

TRAFFIC RECOMMENDATIONS ON PROPOSALS TO AMEND THE APPENDICES TO CITES AT THE 14TH MEETING OF THE CONFERENCE OF THE PARTIES (COP14)

CoP14 Prop. 1 [Cambodia] Transfer of Lorises of the genus *Nycticebus* spp. from Appendix II to Appendix I.

Recommendation

This genus of small nocturnal primates is widespread from north-east India and southern China through continental South-east Asia to western Indonesia, although specific data on wild population status are lacking. Domestic trade demands for traditional medicine, pets and food is likely to be having a greater detrimental impact than the largely illegal international (pet) trade. There is not a conclusive biological case for inclusion in Appendix I and such a listing would be unlikely to impact levels of illegal trade. ***Range and consumer market countries should be encouraged to improve co-operation and increase law enforcement efforts.***

REJECT

CoP14 Prop. 2 [United States of America] Deletion of the Bobcat *Lynx rufus* from Appendix II.

Recommendation

This North American cat species is harvested for fur in large numbers and its populations remain well managed and stable or increasing in the USA and Canada. Information on Mexican populations is lacking. *Lynx rufus* was included in the CITES Appendices because of its similarity in appearance to other Felidae species that were threatened by international trade. The ease of distinguishing Bobcat fur from that of other *Lynx* species remains open to question. The proposal also does not address issue of possible confusion with fur from other Felidae genera, nor does it provide evidence that adequate identification tools have been developed. There are insufficient data available to determine whether illegal trade in *Lynx* species is substantial and it remains unclear whether removal of *L. rufus* from the CITES Appendices would stimulate trade in Felidae species misidentified as Bobcat. ***The Parties should await the outcome of an Animals Committee review that aims to assess enforcement measures and seeks resolution of the look-alike issue.***

REJECT

CoP14 Prop. 3 [Uganda] Transfer of the population of Leopard *Panthera pardus* of Uganda from Appendix I to Appendix II with an annotation that reads as follows:

- “1) for the exclusive purpose of sport hunting for trophies and skins for personal use, to be exported as personal effects; and
2) with an annual export quota of 50 animals for the whole country.”

Recommendation

Leopards are believed to be widespread in Uganda, but their status is not well documented. Evidence of considerable livestock predation and human/leopard conflict in some areas is given in the supporting statement. The proposed quota, part of a broad-based sport hunting programme, is unlikely to have a detrimental impact on Ugandan Leopard numbers, but no basis for its calculation is provided. *Resolution Conf. 10.14 (Rev. CoP13)* was passed permitting the establishment of export quotas for Leopards without their transfer from Appendix I to Appendix II and eleven African countries have already had quotas accepted by the Parties under this mechanism. ***Uganda should consider seeking agreement from the CoP for its quota request to be considered under agenda item 37 (Appendix I species subject to export quotas), rather than pursuing its proposal to transfer its national Leopard population to Appendix II.***

REJECT

CoP14 Prop. 4 [Botswana, Namibia] Maintenance of the populations of African Elephant *Loxodonta africana* of Botswana, Namibia, South Africa and Zimbabwe in Appendix, 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.”

Recommendation

This proposal seeks to replace the current annotation governing trade in specimens of the four African Elephant populations currently listed in Appendix II and seeks to establish annual commercial quotas for trade in raw ivory subject to certain conditions. However, the proposal fails to address the guidelines in *Resolution Conf. 11.21 (Rev. CoP13)* which state: “for species transferred from Appendix I to II subject to an annotation that specifies the types of specimen included in the Appendix, specimens that are not specifically included in the annotation shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly”. As a result, it appears that the effect of this proposal, if accepted, would be that other elephant specimens—including those currently eligible for trade—would be regarded as specimens of species included in Appendix I. Amending the proposal to resolve this apparent impact would constitute an expansion of the scope, something disallowed under the CoP Rules of Procedure.

It is premature to establish annual commercial export quotas for raw ivory, as called for in *Resolution Conf. 10.10*, since the MIKE (Monitoring Illegal Killing of Elephants – one of the CITES elephant monitoring systems) baseline has not yet been established. This was a key condition envisaged by the Parties when a one-off sale for specimens from three elephant populations in Appendix II at CoP12 was agreed in 2002. Further analysis of ivory seizure data in ETIS (Elephant Trade Information System – the other CITES monitoring system) will, for the third time, demonstrate an increasing trend in illicit trade in ivory since the mid-1990s. This trend is most directly correlated to unregulated domestic ivory markets and, so far, the CITES action plan to curtail such markets in Africa appears to have failed to achieve any significant positive results so far.

REJECT

CoP14 Prop. 5 [Botswana] Amendment of the annotation to the population of African Elephant *Loxodonta africana* of Botswana to read as follows:

“For the exclusive purpose of allowing in the case of the population of Botswana:

- 1) trade in hunting trophies for non-commercial purposes;
- 2) trade in hides for commercial purposes;
- 3) trade in leather goods for commercial purposes;
- 4) trade in live animals for commercial purposes to appropriate and acceptable destinations (and as determined by the national legislation of the country of import);
- 5) trade annually in registered stocks of raw ivory (whole tusks and pieces of not more than 8 tonnes) 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
- 6) trade in registered stocks of raw ivory (whole tusks and pieces of not more than 40 tonnes) of Botswana origin owned by the Government for commercial purposes on a one-off sale immediately after the adoption of the proposal. Botswana will trade 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.”

Recommendation

Botswana has at least a quarter of Africa’s elephant population, and an impressive conservation record. This Proposal does not seek to change the current inclusion of Botswana’s elephant population in Appendix II with respect to hunting trophies and trade in hides, but does seek to expand the scope of trade in leather goods and live animals to allow transactions for commercial purposes, introduce annual quotas for raw ivory (in line with the requirements of *Resolution Conf. 10.10 (Rev. CoP12)*) and provide for another one-off conditional sale of not more than 40 tonnes of stockpiled raw ivory.

Trade in elephant hides and leather items is essentially a by-product of management action and sport hunting, and there is no evidence to suggest that such trade drives the illegal killing of elephants. There is therefore no reason to oppose trade in leather goods for commercial purposes. Trade in live animals is not a threat to the Botswana population, nor to the species as a whole, but there are wider conservation concerns which need to be taken into consideration. Given recent research developments on elephant genetics and taxonomy, including the possibility of recognizing two or more elephant species in Africa, the IUCN/SSC African Elephant Specialist Group has agreed guidelines for governing the translocation of elephants within their historical range to prevent genetic mixing and

achieve long-term genetic viability. Clarification is needed as to whether Botswana intends to follow such guidelines in future transactions of live animals.

The establishment of annual export quotas for raw ivory is premature before a MIKE baseline is established and whilst the ETIS analysis shows an escalating illegal ivory trade. However, an extension to the previously agreed conditional one-off sale of a specified volume of recently stockpiled raw ivory from legal sources would not present a significant risk provided such ivory was incorporated into the still-pending one-off sale agreed at CoP12.

ACCEPT, if the proponent:

- **withdraws the request for an annual quota of raw ivory;**
- **specifies that any trade in live animals will be carried out with due regard to available international conservation guidelines on translocation of African Elephants**
- **commits to undertaking the additional one-off sale of raw ivory in conjunction with the sale agreed at CoP12.**

CoP14 Prop. 5 [Kenya, Mali] Amendment of the annotation regarding the populations of African Elephant *Loxodonta africana* of Botswana, Namibia and South Africa to:

a) include the following provision:

“No trade in raw or worked ivory shall be permitted for a period of 20 years except for:

- 1) raw ivory exported as hunting trophies for non-commercial purposes; and
- 2) ivory exported pursuant to the conditional sale of registered government-owned ivory stocks agreed at the 12th meeting of the Conference of the Parties”; and

b) remove the following provision:

“6) trade in individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes for Namibia.”

B. Amendment of the annotation regarding the population of Zimbabwe to read:

“For the exclusive purpose of allowing:

- 1) export of live animals to appropriate and acceptable destinations;
- 2) export of hides; and
- 3) export of leather goods for non-commercial purposes.

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

No trade in raw or worked ivory shall be permitted for a period of 20 years.

To ensure that where a) destinations for live animals are to be appropriate and acceptable and/or b) the purpose of the import is to be non-commercial, export permits and re-export certificates may be issued only after the issuing Management Authority has received, from the Management Authority of the State of import, a certification to the effect that: in case a), in analogy to Article III, paragraph 3 (b) of the Convention, the holding facility has been reviewed by the competent Scientific Authority, and the proposed recipient has been found to be suitably equipped to house and care for the animals; and/or in case b), in analogy to Article III, paragraph 3 (c), the Management Authority is satisfied that the specimens will not be used for primarily commercial purposes.”

Recommendation

This Proposal by Kenya and Mali aims to introduce a 20-year moratorium on trade in raw or worked ivory from the four countries whose elephant populations are currently listed in Appendix II, with exceptions for the CoP12-approved one-off sale of raw ivory from Botswana, Namibia and South Africa (as well as hunting trophies from those three countries, but not Zimbabwe). The Proposal also aims to repeal part of the current annotation which permits Namibia to export ekipas (a type of traditional ivory carving) and Zimbabwe to export worked ivory products for non-commercial purposes. The Convention permits any Party to propose amendments to the Appendices, enabling Parties to respond to changing situations, hence TRAFFIC considers it neither appropriate nor legally tenable to limit the rights of Parties to submit Proposals at subsequent meetings of the Conference of the Parties. Furthermore, the Proposal would result in more stringent conditions being applied to elephant populations that do not meet the conditions for inclusion in Appendix I than for those elephant populations that are presumably of higher conservation concern and listed in Appendix I.

REJECT

CoP14 Prop. 7 [United Republic of Tanzania] Transfer of the population of African Elephant *Loxodonta africana* of the United Republic of Tanzania from Appendix I to Appendix II with an annotation that reads 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.”

Outcome: Proposal has been withdrawn

CoP14 Prop. 8 [Bolivia] Annotation for *Vicugna vicugna* Appendix II.

To read:

“For the exclusive purpose of allowing international trade in wool sheared from live Vicuñas, and in cloth and items made thereof, including luxury handicrafts and knitted articles.

The reverse side of the cloth must bear the logotype adopted by the range States of the species, which are signatories to the Convenio para la Conservación y Manejo de la Vicuña, and the words ‘VICUÑA-BOLIVIA’. Other products must bear a label including the logotype and the designation ‘VICUÑA-BOLIVIA-ARTESANÍA’. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.”

Recommendation

The Bolivian Vicuña population is currently listed in Appendix II so its valuable hair can be harvested sustainably from live animals, posing no threat to the species’ survival. This Proposal would expand the current annotation to allow Bolivia to export Vicuña hair originating in certain parts of the country. Currently, only the export of wool and products is allowed. The ban on the export of hair, and the concurrent loss of economic benefits to local communities, has hindered the development of incentives to protect and manage Vicuña populations. The proposed annotation satisfies the precautionary measures specified in *Resolution Conf. 9.24 (Rev. CoP13)*.

ACCEPT

CoP14 Prop. 9 [Algeria] Inclusion of Barbary Red Deer *Cervus elaphus barbarus* in Appendix I.

Recommendation

This Red Deer subspecies is restricted to north-western Africa, with taxonomically related populations existing on Corsica (France) and Sardinia (Italy). Populations are small but reportedly increasing throughout their African range, and may therefore not meet the biological criteria for listing in Appendix I. Current international trade is almost exclusively in captive-bred specimens for zoo or educational purposes, or for re-introduction programmes, and therefore is not a significant threat to the wild population. *Resolution Conf. 9.24 (Rev. CoP13)* states that when split-listing occurs, it should generally be on the basis of national or regional populations, rather than subspecies. Taxonomic names below the species level should not be used in the Appendices unless the taxon is highly distinctive and the name would not give rise to enforcement problems. This taxon is currently scientifically unresolved, hence split-listing on the basis of subspecies is not justified.

REJECT

CoP14 Prop. 10 [Algeria] Inclusion of Cuvier’s Gazelle *Gazella cuvieri* in Appendix I.

Recommendation

Cuvier’s Gazelle has small, fragmented sub-populations restricted to four countries of north-western Africa, and seems to be threatened by direct use and habitat destruction. Reported international trade levels are very limited and restricted to trade in trophies. However, none of these transactions in the CITES trade database were recorded as exported by accepted range States. There is no evidence of significant legal or illegal trade, nor does trade pose a potential threat. Therefore, the species does not meet the trade criterion for Appendix I listing according to *Res.Conf. 9.24 (Rev. CoP13)*.

REJECT

CoP14 Prop. 11 [Algeria] Inclusion of Dorcas Gazelle *Gazella dorcas* in Appendix I.

Recommendation

Dorcas Gazelle is widespread throughout the Sahelo-Sahara belt in Africa, the Middle East and the Arabian Peninsula, and does not appear to meet the biological criteria for listing in Appendix I. Current international trade levels are very limited, restricted to trade in trophies and seem not to pose a significant threat to the species. *A listing in Appendix III by Algeria, to complement that already made by Tunisia, may merit consideration—to support national enforcement objectives and the implementation of existing legislation.*

REJECT

CoP14 Prop. 12 [Algeria] Inclusion of Slender-horned Gazelle *Gazella leptocercos* in Appendix I.

Recommendation

Slender-horned Gazelle occurs throughout Northern and Saharan Africa. It is globally Endangered according to the 2006 IUCN Red List, and appears to meet the biological criteria for listing in Appendix I, though overall the species' status is poorly understood. It is believed a significant historic decline took place and that many sub-populations are small and declining. International trade in trophies, stimulated by the demand in sport hunting, does occur, but is not well documented. From a precautionary standpoint the species merits inclusion in Appendix I, but it is not clear that such a listing would have a major impact on the conservation of the species since international trade is likely to remain unreported.

ACCEPT

CoP14 Prop. 13 [Brazil] Transfer of the Black Caiman *Melanosuchus niger* population of Brazil from Appendix I to Appendix II.

Recommendation

This wide-ranging Amazonian species has recovered from past depletion throughout most of its range. Information about the management system in place indicates that it is scientifically sound and precautionary. Indirect effects, like the expansion of illegal trade both within Brazil and/or other range States are unlikely to occur. Like most other crocodilian species, proposed international trade control measures are straightforward and demonstrate acceptable coverage of possible conservation concerns.

ACCEPT

CoP14 Prop. 14 [Guatemala] Transfer of the subspecies *Heloderma horridum charlesbogerti* from Appendix II to Appendix I.

Recommendation

This Guatemalan endemic lizard has a population of 175–250 animals in a restricted range. However, current international trade is not a significant threat: official CITES trade data and recent TRAFFIC research suggests that only one animal of this species was exported from Guatemala in the last six years, and it is unclear whether it was indeed of the subspecies here proposed for transfer to Appendix I. Habitat destruction, changes in land-use and directed persecution (owing to fear) are the major threats. There are potential identification problems because of the similarities of different subspecies during their juvenile stages. *Resolution Conf. 9.24 (Rev. CoP13)* states that taxonomic names below the species level should not be used in the Appendices unless the taxon is highly distinctive and use of the name would not give rise to enforcement problems. The subspecies does qualify for listing in Appendix I according to biological criteria, and any potential trade would have a devastating effect on the small wild population. However, given the lack of evidence suggesting current international trade or likely trade demand, the listing is not justified and would in any case provide no clear conservation gain.

REJECT

CoP14 Prop. 15 [Germany (on behalf of the Member States of the European Community)] Inclusion of Porbeagle *Lamna nasus* in Appendix II.

Recommendation

This temperate water shark is widely distributed and its life history makes it highly vulnerable to over-exploitation. It has suffered from stock declines as a result of long-term harvesting for international trade, and it continues to be traded internationally. Directed fisheries for the highly-prized meat have resulted in over-exploitation of stocks, and the species continues to be caught as incidental catch with both meat and fins retained for trade. There are instances of dramatic localized depletions that would meet the criteria for an Appendix I-listing. For implementation purposes, there is a need to identify fins at species level when traded.

ACCEPT

CoP14 Prop. 16 [Germany (on behalf of the Member States of the European Community)] Inclusion of Spiny Dogfish *Squalus acanthias* in Appendix II.

This widely distributed temperate water shark is also highly vulnerable to over-exploitation owing to its life history characteristics. The species is traded for its high-value meat and substantial species-specific trade information is available. Fisheries directed at this species have caused serious depletion of stocks. Spiny Dogfish aggregates according to sex and age, and this has resulted in targeting of the larger females. Consequently, heavily targeted stocks are male-biased with reduced production of young. International trade also occurs in fins and other products. Listing is clearly justified under the criteria for inclusion in Appendix II under *Resolution Conf. 9.24 (Rev. CoP13) Annex 2a Criteria A and B*. For implementation purposes, there is a need to identify fins at species level when traded.

ACCEPT

CoP14 Prop. 17 [Kenya and the United States of America] Inclusion of all species of the family sawfishes *Pristidae* spp. in Appendix I.

Recommendation

The seven species of sawfish are classified as Critically Endangered in the 2006 IUCN Red List. Any increased mortality could have a negative impact on their populations and cause further range reduction. The species are affected by both directed and non-directed fisheries, and international trade could be contributing to their poor conservation status. Products in trade include the toothed rostrum (nose) as a curiosity, fins and meat. For implementation purposes, there is a need to identify fins at species level when traded.

ACCEPT

CoP14 Prop. 18 [Germany (on behalf of the Member States of the European Community)] Inclusion of the European Eel *Anguilla anguilla* in Appendix II.

Recommendation

Young European Eels migrate to rivers and freshwater lakes before adults return to breed in the Sargasso Sea. This species has declined throughout most of its range and is outside safe biological limits. Fisheries have declined and human impacts on the species' habitats have adversely affected production potential. Habitat loss, migration obstruction, exploitation, pollution, transfers of parasites and diseases, have had additional negative effects on stock. International trade is high, mainly of live glass eels exported to Asia from Europe for rearing in aquaculture. Several cases of poaching and illegal trade of glass eels are known from southern Europe, involving organized criminal gangs.

Available data suggest the European Eel meets the criteria for inclusion in CITES Appendix II under *Resolution Conf. 9.24 (Rev. CoP13) Annex 2a Criteria A and B* based on the marked and widespread declines in glass eel recruitment. TRAFFIC recognizes that control the international trade in specimens of European Eel would require considerable training and identification support.

ACCEPT

CoP14 Prop. 19 [United States of America] Inclusion of the Banggai Cardinalfish *Pterapogon kauderni* in Appendix II.

Recommendation

This small coral reef fish is endemic to a restricted region of central Sulawesi, Indonesia, and has been harvested for the international ornamental aquarium trade since at least 1995 to supply markets in Europe, North America and Asia. A sedentary fish with low reproductive rates, it lives in localized sub-populations vulnerable to over-exploitation. Available trade data suggest annual levels of harvesting for trade account for a significant proportion of the total population.

ACCEPT

CoP14 Prop. 20 [Brazil] Inclusion of Spiny Lobsters *Panulirus argus* and *P. laevicauda* from Brazil in Appendix II

Recommendation

These spiny lobsters are widespread along the coastal Western Atlantic, from the Bermudas and USA to Brazil, including the whole of the Gulf of Mexico and the Caribbean Sea. A decline in the Brazilian population has been observed, however, the proposal would result in a split-listing of the two species which would create considerable implementation problems. The biggest challenge for conserving the species within Brazilian waters is enforcement and implementation of existing national legislation. A CITES Appendix II-listing will have minimal impact on their conservation. Given the wide range and trade levels, there would be merit in encouraging further CITES work on this species through other relevant organizations, such as FAO, to recognize the need for co-operation on their management at a regional level.

REJECT

CoP14 Prop. 21 [United States of America] Inclusion of all species in the genus *Corallium* in Appendix II.

Recommendation

There are between 26 and 31 species in the genus *Corallium* found throughout the world in tropical, subtropical and temperate oceans. They are harvested in the Mediterranean and the Western Pacific. The main threat to *Corallium* spp. is over-harvesting, mainly for the manufacture of jewellery and art, and, to a minor extent, for use in traditional medicines. *Corallium* spp. products are valuable and are marketed world-wide. Identification of products to species-level is difficult if not impossible.

Trade in most *Corallium* spp. is extensive and most species have life-histories making them particularly vulnerable to over-exploitation, including longevity, late maturation, slow growth and low fecundity. In addition, *Corallium* spp. are inconsistently managed by range States, are not managed by any Regional Fisheries Management Organisation, and there are no international trade controls in place. *Corallium* spp. therefore meet the conditions of Article II, paragraph 2(a) of the Convention and Criterion B in Annex 2a of Resolution Conf. 9.24 (Rev. CoP13). In addition to regulating trade, a CITES listing might help range States establish management plans for newly discovered *Corallium* spp. beds.

ACCEPT

CoP14 Prop. 22 [United States of America] Deletion of Arizona Agave *Agave arizonica* from Appendix I.

Recommendation

Agave arizonica is a succulent plant restricted to four remote counties of Arizona, USA. Although in Appendix I since 1987, recent research has demonstrated it is a naturally occurring hybrid between *A. toumeyana* ssp *bella* and *A. chrysantha*, neither of which is listed in the Appendices. The current estimated population is 64 individuals, and there has only been one record of international trade, of 48 artificially propagated specimens in 1987.

Resolution Conf. 11.11 (Rev. CoP13) states that hybrids should be subject to the provisions of the Convention if one or both parents are in the Appendices. However, this hybrid was originally listed as a full species in 1987 and would seem to be covered by Resolution Conf. 9.24 (Rev. CoP13) Annex 4 which states that no species listed on Appendix I shall be removed from the Appendices unless it has first been transferred to Appendix II, with monitoring of any trade impact for at least two intervals between COP meetings. Given the conflicting nature of these Resolutions regarding this taxon, the precautionary approach would be to follow the terms of Resolution Conf.

9.24 and amend the proposal to include *A. arizonica* in Appendix II. It may also be necessary for the Nomenclature Committee to review the current taxonomic name.

REJECT, but support an amended proposal to include the taxon in Appendix II

CoP14 Prop. 23 [United States of America] Transfer of Dehesa Bear-grass *Nolina interrata*, incl. all parts and derivatives, from Appendix I to Appendix II.

Recommendation

This large succulent plant occurs in restricted and localized populations from California, USA, to north-western Baja California, Mexico. In the USA, there are believed to be around 9,000 plants in nine populations. 90–100% of the major populations are on reserve lands managed by the State of California and The Nature Conservancy, and there are no records of extirpated populations. Less is known about Mexican populations, but there are believed to be three, consisting of about 25 plants each, managed under the category of “special protection.” While there is some horticultural interest in this species, there is little evidence of international demand; the only international trade from 1994–2006 was in 2002, in artificially propagated specimens. Given substantial protection of the species via domestic legislation in Mexico and the USA, and management plans in the USA, transfer from Appendix I to II is unlikely to lead to its unsustainable exploitation.

ACCEPT

CoP14 Prop. 24 [Argentina] Deletion of two cacti genera *Pereskia* spp. and *Quiabentia* spp. (Cactaceae) from Appendix II.

Recommendation

These cacti genera, along with the genus *Pereskiopsis* (see Proposal 25) are distinctive amongst cacti in bearing persistent, recognizable, relatively large leaves for at least part of their growth cycle. The species range from shrubs to small trees and, in one case, a climbing vine. Although these two genera are currently within the Periodic review of the Appendices in the CITES Plants Committee, available information shows no evidence that trade in any species needs regulating to prevent their future inclusion in Appendix I, nor is there evidence that harvesting of any species for international trade has a detrimental impact on the wild population. There is also minimal danger of look-alike problems with species listed on Appendix I.

ACCEPT

CoP14 Prop. 25 [Mexico] Deletion of the cactus genus *Pereskiopsis* spp. (Cactaceae) from Appendix II.

Recommendation

The *Pereskiopsis* cactus genus comprises six currently recognized species found solely in Mexico, apart from one also found in El Salvador. Along with the genera *Pereskia* and *Quiabentia* (see Proposal 24), all *Pereskiopsis* spp. are distinctive amongst cacti in bearing persistent, recognisable, relatively large leaves for at least part of their growth cycle. The species range from shrubs to small trees. Available information shows no evidence that trade in any species needs regulating to prevent their future inclusion in Appendix I, nor is there evidence that harvesting of any species for international trade has a detrimental impact on the wild population. In addition, all species are believed to be in cultivation, can be easily propagated and there is little collector interest. It is possible some *Pereskiopsis* spp. in a leafless state could be confused with other cacti in the sub-family Opuntioideae, chiefly because of the presence of glochids (distinctive clusters of barbed spines). However, they could not be confused with any cactus included in Appendix I, nor with any Appendix II species known to be internationally traded. Recorded international trade in the genus is negligible, so it is unlikely that removing it will cause enforcement problems for species remaining in the Appendices.

ACCEPT

CoP14 Prop. 26 [Switzerland] Cactaceae spp. (#4) and Orchidaceae spp. (#8) in Appendix II, and all taxa annotated with annotation #1 – Merging and amendment of annotations #1, #4 and #8 to read:

“To Designates all parts and derivatives, except:

- a) seeds, spores and pollen (including pollinia), except seeds of Mexican Cactaceae spp. originating in Mexico;
- b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers;
- c) cut flowers and cut leaves (excluding phylloclades and other stem parts, and pseudobulbs) of artificially propagated plants;

- d) fruits and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Vanilla* (Orchidaceae), *Opuntia* subgenus *Opuntia*, *Hylocereus* and *Selenicereus* (Cactaceae);
- e) separate stem joints (pads), stem sections and flowers and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia*, and *Selenicereus* (Cactaceae); finished products that are packaged and ready for retail trade (excluding whole or grafted specimens, seeds, bulbs and other propagules) of *Aloe* spp., *Aquilaria malaccensis*, Cactaceae spp., *Cibotium barometz*, *Cistanche deserticola*, *Cyclamen* spp., *Dionaea muscipula*, *Euphorbia* spp., *Galanthus* spp., Orchidaceae spp. and *Prunus africana*; and,
- f) non-living herbarium specimens for non-commercial purposes.

Recommendation

Proposal 26 appears to build on Proposal 27 and attempts to exclude a wider range of plant species, parts and derivatives. However, the proposal generates a number of inconsistencies and clashes with existing annotations and Convention rules, for example:

* The general inclusion of cut leaves in part c) of the proposal ignores the advice provided by the 15th meeting of the CITES Plants Committee to Switzerland to “narrow the proposed exemption down to specific taxa for which it could be demonstrated that trade in artificially propagated cut leaves would not pose a threat to wild populations of the species concerned.”

* The exemption in part e) of “finished products that are ready for retail trade” of, for instance *Aloe* spp. (especially *Aloe ferox*), ignores the fact these are the main products in trade and therefore should be subject to CITES controls.

* Several other species of *Aquilaria* and *Gyrinops* are omitted from this proposal, reflecting inconsistent and confusing treatment of agarwood.

* The reasons for including species such as *Cibotium barometz* and *Dionaea muscipula* in part e) to exempt “finished products” is puzzling as these commodities are specifically included under the revised Annotation #1 in proposal 27.

* The inclusion of non-living herbarium specimens in part g) ignores the Convention rule that entire plants of a CITES listed species may not be exempted from its provisions and therefore is not valid.

Given all these inconsistencies and inaccuracies, this proposal should be not be adopted.

REJECT

CoP14 Prop. 27 [Switzerland (as Depository Government, at the request of the Plants Committee)] Amendment of the annotations for the following taxa to read:

Taxon	Proposed annotation	Current Annotation
<i>Adonis vernalis</i>	Designates all parts and derivatives except: a) seeds and pollen; and b) finished products packaged and ready for retail trade.	#2
<i>Guaiacum</i> spp.	Designates all parts and derivatives except: a) seeds and pollen; and b) finished products packaged and ready for retail trade.	#2
<i>Hydrastis canadensis</i>	Designates underground parts (i.e. roots, rhizomes): whole, parts and powdered.	#3
<i>Nardostachys grandiflora</i>	Designates all parts and derivatives except: a) seeds and pollen; and b) finished products packaged and ready for retail trade.	#3
<i>Panax ginseng</i> , <i>Panax quinquefolius</i>	Designates whole and sliced roots and parts of roots.	#3
<i>Picrorhiza kurroa</i>	Designates all parts and derivatives except: a) seeds and pollen; and b) finished products packaged and ready for retail trade.	#3
<i>Podophyllum hexandrum</i>	Designates all parts and derivatives except: a) seeds and pollen; and b) finished products packaged and ready for retail trade.	#2
<i>Pterocarpus santalinus</i>	Designates logs, wood-chips, powder and extracts.	#7
<i>Rauvolfia serpentina</i>	Designates all parts and derivatives except: a) seeds and pollen; and b) finished products packaged and ready for retail trade.	#2
<i>Taxus chinensis</i> , <i>T. fuana</i> , <i>T. cuspidata</i> , <i>T. sumatrana</i> , <i>T. wallichiana</i>	Designates all parts and derivatives except: a) seeds and pollen; and b) finished products packaged and ready for retail trade.	#10
Orchidaceae spp. in Appendix II, and all Appendix-II and -III taxa annotated with #1 (see Table 1 for list of taxa concerned)	Designates all parts and derivatives, except: a) seeds, spores and pollen (including pollinia); b) seedling or tissue cultures obtained <i>in vitro</i> , in solid or liquid media, transported in sterile containers c) cut flowers of artificially propagated plants; and d) fruits and parts and derivatives thereof of artificially propagated plants of the genus <i>Vanilla</i> .	#8, #1

Recommendation

The revision of medicinal plant annotations has involved detailed consultation within the Plants Committee and at CITES CoP13. This proposal should be supported.

ACCEPT

CoP14 Prop. 28 [United States of America] Deletion of Oconee Bells *Shortia galacifolia* from Appendix II.

Recommendation

This small perennial plant is endemic to a small, secluded area in the Appalachian Mountains of south-eastern USA. Although it has an extremely limited distribution, it is abundant in most of the sites where it occurs. Demand for *Shortia galacifolia* in trade is primarily limited to its natural range in the USA and no international trade has been reported since the species was listed in 1983. It is believed most plants in cultivation in the USA are descended from wild individuals rescued from areas slated for dam construction and residential development, although there is some conflicting information regarding possible limited illegal collection. Natural populations are protected on lands managed by the US Forest Service, and the US states of North Carolina and Georgia. International trade is non-existent, and removal from the Appendices is not expected to stimulate future trade. This species does not satisfy the criteria for inclusion in Appendix II and may therefore be deleted from the Appendices.

ACCEPT

CoP14 Prop. 29 [Switzerland] To amend the annotation to *Euphorbia* spp. included in Appendix II to read: “Succulent, non pencil-stemmed, non-coralliform, non-candelabriform species only, with shapes and dimensions as indicated, except the species included in Appendix I:

- a) pencil-stemmed succulent *Euphorbia* spp.: whole plants with spineless, erect stems of up to 1 cm diameter and a length of more than 25 cm, unbranched or predominantly branching from near the base, leafless or with small leaves;
- b) coralliform succulent *Euphorbia* spp.: whole plants with spineless, multiply branched, occasionally sharply pointed stems with a diameter of up to 3 cm and more than 50 cm length, leafless or with inconspicuous or ephemeral leaves; and
- c) candelabriform succulent *Euphorbia* spp.: whole plants with angled or winged stems and paired spines, confined to the edges, at least 3 cm diameter and more than 50 cm length, unbranched or branching.”

Recommendation

Although not all succulent species of *Euphorbia* currently listed in CITES warrant the listing, in reality it is not workable to exclude some in the manner attempted by this proposal because of the impossibility of cleanly splitting this morphologically diverse family into the three artificial categories provided and the difficulty of using growth form and size limits to include or exclude entire plants from the Appendices. There is no provision under CITES for excluding whole specimens on the basis of their size, so this Proposal is not in accordance with the Convention itself. Additionally, some species that would be excluded by this exemption are recorded in CITES trade data as exported from range States that also export other succulent euphorbias and, in the case of Madagascar, that have Appendix I-listed species. The proposed annotation is also too complex, and would cause enforcement confusion. Distinguishing small specimens of excluded species from non-excluded species could be problematic.

REJECT

CoP14 Prop. 30 [Brazil] Inclusion of Brazil or Pernambuco Wood *Caesalpinia echinata*, including all parts and derivatives in Appendix II.

Recommendation

The habitat of this endemic and emblematic Brazilian tree species has been severely reduced in earlier centuries. *Caesalpinia echinata* has been historically depleted by international trade, and extant stocks are further threatened by illegal extraction. There is an existing high international demand for the artisans and craftsmanship to produce bows for musical string instruments (violins etc.). Although the current impact of harvest for international trade remains unclear, it seems likely that any such harvest might further reduce populations to the extent that the species would become eligible for inclusion in Appendix I. An Appendix II listing is hence justified on a precautionary basis and could help Brazil enforce national regulations and better follow-up on the legal timber trade in this species.

ACCEPT with an annotation to specify the parts and derivatives to control

CoP14 Prop. 31 [Germany (on behalf of the Member States of the European Community)] Inclusion of Black Rosewood *Dalbergia retusa* and *Dalbergia granadillo* in Appendix II.

Recommendation

Also known as Cocobolo, *Dalbergia retusa* is a hardwood found from Mexico to Panama and used for the manufacture of musical instruments and other products. Available information indicates that the species justifies listing in Appendix II on a precautionary basis, owing to drastic decline of wild populations. Habitat destruction, growth of cattle ranching and increasing fires are recognized as significant threats to the species.

Available data show that international trade and demand currently exist. Even though this trade appears limited and could hardly be considered a major threat to the species' survival, there are indications that, given the difficulty in obtaining Brazilian Rosewood *D. nigra*, this species could become a substitute in international markets. *D. granadillo*, also known and traded as Cocobolo, has similar characteristics to *D. retusa*, thus presenting identification difficulties between the two species. Inclusion of *D. granadillo* in Appendix II for look-alike reasons is therefore warranted.

ACCEPT

CoP14 Prop. 32 [Germany (on behalf of the Member States of the European Community)] Inclusion of Honduran Rosewood *Dalbergia stevensonii* in Appendix II.

Recommendation

Dalbergia stevensonii occurs in Belize, Mexico and Guatemala and is valued for its use in the manufacture of musical instruments. Few data on population status and trends exist, but available information indicates deforestation and land-use changes are the major threats to the species. There is no indication of legal or illegal trade in the species. *Range States could consider including the species in Appendix III.*

REJECT

CoP14 Prop. 33 [Germany (on behalf of the Member States of the European Community)] Inclusion of Central American Cedar *Cedrela* spp. in Appendix II.

Recommendation

Trees of the genus *Cedrela* are widely distributed throughout Central and South America and are heavily exploited for their valuable timber. The Proposal builds a strong case for *Cedrela odorata* whose current levels of exploitation and international trade require a timely and decisive intervention. An Appendix II-listing could help reverse the trend that has seen several populations become heavily depleted. The Proposal satisfies the trade and biological criteria specified in *Resolution Conf. 9.24 (Rev. CoP13)* for this species. Similarities and look-alikes between the different species of *Cedrela* timber make it necessary to include the whole genus in Appendix II. This will form the basis for tackling the current over-exploitation of *C. odorata* particularly when it derives from inside protected areas or indigenous territories.

ACCEPT

CoP14 Prop. 34 [Switzerland] Amendment of the annotation to *Orchidaceae* spp. included in Appendix II

Recommendation

This Proposal recommends the addition of three South American genera of orchid—*Miltonia*, *Odontoglossum* and *Oncidium*—to the modification of existing *Orchidaceae* annotations, currently including the genera *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda* as set out in Proposal 35. However, there is inadequate detail on the taxonomy of these three genera. The Proposal ignores a recommendation of the 16th Meeting of the Plants Committee not to add more genera prior to carrying out a review of the effectiveness of the current annotation, and does not consider the law enforcement problems facing Latin American countries.

REJECT

CoP14 Prop. 35 [Switzerland (as Depository Government, at the request of the Plants Committee)] included in Appendix II—Amendment of the annotation to Orchidaceae spp. included in Appendix II to read as follows:

“Artificially propagated hybrids of the following genera are not subject to the provisions of the Convention, if conditions, as indicated under a) and b), are met: *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda*:

a) Specimens are readily recognizable as artificially propagated and do not show any signs of having been collected in the wild such as mechanical damage or strong dehydration resulting from collection, irregular growth and heterogeneous size and shape within a taxon and shipment, algae or other epiphyllous organisms adhering to leaves, or damage by insects or other pest; and

b) i) when shipped in non flowering state, the specimens must be traded in shipments consisting of individual containers (such as cartons, boxes, crates or individual shelves of CC-containers) each containing 20 or more plants of the same hybrid; the plants within each container must exhibit a high degree of uniformity and healthiness; and the shipment must be accompanied by documentation, such as an invoice, which clearly states the number of plants of each hybrid; or

ii) when shipped in flowering state, with at least one fully open flower per specimen, no minimum number of specimens per shipment is required but specimens must be professionally processed for commercial retail sale, e.g. labelled with printed labels or packaged with printed packages indicating the name of the hybrid and the country of final processing. This should be clearly visible and allow easy verification.

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

Recommendation

This Proposal is based upon results of discussions held at the 16th Meeting of the Plants Committee. Its aim is to enhance the ability of countries to manage and regulate the trade in artificially propagated hybrids of the genera *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda* by providing conditions for identifying flowering and non-flowering plants in shipments that are exempt from CITES controls. TRAFFIC is generally opposed to the current annotation exempting specific orchid hybrids (because of its inherent implementation and enforcement problems), but supports this attempt to clarify shipping conditions and the recommendation of the Plants Committee to review the effectiveness of the annotation.

ACCEPT

CoP14 Prop. 36 [United States of America] *Taxus cuspidata*—Amendment of the listing in Appendix II by:

1. Deleting the phrase “and infraspecific taxa of this species”: and

2. Annotating to read as follows:

“Specimens of hybrids and cultivars are not subject to the provisions of the Convention”

Recommendation

This Proposal attempts to solve the contravention of the CITES definition of a specimen under Article I, preventing exclusion of whole plants of a listed species, and involves use of the term “cultivar”. However, because cultivars cannot be separated from the species to which they belong under current CITES definitions, this proposal would effectively delete *Taxus cuspidata* (plants, parts and derivatives) from the Appendices. However, there is no justification for removing this species from the Appendices as parts and derivatives are the main products requiring CITES controls. **Parties are recommended to adopt the annotation proposed in Proposal 27.**

REJECT

CoP14 Prop. 37 [Switzerland (as Depository Government, at the request of the Standing Committee)]

Proposal 37a: Deletion of the annotation to *Taxus chinensis*, *Taxus fuana* and *Taxus sumatrana* in Appendix II that reads: “Whole artificially propagated plants 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”;

Proposal 37b: Amendment of the annotation to *Taxus cuspidata* to read: “Artificially propagated hybrids and cultivars of *Taxus cuspidata* 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.”

Recommendation

Proposal 37a aims to correct the current annotation that effectively excludes whole specimens of *Taxus chinensis*, *T. fuana* and *T. sumatrana* from the Convention. The suggested amendment achieves this goal.

Proposal 37b aims to correct the current annotation that effectively excludes whole specimens of *Taxus cuspidata* from the Convention. However, the proposed solution introduces a new technical error into the annotation through use of the term “cultivar”, which is not clearly defined and has no standing under the Convention. Therefore it is not possible to exclude whole specimens of cultivars from the provisions of the Convention without effectively excluding *T. cuspidata* from CITES controls. In addition, TRAFFIC believes that exemption of *Taxus* hybrids from CITES will introduce insurmountable identification and hence law enforcement problems.

ACCEPT Proposal 37a and ensure consistency with Annotation #10 as set out in Proposal 27.

REJECT Proposal 37b and ensure consistency with annotation #10 as set out in Proposal 27.