

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

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

Eighth session: 7 October 2004: 14h05-17h00

Chairman: H. Dublin

Secretariat: T. De Meulenaer  
D. Morgan  
M. Schmidt  
G. van Vliet

Rapporteurs: J. Caldwell  
H. Corrigan  
H. Gillett  
T. Inskipp

**Interpretation and implementation of the Convention**

**Amendment of the Appendices**

**60. Proposals to amend Appendices I and II**

The delegation of Thailand presented proposal CoP13 Prop. 39 (Rev. 1), for a proposed annotation to the listing of *Euphorbia* in Appendix II regarding artificially propagated specimens of *Euphorbia milii*. The delegation of Thailand had discussed the status of the species in the wild with Madagascar, where it occurred, and had been assured that the species was not threatened. This was confirmed by the delegation of Madagascar. However, the latter were concerned about the identification of the artificially propagated cultivars in trade. The delegation of Thailand said that, given time, they could provide identification materials for all Parties. The proposal was supported by the delegations of Cambodia, Cuba, Guinea, Indonesia, Japan, Malaysia, Myanmar, Senegal and Viet Nam.

Concerns about the proposal were voiced by the delegations of the Netherlands, on behalf of the 25 Member States of the European Community, and the United States of America, drawing attention to the fact that the taxonomy used in the proposal was incorrect as the plants intended to be excluded from the provisions of the Convention were in fact hybrids. They recommended the proposal be revised and submitted at CoP14.

The delegation of Switzerland supported the proposal but suggested an amendment to show the epithet in the format of a cultivar, that is as 'Mili'. After clarification from the botanist of the Nomenclature Committee, this was supported by the delegation of the Netherlands, on behalf of the Member States of the European Community, and agreed by the delegation of Thailand.

The delegation of the United States noted that this change might increase the scope of the proposal. The Chairman ruled the change was permissible under Rule 25.3, being a matter of precision and not altering the scope of the proposal. The delegation of the United States challenged the ruling. The Chairman asked the Committee to vote on the ruling in accordance with Rule 18. The result was 68 in favour, 10 against and there were 17 abstentions (see Annex). The Chairman's proposed ruling was accepted. The Committee then accepted the proposal, amended to refer to *Euphorbia 'Mili'*. The delegation of the United States wished to place on record that they did not agree with the acceptance of the amended proposal.

The Chairman then noted that the next three proposals, CoP13 Prop. 40, 41 and 42, were all related to the treatment under the Convention of artificially propagated hybrids of Appendix-II orchid species.

The delegation of Thailand introduced proposal CoP13 Prop. 40 to exclude all artificially propagated specimens of hybrids of Appendix-II orchid species from the provisions of the Convention, emphasizing the very large volume of trade in such specimens. The proposal was supported by the delegation of Qatar and opposed by the delegations of Colombia, Ecuador, Mexico and Peru, and the observer from Humane Society International.

The Chairman of the Plants Committee reported that her Committee was attempting to streamline the Appendices. However, she noted that this was a complicated process and had led to complex language that this proposal would simplify. She exhorted Parties to send all plant-related proposals to the Plants Committee prior to their submission to the Conference of the Parties, to ensure that technical problems could be solved, noting that the Plants Committee was at the Parties' disposal for this.

The delegation of the Netherlands, on behalf of the Member States of the European Community, supported the intent of the proposal. Recognizing the difficulty in framing a practical proposal, they suggested that a working group be formed to consider proposals CoP13 Prop. 40, 41 and 42 together. Such a group should include enforcement experts and regional representatives as well as representatives from the proponents. The delegations of Australia, Colombia, Ecuador, India, Kenya, Switzerland and the United States, and the observer from TRAFFIC supported the establishment of a working group. However, the delegations of Switzerland and the United States, along with the delegation of Mexico queried discussing all three proposals together, noting that proposal CoP13 Prop. 42 was of a different nature as it involved amendment of an existing annotation.

Taking these concerns into account, the Chairman established a working group to develop a single text based on proposals CoP13 Prop. 40 and 41. The working group comprised Australia, Colombia, Mexico, South Africa (Chairman), Spain on behalf of the European Community, Switzerland, Thailand, the United States, the Secretariat and TRAFFIC. The Chairman reminded the working group that any revised proposal should not extend the scope of the original proposals.

The Chairman suggested deferring discussion of Proposal 42 until the working group had reported back as discussion on Proposal 42 could be impacted by the outcome of the working group.

The delegation of Colombia presented proposal CoP13 Prop. 43 regarding the transfer of *Cattleya trianaei* from Appendix I to Appendix II, and outlined the measures taken to help recovery of the species. The delegation of Bolivia congratulated Colombia on their orchid conservation measures and strongly supported the proposal. This was echoed by the delegations of Ghana, the Netherlands, on behalf of the Member States of the European Community, Peru, Qatar and Venezuela. The delegation of the United States were concerned that only a quarter of the identified populations had been studied and that there was still some collection from the wild. They suggested that any decision should be deferred until CoP14, but indicated that they would not block a consensus. The Committee then accepted the proposal.

The delegation of Thailand introduced proposal CoP13 Prop. 44 concerning the transfer of *Vanda coerulea* from Appendix I to Appendix II, noting particularly the very limited demand for wild-collected specimens. The delegations of Cambodia, China, Egypt, Indonesia, Japan, Malaysia, Myanmar and Qatar strongly supported the proposal. The delegation of the Netherlands, on behalf of the Member States of the European Community, also supported the proposal, noting that the species had been in cultivation so long that the cultivated form had diverged from the wild one. They also explained that its status in the wild was uncertain in some parts of its range but inclusion in Appendix I was no longer relevant to its conservation. The proposal was accepted.

The delegation of China presented proposal CoP13 Prop. 45 regarding the addition of an annotation to the Appendix-II listing of *Cistanche deserticola*. The delegations of Indonesia, Kenya, South Africa, Switzerland, Tunisia and Viet Nam supported the proposal. The delegation of the Netherlands, on behalf of the Member States of the European Community, agreed with it in principle but wished to exempt finished, manufactured products. The delegation of China and the observer from TRAFFIC

pointed out that the majority of the trade, both legal and illegal, was in pharmaceutical products, and if these were excluded the main purpose of the listing would be lost. The delegation of the Netherlands, on behalf of the Member States of the European Community, agreed to withdraw their objection and the proposal was accepted.

The delegation of Madagascar presented proposal CoP13 Prop. 46 regarding the transfer of *Chrysalidocarpus decipiens* from Appendix II to Appendix I, noting that the main export trade was in seeds, which were exempted from control under the listing in Appendix II. They stated that the seeds were readily identifiable and that the population of the species was rapidly decreasing. The delegations of Bolivia, Egypt, Guinea, Kenya, Senegal, Trinidad and Tobago, Uganda and the United States supported the proposal. The delegation of Switzerland, although not against the proposal, pointed out that the species did not occur in a protected area and was threatened by bushfires; action on the ground was required if it were to survive. The delegation of the Netherlands, on behalf of the Member States of the European Community, supported by the delegation of Dominica, opposed the proposal, noting that the main threat was habitat loss. They suggested that it would be preferable to retain the species in Appendix II with annotation to permit control of the trade in seeds. However, after some further discussion, they withdrew their objection and the proposal was accepted.

The summary report in document CoP13 Com. I Rep. 5 was reviewed.

In agenda item 40, the delegation of the United States wished to correct the first part of the second sentence to read He stressed that the work being undertaken was not a revision of. The delegation of Trinidad and Tobago wished to change the second sentence in the second paragraph to read:

*The delegations of Malaysia, particularly in relation to Naja spp., and the delegations of Peru, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago, particularly in relation to Strombus gigas, expressed concerns regarding the current Review of Significant Trade, variously citing the consultation undertaken, the reliability of the trade data used in the selection of species and the punitive measures imposed.*

In the third paragraph the delegation of Mexico requested that ", supported by the delegation of Mexico," be deleted from the first sentence.

In agenda item 51, the delegation of Malaysia noted that they had not supported the Secretariat's suggestion of adapting Resolution Conf. 11.16 and should, instead, be listed in the first line of the third paragraph. The delegation of the United States wished to amend the penultimate sentence of the second paragraph to read They were also concerned that these issues would remain unaddressed for too long if a decision were to be delayed so that a new resolution on ranching could be adopted and implemented. They also wanted to replace the phrase "for future paternal" in the penultimate sentence in the third paragraph with as future parental, and to replace 'thereof' at the end of the fourth paragraph with of this alternative definition of "artificially propagated". Their final request was to reword the first sentence of the final paragraph of agenda item 51, which would read The Chairman then established a drafting group comprising the original working group established by the Plants Committee and the representative of Africa to the Plants Committee to address the issue.

The summary report was adopted as amended and the session closed at 17h00.

**Agenda item 60** – Result of the vote on the delegation of the United States' challenge to the Chairman's ruling.

Conference Name		Delegate Details List		Delegate Details List	
4. Vote #1		1497/1497		07/10/04 17:06:56	
ID Name	Card/Unit	Selection	ID Name	Card/Unit	Selection
101 Afghanistan	00101	Not Voted	152 Fiji	00152	N
102 Albania	00102	Not Voted	153 Finland	00153	Y
103 Algeria	00103	Not Voted	154 France	00154	Y
104 Antigua and Barbuda	00104	A	155 Gabon	00155	Not Voted
105 Argentina	00105	Not Voted	156 Gambia	00156	Not Voted
106 Australia	00106	A	157 Georgia	00157	Not Voted
107 Austria	00107	Not Voted	158 Germany	00158	Y
108 Azerbaijan	00108	Not Voted	159 Ghana	00159	Not Voted
109 Bahamas	00109	Not Voted	160 Grenada	00160	Not Voted
110 Bangladesh	00110	Y	161 Guatemala	00161	Y
111 Barbados	00111	Y	162 Guinea	00162	Y
112 Belarus	00112	Not Voted	163 Guinea - Bissau	00163	Y
113 Belgium	00113	Y	164 Guyana	00164	Not Voted
114 Belize	00114	Not Voted	165 Honduras	00165	Y
115 Benin	00115	Not Voted	166 Hungary	00166	Not Voted
116 Bhutan	00116	Y	167 Iceland	00167	Y
117 Bolivia	00117	Y	168 India	00168	N
118 Botswana	00118	Y	169 Indonesia	00169	Y
119 Brazil	00119	Not Voted	170 Iran (Islamic Republic of)	00170	Y
120 Brunei Darussalam	00120	Y	171 Ireland	00171	Not Voted
121 Bulgaria	00121	A	172 Israel	00172	Y
122 Burkina Faso	00122	Not Voted	173 Italy	00173	N
123 Burundi	00123	Not Voted	174 Jamaica	00174	Y
124 Cambodia	00124	Y	175 Japan	00175	A
125 Cameroon	00125	A	176 Jordan	00176	Y
126 Canada	00126	N	177 Kazakhstan	00177	Not Voted
127 Central African Republic	00127	Not Voted	178 Kenya	00178	Not Voted
128 Chad	00128	A	179 Kuwait	00179	Y
129 Chile	00129	Y	180 Laos Peoples Democratic Republic	00180	A
130 China	00130	Y	181 Latvia	00181	Not Voted
131 Colombia	00131	Not Voted	182 Lesotho	00182	Y
132 Comoros	00132	Not Voted	183 Liberia	00183	A
133 Congo	00133	Not Voted	184 Libyan Arab Jamahiriya	00184	Y
134 Costa Rica	00134	A	185 Liechtenstein	00185	Not Voted
135 Cote d'Ivoire	00135	Y	186 Lithuania	00186	Y
136 Croatia	00136	Y	187 Luxembourg	00187	Not Voted
137 Cuba	00137	Y	188 Macedonia	00188	Y
138 Cyprus	00138	Not Voted	189 Madagascar	00189	Not Voted
139 Czech Republic	00139	Y	190 Malawi	00190	A
140 Democratic Republic of the Congo	00140	Not Voted	191 Malaysia	00191	Not Voted
141 Denmark	00141	Y	192 Mali	00192	Y
142 Djibouti	00142	Not Voted	193 Mauritania	00193	Y
143 Dominica	00143	N	194 Mauritius	00194	Y
144 Dominican Republic	00144	N	195 Mexico	00195	Y
145 Ecuador	00145	N	196 Monaco	00196	N
146 Egypt	00146	Not Voted	197 Mongolia	00197	Y
147 El Salvador	00147	Not Voted	198 Morocco	00198	Y
148 Equatorial Guinea	00148	Not Voted	199 Mozambique	00199	Not Voted
149 Eritrea	00149	Y	200 Myanmar	00200	Y
150 Estonia	00150	Y	201 Namibia	00201	Y
151 Ethiopia	00151	A	202 Nepal	00202	Y
			203 Netherlands	00203	Y
			204 Nigeria	00204	Y
			205 Oman	00205	Y
			206 Pakistan	00206	Y
			207 Palau	00207	Y
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			210 Peru	00210	Y
			211 Philippines	00211	Y
			212 Poland	00212	Y
			213 Portugal	00213	Y
			214 Romania	00214	Y
			215 Russian Federation	00215	Y
			216 Rwanda	00216	Y
			217 Saint Kitts and Nevis	00217	Y
			218 Saint Lucia	00218	Y
			219 Saint Vincent and the Grenadines	00219	Y
			220 Samoa	00220	Y
			221 San Marino	00221	Y
			222 Sao Tome and Principe	00222	Y
			223 Senegal	00223	Y
			224 Serbia	00224	Y
			225 Seychelles	00225	Y
			226 Sierra Leone	00226	Y
			227 Singapore	00227	Y
			228 Slovakia	00228	Y
			229 Slovenia	00229	Y
			230 South Africa	00230	Y
			231 South Korea	00231	Y
			232 Spain	00232	Y
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			236 Switzerland	00236	Y
			237 Taiwan	00237	Y
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			240 Thailand	00240	Y
			241 Timor-Leste	00241	Y
			242 Togo	00242	Y
			243 Tonga	00243	Y
			244 Trinidad and Tobago	00244	Y
			245 Tunisia	00245	Y
			246 Turkey	00246	Y
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			248 Tuvalu	00248	Y
			249 Uganda	00249	Y
			250 Ukraine	00250	Y
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			255 Viet Nam	00255	Y
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			411 Observer		

Conference Name	ID Name	Card/Unit	Selection
206 New Zealand	00206		Y
207 Nicaragua	00207		Not Voted
208 Niger	00208		Not Voted
209 Nigeria	00209		Not Voted
210 Norway	00210		Y
212 Palau	00212		A
213 Panama	00213		Not Voted
214 Papua New Guinea	00214		Not Voted
215 Paraguay	00215		Not Voted
216 Peru	00216		Not Voted
217 Philippines	00217		Not Voted
218 Poland	00218		Y
219 Portugal	00219		Y
220 Qatar	00220		Y
221 Republic of Korea	00221		Not Voted
222 Republic of Moldova	00222		Not Voted
223 Romania	00223		Not Voted
224 Russian Federation	00224		Not Voted
225 Rwanda	00225		Not Voted
226 Saint Kitts and Nevis	00226		Not Voted
227 Saint Lucia	00227		Y
229 Sao Tome and Principe	00229		Not Voted
230 Saudi Arabia	00230		Not Voted
231 Senegal	00231		Y
232 Serbia and Montenegro	00232		Not Voted
233 Seychelles	00233		Y
234 Sierra Leone	00234		Not Voted
235 Singapore	00235		Y
236 Slovakia	00236		Not Voted
237 Slovenia	00237		Y
238 Somalia	00238		Not Voted
239 South Africa	00239		Y
240 Spain	00240		Y
241 Sri Lanka	00241		Not Voted
242 Sudan	00242		Not Voted
243 Suriname	00243		Y
244 Swaziland	00244		Not Voted
245 Sweden	00245		Y
246 Switzerland	00246		Y
247 Syrian Arab Republic	00247		A
248 Thailand	00248		Y
249 The Former Yugoslav Republic of Macedonia	00249		Not Voted
250 Togo	00250		Not Voted
251 Trinidad and Tobago	00251		N
252 Tunisia	00252		A
253 Turkey	00253		Not Voted
254 Uganda	00254		Y
255 Ukraine	00255		Y
256 United Arab Emirates	00256		A
257 United Kingdom of Great Britain and Northern Ireland	00257		Y
258 United Republic of Tanzania	00258		Y
259 United States of America	00259		N
260 Uruguay	00260		Not Voted

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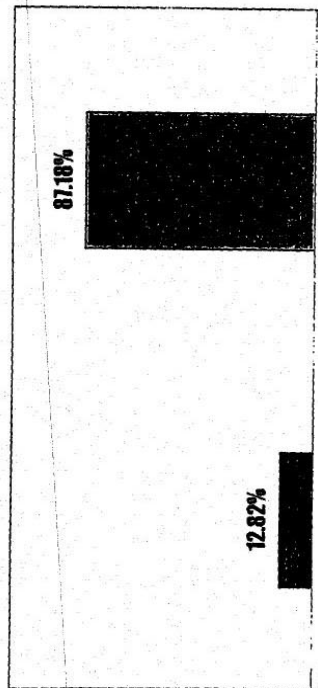
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Conference Name	ID Name	Card/Unit	Selection
261 Uzbekistan	00261		Not Voted
262 Vanuatu	00262		Y
263 Venezuela	00263		Not Voted
264 Vietnam	00264		Y
265 Yemen	00265		A
266 Zambia	00266		Not Voted
267 Zimbabwe	00267		Y
160 Greece	00298		Not Voted
228 Saint Vincent and The Grenadine	00299		Not Voted
211 Pakistan	00300		Not Voted

## Vote #1

No	Yes	Abstain
10	68	17
12.82%	87.18%	



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