

**GGT'S RECOMMENDATIONS ON THE AMENDMENT PROPOSALS
FOR CONSIDERATION AT THE ELEVENTH MEETING
OF THE CONFERENCE OF THE PARTIES TO CITES
(Gigiri, 2000)**

GLOBAL GUARDIAN TRUST

For the benefit of species and people
(GGT's motto)

A publication of the Global Guardian Trust. 2000.

Global Guardian Trust
Toranomom 3-7-5, Minato-ku,
Tokyo 105-0001
Japan

INTRODUCTION

CITES has its limitation. It is a convention on international trade in endangered species. As its name clearly indicates, this is an international trade convention. CITES regulates an international trade but has no or little effect on internal matters. Many species have been listed in CITES Appendix I but most of them are still allowed to be harvested and traded internally. Why? Because some of the range states do not think that it is necessary to prohibit internal trade in such species. They may have other species which should be given more priority. They may also consider that those species are inappropriately listed in Appendix I. Simply, they may not have an intention to totally protect such species.

Resolution Conf. 9.24, Annex 4 stipulates that “when considering proposals to amend the appendices, the Parties shall, in the case of uncertainty, either as regards the status of a species or as regards the impact of trade on the conservation of a species, act in the best interest of the conservation of the species.” Many people tend to interpret that in the best interest of the conservation of the species, downlisting from Appendix I to Appendix II should be avoided and a transfer to Appendix I be encouraged. This is often not the case. As long as a species is listed in Appendix II, a Party is required, under Article IV, to be satisfied that the export of specimens of that species will not be detrimental to its survival. For this purpose, the Party needs to monitor the status of the species in a direct or indirect manner. If the Party finds any problem, it will rectify such a problem by establishing or strengthening the management programme including the reduction of its export quota. On the contrary, an Appendix I listing does not require any management programme. It just requires the prohibition of the export of the specimens if the intended import is for commercial purposes.

If a species is listed in Appendix II, the management programme in the range states is under CITES scrutiny in accordance with Article IV. However, if a species is listed in Appendix I but still subject to considerable exploitation, CITES has little or no influence to be exerted on the management programme, because international trade does not exist. It should also be pointed out that an Appendix I listing often creates no economic incentive to range states, thus having a negative impact on conservation. In many cases, the best interest of the conservation of the species could be that the population in question be transferred from Appendix I to Appendix II and be treated under an ‘adaptive management approach’.

With this background and belief, recommendations are made on all amendment proposals. Parties are requested to take into consideration what is indeed the best interest of the conservation of the species.

RECOMMENDATIONS

- Prop. 11.1: Deletion of *Ceropegia* spp. from Appendix II (Switzerland)
- Prop. 11.2: Deletion of *Frerea indica* from Appendix II (Australia)
- Prop. 11.3: Deletion of *Byblis* spp. from Appendix II (Australia)
- Prop. 11.4: Transfer of *Disocactus macdougallii* from Appendix II to Appendix I (Switzerland)
- Prop. 11.5: Transfer of *Sclerocactus mariposensis* from Appendix I to Appendix II (Switzerland)
- Prop. 11.6: Deletion of *Cephalotus follicularis* from appendix II (Australia)
- Prop. 11.7: Transfer of *Dudleya Diudleia stolonifera* and *D. traskiae* from Appendix I to Appendix II (Switzerland)
- Prop. 11.8: Change the current listings of Tree ferns a) Cyatheaceae spp. to *Cyathea* spp. and b) Dicksoniaceae spp. to *Dicksonia* spp. and *Cibotium barometz* (Switzerland)
- Prop. 11.9: Deletion of Ocone-bells *Shortia galacifolia* from Appendix II (Switzerland)
- Prop. 11.10: Deletion of *Lewisia cotyledon*, *L. maquirei* and *L. serrata* from Appendix II (Switzerland)
- Prop. 11.11: Deletion of *Darlingtonia californica* from Appendix II (Switzerland)

These proposals are submitted based on the recommendations made by the CITES Plants Committee and all these proposals should in principle be **accepted**.

- Prop. 11.12: Maintenance of the Tanzanian population of the Nile crocodile *Crocodylus niloticus* in Appendix II (Tanzania)

The Tanzanian population was first transferred from Appendix I to Appendix II in 1985. It meets the criteria for Appendix II listing under Resolution Conf. 9.24. Tanzania is asking for increased quota of wild animals. Annual take of 1,600 out of more than 70,000 animals in the wild will not be detrimental to the survival of the species. Therefore, this proposal should be **accepted**.

- Prop. 11.13: Transfer of Asian pangolins *Manis crassicaudata*, *M. pentadactyla* and *M. javanica* from Appendix II to Appendix I (India, Nepal, Sri Lanka, USA)

All these species are listed as 'Lower Risk' under IUCN Red List (1996). The proponents mention that no information is available on the population levels of any of the Asian pangolins. In the supporting statement, no information is provided to prove that the species meets the criteria for listing in Appendix I. Nevertheless, it is considered that the population has decreased. However, it seems that remedial measures have been and are being taken by many range states. *Manis javanica* which is the rarest of the three species is protected in most of the range states. Laos, non-Party to CITES, can be singled out as a problem country. This problem should be brought to the attention of the Standing Committee which may result in the recommendation to suspend trade with Laos. The supporting statement

presents many cases where illegal trade might occur. However, this will not be solved by listing the species in Appendix I because such illegal trade would occur even after listing in Appendix I. Also, Parties need to wait the outcome of the significant trade review process of the Animals Committee under which the three species are subject to review. In conclusion, there is no justification to list the three species of Asian pangolins in Appendix I and the proposal should be **rejected**.

Prop. 11.14: Transfer of Black sea bottlenose dolphin *Tursiops truncatus ponticus* from Appendix II to Appendix I (Georgia, USA)

Little is known of the status of this subspecies in the Black Sea. As such, it is impossible to judge if the subspecies meets the Appendix I criteria. In most of the range state (Russia, Bulgaria, Romania, Turkey, Georgia), any commercial harvest is prohibited. The subspecies is listed in the Ukraina Red Data Book. Main threats to the subspecies are pollution, incidental catch, lack of food resources and disease. It seems unlikely that international trade constitutes a main threat. Under the circumstance, the proposal should be **rejected**. At the same time, the range states should be encouraged to establish, with the assistance of the USA, the comprehensive management programme mainly focusing on habitat degradation.

Prop. 11.15: Transfer of Eastern North Pacific stock of Grey whale *Eschrichtius robustus* from Appendix I to Appendix II (Japan)

Sufficient data are available on population size and trends. International Whaling Commission (IWC) concluded that its population is around 26,000. It seems that the population is approaching its carrying capacity. This stock does not meet the biological criteria for Appendix I listing. The US removed in 1994 the gray whale from its Endangered Species Act. Therefore, the proposal should be **accepted** and this stock be transferred from Appendix I to Appendix II.

Prop. 11.16: Transfer of the Southern Hemisphere stock of Minke whale *Balaenoptera acutorostrata* from Appendix I to Appendix II (Japan)

Prop. 11.17: Transfer of the Okhotsk Sea – West Pacific stocks of Minke whale *Balaenoptera acutorostrata* from Appendix I to Appendix II (Japan)

The comprehensive assessment of whale stocks are completed by the IWC Scientific Committee on the Southern Hemisphere stock (761,000) and Okhotsk Sea – West Pacific stock (25,000). The population size is very large and the species is not listed in the IUCN Red List (1996) except the stocks of Arctic Sea, Atlantic, Mediterranean and Black Sea which are categorised as “Lower Risk”. In addition, the species does not meet any of the CITES criteria for listing in Appendix I. The proposal does not propose a specific quota. However, in Section 3.4, the proponent mentions that “the Revised Management Procedure

completed by the Scientific Committee of the IWC will be used for the quota calculations". This should be an adequate safeguard to prevent over-harvesting. It should be pointed out that the Scientific Committee of the IWC reported to its plenary that the annual harvest of 2,000 Minke whales for 100 years from the Antarctic would not be detrimental to the stock of Minke whales. The proposal does not specify the name of importing countries. However, it is believed that Japan is the only country which goes whaling in the Southern Hemisphere and Pacific. Internal control system in Japan is well established and sufficient to detect illegal trade. One could argue that the IWC's decision should be given priority. However, CITES should base its decision on scientific ground rather than political consideration. The proposals should be **accepted**.

Prop. 11.18: Transfer of the North-east Atlantic and North Atlantic central stocks of Minke whale *Balaenoptera acutorostrata* from Appendix I to Appendix II (Norway)

The stocks of the Minke whales proposed by Norway do not meet and have never met the biological criteria for Appendix I listing. The West Greenland population is currently listed in Appendix II in spite of the fact that its population is far less than those of the Northeast Atlantic stock and North Atlantic Central stock. Together with Prop. 11 and Prop. 12 on Minke whales, this proposal submitted by Norway should be **accepted**.

Prop. 11.19: Deletion of Brown hyaena *Parahyaena brunnea* from Appendix II (Namibia, Switzerland)

Switzerland submitted a proposal at CoP 9 to transfer the species from Appendix I to Appendix II with the ultimate goal of the total removal from CITES appendices, which was adopted by consensus. Since its downlisting, there has been no negative impact on the status of the species. International trade in the brown hyaena is almost non-existent and there is no need to retain this species in Appendix II. The proposal should be **accepted**.

Prop. 11.20: Transfer the South African population of African elephant *Loxodonta africana* from Appendix I to Appendix II (South Africa)

This proposal was submitted in accordance with Resolutions Conf. 7.9 and Conf. 9.24, and as such, is subject to the creation of a Panel of Experts. It should be pointed out that the Panel of Experts reached favourable conclusions at CoP 8 and CoP 9 when South Africa submitted similar proposals. Since the beginning of this century, the population trends in South Africa have been well documented, showing that the population has increased exponentially. As did with Botswana, Namibia and Zimbabwe at CoP 10, the South African population of elephants should be transferred to Appendix II. The proponent does not specify the name of the importing country. However, it is mentioned that trade in ivory will be with only one importing country which is most probably Japan. It should be emphasized that the Standing Committee unanimously agreed at its 41st meeting that the control

system in Japan is adequate. The proposal should be **accepted**.

Prop. 11.21: Maintenance of the population of African elephant *Loxodonta africana* of Botswana in Appendix II (Botswana)

Prop. 11.22: Maintenance of the population of African elephant *Loxodonta africana* of Namibia in Appendix II (Namibia)

Prop. 11.23: Maintenance of the population of African elephant *Loxodonta africana* of Zimbabwe in Appendix II (Zimbabwe)

These three populations were transferred to Appendix II at CoP 10 and subsequently, an experimental ivory trade took place in 1999. All proceeds derived from the sale of ivory have been allocated for conservation and development of local community which live with elephants. This is a good model for other range states and for other species. To further encourage the conservation effort made by Botswana, Namibia and Zimbabwe, these three proposals should be **accepted**.

Prop. 11.24: Transfer of Appendix I of the populations of African elephant *Loxodonta africana* currently listed in Appendix II (India, Kenya)

This proposal has a procedural flaw. At its 41st meeting, the Standing Committee was satisfied that all conditions were met and approved an experimental trade between the three southern African countries and Japan. At its 42nd meeting, the Standing Committee approved the CITES Secretariat's report and did not ask the Depository Government (Switzerland) to prepare a proposal to transfer the populations back to Appendix I. In addition, the range states (Botswana, Namibia and Zimbabwe) were not consulted. According to the proposal, the proponents "remain unsatisfied that it is sufficient to prevent illegal taken ivory from other range states from entering" Japan. It is difficult to conclude like this because although the proposal provides many cases of illegal ivory seizures, no seizure was made on ivory destined for Japan. In Section 3.4.1, it is mentioned that "the CITES Panel of Experts suggested that in Japan there is a possibility that reopening a legal trade in ivory will make it easier for illegal ivory to be traded (CITES Panel of Experts, 1992)". Not only this hypothesis is untested, but also this remark is out-of-date. In Section 4.3.2, the proponents say that "the units of measurement used to record ivory in commerce differ between manufactures and retailers, with manufacturers required to record ivory by weight while retailers record the number and size of pieces. Such a system make it difficult to trace ivory through the chain of commerce". However, it is not difficult to trace ivory through the chain of commerce. The number and size of pieces can easily be converted to weight. It is just a matter of calculation. In Section 4.3.2, the proponents say that there are possibly over 40,000 ivory retailers in Japan and that it would take over 830 years to inspect each dealership once. It seems that the proponents have no knowledge about the situation in Japan. According to MITI (CITES MA of Japan), 40,000 retailers include those selling ivory hankos and those selling non-ivory hankos. MITI estimated that the number of retailers for ivory hankos is around 10,000, not 40,000. MITI has nine

regional offices in Japan. If four premises are inspected per week, it takes only 5 years to inspect each dealership once, not 830 years. In Section 5.1, the proponents say that “Asian ivory is said to be particularly attractive to Japanese ivory dealers” and continue that “in India, the years 1996 – 1998 saw escalation in elephant poaching”. This paragraph is highly misleading. Many Japanese dealers tend to call hard African elephant ivory “indo” and soft African elephant ivory “shiro (white)”. If Japanese ivory dealers indeed wish to use Asian ivory, there should have been many seizures on Asian ivory in Japan and elsewhere in Asia. However, such seizure did not happen. This paragraph gives the impression that if ivory dealers are asked, they would buy Asian ivory. In Section 6, it is mentioned that “two countries Namibia and South Africa declined the invitation” and that “Namibia and Zimbabwe did not respond to the invitation”. These two sentences are contradictory. No doubt, this proposal should be **rejected**.

Prop. 11.25: Amendment of annotation ° 604 concerning Appendix II populations of *Loxodonta africana* (Switzerland)

This proposal is of technical nature and should be **accepted**.

Prop. 11.26: Transfer of the Australian population of Dugong *Dugong dugon* to Appendix I (Australia)

The Australian proposal is asking the Conference of the Parties to adopt a transfer of its dugong population from Appendix II to Appendix I on the basis of Resolution Conf. 9.24, Annex 3 that states according to the proponent that “wherever possible, split-listings (where different populations of a species are listed on different Appendices) should be avoided”. This is not true. Actually, the operative paragraph e) of Resolution Conf. 9.24 says that “species should be included in more than one appendix at the same time, and higher taxa should be included in the appendices, only if the species or higher taxa concerned satisfy the relevant criteria listed in Annex 3”. Annex 3 never says that “wherever possible, split-listings should be avoided”. Instead, it stipulates that “listing of a species in more than one appendices should be avoided in general in view of the enforcement problems it creates. When split listing does occur, this should generally be on the basis of national or continental populations, rather than subspecies”. The Australian proposal is not based on the fact and is misleading. According to the Australian proposal, its population of dugong does not meet the biological criteria for listing in Appendix I. The proposal explicitly mentions that “the Australian population is not endangered”. There have not been any enforcement problem through the species being split-listed. Therefore, there is no justification for transferring its population from Appendix II to Appendix I. It should be pointed out that at the request of the Australian Government, the Australian population of *Crocodylus porosus* was transferred from Appendix I to Appendix II more than a decade ago. Prior to that transfer, only the Papua New Guinea’s population was listed in Appendix II while all other populations were listed in Appendix I. This split-listings have never created enforcement problems for other countries in spite of the fact that a large number of

crocodile skins are commercially exported from Australia every year. The proposal should be **rejected**.

Prop. 11.27: Transfer of all populations of Vicuna *Vicugna vicugna* from Appendix I to Appendix II (Bolivia)

Prop. 11.28: Deletion of the zero quota for trade in cloth made with wool sheared from live animals of the populations of *Vicugna vicugna* included in Appendix II at CoP 10 (Bolivia)

The species does not meet the criteria for Appendix I listing. The population has dramatically increased in all range states. It is important to note that Appendix II listing does not mean the killing of animals because wool is sheared from live animals. One of the potential threats is competition for land use with domesticated livestock. It is necessary to create economic incentives to local communities with a view to contributing to the survival of vicunas. Including all Bolivian populations in Appendix II will make the authorities to enforce the regulation more easily. The proposals should be **accepted**.

Prop. 11.29: Transfer of all populations of Musk deers *Moschus* spp. currently in Appendix II to Appendix I (India, Nepal, USA)

The population size of *Moschus* spp. may have declined substantially. However, the species are not threatened with extinction because the absolute population is still large. China as a main range state of the species is opposed to the proposed transfer of the species to Appendix I. The opinion of the range state should be respected. Appendix I listing will not solve the problem because there will be a demand for musk even after Appendix I listing. CITES is not designed to control internal trade. Appendix I listing would deprive authorities/communities of incentives for the management of musk deer. The proposal should be **rejected**. However, remedial actions need to be taken which include the enhancement of enforcement effort both in exporting and importing countries. China and Russian Federation should be encouraged to develop a comprehensive management programme for these species and the proponents of the proposal (US and India) should assist China and Russia in this regard.

Prop. 11.30: Inclusion in Appendix I of all subspecies of Urial *Ovis vignei* not yet listed in the appendices (Germany)

It seems that this proposal was originally prepared by the US which decided not to submit it to CoP 11 for unknown reasons. The comments made by the range states are negative in Appendix I listing. Most factors affecting the urial is of internal nature, i.e., habitat destruction and poaching. International trade has had less impact and as such, Appendix I listing will not improve the situation. This proposal is opposed by most range states and should be **rejected**. Appendix II listing might be more appropriate at this stage.

Prop. 11.31: Transfer of the Argentinean population of Lesser rhea *Rhea pennata pennata* from Appendix I to Appendix II (Argentina)

From this well documented proposal, it is obvious that the subspecies subject to this proposal is abundant with the estimation of 1.7 million approximately. It is clear that the subspecies does not meet the criteria for Appendix I listing and should not have been listed in Appendix I. The management programme contemplated by Argentina is adequate to ensure that Appendix II listing will not be detrimental to the subspecies in question. The proposal should be **accepted**.

Prop. 11.32: Transfer of the North American population of Gyrfalcon *Falco rusticolus* from Appendix I to Appendix II (USA)

The North American breeding population is estimated to be about 3,000 pairs. It seems unlikely that this population meets the Appendix I criteria. The proponent mentions that since 1984, all gyrfalcons exported from Canada and the US for international trade have been captive bred birds. Because the proponent proposes a zero export quota, a transfer of the North American populations will not result in international trade in wild-caught birds. Under the circumstance, the transfer to Appendix II should be **accepted**.

Prop. 11.33: Transfer of Horned parakeet *Eunymphicus cornutus cornutus* from Appendix II to Appendix I (France)

Prop. 11.34: Transfer of Horned parakeet *Eunymphicus cornutus uveanensis* from Appendix II to Appendix I (France)

The species *Eunymphicus cornutus* occurs in New Caledonia and Loyalty. The subspecies *Eunymphicus cornutus cornutus* occurs in New Caledonia and another subspecies *Eunymphicus cornutus uveaensis* in Loyalty. The population of *Eunymphicus cornutus cornutus* is not small (2,000 – 10,000) according to the supporting statement. There is no management measure for this subspecies but the proponent is asking to list this subspecies in Appendix I for look-like reason. The population of *Eunymphicus cornutus uveaensis* is small (100 – 800 depending on researcher) according to the supporting statement. There is the management measure for this subspecies which is fully protected. However, as the proponent admits, the major threat to this subspecies is predation by both indigenous and invasive predators. The volume of international trade is very small. The real problem with this species is totally internal matter. There is no reason nor justification why this subspecies must be listed in Appendix I. The proposal should be **rejected**.

Prop. 11.35: Inclusion of Hwamei *Garrulax canorus* in Appendix II (China)

The population size is estimated 1 to 1.2 million. The proponent says in Section 3, Utilization and trade, that a total of 1.7 to 1.8 million would be taken from the wild each year. If this is the case and if its clutch size is taken into consideration, it is unlikely that the population size in China is only 1 to 1.2 million. It must be more. The species is not protected in China except in Henan and Hubei. Taking into account the number of birds taken from the wild each year, China needs to develop a management programme for the species including the establishment of the harvest quota. Such a management programme is a top priority. As the second measure, Appendix II listing would also help prevent illegal trade since there seems to be illegal trade. The proposal should be **accepted**.

Prop. 11.36: Inclusion of Box turtle *Cuora* spp. in Appendix II (Germany, USA)

There is a high demand for these species for medicine, food and pet, nationally and internationally. Uncontrolled, significant international trade has been detrimental to the status of these species. Not all range States responded to the proponent's enquiry, but many of the range States expressed their support for this proposal. It is obvious that Appendix II listing will enable the authorities to monitor trade volume and help enhance the enforcement efficiency. Therefore, this proposal should be **accepted**.

Prop. 11.37: Inclusion of Spotted turtle *Clemmys guttata* in Appendix II (USA)

There is little information on the population trends. But it is known that legal and illegal trade have flourished. In many of its range, the spotted turtle is protected and the range States, i.e., Canada and USA, support this proposal. There are a series of threats to the species and over-collection for international and internal trade have been pointed out as one of the major threats. Listing in Appendix II will assist the authorities in enhancing its conservation effort. The proposal should be **accepted**.

Prop. 11.38: Transfer of African spurred tortoise *Geochelone sulcata* from Appendix II to Appendix I (France)

Little information is provided to justify a transfer of the species from Appendix II to Appendix I. Even if sufficient information is available, it seems unlikely that the species meets the criteria for Appendix I listing. Of great concern is that the proponent did not consult range states in spite of the fact that most of the range states are French-speaking countries and it is easy to consult. This proposal should be **rejected**.

Prop. 11.39: Transfer of Pancake tortoise *Malacochercus tornieri* from Appendix II to Appendix I (Kenya, USA)

The proposal is very poorly documented. The proponents do not provide justifiable information on the population status and trends. Contrary to what the proponents state under "Additional Remarks", it seems unlikely that the species meets the criteria for Appendix I listing. According to the proposal, Kenya has consulted Tanzania but the proposal does not provide Tanzanian views. It has been reported that remedial actions have been taken by Tanzania. Therefore, the proposal should be **rejected**.

Prop. 11.40: Transfer of the Cuban population of Hawksbill turtle *Eretmochelys imbricata* from Appendix I to Appendix II (Cuba, Dominica)

Prop. 11.41: Transfer of the Cuban population of Hawksbill turtle *Eretmochelys imbricata* from Appendix I to Appendix II (Cuba)

The Cuban/Dominican proposal is well documented. The most comprehensive amendment proposal ever seen through the CITES history. After 1992, no legal commercial trade has occurred. Cuba reduced its harvest level by more than 90 %. Data from intensive monitoring elsewhere showed an increase in the number of nesting females. It is safely inferred that the number of mature individuals is increasing. The clutch size is large (r-strategist). The species has high longevity. Females lay eggs many times in their life span. Widely distributed. All these characteristics make the species robust against extinction. The species does not meet any of the Appendix I listing criteria, nor meet any of the proposed IUCN Red List criteria for 'Critically Endangered (CR)'. All precautionary measures are satisfied. The control system in Cuba is adequate and so is that of an importing country (Japan). Japan ceased the importation at the end of 1992 and lifted its reservation in 1994. Cuba also promised to withdraw its reservation if the proposal is adopted. It is unlikely that an acceptance of the proposal will have a negative impact on other populations. On the contrary, benefit of trade should be emphasized. In its supporting statement, Cuba/Dominica made a series of commitments (Section 4.4.3), all good for conservation of the species in Cuba as well as in the rest of the Caribbean. In particular, Cuban management programme has already contributed to regional co-operation, and Cuba promises that some of the income generated would be allocated directly to regional conservation efforts. The amendment will contribute to the enhancement of economic, social and cultural aspects in the range state. One point missing in the supporting statement is about Japan's control system. Japan acceded to CITES in 1980 with a reservation on this species. Even with a reservation, Japan prohibited souvenir items for tourists being brought into Japan. Thus, the import of processed shells has not been allowed for 20 years. In addition, Japan's crafting technique is unique and as such, it is easy to distinguish Japan's products from others. With the system currently working in Japan which requires registration of business and record-keeping on internal shell transaction, it is sufficient to prevent illegal trade. The proposals should be **accepted**.

Prop. 11.42: Transfer of the Mexican populations of Morelet's crocodile *Crocodylus moreletii* from Appendix I to Appendix II (Mexico)

This proposal was **withdrawn** in response to the recommendation made by IUCN Crocodile Specialist Group.

Prop. 11.43: Transfer of Quince monitor lizard *Varanus melinus* from Appendix II to Appendix I (Germany)

The supporting statement is very poorly documented. Little information is presented with regard to distribution, habitat availability, population status, population trends, geographic trends, etc. Most of the description are based on information from confidential sources, letters and other type of personal communication. Thus, it is impossible to prove that the species meets the criteria for listing in Appendix I. According to the title, the proponent claims that the species meets the criteria A i), B i), B iv), C ii) and D. Since no data is presented to assess, this description is misleading. The proponent needs to fund the survey of the status of the species rather than submitting an amendment proposal, which may result in the establishment of harvest quota. The species is endemic to Indonesia. Nevertheless, the proponent did not consult Indonesia. As such, there is no justification for listing in Appendix I and the proposal should be **rejected**.

Prop. 11.44: Inclusion of Timber rattle snake *Crotalus horridus* in Appendix II (USA)

There are no quantitative data on the population status and trends. Nevertheless, it is apparent that the population has declined. Main threats are of internal nature. International trade is less important and Appendix II listing will not solve the problem. As such, this proposal should be **rejected**. At the same time, it is recommended that the US be encouraged to take remedial measures.

Prop. 11.45: Deletion of Sonoran green toad *Bufo retiformis* from Appendix II (USA)

There is no international trade, legal or illegal. The proponent also concludes that there are no known or documented immediate threats to this species. As the species clearly does not meet the Appendix II listing criteria, this proposal should be **accepted** and accordingly, the species be deleted from Appendix II.

Prop. 11.46: Inclusion of Madagascar poison frogs *Mantella* spp. in Appendix II (Netherlands, USA)

There is a significant demand for these species in pet trade. In addition to habitat destruction, international trade is a major factor contributing to a decline in the species. Listing *Mantella* spp. in Appendix II would help Madagascar to implement its management programme which has recently been established. Only concern is that Madagascar's view

on this proposal is not expressed in the proposal. Under the circumstance, this proposal should be **accepted** on condition that Madagascar also supports this proposal.

Prop. 11.47: Inclusion of Whale shark *Rhincodon typus* in Appendix II (USA)

As the proponent mentions, there is little information on biological parameters. The proponent needs to provide more information to justify its proposal. Under the circumstance, there is no scientific ground to support this proposal. FAO has developed the International Plan of Action for the Conservation and Management of Sharks and will become fully operative shortly. It will make it possible to identify biological parameters and monitor trade volume and pattern. It is difficult to understand to list the species in CITES Appendices at this stage. The proponent concluded that the species meets the biological criteria for inclusion in Appendix II. However, based on the information provided in its supporting statement, it is difficult to so conclude. As such, the proposal should be **rejected**.

Prop. 11.48: Inclusion of Great white shark *Carcharodon carcharias* in Appendix I (Australia, USA)

As admitted in the proposal, available data on population numbers are extremely limited and its population status is uncertain. The proponent infers, based on anecdotal information, that the number has decreased. Data on 'catch per unit effort' (Cliff et al. 1996) are referred but it is difficult to conclude that the number has declined since 1965. With regard to Richard Bay, a sample size is too small, thus making difficult to reach any conclusion. Six factors are identified as the major impacts. However, most of them are internal factors, not international factors, and therefore, Appendix I listing will not have a positive effect. It is not a solution to list in CITES appendices. Rather, it is more important that Australia, USA and other range states strengthen their enforcement effort if they wish to conserve the species. Citing Compagno et al. (1997), the proponent says that a decline in great white shark populations will result in growth of an underground sales network or black market. Appendix I listing would have the same effect because its legal supply will be reduced substantially as a result of Appendix I listing. FAO has developed an International Plan of Action for Conservation and Management of Sharks which will become fully operative shortly. It will make it possible to identify biological parameters and monitor trade pattern and volume. It is difficult to understand to list the species in Appendices at this stage. The proponent expects that by listing in Appendix I, all CITES Parties are brought to the same international standard. However, this expectation is too optimistic because such a thing has not happened for many other species currently listed in Appendix I. The proponent says that the species meets the biological criteria for listing in Appendix I. However, there is little information to support that the species meets the criteria in Resolution Conf. 9.24 including "Definition". Even if data are available, it seems unlikely that the species meets the criteria. It is mentioned that FAO International Plan of Action is voluntary and does not provide the great white shark with the immediate protection it currently demands. However, under

CITES, internal management and control which are highly demanded for this species are also voluntary even after it is listed in Appendix I. The proposal should be **rejected**.

Prop. 11.49: Inclusion of Basking shark *Cetorhinus maximus* in Appendix II (UK)

Although this proposal is seemingly well documented in particular with regard to the population trends in the North Atlantic, there are no comprehensive assessments in the rest of its range. It is inferred that the population has declined dramatically but data are not available against 'catch per unit effort'. Sightings reported to the Marine Conservation Society indicate that in 1998, the second largest number of sharks was recorded within the past two decades in spite of the fact that the sighting scheme was not promoted in 1998. FAO has developed an International Plan of Action for Conservation and Management of Sharks which will become fully operative shortly. It will make it possible to identify biological parameters and monitor trade pattern and volume. It is difficult to understand to list the species in Appendices at this stage. It is premature to list the species in Appendix II and as such, the proposal be **rejected**.

Prop. 11.50: Inclusion of Coelacanth *Latimeria* spp. in Appendix I (France, Germany)

Prop. 11.51: Inclusion of Coelacanth *Latimeria menadoensis* in Appendix I (Indonesia)

These two proposals have the same effect and should be addressed together. The range state of the species in question is Indonesia. The population status is unknown because *Latimeria menadoensis* is a newly discovered species. Based on the data on another species in the same genus, it is most likely that the species has a limited distribution and small population size, which justify Appendix I listing. The proposals should be **accepted**.

Prop. 11.52: Inclusion of Ornamental tarantula *Poecilotheria* spp. in Appendix II (Sri Lanka, USA)

Little or no information is provided on the status of the distribution, population and population trends. Even if data are available, it seems unlikely that the species in question meets the criteria for inclusion in Appendix II. It seems from the supporting statement that the main cause of the population decline of some *Poecilotheria* species is habitat destruction. As such, international trade in these species does not contribute to the survival of the species in question. CITES listing will not solve the problem currently India and Sri Lanka are facing. In the supporting statement, it is mentioned that there are no known population studies being conducted in the field on any of the *Poecilotheria* spp.. The United States and Sri Lanka as the proponents are encouraged to study the status of the species in co-operation with India. As mentioned in the supporting statement, there are concerns that the listing of all *Poecilotheria* spp. on CITES will shift the commercial pet trade demand to another tarantula species which are already listed in Appendix II. Therefore, there is no justification for listing the tarantula species in Appendix II and the proposal should be **rejected**.

Prop. 11.53: Harmonization of exemptions related to medicinal products by combining the current annotation #2 for *Podophyllum hexandrum* and *Rauvolfia serpentina* with annotation #8 for *Taxus wallichiana* in the interpretation of Appendices I and II (Switzerland)

This proposal was submitted on behalf of the Plants Committee. The proposal is of technical nature and be in principle **accepted**.

Prop. 11.54: Inclusion of roots of Asian ginseng *Panax ginseng* in Appendix II (Russia)

The species used to be distributed in Russia, China and Korea. The wild populations of China and Korea are considered to be extinct. It is obvious from the supporting statement that the major threat is international trade followed by domestic trade and habitat degradation. Several remedial measures have been taken and were incorporated in the legislation by Russian Federation. Still, there exists illegal trade. Listing in Appendix II will help monitor trade and strengthen the enforcement effort in Russia. However, listing in Appendix II may cause serious implementation/enforcement problems to other countries where the ginseng is commercially cultivated on a significant scale. In particular, the Republic of Korea is strongly opposed to the proposal. Under the circumstance, this proposal should be **accepted** on condition that Russian Federation reduces the scope of the proposal to its own population.

Prop. 11.55: Transfer of the Argentinean population of Monkey puzzle tree *Araucaria araucana* from Appendix II to Appendix I (Argentina)

The species is distributed in Argentina and Bolivia. Whereas the population in Bolivia is already listed in Appendix I, the Argentinean population is in Appendix II. Because of this, Argentina has faced difficulty in enforcement, in particular on seeds. Listing the Argentinean population in Appendix I would help implement the management programme undertaken by Argentina. The proposal should be **accepted**.

Prop. 11.56: Exemption of up to three specimens of rainsticks per person from CITES controls (Chile)

These species are listed in Appendix II, requiring the issuance of export permits. The proponent is asking for the exemption of the issuance of export permits stressing that the products are made of dead columnar cactii and the export of up to three specimens are for non-commercial purposes. It seems that the proponent has justification but it should be pointed out that it would be impossible to exempt the specimens of rainsticks from CITES requirements. Unless a Resolution is adopted to this effect, this proposal should be

rejected.

Prop. 11.57: Deletion of White wicky *Kalmia cuneata* from Appendix II (USA)

According to the proposal, no international trade, legal or illegal, has been reported. Deletion of the species from Appendix II will not create any detrimental effect. The species occurs in the US only. As such, the proposal should be **accepted**.

Prop. 11.58: Inclusion of Happytree *Camptotheca acuminata* in Appendix II (China)

The species is endemic to China. It is considered that the wild population is less than 4,000. However, China has developed many plantation programmes. The proposal fails to prove that a major threat to the wild population is international trade. China started recently (1 January 1998) monitoring international trade in seeds and live specimen and found that no illegal trade has occurred since that date. As such, it is premature to list the species in Appendix II. The proposal should be **rejected**. However, China is encouraged to continue its monitoring effort.

Prop. 11.59: Inclusion of Desertliving cistanche *Cistanche deserticola* in Appendix II (China)

The species is endemic to China and used for medicine. The trade volume is significant. It is unlikely that artificial propagation makes a success because it is a parasitic species. Even if it succeeds, it will not produce a large volume of specimens. Because of the high demand in international market, smuggling may be occurring. Appendix II listing will help strengthen the conservation effort by China. The proposal should be **accepted**.

Prop. 11.60: Inclusion of Devil's claw *Hrpagophytum procumbens* and *H. zeyheri* in Appendix II (Germany)

Little information is available on the population status and trends. However, it seems that the demand for the species has increased in international medicinal market, but the population still seems abundant. The proponent does not specify if it has consulted the range states, i.e., southern African countries. The proposal should be **rejected** unless the range states support the proposal.

Prop. 11.61: Inclusion of Spring adonis *Adonis vernalis* in Appendix II (Germany)

The species is collected from the wild for ornamental or medicinal purposes. It seems that the population has decreased dramatically from its historical level. Main threats are collection for internal trade and habitat destruction. Currently, Romania is a main exporting

country. Since other countries are not so important as exporters, Appendix II listing may not have a positive effect, contrary to what the proponent expects. The proponent has consulted with range states and received comments from several countries but fails to present their comments. Under the circumstance, the proposal should be **rejected**.

Prop. 11.62: Transfer of Lignum-vitae *Guaiacum sanctum* from Appendix II to Appendix I (USA)

Little information is provided in the proposal to justify for listing the species in Appendix I. Cuba and Dominican Republic are opposed to the proposal because they believe that the species is not threatened but stable or abundant. It seems unlikely that the species meets the criteria for Appendix I and as such, the proposal should be **rejected**.