



IWMC
World Conservation Trust

Towards CoP13 of CITES

(Bangkok, Thailand 2 – 14 October, 2004)

**IWMC Recommendations
on Proposals for Amendment
of Appendices I and II**

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Table of Contents

Amendment Proposals

Bangkok, Thailand 2 – 14 October, 2004

FAUNA

Prop.	13.1,	Amendment of Interpretation of Appendices	Ireland, Switzerland
	13.2		
Prop.	13.3	<i>Orcaella brevirostris</i>	Thailand
Prop.	13.4	<i>Balaenoptera acutorostrata</i>	Japan
Prop.	13.5	<i>Lynx rufus</i>	USA
Prop.	13.6	<i>Panthera leo</i>	Kenya
Prop.	13.7	<i>Loxodonta africana</i> Annotation	Namibia
Prop.	13.8	<i>Loxodonta africana</i> Annotation	South Africa
Prop.	13.9	<i>Ceratotherium simum simum</i>	Swaziland
Prop.	13.10	<i>Haliaeetus leucocephalus</i>	USA
Prop.	13.11	<i>Cacatua sulphurea</i>	Indonesia
Prop.	13.12	<i>Agapornis roseicollis</i>	Namibia, USA
Prop.	13.13	<i>Amazona finschi</i>	Mexico
Prop.	13.14	<i>Passerina ciris</i>	Mexico, USA
Prop.	13.15	<i>Pyxis arachnoides</i>	Madagascar
Prop.	13.16 –	<i>Malayemys</i> spp. or <i>Malayemys subtrijuga</i> ,	Indonesia, USA
	13.23	<i>Notochelys</i> spp. or <i>Notochelys platynota</i> ,	
		<i>Amyda</i> spp., <i>Carettochelydidae</i> spp. or	
		<i>Carettochelys insculpta</i> , and <i>Chelodina</i>	
		<i>mccordi</i>	
Prop.	13.24	<i>Crocodylus acutus</i>	Cuba
Prop.	13.25	<i>Crocodylus niloticus</i>	Namibia
Prop.	13.26	<i>Crocodylus niloticus</i>	Zambia
Prop.	13.27	<i>Uroplatus</i> spp.	Madagascar
Prop.	13.28,	<i>Langaha</i> spp. and <i>Stenophis citrinus</i>	Madagascar
	13.29		
Prop.	13.30,	<i>Langaha</i> spp. and <i>Stenophis citrinus</i>	Kenya
	13.31		
Prop.	13.32	<i>Carcharodon carcharias</i>	Australia, Madagascar

Prop.	13.33	<i>Cheilinus undulatus</i>	Fiji, Ireland, USA
Prop.	13.34	<i>Ornithoptera</i> spp., <i>Trogonoptera</i> spp. and <i>Troides</i> spp. Annotation	Switzerland
Prop.	13.35	<i>Lithophaga lithophaga</i>	Italy, Slovenia
Prop.	13.36	Helioporidae spp., Tubiporidae spp., Scleractinia spp., Milleporidae spp. and Stylasteridae spp. Annotation	Switzerland

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Prop.	13.37	<i>Hoodia</i> spp.	Botswana, Namibia, South Africa
Prop.	13.38	Euphorbiaceae spp. Annotation	Thailand
Prop.	13.39	Euphorbiaceae spp. Annotation	Thailand
Prop.	13.40	Orchidaceae spp. Annotation	Thailand
Prop.	13.41	Orchidaceae spp. Annotation	Switzerland
Prop.	13.42	Orchidaceae spp. Annotation	Switzerland
Prop.	13.43	<i>Cattleya trianaei</i>	Colombia
Prop.	13.44	<i>Vanda coerulea</i>	Thailand
Prop.	13.45	<i>Cistanche deserticola</i> Annotation	China
Prop.	13.46	<i>Chrysalidocarpus decipiens</i>	Madagascar
Prop.	13.47	<i>Taxus wallichiana</i> Annotation	China, USA
Prop.	13.48	<i>Taxus chinensis</i> , <i>T. cuspidata</i> , <i>T. fuana</i> and <i>T. sumatrana</i>	China, USA
Prop.	13.49	<i>Aquilaria</i> spp. and <i>Gyrinops</i> spp.	Indonesia
Prop.	13.50	<i>Gonystylus</i> spp.	Indonesia

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- Proposals** CoP13 Prop. 1 and Prop. 2
- Subject** Inclusion of a new paragraph in the Interpretation of the Appendices to exempt specimens from the provisions of the Convention
- Proponents** Ireland (on behalf of the Member States of the European Community) and Switzerland (as Depositary Government, at the request of the Standing Committee), respectively

RECOMMENDATION – ADOPTION

IWMC recommends to the Parties to adopt the amendment to the Interpretation of the Appendices I, II and III proposed by Ireland in Proposal CoP13 Prop. 1, for the reasons mentioned in the supporting document and because the specimens concerned are not readily recognizable, if recognizable at all.

BACKGROUND

- The supporting document submitted by Ireland is perfectly clear and it should be sufficient to justify the proposed amendment to the Interpretation of Appendices I, II and III. It might be added however that the items in question are neither of conservation value nor readily recognizable. Therefore, they should not be covered by the definition of the term “specimen” given in Article I of the Convention. Nevertheless, the introduction of the proposed paragraph in the Interpretation would have the advantage to make things clear for all.
- The proposal made by Switzerland, on behalf of the Standing Committee, is very similar but seems to maintain some ambiguities. Therefore, the proposal of Ireland has our preference. We would suggest however that the Standing Committee consider the issue at its 51st meeting just before the opening of CoP13 and make sure that only one proposal be submitted to the Conference, with the most appropriate text but without expanding the scope of the existing ones.
- The difficulties that arose at precedent meetings of the Conference of the Parties should not prevent this time the adoption of a carefully worded text, on the condition that the Parties accept that these difficulties do not fall under the competence of CITES but of the CBD.
- Although the two proposals are to be considered under the Agenda item devoted to Proposals for amendment of Appendices I and II, the proposed paragraph is for inclusion in the Interpretation of Appendices I, II and III and its wording does not indicate that the exemption is not applicable to Appendix-III species also. We believe that this should be accepted by the Conference of the Parties as a decision that makes sense. Some may consider that this would expand the scope of the proposal. This may be contested, because the Interpretation of Appendix III is not subject to the same rules than that of Appendices I and II. The Conference of the Parties may therefore amend it as necessary, as demonstrated by the following example. While Appendix III was published separately from the other two Appendices, the Conference adopted Resolution Conf. 2.18 (CoP2, San José, 1979), in which it recommended “that when proposing amendments to Appendix III for animal species and when proposing amendments to Appendix II or III for plant species, it be accepted that all readily recognizable parts and derivatives are to be regulated unless particular parts or derivatives are specified as being exempt“. At the fourth meeting (Gaborone, 1983), Resolution Conf. 4.24 was adopted with similar provisions and, more importantly, the version of Appendix III published at that time and afterwards included the following sentence: “Any animal or plant, whether alive or dead, of a species or other taxon listed in this Appendix is covered by

the provisions of the Convention, as is any recognizable part or derivative thereof, except seeds, etc.”. Accordingly, the extension of the exemption to Appendix III should not be a problem, and it would not prevent any Party listing a species in Appendix III to request that the specimens in question be specifically declared subject to the provisions of the Convention.

- This gives us the opportunity to indicate that, for an unknown reason, this sentence has disappeared from the Interpretation of Appendix III from August 2001, and that a similar sentence has disappeared also from the Interpretation of Appendices I and II. In the absence of a proper annotation, no parts and derivatives of plants included in Appendix II or III, or of animals included in Appendix III are therefore now subject to the provisions of the Convention. If this situation should be maintained, and if the proposal from Ireland, or from Switzerland, should be rejected or not extended to Appendix III, the specimens under consideration would nevertheless be excluded, unless the species concerned would be annotated otherwise.

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Proposal CoP13 Prop. 3
Subject Transfer from Appendix II to Appendix I of *Orcaella brevirostris*
Proponent Thailand

RECOMMENDATION – ADOPTION, if supported by other range States

Although trade, in particular at the international level, play a very limited role, it appears that the biological status of this dolphin justifies its transfer to Appendix I. Specimens traded or to be potentially traded represent a small proportion of the specimens taken out of the wild populations. Nevertheless, as any trade might have a detrimental effect, IWMC recommends that the Parties adopt the proposal from Thailand, on the condition that the other range States support it.

BACKGROUND

- The information provided by Thailand seems to indicate that the species in question, which is considered as Critically Endangered by IUCN, is meeting the biological criteria for inclusion in Appendix I. However, the species is essentially threatened by habitat deterioration and reduction, and by accidental death through entanglement in gillnets or other devices, as well as due to blast fishing and electrocution. Dolphin watching may also be a problem in some areas.
- Trade, in particular at the international level, the CITES domain, is very limited, and the author of the proposal does not provide any serious evidence to support its feeling that this trade will increase in the future. Nevertheless, for some populations at least, any live capture might have a detrimental effect on their survival, as an additional factor of loss.
- The proposal does not include any comments from other range States, although they should be added at a later stage.
- In conclusion, we could have recommended to the Parties to reject the proposal, unless the range States support it. We however prefer to recommend to the Parties to adopt it, unless the range States object.

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Proposal	CoP13 Prop. 4
Subject	Transfer from Appendix I to Appendix II of the Okhotsk Sea – West Pacific stock, the Northeast Atlantic stock and the North Atlantic Central stock of <i>Balaenoptera acutorostrata</i>
Proponent	Japan

RECOMMENDATION – ADOPTION

IWMC strongly recommends that the Parties adopt the proposal from Japan to transfer three stocks of minke whale from Appendix I to Appendix II, because none of them meets the criteria for inclusion in Appendix I and because the precautionary measures to be implemented would prevent any detrimental effect on the survival of these stocks. The IWC moratorium on commercial whaling in no way, under the current circumstances, should prevent the proper implementation of CITES and of its listing criteria.

BACKGROUND

- This proposal covers stocks of the minke whale that were already proposed at earlier meetings of the Conference of the Parties but were rejected under the pretext, amongst others of similar value, that CITES has to follow the decisions of the International Whaling Commission (IWC) whatever they are. It excludes however the Yellow Sea, East China and Sea of Japan stock.
- The supporting statement presented by Japan demonstrates clearly, notably on the basis of the conclusions of the IWC Scientific Committee, that the stocks in question are not at all endangered and do not meet the criteria for inclusion in Appendix I. In addition, the measures already in force and to be implemented in the countries that are either harvesting any of these stocks (Norway) or may harvest them (Japan, Iceland) are fully meeting the precautionary conditions established by CITES. In such circumstances, to maintain these stocks in Appendix I any longer would just constitute a denial of the basic CITES principles.
- In the light of the total and continuous inability of the IWC to play its role in the management of species under its competence, such as the minke whale, due to political reasons, CITES should finally stop following this bad example, which was criticized long ago already by the CITES Secretary General, amongst many others. CITES should now start to play a leading role in the conservation and management of important resources such as these whales, based primarily on scientific considerations, not on the views of only about 20 States, members of IWC. Accordingly, IWMC strongly recommends to the Conference of the Parties to agree upon the transfer of these stocks to Appendix II.

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Proposal CoP13 Prop. 5
Subject Deletion of *Lynx rufus* from Appendix II
Proponent United States of America

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to adopt the proposal from the United States of America of deletion of the bobcat *Lynx rufus* from Appendix II. The species was never considered as threatened within CITES and the trade in its specimens do not need the cooperation of the non-range States to be properly controlled.

BACKGROUND

- The bobcat was included in Appendix II at CoP1 (Berne, 1976) when all species of the family Felidae, except those already listed, were included in that Appendix. This inclusion was not justified by the status of the species in the wild but for look-alike reasons. *Lynx rufus escuinapae* was nevertheless an exception, as it was listed in Appendix I when the first Appendices were established, in Washington, D.C., at the plenipotentiary conference at which CITES was adopted (1975). The subspecies – a taxonomic status that is seriously questioned – was however transferred to Appendix II at CoP8 (Kyoto, 1992).
- It is not the first time that the United States asks for the deletion of the bobcat from CITES Appendices but the first attempt at CoP4 (Gaborone, 1983), which was limited to the populations of Canada and the United States, was withdrawn, due to the opposition of many Parties, in particular from Europe. This opposition was based on the look-alike issue linked with the fact that the status of the Eurasian lynx *Lynx lynx* and above all the Spanish lynx *Lynx pardinus* was not good in western Europe. To maintain such an opposition nowadays does not seem justifiable, as the identification of the various species is possible and it is very unlikely that the trade in bobcat furs would be more used to launder furs from the other species in case of deletion than with a listing in Appendix II.
- To exclude a species from the listing of a higher taxon has already been done by the Conference of the Parties with parrots. The proposal from the United States, if adopted, would therefore not create a precedent.
- Fortunately, CITES seems to move towards simplification, in particular with regard to some procedures, such as for personal effects. This trend should be encouraged to avoid using the limited means available for issues of no conservation significance. To adopt the US proposal would also lead to some simplification. It should therefore be supported.

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Proposal CoP13 Prop. 6
Subject Transfer of *Panthera leo* from Appendix II to Appendix I
Proponent Kenya

RECOMMENDATION – REJECTION

IWMC recommends to the Conference of the Parties to reject the proposal from Kenya because, if adopted, the transfer of the African lion to Appendix I would only have negative effects, including on the conservation of the species itself.

BACKGROUND

- The best possible comments on the Kenya proposal are those from South Africa and Namibia, included in the supporting statement of the proposal as annexes.
- Although it is obvious that the lion populations in Africa have been reduced compared to a century ago, nothing in the document from Kenya demonstrates that the decreased continued in the recent times. The review mainly referred to is recognized as an underestimate. In addition, although this is not taken into consideration by Kenya, during the same period the human population and its needs in land for agriculture and cattle husbandry have multiplied, also to the detriment of lion habitats. This tendency would not be reversed with a listing in Appendix I.
- The purpose of the proposal is typically a Kenyan counterproductive attempt to solve problems it has created to itself with its policy of total hunting prohibition. Instead of continuing into that way, Kenya should follow the example of other African countries, in which the lion populations are subject to a controlled hunting and are safe, as in South Africa, Namibia. The argument that trophy hunting will not be penalized by a listing in Appendix I is not valid, since many countries implement already stricter domestic measures to the import of Appendix-I hunting trophies. The reference to Resolution Conf. 9.21 is in addition reflecting a misunderstanding of that Resolution.
- The trade in other parts and derivatives is negligible and the only examples of illegal trade provided are, to say the least, amazing. To hide lion specimens in describing them as “cheetah” denotes at the best a spirit of imagination or a specific sense of humour.
- The Parties should not fall in this new trap laid by Kenya and should strongly reject this proposal.

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Proposal	CoP13 Prop. 7
Subject	Amendment of the annotation regarding the population of Namibia of <i>Loxodonta africana</i> 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
Proponent	Namibia

RECOMMENDATION – ADOPTION

IWMC strongly supports the changes proposed to the annotation of *Loxodonta africana* with respect to the population of Namibia and is of the opinion that it is entirely legitimate for this Party to request and expect the approval of an annual quota for ivory originating from their elephant population. IWMC, therefore, strongly recommends to the Conference of the Parties to adopt this proposal.

BACKGROUND

- At CoP10 (Harare, 1997) the African elephant population of Namibia, amongst others, was transferred to Appendix II from Appendix I in recognition of its positive conservation status, subject to various conditions. The experimental trade that was then conducted went ahead in an entirely satisfactory manner, and no evidence was ever provided to indicate that it had any detrimental effect on any elephant population.
- At CoP12, Namibia and other Parties obtained again the right to export additional stocks of raw ivory. The export however has not yet taken place due to delays in the implementation of the conditions attached, in particular with regard to the monitoring system MIKE. It is expected that the export will take place early next year.
- It is now time therefore not to consider whether the request of Namibia is acceptable in view of the status of its population of elephants – this was abundantly demonstrated at past CoPs and in the supporting statement accompanying the proposal – but merely to allow Namibia, and later other countries which have achieved the same conservation success, to benefit from its efforts. This is necessary to gain the resources essential to continue the excellent work done. This is of an extreme importance for the sound conservation and management of the populations of elephants and their habitats, and for the livelihood of the human populations sharing the same environment.
- Should the Conference continue to refuse to grant to Namibia, and others at a later stage, an annual quota of raw ivory, this would mean that the Parties deny it the right to manage its wildlife in the same way than many of them do, i.e. to a non-sense and a discrimination. This might well result also in environmental disasters generated by excessive numbers of elephants, to the detriment of all. Unfortunately, the process has already started in parts of southern Africa.
- We do hope that the Conference of the Parties, this time, will recognize its full responsibility in the matter.

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Proposal CoP13 Prop. 8

Subject Amendment of the annotation regarding the population of South Africa of *Loxodonta africana* to allow trade in leather goods for commercial purposes

Proponent South Africa

RECOMMENDATION – ADOPTION

IWMC strongly supports the change proposed to the annotation of *Loxodonta africana* with respect to the population of South Africa. IWMC, therefore, strongly recommends to the Conference of the Parties to adopt this proposal.

BACKGROUND

- The request from South Africa is of a rather limited scope and aims essentially to add value to the elephant leather this country is already allowed to trade following an earlier decision of the Conference of the Parties. The potential detrimental effect of the proposed change is nil.
- The only other possible comment would be to express regrets that South Africa, as well as other countries of the region, has not followed Namibia and also requested annual export quotas for raw ivory, to put an end to the discrimination that hits these countries.

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Proposal	CoP13 Prop. 9
Subject	Transfer from Appendix I to Appendix II of the population of Swaziland of <i>Ceratotherium simum simum</i> , 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
Proponent	Swaziland

RECOMMENDATION – ADOPTION

IWMC strongly supports the proposal submitted by Swaziland and, therefore, strongly recommends to the Conference of the Parties to accept the transfer of the population of *Ceratotherium simum simum* of that country to Appendix II with the proposed annotation. Such a decision would benefit to the subspecies and other wildlife, to their sound management and to conservation in general.

BACKGROUND

- The request from Swaziland is identical to that submitted at CoP9 (Fort Lauderdale, 1994) by South Africa and accepted by the Conference of the Parties. That action was proved to be successful and positive.
- The proposal submitted by Swaziland is very well prepared and provides all necessary elements to demonstrate that the transfer would only have favorable consequences, both in terms of conservation and enforcement of the relevant law in that country.
- It is not because Swaziland is a small country, with a limited population of white rhinos, that this population has not to be properly managed and sustainably used. This has high costs attached and a limited and well-planned trophy hunting and the sale of live animals would greatly help to find the necessary resources.
- Swaziland must be congratulated for the efforts it has already accomplished and encouraged to continue in the same way. To do so, the best means is for the Conference of the Parties to adopt the proposal.

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Proposal CoP13 Prop. 10

Subject Transfer of *Haliaeetus leucocephalus* from Appendix I to Appendix II

Proponent United States of America

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to adopt the proposal from the United States of America to transfer the bald eagle *Haliaeetus leucocephalus* to Appendix II. The species has remarkably recovered in the main range States and the potential trade is very limited and would be properly controlled. All range States support the proposal.

BACKGROUND

- While the nominal subspecies was listed in Appendix I at the plenipotentiary conference in Washington, D.C. (1973) and the subspecies *H. l. alascanus* in Appendix III by Canada at the end of 1975, the whole species was included in Appendix I at CoP1 (Berne, 1976). At that time, the species was considered as endangered, for various reasons, including the effects of pollutants. Since then, strict measures have been taken, regarding pollutants in particular, and the populations have dramatically recovered, at least in the two main range States, Canada and the United States.
- The trade in specimens of this species is limited and is essentially in specimens that may be considered as personal effects. The transfer to Appendix II should not result in an increased trade and, in any case, this trade would be controlled under Appendix-II provisions.
- In addition, as the four range States are in favour of the proposal and the risk that the transfer might have any effect on the trade in other species is non-existent, the Conference of the Parties should not have any reason to object to this proposal. We recommend that it be adopted.

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Proposal CoP13 Prop. 11
Subject Transfer of *Cacatua sulphurea* from Appendix II to Appendix I
Proponent Indonesia

RECOMMENDATION – ADOPTION, although ...

IWMC recommends that the transfer of *Cacatua sulphurea* from Appendix II to Appendix I, proposed by Indonesia, be adopted by the Conference of the Parties. This species obviously meets the relevant criteria. Nevertheless, it represents an evident failure of a CITES Appendix-II listing and of implementation by Indonesia of appropriate conservation measures. We may doubt that an Appendix-I listing would be more efficient, unless Indonesia become much stricter in its law enforcement practices.

BACKGROUND

- *Cacatua sulphurea*, certainly an attractive species for the pet trade, is endemic to Indonesia and to Timor Leste, a young State not yet Party to CITES, where the status of the local subspecies appears rather better than everywhere in Indonesia. Under these conditions, it appears that the main responsibility of the current status of this species falls on Indonesia.
- The species is threatened by various factors, in particular the habitat degradation and the local trade, on which CITES has no effects. International trade from Indonesia was also a significant factor but it is banned since 1994 and this did not prevent the continuous decline of the species. Therefore, a transfer to Appendix I should not have any positive effect, unless Indonesia implementation and enforcement of its own laws become much stricter than it was so far. A clear commitment of Indonesia to act accordingly should be a minimum condition to the adoption of the proposal.
- The captive-breeding of this species appears to be successful. In addition, there are feral populations in Singapore and Malaysia. The transfer to Appendix I should not prevent legal trade in captive-bred (and feral) specimens and serve as an incentive to increase illegal activities. The risk exists, in particular because CITES has still been unable to agree on a proper mechanism for the regulation of trade in captive-bred specimens of Appendix-I species.
- If in spite of above reservations, IWMC is still recommending that the transfer to Appendix I of *Cacatua sulphurea* be adopted, this is essentially as an encouragement to Indonesia to make the necessary efforts to eliminate all the causes of decline of this species, and to exporting and importing countries to strictly control the trade in captive-bred specimens, without hampering it, to prevent the trade in wild-caught specimens under this disguise.

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Proposal CoP13 Prop. 12

Subject Deletion of *Agapornis roseicollis* from Appendix II

Proponents Namibia and the United States of America

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to adopt the proposal from Namibia and the United States of America of deletion of *Agapornis roseicollis* from Appendix II. The species is abundant in the wild and the trade is almost exclusively in captive-bred specimens. This species may easily be associated with the other parrot species already excluded from Appendix II.

BACKGROUND

- This lovebird was included in Appendix II when all parrots, except those already listed in Appendix I or II and those specifically excluded from that listing, were so included, at CoP3 (New Delhi, 1981), under PSITTACIFORMES spp.
- As clearly explained in the supporting statement, the species is abundant in the wild and is even considered as a pest for certain crops. Its harvesting is nevertheless prohibited in the main range States. In addition, the species is easily bred in captivity and a number of colour morphs have been selected. The trade is therefore almost exclusively in specimens bred in captivity either in range States or in non-range States. Prices are low and therefore, the risk of a switch to wild specimens does not exist.
- Two species, *Melopsittacus undulatus* and *Nymphicus hollandicus*, have never been covered by the listing of PSITTACIFORMES spp. in Appendix II, for the same reasons as those put forward for the deletion of *Agapornis roseicollis*. To adopt the proposal from Namibia and the United States would therefore not create a precedent. On the contrary, this would reduce useless paperwork and contribute to simplify the CITES procedures. Consequently, the Conference should adopt this proposal.

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Proposal CoP13 Prop. 13
Subject Transfer of *Amazona finschi* from Appendix II to Appendix I
Proponent Mexico

RECOMMENDATION – ADOPTION

IWMC recommends to the Parties to adopt the proposal from Mexico to transfer *Amazona finschi* from Appendix II to Appendix I. This species is endemic to Mexico and, as indicated in the proposal, meets all needed biological and trade criteria. Indeed, its range has decreased and the habitat is severely fragmented; wild populations have shown a serious reduction in numbers and it is probable that, if these trends persist, wild populations would be further reduced. If the illegal trade, at national and international levels, is added to this problem, then the survival of *Amazona finschi* appears seriously threatened.

BACKGROUND

- In 2002, the re-classification of this species, endemic to Mexico, from the status of *Threatened* to that of *Endangered*, according to the Mexican rules that determine the level of protection required by native species, was recommended.
- Furthermore, as part of the *Project for Recovery of Priority Species*, *Amazona finschi* is considered as of high priority for the conservation of parrots in Mexico. The Project establishes strategies for the regulation of trade, species recovering and captive breeding, and provides for a significant environmental and educational campaign. In addition, the project establishes new strategies regarding habitat conservation and rehabilitation of wild populations of *Amazona finschi*.
- In Mexico, the *General Law on Ecological Balance and Environmental Protection*, in its Article 87, prohibits the use of wild populations of endemic, threatened or endangered species. Thus the inclusion of this species in CITES Appendix I would be in agreement with the Mexican legislation.
- However, the inclusion of this species in Appendix I, needs to be associated with a strong enforcement programme of the existing legislation in order to stop internal trade, which seems to be highly significant and is not depending on such an inclusion. Of course, the illegal international trade through the US border is worrying and the protection granted by that Appendix should benefit the species.

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Proposal CoP13 Prop. 14
Subject Inclusion of *Passerina ciris* in Appendix II
Proponents Mexico and the United States of America

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to adopt the proposal from Mexico and the United States of America of inclusion of *Passerina ciris* in Appendix II. This recommendation is made because the two range States in which the species breeds have submitted the proposal. However, we may have doubt that the decline of the populations was actually due to trade, national or international, and that the invoked criterion is met.

BACKGROUND

- It appears from the supporting statement that the main cause of decline of the populations is the destruction or deterioration of habitats rather than the exploitation for trade, although trade, including international, does take place.
- If, as shown in the two figures included in the proposal, a marked decline occurred, mainly in the 70s, it was preceded by an increase and, was apparently stopped from the early 80s. A limited increase seems even to have occurred in the most recent years. In addition, nothing indicates that the rapid decline during a relatively short period of time should be linked with a trade increase.
- The trade from the United States is prohibited and it does not appear that a listing in Appendix II should have any effect on the status of the US populations. This might be different however for the Mexican populations. This and the fact that both countries are proponents make that the inclusion in Appendix II can be supported.
- It is regrettable that practically no information be provided regarding other countries in which the species is wintering. These countries are range States and, as such, should have been consulted.

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Proposal CoP13 Prop. 15
Subject Transfer of *Pyxis arachnoides* from Appendix II to Appendix I
Proponent Madagascar

RECOMMENDATION – ADOPTION

IWMC recommends to the Parties to adopt the proposal from Madagascar to transfer *Pyxis arachnoides* from Appendix II to Appendix I, as it appears clearly that the trade in this species is contributing to its serious depletion. Thus the two species of the genus *Pyxis* endemic to Madagascar would be listed in the same Appendix.

BACKGROUND

- The proposal is well prepared and the transfer of this species to Appendix I appears justified, although it is doubtful that it will contribute to the elimination of other causes of depletion, in particular the destruction of the habitat.
- The demand of this endemic species for the pet trade is obviously increasing. If exports were allowed at levels apparently excessive in recent years, the illegal trade, which has played a significant role in Madagascar for many species, affects this one also. We may hope that an Appendix-I listing would be helpful but this supposes that the countries of import will also be very vigilant. Several have already banned the import of specimens of this species.
- The other species of this genus, *Pyxis planicauda*, endemic to Madagascar, was transferred from Appendix II to Appendix I at CoP12, for similar reasons. With the adoption of this proposal, the two species will be listed in the same Appendix. This should help to prevent illegal activities.

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Proposals	CoP13 Prop. 16, Prop. 17, Prop. 18, Prop. 19, Prop. 20, Prop. 21, Prop. 22 and Prop. 23
Subject	Inclusion of <i>Malayemys</i> spp. or <i>Malayemys subtrijuga</i> , <i>Notochelys</i> spp. or <i>Notochelys platynota</i> , <i>Amyda</i> spp., <i>Carettochelydidae</i> spp. or <i>Carettochelys insculpta</i> , and <i>Chelodina mccordi</i> in Appendix II
Proponents	The United States of America (Prop. 16, 18, 20, 21 and 23), Indonesia (Prop. 17, 19, 22 and 23)

RECOMMENDATION – ADOPTION at species level

The submission of these proposals is a follow up to that of a series of other proposals at CoP12, as well as of the Technical Workshop on the Conservation of and Trade in Tortoises and Freshwater Turtles in Asia held in Kunming, China, from 25 to 28 March 2002. As it did for CoP12, IWMC recommends to the Conference of the Parties to follow the recommendations of the Technical Workshop and to include *Malayemys subtrijuga*, *Notochelys platynota*, *Amyda cartilaginea*, *Carettochelys insculpta* and *Chelodina mccordi* in Appendix II. Thus IWMC does not recommend to follow the approach proposed by the United States, i. e. to list genera or a family when they include only one recognized species.

BACKGROUND

- At the Technical Workshop on the Conservation of and Trade in Tortoises and Freshwater Turtles in Asia, held in Kunming, China from 25 to 28 March 2002, the participants, representing in particular most range and consumer States, agreed that all species should be included in CITES Appendices. Proposals covering eleven priority taxa were prepared, considered at COP 12 and adopted by the Conference of the Parties.
- The supporting statements of all these new proposals have been drafted by the same author(s). Those submitted by the United States are identical to those submitted by Indonesia, except that the former demand an inclusion at the level of the genus or family, and indicate that Indonesia is also a proponent. We may think that it is Indonesia that decided afterwards to demand the listing of the only species currently recognized for each of these genera or family. In doing so Indonesia followed the recommendations of the Working Group of the Animals Committee in document AC20 Inf. 25. IWMC recommends that the Indonesian approach be followed, also because the United States do not explain why the listings should be made at a higher taxon level.
- The United States is submitting a proposal concerning the genus *Amyda*, which also contains one species only. Therefore, as the Working Group of the Animals Committee, we recommend the inclusion of *Amyda cartilaginea* only in Appendix II.
- Surprisingly, although the Working Group of the animals Committee recommended the inclusion of the whole genus *Chelodina*, the only one of those subject to proposals this time with more than one species, the joint proposal from Indonesia and the United States demands the listing of one species only, *Chelodina mccordi*. However, this may not be extended to the whole genus.
- To monitor the current level of trade in tortoises and freshwater turtles, the inclusion of these additional species appears as necessary. However, it must be recognized that the Appendix-II listing will not necessarily solve all the problems these turtles and tortoises are facing. Indeed, the main threats include domestic trade, subsistence use, water pollution and habitat degradation, not only international trade, and this must be emphasized.

IWMC World Conservation Trust

Proposal	CdP13 Prop. 24
Subject	Transfer of the Cuban population of <i>Crocodylus acutus</i> from Appendix I to Appendix II
Proponent	Cuba

RECOMMENDATION – ADOPTION

The proposal is excellent. It clarifies all possible worrying aspects that may appear when a Party asks for the transfer of a species from Appendix I to Appendix II. The CITES community has already gained experience with a Cuban proposal, that concerning its endemic crocodile, *Crocodylus rhombifer*, already transferred to Appendix II. This allows believing that the transfer of this species to Appendix II would benefit it and generate economics incentives favourable to its conservation in the country. Therefore, IWMC strongly recommends to the Conference of the Parties to adopt the Cuban proposal.

BACKGROUND

- The species has a very large distribution in Cuba and its best populations occur in the favoured habitats of the species: mangroves. It can not be forgotten that almost 70% of Cuban coasts are mangroves, of which almost 40% have healthy *C. acutus* populations.
- In addition, Cuba has an efficient legal framework that allows the development of a rather sophisticated system of harvesting, control and management of the species in all ranching operations of the country.
- Cuba is a member of the CBD and the Ramsar Convention. It has registered six sites under the latter, which cover the major distribution area of *C. acutus*.
- The ranching of the species in Cuba is progressing step by step, during which all research necessary to this type of activity will be conducted. All the ranching operations of the region in which the project is based have all needed technical/scientific staff to carry out egg collection, incubation, transport and humane slaughtering of the produced specimens (in accordance with Resolution Conf. 11.16). About 8000 animals occur in the six ranching operations of the species. All of them are duly marked and registered.
- As a precautionary measure, Cuba is proposing that when populations surveys and re-introduction programmes will show that it will be possible to incubate higher quantities of eggs or to keep more new born animals in other Cuban areas, the Cuban CITES Management Authority will submit to the CITES Standing Committee a duly documented proposal, after endorsement by the CITES Animals Committee and the IUCN Crocodile Specialist Group. That means that no animal may be caught outside the allowed areas and above the proposed levels. Of course, all products of the ranching operations will be marked in accordance with the CITES requirements, under the universal tagging system for crocodilians skins.
- The income derived from the commercialisation of the productions from the operations will be devoted to conservation programmes for this and other species. The ranching programme is generating employment, especially in rural areas, and providing an additional incentive to the conservation of this species.
- Two other crocodilians species, *Crocodylus rhombifer* and *Caiman crocodilus fuscus* (introduced and included in Appendix II), occur in Cuba besides *C. acutus*. For the time being, *C. rhombifer* is only present in two localities: the Zapata and Lanier Swamps. In the Island de la Juventud, from where it had disappeared, it has been reintroduced. In these locations, there is no activity related to *C. acutus*.

IWMC World Conservation Trust

Proposal	CoP13 Prop. 25
Subject	Transfer of the population of Namibia of <i>Crocodylus niloticus</i> from Appendix I to Appendix II
Proponent	Namibia

RECOMMENDATION – ADOPTION

IWMC strongly recommends to the Conference of the Parties to adopt the proposal from Namibia of transfer of its population of *Crocodylus niloticus* from Appendix I to Appendix II. This population is not meeting the criteria for inclusion in Appendix I and being partly shared with neighbouring countries, the populations of which are included in Appendix II, its transfer to that Appendix is logical, justified and fully deserved.

BACKGROUND

- The supporting statement submitted by Namibia is actually demonstrating that the population of Nile crocodiles of that country, although not very high due to natural conditions, has considerably increased in the last 30 years and is now stable or even still increasing. In no way it meets the criteria for inclusion in Appendix I.
- The Namibian population of the Nile crocodile is partly shared with those of the four neighbouring countries, three of which were already transferred to Appendix II a number of years ago. The fourth country, Angola, is not yet a Party to CITES. The fact that the CITES status of animals may change depending of the side of the river on which they occur is totally illogical and in no way justified in this region. The transfer would correct this anomaly.
- Namibia does not intend to start a commercial harvest of crocodiles and intends to limit offtakes for export to hunting trophies. This should not require a transfer to Appendix II. However, due to stricter domestic measures implemented by certain potential importing countries, such a transfer would facilitate this international trade to the benefit of the local populations, thanks to the policy implemented by Namibia. This would also be in the interest of the conservation of the species, as the export of hunting trophies would constitute a significant economic incentive to such conservation and reduce the feeling that crocodiles are only dangerous and pest animals.

IWMC World Conservation Trust

Proposal	CoP13 Prop. 26
Subject	Maintenance of the population of Zambia of <i>Crocodylus niloticus</i> in Appendix II, subject to an annual export quota of no more than 548 wild specimens. This quota does not include ranched specimens
Proponent	Zambia

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to adopt the proposal from Zambia and to grant it an annual export quota of 548 wild specimens. The population of Zambia was transferred from Appendix I to Appendix II at CoP5 (Buenos Aires, 1985). Zambia justifiably intends now to harvest a limited number of wild animals for commercial purposes, in order to control the population, which is causing increasing conflicts with the human populations.

BACKGROUND

- The population of Nile crocodiles of Zambia was transferred from Appendix I to Appendix II subject to an annual export quota of 2000 specimens at CoP5 (Buenos Aires, 1985) and maintained in Appendix II in accordance with the Resolution on ranching at CoP7 (Lausanne, 1989).
- Consequently, as indicated in the supporting statement, the purpose of this proposal is not to justify the inclusion of the population in Appendix II, this has been done since a long time, but to demonstrate that the export quota requested is sustainable.
- If the submission of such a proposal was required under Resolution Conf. 10.18 on Ranching and trade in ranched specimens when the management of the population was planned to be based on a long-term commercial harvest of wild adult specimens, it is not anymore required under Resolution Conf. 11.16, which repealed the former Resolution. Nevertheless, the approval of the quota by the Conference of the Parties should assist Zambia and serve as advice of non-detriment findings.
- Considering the status of the Zambian population of Nile crocodiles and the fact that the ranching scheme is not sufficient to properly manage and control it, it appears that the requested quota would be reasonable and sustainable, in particular if we compare it with the quota granted in 1985. The proposal should therefore be accepted. This would benefit to the local populations, thanks to the policy implemented by Zambia. This would also be in the interest of the conservation of the species, as the export of specimens, in particular hunting trophies, would constitute a significant economic incentive to such conservation and reduce the feeling that crocodiles are only dangerous and pest animals.

IWMC World Conservation Trust

Proposal CoP13 Prop. 27
Subject Inclusion of *Uroplatus* spp. in Appendix II
Proponent Madagascar

RECOMMENDATION – REJECTION

IWMC recommends to the Parties to reject the proposal from Madagascar to include the genus *Uroplatus* in Appendix II, except perhaps the species *Uroplatus alluaudi*. All other species are proposed for inclusion in accordance with Article II, paragraph 2(b), although only one, *U. guentheri* is described as relatively similar.

BACKGROUND

- In the supporting statement for this proposal it is indicated that the species *Uroplatus alluaudi* might meet criteria for listing in Appendix I. Nevertheless its is proposed for inclusion in Appendix II only. In addition, the data provided are rather poor.
- Several other species are proposed for listing for look-alike reasons, although only one species is presented as relatively similar to *Uroplatus alluaudi*. That species, *U. guentheri*, presents nevertheless distinctive characters. The last species are proposed for listing in Appendix II in accordance with criterion B of Annex 2b of Resolution Conf. 9.24 (Rev. CoP12), i.e. because they belong to a taxon of which most species are listed in Appendix II under the provision of Article II, paragraph 2(a), or in Appendix I. As only one species would fall under that category, the listing of these species would be in total contradiction with the CITES criteria.
- In view of this, we may only recommend the rejection of the proposal, except possibly the inclusion in Appendix II of *Uroplatus alluaudi*. The listing in Appendix I would be in violation of the Rules of procedure.

IWMC World Conservation Trust

Proposals	CoP13 Prop. 28 and Prop. 29
Subject	Inclusion of <i>Langaha</i> spp. and <i>Stenophis citrinus</i> in Appendix II
Proponent	Madagascar

RECOMMENDATION – REJECTION

IWMC recommends the rejection of both proposals from Madagascar. The genus *Langaha* is proposed for inclusion in accordance with Article II, paragraph 2(b), although it is not described as looking like any other species listed in Appendix I or II. Such listing would be in contradiction with Resolution Conf. 9.24 (Rev. CoP12). Concerning *Stenophis citrinus*, the data provided are insufficient to justify an inclusion in Appendix II. If the species would be protected in Madagascar, its listing in Appendix III could be recommended.

BACKGROUND

- These snake species endemic to Madagascar are proposed for inclusion in Appendix II because they seem to be attractive for collectors and reptile keepers.
- However, the data provided on the biological and trade status of the species are far from satisfactory and do not justify inclusions in Appendix II.
- In addition, the genus *Langaha* is proposed for inclusion in accordance with Article II, paragraph 2(b). This paragraph, known as the look-alike clause, supposes that these species have to be included in order that trade in specimens of certain species listed in Appendix II may be brought under effective control. However, the proposal does not indicate which are the “certain species” in question. Therefore, the proposal should not be accepted.
- The species *Stenophis citrinus* is not protected by law in Madagascar, although it occurs in protected areas. As a first step, we may recommend, if felt necessary, to protect the species at the national level and then to include it in Appendix III.

IWMC World Conservation Trust

Proposals CoP13 Prop. 30 and Prop. 31

Subject Inclusion of *Atheris desaixi* and *Bitis worthingtoni* in Appendix II

Proponent Kenya

RECOMMENDATION – REJECTION but listing in Appendix III

The proposals lack sufficient data to indicate an Appendix II listing is warranted in either case. The absence of any population data and population-monitoring programme would make implementation of non-detriment findings problematic. Under these circumstances, IWMC recommends to the Conference of the Parties that both proposals be rejected. Inclusion of both species in Appendix III would provide the necessary international assistance in controlling illegal trade in these species.

BACKGROUND

- Both species are small viperid snakes that are endemic to Kenya. *Atheris desaixi* is a montane species with a restricted distribution, being known only from two isolated localities - Igembe and south-eastern Mt Kenya. *Bitis worthingtoni* appears to exhibit a wider distribution occurring along the high central Rift Valley and adjacent escarpments. They are therefore likely to be attractive species for “specialist” collectors and reptile keepers.
- The proposals appear to have been generated on the basis of seizures of illegal shipments reported by IFAW in 2000 and the consequent concern such trade may have on the conservation of these species.
- There is no programme in place to monitor any population of either species and no data are available on the size or trends of known populations.
- As both species are protected by law in Kenya, their listing in Appendix III may be recommended. This would provide the international cooperation felt necessary, while at the same time allowing the Management Authority of Kenya to authorize exports of specimens of these species without the need to satisfy the requirements of Article IV of the Convention.

IWMC World Conservation Trust

Proposal	CoP13 Prop. 32
Subject	Inclusion of <i>Carcharodon carcharias</i> in Appendix II with a zero annual export quota
Proponents	Australia and Madagascar

RECOMMENDATION – REJECTION

A similar proposal was submitted by the United States at CoP12. , Australia, with Madagascar this time, is proposing to list the great white shark in CITES Appendices. The proposal was defeated in Gijiri. At that time, IWMC recommended that the proposal be rejected as, at least, premature, in particular because the criteria were considered as unsuitable for marine species and the review process engaged by FAO was not completed yet. In addition, trade was not considered as significant. Amendments to the criteria are proposed for consideration at CoP13, with FAO input, and FAO has established an ad hoc panel of experts to analyze proposals for amendment of Appendices I and II concerning marine species. The panel has met in July and seems to have concluded towards rejection, at least of the zero quota and without having been able to assess the impact of international trade. As this impact is very limited, IWMC recommends to the Conference of the Parties to reject again the proposal, the listing in Appendix III at the request of Australia being more than enough.

BACKGROUND

- At CoP11, Australia submitted a proposal to list the great white shark in Appendix I. Although it had amended it in favour of a listing in Appendix II before any discussion, the proposal was rejected. After that, Australia requested the listing of the species in Appendix III, without following at all the provisions of Resolution Conf. 9.25 (Rev.) and limiting the scope of the listing to an area surrounding its own waters, as suggested in the preamble of that Resolution.
- Now, Australia, and Madagascar, are proposing a listing in Appendix II with a zero quota, i.e. a listing that, as recognized by the Conference of the Parties, is stricter than an Appendix-I listing. In spite of this, the proposal is clearly a recognition that the species does not meet the biological criteria for listing in Appendix I. Therefore the zero quota, in addition to the fact that this new system of classification of species invented by CITES, for very specific cases, should not become a regular option to satisfy people opposed to the use, sustainable or not, of any species, is not justified either.
- On the basis of our information, the FAO panel of experts agreed that the population of Australia was meeting the biological criteria for listing in Appendix II, as well as that of the Adriatic, although for the latter, the data were questionably reliable. In the Northwest Atlantic the status was considered uncertain given data problems and, overall, the criteria may be met but there was inadequate information to assess the impact of international trade. In addition, many errors and/or misleading statements about declines were found in the proposal.
- At CoP11, the proposal was rejected also because there was no significant international trade in great white sharks. In addition, during a press conference at the beginning of that meeting, the Head of the delegation of Australia made the following statement: “As far as the great white shark is concerned, it is definitely not a commercially targeted species”. In such circumstances and considering the overall biological status of the species, a listing in Appendix II, with or without a zero quota, is not at all justified. Therefore, IWMC recommends to the Conference of the Parties to reject the proposal. The listing in Appendix III is more than enough to meet the needs of Australia, although we may have doubts that it satisfies the recommendations of Resolution Conf. 9.25 (Rev.).

IWMC World Conservation Trust

Proposal	CoP13 Prop. 33
Subject	Inclusion of <i>Cheilinus undulatus</i> in Appendix II
Proponents	Fiji, Ireland (on behalf of the Member States of the European Community) and the United States of America

RECOMMENDATION – ADOPTION

At CoP12, the United States submitted a similar proposal, which was rejected by the Conference of the Parties, as recommended by IWMC. As indicated in IWMC recommendation on proposal CoP13 Prop. 32 on the great white shark, the FAO ad hoc panel of experts met in July. It has concluded that the species was meeting the criteria for inclusion in Appendix II. Furthermore, as the international trade appears to be exclusively in live specimens and to a very small number of countries, Hong Kong SAR (China) essentially, the implementation of CITES regulations should not pose more problems than for many CITES listed species, contrary to other commercially-fished species. Under these circumstances, IWMC recommends to the Conference of the Parties to adopt the proposal now submitted by 27 Parties, including the 25 Member States of the European Union.

BACKGROUND

- The United States submitted a similar proposal at CoP12, which was rejected by a few votes. At that time, IWMC recommended to the Parties to reject the proposal, because the species was widespread throughout the Indo-Pacific region, and no global population assessments have been made. It recognized however that the density of some local populations appeared to be low and having declined. The main argument was however that until the CITES criteria would have been revised, the consideration of proposals as that one was premature.
- The ad hoc panel of experts recently established by the FAO (see IWMC recommendation on proposal CoP13 Prop. 32) has met last July to consider proposals to amend Appendices I and II concerning marine species, including the humphead wrasse. The panel concluded that the species was meeting the CITES criteria for inclusion in Appendix II, including the amendments to the criteria proposed by the FAO. In these circumstances, IWMC is prepared to follow such views and to recommend that the proposal submitted by 27 Parties be adopted.
- Furthermore, the concerns often expressed by IWMC regarding the implementation of CITES to commercially-exploited marine species does not apply with regard to the humphead wrasse. This species appears to be exclusively traded as live animals, or at least as entire animals readily identifiable. In addition, the trade is directed towards a few countries only and essentially one, the Hong Kong SAR (China). For such a valuable species, the regulation under CITES should not generate more difficulties than for many other CITES species, in particular if more and more trade is by air. This strengthens the IWMC recommendation to the Conference of the Parties to adopt the proposal.

IWMC World Conservation Trust

Proposal	CoP13 Prop. 34
Subject	Deletion of the annotation “ <i>sensu d’Abrera</i> ” relating to <i>Ornithoptera</i> spp., <i>Trogonoptera</i> spp. and <i>Troides</i> spp. included in Appendix II
Proponent	Switzerland (as Depositary Government, at the request of the Nomenclature Committee)

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to adopt the proposal submitted by Switzerland at the request of the Nomenclature Committee, and to delete the annotation “*sensu d’Abrera*” from the Appendices. This unique annotation in the Appendices is not justified, and the reference to the nomenclature to be used should instead appear in the relevant Resolution.

BACKGROUND

- These three genera were included in Appendix II on 16 February 1979 on the basis of an amendment proposal submitted following the procedure by postal vote provided by Article XV, paragraph 2, and not at CoP2 (San José, 1979) as indicated in the supporting statement submitted by Switzerland.
- Apart of this minor error, the supporting statement is perfectly clear and we may only recommend that the proposal be adopted and the annotation deleted from the Appendices. The reference nomenclature to be used for these butterflies should be included in the Resolution on the Standard nomenclature that should replace Resolution Conf. 12.11 after CoP13, as all similar references, and in the Checklist of CITES Species.
- This issue was considered at a meeting of the Nomenclature Committee held in parallel with the 20th meeting of the Animals Committee (Johannesburg, 2004). The procedure followed by Switzerland, as Depositary Government, was approved at that meeting.

IWMC World Conservation Trust

Proposal CoP13 Prop. 35

Subject Inclusion of *Lithophaga lithophaga* in Appendix II

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

RECOMMENDATION – ADOPTION, although ...

IWMC recommends to the Conference of the Parties to adopt the proposal from Italy and Slovenia as an attempt to help the range States to protect the species *Lithophaga lithophaga* and even more its habitat. It is however not convinced that CITES will be more effective than other laws and treaties already applicable to this mussel, a delicacy mainly subject to illegal exploitation and trade.

BACKGROUND

- The supporting statement is well prepared and provide useful information on the biological and legal status of this species and the ways it is exploited and traded. It is not evident however that criterion A of Annex 2a of Resolution Conf. 9.24 is met, and that the species is actually threatened by international trade.
- What appears evident however, is that the methods used to harvest the species are very destructive for the habitat and that the exploitation is for trade for human consumption, either at the national or international level.
- National trade is not covered by CITES and CITES will not have any effect on it. This covers as well the trade within the European Union, the territory of which has just been extended to cover three additional range States and may be extended to others in the future. Furthermore, as the exploitation and trade is prohibited or, in theory at least, strictly regulated, international trade is essentially conducted on an illegal basis. We may doubt that a listing in Appendix II would have any positive effect.
- In most range States the species is covered by international treaties. However, these do not appear to be properly implemented, although some legal actions have taken place in certain countries. We may wonder why CITES should be better implemented than these treaties, and whether it could better combat smuggling activities.
- Although some information is provided on the biological and legal status of the species in ranges States, the views of these States, except those which are members of the European Union, are not known and it is not known whether they have been consulted.
- Nevertheless, subject to the agreement of most or all range States, we believe that an additional chance should be given to this species and to the conservation of its habitats. The adoption of the proposal is therefore recommended, with the hope that such adoption would encourage range Sates to implement all laws protecting the species, and importing countries, which appear to be mainly Member States of the European Union, to take serious actions against any illegal activities.
- Considering the high value of the species, serious consideration should be given to the development of harvesting methods that would not be destructive and would allow a sustainable use of the resource, under strict control.

IWMC World Conservation Trust

- Proposal** CoP13 Prop. 36
- Subject** Amendment of the annotation to Helioporidae spp., Tubiporidae spp., Scleractinia spp., Milleporidae spp. and Stylasteridae spp. 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"
- Proponent** Switzerland (as Depositary Government, at the request of the Animals Committee)

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to adopt the proposal submitted by Switzerland, which provides a practical means of distinguishing fossilized corals from non-fossilized corals in international trade, as requested by the Conference of the Parties (Decision 12.62) from the Animals Committee.

BACKGROUND

- Although we may consider that the Animals Committee has gone beyond the mandate of decision 12.62 adopted by the Conference of the Parties and directed to it, we must welcome the results of the work of the working group established by the Committee and congratulate its members from various background for having accomplished a difficult task. This is clearly explained in the supporting statement submitted by Switzerland, on behalf of the Animals Committee.
- Therefore, we recommend to the Conference of the Parties to adopt the proposed annotation to the hard coral taxa listed in Appendix II. It should clarify the requirements necessary to make sure that CITES plays its role in the regulation of the international in these taxa, without imposing controls that do not provide any conservation benefit.

IWMC World Conservation Trust

- Proposal** CoP13 Prop. 37
- Subject** Inclusion of *Hoodia* spp. in Appendix II with the following annotation: 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)”
- Proponents** Botswana, Namibia and South Africa

RECOMMENDATION – ADOPTION

IWMC strongly recommends to the Conference of the Parties to adopt the proposal from Botswana, Namibia and South Africa of inclusion of *Hoodia* spp. in Appendix II. The cooperation denoted by this proposal between three of the four range States of this genus must be supported. It should serve as an example of action to the benefit of the local populations and the countries concerned, and the conservation of species with a high potential economic value if properly managed and controlled.

BACKGROUND

- The supporting statement submitted by the three range States is perfectly clear and fully justify the inclusion of the genus *Hoodia* in Appendix II.
- The active ingredient contained in these plants, in allowing the manufacturing of appetite suppressants, provides them alone an enormous potential economic value, as demonstrated already by the activities of certain pharmaceutical groups. The benefits generated by such manufacturing should not go to these groups only. Therefore the trade controls that would be established by CITES, if the proposal is adopted as submitted, would provide guarantees of an equitable benefit sharing.
- The proposal is very innovative with the annotation it proposes. This appears as an excellent precedent that should help promoting the manufacturing of products in the range States and adding value to the resource in favour of the producers. An example to be followed.
- The cooperation between the range States, as already apparent from the proposal, must be continued in view of a proper management of these species and their sustainable use. We may only regret that the fourth range State, Angola, which is not yet a Party to CITES, not be associated with this effort. Nevertheless, we wish it full success, because it would serve also as an example of cooperation regarding other natural resources with a similar potential.

IWMC World Conservation Trust

Proposal CoP13 Prop. 38

Subject Annotation of Euphorbiaceae spp. in Appendix II to read as follows:
Artificially propagated specimens of *Euphorbia lactea* are excluded from 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

Proponent Thailand

RECOMMENDATION – REJECTION

As this proposal from Thailand concern a species included in Appendix II, artificially propagated plants benefit from the special provisions of Article VII, paragraph 5, but may not be excluded from all provisions of the Convention. They may not benefit of the same exemptions as some hybrids of orchids and cultivars of spurges do. Under the circumstances, IWMC has no other choice than to recommend to the Conference of the Parties that the proposal be rejected.

BACKGROUND

- In accordance with Article VII, paragraphs 4 and 5, of the Convention, artificially propagated specimens are entitled to special provisions. Regarding Appendix II species, only paragraph 5 applies. It allows exports with a certificate of artificial propagation in lieu of any other permit or certificate.
- Through resolutions, currently Resolution Conf. 11.11, on the Regulation of trade in plants, artificially propagated hybrids may be excluded from CITES controls by a specific annotation in Appendix II or III. This exemption applies however only to artificially propagated hybrids and cultivars, not to species, as now proposed by Thailand.
- Consequently, the adoption of this proposal would be in violation of CITES. IWMC recommends therefore its rejection.
- To exclude the specimens mentioned in the proposed annotation, the only option would be to withdraw the species *Euphorbia lactea* from Appendix II, as well as the species *Euphorbia neriifolia* for the specimens grafted on rootstocks of that species.

IWMC World Conservation Trust

Proposal CoP13 Prop. 39

Subject Annotation of Euphorbiaceae spp. in Appendix II 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; and b) readily recognizable as artificially propagated specimens

Proponent Thailand

RECOMMENDATION – ADOPTION

As it appears in the list of amendment proposals communicated by the Secretariat on its web site and joined to its Notification to the Parties No. 2004/045 of 15 June 2004, this proposal should be treated as the proposal Prop. 38 (see IWMC recommendation). However, in establishing this list, the Secretariat has omitted the words “of cultivars” [we have placed them in quotes], which appear clearly in the text of the proposal submitted by Thailand. Thus the proposal is perfectly acceptable and IWMC recommends its adoption by the Conference of the Parties.

BACKGROUND

- The omission of the words “of cultivars” in the wording of the proposed annotation, for an unknown reason, fully changes the elements of the issue. It is therefore regrettable.
- In accordance with Article VII, paragraphs 4 and 5, of the Convention, artificially propagated specimens are entitled to special provisions. Regarding Appendix II species, only paragraph 5 applies. It allows exports with a certificate of artificial propagation in lieu of any permits or certificates.
- Furthermore, through resolutions, currently Resolution Conf. 11.11 on the Regulation of trade in plants, artificially propagated hybrids may be excluded from CITES controls by a specific annotation in Appendix II or III. This exemption that may be applied to artificially propagated hybrids is also applicable to artificially propagated cultivars.
- At CoP10 (Harare, 1997) artificially propagated cultivars of two species of Cactacea, of one species of *Cyclamen* and of *Euphorbia trigona* were subject to an annotation and so declared as not subject to the provisions of the Convention.
- The proposal from Thailand under consideration is similar to that adopted in Harare and so is acceptable under CITES current provisions. IWMC recommends its adoption to the Parties.

IWMC World Conservation Trust

Proposal CoP13 Prop. 40

Subject Annotation of Orchidaceae spp. in Appendix II 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; and 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

Proponent Thailand

RECOMMENDATION – ADOPTION, although ...

The annotation proposed by Thailand would exempt many more specimens of orchid hybrids from CITES controls than either those already covered by the annotation adopted by the Conference of the Parties or those covered by the annotations in proposals Prop. 41 and Prop 42 submitted by Switzerland (see IWMC recommendations). If adopted, the exemption would considerably reduce the work for CITES and this would be positive, for as long as this would not open the door to illegal activities. It may be considered that the proposal goes to far for the time being and that it would be preferable to progress step by step. At least, the exemption should be limited to commercial shipments of a minimum number of specimens, as indicated in proposal Prop. 42.

BACKGROUND

- The simplification of procedures for orchid hybrids, under the form of exemptions for certain specimens, has been subject to discussion at several meetings of the Plants Committee. Although some countries are always objecting to such development, the Conference of the Parties has adopted so far an annotation to the listing of Orchidaceae spp. in Appendix II, providing for an exemption with a strictly limited scope. It was understood however that further exemptions would be adopted in the future if that annotation would not lead to illegal activities.
- The proposal submitted by Thailand was not considered by the Plants Committee and we may doubt that it would have been supported if it would have been so considered. For sure, the concern that the exemption would favour illegal trade would have been put forward.
- The question is to know whether such a risk exists and what could be its impact on the conservation of orchids in the wild. The main risk seems to concern non-hybrid artificially propagated plants, which may not be exempted from the CITES provisions. For commercial shipments, we can expect that the risk would be small, as legal traders should not have any interest to undertake actions that might have strong consequences on their business if discovered. The significance of other attempts should be rather limited, in particular if the sanitary controls are properly made at import.
- We may wonder whether the indication of the vernacular name only would be sufficient as for plants these often do not exist.
- In conclusion, IWMC may recommend that the proposal by Thailand be adopted, although the arguments from the opponents would have to be seriously taken into consideration.

IWMC World Conservation Trust

Proposal CoP13 Prop. 41

Subject Annotation of Orchidaceae spp. in Appendix II to exclude artificially propagated interspecific hybrids within the genera *Cymbidium*, *Miltonia*, *Odontoglossum*, *Oncidium*, *Phalaenopsis* and *Vanda* and intergeneric hybrids, as well as interspecific hybrids within the genus *Dendrobium* known in horticulture as “nobile-types” and “phalaenopsis-types” are not subject to the provisions of the Convention when they are meeting a number of conditions enumerated in the annotation, concerning their flowering state, processing, facility to be recognized as artificially propagated, labelling and packaging. Specimens not clearly qualifying for the exemption must be accompanied by appropriate CITES documents

Proponent Switzerland

RECOMMENDATION – ADOPTION

The annotation proposed by Switzerland would exempt many more specimens of orchid hybrids from CITES controls than those already covered by the annotation adopted by the Conference of the Parties, but much less than those covered by the annotation in proposal Prop. 40 submitted by Thailand (see IWMC recommendation). If the latter proposal is adopted, that from Switzerland will become redundant. If it is not adopted, as we can expect, IWMC would strongly recommend that the proposal from Switzerland be adopted. This would considerably reduce the work for CITES, without generating serious incentives to conduct illegal activities.

BACKGROUND

- The simplification of procedures for orchid hybrids, under the form of exemptions for certain specimens, has been subject to discussion at several meetings of the Plants Committee. Although some countries are always objecting to such development, the Conference of the Parties has adopted so far an annotation to the listing of Orchidaceae spp. in Appendix II, providing for an exemption with a strictly limited scope. It was understood however that further exemptions would be adopted in the future if that annotation would not lead to illegal activities. The proposal from Switzerland is submitted with this background.
- A draft proposal submitted by Switzerland was considered by the Plants Committee. It gained support but raised also some objections. The Committee recommended to Switzerland to continue its work, in consultation with the Secretariat, to limit the scope of the proposal to certain genera and to provide examples to illustrate the whole issue. This has been done remarkably and the submitted proposal is clear and convincing.
- The fact that to be exempted the plants must be in a flowering state, with at least one open flower, should considerably facilitate controls and considerably reduce the risk of using the exemption to conduct illegal activities.
- The reduction of work that the adoption of this proposal should generate would help the Parties concerned to devote their enforcement efforts to better fight against forms of illegal trade that are actually detrimental to the survival of wild orchids, in particular newly discovered ones. For this reason also, IWMC strongly recommends that the proposal by Switzerland be adopted, if that by Thailand is not, as expected.

IWMC World Conservation Trust

- Proposal** CoP13 Prop. 42
- Subject** Amendment to the annotation of Orchidaceae spp. in Appendix II concerning artificially propagated hybrids within the genus *Phalaenopsis* to reduce the minimum number of specimens in shipments to 20 instead of 100, as in the current annotation
- Proponent** Switzerland (as Depositary Government, at the request of the Plants Committee)

RECOMMENDATION – ADOPTION

Although this proposal submitted by Switzerland is presented as asking for a new annotation, it aims only to reduce the minimum number of specimens in shipments of artificially propagated hybrids within the genus *Phalaenopsis* to 20 instead of 100. This is the only change proposed. It was agreed by the Plants Committee. IWMC recommends that this amendment be adopted.

BACKGROUND

- The annotation subject to the amendment proposed by Switzerland, on behalf of the Plants Committee, was adopted at CoP12, as a test case.
- During discussions at the Plants Committee, after CoP12, it appeared that the annotation was not much in use, because traders were either not informed of it or concerned that the importing countries would not implement it, and also because in practice very few shipments contain as much as 100 specimens.
- The Plants Committee agreed that the test case should be continued but that the minimum number of specimens per shipment should be reduced to 20. Switzerland, as Depositary Government, was asked to submit the necessary proposal, which should be adopted.

IWMC World Conservation Trust

Proposal CoP13 Prop. 43
Subject Transfer of *Cattleya trianaei* from Appendix I to Appendix II
Proponent Colombia

RECOMMENDATION – ADOPTION

IWMC recommends that the proposal from Colombia be adopted by the Conference of the Parties. The transfer to Appendix II is justified by the biological status of the species and the fact that the trade appears to be exclusively in artificially propagated specimens.

BACKGROUND

- The species *Cattleya trianaei* is endemic to the Colombian Andes. It was included in Appendix I at the plenipotentiary conference at which CITES was adopted (Washington, D.C. 1973).
- Although this species was subject to heavy collection about a century ago, this practice has now disappeared. The species is artificially propagated for trade in Colombia and in a number of other countries. The transfer to Appendix II should not change anything to this situation. In addition, this species is able to adapt to various conditions and to easily regenerate.
- Although we may wonder why the transfer to Appendix II would incite to conservation actions *in situ*, to maintain this species in Appendix I does not appear justified. Therefore, IWMC recommends that this proposal be adopted.

IWMC World Conservation Trust

Proposal CoP13 Prop. 44
Subject Transfer of *Vanda coerulea* from Appendix I to Appendix II
Proponent Thailand

RECOMMENDATION – ADOPTION

IWMC recommends that the transfer of *Vanda coerulea* from Appendix I to Appendix II proposed by Thailand be adopted by the Conference of the Parties. The transfer is justified by the large distribution of the species and the fact that the trade appears to be exclusively in artificially propagated specimens and specimens from selected improved populations. In addition, never the species should have been included in Appendix I.

BACKGROUND

- The species *Vanda coerulea* was transferred from Appendix II to Appendix I at CoP2 (San José, 1979), on the basis of a proposal submitted by India and providing limited information on the Indian population only. In spite of the recommendation against the proposal from the American Orchid Society, the proposal was adopted by the Conference. It is worth noting that India was the only range State to be Party to CITES at that time and adding that Switzerland entered a reservation with regard to this transfer, which is still in force.
- The species is widespread, and largely undisturbed in China. No collection is allowed in any of the range States, but artificial propagation occurs, in particular in Thailand and Malaysia, for trade. There is no reason to believe that the transfer to Appendix II would lead to trade in wild-collected specimens.
- Myanmar is the only range State to have answered, favourably, to the proponent. If India wish to object to the transfer, it should be told that a listing in Appendix II would not force it to allow international trade. However, it must be understood that the listing in Appendix III, as suggested by Thailand, would not be possible, and would be useless.
- In conclusion, it appears evident that this species should not have been transferred to Appendix I when it was and that the aim of the proposal from Thailand is just to rectify an earlier error based on poor information. Therefore, IWMC recommends that this proposal be adopted.

IWMC World Conservation Trust

Proposal CoP13 Prop. 45

Subject Addition to *Cistanche deserticola* of the following annotation:
Designates all parts and derivatives, except:
a) seeds, spores and pollen (including pollinia);
b) seedlings or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and
c) cut flowers of artificially propagated plants

Proponent China

RECOMMENDATION – ADOPTION

IWMC recommends that the proposal from China be adopted by the Conference of the Parties. The purpose of this proposal is just to properly annotate the parasite species *Cistanche deserticola*, contrary to what was done at both CoP11 and CoP12.

BACKGROUND

- As indicated in the supporting statement, *Cistanche deserticola* was included in Appendix II at CoP11 (Gigiri, 2000), with an annotation that was not appropriate. At CoP12 (Santiago, 2002), China submitted another proposal aiming to have all parts and derivatives subject to the CITES provisions.
- For an unknown reason, the Appendices, as established by the Secretariat after CoP12, do not include any annotation for that species, and some others, this meaning that no parts and derivatives are covered by CITES. Although alerted at the 13th meeting of the Plants Committee about this issue, the Secretariat never corrected that error.
- The purpose of the proposal is therefore to correct the error but also to include an annotation that this time would exempt the appropriate specimens from CITES controls. This is a good suggestion and therefore, IWMC recommends that this proposal be adopted.

IWMC World Conservation Trust

Proposal CoP13 Prop. 46
Subject Transfer of *Chrysalidocarpus decipiens* from Appendix II to Appendix I
Proponent Madagascar

RECOMMENDATION – ADOPTION, although ...

IWMC recommends that the transfer of *Chrysalidocarpus decipiens* from Appendix II to Appendix I proposed by Madagascar be adopted by the Conference of the Parties, although the supporting statement is very poor. The transfer is justified by the limited distribution of the species and because the trade may be detrimental. Nevertheless, the efficiency of a listing in Appendix I would remain questionable if no strong measures are taken at the national level.

BACKGROUND

- The species *Chrysalidocarpus decipiens* (as currently named in CITES Appendices) is endemic to a limited part of Madagascar. It was included in Appendix II at CoP1 (Berne, 1976), not at the plenipotentiary conference at which CITES was adopted (Washington, D.C. 1973), as indicated in the proposal.
- The information provided to justify the transfer to Appendix I is very poor. For example, although reference is made to international trade in seedlings (not obtained in vitro, which are exempted) no data are provided on such trade. Therefore, it appears difficult to support the proposal.
- In addition, no protection is afforded to this species and the collect of seeds and the exploitation for the palm heart, for local consumption, continues.
- Nevertheless, it appears that the species is actually endangered and, although we have doubts, we may hope that a transfer to Appendix I would encourage the authorities of Madagascar to take strong measures in favour of its conservation and its artificial propagation, which should be possible since the trade is in seeds and seedlings. Therefore, although with some reluctance, IWMC recommends that this proposal be adopted.

IWMC World Conservation Trust

- Proposal** CoP13 Prop. 47
- Subject** Amendment to the annotation to *Taxus wallichiana* in Appendix II to read:
Designates all parts and derivatives, except:
a) seeds and pollen; and
b) finished pharmaceutical products
- Proponents** China and the United States of America

RECOMMENDATION – ADOPTION

IWMC recommends that amendment to the annotation of *Taxus wallichiana* in Appendix II proposed by China and the United States of America be adopted by the Conference of the Parties. This amendment, if adopted, would impose to the Parties to control the trade in extracts, the main product in international trade from the producer countries.

BACKGROUND

- When the species *Taxus wallichiana* was included in Appendix II at CoP9 (Fort Lauderdale, 1994), it was subject to a standard annotation that did not reflect the actual needs and allowed the producer countries to exempt the main product in trade, i.e. extracts exported in bulk.
- This anomaly, not to say non-sense, was later considered by the Plants Committee, as well explained in the supporting statement, which recommended that the annotation be amended. This was unfortunately not possible at the last meeting of the Conference of the Parties.
- The United States accepted to prepared a proposal, which China agreed to co-sponsor. No doubt that the new wording proposed for the annotation of this species would considerably improve the control of the trade in this species, in submitting the main product in trade to the CITES provisions. Therefore, IWMC recommends that this proposal be adopted.

IWMC World Conservation Trust

- Proposal** CoP13 Prop. 48
- Subject** Inclusion of *Taxus chinensis*, *T. cuspidata*, *T. fuana*, *T. sumatrana* and all infraspecific taxa of these species in Appendix II, with the following annotation:
Designates all parts and derivatives, except:
a) seeds and pollen; and
b) finished pharmaceutical products
- Proponents** China and the United States of America

RECOMMENDATION – ADOPTION

IWMC recommends that the inclusion of these four Asian species of the genus *Taxus* in Appendix II proposed by China and the United States of America be adopted by the Conference of the Parties. These species are rather heavily harvested for trade in extracts (paclitaxel in particular), the same as those produced by *Taxus wallichiana* already included in Appendix II (see proposal Prop. 47 and the IWMC recommendation on it). The proposed annotation is logically identical to that proposed for *Taxus wallichiana*.

BACKGROUND

- When the species *Taxus wallichiana* was included in Appendix II at CoP9 (Fort Lauderdale, 1994), some delegations expressed concern and objected, considering that the main products in trade, extracts such as taxol, produced also by other *Taxus* species were not identifiable at the species level. Two countries entered reservations with regard to this listing for that reason.
- The proposal now submitted by China and the United-States, as a follow up to a recommendation of the Plants Committee, should help solving this problem as, if accepted, all Asian *Taxus* species would be included in Appendix II, and with a proper annotation if proposal Prop. 47 is also adopted.
- The proposal is nevertheless not submitted for look-alike reasons only. It is also submitted because these species appear to be in decline in most of their range States, due to various causes but mainly international trade, except in Japan for the species *Taxus cuspidata*. However, as this species occurs also in other countries, including China, its listing is also desirable.
- Protection measures have been adopted in some range States but do not seem sufficient. The listing in Appendix II should contribute, in particular, to the implementation of improved harvesting techniques that would not result in the destruction of the trees and allow a sustainable trade in products with a high pharmaceutical value.
- Considering that *Taxus* extracts are not identifiable at the species level, the Conference of the Parties should consider allowing trade at the generic level for such derivatives, although it should not be forgotten that other species of this genus occur elsewhere in the world.

IWMC World Conservation Trust

Proposal CoP13 Prop. 49
Subject Inclusion of *Aquilaria* spp. and *Gyrinops* spp. in Appendix II
Proponent Indonesia

RECOMMENDATION – ADOPTION, unless ...

IWMC recommends that the inclusion of *Aquilaria* spp. and *Gyrinops* spp. in Appendix II proposed by Indonesia be adopted by the Conference of the Parties, unless other main range States object. These species are harvested for the agarwood and its properties, which is also produced by the species *Aquilaria malaccensis* already included in Appendix II. Because the material used in trade is not readily identifiable at the species level, all or no species producing it should be included in CITES Appendices. The views of the other range States are not provided and must be taken into account. The Plants Committee discussed the issue further to Decisions adopted at CoP12 (12.66 to 12.71) but did not recommend so far the listing of these genus.

BACKGROUND

- When the species *Aquilaria malaccensis* was included in Appendix II at CoP9 (Fort Lauderdale, 1994), as proposed by India, several delegations, in particular from range States, including Indonesia, objected to the listing but were defeated. Indonesia has obviously changed its views but those of other range States, in particular Malaysia, are unknown.
- The issue of trade in agarwood was subject to considerable discussions in the Plants Committee and the Conference of the Parties endorsed recommendations from the Committee at CoP11 and CoP12. In addition, *Aquilaria malaccensis* was subject to the Significant Trade Review process.
- At its last meeting, the Plants Committee considered the results of the Review and a report prepared by TRAFFIC South-east Asia and the regional representative for Oceania. It was recommended to the Committee to consider further discussion on whether a listing of all agarwood-producing taxa in Appendix II would be useful. The Committee did not make a clear decision but adopted recommendations to several range States of *Aquilaria malaccensis* under the significant trade process and agreed, in association with the Secretariat, to liaise with Indonesia to review the need to prepare proposals to list agarwood-producing genera (*Aquilaria* spp., *Aetoxylon* spp., *Gonocarpus* spp. and *Gyrinops* spp.) in CITES Appendix II.
- The supporting statement submitted by Indonesia neither indicates whether its proposal was submitted as a follow up to such liaison, nor why only two of the four above-mentioned genera are covered by its proposal.
- As indicated in the report on the Review of Significant Trade in *Aquilaria malaccensis*, the species identification at product level during import, export or re-export is extremely difficult, if not impossible for all agarwood-producing species. In addition, in certain area, as indicated in the proposal, material from various species may be mixed at harvest time.
- In view of the above information, although the Plants Committee has not (yet) formally recommended the listing of all agarwood-producing species, we may wonder whether three more years should be waited before taking action. Therefore, subject to the agreement of the main range States, IWMC would recommend to the Conference of the Parties to adopt the proposal from Indonesia, the larger producer of agarwood.
- The Conference should consider carefully the wording of the annotation that should accompany the listing, as we are not convinced that the annotation to *Aquilaria malaccensis* is the most appropriate. It might be recommendable, in particular, to exclude finished pharmaceutical or other products from CITES controls.

IWMC World Conservation Trust

Proposal CoP13 Prop. 50

Subject Inclusion of *Gonystylus* spp. in Appendix II with the following annotation:
Designates all parts and derivatives, except:
a) seeds, spores and pollen (including pollinia);
b) seedlings or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and
c) cut flowers of artificially propagated plants

Proponent Indonesia

RECOMMENDATION – REJECTION, unless ...

IWMC recommends that the inclusion of *Gonystylus* spp. in Appendix II proposed by Indonesia be rejected by the Conference of the Parties, unless other range States, in particular Malaysia, agree to this inclusion. These species are harvested essentially for timber, although they can also contain agarwood. Very little information is provided concerning the other range States and Malaysia has entered as partial reservation on the listing in Appendix III by Indonesia.

BACKGROUND

- Ramin, *Gonystylus* spp., was subject of intense and sometimes rather strong discussions at meetings of the Conference of the Parties. At CoP8 (Kyoto, 1992), Denmark and the Netherlands had submitted a proposal for the inclusion of *Gonystylus bancanus*, the most common species of the genus in trade, but had withdrawn it because of the objections expressed by the majority of range States, because, among other things, they were not properly consulted. They considered also that CITES was not the proper instrument to deal with this kind of species. At CoP9 (Fort Lauderdale, 1994), the Netherlands submitted a working document on the same species, which was badly received by range States (including Indonesia and Malaysia) and other States involved in the exploitation of other timber species.
- The views of Indonesia obviously have changed since that time and, in 2001, this country requested the listing of *Gonystylus* spp. in Appendix III, with the annotation #1, the same as that included in this proposal, an amazing annotation for a timber species. Malaysia entered a reservation, which however does not apply to sawn timber and logs. This seems to indicate that Malaysia might not be opposed to CITES controls on raw timber materials such as logs and sawn wood. In addition, Indonesia has established a ban on ramin exploitation, although the exact scope of the ban is not fully clear.
- The annotation, as it is proposed by Indonesia, does not appear to be appropriate. As ramin timber is the main product in trade, the listing of *Gonystylus* spp. should be accompanied by an annotation similar to those of other timber species, such as *Swietenia* sp., e.g. annotation #5 to designate logs, sawn wood and veneer sheets or #6 to designate the same products plus plywood. If necessary, the annotation might also include other parts or derivatives but should exclude finished wood products.
- On this condition, and if the other main range States, in particular Malaysia, agree to an inclusion in Appendix II, IWMC could recommend that the proposal from Indonesia be adopted with a proper annotation. Otherwise, IWMC would recommend to the Parties to reject the proposal. Thus, the genus will remain in Appendix III, the other range States being obliged to issue certificates of origin, at least for raw material in the case of Malaysia.