



IWMC World Conservation Trust



Towards CoP14 of CITES
(The Hague, Netherlands 3 - June 2007)

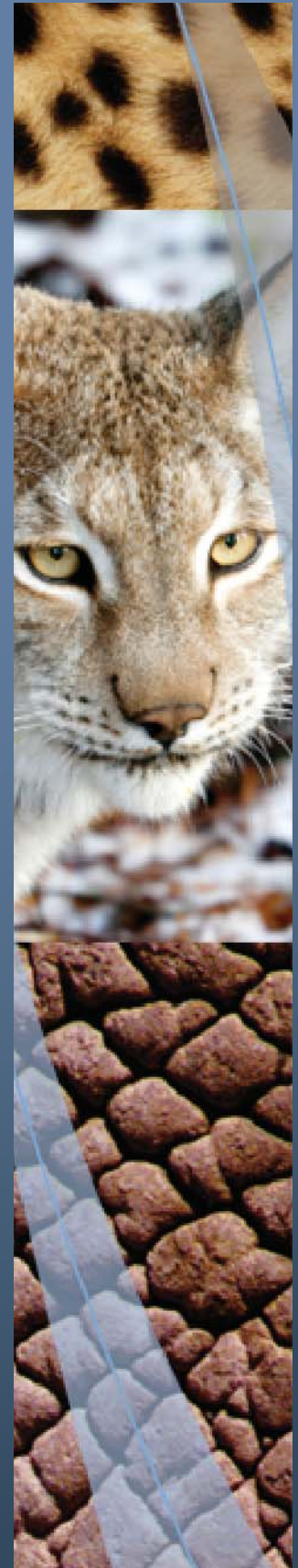
IWMC Recommendations on Proposals for Amendment of Appendices I and II

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The Hague, Netherlands 3 – 15 June 2007

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Proposal CoP14 Prop.1

Subject Transfer from Appendix II to Appendix I of *Nycticebus* spp.

Proponent Cambodia

RECOMMENDATION–REJECTION, unless ...

IWMC recommends to the Parties to reject this proposal, because international trade appears to play an insignificant role in the decline of the species concerned and contradictions between references to their status in the wild and the presence of specimens on local markets. In addition, although this proposal was submitted in advance to the Secretariat, in accordance with Resolution Conf. 8.21, recommendation b), not any other range State has provided information. IWMC's might reconsider its recommendation if most range States would support the proposal.

BACKGROUND

- In accordance with Resolution Conf. 8.21, recommendation b), a draft proposal was circulated to the Parties with Notification No. 2006/052 of 6 October 2006 for comments. Nevertheless, the proposal does not include any comments from other Parties, in particular range States, than Cambodia. This alone would justify that the proposal be rejected.
- Considering the proposal, it appears obvious that these species are on the decline. However, this appears to be mainly the result of serious habitat destruction and degradation, as well as local consumption, in spite of official protection and the presence of protected areas. Enforcement of the law, including CITES, appears deficient, and nothing indicates that this would be improved by an Appendix-I listing.
- Although the international trade is described as an important factor of decline, the UNEP/WCMC data indicate very small numbers of specimens in trade. From 1977 to 2004, 1678 *N. coucang* (including *N. bengalensis*) have been reported imported and 602 exported, and 131 *N. pygmaeus* imported and 111 exported.
- While hundreds if not thousands of specimens are reported on local markets, with an increasing demand, numbers of specimens in the wild are reported as very low. This obvious contradiction is not explained. Under item 6.4 of the section concerning *N. coucang*, it is indicated that 117 specimens have been seized in Jakarta only, while under item 8.3.2 the confiscation of hundreds of specimens in Jakarta is reported. Also an unexplained contradiction.
- What these species are obviously in need is of proper management measures, properly implemented. However, the proposal is silent on this conservation element, which is far more significant than a simple inclusion in Appendix I, without any proposed accompanying measures. To only list species in Appendix I would never provide an effective solution.
- In spite of this, IWMC would be prepared to revise its recommendation if most range States would support the proposal and commit themselves to take serious conservation actions, including management plans.

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Proposal	CoP14 Prop. 2
Subject	Deletion of <i>Lynx rufus</i> from Appendix II
Proponent	United States of America

RECOMMENDATION – ADOPTION

IWMC strongly recommends to the Conference of the Parties to adopt the proposal from the United States of America. The bobcat *Lynx rufus* was never considered as threatened within CITES and the study conducted by the proponent demonstrates that trade in its specimens does not need the cooperation of non-range States to be properly controlled.

BACKGROUND

- At CoP13, when a similar proposal was submitted, concern was again, as at CoP14, expressed by a number of Parties, in particular from Europe, about the risk of promoting illegal activities in other *Lynx* species. The proposal was withdrawn and Decision 13.93 adopted to direct the Animals Committee to include the Felidae in its Review of the Appendices. This review was to initially focus on the listing of the *Lynx* species complex. The assessment should also include a review of trade information to determine whether these species are actually confused in trade or whether the look-alike problem is merely hypothetical. The Animals Committee was supposed to report at CoP14.
- The review was actually conducted by the United States, in consultation with other Parties, including the other range States, and discussions took place within the Animals Committee. However, as noted at the last Committee meeting (Lima, 2006), the review was ongoing and no conclusion was drawn, as the Chairman of the Committee would probably report.
- Normally, no proposal should have been submitted prior to the conclusion of the work of the Animals Committee. However, this would have postponed for three years the possibility to delete this species from the Appendices, where never it should have been listed. Considering the results of the review conducted since CoP13 and presented in the proposal, we can understand that the range States did not want to wait such conclusion, which appears evident.
- Excluding a species from a listed higher taxon has already been done by the Conference of the Parties for parrots. The proposal from the United States, if adopted, would therefore not create a precedent.
- In conclusion, IWMC strongly recommends the adoption of this proposal, as it would recommend the adoption of similar proposals aiming to simplify the work of CITES and allow it to concentrate on significant issues.

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Proposal CoP14 Prop. 3

Subject Transfer of the population of Uganda of *Panthera pardus* from Appendix I to Appendix II with an annotation that reads as follows: a) for the exclusive purpose of sport hunting for trophies and skins for personal use, to be exported as personal effects; and b) with an annual export quota of 50 leopards for the whole country

Proponent Uganda

RECOMMENDATION – REJECTION of the transfer but ADOPTION of a quota

This proposal might appear as the result of a confusion. Uganda wishes to be granted a quota for leopards, as other range States listed in Resolution Conf. 10.14 (Rev. CoP13), and seems to believe that this requires the prior transfer of the population to Appendix II. This is not the case. Therefore, IWMC recommends to the Conference of the Parties to reject the proposal but to grant the requested quota of 50 animals and to insert it in the Resolution.

BACKGROUND

- The proposal submitted by Uganda refers to Resolution Conf. 9.24 (Rev. CoP13) and, therefore, must be considered as a proposal to amend Appendices I and II of the Convention. However, it also refers to Resolutions Conf. 9.21 (Rev. CoP13) on The interpretation and application of quotas for species included in Appendix I and Conf. 10.14 (Rev. CoP13) on Quotas for leopard hunting trophies and skins for personal use. Therefore, the proposal may rather be interpreted as aiming to the granting of an export quota under the last of these Resolutions, an action that does not infer a transfer of the Uganda population of leopards from Appendix I to Appendix II but an amendment of the Resolution.
- The information provided in the proposal, in particular with regard to the leopard population, would certainly not be sufficient to justify its transfer to Appendix II. However it is certainly sufficient to justify a small quota of 50 leopards a year. Therefore, IWMC recommends that the quota be granted and Resolution Conf. 10.14 (Rev. CoP13) be amended accordingly.
- This proposal may nevertheless provide an opportunity to reconsider the status of the leopard within CITES, as it certainly does not meet the criteria for inclusion in Appendix I. However, this should not be done at the level of one country only but of the whole species or, at least, of the populations benefiting of a quota pursuant to Resolution Conf. 10.14 (Rev. CoP13), although the interested Parties seems to be satisfied with the current status.

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Proposal CoP14 Prop. 4

Subject Maintenance of the populations of Botswana, Namibia, South Africa and Zimbabwe of *Loxodonta africana* in Appendix II in terms of Article II, paragraph 2 (b), with the replacement of all existing annotations with the following annotation: 1) the establishment of annual export quotas for trade in raw ivory is determined in accordance with Resolution Conf. 10.10 (Rev. CoP12); 2) trade in raw ivory is restricted to trading partners that have been certified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with the requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning manufacturing and trade; and 3) the proceeds of the trade in raw ivory are to be used exclusively for elephant conservation and community development programmes

Proponent Botswana and Namibia

RECOMMENDATION – ADOPTION

IWMC fully supports the changes proposed to the annotation of *Loxodonta africana* with respect to the populations of Botswana, Namibia, South Africa and Zimbabwe, and strongly recommends to the Parties to adopt the proposal. These Parties have scrupulously implemented the decisions of CITES regarding the African elephant since many years, to their detriment and that of their local communities, and it is now time for the Conference to allow them to benefit of their sound and successful conservation and management of their elephant populations.

BACKGROUND

- The populations of the African elephant of Botswana, Namibia, South Africa and Zimbabwe are listed in Appendix II since a number of years and this has not to be justified again. It is enough to underline that since their transfer from Appendix I, these populations have constantly increased. Therefore, the proposal should not be judged in the light of the second part of its supporting statement but of the first part, which perfectly explain the dramatic situation to which these Parties would be are faced if the proposal would be rejected.
- As a first step of course, these Parties should have been allowed by the Standing Committee to export part of their stocks, as agreed at CoP12 already. However, this would not be sufficient to correct the situation in the long term. To maintain what is actually a trade ban would have to be clearly considered as a violation of CITES and CBD provisions and objectives. This should not be tolerated any longer to maintain the CITES credibility.
- The range States that are Botswana, Namibia, South Africa and Zimbabwe have made enormous efforts to conserve their populations of African elephants – even to a point where these populations may be exceeding their carrying capacity in many places – and to meet all the conditions that were imposed on them. In addition, the local communities of these Parties have demonstrated a great patience, in spite of the serious socio-economic problems and conflicts they are facing because CITES prevents them to benefit fully from a species with which they are sharing the same habitat. Therefore, it is now time to acknowledge this and to let them benefit from their efforts and patience and to so encourage them to continue in the same way.

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Proposal CoP14 Prop. 5

Subject Amendment of the annotation to the population of Botswana of *Loxodonta africana*, essentially to allow also: 1) the annual trade in 8 tonnes of registered raw ivory of Botswana origin owned by the Government of Botswana for commercial purposes only with trading partners that have been certified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with the requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning manufacturing and trade; and 2) the extension of the stock referred to in the current annotation to 40 tonnes instead of 20 tonnes, then trade being conducted in the same conditions as under 1) above

Proponent Botswana

RECOMMENDATION – ADOPTION if ...

IWMC would only recommend to the Conference of the Parties to adopt this proposal if proposal CoP14 Prop. 4 submitted by Botswana and Namibia is not adopted.

BACKGROUND

- Botswana has currently the largest population of African elephants and should be allowed to trade in all specimens of the species, in accordance with CITES provisions.
- This proposal would become redundant if proposal CoP14 Prop. 4 submitted by Botswana and Namibia is adopted by the Conference of the Parties, as recommended by IWMC. If this is not the case, then IWMC will strongly recommend the adoption of this proposal, for the same reasons.

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Proposal CoP14 Prop. 6

Subject Amendment of the annotations regarding the populations of Botswana, Namibia, South Africa and Zimbabwe of *Loxodonta africana*, essentially to provide that no trade in raw and worked ivory shall be permitted for a period of 20 years, except for the stocks allowed at CoP12 for the first three mentioned countries

Proponent Kenya and Mali

RECOMMENDATION – REJECTION

As IWMC has strongly recommended to the Conference of the Parties to adopt the proposals from Namibia, Botswana and the United Republic of Tanzania, it can only recommend it to strongly reject that of Kenya and Mali. With this proposal, Kenya, this time seconded by Mali, continues to try to mine the fundamental principles of CITES and to impose its anti-use policy to the detriment of range States that have successfully managed and conserved their elephant populations.

BACKGROUND

- After having tried, fortunately without success, to obtain the retransfer of the populations of African elephants of Botswana, Namibia, South Africa and Zimbabwe to Appendix I, Kenya is now trying, this time with the support of Mali, to impose a 20-year moratorium on ivory trade, without any consideration for an inter-African solidarity that is not unilateral, and the international cooperation that is at the basis of CITES
- While we may accept that countries be opposed to any trade in wildlife, as a matter of principle, we can not accept the argument that the only way to fight illegal trade is to prohibit any legal trade. Except the experimental trade that took place in 2000, trade in ivory is effectively prohibited since 1990, i.e. 17 years now. Considering that the main purpose of the proposal is to demonstrate that illegal activities are on the increase, we may wonder why an extended ban would be more successful than the current one?
- On the contrary, the way that CITES should follow now is that opened by southern African countries and which the United Republic of Tanzania wishes to take, i.e. a legal and well controlled trade. To offer legal goods to those who need them is the best manner to discourage them trying to acquire the same goods through illegal channels. For that reason and all those presented in the proposals from Botswana, Namibia and the United Republic of Tanzania, IWMC strongly recommends to the Conference of the Parties to reject the proposal from Kenya and Mali.

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Proposal CoP14 Prop. 7

Subject Transfer from Appendix I to Appendix II of the population of the United Republic of Tanzania of *Loxodonta africana*, with an annotation to read as follows: for the exclusive purpose of allowing: 1) trade in registered stocks of raw ivory in whole tusks and pieces; 2) trade in live specimens for non-commercial purposes to appropriate and acceptable destinations; and 3) trade in hunting trophies for non commercial purposes

Proponent The United Republic of Tanzania

PROPOSAL WITHDRAWN

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Proposal CoP14 Prop. 8

Subject Amendment of the annotation to the Bolivian population of *Vicugna vicugna*, listed in Appendix II, to allow trade in specimens of the whole population of the country under the same conditions, and to make them similar to those applicable to the trade in specimens of populations of other range States

Proponent Bolivia

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to adopt the proposal submitted by Bolivia. The proposed annotation would provide for the same trade conditions for the whole population of vicuñas of the country, while the current conditions are different depending on the sub-populations. In addition, this would place the population of Bolivia under the same status than those of most of the other range States. The proposal is supported by the Vicuña Convention.

BACKGROUND

- The annotation which currently accompany the listing of the Bolivian population of *Vicugna vicugna* provides for different conditions for the trade in its specimens, depending on the sub-populations from which they originate. The proposal from Bolivia aims to submit the trade in the whole population of the country to the same conditions. In addition, these new conditions would become identical to those applicable to the population of Chile and very similar to those applicable to the population of Peru.
- A statement from the Convenio para la Conservación y Manejo de la Vicuña accompany the proposal to support it.
- Considering the status of the vicuña in Bolivia and the continuous increase of its numbers, there is no more reason to treat differently the international trade in specimens from the various sub-populations. This can be managed at the national level.
- For these reasons, IWMC recommends to the Conference of the Parties to adopt the Bolivian proposal without any restriction.

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Proposal	CoP14 Prop. 9, 10, 11 and 12
Subject	Inclusion, respectively, of <i>Cervus elaphus barbarus</i> , <i>Gazella cuvieri</i> , <i>Gazella dorcas</i> and <i>Gazella leptoceros</i> in Appendix I
Proponent	Algeria

RECOMMENDATION – REJECTION

IWMC recommends to the Conference of the Parties to reject the four proposals submitted by Algeria because, although these species may meet the biological criteria for inclusion in Appendix I, the trade in them is not considered and described as of any significance. In addition no other range State has been consulted and the information provided refers almost exclusively to the proponent country. The current listing of these species in Appendix III, at the request of Tunisia, is therefore sufficient, if at all justifiable.

BACKGROUND

- Although these four proposals from Algeria concern one deer and three gazelles, which may all or at least one or two of them, meet the biological criteria for inclusion in Appendix I provided by Resolution Conf. 9.24 (Rev. CoP13), they may be considered together as they present the same characteristics and weaknesses.
- The criteria under which these species should be considered are not indicated; the information provided are rather poor and limited almost exclusively to the status of the species in Algeria; destruction and deterioration of habitats are the main threats, together with poaching, although the purpose of the latter is not indicated but is probably for local consumption; the national utilization is nevertheless described as nil, as is also described the national and international trade; and, last but not least, no other range State has been consulted.
- These species are listed in Appendix III since 1976, at the request of Tunisia, and, in accordance with the provisions of Article V of the Convention, no trade from the countries of origin may be allowed without either CITES export permits from Tunisia or certificates of origin from the other range States.
- Under these circumstances, it appears that the current listing in Appendix III, if at all useful, should be sufficient to assist in the conservation and management of these species, and a listing in Appendix I would not be of any assistance. Therefore, IWMC recommends to the Conference of the Parties the rejection of these proposals, in indicating however that Algeria might consider joining Tunisia in listing also these species in Appendix III.

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Proposal CoP14 Prop. 13

Subject Transfer of the Brazilian population of *Melanosuchus niger* from Appendix I to Appendix II

Proponent Brazil

RECOMMENDATION – ADOPTION

IWMC strongly recommends to the Parties to adopt the proposal from Brazil to transfer its population of black caimans *Melanosuchus niger* from Appendix I to Appendix II. This population does not meet the criteria for listing in Appendix I, as clearly demonstrated in the well prepared and convincing supporting statement. The legal and sustainable use of this species aims to ensure the achievement of conservation goals and to eliminate the existing illegal harvesting and domestic trade in crocodile meat. In addition, this would allow the export of the valuable classic leather of that species.

BACKGROUND

- Within CITES, Brazil has always been associated with Parties promoting a full protection of wild animals listed in the Appendices and opposing to trade in their specimens. The submission of this proposal, although limited to one species only, may nevertheless be interpreted as a change in the Brazilian perception of wildlife conservation. IWMC is extremely pleased to welcome this proposal and to note that the expected outcome of the transfer, as stated in the supporting statement would be “social development of Amazonian local communities through conservation and sustainable use of caiman populations”.
- Draft proposals were submitted to the IUCN/SSC Crocodile Specialist Group and the Animals Committee. The former suggested improvements and supported the submission of the proposal at its Workshop in France in 2006. The Animals Committee did not take position but some suggestions were made. IWMC was pleased to participate in the CSG Workshop and to associate itself with the support.
- The proposal is well prepared and documented. It shows clearly that the Brazilian population of black caimans does not meet the Appendix-I criteria. The proposed level of harvest does not represent any threat and, on the contrary, would most likely generate, as already shown, a strong reduction or the elimination of the current illegal activities. The species is subject to some hunting, essentially for meat, the skins being wasted. This is regrettable since the leather of black caimans is a ‘classic’ and the trade in skins would provide a significant added value, and would encourage local communities to prevent poaching.
- For these reasons, IWMC applauds Brazil for its initiative and strongly recommends to the Parties the adoption of the proposal. IWMC wishes great success to Brazil with this experience, which it would most likely be able to repeat in the future with other species to the benefit of all, including the rich Brazilian wildlife and its habitats.
- As the Brazilian range of the black caiman represents about 80% of the total range and as it appears from information provided to IWMC that its status in the other range States seems also good, IWMC hopes that a proposal to transfer the whole species to Appendix II would be submitted for consideration at CoP15.

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Proposal	CoP14 Prop. 14
Subject	Transfer of <i>Heloderma horridum charlesbogerti</i> from Appendix II to Appendix I
Proponent	Guatemala

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to adopt the proposal from Guatemala, as this rather recently discovered endemic subspecies of a genus listed in Appendix II appears highly distinctive and the use of the name would not give rise to enforcement problem. This transfer should prevent the risk of illegal trade in specimens of this subspecies under the name of the species to which it belongs.

BACKGROUND

- This subspecies is covered by the listing of *Heloderma* spp. in Appendix II, contrary to what is stated under Additional remarks in the supporting statement, and, therefore, no trade in it should be allowed without the proper CITES document. In such circumstances, a transfer to Appendix I would not appear necessary.
- However, it appears that illegal trade is occurring, and it is possible that specimens have been or may be exported under the name of the species to which this subspecies belongs, without notice from those in charge of controls, either at export or import.
- As specimens of the subspecies in question may be easily distinguished from specimens of other subspecies or species of the same genus, the listing in Appendix I of the subspecies should alert control officers, incite them to be more vigilant and prevent at least what could appear as legal trade in specimens of an Appendix-II species.
- Therefore, IWMC recommends to the Conference of the Parties to adopt the proposal from Guatemala.

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Proposal CoP14 Prop. 15 and 16

Subject Inclusion, respectively, of *Lamna nasus* and *Squalus acanthias* in Appendix II, with an annotation to delay the entry into effect of the inclusion by 18 months to enable Parties to resolve the related technical and administrative issues

Proponent Germany, on behalf of the European Community Member States

RECOMMENDATION – REJECTION

IWMC fully recognizes that the use of marine resources is rising serious problems and that they should be tackled seriously in the interest of the food supply of the world populations in the future. However, IWMC does not believe that CITES, as it is drafted and implemented and with the means available to it, is the appropriate instrument to solve these problems, except under very specific circumstances. This is to some extent recognized also by the proponent in asking for a delayed entry into force and the request of additional work for consideration at CoP16 (sic). It is IWMC view that this additional work should be undertaken before asking for a listing. Therefore, IWMC recommends to the Parties to reject both proposals submitted by Germany.

BACKGROUND

- IWMC has always supported the work of CITES, including for the listing of certain marine species of commercial value, such as sturgeons and the humphead wrasse. However, considering the lack of resources constantly put forward by the Secretariat, the current problems with respect to sturgeons, the way CITES is drafted and implemented, in particular for the trade in parts and derivatives, the still unresolved problems regarding the ‘introduction from the sea’, the lack of flexibility to adapt to ways industrial fisheries are conducted, etc. IWMC can not believe that CITES may actually help in solving these problems. This was in fact the conclusions of the Animals Committee at its 22nd meeting, i.e. improved management [of sharks] rather than listing on CITES is the obvious priority.
- The proponent recognizes that there are serious issues to consider and has therefore associated its proposals with an annotation to delay the entry into force of 18 months to resolve technical and administrative issues. The only issue specified, although not necessarily the most difficult to solve, is the possible need to designate an additional Management Authority. Furthermore, Germany has also submitted a working document, with draft decisions asking for technical work to be undertaken by the Animals Committee, in cooperation with FAO. The fact that the Committee is only supposed to report at CoP16, i.e. in 2013, indicates how delicate and difficult the work could be. IWMC has therefore the strong feeling that with its proposals the proponent is putting the car before the horse. This is highlighted by the fact that Australia is also submitting a document to request the holding of a workshop to consider additional conservation measures for sharks.
- CITES has been drafted with clear purposes and to deal with species listed in its Appendices. Except provisions for the submission of proposals to amend these Appendices, CITES does not include any provisions concerning species not yet listed. This means that it is not the role of CITES to consider the status of non-listed species and how they should be conserved. In particular for sharks (only three species, not at all of the same commercial significance, are listed) this should be the task of individual States or group of States, institutions and concerned organizations to

undertake the necessary work and to submit proposals for amendment if appropriate. The major means of CITES should be devoted to listed species and to solve actual problems related to them. This is not always the case in the current time.

- Considering also that even the European Union, with a large fishing industry and a main market for the species in question, is unable to manage them appropriately, we may ask how could CITES help when we know that no CITES controls would be conducted for the fish taken in the waters under the jurisdiction of the Member States and consumed in those States. What a loophole!
- In conclusion and even without considering the biological aspects of the proposals, this will be done by the Panel of experts to be convened by FAO, IWMC recommends that the Conference of the Parties reject the proposals from Germany. This is also to prevent CITES of the serious failure that would be the result of its inability to solve the problems mentioned above. This does not mean that nothing should be done to conserve marine species at reasonable levels. On the contrary but this should be done first by those directly concerned, and these proposals should serve as an incentive to convince them that great efforts are strongly needed.

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Proposal	CoP14 Prop. 17
Subject	Inclusion of Pristidae spp. in Appendix I
Proponent	Kenya, Nicaragua and the United States of America

RECOMMENDATION – REJECTION

The United States submitted a similar proposal at CoP10 (Harare, 1997), which was largely rejected. The new proposal, although including some additional information, does not demonstrate any fundamental change in the situation since that time and that the listing in 1997 would have improved it. International trade does not appear as a significant factor of the endangered status of this family. Therefore, IWMC does not recommend that this proposal be adopted.

BACKGROUND

- For CoP10 (Harare, 1997), the United States submitted a proposal to list the order Pristiformes spp. in Appendix I. As this order has only one family, Pristidae, the aim of the current proposal is identical to the earlier one. In Committee I, several delegations, as well as the observer from FAO, “felt that the issue was an internal one related to by-catch”. The proposal was put to a vote and was rejected by 50 votes against and 24 in favour.
- Although the supporting statement of this proposal provides some additional information, it does not appear that the current situation has actually deteriorated, or at least due to international trade since 1997. In addition, to demonstrate the usefulness of CITES, the proposal should have shown that the situation would have improved if the family would have been listed at that time. This is not the case and is not surprising since, as stated, these species are not commercially fished.
- Habitat destruction and deterioration, including through pollution, in particular in fresh water bodies like Lake Nicaragua, and by-catches and incidental catches are the main issues. CITES can not solve them. This should be done through domestic legal and management measures. This is not the case, except in a few range States.
- For these reasons, it does not appear that CITES could actually help and IWMC can not recommend therefore that the Appendices be further extended without any expected positive results.

Proposal	CoP14 Prop. 18
Subject	Inclusion of <i>Anguilla anguilla</i> in Appendix II
Proponent	Germany, on behalf of the European Community Member States

RECOMMENDATION – REJECTION

Although the proposal is well prepared, it provides information regarding almost exclusively Member States of the European Community amongst the 45 range States. By far, the main issue, with respect to international trade, is the export from some EU countries of young eels to Asia for aquaculture. As the EU, through its regulations is in a position to stop any import of specimens of wild species, listed or not in CITES Appendices, it should also be able to limit or fully stop any export from it. In addition, the listing of this species in Appendix II, although it is said as meeting the Appendix-I criteria, would generate some of the problems rose about the German proposals on sharks, in particular look-alike issues. As CITES is applied in the EU as if it would be a single Party, the issue appears as a domestic problem, especially of management. If actually necessary, all Member States or at least those directly involved in the trade, such as France and Spain, could list the species in Appendix III. Therefore, IWMC recommends to the Conference of the Parties to reject the proposal.

BACKGROUND

- Although the European eel is not a commercially-fished species in the sense this term is generally understood, it is a highly valuable species subject to international trade and its status appears to be very poor. As stated in the document, it could meet the criteria for inclusion in Appendix I. However, although the species occurs in 45 range States, the information provided refers almost exclusively to Member States of the European Union. As presented, even if trade exists, mainly to a few Asian countries, for aquaculture, the issue appears as a domestic problem of the EU.
- Accordingly, and as CITES is implemented within the EU as if it would be a single Party, IWMC believes that the problem should and could be solved at the EU level. First of all, trade between EU members is not subject to CITES provisions, and there is no problem of 'introduction from the sea'. In addition, the EU has adopted regulations that allow it to implement stricter domestic measures, including total ban on imports of specimens of wild species, listed in CITES Appendices or not, and it should be able to also impose bans on the export of other wild specimens.
- The management of the species and its habitat appears also as a significant issue to be tackled at the EU and national levels, as would be poaching, which does or may occur in certain countries, in particular for the local consumption of what is considered as a delicacy.
- In case of listing in Appendix II, i.e. with the possibility of maintaining an international trade, some of the technical and administrative problems rose about the German proposals on shark species would also appear, in particular look-alike problems with the rather numerous other eel species.

- The EU and the directly interested Member States should ensure that management and legal measures already or not yet in place be properly implemented and the export specimens be banned or strictly limited. If necessary, once again because the EU is working as a single Party, a listing in Appendix III could be envisaged, either at the request of each and every Member States or only of those directly interested, such as France and Spain, the main exporters. This would lead to the cooperation of importing countries and have the great advantage of allowing that the implementation of the CITES provisions be restricted to live and dead fish and those parts and derivatives in actual need of trade controls.
- For these reasons and with this opportunity in mind, IWMC is recommending to the Parties to reject the proposal submitted by Germany, on behalf of the Member States of the European Union or Community and in its interest. This would also be in the interest of the other Parties.

IWMC World Conservation Trust

Proposal	CoP14 Prop. 19
Subject	Inclusion of <i>Pterapogon kauderni</i> in Appendix II
Proponent	The United States of America

RECOMMENDATION – REJECTION

Pterapogon kauderni is an endemic species of Indonesia, with a restricted range. Properly managed it may be sustainably exploited without the need of a listing in CITES Appendix II. From information not presented in the proposal, it appears that management measures have been adopted for this species by the Government of Indonesia, in cooperation with NGOs and local communities. The trade level has been significantly reduced and is not threatening the survival of the species. Therefore, IWMC recommends to the Conference of the Parties to reject the proposal, also because Indonesia does not appear to support it.

BACKGROUND

- This endemic species of Indonesia is exclusively traded as live animals for aquariums. Its range is limited but recent information indicates that the current level of trade appears to be sustainable. Properly managed and exploited this species may be a valuable resource in the long term, and its listing in CITES Appendices would not be necessary.
- In addition to protective measures introduced to ban the use of destructive fishing methods, i.e. with dynamite and cyanides, and prohibit the fishing by non-local people, management measures have also been adopted by the Government of Indonesia, NGOs and local communities. The involvement of these communities is of particular significance and should ensure a proper implementation of the measures. Fencing of the space under houses built above water is an additional means to increase the production of wild specimens.
- Captive breeding is possible and is also experimented locally to serve as a complement to wild harvest but at higher costs.
- Consequently, it appears that a listing in Appendix II is not necessary and, on the contrary, could be counterproductive as favouring illegal activities. Therefore, IWMC does not support a proposal that would have appeared more convincing when submitted by the only range State

IWMC World Conservation Trust

Proposal	CoP14 Prop. 20
Subject	Inclusion of the Brazilian populations of <i>Panulirus argus</i> and <i>Panulirus laevis-cauda</i> in Appendix II
Proponent	Brazil

RECOMMENDATION – REJECTION

IWMC recommends to the Conference of the Parties to reject the proposal from Brazil to list its populations of two spiny lobsters in Appendix II. To list such populations would be in contradiction with Resolution Conf. 9.24 (Rev. CoP13). In addition, these populations do not appear in risk of extinction and a better enforcement of the domestic legislation and management measures would be more efficient than an Appendix-II listing.

BACKGROUND

- The species in question are by far not endemic to Brazil and subject to an important trade in the whole region. To list only the Brazilian populations in Appendix II would be contrary to Annex 3 of Resolution Conf. 9.24 (Rev. CoP13), in which it is stated that “Split-listings that place some populations of a species in the Appendices, and the rest outside the Appendices, should normally not be permitted. The supporting statement does provide information that would justify an exception to this criterion.
- These species are subject to a substantial trade, including in Brazil, and figure 2 does not show a clear decline in the production between 1965 and 2004, only significant annual variations.
- The Brazilian populations appear to be subject to appropriate legislation and management measures, which are nevertheless not strictly implemented. In particular, specimens below the minimum size are still harvested. A better implementation and enforcement of these legislation and measures should be sufficient to prevent risks of depletion of the populations.
- It is unlikely that an Appendix-II listing would prevent the illegal export to neighbouring countries of undersized specimens or their inclusion in food preparations that do not allow any verification of the size of the specimens used to make them.
- For these reasons also, IWMC recommends to the Parties not to adopt this proposal from Brazil.

IWMC World Conservation Trust

Proposal	CoP14 Prop. 21
Subject	Inclusion of <i>Corallium</i> spp. in Appendix II
Proponent	The United States of America

RECOMMENDATION – REJECTION

IWMC recommends to the Conference of the Parties to reject the proposal from the United States, as it believes that the implementation of the listing of *Corallium* spp. in Appendix II would generate serious difficulties of implementation and enforcement. The level of international trade does not appear to threaten the survival of the species that are subject to such trade, although the management of these species might be improved, in particular in those countries with significant harvesting and trade. The views of more range States than those that have answered to the consultation would be important to make a final judgement.

BACKGROUND

- At CoP6 (Ottawa, 1987), Spain submitted a proposal to include *Corallium rubrum* in Appendix II, for reasons similar to those presented by the United States. The proposal was rejected, in particular because the status of the populations was not sufficiently known and due to the look-alike problems with other species of this genus from the Pacific region. The situation has not substantially changed and additional management measures have been adopted.
- As the US proposal covers the whole genus *Corallium*, the look-alike issue might be reduced but it remains that worked specimens may not be readily distinguished at the species level. In addition, some specimens, such as coral powder, would not be recognizable without sophisticated means. They should however represent only a minimal portion of the trade.
- It appears from recent information that the supporting statement includes a number of erroneous data, in particular regarding the causes for significant reductions of harvest levels noticed in the 1980's, both in the Pacific and in the Mediterranean. They were not due to stock depletions but to economic reasons. Management measures are in place and although improvement appears still necessary, more research should be conducted to increase the knowledge considerably insufficient.
- In the light of the information now available, IWMC recommends to the Parties to reject the proposal, unless the range States mainly concerned by coral harvesting and trade would support its adoption. In the present circumstances, it appears that a CITES listing in Appendix II would rather promote illegal activities than improve the conservation of these precious corals.

IWMC World Conservation Trust

Proposal	CoP14 Prop. 22
Subject	Deletion of <i>Agave arizonica</i> from Appendix I
Proponent	The United States of America

RECOMMENDATION – ADOPTION

Agave arizonica is not a species but a hybrid of two species that are not included in CITES Appendices. In addition, this hybrid does not appear to be threatened due to international trade in its specimens. Therefore, IWMC recommends to the Conference of the Parties to adopt the proposal. The fact that Resolution Conf. 9.24 (Rev. CoP13), in its Annex 4, under criterion A. 1., provides that no species listed in Appendix I shall be removed from the Appendices unless it has been first transferred to Appendix II, is not relevant for such a hybrid.

BACKGROUND

- The supporting statement for this proposal clearly indicates that *Agave arizonica* is not a species but a hybrid, both parents of which are not listed in any CITES Appendix. In such circumstances, the provisions of Resolution Conf. 11.11 (Rev. CoP13) regarding hybrids do not apply. Never this hybrid should have been listed in Appendix I.
- In addition, there is no reason to implement for such a hybrid the provision of Annex 4 of Resolution Conf. 9.24 (Rev. 13) stating that no species listed in Appendix I shall be removed from the Appendices unless it has been first transferred to Appendix II.
- Furthermore international trade does not constitute a threat for this hybrid, which is also artificially propagated.
- For these reasons and others provided in the supporting statement, IWMC recommends to the Conference of the Parties to adopt this proposal.

IWMC World Conservation Trust

Proposal	CoP14 Prop. 23
Subject	Transfer of <i>Nolina interrata</i> from Appendix I to Appendix II, including all parts and derivatives
Proponent	The United States of America

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to adopt the proposal from the United States, because the species *Nolina interrata* is well protected in the only two range States and the trade in specimens, including those that are artificially propagated, is insignificant, if not nonexistent. A transfer to Appendix II would allow verification of the lack of interest of the trade sector for this species.

BACKGROUND

- The supporting statement is sufficient to demonstrate that the listing of this species in Appendix I is not justified. It is well protected and trade, either domestic or international, was almost nonexistent since the listing of the species in 1983. A transfer to Appendix II, as provided in Resolution Conf. 9.24 (Rev.13), is therefore appropriate. It would allow the authorities to verify whether the species is of any interest for trade, including to supply nurseries.
- The fact that the species is not significantly used for artificial propagation in nurseries is an indication that it is likely that even its maintenance in Appendix II might quickly appear as useless. This should however be monitored, in particular to see whether traders could be interested by seeds or other propagules.
- Therefore, IWMC recommends to the Parties to adopt the proposal, and to agree that all parts and derivatives be subject to CITES controls, keeping in mind that the biological and commercial status of the species should be reconsidered, if appropriate, at CoP16, in accordance with Resolution Conf. 9.24 (Rev. CoP13).

IWMC World Conservation Trust

- Proposals** a) CoP14 Prop. 24
b) CoP14 Prop. 25
- Subjects** a) Deletion of *Pereskia* spp. and *Quiabentia* spp. from Appendix II
b) Deletion of *Pereskiopsis* spp. from Appendix II
- Proponents** a) Argentina
b) Mexico

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to adopt the proposals from Argentina and Mexico. Their adoption would represent a first step in the deletion from CITES Appendix II of species listed under higher taxa without actual justification. The species of the three genera under consideration are not subject to any significant trade and do not look like other species of the family Cactaceae. The Plants Committee supports the proposal from Mexico and encouraged the review of the genera covered by the proposal by Argentina.

BACKGROUND

- The family Cactaceae is included in Appendix II since 1975, regarding all species from the Americas. This means that it was listed without proper criteria, except that species similar to species in trade should be listed to bring the later under effective control [Article II, paragraph 2 (b), of the Convention]. So far, the Parties have been rather reluctant to exclude species from listed higher taxa. This is however currently reconsidered under the reviews of the Appendices conducted by the Animals and Plants Committees. This should be encouraged.
- The Plants Committee has already completed the review of *Pereskiopsis* spp. and recommended the submission of the Mexican proposal. The review of the genera proposed by Argentina has not been completed yet but the information collected so far clearly indicates that their deletion from Appendix II would not have any detrimental effect on the survival of the species. In addition, their deletion would not have any negative effect on the control of the trade in any other species of the family Cactaceae, because the species in question are easy to distinguish from other species.
- The trade in the species concerned is quasi nonexistent at the international level and very limited at the domestic level, which is not under the purview of CITES. If a threat might exist for some of these species it is essentially restricted to the destruction and deterioration of habitats.
- IWMC strongly recommends to the Parties to adopt both proposals, which cover species that do not meet the criteria for listing in Appendix II, whether they refer to Article II, paragraph 2 (a) or paragraph 2 (b).

IWMC World Conservation Trust

- Proposals** a) CoP14 Prop. 26
b) CoP14 Prop. 27
- Subjects** a) Merging and amendment of annotations #1, #4 and # 8
b) Amendment of annotations #1, #2, #3, #7, #8 and #10
- Proponents** a) Switzerland
b) Switzerland, at the request of the Plants Committee

RECOMMENDATION – ADOPTION

These two proposals are complementary but include some divergences. Therefore, before any decision is made, they should be considered by a small working group of Committee I to harmonize them. IWMC would so recommend the adoption of a harmonized proposal that would better reflect the actual needs of CITES. However, Parties must know that the proposed amendments may not apply to species listed in Appendix III. Only Parties that have requested listings in that Appendix are allowed to amend them.

BACKGROUND

- In accordance with Decisions 13.50 to 52, the Plants Committee has considered the annotations to medicinal plant species listed in Appendix II. The results of this work are reflected in proposal CoP14 Prop. 27. All the proposed amendments could be adopted.
- Switzerland, on its own, has also considered these annotations, as well as those concerning other species. The results of its work are reflected in proposal CoP14 Prop. 26. These amendments could also be adopted.
- As the respective proposed amendments are often referring to the same species or taxa, harmonization would be necessary to reach consensus on the best possible wording. To do that, Committee I, which is the Committee in charge of considering the proposals for amendment of Appendices I and II, should establish a small working group with the delegate of Switzerland and members of the Plants Committee.
- However, in paragraph f) of the annotation proposed in Proposal CoP14 Prop. 26, the words “whole or grafted specimens,” should be deleted. Indeed, they are not referring to ‘parts and derivatives’ but to whole plants that may not be exempted from the CITES provisions. Therefore, no need to exclude them from the exemption.
- In proposal CoP14 Prop. 27, it is proposed to amend annotation #1 associated with Appendix III species. Such amendments would be desirable. However, in accordance with Article XVI of the Convention, only individual Parties may amend Appendix III, including annotations. Therefore, the only decision that the Conference of the Parties might take would be to urge Parties with plant species listed in Appendix III with annotations to amend these annotations as appropriate.
- With these reservations, IWMC recommends to the Parties to adopt harmonized annotations to plant species listed in Appendix II and to urge Parties with species listed in Appendix III to act as indicated above.

IWMC World Conservation Trust

Proposal	CoP14 Prop. 28
Subject	Deletion of <i>Shortia galacifolia</i> from Appendix II
Proponent	The United States of America

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to adopt the proposal from the United States. A similar proposal was submitted by Switzerland, on behalf of the Plants Committee, at CoP11 (Gigiri, 2000) but withdrawn, after consultation with the United States, because the US wanted to collect further information in the context of the Review of Appendices. This proposal is obviously the result of further consideration, which confirmed the conclusions of the Plants Committee. There is no reason to keep this species in the CITES Appendices.

BACKGROUND

- *Shortia galicifolia*, an endemic species in the United States, was included in Appendix II at CoP4 (Gaborone, 1983), due to its rarity, its limited distribution and its vulnerability to over-exploitation for commercial purposes.
- At CoP11, Switzerland, on behalf of the Plants Committee, submitted a proposal to delete this species from Appendix II, as it appeared in the course of the Review of the Appendices conducted by the Committee that international trade did not constitute any threat to the survival of the species. However, the proposal was withdrawn because the United States expressed that it wanted to collect further information.
- The proposal submitted now by the United States appears to confirm the Review from the Plants Committee. If the species is rather rare and has a limited distribution, which was reduced by dam construction, it is not over-exploited and well protected and managed in the United States. It remains a species of interest for plant enthusiasts but before all in artificially propagated specimens. In addition, no international trade has been recorded since 1994.
- In conclusion, this species should not be kept in CITES Appendix II. Therefore, IWMC recommends the adoption of the US proposal.

IWMC World Conservation Trust

Proposal	CoP14 Prop. 29
Subject	Amendment of the annotation to <i>Euphorbia</i> spp. included in Appendix II to limit the listing to succulent, non-pencil-stemmed, non-coralliform, non-candelabriform species only, with specified shapes and dimensions, except the species included in Appendix I
Proponent	Switzerland

RECOMMENDATION – WITHDRAWAL or REJECTION, unless ...

IWMC fully understands the purpose of the proposal from Switzerland, i.e. to limit the number of species listed to those in real need of CITES controls, and shares its concerns. However, while to select the species in need of listing in addressing groups that share a common growth form is perfectly acceptable, the exclusion of specimens taking into account their minimum dimensions is, for whole plants as proposed, in total contradiction with CITES. Therefore, IWMC recommends either that Switzerland withdraw its proposal or that the proposal be rejected, unless it may be amended in deleting any reference to dimensions. This issue should be further reviewed by the Plants Committee to find an appropriate solution.

BACKGROUND

- It appears obvious that the listing of *Euphorbia* spp. in Appendix II is in need of serious consideration to limit it to those species that are actually in need of CITES controls. Switzerland should therefore be congratulated for its effort towards an acceptable solution.
- As indicated, identification problems are important and, to avoid them, Switzerland is proposing to address groups of species that share common growth forms and minimum dimensions. The growth form is a perfectly acceptable criterion to select species for listing. However, considering the definition of “specimen” in Article I, paragraph (b), of the Convention, to eliminate specimens according to their dimensions, whether minimum or maximum, is not acceptable at all for whole plants, whether live or dead (see proposal CoP14 Prop. 36 on *Taxus* sp.).
- In conclusion, unless Switzerland, or a working group of Committee I, would be able to amend the proposal in deleting any references to dimensions and without extending its scope to comply with the Rules of procedure, IWMC can only recommend to Switzerland to withdraw its proposal. If not, the Conference of the Parties would have no other choice than to reject the proposal.
- In any case, the listing of *Euphorbia* spp. in Appendix II should be subject to further consideration and IWMC recommends to the Conference of the Parties to adopt a decision directed to the Plants Committee for that purpose.

Proposal	CoP14 Prop. 30
Subject	Inclusion of <i>Caesalpinia echinata</i> in Appendix II
Proponent	Brazil

RECOMMENDATION – REJECTION

IWMC recommends to the Conference of the Parties to reject the proposal from Brazil. This issue was subject to various discussions within the Plants Committee, when Germany suggested that *Caesalpinia echinata* should be listed in Appendix II. The Committee never endorsed this suggestion, taking into account the information provided on an initiative of bows manufacturers, the International Pernambuco Conservation Initiative, coordinated by an NGO. Surprisingly, the proposal is almost silent about that initiative and does not provide convincing information on the need to include this species in Appendix II.

BACKGROUND

- *Caesalpinia echinata* is an endemic species in Brazil, which naturally occurs in the most developed part of the country. The habitat of this species has been largely destroyed for all kinds of development activities, including house and road buildings and agriculture. The current range is estimated at 7.3% only of the original range. Pernambuco wood was certainly exported in large quantities but is also used locally and not only for the bow production.
- The possible listing of this species in Appendix II was subject to discussion at various meetings of the Plants Committee, at the initiative of Germany. The Committee was informed of activities and efforts to associate bow makers in a conservation project related to this species, the wood of which is actually not replaceable for the crafting of high quality bows for musical instruments. Now, bow makers of more than 20 countries are united in the International *Pernambuco Conservation Initiative*, which launched *Programa Pau Brasil*, a management plan for pernambuco in the State of Bahia. The objectives of the plan are the preservation of the genetic diversity of the species, as well as its conservation/restoration and sustainable use.
- The proposal is almost silent about this programme and provides almost no information on the status of the species except in the State of Rio de Janeiro, although IBAMA, the CITES Management Authority, is now involved in the programme. Although it has to be recognized that the programme is presently limited to the State of Bahia, it nevertheless appears as a unique attempt to associate all stakeholders, from local communities to manufacturers, in the implementation of an excellent management plan, developed also to prevent a listing in Appendix II. Therefore, it should be supported.
- To list the species in Appendix II, on the contrary, could put the programme in jeopardy as it might be used to protect the local industry in establishing controls on the movement of thousands of bows throughout the world without any conservation benefit. It is worth noting in effect that the bow manufacturing in Brazil is in development and could already represent about 20% of the world production. We may wonder why the proposal does not refer properly to this development, and includes the information on the bow industry outside Brazil in section 6.4 on Illegal activities.
- IWMC believes that the best way to ensure the conservation of this species would be to extend the *Programa Pau Brasil* to other states and to implement and enforce the legislation that exists. Therefore, IWMC recommends that the proposal be rejected and that a broader cooperation be established at the national level between all stakeholders.

IWMC World Conservation Trust

- Proposals** a) CoP14 Prop. 31
b) CoP14 Prop. 32
- Subjects** a) Inclusion of *Dalbergia retusa* and *Dalbergia granadillo* in Appendix II
b) Inclusion of *Dalbergia stevensonii* in Appendix II
- Proponent** Germany, on behalf of the European Community Member States

RECOMMENDATION – REJECTION

Although there are some differences between the status of *Dalbergia retusa* and *D. sven-sonii*, IWMC recommends to the Conference of the Parties to oppose to the listing of these two species in Appendix II, and consequently of that of *D. granadillo* for look alike reasons, and to reject the proposal from Germany. The information and data provided are rather poor, when they do not clearly indicate that the listing in Appendix II would not have a real impact on the survival of these species. They have mainly suffered and are still suffering of habitat destruction and they are essentially used on a national basis, even when the crafting of tourist items is the main objective. Apparently no range State supports these proposals.

BACKGROUND

- There is no doubt that the species covered by these proposals from Germany have suffered and are still suffering of serious declines. However the main cause of such declines was and is the destruction and deterioration of habitats in a region, Central America, where deforestation has affected a large portion of the territories. In particular for these species, a listing in Appendix II would not have any positive effect.
- These species are essentially used locally, regarding the first two species to craft items mainly destined now to tourists who are visiting the range States in large numbers. A listing would not have much impact, even if export permits would be required for such items. In addition, the socio-economic effects of a reduction of the demand, if any, might be detrimental on poor local populations. Regarding *D. stevensonii*, it appears also that the local use is of much greater importance than international trade.
- With regard to *D. retusa*, it is worth noting that the proposal states that “only small quantities reach the world markets” and that “most internationally traded timber now comes from plantations”. In such circumstances why should this species be listed in CITES Appendices and consequently *D. granadillo* as well? With regard to *D. stevensonii*, exports of timber appear also to be very limited and the proposal states that no information is available on the trend of the populations in at least two of the three range States, Guatemala and Mexico.
- The listing of *D. granadillo* is proposed because its timber may not be distinguished from that of *D. retusa*. In such case, the only way to prevent the export of items made of the wood of the later species would be to ban the export of items made of the wood of the former one. This would not assist in the sustainable use of a species that is not threatened, and would certainly have serious socio-economic effects.
- Accordingly, IWMC recommends to the Parties the rejection of the proposals from Germany.

IWMC World Conservation Trust

Proposal	CoP14 Prop. 33
Subject	Inclusion of <i>Cedrela</i> spp. in Appendix II
Proponent	Germany, on behalf of the European Community Member States

RECOMMENDATION – REJECTION unless ...

IWMC is always concerned to see proposals that are not submitted by a range State or at least supported by range States. The species in question represent a case similar to that of *Swietenia* species listed in Appendix II and the only species to be listed in accordance with Article II, paragraph 2 (a), *Cedrela odorata*, has already two populations listed in Appendix III. Therefore, if range States would be in favour of the listing of this genus in Appendix II, IWMC could recommend to the Conference of the Parties to adopt the proposal from Germany. Nevertheless, this should be with an annotation restricting the listing to logs, sawn wood, veneer sheets and plywood.

BACKGROUND

- It is always a bit disturbing to see amendment proposals submitted by Parties that are not range States of the species in question or at least supported by one or more range States, although we recognize that this is in conformity with the letter of CITES. In the present case, if information is provided on many range States, none seems to have expressed either support or objection to the proposed listing in Appendix II.
- The case of *Cedrela* spp. is somehow similar to that of *Swietenia* species that were listed in Appendix II at the request of range States, and these species are certainly subject to a significant international trade that might not be sustainable. Therefore, IWMC might not be opposed to the proposal, although it does not ignore the implementation difficulties created by the listing of the *Swietenia macrophylla*. It may wonder therefore whether the listing of new timber species of this significance is not premature and should not be postponed until more experience has been gained. At the last meeting of the Plants Committee, several participants, when the possible listing of *Cedrela odorata* was discussed, expressed a similar concern and asked for more data.
- The two populations of *Cedrela odorata* listed in Appendix III, those of Peru and Columbia, are accompanied with annotations limiting the scope of the listing to logs, sawn wood and veneer sheets for Columbia and also plywood for Peru. The proposal from Germany does not make reference to any possible annotation and this has to be understood as meaning that all parts and derivatives should be subjected to CITES provisions. Indeed, we can not believe that whole plants, live or dead, should be the only covered specimens. To list all parts and derivatives does not appear to be reasonable and justifiable.
- In conclusion, IWMC recommends to the Parties to reject the proposal from Germany unless the two following conditions would be met: 1) the range States support the listing in Appendix II, and 2) the listing is assorted of an annotation restricting the scope of implementation of CITES provisions to logs, sawn wood, veneer sheets and plywood only, in addition to whole plants, which may not be excluded.

IWMC World Conservation Trust

Proposals a) CoP14 Prop. 34
b) CoP14 Prop. 35

Subjects a) Amendment of the annotation (footnote) to *Orchidaceae* spp. included in Appendix II to simplify and adapt it to trade conditions for artificially propagated specimens of *Orchidaceae* hybrids, and to extend it to genera *Miltonia*, *Odontoglossum* and *Oncidium*
b) Amendment, as under a), of the annotation (footnote) to *Orchidaceae* spp. included in Appendix II to simplify and adapt it to trade conditions for artificially propagated specimens of *Orchidaceae* hybrids, without extension to additional genera

Proponent a) Switzerland
b) Switzerland, at the request of the Plants Committee

RECOMMENDATION – ADOPTION

The only difference between the two proposals submitted by Switzerland is that proposal CoP14 Prop. 34 aims to extend an exemption to the provisions of the Convention for artificially propagated hybrids of *Orchidaceae* to three additional genera, *Miltonia*, *Odontoglossum* and *Oncidium*. The proposed changes to the current annotation (footnote) to *Orchidaceae* spp. are identical in both proposals and are those agreed upon by the Plants Committee. The extension to three additional genera from the New World was considered by the Plants Committee but not agreed, although supported by some members. More experience on the implementation of the exemption adopted at CoP13 for four genera from the Old World was required. IWMC recommends to the Parties to adopt the amendment to the annotation and also the extension proposed by Switzerland, although it recognizes the concerns expressed by Parties, in particular from the New World, without necessarily sharing them.

BACKGROUND

- The experience gained by the implementation of the annotation to *Orchidaceae* spp. to exempt artificially propagated hybrids of four orchid genera, adopted at CoP13 (Bangkok, 2004), has shown that this exemption had no detrimental effects. However, it has appeared that the annotation was too complicated and in need of improvement. This was considered by the Plants Committee, which agreed to the text proposed in the proposals.
- The Plants Committee considered also a suggestion of its working group on this issue aiming to extend the revised annotation to additional genera, *Cambria*, *Miltonia*, *Odontoglossum* and *Oncidium*, which were already subject to discussion at CoP13 but not retained. The discussions in the Plants Committee were similar to those at CoP13 and the Committee did not agree to extend the exemption to these four New World genera, considering this as premature and that the Committee should continue to monitor the implementation of the annotation and the capacity of Parties to control the trade.
- In proposal CoP14 Prop. 34, the proponent states that the proposal is submitted in accordance with the recommendation of the working group of the Plants Committee, without making reference to the decision of the Committee itself. In addition, it does not explain why the genus *Cambria* has been omitted.
- Although it does understand the concern expressed by a number of Parties, in particular from the New World, IWMC does not necessarily share it. Therefore, in addition to strongly recommend that the amendment to the annotation to *Orchidaceae* spp. be adopted, IWMC recommends also that the exemption be extended to the three proposed new genera.

IWMC World Conservation Trust

- Proposals**
- a) CoP14 Prop. 36
 - b) CoP14 Prop. 37
- Subjects**
- a) Amendment of the listing of *Taxus cuspidata* by 1. deleting the phrase “and infraspecific taxa of this species”; and 2. annotating to read: “Specimens of hybrids and cultivars are not subject to the provisions of the Convention”
 - b)
 - A. Deletion of the annotation (footnote) to *Taxus chinensis*, *T. fuana* and *T. sumatrana*
 - B. Amendment of the annotation (footnote) to *Taxus cuspidata* to read: “Artificially propagated hybrids and cultivars in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text ‘artificially propagated’, are not subject to the provisions of the Convention”
- Proponent**
- a) The United States of America
 - b) Switzerland, at the request of the Standing Committee

RECOMMENDATION – ADOPTION

IWMC recommends to the Conference of the Parties to delete the annotation (footnote) to the four *Taxus* species in question. This annotation should not have been adopted at CoP13 (Bangkok, 2004) as it is in total contradiction with the text of the Convention. Concerning *Taxus cuspidata*, no justification is provided by the United States to the deletion of the phrase “and infraspecific taxa of this species” and therefore, IWMC recommends that it be kept as for the other species of the same genus. With respect to the replacement of the annotation to be deleted, the text proposed by Switzerland was agreed by the Standing Committee and includes some conditions to the exemption, while this is not the case of that of the United States. In addition, the latter omits to say that hybrids and cultivars must be artificially propagated to be exempted, considering that this is always the case. IWMC recommends the adoption of the text proposed by Switzerland, although it would not object to that of the United States.

BACKGROUND

- The annotation (footnote) accompanying four *Taxus* species listed in Appendix II at CoP13 provides for the exemption of whole artificially propagated plants. Such an exemption is in total contradiction with the definition of the term ‘specimen’ in Article I, paragraph (b) (iii), and with Article VII, paragraphs 4 and 5, which provide how artificially propagated specimens shall be dealt with. Therefore, never this annotation should have been adopted and it must be deleted, as clearly explained in the proposal from Switzerland.
- The phrase “and infraspecific taxa of this species” also accompany the same four *Taxus* species listed in Appendix II. The deletion of this phrase for the species *Taxus cuspidata* only is not justified in the US proposal and is not proposed in that from Switzerland. Unless a clear justification would be offered at CoP14, IWMC may only recommend to the Parties to reject the deletion of this phrase.
- The replacement, for *Taxus cuspidata* only, of the annotation (footnote) to be deleted by a new annotation was considered at the 55th meeting of the Standing Committee. A text has been agreed on behalf of the Committee and is presented in the proposal from Switzerland. It includes some conditions to the exemption for artificially propagated hybrids and cultivars. The proposal from the United States offers another text, without any condition and reference to the

fact that these hybrids and cultivars must be artificially propagated, most likely because this is always the case. IWMC recommends to the Conference of the Parties to agree to the replacement of the annotation for *Taxus cuspidata* and to adopt the text provided in the proposal from Switzerland. Nevertheless, IWMC might also recommend that preference be given to a simpler text, as that proposed by the United States, if this does not constitute a potential loophole.