven by multiple factors, including overfishing, obstruction of migration routes (dams), mortality in hydropower plant turbines, and degradation and loss of habitat. Late maturation (up to 24 years), habitat disturbance at aggregation sites, and overfishing prior to spawning all contribute to the difficulty in managing eel fisheries and population recovery. The species was listed as Endangered on the IUCN Red List in 2017 following “declines in recruitment, population and escapement over the period of three generations (36 years).”¹

Legal fisheries for eels in the U.S. and Canada focus on glass eels or elvers for export, largely to Asia, to commercial stocking operations (captive reproduction of eels remain reliant on juveniles sourced from the wild). Prices of live elvers have reached as much as \$2,400 per pound, putting increased pressure on wild populations. Given recent declines in Asian eel populations, East Asian farms are increasingly turning to new populations and *Anguilla* spp. like American eel, to supply them with glass eels. A sudden leap in 2010-11 from both US and Canada in eel imports to Asia occurred immediately after the EU’s decision to ban exports of European Eel.²

The Committee on the Status of Endangered Species in Canada (COSEWIC) reviewed the status of American eel in Canada in 2012.³ Using IUCN Red List criteria, the species was assessed as threatened, due to inferred declines in abundance of multiple indices over much of the range exceeding 30% over the past three generations. In the western part of its Canadian range, declines exceed 90% since 1972, and the species is listed as Endangered in

¹ <http://www.iucnredlist.org/details/191108/0>

² Crook, V. & Nakamura, M. (2013). Glass eels: assessing supply chain and market impacts of a CITES listing on *Anguilla* species TRAFFIC Bulletin 25(1).

³ <http://www.dfo-mpo.gc.ca/species-especes/species-especes/eel-anguille-eng.htm>

Ontario under the provincial Endangered Species Act.^{4,5} Canadian commercial fisheries for *Anguilla rostrata* were closed in Ontario in 2004, but commercial fisheries for this species occur in the four Atlantic Provinces and in Québec, principally for elvers, yellow and silver eels.

We obtained general information on eel exports from Canada from 2011-2013, derived from the Canada Border Services Agency (CBSA). The data show that the value of this fishery is variable from year to year, but has ranged in this period from \$17M to \$37M. Eel exports from Canada go predominantly to Asia (for aquaculture purposes), with Hong Kong SAR, South Korea, and Japan importing almost 70% of live eel exports from Canada, and Hong Kong SAR and South Korea importing almost 90% of frozen eel exports.⁶ These statistics are not available or accessible to outside parties like us, and we are not aware of any directed analyses that ascertain the effect of this level of harvest on the sustainability of the American eel fishery in Canada.

In the US, a 2012 benchmark stock assessment for American eel by the Atlantic States Marine Fisheries Commission (ASMFC) synthesized all available fishery dependent and independent data, yet was unable to determine sustainable fishing targets. Heavy fishing pressure on juvenile eels driven by high prices paid in export markets in the 1970s and 80s have driven some parts of the population to record low catches. All age stages are targeted by fisheries, but the assessment concluded that fishing on glass eels and silver eels are particularly problematic, and that “it is prudent to reduce mortality on all life stages.” Due to concerns regarding overfishing and declining populations, only two U.S. states (South Carolina and Maine) currently allow the landing and export of elvers.

FWS and the National Marine Fisheries Service (NMFS) reviewed the status of the American eel in response to petitions in the past to list the species under the Endangered Species Act. The most recent decision from FWS in 2015 was that no listing under the Act was warranted. However, this review focused largely on threats to this species, concluding in a general sense that most declines were historic and that the suite of stressors are not currently acting in a cumulative fashion to constitute a threat to the American eel. The study’s findings did not contain any discussion of quantitative population trends or commercial export statistics that are of most relevance to the biological and trade criteria relevant to inclusion on the CITES Appendices. Furthermore, the CITES Appendices and the ESA are not analogous, and Appendix II is not limited to ESA-listed species but rather is appropriate for species, such as the American eel, where regulation of international trade is likely to help prevent the species from qualifying for Appendix I or from become further endangered.

⁴ http://www.registrelepararegistry.gc.ca/virtual_sara/files/cosewic/sr_anguille_amer_eel_1012_e.pdf

⁵ <http://www.ontario.ca/environment-and-energy/american-eel>

⁶ Fisheries and Oceans Canada, pers. com.

The text of the CITES treaty (Article II, para. 2a) states, “Appendix II shall include all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival.” As we have articulated in previous correspondence with USFWS related to CITES, when the full range of the species (including eastern Canada) is taken into account, American eel populations have demonstrated declining trends over the past three generations that likely meet the CITES biological criteria. In addition, as discussed above, they are part of a commercial international trade that may well be significant. Export statistics for American eel are not readily available and are not tracked by the US or Canadian governments, but CITES Appendix II would facilitate retention and tracking of such statistics.

Within CITES, the European eel (*Anguilla anguilla*) was included in CITES Appendix II at CoP14, which entered into effect in March 2009. The European Union has since prohibited exports of glass eels of the European eel, due to conservation concerns. Since the EU closure, the only open market from which to fill stocking facilities is now North America, leading to increased and potentially unsustainable pressure on the American eel. Work is ongoing within CITES to determine the impact of this listing upon other species, such as the American eel, and further information to support an Appendix II listing may follow from that as well.

The American eel may become further endangered with extinction in parts of its range unless its trade is subject to strict regulation in order to avoid over-utilization. The only effective way to guarantee such strict regulation is to include the species in CITES Appendix II. We believe that the information collected by the U.S. Government as part of that status review clearly demonstrates that *Anguilla rostrata* meets the criteria for inclusion in CITES Appendix II, pursuant to Annex 2a of Resolution Conf. 9.24 (Rev. CoP17). We also believe that inclusion in Appendix II will assist US and Canadian government agencies, other range States, and the industry, to help ensure that any international trade in the American eel is legal and sustainable.

2. Saiga antelope (*Saiga tatarica*) for inclusion in Appendix I, pursuant to Resolution Conf. 9.24 (Rev. CoP17), Annex 1.

The Saiga antelope (*Saiga tatarica*) is a member of the *Bovidae* family that inhabits the open steppe/grassland habitats of Central Asia in nomadic herds (up to 1,000 individuals), and undertakes irregular seasonal migrations (sometimes between range States).⁷ *Saiga tatarica tatarica*, the nominate subspecies, occurs in four major populations, one in Russia and three others found primarily in Kazakhstan (although they sometimes reach Turkmenistan and Uzbekistan during seasonal migrations). Another subspecies (*Saiga tatarica mongolica*) is found in Mongolia and is separated from *Saiga tatarica tatarica* by the Gobi Altai mountain range.

⁷ Mallon, D.P. 2008. *Saiga tatarica*. IUCN Red List: <http://dx.doi.org/10.2305/IUCN.UK.2008.RLTS.T19832A9021682.en>.

Formerly widespread and numbering well over 1 million individuals as recently as the 1970s, the species repeatedly experienced drastic declines during the late 20th century as a result of habitat degradation, the installation of infrastructure that presented barriers to migration, changing climatic conditions that altered food availability, and, significantly, illegal hunting of males for their horns (an ingredient in traditional Asian medicine) that has led to extremely skewed sex ratios and thus to reproductive collapse.⁸ According to the [IUCN Red List assessment in 2008](#), the species experienced an 80% decline between 1998 and 2008, and is currently listed on the IUCN Red List as Critically Endangered. A recent high-profile mortality event in 2015-16 resulted in the deaths of more than 200,000 Saiga antelope in Kazakhstan, two-thirds of the global population at the time. This event was thought to be a result of climatic variation, suggesting increasing threats from climate change in the future.⁹

The conservation of this species needs urgent attention from the international community. The Saiga antelope was listed on Appendix II of CITES at CoP9 (Ft. Lauderdale, USA, 1994), and today it clearly meets the biological criteria laid out for inclusion in Appendix I of CITES, pursuant to Resolution Conf. 9.24 (Rev. CoP17), Annex 1 (observed declines over time and as a result of distinct mortality events; fluctuations in population size; vulnerability to climate change; demand for horns, skin and meat; and habitat fragmentation due to linear infrastructure development). Inclusion of this species on Appendix I of CITES will help ensure that commercial, international trade will not contribute to further declines, and will help range States and other Parties combat any illegal trade whereby newly hunted Saiga are laundered through stockpiles. Inclusion of the species in Appendix I will be an essential tool for the conservation of this unique species.

The range States of *Saiga tatarica* are Kazakhstan, Mongolia, the Russian Federation, Uzbekistan, and Turkmenistan (the latter is not a CITES Party). We encourage the Government of Canada to work closely with the range States of the saiga that are CITES Parties, in support of transfer of the species from Appendix II to I.

3. Straw-headed bulbul (*Pycnonotus zeylandicus*), and other passerine species, for inclusion in Appendix I, pursuant to Resolution Conf., 9.24 (Rev. CoP17), Annex 1.

Recent scientific research and NGO efforts have raised the profile of the Southeast Asian songbird (subset of Passerines) trade and its impacts on hundreds of species across the mega-diverse Greater Sunda region in Southeast Asia. The longstanding practice of trapping, trading and displaying or competing wild-caught songbirds, which is particularly common in Indonesia (and particularly Java), has strong parallels with other forms of unsustainable wildlife trade. Wild-caught birds are considered expendable and rarely cared for to ensure their survival, and increasing demand is having significant negative impacts on wild

⁸ Milner-Gulland, E. J et al. 2003. Reproductive collapse in saiga antelope harems. *Nature* 422: 135.

⁹ R. A. Kock, et al. 2018. Saigas on the brink: Multidisciplinary analysis of the factors influencing mass mortality events. *Sci. Adv.* 4: <http://advances.sciencemag.org/content/4/1/eaao2314.full>

populations. This is particularly the case where there were fewer birds to be found in the wild, or where they have limited distribution or fragmented populations.¹⁰

There are few mechanisms in place to slow this trade – songbird markets and the associated Passerine trade are not well regulated at the domestic or international level, and there is inconsistent law enforcement where laws do exist (e.g. zero quotas have been established for certain species in Indonesia).¹¹ There is also less consumer awareness of the legal frameworks for these species than for other highly traded species. Purported captive breeding operations are not rigorously assessed to ensure that wild-caught specimens are not being laundered through them, and that when birds are bred in captivity the founder stock is legally and sustainably sources.

The straw-headed bulbul (*Pycnonotus zeylandicus*) is listed as Endangered on the IUCN Red List, and is found in Brunei Darussalam, Indonesia, Malaysia, Myanmar, and Singapore. Recent research has demonstrated the scale of commercial trade in the straw-headed bulbul (*Pycnonotus zeylandicus*), which is highly sought after by bird traders for its unique song and has experienced significant declines across its range. Information on wild populations is not robust in all range States; however, the [IUCN Red List Assessment](#) found the species to have highly fragmented populations and a global population in decline (currently estimated at only 1,000-2,500 mature individuals).¹² The species appears to be extinct in Thailand and locally extirpated in parts of Indonesia (Java, probably Sumatra, other areas). Additional surveys are needed to assess distribution and population status in Malaysia, Myanmar, Brunei Darussalam, and Singapore, but it is clear that the populations are small and are often restricted to areas that are remote and inaccessible.¹³

This species qualifies for inclusion on CITES Appendix I pursuant to the biological criteria contained in Resolution Conf. 9.24 (Rev. CoP17), Annex 1, paragraphs A, B, and C. It has experienced significant declines – the species was considered Near Threatened by IUCN only three decades ago and has since been extirpated from large portions of its former range, and their remaining populations are severely fragmented.¹⁴ Recent trade data have demonstrated that the demand for straw-headed bulbuls is increasing drastically even as their availability decreases – a 2017 study found that the prices in Indonesian markets are 20

¹⁰ Lee, J. G. H., Chng, S. C. L. and Eaton, J. A. (eds). (2016). Conservation strategy for Southeast Asian songbirds in trade. Recommendations from the first Asian Songbird Trade Crisis Summit 2015 held in Jurong Bird Park, Singapore, 27-29 September 2015.

¹¹ Bergin, Daniel et al. 2017. “The final straw? An overview of Straw-headed Bulbul *Pycnonotus zeylanicus* trade in Indonesia” [Link](#)

¹² BirdLife International. 2016. *Pycnonotus zeylanicus*. The IUCN Red List of Threatened Species 2016: e.T22712603A94338033. <http://dx.doi.org/10.2305/IUCN.UK.2016-3.RLTS.T22712603A94338033.en>

¹³ Brickle, N. W., Eaton, J. and Rheindt, F. E. 2010. A rapid bird survey of the Menyapa mountains, East Kalimantan, Indonesia. Forktail 26: 31-41.

¹⁴ BirdLife International. 2016. *Pycnonotus zeylanicus*. The IUCN Red List of Threatened Species 2016: e.T22712603A94338033. <http://dx.doi.org/10.2305/IUCN.UK.2016-3.RLTS.T22712603A94338033.en>

times what they were in 1987, reaching an average of US \$4-500 per bird in some cases.¹⁵ There is evidence of smuggling between Malaysia and Indonesia, particularly now that wild specimens are no longer found in parts of Indonesia with key songbird markets.

While an Appendix I listing will not impact domestic trade dynamics in key locations such as Sumatra, the remaining populations of the birds in Kalimantan and other parts of Malaysia, as well as Singapore, are under threat as long commercial trade to consumer/transit countries is legal. Additional research is needed to further explore which additional passerine species are threatened by this trade and for which CITES may be able to offer an effective means of regulating trade, to ensure it is legal and sustainable. In the meantime, the available evidence that the straw-headed bulbul warrants inclusion in Appendix I suggests that Parties to CITES should move to include it as a matter of urgency. We urge Canada to consider supporting the inclusion of the straw-headed bulbul in Appendix I, as well as the inclusion in Appendix II or I (depending on the status of the species) of other passerine songbird species of concern identified by Parties.

4. *Elasmobranchii* spp. for inclusion in Appendix II, pursuant to Resolution Conf., 9.24 (Rev. CoP16), Annex 2a.

Despite the growing role of CITES in regulating the unsustainable global trade in shark products, particularly fins, WCS scientists remain concerned that the majority of the global trade in shark fins, and other shark products such as meat, remains unregulated, pushing many species towards extinction.

Recent research, published in 2017,¹⁶ shows the true scale of the global shark fin trade for the first time, with at least 76 species in trade, and 1/3 of those species threatened with extinction. The research, conducted in the global trade hub of Hong Kong, shows that around 30 widely distributed species account for the majority of the fin trade, and approximately 9% of the current global fin trade is regulated under CITES Appendix II.

With Hong Kong making up around half the global trade in fins, and likely to be representational of the composition of trade elsewhere, that leaves over 90% of the trade in shark fins unregulated, and the growing trade in shark and ray meat still poorly understood and largely unmanaged and unregulated. This billion-dollar trade in elasmobranch products needs further regulation, including through inclusion on the CITES Appendices of additional heavily traded species, as well as associated domestic improvements in fisheries management.¹⁷

¹⁵ Bergin, Daniel et al. 2017. "The final straw? An overview of Straw-headed Bulbul *Pycnonotus zeylanicus* trade in Indonesia" [Link](#)

¹⁶ <http://onlinelibrary.wiley.com/doi/10.1111/cobi.13043/full>

¹⁷ <http://www.fao.org/3/a-i4795e.pdf>

WCS scientists feel that any species that plays a prominent role in this trade, and lacks adequate management should be considered for listing on CITES Appendix II, to prevent the species from continued declines that could threaten their survival. We encourage Canada to submit or co-sponsor proposals for inclusion in CITES Appendix II of heavily traded species identified in the Fields *et al* paper, with priority given to those that make up the largest proportion of the trade, or that are at greatest threat of extinction.

We would like to draw attention to species within the trade that have recently been assessed as being at ongoing or increasing risk of extinction. For example, the shortfin mako shark (*Isurus oxyrinchus*) is regularly traded for its fins and meat, and is caught in large numbers in commercial and recreational fisheries. It has declined rapidly in the North Atlantic, and is poorly understood throughout the rest of the world. The actions of International or Regional Fisheries Bodies to manage the species are inadequate, or totally lacking throughout much of the species' range.¹⁸ We believe this species qualifies for inclusion in CITES Appendix II pursuant to Resolution Conf. 9.24 (Rev. CoP17), Annex 2a.

Guitarfish and wedgefish, shark-like batoids that are subject to almost no management globally, appear frequently in the global shark fin trade – with their fins some of the highest value in the Hong Kong retail market. They are increasingly being seen as a global conservation priority, and could benefit from the profile, and management priority that CITES Appendix II listing would bring. If not, it has already been noted that they face a similar path to their close relatives the sawfish, where all species are now Critically Endangered globally, and listed on CITES Appendix I.¹⁹ These taxa would benefit from listing on CITES Appendix II pursuant to Resolution Conf. 9.24 (Rev. CoP17), Annex 2a.

II. Agenda items for CoP18:

We hereby request that Canada submit or co-sponsor the following resolutions, decisions, and agenda items for consideration at the 18th meeting of the Conference of the Parties (CoP18) to CITES, scheduled for May 23rd – June 3rd 2019 in Colombo, Sri Lanka.

1. CITES National Legislation Project

The CITES national legislation project is an important effort, and the CITES Secretariat has done a great deal, but there are significant gaps in this process. For example, the project has not looked at cases where governments only enforce CITES for native species (e.g., a Southeast Asian country enforces CITES for Asian but not African elephants), and it has not adequately addressed implementation for marine species. We suggest that Canada put the issue on the agenda, and develop a draft resolution to amend Resolution Conf. 8.4 (Rev.

¹⁸ <http://rspb.royalsocietypublishing.org/content/284/1860/20170658>

¹⁹ <http://www.int-res.com/abstracts/esr/v34/p75-88/>

CoP15), to provide clear guidelines as to the criteria for inclusion in categories 1, 2, and 3 (including coverage of all CITES taxa, including marine species).

On marine species, we believe there is a need for a specific request to the U.N. Food and Agriculture Organization (FAO) to engage with the CITES legislation project as pertains to marine species, which we encourage Canada to promote. Technical guidance to Parties and assistance in the revision of national legislation would help to ensure that CITES can be implemented fully for marine species. We encourage Canada to submit a document on this issue, or otherwise to ensure that it is on the agenda of the CoP. In addition, we encourage Canada to raise this issue at the July 2018 meeting of the FAO Committee on Fisheries, as it will not meet again prior to CoP18.

2. Captive-bred and ranched specimens (and laundering of wild-caught animals)

We recognize that this issue will be on the CoP agenda, as it is being discussed in both the Standing and Animals Committees, and work is underway through intersessional working groups. However, there is a risk it could be buried under “report of the Standing Committee” or “report of the Animals Committee.” We urge Canada to submit this as a separate agenda item, or to ensure that the Secretariat will include it as a stand-alone agenda item. We also encourage Canada to consider submission of a document highlighting the problem. We recognize that some Parties may inadvertently misidentify wild-caught animals as captive-bred when issuing permits. However, that issue should not be confused with intentional misidentification, and laundering of wild-caught animals under false identification as captive-bred. This is a critical issue for both Appendix I and II species, and indeed is a form of illegal trade; it is a problem for animals being exported from range States, as well as those exported or re-exported from non-range States. Canada is aware of ample evidence for this for many species (birds and reptiles in particular). We urge Canada to show leadership on this issue—in particular as more than a call for capacity building (which is of course important), but as a conservation threat and a practice and form of illegal trade that undermines the effectiveness and credibility of CITES.

3. Legal acquisition findings

We at WCS are pleased to be participating in the workshop on legal acquisition findings being hosted by the European Commission in June 2018, and we hope that Canada will attend this workshop and discuss its experiences with legal acquisition findings. We believe strongly that Parties would benefit from CITES guidance and/or tools on how to prepare adequate legal acquisition findings, much as guidance or examples exist for non-detriment findings. This is a key element of CITES implementation and it is something that needs to be brought forward as a separate agenda item at CoP18 for further discussion. We recommend that Canada ensure that the issue is discussed under a separate agenda item at CoP18.

4. “Pre-Convention” (or Pre-Appendix I) Res. Conf. 13.6 interpretation issues

CITES CoP17 adopted a Resolution (Conf. 17.10) on pangolins, and transferred all pangolin species to Appendix I. At the 69th meeting of the CITES Standing Committee (SC69), the CITES Secretariat submitted a document regarding pangolins (SC69 Doc. 57). The document went beyond the issue of illegal trade in pangolins, and suggested that specimens of Appendix I species could be traded as if they were included in Appendix II, if they were obtained from the wild prior to the inclusion of the species in Appendix I (see paragraph 49 of SC69 Doc. 57).

This is an erroneous, faulty, and novel interpretation of CITES. The Secretariat claimed this was their interpretation of Res. Conf. 13.6, but the Resolution itself states that “the date from which the provisions of the Convention apply to a specimen be the date on which the species concerned was first included in the Appendices;” and longstanding precedent within CITES suggests that this would be when pangolin species were first included on Appendix II in 1975 and 1976. Importantly, there is no precedent in the long history of CITES for the interpretation presented in the Secretariat’s SC69 document (that specimens obtained from the wild while a species was on Appendix II could be traded even after the species was transferred to Appendix I). During discussion of this document during SC69, the CITES Secretariat cited a book by Mr. Willem Wijnstekers, but this book has never been endorsed by the Parties, nor has it ever been adopted as CITES policy, and this interpretation of the Convention is clearly the personal opinion of its author.

This incorrect interpretation presented in SC69 Doc. 57 will significantly undermine the effectiveness of CITES if it were endorsed by the Parties, and needs be clarified not only for the successful conservation of pangolins in the wild, but for other species that have either been transferred from Appendix II to Appendix I in the future, or may be so transferred in the future. We appreciate the strong position of the U.S. and others on this issue at SC69. We urge Canada to work with the US and others to continue playing a strong role for the legal consistency of CITES and to submit a document clarifying this issue, and rejecting the Secretariat’s views in SC69 Doc. 57.

We note that the Standing Committee (See [the Summary Record of SC69](#)), under agenda item 57, adopted the following decision:

“Given the differing interpretation of Article VII paragraph 2 and Resolution Conf. 13.6 (Rev. CoP16) as they relate to the requirements for trade in specimens, including stockpiles, of Appendix I species that were obtained when the species was listed in Appendix II or Appendix III, the Standing Committee recommends that: a) the Secretariat prepare a document for consideration at CoP18, including information relating to the implications associated with the different interpretations...”

We note the following documents that are relevant to the “pre-Appendix I” issue:

- Resolution Conf. 5.11 (repealed with the adoption of Resolution Conf. 13.6).
- CoP5 Document 31 (<https://cites.org/sites/default/files/eng/cop/05/doc/E05-31.pdf>), “Interpretation and Implementation of the Convention: Definition of pre-Convention Specimen”.
- There is a discussion of the pre-Appendix I issue in the document at <https://www.cites.org/sites/default/files/eng/cop/07/doc/E07-43-01.pdf>, from CoP7 (when the African elephant was transferred to Appendix I)—particularly para. 18. The document was prepared by the Secretariat.
- CoP13 Doc. 16: <https://cites.org/sites/default/files/eng/cop/13/doc/E13-16.pdf>.
- [History of CITES listings](http://checklist.cites.org/#/en), at <http://checklist.cites.org/#/en>.

We strongly urge Canada to ensure that the document prepared by the Secretariat is balanced and legally accurate. We also strongly urge Canada to submit its own document on the issue for consideration by CoP18, or work with the U.S. and other interested stakeholders on one, and also ensure that the issue is discussed as a stand-alone agenda item (as this goes far beyond pangolins). This will help ensure that the issue obtains the full discussion and understanding of the CITES Parties.

5. National Ivory Action Plans (NIAPs)

We strongly support the NIAP process as a very useful initiative to address the ivory trade issues that threaten African and Asian elephants in the wild. WCS has helped or is now helping a number of Parties develop and/or implement NIAPs and is committed to continuing to do so in the future.

We appreciate the amendments to the NIAP process adopted at CoP17, now in Res. Conf. 10.10 (Rev. CoP17) and its Annexes. However, we remain concerned about some aspects of the NIAP process, including the decision-making process of the Secretariat and Standing Committee regarding which Parties identified by ETIS are included in the NIAP process, as well as whether or not external experts have been consulted in the evaluation of progress reports. We are also concerned that some Parties either have made limited progress if any, or have not even reported as required. As we noted at CoP17 and at SC69, we believe a better approach to assessing progress with Parties’ implementation of their NIAPs would be to conduct independent assessments of progress through country visits by suitable qualified experts. We believe that such a process of independent assessment of progress could be facilitated by CITES retaining consultants as it did during the original NIAP development period. We urge Canada to engage with this agenda item, and to present options for further strengthening this process.

We also recommend that Canada ensures that the following issues are on the CoP18 agenda: other aspects of wildlife trafficking, great apes, Asian big cats in captivity, illegal trade in cheetahs, MIKE and ETIS, saiga antelope, and CITES and livelihoods.

Other issues:

1. Reservations entered by Canada

Following the most recent CoPs, Canada has entered reservations to the amendments to the Appendices. We understand that such an action is based on internal legal advice you have received and that the reservation is intended as a placeholder before Canada has its national regulations in place. We are not aware of any country other than Canada that enters reservations to all the amendments to the Appendices adopted at a CoP, and then takes a year or more to put the new listings into domestic regulations, only after which it removes the reservations. This delay is potentially harmful for conservation and sends an unnecessarily bad message about Canada's commitment to the effective implementation and enforcement of CITES. We find it particularly strange that Canada entered reservations to amendments to the Appendices that it supported at the CoP. We recommend, as we have in the past, that Canada change its regulatory procedure. One option would be to implement the system the US has put in place, which includes the "official CITES list" in its Code of Federal Regulations (50 CFR Part 23) and refers to the official list of species in the Appendices as maintained by the CITES Secretariat, thus not requiring an amendment of US regulations after every CoP. The US regulations in 50 CFR §23.91 state: "The official CITES list includes species of wildlife and plants placed in Appendix I, II, and III in accordance with the provisions of Articles XV and XVI of the Treaty. This list is maintained by the CITES Secretariat based on decisions of the Parties. You may access the official list from the CITES website (see §23.7)."

Thank you for the opportunity to provide these comments and recommendations. We stand ready to provide scientific and technical assistance in your preparations for the next CoP, and we very much look forward to working with the Canadian Government in the lead-up to and during CoP18.

Sincerely,



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