

Comments from the Parties and comments and recommendations from the Secretariat

FLORA

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Proposal 50

Yucca queretaroensis (Queretaro yucca) – Inclusion in Appendix II

Proponent: Mexico

Provisional assessment by the Secretariat

CITES background

This species has never been the subject of a listing proposal.

Purpose and impact of the proposal

The proponent seeks to include *Yucca queretaroensis* in Appendix II. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article IV of the Convention. As the proposed listing does not include an annotation, all readily recognizable parts and derivatives of *Y. queretaroensis* will be subject to CITES provisions, in accordance with Resolution Conf. 11.21 (Rev. CoP15).

Main points made in the supporting statement and general comments

The most recent assessments on the status of this species indicate that it could be categorized as a species at 'risk of extinction'. Characterized by low reproductive and growth rates, and living in very specific habitat conditions, *Y. queretaroensis* can be considered highly vulnerable. Since 2006, international trade in specimens of the Agavaceae family has increased (mainly to Europe) and that in *Y. queretaroensis* and some other species seems to be unsustainable. Information on population and geographic trends is not provided in the supporting statement.

Y. queretaroensis is found in two national protected areas. It can be considered a key species in the ecosystem where it occurs as it provides shelter for insects and birds at various stages of their life cycles. It is also an important species that collects water and keeps humidity in its structure. Although its habitat is well preserved, it is also characterized by high or severe erosion.

The species is mainly traded as an ornamental live plant, but its seeds can also be found in the market. It is not propagated artificially in Mexico, but some nurseries in the United States and in the Netherlands have started to grow it from seeds and through micro-propagation.

Compliance with listing criteria and other CoP recommendations

The supporting statement highlights the vulnerable status of the species in the wild, and the proponent asserts that the species complies with criteria B of Annex 2 a of Resolution Conf. 9.24 (Rev. CoP15) for inclusion in Appendix II. Furthermore, there is evidence of international trade in wild adult specimens and that the listing of this species in Appendix II would help preventing its extinction as a result of this demand. The supporting statement provides substantial information on the species.

As *Y. queretaroensis* can be confused with other species of the same genus, and of other genera, Annex 3 of the supporting statement presents a "Visual guide for the identification of *Y. queretaroensis* and look-alike species".

Final comments

The supporting statement provides a clear explanation for the proposal.

Comments from Parties and intergovernmental bodies

International Union for Conservation of Nature (IUCN)

Analysis: *Yucca queretaroensis* has a relatively restricted distribution in Mexico. Its wild population is thought to number in the tens of thousands, although it apparently shows limited regeneration in the wild. It is sought-after as a horticultural plant and mature, wild-collected specimens enter international trade in some

number, with at least 300-500 reported to be imported annually into Europe. If the estimate of the wild population is reliable and given its relatively limited regeneration capacity, the species may meet the criteria for inclusion in Appendix II in that regulation of trade may be required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences (Paragraph B of Annex 2 a to *Resolution Conf. 9.25 (Rev. CoP15)*). The species resembles other *Yucca* species in trade so that identification of specimens in trade might be problematic.

Recommendation by the Secretariat

The proponent statement provides substantial information that suggests that this species meets criterion B of Annex 2a of Resolution Conf. (Rev. CoP15) since it is known, inferred or projected that the harvesting of specimens from the wild for international trade has, or may have, a detrimental impact on the species. There is evidence of international trade in wild adult specimens and seeds.

On the basis of the information available at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted.

Proposal 51

Operculicarya decaryi (jabihy) – Inclusion in Appendix II

Proponent: Madagascar

Provisional assessment by the Secretariat

CITES background

Operculicarya decaryi was proposed for inclusion in Appendix II at CoP15 in 2010, but the proposal was withdrawn by Madagascar, which stated that additional trade data and population status information were necessary. In connection with this withdrawal, the Conference adopted Decision 15.97, which *inter alia* directed the Plants Committee and Madagascar to review and gather further information on species (including tree species) that would benefit from CITES listing, report on their work at the present meeting and, if necessary, prepare proposals to amend the Appendices for submission at the present meeting. This report is contained in document CoP16 Doc. 66, but it does not refer to *O. decaryi*.

At its 20th meeting (PC20, Dublin, March 2012), the Plants Committee took note of a draft amendment proposal to include *O. decaryi* in Appendix II that Madagascar was preparing for submission at the present meeting (see document PC20 Inf. 4). It recommended that Madagascar further elaborate, review and refine this proposal, in close cooperation with the Committee, interested Parties, organizations and experts; and that the final proposal take due account of identification issues, problems associated with look-alike taxa and preparation of identification materials.

The Secretariat has commissioned the Scientific Authority for Flora of Madagascar (Université d'Antananarivo) to undertake research on the distribution, biology and status of and trade in this species, but the results of this work are not due until 30 September 2013.

Purpose and impact of the proposal

The proponent seeks to include *Operculicarya decaryi* in Appendix II. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article IV of the Convention. As the proposed listing does not include an annotation, all readily recognizable parts and derivatives of *O. decaryi* will be subject to CITES provisions, in accordance with Resolution Conf. 11.21 (Rev. CoP15).

Main points made in the supporting statement and general comments

The species is said to have a large distribution [using the definition in "Resolution Conf. 9.24 (Rev. CoP13)"¹], the largest of all the species in the genus, covering all the thorny forests of the south and south-west of Madagascar and covering 86,997 km², but the area actually occupied by the species is said to be only 423 km². Population density is reported to have been sampled at two sites with 387 individuals present per hectare. If this density were repeated across the area occupied by the species, then the total population would be 16.3 million mature individuals. The species is said to have weak regeneration potential, but the figures provided are difficult to interpret. In addition to international trade, use for charcoal production and habitat loss is said to threaten the species, with a 76.7 % decline in the number of populations predicted over an unspecified time frame. The species is said to be classified as 'Endangered' according to IUCN Red List criteria, but as it does not appear in the IUCN Red List itself, it is presumed that this assessment has been made locally.

The species is sought internationally as an ornamental plant – for the bonsai trade. However according to the supporting statement, only plants grown on certain soil types grow in a suitable form, others grow into bush form. Its harvest and exportation is said to be regulated at the national level with 56 specimens exported in 2003, rising to 2,647 in 2006 – the last year for which data are provided. No illegal trade has been reported. The supporting statement speaks of "harvest zones", but it is not clear where these are or whether they are designated by statute.

¹ The proposal refers to Resolution Conf. 9.24 (Rev. CoP13) rather than Resolution Conf. 9.24 (Rev. CoP15).

Operculicarya decaryi is readily found for sale on the Internet and is said to be easy to reproduce using pieces of the tuberous roots, stem cuttings or seeds.

Compliance with listing criteria and other CoP recommendations

The proponent asserts that it is known, or can be inferred or projected, that the regulation of trade in the species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future, that is to say 5-10 years. However, it does not state which biological criteria for inclusion in Appendix I might apply and this contention is not elaborated further in the supporting statement. The supporting statement says that the species is under very serious threat from international trade, but the facts presented do not tend to confirm this.

The species is similar to, but can be distinguished from, *Operculicarya pachypus*.

Final comments

The supporting statement is more comprehensive than that presented at CoP15 and conforms to the format in Annex 6 of Resolution Conf. 9.24 (Rev. CoP15), while the former did not. The supporting statement also provides more references than at CoP15, but unfortunately these are merely listed and are not associated in the text of the supporting statement.

The information on legal protection and regulation of the harvest of this species is confusing. The supporting statement indicates in Section 6.5 (*Actual or potential trade impacts*) that harvest and export are not subject to any regulation. In Section 7.1 (*Legal instruments – National*), however, it is mentioned that collection and export are only regulated by authorization procedures at the national level, and Section 8 (*Species management*) describes a series of national management measures (including a single harvest authorization per species per operator to serve as parental stock; obligations for operators to propagate the species *ex situ*; and the issuance of export authorizations for artificially-propagated specimens only). Unfortunately, the supporting statement does not clarify when these measures came into effect, how they are being implemented, and how they have been or are applied to the harvest, propagation and exports of the species. This information would be useful to assess the relevance of proposal.

Comments from Parties and intergovernmental bodies

International Union for Conservation of Nature (IUCN)

Analysis: *Operculicarya decaryi* is a widespread and evidently at least locally abundant tree in southern Madagascar. It has been exported in some number for the horticultural plant trade in the relatively recent past. No exports have been reported since 2006. The species is widely available as an artificially propagated plant. It is extremely unlikely that regulation of trade is necessary to prevent the species becoming eligible for inclusion in Appendix I in the near future, or that harvest for trade is reducing the population to a level at which its survival might be threatened by other influences. The species would therefore not appear to meet the criteria for inclusion in Appendix II.

Recommendation by the Secretariat

The Secretariat shares the concerns of the proponent as the range State for this species about habitat loss and harvesting of this species for charcoal and building wood, but there is little evidence that regulation of trade in *Operculicarya decaryi* under Appendix II is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influence. The species appears to be quite widespread and demand for wild-taken specimens is likely to be modest. If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *O. decaryi* for the purpose of preventing or restricting exploitation and verifying the legality of exported specimens, it might consider its inclusion in Appendix III.

In accordance with Decisions 15.97 and 15.98, the Secretariat has commissioned the Madagascar Scientific Authority to undertake research on the distribution, biology, status of and trade in this species, but the results of this work are not due until 30 September 2013. The Secretariat recommends that a decision about whether or not to include this species in Appendix II be deferred until the results of this research are available.

If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *O. decaryi* for the purpose of preventing or restricting exploitation and verifying the

legality of exported specimens, it might consider in the mean time its inclusion in Appendix III. Such a listing might also provide better data on the levels of international trade.

Proposal 52

***Hoodia* spp. (hoodias) – Amendment of annotation #9 related to *Hoodia* spp. to read as follows, for the purpose of clarification:**

All parts and derivatives except those bearing a label:

Produced from *Hoodia* spp. material obtained through controlled harvesting and production in terms of an agreement with the relevant CITES Management Authority of [Botswana under agreement No. BW/xxxxxx] [Namibia under agreement No. NA/xxxxxx] [South Africa under agreement No. ZA/xxxxxx]

Proponents: Botswana, Namibia and South Africa

Provisional assessment by the Secretariat

CITES background

At CoP13 in 2004, the Conference of the Parties amended Appendix II to include *Hoodia* spp. (*Hoodia*) with an annotation specifying the parts and derivatives covered by the Convention. The amendment and annotation #9 entered into force on 12 January 2005. Current annotation #9 reads as follows:

All parts and derivatives except those bearing a label

*“Produced from *Hoodia* spp. material obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of Botswana/Namibia/South Africa under agreement no. BW/NA/ZA xxxxx”.*

Purpose and impact of proposal

The practical intent of the current amendment proposal is to amend annotation #9 related to *Hoodia* spp. in order to clarify its interpretation and implementation.

Main points made in the supporting statement and general comments

As indicated in Notification to the Parties No. 2012/055 of 3 September 2012, and the supporting statement to the amendment proposal, the current wording of annotation #9 has caused some confusion, especially among *Hoodia* importing States. Specifically, the term ‘agreement’ has been interpreted to mean an agreement between the Governments of Botswana, Namibia and South Africa. This was not intention of the three exporting States. Rather, they meant to refer to individual agreements between the Management Authority of each State and a manufacturer, distributor or agent based in that State (see the above-mentioned Notification and paragraph 4.3.1 of proposal CoP13 Prop. 37).

Compliance with listing criteria and other CoP recommendations

All of the *Hoodia* range States are co-proponents of the proposal.

The proposed annotation specifies the types of specimens covered by the Convention, in accordance with Resolution Conf. 9.24 (Rev. CoP15) and Resolution Conf. 11.21 (Rev. CoP15). It also seems to otherwise be in accordance with other provisions of those Resolutions,

The text of the proposed annotation is clear and unambiguous, and it is specific and accurate as to the affected parts and derivatives.

The proposed controls for this medicinal plant: (1) concentrate on those commodities that first appear in international trade as exports from range States; and (2) include only those commodities that dominate the trade and the demand for the wild resource.

The proposed annotation seems to be harmonized with existing annotations (e.g. for products of vicuña).

Final comments

An editorial change might be incorporated to improve the wording of the proposed annotation. Specifically, the text might read (with suggested deletions in ~~strikeout~~ and suggested additions underlined):

Produced from Hoodia spp. material obtained through controlled harvesting and production ~~is~~ under the terms of an agreement with the relevant CITES Management Authority of [Botswana under agreement No. BW/xxxxxx] [Namibia under agreement No. NA/xxxxxx] [South Africa under agreement No. ZA/xxxxxx]

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

The Secretariat notes that the proposed draft amendment to Annotation #9 maintains the exclusionary language in the annotation. As a matter of principle, the Secretariat believes that annotations should be 'positive' in nature and indicate only what is covered by the Convention. Annotations with exclusionary language seem more complex and potentially challenging to interpret, apply and enforce. The Secretariat recognizes, however, that annotation practice to date reflects a mix of positive annotations and annotations with exclusionary language.

If Parties adopt the draft decision contained in Annex 8 to document CoP16 Doc. 75 on *Development and application of annotations*, the Standing Committee (with the assistance of an envisaged Working Group on Annotations) could review existing annotation practice and make relevant recommendations to the Conference of the Parties for improving its consistency and effectiveness. Such a review might include consideration of the relative advantages and disadvantages of 'positive' annotations compared to annotations with exclusionary language.

On the basis of the available information at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted, with editorial amendments, as indicated below (text to be deleted is ~~crossed-out~~, proposed new text is underlined):

All parts and derivatives except those bearing a label:

Produced from Hoodia spp. material obtained through controlled harvesting and production ~~is~~ under the terms of an agreement with the relevant CITES Management Authority of [Botswana under agreement no. BW/xxxxxx] [Namibia under agreement no. NA/xxxxxx] [South Africa under agreement no. ZA/xxxxxx]

Proposal 53

***Panax ginseng* and *P. quinquefolius* (ginseng) – Amendment of the annotation to the listings of *Panax ginseng* and *Panax quinquefolius* included in Appendix II**

Amendment of annotation #3 with the addition of the underlined text:

“Designates whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery.”

Proponent: United States of America

Provisional assessment by the Secretariat

CITES background

Panax quinquefolius was included in Appendix II, with an annotation specifying the parts and derivatives that were covered (i.e. roots only), when the Convention entered into force on 1 July 1975. At CoP5 in 1985, on the basis of a proposal by the United States, the Conference amended the annotation to read “Designates roots and readily recognizable parts thereof” and the resulting annotation #2 entered into force on 1 August 1985. Following CoP7 in 1989, the above-mentioned annotation was renumbered #3.

At CoP10, on the basis of a Plants Committee proposal submitted by the Depositary Government (Switzerland), the Conference of the Parties amended annotation #3 to read: “Designates whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery”. This amendment entered into force on 18 September 1997.

The Russian Federation's population of *Panax ginseng* was included in Appendix II at CoP11 with annotation #3 (i.e. “whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery”), and this listing entered into force on 19 July 2000.

At CoP14, the Conference of the Parties again amended annotation #3 for *P. ginseng* and *P. quinquefolius*, on the basis of a Plants Committee proposal submitted by the Depositary Government (Switzerland). The purpose of the amendment, which entered into force on 13 September 2007, was to delete the ‘exclusionary language’ in annotation #3 as it contained undefined terms. The current wording of annotation #3 reads as follows: “Whole and sliced roots and parts of roots”.

Purpose and impact of the proposal

The practical intent of the proposal is to amend annotation #3 once more by reinserting the original exclusionary language (i.e. “excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery”) which was deleted at CoP14.

Main points made in the supporting statement and general comments

The reasoning behind various amendments to annotation #3 that have been adopted over time is explained. The proponent emphasizes that the consistent intention of the Parties has been to regulate CITES trade in whole ginseng roots and parts of roots, and to exempt from CITES controls any trade in manufactured parts and derivatives of ginseng.

The amendment proposal put forward at CoP14 by the Plants Committee, through the Depositary Government, was intended to implement Decisions adopted at CoP13. In particular, the Conference provided in Decision 13.51 that medicinal plant annotations should focus on those commodities that: (1) first appear in international trade as exports from range States; and (2) dominate the trade and the demand for the wild resource.

The proponent states that it is the only exporter of wild-harvested roots of *P. quinquefolius* and that the absence of specific exclusionary language has caused confusion as to whether manufactured products are subject to the Convention. The nature and scope of such confusion is not specified, though it may involve members of the private sector operating in the United States as well as in importing countries.

The proponent suggests that there might be some confusion in the Russian Federation because extract of *Panax ginseng* was exported to the United States in 2009 under export permits, though such extracts should have been exempt from CITES controls.

Compliance with listing criteria and other CoP recommendations

The proponent sent a consultative letter to other range States on 18 May 2012. In its response, Canada advised that neither the annotation prior to its amendment at CoP14 nor the annotation in its current form has caused Canada any difficulty in application. At the time of submission of the amendment proposal, the Russian Federation had not responded to the letter.

It is recommended in Resolution Conf. 11.21 (Rev. CoP15) that the drafting of future annotations for medicinal plants follow two guiding principles. Specifically, proposed controls should: (1) concentrate on those commodities that first appear in international trade as exports from range States (these may range from crude to processed material); and (2) include only those commodities that dominate the trade and the demand for the wild resource. The proponent notes that the removal of exclusionary language at CoP14 was not intended to change the scope of the commodities covered by the listing and that manufactured parts or derivatives were still not covered.

Final comments

The legislative history of annotation #3 reflects the difficulty faced by Parties in crafting an annotation for ginseng that clearly specifies the parts and derivatives covered by the Convention, in order for them to be easily followed by traders and identified by border officials, and for any permitting burden to be reduced or avoided.

The proponent seems to believe that traded commodities covered by the Convention will be further clarified by the reinsertion of the exclusionary language that was deleted at CoP14. It could be argued, however, that the proposal undermines the earlier efforts of the Plants Committee to promote the adoption of annotations which specify in a positive manner the parts and derivatives covered by the Convention. This appears to be the approach envisaged in Article I, paragraph (b), of the Convention. It is indicated in proposal CoP14 Prop. 27 that the aim of the Plants Committee was to delete from annotation #3 those undefined terms which do not add relevant substance. In addition, it should be noted that use of the words 'such as' implies that the list of manufactured parts and derivatives is not exclusive and this could create legal uncertainty.

Parties seem interested in clarifying the parts and derivatives subject to CITES controls rather than adopting exceptions to those controls. In this connection, the Secretariat wonders whether apparent difficulties with the uniform interpretation and implementation of annotation #3 derive from potential ambiguity in the phrase 'parts of roots'. If this is the case, consideration might be given to the following options for reformulating annotation #3 (deleted text in strikethrough and new text is underlined):

Designates whole and sliced roots and parts pieces of roots larger than 2 cm, ~~excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery~~

or

Designates whole and sliced roots and parts pieces of roots larger than 2 cm, excluding manufactured parts or derivatives thereof such as powders, pills, extracts, tonics, teas and confectionery.

As Canada has not had any difficulties in applying the existing annotation, the proponent might wish to consult with Canada as to the reasons for this positive experience. The proponent may already have made additional efforts to consult with the Russian Federation, and the Secretariat would encourage this.

Comments from Parties and intergovernmental bodies

United States of America

We would like to clarify several issues with regard to the Secretariat's comments about the U.S. proposal to reinstate the wording "excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery" in Annotation #3 for *Panax ginseng* and *Panax quinquefolius*. As we note in the proposal, this wording was removed at CoP14 (the Netherlands 2007). Our intent is to simplify the implementation of the

listing by clarifying what is and what is not included in the listings of these species, without changing the scope of the commodities covered by the listing.

The Secretariat noted that the proposal could be viewed as undermining the efforts of the Plants Committee to promote the adoption of annotations that specify in a positive manner the parts and derivatives covered under CITES, as envisaged by Article I, paragraph b), of the Convention. We note that the original Annotation #3 for *Panax quinquefolius* was recommended by the Plants Committee and subsequently adopted by the Parties at CoP10 (Harare 1997).

In response to the Secretariat's comment that Parties seem interested in clarifying the parts and derivatives subject to CITES controls rather than adopting exceptions to these controls, we point out that Annotation #4, the most widely used plant annotation in the Appendices, has "exclusionary" language, as do several other plant annotations. In fact, a revision to Annotation #4 was adopted at CoP15 that included an additional exclusion to it (i.e., finished products of *Euphorbia antisyphilitica* packaged and ready for retail trade).

We further note that, at the 62nd meeting of the Standing Committee (SC; Geneva 2012), the SC working group on plant annotations endorsed the recommendation by Brazil to amend the annotation for *Aniba rosaeodora* to include exclusionary language exempting finished products (Document CoP16 Doc. 75).

The Secretariat also notes that there might be difficulty with the interpretation and implementation of the phrase 'parts of roots' and suggested designating a size minimum of 2 centimeters for pieces of root parts. As the only range State that allows the export of wild *Panax quinquefolius*, we believe this would seriously undermine the effectiveness of the CITES listing for this species because it would allow pieces of wild roots to be exempt from CITES controls.

Finally, we note that the Secretariat has not raised similar issues with regard to proposal 70, concerning the annotation for *Aquilaria* spp. and *Gyrinops* spp., which also includes exclusionary language in the proposed annotation for the listings of these species.

To be consistent with the formatting of other exclusionary plant annotation, the proposed amendment to Annotation #3 could be written as follows:

Designates whole and sliced roots and parts of roots, except: manufactured parts or derivatives (including powders, pills, extracts, tonics, teas and confectionery).

If the Secretariat believes that the above format is clearer and easier to understand than our proposed wording, the United States would not oppose this revision to the proposal.

Recommendation by the Secretariat

The Secretariat notes that the draft amendment to Annotation #3 introduces exclusionary language into the annotation. As a matter of principle, the Secretariat believes that annotations should be 'positive' in nature and indicate only what is covered by the Convention. Annotations with exclusionary language seem more complex and potentially challenging to interpret, apply and enforce. The Secretariat recognizes, however, that annotation practice to date reflects a mix of positive annotations and annotations with exclusionary language.

If Parties adopt the draft decision contained in Annex 8 to document CoP16 Doc. 75 on *Development and application of annotations*, the Standing Committee (with the assistance of an envisaged Working Group on Annotations) could review existing annotation practice and make relevant recommendations to the Conference of the Parties for improving its consistency and effectiveness. Such a review might include consideration of the relative advantages and disadvantages of 'positive' annotations compared to annotations with exclusionary language.

Based on the available information at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted.

Proposal 54

Tillandsia kautskyi (Kautsky's tillandsia) – Deletion from Appendix II

Proponent: Brazil

Provisional assessment by the Secretariat

CITES background

Tillandsia kautskyi was included in Appendix II at CoP8 in 1992.

Purpose and impact of the proposal

The proponent seeks to remove *Tillandsia kautskyi* from CITES controls.

Main points made in the supporting statement and general comments

Tillandsia kautskyi, a species endemic to Brazil, has been included in CITES Appendix II since 1992. Since then, only one shipment of 55 artificially propagated specimens has ever been recorded in international trade.

The supporting statement does not provide information on *Status and trends* (Section 4), and *Utilization and trade* (Section 6), *Management measures* (Section 8.1) and *Population monitoring* (Section 8.2). Some information on the role of the species in its ecosystem can be found under *Biological characteristics* (Section 3.3).

Regarding legal instruments that protect this species at the national level, the proponent mentions the list of *Threatened Species of the State of Espírito Santo*, in which this taxon is categorized as “at risk of extinction” because of habitat loss due to changes in land use for agricultural and livestock purposes. The species has been categorized as of 'insufficient data' in the *National List of Threatened Species of Flora*. This category applies to taxa with insufficient data to be categorized as in 'risk of extinction', and for which the priority should be to undertake research to generate such data. The species is protected in two protected natural areas.

Compliance with listing criteria and other CoP recommendations

Although not mentioned in the supporting statement, this proposal was prepared in the context of Resolution Conf. 14.8 and was endorsed at PC20 in March 2012, on the basis of Annex 1 to document PC20 Doc. 16.1.1 (Rev. 1).

The proponent recommends that this species be deleted from Appendix II because of the lack of international trade and of its occurrence in protected natural areas.

Final comments

At PC20, the Plants Committee recommended that Brazil provide information on look-alike issues in their proposal, particularly for those four species of *Tillandsia* that remain in the Appendices. The supporting statement says that there are no data available on these species.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

International trade is not a threat for the long term conservation of the populations of this species in the wild since it occurs only on artificially propagated plants. The proposing statement shows that *Tillandsia kautskyi* does not longer meet the criteria for inclusion in Appendix II.

On the basis of the information available at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted.

Proposal 55

***Tillandsia sprengeliana* (Sprengel's tillandsia) – Deletion from Appendix II**

Proponent: Brazil

Provisional assessment by the Secretariat

CITES background

Tillandsia sprengeliana was included in Appendix II at CoP8 in 1992.

Purpose and impact of the proposal

The proponent seeks to remove *Tillandsia sprengeliana* from CITES controls.

Main points made in the supporting statement and general comments

Tillandsia sprengeliana is an endemic species from Brazil.

The supporting statement does not provide information on *Habitat trends* (Section 4.1), *Population size* (Section 4.2), *Population trends* (Section 4.4), *Geographic trends* (Section 4.5), *Utilization and trade* (Section 6), *Management measures* (Section 8.1) and *Population monitoring* (Section 8.2). Regarding the role of the species in its ecosystem, although the proponent claims that there are no data available, it provides some information on this topic under *Biological characteristics* (Section 3.3). Information in this section is otherwise limited.

Regarding legal instruments that protect this species at the national level, the proponent mentions the list of *Threatened Species of the State of Espírito Santo*, in which this taxon is categorized as “at risk of extinction” because of habitat loss. The species has been categorized as of 'insufficient data' on the *National List of Threatened Species of Flora*. This category applies to those taxa with insufficient data to be categorized as in 'risk of extinction', and for which the priority should be to undertake research to generate such data. The species is protected in four protected natural areas (reserves and national parks).

Compliance with listing criteria and other CoP recommendations

Although not mentioned in the supporting statement, this proposal was prepared in the context of Resolution Conf. 14.8 and was endorsed at PC20 in March 2012 on the basis of Annex 1 to document PC20 Doc. 16.1.1 (Rev. 1).

As there has never been any record of international trade in specimens of this species, the proponent considers that the species no longer meets the criteria for inclusion in Appendix II, as defined in Resolution Conf. 9.24 (Rev. CoP15).

Final comments

At PC20, the Plants Committee recommended that Brazil provide information on look-alike issues in their proposal, particularly for those four species of *Tillandsia* that remain in the Appendices. The supporting statement says that there are no data available on these species.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

International trade is not a threat for the long term conservation of the populations of this species in the wild since it occurs only on artificially propagated plants. *Tillandsia sprengeliana* would not longer meet the criteria for inclusion in Appendix II.

On the basis of the information available at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted.

Proposal 56

Tillandsia sucrei (sugar tillandsia) – Deletion from Appendix II

Proponent: Brazil

Provisional assessment by the Secretariat

CITES background

Tillandsia sucrei was included in Appendix II at CoP8 in 1992.

Purpose and impact of the proposal

The proponent seeks to remove *Tillandsia sucrei* from CITES controls.

Main points made in the supporting statement and general comments

Tillandsia sucrei is a species endemic to Brazil.

The supporting statement does not provide information on *Status and trends* (Section 4), *National utilization* (Section 6), *Management measures* (Section 8.1) and *Population monitoring* (Section 8.2). Regarding the role of the species in the ecosystem, although the proponent claims that there are no data available, it provides some information on this topic under *Biological characteristics* (Section 3.3). Information in this section is otherwise limited.

Regarding legal instruments that protect this species at the national level, the proponent mentions the list of *Threatened Species of the State of Espírito Santo*, in which this taxon is categorized as “at risk of extinction” because of habitat loss. The species has been categorized as of 'insufficient data' on the *National List of Threatened Species of Flora*. This category applies to those taxa with insufficient data to be categorized as in 'risk of extinction', and for which the priority should be to undertake research to generate such data. The species is protected in four protected natural areas (reserves and national parks).

Compliance with listing criteria and other CoP recommendations

Although not mentioned in the supporting statement, this proposal was prepared in the context of Resolution Conf. 14.8 and was endorsed at PC20 in March 2012 on the basis of Annex 1 to document PC20 Doc. 16.1.1 (Rev. 1).

As there has never been any record of international trade in specimens of this species, and given that the species is protected in one national park, the proponent considers that the species no longer meets the criteria for inclusion in Appendix II, as defined in Resolution Conf. 9.24 (Rev. CoP15).

Final comments

At PC20, the Plants Committee recommended that Brazil provide information on look-alike issues in their proposal, particularly for those four species of *Tillandsia* that remain in the Appendices. The supporting statement says that there are no data available on these species.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

International trade is not a threat for the long term conservation of the populations of this species in the wild since it occurs only on artificially propagated plants. *Tillandsia sucrei* would not longer meet the criteria for inclusion in Appendix II. No exports of wild harvested plants have occurred during the last 20 years.

On the basis of the information available at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted.

Proposal 57

***Dudleya stolonifera* and *D. traskiae* (laguna beach live-forever and Santa Barbara Island live-forever) – Deletion from Appendix II**

Proponent: United States of America

Provisional assessment by the Secretariat

CITES background

Dudleya stolonifera and *D. traskiae* were originally included in Appendix I in 1983 because harvest from the wild was considered a significant threat at that time. They were reviewed in 1999 by the Plants Committee under the Periodic Review of the Appendices, and were transferred as a result to Appendix II at CoP11 (2000) and CoP12 (2002), respectively. *D. stolonifera* was selected for a new Periodic Review in the period between CoP15 and CoP17 and this review is still in progress.

Purpose and impact of the proposal

The proponent seeks to remove *Dudleya stolonifera* and *D. traskiae* from CITES controls.

Main points made in the supporting statement and general comments

These two perennial succulent species are endemic to the United States. Even though they have a very restricted area of distribution and small populations, they are protected under the United States Endangered Species Act and California's State law. In most circumstances, national and State listings prohibit collection in the wild and possession of specimens from State and federal lands. Additionally, the species are protected under the U.S. Lacey Act.

Given the federal and State laws that protect *D. stolonifera* and *D. traskiae* in the United States, and the remote, relatively inaccessible site locations of the species, collection of wild specimens for international trade is unlikely.

The habitat of *D. stolonifera* is considered stable, but the habitat for *D. traskiae* is subject to soil erosion caused by previous disturbances and to damages caused by nesting and roosting of the California brown pelican. The U.S. Fish and Wildlife Service is responsible for the recovery and listing status of *D. stolonifera* and *D. traskiae* and to law enforcement efforts to protect them. Populations of *D. stolonifera* on State and federal lands are protected and impacts on the species must be taken into consideration for all proposed activities occurring within their habitat. A recovery plan for *D. traskiae* has also been published. These species can be propagated artificially and a few nurseries sell these plants.

Compliance with listing criteria and other CoP recommendations

The proponent states that these taxa "no longer qualify for inclusion in Appendix II according to the criteria of Article II in Resolution Conf. 9.24 (Rev. CoP15)". The supporting statement also says that the proposal "will not stimulate trade, nor cause enforcement problems for other CITES-listed plant species", although this is a precautionary measure from Resolution Conf. 9.24 (Rev. CoP15) related to transfers from Appendix I to Appendix II.

The proposal is based on a review of the biological and trade status of *D. stolonifera* and *D. traskiae*, but information on parts and derivatives in trade is reported as 'not known'. Little is known of the reproductive strategies of *D. stolonifera* and *D. traskiae*, though it is suspected that they are self-fertilizing as is the case for many *Dudleya* species. Thorough information is provided under all other fields of Annex 6 to Resolution Conf. 9.24 (Rev. CoP15).

There are no look-alike concerns related to *D. stolonifera* and *D. traskiae*.

Final comments

International trade would not appear to be a factor impacting on the conservation of these species.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

Originally listed in Appendix I and then moved to Appendix II, none of both species have had records of international trade on wild collected specimens. These taxa do not longer seem to meet criteria to be listed in Appendix II.

On the basis of the information available at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted.

Proposal 58

***Diospyros* spp. (Malagasy ebony) – Inclusion of the populations of Madagascar in Appendix II, and limited to logs, sawn wood and veneer sheets by an annotation**

Proponent: Madagascar

Provisional assessment by the Secretariat

CITES background

Madagascar listed 104 endemic species of the genus *Diospyros* in Appendix III in 2011. One of these was removed from Appendix III for nomenclatural reasons in 2012.

At PC20 in March 2012, the Plants Committee took note of a draft amendment proposal to include *Diospyros* spp. in Appendix II that Madagascar was preparing for submission at the present meeting (see document PC20 Inf. 3). It agreed that Madagascar should continue to work with the Committee on the completion of a comprehensive listing proposal for *Diospyros* spp. and that this proposal should be annotated to apply only to "populations of Madagascar". As the exports from Madagascar are mostly confined to logs and sawn wood, annotation #5 ("Logs, sawn wood and veneer sheets") seemed the most appropriate. The Committee further recommended that, in parallel with the completion of an amendment proposal, a document be prepared for the present meeting that outlined a work programme (or implementation plan) for the ongoing preparation of identification tests, guides, training courses and a user-friendly manual for enforcement officers in Madagascar and in importing countries; and that interested Parties and observers assist and support Madagascar in the preparation of this document. Although no formal consultation was required, the Committee recommended that Madagascar take advantage of relevant meetings to inform and seek the views of interested Parties and other stakeholders, in particular major importer countries, on their proposals and plans for effective implementation, and facilitate access to vouchered wood samples to support development of identification techniques, tests and guides.

Purpose and impact of the proposal

The proponent seeks to include its populations of *Diospyros* spp. in Appendix II. If the proposal is adopted, international trade in logs, sawn wood and veneer sheets of these populations will be regulated in accordance with the provisions of Article IV of the Convention.

The genus *Diospyros* spp. contains 550 species worldwide. The proponent states in Section 2 (*Overview*) that this proposal covers 240 species of the genus, but then states that it covers 83 of the 84 species included in the reference *Catalogue of the Vascular Plants of Madagascar* (*D. ferrea*, being the only species that is also found outside Madagascar (not endemic) is not being covered by this proposal).

Main points made in the supporting statement and general comments

These species vary from the 2-4 m shrubs to 15-m-trees. Around 40 % of them are commercial trees. Annex 2 to the proposal provides the list of *Diospyros* species and their dendrometric features. Found in various types of forests in the country, these species are used a lot for their timber, which is hard, dense, long-lasting, resistant to heat and cold and highly valued. The heartwood has a high economic value because of its black colour, which is a distinctive feature of ebonies. These trees are used for different purposes according to their height, from furniture making to sculptures, carvings and musical instruments. Twenty-two species are heavily traded internationally. More than 90 % of the exports are of logs and sawn wood, but other types of products are also exported, (such as furniture and handicraft products).

According to the supporting statement, the habitat of these species is facing diverse threats that are driving many species towards extinction. The main threats are clearing, bush-fires, slash-and-burn agriculture and, above all, overexploitation for domestic and international trade. Only 9.9 % of the natural vegetation cover remains. Some of these species grow in forests that have been highly fragmented. An assessment of the status of the populations of the species in this genus has shown that the majority of the specimens of *Diospyros* do not currently have a commercially-exploitable size. The population structure of these species has been deeply disturbed. This has resulted in an absence of certain diametric classes in the whole area of distribution. The regeneration rate is also very weak and these taxa need at least 80 years to reach commercial size. It is still

possible to find some exploitable specimens, but only in protected areas, as they have all but disappeared in most of the 'production areas'. Even though logging in protected areas is illegal, the continued and increasing international demand for timber of these species drives the abusive and illegal logging of target trees, which is resulting in the growing scarcity of seed trees of more than 20 cm of diameter at breast height.

The proponent states that there are some weaknesses at the institutional level that currently prevent the control of harvesting. Even though some national legislation exists, none targets the management *Diospyros* species. Moreover, there seems to be a lack of coherence between the current national legislation and the social, technical and scientific principles, as well as poor law implementation.

Compliance with listing criteria and other CoP recommendations

The proponent states that the populations of Madagascar of *Diospyros* spp. in Appendix II meet criterion A in Annex 2 a and criterion A in Annex 2 b of "Resolution Conf. 9.24 (Rev. CoP13)"². In addition, it is said in the *Overview* section that the Malagasy populations of *Diospyros* also meet criterion B in Annex 2 a of that Resolution.

The proponent claims that an Appendix-II listing would help ensure that specimens destined for export have been harvested legally and after the making of non-detriment findings by the Scientific Authority.

The proponent finally states that, in the medium- and long-term, this listing would be part of a broader organization and overhaul of the ebony industry in Madagascar, which would include: the development of management rules based on a better knowledge of these species; ecological restoration initiatives; ensuring coherence between legal texts and the technical processes for development and harvesting, and appropriate administrative procedures, which is one of the suitable approaches for the sustainable and rational management of the populations of *Diospyros* in Madagascar.

The supporting statement says that *Diospyros* species are identifiable at the genus level.

Final comments

In order to be able to implement the proposed listing, the species need to be listed at the specific level. The supporting statement is unclear about how many species are proposed for inclusion: 83, 84 or 240 species. How to distinguish these species from others in the same genus is not addressed.

In 2012 and 2013, Madagascar will continue its work to gather information on some species of *Diospyros*, under a joint CITES-ITTO project funded by Norway.

It is not clear how the implementation of an Appendix-II listing may help combat illegal logging of *Diospyros* spp. in the country.

Comments from Parties and intergovernmental bodies

Indonesia

Indonesia would like to propose that instead of mention the annotation "Inclusion of the populations of Madagascar in Appendix II both for *Diospyros* and *Dalbergia*", it is better to propose *Diospyros* species and *Dalbergia* species which only belong to Madagascar to avoid misleading population species in other countries.

International Union for Conservation of Nature (IUCN)

Analysis: Information on populations of any *Diospyros* species in Madagascar is scarce. Some species are known to have restricted distributions and are not known to be present in protected areas. Almost all large trees of one valuable ebony-wood producing species, *Diospyros perrieri*, are said to have disappeared from the western part of Madagascar, to which it is restricted. It is reported that despite introducing legislation to ban the export of precious woods in 2010 logging of ebonies has continued, apparently including within protected areas. There are no data on volumes of ebony in trade, and it is not possible to relate even anecdotal accounts of ebony in trade to particular species. There is thus little evidence to determine whether

² The proposal refers to Resolution Conf. 9.24 (Rev. CoP13) rather than Resolution Conf. 9.24 (Rev. CoP15).

any of the species meet the criteria in Annex 2a of *Resolution Conf. 9.24 (Rev. CoP15)*. However, given the apparently high rates of exploitation of ebony-producing trees as well as the large scale deforestation occurring in Madagascar and the generally long generation times of ebony-producing trees it is possible that some meet these criteria in that regulation of trade in them is required to ensure that the harvest of specimens from the wild is not reducing their populations to a level at which their survival might be threatened by continued harvesting or other influences.

Experts are currently unable to accurately identify any given log of Malagasy ebony to the species level and thus, if it is considered that one or more species of *Diospyros* meet the criteria in Annex 2 a then other species would meet the criteria in Annex 2 b A of *Resolution Conf. 9.24 (Rev. CoP15)*. Given the current taxonomic uncertainty of the genus *Diospyros* listing of all populations of Madagascar species of the genus *Diospyros* would likely facilitate implementation.

International Tropical Timber Organization

...There were no substantive comments on the proposals, all of which were acknowledged to have emanated from range states of the concerned species.

I attach the limited trade statistics we have in the ITTO database for the species proposed for listing at COP16. As you can see, the data we have indicate there is only limited officially recognized trade in any of these species, although our data confirms the relatively high values for products from these species Unfortunately we have not received a recent breakdown of China's imports by species, so if we obtain information on imports of any of these species by that important importer we will let you know. ...

Products	Country	Year	Latin Name or HS Code	Pilot Name/Local Name	Volume 1000 m ³	Avg. Price \$/m ³
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Import

Logs	Malaysia	2009	<i>Diospyros spp.</i>	kayu malam	0.028	148.978
Logs	Malaysia	2010	<i>Diospyros spp.</i>	kayu malam	0.696	1365.865
Sawnwood	Malaysia	2008	<i>Diospyros ebenaster</i>	kayu malam	1.353	500.026
Sawnwood	Malaysia	2009	<i>Diospyros ebenaster</i>	kayu malam	2.226	278.564
Sawnwood	Malaysia	2010	<i>Diospyros ebenaster</i>	kayu malam	4.295	793.305

Exports

Logs	Malaysia	2010	<i>Diospyros spp.</i>	kayu malam	0.13	298.01
Sawnwood	Malaysia	2008	<i>Diospyros ebenaster</i>	kayu malam	3.30	776.25
Sawnwood	Malaysia	2009	<i>Diospyros ebenaster</i>	kayu malam	2.27	783.05
Sawnwood	Malaysia	2010	<i>Diospyros ebenaster</i>	kayu malam	4.95	940.39

Recommendation by the Secretariat

Not all species in this genus seem to be heavily traded internationally but the proposing statement lacks concrete figures in this regard. However the Scientific Authority of Madagascar is undertaking field surveys and inventories and it claims that the results will be made available by the time of the CoP16.

It would be advisable for Madagascar to publish the above mentioned information as an information document as early as possible before the CoP16. This would permit other Parties to consider the information provided and have time to assess the value of this proposal.

It is evident that the populations of the species of *Diospyros* from Madagascar are heavily exploited. Furthermore, Madagascar listed these taxa already in Appendix III claiming an alarming rate of exports due to the international demand on this timber.

Considering the above, some species of *Diospyros* from Madagascar meet criterion A of Annex 2a of Resolution Conf. 9.24 (Rev. CoP15) and, all others meet the look-alike criterion.

On the basis of the information available at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted.

Proposal 59

***Aniba rosaeodora* (Brazilian rosewood) – Amend the annotation #12 to “Logs, sawn wood, veneer sheets, plywood and extracts. Finished products containing such extracts as ingredients, including fragrances, are not considered to be covered by this annotation”.**

Proponent: Brazil

Provisional assessment by the Secretariat

CITES background

At CoP15, the Conference of the Parties amended Appendix II to include *Aniba rosaeodora* with an annotation specifying the parts and derivatives covered by the Convention. The Appendix-II listing, together with annotation #12, entered into force on 23 June 2010 and reads as follows:

Logs, sawn wood, veneer sheets, plywood and essential oil (excluding finished products packaged and ready for retail trade)

Following the receipt of queries from governments and the industry about the interpretation and implementation of annotation #12, as well as similar queries concerning annotation #11 for *Bulnesia sarmientoi* (palo santo) and annotation #4, paragraph f), for *Euphorbia antisyphilitica* (candelilla), the Secretariat issued Notification to the Parties No. 2010/036 of 19 November 2010 to provide interim practical guidance on their uniform application, in advance of any interpretation agreed by Parties.

Certain Parties and trade associations later found that the guidance contained in the above-mentioned Notification did not adequately address their implementation difficulties, and initiated discussions with interested stakeholders at the 19th meeting of the Plants Committee (PC19, Geneva, April 2011) and at PC20 in March 2012.

Purpose and impact of the proposal

The practical intent of the amendment proposal is to clarify annotation #12, and to align it better with annotation #11 for *Bulnesia sarmientoi*.

The amendment proposal seeks to make the following amendments to annotation #12:

Logs, sawn wood, veneer sheets, plywood and ~~essential oil extracts (excluding finished products packaged and ready for retail trade)~~

Main points made in the supporting statement and general comments

The proposed amendment to annotation #12 is based on related discussions at PC20 and consultations with the Standing Committee Working Group on Annotations. Specifically, the suggested replacement of ‘essential oil’ with ‘extracts’ anticipates the adoption of a definition for ‘extract’ at the present meeting, which includes ‘essential oils’.

Compliance with listing criteria and other CoP recommendations

The proposed annotation is specific and accurate as to the types of specimens covered by the Convention, in accordance with Resolution Conf. 9.24 (Rev. CoP15) and Resolution Conf. 11.21 (Rev. CoP15). The text of the proposed annotation is generally clear and unambiguous.

As reflected by paragraph 11 of document CoP16 Doc. 75 on *Development and application of annotations*, the Standing Committee Working Group on Annotations had understood that the proposed amendment to annotation #12 would include the following language following the word ‘extracts’: “Finished products containing such extracts as ingredients are not considered to be included in this definition”.

The proposed annotation seems generally to be harmonized with existing annotations (e.g. for specimens of *Bulnesia sarmientoi*).

Final comments

Annotation #11 for *B. sarmientoi* currently reads: “Logs, sawn wood, veneer sheets, plywood, powder and extracts”. There may be scope to merge proposed annotation #12 with annotation #11 in order to reduce the total number of annotations.

In document CoP16 Doc. 75, the Standing Committee Working Group on Annotations proposes a definition of ‘extract’ that includes essential oils. The Working Group recommends that the Standing Committee form a working group on annotations, in close collaboration with the Animals and Plants Committees, which would *inter alia* evaluate the existing annotations for plant taxa listed in Appendices II and III, review outstanding implementation challenges resulting from the listings of *A. rosaeodora* and *B. sarmientoi*, and report on its progress to the Standing Committee as well as the Conference of the Parties.

Comments from Parties and intergovernmental bodies

International Union for Conservation of Nature (IUCN)

Analysis: The proposed amendment would be in line with the adoption of a definition of “Extract” as proposed in paragraph 10 of document CoP16 Doc. 75. The proposed new version of annotation #12 does not include the wording “(excluding finished products packaged and ready for retail trade)” currently present in the annotation. The general understanding of the new definition proposed for adoption is that it does include finished products. That is, if the proposed amendment were adopted, finished products would no longer be exempted from the provisions of the Convention. This would not appear to be the intent of the proponents. Retaining this language, so that the amended annotation read: “logs, sawn wood, veneer sheets, plywoods and extracts (excluding finished products packaged and ready for retail trade)” would resolve this.

International Tropical Timber Organization

...Regarding the proposals to amend annotations of current listing of *Aniba rosaeodora* and agarwood species, we have no comment on the former (which seems straightforward) but question whether Management Authorities would be easily able to ascertain the percentage content of agarwood in samples.

Recommendation by the Secretariat

The proposal is very similar to the draft amendment text for Annotation #12 that was agreed earlier between the proponent and the Standing Committee Working Group on Annotations (see paragraph 11 of document CoP16 Doc. 75 on *Development and application of annotations*).

The Secretariat notes that the draft amendment to Annotation #12 contains exclusionary language in the annotation. As a matter of principle, the Secretariat believes that annotations should be ‘positive’ in nature and indicate only what is covered by the Convention. Annotations with exclusionary language seem more complex and potentially challenging to interpret, apply and enforce. The Secretariat recognizes, however, that annotation practice to date reflects a mix of positive annotations and annotations with exclusionary language

If Parties adopt the draft decision contained in Annex 8 to document CoP16 Doc. 75, the Standing Committee (with the assistance of an envisaged Working Group on Annotations) could review existing annotation practice and make relevant recommendations to the Conference of the Parties for improving its consistency and effectiveness. Such a review might include consideration of the relative advantages and disadvantages of ‘positive’ annotations compared to annotations with exclusionary language.

Based on the available information at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted.

Proposal 60

***Dalbergia cochinchinensis* (Thailand rosewood) – Inclusion in Appendix II with the following annotation: #5 Logs, sawn wood, veneer sheets**

Proponents: Thailand and Viet Nam

Provisional assessment by the Secretariat

CITES background

This species has never been the subject of a listing proposal.

Purpose and impact of the proposal

The proponents seek to include *Dalbergia cochinchinensis* in Appendix II. If the proposal is adopted, international trade in logs, sawn wood, veneer sheets of the species will be regulated in accordance with the provisions of Article IV of the Convention.

Main points made in the supporting statement and general comments

Dalbergia cochinchinensis is an evergreen tree of 15-30 m that is found in open semi-deciduous forests of Indochina. Over-exploitation has driven it to the brink of extinction, and in both Thailand and Viet Nam, the species has a highly fragmented distribution with populations restricted to a few localities in 30 protected natural areas.

Commercially known as "redwood", its timber is considered a "first class prime timber" because of its coloration, hardness, durability (not splitting when dry), resistance to insects and termites, and the fact that it is easy to work with. It has become one of the most expensive woods on the international market for premium wooden furniture.

The supporting statement explains that all the timber that is currently found in international trade comes from illegal logging of wild populations, since its logging is banned in the four range States (Cambodia, the Lao People's Democratic Republic, Viet Nam and Thailand). The main threats to the survival of this species in the wild are deforestation, agriculture and illegal logging. There are no commercial plantations that can release the pressure of the harvest on wild populations. Only some trial plots have been established in Thailand and the Lao People's Democratic Republic. Wild specimens have a slow growth rate and natural regeneration is often poor. Some commercial plantations of specimens artificially propagated from seed and cuttings have recently been encouraged by government agencies of the range States and the proponents claim that: "the inclusion of the species in Appendix II would be of benefit to the growers" and that "listing *D. cochinchinensis* in the CITES Appendix II would not only alleviate the pressure on its natural habitats, but also enhance the success of commercial plantation, which is of future economic benefit to rural people."

In this regard, the Secretariat believes that the purpose of including a species in Appendix II should not be the promotion of plantations as the ultimate solution to unsustainable harvesting. Rather, plantations should be a tool that can release the pressure that the demand of international trade can create on the natural populations of a species.

Thailand estimates that there were 300,000 natural stands in 2005, but that, in 2011, only 80,000-100,000 trees (approximately 63,500 m³) were left on its national territory. No inventory is available, but it is estimated that 50-60 % of the natural populations of *D. cochinchinensis* in that country have disappeared over the last 5-10 years. This scarcity seems to be triggering the high prices of the timber traded illegally on the international market.

The wood is used to make furniture, carvings, wood-turning, fine-art articles, musical instruments and sewing machines. The wood from the stumps and roots can also be used in handicraft, while roots, bark and sap are used in traditional medicine. This species is clearly affected by international trade and the most common types of products found in trade are logs and sawn wood. The proponent claims that the over-exploitation of this species stems from a recent and high demand for its wood on the Asian markets. The proponents also mention that demand is fuelled by the belief in some countries that rosewood, and therefore furniture made from it, is good for the health.

Thailand has seized illegal shipments for a value of USD 3 billion USD over the past six years.

This proposal does not provide information on the *Role of the species in the ecosystem* (Section 3.5) or on its *Population structure* (Section 4.3). Furthermore, there is no system to monitor populations or any measure to control international trade in *D. cochinchinensis*.

Compliance with listing criteria and other CoP recommendations

The proponents state that *D. cochinchinensis* meets the criteria for inclusion in Appendix II in accordance with paragraph A in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP15). However, they do not specify which of the biological criteria for inclusion in Appendix I are likely to be met in the next 5-10 years.

Regarding similar species, the proponents state that the wood of *D. oliveri* is similar to that of *D. cochinchinensis*.

All range States were consulted, but their comments were not available at the time of submission. The proponents state that ITTO has expressed its support for the proposal.

Final comments

In view of the potential look-alike issues, if this proposal were adopted, an identification guide or identification materials should be prepared by the proponents to help with the implementation of this listing by Customs.

Comments from Parties and intergovernmental bodies

International Union for Conservation of Nature (IUCN)

Analysis: *Dalbergia cochinchinensis* is a rosewood tree from Southeast Asia that yields a highly sought after timber, demand for which has grown very markedly in recent years, particularly in China. This demand is met entirely by harvest, often illegal, from wild populations. Although inventory data are lacking in most of the range there are indications of declines in range states; at least one (Thailand) decline in the past six years would already appear to meet the criteria for Appendix I. The species would therefore appear likely to meet the criteria for inclusion in Appendix II Annex 2 a, paragraph A of *Resolution Conf. 9.24 (Rev. CoP15)*: it is known, or can be inferred or projected, that the regulation of trade in the species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future.

Recommendation by the Secretariat

Although no definite data from field inventories is available to assess the conservation status of the populations of *Dalbergia cochinchinensis* in its range, the information available would seem to indicate that most of its populations are becoming rare and are quickly disappearing from the wild due to the heavy and increasing international demand for the international trade of the timber of this species.

The situation seems to be critical to the point that the populations in Thailand meet criteria for the inclusion in Appendix II. The species meets criterion A of Annex 2a of Resolution Conf. 9.24 (Rev. CoP15) since it is known, or can be inferred or projected, that the regulation of trade in the species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future.

On the basis of the information available at the time of writing, the Secretariat recommends that this proposal be adopted.

Proposal 61

***Dalbergia granadillo* and *Dalbergia retusa* (Granadillo rosewood and black rosewood) - Inclusion in Appendix II**

Proponent: Belize

Provisional assessment by the Secretariat

CITES background

At CoP14 in 2007, *Dalbergia granadillo* and *D. retusa* were proposed for inclusion in Appendix II, but the proposal was withdrawn. In connection with this withdrawal, the Conference adopted Decision 14.146 on *Cedrela odorata*, *Dalbergia retusa*, *D. granadillo* and *D. stevensonii*, to allow range States to complete knowledge on the status of conservation of, trade in and sustainable use of these species.

At the request of Guatemala, its population of *D. retusa* was included in Appendix III in 2008 with annotation #5, which covers "Logs, sawn wood and veneer sheets". The population of *D. retusa* from Panama was included in Appendix III in 2011 with annotation #2, which covers "All parts and derivatives except: a) seeds and pollen; and b) finished products packaged and ready for retail trade."

Purpose and impact of the proposal

The proponent seeks to include *Dalbergia granadillo* and *D. retusa* in CITES Appendix II. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article IV of the Convention. As the proposed listing does not include an annotation, all readily recognizable parts and derivatives of *D. retusa* and *D. granadillo* will be subject to CITES provisions, in accordance with Resolution Conf. 11.21 (Rev. CoP15).

Main points made in the supporting statement and general comments

D. retusa is a hardwood leguminous tree, found in dry tropical forests from Mexico to Panama. As many other species in the genus, it has been overharvested for its dense and durable wood, which is prized for a wide range of uses (e.g. carvings, personal items for tourists, musical and scientific instruments). Timber is also imported into the United States as timber to be carved and sold as high-value products such as pen-blanks and gun handles. There is a high wastage of wood, as the sapwood is of low value while the most highly patterned heartwood pieces are sold at a premium.

D. retusa is so rare in the wild that very little reaches the world market. Some plantations exist and it is mainly harvested from private lands. Although little information is available on abundance in the wild, it is presumed that the area of distribution of the species has been highly fragmented. Reported difficulties in sourcing the wood suggest that it may already be commercially extinct in some wild areas. The supporting statement explains that conversion of tropical dry forest to agriculture and pasture for cattle is occurring at alarming rates and that this is considered to be the most endangered major tropical ecosystem, with less than 2 % remaining intact.

D. retusa is a slow-growing species. Section 3.3 on *Biological characteristics* speaks of limited natural regeneration, although saplings and juveniles are numerous in areas periodically exposed to fire. However, Section 4.3 on *Population structure* seems to contradict this statement as it describes the species as showing "a high regeneration percentage".

The conservation status of the populations of these taxa has not been assessed yet, but some range States are currently conducting surveys to determine it. Although *D. retusa* is considered 'Vulnerable' or 'Endangered' in most of its range, the conservation status in Costa Rica has been reported as 'Good'.

Trade data do not seem to exist. The proponent states that ITTO (2004) does not report any export of *D. retusa*, even though five of the range States are ITTO members. Likewise, ITTO does not report any import, despite evidence of trade in the species in the United States, which is an ITTO member but not a range State (see Section 6.2 on *Legal trade*).

D. retusa is poorly protected, with a few of the range States having adopted special legislation on the species. It follows that trade in the species is neither monitored nor regulated. The increase in import of timber by China, particularly in the last two years, has raised serious concerns, which are exemplified in Section 6.4 on *Illegal trade*.

Compliance with listing criteria and other CoP recommendations

The proponent asserts that *D. retusa* meets the criteria for inclusion in Appendix II in accordance with paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP15). *D. granadillo* is proposed for inclusion for look-alike reasons, as the timber of *D. granadillo* is said not to be distinguishable from that of *D. retusa*. Although it bears the common name “granadillo”, it is often traded under the name “cocobolo”.

Final comments

The proposal makes contradictory statements on the conservation status of the species in Costa Rica. After stating that Costa Rica reports the status as 'good', it explains that some populations are almost completely exhausted and that this “is most notable in Costa Rica”. Moreover, the proponent mentions that *D. retusa* is considered vulnerable in Costa Rica and could be considered endangered in that country.

If this proposal were agreed, the proponent and other range States should prepare identification materials to make available to other Parties, especially for Customs officials.

This proposal leads one to conclude that these species are affected by international trade. However, it is difficult to get an overall idea on the status of *D. retusa* in its entire area of distribution because the information provided under each of the criteria has been broken down by country.

Comments from Parties and intergovernmental bodies

International Union for Conservation of Nature (IUCN)

Analysis: Information on the conservation status of *Dalbergia retusa* is conflicting. The species is known to be in demand internationally for its timber, and the market for rosewoods in general has grown very rapidly in Asia, particularly China, in recent years. Populations are said to have declined historically as a result of overharvest and land conversion for agriculture and pasture. Little is known about the current level of harvest for international trade or the impact of such harvest on the species, although there are indications of uncontrolled harvest of wild populations in at least one range State, and of illegal trade in another (Guatemala). There is overall insufficient information to determine whether the species meets the criteria for inclusion in Appendix II set out in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP15).

Dalbergia granadillo has a more restricted distribution. Its wood is considered to be indistinguishable from that of *D. retusa* and is traded under the same name. If *D. retusa* were to be listed in Appendix II, implementation of such a listing would be greatly facilitated by the inclusion of *D. granadillo* in Appendix II.

Recommendation by the Secretariat

Dalbergia retusa is very rare in the wild and its populations could be commercially extinct in some natural areas. Being a slow growing type of species the proposing statement indicates that despite the lack of trade data, the international demand on this species could be representing a threat for its survival in the long term. *D. granadillo* has a more restricted distribution and can not be distinguished from *D. retusa* and it is trade under the same name.

The proponent claims that *Dalbergia retusa* meets criterion B of Annex 2a) of Resolution Conf. 9.24 (Rev. CoP15) since it is known, or can be inferred or projected, that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences; and, that *Dalbergia granadillo* meet criterion A in Annex 2 (b) for look-alike reasons.

On the basis of the information available at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted.

Proposal 62

Dalbergia stevensonii (Honduras rosewood) – Inclusion in Appendix II

Proponent: Belize

Provisional assessment by the Secretariat

CITES background

Dalbergia stevensonii was proposed for inclusion in Appendix II at CoP14 in 2007, but the proposal was withdrawn in favour of Decision 14.146 on *Cedrela odorata*, *D. retusa*, *D. granadillo* and *D. stevensonii* in order for the range States to complete knowledge on the status of conservation of, trade in and sustainable use of these species.

At the request of Guatemala, its population of *D. stevensonii* was included in Appendix III in 2008 with annotation # 5, which covers "Logs, sawn wood and veneer sheets".

Purpose and impact of the proposal

The proponent seeks to include *Dalbergia stevensonii* in CITES Appendix II. If the proposal is adopted, international trade in specimens of species will be regulated in accordance with the provisions of Article IV of the Convention. As the proposed listing does not include an annotation, all readily recognizable parts and derivatives of *D. stevensonii* will be subject to CITES provisions, in accordance with Resolution Conf. 11.21 (Rev. CoP15).

Main points made in the supporting statement and general comments

D. stevensonii is a medium-sized tree with a height of 15-30 m. It is found in broad-leaf evergreen swamp forests of southern Belize and nearby regions, with a very small population in Guatemala and Mexico. The proponent states also mentions Honduras, but it is not clear whether it is also a range State. The proponent further states that there are no data on the potential area of distribution in Guatemala and Honduras. A high number of large, mature, seed-bearing trees have been removed. Together with problems associated with regeneration from seed, over-harvesting may well have already seriously impeded regeneration of the species in the wild, which, in turn will have an effect on genetic diversity. Information on the breeding system of *D. stevensonii* is not available. *Dalbergia* species form nitrogen-fixing nodules and therefore have an important role in increasing soil fertility.

The populations of the species are strongly affected by high levels of legal and of illegal logging, agriculture, road construction and increasing deforestation in the region. Belize currently has the highest population growth rate (annual percentage) in Central America. The timber of *D. stevensonii* is of limited availability in trade, although it is very much sought after, particularly for musical instruments, and increasingly on the Asian market for furniture and cabinet-making.

The species is not available from plantations and timber must therefore be sourced from wild populations. In spite of its rarity, there is a high level of wastage, up to 80 %, as only logs of the straightest grain are used to make marimba bars.

No information is provided on the size or structure of the populations of *D. stevensonii* from Belize, Honduras, Guatemala or Mexico. While the population of this species was reported in the 1960s as large, its timber is said to be rare today. A moratorium on harvesting and export was issued in Belize in March 2012. Without this moratorium, the supporting statement claims that the populations of *D. stevensonii* would have been commercially extinct in Belize by 2033. It also states that, assuming that demand for the species remains the same, failure to implement stricter control measures on logging and export will drive *D. stevensonii* to commercial extinction in two decades or less. Reports on timber extraction and habitat loss indicate that populations of *D. stevensonii* are declining.

There are no comprehensive reports on the levels of domestic and international trade in the species. However, data in the supporting statement show that the current demand for the international trade may be causing the

decline of the wild populations of this species. Little information is available on the level of illegal trade in *D. stevensonii*.

The reports provided by range States indicate that Honduras established a ban for this species in 2007; Nicaragua has no specific measures for the species; Guatemala has no ban in place and management of the species is done through specific regulations distinguishing between populations inside and outside protected areas; and Mexico has not established any protective measures.

Although some management measures have been adopted in a few range States, no population monitoring reports are available for the species. Only Guatemala seems to have gathered data from inventories of this species. Other range States have not conducted any inventory.

No commercial plantations are known in any of the range States.

Compliance with listing criteria and other CoP recommendations

The proponent states that *D. stevensonii* meets the criteria for inclusion in Appendix II, in accordance with paragraph B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP15).

Under the look-alike species section of this proposal, the proponent mentions that *D. nigra* (included in Appendix I in 1992) and *D. tilarana* can be confused with *D. stevensonii*.

Final comments

In view of the potential look-alike problems, if this proposal were agreed, identification materials should be prepared to be made available to Parties, particularly for Customs officials.

The supporting statement does not explain how an Appendix-II listing might help Belize combat illegal logging of *D. stevensonii* on its country.

Comments from Parties and intergovernmental bodies

International Union for Conservation of Nature (IUCN)

Analysis: *Dalbergia stevensonii* is a rosewood tree from Central America that yields a highly valuable timber, in demand for the manufacture of musical instruments and furniture; the latter particularly in Asia where demand for rosewood in general has grown very significantly in recent years. It is thought that the main population is in southern Belize, where the harvest of trees has reportedly increased markedly in recent years, and from where exports to Asia are known to take place. In early 2012 a moratorium on felling and export was imposed in Belize, although illegal felling is still believed to take place and enforcement capacity within the country is limited. All recorded export is believed to be in timber from the wild. Given the exceptionally high demand for rosewood internationally, and the apparently limited distribution of species, it would appear likely that it meets the criteria for inclusion in Appendix II in that regulation of trade in it is required to ensure that the harvest of specimens from the wild is not reducing its population to a level at which its survival might be threatened by continued harvesting or other influences.

Recommendation by the Secretariat

With a very restricted distribution and an exceptionally high demand in international trade, the populations of the species *Dalbergia stevensonii* meet criterion B of Annex 2 a) of Resolution Conf. 9.24 (Rev. CoP15) since it is known, or can be inferred or projected, that regulation of trade in the species is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences.

On the basis of the information available at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted.

Proposal 63

***Dalbergia* spp. (Malagasy rosewood) – Inclusion of the populations of Madagascar in Appendix II, and limited to logs, sawn wood and veneer sheets by an annotation**

Proponent: Madagascar

Provisional assessment by the Secretariat

CITES background

At PC20 in March 2012, the Plants Committee took note of a draft amendment proposal to include *Dalbergia* spp. in Appendix II that Madagascar was preparing for submission at the present meeting (see document PC20 Inf. 3). It agreed that Madagascar should continue to work with the Committee on the completion of a comprehensive listing proposal for *Dalbergia* spp. and that this proposal should be annotated to apply only to "populations of Madagascar". As the exports from Madagascar are mostly confined to logs and sawn wood, annotation #5 ("Logs, sawn wood and veneer sheets") seemed the most appropriate. The Committee further recommended that, in parallel with the completion of an amendment proposal, a document be prepared for the present meeting that outlined a work programme (or implementation plan) for the ongoing preparation of identification tests, guides, training courses and a user-friendly manual for enforcement officers in Madagascar and in importing countries and that interested Parties and observers should assist and support Madagascar in the preparation of this document. Although no formal consultation was required, the Committee recommended that Madagascar take advantage of relevant meetings to inform and seek the views of interested Parties and other stakeholders, in particular major importer countries, on their proposals and plans for effective implementation, and facilitate access to vouchered wood samples to support development of identification techniques, tests and guides.

Purpose and impact of the proposal

The proponent seeks to include its populations of *Dalbergia* spp. in Appendix II. If the proposal is adopted, international trade in logs, sawn wood and veneer sheets of these populations will be regulated in accordance with the provisions of Article IV of the Convention.

Main points made in the supporting statement and general comments

The genus *Dalbergia* comprises 250 species worldwide. This proposal concerns 48 species of *Dalbergia* that are endemic to Madagascar. Timber is the main forest product of the country. It is in strong demand and has a high added value in domestic and international trade. It is used in various fine products. International demand has increased to the extent that it has caused an overharvesting of the species that has put them in risk of extinction, while also destroying their habitat. Seven species are particularly heavily traded internationally. More than 90 % of the exports are of logs and sawn wood, but finished products, furniture and handicraft items are also exported.

These species are found in various types of forests on the western and eastern parts of Madagascar and the trees can reach 2-17 metres. Timber is hard, robust and termite-resistant, and is used for construction, wood working and sculptures. It is also the only source of energy in some areas and the timber of *Dalbergia* having a high calorific value, demand for wood fuel has become a serious threat to the forest.

These species play an important role in the ecosystem because they improve soil fertility by producing nitrogen-fixing nodules and provide food to several endemic species, including lemurs. The habitat of *Dalbergia* is being destroyed by over-extraction as well as other anthropogenic activities, such as bushfires and agriculture. Commercially exploitable specimens of *Dalbergia* spp. are now very rare. The population structure of these species has been deeply disturbed. This has resulted in an absence of certain diametric classes in the whole range. The regeneration rate is also very weak. Only 10-25 % of the total population of *Dalbergia* spp. in Madagascar is found inside protected natural areas.

One-thousand-and-fourteen containers of timber of *Dalbergia* spp. of illegal origin with a value of USD 217,800,000 were detected in 2009. Global Witness estimated in 2009 that the value of the illegal traffic of this timber amounts to EUR 400,000 a day on the international market.

Compliance with listing criteria and other CoP recommendations

The proponent states that the populations of Madagascar of the 48 species of *Dalbergia* covered by this proposal meet criterion A in Annex 2 a and criterion A in Annex 2 b of "Resolution Conf. 9.24 (Rev. CoP13)"³. However, in Section 2 (*Overview*), it is said that the Malagasy populations of *Dalbergia* spp. also meet criterion B in Annex 2 a of the Resolution. It is not clear in the supporting statement which species are proposed for inclusion in Appendix II for look-alike reasons.

The proponent claims that the inclusion of the Malagasy populations of these species in Appendix II would help ensure that exported specimens have been harvested legally and after the making of non-detriment findings by the Scientific Authority.

The inclusion in Appendix III of five species of *Dalbergia* in 2011 has allowed Madagascar to gain the international support from other countries and organizations, and this permitted the adoption of several management measures at the national level.

The supporting statement says that *Dalbergia* species are identifiable at the genus level.

Final comments

It is assumed that the species to be included in the Appendix II are the 48 mentioned in Annex 1 of the supporting statement. How to distinguish these species from others in the same genus is not addressed.

In 2012 and 2013, Madagascar will continue its work to gather information on some species of *Dalbergia* under a joint CITES-ITTO project funded by Norway.

It is not clear how the implementation of and Appendix-II listing may help combat illegal logging of *Dalbergia* spp. in the country.

Comments from Parties and intergovernmental bodies

Indonesia

Indonesia would like to propose that instead of mention the annotation "Inclusion of the populations of Madagascar in Appendix II both for *Diospyros* and *Dalbergia*", it is better to propose *Diospyros* species and *Dalbergia* species which only belong to Madagascar to avoid misleading population species in other countries.

International Union for Conservation of Nature (IUCN)

Analysis: Information on populations of all *Dalbergia* species in Madagascar is scarce. Rosewood-bearing trees in the genus *Dalbergia* are known to have been subject to intensive, often uncontrolled and illegal, logging in recent years to supply the export market. Indications are that volumes of rosewood logged and exported from Madagascar in the period 2007-2010 were several times those recorded earlier in that decade. There is no information on volumes of individual species of rosewood harvested and traded, or comprehensive inventory data for any species. It is thus extremely difficult to determine whether any one species meets the criteria for inclusion in Appendix II set out Annex 2 a of *Resolution Conf. 9.24 (Rev. CoP15)*. However, some rosewood-bearing *Dalbergia* species are known to have restricted distributions in areas that have been subject to intensive logging in recent years. Given this, the generally long generation time of rosewood-bearing trees and the very large increase in logging and export of rosewood recorded recently, it is likely that some species at least meet these criteria in that regulation of trade in them is required to ensure that the harvest of specimens from the wild is not reducing their populations to a level at which their survival might be threatened by continued harvesting or other influences.

Experts are currently unable to accurately identify any given log of Malagasy rosewood to the species level and thus, if it is considered that one or more than one *Dalbergia* species meets the criteria in Annex 2 a, then other species would meet the criteria in Annex 2 bA of *Resolution Conf. 9.24 (Rev. CoP15)*.

International Tropical Timber Organization

³ The proposal refers to *Resolution Conf. 9.24 (Rev. CoP13)* rather than *Resolution Conf. 9.24 (Rev. CoP15)*.

... One or two country representatives had questions about the *Dalbergia* species proposals given the global range of this genus. These countries were informed that the listing proponents were urged to consult with all other range states of the species in question prior to the COP. ...

I also note in this regard that ITTO was contacted by officials from Belize, Madagascar and Thailand regarding their proposals, all dealing with different species of *Dalbergia* (and, in case of Madagascar, with the various other species listed in your letter). As you are aware, the Madagascar listing proposals have been at least partly facilitated by a project funded under our joint ITTO-CITES program. In our response to all of these proponents we provided comments on the trade statistics quoted in the proposals (based on our trade database) and urged the proponents of the various *Dalbergia* proposals to consult with each other or at least make mention of the fact that this genus was coming under pressure in other parts of the world as evidenced by the multiple proposals for listing of different species of the genus from Africa, Asia and Latin America.

I attach the limited trade statistics we have in the ITTO database for the species proposed for listing at COP16. As you can see, the data we have indicate there is only limited officially recognized trade in any of these species, although our data confirms the relatively high values for products from these species (note that we believe that the data on Brazil's import volumes of *Senna* spp. are erroneous due to the low unit values, we have queried this but have not received a response). Unfortunately we have not received a recent breakdown of China's imports by species, so if we obtain information on imports of any of these species by that important importer we will let you know. ...

Products	Country	Year	Latin Name or HS Code	Pilot Name/Local Name	Volume 1000 m ³	Avg. Price \$/m ³
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Import

Logs	Thailand	2006	<i>Dalbergia oliveri</i>	ching-chan or ket-daeng	0.002	1037.500
Sawnwood	Thailand	2006	<i>Dalbergia oliveri</i>	ching-chan or ket-daeng	0.667	353.136

Recommendation by the Secretariat

Not all species in this genus seem to be heavily traded internationally but the proposing statement lacks concrete figures in this regard. However the Scientific Authority of Madagascar is undertaking field surveys and inventories and it claims that the results will be made available by the time of the CoP16.

It would be advisable for Madagascar to publish the above mentioned information as an information document as early as possible before the CoP16. This would allow other Parties to consider the information provided and have time to assess the value of this proposal.

It is evident that the populations of the species of *Dalbergia* from Madagascar are heavily exploited. Furthermore, Madagascar listed some of these taxa already in Appendix III claiming an alarming rate of exports due to the international demand on this timber.

Considering the above, some species of *Dalbergia* from Madagascar meet criterion A of Annex 2a of Resolution Conf. 9.24 (Rev. CoP15) and, all others meet the look-alike criterion.

On the basis of the information available at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted.

Proposal 64

Senna meridionalis (taraby) – Inclusion in Appendix II

Proponent: Madagascar

Provisional assessment by the Secretariat

CITES background

Senna meridionalis was proposed for inclusion in Appendix II at CoP15 in 2010, but the proposal was withdrawn by Madagascar, which stated that additional trade data and population status information were required. In connection with this withdrawal, the Conference adopted Decision 15.97 which *inter alia* directed the Plants Committee and Madagascar to review and gather further information on species (including tree species) which would benefit from CITES listing, report on their work at the present meeting and, if necessary, prepare proposals to amend the Appendices for submission at the present meeting. This report is contained in document CoP16 Doc. 66, but it does not refer to *S. meridionalis*.

At PC20 in March 2012, the Plants Committee took note of a draft amendment proposal to include *S. meridionalis* in Appendix II that Madagascar was preparing for submission at the present meeting (see document PC20 Inf. 4). It recommended that Madagascar further elaborate, review and refine this proposal, in close cooperation with the Committee, interested Parties, organizations and experts; and that the final proposal take due account of identification issues, problems associated with look-alike taxa and preparation of identification materials.

The Secretariat has commissioned the Malagasy Scientific Authority for Flora (Université d'Antananarivo) to undertake research on the distribution, biology, status of and trade in this species, but the results of this work are not due until 30 September 2013.

Purpose and impact of the proposal

The proponent seeks to include *Senna meridionalis* in Appendix II. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article IV of the Convention. As the proposed listing does not include an annotation, all readily recognizable parts and derivatives of *S. meridionalis* will be subject to CITES provisions, in accordance with Resolution Conf. 11.21 (Rev. CoP15).

Main points made in the supporting statement and general comments

This species is endemic to Madagascar and found in the xerophytic scrub in the south-west of the country. It has an area of occurrence of 21,531.5 km² and an area of occupancy of 126 km² only. A very small-scale study revealed a population density of 73 mature plants per hectare, which, if repeated across its area of distribution, would give over 900,000 specimens. The species is said to have weak regeneration potential, but the figures provide are difficult to interpret. The supporting statement says that the species is categorized as 'Endangered' according to the IUCN Red List criteria, but this is presumably a local evaluation as the species does not figure in the IUCN Red List.

In addition to international trade, the species is under threat from habitat loss (in particular because of the extraction for brick production of the calcareous rocky soil where it grows, and it is predicted to decline by 77.8 % over an unspecified period. International trade is in live specimens for use as bonsais. Reported exports have declined to nil between 2004 and 2008, with a peak of 483 plants in 2004.

Compliance with listing criteria and other CoP recommendations

The proponent contends that it is known, or can be inferred or projected, that the regulation of trade in the species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future, that is to say 5-10 years. However, it does not state which biological criteria for inclusion in Appendix I might apply and this contention is not elaborated further in the supporting statement.

No information is provided about how specimens of this species can be identified or whether there are any look-alike problems.

Final comments

The supporting statement is more comprehensive than that presented for the same species at CoP15, but nevertheless does not seem to clearly demonstrate how the species qualifies for inclusion in Appendix II. The numerical export trade data presented do not accord with the text which speaks of “massive collection for export”. The current legal protection afforded to the species is not clear.

The information on legal protection and regulation of the harvest of this species is confusing. The supporting statement indicates in Section 6.5 (*Actual or potential trade impacts*) that harvest and export are not submitted to any regulation. In Section 7.1 (*Legal instruments – National*); however, it is mentioned that collection and export are only regulated by authorization procedures at the national level, and Section 8 (*Species management*) describes a series of national management measures (including a single harvest authorization per species per operator to serve as parental stock; obligations for operators to propagate the species *ex situ*; and the issuance of export authorizations for artificially-propagated specimens only). Unfortunately, the supporting statement does not clarify when these measures came into effect, how they are being implemented, and how they have been or are applied to the harvest, propagation and exports of the species. This information would be useful to assess the proposal.

Comments from Parties and intergovernmental bodies

International Union for Conservation of Nature (IUCN)

Analysis: *Senna meridionalis* has a reasonably widespread distribution in southern Madagascar, where it is at least locally common. It is offered for sale in various parts of the world, but trade appears to be limited. The plants offered for sale range from small individuals grown from cuttings, to larger individuals of unknown origin. Some wild collection is known to have taken place in the early 2000s. No exports have been reported from Madagascar since 2006. Given the distribution of the species and the absence of any reported recent trade from the range State, it seems very unlikely that regulation of trade is necessary to prevent the species becoming eligible for inclusion in Appendix I in the near future, or that harvest for trade is reducing the population to a level at which its survival might be threatened by other influences. The species would therefore not appear to meet the criteria for inclusion in Appendix II.

International Tropical Timber Organization

I attach the limited trade statistics we have in the ITTO database for the species proposed for listing at COP16. As you can see, the data we have indicate there is only limited officially recognized trade in any of these species, although our data confirms the relatively high values for products from these species (note that we believe that the data on Brazil's import volumes of *Senna* spp. are erroneous due to the low unit values, we have queried this but have not received a response). Unfortunately we have not received a recent breakdown of China's imports by species, so if we obtain information on imports of any of these species by that important importer we will let you know. ...

Products	Country	Year	Latin Name or HS Code	Pilot Name/Local Name	Volume 1000 m ³	Avg. Price \$/m ³
Import						
Sawnwood	Brazil	2006	<i>Senna</i> spp.	canafistula	6.582	21.895
Sawnwood	Brazil	2007	<i>Senna</i> spp.	canafistula	10.915	25.379
Exports						
Sawnwood	Brazil	2006	<i>Senna</i> spp.	canafistula	0.14	615.16
Sawnwood	Brazil	2007	<i>Senna</i> spp.	canafistula	0.25	635.46

Recommendation by the Secretariat

The Secretariat shares the concerns of the proponent as the range State for this species about habitat loss affecting this species, but there is little evidence that regulation of trade in *Senna meridionalis* under Appendix II is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influence. The species appears to be quite widespread and demand for wild-taken specimens is likely to be modest. If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *S. meridionalis* for the purpose of preventing or restricting exploitation and verifying the legality of exported specimens, it might consider its inclusion in Appendix III.

In accordance with Decisions 15.97 and 15.98, the Secretariat has commissioned the Madagascan Scientific Authority to undertake research on the distribution, biology, status of and trade in this species, but the results of this work are not due until 30 September 2013. The Secretariat recommends that a decision about whether or not to include this species in Appendix II be deferred until the results of this research are available.

If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *S. meridionalis* for the purpose of preventing or restricting exploitation and verifying the legality of exported specimens, it might consider in the mean time its inclusion in Appendix III. Such a listing might also provide better data on the levels of international trade.

Proposal 65

Adenia firingalavensis (bottle liana) – Inclusion in Appendix II

Proponent: Madagascar

Provisional assessment by the Secretariat

CITES background

Adenia firingalavensis was proposed for inclusion in Appendix II at CoP15 in 2010, but the proposal was withdrawn by Madagascar, which stated that additional trade data and population status information were necessary. In connection with this withdrawal, the Conference adopted Decision 15.97 which *inter alia* directed the Plants Committee and Madagascar to review and gather further information on species (including tree species) which would benefit from CITES listing, report on their work at the present meeting and, if necessary, prepare proposals to amend the Appendices for submission at the present meeting. This report is contained in document CoP16 Doc. 66, but it does not refer to *A. firingalavensis*.

At PC20 in March 2012, the Plants Committee took note of a draft amendment proposal to include *A. firingalavensis* in Appendix II that Madagascar was preparing for submission at the present meeting (see document PC20 Inf. 5). It recommended that Madagascar further elaborate, review and refine this proposal, in close cooperation with the Committee, interested Parties, organizations and experts; and that the final proposal take due account of identification issues, problems associated with look-alike taxa and preparation of identification materials.

The Secretariat has commissioned the Malagasy Scientific Authority for Flora (Université d'Antananarivo) to undertake research on the distribution, biology, status of and trade in this species, but the results of this work are not due until 30 September 2013.

Purpose and impact of the proposal

The proponent seeks to include *Adenia firingalavensis* in Appendix II. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article IV of the Convention. As the proposed listing does not include an annotation, all readily recognizable parts and derivatives of *A. firingalavensis* will be subject to CITES provisions, in accordance with Resolution Conf. 11.21 (Rev. CoP15).

Main points made in the supporting statement and general comments

The species is said to have a large area of distribution that comprises 91,994 km² and covers all the deciduous forests of the west, south-east and south of Madagascar. However, the distribution map shows an area of occurrence of 99 km² only, in the south-west of the country. Population density is reported to have been sampled at two sites with 60-70 mature individuals per hectare. If this density were repeated across the area occupied by the species, the total population would be 594,000-693,000 mature individuals. The species is said to have weak regeneration potential, but the figures provided are difficult to interpret. In addition to international trade, habitat destruction is said to threaten the species, with a 70 % decline in the number of populations predicted over an unspecified period. The species is said to be categorized as 'Vulnerable' according to IUCN Red List criteria, but this is presumably a local evaluation as the species does not figure in the IUCN Red List itself.

It is also stated that, even though *A. firingalavensis* is slow-growing, with locally poor regeneration rates, it is locally common and occurs in a number of protected areas. In addition, while it is in some demand internationally as a horticultural plant, the number of plants exported from Madagascar is small.

International trade is said to be in live plants. The supporting statement details three foreign websites that have been found to offer either plants or seeds for sale at prices of up to USD 236.72 per plant.

Export is said to be regulated by permit and a peak of 358 plants were exported in 2004. No plants were exported in 2007 or 2008, and no figures are provided for subsequent years. No illegal trade has been detected.

Compliance with listing criteria and other CoP recommendations

The proponent contends that it is known, or can be inferred or projected, that the regulation of trade in the species is necessary to avoid it becoming eligible for inclusion in Appendix I in the near future, that is to say 5-10 years. However, it does not state which biological criteria for inclusion in Appendix I might apply and this contention is not elaborated further in the supporting statement. The numerical export trade data provided do not accord with the text which speaks of "massive collection for export". The current legal protection afforded to the species is not clear.

No information is provided about how specimens of this species can be identified or whether there are any look-alike problems.

Final comments

The supporting statement is more comprehensive than that presented at CoP15 and now conforms to the standard format in Annex 6 of Resolution Conf. 9.24 (Rev. CoP15)⁴. The supporting statement also provides more bibliographical references than at CoP15, but unfortunately these are merely listed and are not integrated into the text of the supporting statement.

The information on legal protection and regulation of the harvest of this species is confusing. The supporting statement indicates in Section 7.1 (*Legal instruments – National*) that collection and export are only regulated by authorization procedures at the national level, and Section 8 (*Species management*) describes a series of national management measures (including a single harvest authorization per species per operator to serve as parental stock; obligations for operators to propagate the species *ex situ*; and the issuance of export authorizations for artificially-propagated specimens only). Unfortunately, the supporting statement does not clarify when these measures came into effect, how they are being implemented, and how they have been or are applied to the harvest, propagation and exports of the species. This information would be useful to assess the proposal.

The proponent argues that inclusion of the species in Appendix II would result in the requirement to make non-detriment and legal-acquisition findings before export permits may be issued. However, if exports are restricted to artificially-propagated specimens, as suggested, then non-detriment findings would not be required anyway.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

The Secretariat shares the concerns of the proponent as the range State for this species about habitat loss and harvesting for charcoal production affecting this species, but there is little evidence that regulation of trade in *Adenia firingalavensis* under Appendix II is required to ensure that the harvest of specimens from the wild is not reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influence. The species appears to be quite widespread and demand for wild-taken specimens is likely to be modest. If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *A. firingalavensis* for the purpose of preventing or restricting exploitation and verifying the legality of exported specimens, it might consider its inclusion in Appendix III.

In accordance with Decisions 15.97 and 15.98, the Secretariat has commissioned the Madagascar Scientific Authority to undertake research on the distribution, biology, status of and trade in this species, but the results of this work are not due until 30 September 2013. The Secretariat recommends that a decision about whether or not to include this species in Appendix II be deferred until the results of this research are available.

If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *A. firingalavensis* for the purpose of preventing or restricting exploitation and verifying the legality of exported specimens, it might consider in the mean time its inclusion in Appendix III. Such a listing might also provide better data on the levels of international trade.

⁴ The proposal refers to Resolution Conf. 9.24 (Rev. CoP13) rather than Resolution Conf. 9.24 (Rev. CoP15).

Proposal 66

Adenia subsessifolia (katakata) – Inclusion in Appendix II

Proponent: Madagascar

Provisional assessment by the Secretariat

CITES background

Adenia subsessifolia was proposed for inclusion in Appendix II at CoP15 in 2010, but the proposal was withdrawn by Madagascar, which stated that additional trade data and population status information were necessary. In connection with this withdrawal, CoP15 adopted Decision 15.97 which *inter alia* directed the Plants Committee and Madagascar to review and gather further information on species (including tree species) which would benefit from CITES listing, report on their work at the present meeting and, if necessary, prepare proposals to amend the Appendices for submission at the present meeting. This report is contained in document CoP16 Doc. 66, but it does not refer to *A. subsessifolia*.

At PC20 in March 2012, the Plants Committee took note of a draft amendment proposal to include *Adenia subsessifolia* in Appendix II that Madagascar was preparing for submission at the present meeting (see document PC20 Inf. 4). It recommended that Madagascar further elaborate, review and refine this proposal, in close cooperation with the Committee, interested Parties, organizations and experts; and that the final proposal take due account of identification issues, problems associated with look-alike taxa and preparation of identification materials.

Purpose and impact of the proposal

The proponent seeks to include *Adenia subsessifolia* in Appendix II. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article IV of the Convention. As the proposed listing does not include an annotation, all readily recognizable parts and derivatives of *A. subsessifolia* will be subject to CITES provisions, in accordance with Resolution Conf. 11.21 (Rev. CoP15).

Main points made in the supporting statement and general comments

The wild population appears fragmented. Its range is restricted to the south-west of Madagascar, with an area of occurrence of 32,541.3 and an area of occupancy of 117 km² only. Although presumable small, information on the size of the wild population is not clear: in three sites, a total of 150 individuals were found (density per hectare unknown); but in another site, where collection takes place and the species is considered 'very rare', an average of 76 mature individuals per hectare were counted.

Information on population trends is not developed, but it is suggested that collection might hamper natural regeneration and pose a threat to the long-term survival of the species. The forest habitat where the species occurs covers some 18,000 km² (of which 4.5 % is in protected areas) and seems declining.

According to the supporting statement, some domestic trade exists in ornamental plants and powdered stems. International trade in live plants is known to take place in very small quantities, but the proposal mentions exports in 2004, 2005 and 2006 only, and none in 2007 and 2008. More recent trade figures are not provided, possibly suggesting that no exports have taken place since that time. Annex 2 to the proposal shows that a few specimens of *A. subsessifolia* were found to be offered for sale on the Web at (very) low prices (the date, time frame and scope of the Web survey are not indicated in the proposal).

The species occurs in a national park, and part of the collection zone of Andatabo could be protected in future, thus contributing to the conservation of the species. Collection and export are reportedly subject to national authorizations. It is possible to propagate the species artificially.

Compliance with listing criteria and other CoP recommendations

The specialist on botanical nomenclature of the Plants Committee has indicated to the Secretariat that the scientific name *A. subsessifolia* is an orthographic error sourced in a 1970 publication. The original 1940

publication names it as *A. subsessilifolia* H. Perrier, and the nomenclature specialist recommends that the latter name be used.

The proponent asserts that the species meets criterion A in Annex 2 a of "Resolution Conf. 9.24 (Rev. CoP13)"⁵ for inclusion in Appendix II, but there is very little factual information provided to ascertain that the species will become eligible for inclusion in Appendix I unless its trade is regulated. The species may, however, also meet criterion B. It has a restricted range in Madagascar, wild populations seem rather small, and there is some international demand for live specimens that may affect the reproductive capacity of the species in the long term.

No information is provided about how specimens of this species can be identified or whether there are any look-alike problems.

Final comments

The proponent indicates that, compared to the proposal submitted at CoP15, the current proposal contains updates on the biology and ecology of the species. Overall, the information presented in the supporting statement remains nevertheless very limited and brief. Although the proposal mentions "mass collection for export", the data on international trade in and demand for *A. subsessilifolia* are too scant to support this claim.

The information on legal protection and regulation of the harvest of this species is confusing. The supporting statement indicates in Section 7.1 (*Legal instruments – National*) that collection and export are only regulated by authorization procedures at the national level, and Section 8 (*Species management*) describes a series of national management measures (including a single harvest authorization per species per operator to serve as parental stock; obligations for operators to propagate the species *ex situ*; and the issuance of export authorizations for artificially-propagated specimens only). Unfortunately, the supporting statement does not clarify when these measures came into effect, how they are being implemented, and how they have been or are applied to the harvest, propagation and exports of the species. This information would be useful to assess the proposal.

The proponent argues that inclusion of the species in Appendix II would result in the requirement to make non-detriment and legal-acquisition findings before export permits may be issued. However, if exports are restricted to artificially-propagated specimens, as suggested, then non-detriment findings would not be required anyway.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

Adenia subsessilifolia has a relatively wide distribution, is reportedly easy to propagate and the scale of international trade and demand seems very limited. The species does not meet the criteria for inclusion in Appendix II as it cannot be inferred that *A. subsessilifolia* will become eligible for inclusion in Appendix I in the near future if trade is not regulated, or that the harvest of specimens from the wild may be reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences.

If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *A. subsessilifolia* for the purpose of preventing or restricting exploitation and verifying the legality of exported specimens, it might consider its inclusion in Appendix III.

In accordance with Decisions 15.97 and 15.98, the Secretariat has commissioned the Madagascar Scientific Authority to undertake research on the distribution, biology, status of and trade in this species, but the results of this work are not due until 30 September 2013. The Secretariat recommends that a decision about whether or not to include this species in Appendix II be deferred until the results of this research are available.

If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *A. subsessilifolia* for the purpose of preventing or restricting exploitation and verifying

⁵ The proposal refers to Resolution Conf. 9.24 (Rev. CoP13) rather than Resolution Conf. 9.24 (Rev. CoP15).

the legality of exported specimens, it might consider in the mean time its inclusion in Appendix III. Such a listing might also provide better data on the levels of international trade.

Proposal 67

Uncarina grandidier (uncarina) – Inclusion in Appendix II

Proponent: Madagascar

Provisional assessment by the Secretariat

CITES background

This species has never been the subject of a listing proposal.

At PC20 in March 2012, the Plants Committee took note of a draft amendment proposal to include *Uncarina* spp. in Appendix II that Madagascar was preparing for submission at the present meeting (see document PC20 Inf. 6). It recommended that Madagascar further elaborate, review and refine this proposal, in close cooperation with the Committee, interested Parties, organizations and experts; and that the final proposal take due account of identification issues, problems associated with look-alike taxa and preparation of identification materials.

Purpose and impact of the proposal

The proponent seeks to include *Uncarina grandidier* in Appendix II. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article IV of the Convention. As the proposed listing does not include an annotation, all readily recognizable parts and derivatives of *U. grandidier* will be subject to CITES provisions, in accordance with Resolution Conf. 11.21 (Rev. CoP15).

Main points made in the supporting statement and general comments

The supporting statement contains very little quantitative information, but suggests that the area of occupancy is restricted (less than 500 km²), even though its area of occurrence is much larger, about 342,000 km². The only information on the species's abundance indicates that, in one research site, it occurred at densities of 210 individuals per hectare. The reported major threats are loss of habitat and forest degradation from change in land use, mainly due to agricultural practices.

The species is used locally for medicinal and other purposes, propagated by local populations, and traded internationally in the form of grains and small plants (as ornamentals). The number of specimens that reach sizes suitable for export is said to be declining. The proponent speaks of "massive collection for export", but no data or other information are provided to substantiate this claim. Available trade figures show that, between 2000 and 2005, less than 5,000 small plants were exported, and none in 2006. More recent trade figures are not provided, possibly suggesting that no exports have taken place since that time. Annex 2 to the proposal indicates that a few specimens of *U. grandidier* were found to be offered for sale on the Web (all from sites based in the United States) at relatively high prices, but the date, time frame or scope of the Web survey are not indicated in the proposal. The proponent argues that the impact of the ongoing collection of *U. grandidier* for local use (principally leaves) and international trade (young plants) may negatively affect the species in the long term, but very little evidence is provided to substantiate this. The species is easy to propagate.

The proponent indicates that it is the intention to limit future exports to artificially propagated specimens. Other than the management measures mentioned above and its occurrence in several national parks, there is no information on its protection status in Madagascar.

Compliance with listing criteria and other CoP recommendations

The proponent asserts that the species meets criterion A in Annex 2 a of "Resolution Conf. 9.24 (Rev. CoP13)"⁶ for its inclusion in Appendix II, but from the information presented in the proposal, it seems unlikely that the species may become eligible for inclusion in Appendix I. The species may, however, meet criterion B. It has a restricted range in Madagascar; and there seems to be some limited international demand for live specimens of

⁶ The proposal refers to Resolution Conf. 9.24 (Rev. CoP13) rather than Resolution Conf. 9.24 (Rev. CoP15).

U. grandidier that may affect the reproductive capacity of the species in the long term, even though export should be restricted to artificially-propagated plants.

No information is provided about how specimens of this species can be identified or whether there are any look-alike problems.

Final comments

The supporting statement lacks clarity on the status of the species; the management measures in place for its harvest, propagation and export; current harvest and trade levels; and possible impacts from international trade. The proponent argues that inclusion of the species in Appendix II would result in the requirement to make non-detriment and legal-acquisition findings before export permits may be issued. However, if exports are restricted to artificially-propagated specimens, as suggested, then non-detriment findings would not be required anyway.

The information on legal protection and regulation of the harvest of this species is confusing. The supporting statement indicates in Section 7.1 (*Legal instruments – National*) that collection and export are only regulated by authorization procedures at the national level, and Section 8 (*Species management*) describes a series of national management measures (including a single harvest authorization per species per operator to serve as parental stock; obligations for operators to propagate the species *ex situ*; and the issuance of export authorizations for artificially-propagated specimens only). Unfortunately, the supporting statement does not clarify when these measures came into effect, how they are being implemented, and how they have been or are applied to the harvest, propagation and exports of the species. This information would be useful to assess the proposal.

Comments from Parties and intergovernmental bodies

None

Recommendation by the Secretariat

Uncarina grandidier has a wide distribution, is reportedly easy to propagate and the scale of international trade seems very limited. The species does not meet the criteria for inclusion in Appendix II as it cannot be inferred that *U. grandidier* will become eligible for inclusion in Appendix I in the near future if trade is not regulated, or that the harvest of specimens from the wild may be reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences.

If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *U. grandidier* for the purpose of preventing or restricting exploitation and verifying the legality of exported specimens, it might consider its inclusion in Appendix III.

In accordance with Decisions 15.97 and 15.98, the Secretariat has commissioned the Madagascar Scientific Authority to undertake research on the distribution, biology, status of and trade in this species, but the results of this work are not due until 30 September 2013. The Secretariat recommends that a decision about whether or not to include this species in Appendix II be deferred until the results of this research are available.

If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *U. grandidier* for the purpose of preventing or restricting exploitation and verifying the legality of exported specimens, it might consider in the mean time its inclusion in Appendix III. Such a listing might also provide better data on the levels of international trade.

Proposal 68

Uncarina stellulifera (uncarina) – Inclusion in Appendix II

Proponent: Madagascar

Provisional assessment by the Secretariat

CITES background

This species has never been the subject of a listing proposal.

At PC20 in March 2012, the Plants Committee took note of a draft amendment proposal to include *Uncarina* spp. in Appendix II that Madagascar was preparing for submission at the present meeting (see document PC20 Inf. 6). It recommended that Madagascar further elaborate, review and refine this proposal, in close cooperation with the Committee, interested Parties, organizations and experts; and that the final proposal should take due account of identification issues, problems associated with look-alike taxa and preparation of identification materials.

Purpose and impact of the proposal

The proponent seeks to include *Uncarina stellulifera* in Appendix II. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article IV of the Convention. As the proposed listing does not include an annotation, all readily recognizable parts and derivatives of *U. stellulifera* will be subject to CITES provisions, in accordance with Resolution Conf. 11.21 (Rev. CoP15).

Main points made in the supporting statement and general comments

Exported as a live ornamental plant, with a limited area of occurrence (9,000 km²) and small area of occupancy (500 km²), this small tree species plays an important role in the livelihoods of local people. It has been used traditionally for many cosmetic and therapeutic purposes. It grows in two types of ecosystems that are very fragile: the dry forest and dry thicket. According to a population assessment undertaken in 2010 in one site, the species occurred at an average density of 160 individuals per hectare. The number of specimens that reach sizes suitable for export is said to be declining. The proponent claims that regeneration of this taxon is relatively difficult (more so than for *U. grandidier*, subject of proposal CoP16 Prop. 67), although it does not provide further specifics. The reported major threats are loss of habitat and forest degradation from changes in land use, mainly due to agricultural practices.

Although the proponent speaks of "massive collection for export", no data or other information are provided to substantiate this claim. Available trade figures show that, from 2000 to 2006, some 700 small plants were exported. More recent trade figures are not provided, possibly suggesting that no exports have taken place since that time. Annex 2 to the proposal indicates that a few specimens of *U. stellulifera* were found to be offered for sale on the Web at relatively high prices, but the date, time frame or scope of the Web survey are not indicated in the proposal. The proponent argues that the impact of the ongoing collection of *U. stellulifera* for local use (principally leaves) and international trade (young plants) may negatively affect the species in the long term, but very little evidence is provided to substantiate this. The species is easy to propagate.

The supporting statement claims that an IUCN assessment of the status of this species in the country concluded that the taxon was 'Endangered'. However, this may be a local assessment as the species does not figure in the IUCN Red List.

The proponent indicates that it is the intention to limit future exports to artificially-propagated specimens. Other than the management measures mentioned above and its occurrence in several national parks, there is no information on its protection status in Madagascar.

Compliance with listing criteria and other CoP recommendations

The proponent asserts that the species *U. stellulifera* meets criterion A in Annex 2 a to "Resolution Conf. 9.24 (Rev. CoP13)"⁷ and that, if the current trade in wild plants is not controlled, the population of this taxon will continue to decrease dramatically. However, very little factual information is provided to show that the species may become eligible for inclusion in Appendix I unless its trade is regulated. The species may however meet criterion B.

No information is provided about how specimens of this species can be identified or whether there are any look-alike problems.

Final comments

Although apparently very small and theoretically limited to artificially-propagated specimens, international trade in *U. stellulifera*, together with the destruction of the species habitat, could contribute to population declines and reduce natural regeneration in the long term. Since this taxon can be easily propagated artificially, the national authorities envisage a reintroduction strategic plan to help the species recover in the wild. The proponent argues that inclusion of the species in Appendix II would result in the requirement to make non-detriment and legal-acquisition findings before export permits may be issued. However, if exports are restricted to artificially-propagated specimens, as suggested, then non-detriment findings would not be required anyway.

The information on legal protection and regulation of the harvest of this species is confusing. The supporting statement indicates in Section 6.5 that collection and export are not subject to any regulation. Section 7.1 (*Legal instruments – National*), however, mentions that collection and export are only regulated by authorization procedures at the national level, and Section 8 (*Species management*) describes a series of national management measures (including a single harvest authorization per species per operator to serve as parental stock; obligations for operators to propagate the species *ex situ*; and the issuance of export authorizations for artificially-propagated specimens only). Unfortunately, the supporting statement does not clarify when these measures came into effect, how they are being implemented, and how they have been or are applied to the harvest, propagation and exports of the species. This information would be useful to assess the proposal.

Comments from Parties and intergovernmental bodies

International Union for Conservation of Nature (IUCN)

Analysis: *Uncarina stellulifera* has a relatively wide distribution in south-west Madagascar. It is in cultivation, and is reportedly easy to propagate. Recent trade outside Madagascar appears to be largely in seeds. Some export of plants, presumed wild-collected has taken place in the past, although there is no indication of ongoing export of wild-collected plants. The scale of the reported trade is very small compared with the likely population of the species based on observed densities. It seems very unlikely that regulation of trade is necessary to prevent the species becoming eligible for inclusion in Appendix I in the near future, or that harvest for trade is reducing the population to a level at which its survival might be threatened by other influences. The species would therefore not appear to meet the criteria for inclusion in Appendix II.

Recommendation by the Secretariat

Uncarina stellulifera has relatively wide distribution, is reportedly easy to propagate and the scale of international trade seems very limited. The species does not meet the criteria for inclusion in Appendix II as it cannot be inferred that *U. stellulifera* will become eligible for inclusion in Appendix I in the near future if trade is not regulated, or that the harvest of specimens from the wild may be reducing the wild population to a level at which its survival might be threatened by continued harvesting or other influences.

If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *U. stellulifera* for the purpose of preventing or restricting exploitation and verifying the legality of exported specimens, it might consider its inclusion in Appendix III.

⁷ The proposal refers to Resolution Conf. 9.24 (Rev. CoP13) rather than Resolution Conf. 9.24 (Rev. CoP15).

In accordance with Decisions 15.97 and 15.98, the Secretariat has commissioned the Madagascan Scientific Authority to undertake research on the distribution, biology, status of and trade in this species, but the results of this work are not due until 30 September 2013. The Secretariat recommends that a decision about whether or not to include this species in Appendix II be deferred until the results of this research are available.

If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *U. stellulifera* for the purpose of preventing or restricting exploitation and verifying the legality of exported specimens, it might consider in the mean time its inclusion in Appendix III. Such a listing might also provide better data on the levels of international trade.

Proposal 69

Osyris lanceolata (East African sandalwood) – Inclusion in Appendix II

Proponent: Kenya

Provisional assessment by the Secretariat

CITES background

This species has never been the subject of a listing proposal.

Purpose and impact of the proposal

The proponent seeks to include *Osyris lanceolata* in Appendix II. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article IV of the Convention. As the proposed listing does not include an annotation, all readily recognizable parts and derivatives of *O. lanceolata* will be subject to CITES provisions, in accordance with Resolution Conf. 11.21 (Rev. CoP15).

Main points made in the supporting statement and general comments

The species is reportedly widely distributed in many sub-Saharan countries, Europe (Iberian Peninsula and Balearic Island), Asia (India to China) and the archipelago of Socotra in the Indian Ocean. The proposal does not list the known range States of the species, and provides practically no facts on its global status, distribution, utilization, threats, etc. Virtually all information in the supporting statement relates to the situation in a few East African range States. The degree to which the findings in Kenya and the United Republic of Tanzania can be extrapolated to the full range of the species and the many other range States in which *O. lanceolata* occurs are not discussed.

The species is semi-parasitic, growing on the roots of other plants and utilizing the root systems of these hosts to get nutrients, but it does produce its own chlorophyll. As a result this shrub is usually associated with other woody species.

The proponent argues that 'false' sandalwood (*O. lanceolata*) has entered the international market during the last decade as a substitute for traditional or 'true' sandalwood oil originally sourced from Asia and Australia from species in the genus *Santalum* (particularly *S. alba* and *S. spicatum*). There is high demand for true sandalwood in the perfumery and pharmaceutical industries, but *Santalum* populations are diminishing and supplies from traditional source countries have become strictly regulated, limited and expensive. This has caused shifts in trade to an alternative source, *O. lanceolata*, leading to overexploitation of that species in East Africa. The main products in international trade include aromatic oils extracted from the heartwood, timber for handicrafts, and sawdust for making incense.

O. lanceolata is said to be common in semi-arid areas in range States, but its habitats face pressures from destructive harvesting and habitat conversion for agriculture and quarry mining. *O. lanceolata* is a slow-growing species with poor recruitment rates that can take 40-50 years to mature. The status of *O. lanceolata* has not been established to guide sustainable harvesting. The whole plant is uprooted to harvest the roots and in some cases the stem. The heartwood of the trunk, branches and roots contain the essential oil. The essential oil concentration is highest in the roots.

The supporting statement notes that trade in *O. lanceolata* started in the United Republic of Tanzania in 2004 (where three of four sandalwood processing factories have closed down in the meantime, owing to a shortage of raw material); then moved to Kenya (where harvesting and trade were quickly banned in 2007 because of "massive and unsustainable exploitation of the species"); and has now reached South Sudan (a non Party) and Uganda. The whole plant is uprooted to harvest the roots and, in some cases, the stem. The essential oil concentration is highest in the roots. The species is reported to be marketed in France, Germany, India, South Africa, the United Kingdom and Middle Eastern countries, among others.

There are no clear trade records for *O. lanceolata*, but the supporting statement indicates that "it is estimated that 1,000 tonnes are annually harvested from Africa, mostly from East Africa." It is unclear whether this quantity refers to roots only, and the assumed impact of such a level of harvest on wild populations in Africa is

not discussed. The proposal quotes a study that claims that East African sandalwood will contribute significantly to the global sandalwood oil trade in the coming 5 to 10 years. Currently, *O. lanceolata* seems exclusively harvested from the wild, as the species is not artificially propagated in the range States. The proposal does not mention whether the species is propagated outside of its range, but recognizes that 'propagation poses challenges as it is parasitic and requires various hosts during its stage of development'.

O. lanceolata is protected in Kenya (since 2007) and the United Republic of Tanzania. Between 2007 and 2011, over 200 tonnes of false sandalwood of illegal origin was confiscated in Kenya.

Compliance with listing criteria and other CoP recommendations

The proponent asserts that the species meets criterion B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP15). However, the supporting statement only covers a few of the range States of this species, and it is unclear whether the status of *O. lanceolata* in those countries can be extrapolated to the full area of distribution of the species, which is very large.

The supporting statement suggests that oil from *Santalum alba* and *S. spicatum* may be similar to that from *O. lanceolata*.

The proponent has not consulted all range States on the substance of the proposal, as recommended in Resolution Conf. 8.21. Consultations remained limited to four other range States of the species, all neighbouring countries of the proponent (Ethiopia, South Sudan, Uganda and the United Republic of Tanzania). Their responses are not included in Section 10 (*Consultations*).

Final comments

The supporting lacks information about this species in many parts of its extensive range.

Comments from Parties and intergovernmental bodies

Kenya

Kenya thanks the Secretariat for the analysis of this Proposal. We note that from the Secretariat's comments, the main point that requires consideration is that of range States and lack of data concerning utilization and impact of harvesting of the species outside East Africa.

However, regarding consultations with the known range States for the species within Eastern Africa, we have states in section 10 that consultations with United Republic of Tanzania were conducted where relevant Government officials from Kenya travelled to Dar es Salaam to meet the relevant government officials of the United Republic of Tanzania in June 2012 and a joint official position on joint preparation and submission of a proposal to include the species in CITES Appendix II was adopted.

Consultations with Ethiopia and Republic of South Sudan (Non Party but key known range State for the species) were made during scheduled meetings participating the countries while consultations with Uganda as known exporter of specimens of the species were made with Uganda officials on the margins of 62nd meeting of the Standing Committee and a follow up made prior to the proposal submission by 4 October 2012. The mentioned joint mission by Kenya and United Republic of Tanzania to Uganda to further consult did not take place due to logistical constraints.

It should be recalled that in a number of recent meetings of the Plants Committee, the Africa region representatives to the Committee have shared conservation concerns regarding the species with a view to seeking inputs from all Parties to assist in understanding levels of threats to the species across its range. So far only Kenya, United Republic of Tanzania, Uganda and South Sudan are the key States. Kenya has information on regarding illegal trade in the species and the impacts of illegal harvesting to the wild populations in those countries.

Kenya's efforts are to ensure that all known range States for the species are engaged before CoP16 meeting. Through this engagement, we believe we shall be able to gather more data on the distribution of the species and the utilization and impact of harvesting of the species in most of the known range States in not all.

Towards this end, we have noted the feedback regarding this proposal (on the East African Sandalwood) and are currently considering several point contained within it. Kenya will keep all Parties informed of any developments in this regard”.

International Union for Conservation of Nature (IUCN)

Analysis: *Osyris lanceolata* is a widespread shrub or small tree from the tropics and subtropics, whose original range is unclear but is probably Africa and localised parts of southern Europe. It yields an aromatic oil that is in international demand. Exploitation in East Africa for production of oil and associated products began relatively recently (2004) and has apparently led to population declines in Kenya and Tanzania, with harvest reported now to be spreading to South Sudan and Uganda. However, the species is very widespread and at least locally common outside this region and there is no evidence of large-scale exploitation elsewhere. In view of this, the species would not appear to meet the criteria for inclusion in Appendix II set out in Annex 2 a of *Resolution Conf. 9.24 (Rev. CoP15)*.

Recommendation by the Secretariat

The Secretariat shares the concerns of Kenya about the impact of international trade on populations of *Osyris lanceolata* in that country and perhaps in some other range States. *O. lanceolata* remains however very widespread and not threatened in many parts of its range. If the main intention of Kenya is to ask other CITES Parties for assistance in controlling the international trade in *O. lanceolata* for the purpose of preventing or restricting exploitation, and verifying the legality of exported specimens, it might consider its inclusion in Appendix III.

Based on the information available at the time of writing (late January 2013), the Secretariat recommends that this proposal be rejected, acknowledging that the proponent is gathering more data on the distribution, utilization and impacts of harvesting in the range States of the species that may be made available before or at CoP16.

Proposal 70

***Aquilaria* spp. and *Gyrinops* spp. (agarwood-producing taxa) – Deletion of the annotation to the listing of *Aquilaria* spp. and *Gyrinops* spp. in Appendix II, and replacement with a new annotation with a new number, as follows:**

All parts and derivatives, except:

- a) seeds and pollen;
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) fruits;
- d) leaves;
- e) mixed oil containing less than 15 % of agarwood oil, attached with labels of following words:

"Mixed oil containing xx % of agarwood obtained through controlled harvesting and production in collaboration with the CITES Management Authorities of XX (name of the State)";

samples of the labels and list of relevant exporters should be communicated to the Secretariat by States and then all Parties through a Notification;
- f) exhausted argawood powder, including compressed powder in all shapes;
- g) finished products packaged and ready for retail trade, this exemption does not apply to beads, prayer beads and carvings.

Proponents: China, Indonesia and Kuwait

Provisional assessment by the Secretariat

CITES background

At CoP9 in 1994, the Conference of the Parties included *Aquilaria malaccensis* in Appendix II, without any annotation specifying the parts and derivatives covered by the Convention. At CoP13, the Conference of the Parties included *Aquilaria* spp. and *Gyrinops* spp. (and *Gonystylus* spp.) in Appendix II with annotation #1. This listing and accompanying annotation entered into force on 12 January 2005.

At CoP15, the Conference of the Parties adopted a new annotation #4 to merge and replace prior annotations #1 and #4. The new annotation #4, as applied to *Aquilaria* spp., *Gyrinops* spp. and other relevant plant species, entered into force on 23 June 2010 and reads as follows:

All parts and derivatives, except:

- a) seeds (including seedpods of *Orchidaceae*), spores and pollen (including pollinia). The exemption does not apply to seeds from *Cactaceae* spp. exported from Mexico, and to seeds from *Beccariophoenix madagascariensis* and *Neodypsis decaryi* exported from Madagascar;
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) cut flowers of artificially propagated plants;
- d) fruits, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genus *Vanilla* (*Orchidaceae*) and of the family *Cactaceae*;
- e) stems, flowers, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (*Cactaceae*); and

- f) *finished products of Euphorbia antisiphilitica packaged and ready for retail trade.*

Purpose and impact of proposal

The practical intent of the amendment proposal is to delete annotation #4 from the Appendix-II listing of *Aquilaria* spp. and *Gyrinops* spp. and to replace it with a new annotation, with a new number, which is specifically tailored to international trade in the two above-mentioned genera.

Main points made in the supporting statement and general comments

In their supporting statement, the proponents have drawn attention to the decisions on agarwood-producing taxa, which were adopted at CoP14 and revised at CoP15. In accordance with these decisions, agarwood-related workshops were organized in Kuwait (October 2011) and Indonesia (November 2011), at which events participants discussed *inter alia* the scope of agarwood parts and derivatives that should be covered by the Convention. A working group established at PC20 discussed the outcomes of the two workshops as well as a draft annotation for agarwood that had been developed on the basis of annotation #4 and the workshop outcomes. The resulting WG report was adopted by PC20 with amendments.

Several drafts of the proposed annotation were discussed between June and August 2012. Industry and law enforcement concerns, as well as inputs from PC members, Parties and the Secretariat have been taken into account in drafting the proposed new annotation for agarwood.

The phrase 'exhausted agarwood powder' is described in the supporting statement as "the resulting powder after the distillation and extraction process removes the oil from the agarwood". It is said that exhausted powder is often compressed into diverse shapes (e.g. small statues, fragrant prayer sticks, etc.). The term 'unexhausted powder' is not defined, but it is said to be nearly black in colour, while exhausted powder is lighter.

The proponents note that 'mixed oil' (containing agarwood oil) is a type of 'extract'. A definition of the latter term, which includes oil, is proposed in document CoP16 Doc. 75. Proponents state that the "boundary between extract and finished products is still controversial".

More information on agarwood-producing taxa is contained in the *Report of the Plants Committee* (document CoP16 Doc. 67.1) and a *Draft resolution on implementation of the Convention for agarwood-producing taxa* (document CoP16 Doc. 67.2).

Compliance with listing criteria or other CoP recommendations

The proposed new annotation specifies the types of specimens covered by the Convention, in accordance with Resolution Conf. 9.24 (Rev. CoP15) and Resolution Conf. 11.21 (Rev. CoP15). The text of the proposed annotation is generally clear and unambiguous (except perhaps for the reference to 'exhausted agarwood powder'), and it is specific and accurate as to the affected parts and derivatives.

The proposed annotation seems to be harmonized with existing annotations (e.g. for *Hoodia* and other plant species).

Final comments

The phrase 'exhausted agarwood powder' is unlikely to be understandable to border officials and consideration might be given to defining it or replacing it with other language. The reference to 'compressed powder in all shapes' might be clarified. The proposal does not provide for 'unexhausted agarwood powder' to be covered by the Convention and this seems surprising. As trade in seeds, pollen, tissue cultures, fruit and leaves of *Aquilaria* spp. and *Gyrinops* spp. is not described, it is unclear whether these types of specimens need to be included in the proposed annotation.

Some editorial changes, as indicated in ~~strikeout~~ and capital letters below, might be incorporated to improve the wording and facilitate the implementation of the proposed annotation (~~deleted text in strikethrough~~ and new text is underlined):

- e) mixed oil containing less than 15 % of agarwood oil, ~~attached~~ with attached labels ~~of~~ containing the following words:

"Mixed oil containing xx % of agarwood oil obtained through controlled harvesting and production in collaboration with operations approved by the CITES Management Authorities of XX (name of the State of export)";

Samples of the labels and a list of relevant exporters should be communicated to the Secretariat by the States of export and then circulated so that they can be made available to all Parties through a Notification on the CITES website;

- f) exhausted agarwood powder, including whether or not compressed powder in all shapes; and
- g) finished products packaged and ready for retail trade, this exemption does not apply to except for decorative beads, prayer beads and carvings.

Comments from Parties and intergovernmental bodies

International Union for Conservation of Nature (IUCN)

Analyses: Under *Resolution Conf. 11.21 (Rev. CoP15)* regarding Use of Annotations in Appendices I and II, the Parties recommended that two main principles be followed as standard guidance when drafting future annotations for medicinal plants:

- i) controls should concentrate on those commodities that first appear in international trade as exports from range States; these may range from crude to processed material; and
- ii) controls should include only those commodities that dominate the trade and the demand for the wild resource.

The essential questions are whether any of the products proposed for exemption in the current proposal meet the above criteria or not, and if not whether exempting them would create implementation problems for regulation of the other products in trade that do meet these criteria.

Leaves and fruits are a minor part of the trade, and can be non-destructively harvested. It would appear that exempting these from CITES controls will not cause conservation, implementation or enforcement problems.

Oils: Because current CITES reporting does not indicate the percentage purity of oils in trade, it is not possible to determine what proportion of the reported export trade in agarwood oil from range States at present is accounted for by oils less than 15% purity. From an understanding of the trade dynamics it can be inferred that oil at less than 15% concentration is likely to be relatively small and that it is therefore not a product that dominates the initial export trade or the demand for the wild resource. It also seems likely that products containing less than 15% agarwood oil are likely to be finished products packaged for the retail trade, which would in any case be exempted under proposed paragraph g).

It is not clear how easy it would be to distinguish oils of less than 15% purity from more concentrated or pure oils. Realistically, for mixed oils this would have to be based on labelling. The proposal is for a form of labelling similar to that currently used for *Hoodia* spp. (see proposal CoP16 Prop. 52) to distinguish the two. This labelling is not known to have been used in practice, at least in part because the commercial demand for *Hoodia* extract has not materialised to the extent anticipated when the taxon was listed in 2004. It is not clear from the present agarwood proposal whether this labelling is intended to apply to all agarwood mixed-oil products in trade, or only those exported by range States. It is assumed that labelling of this form would not be expected to apply to finished products composed of or containing mixed-oils, as these would be exempted under paragraph g) for which no such labelling is specified.

Powder: A substantial amount of reported export from range States of agarwood has been in the form of powder. These quantities are likely to include un-exhausted powder (i.e. not a byproduct of any distillation process), which would not be exempt from Appendix-II controls. It is not clear how easy the two forms might be to distinguish, although the proponents state that there are consistent differences between the two forms. Exhausted powder is clearly not a product that dominates the demand for the wild resource and is unlikely to dominate the trade, although because at present different kinds of powder are not distinguished in the CITES trade database, it is not possible to determine what proportion of the powder reported in trade is exhausted.

Finished products The kinds of finished products that would be included in the exemption are not specified. The proponent notes in the supporting statement that the exemption does not apply *inter alia* to patent medicines; however the proposal would exclude “g) finished products packaged and ready for retail trade” and does not mention not exempting patent medicines, which would presumably be considered to be “finished products”.

Recommendation by the Secretariat

The Secretariat notes that the proposed new annotation contains exclusionary language. As a matter of principle, the Secretariat believes that annotations should be ‘positive’ in nature and indicate only what is covered by the Convention. Annotations with exclusionary language seem more complex and potentially challenging to interpret, apply and enforce. The Secretariat recognizes, however, that annotation practice to date reflects a mix of positive annotations and annotations with exclusionary language.

If Parties adopt the draft decision contained in Annex 8 to document CoP16 Doc. 75 on *Development and application of annotations*, the Standing Committee (with the assistance of an envisaged Working Group on Annotations) could review existing annotation practice and make relevant recommendations to the Conference of the Parties for improving its consistency and effectiveness. Such a review might include consideration of the relative advantages and disadvantages of ‘positive’ annotations compared to annotations with exclusionary language.

Document CoP16 Inf. 3, submitted by the proponents, contains a Glossary of Agarwood Products. This Glossary provides pictures, definitions and units for a range of agarwood products, including ‘Sawdust & Powder (NOT exhausted)’ and ‘Powder (Exhausted)’. Such guidance should assist Parties, especially border officials, with implementation of the draft annotation.

The Secretariat notes that two of the proponents (Indonesia and Kuwait) have submitted another document [CoP16 Doc. 47 (Rev. 1)] for consideration at the present meeting. In that document, they have proposed a quantitative exemption for specimens of agarwood that are personal or household effects. The Secretariat believes that this proposed quantitative exemption and the draft annotation contained in Proposal 70 should be aligned, where possible and appropriate.

On the basis of available information available at the time of writing (late January 2013), the Secretariat recommends that this proposal be adopted, with minor amendments, as indicated below (text to be deleted is ~~crossed out~~, proposed new text is underlined).

All parts and derivatives, except:

- a) seeds and pollen;
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) fruits;
- d) leaves;
- e) mixed oil containing less than 15% of agarwood oil, ~~attached with labels of~~ affixed containing the following words:

"Mixed oil containing xx% of agarwood obtained through controlled harvesting and production in ~~collaboration with~~ operations approved by the CITES Management Authorities of XX (name of the State)";

samples of the labels and list of relevant exporters should be communicated to the Secretariat by the States of export so they can be made available to ~~and then all Parties through a Notification on the CITES website;~~

- f) exhausted agarwood powder, including compressed powder in all shapes; and

- g) finished products packaged and ready for retail trade, ~~this exemption does not apply to~~ except decorative beads, prayer beads, necklaces, bracelets and carvings.

Proposal 71

Cyphostema laza (laza) – Inclusion in Appendix II

Proponent: Madagascar

Provisional assessment by the Secretariat

CITES background

Cyphostema laza was proposed for inclusion in Appendix II at CoP15 in 2010, but the proposal was withdrawn by Madagascar, which stated that additional trade data and population status information were necessary. In connection with this withdrawal, the Conference adopted Decision 15.97 which *inter alia* directed the Plants Committee and Madagascar to review and gather further information on species (including tree species) which would benefit from CITES listing, report on their work at the present meeting and, if necessary, prepare proposals to amend the Appendices for submission at the present meeting. This report is contained in document CoP16 Doc. 66, but it does not refer to *C. laza*.

At PC20 in March 2012, the Plants Committee took note of a draft amendment proposal to include *C. laza* in Appendix II that Madagascar was preparing for submission at the present meeting (see document PC20 Inf. 5). It recommended that Madagascar further elaborate, review and refine this proposal, in close cooperation with the Committee, interested Parties, organizations and experts; and that the final proposal take due account of identification issues, problems associated with look-alike taxa and preparation of identification materials.

Purpose and impact of the proposal

The proponent seeks to include *Cyphostema laza* in Appendix II. If the proposal is adopted, international trade in specimens of the species will be regulated in accordance with the provisions of Article IV of the Convention. As the proposed listing does not include an annotation, all readily recognizable parts and derivatives of *C. laza* will be subject to CITES provisions, in accordance with Resolution Conf. 11.21 (Rev. CoP15).

Main points made in the supporting statement and general comments

C. laza is an endemic liana species from Madagascar that is becoming rare in its range because of the harvest of wild specimens.

The habitat of *C. laza* is the dry forest. It is found in six protected natural areas in Madagascar. Since 1970, there has been a loss of 35 % of the total dry forest cover in the species area of distribution. An assessment of the size of the populations of this species showed a total number of 220 individuals. It appears that no commercially exploitable specimens are left in the harvested areas, and human activities in the *C. laza* range seem to be causing the continuous decline of the species's populations.

In addition to the reduction of forest cover in the country, the continuous exports of the wild specimens of *C. laza* represent a real threat to the survival of the species in its natural range. The supporting statements says that this species was first categorized by IUCN as 'Vulnerable', and then re-categorized as 'Endangered', but this may be a local assessment as the species does not figure in the IUCN Red List.

This ornamental species is highly sought on the international market because of its shape and characteristic swollen trunk. Exports are of live plants. The number of specimens authorized for export is set according to the stock of the specimens found in horticultural centres. It is easy to propagate this species from seeds, even though the process is very slow. Only one harvest request is authorized per operator in order to establish a parental stock for the propagation of *C. laza ex situ*. Export permits are issued for artificially propagated specimens only.

Compliance with listing criteria and other CoP recommendations

The proponent asserts that this species meets the criteria in paragraph A in Annex 2 a of "Resolution

Conf. 9.24 (Rev. CoP13)⁸, but does not specify which of the biological criteria for inclusion in Appendix I are likely to be met in the next 5-10 years.

No information is provided about how specimens of this species can be identified or whether there are any look-alike problems.

Final comments

The information on legal protection and regulation of the harvest of this species is confusing. The supporting statement indicates in Section 7.1 (*Legal instruments – National*) that collection and export are only regulated by authorization procedures at the national level, and Section 8 (*Species management*) describes a series of national management measures (including a single harvest authorization per species per operator to serve as parental stock; obligations for operators to propagate the species *ex situ*; and the issuance of export authorizations for artificially-propagated specimens only). Unfortunately, the supporting statement does not clarify when these measures came into effect, how they are being implemented, and how they have been or are applied to the harvest, propagation and exports of the species. This information would be useful to assess the proposal.

The proponent argues that inclusion of the species in Appendix II would result in the requirement to make non-detriment and legal-acquisition findings before export permits may be issued. However, if exports are restricted to artificially-propagated specimens, as suggested, then non-detriment findings would not be required anyway.

Comments from Parties and intergovernmental bodies

International Union for Conservation of Nature (IUCN)

Analysis: *Cyphostemma laza* is a very widespread plant in Madagascar. Although it is reported as occurring at generally low or very low density, its overall population is likely to be large or very large. The species is in cultivation and has been collected from the wild and exported in some quantity. It is assumed that most if not all exported plants were wild-collected. However, no export from the range State has been reported since 2006. Although collection for export may well have led to local depletion, it seems unlikely, given its very extensive range, that regulation of trade is necessary to prevent the species becoming eligible for inclusion in Appendix I in the near future, or that harvest for trade is reducing the population to a level at which its survival might be threatened by other influences. The species would therefore not appear to meet the criteria for inclusion in Appendix II.

Recommendation by the Secretariat

The information provided on the proposing statement would seem to indicate that this species could meet the criterion B in Annex 2a) of Resolution Conf. 9.24 (Rev. CoP15). However, additional information contradicts the claims from the proponent and indicates that *Cyphostema laza* is a very widespread species in Madagascar and that no international trade has been reported on it since 2006.

If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *C. laza* for the purpose of preventing or restricting exploitation and verifying the legality of exported specimens, it might consider its inclusion in Appendix III.

In accordance with Decisions 15.97 and 15.98, the Secretariat has commissioned the Madagascar Scientific Authority to undertake research on the distribution, biology, status of and trade in this species, but the results of this work are not due until 30 September 2013. The Secretariat recommends that a decision about whether or not to include this species in Appendix II be deferred until the results of this research are available.

If the main intention of Madagascar is to ask other CITES Parties for assistance in controlling the international trade in *C. laza* for the purpose of preventing or restricting exploitation and verifying the legality of exported specimens, it might consider in the mean time its inclusion in Appendix III. Such a listing might also provide better data on the levels of international trade.

⁸ The proposal refers to Resolution Conf. 9.24 (Rev. CoP13) rather than Resolution Conf. 9.24 (Rev. CoP15).