

**COMMENTS OF THE SPECIES SURVIVAL NETWORK ON
THE PROVISIONAL ASSESSMENTS BY THE SECRETARIAT
OF PROPOSALS TO AMEND APPENDICES I AND II AT CITES COP 14**

Proposal 1: *Nycticebus* spp. – Transfer from Appendix II to Appendix I; Cambodia

1. Taxonomic and population status of *Nycticebus* spp.

The Secretariat notes that the currently adopted CITES reference only recognizes two species (*Nycticebus coucang* and *N. pygmaeus*) and that the proposal additionally refers to a third recognized species (*N. bengalensis*). However, the IUCN Primate Specialist Group based on a Conservation Assessment and Management Plan (CAMP) workshop in Cambodia (Sept. 8-12 2006, Phnom Penh, Cambodia) recognized five species. Within some species, e.g. *N. bengalensis* and *N. javanicus* there is also variability with regard to morphology (body size, colour, facial masks, hair length) and it is well possible that even more species will be described in the future.¹

Revisions to the IUCN Red List status of *Nycticebus* spp. made at the CAMP Workshop

Species	Conservation status	Distribution	Taxonomic reference
<i>N. bengalensis</i>	Vulnerable	Cambodia; China; India; Laos; Myanmar; Thailand; Vietnam	Groves (1998, 2001)
<i>N. coucang</i>	Endangered	Indonesia (Sumatra); Malaysia (West); Singapore; Thailand	Brandon Jones <i>et al.</i> (2004); Nekaris & Jaffe (in prep)
<i>N. javanicus</i>	Endangered	Indonesia (Java)	Roos (2003); Groves & Maryanto (in press); Nekaris <i>et al.</i> (2006); Nekaris & Jaffe (in prep)
<i>N. menagensis</i>	Vulnerable	Brunei; Indonesia (Kalimantan); Malaysia (Sabah and Sarawak);	Roos (2003); Chen <i>et al.</i> (2006); Nekaris & Jaffe (in prep)
<i>N. pygmaeus</i>	Vulnerable	Cambodia, China, Laos, Vietnam	Groves (1998, 2001)

While the Secretariat stated that evidence for population declines was “*largely anecdotal*”, the revised IUCN classifications clearly illustrate that all five *Nycticebus* species have suffered a marked decline and meet the biological criteria C i and C ii of Res. 9.24 (Rev.CoP12) for listing in Appendix I of CITES. Remaining populations of *N. bengalensis* in Cambodia, Vietnam and probably China, populations of *N. javanicus* (Java) and *N. menagensis* in the Philippines and of *N. pygmaeus* in China are small and inferred to be declining and thus additionally meet criterion A i. Moreover, *Nycticebus* species are highly vulnerable due to their low reproductive rate (criterion A v).

The review of *N. bengalensis* resulted in uplisting from Data Deficient to Vulnerable (IUCN/SSC Primate Specialist Group 2006) based on IUCN Red List criteria (version 3.1) A2acd+3cd+4acd. This means a reduction in population size by more than 30% over 10 years or three generations, based on a decline in the area of occupancy / extent of occurrence / quality of habitat and levels of exploitation. Several local extinctions have been recorded in Vietnam. Populations are declining in India, China and Vietnam, with some populations in China extirpated.^{2, 3, 4}

¹ Nekaris, A. pers. comm. 2007

² Zhang Y *et al.* (1992) Distribution of primates (except *Macaca*) in China. *Acta Theriologica Sinica* 12(2):81-95

³ Ratajszczak R (1998) Taxonomy, distribution and status of the lesser slow loris *Nycticebus pygmaeus* and their implications for captive management. *Folia Primatol* 69(suppl 1):171-174

⁴ Polet G *et al.* (2004): Notes on the primates of Cat Tien National Park. In: Conservation of Primates in Vietnam. Nadler T Streicher U Ha, Thang Long, Editors. Frankfurt: Frankfurt Zoological Society pages 78-84

N. coucang which is listed as Lower Risk in the 2006 IUCN Red List was revised to be Endangered (IUCN/SSC Primate Specialist Group 2006) based on criteria A2cd. It is reported to be declining in Indonesia, Malaysia and Singapore. *N. javanicus* was only recognized as a species in 2006 and is also considered Endangered (IUCN/SSC Primate Specialist Group 2006) based on criteria A2cd. It is extinct in many lowland forests and due to its rarity is now hardly found on sale at markets.⁵ For both species, the revised classification signifies a reduction in population size by more than 50 % over the last 10 years or three generations based on a decline in the area of occupancy / extent of occurrence / quality of habitat and levels of exploitation.

N. menagensis and *N. pygmaeus* are both classified as Vulnerable (IUCN/SSC PSG 2006) based on Red List criteria A2acd, with *N. menagensis* declining in Borneo and populations small or extirpated in the Philippines,^{6,7,8} and *N. pygmaeus* reduced to a few hundred specimens in China and rapidly declining in Viet Nam.^{9, 10, 11, 12, 13, 14, 15}

2. Trade relevance

While the Secretariat notes that little trade is recorded in the CITES trade database, evidence is available for considerable unregulated domestic as well as international trade. All five species have been reported to be in trade for the pet trade, as food or traditional medicine. Slow lorises have repeatedly been found to be the number one primate species represented in Southeast Asian animal markets^{16,17,18,19} and several thousand specimens are traded in Vietnam and Indonesia annually. The high demand of *Nycticebus spp.* in trade is also illustrated by large numbers of seizures. For example, the last six months, 37 specimens were seized at Narita airport in Japan (June 2006); 2 in Los Angeles arriving from Thailand (Sept. 2006); 9 from a Japanese national at Bangkok airport in Dec. 2006; and another 23 in February 2007.

Proposal 2: *Lynx rufus* – Deletion from Appendix II; USA

Secretariat's assessment: "*The purpose of this proposal is identical to that of the one submitted at the 13th meeting of the Conference of the Parties (CoP13, Bangkok, 2004). At that time, the proponent acknowledged the concerns of some Parties and observers regarding enforcement, arising out of similarity in appearance between Lynx rufus and other spotted cats, and agreed to withdraw the proposal in favor of Decision 13.93 directed to the Animals Committee. The status and management of the species has changed little since CoP13 ...Concerning the look-alike aspects of an Appendix-II listing, the Animals Committee was unable to conclude its review of the Lynx species complex*

⁵ Nekaris KAI and Nijman V (in press) Cites proposal highlights risk to nocturnal primates. *Folia Primatologica*

⁶ Nekaris, Blackham and Nijman: Conservation implication of low encounter rates of five nocturnal primate species (*Nycticebus spp.*) in Southeast Asia. In review – *Biodiversity and Conservation*.

⁷ Wells K, Pfeiffer M, Lakim MB & Linsenmair KE (2004) Use of arboreal and terrestrial space by a small mammal community in a tropical rain forest in Borneo, Malaysia. *Journal of Biogeography* 31, 641-652.

⁸ Blackham G Survey of nocturnal primates in the Sabangau National Park. MSc Dissertation: Oxford brookes University, 2004.

⁹ Duckworth JW (1996) Bird and mammal records from the Sangthong District, Vientiane Municipality, Laos in 1996. *Nat Hist Bull Siam Soc* 44:217-242

¹⁰ Duckworth JW (1994) Field sighting of the pygmy loris (*Nycticebus pygmaeus*) in Laos. *Folia Primatol* 63:99-101

¹¹ Duckworth JW et al. (eds) (1999) *Wildlife in Lao PDR: 1999 Status Report*. Vientiane: IUCN – The World Conservation Union/ Wildlife Conservation Society/ Centre for Protected Areas and Watershed Management. Samsaen Printing, Bangkok

¹² Zhang Y et al. (1992) Op cit.

¹³ Ratajszczak R (1998) Op cit.

¹⁴ Polet G et al. (2004): Op cit.

¹⁵ Nekaris KAI and Nijman V (in press) Op cit.

¹⁶ Webber, A. (2002) In *Primate Conservation* Oxford Brookes University, Headington, Oxford.

¹⁷ Malone, N. M., Fuentes, A., Purnama, A. R. and Adi Putra, I. M. W. (2003) *Tropical Biodiversity*, 8, 41-49.

¹⁸ Harris, L. (2003) In *Primate Conservation* Oxford Brookes University, Headington, Oxford.

¹⁹ Shepherd, C. R., et al. (2004) In *TRAFFIC Southeast Asia* Petaling Jaya, Selangor, Malaysia, pp. 52.

requested under Decision 13.93 and is proposing that the Parties re-establish this decision for the period CoP14-CoP15 (see document CoP14 Doc. 8.2). This would include an assessment of the management and enforcement measures available to achieve effective control of trade in specimens of these species so as to resolve the continued need for look-alike listings.”

SSN agrees with the Secretariat’s assessments that the purpose of this proposal is identical to one submitted and withdrawn at CoP 13; that the status and management of the species has changed little since that time; and that the Animals Committee has not yet completed the review of the Lynx species complex called for in Decision 13.93.

Parties have not approved previous proposals to delist this species, most recently at CoP13, because *Lynx rufus* specimens are similar in appearance to skins, parts and products of other small spotted cats, including the IUCN-designated Critically Endangered Iberian lynx (*Lynx pardinus*), the Near Threatened Eurasian lynx (*Lynx lynx*), the Canada lynx (*Lynx canadensis*) (threatened under the US Endangered Species Act), as well as the Mexican bobcat (*Lynx rufus escuinapae*) (endangered under the US Endangered Species Act), all of which are listed on Appendices I or II of CITES. The proposal acknowledges that pieces of *Lynx rufus* skin cannot be distinguished from specimens of other *Lynx* species, even with forensic laboratory analysis. The proposal also acknowledges the illegal international trade of 3568 *Lynx* spp. items from 1980 to 2004, including specimens of the Critically Endangered *L. pardinus* and the Near Threatened *L. lynx*. As has been argued in the past, this similarity of appearance would create significant enforcement problems for other *Lynx* species if *Lynx rufus* were delisted from CITES.

In addition, SSN considers the proposal to be premature. At CoP13 the Animals Committee was tasked to report to CoP14 its findings on a review of Felidae and particularly *Lynx* spp. However, only a preliminary and incomplete report summarizing information from approximately 47% of the range States was presented at the 22nd meeting of the Animals Committee. While the proposal states that range State responses show that trade in *L. lynx* and *L. pardinus* is well controlled, in fact, one range State identified illegal trade as a problem and seven stated that the species is adversely impacted by trade or is likely to become so without continued listing in the Appendices.

Secretariat’s assessment: *The Secretariat previously considered that the species did not meet the criteria for an Appendix-II listing under Article II paragraph 2 (a).”*

SSN disagrees with the Secretariat and considers that *Felis lynx* meets the criteria for listing on Appendix II (RC 9.24 (Rev. CoP13), Annex 2 a), paragraph B, because it is internationally traded and regulation is required to ensure that the harvest from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences. In fact, the international trade in skins, parts, and products of *L. rufus* has grown by more than 500% in the past ten years, up from 13,105 specimens in 1995 to 69,545 in 2006. During this time, the number of skins in trade has grown by 4.6 times from 11,515 to 53,409 (CITES Trade Database 2007). Despite being the most heavily traded cat species, populations of *L. rufus* are not regularly monitored. The last population estimate for USA is twenty-five years old and no population estimates are available for Canada or Mexico. The majority of US states lack population estimates on which to base stated trends. This calls into question the scientific credibility of the species’ management, and raises concerns over the impact of increasing trade on the population. Given this, the scientific basis for making non-detriment findings is unclear. Continued CITES regulation of this growing trade is needed to ensure that trade is not detrimental.

Secretariat’s assessment: *“Since the proposal submitted at CoP13, the proponent has ascertained that although pieces of Lynx rufus skins cannot be distinguished from other Lynx species using forensic techniques, data in the CITES trade database from 1980 to 2004 show that 78% of trade (presumably this refers to specimens rather than shipments) in Lynx species consists of skins. The proponent explains that since skins are almost always auctioned in a dry, untanned form with fur out, and are almost always complete, including the ears and tail, no look-alike problem will exist because such*

skins can be identified using guides which they have produced such as "How to Avoid Incidental Take of Lynx While Trapping or Hunting Bobcats and Other Furbearers."
(<http://www.fws.gov/international/animals/lynx.htm>).

The proposal argues that 78% of trade is in skins, and that these are almost always auctioned as complete skins, so they can be readily distinguished from other *Lynx* species by the ears and tail. However, this ignores the significant trade in parts and manufactured products which are not whole skins (8,141 specimens in 2006 alone) and which cannot be distinguished from other *Lynx* species even by forensic analysis. SSN considers that *Felis lynx* meets the criteria for listing on Appendix II (RC 9.24 (Rev. CoP13) in Annex 2 b), paragraph A, because the form in which it is traded resembles specimens of a species included in Appendices I and II such that enforcement officers are unlikely to be able to distinguish between them.

Proposal 3: *Panthera pardus* – Transfer of the population 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 leopards for the whole country"; Uganda

Secretariat's assessment: *"This proposal is slightly contradictory in citing both Resolution Conf. 10.14 (Rev. CoP13) and Resolution Conf. 9.24 (Rev. CoP13) for the approval of an export quota for of 50 leopards to be exported as personal effects for the exclusive purpose of sport hunting for trophies and skins for personal use. The former maintains the species Panthera pardus in Appendix I (although allowing limited trade in whole skins or nearly whole skins, including hunting trophies) whilst the latter and the text of this proposal suggests a transfer of the Ugandan population of the species to Appendix II".*

SSN disagrees with the Secretariat and considers that the purpose of this proposal is absolutely clear from its title: "Proposal to seek transfer of Uganda's population, from Appendix I to Appendix II, with export quota". Although the proposal mentions both Resolution Conf. 9.24 (Rev. CoP13) and Resolution Conf. 10.14 (Rev. CoP13), since the proposal is for a transfer from Appendix I to II, it should be considered under Resolution Conf. 9.24 (Rev. CoP13).

Secretariat's assessment: *"The proposal is not written in accordance with the format for proposals to amend the Appendices as set out in Annex 6 to Resolution Conf. 9.24 (Rev. CoP13)..."* *"The supporting statement consequently does not try to demonstrate that the biological criteria for Appendix-I listing are no longer fulfilled, nor does it explicitly indicate which precautionary measure will be in place, although it might be supposed that this is paragraph A. 2. c) of Annex 4 to Resolution Conf. 9.24 (Rev. CoP13)."*

SSN agrees with the Secretariat that the proposal does not conform to species proposal format in RC 9.24 (Rev. CoP13) Annex 6. The proposal does not contain information necessary to evaluate whether criteria for transfer to Appendix II are satisfied. In addition, if considered under Resolution Conf. 9.24 (Rev. CoP13) it is clear that the population should not be transferred to Appendix II for the following reasons: all leopard populations are listed on Appendix I; many subspecies or important regional populations are classified as Critically Endangered or Endangered (IUCN 2007); in accordance with Resolution Conf. 9.24 (Rev. CoP12), split-listing of a species should be avoided in view of the enforcement problems it creates; the population is considered to be declining (IUCN 2007); the most recent sub-Saharan population estimate is nearly 20 years old and is generally considered to be an overestimate,²⁰ and there is no scientifically-based information on population size or trend in Uganda.

²⁰ Nowell, K. and Jackson, P. (1996). Status Survey and Conservation Action Plan: Wild Cats. IUCN/SSC Cat Specialist Group, Burlington Press, Cambridge, UK.

SSN considers the leopard population of Uganda to meet the criteria for listing on Appendix I (Resolution Conf. 9.24 (Rev. CoP13), Annex 1, paragraph C i) and ii) because the species is internationally traded, a decreasing population trend occurred in past and is ongoing due to habitat loss and degradation, Uganda's leopard population size is unknown and there no apparent population monitoring in Uganda.

3,262 specimens of *Panthera pardus* were internationally traded in 2005 including 1197 trophies (1144 from range States with approved CITES quota), 1690 'derivatives', and others including 'specimens', teeth, skins, skulls, leather products. The main importing Parties are USA, France and Spain. There is a growing illegal trade in leopard specimens (578 in 2000, 1211 in 2005), particularly 'derivatives' from China and Hong Kong.²¹

Secretariat's assessment: "...and although some sections of the text state a desire for the Ugandan population of the species to be transferred to Appendix II, other parts, such as section 6, refer to the maintenance of the species in Appendix I."

SSN disagrees with the Secretariat about the nature of this proposal. Although the proposal references Resolution Conf. 10.14 (Rev. CoP13) it never states that it is Uganda's intention to retain the species on Appendix I with an export quota. On the contrary, the proposal states three times that the purpose of the proposal is transfer of leopard population of Uganda to from Appendix I to Appendix II. Even section 6 of the proposal, cited by the Secretariat, states the purpose of the proposal is "... that the Leopard population in the Country be down-listed from Appendix I to II and subjected to sport hunting for trophies and skins for personal use."

Secretariat's assessment: "Under these circumstances, the Secretariat suggests that Uganda request consideration of this proposal under agenda item 37 (Appendix-I species subject to export quotas) rather than item 68 (Proposals to amend the Appendices)."

The Secretariat's suggestion should not be acceptable to the Parties. Resolution Conf. 10.14 (Rev. CoP13) establishes leopard export quotas for hunting trophies and skins for personal use and states that any new quota (i.e. for a State not previously having one) requires the consent of the CoP, in accordance with RC 9.21 (Rev. CoP13). Even if Uganda were to follow the Secretariat's suggestion, this proposal should be rejected on the grounds that it was not prepared in accordance with Resolution Conf. 9.21. Resolution Conf. 9.21 (Rev. CoP13) states that proposals to establish a quota should contain "*supporting information including details of the scientific basis for the proposed quota*"; this proposal does not provide the required details of the scientific basis for the proposed quota, and the deadline is past under which Uganda should have submitted such details for proper consideration by the Parties.

Proposal 4: *Loxodonta africana* – Maintenance of the populations of Botswana, Namibia, South Africa and Zimbabwe 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"; Botswana and Namibia

1) Secretariat's comments in relation to the effect of the proposal

²¹ CITES Trade Database 2007

Secretariat's assessment: "...it would seem that compared with the current annotation for these populations, the proposal, if adopted, would result in all live animals, hunting trophies, hides, hair and leather goods of *L. africana* from these populations being deemed to be specimens of species included in Appendix I and trade in them regulated accordingly."

SSN understands the intention of the proponents was to allow unlimited trade in all specimens, parts and derivatives of *L. africana*, with annual export quotas for raw ivory. However, Resolution Conf. 11.21 (Rev. CoP 13) indicates that the proposed annotation should be taken to mean that *all* specimens except raw ivory are deemed to be included in Appendix I. Although the Secretariat has not expressly mentioned "worked ivory" or "ekipas", these too should be deemed to be included in Appendix I pursuant to Res. Conf 11.21 (Rev CoP13).

2) Secretariat's comments in relation to compliance with Resolution Conf. 9.24 (Rev. CoP13)

Secretariat's assessment: "*The supporting statement has limited references, but the information it contains seems to demonstrate that the populations of this species in Botswana, Namibia, South Africa and Zimbabwe cannot be characterized as being small and do not have a restricted area of distribution. Nor has there been any decline in the number of individuals in the wild. Regarding the precautionary measures in Annex 4 to Resolution Conf. 9.24 (Rev. CoP13), the proponents contend that the precautionary measures do not apply as it is 'specimens' rather than 'species' which are being proposed for reduced trade restrictions. Whilst in a literal sense this is true, as explained above, the Parties have made clear that Resolution Conf. 9.24 (Rev. CoP13) should be applied in full to amendments to annotations.*"

SSN believes that proposals to amend annotations (even where they do not affect the Appendix in which the population of the species is listed) should be judged against all *relevant* criteria specified in Resolution Conf. 9.24 (Rev. CoP13). The Secretariat has selectively commented on population sizes in the four relevant countries from which trade is proposed, i.e. on biological criteria. However, the proposal intends effectively unlimited trade in raw ivory, live animals and other parts and derivatives. Thus the operative question in evaluating the proposal turns on trade factors, such as levels of illegal trade, demand for specimens, poaching levels and enforcement as they affect all populations of African elephants and the related species, *Elephas maximus* (Asian elephant). Illegal ivory trade, as evidenced by several major seizures, has increased significantly since CoP13, while the wholesale price of ivory has increased from US\$200/kg in China and Japan in 2004 to US\$ 850/kg in Japan in 2007²². Poaching continues to be a problem in several countries, particularly some Central and West African countries but also in Zimbabwe (African Elephant Status Report, IUCN 2007); and uncontrolled domestic markets in worked ivory remain a cause for concern, including in South Africa, Zimbabwe and Namibia.²³ Relevant factors such as these should be assessed.

The precautionary measures outlined in Annex 4 of Resolution 9.24 (Rev. CoP13), by their very nature, should apply to all proposals to amend the Appendices. Thus, SSN concurs with the Secretariat, but for a different reason.

Secretariat's assessment: "*The proponents state that export quotas approved by the Conference of the Parties would potentially apply and cite Annex 4, paragraph B. 2 in support of this. The reference seems to be an error and should presumably have said Annex 4, paragraph A. 2. c. The proponent also note that although annual export quotas for raw ivory can be specified for the four countries, it is*

²² Wasser, S., Mailand, C., Booth, R., Mutayoba, B., Kisamo, E., Clark, B. and Stephens, M. "Using DNA to Track the Origin of the Largest Ivory Seizure since the 1989 Trade Ban", Proceedings of the National Academy of Sciences of the USA, vol. 104 no 10, 6 March 2007, pp 2228-4233; "Customs and police show off 3 tons of ivory confiscated from smuggler", Mainichi Daily News, 1 Mar 2007.

²³ Doc. 53.4 "Illegal ivory trade and control of internal markets", submitted by Kenya and Mali to CoP14.

preferable to apply the existing provisions of Resolution Conf. 10.10 (Rev. CoP12) concerning the establishment of annual export quotas for trade in raw ivory. Resolution Conf. 9.24 (Rev. CoP13) Annex 4, paragraph A. 2. c) however stipulates that such export quotas should be an integral part of the amendment proposal.”

SSN concurs that export quotas should be an integral part of the amendment proposal, and not set by range States on an annual basis under the provisions of Resolution Conf. 10.10 (Rev. CoP12).

Proposal 5: *Loxodonta africana* – Amendment of the annotation to the population 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"; Botswana

1) Secretariat’s comments in relation to compliance with Resolution Conf. 9.24 (Rev. CoP13)

Secretariat’s assessment: *“According to the supporting statement the elephant population in Botswana is large (over 150,000 individuals), increasing and expanding its range. It does not appear therefore that this population meets the biological criteria in Annex 1 to Resolution Conf. 9.24 (Rev. CoP13).”*

SSN believes that proposals to amend annotations (even where they do not affect the Appendix in which the population of the species is listed) should be judged against all *relevant* criteria specified in Resolution Conf. 9.24 (Rev. CoP13). The Secretariat has commented on the population size in relation to the biological criteria in Annex I of Resolution Conf. 9.24 (Rev. CoP13). However, the operative question in evaluating the proposal turns on trade factors, such as levels of illegal trade, demand for specimens, poaching levels and enforcement as they affect all populations of African elephants and the related species, *Elephas maximus* (Asian elephant) (see comments above on Proposal 4).

2) Secretariat’s comments in relation to the export quota

Secretariat’s assessment: *“Additionally, with respect to raw ivory, they propose that an export quota of no more than 8,000 kg per year be an integral part of the proposal. In a population of 150,000 elephants subjected to a natural mortality rate of 1 to 5 % per annum, and assuming a low crude average combined tusk weight of 10 kg per individual that dies, an annual theoretical production of between 15,000 and 75,000 kg of ivory per year could be envisaged. Not all ivory from natural mortalities is recovered, and mortality rates may vary considerably from year to year, but this calculation indicates that the proposed annual quota of maximum 8,000 kg appears realistic.”*

As noted above, the operative question in evaluating the proposal turns on trade factors as they affect all populations of African and Asian elephants, not whether the export quota proposed by Botswana is “realistic”.

Proposal 6: *Loxodonta africana* – A. Amendment of the annotation regarding the populations 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 noncommercial 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"; Kenya and Mali

1. Secretariat’s comments in relation to the 20-year moratorium

Secretariat’s assessment: *“the proposal seeks to prohibit any trade in raw or worked ivory for a period of 20 years except for the exceptions described in the proposal. Such a suggestion is impossible to guarantee because Article XV of the Convention permits any Party to propose an amendment proposal at or between the meetings of the Conference of the Parties, and the Secretariat believes that the Parties should be ready to apply the criteria for including species in or deleting them from Appendix I or Appendix II at any time in the light of changing circumstances in order to act in the best interest of the conservation of the species concerned, and to adopt measures that are proportionate to the anticipated risks to the species.”*

SSN disagrees with the Secretariat’s view.

Article XV confers a right upon a Party to submit proposals to amend the Appendices, but the Article does not guarantee that the amendment will be adopted. Instead, this requires acceptance of the proposal by the other Parties, which depends on how the proposal is viewed in light of the other provisions of the Convention, and the Decisions and Resolutions of the Conference of the Parties.

Any proposal under Article XV to amend the Appendices will be scrutinised in terms of the existing annotations. A provision in the annotations for a 20-year moratorium has the same legal status as the other provisions of the Convention, and will, therefore, make it less likely for Parties to accept a proposal to reopen trade as long as the moratorium is operative.

Similarly, the rights contained in Article XV are interpreted and exercised in light of the various Decisions and Resolutions of the Conference of the Parties. Many of these Resolutions offer guidance to the Parties on the timing and conditions under which proposals for particular species should be considered. For example, the Parties are less likely to accept a proposal that does not include the relevant information requested by Resolution Conf. 9.24 (Rev. CoP13). Similarly,

Resolution Conf. 10.9 (which dates back to CoP7) provides that proposals (under Article XV) to transfer the African elephant from Appendix I to Appendix II are subject to an initial review of the merits of the proposal by a Panel of Experts. While this pre-condition does not prevent any Party from submitting a proposal, it represents an agreed multilateral understanding among the Parties that they will limit their exercise of Article XV rights in practice. This is analogous to the way in which Resolution Conf. 9.25 (Rev.) on the Inclusion of Species in Appendix III sets agreed limits on the exercise of Parties' rights under Article XVI.

At CoP10 (Harare, 1997) three elephant populations were transferred to Appendix II, subject to certain conditions, including that no international trade in ivory would be permitted before 18 months after the transfer to Appendix II had come into effect (i.e. 18 March 1999). Although, strictly speaking such a provision is inconsistent with Article XV, the CoP accepted it as an agreed multilateral understanding of the need to refrain from international trade in ivory for 18 months, and that Parties will limit the exercise of their Article XV rights accordingly. A moratorium on international trade in ivory for 20 years would have the same legal effect, despite its longer period.

A precedent for accepting a moratorium can be found in relation to the trade in whales. Resolution Conf. 11.4 (Rev. CoP12) recognizes that the International Whaling Commission has primary authority for the management of whales, and recommends that Parties should not issue any permits or certificates for any specimen protected from commercial whaling by the International Convention for the Regulation of Whaling (ICRW). Resolution Conf. 11.4 (Rev. CoP12) has been interpreted so as to limit Parties' rights under Article XV by discouraging them from submitting proposals to trade in whales. Although strictly speaking Parties remain legally entitled to submit such proposals--and have done so many times--the CoP has consistently refused to approve them, deferring to the moratorium in place under the ICRW since 1986. In effect, the CITES Parties have agreed by this Resolution that a moratorium under another Convention should inform them on the exercise of their rights under Article XV. This is not a modification of or derogation from the text of the Convention, but simply (and importantly) an agreement among the Parties as to how it will be applied.

The moratorium, therefore, does not (in a strict legal sense) prevent Parties from submitting proposals under Article XV, although it might (in practice) discourage them from doing so. The effect of the moratorium is simply to ban ivory trade until *either* it expires (after 20 years) *or* it is subsequently amended upon the submission of a proposal by a Party under Article XV. So although a moratorium might not be guaranteed, it is still legitimate, and good reasons remain as to why it should be adopted at CoP14.

2. Secretariat's comments in relation to compliance with Resolution Conf. 9.24 (Rev. CoP13)

Secretariat's assessment: *"Proposals to amend annotations (even where they do not affect the Appendix in which the population of the species is listed) should be judged against all the criteria specified in Resolution Conf. 9.24 (Rev. CoP13)."*

*"In relation to the populations concerned, (listed in Appendix II) the proposal argues for an increase in the kind of specimens of *Loxodonta africana* which are deemed to be specimens of species included in Appendix I and for trade in them to be regulated accordingly."*

"The supporting statement is thorough and well referenced. It demonstrates that the species is affected by trade. With respect to the biological criteria in Annex 1 to the Resolution, the proposal does not demonstrate that the wild populations in question are small. The supporting statement notes that the distribution of the population of South Africa covers only 2 % of the surface of the country, thus implying that it could be considered restricted in terms of paragraph B of Annex 1 to the Resolution. However it does not appear that this population is characterized by any of the aggravating factors mentioned in subparagraphs i) to iv) of that paragraph. Finally there has not been a marked decline in the population size in the wild, indeed populations are said to be increasing"

or relatively stable, even though the proposal states that this situation may no longer apply in Zimbabwe.”

SSN believes that proposals to amend annotations (even where they do not affect the Appendix in which the population of the species is listed) should be judged against all *relevant* criteria specified in Resolution Conf. 9.24 (Rev. CoP13). In the present case, the proposal by Kenya and Mali is not a proposal to list new populations on Appendix I but merely to change the annotation for trade in certain (not all) parts and derivatives. Thus, the Secretariat is incorrect that the proposal needs to demonstrate that criteria for listing on Appendix I are met. Because this proposal would maintain the species on the Appendix II, there is no need to evaluate the proposal against these criteria again. Instead, the operative question in evaluating the proposal turns on the trade factors that warrant the change to the annotation, such as levels of illegal trade, demand for specimens, poaching levels and enforcement,. The proposal fully addresses these factors.

Furthermore, the proposal is consistent with the precautionary measures contained in Resolution Conf. 9.24 which state “When considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species”.

Proposal 7: *Loxodonta africana* – Transfer of the population 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"; United Republic of Tanzania

This proposal has been withdrawn.

Proposal 8: *Vicugna vicugna* – Amendment of the annotation to the Bolivian population to read as follows: "Population of Bolivia (listed in Appendix II): 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"; Bolivia

Secretariat’s assessment: “*Proposals to amend annotations (even where they do not affect the Appendix in which the population of the species is listed) should be judged against all the criteria specified in Resolution Conf. 9.24 (Rev. CoP13). This was clearly established when Resolution Conf. 11.21 (Rev. CoP13) on Use of annotations in Appendices I and II was first adopted by the Parties. Document Doc. 11.24, which introduced Resolution Conf. 11.21 and which was submitted by Switzerland on behalf of the Standing Committee, said that the introduction, amendment or deletion of substantive annotations to the Appendices is only possible under the procedures required for the amendment of the Appendices. If adopted, the principle effect of this proposal would be to extend the scope of the current annotation for the *Vicugna vicugna* population in Bolivia to allow international trade in wool sheared from live vicuñas of the whole national territory. The current annotation only allows international trade in wool derived from sheared live animals of the populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla and Lípez-Chichas. Although the populations of *V. vicugna* affected by this proposal have a restricted range, decisions at previous meetings of*

Conference of the Parties show that the Parties have agreed that these populations do not meet the biological criteria for inclusion in Appendix I. The proponent argues that this is still the case. Concerning the precautionary measures in Annex 4 to Resolution Conf. 9.24 (Rev. CoP13) the proponent seems to rely on paragraph A. 2. b. However, information presented on the application of management and enforcement measures already in place to control trade in wool from sheared live animals in the populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla and Lipez-Chichas indicates that there have been some difficulties. The supporting statement stresses the problems of illegal activities that take place throughout the whole country and it is not clear how this matter will be addressed by the Bolivian authorities to allow the implementation of an amended annotation covering the whole country.”

SSN agrees with the concerns expressed by the Secretariat. At CoP12 (2002) Bolivia proposed to transfer its population from Appendix I to II, annotated to allow trade in products made from wool sheared from vicuña from all its populations. However, the Parties approved trade in wool from only the three largest populations (Mauri-Desaguadero, 2006 population size 15,405; Ulla Ulla, 10,350; and Lipez-Chichas, 16,078). Since 2002, two populations, including Lipez-Chichas, have declined in number. This proposal would allow trade in wool from all nine Bolivian vicuña populations, not just the three largest populations as in the current annotation (current annotation allows trade in products from all nine Bolivian populations but wool from only three). Some of the six populations from which wool trade would be allowed if this proposal was accepted are very small (fewer than 800 animals) (Table 2 of proposal); SSN is concerned about the impact of additional trade in wool on these populations. There are consistent indications of poaching and illegal trade in Bolivia;²⁴ in one area gangs killed 12% of the population. The proposal for trade in wool from all nine populations in Bolivia should be rejected until poaching and illegal trade are controlled.

Proposal 9: *Cervus elaphus barbarus* – Inclusion in Appendix I; Algeria

1. Secretariat’s assessment on listing criteria

Secretariat’s assessment: *“This subspecies has a limited distribution in Algeria and Tunisia. It is has been included in Appendix III at the request of Tunisia since 1976. The supporting statement gives little specific information and does not contain any references. It does not indicate under which criteria of Resolution Conf. 24 (Rev. CoP13) the species would qualify for inclusion in Appendix I. However, the wild population does appear to be small and may be concentrated geographically during the rutting period. The wild population is likely to have a restricted area of distribution and historically at least, this is reported to have decreased. Although not mentioned in the supporting statement, the taxon is rated 'lower risk/not threatened' in the current IUCN Red List.”*

SSN believes that CITES Resolution Conf. 9.24, Annex I criteria A i),ii), v) justify the inclusion of *Cervus elaphus barbarus* in CITES Appendix I. *Cervus elaphus barbarus* is included in Appendix I of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) which lists species in danger of extinction. While the historical range covered large parts of Algeria, Tunisia and Morocco, now only a very small wild population remains, which is restricted to a small area on the Tunisian-Algerian border.²⁵ Wild population size is 50-60 in Algeria where specimens are dispersed between the El Kala National Park (la Wilaya de El Tarf) and the Guelma/Souk Ahras area.²⁶ Total population in Tunisia is now estimated to be about 800 individuals.²⁷

²⁴ IUCN 2002

²⁵ Hajji, G.M., F.E. Zachos, F. Charfi-Cheikrouha, and Hartl, G.B. (in print). Conservation genetics of the imperilled Barbary red deer in Tunisia. *Animal Conservation* (in print)

²⁶ http://www.cites.org/common/cop/14/raw_props/F-DZ01-Cervus%20elaphus%20F14-PXX.pdf

²⁷ Hajji, G.M., F.E. Zachos, F. Charfi-Cheikrouha, and Hartl, G.B. (in print). Conservation genetics of the imperilled Barbary red deer in Tunisia. *Animal Conservation* (in print)

2. Secretariat's assessment on international trade

Secretariat's assessment: "According to the supporting statement, no trade is either known or suspected and no demonstrable potential international demand for the species is noted. There is also no information to indicate how to identify any specimens of this subspecies which could be in trade."

"The Secretariat notes that, according to the CITES trade database, the only export from range States of specimens of this taxon in the last 10 years was of eight live specimens sent from Tunisia to Algeria in 2005 for introduction/reintroduction purposes."

Markets for meat (venison), antler velvet and trophy antlers are well established for *C. elaphus*. Antler velvet is used for traditional medicine and is exported mainly to China, Taiwan, Hong Kong and Korea, the main export markets of this product. The existing markets for *C. elaphus* could include smuggled parts and products of *Cervus elaphus barbarus*

When taking into account the impact of trade on this species, SSN encourages Parties and the Secretariat to adhere to CITES Resolution Conf.9.24 (Rev.Cop13) Annex 4 : "When considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species."

3. Secretariat's assessment on consultation of range States

Secretariat's assessment: "The opinion of the other range State for this subspecies (Tunisia) is not indicated."

SSN has been informed that Algeria is consulting with range States and more information on this matter should soon become available to the Parties.

Proposal 10: *Gazella cuvieri* – Inclusion in Appendix I; Algeria

1. Secretariat's assessment on listing criteria

Secretariat's assessment: "This species has a patchy distribution in Algeria, Morocco and Tunisia. It has been included in Appendix III at the request of Tunisia since 1976. The supporting statement gives little specific information and few references. It does not indicate under which criteria of Resolution Conf. 24 (Rev. CoP13) the species would qualify for inclusion in Appendix I. However, the wild population does appear to be small and may be divided into small subpopulations. It is not clear whether the species has a restricted area of distribution, although it seems to be adaptable in terms of its habitat requirements. Populations are reported to be more or less stable. Although not mentioned in the supporting statement, the taxon is rated 'endangered' in the current IUCN Red List."

SSN believes that CITES Resolution Conf. 9.24, Annex I criteria A i),ii), v),) and C i) and ii) justify the inclusion of *Gazella cuvieri* in CITES Appendix I.

Gazella cuvieri is included in Appendix I of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) which lists species in danger of extinction. In 1991, experts estimated that 560 specimens were present in Algeria,²⁸ while a 2005/2006 survey found only 500 specimens, a 10.7% decline. Total population estimates for the populations of Tunisia, Algeria and

²⁸ de Smet, K. (1991). Cuvier's gazelle in Algeria. *Oryx* 25:99

Morocco combined amounts to 1,450-2,450 individuals: 600 to 1,500 in Morocco, 300 to 400 in Tunisia and 560 in Algeria (Algerian figure is based on the 1991 survey).²⁹

Data on the decrease in the species range are thoroughly documented in the 2006 CMS report:³⁰

“If until the recent past, the general distribution of Cuvier’s Gazelle had not changed much in relation to its historical range, the species is now in sharp geographical decline in Morocco. In most of its range (Eastern Morocco, High, Middle and Saharan Atlas), populations seem to be highly fragmented. Recent discoveries, confirming older data, made it possible to localise substantial populations in Western Anti Atlas and further in the South, in North-western Sahara, with an extension of known range towards the south between the lower Drâa and the Aydar massif.”^{31,32,33}

*In Algeria, the range of distribution of Cuvier’s Gazelle is limited to the northern part of the country: it is not found anymore in the north of the Tellian Atlas. The species has only recently disappeared from a few localities and these are mainly in the north of its range of distribution. The populations of the western Tellian Atlas, Batna-Biskra, and the Aurès mountains are no longer contiguous, and some groups of the Saharan Atlas were recently eliminated.*³⁴

In Tunisia, after having reached very low numbers, the population currently seems to be increasing and is spreading out again,³⁵ essentially as a consequence of the efficient conservation measures implemented in and around Chambi National Park. For the Ridge in general, observations made in 1991 in the region of Siliana indicate that it is progressing towards the northeast, mainly from the principal population core in the surroundings of the Chambi National Park.

(...) The degradation and decline of habitats is mainly due to the continuous expansion of pastureland for livestock and the deforestation for agriculture or charcoal. As a consequence, the numbers have been severely reduced and the range fragmented. This cause was identified, at least in Morocco, as the main threat at the present time.³⁶ The vast majority of natural forests have now been destroyed and it is not sure that Cuvier’s Gazelle can adapt to plantations of rapid-growth pines. Gazella cuvieri seems less tolerant of disturbance than Gazella dorcas.”

Gazella cuvieri seems less tolerant of disturbance than *Gazella dorcas*.³⁷ Because of its low reproduction rate (one or two offspring per year), *Gazella cuvieri* is highly vulnerable to excessive hunting and to the additional pressure of international trade.

2. Secretariat’s assessment on international trade

²⁹ CMS Technical Series Publication N° 11, *Sahelo-Saharan Antelopes Status and Perspectives: Report on the conservation status of the six Sahelo-Saharan Antelopes*, CMS SSA Concerted Action 2006

³⁰ Ibid

³¹ Aulagnier, S., Cuzin, F., Loggers, C. and Thévenot, M. (2001). *In: Antelopes. Part 4: North Africa, the Middle East, and Asia*. Compiled by D.P. Mallon and S.C. Kingswood. IUCN Global Survey and Regional Action Plans. Pp. 13-21.

³² Cuzin, F. (1996). Répartition actuelle, statut et conservation des grands mammifères du Maroc Primates, Carnivores, Artiodactyles. *Mammalia*, 60: 101-124.

³³ Cuzin, F. (2003). *Les grands mammifères du Maroc méridional* (Haut Atlas, Anti Atlas et Sahara) : Distribution, écologie et conservation. Thèse de doctorat. Laboratoire de biogéographie et écologie des vertébrés, EPHE, Université Montpellier II

³⁴ De Smet, K. & D.P. Mallon. 2001. Algeria in Mallon, D.P. & Kingswood, S.C.(compilers). 2001. *Antelopes. Part 4: North Africa, the Middle East, and Asia. Global Survey and Regional Action Plans*. SSC Antelope Specialist Group. IUCN, Gland, Switzerland and Cambridge, UK. viii + 260pp.

³⁵ Kacem, S.B.H., Müller and Wiesner, H. (1994) *Gestion de la faune sauvage et des parcs nationaux en Tunisie: réintroduction, gestion et aménagement*. Eschbom, Germany Federal republic. 305 pp.

³⁶ Aulagnier S., Thévenot M. (1986). Les ongulés sauvages du Maroc. Constat d'une régression alarmante. *Le Courrier de la Nature*: 104 (juillet-août), 16-37.

³⁷ CMS Technical Series Publication N° 11, *Sahelo-Saharan Antelopes Status and Perspectives: Report on the conservation status of the six Sahelo-Saharan Antelopes*, CMS SSA Concerted Action 2006

Secretariat's assessment: "No trade is either known or suspected and no demonstrable potential international demand for the species is noted. There is also no information to indicate how to identify any specimens of this species which could be in trade. The Secretariat notes that, according to the CITES trade database, no trade in wild specimens of this species has been reported by CITES Parties in the last 10 years."

The species is heavily hunted, and research shows that hunting of North African gazelles is partly motivated by trade in horns and meat.³⁸ Because most hunting occurs illegally and in violation of national regulations, it is almost impossible to evaluate the impact of illegal trade on the species. Trade in antelope meat in local restaurants in the Middle East is documented.³⁹

When taking into account the impact of trade on this species, SSN encourages Parties and the Secretariat to adhere to CITES Resolution Conf.9.24 (Rev.Cop13) Annex 4 : "When considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species."

3. Secretariat's assessment on consultation of range States

Secretariat's assessment: "The opinion of the other range States for this species is not indicated."

The species is reported as endangered in the three range countries.⁴⁰

Proposal 11: *Gazella dorcas* – Inclusion in Appendix I; Algeria

1. Secretariat's assessment on listing criteria

Secretariat's assessment: "The species has been included in Appendix-III at the request of Tunisia since 1976. The supporting statement contains few references and remains very general. The proposal does not indicate under which criteria of Resolution Conf. 9.24 (Rev. CoP13) the species would qualify for inclusion in Appendix I."

SSN believes that CITES Resolution Conf. 9.24, Annex I criteria A i), iv), B i), ii), iv) and C ii) justify the inclusion of *Gazella dorcas* in CITES Appendix I.

Data on the decrease of the species population, its loss of habitat, and its declining range are thoroughly documented by the Convention on the Conservation of Migratory Species of Wild Animals (CMS). The northwestern African populations of *Gazella dorcas* are included in CMS Appendix I which lists species in danger of extinction. A study published last year by the CMS⁴¹ concluded that "Formerly common in its entire range, *Gazella dorcas* has entirely disappeared from many regions and been gravely reduced in numbers where it subsists".

The species is extinct in two range States (Nigeria and Senegal). It is also reported as endangered in Morocco, Libya and Mauritania; probably endangered in Mali, Burkina Faso; probably vulnerable or endangered in Chad and Niger; vulnerable in Tunisia and Egypt; probably near threatened or

³⁸ Cuzin, F. (2003). *Les grands mammifères du Maroc méridional* (Haut Atlas, Anti Atlas et Sahara) : Distribution, écologie et conservation. Thèse de doctorat. Laboratoire de biogéographie et écologie des vertébrés, EPHE, Université Montpellier II.

³⁹ G. Amir, Wildlife Trade in Somalia, A report to the IUCN/SSC/Antelope Specialist Group - Northeast African Subgroup, 2006.

⁴⁰ CMS Technical Series Publication N° 11, *Sahelo-Saharan Antelopes Status and Perspectives: Report on the conservation status of the six Sahelo-Saharan Antelopes*, CMS SSA Concerted Action 2006

⁴¹ CMS Technical Series Publication N° 11, *Sahelo-Saharan Antelopes Status and Perspectives: Report on the conservation status of the six Sahelo-Saharan Antelopes*, CMS SSA Concerted Action 2006

vulnerable in Sudan, and probably vulnerable in Algeria.⁴² Its survival is a source of concern throughout most of its range.

Because of its low reproductive rate (a single fawn per year although twins have been reported in Algeria,⁴³ the species needs close monitoring to ensure that takes (for hunting or for trade) are low enough not to jeopardize its survival.

2. Secretariat's assessment on the biological status of the species

Secretariat's assessment: *"The supporting statement contains little or no information on the current distribution, population sizes and trends, species management or legislation in the different range States of the species, with the exception of the situation in Algeria where research on its status and distribution was initiated in 2005, but results will only be available in 2008. The species has a very wide if patchy distribution across North Africa and the Sahara. It has reportedly disappeared from Senegal, but remains otherwise distributed all over its extensive historic range. Population numbers appear to have declined significantly, possibly halved according to the supporting statement. Causes for these declines are mentioned to be habitat degradation and overhunting in 1950-1970s. Current threats are stated to be principally poaching and overgrazing by cattle, presumably indicating competition with livestock."*

"The proposal does not seem to demonstrate that the wild population is small, has a restricted area of distribution or has known a marked recent decline. It is therefore questionable whether the species meets the biological criteria for inclusion in Appendix I. The proponent indicates that the species is not traded legally or illegally, and that there are no actual or potential trade impacts."

Information on the current distribution, population sizes and trends, species management and decline of the range for Dorcas gazelle populations can be found in the CMS report published in 2006 and in other previous similar reports. SSN invites the CITES Secretariat to consult with the CMS Secretariat to obtain the most recent data available on the conservation of this species throughout its range. CMS studies have shown that to date, the range of the species is still declining rapidly and that the populations of the species are also shrinking.

3. Secretariat's assessment on international trade

"The Secretariat notes that the species is classified as 'vulnerable' by IUCN."

Secretariat's assessment: *"The CITES trade database base shows very small levels of international trade, mainly in live specimens, and to a lesser extent body parts and trophies. It is unknown if any illegal international trade exists."*

Between 2000 and 2005, SSN has identified 1806 transactions involving *Gazella dorcas* in the UNEP-WCMC CITES trade database (1675 live specimens, 95 trophies, 10 bodies, 4 skulls, 6 bones, 2 skeletons, 3 skins, 1 horn and 10 specimens). Most Dorcas gazelles involved in this trade are reported as coming from the wild (only 533 are reported as coming from ranching or captivity) and transactions for this period involved 35 CITES Parties (13 exporting Parties and 22 importing Parties).

Sudan is the main exporter of the species; Saudi Arabia, the United Arab Emirates and Qatar are main importers of the species.⁴⁴ Large-scale transactions are common practice for some CITES Parties. For example, Sudan reported a total of 1313 exports and re-exports of live specimens from 2000 to 2005. Trade data for Sudan show that from 2000 to 2004, yearly transactions of live

⁴² Ibid

⁴³ Ibid

⁴⁴ CITES Trade Database

specimens involved an average of 250 up to 352 animals per year. By contrast, only 62 animals were exported in 2005, which may be indicative of a significant decrease in the population.⁴⁵

A 2007 internet search showed that mounted horns of Dorcas gazelle can be found for sale on eBay.

When taking into account the impact of trade on this species, SSN encourages Parties and the Secretariat to adhere to CITES Resolution Conf.9.24 (Rev.Cop13) Annex 4 : “*When considering proposals to amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species.*”

4. Secretariat’s assessment on consultation of range States

Secretariat’s assessment: “*The opinion of the other range States for this species is not indicated.*”

The information published in the 2006 CMS report indicates that the species is endangered or probably endangered in at least five range States. The species is also already extinct in two range States. A CITES Appendix I listing would allow stronger collaboration between range States for close monitoring of the species.

Proposal 12: *Gazella leptoceros* – Inclusion in Appendix I; Algeria

Secretariat’s assessment: “*The proposal aims to include *Gazella leptoceros* in Appendix I. The species has been included in Appendix III at the request of Tunisia since 1976.*”

The supporting statement contains few references and remains very general. The proposal does not indicate under which criteria of Resolution Conf. 24 (Rev. CoP13) the species would qualify for inclusion in Appendix I. It contains little or no information on the current distribution, population sizes and trends, species management or legislation in the different range States of the species, with the exception of some data on Algeria where research on the status and distribution of the species was initiated in 2005, but results will only be available in 2008.”

SSN believes that CITES Resolution Conf. 9.24, Annex I criteria A i), ii), iv) and v); B i), ii), iv) and C ii) justify the inclusion of *Gazella leptoceros* in CITES Appendix I.

Data on the decrease of the species population, its loss of habitat, and its declining range are thoroughly documented by the Convention on the Conservation of Migratory Species of Wild Animals.⁴⁶ *Gazella leptoceros* is included in CMS Appendix I, which lists species in danger of extinction. Experts from the CMS clearly refer to the precarious conservation status of the species and to the reduction of its range:

“Gazella leptoceros leptoceros has vanished from most of its range in the Egyptian Western Desert. In the 1980’s, the species was considered extinct in 5 of its 6 known localities in the eastern part of the Western Desert and very rare in the last, the complex of the Wadi el Ruwayan and its extension, the Wadi Muweilih, where a small group of about 15 animals was surviving; this group was later exterminated (Saleh 1987, 1997). In the western part of the desert, around the Quattara depression and the Siwa oasis, its status was uncertain (Saleh 1987). The situation was not known, either, in Libya, where in the 1970’s, Essghaier (1980) noted groups of 10 to 20 around Jaghbug.

⁴⁵ CITES Trade Database

⁴⁶ CMS Technical Series Publication N° 11, *Sahelo-Saharan Antelopes Status and Perspectives: Report on the conservation status of the six Sahelo-Saharan Antelopes*, CMS SSA Concerted Action 2006

*For Gazella leptoceros loderi there is no objective indication of range contraction. There are however incontestable signs of decreasing numbers.*⁴⁷

A 2006 assessment of the conservation status of the species shows that it is endangered in Egypt and in Mali; probably endangered in Algeria, Tunisia and Libya; in low numbers in Niger; rare in Chad; and accidental in Morocco.

1. Secretariat's assessment on the biological status of the species

Secretariat's assessment: *"According to the supporting statement, the species has disappeared from Morocco. It is distributed across eight or nine range States. No estimations of the wild population are given, which are reportedly very difficult to obtain, possibly due to the nocturnal habits of the species, the remote areas where it is distributed and its relative rarity. It is mentioned that the species is close to extinction, but it is not clear whether this refers to the situation in Algeria only. Threats are stated to be mainly motorized hunting and habitat degradation."*

"The Secretariat notes that Gazella leptoceros is classified as 'endangered' by IUCN and that the wild population of this species may be small, but the proposal does not show this. The species does not appear to have a restricted area of distribution, and no marked recent declines are mentioned. It is unclear whether the species meets the biological criteria for inclusion in Appendix I."

Information on the current distribution, population sizes and trends, species management and range declines for Dorcas gazelle populations can be found in the CMS report published in 2006 and in other previous similar reports. SSN encourages the CITES Secretariat to consult with the CMS Secretariat to obtain the most recent data available on the conservation of this species throughout its range. CMS studies have shown that, to date, the range of the species is still declining considerably and that population levels are also decreasing.

2. Secretariat's assessment on international trade

Secretariat's assessment: *"The proponent indicates that the species is not traded legally or illegally, and that there are no actual or potential trade impacts. The Secretariat observes that the CITES trade database does indeed show insignificant levels of international trade, mainly of live specimens and not involving range States. It is not clear whether any illegal trade exists."*

Thirty-six live specimens were traded between 2000 and 2005. All were reported to be captive-bred.⁴⁸ The species is heavily hunted and research shows that hunting of North African gazelles is partly motivated by trade in horns and meat.⁴⁹ Because most hunting occurs illegally and in violation of national regulations, it is almost impossible to evaluate the impact of illegal trade on the species. Trade in antelope meat in local restaurants in the Middle East is documented.⁵⁰ *Gazella leptoceros* is very similar in appearance to *Gazella dorcas*,⁵¹ which implies that the existing market for *Gazella dorcas* parts and products could drive illegal trade for *Gazella leptoceros*.

When taking into account the impact of trade on this species, SSN invites Parties and the Secretariat to apply CITES Resolution Conf.9.24 (Rev.Cop13) Annex 4 : *"When considering proposals to*

⁴⁷ Ibid

⁴⁸ CITES Trade Database 2007

⁴⁹ Cuzin, F. (2003). *Les grands mammifères du Maroc méridional* (Haut Atlas, Anti Atlas et Sahara) : Distribution, écologie et conservation. Thèse de doctorat. Laboratoire de biogéographie et écologie des vertébrés, EPHE, Université Montpellier II

⁵⁰ G. Amir, Wildlife Trade in Somalia, A report to the IUCN/SSC/Antelope Specialist Group - Northeast African Subgroup, 2006.

⁵¹ Sahelo-Saharan Antelopes: Progress made in implementing the SSA Concerted Action and the SSA-CMS/FFEM Project. Nairobi, 20-25 November 2005, Agenda item 13

amend Appendix I or II, the Parties shall, by virtue of the precautionary approach and in case of uncertainty either as regards the status of a species or the impact of trade on the conservation of a species, act in the best interest of the conservation of the species concerned and adopt measures that are proportionate to the anticipated risks to the species.”

3. Secretariat’s assessment on consultation of range States

Secretariat’s assessment: *“The opinion of the other range States for this species is not indicated.”*

A 2006 assessment of the conservation status of the species shows that it is endangered in Egypt and in Mali; probably endangered in Algeria, Tunisia and Libya; in low numbers in Niger; rare in Chad; vagrant in Morocco. A CITES Appendix I listing would allow stronger collaboration between range States for close monitoring of the species.

Proposal 13: *Melanosuchus niger* – Transfer of the Brazilian population from Appendix I to Appendix II; Brazil

Secretariat’s assessment: *“Melanosuchus niger has been included in Appendix I since 1975. The population of Ecuador was transferred to Appendix II in 1995, subject to a zero annual export quota until an annual export quota has been approved by the CITES Secretariat and the IUCN/SSC Crocodile Specialist Group. The information in the supporting statement shows that the population of Melanosuchus niger of Brazil, which accounts for 80 % of the distribution range, has recovered significantly from low levels in the 1980s following extensive harvests from the 1950s to the 1970s. Brazil’s wild population is increasing and may number as many as 16 million animals. It is abundant in much of its very large, continuous range, and has healthy population structures. The population of Brazil, and possibly of other range States of the species, does therefore no longer meet the biological criteria for Appendix I.”*

SSN disagrees with the Secretariat and considers that the Brazil population of *Melanosuchus niger* meets the criteria for listing on Appendix I (Resolution Conf. 9.24 (Rev. CoP13), Annex 1, paragraph C) i) because there is a marked decline in the population size in the wild having occurred in the past but with a potential to resume, there is illegal international and domestic trade, and the precautionary measures for transferring species from Appendix I to II in Resolution Conf. 9.24 (Rev. CoP13) Annex 4 are not met due to poor enforcement and implementation of CITES and domestic law.

Secretariat’s assessment: *“With respect to the precautionary measures, it is contended that although the species is likely to be in demand for trade, its management is such that implementation of the requirements of the Convention, in particular Article IV, by Brazil would be satisfactory and that appropriate enforcement controls and compliance with the requirements of the Convention would be undertaken. The species is hunted illegally for its meat, which is traded throughout the Amazonian region. Skins are apparently often wasted. The proponent provides details of the planned management of the species, with objectives to enhance sustainable use, increase income for local people, create markets for skins, provide incentives for legal production to reduce illegal offtake and trade, and generate interest amongst local people to preserve the species and its habitats. Harvest would be restricted to designated areas and be subject to local quotas and other limitations. The accompanying population monitoring programmes and national and international control measures seem comprehensive. Overall, it appears that if the Brazilian population of *Melanosuchus niger* were included in Appendix II, its management would meet the requirements of the precautionary measures in paragraph A. 2. b of Annex 4 to Resolution Conf. 9.24 (Rev. CoP13).”*

This proposal requests transfer from Appendix I to II of the Brazil population of *Melanosuchus niger* in accordance with RC 9.24 (Rev. CoP13) Annex 4, paragraph A. 2. b) which states: *“the species is likely to be in demand for trade, but its management is such that the Conference of the*

Parties is satisfied with: i) implementation by the range States of the requirements of the Convention, in particular Article IV; and ii) appropriate enforcement controls and compliance with the requirements of the Convention”.

However, this proposal demonstrates that Brazil is unable to control illegal harvest and illegal international trade in black caiman meat (illegal under Brazil law and CITES):

- The proposal states that illegal trade in black caiman meat will be eliminated by allowing legal production. However, given that Brazil cannot control current illegal harvest and illegal international trade, it is more likely that legal trade would be in addition to illegal trade, or that legal trade will provide a cover for illegal trade.
- The proposal states that take would only be allowed in ‘sustainable use reserves’ and initial take will be restricted to Mamirauá reserve, with a quota of 695. However, current illegal hunting in this same reserve is more than seven times greater than the proposed legal harvest.
- The proposal states that the Ministry of Agriculture and the State Sanitary Authority have “strict measures to control meat exports”. However, the proposal acknowledges lack of control over illegal meat export.
- The proposal states that there is “*strict observance of national and international laws and regulations are monitored*”. However, the proposal acknowledges illegal harvest and illegal, undocumented international trade.

Currently, CITES does not permit any international trade in the species. Permitting trade in black caiman from Brazil may result in enforcement problems in other range States.

Proposal 14: *Heloderma horridum charlesbogerti* – Transfer from Appendix II to Appendix I; Guatemala

Secretariat’s assessment: “*Concerning trade, the supporting statement says that the species is in demand from local and international collectors. However, no legal trade has taken place as the species is fully protected.*”

Heloderma horridum charlesbogerti is one of the most endangered reptiles in the world. While this subspecies is fully protected in Guatemala, illegal international trade continues. An estimated 35 specimens were illegally taken from the wild during the 1990s and sold in international trade (only 70-250 individuals remain in the wild).⁵² Private collectors discuss take and holding of this protected subspecies on internet discussion forums⁵³ The species should be included in Appendix I as it meets the biological criteria in Resolution Conf. 9.24 (Rev. CoP13), Annex 1, paragraphs A i), ii), v), B i), ii), iii) and iv), and C ii) and “*is or may be affected by trade*” as defined in Resolution Conf. 9.24 (Rev. CoP13), ii) (“*it is suspected to be in trade, or there is demonstrable potential international demand for the species, that may be detrimental to its survival in the wild*”). SSN notes that the text refers to both “*international demand*” and “*trade*” (and not “*legal trade*”), both of which pertain to *Heloderma horridum charlesbogerti*.

Listing of this subspecies in Appendix I will encourage greater oversight of international trade in the species and ownership of specimens and, increase penalties for illegal trade in some consumer nations.

Proposal 15: *Lamna nasus* – Inclusion in Appendix II, with the following annotation:

"The entry into effect of the inclusion of *Lamna nasus* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues, such as the possible designation of an additional Management Authority"; Germany on behalf of the European Community Member States

⁵² http://www.w3pixels.com/ph_newIRCF/projectheloderma/downloads/GBL-ConservationProj-2Web.pdf

⁵³ <http://www.venomousreptiles.org/forums>

The Secretariat notes that there is little evidence to support the existence of an international trade market for this species. Because trade is not documented to species level, it is difficult to assess the amount of worldwide trade in this species. Furthermore, a lack of customs codes means that porbeagle is often grouped with other shark species when traded. International trade is wholly unregulated, and there are no international control measures or monitoring systems. There are, however, historical records of Canada exporting product to the USA and the EU, Japan exporting to the EU, and the EU and Australia exporting to the USA. Inclusion of the species in Appendix II would provide the ancillary benefit of substantially increasing species-specific data on a trade widely known to be significant.

The proponent is proposing an 18 month delay on the entry into effect of the inclusion of this species in Appendix II, to allow Parties to resolve technical and administrative issues prior to its implementation. The Secretariat notes that although this seems sensible, such delays have previously proved ineffective in allowing Parties to be more prepared. Regardless of this historical trend, the listing of this species is likely to require changes to fisheries management infrastructure, and Parties should be given the opportunity to implement these prior to the listing taking effect.

Proposal 16: *Squalus acanthias* – Inclusion in Appendix II, with the following annotation: "The entry into effect of the inclusion of *Squalus acanthias* in Appendix II of CITES will be delayed by 18 months to enable Parties to resolve the related technical and administrative issues, such as the possible designation of an additional Management Authority"; Germany on behalf of the European Community Member States

The Secretariat notes that several northern hemisphere stocks warrant inclusion in Appendix II. However, southern hemisphere stocks, particularly around South America, have also undergone a decrease in population size. The South American stock has decreased by more than 30%, and is classified as Vulnerable by the IUCN. With the depletion of northern hemisphere stocks likely to result in decreasing catches and market supply, there is the potential risk of southern hemisphere stocks becoming increasingly targeted in the future to meet this demand. This, coupled with the difficulty of differentiating between specimens that come from CITES listed stocks, and those that come from other stocks, an Appendix II listing should cover all stocks of the species.

The proponent is proposing an 18 month delay on the entry into effect of the inclusion of this species in Appendix II, to allow Parties to resolve technical and administrative issues prior to its implementation. The Secretariat notes that although this seems sensible, such delays have previously proved ineffective in allowing Parties to be more prepared. Regardless of this historical trend, the listing of this species is likely to require changes to fisheries management infrastructure, and Parties should be given the opportunity to implement these prior to the listing taking effect.

Proposal 17: Pristidae spp. – Inclusion in Appendix I; Kenya and the United States of America

The Secretariat fails to note that all sawfish species are listed as Critically Endangered by IUCN,⁵⁴ confirming that these species meet the biological criteria ((Resolution Conf. 9.24 (Rev. CoP13), Annex 1, paragraphs A i), v), B i), ii), iv), and C ii)) for listing in Appendix I.

Proposal 18: *Anguilla anguilla* – Inclusion in Appendix II; Germany on behalf of the European Community Member States

⁵⁴ IUCN 2006. 2006 IUCN Red List of Threatened Species.

Secretariat's assessment: "It does appear that the levels of historical and recent declines in the species are such that the guidelines for commercially exploited aquatic species apply as indicated in Annex 5 to Resolution Conf. 9.24 (Rev. CoP13), consequently Annex 2 a, paragraph A, to Resolution Conf. 9.24 (Rev. CoP13) may not be fulfilled."

SSN notes that the guidelines for commercially exploited aquatic species state, "For listing in Appendix II, the historical extent of decline and the recent rate of decline should be considered in conjunction with one another. The higher the historical extent of decline, and the lower the productivity of the species, the more important a given recent rate of decline is. A general guideline for a marked recent rate of decline is the rate of decline that would drive a population down within approximately a 10-year period from the current population level to the historical extent of decline guideline (i.e. 5-20% of baseline for exploited fish species)."

Anguilla anguilla, which falls into the lowest productivity category,⁵⁵ has declined to 20% or even less of the historic baseline.⁵⁶ Data on trends of glass eel collection series from 1980 to 2005 found that the average decline was in the order of 95-99%.⁵⁷ In addition, researchers note that glass eel abundance in the mid-1990s was around 10% of former levels. Subsequent recruitment has been much lower, with values since 2000 ranging between 1 and 5%.⁵⁸ Obviously, both historic and recent declines have been significant, fulfilling the guidelines for commercially exploited aquatic species for listing in Appendix II as specified in Resolution Conf. 9.24 (Rev. CoP13).

Proposal 19: *Pterapogon kauderni* – Inclusion in Appendix II; United States of America

1. Secretariat's assessment of the biological status of the species:

Secretariat's assessment: "This marine fish is confined to a small part of Indonesia. ... the population is estimated to be 2.4 million specimens distribute in an area covering approximately 5,500 km², within which the species only occupies a limited range. The species is fragmented into 27 subpopulations which it seems are isolated from one another. Recent surveys have discovered new populations of the species. Species density is said to be greatly reduced by fishing pressure with extinction occurring at one site."

SSN generally concurs with the Secretariat's assessment of the biological status of the species though SSN is not aware of any recent surveys identifying new populations of the species. This was not included in the supporting statement nor was it referenced in either of the two letters transmitted by the Indonesian government to the U.S. Fish and Wildlife Service. While SSN notes that new surveys were initiated this month, if the Secretariat has data reflecting the discovery of new populations of this species it should release or, at a minimum, cite its source for such information.

Based on the best available scientific evidence, it is clear that the 27 subpopulations and groups of fish within individual subpopulations are isolated from one another, that subpopulations are not able to intermix due to the unique habitat needs of the species, and that there is a high level of genetic diversity between subpopulations. In addition, it is misleading to claim that species density "is said to be greatly reduced by fishing pressure" as survey data has clearly documented such density declines in populations both before and after they are subject to fishing pressure. Beyond the impact of over-collection for the aquarium trade, this species is also threatened by habitat

⁵⁵ http://www.cites.org/common/cop/14/raw_props/E-DE04-Anguilla%20anguilla.pdf

⁵⁶ http://www.cites.org/common/cop/14/raw_props/E-DE04-Anguilla%20anguilla.pdf

⁵⁷ ICES 2006 International Council for the Exploration of the Sea. Report of the ICES/EIFAC Working Group on Eels. ICES C.M. 2006/ACFM:16.

⁵⁸ Report of the ICES/EIFAC Working Group on Eels (WGEEL), 22–26 November 2004, Galway, Ireland.

http://www.fiskeriverket.se/download/18.1490463310f1930632e8000343/ICES_eel_05.pdf

destruction caused by destructive fishing practices (cyanide and dynamite use), siltation and pollution runoff from land clearing. These threats are compounded by biological characteristics which make the species particularly vulnerable to depletion, including high juvenile mortality, low fecundity, and long oral incubation period.

2. Secretariat's assessment of international trade:

Secretariat's assessment: *"The species is in demand for the aquarium trade and according to the supporting statement 700,000-900,000 (around 33% of the total population) are believed to be removed from the wild population per year for this purpose and extinction is predicted within a decade if this trend continues."*

SSN concurs with the Secretariat's assessment of the impact of international trade on this species.

3. Secretariat's assessment of listing criteria:

Secretariat's assessment: *"The species appears to qualify for Appendix-II listing under criterion B of Annex 2a to Resolution Conf. 9.24 (Rev. CoP13)."*

SSN concurs with the Secretariat's conclusion regarding the qualifications of this species for an Appendix II listing.

Secretariat's assessment: *"The supporting statement says that the range State of the species "did not express opposition to the submission of this proposal". However, in a later communication copied to the Secretariat, the Indonesian authorities said that they were not able "at the current stage, to provide strong support on the proposed listing", because they expected positive impacts from the current management programme being undertaken in the area."*

SSN is aware of two communications from the Indonesian government to the U.S. Fish and Wildlife Service. As the Secretariat states, a communiqué from the Indonesian government of January 2, 2007 indicates that Indonesia cannot provide strong support on the proposed listing because it is expecting positive impacts from current management programs being undertaken in the area, including the establishment of "District Marine Protected Areas" and a "fisherman certification system." SSN has discussed these purported programs with Dr. Alejandro Vagelli of the New Jersey Academy of Aquatic Sciences and the world's leading expert on the Banggai cardinalfish and has been told that such programs have not been established or initiated in the area. Until there is credible evidence that such programs have been established, they are succeeding in reversing the decline in this species, and that future trade in the species is sustainable, an Appendix II listing is clearly warranted in this case. SSN would also note that the Indonesian government has not expressed opposition to this proposal but has only indicated that it cannot provide "strong support" to the proposal.

Proposal 20: *Panulirus argus* and *Panulirus laevicauda* – Inclusion of the Brazilian populations in Appendix II; Brazil

Secretariat's assessment: *"According to the supporting statement, these two species have been subject to intense commercial fishing in Brazil for over 40 years. The main rationale for the proposal appears to relate to the overfishing of the species in Brazilian waters, the difficulty of imposing domestic size restrictions on the specimens entering international trade, and the need for importing States to respect Brazil's export policies."*

Listing *Panulirus argus* and *P. laevicauda* on Appendix II clearly would help Brazil to ensure that exports are not detrimental to the survival of Brazil populations of these species, and help to ensure that minimum catch size regulations are not violated. It is important to note that the proposal is

supported by Brazil's Management Board of Sustainable Lobsters Usage (CGSL), which advises the government on management and exploitation of spiny lobsters (CGSL consists of government and civil society representatives including fishermen and fishing companies).

Secretariat's assessment: *"The information contained in the supporting statement is quite superficial and lacks data and references. The distribution of the two species is described in general terms only, and their range States are not mentioned. It is not clear from the supporting statement whether the species occurs in international waters. The proposal does not contain an estimation of the populations of the two species in Brazil, but expresses their perceived declines in terms of production."*

SSN disagrees with the Secretariat's characterization of the proposal. The supporting statement:

- includes data and references
- the distribution of the species is made clear in Figure 1 of the proposal
- the approximately 23 range States are not mentioned, but this is common in proposals for species that have many range States and the range States can be easily determined from Figure 1 of the proposal
- it is clear from the proposal that the type of specimens in trade occur in coastal areas on so-called lobster banks (although the larvae may be pelagic)
- it is quite common for population sizes of marine species to be unknown, whereas trends, such as declines in production, may be considered indicative of population declines.

Secretariat's assessment: *"Owing to overfishing, the productivity of the two species has declined by 64 % between 1979 and 1993. Information presented on the evolution of the lobster production between 1993 and 2003 suggests however that annual production has usually been higher than the low point in 1993, and appears to stabilize. An increased fishing effort has been noted, particularly in the 1970s, 1980s and 1990s."*

Overfishing for the international market is the main threat to these species, along with habitat destruction and degradation (including damage by illegal lobster fishing gear). SSN disagrees that productivity has stabilized. As explained in the proposal, the sharp increases in productivity followed by sharp decreases in productivity (a "boom--bust" cycle) are indicative of overfishing. In addition to the productivity decline, the proposal states that catch per unit effort has declined by about 90% in recent years and today the average biomass production has decreased by 30% as compared to 1978. According to the proposal, for both species combined, about 7000 tonnes on average exported annually from Brazil for human consumption, fresh and frozen. The main markets are USA, Japan, and France. Illegal trade exists in specimens smaller than minimum legal size.

Secretariat's assessment: *"The supporting statement expresses international trade in United States dollar value only, which is of limited utility in the context of CITES listings."*

SSN disagrees with this characterization. The purpose of citing currency values in a proposal is to provide market information that may be indicative of trends in the population. The proposal states that prices have increased in recent years from US\$13/kg to US\$25/kg and more, and that this possibly indicates reduced availability (meaning that the population is been reduced).

Secretariat's assessment: *"The supporting statement does not indicate how specimens that enter international trade can be distinguished from specimens of Panulirus argus and P. laevicauda originating from other range States of these species, or from other lobster products in international trade."*

SSN agrees that this would have to be dealt with should the species become listed on Appendix II.

Secretariat's assessment: *"Overall, it is unclear whether the two species meet the criteria for inclusion in Appendix II."*

SSN disagrees with the Secretariat and considers that *Panulirus argus* and *P. laevicauda* meet the criteria for listing on Appendix II (RC 9.24 (Rev. CoP13), Annex 2 a), paragraph B) because they are internationally traded and regulation is required to ensure that the harvest from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences.

Proposal 21: Corallium spp. – Inclusion in Appendix II; United States of America

Secretariat's assessment: "*However, in most cases, the survival itself of the exploited populations does not seem to be at risk, even though their population structure may have been altered radically – a change which alters their role in the ecosystem and takes many years to rectify. Such considerations are not well catered for in the criteria for listing in Resolution Conf. 9.24 (Rev. CoP13).*"

The Secretariat indicates that exploitation of *Corallium* spp. radically alters their population structure but does not pose a risk to populations. Contrary to the Secretariat's statement, commercial exploitation has not only resulted in a rapid decline in the abundance of *Corallium* spp.⁵⁹ and extirpation of populations⁶⁰ but the reduction in size and age structure of a coral colony significantly reduces larval production.⁶¹ The reproductive effort, i.e., percentage of gravid polyps per colony, is higher in large and medium size colonies than in small ones.⁶² Research has shown that even with subsequent protection, populations may be slow to recover from harvest. In areas that have been protected from fishing for over 14 years, the largest colonies were rarely found to exceed 20 cm and the average basal diameter was only 4.8 mm, corresponding to an average age of 7.5 years.⁶³ *Corallium* spp. are not only threatened by the loss of individual specimens from direct takes but also by the reduction in reproductive effort which results as a colony is reduced in size by harvest.

The Secretariat seems to imply that the effects of harvesting on *Corallium* spp. cannot be addressed under the current CITES listing criteria. However, the proposal provides clear reference to a "*rapid decline in abundance*" of *Corallium* spp.⁶⁴ while Annex 5 of Resolution Conf. 9.24 (Rev. CoP13), Annex 5 defines 'decline' as "*a reduction in the abundance,... of a species.*"

Proposal 22: Agave arizonica – Deletion from Appendix I; United States of America

1. Secretariat's assessment on the biological status of the species:

Secretariat's assessment: "*This species is said to be a first-generation hybrid of recent origin between two other species, neither of which is included in the Appendixes. It has never been found away from*

⁵⁹ http://www.cites.org/common/cop/14/raw_props/E-US05-Corallium.pdf

⁶⁰ Geronimo, Di. I, A Rosso and R. Sanfilippo 1993. I banchi fossiliferi di *Corallium rubrum* al largo di Sciacca (Canale de Sicilia). In Cicogna, F., G. Bavestrello and R. Cattaneo-Vietti. (editors) Il corallo rosso in Mediterraneo: arte, storia e scienza /Red coral in the Mediterranean Sea: art, history and science. Massa Lubrense: Centro Lubrense Esplorazioni Marine, Italy. Ministero Risorse Agricole Alimentari Forestali, Rome. Pp 75-107.

⁶¹ Santangelo, G., E. Carlietti, E. Maggi and L. Bramanti. 2003. Reproduction and population sexual structure of the overexploited Mediterranean red coral *Corallium rubrum*. Marine Ecology Progress Series 248:99-108.

⁶² Torrens, O., J. Garrabou, C. Marschal and J.G. Hamelin. 2005. Age and size at first reproduction in the commercially exploited red coral *Corallium rubrum* (L.) in the Marseilles area (France, NW Mediterranean). Biological Conservation 121:391-397.

⁶³ Tsounis, G, S Rossi, J-M Gili and W. Arntz. 2006. Population structure of an exploited benthic cnidarian: the case study of red coral (*Corallium rubrum* L.). Mar. Biol. 149:1059-1070.

⁶⁴ "Global harvest statistics [for *Corallium* spp.] from 1950 to 2001 provide one indication of the rapid decline in abundance of Mediterranean and Pacific species corresponding with the discovery, inception of commercial fishing, increase in landings, overexploitation, and, ultimately, exhaustion of the resource": http://www.cites.org/common/cop/14/raw_props/E-US05-Corallium.pdf

its parental stock and was last located in 1992. It has not been known to reproduce sexually in the wild and the only reproduction is through vegetative means.”

SSN concurs with this summary of the hybrid origin of the species. The proponent of this proposal, however, does note that this species may represent an evolutionarily transitional entity. Though no protection is afforded such entities under CITES, the species, regardless of its hybrid status, is critically imperilled with only 64 plants known to exist in the wild and the species and its habitat is threatened by cattle grazing, wildlife foraging, snout-weevil beetle depredation, and collection.

2. Secretariat’s assessment on international trade:

Secretariat’s assessment: “...*there is no information to suggest that the species is being collected or traded domestically and there has been no international trade in plants or seeds since the species was included in the CITES Appendices in 1987.*”

SSN cannot provide additional information with respect to this point at this time, and so concurs with the Secretariat’s assessment. Should we become aware of information to the contrary, we will call it to the attention of the Secretariat and the Parties.

3. Secretariat’s assessment on listing criteria:

Secretariat’s assessment: “...*paragraph A. 1 in Annex 4 to Resolution Conf. 9.24 (Rev. CoP13) states that no species listed in Appendix I shall be removed from the Appendices unless it has been first transferred to Appendix II, with monitoring of any impact of trade on the species for at least two intervals between meetings of the Conference of the Parties...*”

The Secretariat notes that the precautionary approach reflected in Resolution Conf. 9.24 (Rev. CoP13) may not be relevant to this proposal. SSN, however, asserts that this precautionary approach was implemented to ensure that a species was sufficient protected from the adverse impacts of international trade before completely removing the species from CITES protection. SSN recommends that this precautionary approach be applied to this species, despite its apparent hybrid origin. If the Parties elect to circumvent this precautionary approach for this species, it may elect to do so with other species that may, as a result, be harmed by unregulated international trade. Instead of setting a dangerous precedent by ignoring the precautionary measures in Annex 4, there is no harm to downlist this species to Appendix II with the expectation that the species will be removed from the Appendices at a future CoP.

Proposal 23: *Nolina interrata* – Transfer from Appendix I to Appendix II, including all parts and derivatives; United States of America

1. Secretariat’s assessment on the biological status of the species:

Secretariat’s assessment: “*The supporting statement does not specifically address compliance with the biological criteria for Appendix-I listing ... because of the restricted area of distribution of wild populations, the species might still meet these criteria.*”

SSN concurs with the Secretariat’s assessment of the biological status of the species. With only an estimated 9,000 plants within a 15.6km² area in San Diego County, California and only three populations in Mexico with fewer than 25 plants each, this species is clearly imperiled. Moreover, given declining population trend in California, considering that the known locations for the species in that state have not been surveyed since 1990 and recognizing the existing threats to the species and its habitat, the proposed downlisting of this species must include a monitoring program to assess the impact of any potential trade on the species persistence and survival.

2. Secretariat's assessment on international trade:

Secretariat's assessment: "*In relation to the precautionary measures in Annex 4 to Resolution Conf. 9.24 (Rev. CoP13), the supporting statement contends that the species is not in demand for international trade, nor is its transfer to Appendix II likely to stimulate trade in, or cause enforcement problems for, any other species included in Appendix I.*"

SSN concurs with the Secretariat's assessment and supports the proposed downlisting of this species due to the lack of any apparent international trade or market demand for the species. Whatever demand may exist now or in the future can presumably be met with artificially propagated plants, though monitoring of wild populations will be essential if the downlisting is approved due to the small size and restricted range of the species in the wild.

3. Secretariat's assessment on listing criteria:

Secretariat's assessment: "*Inclusion of the annotation 'including all parts and derivatives' is superfluous as Resolution Conf. 9.6 (Rev.) states that all readily recognizable part or derivatives are included unless such part or derivatives are specifically exempted from the provisions of the Convention.*"

SSN concurs with the Secretariat's assessment and supports the amendment of this proposal to remove the reference to "*including all parts and derivatives.*"

Proposal 24: *Pereskia* spp. and *Quiabentia* spp. – Deletion from Appendix II; Argentina

Secretariat's assessment: "*The Plants Committee agreed to include *Pereskia* spp. in its periodic review of the Appendices at its 15th meeting (Geneva, May 2005), and Argentina and Mexico undertook reviews of some of the species concerned. At its 16th meeting (Lima, July 2006), the Plants Committee encouraged Argentina and Switzerland to submit draft reviews of *Pereskia* spp. and *Quiabentia verticillata* for consideration by the Plants Committee. However, the proponent claims that the modus operandi of the periodic review causes problems when widespread higher taxa need to be reviewed, and that its proposal is a more pragmatic way to delete taxa from the Appendices for which listing appears unnecessary. The submission of this proposal therefore pre-empts the conclusions of the Plants Committee.*"

SSN considers the proposal to be premature. The deletion of these species from Appendix II should not be approved pending completion of the reviews and discussion by the Plants Committee. SSN is concerned that there is similarity of appearance (at least in leafless state) of most *Quiabentia* spp. to other CITES-listed cacti and that the deletion of these species from Appendix II is likely to further complicate CITES implementation for the many Cactaceae species retained in the Appendices.

SSN urges Argentina and Switzerland to submit draft reviews of *Pereskia* spp. and *Quiabentia verticillata* for consideration by the Plants Committee, as was recommended at its 16th meeting.

Proposal 25: *Pereskiopsis* spp. – Deletion from Appendix II; Mexico

Regarding this proposal, the Secretariat refers to the text provided for the assessment of Proposal 24. SSN notes that, unlike Proposal 24, this proposal is supported by the Plants Committee.

SSN is concerned that the deletion of these species from Appendix II is likely to further complicate CITES implementation for the many Cactaceae species retained in the appendices and that unless Mexico can demonstrate how enforcement officers who encounter specimens of CITES-listed species could readily distinguish between them and *Pereskiopsis* spp., then the species should remain on

Appendix II, under Resolution Conf. C 9.24 (Rev. CoP13) Annex 2b, paragraph A, for look-alike reasons

Proposal 26: 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; Switzerland

While the effect of combining Annotations #1, #4, and #8 as proposed is apparently neutral, SSN is opposed to the expansion of the current annotation to allow additional exemptions of certain parts or derivatives from CITES control.

Regarding the proposed exemption for fruits of *Hylocereus* spp. and *Selenicereus* spp. (Cactaceae), SSN notes that Appendix II Cactaceae have Annotation #4 meaning that (except for Mexican cacti) trade in cactus fruits derived from naturalized or artificially propagated plants is exempted from CITES controls; these fruits are commercially grown and widely traded without CITES permits; it is therefore redundant to have a specific exemption for these fruits.

Regarding the proposed exemption for non-living herbarium specimens for non-commercial purposes, Resolution Conf. 11.15 on non-commercial loan, donation or exchange of museum or herbarium specimens was already revised at CoP12 to take into account concerns raised by Parties about the lack of application of this resolution. SSN agrees with the Secretariat that this portion of the proposal for the exclusion of non-living herbarium specimens for non-commercial purposes is contrary to the definition of 'specimen' in Article I of the Convention.

Regarding the proposed exemption for dried biomass and extract of *Selenicereus grandiflorus* and possibly other species of *Selenicereus* (Cactaceae) for medicinal purposes, SSN notes that may be acceptable for *S. grandiflorus* (dragon fruit) because there are no known wild populations and dried products probably originate from farms; however, exempting such specimens of other *Selenicereus* spp. may lead to collection and illegal trade in wild specimens, causing harm to wild populations.

The Secretariat's statement that this proposal is "based upon the work of the Plants Committee" is misleading. The 15th meeting of the Plants Committee rejected a proposal to amend Annotation #1 with an exemption for "finished pharmaceutical products," and rejected exemptions for cut leaves of artificially propagated plants, stating that such leaves may be difficult to distinguish from the leaves of wild plants.

Proposal 27: *Adonis vernalis*, *Guaiacum* spp., *Hydrastis canadensis*, *Nardostachys grandiflora*, *Panax ginseng*, *Panax quinquefolius*, *Picrorhiza kurrooa*, *Podophyllum hexandrum*, *Pterocarpus santalinus*, *Rauvolfia serpentina*, *Taxus chinensis*, *T. fuana*, *T. cuspidata*, *T. sumatrana*, *T. wallichiana*, Orchidaceae spp. in Appendix II and all Appendix-II taxa (*Agave victoriae-reginae*, *Aloe* spp., *Anacampseros* spp., *Aquilaria* spp., *Avonia* spp., *Beccariophoenix madagascariensis*, *Bowenia* spp., *Caryocar costaricense*, *Cibotium barometz*, *Cistanche deserticola*, *Cyathea* spp., *Cycadaceae* spp., *Cyclamen* spp., *Dicksonia* spp., *Didiereaceae* spp., *Dionaea muscipula*, *Dioscorea deltoidea*, *Euphorbia* spp., *Fouquieria columnaris*, *Galanthus* spp., *Gonystylus* spp., *Gyrinops* spp., *Hedychium philippinense*, *Lewisia serrata*, *Neodopsis decaryi*, *Nepenthes* spp., *Oreomunnea pterocarpa*, *Orothamnus zeyheri*, *Pachypodium* spp., *Platymiscium pleiostachyum*, *Protea odorata*, *Prunus africana*, *Sarracenia* spp., *Shortia galacifolia*, *Sternbergia* spp., *Swietenia humilis*, *Tillandsia harrisii*, *T. kammii*, *T. kautskyi*, *T. mauriana*, *T. sprengeliana*, *T. sucrei*, *T. xerographica*, *Welwitschia mirabilis*, *Zamiaceae* spp.) and Appendix-III taxa (*Gnetum montanum*, *Magnolia liliifera* var. *obovata*, *Meconopsis regia*, *Podocarpus nerüifolius*, *Tetracentron sinense*) annotated with annotation #1; Switzerland as Depositary Government, at the request of the Plants Committee

SSN agrees with the Secretariat and supports adoption of this proposal.

Proposal 28: *Shortia galacifolia* – Deletion from Appendix II; United States of America

1. Secretariat’s assessment on the biological status of the species:

Secretariat’s assessment: “*Although the species has a naturally limited range, the supporting statement describes its status as abundant where it does occur...*”

SSN disagrees with the Secretariat’s assessment. While the species range is extraordinarily limited, the supporting statement offers no evidence to substantiate its claim that the species is abundant. Indeed, the supporting statement concedes that population sizes and population trend is unknown yet, without evidence, concludes that the populations are ‘stable’ and the species ‘abundant’ in the wild. Moreover, the range wide conservation ranking for the species is imperilled with one variety designated as critically imperilled. The species is also listed as endangered in North Carolina and Georgia and vulnerable in North and South Carolina. Despite these designations, the species and its habitat are threatened by timber harvest, road construction, soil erosion, invasive species, land clearing, feral pigs, limited distribution and reproductive characteristics that impair the species ability to recolonize new areas and make it susceptible to stochastic events.

2. Secretariat’s assessment on international trade:

Secretariat’s assessment: “*...the supporting statement ... says that international trade is not a factor affecting its status.*” “*Most of the trade in this species is believed to be horticultural and no international trade has been recorded in the CITES trade database.*”

SSN agrees that there is no existing evidence of legal international trade in this species and no evidence of the collection of wild plants, however, the Secretariat neglects to consider that the species is in demand by plant enthusiasts and that, consequently, the illegal collection and trade in this species may be ongoing. Moreover, given the demand for this species among plant enthusiasts, removing this species from Appendix II may trigger unregulated international trade in the species potentially threatening its survival in the wild.

3. Secretariat’s assessment on listing criteria:

Secretariat’s assessment: “*The present proposal appears to demonstrate that *Shortia galacifolia* does not meet the biological criteria to be included in Appendix II.*”

SSN disagrees that this species does not meet the biological criteria to be included in Appendix II. Given the demand for the species, its trade must be regulated to ensure the survival of the species in the wild. In addition, the species limited area of distribution, unknown population size and trend, limited seed dispersal mechanism, and threats to the species and its habitat including habitat loss and degradation, invasive species, and stochastic events all support the continued inclusion of this species on Appendix II.

Proposal 29: *Euphorbia* spp. included in Appendix II – Amendment of the annotation to *Euphorbia* spp. included in Appendix II to read as follows: "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"; Switzerland

SSN agrees with the Secretariat that the approach proposed by the proponent is not in accordance with the text of the Convention.

Proposal 30: *Caesalpinia echinata* – Inclusion in Appendix II, including all parts and derivatives; Brazil

The CITES Secretariat appears to question the reliability of the information presented on the status of this species. Natural scarcity and a five hundred year history of overexploitation (an estimated 50 million trees have been traded in the last two centuries) make it difficult to define the natural distribution of this species. Nonetheless, we note that the species is classified as Endangered by IUCN,⁶⁵ that it is commercially extinct in most parts of Brazil, and that remaining stands exist in a few areas in the coastal forests—*Mata Atlantica*—of Brazil, where deforestation rates have been rapid; only 7.3% of the original forest cover remains.⁶⁶ Clearly, the species meets the criteria for Appendix II (RC 9.24 (Rev. CoP13), Annex 2 a), paragraphs A and B).

Proposal 31: *Dalbergia retusa* and *Dalbergia granadillo* – Inclusion in Appendix II; Germany on behalf of the European Community Member States

1. Secretariat's assessment on the biological status of the species:

Secretariat's assessment: "*Both species have been recorded widely from Central America. Little specific information on the status of *Dalbergia retusa* is given but large scale declines in populations are inferred from loss of forest cover in the region... Areas where the species was formerly widespread and cut for timber are now exhausted.*"

SSN concurs with this assessment. SSN notes, however, that *D. retusa* may be commercially extinct in some areas and that both species are threatened by over-exploitation and habitat loss caused by forest conversion to agricultural use, cattle ranching, and burning. As the Secretariat notes, *D. retusa* is classified as Vulnerable in the IUCN Red List. Though *D. retusa* is now mainly harvested from private farms, destructive harvest from the wild continues.

2. Secretariat's assessment of international trade:

Secretariat's assessment: "... large scale declines in populations are inferred from ... the absence of the timber from international trade."

While SSN concurs that a decline in the species can be inferred from the absence of the timber from international trade, it notes that the proposal contained evidence that the species, though seriously depleted, continues to be harvested and its wood traded internationally. Evidence from eBay documents that small, high quality wood items and small quantities of sawn timber of this species are available for purchase.

3. Secretariat's assessment of listing criteria:

Secretariat's assessment: "... *Dalbergia retusa* meets the criteria for inclusion in Appendix II under paragraph B in Annex 2a to Resolution Conf. 9.24 (Rev. CoP13): ... regulation of trade in the species

⁶⁵ IUCN 2006. 2006 IUCN Red List of Threatened Species.

⁶⁶ <http://www.cites.org/eng/cop/14/prop/E14-P30.pdf>

is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences."

SSN concurs with the Secretariat's assessment and agrees that *D. granadillo* must also be included in Appendix II for look-alike reasons.

Secretariat's assessment: "*Comments from range States are said to be included in the supporting statement, but their views on the merits of the proposal are not clear.*"

As indicated in the supporting statement, The Netherlands sent a draft of this proposal to all range states and incorporated any comments received by December 15, 2006. At that time, only Costa Rica had apparently submitted comments which were subsequently included in the proposal. Thus, though the specific comments by range states may not be explicitly disclosed, range states were consulted on this proposal.

Secretariat's assessment: "*Paragraph a) of Resolution Conf. 10.13 (Rev. CoP13) on Implementation of the Convention for timber species also recommends that proponents of amendment proposals for timber species consult at least four different international organizations from the list including in that Resolution. There is no indication in the supporting statement that such consultation has taken place.*"

As noted by the Secretariat, this consultation provision is a recommendation and is not required.

Proposal 32: *Dalbergia stevensonii* – Inclusion in Appendix II; Germany on behalf of the European Community Member States

Although the scale of the trade is difficult to quantify for this species, because of the species' limited range and the history of harvest for musical instruments, even a small volume in trade would jeopardize the survival of the species.⁶⁷

Proposal 33: *Cedrela* spp. – Inclusion in Appendix II; Germany on behalf of the European Community Member States

We support the Secretariat's analysis that the proposal for *Cedrela odorata* meets the criteria for inclusion in Appendix II. The Secretariat expressed some doubt over how many species are found in the genus *Cedrela*. The United States Forest Service in its *Silvics of North America*, recognizes the most recent revision, which reduced the number of species to seven.⁶⁸ However, *C. odorata* as it is currently identified encompasses 28 other named species, reflecting considerable population variation. The other *Cedrela* species in trade, according to the ITTO's Annual Review and Assessment of the World Timber Situation, is *C. fissilis*, but trade is often classified only as *Cedrela* spp.

Proposal 34: Orchidaceae spp. 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 in paragraphs a) and b) below, are met: *Cymbidium*, *Dendrobium*, *Miltonia*, *Odontoglossum*, *Oncidium*, *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

⁶⁷ See Global Trees Campaign Species Profile: http://www.globaltrees.org/reso_tree.asp?id=26

⁶⁸ http://www.na.fs.fed.us/pubs/silvics_manual/volume_2/cedrela/ordota.htm

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"; Switzerland

SSN opposes this proposal. The Secretariat fails to mention that the Plants Committee decided at PC 16 that it was premature to extend the current annotation to *Miltonia*, *Odontoglossum*, and *Oncidium* and that the Plants Committee Chair would present a Decision to CoP14 directing the Committee to develop recommendations and identification materials concerning possible further exemptions for artificially propagated hybrids of Orchidaceae spp. included in Appendix II, in particular for these three genera, taking into consideration the capacities of countries to effectively implement and control such exemptions (PC16 Sum. 3 (06/07/2006)). SSN continues to be concerned that these broad exemptions for artificially propagated specimens, both flowering and non-flowering, provide the opportunity for laundering wild-caught specimens into international trade.

Proposal 35: Orchidaceae spp. 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"; Switzerland as Depositary Government, at the request of the Plants Committee

SSN has no opinion on this proposal. Parties have stated that the current annotation is complex and difficult to apply and that they prefer simplified text (PC16 Doc. 17.2, Annex 2); the simplified text in the proposal was agreed by the 16th meeting of the Plants Committee. However, SSN continues to be concerned that these broad exemptions for artificially propagated specimens, both flowering and non-flowering, provide the opportunity for laundering wild-caught specimens into international trade.

Proposal 36: *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"; United States of America

Exclusion of hybrid *Taxus* specimens could create serious identification problems unless simple and readily-applied identification techniques are available.

CITES treaty language does not allow exclusion of whole plants from listings; although Article I, paragraph (b), of the Convention, provides the possibility to specify certain parts and derivatives of Appendix-II and Appendix-III plant species (and Appendix-III animal species) as included in the Appendices, and thus to exclude certain others, it does not provide the possibility to include certain whole animals or plants and exclude others, nor the possibility to exclude artificially propagated specimens. On the contrary, it is clear from paragraph (b) (i) that “*any animal or plant, whether alive or dead*” is considered as a ‘specimen’ and therefore subject to the provisions of the Convention

Proposal 37: *Taxus chinensis*, *T. cuspidata*, *T. fuana* and *T. sumatrana* – A. 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"; and B. 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"; Switzerland as Depository Government, at the request of the Standing Committee

SSN supports deletion of the annotation to *Taxus chinensis*, *T. fuana* and *T. sumatrana* as it ensures all specimens of these species are subject to CITES trade controls in accordance with the Convention.

SSN opposes the proposed amendment to the annotation to the listing of *T. cuspidata* because exclusion of hybrid *Taxus* specimens could create serious identification problems unless simple and readily-applied identification techniques are available.

CITES does not allow exclusion of whole plants from listings; although Article I (b) of the Convention allows the inclusion in the Appendices of specific parts and derivatives of Appendix-II and Appendix-III plant species (and Appendix-III animal species), and thus implicitly the exclusion of parts and derivatives not specifically included, it does not provide for including certain whole animals or plants while exclude others of the same species or population, nor for excluding artificially propagated specimens. On the contrary, it is clear from paragraph (b)(i) that “*any animal or plant, whether alive or dead*” is considered a ‘specimen’ subject to the provisions of the Convention.