

Comments from the Secretariat

Proposal 1

Amendment of Annotation °607 to read:

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

- a) **synthetically derived 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.**

(Switzerland)

Provisional assessment by the Secretariat

At its 46th meeting, the Standing Committee, in the context of Decision 11.87, and as part of a series of proposals on the issue of trade in time-sensitive biological samples, requested the Depositary Government to prepare this proposal for consideration at the 12th meeting of the Conference of the Parties (CoP12). The Secretariat supports the proposal to amend Annotation °607, which currently excludes fossils, to accommodate these exemptions and to make them applicable to all species. This issue is related to trade in time-sensitive biological samples, which is also addressed in document CoP12 Doc. 51. This proposal, if adopted, will apply to all species.

Proposal 2

***Agapornis* spp., *Platycercus* spp., *Barnardius* spp., *Cyanoramphus auriceps*, *C. novaezelandiae*, *Psittacula eupatria*, *P. krameri* and *Padda oryzivora* – Annotation with the following text:**

Colour morphs produced by captive breeding are considered as being of a domesticated form and are therefore not subject to the provisions of the Convention.

(Switzerland)

Provisional assessment by the Secretariat

This proposed annotation refers to the problem of controlling trade in colour morphs of certain bird species that are obtained through captive breeding, produced in high numbers and traded in high volumes, therefore requiring the input of significant resources to manage and regulate a trade that is of little or no relevance to the conservation of the wild populations of the species. The Secretariat endorses the principle behind this proposal, namely to exclude clearly domesticated forms that do not occur in the wild from the provisions of CITES. However, as this annotation will have implications for Management Authorities and border inspection authorities, the Secretariat can only support this proposal if identification materials clearly illustrating the colour morphs excluded from the Appendices are prepared for all concerned species, and made available for inclusion in the CITES Identification Manual, or if there is some way to identify them other than visually. If the proposal is adopted, the Conference of the Parties should task the Secretariat to report to the Standing Committee, not later than six months before the 13th meeting of the Conference of the Parties, whether the exemption has caused significant implementation problems or has given rise to fraud.

Proposal 3

***Tursiops truncatus ponticus* – Transfer from Appendix II to Appendix I**

(Georgia)

Provisional assessment by the Secretariat

Tursiops truncatus ponticus is probably confined to the Black Sea. A proposal similar to the current one was submitted by the United States of America and Georgia at the 11th meeting of the Conference of the Parties (CoP11), but was withdrawn. However, the Conference of the Parties adopted Decisions 11.91 and 11.139, *inter alia* to obtain more information from range States on levels of harvest, trade, population status and incidental killings of *T. t. ponticus*. Information was obtained from three of the six range States (Bulgaria,

the Russian Federation and Ukraine), and presented and evaluated at the 18th meeting of the Animals Committee in April 2002 (AC18; see document AC18 Doc. 16.1), but is not reflected in the proposal.

The proposal indicates that the subspecies declined greatly because of commercial exploitation for meat and blubber oil, which peaked around the middle of the last century, but was banned in the former USSR, Bulgaria and Romania in the 1960s, and in Turkey in 1983. In recent decades, the main threat to the subspecies appears to have been habitat degradation through marine and land-based pollution, coastal development and depletion of food resources. Accidental mortalities through fishery bycatch, disease and directed killings or harvests are known to be additional threats. Significant progress has been made in recent years in regional cooperation to address these problems, including agreements to limit pollution, protect and rehabilitate Black Sea ecosystems, and sustainably use its resources. Although the impact of these measures on the conservation status of Black Sea bottlenose dolphins is not discussed in the proposal, it is noteworthy that the three range States that have provided information in accordance with Decision 11.139 have reported that numbers of this species in the Black Sea have been increasing in recent years.

Annual trade data presented at AC18 indicate that, during the last 10 years, international trade in Black Sea bottlenose dolphins has largely been confined to small numbers of live specimens exported from the Russian Federation and Ukraine (around 112 animals in total, including nine captive-bred individuals, but it is possible that not all exports are *T. t. ponticus* because in one exporting range State, the Russian Federation, other populations or subspecies occur and trade is reported only at species level). The proposal indicates that exports may not always have been in compliance with the provisions of the Convention relating to transport of live animals, but does not contain evidence of noteworthy illegal international trade in specimens of this subspecies. The Secretariat therefore cannot confirm the proponent's statement that "there clearly has been a substantial international commercial trade in bottlenose dolphins from the Black Sea". Some national utilization of live animals in range States for local dolphinariums is reported, but no species-specific information is provided (responses from the Russian Federation and Ukraine to Decision 11.139 state overall levels of capture of Black Sea bottlenose dolphins, but do not indicate the number of animals that are used nationally).

The results of recent but limited research into the genetic differentiation of Black Sea bottlenose dolphin populations are presented in the proposal, concluding that mitochondrial DNA of Black Sea bottlenose dolphins showed no significant difference from that of bottlenose dolphins in the Mediterranean Sea (but showed significant difference from that of animals from the eastern North Atlantic population). This may suggest that the Black Sea population could be well-defined as a management unit, but less so as a subspecies (reviewers of the proposal presented at CoP11 commented that there was no clear evidence that the Black Sea population is completely isolated from the adjacent Mediterranean population, as the species is present in the straits linking the two seas). *T. t. ponticus* is not easy to distinguish from other *T. truncatus* subspecies, which may also occur in Turkey and in the Russian Federation. The control of trade in virtually indistinguishable specimens of populations included in two different Appendices, as would result from split-listing¹, would therefore be very difficult to implement. In section 5, the supporting statement outlines options for the marking of live bottlenose dolphins in trade. If this proposal is adopted, the use of such or other marking systems will be essential.

The proposal does not present information to support its conclusion that *T. t. ponticus* is inferred to decline in numbers of individuals in the wild at current levels of international trade or exploitation, or on the basis of threats from extrinsic factors [see Resolution Conf. 9.24, Annex 1, paragraph C. ii)], and information presented at AC18 suggests that the population may have started to recover. Although the proposal states that the habitat of *T. t. ponticus* is "a narrow strip close to the shore, as opposed to the broad pelagic habitat of the common dolphin", the size of the Black Sea would suggest that the wild population of *T. t. ponticus* can not be regarded as having a restricted area of distribution (see Resolution Conf. 9.24, Annex 1,

¹ The listing of a species in more than one Appendix should in general be avoided in view of enforcement problems it creates and, when it occurs, it should generally be on the basis of national or continental populations, rather than subspecies. Taxonomic names below the species level should not be used in the Appendices unless the taxon in question is highly distinctive and the use of the name would not give rise to enforcement problems (see Resolution Conf. 9.24, Annex 3).

paragraph B). Other biological criteria for listing *T. t. ponticus* in Appendix I are not mentioned in the proposal, and may not be applicable.

There is accordingly no justification for a transfer to Appendix I of *T. t. ponticus*. While recognizing that the reproductive potential of Black Sea bottlenose dolphins is low, and that the population is under pressure from habitat degradation and bycatch, the Secretariat believes that trade in specimens can be adequately controlled through the correct implementation of Article IV, meaning that exports should only be authorized on the basis of a determination that the export is non-detrimental and that the specimens concerned have been legally acquired. The Secretariat recognizes the conservation efforts of other intergovernmental and international bodies to conserve and protect Black Sea bottlenose dolphins, and supports such measures where they are compatible with the goals, fundamental principles (including the criteria for listing species in the Appendices) and practices of the Convention. It would seem to be most appropriate in this instance to establish annual quotas through one of the regional mechanisms to ensure that the combined offtake of animals in the Black Sea for international trade is sustainable. If the number of animals harvested for international trade is unsustainable, the Animals Committee should consider including this population in its Review of Significant Trade.

Proposal 4: *Balaenoptera acutorostrata* – Transfer from Appendix I to Appendix II of northern hemisphere populations (except the Yellow Sea, East China Sea and Sea of Japan populations) in accordance with Resolution Conf. 9.24, Annex 4 with the following annotation:

For the exclusive purpose of allowing trade between Parties that are also signatories to the International Convention for the Regulation of Whaling and which have an effective DNA register system to monitor catches, introductions from the sea and imports from other States. To ensure that trade does not result in removals in excess of catch limits, the following additional measures shall be implemented:

- a) notwithstanding the provisions of CITES Article XIV, paragraphs 4 and 5, any trade shall be subject to the provisions of Article IV;**
- b) calculation of a safe catch level using the IWC's Revised Management Procedure (RMP);**
- c) establishment of export quotas that shall ensure that trade does not result in removals in excess of catch limits;**
- d) indication on the trade documents of the number of animals involved when shipment of products are only parts of animals, and tracking of this number through DNA monitoring of imports;**
- e) implementation of domestic legislation to ensure imports are from animals taken legally; and**
- f) DNA registers to monitor catches, introductions from the sea and imports and a requirement that all imports be accompanied by certified DNA profiles.**

(Japan)

Provisional assessment by the Secretariat

This species was included in Appendix I in 1986 following the establishment of zero catch quotas by the IWC. In addition, Resolution Conf. 11.4 recommends that Parties agree not to issue any CITES permits or certificates for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling (ICRW).

The IWC recognizes seven stocks of minke whales in the northern hemisphere. The West Greenland stock is included in Appendix II. Of the remaining six stocks, the proposal provides information on the Okhotsk Sea - West Pacific stock, Northeast Atlantic stock and North Atlantic Central stock. The proposal, with its annotation, is intended to meet criteria B.2.b) and B.2.d) of Annex 4 of Resolution Conf. 9.24. The proposed annotation is intended to limit trade to Parties that are signatories to the ICRW and that have DNA registers to monitor trade. Export quotas would be based on catch limits using a method developed by the International Whaling Commission.

The current Schedule of the ICRW sets a zero catch limit on commercial harvest of *B. acutorostrata*, as a management measure. Under the ICRW, this catch limit can only be amended by the International Whaling Commission on the advice of its Scientific Committee using the Revised Management Procedure (RMP). It would therefore be premature to transfer this stock to Appendix II for the purpose of commercial trade

between signatories of the ICRW while no commercial harvests are possible under the ICRW, or to endorse the application of the RMP at the national level when such a catch limit was not agreed by the IWC and may undermine the IWC's management measures.

As the Secretariat indicated in relation to proposals for whale stocks submitted to CoP11, Article XV, paragraph 2(b), of the Convention requires that coordination with any conservation measures enforced by the ICRW be ensured. That coordination is best ensured by maintaining CITES Appendix-I listing for whale stocks that are subject to zero catch quotas under the ICRW.

Proposal 5

***Balaenoptera edeni* – Transfer from Appendix I to Appendix II of the western North Pacific population in accordance with Resolution Conf. 9.24, Annex 4 with the following annotation:**

For the exclusive purpose of allowing trade between Parties that are also signatories to the International Convention for the Regulation of Whaling and which have an effective DNA register system to monitor catches, introductions from the sea and imports from other States. To ensure that trade does not result in removals in excess of catch limits, the following additional measures shall be implemented:

- a) notwithstanding the provisions of CITES Article XIV, paragraphs 4 and 5, any trade shall be subject to the provisions of Article IV; and**
- b) calculation of a safe catch level using the IWC's Revised Management Procedure (RMP);**
- c) establishment of an export quota that shall ensure that trade does not result in removals in excess of catch limits;**
- d) indication on the trade documents of the number of animals involved when shipment of products are only parts of animals, and tracking of this number through DNA monitoring of imports;**
- e) implementation of domestic legislation to ensure imports are from animals taken legally; and**
- f) DNA registers to monitor catches, introductions from the sea and imports and a requirement that all imports be accompanied by certified DNA profiles.**

(Japan)

Provisional assessment by the Secretariat

This species was included in Appendix I in 1983 following the establishment of zero catch quotas by the IWC. In addition, Resolution Conf. 11.4 recommends that Parties agree not to issue any CITES permits or certificates for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling (ICRW).

This proposal to transfer the western North Pacific stock of *B. edeni* from Appendix I to Appendix II, as annotated, is intended to meet criteria B.2.b) and B.2.d) of Annex 4 of Resolution Conf. 9.24. The proposed annotation limits trade to Parties that are signatories to the ICRW and which have DNA registers to monitor trade. Export quotas would be based on catch limits for individuals using a method developed by the International Whaling Commission.

The current Schedule of the ICRW sets a zero catch limit on commercial harvest of *B. edeni*, as a management measure. Under the ICRW, this catch limit can only be amended by the International Whaling Commission on the advice of its Scientific Committee using the Revised Management Procedure (RMP). It would therefore be premature to transfer this stock to Appendix II for the purpose of commercial trade between signatories of the ICRW while no commercial harvests are possible under the ICRW, or to endorse the application of the RMP at the national level when such a catch limit would have no status within the IWC and may undermine the IWC's management measures.

As the Secretariat indicated in relation to proposals for whale stocks submitted to CoP11, Article XV, paragraph 2(b) of the Convention requires that coordination with any conservation measures enforced by the ICRW be ensured. That coordination is best ensured by maintaining CITES Appendix-I listing for whale stocks that are subject to zero catch quotas under the ICRW.

Proposal 6

Loxodonta africana – Amendment of annotation 604 regarding the population of Botswana to read:

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

- a) trade in hunting trophies for non-commercial purposes;
- b) trade in live animals for commercial purposes to appropriate and acceptable destinations (and as determined by the national legislation of the country of import);
- c) trade in registered stocks of raw ivory (whole tusks and pieces) of Botswana origin owned by the Government of Botswana for commercial purposes only to CITES-approved trading partners who will not re-export ivory. No international trade in ivory to be permitted until 18 months after the adoption of the proposal (May 2004). Thereafter an initial amount of not more than 20,000 kg of ivory may be traded, followed by annual export quotas of not more than 4,000 kg from the year 2005 onward;
- d) trade in hides;
- e) trade in leather goods for non-commercial purposes; and
- f) trade in ivory carvings for non-commercial purposes.

(Botswana)

Provisional assessment by the Secretariat

With this proposal, Botswana requests that annotation 604 be amended to provide for the exportation of registered, government-owned stocks of raw ivory of up to 20,000 kg in 2004 (i.e. not before 18 months after the adoption of the proposal), followed by annual export quotas of not more than 4,000 kg from 2005 onwards, and to trade hides, leather goods and ivory carvings. The current annotation already allows Botswana to trade in hunting trophies for non-commercial purposes and in live specimens.

a) General comments

The basic rationale for this proposal, as outlined in section C4, is that elephant populations in Botswana are large and growing, and that benefits for rural communities derived from the utilization of elephants can contribute to both the long-term conservation of elephants and their habitats, and to the well-being of people who have to share land and natural resources with elephants. Botswana has invested considerably in enforcement and anti-poaching activities, in habitat conservation and protection, and in monitoring programmes concerning elephant populations and their habitats. The long-term management of Botswana's elephant populations requires long-term commitment to maintain and where necessary expand these investments. If this proposal is adopted, Botswana should consider providing at the next meeting of the Conference of the Parties, a detailed account of progress made with its national elephant conservation programme in order to promote a better understanding of the role of trade in its national elephant conservation programme. It will be informative if such an account could also cover Botswana's implementation of provisions and guidelines elaborated by the Convention on Biological Diversity and IUCN concerning community participation in the conservation of arid savannah ecosystems.

For the population of African elephants in Botswana, Article IV of the Convention is the principal instrument to ensure that trade in specimens of such species is legal and not detrimental to the survival of that species. Resolution Conf. 8.9 (Rev.) on trade in specimens of Appendix-II species taken from the wild provides mechanisms to determine and resolve possible problems and to ensure such trade is not detrimental to the survival of the species in the wild, as required in Article IV, paragraphs 2(a). The Parties adopted additional specific safeguards and mechanisms concerning trade in elephant specimens, as laid out in Resolution Conf. 10.10 (Rev.), including systems to monitor illegal trade in ivory and other elephant specimens, and to monitor illegal hunting in elephant range States. In this proposal, Botswana commits to several supplementary measures to complement and further strengthen these and other CITES mechanisms.

b) Scope of the proposed trade

- i) Raw ivory of Botswana origin owned by the Government of Botswana, amounting initially to not more than 20,000 kg of ivory (to be traded after May 2004), and subsequently to annual export quotas of not more than 4,000 kg (from 2005 onwards)

The proposal indicates that, by June 2002, Botswana had accumulated 25,403.04 kg of ivory of Botswana origin from natural mortalities and from management-related practices such as problem-animal control, and 7,639.75 kg from seizures. In its proposal for CoP11, Botswana stated that it had accumulated until November 1999 17,694 kg of ivory from natural mortality and problem-animal control, and 7,112 kg of ivory from seizures or specimens of unknown origin. As the proposal was withdrawn, no exportation of ivory has taken place since that time. This suggests that the amount of ivory recovered from natural mortality and management operations, which is the only ivory proposed for exportation, increased by 7,709 kg over a period of 30 months, an average of around 3,000 kg per year. This is well below a theoretical production of between 10,000 and 50,000 kg of ivory per year at a low crude average combined tusk weight of 10 kg per individual from a population of 100,000 elephants subjected to a natural mortality rate of 1 to 5 per cent per annum. 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 4,000 kg is realistic and relatively conservative given the size and the ongoing expansion of the elephant population in Botswana, which is occurring in a large, continuous range. However, to ensure better analysis, Botswana should preferably record and report ivory recovered from natural mortality separately from ivory obtained through management activities such as the killing of problem animals.

Law enforcement and anti-poaching efforts seem to have been effective in maintaining illegal killings of elephants at an insignificant level in Botswana. The proposal indicates that illegal trade in Botswana is low, while the stock of seized ivory has increased very little since the last meeting of the Conference of the Parties. Botswana has also confirmed its previous undertakings to monitor its elephant population annually, and to implement the programme known as Monitoring of Illegal Killing of Elephants (MIKE) [cf. Resolution Conf. 10.10 (Rev.)].

The intended exports of the quota amounts can be traced to an appropriate source within Botswana since the Management Authority maintains an ivory registration and inventory system similar to the one developed for the experimental trade in raw ivory conducted in 1999 pursuant to Decision 10.1 under the supervision of the Secretariat. This computerized system records the identity, source and origin of each ivory specimen. Botswana states that its computerized ivory stock management system is being audited by TRAFFIC, and that it will provide to the Secretariat a detailed inventory of the specimens included in the proposed quotas.

Although not explicitly stated in the proposal, the ivory to be exported should be raw ivory as defined in Resolution Conf. 10.10 (Rev.). Botswana complies with the recommendations in Resolution Conf. 10.10 (Rev.) regarding the marking of whole tusks and of cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, adding a useful code to denote the origin of the tusk within the country. The inclusion in the annual quota of pieces of ivory that are smaller than 1 kg and 20 cm in length should not be problematic provided that such pieces derive from natural breakage or another verifiable origin and are not finished or partly finished products (i.e. that such pieces do not meet the definition of 'worked ivory' in Resolution Conf. 10.10 (Rev.)).

The proposal indicates that the ivory will be exported only to CITES-approved trading partners that have adequate internal controls and have made the commitment not to re-export. Concerning the sale, shipment and exportation of raw ivory, Botswana commits in section C3 of its proposal to a series of precautionary undertakings that are similar to those proposed by the Secretariat to the Standing Committee for the experimental trade in raw ivory undertaken in 1999, pursuant to Decision 10.1 (see document Doc. 11.31.1). Much in line with the basic rationale of the proposal,

the revenues from ivory sales are to be deposited in an existing Trust Fund earmarked for conservation and management activities and for the development of communities living adjacent to elephant ranges.

Although the reason for the proposed delay for 18 months until trade is allowed is not explained in the proposal, the Secretariat assumes that this would allow independent monitoring of the export procedures and the identification and approval of potential trading partners. This period would also allow further data to be obtained from the implementation of the MIKE and ETIS monitoring programmes. The proposal refers to trading partners that should be approved by CITES, but does not explain how this approval would have to take place.

ii) Trade in live specimens

The proposal does not indicate the number of live specimens that Botswana intends to allow export of, but it seems that most exports to date have involved translocations of elephant family groups for reintroduction programmes in southern Africa. The proposal states for instance that 300 elephants were donated to Angola for repopulating a national park. Annual report data indicate that the only recorded exports between 1991 and 2001 were 34 live specimens in 1992 and 30 in 1998. The proposal intends to restrict such trade to appropriate and acceptable destinations, as defined in annotation ^o608.

iii) Trade in hunting trophies

The current level of sport hunting exports is conservative since it is far below the sustainable limit for this population.

iv) Trade in hides

Botswana has so far not recovered or stockpiled hides, but expresses an interest in doing so. The Secretariat is not aware that any problems exist concerning the control of this trade, and has no evidence to suggest that elephants have been illegally killed for trade in skins.

v) Trade in leather goods for non-commercial purposes¹

The Secretariat is not aware of any manufacturing of elephant leather goods in Botswana for commercial trade, although such manufacturing could be initiated if the proposal is adopted.

vi) Trade in ivory carvings for non-commercial purposes¹

The proposal does not contain information on ivory carving operations in Botswana, and Botswana should clarify whether the reference to such items may refer to the planned re-export of material to be imported from another country. Resolution Conf. 10.10 (Rev.) regarding trade in elephant specimens provides recommendations for Parties in whose jurisdiction there is an ivory carving industry that is not yet structured, organized or controlled concerning registration of traders and recording and inspection procedures. In as much as it has not done so already, Botswana should fully implement these provisions.

The Secretariat believes that it would be premature to formulate a definitive recommendation on this proposal, particularly where its ivory-trade-related aspects are concerned. Such a recommendation can in its view only be established in the light of an in-depth discussion at the planned dialogue meeting of African elephant range States.

¹ If this proposal is adopted, the Secretariat recommends that the proponent consults Zimbabwe in order to achieve a harmonized implementation of this annotation.

**Proposal 7: *Loxodonta africana* – Amendment of annotation ° 604 regarding the Namibian population to read:
For the exclusive purpose of allowing in the case of the population of Namibia:**

- a) **trade in hunting trophies for non-commercial purposes;**
 - b) **trade in live animals for non-commercial purposes to appropriate and acceptable destinations (as determined by the national legislation of the country of import);**
 - c) **trade in hides;**
 - d) **trade in leather goods and ivory carvings for non-commercial purposes; and**
 - e) **trade in registered stocks of raw ivory (whole tusks and pieces) of Namibian origin owned by the Government of the Republic of Namibia to trading partners that have been verified by the CITES Secretariat to have sufficient national legislation and domestic trade controls to ensure that ivory imported from Namibia will not be re-exported and will be managed according to all requirements of Resolution Conf. 10.10 (Rev.) concerning domestic manufacturing and trade. No international trade in ivory to be permitted until 18 months after the adoption of the proposal (May 2004). Thereafter, an initial amount of not more than 10,000 kg of ivory may be traded, followed by annual export quotas of not more than 2,000 kg of ivory, from the year 2005 onwards.**
- (Namibia)**

Provisional assessment by the Secretariat

Namibia requests that annotation °604 be amended to provide for the exportation of registered, government-owned stocks of raw ivory of Namibian origin of up to 10,000 kg in 2004 (i.e. not before 18 months after the adoption of the proposal), followed by annual export quotas of not more than 2,000 kg from 2005 onwards, to trade hides, and to trade leather goods and ivory carvings for non-commercial purposes. The current annotation allows Namibia to trade in live specimens and hunting trophies for non-commercial purposes.

a) General comments

The basic rationale for this proposal, as outlined in section C, is that elephant populations in Namibia are secure, are growing and spreading into new areas. A strong incentive to maintain and tolerate elephants outside protected areas in Namibia, which include important dispersal and migration ranges for this population, is for rural communities who share the same land and natural resources with elephants to benefit from the use of and trade in elephants. Benefits from trading in elephant specimens can furthermore generate resources to conserve elephants and their habitats more efficiently, as is proposed by Namibia. Namibia has invested significantly in elephant conservation, monitoring and management programmes in the country. As is the case with Proposal 6, the long-term management of elephant populations requires long-term commitment to maintain and where necessary expand these efforts in Namibia. If this proposal is adopted, Namibia should consider providing at the next meeting of the Conference of the Parties, a detailed account of progress made with its national elephant conservation programme in order to promote a better understanding of the role of trade in its national elephant conservation programme. It will be informative if such an account could also cover Namibia's implementation of provisions and guidelines elaborated by the Convention on Biological Diversity and IUCN concerning community participation in the conservation of arid savannah ecosystems.

For additional general comments, the Secretariat refers to its provisional assessment of Proposal No. 6 under paragraph a). Namibia commits to several supplementary measures to further strengthen the existing CITES mechanisms concerning trade in Appendix-II listed species and trade in elephant specimens in particular, as laid out in Resolution Conf. 10.10 (Rev.).

b) Scope of the proposed trade

- i) Raw ivory of Namibian origin, registered and owned by the Government of Namibia, amounting initially to not more than 10,000 kg of ivory (to be traded after May 2004), and subsequently to annual export quotas of not more than 2,000 kg (from 2005 onwards)

The proposal indicates that by June 2002, Namibia had accumulated 6,853 kg of ivory of legal Namibian origin from natural mortality or from management-related practices such as problem-animal control, and 39,096 kg from seized or unknown origins. In its proposal for CoP11, Namibia indicated that, in November 1999, 3,349 kg of ivory from natural mortality and problem animal control had been accumulated, as well as 31,604 kg of ivory from seizures or specimens of unknown origin. The proposal was withdrawn and no export of ivory has taken place since that time.

The amount of ivory recovered from natural mortalities and management operations, which is the only ivory proposed for export, increased by 3,503 kg in about 30 months, or by an average of around 1,400 kg per year. This is comparable with a theoretical production described in section 3.1 of the proposal of between 1,000 and 5,000 kg of ivory per year from a population of that size and subject to a natural mortality rate of 1 to 5 per cent per annum. The proposed annual quota of up to 2,000 kg is therefore realistic and relatively conservative in view of the growing elephant population in Namibia, which seems well protected, and is expanding its range, while the habitat availability improves. Namibia records ivory recovered from natural mortality separately from ivory obtained through management activities such as the killing of problem animals, and has reported such data to the Secretariat.

Incidents of illegal killing appear to be very low in Namibia. The number of seizures has declined over the years, and reportedly concern mostly tusks passing through Namibia. As the proponent notes, seizure levels can indicate the effectiveness of law enforcement efforts. Namibia fully participates in and implements the Monitoring of Illegal Killing of Elephants (MIKE) programme and the Elephant Trade Information System (ETIS) outlined in Resolution Conf. 10.10 (Rev.).

Namibia maintains a comprehensive computer database and documentation on the source of all ivory tusks and ivory pieces that it recovers. All tusks and ivory pieces are marked. The registration and inventory system was developed for the experimental trade in raw ivory of 1999, and has been maintained since.

Although not explicitly stated in the proposal, the ivory to be exported should be raw ivory as defined in Resolution Conf. 10.10 (Rev.). Namibia complies with the recommendations in Resolution Conf. 10.10 (Rev.) regarding the marking of whole tusks and of cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight. The inclusion in the exportation of pieces of ivory that are smaller than 1 kg and 20 cm in length should not be problematic provided that such pieces derive from natural breakage or another verifiable origin and are not finished or partly finished products (i.e. that such pieces do not meet the definition of 'worked ivory' in Resolution Conf. 10.10 (Rev.).

The proposal indicates that the ivory will be exported only to trading partners that were verified by the Secretariat to have sufficient national legislation and domestic trade controls to ensure that ivory imported from Namibia will not be re-exported and will be managed according to all requirements of Resolution Conf. 10.10 (Rev.) concerning trade in elephant specimens. It is further specified that the revenue from the ivory sales shall be managed through an existing trust fund, and will exclusively be used for elephant conservation, rural community development and conservation programmes, and to continue monitoring elephant populations, illegal trade and the impact of trade.

Namibia commits itself to specific precautionary measures concerning the origin, marking, sale, export of and trade in ivory from Namibia, which are detailed in section 6 of the proposal. These are similar to those proposed to the Standing Committee by the Secretariat for the experimental trade in raw ivory in 1999 pursuant to Decision 10.1 (see document Doc. 11.31.1). The proponent proposes that no international trade in ivory should be permitted until 18 months after the adoption of the proposal (i.e. May 2004). It is explained that this would allow potential trade partners to develop additional trade controls where necessary, and the Secretariat to verify *inter alia* compliance with Resolution Conf. 10.10 (Rev.) in the country intending to import ivory from Namibia. The

Secretariat believes that in addition, this delay would allow further data to be obtained from the implementation of the MIKE and ETIS monitoring programmes.

ii) Trade in live specimens for non-commercial purposes

The proposal does not indicate the number of live specimens that Namibia intends to allow export of, but annual report data indicate that from 1991 to 2001, 20 live animals were exported from Namibia, 12 of which in 1998. No exports were reported after that year. It is proposed that trade only be for non-commercial purposes, and that it be restricted to appropriate and acceptable destinations (as defined in annotation °608).

iii) Trade in hunting trophies

The current level of sport hunting exports is conservative since it is below the sustainable limit for this population.

iv) Trade in hides

Namibia does not routinely recover or stockpile hides. Only hides of trophy animals are collected at the moment, but Namibia intends to start recovering hides from problem animals as well, which would average fewer than 20 per annum. The Secretariat is not aware that any problems exist concerning the control of this trade, and has no evidence to suggest that elephants have been illegally killed for trade in skins.

v) Trade in leather goods and ivory carvings for non-commercial purposes¹

Namibia states that it intends to develop control measures for an elephant carving and elephant leather goods industry to allow communities to fully benefit from elephant mortalities (natural of management related) in their areas, and to ensure that excess leather from trophy animals can be used. It therefore wants to promote a controlled trade in leather and worked ivory, but at the same time, the proposal mentions that exportations would be for non-commercial purposes only. The Secretariat is aware that Namibia has a strict registration system for the manufacturing of and trade in elephant products, although recent levels of manufacturing have been low because of a limited domestic demand. In as much as it has not done so already, Namibia should fully implement the provisions of Resolution Conf. 10.10 (Rev.) regarding control of internal ivory trade and ivory carving industries.

The Secretariat believes that it would be premature to formulate a definitive recommendation on this proposal, particularly where its ivory trade related aspects are concerned. Such a recommendation can in its view only be established in the light of an in-depth discussion at the planned dialogue meeting of the African elephant range States.

Proposal 8: *Loxodonta africana* - Amendment of annotation ° 604 regarding the South African population to read:

For the exclusive purpose of allowing in the case of the population of South Africa:

- a) trade in hunting trophies for non-commercial purposes;**
- b) trade in live animals for re-introduction purposes into protected areas formally proclaimed in terms of the legislation of the importing country;**
- c) trade in hides and leather goods;**
- d) trade in raw ivory of whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight of Government-owned stocks originating from the**

¹ If this proposal is adopted, the Secretariat recommends that the proponent consults Zimbabwe in order to achieve a harmonized implementation of this annotation.

Kruger National Park. An initial stockpile of 30,000 kg is proposed and a subsequent annual quota of 2,000 kg accumulated each year through annual mortalities and management practices.

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

Provisional assessment by the Secretariat

South Africa proposes to amend annotation 604 to provide for the exportation of Government-owned stocks of raw ivory (limited in the proposal to whole tusks and to ivory pieces of more than 20 cm in length and one kilogram in weight) originating from the Kruger National Park. This would initially be 30,000 kg. Subsequently, 2,000 kg of ivory originating from natural mortalities and management practices would be traded annually. Ivory from unknown origins or from seizures and confiscations would not be exported. The other elements of the proposal, i.e. allowing for trade in live animals, hunting trophies, hides and leather goods, are already mentioned in the current annotation.

a) General comments

The elephant populations in the Kruger National Park and in certain other parts of South Africa are secure and growing. The elephant population in the Kruger National Park is well monitored, and effective anti-poaching and enforcement measures are in place. Benefits derived from its utilization can contribute substantially to elephant management and conservation activities in and around the park. As explained in the proposal, there is broad consensus that some form of population management may be needed in situations where elephant movements are restricted by fences or surrounding human settlement, as is the case in Kruger National Park. If this proposal is adopted, South Africa should consider providing at the next meeting of the Conference of the Parties, a detailed account of progress made with its revised national elephant management plan, in order to promote a better understanding of the role of trade in its national elephant conservation programme. For additional general comments, the Secretariat refers to its provisional assessment of Proposal No. 6 under paragraph a). South Africa commits to several supplementary measures to further strengthen the existing CITES mechanisms concerning trade in Appendix-II listed species and trade in elephant specimens in particular. Although not part of the proposed amendment to the annotation, South Africa indicates in its proposal that the initial sale of the stockpile of 30,000 kg of ivory would not take place before 18 months after the adoption of the proposal (i.e. not before May 2004 at the earliest).

b) The scope of proposed trade

- i) Raw ivory (defined in the proposal as whole tusks of any size, and ivory pieces of more than 20 cm in length and one kilogram in weight) originating in Kruger National Park and owned by the Government of South Africa, amounting initially to 30,000 kg of ivory (to be traded after May 2004), and subsequently to annual export quotas of 2,000 kg (from 2005 onwards)

The proposal indicates that by June 2002, the Kruger National Park had 32,113.24 kg of ivory in stock. Ivory originating from natural breakage (5.7 per cent), natural mortality (49.1 per cent), management of problem animals (23.5 per cent), management culling (21.6 per cent) and other management measures (0.1 per cent) is proposed to be exported, and totals 31,523 kg. The remaining 590 kg of ivory is of unknown origin or from seizures and confiscations, and would not be part of the export quotas.

A population of 9,000 animals, such as the one in Kruger National Park, with a natural mortality rate of 1 to 5 per cent per annum, would produce between 900 and 4,500 kg of ivory a year at a crude average combined tusk weight of 10 kg per individual. 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 2,000 kg is realistic and relatively conservative given the size and growth of the elephant population in Kruger National Park. However, to ensure better

analysis of this aspect, South Africa should provide additional information on the size of the tusks and the accumulation rate of ivory recovered from natural mortality. Similar information on ivory that is collected from natural breakage would be useful.

Law enforcement, anti-poaching efforts and species management and protection seem to be effective. Illegal trade is reportedly not a significant problem and poaching is under control and very low. South Africa annually monitors elephant populations in most of the publicly owned conservation areas.

The ivory that is stockpiled in the Kruger National Park is duly registered and each piece is accompanied by documents. It is therefore possible for the ivory intended for export to be traced to an appropriate source within the Kruger National Park. The supporting statement does not mention whether a computerized ivory stock management system exists or would be developed.

Although not explicitly stated in the proposal, the ivory to be exported should be raw ivory as defined in Resolution Conf. 10.10 (Rev.). South Africa states that it will comply with the recommendations in Resolution Conf. 10.10 (Rev.) regarding the marking of whole tusks and of cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight.

The proposal indicates that South Africa would sell and export raw ivory to CITES Parties that meet conditions of national legislation and domestic trade as set by the Secretariat. South Africa furthermore commits in section 3.5 of its proposal to several precautionary undertakings that are similar to those proposed by the Secretariat to the Standing Committee for the experimental trade in raw ivory in 1999, pursuant to Decision 10.1 (see document Doc. 11.31.1). In line with the basic rationale of the proposal, the revenues from ivory sales are to be used for projects that promote conservation of elephants, and that are detailed in section 3.5.

South Africa proposes that no international trade in ivory should be permitted until 18 months after the adoption of the proposal (i.e. May 2004). Although the reason for this delay is not explained in the proposal, the Secretariat assumes that this would allow independent monitoring of the export procedures and the identification and approval of potential trading partners. The proposed delay before exports are allowed would also enable further data to be obtained from the implementation of the MIKE and ETIS monitoring programmes.

ii) Trade in live specimens

The proposal indicates that since 1980, 1,759 live elephants have been translocated from the Kruger National Park to other protected areas within South Africa and abroad. This practice is stated to continue as part of management measures in the Kruger National Park to maintain the elephant population within certain limits. It may for instance be necessary to remove 1,022 elephants during the first year of implementing the new elephant management plan for the park. Translocation of these animals is the preferred option. The proposal notes that entire family groups are translocated, and no longer single juveniles. Annual report data indicate that recorded exports from South Africa between 1991 and 2001 were 251 live specimens originating in the country. The proposal restricts such trade to exports for re-introduction purposes into areas formally proclaimed as protected in terms of the legislation of the importing country.

iii) Trade in hunting trophies

The current level of sport hunting exports is conservative, since it is below the sustainable limit for this population, and to the Secretariat's knowledge has not given rise to concerns.

iv) Trade in hides and leather goods

The proposal indicates that current stocks of elephant hide in the Kruger National Park currently amount to more than 150,000 kg. After CoP11, 50,000 kg of hides were sold in 2000. The Secretariat is not aware that any problems exist concerning the control of this trade, and has no evidence to suggest that elephants have been illegally killed for trade in skins. The proponent indicates that the income from the hide trade would be used for projects related to conservation of elephants, which are presumably those enumerated in section 3.5 of the proposal. Annual report data indicate that South Africa exports only small numbers of leather goods made of elephant hides.

The Secretariat believes that it would be premature to formulate a definitive recommendation on this proposal, particularly where its ivory-trade-related aspects are concerned. Such a recommendation can in its view only be established in the light of an in-depth discussion at the planned dialogue meeting of African elephant range States.

Proposal 9

***Loxodonta africana* – Transfer of the Zambian population from Appendix I to Appendix II for the purpose of allowing:**

- a) trade in raw ivory under a quota of 17,000 kg of whole tusks owned by Zambia Wildlife Authority (ZAWA) obtained from management operations; and
- b) live sales under special circumstances.
(Zambia)

Provisional assessment by the Secretariat

The Secretariat does not wish to pre-empt the findings of the Panel of Experts, which is to advise on the merits of this proposal under Resolution Conf. 10.9 concerning consideration of proposals for the transfer of African elephant populations from Appendix I to Appendix II, and will therefore comment at a later stage.

Proposal 10

***Loxodonta africana* – Amendment of annotation ° 604 regarding the population of Zimbabwe to read:**

For the exclusive purpose of allowing in the case of the population of Zimbabwe:

- a) trade for commercial purposes in registered stocks of raw ivory (whole tusks and pieces) of Zimbabwean origin owned by the Government of the Republic of Zimbabwe, to trading partners that have been verified by the CITES Secretariat to have sufficient national legislation and domestic trade controls to ensure that ivory imported from Zimbabwe will not be re-exported and will be managed according to all requirements of Resolution Conf. 10.10 (Rev.) concerning domestic manufacturing and trade. No international trade in ivory to be permitted until 18 months after the adoption of the proposal (May 2004). Thereafter, an initial one-off quota of not more than 10,000 kg of ivory may be traded, and a subsequent annual quota of not more than 5,000 kg of ivory;
- b) trade in hunting trophies for non-commercial purposes;
- c) trade in live animals for non-commercial purposes to appropriate and acceptable destinations;
- d) trade in hides and leather goods; and
- e) trade in ivory carvings for non-commercial purposes.
(Zimbabwe)

Provisional assessment by the Secretariat

With this proposal, Zimbabwe requests that annotation °604 be amended to provide for the exportation of registered, Government-owned stocks of raw ivory of up to 10,000 kg in 2004 (i.e. not before 18 months after the adoption of the proposal), followed by annual export quotas of not more than 5,000 kg from 2005 onwards. The amendment also seeks to limit the trade in live animals to non-commercial purposes, and to remove current restrictions on the trade in leather goods. At present, the annotation allows Zimbabwe to trade in hunting trophies for non-commercial purposes, live animals to appropriate and acceptable destinations, hides, and ivory carvings and leather goods for non-commercial purposes.

a) General comments

The basic rationale for this proposal, as outlined in its introduction, is that elephant populations in Zimbabwe are large and have been growing since 1980 to reach approximately 87,000 animals in 2001. Loss of habitat and conflicts with humans are threats that can be alleviated by ensuring that benefits derived from the utilization of elephants are used for elephant conservation and rural community development programmes. Zimbabwe has invested in enforcement and anti-poaching activities, in habitat conservation and protection, and in monitoring programmes concerning elephant populations and their habitats. Long-term management of elephant populations requires long-term commitments to maintain, and where necessary expand these investments in Zimbabwe. The Secretariat is however concerned that this may be difficult under the current economic climate in the country. The Secretariat also notes that particularly in the Zambezi Valley in the northern part of the country, illegal hunting continues to threaten elephant populations and requires permanent law enforcement efforts.

If this proposal is adopted, Zimbabwe should consider providing at the next meeting of the Conference of the Parties, a detailed account of progress made with its national elephant conservation programme in order to promote a better understanding of the role of trade in its national elephant conservation programme. It will be informative if such an account could also cover indicating its implementation of provisions and guidelines elaborated by the Convention on Biological Diversity and IUCN concerning community participation in the conservation of arid savannah ecosystems.

For additional general comments, the Secretariat refers to its provisional assessment of Proposal No. 6 under paragraph a). Zimbabwe commits to several supplementary measures to further strengthen the existing CITES mechanisms concerning control of trade in Appendix-II species and trade in elephant specimens in particular, as laid out in Resolution Conf. 10.10 (Rev.).

b) Scope of the proposed trade

- i) Raw ivory of Zimbabwe origin owned by the Government of Zimbabwe, amounting initially to not more than 10,000 kg of ivory (to be traded after May 2004), and subsequently to annual export quotas of not more than 5,000 kg (from 2005 onwards)

The proposal indicates that on 31 December 2001, Zimbabwe held 20,982.31 kg of raw ivory in the Central Ivory Store of the Management Authority. It is however not clear how much ivory was held at the time that the proposal was submitted in June 2002. The ivory derives mainly from natural mortality and natural breakage, and from problem-animal control. Legal hunting, management hunting, seizures, confiscations, etc. are mentioned as other sources of ivory.

The proposal indicates that the same measures and conditions that applied to the experimental export of ivory pursuant to Decision 10.1 would apply to future exports of raw ivory. It would however be preferable to have these measures clearly spelled out in the current proposal. Furthermore, the proponent refers to its proposal at the 10th meeting of the Conference of the Parties (Prop. 10.27) concerning "further details on conditions and precautions" that would apply to trade in raw ivory, but does not stipulate what elements of that proposal it is referring to. It is also unclear from the proposal whether Zimbabwe intends to restrict export authorization to ivory from certain origins only. Its proposal at CoP10 specified for instance that exports would not include confiscated ivory of unknown origin or which is known to be non-Zimbabwean. The proponents should clarify whether it intends to maintain this constraint or not.

The proposal details the annual accumulation rate of the stockpiled ivory from 1998 to 2001 by origin, averaging well over 8,000 kg per year: 3,800 kg of ivory is annually recovered from natural mortalities, natural breakage and parks estates; 3,700 kg from problem-animal control and other management measures; 1,000 kg from confiscations and poaching; and 280 kg from legal hunting. No ivory was recovered from culling or from unknown origins during the four years. The theoretical production of ivory is between 8,500 and 42,500 kg of ivory per year at a low crude average

combined tusk weight of 10 kg per individual, from a population of 85,000 elephants subjected to a natural mortality rate of 1 to 5 per cent per annum. Not all ivory from natural mortalities is recovered, and mortality rates may vary considerably from year to year, but this calculation serves as an indication that the proposed annual quota of 5,000 kg is realistic and conservative.

The proposal indicates that illegal trade in Zimbabwe is relatively low, but probably increasing. The basis for this statement is not very clear, as it is not supported by the data on elephant poaching in the country or the levels of seizures of ivory, which appear to have remained stable in recent years. The proposal indicates that expenditure on elephant conservation and protection efforts per square kilometre increased from an average of USD 49 per km² in 1996 to over USD 90 per km² in December 2001. It is however not clear whether these efforts have continued into 2002, or can be maintained in the long term.

Zimbabwe has monitored its elephant populations practically every year since 1980. Zimbabwe has implemented fully the Monitoring of Illegal Killing of Elephants (MIKE) programme, and contributed to the Elephant Trade Information System (ETIS) [cf. Resolution Conf. 10.10 (Rev.)]. It expresses support to both systems as objective means to monitor the effects of amending the listing of the African elephant under CITES.

Zimbabwe maintains a computerized database, developed with the assistance of TRAFFIC. All ivory specimens that are collected are marked and their source is documented. The registration and inventory system was developed for the experimental trade in 1999, and records the identity and origin of each specimen. Therefore, the ivory intended to be exported can be traced to an appropriate source within Zimbabwe.

Although not explicitly stated in the proposal, the export should only apply to raw ivory as defined in Resolution Conf. 10.10 (Rev.). Zimbabwe states that it will comply with the recommendations in Resolution Conf. 10.10 (Rev.) regarding the marking of whole tusks and of cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight. The inclusion in the annual quota of pieces of ivory that are smaller than 1 kg and 20 cm in length should not be problematic provided that such pieces derived from natural breakage or another verifiable origin and are not finished or partly finished products (i.e. that such pieces do not meet the definition of 'worked ivory' in Resolution Conf. 10.10 (Rev.)).

The proposal indicates that trade in ivory will only take place with countries that have been verified by the Secretariat to have sufficient national legislation and domestic trade controls to ensure that no re-exports of ivory will take place and that requirements regarding control of internal ivory trade, laid out in Resolution Conf. 10.10 (Rev.) on trade in elephant specimens, are fully implemented. As mentioned above, the proponent commits to "the same precautionary measures and conditions that applied for the last experimental trade", but does not specify these measures. Presumably, Zimbabwe would apply the precautionary undertakings that were proposed by the Secretariat to the Standing Committee for the experimental trade in raw ivory in 1999, pursuant to Decision 10.1 (see document Doc. 11.31.1). The revenues generated from wildlife products derived from the management killings or natural mortality of elephants, including ivory, hides and trophies, are retained by the Management Authority, or are deposited in special funds of local communities. They are used for conservation management activities and for the development of rural communities living adjacent to elephant ranges.

The Secretariat notes that Zimbabwe proposes that no international trade in ivory should be permitted until 18 months after the adoption of the proposal (i.e. May 2004). This is presumably to allow independent monitoring of the export procedures and the identification and approval of potential trading partners, and for the Secretariat to verify *inter alia* compliance with Resolution Conf. 10.10 (Rev.) in the country intending to import ivory from Zimbabwe. The proposed delay before exports are allowed would also enable further data to be obtained from the implementation of the MIKE and ETIS monitoring programmes.

ii) Trade in live specimens for non-commercial purposes

The proposal does not indicate the number of live specimens that Zimbabwe intends to trade, but it seems that only very few animals have been exported in recent years. The proposal restricts such trade to appropriate and acceptable destinations, as defined in annotation 608, and for non-commercial purposes.

iii) Trade in hunting trophies

The current quota for sport-hunted elephants of 400 is within the guideline of 0.005 per cent of the standing population (i.e. approximately 425 to 445). This guideline, developed in Zimbabwe, is conservative and is not the only way to determine a sustainable hunting offtake, but should be used unless other information on the recruitment of adult males is provided. Annual report data indicate that, from 1997 to 2000, Zimbabwe exported some 350 trophies per year. In 2001, however, only 13 were recorded, which may be explained by incomplete reporting.

iv) Trade in hides and leather goods

The proposal indicates that a stockpile of 30,000 kg of elephant hides has accumulated in the central store from problem-animal control, legal hunting operations, and from animals that were killed for other management reasons. Approximately 100,000 kg of hides were internationally auctioned in 1998 and 1999. Benefits of these sales have gone to conservation management activities and to stakeholders. The Secretariat is not aware of problems concerning the control of this trade, and has no evidence to suggest that elephants have been illegally killed for trade in skins. Annual report data indicate that Zimbabwe regularly exported leather goods made of elephant hides. Although limited to exports for non-commercial purposes, the trade seemed to be increasing. With the current proposal, Zimbabwe seeks to extend the trade in leather goods to commercial exports to increase the benefits that rural communities and the local leather industries can make from elephant hides.

vi) Trade in ivory carvings for non-commercial purposes

Sixty-five registered carvers produce items that can be exported by tourists as personal effects. UNEP-WCMC data suggest that relatively small numbers of ivory carvings were exported from Zimbabwe. Although limited to exports for non-commercial purposes, trade appeared to be gradually increasing until 2000, when more than 900 items were reportedly exported. In as much as it has not done so already, Zimbabwe should fully implement the measures regarding controls of internal ivory trade and ivory carving industries referred to in Resolution Conf. 10.10 (Rev.).

The Secretariat believes that it would be premature to formulate a definitive recommendation on this proposal, particularly where its ivory-trade-related aspects are concerned. Such a recommendation can in its view only be established in the light of an in-depth discussion among elephant range States at the planned dialogue meeting of African elephant range States.

Proposal 11: *Loxodonta africana* – Transfer to Appendix I of populations currently included in Appendix II, in accordance with Resolution Conf. 9.24, Annex 1, sections C. i) and ii) and D, and in light of Annex 3 on ‘split listing’ and Annex 4 on ‘Precautionary Measures’ (India, Kenya)

Provisional assessment by the Secretariat

The proposal from India and Kenya requests the transfer of the populations of *Loxodonta africana* of Botswana, Namibia, South Africa and Zimbabwe to Appendix I. It does not contain specific or up-to-date information on the four populations that are the subject of the proposal, contrary to Resolution Conf. 9.24, third RESOLVES. The Secretariat notes the absence in the supporting statement of the section which should

provide details of the consultation undertaken to secure comments on the proposal from the range States of the species, either through direct contact or via the Secretariat. It is therefore unclear whether the proponents have complied with the recommendations in Resolution Conf. 8.21 regarding the consultation with range States on proposals to amend Appendices I and II.

The data on the size, distribution and trends of the elephant populations in Botswana, Namibia, South Africa and Zimbabwe presented in this proposal, and in a more extensive and up-to-date way in Proposals 6, 7, 8 and 10, do not support the claim that any of the four populations meets criteria C. i) and ii) in Annex 1 of Resolution Conf. 9.24 on criteria for amendment of Appendices I and II. On the contrary, the four populations are not small and have been growing continuously for more than 10 years; the area of distribution, and the quality and availability of habitat is reportedly increasing in Botswana, Namibia and South Africa; current levels of exploitation are not a threat to the species and contribute to elephant conservation and management in the four countries; and there are no reported threats from extrinsic factors or a decreasing reproductive potential.

The proposal does not clarify why the elephant populations of Botswana, Namibia, South Africa and Zimbabwe would meet criterion D of Annex 1 of Resolution Conf. 9.24. The conservation status of elephants in the four countries is secure and has been improving over the last decade. There are no indications at this stage that elephants in these countries are likely to satisfy one or more of the biological criteria for inclusion in Appendix I, outlined in sections A, B and C in Annex 1 of Resolution Conf. 9.24, within a period of five years.

The supporting statement refers to Annex 3 of Resolution Conf. 9.24 on split-listing to justify a proposed transfer of the elephant populations of Botswana, Namibia, South Africa and Zimbabwe from Appendix II to Appendix I. It is correct that listing of a species in more than one Appendix should be avoided in general in view of enforcement problems it creates. When it occurs, this should generally be on the basis of national or continental populations, rather than subspecies, as was the case for the populations in the four countries concerned.

The supporting statement further refers to Annex 4 to Resolution Conf. 9.24 on Precautionary measures, but does not specify why or how Annex 4 is relevant to the four populations that it proposes for transfer from Appendix II to Appendix I. Section A of Annex 4 requires Parties to act in the best interest of the conservation of the species when considering proposals to amend the Appendices. This was taken into consideration by the Conference of the Parties when deciding to agree to transfer the four populations from Appendix I to Appendix II at CoP10 (for the populations of Botswana, Namibia and Zimbabwe) and CoP11 (for the population of South Africa). Section B relates to the transfer of species from Appendix I or II and the deletion of species from Appendix II, but not to the transfer of species to Appendix I. The only precautionary measures in Annex 4 of Resolution Conf. 9.24 that apply to a population already in Appendix II are contained in sections C and D, which provide for specific remedial procedures through the Secretariat and the Standing Committee in instances that export quotas approved by the Conference of the Parties are part of amendment proposals. The Appendix-II listing of the elephant populations of Botswana, Namibia and Zimbabwe was in compliance with section B. 2. c) of Annex 4 of Resolution Conf. 9.24. Consequently, it should have been possible for any Party to draw attention to problems in compliance with the management measures and export quotas applicable to these populations, in accordance with Annex 4, Section C.1 of the Resolution. However, this has never been done and the measures foreseen by the Conference of the Parties have never been invoked. Section D of Annex 4 is not relevant to these populations. The listing in Appendix II of the population of South Africa was subject to a zero quota for trade in raw ivory originating from the Kruger National Park, and the procedures called for in sections C and D are therefore not relevant.

The supporting statement provides exhaustive lists of cases of illegal trade in or seizures of ivory, and of elephant poaching incidents that were reported to have occurred throughout the world in 2000, 2001 and 2002. These cases concern ivory from the African elephant, *Loxodonta africana*, as well as the Asian elephant, *Elephas maximus*. Only a few reported incidents relate to Botswana, Namibia, South Africa and Zimbabwe. Proposals 6, 7, 8 and 10 provide additional details of illegal trade, ivory seizures and poaching trends and incidents in these four countries.

The general information is summarized in two tables, according to which, between 1 January 2000 and May 2002, 690 tusks, 2,540 ivory pieces or objects, and 4,960 kg of ivory originating from Africa were seized, and 965 poaching incidents concerning African elephants reported (other information relates to ivory seizures from Asian and unknown origins, and to a small number of Asian elephant poaching incidents). This demonstrates that illegal killing of and trade in African elephants is a continuing problem in many parts of the species' range, suggesting that law enforcement and conservation management are often under-resourced, insufficient or ineffective. The Secretariat is concerned about the failure to generate long-term support to range States to enhance elephant conservation, despite several attempts to generate more funding for such activities in the past (see for instance Decision 11.3). The proponents indicate in this regard that for instance systems to monitor illegal trade in ivory and other elephant specimens (ETIS) and illegal hunting in elephant range States (MIKE), as described in Annexes 1 and 2 of Resolution Conf. 10.10 (Rev.) on trade in elephant specimens, have proven to be difficult to implement.

The main concern of the proponents of this proposal, as indicated in its introductory rationale, appears to be the ongoing poaching of and illegal trade in elephants from populations and species that are listed in Appendix I. The supporting statement furthermore argues that the current split-listing of the African elephant is likely to confuse consumers of ivory objects, and that this has probably already led to increase in illegal trade or to poaching of elephants and stockpiling of ivory. However, no information is provided in the proposal to substantiate this hypothesis. The information in Proposals 6, 7, 8 and 10 does not support this assumption, while a report that is often quoted in the proposal (The South and Southeast Asian ivory markets - Martin, E. and Stiles, D. 2002, Save the elephants, Nairobi and London) concluded that the experimental sale of raw ivory from Botswana, Namibia and Zimbabwe in 1999 did not cause the ivory trade to increase in South and Southeast Asia.

The Secretariat believes that it would be premature to formulate a definitive recommendation on this proposal. Such a recommendation can in its view only be established in the light of the planned dialogue meeting of African elephant range States.

Proposal 12

***Vicugna vicugna* – Transfer from Appendix I to Appendix II of the population of the province of Catamarca, for the exclusive purpose of allowing international trade in wool sheared from live animals, in cloth, derived manufactured products and other handicraft artefacts bearing the label 'VICUÑA – ARGENTINA' (Argentina)**

Provisional assessment by the Secretariat

This proposal refers to the wild populations of the province of Catamarca. The semi-captive populations in this province are already included in Appendix II. The animals in all these populations have originated from elsewhere in Argentina. The information provided in the supporting statement indicates that the population does not meet the biological criteria for Appendix I, as outlined in Annex 1 of Resolution Conf. 9.24. The management programme annexed to the proposal contains sufficient safeguards that the wild populations, once transferred to Appendix II, will not be overexploited. The proposal is therefore consistent with the provisions of Annex 4, section B.2.b) of Resolution Conf. 9.24.

Proposal 13

***Vicugna vicugna* – Transfer to Appendix II of the populations of Bolivia that are in Appendix I, in accordance with Article II, paragraph 2 (a), of the Convention, with the exclusive purpose of allowing international trade in products made from wool sheared from live animals and bearing the label 'VICUÑA – BOLIVIA' (Bolivia)**

Provisional assessment by the Secretariat

The same proposal was submitted for consideration at CoP11, but was withdrawn by Bolivia to facilitate further dialogue between the signatory countries to the *Convenio para la Conservación y Manejo de la*

Vicuña. The information provided in the supporting statement indicates that the populations do not meet the biological criteria for Appendix I, as outlined in Annex 1 to Resolution Conf. 9.24. Noting the low incidence of illegal trade, the size and trend of the Bolivian vicuña populations, expanding community involvement in vicuña management, existing international agreements and the low impact of shearing on wild populations of the vicuña as a management method, the proposal is therefore consistent with the provisions of Annex 4, section B.2.b) of Resolution Conf. 9.24.

Proposal 14

***Vicugna vicugna* – Transfer from Appendix I to Appendix II of the population of the Primera Región of Chile through a modification of annotations –106 and +211 (Chile)**

Provisional assessment by the Secretariat

The supporting statement to this proposal does not follow the format provided in Annex 6 of Resolution Conf. 9.24 and does not address all elements of the proposal format. The Secretariat advises the proponent to provide the missing information where possible. From the information provided it is clear that the population of *Vicugna vicugna* has been increasing over the past years and has now reached a stable level of almost 17,000 animals. A programme is being developed to improve the involvement of local communities in the management of the wild populations (the semi-captive population of this region is already included in Appendix II). A transfer of the population to Appendix II would therefore be in accordance with the precautionary guidance provided in Annex 4 of Resolution Conf. 9.24.

Proposal 15

***Rhea pennata pennata* – Transfer from Appendix I to Appendix II of the Chilean population, in accordance with Annex 4, section B.2.b) of Resolution Conf. 9.24 (Chile)**

Provisional assessment by the Secretariat

Rhea pennata pennata has been included in Appendix II since the Convention entered into force, and was transferred to Appendix I at the second meeting of the Conference of the Parties (San Jose, 1979) following the adoption of a proposal submitted by Peru. The supporting statement of that proposal largely referred to the status of *R. p. tarapacensis* in Peru, and contained no information on the population status of the other two subspecies. The current proposal is well prepared and contains all information in the required detail, indicating that, although the population is not very large, it does not meet the criteria for inclusion in Appendix I. An important element in this proposal is that Chile has the intention of allowing trade only in specimens from breeding operations. The proposal is therefore consistent with the provisions of Annex 4, section B.2.b), of Resolution Conf. 9.24.

Proposal 16

***Amazona auropalliata* – Transfer from Appendix II to Appendix I (Costa Rica)**

Provisional assessment by the Secretariat

Very little information is provided on the population size of this species in the various range States. The proposal indicates that the serious loss of habitat owing to deforestation is the most serious threat to the survival of this species.

The most recent information is available for Nicaragua, where the population was estimated in 1999 at 85,000 specimens. The offtake of young animals is well managed and is subject to a quota, for 2002 set at 650 specimens. Population estimates conducted in a part of Honduras in 1993 mention 40,290 individuals. Concerning Costa Rica, El Salvador, Guatemala and Mexico, no population data are provided, but for all these countries the severe reduction of the species' habitat is given as a major reason for the rapid decline in

population size. In the case of Costa Rica, however, the proposal notes that the species has been considered common and stable in the protected areas. It is not clear from the proposal whether the same may be true in other range States. Frequent reference is made to the plundering of nests and nesting trees for the purpose of illegal trade, but unfortunately no information is provided on confiscations of illegal shipments or other enforcement actions. Illegal harvesting is reported for what appears to be a significant but mostly illegal internal market involving thousands of birds (e.g. Costa Rica alone has a captive population of approximately 22,000 specimens), as well as for illegal international trade. From the supporting statement it is not clear whether all the range States have been consulted. The Secretariat would be particularly interested in the opinion of Nicaragua, since it is the only range State that is regularly trading this species from a population of apparently 85,000 birds.

Although in decline, the species does not seem to meet the biological criteria for listing in Appendix I in view of the overall size of the wild population and its large distribution area. The Secretariat is of the opinion that a transfer of this species to Appendix I would not necessarily address the main threats to the species, and that better implementation of domestic legislation, improved controls of national and international trade, and measures to protect the remaining habitat would produce more important conservation benefits.

Proposal 17

***Amazona oratrix* – Transfer from Appendix II to Appendix I (Mexico)**

Provisional assessment by the Secretariat

As in the case of *Amazona auropalliata* (Proposal 16), the supporting statement provides very little detail on the current population sizes of the various subspecies, other than for *A. o. tresmariae*. It is therefore difficult to verify the suggested population decline of 68 per cent in the last 10 years (but an even higher decline has been estimated in another source¹), but such a decline would be consistent with the scale of habitat loss. Although probably heavily traded in the 1970s and 1980s, hardly any legal trade for commercial purposes has taken place in the 1990s. Trade in live specimens was mainly in captive-bred birds. The supporting statement identifies a considerable trade in illegally caught specimens, but it is doubtful that this problem could be resolved with an Appendix-I listing only. The supporting statement does not mention whether the other range States have been consulted, although paragraph 7 seems to indicate that there has been contact with Costa Rica and Guatemala.

As recognized in the proposal, loss of habitat through deforestation has had a major impact on this species, and the range States would need to complement the control of trade with measures to secure the habitat of this species in order to promote its recovery. This species qualifies for inclusion in Appendix I under the provisions of Annex 1, criteria C.i) and C.ii), of Resolution Conf. 9.24.

Proposal 18

***Ara couloni* – Transfer from Appendix II to Appendix I in accordance with Annex 1, section D, of Resolution Conf. 9.24 (Germany on behalf of the Member States of the European Community)**

Provisional assessment by the Secretariat

There is insufficient information to determine whether the species meets the criteria for inclusion in Appendix I on the basis of Annex I, section D, of Resolution Conf. 9.24. The proposal indicates that the range States either prohibit exports or only allow a small number in international trade annually, but that internal trade is not regulated in Peru and Bolivia, where the species is stated to be unprotected. Furthermore, it is stated that internal trade occurs openly in Brazil despite the fact that the species is under protection and that no imports have been authorized. The proposal indicates that population monitoring is

¹ BirdLife International (2000), *Threatened birds of the world* Barcelona and Cambridge, Lynx Edicions and BirdLife.

poor, few areas of habitat are under national protection, legal protection is inefficient or absent, and no specific management measures exist for this species.

In view of the above, the Secretariat is not convinced that a transfer of this species to Appendix I would contribute significantly to the species' conservation and is of the opinion that the management measures outlined in section 4.2.3 of the proposal would result in more important conservation benefits.

Proposal 19

***Poicephalus robustus* – Transfer of the South African population from Appendix II to Appendix I in accordance with Annex 1, sections A.(ii), B.(i) and C.(ii), of Resolution Conf. 9.24, (South Africa)**

Provisional assessment by the Secretariat

The rationale for this proposal seems to be a concern that a potential increase in demand for the species may result from a recent taxonomic change, which elevated a relatively small subpopulation of *P. robustus* to the species level. This subpopulation is endemic to South Africa, has a very small total population size and appears to be inadequately protected and thus endangered. This taxonomic change has not yet been adopted by the Conference of the Parties, which explains why the reference in the proposal is to the South African population of *P. robustus*. The small size of this subpopulation and its fragmented distribution indicate that the species may qualify for inclusion in Appendix I under Annex 1, sections A.ii) and B.i), of Resolution Conf. 9.24. The information provided suggests that the population is small but stable, and that the fragmented forest habitat is protected. It is therefore not clear that Annex 1, criterion C.ii), of Resolution Conf. 9.24 has been met, as contended in the proposal.

The proposal does not explain why an Appendix-I listing is necessary to avert the threat of commercial trade, as stated in the proposal. It should be noted that South Africa has not authorized the export of any wild specimens since 1989 and only a total of six wild specimens since 1978, none for the purpose of commercial trade. It clearly does not intend to allow export in the near future either. If the threat of commercial trade refers to illegal trade, it is unlikely that an Appendix-I listing would reduce or eliminate that. Appendix II provides adequate measures to control trade for the newly described endemic species.

The proposal, although asserting that commercial trade is a major threat, presents a clear argument that the most important threats to this species relate to the loss of habitat, unsustainable logging of the *Podocarpus* forests and agriculture. In fact, a strong case has been built that the relict *Podocarpus* forests, which are vital habitat for this species, should be much better protected than they are at present.

The Secretariat generally advises against amendment proposals that do not seem to address the real conservation threat. In this instance, increased national protection for the species and the *Podocarpus* forests that it so much depends upon is likely to have a greater effect on the conservation of this parrot.

Proposal 20

***Platysternon megacephalum* – Inclusion in Appendix II in accordance with Article II, paragraph 2(a), of the Convention and Annex 2.a, sections A and B.i), of Resolution Conf. 9.24 (China, United States of America)**

Provisional assessment by the Secretariat

This proposal stems from a workshop convened by the Secretariat pursuant to Decision 11.150, in Kunming, China, in March 2002, and appears to be supported by all the range States that participated. The Lao People's Democratic Republic was invited but could not attend. Little information is available on the population status and trend for this species (and indeed most other freshwater turtle species) but the proposal presents a well-researched summary of the available information. The species appears to be in trade in significant volumes or in demand for trade (as food items or as live specimens), with extensive evidence of illegal trade and recent declines in availability in some markets, which may suggest

overexploitation. The species qualifies for inclusion in Appendix II under Article II, paragraph 2(a) of the Convention, and criteria A and B.i) of Annex 2 a of Resolution Conf. 9.24.

It is not clear that all populations are equally under threat, but the inclusion of this species in Appendix II is likely to be beneficial across its range. Other actions should however be taken to complement an Appendix-II listing, because not all threats stem from international trade. Such actions were identified at the workshop in Kunming (cf. document CoP12 Doc. 39). Range States should maintain strict control over trade in addition to improving measures to protect the relevant populations *in situ*. It seems to be very important to improve the regulation and monitoring of domestic markets for freshwater turtles in general, in addition to developing and implementing any measures aimed at improving management of international trade.

Proposal 21

***Annamemys annamensis* – Inclusion in Appendix II in accordance with Article II, paragraph 2(a), of the Convention and Annex 2 a, sections A, and B.i) and ii), of Resolution Conf. 9.24
(China, Germany on behalf of the Member States of the European Community)**

Provisional assessment by the Secretariat

The Nomenclature Committee advised the Secretariat that the name *Annamemys annamensis* should be used for the taxon referred to by the proponents as *Mauremys annamensis* in their proposal. The proposal was discussed at the Kunming workshop on freshwater turtles convened by the Secretariat pursuant to Decision 11.150. The species appears to be traded in significant volumes or to be in demand for trade (as food items or as live specimens), with extensive evidence of illegal trade. The species qualifies for inclusion in Appendix II under Article II, paragraph 2(a) of the Convention, and meets criteria A, B.i) and ii) of Annex 2 a, of Resolution Conf. 9.24. The comments in the last paragraph of the assessment of Proposal 20 also apply to this species.

Proposal 22

***Heosemys* spp. – Inclusion in Appendix II in accordance with Article II, paragraph 2(a), of the Convention and Annex 2 a of Resolution Conf. 9.24,:**

- a) sections A and B.i) for *H. depressa*;
- b) section B.i) for *H. grandis* and *H. spinosa*; and
- c) section A for *H. leytensis*.

(China, Germany on behalf of the Member States of the European Community)

Provisional assessment by the Secretariat

This proposal was discussed at the Kunming workshop convened by the Secretariat pursuant to Decision 11.150. The scope of the proposal is confusing as it refers to the entire genus but lists only four species in paragraphs a) to c). The supporting statement says that another taxon, *Heosemys sylvatica*, is specifically excluded from the proposal because of uncertainty about its taxonomy. The name *H. sylvatica* is nevertheless included in the standard reference for the names of turtles adopted by the Conference of the Parties (Wermuth & Mertens, 1996). It is therefore necessary that the proposal be amended to refer only to the inclusion in Appendix II of *H. depressa*, *H. grandis*, *H. spinosa* and *H. leytensis*, and not to the inclusion of *Heosemys* spp.

All four species appear to be traded in significant volumes or to be in demand for trade (as food items or as live specimens). There is extensive evidence of illegal trade and recent declines in availability in some markets, which may suggest overexploitation. The species qualify for inclusion in Appendix II under Article II, paragraph 2(a), of the Convention and meet criteria A and B.i) of Annex 2 a of Resolution Conf. 9.24 as outlined in the proposal. The comments in the last paragraph under Proposal 20 also apply to these species.

Proposal 23

***Hieremys annandalii* – Inclusion in Appendix II in accordance with Article II, paragraph 2(a), of the Convention and Annex 2 a, sections A and B.i) of Resolution Conf. 9.24 (China, United States of America)**

Provisional assessment by the Secretariat

This proposal originates from the Kunming workshop on freshwater turtles convened by the Secretariat pursuant to Decision 11.150, and concerns one of the species identified at this workshop for inclusion in Appendix II. While very little quantitative information seems to be available on the status of this species, the general impression is that the species is under extensive pressure from harvesting for international trade and domestic consumption, and has severely declined in some localities. The species qualifies for inclusion in Appendix II under Article II, paragraph 2(a) of the Convention, and meets criteria A and B.i) of Annex 2 a of Resolution Conf. 9.24. The comments in the last paragraph of the assessment of Proposal 20 also apply to this species.

Proposal 24

***Kachuga* spp. (except *K. tecta*) – Inclusion in Appendix II with the exception of *K. tecta* in accordance with Article II, paragraph 2(a), of the Convention and:**

- a) **Annex 2 a, sections A and B, of Resolution Conf. 9.24 for *K. dhongoka*, *K. kachuga*, *K. sylhetensis* and *K. trivittata*; and**
- b) **Annex 2 b, section A, of Resolution Conf. 9.24 for *K. smithii* and *K. tentoria* (India, United States of America)**

Provisional assessment by the Secretariat

Ample information is presented in this proposal, which stems from the Kunming workshop on freshwater turtles convened by the Secretariat pursuant to Decision 11.150, to demonstrate that the genus (of which *Kachuga tecta* is already included in Appendix I) merits inclusion in Appendix II. Although limited information exists on the population status and trends for any of the species concerned, the proposal sufficiently describes the current threats posed by international trade and the impact or potential impact of trade on this genus. The comments in the last paragraph of the assessment of Proposal 20 also apply to these species.

Proposal 25

***Leucocephalon yuwonoi* – Inclusion in Appendix II in accordance with Article II, paragraph 2(a), of the Convention and Annex 2 a, sections A and B.i), of Resolution Conf. 9.24 (China, Germany on behalf of the Member States of the European Community)**

Provisional assessment by the Secretariat

Although the name *Leucocephalon yuwonoi* is widely used for this species, the standard reference for the names of turtles adopted by the Conference of the Parties (Wermuth & Mertens, 1996) uses the name *Geoemyda yuwonoi*. If the proposal is adopted, this is the name that will be used in the Appendices unless the Conference of the Parties decides otherwise.

This proposal was discussed at the Kunming workshop on freshwater turtles convened by the Secretariat pursuant to Decision 11.150, and concerns one of the species identified at this workshop for inclusion in Appendix II. While very little quantitative information seems to be available on the status of this species, this brief but adequate proposal shows that it is under extensive pressure of harvesting for international trade and domestic consumption, and has severely declined in some localities. The species qualifies for inclusion in Appendix II under Article II, paragraph 2(a) of the Convention, and meets and meets criteria A and B.i) of Annex 2 a of Resolution Conf. 9.24. It is striking that this species is not protected, does not occur in any protected areas, is not monitored and already has been severely impacted by harvesting, which is also evidenced by its rapid decline in availability on markets. The comments in the last paragraph of the assessment of Proposal 20 also apply to this species.

Proposal 26

***Mauremys mutica*– Inclusion in Appendix II in accordance with Article II, paragraph 2(a), of the Convention and Annex 2 a, sections A and B.i), of Resolution Conf. 9.24
(China, United States of America)**

Provisional assessment by the Secretariat

This proposal originates from the Kunming workshop on freshwater turtles convened by the Secretariat pursuant to Decision 11.150, and concerns one of the species identified at this workshop for inclusion in Appendix II. While very little quantitative information seems to be available on the status of this species, it is evident that the species has been severely impacted by unregulated harvesting and international trade. The general impression is that the species is under extensive pressure of harvesting for international trade and domestic consumption, and has severely declined in some localities. The species qualifies for inclusion in Appendix II under Article II, paragraph 2(a) of the Convention, and meets criteria A and B.i) of Annex 2 a of Resolution Conf. 9.24. The comments in the last paragraph of the assessment of Proposal 20 also apply to this species. It is striking that although recently described as one of the commonest turtles for sale in Chinese food markets, the species has become endangered. It is essential that better controls be placed on domestic harvesting of and trade in this species.

Proposal 27

***Orlitia borneensis* – Inclusion in Appendix II in accordance with Article II, paragraph 2(a), of the Convention and Annex 2 a, section B.i), of Resolution Conf. 9.24
(China, Germany on behalf of the Member States of the European Community)**

Provisional assessment by the Secretariat

This proposal was discussed at the Kunming workshop on freshwater turtles convened by the Secretariat pursuant to Decision 11.150. Little quantitative information is available on the status of this species, but its declining availability in trade suggests that it has been severely impacted in several localities through harvesting for international trade and domestic consumption. The species qualifies for inclusion in Appendix II under Article II, paragraph 2(a) of the Convention, and meets criteria A and B.i) of Annex 2a of Resolution Conf. 9.24. The comments in the last paragraph of the assessment of Proposal 20 also apply to this species.

Proposal 28

***Pyxidea mouhotii* – Inclusion in Appendix II in accordance with Article II, paragraph 2(a), of the Convention and Annex 2 a, sections A and B.i), of Resolution Conf. 9.24
(China, United States of America)**

Provisional assessment by the Secretariat

This proposal originates from the Kunming workshop on freshwater turtles convened by the Secretariat pursuant to Decision 11.150, and concerns one of the species identified at this workshop for inclusion in Appendix II. While very little quantitative information seems to be available on the status of this species, the general impression is that the species is under extensive pressure of harvesting for international trade and domestic consumption, and has severely declined in some localities. It is also subject to extensive illegal trade. The species qualifies for inclusion in Appendix II under Article II, paragraph 2(a) of the Convention, and meets criteria A and B.i) of Annex 2a of Resolution Conf. 9.24. The comments in the last paragraph of the assessment of Proposal 20 also apply to this species.

Proposal 29

***Siebenrockiella crassicollis* – Inclusion in Appendix II in accordance with Article II, paragraph 2(a), of the Convention and Annex 2a, sections A and B.i), of Resolution Conf. 9.24
(China, United States of America)**

Provisional assessment by the Secretariat

This proposal originates from the Kunming workshop on freshwater turtles convened by the Secretariat pursuant to Decision 11.150, and concerns one of the species identified at this workshop for inclusion in Appendix II. The species appears to be in trade in significant volumes or in demand for trade (as food items or as live specimens), with extensive evidence of illegal trade. The species qualifies for inclusion in Appendix II under Article II, paragraph 2(a) of the Convention, and meets criteria A and B.i) of Annex 2 a of Resolution Conf. 9.24. The comments in the last paragraph of the assessment of Proposal 20 also apply to this species.

Proposal 30

***Eretmochelys imbricata* – Transfer of the population in Cuban waters* from Appendix I to Appendix II, pursuant to Resolution Conf. 9.24, for the exclusive purpose of allowing the Government of Cuba to export its stockpile of shell plates (7,800 kg), accumulated legally from its national conservation and management programme between 1993 and 2002, annotated as follows:**

- a) **the export will not take place until the CITES Secretariat has verified, within 12 months of the decision, that the importing country has adequate internal trade controls and will not re-export and the CITES Standing Committee accepts this verification; and**
- b) **the wild population in Cuban waters will continue to be managed as an Appendix-I species.**

*** In accordance with Article I (a) of the Convention, the population for which a transfer is requested is defined as that segment of the regional Caribbean population bounded by the geographic limits of Cuban waters, which is under the jurisdiction of the Republic of Cuba, and is the exclusive area from which the shell was derived.**

(Cuba)

Provisional assessment by the Secretariat

A substantially similar and equally complete proposal to transfer to Appendix II the population of *Eretmochelys imbricata* in Cuban waters for the sole purpose of disposing of stockpiled scales derived from their management programme was presented by the proponent at CoP11, where it was rejected. Since then, the proponent has consulted widely with range States and regional exchange of information has been possible through two wider Caribbean hawksbill turtle range State dialogue meetings (15-17 May 2001, Mexico City; and 21-23 May 2002, Cayman Islands). The results of the dialogue meetings are presented in document CoP12 Doc. 20.2.

The proposal is based on the assumption that the Cuban population of the hawksbill turtle does not meet the criteria for inclusion of the species in Appendix I. It provides relevant information required under Resolution Conf. 9.24, Annex 1, regarding the size of the population (section A), its range (section B), and the absence of decline (section C). The proposal argues that the status of the population is such that its transfer to Appendix II in accordance with Annex 4 of Resolution Conf. 9.24, would be highly unlikely to lead to the species satisfying the criteria for inclusion in Appendix I within five years (Annex 1, paragraphs A-C).

The proposal states that, if it is adopted, Cuba will withdraw its reservation on *E. imbricata* within 90 days, and will also ensure that current commitments for the conservation and management of this species will be maintained, to the benefit of local communities. Any trade would be conditional upon an assessment by the Secretariat, with final approval by the Standing Committee, that the controls in the importing country are adequate to ensure that legal trade from Cuba does not encourage illegal trade, or undermine in any way the conservation and management programmes for *E. imbricata* implemented by other Parties.

There is disagreement between marine turtle scientists concerning the validity of national populations for migratory and wide-ranging species and the Secretariat is of the opinion that these and other aspects of the proposal need to be discussed in detail at the meeting of the Conference of the Parties.

Proposal 31

***Chitra* spp. – Inclusion in Appendix II in accordance with Article II, paragraph 2(a), of the Convention and Annex 2a, sections A and B.i), of Resolution Conf. 9.24
(China, United States of America)**

Provisional assessment by the Secretariat

This proposal originates from the Kunming workshop on freshwater turtles convened by the Secretariat pursuant to Decision 11.150, and concerns one of the taxa identified at this workshop for inclusion in Appendix II. While very little quantitative information is available on the status of the species of this small genus, it is clear that some populations of all species have been severely impacted by unregulated harvesting and trade. The species of this genus qualify for inclusion in Appendix II under Article II, paragraph 2(a), of the Convention, and meets criteria A and B.i) of Annex 2 a of Resolution Conf. 9.24. The comments in the last paragraph of the assessment of Proposal 20 also apply to this genus¹.

Proposal 32

***Pelochelys* spp. – Inclusion in Appendix II**

- a) ***P. cantorii*: in accordance with Article II, paragraph 2(a), of the Convention, and Annex 2 a, sections A and B. i), of Resolution Conf. 9.24; and**
- b) ***P. bibroni*: in accordance with Article II, paragraph 2(b), of the Convention, and Annex 2 b, section A, of Resolution Conf. 9.24,.**

(China, United States of America)

Provisional assessment by the Secretariat

This proposal also originates from the Kunming workshop on freshwater turtles convened by the Secretariat pursuant to Decision 11.150, and concerns one of the taxa identified at this workshop to be priorities for inclusion in Appendix II. Little quantitative information is available on the status of *P. cantorii*, but it is clearly under extensive pressure of harvesting for international trade and domestic consumption, and has severely declined in some localities. This species clearly qualifies for inclusion in Appendix II under Article II, paragraph 2(a) of the Convention, and meets criteria A and B.i) of Annex 2 a of Resolution Conf. 9.24.

The inclusion of *P. bibroni* as a look-alike species under Article II, paragraph 2(b) is less clear. Although even less information is available on this species, the proposal states that, in both range States, the species is strongly affected by hunting for trade. It would therefore seem to qualify for inclusion in Appendix II in accordance with Article II, paragraph 2(a) of the Convention. The comments in the last paragraph of the assessment of Proposal 20 also apply to this genus.

Proposal 33

***Hoplodactylus* spp. and *Naultinus* spp. – Inclusion in Appendix II in accordance with Article II, paragraphs 2(a) and 2(b), of the Convention
(New Zealand)**

Provisional assessment by the Secretariat

The proposal does not provide specific information on the conservation status or population trend of the species of either genus, and therefore evidence is lacking that international trade has a significant impact on these genera. The rationale for this proposal is based on the concern that the apparently expanding market

¹ Reference is made in the supporting statement to the possibility of establishing a zero quota for wild specimens of one of the species. The Secretariat believes that such a quota may not be necessary if Article IV is properly implemented, and should, if considered desirable, be established as a voluntary national restriction rather than a quota established by the Conference of the Parties, which can only be amended through a two-thirds majority decision of the Conference of the Parties.

demand for specimens of these genera outside New Zealand includes illegal wild-collected specimens of these genera in addition to captive-bred specimens from outside New Zealand. The proposal states that the need for a non-detriment finding, once the two genera are included in Appendix II, will mitigate trade in illegally obtained specimens. The aim of the proposal is therefore to use the provisions pertaining to trade in specimens of Appendix-II listed species to complement the domestic measures of New Zealand to prevent trade in illegally harvested specimens. It should be noted that New Zealand already prohibits all harvesting, keeping, captive breeding, domestic trade and export of all species of the two genera.

Criterion A of Annex 2 a of Resolution Conf. 9.24, one of the criteria for the inclusion of species in Appendix II, is that a species will in the near future qualify for inclusion in Appendix I unless trade in it is subject to strict regulation through inclusion in Appendix II. However, the information provided does not suggest a declining conservation status as the result of trade. Regarding criterion B of Annex 2 a of Resolution Conf. 9.24, it is also not possible to determine that the harvesting of specimens from the wild has or may have a detrimental impact on the species, because the information provided does not show a declining conservation status as the result of harvesting for international trade and any harvesting that occurs is already illegal because of protection under the national legislation of New Zealand.

An Appendix-III listing would be appropriate to address New Zealand's principal concern to prevent further illegal exports of geckos in the two genera specified in the proposal, while there is no intention to authorize any exports. Such a listing would oblige all Parties to require an export permit, certificate of origin or re-export certificate before import occurs. The Secretariat recommends that the proponent consider this alternative approach.

Proposal 34

***Cnemidophorus hyperythrus* – Deletion from Appendix II (United States of America)**

Provisional assessment by the Secretariat

The deletion of this species from Appendix II is proposed because of the relatively low level of international trade in a species described as abundant, well protected in the wild and not threatened by trade. The species clearly does not meet the criteria for inclusion in Appendix II (see Annex 2 a of Resolution Conf. 9.24). Adequate measures are in place to prevent that the species, if deleted from Appendix II, would qualify for inclusion in the Appendices in the near future (see Annex 4, section B.4, of the same Resolution for the precautionary measure that applies to a deletion from Appendix II).

Proposal 35

***Rhincodon typus* – Inclusion in Appendix II (India, the Philippines)**

Provisional assessment by the Secretariat

A proposal to include *Rhincodon typus* in Appendix II was first presented by the United States of America at CoP11, but was rejected. The present proposal provides important additional information on national fisheries and conservation measures, and on national and international trade. It mentions that downward population trends have occurred in some sites, although the causes of decline are not known. Current fishing effort for this species is unclear. Several range States have adopted a zero catch limit for this species or provide other forms of protection. Most catches are known from coastal waters and conservation measures within national waters are warranted. However, it is not entirely clear from the proposal to what degree international trade threatens this species. As for the proposal submitted at the previous meeting of the Conference of the Parties, the Secretariat is concerned about the complications that acceptance of this proposal would have for the control of trade. The proposal specifies that fresh meat and whole fins from adults are identifiable, but does not indicate whether other parts and derivatives, such as liver oil and cartilage, could be distinguished from that of other shark species.

FAO launched a voluntary International Plan of Action-Sharks (IPOA-Sharks) in 1999, within the framework of its Code of Conduct for Responsible Fisheries. Regrettably the implementation of the IPOA-Sharks at the national level has been inadequate. The Secretariat considers that range States should, as a matter of priority, prepare national plans for the conservation and management of this species under the IPOA-Sharks and consider adopting national conservation measures as may be required, as the proponents have done. Other measures to improve participation in the IPOA-Sharks should also be considered (see document CoP12 Doc. 41.1).

The Secretariat considers that this species may qualify for inclusion in Appendix II under Annex 2 a, of Resolution Conf. 9.24. However the control of trade in several types of specimens of this species will pose considerable enforcement problems. It remains to be seen whether the products of this species can be readily recognized, especially processed or partially processed products, or products from juveniles or subadults. If the proposal were adopted, it would therefore be important for the proponents to commit to provide identification materials to differentiate parts and derivatives, other than fins or fresh meat, that may enter international trade.

Proposal 36

***Cetorhinus maximus* – Inclusion in Appendix II**

(United Kingdom of Great Britain and Northern Ireland on behalf of the Member States of the European Community)

Provisional assessment by the Secretariat

A proposal to include *Cetorhinus maximus* in Appendix II was first presented by the proponent at CoP11, but was rejected. The proponent listed this species in Appendix III in September 2000, annotated to apply to whole animals, fins and parts of fins only. Two of the main fishing nations for this species, Norway and Japan, entered reservations on this listing. A CITES Identification Manual sheet to assist in the identification of basking shark fins in trade was distributed to the Parties in 2001.

On the basis of what is again a complete and detailed proposal, the Secretariat considers this species to qualify for inclusion in Appendix II under Annex 2 a, of Resolution Conf. 9.24. Furthermore, the Secretariat does not consider a listing in Appendix III to be appropriate for a species that also occurs in waters beyond the jurisdiction of any State, and therefore supports the proposal. However, while the proposal notes that meat, cartilage and oil rarely enter international trade, the control of trade in these specimens could pose considerable enforcement difficulties. It is unclear whether the products of this species can be readily recognized, especially processed or partially processed products, or products from juveniles or subadults. If the proposal were adopted, it would be important to provide identification materials to differentiate parts and derivatives other than fins that may enter international trade.

Proposal 37

***Hippocampus* spp. – Inclusion in Appendix II**

- a) *Hippocampus comes*, *H. spinosissimus*, *H. barbouri*, *H. reidi*, *H. erectus* and *H. ingens* in accordance with Article II, paragraph 2 (a), of the Convention and Annex 2 a, section B.i), of Resolution Conf. 9.24; and
 - b) the other 26 described species in accordance with Article II, paragraph 2(b), of the Convention, and Annex 2 b, section A, of Resolution Conf. 9.24
- (United States of America)**

Provisional assessment by the Secretariat

A draft of the proposal was discussed at a workshop on seahorses and other members of the family Syngnathidae organized by the Secretariat in Cebu, Philippines, May 2002, pursuant to Decision 11.153. Reference is made in the proposal to the drafting of accompanying recommendations, including delayed implementation of the listing if the proposal is adopted, but the detail of these recommendations were not available at the time of drafting this provisional assessment.

Although little or no quantitative information is available on the status of species of this genus in all but a few sites, it is evident that some species are subject to intensive fisheries and trade, which have caused local and probably regional declines. As proposed, six species qualify for inclusion in Appendix II under Annex 2 a, section B.i), of Resolution Conf. 9.24, with the remaining species qualifying for look-alike reasons (Annex 2 b, section A). It is not known, however, how much of the international trade in seahorses is accounted for by these six species. It should be noted from the proposal that a decline in the availability and quality of habitat may be an equally serious threat in several countries, mostly in the Asian region, and that this problem needs to be addressed through other mechanisms than CITES.

There are challenges with the implementation of the proposed listing. Several countries have some form of control over seahorse fisheries, but targeted measures to ensure sustainable management of such fisheries seem to be lacking in the great majority of cases. It is not clear that all exporting countries would be able to implement Article IV for this genus, i.e. making determinations that exports are non-detrimental to populations of *Hippocampus* species, unless the monitoring of harvested populations, the regulation of seahorse fisheries and the enforcement of control systems are conducted on a much larger scale than at present.

It is similarly not clear how Article IV will be applied effectively in situations where specimens for export are principally derived as bycatch from other fisheries. In some regions, the bulk of seahorses in trade originate as bycatch, primarily from shrimp trawling. An inability to determine that bycatch from shrimp fisheries is non-detrimental to seahorse populations may result in the prohibition of export of seahorses, but not necessarily in fewer seahorses being killed or harvested. It is noteworthy that the leading exporting country of seahorses prohibits the catch of this genus, and that one of the top-five exporting countries prohibits both catch and export of seahorses. Trade from these two countries is almost certainly derived from illegally landed and exported bycatch. Although a major implementation problem has been avoided by including the entire genus in the proposal, problems exist with the nomenclature and the identification of species within this genus. While live or recently collected specimens may be relatively easy to identify, Parties may have difficulties in assigning species names on export permits or re-export certificates to processed or partially processed specimens. On the positive side, an excellent identification guide is available, trade from countries tends to be dominated by a few species, live animals are always marketed under their scientific name, and persons involved in targeted fisheries and importers usually know the species in trade. It is highly unlikely, however, that identification to species level can be achieved for medicines or other products containing seahorse derivatives.

The Secretariat is of the opinion that all species of the genus meet the criteria for listing in Appendix II, but remains concerned about the implementation problems outlined above.

Proposal 38

***Cheilinus undulatus* – Inclusion in Appendix II in accordance with Annex 2 a, section B, of Resolution Conf. 9.24
(United States of America)**

Provisional assessment by the Secretariat

This proposal is for the inclusion in Appendix II of a readily identifiable species that is threatened by over-fishing at all age and size classes and which is traded internationally as live specimens. Listing this species in Appendix II would strengthen efforts to regulate and manage fisheries at national level and reduce illegal, unregulated or unreported (IUU) fishing. The form in which specimens are traded and the unmistakable characteristic shape in all age and size classes will facilitate inspection and enforcement efforts. The Secretariat is of the opinion that the proposal for inclusion in Appendix II meets all of the criteria of Annex 2 a of Resolution Conf. 9.24.

Proposal 39

***Dissostichus eleginoides* and *D. mawsonii* – Inclusion of *D. eleginoides* in Appendix II, in accordance with Article II, paragraph 2(a), of the Convention; inclusion of *D. mawsonii* in Appendix II, in accordance with**

Article II, paragraph 2(b), of the Convention; with the following annotation: The conservation, management or other relevant measures or resolutions adopted for *Dissostichus* spp. by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), relating to *Dissostichus* spp. harvested from within the CCAMLR Convention Area, shall apply for the purposes of regulating trade in *Dissostichus* spp. under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) including for the purposes of Article IV of CITES. States party to CITES conducting trade in *Dissostichus* spp. harvested and traded in compliance with the conservation, management and other relevant measures or resolutions adopted by CCAMLR, including the Catch Documentation Scheme for *Dissostichus* spp., shall be regarded as having fulfilled their obligations under CITES as regards trade in *Dissostichus* spp. Trade in *Dissostichus* spp. harvested outside the CCAMLR Convention Area shall be subject to the relevant provisions of CITES and shall be regulated accordingly.

(Australia)

Provisional assessment by the Secretariat

This proposal includes an annotation requiring that the measures or resolutions adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) for *Dissostichus* spp. harvested from within the CCAMLR Convention Area shall apply for the purpose of regulating trade under CITES. Parties conducting trade in *Dissostichus* spp. harvested and traded in compliance with CCAMLR, including the Catch Documentation Scheme (CDS), would be regarded as having fulfilled their obligations under CITES as regards trade in *Dissostichus* spp. Trade in specimens harvested outside the CCAMLR Convention Area would be subject to the relevant provisions of CITES.

Catches of *Dissostichus* spp. are currently regulated under the Convention on the Conservation of Antarctic Marine Living Resources and by its Commission (CCAMLR), as 96 per cent of fishing grounds are within the area covered by CCAMLR or in the exclusive economic zones (EEZs) of CCAMLR member States. The CDS established by CCAMLR is applicable to both member and non-member States. This scheme requires certification of the origin of catches, and compliance with CCAMLR requirements for catches taken within CCAMLR areas. The main threat to *Dissostichus* spp. is illegal, unregulated or unreported (IUU) fishing that is believed to occur within the CCAMLR area, and the CDS is designed to exclude from international trade catches obtained through IUU fishing. Virtually all catches of *Dissostichus* spp. enter international trade.

The Secretariat is of the opinion that the proposal for inclusion of *Dissostichus* spp. in Appendix II meets the criteria of Annex 2 a (*D. eleginoides*) and Annex 2 b (*D. mawsonii*) of Resolution Conf. 9.24.

The Secretariat points out, however, that the provisions of Article XIV, paragraphs 4 and 5, of the Convention apply only to agreements that predate the Convention, and are therefore not applicable to CCAMLR. All trade in *Dissostichus* species, if they are included in Appendix II, should therefore be in compliance with Article IV of CITES. The adoption of the draft resolution annexed to document CoP12 Doc. 44 would provide the basis for such compliance for certificates for introduction from the sea, but under Article IV, paragraph 2, permits would still be required for all specimens exported.

In addition, Parties could designate CCAMLR as a Management or Scientific Authority for these species as provided under Article IX of the Convention, or consider it as an international scientific authority as referred to in Article IV, paragraph 7. This would also make it possible for specimens taken in accordance with the provisions of CCAMLR to be introduced from the sea with certificates covering the total number of specimens to be introduced over one year.

Proposal 40

***Atrophaneura jophon* and *A. pandiyana* – Inclusion of *Atrophaneura jophon* in Appendix II in accordance with Article II, paragraph 2(a), of the Convention and Annex 2 a, section A, of Resolution Conf. 9.24; and inclusion of *Atrophaneura pandiyana* in Appendix II in accordance with Article II, paragraph 2(b), of the Convention and Annex 2 b, section A, of Resolution Conf. 9.24**
(Germany on behalf of the Member States of the European Community)

Provisional assessment by the Secretariat

The scenario described in this proposal is that illegal collection of a species endemic to Sri Lanka (i.e. *Atrophaneura jophon*) is occurring and that such specimens can be traded in other countries without any control. It is postulated that this species will probably meet the criteria for inclusion in Appendix I unless trade in it is subject to strict regulation (i.e. by including it in Appendix II). Very little and somewhat contradictory information is provided about the status of *A. jophon* and trade in specimens of this species. While the species is undoubtedly rare, as can be expected from the extensive habitat loss that has occurred owing to deforestation, there appears to be no quantitative information on the size of the population or trend. Sri Lanka furthermore does not authorize the collection of this species for trade at all. The only information provided about the level of international trade in this species is that a total of 38 specimens, which may include the same specimens counted more than once, have been seen in Germany at insect trade fairs. Information from other sources referred to in the proposal does not give the impression that international trade is a significant factor for this species. It therefore seems highly unlikely that the current level of trade will lead to the species qualifying for inclusion in Appendix I unless it is subject to strict regulation. The species therefore does not qualify for inclusion in Appendix II under Annex 2 a, section A, of Resolution Conf. 9.24.

A listing in Appendix II does not seem appropriate in any event, since the sole range State prohibits all trade. Sri Lanka supports the inclusion of the species in the Appendices, and it therefore appears much more appropriate to list this species in Appendix III. Such a listing would mean that Sri Lanka would be seeking the cooperation of all Parties not to accept imports of a species that it does not allow to enter trade.

Almost nothing is mentioned in the proposal about the other species proposed for inclusion in Appendix II for look-alike reasons, *A. pandiyana*, except that it closely resembles *A. jophon*, occurs in India and is more abundant than *A. jophon*. No information is provided about the level of trade in this species. The rationale for proposing to include *A. pandiyana* in Appendix II would not apply if *A. jophon* were not included.

Proposal 41

***Papilio aristophontes*, *P. nireus* and *P. sosia* – Inclusion of *Papilio aristophontes* in Appendix II in accordance with Article II, paragraph 2(a), of the Convention and Annex 2 a, section A, of Resolution Conf. 9.24; and inclusion of *P. nireus* and *P. sosia* in Appendix II in accordance with Article II, paragraph 2(b), of the Convention and Annex 2 b, section A, of Resolution Conf. 9.24
(Germany on behalf of the member States of the European Community)**

Provisional assessment by the Secretariat

This proposal in many respects resembles Proposal 40, except that the Comoros, as the only range State of *Papilio aristophontes*, does not prohibit the collection and export of this species. No information is provided about population size or trend, except that it is relatively common within its restricted range of occurrence (with much of its original habitat lost through deforestation). Very little is known about the level of trade in this species, and the proposal refers to fewer than 50 specimens offered for trade or traded, and mentions that these numbers may represent or partially represent the same specimens. Information from other sources referred to in the proposal does not indicate that international trade has an impact on the conservation of this species. On the basis of the very limited information provided, it seems highly unlikely that the current level of trade will lead to the species qualifying for inclusion in Appendix I unless the trade is strictly regulated. The species therefore does not qualify for inclusion in Appendix II.

It would be more appropriate to include this species in Appendix III, if the Comoros had national legislation to protect this species (see the recommended prerequisites for an Appendix-III listing in Resolution Conf. 9.25). It will in any event be important to be informed by the Comoros whether it would be able to implement any Appendix listing for this species in the absence of specific legislation to protect it from collection or trade, or for that matter, to protect its habitat.

The proposal provides virtually no information on *P. nireus* and *P. sosia*, other than that these two species are distributed in eastern and southern Africa. The rationale for proposing to include these two species in Appendix II would not apply if *P. aristrophontes* were not included.

Proposal 42

***Araucaria araucana* – Inclusion of *Araucaria araucana* in Appendix I, replacing *Araucaria araucana** * + 219 (populations of Argentina and Chile), and deletion of *Araucaria araucana** -114 #1 in Appendix II (Argentina)**

Provisional assessment by the Secretariat

This proposal relates to a proposal submitted by the proponent at CoP11 intending to avoid a split-listing that would potentially compromise measures to regulate trade in specimens illegally obtained from the most threatened populations of the species. The proposal presented at CoP11 did not propose the transfer of specimens from introduced populations to Appendix I. It was not realized until later that there were such populations not covered by the text of the amendment. A proposal by Argentina to include all populations in Appendix I was circulated by postal procedure in accordance with the relevant provision of Article XV (cf. Notification to the Parties No. 2001/080 of 19 December 2001). The proposal was subject to a vote by postal procedures but failed to achieve a quorum. Consequently it is now submitted at CoP12, in accordance with paragraph 2(i) of Article XV of the Convention.

The Secretariat reiterates its view that the proposal lacks supportive evidence that populations of *Araucaria araucana* outside of Argentina (if any such populations are recognized, as proposed in document CoP12 Doc. 59) and currently included in Appendix II meet the criteria for inclusion in Appendix I. However, if it can be demonstrated that trade in specimens from the populations introduced to countries outside their normal range would compromise the regulation of trade in specimens of the range State populations which are already included in Appendix I, the proposal should be supported, but the Secretariat is not aware at this time of evidence to support such an argument. The Parties may, however, wish to adopt the current proposal as a technical correction of the proposal adopted at CoP11 which had a narrower scope than was apparent at the time.

Proposal 43

All taxa listed in Appendix II – Amendment of the text of the annotation ° 608 that refers to artificially propagated specimens of *Gymnocalycium mihanovichii* (cultivars) forms lacking chlorophyll, to read as follows:

Cactaceae spp. colour mutants lacking chlorophyll, grafted on the following grafting stocks: *Harrisia "Jusbertii"*, *Hylocereus trigonus* or *Hylocereus undatus*. (Switzerland)

Provisional assessment by the Secretariat

Annotation ° 608 *inter alia* exempts from the Convention, artificially propagated specimens of certain cactus hybrids and cultivars, including cultivars of *Gymnocalycium mihanovichii* which lack chlorophyll and are grafted on a cultivar of any *Harrisia* species or two *Hylocereus* species. The proposal intends to expand the exemption to colour mutant forms of other cactus species which lacking chlorophyll and are grafted on the stocks specified in the annotation. It therefore aims to exclude from the Appendices easily identifiable, commonly traded, artificially propagated specimens, the trade in which has no impact on species in the wild. A number of new colour mutants have been developed, similar to the ones currently exempted. The Secretariat is not aware of noteworthy implementation problems concerning the current annotation and it supports this proposal.

Proposal 44

***Opuntioideae* spp. – Deletion from Appendix II (Switzerland)**

Provisional assessment by the Secretariat

A draft of this proposal was circulated to the Parties with Notification to the Parties No. 2002/009, of 6 March 2002, to ensure the widest possible consultation. Regrettably, Switzerland has received only four responses, three from range States and one from a non-range State. These comments have been incorporated in the supporting statement. This well-documented proposal was also discussed in a meeting of the Plants Committee where it was opposed by Chile and Mexico.

The proposal clearly indicates that trade in live wild-collected *Opuntia* specimens is virtually non-existent. The removal from the Appendices of this group of easily recognizable cacti would therefore not pose a threat to their conservation status in the wild.

Proposal 45

***Pereskioideae* spp., *Peresklopsis* spp. and *Quiabentia* spp. – Deletion from Appendix II
(Switzerland)**

Provisional assessment by the Secretariat

A draft of this proposal was circulated to the Parties with Notification to the Parties No. 2002/009, of 6 March 2002, to ensure the widest possible consultation. Regrettably, Switzerland received only four responses, three from range States and one from a non-range State. These comments have been incorporated in the supporting statement. This well-documented proposal was also discussed in a meeting of the Plants Committee where it was opposed by Chile and Mexico.

The proposal indicates that trade in live wild-collected leaf-bearing cacti is virtually non-existent. The removal from the Appendices of this group of easily recognizable cacti would therefore not pose a threat to their conservation status in the wild.

Proposal 46

***Sclerocactus nyensis* – Transfer from Appendix II to Appendix I
(United States of America)**

Provisional assessment by the Secretariat

The proposal is based on concerns about the increasing number of offers of seeds of this species on the Internet, which implies increased illegal collection of what is a completely protected species. The seeds of this species are exempt from the provisions of CITES. The proposal provides no information on the population size or trend of the species, which is known from only two localities. Because of the lack of information provided, it is not possible to determine whether the species would qualify for inclusion in Appendix I.

It is not stated whether the seeds in trade are known to have been collected from the wild or were produced through artificial propagation, but it is mentioned that the species is commercially available through artificial propagation. The species is endemic to the United States of America, which has not permitted any exports of wild specimens since 1994. The fact that there is no evidence of illegal trade in live plants may demonstrate that the Appendix-II listing of this subspecies is effective. It would therefore be useful to know whether illegal collection of and trade in seeds has occurred and whether such collection has had a detrimental impact on the status of this species. To address these concern, an alternative approach would be to maintain the species in Appendix II, but to exclude seeds of *Sclerocactus nyensis* from annotation #4 a), thereby achieving the goal of improving controls over international trade in seeds of this species.

Proposal 47

***Sclerocactus spinosior* ssp. *blainei* – Transfer from Appendix II to Appendix I
(United States of America)**

Provisional assessment by the Secretariat

The proposal is based on concerns similar to those that prompted Proposal 46, namely that the increasing number of offers of seeds of this species on the Internet implies increased illegal collection of what is a completely protected subspecies. The seeds of this species are exempt from the provisions of CITES. The proposal provides no information on the population size or trend of this subspecies (other than an anecdotal account that specimens are rare and difficult to find), or any impact of illegal collection for trade. It is therefore not possible to determine whether the subspecies would qualify for inclusion in Appendix I.

It is not stated whether the seeds in trade are known to have been collected from the wild or were produced through artificial propagation, but it is mentioned that the subspecies is commercially available through artificial propagation. The subspecies is endemic to the United States of America, which has not permitted any exports of wild specimens since 1994. The fact that there is no evidence of illegal trade in live plants may demonstrate that the Appendix-II listing of this subspecies is effective. It would therefore be useful to know whether illegal collection of and trade in seed has occurred and whether such collection has had a detrimental impact on the status of this subspecies. As in proposal 46, the proponent may consider to maintain the species in Appendix II, but to exclude seeds of *Sclerocactus spinosior* ssp. *blainei* from annotation #4 a) to improve controls over international trade in seeds of this species.

Proposal 48

***Dudleya traskiae* – Transfer from Appendix I to Appendix II
(United States of America)**

Provisional assessment by the Secretariat

A proposal to transfer this species from Appendix I to Appendix II was submitted at CoP11 by Switzerland as Depositary Government, on behalf of the Plants Committee, as part of its review of the Appendices. The proposal was withdrawn because the United States of America had requested more time to study the status of this species. Because of its small population size this species could qualify for inclusion in Appendix I under criterion A of Annex 1 of Resolution Conf. 9.24. From the supporting statement, however, it is clear that international trade is not a threat to the survival of the species. Its transfer to Appendix II is therefore appropriate.

Proposal 49

***Aloe thorncroftii* – Transfer from Appendix I to Appendix II in accordance with Annex 4, section B, paragraph 2.a, of Resolution Conf. 9.24
(South Africa)**

Provisional assessment by the Secretariat

This species has been included in Appendix I since 1975. Because most of its subpopulations are very small, this species could qualify for inclusion in Appendix I under criterion A. ii) of Annex 1 of Resolution Conf. 9.24. However, from the information provided in the supporting statement it is clear that international trade is not a threat to this species, which means that the trade criterion does not apply. Its transfer to Appendix II is therefore appropriate.

Proposal 50

***Swietenia macrophylla* – Inclusion in Appendix II of the neotropical populations, including logs, sawn wood, veneer sheets and plywood in accordance with Article II, paragraph 2(a), of the Convention and Annex 2 a, of Resolution Conf. 9.24
(Guatemala, Nicaragua)**

Provisional assessment by the Secretariat

Although *S. macrophylla* is not currently threatened with extinction, the species is in great demand in the international timber trade. In some parts of its range, populations are seriously threatened and their genetic variability has been seriously depleted. Illegal international trade remains a serious concern in many of the range States, as confirmed by the Mahogany Working Group (see document CoP12 Doc. 47). Illegal trade is seriously undermining the domestic management initiatives that aim to ensure that trade is sustainable. The Mahogany Working Group recognized that some range States have difficulties (in varying degrees) with implementing the Appendix-III listing.

It is not clear whether the proponents have consulted all range States. The proposal has not been submitted to the Plants Committee, although this Committee supported earlier proposals to include this species in Appendix II.

Exports of *S. macrophylla* appear to be declining from many range States (see table 5 of the proposal). This can be explained by the attempts of range States to reduce trade to sustainable levels, but several range States are processing the timber into products that are not covered by CITES because of the annotation to the Appendix-III listing of the species. Aware that a non-detriment finding is currently not required for the export of specimens of *S. macrophylla*, the Mahogany Working Group believes that population studies are needed to ensure sustainable utilization of the resource. An Appendix-II listing would strengthen the role of range States in ensuring that trade in this species is sustainable, because of the requirement that exports of an Appendix-II listed species should not be detrimental to the survival of the species in the wild.

Proposal 51

Annotating of Orchidaceae spp. in Appendix-II as follows: Artificially propagated specimens of hybrids within the genera *Cattleya*, *Cymbidium*, *Dendrobium* (*phalaenopsis* and *nobile* types only), *Oncidium*, *Phalaenopsis* and *Vanda*, including their intergeneric hybrids, 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 100 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 which of the six exempt genera are included in the shipment, and is signed by the shipper. Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.

(United States of America)

Provisional assessment by the Secretariat

This proposal has been extensively discussed by the Plants Committee and evolved from its review of the listing of the Orchidaceae species in the Appendices. However, the draft discussed and supported by the Plants Committee at its 12th meeting did not include the conditions specified in paragraphs a) to e) in the proposal. While understanding and supporting the purpose of the proposal, the Secretariat believes that the proposed annotation is unenforceable. If the proposal is adopted, the Secretariat and the Plants Committee should be tasked to determine whether the annotation causes significant implementation problems in order to advise on the need for further amendments.

Proposal 52

***Cistanche deserticola* – Deletion of the annotation to *Cistanche deserticola* in Appendix II
(China)**

Provisional assessment by the Secretariat

This proposal aims to correct the annotation applicable to the listing of this species in Appendix II. With Notification to the Parties No. 2001/67 of 1 October 2001, the Secretariat informed the Parties that the current annotation, which states that only roots and parts recognizable as roots are subject to the provisions of the Convention, was factually incorrect. This species is a parasite and does not have roots, and only the inflorescences and their stems, or parts thereof are in trade. China indicated that it would submit a proposal at CoP12 to correct this error.

China has not proposed to replace the incorrect annotation with an alternative provision, which means that all parts and derivatives of this species would become subject to the provisions of the Convention if the proposal were adopted. Severe implementation problems may occur unless those parts and derivatives that are normally considered to be recognizable in practice are excluded from this listing. The Secretariat therefore recommends that an alternative annotation be adopted to exempt seeds (and to be consistent with other annotations of this nature, also pollen and spores) as well as finished pharmaceutical products.

Proposal 53

***Lewisia maguirei* – Deletion from Appendix II
(United States of America)**

Provisional assessment by the Secretariat

The proposal to delete this species from Appendix II was submitted for consideration at CoP11 by Switzerland as Depositary Government, on behalf of the Plants Committee, as part of the Committee's review of the Appendices. This proposal was withdrawn because the United States of America requested more time to study the status of this species. The supporting statement makes it clear that international trade is not a threat to the status of this species, and its deletion from Appendix II is therefore justified.

Proposal 54

***Guaiacum* spp. – Inclusion in Appendix II in accordance with Article II, paragraph 2(b), of the Convention, annotated as follows:**

**Designates all parts and derivatives, including wood, bark and extract.
(Germany on behalf of the Member States of the European Union)**

Provisional assessment by the Secretariat

This proposal is partially based on the work of the Plants Committee on *Guaiacum* spp. pursuant to Decision 11.114 (see also document PC12 Doc. 10.3). It is clear that the parts and derivatives that are mainly traded, i.e. wood and latex, cannot be identified to the species level in this genus. It has also become apparent that one or more of the other non-listed species in this genus are also in trade, and that it is possible that the listed species are traded under the name of the unlisted species. The proposal therefore complies with the provisions of Annex 2 b of Resolution Conf. 9.24. The Plants Committee has expressed support for this proposal. Concerns exist over the sustainability of trade in the entire genus, and cautious export quotas should be established by all range States intending to authorize exports.

The proposal calls for a specific annotation to state that all parts and derivatives are subject to the provisions of the Convention. This annotation, as proposed, is redundant, because an annotation is only required if some parts and derivatives are to be excluded from the provisions of the Convention. The current listings of *G. officinale* and *G. sanctum* in Appendix II include an annotation indicating that all parts and derivatives are included, 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. It is not clear from the proposal that it is necessary to eliminate this annotation and the Secretariat recommends that this annotation be used for the entire genus.