



EIA BRIEFING – OTHER KEY AGENDA ITEMS

RECOMMENDATIONS FOR CITES COP17

Below are comments and recommendations from the Environmental Investigation Agency, UK (EIA) on key agenda items for CITES CoP17 that are a priority for EIA in addition to detailed comments on Asian big cats, elephants and timber. As a member of the Species Survival Network (SSN), EIA also supports and associates itself with the comments submitted by SSN. A summary of EIA's recommendations is provided below followed by more detailed rationale.

Proposal /Document	EIA Recommendations	Rationale
SPECIES PROPOSAL - Proposal 7 – from Swaziland on Southern white rhinoceros.	REJECT the proposal submitted by Swaziland for trade in rhino horn	Allowing a legal trade in rhino horn would further stimulate demand for rhino horn, undermine enforcement and enable laundering of illegal specimens.
SPECIES PROPOSAL - Proposals 8, 9, 10, 11 & 12 – TRANSFER OF EIGHT PANGOLIN SPECIES FROM CITES APPENDIX II TO APPENDIX I	SUPPORT the adoption of all five proposals to transfer all eight pangolin species from CITES Appendix II to CITES Appendix I	The levels of trade observed and the patterns of exploitation strongly support that all pangolin species are in decline and that trade is the primary factor. Available seizure data suggests that the scale of illegal trade has increased since 2008 as a result of growing demand for pangolin scales and meat and there has also been an increase in trafficking of pangolins from Africa.
CoP17 Doc. 16.5 – INTERNATIONAL CONSORTIUM ON COMBATING WILDLIFE CRIME (“ICCWC”)	SUPPORT the adoption of the draft decisions in Annex 1 to CoP17 Doc. 16.5 ADOPT a decision requesting the use of the ICCWC indicator framework for wildlife and forest crime to assess ongoing efforts under CITES to tackle wildlife trafficking such as the National Ivory Action Plans process.	The ‘ICCWC indicator framework for wildlife and forest crime’ is a valuable tool that can assist Parties and other stakeholders such as the donor community to monitor the effectiveness law enforcement responses.
COP17 DOC.28 – PROHIBITING, PREVENTING AND COUNTERING CORRUPTION FACILITATING ACTIVITIES CONDUCTED IN VIOLATION OF THE CONVENTION	SUPPORT the adoption of the draft resolution in Annex to CoP17 Doc. 28 along with new text suggested below; CALL for the inclusion of new text in the draft resolution to strengthen the resolution (details provided below)	While there has been increased attention to tackling wildlife and forest crime over recent years, less attention has been given to address the widespread corruption associated with such crime and to tackle such corruption as a serious crime in itself. EIA recommends the adoption of the draft resolution and has suggested certain amendments to strengthen the resolution.

<p>COP17 DOCS. 35.1 AND 35.2 – REVIEW OF REPORTING REQUIREMENTS</p>	<p>CALL for the adoption of a decision urging all CITES Parties to submit the new annual illegal trade report within the prescribed deadline in the format provided in Notification to the Parties No. 2016/007</p>	<p>EIA welcomes and strongly supports annual mandatory reporting on illegal trade in CITES specimens. However, EIA remains concerned that this decision may fail to be implemented by Parties (as was historically the case with the submission of biennial reports).</p>
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I. SPECIES PROPOSAL - CoP17 Prop. 7 – Proposal from Swaziland on *Ceratotherium simum* (Southern white rhinoceros)

Swaziland has submitted this proposal to alter the existing annotation to the Appendix II listing of Swaziland’s white rhino, adopted at the 13th Conference of Parties in 2004, so as to permit a limited and regulated trade in white rhino horn collected from natural mortality, seizures as well as from non-lethal harvesting of rhino horn.

EIA strongly recommends that CITES Parties reject the proposal of Swaziland and encourage Swaziland to withdraw its proposal.

The Southern white rhinoceros is currently listed as Near Threatened on the IUCN Red List. South Africa holds more than 90 per cent of the extant population, while Swaziland’s population currently stands at 73 animals. The past decade has seen a dramatic escalation of rhino poaching: in South Africa, poaching rose from 13 animals in 2007 to 1,215 in 2014, a 9,000 per cent increase¹. At least 1,338 rhinos were killed across Africa in 2015, and substantial increases in poaching have recently been noted in Namibia and Zimbabwe.

Rhinos in Asia are also seriously threatened by poaching: 141 greater one-horned rhinos were poached in India in 2009-14, and with fewer than 100 Sumatran and about 60 Javan rhinos surviving in Indonesia, these species are on the brink of extinction.² By May 2016, it was reported that at least 13 rhinos were killed in that year alone in Assam state in India.³

Allowing a legal trade in rhino horn would risk further stimulating demand for rhino horn, undermining enforcement and enabling laundering of poached specimens onto legal markets, with potential impacts on all extant rhino populations.

Based on publicly available information, EIA analysis has found that between 2006 – 2016, a total of 357 rhino horn seizures have taken place, involving approximately 2,947 kg of rhino horn, equivalent to about 1,060 individual horns.⁴ Further, EIA records document the seizure of 887kg of rhino horn that was explicitly linked to Vietnam (30 per cent of total seizures) and 695kg that was explicitly linked to China (24 per cent of total). **This indicates that substantial demand for rhino horn exists in these two countries in particular; even while national law explicitly prohibits trade in rhino horn in these countries.**

A 2013 TRAFFIC survey in Viet Nam found that 16 per cent of those not currently consuming rhino horn expressed a desire to do so in the future⁵. Similarly, a 2016 NRDC report on demand for rhino horn in China estimated that 8.1 per cent of respondents may have purchased rhino horn in the past decade, and suggests that “demand [for rhino horn] might expand if legal trade was introduced because it would lift a current deterrent to purchasing”⁶. These studies indicate that a huge potential market for rhino horn exists. Mixed messages sent to consumers through a parallel legal market in rhino horn will confuse consumers and remove the stigma of rhino horn as an illegal product. This effect was documented following the 2008 sale of ivory to China and Japan, which triggered a 66 per cent increase in elephant poaching in Africa.⁷ Given the much smaller size of extant rhinoceros populations, any similar effect triggered by legal rhino horn sales would likely be devastating.

The proposal offers only a vague suggestion as to how legal trade would operate in practice, suggesting that “horn will be sold directly to a small number of licenced retailers, which is likely to include Traditional Chinese Medicine Hospitals, in the Far East”. No such licenced retailers exist, as trade in rhino horn is prohibited in the Viet Nam and China, the main consumers of illegal rhino horn. Accordingly, there are no procedures in place in these countries to manage a legal trade in rhino horn trade, or to prevent the laundering of illegally procured horn onto legal markets.

EIA recommends that CITES Parties reject the proposal submitted by Swaziland, CoP 17. Prop. 7, for a limited and regulated trade in white rhino horn.

II. SPECIES PROPOSAL - CoP17 Proposals 8, 9, 10, 11 & 12 – TRANSFER OF EIGHT PANGOLIN SPECIES FROM CITES APPENDIX II TO APPENDIX I

All eight species of pangolins, including four African species and four Asian species, have been listed on CITES Appendix II since 1975. In 2000 at CoP11 a zero export quota was adopted for all Asian pangolin species traded commercially. Though there are no population data for any pangolin species, the levels of trade observed and the patterns of exploitation strongly support that all pangolin species are in decline and that trade is the primary factor; all eight species are now threatened with extinction according to the IUCN *Red List of Threatened Species*. Additionally, pangolins are intrinsically vulnerable to overexploitation; they have a relatively low reproductive rate, with available records suggesting only one young is born a year. All eight species satisfy the criteria for inclusion into CITES Appendix 1 (CITES Res. Conf. 9.24: Annexes 1, 4 and 5). EIA recommends that CITES Parties support the adoption of the five proposals tabled by various Parties, including several pangolin range States, to transfer all eight pangolin species to CITES Appendix 1.

All pangolin species are threatened by international trade and available evidence indicates that such trade is the primary threat to their survival; habitat loss is unlikely to be as significant a factor with many field records coming from degraded habitats including suburban landscapes. It is estimated that as many as one million pangolins have been illegally traded within Asia in the past 10 to 15 years making pangolins one of the most illegally traded species on the planet.⁸ **Available seizure data suggests that the scale of illegal trade has increased since 2008 as a result of growing demand and there has also been an increase in trafficking of pangolins from Africa.**⁹ Based on publicly available information EIA has found that since 2000 until February 2016, there have been 457 pangolin seizures including more than 30,000 whole pangolins (live or dead) amounting to a total weight of approximately 224 tonnes, and more than 38 tonnes of pangolin scales.¹⁰

On July 19, 2016, Hong Kong Customs seized 7.3 tonnes of suspected pangolin scales – the world’s largest seizure of pangolin scales.¹¹ The size of the seizure surpassed the seizure in the previous month where Hong Kong Customs seized about 4.4 tons of scales hidden in cargo from Cameroon.¹² Other seizures include the seizure of 2,500 pangolin carcasses in Jiangmen in China in November 2015 and a seizure of 96 live pangolins, five tonnes of frozen pangolins and 100kg of scales in a warehouse bust in April 2015 in Belawan Port, Medan, Indonesia.¹³ **International trafficking in such large quantities highlights the role of organised criminal networks in this trade.**

Trade in the primary markets of East Asia and South-east Asia is mainly driven by the demand for pangolin meat, which is expensive and consumed to demonstrate social status, and pangolin scales, which are used in traditional medicine. **It was only in May 2015 that the Vietnam Government prohibited sale of pangolin scales under health insurance schemes, while China continues to allow legal commercial trade in pangolin scale with a domestic yearly quota of approximately 26.6 tonnes of pangolin scales for medicinal use and according to a Chinese government agency (the State Food and Drug Administration) 209 companies have been issued licences to produce a total of 66 products containing pangolin.**¹⁴

Further, in light of the rapid increase in pangolin trafficking and the likely related decline in pangolin populations, the huge volumes of licensed exports raise questions about legality and sustainability. For example Uganda authorised the export of over seven tonnes of pangolin scales in one shipment in 2015.¹⁵ Pangolins are very difficult to maintain and breed in captivity,¹⁶ with very limited documented cases of successful pangolin breeding programmes over the past 20 years and no incidence of F2 pangolins successfully breeding in captivity.¹⁷ This raises serious concerns about claims of viable commercial breeding programmes for pangolins with laundering of wild pangolins likely required to maintain and expand such operations. Therefore the growth of pangolin “farms” as a sustainable source of pangolin for international trade should be treated with caution by CITES Parties. Parallel legal trade in so-called “captive bred” pangolin and in African pangolin specimens, is stimulating demand, undermining enforcement efforts and exacerbating the conservation status of all pangolin species in the wild.

Having varying trade restrictions for African and Asian species also raises challenges for enforcement because it is very difficult to distinguish between the species, particularly with scales, which further emphasises the need to up-list all pangolin species, including the four African species.

The CITES Appendix II listing have been ineffective in curbing the massive scale of trafficking in pangolin meat and scales as so-called “legal” trade in African specimens continues parallel to trafficking and trade in illegal

pangolin specimens. CITES Parties must act now to increase protection for all eight Pangolin species from Africa and Asia.

EIA recommends that CITES Parties support the adoption of all five proposals to transfer all eight pangolin species from CITES Appendix II to CITES Appendix I.

III. CoP17 Doc. 16.5 – INTERNATIONAL CONSORTIUM ON COMBATING WILDLIFE CRIME

EIA welcomes and commends the work done by International Consortium On Combating Wildlife Crime (ICCWC) to combat wildlife crime more effectively including through implementation of the ICCWC Wildlife and Forest Crime Analytic Toolkit, supporting enforcement co-operation across various stakeholders and providing training and capacity-building to strengthen enforcement efforts to combat wildlife crime.

In particular, EIA welcomes the publication of the ‘ICCWC indicator framework for wildlife and forest crime’ at SC66. This is a framework of indicators for national-level use by Parties to measure and monitor the effectiveness of their own law-enforcement and criminal justice responses to wildlife and forest crime. This is a valuable tool that can assist Parties and other stakeholders such as the donor community to better measure and monitor the effectiveness of individual country law enforcement responses to the illegal trafficking in wildlife.

EIA recommends that CITES Parties:

- 1) support the adoption of the draft decisions in Annex 1 to CoP17 Doc. 16.5; and**
- 2) adopt a decision requesting the use of the ICCWC indicator framework for wildlife and forest crime to assess ongoing efforts under CITES to tackle wildlife trafficking such as assessment of the progress made by the relevant Parties under the National Ivory Action Plans process.**

IV. CoP17 Doc.28 – PROHIBITING, PREVENTING AND COUNTERING CORRUPTION FACILITATING ACTIVITIES CONDUCTED IN VIOLATION OF THE CONVENTION

EIA welcomes the proposal submitted by the EU and Senegal for a new resolution on tackling corruption.

For more than 30 years, EIA has exposed corruption as the backbone to wildlife and forest crime, now commonly accepted as a major transnational organised crime. Corruption occurs throughout the illegal wildlife and timber trafficking chain and takes various forms such as falsification of permits, providing wildlife and timber products, such as tiger bone wine, ivory or rosewood furniture, as gifts to government officials; bribery of enforcement officials to turn a blind eye to trafficking and tip-offs by government officials to known criminals ahead of planned inspections, “loss” of evidence and case files to obstruct prosecution and use of diplomatic immunity to traffic illicit wildlife and timber products.¹⁸

While there has been increased attention to tackling wildlife and forest crime over recent years, less attention has been given to address the widespread corruption associated with such crime and to tackle such corruption as a serious crime in itself.

EIA recommends that CITES Parties:

- 1) support the adoption of the draft resolution in Annex to CoP17 Doc. 28 along with new text suggested below;**
- 2) call for the inclusion of text in paragraph (3) in the draft resolution which urges Parties to ensure that corruption offences are thoroughly investigated leading to prosecution and meaningful penalties that could serve as a deterrent;**

- 3) call for inclusion of text in paragraph (4) in the draft resolution that encourages CITES Parties to also work with the Financial Action Task Force (FATF) and relevant regional bodies involved in tackling money laundering; and
- 4) call for inclusion of text in the draft resolution that encourages CITES Parties to closely work with civil society and other relevant stakeholders in identifying and tackling corruption associated with trade in CITES-listed species.

V. CoP17 Docs. 35.1 and 35.2 – REVIEW OF REPORTING REQUIREMENTS

The Report of the Standing Committee, CoP17 Doc. 35.1, notes that at SC66 the Standing Committee adopted a recommendation and format for a new annual illegal trade report, based on the proposal in Annex 5 of document SC66 Doc. 30.2. The format for the report was subsequently made available via Notification to the Parties No. 2016/007 of 5 February 2016. The Standing Committee agreed that the new annual illegal trade report should be mandatory, but not subject to compliance procedures. The first annual illegal trade report is due on 31 October 2017, covering data from 2016.

EIA welcomes and strongly supports annual mandatory reporting on illegal trade in CITES specimens. However, EIA remains concerned that this decision may fail to be implemented by Parties – in the past several Parties have developed a track record in repeatedly failing to submit biennial report and that report was required under the terms of the Convention itself.

The new mechanism for annual mandatory reporting on illegal trade addresses a critical gap within the CITES framework for gathering data on illegal trade in CITES listed species and would better inform CITES decision-making in assessing the trade threat. The Convention has operated with inconsistent or limited information on illegal trade for more than 40 years whilst continuing to make important decisions on whether or not to allow legal trade in CITES listed species.

EIA welcomes the work done by UNODC in assessing trade in certain CITES species which resulted in the recent publication of UNODC's inaugural World Wildlife Crime Report, which demonstrates UNODC's willingness and capacity to analyse data on illegal trade in CITES species and to provide such analysis for Parties in time for Standing Committee meetings and the Conference of the Parties.¹⁹ It is critical that these important efforts are supported by all CITES Parties through submission of regular and accurate reports on illegal trade in the format prescribed in CITES Notification No. 2016/007.

EIA recommends that CITES Parties call for the adoption of a decision at CoP17 which urges all Parties to submit the new annual illegal trade report within the prescribed deadline in the format provided in Notification to the Parties No. 2016/007.

¹ Save the Rhino International (2016), *Poaching statistics*, https://www.savetherhino.org/rhino_info/poaching_statistics .

² WPSI, http://www.wpsi-india.org/crime_maps/rhino_poaching.php

³ Indian police arrest forest guards over rhino poaching, <http://phys.org/news/2016-05-indian-police-forest-rhino-poaching.html>

⁴ EIA, Mapping the crimes: Illegal trade seizures - rhino horn, <https://eia-international.org/illegal-trade-seizures-rhino-horn>.

⁵ TRAFFIC (2013), *Rhino consumers, who are they?*, http://www.traffic.org/general-pdfs/Consumers_factsheet_FINAL.pdf

⁶ NRDC (2016), *Rhino rage: what is driving illegal consumer demand for rhino horn*

⁷ Solomon Hsiang & Nitin Sekar (June 2016), *Does Legalization Reduce Black Market Activity? Evidence from a Global Ivory Experiment and Elephant Poaching Data*, NBER Working Paper No. 22314.

⁸ IUCN SSC Pangolin Specialist Group Conservation Action Plan (July 2014), http://www.pangolinsg.org/wp-content/uploads/sites/4/2016/02/Scaling_up_pangolin_conservation_280714_v4.pdf

⁹ EIA (Feb. 2016), *Illegal trade seizures: Pangolins - Mapping the crimes*, <https://eia-international.org/illegal-trade-seizures-pangolins>.

¹⁰ EIA (Feb. 2016), *Illegal trade seizures: Pangolins - Mapping the crimes*, <https://eia-international.org/illegal-trade-seizures-pangolins>.

¹¹ Hong Kong Government Press Release (July 19, 2016), *Hong Kong Customs seizes \$14 million suspected pangolin scales*, <http://www.info.gov.hk/gia/general/201607/19/P2016071901011.htm?fontSize=1> (last visited July 22, 2016).

¹² Hong Kong Government Press Release (June 23, 2016), *Hong Kong Customs seizes \$9.8 million suspected pangolin scales*, <http://www.info.gov.hk/gia/general/201606/23/P201606231001.htm> (last visited July 22, 2016).

¹³ EIA (Feb. 2016), *Illegal trade seizures: Pangolins - Mapping the crimes*, <https://eia-international.org/illegal-trade-seizures-pangolins>.

¹⁴ China Biodiversity Conservation and Green Development Foundation Endangered Species Fund (2016), *Overview of pangolin data: when will rampant utilisation stop?*, <http://www.nu.eorg.cn/shsj/6217.html> (last visited July 22, 2016).

¹⁵ New Vision (Jan. 21, 2015), *UWA clears export of sh11b pangolin scales*, http://www.newvision.co.ug/new_vision/news/1319347/uwa-clears-export-sh11b-pangolin-scales (last visited July 22, 2016).

¹⁶ IUCN SSC Pangolin Specialist Group, <http://www.pangolinsg.org/2014/05/29/1006/>; Liushuai Hua *et al.* (2015), *Captive breeding of pangolins: current status, problems and future prospects*, *ZooKeys* 507: 99–114.

¹⁷ Liushuai Hua *et al.* (2015), *Captive breeding of pangolins: current status, problems and future prospects*, *ZooKeys* 507: 99–114.

¹⁸ EIA (Nov. 2015), *The Role of Corruption in Wildlife and Forest Crime*, <https://eia-international.org/report/the-role-of-corruption-in-wildlife-and-forest-crime>.

¹⁹ UNODC, *Wildlife crime assessed globally for the first time in new UNODC report*, <https://www.unodc.org/unodc/en/frontpage/2016/May/wildlife-crime-assessed-globally-for-the-first-time-in-new-unodc-report.html>.