



**TRAFFIC**  
**Recommendations**  
**on the Proposals**  
**to Amend the**  
**CITES Appendices**  
**at the 13th Meeting**  
**of the Conference**  
**of the Parties**

**Bangkok, Thailand**  
**2-14 October, 2004**

**TRAFFIC**  
the wildlife trade monitoring network

# **TRAFFIC Recommendations on the Proposals to Amend the CITES Appendices**

**at the 13th Meeting of the Conference of the Parties**

**2 - 14 October 2004, Bangkok, Thailand**

TRAFFIC publishes its recommendations on the proposals to amend the CITES Appendices prior to every CITES CoP. This document is made available in English, French and Spanish language versions in hard copy prior to and during CoP13 as well as in soft copy at [http://www.traffic.org/cop13/traf\\_recom.html](http://www.traffic.org/cop13/traf_recom.html). The TRAFFIC Recommendations are considerably briefer than that in the past, mainly to reflect the close linkage between the TRAFFIC Recommendations and its sibling document, the *IUCN/TRAFFIC Analyses of the Proposals to Amend the CITES Appendices at the 13th Meeting of the Conference of the Parties*. For more background information for justification of the TRAFFIC positions, please refer to the IUCN/TRAFFIC Analyses, available in hard copy and in soft copy at <http://www.iucn.org/themes/ssc/citescop13/cop13analyses.htm>.

Although every attempt has been made to use the most recent information available, TRAFFIC recognises that further information may become available prior to or during the meeting of the Conference of the Parties.

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**CoP13 Prop. 1** [Ireland (on behalf of the Member States of the European Community)]

Inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to read as follows (with the following paragraphs being renumbered):

5. The following are not subject to the provisions of the Convention:

- a) *in vitro* cultivated DNA\* that does not contain any part of the original from which it is derived;
- b) cells or cell lines\*\* cultivated *in vitro* that theoretically at a molecular level do not contain any part of the original animal or plant from which they are derived;
- c) urine and faeces;
- d) medicines and other pharmaceutical products such as vaccines, including those in development and in process materials +, that theoretically at a molecular level do not contain any part of the original animal or plant from which they are derived; and
- e) fossils.

\* That is DNA that is assembled from its constituent materials, not solely extracted directly from plants and animals.

\*\* That is cultures of plant or animal cells, that are maintained and/or propagated in artificial conditions and do not contain any significant part of the original plant or animal from which they are derived.

+ That is products subject to a research or manufacturing process such as medicines, potential medicines and other pharmaceuticals such as vaccines that are produced under conditions of research, diagnostic laboratory or pharmaceutical production and do not depend for their production in bulk solely on material extracted from plants or

These two proposals aim to formalize the approach taken thus far by CITES Parties, that trade in items such as urine, faeces, vaccines and DNA produced *in vitro* are not covered by the Convention. This interpretation in the case of animal species appears based on such items not being readily recognizable, as exemption of parts and derivatives of Appendix-I or -II animal species is not provided for under the Convention. Both proposals also state that fossils should not be subject to CITES trade controls, however no definition of 'fossil' is provided, nor consideration given to the fact that fossils can sometimes be similar in appearance to non-fossilised specimens, e.g. in the case of walrus tusks. Proposal 1 states that CITES should not apply to products produced through research and manufacturing that 'do not contain any significant part of the original plant or animal from which they are derived.' Such an interpretation quite clearly contradicts the text of the Convention. For Proposal 2, noting the caveats raised above, the interpretations proposed seem unlikely to stimulate increased harvest and trade in CITES-listed species, and would clarify that CITES permits are not required for the items covered; requiring such permits would present a huge additional implementation burden with little conservation benefit. Potential concerns regarding access and benefit sharing in the context of the trade in genetic resources should be addressed through co-operation with the Convention on Biological Diversity.

CoP13 Prop. 1: **REJECT**

animals and do not contain any significant part of the original plant or animal from which they are derived.

**CoP13 Prop. 2** [Switzerland (as Depositary Government, at the request of the Standing Committee)]

Inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to read as follows (with the following paragraphs being renumbered):

5. The following are not subject to the provisions of the Convention:

- a) in vitro cultivated DNA that does not contain any part of the original;
- b) urine and faeces;
- c) synthetically produced medicines and other pharmaceutical products such as vaccines that do not contain any part of the original genetic material from which they are derived; and
- d) fossils.

**CoP13 Prop. 2: ACCEPT, if the proponent:**

- i) Replaces existing text in paragraph 'a)' with "synthetically derived DNA that does not contain any part of the original genetic material from which it was generated".
- ii) Provides in paragraph 'd)' a workable definition of fossils.

## FAUNA Mammalia

**CoP13 Prop. 3** [Thailand] Transfer of the Irrawaddy Dolphin *Orcaella brevirostris* from Appendix II to Appendix I.

Found in fragmented populations in river systems and estuaries in north-eastern Australia and South and Southeast Asia, this species is primarily threatened by the use of gillnets, which ensnare the dolphins. Additional off-take for trade to an ever-increasing number of dolphinaria in Asia has threatened and will further threaten this species. Five sub-populations in Asia are regarded by IUCN as Critically Endangered, while the remaining sub-populations, particularly those in Australia, are very unlikely to be large.

### ACCEPT

**CoP13 Prop. 4** [Japan] Transfer of the Okhotsk Sea - West Pacific stock, the North-east Atlantic stock and the North Atlantic central stock of Minke Whale *Balaenoptera acutorostrata* from Appendix I to Appendix II.

The three Minke Whale stocks proposed for transfer to Appendix II do not appear to meet the biological criteria for Appendix I, but the precautionary measures outlined in *Resolution Conf. 9.24* to allow transfer to Appendix II have yet to be addressed sufficiently. Moreover, *Resolution Conf. 11.4* mandates that CITES decisions on trade in great whales be consistent with the decisions of the International Whaling Commission (IWC) and the moratorium on commercial whaling adopted by that body remains in place. The proposal does not state which countries would be permitted to trade, how the IWC's Revised Management Procedure will be employed to set harvest levels, or whether compliance

measures being developed under the IWC's Revised Management Scheme (RMS) will be applied. Information about DNA registers is incomplete and the proposal does not address the enforceability of Appendix-II controls in the light of CITES Article XIV. 4. The IWC meeting in July 2004 adopted a process for finalising the RMS, but this will not be further considered until the IWC meeting scheduled for June 2005

**REJECT**

**CoP13 Prop. 5** [United States of America] Deletion of the Bobcat *Lynx rufus* from Appendix II

Populations of this North American cat species are well-managed and appear to be stable or increasing throughout its range. It is harvested for fur in large, but apparently sustainable, numbers. However, its pelts are similar in appearance to those of other cat species, particularly when traded as pieces or finished products. As all other wild Felidae are included in the CITES Appendices, deletion of this species from Appendix II could cause enforcement problems.

**REJECT**

**CoP13 Prop. 6** [Kenya] Transfer of the African Lion *Panthera leo* from Appendix II to Appendix I.

Africa's largest cat species has a wide but increasingly fragmented distribution throughout the continent and numbers have declined in recent decades, particularly in West and Central Africa. Populations in East and Southern Africa are more stable. The extent of the overall decline is uncertain, but appears to be less than suggested in the guidelines found in *Resolution Conf. 9.24* for the inclusion of species in Appendix I. However, an urgent assessment of trade in African Lions under the Significant Trade Review process is recommended.

### REJECT

**CoP13 Prop. 7** [Namibia] Amendment of the annotation regarding the Namibian population of the African Elephant *Loxodonta africana* (Appendix II) to include:

- an annual export quota of 2000 kg of raw ivory (accumulated from natural and management-related mortalities);
- trade in worked ivory products for commercial purposes; and
- trade in elephant leather and hair goods for commercial purposes.

Namibia's elephant population is increasing both in terms of numbers and range and illegal killing and trade remain very low.

The proposed annual quota of raw ivory is double the current rate of accumulation and consequently does not appear to be justified. Moreover, the one-off conditional arrangement approved at CoP12 has not yet transpired as certain conditions remain outstanding. In particular, the Parties have called for further evidence that MIKE is progressing satisfactorily and will be capable of performing analytical assessments of the impact of any future trade in raw ivory under CITES. Until such time, proposals to establish annual quotas for trade in raw ivory are premature.



With respect to trade in worked ivory products, Namibia proposes to restrict trade to a single type of readily-identifiable, traditional, carved ivory artifact known as *ekipas*, but this restriction needs to be specified in the annotation. Trade should be limited to non-commercial purposes. Although Namibia states an intention to comply with all requirements for internal trade in ivory outlined in *Resolution Conf. 10.10 (Rev. CoP12)*, in view of the mandate of *Decision 12.39* to assess domestic ivory markets throughout Africa, it would be useful for the Parties to recommend a future evaluation of Namibia's control system for worked ivory as a condition for acceptance.

Available evidence suggests that elephant poaching is not linked to trade in elephant leather and hair products.

**ACCEPT if the proponent**

- withdraws the request for an annual quota of raw ivory and
- specifies that the trade in worked ivory is limited to *ekipas* for non-commercial purposes and
- agrees to a future review of the control system for such trade within the context of the *Decision 12.39* process.

**CoP13 Prop. 8** [South Africa] Amendment of the annotation regarding the South African population of the African Elephant *Loxodonta africana* (Appendix II) to allow trade in leather goods for commercial purposes.

This proposal is designed to correct the language used to amend the annotation of South Africa's African Elephant Appendix-II listing at CoP12. At that time, trade in hides and leather goods was inadvertently restricted to trade for "non-commercial purposes", although this trade option was allowed when the species was first transferred to Appendix II at CoP11. There is no evidence to suggest that trade in elephant hides or leather goods poses any serious threat to the conservation of elephants anywhere in the world.

**ACCEPT**

**CoP13 Prop. 9** [Swaziland] Transfer of the Swaziland population of the Southern White Rhinoceros *Ceratotherium simum simum* from Appendix I to Appendix II with the following annotation: For the exclusive purpose of allowing international trade in a) live animals to appropriate and acceptable destinations and b) hunting trophies. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

The Swaziland population of Southern White Rhinoceros is small and fragmented, but has continued to increase in recent years through consistently good law enforcement efforts. Derived from South African founder stock, it is recognized as an integral part of the larger southern African metapopulation of White Rhinoceros, which does not meet the criteria for Appendix I. The South African population was transferred to Appendix II in 1994 and there is no evidence that this has led to detrimental impacts on the species. Swaziland has only recently designated a Scientific Authority under the Convention and will need to ensure that it is able to make independent and rigorous non-detriment findings before allowing trade in White Rhinoceros as proposed.

**ACCEPT**

## FAUNA Aves

**CoP13 Prop. 10** [United States of America] Transfer of the Bald Eagle *Haliaeetus leucocephalus* from Appendix I to Appendix II.

This large raptor species has substantially recovered from its historically low population levels in the 1960s and is stable or increasing throughout its range. Demand for live animals and products such as feathers is low, primarily involving ceremonial, non-commercial use. Given substantial protection of the species via domestic legislation throughout North America, transfer from Appendix I to II is not likely to lead to its unsustainable exploitation.

**ACCEPT**

**CoP13 Prop. 11** [Indonesia] Transfer of the Yellow-crested Cockatoo *Cacatua sulphurea* from Appendix II to Appendix I.

Wild populations of this Indonesian parrot are estimated to have declined by more than 80% since the 1970s, declines taking place despite the species's inclusion in Appendix II in 1981 and subsequent domestic conservation efforts. Unsustainable harvest for the pet trade is considered to be the major reason for this. The species is classed as Critically Endangered by IUCN.

**ACCEPT**

**CoP13 Prop. 12** [Namibia and the United States of America] Deletion of the Rosy-faced Lovebird *Agapornis roseicollis* from Appendix II.

Found in Namibia, Angola and South Africa, this small parrot species is widely bred in captivity, with many tens, if not hundreds, of thousands of birds produced each year, including a range of colour mutations. Although there appears to be little trade in wild-caught specimens of this species, its deletion from Appendix II could cause enforcement problems for other lovebird species that are of greater conservation concern, e.g. Black-cheeked Lovebird *Agapornis nigrigenis* and Lilian's Lovebird *A. lilianae*, owing to similarity of appearance.

**REJECT**

**CoP13 Prop. 13** [Mexico] Transfer of the Lilac-crowned Parrot *Amazona finschi* from Appendix II to Appendix I.

This Mexican endemic parrot has experienced significant population declines. Its population is now estimated at 7000-10 000 individuals, within a restricted range. Both domestic and international trade appear to be contributing to this decline. Additional efforts to conserve habitat and control illegal domestic and international trade are required if an Appendix-I listing is to have a significant conservation impact.

**ACCEPT**

**CoP13 Prop. 14** [Mexico and the United States of America] Inclusion of the Painted Bunting *Passerina ciris* in Appendix II.

This colourful songbird, which ranges from the southern USA to Central America, has an estimated population of 3.6 million. Numbers have shown a long-term decline as a result of habitat loss, brood parasitism and trapping for trade, mainly for the domestic market. Evidence of recent trade levels suggests that it is unlikely that harvest for international trade poses a significant threat. As Mexico is the only major exporter, it may want to consider reviewing national capture quotas and other control measures applied to domestic and international trade of this species.

**REJECT**

## FAUNA Reptilia

**CoP13 Prop. 15** [Madagascar] Transfer of the Spider Tortoise *Pyxis arachnoides* from Appendix II to Appendix I.

International trade of this small tortoise, which is endemic to Madagascar, has increased dramatically since 1999 to supply the pet/hobbyist market. Although habitat loss is the main threat to the species, there are concerns about the sustainability of quota levels set by Madagascar as well as concerns about illegal trade. Although the species does not appear to meet the criteria for inclusion in Appendix I, the Government of Madagascar should be urged to maintain and enforce a zero export quota for this species until such time as management efforts are sufficient to ensure that exports would be sustainable.

### REJECT

**CoP13 Prop. 16** [United States of America] Inclusion of the genus *Malayemys* in Appendix II.

(N.B. The genus *Malayemus* is currently known to contain only the species *Malayemys subtrijuga*.)

Widely distributed in South-east Asia, this freshwater turtle is declining in significant portions of its range as a result of large-scale harvest and trade to supply food markets and religious ceremonies, primarily within China and Vietnam. Classified as Vulnerable by IUCN, this species meets the criteria for inclusion in Appendix II. Listing at the genus level will facilitate CITES implementation should the genus be split into more than one species, or should other species in the genus be described in future.

### ACCEPT

**CoP13 Prop. 17** [Indonesia] Inclusion of the Malayan Snail-eating Turtle *Malayemys subtrijuga* in Appendix II.

**ACCEPT**, unless proposal 16 is adopted.

**CoP13 Prop. 18** [United States of America] Inclusion of the genus *Notochelys* in Appendix II. (N.B. The genus *Notochelys* is currently known to contain only the species *Notochelys platynota*.)

Substantial declines and fragmentation in the population of this medium-sized South-east Asian turtle have been documented, particularly in Indonesia and Malaysia. IUCN classifies it as Vulnerable. Local consumption and large-scale trade to East Asia are considered key threats. Listing at the genus-level will facilitate CITES implementation should the genus be split into more than one species, or should other species in the genus be described in future.

**ACCEPT**

**CoP13 Prop. 19** [Indonesia] Inclusion of the Malayan Flat-shelled Turtle *Notochelys platynota* in Appendix II.

**ACCEPT**, unless proposal 18 is adopted.

**CoP13 Prop. 20** [United States of America] Inclusion of the genus *Amyda* in Appendix II. (N.B. The genus *Amyda* is currently known to contain only the species *Amyda cartilaginea*.)

Believed to be the most heavily traded of the Asian freshwater turtle species, *Amyda cartilaginea* is widely consumed as food both within range States and within China. International trade is a key threat to this species, which is classified as Vulnerable by IUCN, and it therefore meets the criteria for inclusion in Appendix II. Listing at the genus-level will facilitate CITES implementation should the genus be split into more than one species, or should other species in the genus be described in future.

**ACCEPT**

**CoP13 Prop. 21** [United States of America] Inclusion of the family Carettochelyidae in Appendix II.

(N.B. The family *Carettochelyidae* is currently known to contain only the species *Carettochelys insculpta*.)

Unlike a number of other Asian freshwater turtle species, *Carettochelys insculpta* is both consumed for food in large quantities and traded for use as pets. Eggs and adults are eaten and eggs incubated to produce hatchlings for export, which takes place despite national export bans; associated population declines are reported in the key range States of Indonesia and Papua New Guinea. The species is classified as Vulnerable by IUCN. Listing at the family level will facilitate CITES implementation should the family be split or should other species in the family be described in future.

**ACCEPT**

**CoP13 Prop. 22** [Indonesia] Inclusion of the Pig-nosed Turtle *Carettochelys insculpta* in Appendix II.

**ACCEPT**, *unless proposal 21 is adopted.*

**CoP13 Prop. 23** [Indonesia and the United States of America] Inclusion of the Roti Snake-necked Turtle *Chelodina mccordi* in Appendix II.

This freshwater turtle is only found within a small area on Roti Island, Indonesia. Harvest for international trade is believed to be the sole cause of this species's decline. It is classed as Critically Endangered by IUCN.

**ACCEPT**



**CoP13 Prop. 24** [Cuba] Transfer of the Cuban population of American Crocodile *Crocodylus acutus* from Appendix I to Appendix II.

Cuba's population of *Crocodylus acutus* is stable, with experimental and proposed harvests in the context of the ranching scheme appearing to be sustainable. The management regime described in the proposal appears sufficient to meet the criteria in *Resolution Conf. 11.16*. Populations currently held in captive breeding facilities within Cuba would be included within the scope of the proposal. The proponent should clarify how it will distinguish skins derived from these facilities from skins produced by the ranching programme.

**ACCEPT**

**CoP13 Prop. 25** [Namibia] Transfer of the Namibian population of the Nile Crocodile *Crocodylus niloticus* from Appendix I to Appendix II.

Insufficient information is available to determine whether the Namibian population of this African crocodile species continues to meet the biological criteria for inclusion in Appendix I. In addition, information has not yet been provided regarding the measures proposed to ensure that the precautionary requirements of *Resolution Conf. 9.24* are met with regard to transfer of species from Appendix I to Appendix II.

**REJECT**, unless additional information regarding status and management is forthcoming.

**CoP13 Prop. 26** [Zambia] Maintenance of the Zambian population of the Nile Crocodile *Crocodylus niloticus* in Appendix II, subject to an annual export quota of no more than 548 wild specimens (including hunting trophies and problem-animal control). This quota does not include ranched specimens.

Management for export of Zambia's Nile Crocodile population would appear to be subject to the requirements of *Resolution 11.16* on ranching. The Parties are asked to accept the annual wild harvest quota proposed, which represents a substantive change to the previous management regime. Proposed harvest levels are higher than those which would be expected to be sustainable based on available information and no information is provided on the proposed distribution of this harvest. Ranching proposals are normally meant to be submitted 330 days prior to a meeting of the Conference of the Parties.

**REJECT**, *unless management measures are clarified and harvest is reduced to a more conservative level.*

**CoP13 Prop. 27** [Madagascar] Inclusion of the Leaf-tailed Gecko *Uroplatus* spp. in Appendix II.

Habitat loss and fragmentation are the main threats to these distinctive lizards, all ten species of which are found only in Madagascar. International trade, which is in the thousands for some species, may be detrimental, particularly for those species with populations already at low densities and/or with restricted or fragmented distributions. Although there is little evidence to suggest that individual species are threatened at present, international trade appears to be increasing and could be having a detrimental impact on some species.

**ACCEPT**

**CoP13 Prop. 28** [Madagascar] Inclusion of the Leaf-nosed Snake *Langaha* spp. in Appendix II.

The three snake species in this very distinctive genus, endemic to Madagascar, are primarily threatened by habitat loss. Trade volumes are low for two species and one species does not appear to be in trade. There is insufficient evidence to assess whether current trade levels are having a detrimental impact on the populations of any of the species.

**REJECT**

**CoP13 Prop. 29** [Madagascar] Inclusion of the *Stenophis citrinus* in Appendix II. (N.B. this species is referred to as *Lycodryas citrinus* in the proposal).

This Madagascan endemic snake is only known to occur in small protected areas, where illegal collection to supply a very low level of international trade has occurred. Given its bright colouration, it is conceivable that this species may be increasingly in demand with reptile keepers, but its specialized diet is likely to limit interest. At present, there is no information to suggest that harvest for international trade is having a detrimental impact on the population.

**REJECT**

**CoP13 Prop. 30** [Kenya] Inclusion of the Mt. Kenya Bush Viper *Atheris desaixi* in Appendix II.

This Kenyan endemic snake is currently prohibited from export by domestic legislation, though some illegal international trade has occurred. There is little available information on current population status and trends, or on the impact of collection on wild populations, and trade levels appear to be very low. Kenya should be encouraged to include the species in Appendix III.

**REJECT**

**CoP13 Prop. 31** [Kenya] Inclusion of the Kenya Horned Viper *Bitis worthingtoni* in Appendix II.

This Kenyan endemic snake is currently prohibited from export by domestic legislation, though there is an apparently low-level, illegal, international trade. There is little available information on current population status and trend, or on the impact of collection on wild populations. Kenya should be encouraged to include the species in Appendix III.

**REJECT**

## FAUNA Pisces

**CoP13 Prop. 32** [Australia and Madagascar] Inclusion of the Great White Shark *Carcharodon carcharias* in Appendix II with a zero annual export quota.

The largest of the predatory sharks, this species is widely distributed and has intrinsic life history characteristics making it highly vulnerable to overexploitation. The distinctive teeth and jaws are highly valued in the curio trade. Other parts, such as fins, are also traded and more difficult to identify, however DNA analysis techniques have been developed. There is evidence of population declines and the species is unlikely to be able to sustain current levels of trade. The proposed annotation for a zero annual export quota is unnecessary, as trade should only be permitted where sufficiently rigorous non-detriment findings can be made. Further, a zero annual export quota would prohibit the exchange of scientific specimens, including those necessary to support non-detriment findings. Since Appendix II allows an exemption for tourist souvenirs and the main trade in this species involves curios, Parties should consider requiring export permits for specimens traded as personal and household effects.

**ACCEPT**, *if the proposal is amended so that the proposed zero annual export quota is deleted.*

**CoP13 Prop. 33** [Fiji, Ireland (on behalf of the Member States of the European Community) and the United States of America] Inclusion of the Humphead Wrasse *Cheilinus undulatus* in Appendix II.

This large and distinctive coral reef fish occurs in coastal waters of the Indo-Pacific where it is mainly caught to be traded live, displayed and consumed in restaurants in East Asia. It is naturally rare and extremely vulnerable to overexploitation. There is evidence of targeted fishing of spawning aggregations, increasing the already high level of threat to this species, recently reclassified by IUCN (from Vulnerable to Endangered). Demand for this species is high and expected to increase and illegal trade is difficult to control without the mechanisms provided for under CITES.

**ACCEPT**

## FAUNA Insecta

**CoP13 Prop. 34** [Switzerland (as Depositary Government, at the request of the Nomenclature Committee)] Deletion of the annotation "*sensu* D'Abrera" from *Ornithoptera* spp., *Trogonoptera* spp. and *Troides* spp. in Appendix II

The removal of the nomenclature reference "*sensu* D'Abrera", included as an annotation in 1979 when the genera were listed in Appendix II, will not affect the implementation of CITES provisions for these birdwing butterflies.

**ACCEPT**

## FAUNA Mollusca

**CoP13 Prop. 35** [Italy and Slovenia (on behalf of the Member States of the European Community)] Inclusion of the Mediterranean Date Mussel *Lithophaga lithophaga* in Appendix II.

The Mediterranean Date Mussel is found in coastal limestone habitats in the Mediterranean and on the west coast of Africa. Harvest supplies high-value seafood markets in western and southern Europe. While comprehensive information on status throughout its range is lacking, there is evidence of overexploitation and localized population declines. Extraction of the mussel damages habitat and greatly slows recolonization. National harvest and trade bans in many range States have been insufficient to stop unsustainable and illegal international trade.

### ACCEPT

**CoP13 Prop. 36** [Switzerland (as Depositary Government, at the request of the Animals Committee)] Amendment of the annotation to *Helioporidae* spp., *Tubiporidae* spp., *Scleractinia* spp., *Milleporidae* spp. and *Stylasteridae* spp. to read: Fossils, namely all categories of coral rock, except live rock (meaning pieces of coral rock to which are attached live specimens of invertebrate species and coralline algae not included in the Appendices and which are transported moist, but not in water, in crates) are not subject to the provisions of the Convention.

The annotation aims to provide a feasible basis for implementing and enforcing the exemption of fossil corals from CITES provisions. However, its reliance on the distinguishing characteristics of different types of "coral rock" included in *Resolution Conf. 11.10* is inappropriate, since they relate largely to method of transportation rather than degree of fossilisation. Furthermore, these characteristics, particularly the vague distinction between the terms "moist" and "in water", do not appear to provide a reliable basis for enforcement, nor for achieving the underlying aim, i.e. to focus CITES controls on trade in specimens of clear direct or indirect conservation significance.

### REJECT

## FLORA

**CoP13 Prop. 37** [Botswana, Namibia and South Africa] Inclusion of *Hoodia* spp. in Appendix II, with an annotation to read: Designates all parts and derivatives except those bearing the label "Produced from *Hoodia* spp. material obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of Botswana/Namibia/South Africa under agreement no. BW/NA/ZA xxxxxx)".

These southern African succulent species are subject to collection for trade as live specimens, use in traditional medicine and, increasingly, use in pharmaceuticals and herbal products. Most notable is the potential for a massive increase in trade in *Hoodia gordonii* and possibly other species, owing to the identification of an active compound in the species, to be developed commercially as an appetite suppressant. There is concern that some, if not many, other *Hoodia* species are, or are potentially, threatened by trade and, further, that benefits resulting from commercial development of *Hoodia* species will not be shared equitably with the indigenous groups who identified the species' appetite-suppressant properties. The stated intention of the proposal is to address these points. It is unclear, however, what would be covered under the proposed annotation and, in this context, how non-detriment findings would be made and Appendix-II trade controls implemented. Two range States for this species are not referenced within the annotation. To improve trade control and monitoring, range States should be encouraged to include the genus within Appendix III and consider re-submission of a revised proposal to CoP14.

**REJECT**



**CoP13 Prop. 38** [Thailand] Annotation of the listing of Euphorbia Euphorbiaceae in Appendix II to read: Artificially propagated specimens of *Euphorbia lactea* are not subject to the provisions of the Convention when they are: a) grafted on rootstocks of *Euphorbia neriifolia* L.; b) colour mutants; or c) crested-branch forming or fan-shaped.

The succulent species *Euphorbia lactea* and *E. neriifolia*, both native to India, are widely cultivated as ornamentals and are not threatened in the wild. Mutants of *E. lactea* proposed for exemption are easily identified and almost entirely produced by artificial propagation. The threat to wild populations of these species in India is considered to be low. However, the annotation is ambiguous as drafted and should be revised.

**ACCEPT**, if the annotation is amended to read as follows: "Artificially propagated specimens of *Euphorbia lactea* are not subject to the provisions of the Convention when colour, crested-branch or fan-shaped mutants of this species are grafted onto artificially propagated rootstocks of *Euphorbia neriifolia* L."

**CoP13 Prop. 39** [Thailand] Annotation of the listing of Euphorbia Euphorbiaceae in Appendix II to read: Artificially propagated specimens of *Euphorbia milii* are not subject to the provisions of the Convention when they are a) traded in shipments of 100 or more plants; b) readily recognizable as artificially propagated specimens.

*Euphorbia milii*, a succulent plant endemic to Madagascar, is widely cultivated as an ornamental. The proposal apparently aims to exclude cultivars of *E. milii* from CITES provisions, particularly "poysean" Euphorbias, complex hybrids of *E. milii* and another CITES Appendix-II listed species, *E. lophogona*, referred to as *Euphorbia x lomi*. However, the taxonomy used in the proposal does not include these hybrids. The hybrid and both parents are native to Madagascar and trade in wild-collected plants of both parent species has been reported. Distinguishing wild from artificially-propagated plants may prove difficult.

**REJECT**

**CoP13 Prop. 40** [Thailand] Annotation of the listing of orchids Orchidaceae in Appendix II to read: Artificially propagated specimens of Orchidaceae hybrids are not subject to the provisions of the Convention when: a) they are readily recognizable as artificially propagated specimens; b) they do not exhibit characteristics of wild-collected specimens; c) shipments are accompanied by documentation such as an invoice that indicates clearly the vernacular name of the orchid hybrids and is signed by the shipper. Specimens that do not clearly meet the criteria for the exemption must be accompanied by appropriate CITES documents.

and

**CoP13 Prop. 41** [Switzerland] Annotation of the listing of orchids Orchidaceae in Appendix II to exclude artificially propagated hybrids of the following taxa, exclusively under the condition that specimens are flowering, potted and labelled, professionally processed for commercial retail sale and that they allow easy identification:

*Cymbidium* - Interspecific hybrids within the genus and intergeneric hybrids

*Dendrobium* - Interspecific hybrids within the genus known in horticulture as "nobile-types" and "phalaenopsis-types", both of which are clearly recognizable by commercial growers and hobbyists

*Miltonia* - Interspecific hybrids within the genus and intergeneric hybrids

Proposal 40 aims to exclude all cultivated orchid hybrids. Many such hybrids are difficult to differentiate from non-hybrids and varieties if not in flower; many are impossible to identify even by experts. As there is trade in wild specimens, including involving the growing out of wild specimens in nurseries and illegal trade in some species, potential enforcement problems posed by similarity of appearance require continued control of trade in artificially propagated hybrids. Proposal 41 is similar to Proposal 40, but limited to seven genera.

**REJECT both proposals**

*Odontoglossum* - Interspecific hybrids within the genus and intergeneric hybrids

*Oncidium* - Interspecific hybrids within the genus and intergeneric hybrids

*Phalaenopsis* - Interspecific hybrids within the genus and intergeneric hybrids

*Vanda* - Interspecific hybrids within the genus and intergeneric hybrids.

The annotation specifically to read as follows:

Artificially propagated specimens of hybrids are not subject to the provisions of the Convention when: a) they are traded in flowering state, i.e. with at least one open flower per specimen, with reflexed petals; b) they are professionally processed for commercial retail sale, e.g. labelled with printed labels and packaged with printed packages; c) they can be readily recognized as artificially propagated specimens by exhibiting a high degree of cleanliness, undamaged inflorescences, intact root systems and general absence of damage or injury that could be attributable to plants originating in the wild; d) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to inflorescences, roots, leaves or other parts resulting from collection; and e) labels or packages indicate the trade name of the specimen, the country of artificial propagation or, in case of international trade during the production process, the country where the specimen was labelled and packaged; and labels or packages show a photograph of the flower, or demonstrate by other means the appropriate use of labels and packages in an easily verifiable way. Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.

**CoP13 Prop. 42** [Switzerland (as Depositary Government, at the request of the Plants Committee)] Amendment of the annotation of the listing of orchids Orchidaceae in Appendix II regarding *Phalaenopsis* hybrids to read:

Artificially propagated specimens of hybrids within the genus *Phalaenopsis* are not subject to the provisions of the Convention when: a) specimens are traded in shipments consisting of individual containers (i.e. cartons, boxes or crates) containing 20 or more plants each; b) all plants within a container are of the same hybrid, with no mixing of different hybrids within a container; c) plants within a container can be readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity in size and stage of growth, cleanliness, intact root systems and general absence of damage or injury that could be attributable to plants originating in the wild; d) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to roots, leaves or other parts resulting from collection; and e) shipments are accompanied by documentation, such as an invoice, which clearly states the number of plants and is signed by the shipper. Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.

An almost identical annotation accepted at CoP 12 has not been used as it is considered unworkable owing to significant problems in identification of orchids when not in flower: there is therefore the potential for this annotation to serve as a vehicle for illegal trade. The current proposal fails to resolve these issues. The Plants Committee should further consider this issue, including a proposal to remove the existing annotation at CoP14.

**REJECT**

**CoP13 Prop. 43** [Colombia] Transfer of the Christmas Orchid *Cattleya trianaei* from Appendix I to Appendix II.

Known populations of this Colombian orchid are small and fragmented. Insufficient information is available to indicate that the species no longer meets the biological criteria for inclusion in Appendix I, nor is information available regarding future management, should this proposal be accepted.

**REJECT**

**CoP13 Prop. 44** [Thailand] Transfer of the Blue Vanda *Vanda coerulea* from Appendix I to Appendix II.

The international trade in this Asian orchid consists almost entirely of artificially propagated plants. Population data and trends with regard to wild forms are unclear and there is insufficient information available to satisfy the precautionary measures contained within *Resolution Conf. 9.24*.

**REJECT**

**CoP13 Prop. 45** [China] Addition of annotation #1 to the listing of Desert Living Cistanche *Cistanche deserticola*, i.e., Designates all parts and derivatives, except: a) seeds, spores and pollen (including pollinia); b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and c) cut flowers of artificially propagated plants.

A significant component of international trade in this species involves manufactured products. China's proposal to bring trade in these and in all other products and seeds under control was accepted at CoP 12. However, the unannotated proposal was later interpreted to mean that whole plants only were covered by the listing. This proposal is to correct that situation. Other *Cistanche* species are also in trade and distinguishing between these and *C. deserticola* poses potential enforcement problems. The Parties might therefore consider including the entire genus in Appendix II in future.

**ACCEPT**

**CoP13 Prop. 46** [Madagascar] Transfer of *Chrysalidocarpus decipiens* from Appendix II to Appendix I.

(N.B. This species is referred to as *Dypsis decipiens* in the proposal).

Recent estimates place the wild population of this Madagascan palm at approximately 100 specimens. Habitat destruction and harvest within Madagascar, where domestic protection is insufficient, continue to threaten this species, specimens of which continue to enter international trade. The species is classed as Critically Endangered by IUCN.

**ACCEPT**

**CoP13 Prop. 47** [China and the United States of America] Amendment of the annotation (currently annotation #2) of the Himalayan Yew in Appendix I, *Taxus wallichiana*, to read: Designates all parts and derivatives, except: a) seeds and pollen; and b) finished pharmaceutical products.

The annotation applied to the 1994 Appendix-II listing of Himalayan Yew excluded chemical derivatives, a main component of the international trade in this species. The current proposal aims to address this situation and thereby improve CITES implementation for this species.

**ACCEPT**

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

Yew species across Asia are coming under increasing threat as a result of unsustainable harvest of bark and needles for pharmaceutical production of anti-cancer medications. While quantitative information on trade volumes is lacking, there is sufficient evidence of trade-related population declines, e.g. in China, to warrant listing of these species in Appendix II, to ensure their conservation and a sustainable supply of these important medicines.

**ACCEPT**

**CoP13 Prop. 49** [Indonesia] Inclusion of Agarwood-producing species, *Aquilaria* spp. and *Gyrinops* spp., in Appendix II.

These two Indo-malesian genera encompass the major tree species that produce agarwood, a resinous wood highly valued for its aromatic, medicinal and cultural uses. Current demand within the Middle East and Asia is supplied almost entirely from unmanaged, wild-harvested stocks, many of which are declining as a result. Widespread illegal harvest and trade is also reported: trade in *Gyrinops* species has escalated rapidly in recent years. *Aquilaria malaccensis* has been listed in Appendix II since 1995. As identification of agarwood products in trade is extremely difficult, inclusion in Appendix II of other species in these genera is required for effective CITES implementation. Appendix-II listing proposals for plant species have commonly been annotated during CoP discussions, rather than in advance of the meeting. In keeping with this precedent and the information provided in the proposal, annotation #1 should be adopted for both genera.

**ACCEPT**, with annotation #1

**CoP13 Prop. 50** [Indonesia] Inclusion of Ramin *Gonystylus* spp. in Appendix II, with annotation #1, i.e.: Designates all parts and derivatives, except: a) seeds, spores and pollen (including pollinia); b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and c) cut flowers of artificially propagated plants.

Commercial tree species in this genus are found throughout South-east Asia and the Pacific, their valuable hardwood universally referred to as 'ramin'. The populations and habitat of the main species in international trade, *Gonystylus bancanus*, have declined. IUCN classifies the species as Vulnerable. Several other commercial species are believed to be declining, mainly as a result of habitat loss. There is significant evidence of illegal logging and trade in ramin, a situation which Appendix-III controls have helped to clarify. *G. bancanus* and probably other commercial species meet the criteria for inclusion in Appendix II, based on evidence that trade is exceeding levels that can be maintained in perpetuity. Inclusion of the remaining species in Appendix II is required for effective implementation, owing to the similarity in appearance and the use of the generic trade name 'ramin' for their timber in trade. As trade from range States involves finished as well as unfinished products and sawn timber, Annotation #1 is the most appropriate for regulating the trade in these species.

**ACCEPT**





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*The IUCN/TRAFFIC Analyses of the Proposals to Amend the CITES Appendices at the 13th Meeting of the Conference of the Parties*

<http://www.iucn.org/themes/ssc/citescop13/cop13analyses.htm>

*Summaries of the IUCN/TRAFFIC Analyses of the Proposals to Amend the CITES Appendices at the 13th Meeting of the Conference of the Parties*

[http://www.iucn.org/themes/ssc/citescop13/summary\\_analysis.htm](http://www.iucn.org/themes/ssc/citescop13/summary_analysis.htm)

*TRAFFIC Recommendations on the Proposals to Amend the CITES Appendices at the 13th Meeting of the Conference of the Parties*

[http://www.traffic.org/cop13/traf\\_recom.html](http://www.traffic.org/cop13/traf_recom.html)

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