CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Thirteenth meeting of the Conference of the Parties
Bangkok (Thailand), 2-14 October 2004

Interpretation and implementation of the Convention

Amendment of the Appendices

PROPOSALS TO AMEND APPENDICES I AND II

1. This document has been prepared by the Secretariat.

2. In accordance with the provisions of Article XV, paragraph 1 (a), of the Convention, any Party may propose an amendment to Appendix I or II for consideration at the next meeting of the Conference of the Parties. Any proposal for amendment shall be communicated to the Secretariat at least 150 days before the meeting of the Conference.

3. By 5 May 2004, i.e. 150 days before the opening date of the 13th meeting of the Conference of the Parties, 21 Parties had communicated to the Secretariat their proposals for amendment of Appendices I and II, for consideration at that meeting. These were Australia, Botswana, China, Colombia, Cuba, Fiji, Ireland, Indonesia, Italy, Japan, Kenya, Madagascar, Mexico, Namibia, Slovenia, South Africa, Swaziland, Switzerland, Thailand, the United States of America and Zambia. Most of the proposals were accompanied by supporting statements presented in accordance with the format recommended by the Conference of the Parties [Annex 6 of Resolution Conf. 9.24 (Rev. CoP12)].

4. One of the proposals (CoP12 Prop. 24, Transfer of the population of *Crocodylus acutus* of Cuba from Appendix I to Appendix II) was received 330 days before the opening date of the 13th meeting of the Conference of the Parties, pursuant to Resolution Conf. 11.16 on Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II.

5. The list of the proposals for amendment of Appendices I and II is provided in Annex 1.

6. The Secretariat consulted the Parties on the proposed amendments in accordance with the provisions of Article XV, paragraphs 1 (a), 2 (b) and (c), through a Notification sent to the contracting and signatory States of the Convention through the diplomatic channel on 4 June 2004. The proposals were also made available on the Secretariat's website. The Secretariat's provisional assessment of the proposals was provided to the Parties through Notification to the Parties No. 2004/048 of 28 June 2004, and is also included in Annex 2.

7. In accordance with the provisions of Article XV, paragraphs 1 (a) and 2 (b), of the Convention, the Secretariat has consulted intergovernmental bodies having a function in relation to marine species. These organizations were: the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the International Whaling Commission (IWC), the North Atlantic Marine Mammal Commission (NAMMCO) and the Food and Agriculture Organization of the United Nations (FAO). FAO provided considerable assistance with this task, in seeking additional comments from the following regional fisheries management and related organizations: Asia Pacific Fisheries Commission (APFIC), Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), Commission for the Conservation of Southern Bluefin Tuna (CCSBT), Statistical Office of the European Communities (Eurostat), Forum Fisheries Agency (FFA), Inter-American Tropical Tuna Commission (IATTC), International Baltic Sea Fishery Commission (IBSFC), International Commission for the Conservation of Atlantic Tunas (ICCAT), Indian Ocean Tuna Commission (IOTC), International Pacific Halibut Commission (IPHC), Lake Victoria Fisheries Organization (LVFO), Mekong River Commission (MRC), Northwest Atlantic Fisheries Organization (NAFO), North Atlantic Salmon Conservation Organization

(NASCO), North East Atlantic Fisheries Commission (NEAFC), North Pacific Anadromous Fish Commission (NPAFC), Regional Commission for Fisheries (RECOFI), Southeast Asian Fisheries Development Center (SEAFDEC) and Western Central Pacific Fisheries Commission (WCPFC).

8. In accordance with the provisions of Resolution Conf. 10.13, on Implementation of the Convention for timber species, paragraph b), regarding international organizations, the Secretariat has sought the views of the International Tropical Timber Organization (ITTO), FAO and the World Conservation Union (IUCN) regarding the amendment proposal for a timber species.

9. On the basis of the above consultation procedures and comments received, as well as the information contained in the assessment of the amendment proposals prepared by IUCN and TRAFFIC (The IUCN/TRAFFIC Analyses of Proposals to Amend the CITES Appendices, available on www.iucn.org), the Secretariat has, where appropriate, revised its provisional assessment of the amendment proposals.

10. The comments that are relevant to the amendment proposals which have been received from Parties and from intergovernmental bodies having a function in relation to marine species or to timber species, as well as the Secretariat's final assessment are presented in Annex 2 to this document.

11. The full texts of the comments from the intergovernmental bodies can be found in Annex 3. The response from the IWC refers to a number of large documents that were provided to the Secretariat and are available on request.

List of proposals

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
	Not applicable	CoP13 Prop.1 Ireland (on behalf of the Member States of the European Community)	Inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to read as follows (with the following paragraphs being renumbered): 5. The following are not subject to the provisions of the Convention: a) *in vitro* cultivated DNA* that does not contain any part of the original from which it is derived; b) cells or cell lines** cultivated *in vitro* that theoretically at a molecular level do not contain any part of the original animal or plant from which they are derived; c) urine and faeces; d) medicines and other pharmaceutical products such as vaccines, including those in development and in process materials +, that theoretically at a molecular level do not contain any part of the original animal or plant from which they are derived; and e) fossils. * That is DNA that is assembled from its constituent materials, not solely extracted directly from plants and animals. ** That is cultures of plant or animal cells, that are maintained and/or propagated in artificial conditions and do not contain any significant part of the original plant or animal from which they are derived. + That is products subject to a research or manufacturing process such as medicines, potential medicines and other pharmaceuticals such as vaccines that are produced under conditions of research, diagnostic laboratory or pharmaceutical production and do not depend for their production in bulk solely on material extracted from plants or animals and do not contain any significant part of the original plant or animal from which they are derived.

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
	Not applicable	CoP13 Prop. 2 Switzerland (as Depositary Government, at the request of the Standing Committee)	Inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to read as follows (with the following paragraphs being renumbered): 5. The following are not subject to the provisions of the Convention: a) *in vitro* cultivated DNA that does not contain any part of the original; b) urine and faeces; c) synthetically produced medicines and other pharmaceutical products such as vaccines that do not contain any part of the original genetic material from which they are derived; and d) fossils.
F A U N A			
CHORDATA MAMMALIA CETACEA			
Delphinidae	*Orcaella brevirostris*	CoP13 Prop. 3 Thailand	Transfer from Appendix II to Appendix I.
Balaenopteridae	*Balaenoptera acutorostrata*	CoP13 Prop. 4 Japan	Transfer from Appendix I to Appendix II of the Okhotsk Sea – West Pacific stock, the north-east Atlantic stock and the north Atlantic central stock. [in accordance with the provisions of Article XV 1. of the Convention and Annex 6 of Resolution Conf. 9.24 (Rev. CoP12)]
CARNIVORA			
Felidae	*Lynx rufus*	CoP13 Prop. 5 United States of America	Deletion from Appendix II.
	Panthera leo	CoP13 Prop. 6 Kenya	Transfer from Appendix II to Appendix I. [in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 1, paragraphs A. i) and ii) (for the populations of West and Central Africa), and C. i)] NB: subspecies *Panthera leo persica* is already included in Appendix I.

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
PROBOSCIDEA			
Elephantidae	*Loxodonta africana* (Appendix II)	CoP13 Prop. 7 Namibia	Amendment of the annotation regarding the population of Namibia to include: – an annual export quota of 2,000 kg of raw ivory (accumulated from natural and management-related mortalities); – trade in worked ivory products for commercial purposes; and – trade in elephant leather and hair goods for commercial purposes.
	Loxodonta africana (Appendix II)	CoP13 Prop. 8 South Africa	Amendment of the annotation regarding the population of South Africa to allow trade in leather goods for commercial purposes.
PERISSODACTYLA			
Rhinocerotidae	*Ceratotherium simum simum*	CoP13 Prop. 9 Swaziland	Transfer of the population of Swaziland from Appendix I to Appendix II with the following annotation: For the exclusive purpose of allowing international trade in: a) live animals to appropriate and acceptable destinations; and b) hunting trophies. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.
AVES FALCONIFORMES			
Accipitridae	*Haliaeetus leucocephalus*	CoP13 Prop. 10 United States of America	Transfer from Appendix I to Appendix II. [in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 4, paragraph B. 2. b)]
PSITTACIFORMES			
Psittacidae	*Cacatua sulphurea*	CoP13 Prop. 11 Indonesia	Transfer from Appendix II to Appendix I. [in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 1, paragraphs A. i) and ii); B. i), iii) and iv); and C.]
	Agapornis roseicollis	CoP13 Prop. 12 Namibia and the United States of America	Deletion from Appendix II.

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
	Amazona finschi	CoP13 Prop. 13 Mexico	Transfer from Appendix II to Appendix I. [in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annexes 1 and 4]
PASSERIFORMES			
Emberizidae	*Passerina ciris*	CoP13 Prop. 14 Mexico and the United States of America	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]
REPTILIA TESTUDINATA			
Testudinidae	*Pyxis arachnoides*	CoP13 Prop. 15 Madagascar	Transfer from Appendix II to Appendix I. [in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 1, paragraphs B. i), iii) and iv) and C. i)]
Bataguridae	*Malayemys* spp.	CoP13 Prop. 16 United States of America	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]
	Malayemys subtrijuga	CoP13 Prop. 17 Indonesia	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]
	Notochelys spp.	CoP13 Prop. 18 United States of America	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]
	Notochelys platynota	CoP13 Prop. 19 Indonesia	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]
Trionychidae	*Amyda* spp.	CoP13 Prop. 20 United States of America	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention, and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]
Carettochelyidae	Carettochelyidae spp.	CoP13 Prop. 21 United States of America	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
	Carettochelys insculpta	CoP13 Prop. 22 Indonesia	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]
Chelidae	*Chelodina mccordi*	CoP13 Prop. 23 Indonesia and the United States of America	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]
CROCODYLIA			
Crocodylidae	*Crocodylus acutus*	CoP13 Prop. 24 Cuba	Transfer of the population of Cuba from Appendix I to Appendix II. [in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 4, paragraph B. 2 e) and Resolution Conf. 11.16]
	Crocodylus niloticus	CoP13 Prop. 25 Namibia	Transfer of the population of Namibia from Appendix I to Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention, and Resolution Conf. 9.24 (Rev. CoP12), Annex 4, paragraph B. 2. b)]
	Crocodylus niloticus	CoP13 Prop. 26 Zambia	Maintenance of the population of Zambia in Appendix II, subject to an annual export quota of no more than 548 wild specimens (including hunting trophies and problem-animal control). This quota does not include ranched specimens.
SAURIA			
Gekkonidae	*Uroplatus* spp.	CoP13 Prop. 27 Madagascar	Inclusion in Appendix II.
SERPENTES			
Colubridae	*Langaha* spp.	CoP13 Prop. 28 Madagascar	Inclusion in Appendix II.
	Stenophis citrinus (NB: this species is referred to as *Lycodryas citrinus* in the proposal)	CoP13 Prop. 29 Madagascar	Inclusion in Appendix II.
Viperidae	*Atheris desaixi*	CoP13 Prop. 30 Kenya	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a]
	Bitis worthingtoni	CoP13 Prop. 31 CoP13 Prop. Kenya	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a]

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
ELASMOBRANCHII LAMNIFORMES			
Lamnidae	*Carcharodon carcharias*	CoP13 Prop. 32 Australia and Madagascar	Inclusion in Appendix II with a zero annual export quota.
ACTINOPTERYGII PERCIFORMES			
Labridae	*Cheilinus undulatus*	CoP13 Prop. 33 Fiji, Ireland (on behalf of the Member States of the European Community) and the United States of America	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B.]
ARTHROPODA INSECTA LEPIDOPTERA			
Papilionidae	*Ornithoptera* spp., *Trogonoptera* spp. and *Troides* spp. in Appendix II	CoP13 Prop. 34 Switzerland (as Depositary Government, at the request of the Nomenclature Committee)	Deletion of the annotation "*sensu* D'Abrera".
MOLLUSCA BIVALVIA MYTILOIDA			
Mytilidae	*Lithophaga lithophaga*	CoP13 Prop. 35 Italy and Slovenia (on behalf of the Member States of the European Community)	Inclusion in Appendix II. [in accordance with Article II, paragraph 2 (a)]
CNIDARIA ANTHOZOA and HYDROZOA			
	Helioporidae spp., Tubiporidae spp., Scleractinia spp., Milleporidae spp. and Stylasteridae spp.	CoP13 Prop. 36 Switzerland (as Depositary Government, at the request of the Animals Committee)	Amendment of the annotation to these taxa to read: Fossils, namely all categories of coral rock, except live rock (meaning pieces of coral rock to which are attached live specimens of invertebrate species and coralline algae not included in the Appendices and which are transported moist, but not in water, in crates) are not subject to the provisions of the Convention.

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
F L O R A			
ASCLEPIADACEAE	*Hoodia* spp.	CoP13 Prop. 37 Botswana, Namibia and South Africa	Inclusion in Appendix II, with an annotation to read as follows: Designates all parts and derivatives except those bearing the label "Produced from *Hoodia* spp. material obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of Botswana/Namibia/South Africa under agreement no. BW/NA/ZA xxxxxx)"
EUPHORBIACEAE	Euphorbiaceae (Appendix II)	CoP13 Prop. 38 Thailand	Annotation to read as follows: Artificially propagated specimens of *Euphorbia lactea* are not subject to the provisions of the Convention when they are: a) grafted on rootstocks of *Euphorbia neriifolia* L.; b) colour mutants; or c) crested-branch forming or fan-shaped.
	Euphorbiaceae (Appendix II)	CoP13 Prop. 39 Thailand	Annotation to read as follows: Artificially propagated specimens of *Euphorbia milii* are not subject to the provisions of the Convention when they are: a) traded in shipments of 100 or more plants; b) readily recognizable as artificially propagated specimens.
	Orchidaceae in Appendix II	CoP13 Prop. 40 Thailand	Annotation to read as follows: Artificially propagated specimens of Orchidaceae hybrids are not subject to the provisions of the Convention when: a) they are readily recognizable as artificially propagated specimens; b) they do not exhibit characteristics of wild-collected specimens; c) shipments are accompanied by documentation such as an invoice that indicates clearly the vernacular name of the orchid hybrids and is signed by the shipper. Specimens that do not clearly meet the criteria for the exemption must be accompanied by appropriate CITES documents.

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
ORCHIDACEAE	Orchidaceae in Appendix II	CoP13 Prop. 41 Annex Switzerland	Annotation to exclude artificially propagated hybrids of the following taxa, exclusively under the condition that specimens are flowering, potted and labelled, professionally processed for commercial retail sale and that they allow easy identification: *Cymbidium* Interspecific hybrids within the genus and intergeneric hybrids *Dendrobium* Interspecific hybrids within the genus known in horticulture as "*nobile*-types" and "*phalaenopsis*-types", both of which are clearly recognizable by commercial growers and hobbyists *Miltonia* Interspecific hybrids within the genus and intergeneric hybrids *Odontoglossum* Interspecific hybrids within the genus and intergeneric hybrids *Oncidium* Interspecific hybrids within the genus and intergeneric hybrids *Phalaenopsis* Interspecific hybrids within the genus and intergeneric hybrids *Vanda* Interspecific hybrids within the genus and intergeneric hybrids The annotation to specifically read as follows: Artificially propagated specimens of hybrids are not subject to the provisions of the Convention when: a) they are traded in flowering state, i.e. with at least one open flower per specimen, with reflexed petals; b) they are professionally processed for commercial retail sale, e.g. labelled with printed labels and packaged with printed packages; c) they can be readily recognized as artificially propagated specimens by exhibiting a high degree of cleanliness, undamaged inflorescences, intact root systems and general absence of damage or injury that could be attributable to plants originating in the wild; d) plants do not exhibit

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
			characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to inflorescences, roots, leaves or other parts resulting from collection; and e) labels or packages indicate the trade name of the specimen, the country of artificial propagation or, in case of international trade during the production process, the country where the specimen was labelled and packaged; and labels or packages show a photograph of the flower, or demonstrate by other means the appropriate use of labels and packages in an easily verifiable way. Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.
	Orchidaceae in Appendix II	CoP13 Prop. 42 Switzerland (as Depositary Government, at the request of the Plants Committee)	Amendment of the annotation regarding *Phalaenopsis* hybrids to read: Artificially propagated specimens of hybrids within the genus *Phalaenopsis* are not subject to the provisions of the Convention when: a) specimens are traded in shipments consisting of individual containers (i.e. cartons, boxes or crates) containing 20 or more plants each; b) all plants within a container are of the same hybrid, with no mixing of different hybrids within a container; c) plants within a container can be readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity in size and stage of growth, cleanliness, intact root systems and general absence of damage or injury that could be attributable to plants originating in the wild; d) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to roots, leaves or other parts resulting from collection; and

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
			e) shipments are accompanied by documentation, such as an invoice, which clearly states the number of plants and is signed by the shipper. Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.
	Cattleya trianaei	CoP13 Prop. 43 Colombia	Transfer from Appendix I to Appendix II.
	Vanda coerulea	CoP13 Prop. 44 Thailand	Transfer from Appendix I to Appendix II.
OROBANCHACEAE	*Cistanche deserticola*	CoP13 Prop. 45 China	Addition of annotation #1, i.e.: Designates all parts and derivatives, except: a) seeds, spores and pollen (including pollinia); b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and c) cut flowers of artificially propagated plants.
PALMAE	*Chrysalidocarpus decipiens* (NB: this species is referred to as *Dypsis decipiens* in the proposal)	CoP13 Prop. 46 Madagascar	Transfer from Appendix II to Appendix I.
TAXACEAE	*Taxus wallichiana*	CoP13 Prop. 47 China and the United States of America	Amendment of the annotation (currently annotation #2), to read: Designates all parts and derivatives, except: a) seeds and pollen; and b) finished pharmaceutical products.
	Taxus chinensis, *T. cuspidata,* *T. fuana,* *T. sumatrana* and all infraspecific taxa of these species	CoP13 Prop. 48 China and the United States of America	Inclusion in Appendix II with the following annotation: Designates all parts and derivatives, except: a) seeds and pollen; and b) finished pharmaceutical products. [in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

Higher taxa	Species covered by the proposal	Proposal number and proponent	Proposal
THYMELAEACEAE	*Aquilaria* spp. and *Gyrinops* spp.	CoP13 Prop. 49 Indonesia	Inclusion in Appendix II. [in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraphs A. and B. i), and Annex 2 b] (NB: *Aquilaria malaccensis* is already included in Appendix II)
	Gonystylus spp.	CoP13 Prop. 50 Indonesia	Inclusion in Appendix II, with annotation #1, i.e.: Designates all parts and derivatives, except: a) seeds, spores and pollen (including pollinia); b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and c) cut flowers of artificially propagated plants. [in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraphs A and B i), and Annex 2 b, paragraph B]

Comments from the Parties and comments and recommendations from the Secretariat

Proposal 1

Inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to read as follows (with the following paragraphs being renumbered):

5. The following are not subject to the provisions of the Convention:
- **a) *in vitro* cultivated DNA* that does not contain any part of the original from which it is derived;**
- **b) cells or cell lines** cultivated *in vitro* that theoretically at a molecular level do not contain any part of the original animal or plant from which they are derived;**
- **c) urine and faeces;**
- **d) medicines and other pharmaceutical products such as vaccines, including those in development and in process materials +, that theoretically at a molecular level do not contain any part of the original animal or plant from which they are derived; and**
- **e) fossils.**

*** That is DNA that is assembled from its constituent materials, not solely extracted directly from plants and animals.**

**** That is cultures of plant or animal cells, that are maintained and/or propagated in artificial conditions and do not contain any significant part of the original plant or animal from which they are derived.**

\+ That is products subject to a research or manufacturing process such as medicines, potential medicines and other pharmaceuticals such as vaccines that are produced under conditions of research, diagnostic laboratory or pharmaceutical production and do not depend for their production in bulk solely on material extracted from plants or animals and do not contain any significant part of the original plant or animal from which they are derived.

[Ireland (on behalf of the Member States of the European Community)]

Provisional assessment by the Secretariat

This proposal is based on the one submitted by Switzerland as Depositary Government at the request of the Standing Committee (proposal CoP13 Prop. 2). It differs, however, in:

- an explanation on what is understood by "*in vitro* DNA", referred to in paragraph a);
- the addition of a new paragraph b) on cells and cell lines; and
- additions and amendments to the text in paragraph d) [which is paragraph c) in proposal CoP13 Prop. 2].

Two of the three clarifications provided in the proposal (**, +), include the words `do not contain any significant part of the original plant or animal from which they are derived.' In the supporting statement for the proposal, the proponent explains that it is not feasible to guarantee that small amounts of such material are not present. However, this could lead to the incorrect exemption from control of products such as medicines that contain parts and derivatives of CITES-listed species (cf Article I, paragraph b) ii), of the Convention). The text as proposed here would therefore be contrary to the provisions of the Convention.

The text of the proposal and the associated clarifications are not always very clear. The Secretariat sought some further explanation but the proponents were not able to add very much. The current provisional assessment is therefore based on the Secretariat's interpretation of the text.

The proponent suggests that issuing permits for millions of vaccines and tens of thousands of cell lines 'would not only add greatly to existing workloads, it would also place an unnecessary financial burden on the pharmaceutical industry'. The purpose of this proposal is to exempt these commodities, which would **reduce** the workload.

Section XII of Resolution Conf. 12.3 provides for simplified procedures to issue permits and certificates to expedite trade that will have a negligible impact on the conservation of the species concerned, such as transfer of biological samples. Annex 4 to this Resolution refers to, amongst other things, cell lines, tissue cultures and DNA for biomedical research.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

The Secretariat's concerns about this proposal are stated in its preliminary assessment (above).

The Secretariat recommends that this proposal be rejected.

Proposal 2

Inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to read as follows (with the following paragraphs being renumbered):

5. The following are not subject to the provisions of the Convention:
   a) *in vitro* cultivated DNA that does not contain any part of the original;
   b) urine and faeces;
   c) synthetically produced medicines and other pharmaceutical products such as vaccines that do not contain any part of the original genetic material from which they are derived; and
   d) fossils.

[Switzerland (as Depositary Government, at the request of the Standing Committee)]

Provisional assessment by the Secretariat

As is described in the proposal, a technical error in a very similar proposal submitted to the 12th meeting of the Conference of the Parties (CoP12) made it necessary to resubmit it to the 13th meeting. The purpose, as before, is to exempt from CITES provisions material whose trade does not impact on the conservation of the species concerned.

The substance of the proposal has hardly changed from CoP12, except for the reference, in paragraph a), to '*in vitro* cultivated DNA' rather then 'synthetically derived DNA'. The latter description, however, would provide a better guarantee that no animal parts are included in the DNA. At CoP12 and at later meetings of the Standing Committee, the issue of exempting DNA samples was subject to some debate. The Standing Committee at its 50th meeting (Geneva, March 2004) therefore decided to leave the discussion on the substance of the proposal to the CoP and not to try and resolve this issue itself.

For consistency and clarification it may be best if the words 'genetic material from which it was derived' were added at the end of paragraph a). Alternatively 'synthetically derived DNA' could be used instead of '*in vitro* cultivated DNA'.

(See also the Secretariat's preliminary assessment of proposal CoP13 Prop. 1).

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

The Secretariat suggests that paragraph a) of the proposed annotation be amended as follows:

- `*in vitro* cultivated DNA' should be replaced by 'synthetically derived DNA'; and
- `genetic material from which it was derived' should be added at the end of the same paragraph.

The Secretariat recommends that this proposal be adopted if amended.

Proposal 3

***Orcaella brevirostris* – Transfer from Appendix II to Appendix I.**

(Thailand)

Provisional assessment by the Secretariat

The Irrawaddy dolphin *Orcaella brevirostris* is widely but thinly distributed in bays and sounds of coastal waters and in some rivers from Australia to the Philippines and west to eastern India. Contrary to the indication in the proposal, it does not appear that its area of distribution is restricted. There are no overall population estimates. Some isolated populations, particularly in rivers, are reportedly low in number (34-77 in various rivers) but a coastal estimate of a small part of the Australian range is put at around 1,000 and relatively high encounter rates are reported in Bangladesh and India. Declines in population are inferred in some populations especially those found in river systems. The supporting statement does not imply that the threats to river populations apply to those in coastal waters as well, although this might be inferred.

The supporting statement outlines the potential for trade in live specimens for dolphinaria but the only actual international trade mentioned is the export of 22 specimens from Indonesia 20 years or more ago. Given that most range States now protect the species, the potential for any notable trade in future must be open to question.

Comments from the other range States for this species are awaited.

Comments from Parties and intergovernmental bodies

Japan: "….neither the population size nor the state of trade is known and therefore the reason for the proposed transfer from Appendix II to Appendix I is not clear. Given these unknowns, it can not be demonstrated that the species is endangered or that trade is threatening the species. Bycatch and future removal from the wild for live display are cited as threats to this species, but neither of these reasons can serve as the basis for the inclusion in Appendix I. Bycatch is a fisheries management issue and not an issue to be addressed by CITES. Further, if trade for live display increases in the near future, this practice could be adequately monitored by domestic monitoring schemes in exporting countries. For these reasons, inclusion of this species in Appendix I is not appropriate. Regarding the sighting surveys conducted in the past, the search range has been limited to rivers and no survey has been conducted in coastal areas. Furthermore, reliability of the survey is low because the number of individuals sighted is small. Whale scientists in Japan are of the opinion that this species exist in the order of tens of thousands throughout its distribution area. Since the population size of this species has not been determined, scientific information should be collected in the first place and then effective protective measures should be taken where necessary. Therefore, the proposal for inclusion of this species in Appendix I is not appropriate and is premature. No species should be listed in Appendix I in the absence of supporting scientific evidence. Japan is ready to extend cooperation within its capacity in collecting scientific data on this species. From the foregoing, it should be concluded that inclusion of this species in Appendix I is not appropriate, and Japan is opposed to this proposal."
"Japan recognizes that the Secretariat has a negative view of this proposal in terms of the proposed up-listing by Thailand. Unless comments from other range States for this species justify the proposal to transfer from Appendix II to Appendix I on the basis of CITES listing criteria, Japan requests the Secretariat, in its final assessment, to clearly describe that there is no scientific basis to demonstrate that this species meets the listing criteria and that the inclusion of this species in Appendix I is therefore not appropriate."

Switzerland: "Legal international trade irrelevant; bycatch problem, and habitat degradation cannot be prevented by Appendix I listing". "Already protected in most of its range: No improvement of the situation by including in Appendix I."

Thailand: "Irrawaddy dolphins appear to be obligatory adapted to relatively rare and circumscribed ecological conditions – deep pools of large rivers and protected nearshore marine environments (including appended lakes) with substantial freshwater inputs (see reviews in Stacey and Leatherwood, 1997; Stacey and Arnold, 1999; Smith and Jefferson, 2002). Their restricted distribution to these areas makes

the species particularly vulnerable to directed and accidental takes compared to other small cetaceans whose environmental preferences are more flexible and thereby allow them to occupy a greater range of habitat. The population estimate of 1000 Irrawaddy dolphins for `a small part of the Australian range´ was based on the detection of only 13 individuals in eight groups during an aerial survey conducted more than 20 years ago (December 1983) of 55,962 km2 of costal waters in the Northern Territory of Australia (Freeland and Bayliss 1989). No measure of precision was provided for the estimate and its reliability has been questioned due to the difficulties of discriminating Irrawaddy dolphins from other cetaceans and dugongs in turbid waters without circling over each group. More extensive surveys in the same area have resulted in substantially lower estimates of density than reported by Freeland and Bayliss (1989) (H. Marsh as cited in Stacey and Leatherwood). A recent review of Irrawaddy dolphins in Australia (Parra *et al*. 2002) concluded that available data are insufficient to estimate abundance but that the species probably occurs only in small localized populations. The relatively high encounter rates reported for the Sundarbans apply only to the Bangladesh portion of the delta. There is no information on the status of the species on the Indian side. Also, the term 'relative' referred to a comparison among sighting rates recorded during similar vessel-based surveys of Critically Endangered populations in Malampaya Sound, Songkhla Lake and the Ayeyarwady, Mahakam and Mekong rivers, and should not be interpreted to mean that the status of the Sundarbans population is secure. There is very little information on threats to Irrawaddy dolphins in coastal waters but the Secretariat's statement that similar threats as those documented for riverine populations can be inferred to apply to marine populations is probably correct. Vague wording in the proposal probably resulted in a wrong impression regarding international trade. The 22 specimens from Indonesia were not exported internationally but instead sent to the Jaya Ancol Oceanarium in Jakarta, Indonesia (Tas'an and Leatherwood, 1984). According to WCMC data the only documented legal international trade was seven live specimens exported from Thailand – three to Japan in 1995 and four to Singapore in 1999. It is currently impossible to identify the origin of live specimens using genetic or morphologic techniques and therefore illegal trade from range states, even those with legislation protecting the species, could become a significant problem. Trade does not need to be notable but only sufficient to encourage the removal of a few individuals for it to be decisive in causing the extinction of a Critically Endangered population of the species. Five geographically isolated populations are either currently or soon to be listed (in 2004) as Critically Endangered in the IUCN Red List and other local populations whose status have not been assessed may be equally threatened. Irrawaddy dolphins clearly meet biological criteria B and C for inclusion in Appendix I as detailed in Resolution Conf. 9.24 (see proposal section 7. Additional Remarks). They also meet the definition of a species that `is or may be affected by trade´ according to the same resolution since `there is a potential international demand for specimens.´ This is due to the extremely rapid proliferation of dolphinariums in Southeast Asia and the desirability of the species for entertainment displays (see proposal sections 2.7 Threats and 3.1 National utilization). International trade in live Irrawaddy dolphins is only one of several threats facing the species, but it is one that can be effectively addressed through CITES. Simply put, deliberate removals from small populations cannot be allowed if there is to be any hope of their recovery and long-term persistence. While it is recognized that a change in the Irrawaddy dolphin's status under CITES will not, by itself, ensure against such removals, this uplisting proposal is seen as an important step towards anticipating a problem (i.e. `potential international demand for specimens´) and addressing it in advance of irreversible biological consequences (Smith and Reeves 2004).

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Tas'an, M. and S. Leatherwood, 1984. Cetaceans live-captured for Jaya Ancol Oceanarium, Djakarta, 1974-1982. *Rep. Int. Whal. Comm.,* **34**: 485-489."

International Whaling Commission: "The last time the [IWC] Scientific Committee addressed this species in any depth was during the 52nd Annual Meeting in 2000 (see *Journal of Cetacean Research and Management* 3 (Suppl.) 2001: 50). The Scientific Committee addressed: distribution and stock structure; abundance; directed and incidental takes; habitat degradation, life history and ecology. In 2000, the Committee recommended that, given the precarious conservation status of this species, all live captures should cease `until affected populations have been assessed using accepted scientific practices'. At this year's meeting, the Scientific Committee concluded that the uplisting CITES proposal was consistent with its previous assessment and recommendations."

Recommendation by the Secretariat

This species does not clearly meet any of the criteria in Annex 1 of Resolution Conf. 9.24 (Rev. CoP12). The threat to the conservation of the species from international trade (as distinct from other threats) is limited. Given the specialized nature of the international trade and very small number of specimens involved, Parties should be capable of correctly implementing the provisions of Article IV of the Convention to prevent any deleterious impact.

The Secretariat recommends that this proposal be rejected.

Proposal 4

***Balaenoptera acutorostrata* – Transfer from Appendix I to Appendix II of the Okhotsk Sea – West Pacific stock, the north-east Atlantic stock and the north Atlantic central stock.**
[in accordance with the provisions of Article XV 1. of the Convention and Annex 6 of Resolution Conf. 9.24 (Rev. CoP12)]

(Japan)

Provisional assessment by the Secretariat

With the exception of the West Greenland stock, which is included in Appendix II, all northern minke whales *Balaenoptera acutorostrata* were included in Appendix I in 1986 following the establishment of zero catch quotas by the International Whaling Commission (IWC). This proposal requests that three of the seven northern hemisphere stocks recognized by the IWC be transferred to Appendix II to allow a reopening of commercial international trade in products derived from the animals in these stocks.

Article XV, paragraph 2(b), of the Convention requires that coordination with any conservation measures enforced by the International Convention for the Regulation of Whaling (ICRW) be ensured. In accordance with this Article, the Secretariat has consulted the International Whaling Commission about this proposal and awaits its response.

The proposal suggests that Resolution Conf. 11.4 (Rev. CoP12) be 'set aside'. The Conference of the Parties recommends in this Resolution that `Parties agree not to issue any import permit or export permit, or certificate of introduction from the sea under this Convention for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling´ by the ICRW. The current Schedule of the ICRW sets a zero catch limit on commercial harvest of *B. acutorostrata,* as a management measure. The change proposed therefore does not appear to accord with the current position of the IWC.

Comments from Parties and intergovernmental bodies

Australia: "Australia agrees fully with the Secretariat that, in light of Article XV, paragraph 2(b) of the Convention, and Resolution Conf. 11.4 (Rev. CoP12), this proposal is not in accord with the conservation measures for northern minke whales in force under the International Convention for the Regulation of Whaling (ICRW). The conservation measure under the ICRW for this species is a catch limit of zero. This `moratorium´ was agreed in 1982 and has been in effect since 1985/86. This remains in force after the 56th annual meeting of the IWC, which concluded on 22 July 2004. Since the second Conferences of Parties to CITES, parties have ensured that the CITES Appendices reflect and reinforce decisions and conservation measures under the ICRW. This has resulted in a strong relationship between the two organizations. Australia views proposal 4 as inconsistent with this strong relationship, particularly

because the primary argument for this proposal is the proponent's criticism of the International Whaling Commission (IWC), including its claim that the IWC suffers from a `political impasse´ and is `polarized and dysfunctional.´ In Australia's view it is important that the CITES Appendices complement rather than undermine the moratorium on commercial whaling under the ICRW, which is the appropriate international organization for the conservation and management of whales. Should this proposal be tabled, Australia will support the Secretariat's provisional assessment, and provide additional technical remarks, including the following:

- The proposal document states that the Scientific Committee never provided scientific advice in support of the current moratorium on commercial whaling. It would be more accurate to note that some members of the Scientific Committee stated this view, while other members noted that `cessation of commercial whaling was a reasonable alternative to other methods that have been tried to ensure the future productivity of whale resources.´ (Rep. Int. Whal. Commn 33, 1983:47)

- The proposal document dismisses by-catch as a threat to northern minke whales, indicating that this occurs at `low levels´ and takes only a `small number of animals.´ In fact, in 2004 both the IWC Scientific Committee and the Commission expressed concerned about rates of by-catch of minke whales: numbers caught in Japanese trap net fisheries had `increased dramatically (roughly 4-fold) after the introduction of domestic legislation to allow bycaught whales to be taken to market.´ (IWC/56/Rep 1: Report of the Scientific Committee, 2004: 16).

- The proposal document portrays the Revised Management Procedure (RMP) under IWC as a `risk-averse method of calculating catch quotas,´ but stops short of recognizing that many problems have emerged during simulation trials of this procedure. The RMP has not yet produced a catch quota for this or any other species. These unresolved challenges for the RMP include:

    – Inadequate accommodation of stock structure (e.g. the mixing of J. O and W minke whale stocks) is neither well understood, nor accounted for to avoid the risk that one stock becomes depleted.

    – Absence of spatial and temporal contexts (the RMP currently accounts only for estimated stock sizes and harvest rates, and cannot account for harvest strategies that may concentrate effort in migratory pathways and feeding zones).

    – Disagreement over the `plausibility´ of scenarios that feed into the model, and the appropriate form of `conservative´ or `less conservative´ variants that might be employed."

Japan: "Since all the above stocks are abundant, it is obvious that the inclusion of this species in the Appendix I does not meet the CITES listing criteria from the biological point of view. Japan requests the Secretariat, in its final assessment, to include the scientific information on the stocks that are the subject of this proposal in relation to the CITES listing criteria as well as the strict conditions under the Japanese proposal which enumerates severe inspection and robust monitoring schemes including DNA registers for fully achieving the precautionary measures of Annex 4 of resolution 9.2 are fully met. In addition, results from the 56th Annual Meeting of the IWC held in July this year clearly demonstrate that the IWC is unable to resolve the political issues that have prevented implementation of its management scheme (RMS) which would provide a basis for resumption of sustainable whaling. These political difficulties in IWC should not be imported into CITES."

Norway: "We note that the Secretariat, in accordance with Article XV paragraph 2 (b) of the Convention, has consulted the International Whaling Commission about the proposal and is awaiting the latter's response. We trust that the Secretariat, as required by the said article, has sought not only coordination with the IWC's conservation measures, but also the obtention of scientific data. Such data available from the Scientific Committee of the IWC clearly show that the minke whale stocks mentioned in the downlisting proposal are abundant and may sustain harvesting. We expect this information to be taken properly into account in the final version of the Secretariat's assessment of the delisting proposal."

International Whaling Commission: "IWC Resolution 1999-6 on Co-operation Between the IWC and CITES adopted by a majority vote at IWC's 51st Annual Meeting which, *inter alia*: `DIRECTS the Secretariat, when the IWC is requested to provide comments on any proposal submitted by a CITES Party to transfer any whale species or stock from Appendix I to II, to advise the CITES Conference of the Parties that the IWC has not yet completed a revised management regime which ensures that future commercial whaling catch limits are not exceeded and whale stocks can be adequately protected; FURTHER DIRECTS the Secretariat to advise the CITES Conference of Parties that zero catch limits are still in force for species of whales which are managed by the International Whaling Commission;´ Although progress on a revised management regime (i.e. the Revised Management Scheme) has been made since the 51st Annual Meeting it is not yet complete and catch limits for commercial whaling remain at zero. At its recent 56th Annual Meeting, the Commission agreed to significant intersessional activity on the RMS before next year's meeting (see Resolution 2004-6). Regarding your request for scientific information, the agreed policy of the IWC is that the Secretariat should forward to you copies of appropriate sections of the reports of the Scientific Committee. ….Brief explanations included below. Please note that for most purposes, the primary extracts provided from the Plenary Report of the Scientific Committee are sufficient. With respect to minke whales, considerably more detail is given in Annex D to the Plenary Report from last year. To help put the information in context with respect to the minke whale stocks, following the introduction of zero catch limits for commercial whaling, IWC's Scientific Committee has been carrying out in-depth evaluations (referred to as 'Comprehensive Assessments') of the status of all large whale stocks in the light of management objectives and procedures (not all are complete). A Comprehensive Assessment includes the examination of current stock size, recent population trends, carrying capacity and productivity. In addition, the Commission has accepted (in 1994), but not yet implemented, the Revised Management Procedure (RMP) - a scientifically robust method of setting safe catch limits for certain stocks where the numbers and status are known (as the result of a Comprehensive Assessment) to be plentiful. Before using the RMP to calculate a catch limit, *Implementation Simulation Trials* are carried out and involve investigating the full range of plausible hypotheses related to a specific species and geographic area, and using the most recent information on abundance and catch history. Completion of *Implementation Simulation Trials* is a prerequisite for the Scientific Committee to be able to provide advice to the Commission on catch limits. Once *Implementation Simulation Trials* for a stock are complete, an *Implementation Review* is carried out every five years. The RMP has not been implemented yet because the Commission has not yet reached agreement on the Revised Management Scheme (this is the RMP plus non-scientific aspects of management such as an inspection and observation scheme – see Resolution 1999-6 and Resolution 2004-6 referred to above).

Northern Hemisphere stocks of common minke whale, *Balaenoptera acutorostrata. Okhotsk Sea-West Pacific stock*

The latest abundance estimate for this stock formally accepted by the Scientific Committee was agreed in 1991 (see *Rep. int. Whal. Commn.* 42, 1992, 64-68) during the Comprehensive Assessment for North Pacific minke whales. As communicated to your Secretariat previously, this estimate was based largely on a paper by Buckland *et al* (SC/43/Mi3) using data from sightings surveys in 1989 and 1990 (see *Rep. int. Whal. Commn.* 42, 387-392). It refers to animals in a particular geographical area at a particular time. The question of the stock identity of those animals remains to be resolved. Further discussion of available abundance estimates (including those after 1991) and their status is given in the Scientific Committee reports from last year and the year before (*Journal of Cetacean Research and Management 6 (supplement)* pages 9-12 and Annex D pages 77-90; *Journal of Cetacean Research and Management 5 (supplement)* pages 455-488).

Northeastern Atlantic and North Atlantic Central stocks

The status of agreed IWC abundance estimates for the Northeast Atlantic stock are summarized in *Journal of Cetacean Research and Management 6 (supplement)*, Annex D pages 171- 183. This also includes the full *Implementation Review* that is summarized in *Journal of Cetacean Research and Management 6 (supplement)*, pages 12-13."

Recommendation by the Secretariat

The Secretariat believes that the coordination with any conservation measures enforced by the ICRW required by Article XV, paragraph 2 (b), of the Convention is best ensured by maintaining the CITES Appendix-I listing for whale stocks that are subject to zero catch quotas under the ICRW. This view has been reflected by the Parties in Resolution Conf. 11.4 (Rev. CoP12).

The Secretariat recommends that this proposal be rejected.

Proposal 5

***Lynx rufus* – Deletion from Appendix II.**

(United States of America)

Provisional assessment by the Secretariat

All species of Felidae are currently included in Appendix I or II. The supporting statement for this proposal to remove the bobcat *Lynx rufus* from the Appendices provides comprehensive information on the status and management of and trade in this species. It is widespread and common in North America, with stable or increasing populations in all three range States. The only known threat is loss of habitat to urbanization. The species is well managed in the United States of America and Canada, where significant numbers are harvested on a sustainable basis. The three ranges States exported some 120,000 specimens of *L. rufus* from 1998 to 2002. These were practically all wild harvested, and presumably mostly furs and skins.

The proponent argues that skins and skulls of *L. rufus* are clearly distinguishable from those of the three other *Lynx* species that are included in Appendix I or II. It seems however questionable whether a non-expert with reasonable effort could achieve this for all specimens entering trade. (The supporting statement notes that differentiation of spotted belly hair may be problematic.) Therefore, the criteria of Annex 2 b of Resolution Conf. 9.24 (Rev. CoP12) may continue to be met.

The proponent does not mention whether the other range States, Canada and Mexico, have been consulted.

Comments from Parties and intergovernmental bodies

Switzerland: "[this proposal] … should be considered as a success for CITES, as a proof that CITES can and does work."

Recommendation by the Secretariat

It is unlikely that deleting *Lynx rufus* from the Appendices would result in the species qualifying for inclusion in the Appendices in the near future under the conservation criteria in Resolution Conf. 9.24 (Rev. CoP12) as wild populations are healthy, not threatened and well managed. For look-alike reasons however, deleting *L. rufus* might create enforcement problems by making control of trade in other species of Felidae, which are all included in the CITES Appendices, less effective.

The Secretariat recommends that this proposal be rejected.

Proposal 6

***Panthera leo* – Transfer from Appendix II to Appendix I.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 1, paragraphs A. i) and ii) (for the populations of West and Central Africa), and C. i)]

(Kenya)

Provisional assessment by the Secretariat

The proposal aims to transfer the African populations of the lion *Panthera leo* from Appendix II to Appendix I (the Asian lion *P. l. persica*, has been included in Appendix I since 1977).

The supporting statement quotes population estimates of 16,500 to 30,000 lions on the continent, of which the large majority occur in East and Southern Africa. In its comments as a range State, Namibia notes however that the supporting statement does not present information from a recent continent-wide survey of lions in Africa, which would suggest that higher numbers remain. Trade in specimens is mostly limited to trophies and skins exported mainly from the United Republic of Tanzania, South Africa and Zimbabwe. Illegal international trade seems very limited. The information does not indicate that the wild population of the species is small, or that each of the subpopulations is very small. The species's range is reportedly over 7 million km^2. It is unclear what levels of declines in numbers of individuals in the wild can be projected, but the proposal indicates that the species is increasingly rare outside protected areas as a consequence of direct persecution of problem animals, reduction of prey basis, livestock grazing, disease and political instability in some range States. Overall, it seems that the species does not meet the biological criteria for inclusion in Appendix I.

The supporting statement suggests that certain hunting quotas, particularly in the United Republic of Tanzania, are set at unsustainable levels and are considered unenforceable. It argues that an Appendix-I listing would mean that Parties should have to submit export quotas in compliance with Resolution Conf. 9.21 to allow the Conference of the Parties to review and eventually adopt these quotas. In fact, exporting States would be able to continue to export hunting trophies of this species without recourse to the Conference of the Parties even if the species were included in Appendix I. If current levels of international trade were a concern, it might have been expected that this fact would have been picked up in the Review of Significant Trade, conducted by the Animals Committee in collaboration with the CITES Secretariat. To date this has not been the case.

Three of the four range States that responded to Kenya's invitation to comment on its proposal oppose the inclusion of African lion populations in Appendix I. As indicated in the proposal, it appears that the long-term conservation of this species mostly depends on better protection of its habitat and prey base, particularly outside protected areas, and reduction of human-wildlife conflicts, including giving value to lions through tourism and well regulated trophy hunting.

Comments from Parties and intergovernmental bodies

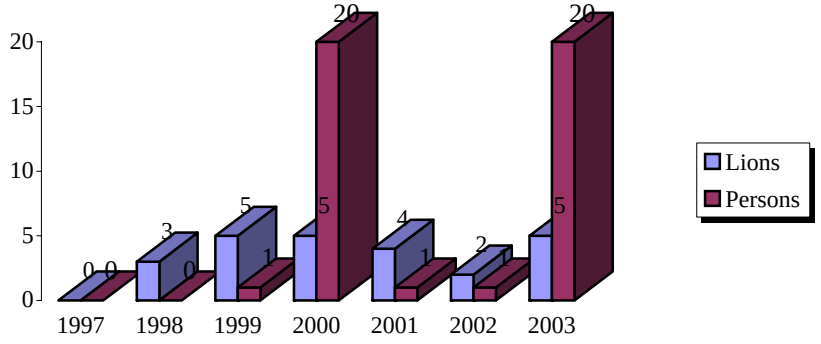
Kenya: "We have one proposed amendment in regard to the comments on the proposal to take into account the results of a most recent paper just published AND would request to be considered for amending the draft paragraph under the section dealing with the Secretariat's comment `… but the proposal indicates that the species is increasingly rare outside protected areas as a consequence of direct persecution of problem animals, reduction of prey basis [sic], livestock grazing, disease and political instability in some range States.´, as follows:
This proposal acknowledges these factors, which also are clearly contributing to the decline in wild populations of the species. Indeed, a recent study by Cardillo et al. (2004) modelled the expected impact of future exposure to high levels of human population density on carnivore populations. The results indicate the African lion (*Panthera leo*) is among fifteen carnivore species predicted to move most rapidly towards extinction by the year 2030. This is because lions possess traits that make them more vulnerable to external threats, such as those that may be caused by rapid human population growth expected to occur by the year 2030 in the region of the world where they live. The authors of the study expressed their concern that some species, such as the lion, are not currently classified as `Threatened´ by IUCN, and so are unlikely to be receiving as much conservation attention as those that are so classified. The authors call for `pre-emptive conservation´ of species that live in regions of rapid human

population growth, such as Africa, and have a biology predisposing them to decline, such as lions. The authors note that pre-emptive action could include listing species under protection laws on the basis of future susceptibility. The presence of other threat factors does not diminish or negate the threat posed by international trade in this species, which is the realm of CITES. Regardless of the relative importance of other factors to lion conservation, Kenya believes that, *Panthera leo* clearly meets the biological and trade criteria established in Resolution Conf. 9.24 for listing on Appendix I. We also believe that listing the species on Appendix I will help meet some of the conservation needs of the species by encouraging Parties to set hunting trophy export quotas that, are sustainable and scientifically-based, have been approved by the Conference of the Parties and informed by the views of lion experts. The citation referred to here should be added to the citation section as follows:

Cardillo, M., A. Purvis, W. Sechrest, J.L. Gittleman, J. Bielby, and G.M. Mace. 2004. Human population density and extinction risk in the world's carnivores. PLoS Biology 2(7):909-914.

And on the comment `the supporting statement quotes population estimates of 16,500 to 30,000 lions on the continent, of which the large majority occur in East and Southern Africa. In its comments as a range State, Namibia notes however that the supporting statement does not present information from a recent continent-wide survey of lions in Africa, which would suggest that higher numbers remain´ we wish to respond as follows: We (Kenya) are aware that Bauer and Van Der Merwe (2004) stated that, while their lion population estimate overlaps with the low end of the educated guess by Nowell and Jackson (1996), `as their methodology of data collection was different from ours it is not possible to draw any conclusions concerning trends over time.´ However, even though different methodologies were used, the Bauer and Van Der Merwe (2004) and Nowell and Jackson (1996) data represent the best available information on which to base conclusions concerning lion population trends. Resolution Conf. 9.24 calls on Parties to use the best available information and also states that when considering any proposal to amend Appendix I or II the Parties shall apply the precautionary principle so that scientific uncertainty should not be used as a reason for failing to act in the best interest of the conservation of the species."

Mozambique: "This species occurs everywhere and very spread over country due to suitable habitat including feed conditions. During the liberation struggle for the independence and then civil war (1964-1992) there was neither safari hunting nor lion poaching. After General Peace Agreement (1994) very few safari-hunting companies are working on regular basis. Quotas for trophy hunting are very restrictive and the number of foreign safari hunters is very low. Sport hunting in Mozambique occurs in multiple-use lands areas, official hunting concessions (Coutadas) and some private game reserves (Fazendas do Bravio). According with national legislation, hunting in the protected areas is strictly forbidden. Government encourages the establishment of game farms and private hunting concessions for the protection of wildlife and for mitigate human and animal conflict. Lions have been causing human being and livestock losses by preying on them; see figure table



Human and Lion conflict all over the country from 1997 to 2003. Lions and persons killed in the conflict. *Source:* forest and wildlife national report, August 2003.

Government promotes community-based natural resources management programmes that give local communities the right to sustainable utilize wildlife resources through participation in the management of these resources and deriving benefits. By harvesting wildlife resources including lion government earns

revenues to maintain operationally working law enforcement and other wildlife protection and conservation activities. Taking into account the above subject Mozambique thinks having no reasons to support Kenya's proposal to transfer lion populations from Appendix II to Appendix I, and invites Kenya experts to visit Mozambique mainly Maputo, Cabo Delgado, Niassa and Tete provinces and speak with the locals on the issue."

Namibia: "Namibia agrees with the provisional assessment made by the CITES Secretariat, and does not support the listing of the African lion on Appendix I."

Swaziland: "Swaziland has historically been a part of the African Lion's (Panthera Leo) natural range. The species became extinct in Swaziland until their successful re-introduction to Hlane Royal National Park in 1994. Swaziland's protected areas are small when compared to other parks in Africa, and as such will not be able to hold large numbers of lions in the future, even when the Greater Hlane Area has been fenced to contain predators. Given the small nature of her parks, Swaziland needs to manage populations of ungulates (and predators) accordingly. Additionally, these parks all neighbour on community areas and it is likely that in future, lions will present problems to local communities. Then Swaziland will require the option of employing practical, innovative measures to appease these communities and deal with the problem animals at the same time. Live capture and commercial sale, as well as trophy hunting of these animals is a practical way of achieving this, whereby revenues from such activities can be used to compensate affected people. As Swaziland has experienced with her white rhinos being listed on Appendix I, this management option is severely compromised as the importing country may not allow trade in Appendix I species for primarily commercial purposes, and some countries will not allow the import of trophies of Appendix I spp, due to constraints imposed by domestic legislation. Africa's conservation areas and the animals that inhabit them need to be able to demonstrate that they are national assets and not national liabilities, and the wise and sustainable use of these resources is integral to this, especially in the face of huge and growing alternative land use demands. Kenya's proposal does not adequately demonstrate that international trade is the reason for the decline in Africa's lion populations. In fact, it is quite clear that human conflict, habitat loss, human impact on prey species and possible disease is primarily to blame. Thus it is clear from this alone, that lions do not meet the criteria for Appendix I listing. Additionally, lions do not meet the biological criteria for Appendix I listing. The effect of Kenya's proposal is likely to worsen this situation, rather than alleviate it, as it will promote further intolerance of communities to lions. Swaziland does not believe that Appendix I listing (with or without quotas), is appropriate for Africa's lions as it is clear that the majority of trophies (being the main form of trade) is from those countries with the largest lion populations. Therefore, it is obvious that the greatest impact will be on those countries with abundant (and surplus) lions, and not the countries with the lowest lion populations – notably West Africa. Swaziland must categorically state that Kenya's statement that lions have no legal protection in Swaziland is factually incorrect. In fact, lions, together with elephants and rhinoceros, are listed in the first schedule to the Game Act No 51/1954 and by Act No 4 of 1991, as `specially protected game´. In this way they enjoy the highest level of protection of all wild species in Swaziland. The mandatory minimum sentence for illegal hunting of lions is 5 to 15 years without the option of a fine. Illegal trafficking in lions or their parts attracts a mandatory minimum sentence of 7 to 15 years without the option of a fine. Further, no part of this sentence may be suspended. Swaziland believes that many of the concerns regarding Africa's lions are valid, but listing the species on Appendix I is not the correct solution. Rather the range states must employ innovative ways of promoting lion conservation and increasing control over the illegal killing of lions. Swaziland firmly believes that the Appendix I listing of lions will severely compromise her ability to effectively manage her lion population in the future; and for this and other above mentioned reasons, Swaziland cannot support this proposal."

Switzerland: "One possible means to help to improve the situation of the African lion, might be to encourage range states through a Resolution, to regulate the trophy hunting in order to avoid that full reproductive male lions as heads of a pride are targeted anymore (thus opening up a vacuum for rivals, who then kill the previous offspring), but to direct the hunt to post reproductive males." "International trade no threat; reduction of prey, killings as `problem animals' and diseases cannot be prevented by Appendix I listing." "Uplisting could discourage breeding/farming/ranching projects."

Zambia: "Zambia does not support Kenya's proposal on the basis that our lion does not meet the criteria for inclusion in Appendix I, that it is not threatened with extinction and that facts and figures

before us show that at no time has Zambia utilized more than 85% of its sustainable quota from 1996 to date."

Zimbabwe: "The lion range in Zimbabwe consists of the Parks and Wild Life Estate (which covers over 14% of the country), the Indigenous Forest areas (which covers over 3% of the country) managed by Forestry Commission, communal ands adjoining National Parks and Safari Areas, and private land including wildlife conservancies. The Parks and Wild Life Estate in which lions occur are as follow: Hwange National Park, Matetsi Safari Area, Kazuma Pan, Zambezi National Park and Deka Safari Area), Charara Safari Area, Charara Recreational Park, Chete Safari Area, Chizarira National Park, Chirisa Safari Area, Matusadona National Park, Hurungwe Safari Area, Mana Pools National Park, Sapi Safari Area, Chewore Safari Area, Dande Safari Area and Doma Safari Area, Gonarezhou National Park, and Malipati and Tuli Safari Areas. Population Status and Trends. Norwell and Jackson (1996), as quoted in Kenya's proposal, state that lions are `notoriously difficult to count´. Their 1996 survey results was not derived from a systematic study and should not be used as a basis on which to compare lion populations over time. Chardonnet (2002), and Bauer and Van Der Merwe (2004) carried out survey subsequent to Norwell and Jackson's and whilst Bauer and Van Der Merwe's review is recognized as being an underestimate of the population, Chardonnet's (2002) gives probably the most accurate estimate of free-ranging lion numbers in Africa. In Zimbabwe lion studies have been carried out in Matusadona National Park and is on going in Mana pools National Parks (Monks) and in Hwange National Park (Loveridge and Macdonald). Although no accurate base-line data exists on actual lion numbers (see Norwell and Jackson, 1992), the national lion population within the conservation areas mentioned above reflects a healthy population structure not indicative of an over-exploited population. The situation in Hwange National Park as sited in Kenya's proposal is an isolated case of possible over-exploitation and this is receiving attention, however, nationally the population is considered stable and unthreatened. Threats to lions as indicated by Kenya in their proposal include direct persecution as a result of human/lion interaction, reduction of prey base due to human activities, trophy hunting at unsustainable levels, disease and political instability. In Zimbabwe, as elsewhere in the world, human activities are expanding. However, the fact that over 14% of the country is set aside as national conservation areas administered by PWLMA, in addition to Forest lands, Communal Lands and Conservancies with clearly-zoned land uses, lion/human interactions are rare. Problem animal reports are very few, and as a result of CAMPFIRE activities in areas surrounding the Parks Estate, Rural communities and private land holders place a value on all wildlife including lions and are less likely to kill a `problem´ lion when it has a value attached to it. The future of the species depends on the goodwill and tolerance of the rural poor for whom they are neighbours. It is fortunate that Safari hunting and utilisation of other products from lions destroyed on inevitable problem animal management operations have benefited most communities in Southern Africa and offer the best hope for livelihoods and survival of the species. Appendix I listing will limit the benefits realized from the species, thereby limiting the incentives for conservation of the species. The argument of a reduced prey base is also not valid for Zimbabwe since the prey base has not changed in the areas in which lions are found. In all National Parks mentioned above, lions are fully protected and no hunting of this or other species is allowed. Within the Safaris Areas, Forestry, Communal lands and Conservancies, lions are utilized on a sustainable basis on trophy hunting with off-take quotas set to ensure the sustained yield of high trophy animals. Off-take quotas are, therefore very low (usually less than 5% for large cats), because a very small segment of adult animals supply high trophies. Parks and Wildlife Management Authority (PWLMA) staff monitors all hunts, and hunting returns are kept. These are available for analysis (see Grobbler and Masulani 1992). The sustainability of the off-takes is reflected in the trophy quality trends. Trophy quality trends in areas in which lions are hunted are shown, nationally, to be increasing on a linear scale (Grobbler and Masulani, 1992, for World Wild Fund for nature). This is a result of the system of monitoring and regulating off-take levels by PWLMA. In Zimbabwe, a disease in lions is not considered to be a threat. During lion studies, blood samples are taken for pathology and no life-threatening diseases have been found. This will continue to be monitored. Since lion are a high profile animal both nationally and internationally, it is unlikely that any rampant over-exploitation of lions in protected areas will take place. In addition the entire Parks and Wildlife Estate in Zimbabwe is open to visitors who by the nature of their activities, are adequate monitors of the environment. Zimbabwe is listed together with South Africa, Zambia and Tanzania as being a major exporter of lion specimens. Nationally, the lion population is stable and population structure shows no major deviation from unhunted populations in other protected areas in Africa. In addition national trophy quality has a linear increase in quality size. For these reasons it is not felt that the trade in lion specimens constitutes a threat to the stability and integrity of lion populations in Zimbabwe. At the 20th Animals Committee of CITES, African Lion was on the list of possible candidates for the Significant Trade Review process (Resolution

Conf. 12.8). However the committee, based on the deliberation of the working group that was tasked to select species for review, agreed not to include lion as the trade levels ware considered to be safe. However after the intervention of delegate from Kenya raising concerns similar to what is contained in their proposal, the Committee agreed to include lion in the review process at the next meeting of Animals Committee. The reaction by Kenya to submit the proposal after the decision of the Animals Committee shows that Kenya has no confidence in the Significant Review process or has no confidence in the Animals Committee. Zimbabwe CITES Management Authority views the Significant Trade Review process as one of the most important tool in CITES which ensures that trade in CITES controlled species is sustainable. The process allows the Range States to continue to be in control of management and utilisation of the species. Once a species is listed in Appendix I, the perception with most producers of wildlife and policy makers is that the responsibility for conservation for the species is under CITES and not the range States. This is one of the major reasons why the population status of many species that have been put on Appendix I have continued to decline.

Conclusion. Zimbabwe does not support the global listing of lions to Appendix I. Lions in Zimbabwe are being studied and monitored in two of the large parks and wildlife estates and in Malilangwe and the Gonarezhou complex. Furthermore, records are kept of trophy size and offtake numbers and research indicates that the national trophy size is increasing linearly. This would not be the case if trophy hunting were set at unsustainable levels throughout the country. Monitoring of trophy quality and lion population is an ongoing research concern carried out by the scientific staff within the PWLMA and outside researchers. Appendix I listing will remove the political and economy will of range States to conserve the species. Kenya should wait for the Significant Trade Review process otherwise their decision to present a proposal for uplisting is an indication of lack of confidence in this process.

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Recommendation by the Secretariat

The available information suggests that *Panthera leo* is currently not threatened with extinction and does not meet the biological criteria for inclusion in Appendix I. This is because wild populations are not small and the species is still widely distributed in sub-Saharan Africa even if its range is increasingly fragmented. Declines in recent decades appear to have been less significant than indicated in the proposal and are attributed to habitat loss, reduced prey basis, human-lion conflicts, and perhaps disease. The Secretariat is mindful that, on the request of Kenya, the Animals Committee decided at its 20th meeting (Johannesburg, March-April 2004) to consider the inclusion of *Panthera leo* in its Review of Significant Trade in specimens of Appendix-II species after CoP13, and that Kenya and other range States of the species had agreed to provide information to the Animals Committee to this effect. This course of action seems in the best interest of the conservation of the species.

The Secretariat recommends that this proposal be rejected.

Proposal 7

***Loxodonta africana* (Appendix II) – Amendment of the annotation regarding the population of Namibia to include:**

- **an annual export quota of 2,000 kg of raw ivory (accumulated from natural and management-related mortalities);**
- **trade in worked ivory products for commercial purposes; and**
- **trade in elephant leather and hair goods for commercial purposes.**

(Namibia)

Provisional assessment by the Secretariat

This proposal would amend the wording of the annotation associated with the Appendix-II listing of the Namibian population of the African elephant *Loxodonta africana* to ease restrictions on the international trade in elephant products from this population. In particular it would allow trade in leather goods and hair (currently trade in leather goods is allowed only for non-commercial purposes) and it would allow trade in worked ivory products from this population (currently none is allowed). For raw ivory, the current situation is that a one-off sale of 10,000 kg from Namibia has been approved by the Conference of the Parties in principle, but this trade may take place only when the Standing Committee is satisfied that a number of strict conditions have met. The new proposal seeks an annual quota of 2,000 kg of raw ivory and, although the text of the proposal mentions a number of the strict safeguards that will be applied to the one-off sale, the proposed new annotation itself – which is the part that is binding on the proponent and other Parties - only refers to the fact that the ivory should come from `natural and management related mortalities´.

The Namibian population of the African elephant cannot be characterized as being small, it does not have a restricted area of distribution, nor has there been any decline in the number of individuals in the wild. Regarding the precautionary measures in Annex 4 of Resolution Conf. 9.24, although the proposal is silent on the matter, it appears that, for raw ivory, the proponent relies on Annex 4.B.2.c (an export quota based on management measures described in the supporting statement is an integral part of the proposal, provided that effective enforcement controls are in place). For the leather goods and worked ivory they rely on Annex 4.B.2 b) (the CoP is satisfied that the species management ensures proper implementation of the Convention and in particular that levels of harvesting are not detriment and that appropriate enforcement controls and compliance controls are in place). There have been continued seizures of ivory in Namibia in recent years but this has stabilized at levels much lower than in the past and there is no reason to believe that it would compromise the management measures in place. Other relevant aspects of CITES compliance seem well respected. The proposed annual quota of raw ivory could be produced by approximately 307 elephants - around 2.7 per cent of the current population. Other mortality includes specimens killed as trophy animals (75 = 0.7%), poaching (40 = 0.4% assuming the worst case scenario that all seized ivory is of Namibian origin) and 'Namibian' elephants dying in other countries (percentage unknown). The proposal puts total annual elephant mortality in Namibia at 1 to 5 per cent a year. The proposed offtake would therefore seem to be within this range.

However in recent years the amount of ivory accumulated in Namibia has been around 900 kg a year rather than the 2,000 kg proposed for export. No change in management regime in future is suggested. This could mean that less ivory would be exported than planned or that stockpiles from previous years are exported, although this may undermine the decision taken at CoP12 to put very strict conditions on the disposal of these stocks.

The Conference of the Parties has recognized that the nature of the trade in African elephant products necessitates a wider dialogue with other range States of the species. The sixth Dialogue meeting of African elephant range States is scheduled to be held in Bangkok, Thailand, from 28 to 30 September 2004. The Secretariat's final opinion on this proposal will be informed by the views expressed at that meeting and any conclusions that it draws.

Comments from Parties and intergovernmental bodies

Namibia: "The Secretariat notes that the annotation regarding the proposed annual quota of 2,000 kg of raw ivory only specifies that the ivory should come from `natural and management related mortalities´,

and that despite references to precautionary undertakings, that only the annotation would be binding if the proposal is adopted. We wish to recall that when this population was transferred to Appendix II by the 10th meeting of the Conference of the Parties, it was done under similar circumstances. Precautionary undertakings included by Namibia in its proposal were not required to be included in the annotation adopted at that time. We do not see the purpose of doing it now either, and believe that no cause has been given to fear that Namibia would not comply with the precautionary undertakings presented in its proposal. If such non-compliance should occur, CITES has established mechanisms to cause remedies, applicable to all trade in Appendix-II species. We suggest, as also emphasized in the proposal, that these established mechanisms should be used as and when required. At the end of the second paragraph, reference by the Secretariat to a `proposed offtake´ might be misinterpreted as implying that animals might be removed specifically for the ivory. The CITES Management Authority of Namibia would like to make it clear that **no** elephant will be specifically killed for its ivory, or any other part of derivative to enter the trade concerning the types of trade proposed in Proposal 7. Paragraph three raises some issues concerning the ivory that would enter the annual trade. As with the original proposal to CoP12, it is our intention that the annual quota would only come into effect after the CoP12-approved one-off sale has taken place. This being the case, and depending on how long it takes for the approval of the one-off sale to be authorized, Namibia would not remain with any considerable stockpile of raw ivory from natural and management related mortalities. The ivory that becomes available thereafter would then be traded on an annual basis under the annual quota (and could be less than the approved 2,000 kg). The proposal was therefore designed to provide for the disposal of stocks accumulating after the one-off sale approved at CoP12, and for such trade to take place on an annual basis. The annual quota limit was designed to cater for annual variation in the amount of ivory that would be recovered. We therefore do not see how the current proposal could be seen in any way as undermining the decision taken at CoP12. It is somewhat surprising that the Secretariat has not commented on the aspects of the proposal aimed at value-addition to elephant products within Namibia, since the Secretariat has previously raised concerns that Namibia may not be obtaining the full conservation and economic benefit by exporting raw material only."

Switzerland: "We will be very interested to hear how the proponents will organize the control of the production and trade of ivory carvings for commercial purposes, in particular how it will be prevented that ivory from other range states will enter this market. We would also like to know what conditions will have to be fulfilled before any exports of raw or worked ivory can be granted and what conditions will have to be fulfilled by the importing country."

Recommendation by the Secretariat

From the comments of Namibia, it is clear that the proponents intend that any annual quota for the export of raw ivory would not start until after the CoP12-approved one-off sale has taken place. It would be clearer if the proposal itself actually said this. The Secretariat also notes that, as currently drafted, the proposal contains none of the wording relating to the national legislation and domestic trade controls of trading partners that is found in the present Appendix-II annotation for Namibian ivory. These issues, together with the question of controls on trade in worked ivory products within Namibia, would benefit from further discussion at the 6th Dialogue meeting of African elephant range States in September.

Proposal 8

***Loxodonta africana* (Appendix II) – Amendment of the annotation regarding the population of South Africa to allow trade in leather goods for commercial purposes.**

(South Africa)

Provisional assessment by the Secretariat

The proponent seeks to allow commercial trade in leather goods of African elephant *Loxodonta africana* of South African origin as opposed to the non-commercial trade that is currently permitted. Commercial trade was possible under the annotation that appeared in the Appendices between CoP11 (Gigiri, 2000) and CoP12 (Santiago, 2002).

The proponents changed the wording themselves by mistake at CoP12 and now seek to revert to the earlier situation.

The supporting statement is abbreviated and does not strictly follow the guidelines laid down in Annex 6 of Resolution Conf. 9.24 (Rev. CoP12). The change proposed is small but it needs to be considered whether the supporting statement provides sufficient information, of sufficient quality and in sufficient detail to allow the Conference to judge the proposal against the criteria established for the proposed action [Resolution Conf. 9.24 (Rev. CoP12) Annex 6]. It appears that 100,000 kg of the 150,000 kg stock of elephant hides at Kruger National Park were sold at auction between 2001 and 2003 and have been made into leather goods, but following the change of wording at CoP12, these may no longer be exported. The proposal does not indicate whether such goods were exported between CoP11 and CoP12.

The Conference of the Parties has recognized that the nature of the trade in African elephant products necessitates a wider dialogue with other range States of the species. The sixth Dialogue meeting of African elephant range States is scheduled to be held in Bangkok, Thailand, from 28 to 30 September 2004. The Secretariat's final opinion on this proposal will be informed by the views expressed at that meeting and any conclusions that it draws.

Comments from Parties and intergovernmental bodies

South Africa: "In response to the provisional assessment by the CITES Secretariat of the above proposal, South Africa would like to provide the following additional information:

Biological parameters
Distribution: In the past elephants roamed through most of South Africa but today they are confined to protected areas and private reserves (Table 1). An increasing number of privately owned reserves have re-introduced elephant populations.

Table 1: Major protected areas in South Africa with populations of African elephants.

Protected area	**Survey year**	**area (Km²)**	**Number of elephants**
Kruger National Park	2003	18,992	11,672
Makuya National Park	2001	165	39
Letaba Ranch	2003	420	148
Marakele National Park	2003	450	93
Atherstone Nature Reserve	2003	136	60
Manyeleti Game Reserve	2003	228	76
Madikwe Nature Reserve	2003	700	444
Pilanesberg National Park	2003	553	155
Tembe Elephant Park	2003	300	180
Pongolapoort Nature Reserve	2003	119	44
Itala Nature Reserve	2003	297	68
Mkuzi Game Reserve	2003	380	35
Hluhluwe-Umfolozi Park	2003	965	370
Addo Elephant National Park	2004	513	410
Phalaborwa Mining Co.	2001	41	73
Klaserie Private Nature Reserve	2001	628	113
Umbabat Private Nature Reserve	2001	144	189
Timbavati Private Nature Reserve	2001	784	522
Sabie Sand Game Reserve	2001	572	601
Other Private Reserves	2003	–	670
Vhembe-Dongola (developing national park)	2001	–	53
TOTAL			16 015

Habitat availability: The habitat available to elephants in South Africa expanded considerably in recent years, due to: The conversion of cattle farms to game farms. The establishment of conservancies, which makes more habitat available to elephants. The acquisition of land by the South African National Parks (SANParks) to expand the existing parks and reserves. The establishment of various Transfrontier Conservation Areas (TFCAs) between South Africa and Botswana, Zimbabwe and Mozambique. Population status: Table 1 reflects the population status of the African elephant in South Africa. Population trends: South Africa's elephant population recovered from a low point of 120 animals in 1920 to more than 16 000 in 2003. The translocation of live elephants from the Kruger National Park to other protected areas has been promoting an increase in the elephant meta-population in South Africa in recent years.

Geographic trends: The translocation of elephants, from the well-established population in the Kruger National Park to other protected areas, has resulted in an increase in the geographical spread of elephant populations in South Africa. The total area of all protected areas where elephants are found currently exceeds 27 000km² (Table 1). Cross-border movement also takes place between South Africa, Botswana, Zimbabwe and Mozambique.

Threats: There are no major threats to the elephant populations in South Africa's protected areas. As indicated by trends in the Kruger National Park (Figure 1) poaching is currently well under control. The SANParks as well as the nine provincial conservation authorities, have enforcement sections dealing with all enforcement issues.

Utilization and Trade: National Utilization: SANParks maintained a large stockpile of elephant hides in the Kruger National Park (over 150 000 kg of hides). Most of these accumulated from past population control operations and from natural animal mortality. Following the outcome of CoP 11, Kruger National Park sold 50 000 kg elephant hides during 2001/2002 by tender. The successful bidder, the Eastern Cape Company, Exotan, paid a total of R2.56 million for the seven lots of hides making up the total of 50 000 kg. Prices varied between lots from R32.80 per kg to R65.60 per kg. The total quantity sold amounted to one third of Kruger National Park's stockpile (a limit of 50 000 kg was set to prevent over-supplying the market). In 2002/2003 a further 50 000 kg of elephant hide were sold and the remaining 50 000 kg was sold in 2004 (after the submission of proposals to the CITES Secretariat, hence the reflection in the original proposal of a 50 000 kg stockpile of elephant hides). Exotan tans and dyes the hides and then export almost 60% of the worked leather and leather goods. The rest of the leather is used to manufacture bags, shoes and other leather products but these have a limited market in South Africa. The main market for leather goods lies outside South Africa. A few local businesses made financial investments in establishing companies to manufacture leather goods for the export market. Unfortunately, the annotation was amended at CoP 12 and the commercial trade in leather goods were no longer authorized.

Legal International Trade: For the period 1989 (CoP 7) to 2000 (CoP 11), the South African population elephant was listed on Appendix I, and therefore no legal commercial international trade in elephants or elephant products (ivory or hides) was allowed. However, the population status changed at CoP 11 (2000) when it was transferred to Appendix II under the condition that no international sales of ivory would be undertaken before CoP 12. During the period between CoP 11 (2000) and CoP 12 (2002) South Africa exported 250 large manufactured leather products and 177 small manufactured leather products. At CoP 12 the conditions attached to the Appendix II listing of the South African population was amended to include the conditional sale of 30 000 kg of ivory and the proposal put to vote inadvertently changed the wording relating to trade in leather goods from `commercial´ to `non-commercial´. Companies attempting to export some leather goods early in 2003 were informed that South Africa could no longer sell leather goods for commercial purposes. This created problems for the local companies manufacturing leather goods from elephant hides, as they were no longer allowed to export these products for commercial purposes. This has an impact on the economy of the country in that revenue as well as job opportunities are lost.

Illegal Trade: According to South Africa's second Elephant Trade Information System (ETIS) Country Report produced by TRAFFIC, there were only three leather product seizures recorded for the period 1 January 1989 to 28 February 2001.

Actual or potential trade impacts: The Kruger National Park accumulates approximately 2 tons of elephant hide annually through natural mortalities and management practices involving damage causing animals. These hides will be sold to the local companies to be tanned and dyed and manufactured into leather goods for the local- and, dependant on the outcome of CoP 13, for the export market. Elephants are not harvested for the specific purpose of obtaining the hide and therefore the supply of hides will depend on natural mortalities and management practices. There are no foreseen detrimental impacts on the elephant population in the wild, resulting from the trade in hides.

Conservation and Management. Legal status. National: The National Environmental Management: Biodiversity Act (Act 10 of 2004) provides for the regulation of all activities involving threatened and protected species, while the National Parks Act (Act 57 of 1976) prohibits any kind of utilisation of large mammals apart from game viewing. Furthermore, the provincial ordinances provide the highest degree of protection to elephants.

International: As a signatory to CITES, South Africa abides by the text of the Convention and the various resolutions associated with it.

Control measures: International trade: As mentioned above the National Environmental Management: Biodiversity Act (Act 10 of 2004) provides for the regulation of activities involving threatened and protected species, including importing, exporting and re-exporting from the Republic, any specimen of a listed threatened or protected species. All CITES listed species will be included in the Act as protected species.

Domestic measures: The National Environmental Management: Biodiversity Act provides for the regulation of activities involving threatened and protected species within the countries borders in that permits will be required for having in possession or exercising physical control over any specimen of a listed threatened or protected species. The provincial ordinances also require possession permits for specially protected species."

Swaziland: "South Africa clearly has an excellent record for the conservation of her elephant population. In fact, it has proved to be 'too good', and now is beginning to show itself as a failure in her ability to conserve other components of biodiversity. In some areas the accumulation of hides is a valid by product of any problem animal control or population control carried out. Hides are bulky in nature and quickly occupy large amounts of storage space. The commercial trade in elephant leather should not simulate illegal killing of elephants, as the skins are heavy and impractical to carry out of remote areas by poachers and are consequently difficult to conceal when illegally trafficked. Swaziland sees no reason whatsoever for the commercial trade in elephant hides from South Africa not to be allowed, and supports the South African proposal wholeheartedly."

Recommendation by the Secretariat

The additional comments from South Africa have improved the information available and should form a good basis for discussions at the 6th Dialogue meeting of African elephant range States in September.

Proposal 9

***Ceratotherium simum simum* – Transfer of the population of Swaziland from Appendix I to Appendix II with the following annotation:**

For the exclusive purpose of allowing international trade in:

a) live animals to appropriate and acceptable destinations; and

b) hunting trophies.

All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

(Swaziland)

Provisional assessment by the Secretariat

Following the extinction of the species in Swaziland and its reintroduction in 1965, this country now has a small population of southern white rhinoceroses *Ceratotherium simum simum,* numbering around 61.

The population has been rising steadily in number since 1993. Current distribution is limited to around 100 km^2 (part of 330 km^2 of game reserves set aside for the species). This is a very limited occurrence. Nevertheless in recent years the population does not appear to have been subject to any of the secondary threats mentioned in Annex 1 A. i) to v) or Annex 1 B i) to iv) of Resolution Conf. 9.24 (Rev. CoP12).

The purpose of the proposed transfer to Appendix II is very precise and limited in extent. Following recent changes in legislation it is said that the necessary controls and compliance regimes are in place and that the provisions of Article IV of the Convention can be respected. However, it should be noted that Swaziland's legislation has been placed in Category 3 under the National Legislation Project as it is believed generally not to meet the requirements for the implementation of CITES. The availability of economic revenue is expected to lead to an increase in the available range of the species in Swaziland and this should result in a net increase in the population of the species there. Nevertheless, the margin for error is limited and the level of offtake is not specified. Extensive poaching occurred in the country between 1988 and 1992 but it is hard to see how a limited transfer to Appendix II of this type could either encourage or facilitate a recurrence of this activity. It is not completely clear how trophies exported will be marked to indicate their origin. This could do with further clarification.

Comments from Parties and intergovernmental bodies

South Africa: "South Africa welcomes the comment from the Secretariat on the Swaziland proposal that a limited transfer to App II of its southern white rhino population should not encourage or facilitate a recurrence of the poaching which took place from 1988 to 1992. If the CoP accepts Swaziland's proposal it will enable Swaziland to sell live white rhino to a much wider market because the import will not be limited to non-commercial purposes. The current listing of the white rhino in Swaziland does not provide an incentive to private landowners to keep rhinos on their property; this is a particular concern for a small country with limited available habitat. Being able to sell live animals and offer white rhino for trophy hunting might encourage private landowners to turn to wildlife conservation as a form of land use. This will expand the habitat available to rhinos in a small country like Swaziland. Swaziland has very good control over its wildlife in protected areas since all protected areas are fenced and actively managed. This is illustrated by the fact that no rhinos have been poached since 1992. Although Swaziland's legislation has been placed in Category 3 under the CITES Legislation Project, the Game Act, which has been amended in 1991, some six years before Swaziland joined CITES, stipulates minimum mandatory jail terms of 5-15 years without the option of a fine for possession and illegal hunting of rhinos. Swaziland regards this piece of legislation as being among the strongest anti-poaching wildlife laws in existence. South Africa supports the proposal from Swaziland since South Africa's population of southern white rhino has only benefited from the App II listing in 1994."

Swaziland: "Response to notes made by the Secretariat.
National legislation: Swaziland has extremely strong wildlife legislation in the form of the Game Act, which prescribes mandatory minimum imprisonment terms of 5 – 15 years without the option of a fine, and compensation of any animals poached, failing which another 2 years shall be added to the sentence. Further, no part of any sentence may be suspended. Poaching / trafficking in specially protected species is considered among the most serious crimes in Swaziland and the existence and rigorous implementation of this law has proved to be extremely deterring to would-be poachers and traffickers. This is substantiated by the good track record of no rhino being poached since December 1992.

`Margin of error is limited´: We concede that this is the case, however, this species has recovered from a low of 27 animals in 1993, at which time Swaziland was not a signatory to CITES, and animals have been selectively removed from this population at times when the population was lower than its present levels. This Management Authority has sufficient experience in rhino management issues, and has brought this population of White Rhino back to recovery. This has included the strategy of selectively removing excess / problematic individuals. Factors that have been identified to have had negative impacts on the population have in the past been effectively addressed. Our track record with this species should speak for itself.

`The level of offtake is not specified´: This is deliberately the case to take into account the following:

a) The climate of this region produces erratic rainfall and droughts are a factor to consider in any pasture / animal management. We may be faced with a situation of surplus grazing in one year, and severe drought and famine in the next could spell starvation and thus may require variable levels of off-take to ensure the survival of all species, including the White Rhinos. This is especially so in a small country – all of which could be affected by a regional drought.

b) Breeding success of the herd and the sex ratio of the calves produced will vary from year to year, and this would also affect the levels of acceptable off-take in subsequent years. However, as a general rule, and in accordance with Swaziland's rhino conservation strategy which includes the objective of breeding our herds up to ecological carrying capacity as fast as possible to facilitate redistribution, the selection of animals for removal will be done in such a way as to enhance the population performance, and over any 5 year period, the level of removal (translocation and hunting) will not exceed the level of recruitment.

Trophy hunting: It is anticipated that this option will be exercised judiciously and should not exceed 1% per annum, (+/- 1 rhino in two years), and is most likely to be exercised only in the event that the option of live removal is not practical.

Clarification of marking of trophies: Acceptable methods of marking may include the following:

i) invisible marking: microchip insertion, uv paint

ii) visible marking: attachment of a uniquely coded disc/tag including species, date and serial number (also unique)

Writing on the trophy with indelible ink would not be acceptable due to the purpose of the trophy being exported for display, as this would damage the trophy's aesthetic value. However, we believe that any marking of a trophy would still best be done in collaboration with the importing country's CITES Management Authority, and any deviation from the above marking would be in addition to a minimum of microchipping the trophies with microchips which can be decoded by the Management Authority of the importing country.
Clarification of the context of the Kingdom of Swaziland's white rhino proposal.
When considering the Kingdom of Swaziland's proposal to list her population of white rhino on Appendix II, it is vital that this proposal be read in the correct context and perspective, given below.
Swaziland is among the smallest of African countries, and is substantially smaller than many counties' national parks, including South Africa's Kruger National Park.
Swaziland's Parks are consequently very small and only partially developed.
Swaziland's rhino/wildlife populations are also consequently small and require intensive `pre-emptive´ management.
Swaziland's rhino parks are entirely self-funding and receive no government funding. Therefore the sustainable utilization of resources is an imperative to their sustainability.
Traded rhinos will benefit those that remain – dead rhinos are a waste.
Due to financial constraints, Swaziland's largest rhino park only has a fenced high security area. The boundary fences are not yet complete, and revenues need to be realized to break this `chicken or egg´ situation: the occasional sale of surplus rhinos will help to realize this objective.
The Appendix I status has proved to be highly damaging to this population (see table of mortalities in Proposal No. 9), and thus retention of this population in Appendix I is counter-productive to the conservation goals of this species in Swaziland.
Swaziland's (and Africa's) parks and the animals which inhabit them have to continue to demonstrate that they are national assets, rather than national liabilities (taxpayers' money drain), in order for them to secure their place in the future in the face of fierce demand for alternative, economically driven land use, and to ensure political support in the long term.
This proposal is written on sound conservation grounds and is not envisaged in any way to compromise conservation ethics and `best conservation practice´
Swaziland urges you to consider her white rhino proposal for CoP 13 to CITES in the above context."

Recommendation by the Secretariat

The Swaziland population of *Ceratotherium simum simum* does not appear to meet the criteria for inclusion in Appendix I. The Secretariat has reviewed Swaziland's Game (amendment) Act 1991 and concluded that, for *Ceratotherium simum simum* at least, it satisfies the precautionary measures required for a transfer from Appendix I to Appendix II.

The Secretariat recommends that this proposal be adopted.

Proposal 10

***Haliaeetus leucocephalus* – Transfer from Appendix I to Appendix II.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 4, paragraph B. 2. b)]

(United States of America)

Provisional assessment by the Secretariat

The proposal seeks to transfer the Bald eagle *Haliaeetus leucocephalus* from Appendix I to Appendix II, making it easier to trade in specimens of this species.

The supporting statement presents comprehensive information on the current distribution, population status, trends and threats to the species. Utilization and trade, conservation and management of this species are described for the United States of America but not for the three other range States where the species breeds (Canada, France – Saint Pierre and Miquelon - and Mexico). It would appear that *H. leucocephalus* has recovered significantly from historically low numbers in the 1960s: in the United States, the population doubles every seven to eight years, while in Canada, it has reportedly increased tenfold. The global population is now robust (100,000 birds or more) and continues to grow and expand.

International trade in specimens of *H. leucocephalus* appears limited to live animals for display and zoos, and parts and feathers used by indigenous native American people for ceremonial purposes. The proponent indicates that there is little evidence suggesting a strong international demand for this eagle or parts thereof, with possibly some demand for ceremonial artefacts from collectors. It would have been useful to have more information about the level of illegal international trade, for instance whether specimens of *H. leucocephalus* have ever been confiscated or seized outside the range States. *H. leucocephalus* is no longer threatened with extinction. The species appears to be in demand for international trade, but populations are well managed in the principal range States, where adequate controls seem to be in place to ensure compliance with the provisions of the Convention.

All range States of *H. leucocephalus* support the proposal.

Comments from Parties and intergovernmental bodies

Switzerland: "[this proposal] … should be considered as a success for CITES, as a proof that CITES can and does work."

Recommendation by the Secretariat

The available information confirms that the species does not satisfy the biological criteria for its maintenance in Appendix I because *H. leucocephalus* is no longer threatened with extinction and wild populations are widely distributed, large and increasing. It is likely that, if the species were transferred to Appendix II, it would be in demand for commercial trade, but it is sufficiently well managed and protected in the range States to ensure that trade would be conducted in compliance with the provisions of the Convention and adequately controlled.

The Secretariat recommends that this proposal be adopted.

Proposal 11

***Cacatua sulphurea* – Transfer from Appendix II to Appendix I.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 1, paragraphs A. i) and ii); B. i), iii) and iv); and C.]

(Indonesia)

Provisional assessment by the Secretariat

The supporting statement provides detailed information on the current population status of the lesser sulphur-crested cockatoo *Cacatua sulphurea*, the distribution of its four subspecies in Indonesia and Timor-Leste, and the utilization of and trade in this species. It is trapped for the live bird trade, which appears to be popular in Indonesia.

Habitat loss in combination with excessive harvesting have caused steep population declines over the last 20 to 30 years. While *C. sulphurea* was reportedly widespread and common in the eighties, it is now considered critically endangered. The remaining wild population of *C. sulphurea* is small, totalling perhaps 5,000 to 6,000 birds, and continues to decline. Most subpopulations are very small, and some are nearly extinct, including that of the subspecies *C. s. abboti,* of which only five individuals are left. The total size of the area over which *C. sulphurea* is currently distributed is not clear from the proposal, but it seems that the species has disappeared from much of its previous range, and that viable populations only survive in a few national parks and parts of some islands.

Large numbers used to be exported to Europe and North America until the late eighties. Indonesia established zero catch quotas for *C. sulphurea* in 1994. *C. s. citrinocristata* became nationally protected in Indonesia in 1997, and the entire species in 1999. The legal status of the species in Timor-Leste is not mentioned. The two major overseas markets for this species have banned imports of wild specimens of *C. sulphurea* for over 10 years (the EU since 1989 and the United States of America since 1992). It is suspected that wild-caught birds continue to be smuggled and traded internationally as 'captive bred'. The proponent infers that this may particularly be the case for exports in the nineties from Indonesia itself and from Singapore.

The supporting statement indicates that the main threat to the species appears to come not from international CITES-regulated trade, but from poor implementation of existing measures to protect the species *in situ*, and particularly to stop poaching and illegal domestic or international trade. A species recovery plan is in place and has been partially put into action (e.g. by establishing some protected areas that benefit *C. sulphurea*), but its full implementation seems a matter of urgency to preserve the species in the wild. Specimens of this fully protected parrot continue to be trapped and openly marketed in Indonesia.

The proponent states that Appendix-I listing would strengthen the capacity to halt illegal trade completely and make it easier to prevent any wild-caught bird being passed off as captive bred, but these arguments need further amplification as it should be noted that the same can be achieved while the species is included in Appendix II. It is unclear how the inclusion in Appendix I might assist in promoting the recovery of *C. sulphurea* when the main conservation problems recognized in the proposal are continued illegal trade and habitat destruction in Indonesia.

The supporting statement does not mention whether the other range State, Timor-Leste, has been consulted.

Comments from Parties and intergovernmental bodies

Switzerland: "Since 1999 nationally protected in its range state (no legal exports) and since 1989/1992 imports into USA and EU forbidden (= already a *de facto* Appendix I situation). No improvement by inclusion in Appendix I, but removal of economic incentives for ranching/breeding projects. An Appendix I listing will not prevent poaching and illegal domestic and international trade and is not the appropriate means to combat illegal activities."

Recommendation by the Secretariat

It appears that *Cacatua sulphurea* is now threatened with extinction and meets several of the biological criteria for its inclusion in Appendix I. Wild populations are small and the distribution is fragmented. The population has declined steeply in recent decades mainly because of unsustainable or illegal trade. Unfortunately, national and international efforts to manage and conserve the species seem to have been deficient or inadequately enforced. Therefore the Secretariat urges Indonesia and Timor-Leste to urgently take measures to conserve its habitat effectively and stop poaching and illegal trade.

The Secretariat recommends that this proposal be adopted.

Proposal 12

***Agapornis roseicollis* – Deletion from Appendix II.**

(Namibia and the United States of America)

Provisional assessment by the Secretariat

The peach-faced lovebird *Agapornis roseicollis* is extensively traded both nationally and internationally but it is bred so freely in captivity that, despite the lack of detailed knowledge of population estimates and trends in the wild, any detrimental impact on the species from trade in birds of wild origin would probably be negligible. The CITES trade data record just five specimens of wild origin in trade between 1992 and 2001, compared to well over 500,000 captive-bred specimens traded.

When this species was included in Appendix II, at the third meeting of the Conference of the Parties, it was noted by the proponents that it was under Article II 2. (b) of the Convention, the so called 'look-alike' clause (although this designation was specifically excluded from the formal text of the proposal). The proposal states that the species can be readily distinguished from other lovebirds.

Comments from Parties and intergovernmental bodies

Switzerland: "[this proposal] … should be considered as a success for CITES, as a proof that CITES can and does work."

Recommendation by the Secretariat

Whilst the harvesting of specimens of this species from the wild for international trade is not having a detrimental impact, its deletion from the Appendices might create enforcement problems by reducing the effectiveness of trade controls on other *Agapornis* species, which remain in the Appendices.

The Secretariat recommends that this proposal be rejected.

Proposal 13

***Amazona finschi* – Transfer from Appendix II to Appendix I.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annexes 1 and 4]

(Mexico)

Provisional assessment by the Secretariat

The lilac-crowned amazon parrot *Amazona finschi* was included in Appendix II in 1981.

The species is confined to Mexico. Its wild population is estimated to be around 7,000-10,000 specimens and it has already disappeared in several areas were it was common during the 1980s. In total the species has lost 29 per cent of its original area of distribution, but much of this can be attributed to habitat loss. The species has been classified as Endangered in Mexico since it is facing a very high risk of extinction in the wild in the near future if more restrictive measures are not applied to control its illegal trade and preserve its habitat.

Evidence shows that international trade has had a significant impact on this species. *Amazona finschi* is protection under the Mexican national legislation but, at least in the past, it has been one of the species more frequently traded illegally both in the national and the international market. The low rate of reproduction of the species does not allow the population to recover.

The aim of the proposal is therefore to use the provisions pertaining to trade in specimens of Appendix-I species to complement the domestic measures of Mexico to prevent trade in illegally harvested specimens. This can however also be achieved by adequate implementation of the Appendix-II listing. Although the supporting statement identifies a considerable trade in illegally caught specimens, it is doubtful whether this problem could be resolved with an Appendix-I listing alone. Strict controls on the domestic trade would need to be complemented by measures to secure the habitat of this species in order to promote its recovery. The proponent states that the inclusion in Appendix II has not been enough to stop the population decline, but it is important to point out that this is more a matter of enforcement at national level. Strengthening the penalties by including a species in Appendix I is not going to be enough if the enforcement measures are not implemented in the country. This aspect of the argumentation needs further amplification.

Comments from Parties and intergovernmental bodies

Switzerland: "Inclusion in Appendix I means a. o. removal of economic incentives for ranching/breeding projects; an Appendix I listing is not the appropriate means to combat illegal harvest and trade." " Birdlife International: `Not globally threatened´ " "Appendix I listing cannot prevent the danger from habitat loss and domestic trade. Enforcement measures must be implemented on a national level. Measures to secure the habitat must be put in place."

Recommendation by the Secretariat

This species appears to meet the criteria for inclusion in Appendix I. The wild population is small and has experienced a dramatic decline in the number of individuals that is still ongoing. The area of distribution is restricted and its habitat is steadily decreasing. These factors, combined with a low rate of reproduction and specific habitat requirements, renders it vulnerable. Unfortunately, national and international efforts to manage and conserve the species seem to have been deficient or inadequately enforced. Therefore the Secretariat urges Mexico to take measures urgently to conserve its habitat effectively and stop poaching and illegal trade.

The Secretariat recommends that this proposal be adopted.

Proposal 14

Passerina ciris **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(Mexico and the United States of America)

Provisional assessment by the Secretariat

The proposal aims to improve the management of international trade in the painted bunting *Passerina ciris* by including the species in Appendix II.

This North American migratory bird breeds in the United States of America (80 per cent) and Mexico (20 per cent), while wintering in the south of these countries and in Central America and the western Caribbean. The population is estimated at 3,600,000 individuals, and is common in some localities. The proposal mentions general declines since the mid-1960s, although the figures in the supporting statement suggest that breeding and wintering populations stabilized during the last 10 to 15 years. The causes of the declines are reportedly a combination of habitat loss, trapping for the bird trade, and brood parasitism. The eastern population of this species, which cannot be legally harvested, is declining more rapidly than the western population, which has been the subject of authorized trapping in Mexico for more than 50 years.

Mexico appears to be the only range State of *P. ciris* where the species is subjected to regulated exploitation and trade. The country allows the capturing of several thousands of birds a year to supply domestic and international cage-bird markets. It suspended legal exports between 1982 and 1999 (while continuing to authorize trapping for its domestic market). Before and after this period, exports from Mexico seems to have been between 12,000 and 15,000 *P. ciris* a year. Limited harvesting and local trade is also reported from some Central American and Caribbean countries and the United States (where it is illegal), but it is unclear if any export takes place from these countries. The proposal gives anecdotal information on illegal domestic marketing of *P. ciris* in Mexico and the United States. It does not however provide indications of the existence of illegal international trade.

P. ciris is protected in the United States and apparently partially in Mexico. The legal status in other range States is not mentioned, but it is noted that no information is available on bird trade controls in Caribbean and Central American countries.

The proposal does not fully clarify whether *P. ciris* can be easily distinguished from similar species. The supporting statement provides no details of the consultation that should have been undertaken to obtain comments from the other range States of *P. ciris*, as recommended in Annex 6 of Resolution Conf. 9.24 (Rev. CoP12).

Comments from Parties and intergovernmental bodies

Switzerland: "A species with a population of 3,600,000 adult individuals cannot be considered immediately or potentially threatened with extinction; furthermore if the proponent would cut down considerably the numbers of birds trapped annually, any problems would be solved."

Recommendation by the Secretariat

It cannot be inferred from the available information that *P. ciris* will become eligible for inclusion in Appendix I in the near future, as populations are large and not threatened. Nor can it be inferred that harvesting of specimens for international trade has a detrimental impact on wild populations. The Secretariat notes that trade-related measures that might benefit the conservation status of the species could include improvement of the harvest management in Mexico and combating of illegal trapping for domestic markets, which appears to be problematic in Cuba, Mexico and the United States of America (Florida).

The Secretariat recommends that this proposal be rejected.

Proposal 15

***Pyxis arachnoides* – Transfer from Appendix II to Appendix I.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 1, paragraphs B. i), iii) and iv) and C. i)]

(Madagascar)

Provisional assessment by the Secretariat

The proposal aims to transfer the endemic spider tortoise *Pyxis arachnoides* from Appendix II to Appendix I.

P. arachnoides occurs in dry to arid coastal areas of southwest Madagascar, including dry forest. While noting that this species is difficult to inventory as it remains underground for much of the year, the population size is estimated to be over 10,000 animals. The size of the area of distribution and the level of fragmentation of the populations remain however under discussion: some claim that there are 10 subpopulations distributed over 2,000 km^2. Others estimate that there are more subpopulations over a larger area of distribution. It should be noted that extensive habitat still seems available, but that particularly the forests are under pressure from logging, fire, charcoal production, and grazing. Populations have reportedly declined as a result of habitat deterioration, poorly managed legal harvesting in recent years, and unregulated collection for the international pet trade.

Most utilization relates to the collection of live specimens for the international pet trade, which seems to have occurred at low levels until 1999. Some local consumption may take place, but this is not believed to be significant. The species is currently categorized as 'Vulnerable' by IUCN.

The concerns expressed in the proposal relate particularly to the levels of collection and export for *P. arachnoides* that were authorized by the Management Authority of Madagascar in 2000 and 2001, i.e. at a time of political instability. In 2000, the country established an annual export quota of 25 specimens that was later in the year increased to 1,000, and changed to zero in 2001. Although it is possible that fewer animals were actually traded than permitted by the Management Authority, annual report data suggest that legal imports took place into several European countries, Japan, South Africa, and the United States of America of several hundreds of animals in those two years, while Madagascar itself reported substantially higher exports in the year 2000 than its official quota of 1,000 animals. The proposal provides details of several seizures of this species and anecdotal information suggesting the existence of ongoing illegal international trade.

The information presented in the supporting statement shows that the main problems for the species are poor implementation of CITES provisions, illegal trade and inadequate *in situ* protection of the species and its habitat. None of these can be fully addressed merely by including *P. arachnoides* in Appendix I.

The proponent states that no specific conservation actions have been undertaken for *P. arachnoides* and that it is not known whether the species benefited from the creation of new protected areas in recent years. It would appear that these are important conservation priorities for this species.

To address the persistent problematic implementation of CITES provisions in Madagascar, which have affected trade in *P. arachnoides* and other CITES-listed species, a comprehensive Action Plan has been put in place since 2002 under the supervision of the international CITES community. This Action Plan was elaborated in consultation with all stakeholders in Madagascar, and with the Animals and Plants Committees and the CITES Secretariat, which are monitoring its implementation. The Action Plan should remedy many of the concerns expressed in the proposal, particularly the capacity of local authorities to control trade and implement CITES adequately, and to prevent situations such as the one that occurred in 2000 and 2001.

Comments from Parties and intergovernmental bodies

Switzerland: "Without strict *in situ* protection measures, an Appendix I listing will not improve the situation for the species. An inclusion in Appendix I will remove incentives for ranching/breeding projects. It is unclear if there is presently a moratorium for the export of wildlife from Madagascar in effect or not. If such a moratorium exists, we would already have a *de facto* Appendix I situation and could wait for the completion of the comprehensive Action Plan before deciding further steps. In Madagascar the first country based significant trade review process is going on at the moment, including a comprehensive Action Plan. Proposals such as this should – if at all - be results coming out of this process and should preferably not be submitted while the process is still going on."

Recommendation by the Secretariat

The available information indicates that *Pyxis arachnoides* does not appear to meet the criteria for inclusion in Appendix I and is not threatened with extinction. The wild population is not small and the distribution is not particularly restricted. It is unclear what historical declines have occurred, but these are almost certainly due to habitat deterioration and not direct exploitation, which was low until 2000. The patterns of exploitation observed in 2000-2002 are unlikely to continue in view of the measures described in the Secretariat's provisional assessment above.

The Secretariat recommends that this proposal be rejected.

Proposal 16

***Malayemys* spp. – Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(United States of America)

Provisional assessment by the Secretariat

The supporting statement presents comprehensive information on freshwater turtle genus *Malayemys*. Only one species is currently known to exist in this genus, the Malayan snail-eating turtle *M. subtrijuga*. However, the proponent notes that the Mekong population of *M. subtrijuga* is perhaps taxonomically recognizable at the species level. It should be noted that, over the last 20 years, several new species of turtle have been described, while previously synonymized species have been returned to full species status. This proposal is therefore broader and more precautionary than the one submitted by Indonesia alone, which proposes to include only *M. subtrijuga* in Appendix II (see proposal CoP13 Prop. 17).

Malayemys are Southeast Asian freshwater turtles that seem still widely distributed throughout their range, although substantial declines are documented in certain range States. One of the main causes of these declines seems to have been indiscriminate collection of animals of all sexes and age classes for the Asian food trade, particularly during the nineties. Although not specified in the proposal, the trade data suggest that, during that decade, tens of tons of animals were exported annually, mainly to China, with indications of substantial illegal or unregulated trade. However, trade levels seem to have decreased in recent years as a consequence of various national trade restrictions (e.g. in Cambodia, China, Thailand and Viet Nam), improved enforcement, and possibly overexploitation and depletion of wild populations. The proponent indicates that *Malayemys* shows some resilience to habitat alteration and to moderate levels of exploitation. According to the proponent, *M. subtrijuga* is distinctive but, in the case of live specimens, this may not be true for all life stages, while identifying other specimens in trade (e.g. meat, medicines, eggs and other products) may be problematic. Further clarification of the possible extent of this problem would be helpful.

The proponent argues that the inclusion in Appendix II of *Malayemys* spp. will assist in developing and implementing measures aimed at improving management of international trade, and will help to control illegal trade.

The proposal does not provide details of the consultation that should have been undertaken to obtain comments from the other range States of this genus, as recommended in Annex 6 of Resolution Conf. 9.24 (Rev. CoP12).

This proposal stems from recommendations formulated at a technical workshop on the conservation of and trade in tortoises and freshwater turtles in Kunming, China, in 2002, and is thereby supporting actions directed to Parties referred to in paragraph h) of Resolution Conf. 11.9 (Rev. CoP12).

Comments from Parties and intergovernmental bodies

Switzerland: "Whatever may be the decision of the CoP in regard to these proposals, in order to improve the situation for these taxa, range States should improve and enforce measures to protect the relevant populations *in situ*, as well as to improve and strictly enforce CITES controls at the borders and to regulate and monitor domestic markets for freshwater turtles in general."

Recommendation by the Secretariat

The available information suggests that harvesting from the wild for international trade is having a detrimental impact on the genus *Malayemys* by exceeding levels that can be continued in perpetuity. Such trade should be regulated to avoid utilization that is incompatible with the long-term survival of the taxon.

The Secretariat recommends that this proposal be adopted.

Proposal 17

***Malayemys subtrijuga* – Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(Indonesia)

Provisional assessment by the Secretariat

This proposal aims to include the Malayan snail-eating turtle *Malayemys subtrijuga* in Appendix II. This is the only species currently described in the genus *Malayemys*, which, as a whole is proposed to be included in Appendix II through proposal CoP13 Prop. 16, submitted by the United States of America.

The supporting statement for this proposal is identical to the one for proposal CoP13 Prop 16, and the Secretariat's assessment is the same in both cases.

The Secretariat would like to clarify that if CoP13 Prop. 16 were adopted, proposal CoP13 Prop. 17 would not need to be discussed.

Comments from Parties and intergovernmental bodies

Switzerland: see comment on proposal 16.

Recommendation by the Secretariat

Listing the whole genus *Malayemys* in Appendix II, as proposed in proposal CoP13 Prop. 16, would better address the possible conservation threats posed by unregulated international trade in this taxon and facilitate CITES implementation.

The Secretariat recommends that this proposal be rejected in favour of proposal CoP13 Prop. 16.

Proposal 18

***Notochelys* spp. – Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(United States of America)

Provisional assessment by the Secretariat

This proposal aims to include the genus *Notochelys* in Appendix II. Only one species is currently known to exist in the genus, the Malayan flat-shelled turtle *N. platynota*, which is the subject of proposal CoP13 Prop. 19, submitted by Indonesia. It is unclear from the supporting statement whether the genus is likely to include more species than *N. platynota*, but it should be noted that, over the last 20 years, several new species of turtle have been described, while previously synonymized species have been returned to full species status. This proposal is therefore more precautionary than proposal CoP13 Prop. 19.

The supporting statement provides a good summary of the limited information that is available on this genus. *Notochelys* are freshwater turtles from Southeast Asia where their lowland forest habitat is increasingly fragmented, logged and converted. *Notochelys* does not seem to survive well in areas of human development. Populations have decreased significantly in all known range States during recent decades. Most of these range States seem to have poor or insufficient legislation in place to protect *Notochelys* or its habitat.

These turtles are collected for local consumption and domestic markets (as food, pets and medicine), and more recently have been exported in large numbers to East Asian food markets. The supporting statement indicates that in 1999 and 2000, several hundreds or several thousands of animals were

legally exported from Indonesia and Malaysia to China, but that far larger numbers were recorded in food markets in southern China.

The proponent states that the inclusion in Appendix II of *Notochelys* would assist in developing and implementing measures to improve the management of this species, ensure that exports remain at sustainable levels, and help to control illegal international trade. Enforcement of such a listing would be challenging because *N. platynota* is very similar to turtles in the genus *Cyclemys,* which are not included in the Appendices. It is also unclear whether products of the species or eggs can be reliably identified. Further clarification of the possible extent of this problem would be helpful.

The proposal does not provide details of the consultation that should have been undertaken to obtain comments from the other range States of this genus, as recommended in Annex 6 of Resolution Conf. 9.24 (Rev. CoP12).

This proposal stems from recommendations formulated at a technical workshop on the conservation of and trade in tortoises and freshwater turtles in Kunming, China, in 2002, and is thereby supporting actions directed to Parties referred to in paragraph h) of Resolution Conf. 11.9 (Rev. CoP12).

Comments from Parties and intergovernmental bodies

Switzerland: see comment on proposal 16.

Recommendation by the Secretariat

The available information suggests that harvesting from the wild for international trade is having a detrimental impact on species of the genus *Notochelys* by exceeding levels that can be continued in perpetuity. Such trade should be regulated to avoid utilization that is incompatible with the long-term survival of the species.

The Secretariat recommends that this proposal be adopted.

Proposal 19

***Notochelys platynota* – Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(Indonesia)

Provisional assessment by the Secretariat

This proposal seeks to include the Malayan flat-shelled turtle *Notochelys platynota* in Appendix II. The supporting statement for this proposal is identical to the one for proposal CoP13 Prop. 18 regarding *Notochelys* spp., submitted by the United States of America. The Secretariat's assessment is the same for both proposals.

The Secretariat would like to clarify that if proposal CoP13 Prop. 18 were adopted, proposal CoP13 Prop. 19 would not need to be discussed.

Comments from Parties and intergovernmental bodies

Switzerland: see comment on proposal 16.

Recommendation by the Secretariat

Listing the whole genus *Notochelys* in Appendix II, as proposed in proposal CoP13 Prop. 18, would better address the possible threats posed by unregulated international trade in this taxon and facilitate CITES implementation.

The Secretariat recommends that this proposal be rejected in favour of proposal CoP13 Prop. 18.

Proposal 20

***Amyda* spp. – Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention, and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(United States of America)

Provisional assessment by the Secretariat

Ample information is presented in this proposal, which aims at including in Appendix II the genus *Amyda*, currently known to contain only the Southeast Asian softshell turtle *A. cartilaginea*.

Amyda are freshwater turtles that are widespread throughout much of Southeast Asia, and appear to have remained relatively common in several countries. However, exploitation pressure during the last 15 years, mainly for international trade, seems to have caused different degrees of decline in most range States.

According to the proposal, *A. cartilaginea* is the most heavily traded wild-harvested Asian turtle (mainly for food; occasionally for the pet trade). From the data presented, it can be inferred that, throughout the nineties, several hundreds of thousands of animals were exported annually from Cambodia, Indonesia, Malaysia and Viet Nam, principally to China. Harvesting affects all age classes, apparently in particular juveniles and adults of pre-reproductive size and weight, thereby strongly impacting recruitment in wild populations. There is extensive evidence of illegal trade and trade in excess of established harvest or export quotas. Recent trade restrictions in several Asian countries may well have caused a decrease in the levels of international trade in *Amyda*, but this is not fully addressed in the proposal.

The supporting statement notes that the inclusion of *Amyda* in Appendix II will ensure proper trade controls and a reduction of exports to sustainable levels. It would appear that, unless international trade is more strictly regulated, harvesting from the wild for international trade may be detrimental to the long term survival of this genus, and cause local depletions or extinctions.

According to the proponent, live specimens of *Amyda* can be told apart from most other Asian softshell turtles. It is however not clear whether this applies to all age classes, or to other specimens in trade and it would be helpful if this matter was addressed.

The proposal does not provide details of the consultation that should have been undertaken to obtain comments from the range States of this species, as recommended in Annex 6 of Resolution Conf. 9.24 (Rev. CoP12).

This proposal stems from recommendations formulated at a technical workshop on the conservation of and trade in tortoises and freshwater turtles in Kunming, China, in 2002, and is thereby supporting actions directed to Parties referred to in paragraph h) of Resolution Conf. 11.9 (Rev. CoP12).

Comments from Parties and intergovernmental bodies

Switzerland: see comment on proposal 16.

Recommendation by the Secretariat

The available information suggests that harvesting from the wild for international trade is having a detrimental impact on species of the genus *Amyda* by exceeding levels that can be continued in perpetuity. Such trade should be regulated to avoid utilization that is incompatible with the long-term survival of the species.

The Secretariat recommends that this proposal be adopted.

Proposal 21

Carettochelyidae spp. – Inclusion in Appendix II.
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(United States of America)

Provisional assessment by the Secretariat

The proposal intends to include the family Carettochelyidae, containing the genus *Carretochelys* with one known species, the pig-nosed turtle *C. insculpta,* in Appendix II. *C. insculpta* is the subject of proposal CoP13 Prop. 22, submitted by Indonesia. It should be noted that, over the last 20 years, several new species of turtles have been described, while previously synonymized species have been returned to full species status.

Carettochelyidae occur in Australia, Indonesia and Papua New Guinea, and appear to be generally widespread and common, although local depletions have been recorded. The habitat seems relatively secure, but may be threatened in the longer term by water pollution and changing land use.

Eggs and adults are harvested for local consumption. Anecdotal information suggests that relatively small numbers of hatchlings are traded internationally for pet markets in Asian countries. According to the proposal, these hatchlings come from Indonesia where a proportion of wild-collected eggs are incubated. No other specimens are reported to enter international trade.

The supporting statement indicates that Australia and Papua New Guinea do not allow domestic or international trade in *C. insculpta*. Indonesia only allows the export of captive-bred animals. However, the proposal is unclear as regards to the legality of exports from Indonesia of animals that are hatched from wild-collected eggs. Harvest pressure is said to have increased significantly in recent decades in Papua New Guinea and Indonesia, where 1.5 to 2 million eggs may be collected every year.

The proposal notes that the potential exists for local communities to use Carettochelyidae sustainably to provide protein and juveniles for the international pet trade, but that this would require changes in the regulations governing the trade in and use of this species in the three range States. It would probably also need improved management and controls.

According to the proponent, live specimens of *C. insculpta* are very distinctive. It is however not made clear whether this also applies to for instance meat or eggs.

The proposal does not provide details of the consultation that should have been undertaken to obtain comments from the other ranged States of this family, as recommended in Annex 6 of Resolution Conf. 9.24 (Rev. CoP12).

This proposal stems from recommendations formulated at a technical workshop on the conservation of and trade in tortoises and freshwater turtles in Kunming, China, in 2002, and is thereby supporting actions directed to Parties referred to in paragraph h) of Resolution Conf. 11.9 (Rev. CoP12).

Comments from Parties and intergovernmental bodies

Switzerland: see comment on proposal 16.

Recommendation by the Secretariat

The available information suggests that harvesting from the wild for international trade is having a detrimental impact on species of the family Carettochelyidae by exceeding levels that can be continued in perpetuity. Such trade should be regulated to avoid utilization that is incompatible with the long-term survival of the species.

The Secretariat recommends that this proposal be adopted.

Proposal 22

Carettochelys insculpta **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(Indonesia)

Provisional assessment by the Secretariat

This proposal aims to include the pig-nosed turtle *Carettochelys insculpta* in Appendix II. It is the only species currently known to exist in the family Carettochelyidae, which is proposed by the United States of America to be included in Appendix II, in proposal CoP13 Prop. 21.

The supporting statement for this proposal is identical to the one for proposal CoP13 Prop. 21, and the Secretariat's assessment is the same in both cases.

The Secretariat would like to clarify that if proposal CoP13 Prop. 21 were adopted, proposal CoP13 Prop. 22 would not need to be discussed.

Comments from Parties and intergovernmental bodies

Switzerland: see comment on proposal 16.

Recommendation by the Secretariat

Listing the whole family Carettochelyidae in Appendix II, as proposed in proposal CoP13 Prop. 21, would better address the possible threats posed by unregulated international trade in this taxon and facilitate CITES implementation.

The Secretariat recommends that this proposal be rejected in favour of proposal CoP13 Prop. 21.

Proposal 23

Chelodina mccordi **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(Indonesia and the United States of America)

Provisional assessment by the Secretariat

The proposal concerns an endemic freshwater turtle, the Roti snake-necked turtle *Chelodina mccordi,* which was first described in 1994, and is only known to occur in parts of the island of Roti in Indonesia. Little is known about this species, but the supporting statement presents a well-researched summary of the available information.

No information is available on the size of the wild population, but *C. mccordi* is believed to be critically endangered as a result of intensive collection for the global pet trade during the nineties. The habitat available to the species – lakes and swamps on the highland plateau of the island – seems stable, but none of it is currently protected. Similarly, the species appears to be unprotected under Indonesian legislation. The proposal indicates that *C. mccordi* was previously considered an isolated population of *Chelodina novaeguineae*, a species that is much more widely distributed and that became legally protected in 1999.

The only known use of *C. mccordi* is for the international pet trade. Before 1994, exports of this species seem to have been referred to as '*C. novaeguineae'*. The actual size of the trade is unclear, but it can be inferred from the proposal that, during the trade peak between 1994 and 2000, several hundreds of animals were exported. Indonesia established annual harvest quotas for *C. mccordi* from 1998 till 2001 at levels that, according to declared exports, were never attained. The proponents note that traders in

Indonesia consider the species as commercially extinct but that occasionally specimens continue to show up in trade, suggesting that exploitation persists. The species is bred in captivity in Europe and North America. Attempts are underway to set up conservation programmes for this species, including the establishment of *ex situ* assurance colonies.

Consideration needs to be given to the enforcement implications of an inclusion of this species in Appendix II because of the similarity of *C. mccordi* with other species of *Chelodina*, none of which is listed in the Appendices.

The proponents argue that inclusion in Appendix II would help control the trade and allow monitoring of international transactions. It would also result in transferring jurisdiction for the management of this species from the Fisheries Department to the Indonesian CITES Management Authority. The information presented in the proposal indicates that, unless international trade is strictly regulated, this species would meet the criteria for inclusion in Appendix I.

This proposal stems from recommendations formulated at a technical workshop on the conservation of and trade in tortoises and freshwater turtles in Kunming, China, in 2002, and is thereby supporting actions directed to Parties referred to in paragraph h) of Resolution Conf. 11.9 (Rev. CoP12).

Comments from Parties and intergovernmental bodies

Switzerland: see comment on proposal 16.

Recommendation by the Secretariat

Chelodina mccordi is threatened by unsustainable levels of harvest for international trade. Unless the trade in this species is subject to strict regulations, it would meet the criteria for its inclusion in Appendix I.

The Secretariat recommends that this proposal be adopted.

Proposal 24

***Crocodylus acutus* – Transfer of the population of Cuba from Appendix I to Appendix II.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 4, paragraph B. 2 e) and Resolution Conf. 11.16]

(Cuba)

Provisional assessment by the Secretariat

Cuba seeks the transfer of its population of American crocodile *Crocodylus acutus* from Appendix I to Appendix II under the Resolution on ranching (Resolution Conf. 11.16). The data in the supporting statement suggest that the population of this species in Cuba is probably not small but its area of distribution is limited. Nevertheless, this limited distribution is not combined with any other circumstances that would imply that inclusion in Appendix I is appropriate. Specimens of the species are in demand in international trade. The Cuban population of the species therefore appears to meet the trade criterion but not the biological criteria. Controls on the operators allowed to harvest and maintain American crocodiles in Cuba are overseen by State authorities. Under the proposal, eggs and hatchlings from up to 40 per cent of the nests in the Delta del Cauto Faunal Refuge ranching area are to be taken annually, i.e. about 1,500 – 2,000 eggs and hatchlings. Similar numbers were removed annually between 1987 and 1996 without noticeable detrimental impact. Studies quoted show that climatic factors alone result in the loss of 38.1 per cent of the nests annually in the Delta del Cauto Faunal Refuge study area. The contents of these nests, which would be destroyed anyway in the normal course of events, could be harvested with little impact on the wild population. However it is not clear what proportion of them could be collected before they were destroyed and therefore how much of the 40 per cent of the nest planned for harvesting and mentioned above, would be additional to the nests lost to natural climatic factors. When grown on in captivity, some specimens are reintroduced to the wild. In the past it seems that, of around 14,000 wild eggs and hatchlings collected, around 2,000 were subsequently released back into the wild. However the proposal does not say how large or frequent these reintroductions will be in the future.

Products from the ranching (skins, meat, live animals, tourist souvenir specimens, and if there is a demand, other parts or derivatives) will be marked to avoid confusion with crocodile products of other origins. However confirmation of how this will be done is needed for products other than skins and live animals. In addition to boosting local employment, the financial benefits of the ranching will be used for the crocodile conservation programme, improvement of the crocodile farms and the conservation of local wildlife and its habitat.

Other than requiring more clarity on the product marking to be undertaken and specimens to be released back into the wild, the proposal appears largely to comply with the provisions of Resolution Conf. 11.16.

Comments from Parties and intergovernmental bodies

Colombia: "Colombia acknowledges the efforts of Cuba's conservation programme for this species, which are reflected in the high quality of information backing this proposal. The data provided on this species' biological parameters and its use, trade, conservation and management for the Cuban populations of *Crocodylus acutus* all seem to be favourable for possible listing in Appendix II because they promote an increase of populations in the wild, guarantee protection of habitat and present a proposal for use of the species in compliance with the recommendations of Resolution Conf. 11.16 concerning proposals to transfer populations from Appendix I to Appendix II for ranching. Furthermore, a very positive aspect is the continuation of the programme for monitoring wild populations of *C. acutus* and expansion of studies on this species's biology in order to guarantee its conservation, while carrying out the habitat conservation programme in accordance with domestic legislation. However, in relation to the products from ranching for international trade included in this proposal, among which are mentioned skins, meat, live animals and souvenir specimens for tourists, we feel the inclusion of live animals for trade is inappropriate because this would hamper successful implementation of the measures for use proposed for this species in Cuba and in the countries within this species's area of distribution. We recommend that a restriction on trade in live animals be considered. In addition to these comments, Colombia wishes to express its puzzlement that the Management Authority of Cuba did not consult with Colombia, although Colombia is a range State in this species's area of distribution. Nonetheless, we shall continue to study this proposal."

Recommendation by the Secretariat

The Cuban population of *Crocodylus acutus* does not appear to meet the criteria for inclusion in Appendix I and the required precautionary measures are present through compliance with Resolution Conf. 11.16 on Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II. The Secretariat is seeking from the proponent further clarification of the marking of specimens in trade.

The Secretariat recommends that this proposal be adopted.

Proposal 25

Crocodylus niloticus **– Transfer of the population of Namibia from Appendix I to Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention, and Resolution Conf. 9.24 (Rev. CoP12), Annex 4, paragraph B. 2. b)]

(Namibia)

Provisional assessment by the Secretariat

Nile crocodiles *Crocodylus niloticus* in Namibia are reported to have recovered from over-harvesting in the 1960s and 1970s with populations now at normal or high levels, although precise details are lacking. Extrapolation from population estimates in protected areas, suggests that the total Namibian population is not small but, because of its habitat requirements, its distribution in the country may be limited. However, there are no aggravating factors associated with this restricted distribution that might threaten the species.

The transfer to Appendix II is proposed largely to facilitate trade in hunting trophies of this crocodile from the Namibian population. Other harvesting for export is not planned.

The species is well protected by Namibian law and appropriate enforcement controls and requirements to comply with the Convention appear to be in place in the country.

Comments from Parties and intergovernmental bodies

Namibia. "As stated in the proposal, exceptional flooding in the main distribution area of crocodiles in Namibia this year prevented a survey of the population prior to submitting the proposal. Nonetheless, a survey is scheduled to take place during August and September, and the results will be made available to the Secretariat before CoP13."

Recommendation by the Secretariat

The Secretariat is not fully convinced that the Namibian population of *Crocodylus niloticus* now fails to meet the criteria of Annex 1 of Resolution Conf. 9.24 (Rev. CoP12) and notes with respect to the precautionary measures that it should be confirmed that Namibia's national legislation can provide the safeguards required.

The Secretariat recommends that this proposal be rejected unless the above two points are satisfactorily addressed by the proponent at CoP13.

Proposal 26

***Crocodylus niloticus* – Maintenance of the population of Zambia in Appendix II, subject to an annual export quota of no more than 548 wild specimens (including hunting trophies and problem-animal control). This quota does not include ranched specimens.**

(Zambia)

Provisional assessment by the Secretariat

The Nile crocodile *Crocodylus niloticus* population in Zambia was transferred from Appendix I to Appendix II in 1985 under the provisions of Resolution Conf. 3.15 on Ranching. At the time, the proponents did not envisage a substantial offtake of specimens from the wild for export but rather export from ranching operations. Now Zambia wishes to seek Conference approval for the export of 548 wild specimens a year in addition to specimens derived from ranching.

The current Resolution on Ranching is Resolution Conf. 11.16, which recommends that Parties whose population of a species is transferred to Appendix II under the provisions of the Resolution limit the manner of exploitation of wild populations to those techniques described in their proposals and not, for example, later initiate new short-term programmes for taking wild animals without notifying the Secretariat. Any Party planning any such change in their management regime for the species should inform the Secretariat, which, in consultation with the Animals Committee, should determine whether the changes proposed substantially alter the original ranching programme, and undermine or jeopardize the conservation of the wild population. In cases where they do, the Secretariat can request the country concerned to present an amendment proposal to the Conference of the Parties.

However, the Zambian population of this species was transferred to Appendix II without restriction or annotation under the provisions of the earlier Resolution, which contained no such caveats. Zambia is therefore under no formal obligation to seek the approval of the Conference of the Parties for the action it proposes to take, although the Conference will doubtless appreciate being kept informed of such developments.

Comments from Parties and intergovernmental bodies

Switzerland: "This proposal is effectively redundant (the Resolution now valid does not concern the case of the Zambian population of *Crocodylus niloticus,* since this population was downlisted before the said Resolution, which requires the consultation of the CoP, was in effect)."

Recommendation by the Secretariat

The Zambian population of *Crocodylus niloticus* is currently included in Appendix II without qualification. The Secretariat therefore suggests that Zambia withdraw its proposal and notify the Secretariat of a voluntary export quota in accordance with Section VIII of Resolution Conf. 12.3 on Permits and Certificates.

Proposal 27

***Uroplatus* spp. – Inclusion in Appendix II.**

(Madagascar)

Provisional assessment by the Secretariat

This proposal seeks the inclusion in Appendix II of the 11 species of gecko of the genus *Uroplatus*, which is endemic to Madagascar.

The supporting statement is confused in saying that *Uroplatus alluaudi*, *U. ebenaui U. guentheri, U. lineatus U. malama, U. malahelo* and *U. phantasticus* qualify for inclusion in Appendix II under `Article II para. 2b A.´ and that the rest of the species in the genus (*U. fimbriatus U. henkeli, U. sikorae* and *U. pietschmanni*) qualify under `Article II para 2b B.´. No such sub-articles exist. The proponent could be referring to Annex 2a A and Annex 2a B of Resolution Conf. 9.24 (Rev. CoP12) respectively but this is not clear.

The supporting statement contains very little information about *Uroplatus guentheri, U. malama, U. malahelo* or *U. pietschmanni* and none of these is mentioned as being recorded in international trade.

Uroplatus alluaudi is known from a single specimen found in 1990. Its distribution is thought to be limited to an area of one national park where the specimen was found. Thirty seven specimens of the species were reported to have been exported in 2000-2001 but it may be that these were specimens of another similar species. No information is presented to suggest that specimens of *Uroplatus alluaudi* might be specifically sought.

For the other species that have been recorded in trade and upon which information is presented in the supporting statement (*Uroplatus lineatus, U. fimbriatus, U. ebenaui, U. henkeli, U. phantasticus* and *U. sikorae*), many have a wide if fragmented distribution in Madagascar. There is however virtually no information on the population status or trends of these species. The supporting statement contains much repeated text in the different species accounts and sometimes text related to the 'wrong' species has been pasted in, making it difficult to follow the information provided. All these species appear to have been subject to international trade at levels that are fairly constant and vary between 673 and 1,973 a year. No detrimental impact of this trade is documented in the supporting statement.

Comments from Parties and intergovernmental bodies

Switzerland: "The problem with all such `cluster proposals´ for the inclusion of a genus in an Appendix is that only some of the (10-11) species fulfil the criteria, while others do not and for some species the supporting statement and the data submitted are rather poor and do not allow to make a decision. In Madagascar the first country-based significant trade review process is going on at the moment, including a comprehensive Action Plan. Proposals such as this should – if at all - be results coming out of this process and should preferably not be submitted while the process is still going on."

Recommendation by the Secretariat

The precise justification for this proposal remains unclear. It seems that *Uroplatus alluaudi* is proposed for listing under Annex 2a A. of Resolution Conf. 9.24 (Rev. CoP12)*, U. guentheri, U. malama, U. malahelo* and *U. ebenaui* under Annex 2a B and the remainder of the genus as look-alikes (Annex 2b). There do not appear to be any records of *U. malama and U. malahelo* in international trade. For the other three species, information is limited, but it could be inferred that the harvesting of specimens from the wild for international trade could have a detrimental impact on the species by exceeding, over an extended period,

the level that can be continued in perpetuity or reducing the populations to a level at which their survival would be threatened by other influences. If this is accepted, then the suggestion that the remaining species in the genus should be listed for look-alike reasons may be justified.

The Secretariat recommends that this proposal be adopted.

Proposal 28

***Langaha* spp. – Inclusion in Appendix II.**

(Madagascar)

Provisional assessment by the Secretariat

One of three species in this genus of leafnose snakes (*Langaha madagascariensis*) is fairly widespread in Madagascar, the two others are poorly known but seem to have much more limited distributions. At least two of the species do appear to be in trade but the trade volumes are very low and the data on the populations of the species are so limited that it is difficult to assess whether current levels of offtake for international trade may have a detrimental impact. The proposal shows no evidence of trade over an extended period in the commoner species and, although the two species that appear to be rarer might be affected by trade, there is no evidence that the little trade in them that has taken place (in one of them) so far) is anything other than opportunistic.

The proposal suggests inclusion of the species in Appendix II under Article II paragraph 2b B. but this is clearly an error as no such paragraph exists. The precise justification for the proposal therefore remains unclear.

Comments from Parties and intergovernmental bodies

Switzerland. "For all these species trade is marginal and no threat to the species in question according to the information provided and obtained. The poor data in the supporting statements do not give any indication why these species should be considered as candidates for an Appendix II listing. In particular concerning proposals 30 and 31 any existing problems must be solved on a national basis. The involvement of the international community is not necessary."

Recommendation by the Secretariat

The criteria in Resolution Conf 9.24 (Rev. CoP12) that these species are said to meet are still unclear, but in view of the low volume of international trade, there is not enough evidence to claim that harvesting of specimens from the wild for international trade has, or may have, a detrimental impact on the species by either exceeding, over an extended period, the level that can be continued in perpetuity or reducing the population to a level at which its survival would be threatened by other influences.

The Secretariat recommends that this proposal be rejected.

Proposal 29

***Stenophis citrinus* (NB: this species is referred to as *Lycodryas citrinus* in the proposal) – Inclusion in Appendix II.**

(Madagascar)

Provisional assessment by the Secretariat

This is a distinctive but little-known snake from Madagascar. There is evidence of international trade, however this amounts to only 15 specimens in the years 2001-2003 inclusive. The known range is quite small, although the exact distribution of the species may be larger as suggested in the proposal. There is no evidence that the species is threatened or declining and it seems unlikely that the levels of trade reported could pose any serious threat to the species. There is some suggestion that specimens may be

removed from protected areas, but particularly whilst the species remains unprotected elsewhere within its range, CITES listing cannot address this matter.

Comments from Parties and intergovernmental bodies

Switzerland: See comments on proposal 28.

Recommendation by the Secretariat

In view of the low volume of international trade, there is not enough evidence to claim that harvesting of specimens of this species from the wild for international trade has, or may have, a detrimental impact on the species by either exceeding, over an extended period, the level that can be continued in perpetuity or reducing the population to a level at which its survival would be threatened by other influences.

The Secretariat recommends that this proposal be rejected.

Proposal 30

Atheris desaixi **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a]

(Kenya)

Provisional assessment by the Secretariat

This viper is endemic and restricted to a limited area of Kenya.

The proposal contains no information on the conservation status or population trends of the species, although it suggests that habitat loss and trade may be expected to cause a decline in the population.

The supporting statement reports frequent interception of smuggled snakes of this species, but gives no details. It says that the species is protected by domestic law but documents that 27 snakes were (legally?) exported between November 1999 and May 2000. This is the only evidence presented of any international trade.

On the basis of the information contained in the supporting statement, the problem for this species seems to be one of control at the national level. The supporting statement does not spell out how inclusion of *A. desaixi* in Appendix II would complement domestic measures.

Comments from Parties and intergovernmental bodies

Kenya: "Kenya is trying very hard to stop illegal exports of specimens of these species. By listing the species on Appendix II, this will mean that importing Parties will expect to see a CITES export permit accompanying shipments of the species from Kenya. Since Kenya is the sole range State for the species, a requirement of an export permit by the importing country should stop illegal trade and control trade in the species. Currently, specimens of the species illegally collected in and exported from Kenya arrive in importing countries and, because the species are not listed on CITES, there is nothing importing countries can do to stop the illegal import. Thus, listing the species on Appendix II will complement our strict domestic laws that provide for protection of the species. Kenya wishes to make reference to the preamble of the CITES treaty which states that `international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade ´ and thus by proposing inclusion of the two species of Vipers in Appendix II of the Convention, Kenya calls on Parties to assist in the protection of the species from overexploitation. Due to paucity of more data on the illegal trade, we try to clarify some sections on the already given data. However, Resolution Conf. 9.24 calls on Parties to use the best available information and also states `when considering any proposal to amend Appendix I or II, the Parties shall apply the precautionary principle so that scientific uncertainty should not be used as a reason for failing to act in the best interest of the conservation of the species. ´ On illegal trade, all the data given represents illegal trade, as there has not been any export permits issued by Kenya for the said specimens. For proposal 30 *Atheris desaixi* the total number of 27

specimens exported represents illegal trade and not legal as noted by CITES Secretariat in the assessments. Only 27 specimens have been recorded to be known to be in the illegal trade. Records are as a result of interception of smuggled snakes, an indication that the numbers in illegal trade are likely higher and the market for the specimens of the species bigger. Conservation status and population trends*:* As indicated in the proposal the species population trend is expected to be decreasing due to increased human population. Again the species is not known to occur in any protected area and has restricted distribution. This, combined with illegal collection for international trade, paints a poor conservation picture for the species hence its conservation status is at risk."

Switzerland: See comments on proposal 28.

Recommendation by the Secretariat

In view of the low volume of international trade, there is not enough evidence to claim that harvesting of specimens of this species from the wild for international trade has, or may have, a detrimental impact on the species by either exceeding, over an extended period, the level that can be continued in perpetuity or reducing the population to a level at which its survival would be threatened by other influences.

The Secretariat recommends that this proposal be rejected.

Proposal 31

Bitis worthingtoni **– Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a]

(Kenya)

Provisional assessment by the Secretariat

This viper is endemic to parts of Kenya. The supporting statement does not contain any information on the conservation status or population trends of the species, although it presumes that habitat loss and trade may be expected to cause a decline in the population.

The supporting statement reports the `frequent interception of smuggled snakes´ of this species in Kenya, but does not provide quantified information which would help to facilitate understanding of the scope of the problem. It notes that 19 specimens entered Germany in 1999, stating that these were illegally imported. The species is reported to be protected in Kenya but the supporting statement also refers to 37 specimens exported by a Kenyan-based trader to various countries between November 1999 and May 2000. The legal status of the species and of the specimens that were exported from Kenya remains to be clarified.

On the basis of the information presented, the problem for the species seems to be one of control at the national level. The supporting statement does not spell out how its inclusion in Appendix II would complement domestic measures.

Comments from Parties and intergovernmental bodies

Kenya: "Kenya is trying very hard to stop illegal exports of specimens of these species. By listing the species on Appendix II, this will mean that importing Parties will expect to see a CITES export permit accompanying shipments of the species from Kenya. Since Kenya is the sole range State for the species, a requirement of an export permit by the importing country should stop illegal trade and control trade in the species. Currently, specimens of the species illegally collected in and exported from Kenya arrive in importing countries and, because the species are not listed on CITES, there is nothing importing countries can do to stop the illegal import. Thus, listing the species on Appendix II will complement our strict domestic laws that provide for protection of the species. Kenya wishes to make reference to the preamble of the CITES treaty which states that `international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade´ and thus by proposing inclusion of the two species of Vipers in Appendix II of the Convention, Kenya calls on Parties to assist in the protection of the species from overexploitation. Due to paucity of more data on

the illegal trade, we try to clarify some sections on the already given data. However, Resolution Conf. 9.24 calls on Parties to use the best available information and also states 'when considering any proposal to amend Appendix I or II, the Parties shall apply the precautionary principle so that scientific uncertainty should not be used as a reason for failing to act in the best interest of the conservation of the species.' On illegal trade, all the data given represents illegal trade, as there has not been any export permits issued by Kenya for the said specimens. The 37 specimens exported by Kenyan based trader to various countries between November and May 2000 were also illegal traded, as there were no export permits issued by Kenya Wildlife Service, the Wildlife Authority in Kenya. The records of the 37 specimens are as a result of interception of smuggled snakes by the country of import, an indication that the numbers in illegal trade are higher and the market for the specimens of the species bigger. Conservation status or population trends: The species has become more rare to collect in the recent years, while on conservation status, given its occurrence in largely private and highly human inhabited areas, it is at high risk."

Switzerland: See comments on proposal 28.

Recommendation by the Secretariat

In view of the low volume of international trade, there is not enough evidence to claim that harvesting of specimens of this species from the wild for international trade has, or may have, a detrimental impact on the species by either exceeding, over an extended period, the level that can be continued in perpetuity or reducing the population to a level at which its survival would be threatened by other influences.

The Secretariat recommends that this proposal be rejected.

Proposal 32

Carcharodon carcharias **– Inclusion in Appendix II with a zero annual export quota.**

(Australia and Madagascar)

Provisional assessment by the Secretariat

A proposal to include the great white shark *Carcharodon carcharias* in Appendix I was submitted by Australia and the United States of America at the 11th meeting of the Conference of the Parties (CoP11). It was amended at CoP11 to include the species in Appendix II, but rejected. Australia subsequently listed this species in Appendix III in October 2001 (with no annotation, i.e. a listing that applies only to live or dead specimens).

The proposal indicates that *C. carcharias* is widely distributed and found off coastal and offshore shelves in temperate and sub-tropical areas. Populations seem mostly resident, but seasonal and long-distance migrations may take place. The species is rather long-lived and has a low reproductive rate, reaching sexual maturity at 8 to 12 years and producing every two to three years on average, seven young after a 12-month gestation period.

No global population figures or trends are provided in the proposal, but it notes that the species appears uncommon to rare compared to other large sharks, while population trend data in four range States (Australia, Croatia, South Africa and United States of America) indicate important declines in recent decades.

The species is not targeted by large commercial pelagic fisheries, but may be taken in sport fisheries, incidentally as bycatch or opportunistically for curios, and in artisanal fisheries.

The proposal contains anecdotal information on international trade in *C. carcharias* products, suggesting that levels of this trade seem relatively small and largely limited to jaws, teeth and occasionally fins. Only five transactions appear to have been recorded by in the annual reports of Parties since the inclusion of the species in Appendix III, but their full details are not provided. According to the proposal, the high value of great white shark products indicates significant demand, but it is unclear on what this assumption is based. It is also stated that a thriving international trade exists in jaws and teeth through

the Internet, but this is not further substantiated. However, it appears that continued unregulated harvesting of *C. carcharias* for international trade may have a detrimental impact on the species.

The proponents argue that including all three large shark species in the CITES Appendices (*Rhincodon typus* and *Cetorhinus maximus* are both already included in Appendix II) would reduce the complications regarding enforcement for certain items in trade; identification of jaws and teeth of *C. carcharias* is apparently relatively easy for non-experts, while whole very large fins would almost certainly come from one of these three species. For these and other specimens that may appear in trade (e.g. processed fins, fin soup, oil, skin, leather, fresh meat, processed meat, bones, skulls, etc.), the proponents refer to a DNA test that is stated to be cheap and accurate. It is however unclear in which States this test is available, or how it could be used in developing countries if it is not available.

The proponents consulted the range States of this species and the comments that were received are attached to the proposal.

The proposal aims to list *C. carcharias* in Appendix II with a zero annual export quota. The consequence of establishing this quota in an annotation would be that any export of any specimen of the species would be prohibited. *De facto*, this would be more restrictive than an Appendix-I listing, which would for instance still allow for the export of specimens for non-commercial purposes or personal use.

The proponents argue that the inclusion of *C. carcharias* in Appendix II with a zero quota would help ensure that exploitation was regulated and monitored and that international trade was not detrimental to its survival. It seems that the intention of the proponents is to eliminate all trade because this proposal would rule out any international transaction in specimens of this species. However, where range States have provided full protection to *C. carcharias*, this seems to have driven harvest and trade underground. Further it should be noted that several major causes of death of white sharks, such as sport fishing and bather-protection programmes, take place in coastal waters and have to be regulated under national legislation. Additionally, the proposal does not address the issue of introduction from the sea, and how Parties should deal with those introductions.

Comments from Parties and intergovernmental bodies

Australia and Madagascar: Australia and Madagascar provided the following responses to points made in the preliminary assessment of the Secretariat.

"*The proposal contains anecdotal information on international trade in C. carcharias products, suggesting that levels of this trade seem relatively small…*
Evidence from a number of sources indicates that unreported trade in Great White Shark products, including but not limited to jaws, teeth and fins is continuing. For example, in October 2003 law enforcement officials in South Africa found Great White Shark teeth being sold illegally (Gosling, 2003). In November 2003, a large Great White Shark jaw was offered for sale in New Zealand over the Internet, for a minimum starting price of USD 10,000 (Beston, 2003). Duffy (2004) provides evidence of Great White Shark jaws and teeth being readily available through Internet sites. Further evidence of the high demand for and interest in Great White Shark trophy items such as teeth and jaws comes from the sheer number of Internet sites dedicated to trade in Great White Shark products. An Internet search on the Yahoo search engine for `sell white Shark teeth´ returns approximately 77,000 hits. The unregulated and unreported nature of international trade in Great White Shark products has made it impossible to accurately quantify volumes of trade in the proposal. Australia and Madagascar are aiming to halt unregulated and unreported international trade in the species, and Australia in particular has instituted a range of measures to further their objective, including nomination of the species to Appendix III of CITES, developing an identification manual, and investigating the use of forensic DNA testing to detect Great White Shark products in international trade.

Only five transactions appear to have been recorded by in the annual reports of Parties since the inclusion of the species in Appendix III, but their full details are not provided.
Australia unilaterally listed the Great White Shark on Appendix III of CITES in 2000 in order to encourage co-operation between Parties to control trade in the Great White Shark, a species that has been given protection in a number of countries. It is a condition of international trade in species listed on Appendix III that all transactions are reported to the Secretariat in the Parties' annual reports. While developing the proposal to list the Great White Shark on Appendix II of the Convention, the CITES Management

Authority of Australia approached the Secretariat to obtain information on the number and type of transactions in Great White Shark specimens and products reported by Parties in annual reports since 2000. Australia and Madagascar deemed it unnecessary to include further information on the reported transactions of Great White Shark specimens or products, as we considered that the low number of reports included in annual reports to the Secretariat (5 since 2000) added weight to the case that unreported and hence unregulated trade in Great White Sharks products was undoubtedly occurring.

According to the proposal, the high value of great white shark products indicates significant demand, but it is unclear on what this assumption is based.It is also stated that a thriving international trade exists in jaws and teeth through the Internet, but this is not further substantiated.
The correlation between demand and price is a well-established economic principle. It therefore follows that the extremely high prices paid for Great White Shark trophy items such as jaws (USD 50,000) and teeth (USD 1,150) are indicative of significant demand for such items. The Conclusions of the Workshop on Great White Shark Conservation Research (January 2004) states that `Jaws, teeth and fins are high value, low volume products that are in considerable international demand in several parts of the world as trophies or curios´. A quick search of the Internet for `sell white shark teeth´ through Google's search engine proves that modern day (non-fossil) Great White Shark teeth are still for sale. The site (http://home.inreach.com/compconn/index13.html) accessed 21/6/04 advertises modern day Great White Shark teeth for sale. Similarly, Great White Shark products are readily available on eBay (http://stores.ebay.com/The-shark-tooth-hunter & http://stores.ebay.com/whereonearth) as accessed on 21/6/04.

… it appears that continued unregulated harvesting of C. carcharias for international trade may have a detrimental impact on the species.
Australia concurs with the CITES Secretariat that continued unregulated harvest of the Great White Shark for international trade will have a detrimental impact on the species. It is for the purpose of halting unregulated international trade in the species that Australia is proud to jointly nominate the species for inclusion on Appendix II of the Convention with the government of Madagascar.

… the proponents refer to a DNA test that is stated to be cheap and accurate. It is however unclear in which States this test is available, or how it could be used in developing countries if it is not available.
The forensic DNA test referred to in the proposal is able to detect the presence of Great White Shark genomic material from among that of up to ten different commercially fished shark species. It is thus an extremely useful tool in detecting Great White Shark products in trade. The diagnostic test is relatively inexpensive to conduct, costing around USD 15 per batch to quickly and accurately determine the presence of Great White Shark. Unequivocal results can be obtained in less than 24 hours after a DNA sample is taken. Australia recognises that this expense may be beyond the financial capacity of many developing countries, however since Great White Shark jaws and teeth are easily recognisable, especially when using the Identification Guide that has been produced, the DNA test would only be used for Great White Shark products that are more difficult to identify (eg dried fins, cartilage powder). This means that the DNA test would be most effectively applied at major shark product import and export hubs. A preliminary assessment indicates that major shark product import hubs occur in SE Asia, and we assume that the major export hubs for Great White Shark products correspond with centres of abundance for this species. Australia is planning to introduce the DNA test at strategic import and export points within Australia in August this year to meet its commitments under its National Plan of Action for the Conservation and Management of Sharks (NPOA-sharks). During the first year of testing, an Operations Manual will be produced. It is hoped that this Operations Manual will help to promote the uptake of molecular testing technology among other countries. The test's procedures are freely available from Chapman *et al*.'s article in Conservation Genetics (2003).

The proponents consulted the range States of this species, but the comments that were received are not included in or attached to the proposal.
The proposal contains all the comments received from eight range States. These are also available in the online version of the proposal.

It seems that the intention of the proponents is to eliminate all trade because this proposal would rule out any international transaction in specimens of this species.
Australia and Madagascar have presented robust evidence of alarming declines in Great White Shark catch per unit effort and catch data over relatively short time scales, indicating rapidly shrinking

population sizes across the species' range. The IUCN Red List classifies the Great White Shark as globally `Vulnerable´, and states: `Where detailed population data are available, these indicate that the abundance and average size of white sharks have declined´. The joint proposal contains evidence that Great White Sharks are taken to supply demand for extremely high value products such as jaws, teeth and fins. As such, unregulated international trade is contributing to the unsustainable exploitation of the species, and increasing its risk of extinction in the wild. The conclusions of the recent (January 2004) workshop on Great White Shark conservation research in New York state that: `Its life history parameters (late maturity, low fecundity, low natural mortality, longevity etc.) mean that this species has a particularly low intrinsic rate of population increase. This, combined with the vulnerability of the species to exploitation at coastal aggregation sites, makes it particularly prone to depletion.´ At CoP12, the Secretariat made the following statement regarding the nomination of the basking shark (*Cetorhinus maximus*) to Appendix II: `Furthermore, the Secretariat does not consider a listing in Appendix III to be appropriate for a species that also occurs in waters beyond the jurisdiction of any State, and therefore supports the proposal.´ Australia strongly endorses the Secretariat's view on the proposal to list the basking shark at CITES CoP12, as the comments are equally applicable to the current nomination of the Great White Shark. Additionally, Australia is in agreement with the statements made by the Secretariat at CoP12 in relation to the proposal to list the whale shark (*Rhincodon typus*) to Appendix II: `It is not clear how any Party would be able to make a non-detriment finding because of the paucity of information on this species, its highly migratory nature, and the lack of specific management programmes for this species on the high seas or in national waters.´ Australia believes these comments to be equally valid for the Great White Shark, and we are, therefore, recommending a zero quota until these issues are resolved and it becomes possible to issue non-detriment findings in support of future quotas. Unregulated international trade in this species is unsustainable and must be stopped to help ensure the survival of the Great White Shark. However, Australia recognizes that international trade in the species for scientific purposes aimed at furthering the understanding and conservation of the species are legitimate exceptions to the global ban in international trade that they are otherwise seeking and will consider amending the annotation accordingly in consultation with our joint nominee, the government of Madagascar. In conclusion, it is indeed the intention of Australia to ban all unregulated international trade in the species and thus remove significant adverse pressure on the Great White Shark at this time. The choice of an Appendix II nomination with a zero quota however contains sufficient flexibility that if the status of the species is improved, the annotation could be amended to permit some trade in Great White Shark products. This approach is considered somewhat easier than having to present a downlisting proposal if the species was included on Appendix I.

…the proposal does not address the issue of introduction from the sea, and how Parties should deal with those introductions. Australia considered it inappropriate to address introduction from the sea in the Great White Shark proposal, in light of the United States of America's proposal to address key elements of `introduction from the sea´ through their proposed resolution to promote the practical and effective regulation of international trade in Appendix-I or Appendix-II specimens.

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Japan: "Management of sharks and other marine resources is the responsibility of specialized fisheries organizations such as the FAO and Regional Fisheries Management Organizations (RFMOs). Given the fact that the FAO has developed an International Plan of Action for the Conservation and Management of Sharks (IPOA-Sharks) in 1999 and has been promoting the responsible management and sustainable use of these resources, the issue of shark resource management should be dealt with within this framework.

Currently, many nations have been developing and implementing their own national action plans to this end. According to the information document distributed at the 20th meeting of the Animals Committee in March this year (AC20 Inf.5), as many as 63 countries have either developed their national plans of action or were in the process of development. As is clear in this proposal, no global population assessment of this species has been carried out. It is therefore not possible to conclude that international trade is affecting the survival of this species because only 5 cases of trade have been recorded since it was included in Appendix III by Australia in 2001, and no country has targeted this species in fisheries. Even in Australia, the proponent country, only by-catch is used effectively. Therefore, it should be concluded that the criteria for inclusion of this species in Appendix II have not been satisfied. Further, even if it is the case that there is a possibility that, as pointed out in the proposal, trade from the United States and South Africa is not adequately controlled, the most appropriate approach is to ensure strengthening national measures in each country concerned, as may be necessary. Global regulation, such as inclusion in Appendix II, is therefore excessive and should be opposed. Japan has filed a reservation with respect to the inclusion of Great White Shark in Appendix III by Australia based on the principle that any species whose survival is not threatened by international trade should not be included in the Appendices. Under the current circumstances where there is virtually no actual international trade in this species, it is not appropriate to include this species in Appendix II. The proposal provides no evidence of the impact of international trade on the resources. For this reason, Japan is opposed to this proposal. Japan shares the Secretariat's views that `several major causes of death of white sharks, such as sport fishing and bather-protection programmes, take place in coastal waters and have to be regulated under national legislation´. Japan requests the Secretariat, in its final assessment, to clearly state that the inclusion of this species in Appendix II is not appropriate because there is virtually no international trade in this species and because there is no evidence of the impact of any international trade on this species. Should the proponents have deleted the annotation to establish a zero annual quota, Japan would like to ask the Secretariat if such revision of the proposal expands the range of its scope."

Switzerland: "Would the zero-quota for the export of all specimens be valid for all CITES Parties or just for the proponents? Would the zero-quota for the export be valid also for household effects or scientific specimens or pre-convention specimens? Or would the zero-quota only be valid for specimens exported for commercial purposes?

An improvement for the alarming situation of this species which is a. o. targeted by sport-fishing will make necessary – before anything else - the ban on sport-fishing (and probably also commercial fishing) and protection of these species in their habitat (i.e. *in situ*).

One problem with all proposals involving migrating marine species is the question `Who is doing the non-detriment finding?´ and who is responsible for the sustainability of any use resp. the control of export quotas – if such quotas are to be defined."

FAO: " The FAO ad hoc Expert Advisory Panel concluded that the historical catches for the Australian and Adriatic components of the population probably could not be continued in perpetuity. There is less certainty about the impacts of current reduced catches in Australia. For South Africa, catches in recent decades appear to be sustainable. For the Northwest Atlantic, sustainability of recent catches is uncertain because of limitations in the data and inappropriate treatment of the data in some of the sources used. The available evidence could support a range of hypotheses, and it was not possible to confirm or exclude the possibility that the species as a whole meets the criteria for listing in Appendix II. The Panel questioned the logic of a zero quota if an Appendix II listing were to be supported by the Parties and agreed that if a species does not qualify for an Appendix I listing, it seemed inappropriate to have a zero quota simultaneously imposed by the Conference of the Parties. There was insufficient information provided in the proposal for the Panel to develop an informed opinion about the relative importance of international trade to the conservation status of white shark."

Recommendation by the Secretariat

The available information and the analysis of IUCN/TRAFFIC and FAO suggest that overall, *C. carcharias* may meet the criteria for inclusion in Appendix II. Wild populations are declining, and it can be inferred that harvesting for apparently limited international trade could be detrimental to certain populations of the species where offtake is at a level that cannot be continued in perpetuity. The provisions for trade in Appendix-II-listed species, in combination with the additional safeguards and monitoring mechanisms that

the Parties adopted, would offer a robust management regime to ensure that trade in specimens of *C. carcharias* would be legal and not detrimental to the survival of the species. However, the aim of the proposal is not to ensure that trade in *C. carcharias* is regulated in compliance with Article IV of the Convention but to eliminate all international trade through the imposition of a zero annual export quota. If a species does not meet the biological criteria for inclusion in Appendix I, this appears inappropriate.

The Secretariat recommends that this proposal be adopted if it is amended to remove the annotation indicating a zero annual export quota.

Proposal 33

***Cheilinus undulatus* – Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B.]

[Fiji, Ireland (on behalf of the Member States of the European Community) and the United States of America]

Provisional assessment by the Secretariat

The United States of America submitted a proposal to include the humphead wrasse *Cheilinus undulatus* in Appendix II at CoP12, but this was narrowly rejected. The current proposal is more comprehensive, and includes new and updated information.

C. undulatus is widely distributed in the Indo-Pacific region, where it is associated with healthy coral ecosystems. Densities are naturally low, and reported to decrease significantly (i.e. by 10 fold or more) in areas that are fished even at light to moderate levels. Japan comments that its fishery of this species around the Ryukyu Islands has been sustainable over the past five years, but this interesting case is not further analysed or commented upon in the proposal. Elsewhere, local depletions and extirpations are documented, with serial overfishing occurring in the Indo-Pacific. Possible reasons for the high sensitivity to overfishing of this large, long-lived species are reported to include its reproductive biology (hermaphroditic, with sex changing from female to male when maturing; spawning in aggregations), long generation time, and low rates of replacement and of intrinsic population increase.

The main threat to *C. undulatus* is targeted fisheries at all life stages for the live reef food trade in Asia (juveniles for direct sale or for 'grow-out' culturing), with a small number entering the aquarium trade. Only live specimens are reportedly entering international trade. Demand as an expensive luxury food item is predicted to increase.

The proponents argue that the form in which specimens are traded and the unmistakable characteristic shape in all age and size classes make *C. undulatus* readily identifiable. They further note that modes of transport have shifted markedly in recent years from sea to air, and that airports offer better monitoring opportunities than sea ports, which would further facilitate enforcement of CITES controls.

The proponents argue that listing this species in Appendix II would strengthen efforts to regulate and manage *C. undulatus* fisheries at national level, provide the necessary legal framework to regulate international trade, ensure sustainability through the making of non-detriment findings, and reduce illegal, unregulated or unreported (IUU) fishing and trade.

The proponents consulted the range States of *C. undulatus* and have included in the supporting statement the comments that were received.

Comments from Parties and intergovernmental bodies

Switzerland: "If the specimens in trade are mostly (frozen) meat. How can they be identified?"

FAO: "The FAO ad hoc Expert Advisory Panel concluded that the available evidence supports the inclusion of humphead wrasse on CITES Appendix II based on criterion 2a B and possibly on 2a A. This conclusion is based on its high vulnerability, low productivity and evidence of widespread and serious

impacts of exploitation throughout most of the range of the species. Humphead wrasse is a low productivity species with fragmented distribution that, owing to its large size and sedentary nature, is highly vulnerable to the method of fishing used to capture individuals of the species. Consequently, populations can be easily depleted at even medium fishing intensities. It is among the most vulnerable species, if not the most vulnerable in the reef fish assemblage of which it is a part. There is convincing evidence that there have been substantial declines in local abundance at numerous points within its range leading to the inferred conclusion that depletion is a widespread phenomenon. There is also convincing evidence of trade-driven exploitation that has expanded over the past three decades to cover most of the species range. Owing to the high value of the species in the live reef food fish markets, trade is considered to be a significant factor in the depletion of this species. This situation is exacerbated by the fact that humphead wrasse are also exploited for local consumption in most range countries. Management of reef fisheries, including those for wrasse, are inherently difficult. The Panel concluded that regulation of trade as a result of CITES listing could make a significant contribution to the conservation of this species. A CITES listing alone would not provide a complete solution to the conservation problems for this species. Therefore strengthening of regional and national management of the live reef food fish trade and domestic fisheries is also necessary to ensure protection of the humphead wrasse."

Recommendation by the Secretariat

The information presented in the proposal and in the evaluation thereof by FAO shows widespread serial declines of *C. undulatus* populations as a result of overexploitation for international trade in live specimens. The current levels of harvest are known to be detrimental and cannot be continued in perpetuity because of the species' low productivity, high vulnerability to fishing pressures and population fragmentation.

The Secretariat recommends that this proposal be adopted.

Proposal 34

***Ornithoptera* spp., *Trogonoptera* spp. and *Troides* spp. in Appendix II – Deletion of the annotation "*sensu* D'Abrera".**

[Switzerland (as Depositary Government, at the request of the Nomenclature Committee)]

Provisional assessment by the Secretariat

As explained in the supporting statement, birdwing butterflies in the genera *Ornithoptera* spp., *Trogonoptera* spp. and *Troides* spp. were included in Appendix II in 1979 with the annotation "*sensu* D'Abrera". This was to clarify that, at the same time, a publication by B. D'Abrera was adopted as the nomenclatural reference for these butterflies. D'Abrera's publication specifies the names of the species within the three genera that are covered by CITES. This is actually highly unusual. Nomenclatural references for all other species in the CITES Appendices are established through Resolutions and on the basis of the work of the Nomenclature Committee, not through specifications in the Appendices.

This proposal aims to remove the nomenclatural reference "*sensu* D'Abrera". The adoption of the proposal will not alter the CITES status of *Ornithoptera* spp., *Trogonoptera* spp. and *Troides* spp. The nomenclature of these genera would however become specified in the regularly updated Resolution on Standard nomenclature, as for other CITES-listed species.

More information on the rationale for this proposal is presented in the report of the Nomenclature Committee to CoP13 (see document CoP13 Doc. 9.3).

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

The proposal removes an anomaly in the annotations to species included in the Appendices, and does not affect the inclusion of *Ornithoptera* spp., *Trogonoptera* spp. and *Troides* spp. in Appendix II.

The Secretariat recommends that this proposal be adopted.

Proposal 35

***Lithophaga lithophaga* – Inclusion in Appendix II.**
[in accordance with Article II, paragraph 2 (a)]

[Italy and Slovenia (on behalf of the Member States of the European Community)]

Provisional assessment by the Secretariat

The European date mussel *Lithophaga lithophaga* is proposed to be listed in Appendix II to help regulate its international trade and to avoid utilization that is incompatible with its survival. The species seems widely distributed in the Mediterranean and along the Atlantic coast from Morocco to Senegal, where it lives in limestone sea rock from sea level to a depth of 20 m. It would appear to be common wherever suitable habitat remains, with estimated densities of 300 to 1,600 individuals per square meter, of which the large majority are juveniles smaller than 5 cm. Animals larger than 5 cm are suitable for human consumption. They usually occur is densities of up to 100 individuals per square meter. The animals burrow holes in limestone substrates and can currently only be harvested by destroying rocks.

The proposal presents information on local population declines in certain range States as a result of habitat alteration through coastal development and destruction of rocks for collecting *L. lithophaga*. Apparently, the latter principally concerns easily accessible rocks and sites, i.e. littoral rocks at a depth of up to 2 meters. It remains unclear from the proposal how these relatively localized threats impact the global conservation status of *L. lithophaga*. This species is said to play an important pioneer role in coastal limestone rock habitat, and destructive fishing methods negatively impact this ecosystem. Restoration of sites damaged by harvesting of the species is apparently very slow or impossible.

The only reported use of *L. lithophaga* is local and international trade as a sea food delicacy for human consumption, mainly within the western Mediterranean range States of this species, particularly Italy and Spain. The proposal suggests that `exploitation and commerce of *L. lithophaga* will continue to increase´, but it is unclear from the information presented on what this assumption is based. It should be noted that trade in *L. lithophaga* between EU Members States such as Spain, Italy and Slovenia would remain largely uncontrolled if the species were included in Appendix II.

Legal international trade in *L. lithophaga* seems to be very limited because many range States in the Mediterranean ban its collection, utilization and export, or fully protect the species. The only data on legal transactions indicate that Serbia and Montenegro used to export 30 tons of *L. lithophaga* each year to neighbouring countries until 2003 when it banned exploitation. The proposal provides information on illegal exploitation and trade within a few range States where the species is traditionally consumed or in demand, with over 6,000 kg of *L. lithophaga* confiscated in Croatia, Italy and Slovenia in recent years. Only anecdotal information is provided concerning possible illegal international trade between North Africa and Europe. It is unclear on what basis a statement mentioning `increasing level of illegal marketing´ is made. Overall, the exploitation of and trade in *L. lithophaga* seem to concern a limited number of range States of this species only, and to be geographically relatively restricted.

The proponents indicate that specimens of *L. lithophaga* that appear in international trade are distinctive, but it is unclear whether other species in this globally distributed genus are traded and could potentially be confused with *L. lithophaga*.

Comments from Parties and intergovernmental bodies

Italy and Slovenia: "The main problem regarding this species is that its harvesting causes habitat destruction. Very few marine invertebrate species are really endangered and the species-oriented conservation biology focuses mainly on vertebrates. This is essential, but the greatest threat to

biodiversity is habitat destruction. A species is threatened when its habitat becomes fragmented and disturbed. Destructive *L. lithophaga* harvesting is one of the most serious threats to biodiversity in the whole Mediterranean basin due to a single type of human activity. We believe that when habitat destruction is driven by trade, CITES can and must intervene. Although the species is not necessarily threatened with extinction, it may become so if trade is not controlled. Therefore the species meets the criteria for Appendix II listing. Furthermore, this proposal can be a test of the synergy between CBD and CITES, as it is a clear example of how the ecosystem approach of CBD could be integrated into CITES.

Specific comments:

1. "*The proposal presents information on local population declines in certain range States as a result of habitat alteration through coastal development and destruction of rocks for collecting L. lithophaga."*
The term »coastal development« is not mentioned in the proposal. If `coastal development´ is understood as construction only (ports, tourist facilities, marines etc.), than it is not one of the main factors threatening *L. lithophaga*. However, if it includes a spectrum of human activities, such as development of tourist industry, fisheries, construction, pollution etc., it can be considered a main threat in addition to the destruction of rocks due to *L. lithophaga* harvesting.

2. "Apparently, the latter principally concerns easily accessible rocks and sites i.e. littoral rocks at a depth of up to 2 meters. It remains unclear from the proposal how this relatively localized threats impact the global conservation status of L. lithophaga."
It is very difficult to find a marine invertebrate species specific study that would cover the entire species range. For *L. lithophaga* such study is not available. Due to its special biology (endolithic), this species can not be separated from its habitat and its distribution can only be studied through habitat availability. However, it is important to point out that *L. lithophaga* inhabits limestone littoral and is completely absent from any other kind of substrate. In many countries limestone littoral is scarce (e.g. Slovenia, Montenegro etc.) and in these countries the species is even threatened with extinction due to habitat loss. In some countries (e.g. Israel) the species is not used for human consumption. The reason is a harder substrate, which slows the growth of *L. lithophaga* considerably (max. length up to 9 mm) and makes the mussel unsuitable for exploitation. The impact of *L. lithophaga* exploitation on habitat has been studied by local scientists in regions where the scientific community is sensitive to the problem (mostly in Croatia, Italy and Spain) (GUIDETTI et al., 2002a, 2002b, 2004a). Studies on hard bottom communities are not pursued throughout the Mediterranean. Nevertheless, the absence of studies in some range states, particularly in Africa, can not be the reason to conclude that there is no threat to this species in these countries. There is sound scientific evidence that Date mussel fishery cause complete eradication of all living beings in rocky cliffs (FANELLI et al. 1994; GUIDETTI et al., 2003, 2004b). Furthermore, it shows that *L. lithophaga* collection is a main threat to this species and littoral marine ecosystem throughout the Mediterranean (GONZALEZ et. al, 2000). There is no list of the species affected by this activity but they include all the species that inhabit rocky littoral from the surface to the depth of 20 m! Habitat of these species is becoming scarcer and scarcer and the devastation is still spreading since Date mussel harvesters cannot wait for the renewal of the resource (due to the slow growth of the species and the habitat already destructed) and they move to unexploited areas. High market value of this species (up to EUR 40-60/kg), which is kept up by trade, and the fact that the species is protected in many range states drive harvesters to remote sites where the species is more abundant and where they can not be discovered. By the use of destructive methods, such as explosives, divers can easily harvest the species down to the lowest limit of its vertical distribution. In certain areas with depressed economy or very high unemployment rates, date-mussel fishery can be an easy source of income. In order to explain the existence of global threat to *L. lithophaga* it is necessary to mention that *L. lithophaga* is particularly sensitive to pollution (polycyclic aromatic hydrocarbons). Another direct threat to the species is trawling fishery in littoral areas, which eradicates *Clelia clelia* and *L. lithophaga* larvae, as well as juvenile specimens of these species from the substrate and thus prevents the colonisation of bare rocks. The species has been listed in Ann II of Barcelona Convention/Geneva Protocol, Ann. II of Bern Convention and Ann IV of EU Habitat Directive, which proves that the species and its habitat have been recognized as globally endangered for a long time.

3. "*The only reported use of L. lithophaga is local and international trade as a sea food delicacy for human consumption, mainly within the western Mediterranean range states of this species, particularly Italy and Spain."*

It is clear from the proposal (see the relevant citations from studies and range states responses) that the use is not limited only to the western Mediterranean range states. On the contrary, the species is mainly harvested and traded in and between the East Adriatic states (e.g. Albania, Bosnia and Herzegovina, Croatia, Greece, Serbia and Montenegro) and from there also to Italy or through Slovenia to Italy and other EU member states. *L. lithophaga* is also exploited in North African states (Morocco, Tunisia) and traded to EU. The Secretariat does not provide the source on which its assessment is based. Furthermore, the fact that no response has been received from some range states during the consultation procedure can not be considered as proof that there is no exploitation of this species in these countries.

4. "*The proposal suggests that `exploitation and commerce of L. lithophaga will continue to increase´ but it is unclear from the information presented on what this assumption is based."*
The assumption was made on the basis of the report of the EUROPEAN ENVIRONMENT AGENCY (2002), which cites the significant increase in shell-fishing in Mediterranean in the past decade due to the intensive exploitation of bottom (demersal) stocks. The exploitation of *L. lithophaga* can be considered as a part of this trend. The assumption is also supported by the facts mentioned under specific comment no. 2 (i.e. increasing market value of the species, use of large-scale destructive methods and other modern harvesting equipment, trawling in the littoral).

5. "*It should be noted that trade in L. lithophaga between EU member states such as Spain, Italy and Slovenia would remain largely uncontrolled if the species were included in Appendix II."*
This assumption is unjustified. If the species is included in Appendix II, the trade between EU Member States will be better controlled due to EU Legislation implementing CITES, which also foresees controls on the possession of listed species. Trade within the EU is only minor consideration to be taken into account. There is a significant trade between member and non-member states (Chapter 3.3, last paragraph, of the proposal: International trade in *L. lithophaga* mainly takes place in North West Africa and among the South East European countries, as well as between these countries and the European Union. On the basis of the available information it can be concluded that at least among Albania, Bosnia and Herzegovina, Serbia and Montenegro, Croatia, Italy, Germany, Morocco and Spain there has been a long lasting and well organized illegal international trade in this species.).

6. "The proposal provides information on illegal exploitation and trade within a few range states where the species is traditionally consumed or in demand, with over 6,000 kg of L. lithophaga confiscated in Croatia, Italy and Slovenia. Only anecdotal information is provided concerning possible illegal international trade between North Africa and Europe. It is unclear on what basis a statement mentioning `increasing level of illegal marketing´ is made. Overall, the exploitation of and trade in L. lithophaga seem to concern a limited number of range States of this species only, and to be geographically relatively restricted."
It is evident from the range states responses and data on confiscated shipments that at least 12 countries (not few) are involved in trade with *L. lithophaga*. Furthermore, the cited figures on confiscated shipments (in tonnes) are limited to cases that have been discovered, which represent only the top of the iceberg of the actual illegal trade in this species. The exploitation and trade in *L. lithophaga* takes place on at least 2 continents and can therefore not be considered as `geographically relatively restricted´. Reports of enforcement bodies in countries that have a strict control of exploitation of and trade in *L. lithophaga* (e.g. Croatian inspection, Slovene customs and veterinary inspection, different police bodies in Italy) show that illegal activities including *L. lithophaga* harvesting and domestic and international trade have been increasing in the last years. The information on trade between North Africa and Europe is based on the firm evidence of existing illegal international trade in *L. lithophaga* between these two continents and cannot be treated as anecdotal. The Morocco's official response confirms the existence of clandestine commerce in this species. An important reference is a comprehensive Spanish study on biology, conservation and commerce of *L. lithophaga* (Gonzales et al., 2000). Another source used was the file on the Exploitation and Commerce of *L. lithophaga* in Spain (T-PVS (2001) 24) presented at the 20th meeting of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention). The Bern Convention Bureau noted that the problem subsisted owing to the importing of *L. lithophaga* from Morocco. The Bureau considered that special attention should be devoted to this species in all the States parties to the Convention in order to avoid trade. The Bern Convention Secretariat has drawn up a draft recommendation stating that 'the listing of *L. lithophaga* in Appendix I of the Washington Convention would help put an end to trade in this species'.

7. "The proponents indicate that specimens of L. lithophaga that appear in international trade are distinctive, but it is unclear weather other species in this globally distributed genus are traded and could potentially be confused with L. lithophaga."

To our knowledge, *L. lithophaga* cannot be confused with any other species. It has a very distinctive and well known date-like appearance. It is reasonable to expect that an informed non-expert would be able to make a reliable identification. *Lithophaga* species can be found in all the seas throughout the world but the populations of particular species are geographically separated from the populations of *L. lithophaga* (see the table below). The specimens of *Lithophaga aristata* (Dillwyn, 1817) look like the *L. lithophaga* but the length of adult specimens does not exceed 5 cm and one of its valves contains posteriorly an appendix. At this moment, there is no reliable information if any species from this genus other than *L. lithophaga* is traded on national or international level or used for human consumption. According to the abovementioned (and the Secretariat's assessment that the exploitation of and trade in *L. lithophaga* seem to concern a limited number of range States of this species only and to be geographically relatively restricted) this issue is not relevant."

Switzerland: "There might be a very limited local danger for unsustainable – illegal – harvest, but the species cannot be considered as immediately nor potentially threatened with extinction (in particular in view also of the protected status in all the range states). A species that numbers probably several millions of individuals does not in our opinion qualify for inclusion in Appendix II according to Article II of CITES. It is already strictly protected in practically all the range states (as well as by several MEAs), the harvesting is prohibited as well as the export – in fact the situation is probably more strict right now than if the species would be listed under Appendix I of CITES (= 'de facto Appendix I standing'). The proponents do not want to trade internationally at all. Why then do they propose it for Appendix II, which only makes sense if there is the intention for trade or if there is ongoing trade, because Appendix II is here to regulate and control such trade? Furthermore it seems that any ongoing – illegal - trade is between EU member states, with very limited CITES control. CITES, as has been pointed out earlier, cannot prevent illegal trade nor can it effect illegal national utilization. The problems with this species have to be solved by adopting and stringently enforcing *'in situ'* protection measures as well as such actions on a national – and EU - level."

FAO: "Proposal 35 contains a moderate amount of information on *Lithophaga lithophaga* biology, distribution, trade, and abundance. The Panel could not accurately determine the extent to which the species is exploited throughout its range, although it was clear that destructive fishing practices threaten the species at the local and perhaps national levels in certain parts of the Mediterranean Sea. A limited amount of new information, not contained in the original proposal, was presented to the Panel from the published literature and by an Expert Panel member. This included new data on growth and maturation rates, abundance time-series, and levels of research. However, none of this information significantly changed the Panel's opinions about the conservation status of the species. The Panel considered that the proposal identified a real and important problem. On the basis of the available information, the Panel was of the opinion that the species is not presently at risk of extinction in the foreseeable future, as substantial portions of its range remain unexploited or lightly exploited (e.g. Turkey). It was noted, however, that there is little evidence that healthy, unexploited populations can provide new recruits/juveniles for exploited populations. Furthermore, if harvesting continues with the highly destructive practices currently in use, the species will probably be progressively extirpated and thus be at real risk of extinction in an unspecified distant future. Date mussels are protected by legislation and international conventions in most of the range States, but implementation of these instruments seems to be largely ineffective and illegal harvest and illegal trade continue. A portion of the illegal trade appears to occur between member states of the European Union, and thus would not be affected by a CITES Appendix-II listing."

Recommendation by the Secretariat

Lithophaga lithophaga is currently not threatened and is unlikely to meet the criteria for inclusion in Appendix I in the near future. The available information suggests that the species is probably not overexploited for international trade in a significant portion of its range. Existing national legislation and international obligations of most of the range and consumer States do not allow trade in the species. They therefore already provide stricter protection than would be provided by inclusion of the species in Appendix II. In the circumstances, such a listing is unlikely to affect illegal harvesting and illegal trade. Therefore the Secretariat urges the Member States of the European Community and other range States to

take steps to implement existing national and international measures effectively to safeguard *L. lithophaga* and its habitat.

The Secretariat recommends that this proposal be rejected.

Proposal 36

Helioporidae spp., Tubiporidae spp., Scleractinia spp., Milleporidae spp. and Stylasteridae spp. – Amendment of the annotation to these taxa to read:

> **Fossils, namely all categories of coral rock, except live rock (meaning pieces of coral rock to which are attached live specimens of invertebrate species and coralline algae not included in the Appendices and which are transported moist, but not in water, in crates) are not subject to the provisions of the Convention.**

[Switzerland (as Depositary Government, at the request of the Animals Committee)]

Provisional assessment by the Secretariat

The purpose of this annotation is to clarify that live rock, as described, is not exempted from CITES controls. The Animals Committee came to this conclusion because the removal of live rock may potentially have a great impact on coral reefs. This annotation follows the recommendation in Resolution Conf. 11.10 (Rev. CoP12) that Parties adopt the principles and practice of an ecosystem approach when permitting the export of corals.

If proposal CoP13 Prop. 1 or proposal CoP13 Prop. 2 is adopted (providing a general exemption for fossils of all species in the Appendices) this annotation should be amended to read:

> "The general exemption for fossils does not apply to live rock (meaning pieces of coral rock to which are attached live specimens of invertebrate species and coralline algae not included in the Appendices and which are transported moist, but not in water, in crates)."

Comments from Parties and intergovernmental bodies

FAO: "All hard corals are on Appendix II of CITES, and CITES Conf. Res. 11.10 differentiates between various forms of coral. Fossils are not included in the listing but coral rock, dead coral and live coral are covered. The proposed annotation would have the effect of including coral rock as `fossils´ and thus excluding this from the listing. Under the annotation, live rock (as defined in the proposed annotation) would still be covered by the Appendix II listing. Live rock is typically dead coral substrate encrusted with algae and other non-CITES species. It can be cultured or taken from the wild. The Panel recognized that there could be conservation issues with export of live rock (i.e. potential damage to live reefs) but was unable to determine the extent of the potential impact, as this is a complex question on which little information was available. The Panel was informed (email from US CITES Authority to CITES Animals Committee Corals Working Group) that subsequent to the Animals Committee meeting which had accepted the proposed wording, implementation issues with the proposed definition of live rock had been raised. One of these issues involved shipping live rock dry, which would have the effect of classifying live rock as a `fossil´, contrary to the intent of the proposed annotation. Another was the recent use of plastic bags rather than crates for shipment which again would exclude live rock from the annotation as written. A third issue was related to developing a consistent enforcement protocol, e.g. determining whether live rock was `moist´ or `dry´ or whether it was submerged or not. The Panel recognized the complexity of defining coral parts and derivatives to support control of international trade and the considerable work that has been done within CITES on this issue over the years. However, it was unable to evaluate the effectiveness of the proposed annotation, primarily due to the lack of appropriate law enforcement expertise on the Panel and lack of detailed information on trade practices in the ornamental coral industry."

Recommendation by the Secretariat

Clarification of the term "fossil" in relation to the CITES listing of Helioporidae spp., Tubiporidae spp., Scleractinia spp., Milleporidae spp. and Stylasteridae spp. is desirable. Depending on whether the material is transported in crates or bags and the degree to which it is "moist" the proposed definition may allow

some live rock to escape CITES controls but all other solutions considered by the Animals Committee appear to have other drawbacks of one kind or another. If either proposal CoP13 Prop. 1 or CoP13 Prop.2 is adopted, this proposed annotation will need to be incorporated into the definition of 'fossil'.

The Secretariat recommends that this proposal be adopted.

Proposal 37

***Hoodia* spp. – Inclusion in Appendix II, with an annotation to read as follows:**

Designates all parts and derivatives except those bearing the label " Produced from *Hoodia* spp. material obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of Botswana/Namibia/South Africa under agreement no. BW/NA/ZA xxxxxx)".

(Botswana, Namibia and South Africa)

Provisional assessment by the Secretariat

Hoodia spp. plants occur in summer rainfall areas in Angola, Botswana, Namibia and South Africa in a wide variety of arid habitats, from coastal to mountainous, mostly with patchy distributions. Some species are threatened and declining, others are still relatively common.

The plants are in demand because of their pharmaceutical value, particularly for their qualities as an appetite suppressant. All the material used to manufacture the products (widely advertised on websites) is thought to be derived from wild-harvested plants. Cultivation trials have been set up in Namibia and South Africa but plants have not yet reached the stage of harvesting.

The proponents state that (unregulated?) harvesting for commercial purposes is becoming a large potential threat. Harvesting requires cutting off the above ground parts of the plant and it is relatively easy to destroy a large proportion of a small population. The legal international trade appears well regulated in three countries (Botswana, Namibia and South Africa), but illegal exports have been reported in Botswana and South Africa while Namibia has experienced attempts of illegal collecting. The potential impact of illegal trade is considered to be very high because of the threat of over-exploitation after patenting of the active compound (P57) by the CSIR in South Africa, extracted from *H. gordoni*.

The three proponent countries have national legislation to protect the species. They argue that an Appendix-II listing would strengthen the role of range States in ensuring that trade in these species is sustainable, but is also expected to reduce the current illegal trade.

The proponents would like to apply an exemption from CITES provisions for all parts and derivatives bearing the label "Produced from *Hoodia* spp. material obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of Botswana/ Namibia/ South Africa, under agreement no. BW/NA/ZA xxxxx". However, from the supporting statement it seems that no such agreement between specific manufacturers/distributors or agents exists at present.

A listing of this type would mean that finished pharmaceutical products made from plants artificially propagated outside the three proponent countries would be subject to the provisions of the Convention, even though the proponents state that "such products present complications for enforcement and have traditionally been exempt for medicinal plant species included in Appendix II".

Overall it would seem that the result of the adoption of this proposal would leave the vast bulk of trade in *Hoodia* spp. outside CITES controls, thus perhaps defeating the object of including the genus in the Appendices. The practicality and efficacy of a simple label permitting material to be excluded from CITES controls also needs further consideration.

Comments from Parties and intergovernmental bodies

Namibia. "It is correct that no agreement has yet been concluded between a specific manufacturer and the Government of the Republic of Namibia, but negotiations are under way. The purpose of the proposed exemption would be material to the type of agreement to be concluded, and this aspect of the proposal is intended to facilitate future agreements that will be concluded. We believe, however, that the

intention of the proposed exemption has been misinterpreted by the Secretariat, and would like to provide some clarification. Under a normal Appendix II listing for medicinal plant species, it would be likely that the exemption for chemical derivatives and finished pharmaceutical products would be applied. It is the opinion of the range States that in the case of *Hoodia*, such an exemption would result in only the range or producer States having to implement controls (regarding the export of raw materials), with thereafter little information or control on the subsequent use or trade in processed material. We feel that in order to ensure that maximum benefits are retained within range States, such exemptions should only apply to commodities produced using raw materials legally acquired from the range States. It provides an opportunity for range States to enter agreements with pharmaceutical companies that will be to the benefit of such range States, by example providing for better value addition within such States, or a degree of responsibility by pharmaceutical companies towards ensuring sustainable management practices. In contrast, if pharmaceutical companies are not willing to enter such agreements, or choose to source their material elsewhere, no such exemption should be granted, given that the use of the product is not contributing in any way to the conservation of the wild source, and the material on which such trade is based may not have been obtained with due authorization. Thus, the labelling system proposed is intended purely for the finished products (chemical derivatives and finished pharmaceutical products), not the raw materials (all trade in raw materials would be subject to CITES permits - hence customs officials should not have a problem). The proposed label would simply form part of the standard labelling of the product. We believe that this should not create difficulties of enforcement, given that this product is marketed very specifically as *Hoodia*, and it should be very easy for customs officials to determine whether or not a particular consignment or product is exempt. Range States entering such agreements, of which there are not likely to be many, would be able to inform the Secretariat of such agreements for dissemination to other Parties, and products in trade could be checked against such information. It is our hope that all *Hoodia* products be produced through such agreements, as we believe this is in the best interest of the conservation of these species. Control measures on a national basis would ensure that only legally acquired raw material is exported to such companies (with appropriate CITES permits). Because of the CITES listing, all imports and exports of the raw material will be subject to permitting, so it should be possible to monitor where raw material is originating from. The principal concern should be that all trade in raw material is regulated, to avoid international trade in raw material acquired illegally. The proponents are therefore seeking the additional regulatory value that CITES can add to national efforts to prevent illegal harvesting and trade in raw material, without compromising the economic value of trade in products derived under a cooperative agreement with responsible manufacturers."

Switzerland: "Along with its new popularity as a medicinal plant, demand for *Hoodia* as an ornamental indoor plant is considerably increasing, at least in Europe. In horticulture, *Hoodia* is usually grown from seeds that germinate within 3 days. Seedlings may be grafted on bulbs of *Ceropegia woodii*. This yields vigorous, fast growing and soon flowering specimens. Commercial mass production has started in Europe; seeds are produced from cultivated mother plants on the Canary Islands and possibly in other places as well. This activity is fully independent from the natural populations of *Hoodia*. The volume of future international trade in such ornamental plants can not yet be assessed, but it seems preferable to expand the proposed exemption, which actually only exempts material that is collected from the habitat under a license, to also exempt live plants that are artificially propagated outside the countries of origin, as this has no detrimental impact on natural populations. Furthermore, following discussion of annotations of medicinal plants at the 14th Plants Committee Meeting, it should be considered to also exempt finished pharmaceutical products. All this would reduce the scope of the proposal and it would come close to a listing in Appendix III. This would however still allow to control, whether material originating from the range States is legally in trade. Harvest under a license should guarantee sustainable levels. In any case, an urgent conservation problem is not convincingly demonstrated. The issue seems rather related to „access and benefit sharing" (ABS) under CBD than to species conservation."

Recommendation by the Secretariat

This species appears to meet the criteria for inclusion in Appendix II because harvesting of specimens from the wild for international trade may have a detrimental impact on the species by exceeding, over an extended period, the level that can be continued in perpetuity. Because of the requirement that exports of specimens of Appendix-II species should not be detrimental to the survival of the species in the wild, inclusion of this species in Appendix II would normally strengthen the role of range States in ensuring that trade in these species is sustainable. However, the proposed label could potentially exempt most of the exports from range States from CITES controls, which would frustrate the process in this instance.

The Secretariat recommends that this proposal be rejected.

Proposal 38

Euphorbiaceae (Appendix II) – Annotation to read as follows:

Artificially propagated specimens of *Euphorbia lactea* are not subject to the provisions of the Convention when they are:

a) grafted on rootstocks of *Euphorbia neriifolia* L.;

b) colour mutants; or

c) crested-branch forming or fan-shaped.

(Thailand)

Provisional assessment by the Secretariat

This proposal seeks to exempt artificially propagated cultivars of a particular species of the succulent Euphorbiaceae, similar to the one adopted for *Euphorbia trigona* at CoP10. This particular species is popular among succulent enthusiasts. However, some observations should be made.

- The wild species of *E. lactea* are dark green, with pale greyish bands along the midrib. It should therefore be made very clear what exactly is understood by 'colour mutants' (e.g. the ones of uniform colour, various shades of grey to white, with or without some green stripes).
- Normally only the crested forms [in which the plant no longer grows lengthwise but the top is deformed into a comb-like structure that is flattish (fan shaped) or has a more contorted, undulating upper ridge (crest)] are grafted, and perhaps the annotation should reflect this by combining a) and c).
- For a non-expert, the crested forms may easily be confused with similar forms of some species of Cactaceae. Nevertheless, the presence of milky juice, once the plant is cut, is a clear sign that the specimen concerned is from the *Euphorbia*.
- The proposal does not provide any details of trade in wild specimens (the species is indigenous to India).

The annotation makes clear that it is only the artificially propagated specimens of *Euphorbia lactea* that are to be excluded from CITES controls, however this would mean that the rootstock of *Euphorbia neriifolia* L. would remain subject to control, thus defeating the object of paragraph a).

Comments from Parties and intergovernmental bodies

Switzerland: "Many succulent *Euphorbia* species are not included in CITES for conservation needs, but as a consequence of listing all succulent taxa of the genus. In some higher taxa like *Euphorbia*, it seems not possible to differentiate on the level of species and therefore, another approach has to be chosen to streamline the control of trade. For instance, industrial mass products of horticulture should, when ever possible, be exempted from CITES. This is in line with various initiatives that are ongoing in the Plants Committee. Instruments will be needed to survey the impact of such exemptions and to make sure, that they are not abused for illegal trade in wild-collected specimens. Identification is an important task in this context. With respect to *E. lactea*, not only *E. neriifolia* is used world-wide as a grafting stock but also, for example, *E. candelabrum*. However, at this stage, the proposal can not be changed to allow other *Euphorbia* spp. from Appendix II as stocks for grafting. With respect to *E. milii*, there may be concerns about possible illegal exports of wild-collected plants from Madagascar under the exemption. If such

trade should occur in the future, this could, for example, be addressed by restricting the exemption to flowering specimens, which are very easy to identify."

Recommendation by the Secretariat

The text of the annotation is not clearly formulated as it stands. The Secretariat could support the proposal if the annotation were changed to read `artificially propagated, crested, fan-shaped or colour mutants of *Euphorbia lactea*, when grafted on artificially propagated root stocks of *E. neriifolia*, are exempted from CITES controls´. This text would then be similar to the one used for the exemption of certain Cactaceae.

The Secretariat recommends that this proposal be rejected unless amended as indicated.

Proposal 39

Euphorbiaceae (Appendix II) – Annotation to read as follows:

Artificially propagated specimens of cultivars of *Euphorbia milii* are not subject to the provisions of the Convention when they are:

a) traded in shipments of 100 or more plants;

b) readily recognizable as artificially propagated specimens.

(Thailand)

Provisional assessment by the Secretariat

This little shrub is a popular house plant. Many varieties and hybrids are available varying in flower size and in colour from red to yellow. It blooms freely most of the year, although it normally becomes dormant in summer. It is a very popular species that is widely cultivated worldwide. Some of the improved hybrids have resulted from crosses with *Euphorbia lophogona* but the proposal does not refer to this species.

The species is indigenous to Madagascar, from where it is described in about a dozen varieties. The proposal makes no reference to the quantities that are traded from Madagascar (either as wild-collected or artificially propagated). The wild-collected specimens might not be easy to differentiate from artificially propagated as is suggested in the proposal. One way to overcome this would be not to apply the exemption to specimens originating in Madagascar (as is suggested in paragraph 4.3.1), but because of the exemption elsewhere, smuggling would be difficult to combat, even with the suggested limitation of not less then 100 specimens per shipment.

Comments from Parties and intergovernmental bodies

Switzerland: See comments on proposal 38.

Recommendation by the Secretariat

In their analysis of the amendment proposals IUCN indicates that also the specimens traded from Thailand are in fact cultivars of hybrids between *E. milli* and *E. lophogona* (*E. x lomi*), which is a different taxon than the one referred to in the proposal. Consequently the Secretariat recommends that this proposal be rejected.

The Secretariat recommends that the proposal be rejected.

Proposal 40

Orchidaceae in Appendix II – Annotation to read as follows:

Artificially propagated specimens of Orchidaceae hybrids are not subject to the provisions of the Convention when:

a) they are readily recognizable as artificially propagated specimens;
b) they do not exhibit characteristics of wild-collected specimens;
c) shipments are accompanied by documentation such as an invoice that indicates clearly the vernacular name of the orchid hybrids and is signed by the shipper.

Specimens that do not clearly meet the criteria for the exemption must be accompanied by appropriate CITES documents.

(Thailand)

Provisional assessment by the Secretariat

Of the three proposals related to the possible exclusion of orchid hybrids from the CITES Appendices, this is the one which would have the greatest impact by excluding all hybrids of Appendix-II orchid species.

The supporting statement cites paragraph f) under "RESOLVES" of Resolution Conf. 9.24 (Rev. CoP12) which states that species of which all specimens in trade have been artificially propagated should not be included in the Appendices if there is no probability of trade taking place in specimens of wild origin. However, many species of orchid are traded as specimens of wild origin, even if the majority of the specimens in trade are man made hybrids with such species in their ancestry.

This proposal also goes beyond the approach envisioned by the Plants Committee, that is that only hybrids that are readily recognizable should be excluded from the Appendices. Even when the condition is added that the hybrid specimens should be in flower and potted, it would in many cases be difficult for an enforcement officer to determine whether he is dealing with a species or a hybrid. In a non-flowering stage this would be virtually impossible.

Furthermore, the invoice [referred to in paragraph c) of the proposed annotation] should mention the scientific name of the hybrid, not the vernacular name.

The proposal does not refer to hybrids with at least one parent of an Appendix-I species in their ancestry. These hybrids are currently regarded as being included in Appendix II, as mentioned in paragraph 4.1.2. If the intention is to exclude these as well, the enforcement problems would only increase as there would be the opportunity for increased illegal trade in specimens of species of *Paphiopedilum* and *Phragmipedium* (Appendix I).

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

Excluding all artificially propagated hybrids from CITES controls would clearly have no impact on the wild populations, but it is unclear how this could be properly implemented, in particular for non-flowering specimens.

The Secretariat recommends that this proposal be rejected.

Proposal 41

Orchidaceae in Appendix II – Annotation to exclude artificially propagated hybrids of the following taxa, exclusively under the condition that specimens are flowering, potted and labelled, professionally processed for commercial retail sale and that they allow easy identification:

Cymbidium
Interspecific hybrids within the genus and intergeneric hybrids
Dendrobium
Interspecific hybrids within the genus known in horticulture as "nobile-types" and "phalaenopsis-types", both of which are clearly recognizable by commercial growers and hobbyists
Miltonia
Interspecific hybrids within the genus and intergeneric hybrids
Odontoglossum
Interspecific hybrids within the genus and intergeneric hybrids
Oncidium
Interspecific hybrids within the genus and intergeneric hybrids
Phalaenopsis
Interspecific hybrids within the genus and intergeneric hybrids
Vanda
Interspecific hybrids within the genus and intergeneric hybrids

The annotation to specifically read as follows:

Artificially propagated specimens of hybrids are not subject to the provisions of the Convention when:

a) they are traded in flowering state, i.e. with at least one open flower per specimen, with reflexed petals;
b) they are professionally processed for commercial retail sale, e.g. labelled with printed labels and packaged with printed packages;
c) they can be readily recognized as artificially propagated specimens by exhibiting a high degree of cleanliness, undamaged inflorescences, intact root systems and general absence of damage or injury that could be attributable to plants originating in the wild;
d) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to inflorescences, roots, leaves or other parts resulting from collection; and
e) labels or packages indicate the trade name of the specimen, the country of artificial propagation or, in case of international trade during the production process, the country where the specimen was labelled and packaged; and labels or packages show a photograph of the flower, or demonstrate by other means the appropriate use of labels and packages in an easily verifiable way.

Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.

(Switzerland)

Provisional assessment by the Secretariat

This proposal has been extensively discussed by the Plants Committee and evolved from its review of the listing of the Orchidaceae species in the Appendices. It is based on a similar proposal developed for CoP12. However, for that proposal, the proponent added a number of conditions not discussed by the Plants Committee (and of which only the exemption for *Phalaenopsis* hybrids was approved). These included, amongst other things, a requirement for a certain quantity of specimens (see also proposal CoP13 Prop. 42). Also, the genera listed in the proposal to CoP12 were not entirely the same as in the present one. In its comments on the proposal to CoP12 Switzerland argued that, for enforcement reasons, the specimens concerned should be flowering and potted, as it is proposing here.

The choice of the genera is very balanced and, when traded in flower, the hybrids can be easily recognized, as is evident from the illustrations provided with the proposal. Nevertheless, the practical application of such a long and complicated annotation needs to be fully considered.

If proposal CoP13 Prop. 40 is adopted, this proposal need no longer be discussed.

Comments from Parties and intergovernmental bodies

Thailand. "This annotation does not cover all artificially propagated orchid hybrids. There are too many conditions and requirement which are difficult to implement. In addition, only a few Parties will benefit from it. Thailand suggests that all artificial orchid hybrids (man-made) which are commonly traded worldwide should be exempted from the provisions of the Convention if they are readily recognizeable as artificially propagated and accompanied by an appropriate document such as a Phytosanitary Certificate."

Recommendation by the Secretariat

The annotation proposed here is unnecessarily long and complex. The Secretariat believes it would complicate enforcement of the Convention.

The Secretariat recommends that this proposal be rejected.

Proposal 42

Orchidaceae in Appendix II – Amendment of the annotation regarding *Phalaenopsis* hybrids to read:

Artificially propagated specimens of hybrids within the genus *Phalaenopsis* are not subject to the provisions of the Convention when:

a) specimens are traded in shipments consisting of individual containers (i.e. cartons, boxes or crates) containing 20 or more plants each;

b) all plants within a container are of the same hybrid, with no mixing of different hybrids within a container;

c) plants within a container can be readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity in size and stage of growth, cleanliness, intact root systems and general absence of damage or injury that could be attributable to plants originating in the wild;

d) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to roots, leaves or other parts resulting from collection; and

e) shipments are accompanied by documentation, such as an invoice, which clearly states the number of plants and is signed by the shipper.

Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.

[Switzerland (as Depositary Government, at the request of the Plants Committee)]

Provisional assessment by the Secretariat

At its 14th meeting, the Plants Committee discussed a survey by the United States of America on the effectiveness of the annotation to *Phalaenopsis* (Orchidaceae) to exempt hybrids under certain conditions. That annotation includes a condition that the individual containers contain at least 100 plants (the other conditions were identical to the ones proposed here). This high number is one of the reasons for which this exemption has been rarely, if ever, used. The Plants Committee therefore recommends that the minimum quantity be reduced to 20 plants per container.

The supporting statement does not refer to the frequent use of so-called mixed trays (trays with 9 or 12 pots of different hybrids of *Phalaenopsis*), in which case the exemption can not be used because of condition b).

In the comments on the proposals to CoP12 it was indicated that in non-flowering state, it would be impossible to differentiate between specimens of artificially propagated hybrids and artificially propagated species. (It is relatively easy to determine whether the plants belong to the genus *Phalaenopsis*). It would therefore seem more effective to delete the condition of having only one hybrid per container, and replace it by the requirement that the specimens should be in flower.

However, the practical application of long and complicated annotations such as this needs to be fully evaluated.

If proposal CoP13 Prop. 40, or proposal CoP13 Prop. 41 is adopted, this proposal need not be discussed.

Comments from Parties and intergovernmental bodies

Thailand. "This annotation is not applicable to trade of orchid hybrids. Reducing the number of plants from 100 to 20 would not solve the problem."

Recommendation by the Secretariat

The current annotation was agreed at CoP12 against the advice of the Secretariat. It has not proven to be workable. The amendment proposed now is equally long and complex and the Secretariat doubts whether reducing the number of specimens per container to 20 would make a significant difference.

The Secretariat recommends that this proposal be rejected.

Proposal 43

Cattleya trianaei **– Transfer from Appendix I to Appendix II.**

(Colombia)

Provisional assessment by the Secretariat

This species was included in Appendix I in 1975. Since 1995 it has been under the current annotation that designates all parts and derivatives, except: seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers. Because most of the subpopulations are small, and as a result of the overexploitation that took place in the past, this species may qualify for inclusion in Appendix I. All other species of the genus *Cattleya* are currently listed in Appendix II. The trade in these specimens and their hybrids takes place when they are not flowering, and this makes it difficult to differentiate Appendix-I from Appendix-II specimens.

Nevertheless, from the information provided in the supporting statement, it is clear that international trade is not a threat to the wild population of this species. *Cattleya trianaei* is an endemic species of the Colombian Andes and is the national flower of Colombia. For these reasons, campaigns for its protection have been implemented. Surveys of its biology and ecology have been carried out to help implement control measures and maintain remnant populations.

Most of the international trade in this species is in artificially propagated specimens produced by five nurseries registered under the Colombian regulations.

The proposal does not include details of any protection under national legislation in Colombia.

Comments from Parties and intergovernmental bodies

Colombia: "As for the conservation status of this species, the Ministry for the Environment, Housing and Regional Development (*Ministerio de Ambiente, Vivienda y Desarrollo Territorial*), acting as CITES Management Authority for Colombia in coordination with the Alexander von Humboldt Institute and the Institute for Natural Sciences of the Colombia National University, prepared a project in 2000 for surveying and monitoring three populations of the 16 populations historically recorded. Furthermore as was mentioned in the proposal, information was obtained from specialists on the genus *Cattleya* in Colombia, who through direct observations have found that there are still 10 sites in three departments of Colombia (Cundinamarca, Huila and Tolima) with wild populations that show trends of recovery. In addition, it is known that this species tolerates a wide range of habitat, including forests, isolated trees within a matrix of agro-ecosystems, rocky cliffs and even dry to sub-xerophytic vegetation. Therefore, a decrease in wooded areas does not directly produce a decrease of habitat available for this species. Furthermore, while it is certain that there has been widespread transformation of habitats in the past, it is also certain that there currently is evidence of some degree of recovery of the vegetation in this species's natural area of distribution. It is important to point out that several private landowners are allowing natural regeneration on their land leading to the noticeable recovery of populations of this species. This species is widely grown within its area of distribution on both public and private land with consequent

contributions to the process of dispersal. Even though Colombian populations of this species have suffered a decrease as the result of heavy extractive pressures and degradation of habitat, preliminary results of a national survey (based on IUCN parameters) now show that the species is not 'almost extinct' and does not fulfil the criteria for the 'Critically Endangered (CR)' category (Alexander von Humboldt Institute, 2004). In addition, this species also does not meet the criteria for inclusion in Appendix I because according to surveys and preliminary observations its populations are not small compared to other species in the same genus. Furthermore, specialists report that the species has shown marked trends of recovery. An integrated programme of pilot projects for conservation of flora is currently being carried out under the management provisions of the National Strategy for Conservation of Plants in Colombia (Alexander von Humboldt Institute, 2001) that includes the genus *Cattleya* as a priority taxonomic group for research, conservation, education and sustainable-use activities within the framework of the Action Plan for Conservation of the Orchidaceae Family. This project is coordinated by the Alexander von Humboldt Institute and endorsed by the Ministry for the Environment, Housing and Regional Development with the participation of Colombian and foreign herbaria, research institutes, botanical gardens, private reserves, universities, regional and national environmental authorities, non-governmental organizations and private collectors, all institutions that are carrying out short-, medium- and long-term activities aimed at guaranteeing the recovery of the genus *Cattleya*. Furthermore, under Resolution 0213, the government of Colombia has banned since 1977 the use, transport of and trade in orchids and herbaceous or woody products, bark and branches that form part of the habitat of species that are commonly exploited for ornamental or similar purposes throughout Colombia. Likewise, Law 1791 of 1996 on forestry exploitation regulations (*Régimen de Aprovechamiento Forestal*) establishes requirements for operating commercial nurseries, which must demonstrate to regional environmental authorities that they have legally obtained their plant stock and likewise ensure the sustainable management and survival of this species. In this context, currently there is permanent monitoring of commercial activities, thus guaranteeing regulation of domestic and international trade. Illegal harvesting for commercial purposes has decreased owing to an increase of artificially propagated plants available in commercial nurseries. In light of this, transfer of *C. trianaei* from Appendix I to Appendix II would not increase the degree of threat to its wild populations because extraction from the wild for trade would continue to be regulated by domestic legislation, independent from adoption of the proposed amendment. On the contrary, adoption of the amendment would lead to inclusion of the whole genus in Appendix II, facilitating the control and verification, throughout the production chain, for non-specialists who are dealing with international trade."

Switzerland: "*Cattleya trianaei* is not the only species of the genus that has become rare because of unsustainable harvest. Other species are equally rare and in demand, such as *C. araguayensis* (Brazil), *C. iricolor* (Ecuador), *C. lueddemaniana* (Venezuela), *C. rex* (Peru) or *C. schroederiana* (Colombia). The latter are all listed in Appendix II under *Orchidaceae* spp. and this also allows to control trade in wild-collected specimens. Recent incidents with new and endemic species of orchids, such as various slipper orchids (*Paphiopedilum hangianum*, *P. helenae*, *P. vietnamense* and other spp.) of Viet Nam or *Phragmipedium kovachii* from Peru demonstrate, that a listing in Appendix I alone does not solve all conservation problems related with trade (see under B above). These orchids, regardless of the trade ban for wild-collected specimens, have been harvested to near-extinction shortly after their discovery. The approach of Colombia to undertake efforts *in situ*, combined with *ex situ* propagation, is very promising and could prove to be more effective than the listing in Appendix I." "[this proopsal] … should be considered as a success for CITES, as a proof that CITES can and does work."

Recommendation by the Secretariat

International trade is no longer a threat for this species, and Colombia has the national legislation to protect and control its trade. Regarding Resolution Conf. 9.24 (Rev. CoP12) Annex 4 on Precautionary measures, this species meets the criterion in paragraph B. 2. b) ii), as implementation, enforcement and compliance measures are in place to meet the requirements of the Convention.

The Secretariat recommends that this proposal be adopted.

Proposal 44

Vanda coerulea **– Transfer from Appendix I to Appendix II.**

(Thailand)

Provisional assessment by the Secretariat

This orchid has been listed in Appendix I since 1979. It has a very wide distribution and although the supporting statement gives only very general information, it might be supposed that the population is not small. There have been declines in some populations in the past because of over-collecting but these have been halted according to the supporting statement. Reintroductions have been made in parts of its range and populations are said to be recovering.

The species is in trade in the form of artificially propagated specimens and it is in demand. However because the main interest is in 'elite clones' and these are difficult to locate in the wild, the demand for wild collected specimens is likely to be small. Export of wild-collected specimens are said to be prohibited in all range States.

Comments from Parties and intergovernmental bodies

Switzerland: "The specimens in trade are mostly not derived from var. *coerulea*, but from var. *hennisiana* and moreover, are polyploid. They have been strongly selected and hybridized according to horticultural criteria. The wild forms don't meet these criteria. It will be important now to know the positions of other range States."

Recommendation by the Secretariat

On balance, the information in the supporting statement suggests that the species is unlikely to meet the criteria for inclusion in Appendix I. International trade demand for wild specimens is likely to be limited and, in any event, according to the supporting statement, trade appears to be prohibited by all range States

The Secretariat recommends that this proposal be adopted if range States confirm that the precautionary measures are in place.

Proposal 45

Cistanche deserticola **– Addition of annotation #1, i.e.:**

Designates all parts and derivatives, except:

a) seeds, spores and pollen (including pollinia);

b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and

c) cut flowers of artificially propagated plants.

(China)

Provisional assessment by the Secretariat

Following the deletion of an earlier annotation in the Appendices for this species (referring to roots - although this parasitic species does not have any) parts and derivatives (the most commonly traded commodities of this species of medicinal interest) are no longer covered by the provisions of the Convention. The currently proposed annotation seeks to correct this omission, so that all relevant parts and derivatives in trade are covered.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

This change will extend the application of CITES to the specimens of most international trade relevance.

The Secretariat recommends that this proposal be adopted.

Proposal 46

***Chrysalidocarpus decipiens* (NB: this species is referred to as *Dypsis decipiens* in the proposal) – Transfer from Appendix II to Appendix I.**

(Madagascar)

Provisional assessment by the Secretariat

This palm tree species has been listed in Appendix II since 1975 [except for seeds, spores and pollen (including pollinia), seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and cut flowers of artificially propagated plants].

Its distribution is now restricted to relict forest in certain areas of central Madagascar. The known population appears to be very small (around 200) and the area of distribution restricted. The population size is now so low that it is vulnerable to a variety of human-induced threats.

The proposal states that legal trade takes place in the form of seeds and seedlings and that in the short term this poses a great threat to the species. Seeds are not covered under the existing Appendix-II listing but it might have been expected that the proponents could provide statistics to confirm the export of seedlings in the past. If the species is included in Appendix I, seeds would be covered by the listing to the extent that they are readily recognizable.

Comments from Parties and intergovernmental bodies

Switzerland: "A listing in Appendix I can hinder propagation from wild-collected seeds in a range State and thus eliminate incentives to protect mother plants in situ. The proposal is based on a single source of literature. The estimate of the population size looks rather arbitrary. The example of *Araucaria araucana* shows, how a listing in Appendix I can hinder propagation from wild-collected seeds in a range State and thus eliminate incentives to protect mother plants in situ. A 'ranching' of *Chrysalidocarpus decipiens*, or other approaches that include in situ measures, seem more likely to help than a trade ban, especially as a) trade is only one element out of several that are threatening the species and b) identification of seeds could pose problems. A preliminary internet survey of sales offers shows, that there is a significant production of seedlings in tropical regions of the world and it can be inferred, that this will soon lead to mature mother plants and to production of seeds ex situ (it seems that in the early 1990s, no mature trees were probably in cultivation outside Madagascar). Unfortunately the proposal does not contain such information. In Madagascar the first country based significant trade review process is going on at the moment, including a comprehensive Action Plan. Proposals such as these should – if at all - be results coming out of this process and should preferably not be submitted while the process is still going on."

Recommendation by the Secretariat

This species clearly meets a number of the criteria for inclusion in Appendix I.

The Secretariat recommends that this proposal be adopted.

Proposal 47

Taxus wallichiana **– Amendment of the annotation (currently annotation #2), to read:**

Designates all parts and derivatives, except:

a) seeds and pollen; and

b) finished pharmaceutical products.

(China and the United States of America)

Provisional assessment by the Secretariat

When the proposal to include *Taxus wallichiana* in Appendix II was adopted at the ninth meeting of the Conference of the Parties (CoP9, Fort Lauderdale, 1994), it had an annotation exempting seeds, flasked seedlings, cut flowers and **finished pharmaceutical products.** At the 11th meeting (CoP11, Harare, 2000), the Depositary Government presented a proposal to harmonize the annotations to several plant species of medicinal interest (proposal 11.53, submitted by Switzerland as Depositary Government at the request of the Plants Committee). Despite interventions that this new annotation would actually reduce the controls for *Taxus wallichiana* it was adopted by the Conference. The current annotation exempts seeds, flasked seedlings, cut flowers and **chemical derivatives and finished pharmaceutical products.**

The proponents point out that, by excluding chemical derivatives, the current annotation fails to capture the majority of the trade in specimens of this species, rendering the listing ineffective. The important products in trade are the extracts (paclitaxel or paclitaxel-equivalent components) rather than the actual plant biomass (leaves etc.) from which these extracts are taken, mainly in the country of origin of the species concerned. The proposal resulted from discussion in the Plants Committee when reviewing the listings of various plant taxa.

However, it should be noted that between CoP9 and CoP11 no trade in chemical extracts was recorded in the CITES annual reports.

The reference to synonymy needs to be considered by the Nomenclature Committee.

Comments from Parties and intergovernmental bodies

Switzerland: See comments on proposal 48.

Recommendation by the Secretariat

This change will extend the application of CITES to specimens of most international trade relevance.

The Secretariat recommends that this proposal be adopted.

Proposal 48

Taxus chinensis, T. cuspidata, T. fuana, T. sumatrana **and all infraspecific taxa of these species – Inclusion in Appendix II with the following annotation:**

Designates all parts and derivatives, except:

a) seeds and pollen; and

b) finished pharmaceutical products.

[in accordance with Article II, paragraph 2 (a), of the Convention and Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraph B. i)]

(China and the United States of America)

Provisional assessment by the Secretariat

The supporting statement presents the limited information that is available on the status of and trade in *Taxus chinensis*, *T. cuspidata*, *T. fuana* and *T. sumatrana*, focusing particularly on the situation in China. Very little or no information is presented regarding the other range States of these taxa (i.e. Indonesia, Japan, the Russian Federation, the Philippines, the Republic of Korea and Viet Nam). The proposal does

not mention that *T. cuspidata* is a popular garden plant, of which many cultivars are in trade. It also does not clarify whether there are hybrids between the four Asian *Taxus* species that are the subject of the proposal and the five *Taxus* species that would not be included in the Appendices if the proposal were to be adopted.

The proposal stems from a review of the genus *Taxus* by the Plants Committee, which concluded that the Appendix-II listing and annotation of *Taxus wallichiana* (#2) was ineffective because it was not covering the main substances in international trade, and that the listing of the other Asian *Taxus* species and infraspecific taxa of these species in Appendix II would assist in regulating trade and ensuring that exports are not detrimental. The proposal addresses these issues, and complements proposal CoP13 Prop. 47 concerning a new annotation for *Taxus wallichiana*. The same annotation is proposed for the listing of *Taxus chinensis*, *T. cuspidata*, *T. fuana* and *T. sumatrana,* i.e. covering the main commodities in trade, chemical extracts (paclitaxel and paclitaxel-equivalent compounds).

Comments from Parties and intergovernmental bodies

Japan: "Japan thinks that the supporting statements is not providing sufficient scientific information, such as the status of and trade in *Taxus chinensis, T. cuspidata, T. fuana, T. sumatrana* and all infraspecific taxa of these species in all relevant countries, for the due consideration based on a scientific rationale. Japan regards that *T. cuspidata* in Japan is not endangered species as it is widely distributed and also is common as a gardening plant. While *T. cuspidata* is traded as commercial timber, it has been used for traditional woodcrafts in some mountain regions in Japan. Japan believes that this proposal should be carefully considered with taking into consideration that this proposal significantly impacts on countries and regions where *T. chinensis, T. cuspidata, T. fuana, T. sumatrana* and all infraspecific taxa of these species are not endangered."

Switzerland. "From the data, although rather scarce and anecdotal, it seems that there is a conservation problem with Asian *Taxus* spp., with the exception of *T. cuspidata* in Japan, and maybe also of other taxa in other countries or regions, which are not of concern. This could maybe be addressed by including only `the populations of *Taxus* spp. of China´ in Appendix II. It remains however unclear, why *Taxus* is harvested in a detrimental way in China, although a permit is needed for such activity. Further, there seems to be a rather limited number of companies involved in processing of biomass in China, and the task of surveying this activity seems to be feasible. Therefore the question remains, where the problems of *Taxus* harvest, and trade in extract, really lie and whether they can be addressed effectively through CITES. More information is needed. Further, we have additional information that *Taxus baccata* biomass originating from Europe, and legally traded outside CITES, is processed in India. How can it be prevented that the extract is mixed there with extract from Asian species for re-export? "

Recommendation by the Secretariat

Taxus chinensis, *T. cuspidata, T. fuana* and *T. sumatrana* meet the criteria for inclusion in Appendix II because it is known or can be inferred that unsustainable harvesting for international trade has a detrimental impact on wild populations of these four species. The proponents are encouraged to address the identification problems that may be caused by trade in products and derivatives from listed *Taxus* species mixed with unlisted ones, and from hybrids between Asian *Taxus* species and others.

The Secretariat recommends that this proposal be adopted.

Proposal 49

***Aquilaria* spp. and *Gyrinops* spp. – Inclusion in Appendix II.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraphs A. and B. i), and Annex 2 b]

(Indonesia)

Provisional assessment by the Secretariat

Aquilaria malaccensis was listed in the CITES Appendix II in 1995 under annotation #1. Listing one species out of more than 15 species producing agarwood appeared to create worldwide problems on

look-alike products in trade. The trade is in the form of wood chips, powder and oils, and it is very difficult to determine which species of *Aquilaria* or *Gyrinops* these are derived from.

Very little information is provided on the population size and trend of this species in the various range States. Some species of *Aquilaria* are now also collected from protected areas. Agarwood collectors generally cut all potential agarwood trees to determine whether they may be infected and thus produce the valuable infected wood.

Demand for agarwood has been increasing for years, but exports from Indonesia decreased from 300 tons in 2000 to 150 tons in 2001. There is no explanation provided for this decrease.

Nowhere in the supporting statement is reference made to the substantial amount of work carried out by the Plants Committee and others since 1998 (although a document discussed at the last Plants Committee meeting (Namibia, 2004) is mentioned in the list of references.

In the supporting statement, no reference is made to comments from other range States, and it is not clear whether the proponent has sought such comments.

There is no reference to parts and derivatives in the proposal. As a consequence, only whole plants whether dead or alive would be covered if this proposal were adopted [cf. Article I, paragraph (b)(iii)], and so the trade in agarwood products would remain largely unregulated. Under the current Rules of Procedure of the Conference of the Parties, the proposal may not be amended to cover these products, because that would mean an extension of the scope of the current proposal, which is not permitted.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

The available evidence suggests that the species in these genera that are in international trade are being harvested at a level in excess of that which can be continued in perpetuity. For practical and look-alike reasons the remainder of the species in the genera should also be included in Appendix II. As a result of Resolution Conf. 9.6 (Rev.) on Trade in readily recognizable parts and derivatives, in particular the first paragraph under AGREES, the Secretariat considers that the consequence of this proposal will be that all parts and derivatives will be included in the Appendices unless such specimens are specifically exempt.

The Secretariat recommends that this proposal be adopted.

Proposal 50

***Gonystylus* spp. – Inclusion in Appendix II.**
[in accordance with Resolution Conf. 9.24 (Rev. CoP12), Annex 2 a, paragraphs A and B i), and Annex 2b, paragraph B] with annotation #1, i.e.:

Designates all parts and derivatives, except:

a) seeds, spores and pollen (including pollinia);
b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and
c) cut flowers of artificially propagated plants.

(Indonesia)

Provisional assessment by the Secretariat

Ramin has been included in Appendix III with annotation #1 since 6 August 2001, on the request of Indonesia. Malaysia has entered a partial reservation, which is applicable only to all recognizable parts and derivatives except sawn timber and logs.

The supporting statement contains much information about the population size and trends. The proponent gives a very detailed explanation of how the conservation status of ramin has deteriorated

over the last 10 years. Many species of ramin have been categorized as vulnerable according to the 2000 IUCN Red List of Threatened Species. All populations of ramin throughout the range have declined to a very low level.

Ramin is one of the major export timbers of Southeast Asia and it has a wide range of uses. Six of the 30 species of the genus *Gonystylus* are currently known to be commercially valuable.

Illegal logging has increased in protected areas which may indicate the scarcity of the species outside these areas. The species is in great demand in the international timber trade and illegal international trade is seriously undermining the domestic management initiatives that aim to ensure that trade is sustainable. It is not clear whether the proponent has consulted all range States.

The proposed annotation would result in CITES controls being applied to all timber products. The practical application of such a wide listing needs to be considered further.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

International trade in ramin is largely in the form of semi-finished and finished timber products. These species meet the criteria for inclusion in Appendix II. It might be challenging for Customs officers to identify parts and derivatives but a listing could be enforced efficiently through assistance and capacity building. Experience in this regard already exists with enforcement efforts developed since the inclusion of *Gonystylus* spp. in Appendix III in 2001. These efforts should be encouraged and developed further.

The Secretariat recommends that this proposal be adopted.