



Public Comment on CITES CoP20 Provisional Agenda — Docket FWS-HQ-IA-2024-0033

To: U.S. Fish & Wildlife Service, Division of Management Authority

From: IWMC World Conservation Trust & SUCCO Sustainable Use Consulting South Africa

Date: 17 September 2025

Docket: FWS-HQ-IA-2024-0033

Subject: *Public Comment on CITES CoP20 Provisional Agenda — Docket FWS-HQ-IA-2024-0033:
Advancing Science-Based Sustainable Use and Enforceable Controls*

Executive Summary

IWMC and SUCCO jointly submit this comment urging the United States to anchor its CoP20 positions in Resolution Conf. 9.24 (Rev. CoP19), Annex 4 precautionary measures, and the FAO Expert Advisory Panel findings for aquatic taxa.

We recommend that the U.S.:

1. Align positions with FAO Expert Advisory Panel advice on aquatic proposals. The Panel concluded that most proposed uplistings (Props. 28–37) fail to meet biological criteria; stricter listings would not address the dominant threat pathways of bycatch and fisheries effort.
2. Support status-correction and annotation proposals (e.g., Props. 1, 3, 4, 7, 8, 9, 10, 13–14, 17, 22–24, 26, 40, 42, 44, 48) where evidence, NDF feasibility, and enforceability are strong.
3. Avoid precautionary uplistings lacking criterion fit or enforceability. Stricter listings where international trade is not the primary driver risk enforcement dilution, livelihood harm, and loss of CITES credibility.

Legal, well-regulated sustainable use, backed by enforceable controls, funds conservation and livelihoods. Symbolic uplistings without enforceability do not.

Legal & Policy Basis

- Resolution Conf. 9.24 (Rev. CoP19) requires proposals to meet Annex 1 or 2 biological and trade criteria, tested against Annex 4 precautionary measures on likely effectiveness and enforceability.
- Under the Endangered Species Act (16 U.S.C. §1531 et seq.) and 50 CFR part 23 (§23.7, §23.84 – 23.91), the U.S. must ensure that its positions on CITES proposals are consistent with enforceable, science-based NDFs and traceability.
- For aquatic taxa, the FAO Expert Advisory Panel is the Parties’ designated technical advisory body. Its 2025 report found that 11 of 12 aquatic uplisting proposals did not meet biological criteria.

Principles

- Criterion fit: Listings must meet Annex 1/2 thresholds, accounting for generation length, productivity, and global vs. regional trends.
- NDF feasibility & enforcement: Viable systems must exist for marking, genetic/isotopic verification, and reporting.
- Human rights & livelihoods: Measures must not undermine Indigenous or rural communities’ food security or lawful livelihoods.
- Precaution with proportionality: Annex 4 requires controls that Parties can implement now, not symbolic prohibitions.

Table 1. Proposal-Specific Positions

Proposal	IWMC & SUCo Position	FAO Panel (Aquatic)	CITES Secretariat
Prop. 1 Bontebok (ZA)	Support delisting; status correction	n/a	Supports delisting
Prop. 3 Saiga (KZ)	Support annotation fix; maintain II	n/a	Supports with conditions
Prop. 4 Giraffe (southern pops)	Support deletion; overbroad listing	n/a	Supports correction

Prop. 7 Guadalupe fur seal	Support I → II; recovery documented	n/a	Supports downlisting
Prop. 8 Caribbean monk seal	Support deletion; extinct	n/a	Supports deletion
Prop. 9 White rhino (NA)	Support with annotation (tight marking, RhODIS, 24-month review)	n/a	Supports conditional
Prop. 10 Black rhino (NA)	Support I → II with quotas, DNA, suspension triggers	n/a	Supports with conditions
Prop. 13–14 Elephants (NA, BW, CI, CM, ZW)	Support with forensic audits, harmonised annotation	n/a	Mixed but supportive
Prop. 17 Peregrine falcon (CA/US)	Support I → II; recovery documented	n/a	Supports downlisting
Props. 22–24 Galápagos iguanas, Bitis spp.	Support I transfers; narrow-range endemics	n/a	Supports
Prop. 26 Kinixys homeana	Support I transfer; trade-driven declines	n/a	Supports
Prop. 27 Water frogs	Support with 18-month delay & scope limits	n/a	Supports with clarification
Props. 28–37 Aquatic taxa	Request Withdrawal; not trade-driven, enforceability weak	Criteria unmet for most	Mixed; supports some uplistings
Props. 40, 42, 44, 48 Plants	Support housekeeping, annotation updates	n/a	Supports
Props. 43, 49, 51 Plants	Support with amendments (scope limits, quotas, reviews)	n/a	Supports
Opposed (Props. 2, 5, 6, 12, 16, 18, 25, 38, 39, 41, 45, 47)	Oppose; weak trade linkage, unenforceable	n/a	Mixed

5.1 Aquatic Taxa (Proposals 28–37)

The FAO Expert Advisory Panel concluded that most CoP20 aquatic uplisting proposals do not meet the CITES criteria.

- Oceanic whitetip shark (Prop. 28, II → I): Mortality is dominated by bycatch in tuna fisheries; all RFMOs already have non-retention bans. Appendix I would duplicate rules without reducing mortality.
- Tope/smoothhounds (Prop. 29): Mixed stock status, low-value trade, high look-alike complexity. NDF feasibility across triakids is low.
- Mobulidae rays (Prop. 30, II → I): Bycatch is the main driver; existing RFMO bans and Appendix II tools suffice. Appendix I adds little.

- Whale shark (Prop. 31, II → I): Main threats are vessel strikes and bycatch. RFMO set-on bans address mortality; uplisting adds no new leverage.
- Guitarfish & wedgefishes (Props. 32–33): Zero-quota annotations would effectively impose Appendix I without evidence of criterion fit. Implementation of CoP18/19 II listings is still maturing.
- Gulpers, eels, sea cucumbers (Props. 34–37): Trade signals weak, NDF systems immature, high misidentification risk. Appendix II ahead of national controls risks laundering and displacement.

Recommendation: The U.S. should request withdrawal of Props. 28–37 and, if retained, oppose uplistings.

5.2 Terrestrial & Plant Proposals

We support proportionate status corrections and annotation refinements:

- Props. 1, 3, 4, 7, 8, 17: Science-based corrections; reduce administrative burden while retaining NDF oversight.
- Props. 9, 10, 13–14: Conditional support with strict annotation text (marking, audits, DNA/RhODIS, review clauses).
- Props. 22–24, 26: Support I transfers for narrow-range endemics and trade-driven declines.
- Props. 40, 42, 44, 48: Support housekeeping/taxonomic updates, succulent poaching response, and finished-product exemptions.
- Props. 43, 49, 51: Support with amendments (scope-limited annotations, quotas, review triggers).
- Oppose Props. 2, 5, 6, 12, 16, 18, 25, 38, 39, 41, 45, 47: These lack evidence of trade-driven decline, fail NDF feasibility, or would create look-alike/admin overload.

Suggested Annotation Clauses (Props. 9, 10, 13, 14)

Prop. 9 — Southern white rhino (Namibia)

“For the population of Namibia, trade in live animals to in-range destinations and in hunting trophies is permitted. All other specimens shall be deemed specimens of species included in Appendix I. All hunting trophies must be individually marked (ISO-compliant microchip in horn core), profiled in the RhODIS DNA database, and reported to the Secretariat annually with audited stock registers. This annotation

shall be subject to a review by the Standing Committee 24 months after entry into effect, with automatic suspension if poaching levels or illegal trade indicators increase.”

Prop. 10 — Black rhino (Namibia population)

“For the population of Namibia, trade in live animals to in-range destinations and in hunting trophies (quota not exceeding five adult males annually) is permitted. All other specimens shall be deemed specimens of species included in Appendix I. All hunting trophies must be individually marked, profiled in the RhODIS DNA database, and subject to audited annual quotas verified by independent external observers. Implementation shall include a suspension trigger should poaching levels or illegal trade indicators increase.”

Prop. 13 — African savannah elephant (Namibia)

“Trade in government-owned registered raw ivory originating in Namibia from natural mortality and management is authorised as a one-off sale under CITES Secretariat oversight, subject to the following conditions: (a) a complete, forensic inventory of all stockpiles verified by independent auditors; (b) mandatory DNA assignment and radiocarbon age testing of lots; (c) sealed and barcoded lots; (d) export only to Parties with verified domestic ivory control systems; (e) MIKE/ETIS monitoring of impacts; (f) a suspension trigger in the event of adverse trends. All other specimens shall be deemed specimens of species included in Appendix I.”

Prop. 14 — African savannah elephant (BW, CI, CM, NA, ZW)

“In respect of the populations of Botswana, Côte d’Ivoire, Cameroon, Namibia, and Zimbabwe, trade in hunting trophies for non-commercial purposes and in live animals to appropriate in-range destinations is permitted. Trade in raw ivory shall be restricted to registered government-owned stocks under the conditions set in Prop. 13 annotation. All specimens must be individually marked (microchips for tusks, barcodes for lots), with DNA and radiocarbon assignment applied on a risk-based basis. The annotation shall be subject to Standing Committee review every three years, with suspension if MIKE/ETIS data indicate elevated poaching.”

Concrete U.S. Actions Requested

1. **Align U.S. positions with FAO Expert Advisory Panel outcomes on aquatic proposals.** The Panel found that most CoP20 aquatic uplistings do not meet biological criteria. Upholding FAO science avoids symbolic measures and keeps CITES focused on enforceable, outcome-driven trade controls—consistent with U.S. fisheries management under the Magnuson–Stevens Act.
2. **Support status corrections and targeted annotation fixes.** These improve enforceability and reduce administrative noise, mirroring the North American model of precision regulation where trade is permitted only under auditable, science-based conditions (e.g., microchip marking, DNA profiling, verified stock inventories).
3. **Avoid symbolic uplistings lacking criterion fit or enforceability.** Prioritising Appendix II with clear annotations, time-bound implementation, and review clauses keeps CITES aligned with the ESA’s adaptive, evidence-based approach.
4. **Champion NDF guidance and capacity-building.** U.S. leadership in marking, traceability, electronic NDF tools, and lab-based identification will strengthen global implementation, reflecting how North American agencies have **advanced** practical traceability in wildlife and timber trade.
5. **Promote proportionality and enforceability consistent with Conf. 9.24 Annex 4.** Controls should be proportionate, enforceable, and tied to measurable outcomes—hallmarks of the North American conservation model.

Closing & Contact

We thank the U.S. Fish & Wildlife Service for inviting comment. We would be pleased to provide technical annexes (annotation language, traceability templates, DNA/marketing protocols) to assist in negotiations at CoP20.

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