



CITES **COP17**
JOHANNESBURG 2016
WORLD WILDLIFE CONFERENCE

Gunn
Attorneys
 Special Edition

Was it all a COP-out?

by Gunn Attorneys

The Convention on International Trade in Endangered Species of Wildlife Flora and Fauna ("CITES") is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

The 17th Conference of the Parties commenced on 24 September 2016 in Johannesburg. This COP is one of the most popular COP's to date, due to the heightened sensitivity regarding ivory trade and lion canned hunting.

In our previous newsletters we focused on the back and forth court decisions regarding the moratorium on local rhino horn trade as well as the rhino poaching highlights. These articles are an indicator of the hustle and bustle around the CITES COP17 as well as the anticipation regarding the outcomes linked to ivory trade and lion hunting.

Cites COP17 Outcomes

Everyone, interested in the decisions of COP17, was sitting on the edge of their seats waiting to hear the outcomes of the very heated and sensitive topics.

The urge for trade in ivory, to assist in the conservation of both rhino and elephants, was highly sought after by South Africa, as well as other African countries. So would this proposal be answered? Would the international trade in ivory become legal? This was but one of the most anticipated outcomes of COP 17.

Most of the important decisions were based around the uplisting and downlisting of certain species. This refers to protection level of the species, as explained below:

- Appendix I lists species that are the most endangered among CITES-listed animals and plants. They are threatened with extinction and CITES prohibits international trade in specimens of these species except when the purpose of the import is not commercial for instance for scientific research.
- Appendix II lists species that are not necessarily now threatened with extinction but that may become so unless trade is closely controlled. It also includes so-called "look-alike species".



Minister of Environmental Affairs, Edna Molewa welcoming all parties to the COP17



Minister Molewa and the Secretary-General for CITES, John Scanlon signing the Host Country Agreement for CITES COP17

of species listed for conservation reasons.

- Appendix III is a list of species included at the request of a Party that already regulates trade in the species and that needs the cooperation of other countries to prevent unsustainable or illegal exploitation

South Africa had many proposals put forward regarding the uplisting and downlisting of species, of which the following were adopted:

- The Cape Mountain Zebra downlisted from Appendix I to Appendix II because it no longer meets the biological criteria for inclusion in Appendix I;
- Listing the Wild ginger on Appendix II to enable South Africa to regulate international trade more effectively through the CITES provisions;
- Uplisting Temminck’s ground pangolin from Appendix II to Appendix I – in fact all 8 species of Pangolin have been uplisted.

Further, below we take a look at some of the other most interesting, complex as well as jaw-dropping decisions:

- The transfer of the African grey parrot, heavily sought after for the pet trade, to Appendix I;
- The inclusion of all 9 species of devil rays, the 3 thresher shark species, and the silky shark in CITES Appendix II, resulting in international trade restrictions to ensure their exports are sustainable and legal;
- The adoption of key resolutions and decisions dealing with closure of domestic elephant ivory markets; illegal trade in rhino horn; National Ivory Action Plans;
- the Decision Making Mechanism on elephant proposals; corruption; the critically endangered helmeted hornbill; illegal trade in cheetahs; sharks and rays; tortoises and freshwater turtles.

It was some of the proposals that were rejected that have made headlines

internationally and has become quite a contentious issue.

First, the rejection of the international trade in ivory received some negative attention from the countries pro-trade. One of the most profound decisions not adopted was the decision to not uplist the Africa Lion from Appendix II to Appendix I. This decision has received a lot of attention due to the fact that the African Lion is said to be critically endangered with an estimated 20 000 lions left in the wild. Nine African nations, namely, Niger, Chad, Cote d’Ivoire, Gabon, Guinea, Mali, Mauritania, Nigeria and Togo wanted to raise the protection of the lion by uplisting them. This move was intended to end the lion bone trade. However, lions remain on the Appendix II with a “zero annual export quota for bones, bone pieces, products, claws, skeletons, skulls and teeth removed from the wild and traded for commercial purposes.”

In conclusion

Were the outcomes of the CITES COP17 in line with what was expected? Did the COP17 decisions ensure the international trade of endangered species does not threaten their survival? Or were certain adoptions given the blind eye? One can say that there were certainly decisions made that were in line with the CITES and the need for ensuring that trade continues in a manner that is not detrimental for certain species. However, it is what was not adopted or decided that has been at the center of CITES attention.

So the question really is, does the fact that lions were not uplisted mean that it was actually just a total cop-out? It would seem quite unfair to focus on a single “non-decision” to acclaim the entire COP17 a failure. However, there are many controversial opinions in this regard. What is important is to look at the movement of the COP17 meetings and how the decisions have progressed in their entirety. It is definitely visible that COP17 made huge strides and therefore has been a positive movement for the need to ensure that the obligations of the CITES agreement are met and more so that endangered species are protected.



GUNN
ATTORNEYS

COMMERCIAL
MINING
ENVIRONMENTAL

