

**GGT'S RECOMMENDATIONS ON THE AMENDMENT PROPOSALS
FOR CONSIDERATION AT THE TWELFTH MEETING
OF THE CONFERENCE OF THE PARTIES TO CITES
(Santiago, 2002)**

GLOBAL GUARDIAN TRUST

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(GGT's motto)

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SUMMARY OF THE RECOMMENDATIONS

Proposal	Species	Amendment	Recommendation
12.1	annotation ° 607	annotation	Yes
12.2	<i>Agapornis</i> spp. et.al.	annotation	Yes
12.3	<i>Tursiops truncatus</i>	II to I	No
12.4	<i>Balaenoptera acutorostrata</i>	I to II	Yes
12.5	<i>Balaenoptera edeni</i>	I to II	Yes
12.6	<i>Loxodonta africana</i>	annotation	Yes
12.7	<i>Loxodonta africana</i>	annotation	Yes
12.8	<i>Loxodonta africana</i>	annotation	Yes
12.9	<i>Loxodonta africana</i>	annotation	Yes
12.10	<i>Loxodonta africana</i>	I to II	Yes
12.11	<i>Loxodonta africana</i>	II to I	No
12.12	<i>Vicugna vicugna</i>	I to II	Yes
12.13	<i>Vicugna vicugna</i>	I to II	Yes
12.14	<i>Vicugna vicugna</i>	I to II	Yes
12.15	<i>Rhea pennata</i>	I to II	Yes
12.16	<i>Amazona auropalliata</i>	II to I	No
12.17	<i>Amazona oratrix</i>	II to I	No
12.18	<i>Ara couloni</i>	II to I	No
12.19	<i>Poicephalus robustus</i>	II to I	No
12.20	<i>Platysternon megacephalum</i>	II	No
12.21	<i>Annamemys annamensis</i>	II	Yes
12.22	<i>Heoseys</i> spp.	II	Yes
12.23	<i>Hieremys annandalii</i>	II	No
12.24	<i>Kachuga</i> spp.	II	Yes
12.25	<i>Leucocephalon yuwonoi</i>	II	Yes
12.26	<i>Mauremys mutica</i>	II	No
12.27	<i>Orlitia borneensis</i>	II	Yes
12.28	<i>Pyxidea mouhotii</i>	II	No
12.29	<i>Siebenrockiella crassicollis</i>	II	No
12.30	<i>Eretmochelys imbricata</i>	I to II	Withdrawn
12.31	<i>Chitra</i> spp.	II	No
12.32	<i>Pelochelys</i> spp.	II	No
12.33	<i>Hoplodactylus</i> spp. <i>Nultinus</i> spp.	II	No
12.34	<i>Cnemidophorus heperythrus</i>	II	Yes
12.35	<i>Rhincodon typus</i>	II	No
12.36	<i>Cetorhinus maximus</i>	II	No
12.37	<i>Hippocampus</i> spp.	II	No
12.38	<i>Cheilinus undulatus</i>	II	No
12.39	<i>Dissostichus eleginoides</i> , <i>D. mawsonii</i>	II	No
12.40	<i>Atrophanura jophon</i> , <i>A. pandiyana</i>	II	No
12.41	<i>Papillio</i> spp.	II	No
12.42	<i>Araucaria araucana</i>	I	Yes
12.43	All cactaceae listed in Appendix II	annotation	Yes
12.44	Opuntioideae spp.	deletion	Yes
12.45	Preskioideae spp. et.al.	deletion	Yes
12.46	<i>Sclerocactus nyensis</i>	II to I	No
12.47	<i>Sclerocactus spinosior blainei</i>	II to I	No

12.48	<i>Dedleya traskiae</i>	I to II	Yes
12.49	<i>Aloe thorncroftii</i>	I to II	Yes
12.50	<i>Swietenia macrophylla</i>	II	No
12.51	Orchidaceae spp.	annotation	Yes
12.52	<i>Cistanche deserticola</i>	II	No
12.53	<i>Lewisia maguirei</i>	deletion	Yes
12.54	<i>Guaiacum</i> spp.	II	No

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. 12.1 Amendment of Annotation ° 607 (Switzerland)

This proposal was submitted by the Depository Government at the request of the Standing committee and should be **accepted**.

Prop. 12.2 Addition of annotation to *Agapornis* spp., *Platycercus* spp., *Barnardius* spp., *Cyanorhamphus auriceps*, *C. novaeselandiae*, *Psittacula eupatria*, *P. krameri* and *Padda oryzivora* (Switzerland)

These bird species are easily bred in captivity and produce colour morphs which are different from the original ones. It seems that controlling the colour morphs do not contribute to the conservation of the species. The proposals should be **accepted**. Furthermore, it is advisable that these species be eventually deleted from CITES Appendices at future CoPs.

Prop. 12.3 Transfer of Black sea bottlenose dolphins *Tursiops truncatus ponticus* from Appendix II to Appendix I (Georgia)

A similar proposal was submitted jointly by Georgia and the US but rejected at CoP 11. 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 states (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 as pointed out in the proposal. It seems unlikely that international trade constitutes a main threat. Under the circumstance, the proposal should be **rejected**. It is imperative that the range states should be encouraged to establish a comprehensive management programme mainly focusing on habitat degradation.

Prop. 12.4 Transfer of the northern hemisphere populations of Minke whales *Balaenoptera acutorostrata* from Appendix I to Appendix II (Japan)

The population size is very large and the species is classified as 'Lower Risk' (IUCN, 2000). In addition, the species does not meet any of the CITES criteria for listing in Appendix I. The proposal proposes that the Revised Management Procedure (RMP) will be used as a base to calculate a safe catch level and an appropriate quota will be established. This is an adequate safeguard to prevent over-harvesting. All precautionary measures are met. One could argue that the IWC's decision should be given priority. However, IWC is dysfunctional and as such, CITES should base its decision on scientific ground rather than political consideration. The proposal should be **accepted**.

Prop. 12.5 Transfer of the North Pacific population of Bryde's whales *Balaenoptera edeni* from Appendix I to Appendix II (Japan)

The population of the western North Pacific is estimated as about 25,000. Since no hunting has taken place since 1987, it is obvious that the population is increasing. As is the case with the Minke whales, the population is robust, the precautionary measures adequate and as such, the proposal be **accepted**.

Prop. 12.6 Amendment of Annotation ° 604 for the Botswana population of African elephant *Loxodonta africana* (Botswana)

Prop. 12.7 Amendment of Annotation ° 604 for the Namibia population of African elephant *Loxodonta africana* (Namibia)

Prop. 12.8 Amendment of Annotation ° 604 for the South Africa population of African elephant *Loxodonta africana* (South Africa)

Prop. 12.10 Amendment of Annotation ° 604 for the Zimbabwe population of African elephant *Loxodonta africana* (South Africa)

The populations of African elephants in these four countries are listed in CITES Appendix II. Since the beginning of this century, the population trends in southern Africa have been well documented, showing that the population has increased substantially. As These populations should not have been placed in Appendix I at CoP 7. These four countries have succeeded in conserving elephants while many of other countries failed. Their efforts should be rewarded. Adoption of these proposals will further contribute to the conservation of elephants and other wildlife. It will also help alleviate the poverty of rural communities which live closely with elephants. Their approach is in line with the decisions at UNCED and WSSD. Therefore, it is very clear that the proposals should be **accepted**.

Prop. 12.9 Transfer of the Zambia population of African elephant *Loxodonta africana* from Appendix I to Appendix II (Zambia)

Zambia is facing a serious difficulty in human-elephant conflicts as is the case with other southern African countries. At the suggestion of some NGOs, it burnt 9 tonnes of ivories in 1992 immediately before CoP 8, but could not obtain any gains as promised. Zambia is skeptical about the effectiveness of the trade ban on ivory and chose the sustainable use approach. Justification for downlisting is quite understandable. Zambia's proposal is subject to Conf. 7.9 process. Irrespective of the recommendations of the Panel of Experts, we believe that allowing ivory trade will be a long-term solution and as such, the proposal should be **accepted**.

Legal trade vs. illegal trade

Opponents of the downlisting proposals insist that re-opening ivory trade will stimulate

illegal trade and poaching, If they insist this hypothesis, they should provide us with sufficient proof. CITES experience with other species including crocodiles and Asian bonytongues has clearly shown that contrary to what the opponents believe, downlisting or opening legal trade will reduce or eliminate illegal activities. It should also be pointed out that illegal activities exist everywhere in the world. For example, murders are illegal and prohibited strictly but still exist everywhere in the world. Therefore, the presence of illegal activities itself should not be used as a base for opposing the downlisting proposals.

Prop. 12.11 Transfer of populations of African elephants *Loxodonta africana* currently listed in Appendix II to Appendix I (India, Kenya)

This proposal has a procedural flaw. The Standing Committee did not ask the Depositary Government (Switzerland) to prepare a proposal to transfer the populations back to Appendix I. Therefore, this proposal should be **rejected** without entering any substantial discussion. India and Kenya submitted a similar proposal at CoP 11. The proposal enumerates poaching and smuggling incidences, giving the impression that there are substantial illegal activities. According to the proposal, however, the population in entire Africa is 519,461. The poached elephants represent 0.0008% per year of the total population. It is also believed that there are 1,000 tonnes of stockpiled ivories in Africa and they are continuously accumulated from natural mortality and problem animal controls. The seized ivories are 4,960 kg in total and represents 0.002 % per year of the existing stockpile. This level of illegal activities will remain even if all populations are listed in CITES Appendix I and the situation may become even worse. It is strongly recommended that the proposal should be **rejected**.

Prop. 12.12 Transfer of the Catamarca population of vicuna *Vicugna vicugna* from Appendix I to Appendix II (Argentina)

Prop. 12.13 Transfer of the Bolivia populations of vicuna *Vicugna vicugna* from Appendix I to Appendix II (Bolivia)

Prop. 12.14 Transfer of the Primera population of vicuna *Vicugna vicugna* from Appendix I to Appendix II (Chile)

This species does not meet the criteria for Appendix I listing. The population has dramatically increased throughout range states. It is important to note that Appendix II listing does not mean killing 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. The proposals should be **accepted**. We further recommend that all populations of the species be listed in Appendix II at future meetings.

Prop. 12.15 Transfer of lesser rhea *Rhea pennata pennata* from Appendix I to Appendix II (Chile)

Lesser rheas occur in South America and do not meet the criteria for Appendix I listing. Chile intends to export only specimens from breeding operations. Since downlisting will not have any negative impact on the species in the wild, the proposal should be **accepted**.

Prop. 12.16 Transfer of yellow-naped parrots *Amazona auropalliata* from Appendix II to Appendix I (Costa Rica)

The greatest threat is habitat destruction. International trade is not an important factor. In the proposal, it is mentioned that "the volume of legal international trade is not high at present". The species is still locally common and does not meet the criteria for Appendix I listing. Therefore, listing in Appendix I will not improve the situation. Range states such as Costa Rica need to strengthen its enforcement effort. Appendix I listing is not a solution and as such, the proposal should be **rejected**.

Prop. 12.17 Transfer of yellow-headed parrots *Amazona oratrix* from Appendix II to Appendix I (Mexico)

It seems that the population has historically declined. However, major threats to the species are habitat destruction and illegal take of young birds from nests. It is true that there is illegal international trade in the species. However, Appendix I listing would not reduce the level of illegal trade. What we need is to strengthen the level of border control, e.g., at the border between the US and Mexico. Furthermore, Appendix I listing would deprive authorities/communities of opportunities of using the species sustainably. Under the circumstance, the proposal should be **rejected**.

Prop. 12.18 Transfer of blue-headed macaws *Ara couloni* from Appendix II to Appendix I (Germany)

As the proponent mentions, the species is not endangered according to the 200 IUCN Red List. There is no data available on population trends and geographic trends. As such, it is impossible to conclude that the species meets the criteria for listing in Appendix I. It is recommended that the proposal be **rejected**.

Prop. 12.19 Transfer of South African population of Cape parrots *Poicephalus robustus* from Appendix II to appendix I (South Africa)

The species is fully protected in South Africa. According to the proposal, a major threat is habitat fragmentation and loss. Concerning illegal trade, national trade is much greater than international trade. Therefore, Appendix I listing will not solve the problem at all. This is totally internal issues and as such the proposal should be **rejected**. We recommend that an overall management programme should be established, mainly focusing on the protection of habitat.

Prop. 12. 20 Inclusion of big-headed turtles *Platysternon megacephalum* in Appendix II
(China, US)

The big-headed turtle is widely distributed in Southeast Asia and China. Little information is available on population status and population trends. Although it seems that the species is subject to substantial international trade, there are other major threats such as domestic trade and habitat degradation. According to the supporting statement, it is most likely that many CITES-listed specimens found in south China food markets were imported into China illegally. Therefore, it may be difficult to control trade in the big-headed turtle even after the species is listed in CITES Appendix II unless the level of enforcement is substantially improved. The supporting statement refers to general status of CITES-listed species, which is not relevant to the species in question. Referring to the opinion of an individual of an NGO is also irrelevant (see Additional Remark). There is little justification for listing the species in Appendix II except that the Technical Workshop in Kunming recommended for listing by consensus. Unless the above-mentioned concerns are addressed by each range state, this proposal should be **rejected**.

Prop. 12. 21 Inclusion of Annam pond turtles *Annamemys annamensis* in Appendix II
(China, Germany)

The species occurs in a restricted area in central Viet Nam. It is extremely rare and the recent survey failed to find animals in the wild. The proponents are not range states and as such, need to ensure that Viet Nam endorses the proposal. The species is easily recognized. No management measure have taken place. Therefore, Viet Nam should establish a management programme and the proponents, in particular Germany should assist them financially and technically. With these conditions, the proposal should be **accepted**.

Prop.12.22 Inclusion of four species of turtles *Heosemys* spp. in Appendix II (China, Germany)

The Technical Workshop in Kunming recommended for Appendix II listing. The species occurs in a restricted area in Myanmar. The proposal is supported by a range state, Myanmar. The species is Critically Endangered according to the 2000 IUCN Red List. It is clear that the species meets the criteria for Appendix II listing. The proposal should be **accepted**. It is strongly recommended that Myanmar establish a management programme in co-operation with Germany and China.

Prop. 12. 23 Inclusion of yellow-headed temple turtles *Hieremys annandalii* in Appendix II
(China, US)

The yellow-headed temple turtle is widely distributed in Southeast Asia. Neither of the proponent countries (China and US) is a range state of this species though the proposal refers to the national legal status of China. Little information is available on population status and population trends. Although it seems that the species is subject to substantial international trade, there are other major threats such as domestic trade, subsistence use and habitat degradation. It may be difficult to control trade in the yellow-headed temple turtle even after the species is listed in CITES Appendix II unless the level of enforcement is substantially improved in the range states and main consumer country, China. The supporting statement refers to the general status of CITES-listed species, which is not relevant to the species in question. Referring to the opinion of an individual of an NGO is also irrelevant (see Additional Remark). There is little justification for listing the species in Appendix II except that the Technical Workshop in Kunming recommended for listing by consensus. Unless the above-mentioned concerns are addressed by each range state, this proposal should be **rejected**.

Prop.12.24 Inclusion of six species of turtles *Kachuga* spp. in Appendix II (India, USA)

The genus *Kachuga* consists of seven species. *Kachuga tecta* is already listed in Appendix I. Listing the remaining six species will enable all *Kachuga* species to be listed in CITES Appendices. It seems that some of the six species meet the criteria for Appendix II listing. Other can be listed for a 'look-alike reason'. The proposal should be **accepted**. However, the range states should establish a management programme and be assisted by the US.

Prop.12.25 Inclusion of Sulawesi forest turtles *Leucocephalon yuwonoi* in Appendix II (China, Germany)

The Technical Workshop in Kunming recommended for Appendix II listing. The species occurs in a restricted area in Indonesia. The proposal is supported by a range state, Indonesia. The species is Critically Endangered according to the 2000 IUCN Red List. It is clear that the species meets the criteria for Appendix II listing. The proposal should be **accepted**. It is strongly recommended that Indonesia establish a management programme in co-operation with Germany and China.

Prop. 12. 26 Inclusion of yellow pond turtles *Mauremys mutica* in Appendix II (China, US)

The yellow pond turtle is widely distributed in China, Taiwan, Japan and Vietnam. The supporting statement is poorly documented because most of the description are related to the general status of turtles and tortoises. Little information is available on population status and population trends. The main threats are domestic trade, water pollution, subsistence use and habitat degradation and international trade is not significant compared to these threats. The species does not meet Resolution 9.24, Annex 2a, A and B i) criteria. The supporting statement refers to general status of CITES-listed species, which is not relevant

to the species in question. Referring to the opinion of an individual of an NGO is also irrelevant (see Additional Remark). No information is provided on the species' status in Japan. There is no justification for listing the species in Appendix II. For above-mentioned reasons, listing the species in Appendix II will not contribute to the conservation of the species. Therefore, this proposal should be **rejected**.

Prop.12.27 Inclusion of Malayan giant turtles *Orlitia borneensis* in Appendix II (China, Germany)

The Technical Workshop in Kunming recommended for Appendix II listing. The distribution of the species is restricted, occurring in Indonesia and Malaysia only. The species is Endangered according to the 2000 IUCN Red List. It seems that the species meets the criteria for Appendix II listing. The proposal should be **accepted**. At the same time, it is strongly recommended that Indonesia and Malaysia establish a management programme in co-operation with Germany and China.

Prop. 12. 28 Inclusion of keeled box turtles *Pyxidea mouhotii* in Appendix II (China, US)

The keeled box turtle is widely distributed in China, India, Lao, Myanmar and Vietnam. Little information is available on population status and population trends though it is inferred that the population has been depleted. Major threats are domestic trade, subsistence use and habitat degradation. The species is not protected in China and India whereas export of turtles is prohibited in Myanmar and Vietnam. Lao is not a Party to CITES. According to the supporting statement, it is most likely that many CITES-listed specimens found in South China food markets were imported into China illegally. Therefore, it may be difficult to control trade in the keeled box turtles even after the species is listed in CITES Appendix II unless the level of enforcement is substantially improved. The supporting statement refers to the general status of CITES-listed species, which is not relevant to the species in question. Referring to the opinion of an individual of an NGO is also irrelevant (see Additional Remark). There is little justification for listing the species in Appendix II except that the Technical Workshop in Kunming recommended for listing by consensus. Unless the above-mentioned concerns are addressed by each range state, this proposal should be **rejected**.

Prop. 12. 29 Inclusion of black marsh turtles *Siebenrockiella crassicollis* in Appendix II (China, US)

The black marsh turtle is widely distributed in Southeast Asia from Myanmar to Indonesia. Neither of the proponent countries (China and US) is a range state of the species. No information is available on the population status in Malaysia, Myanmar, Singapore and Vietnam. The population of Cambodia which may be the most important population is potentially large. It is uncommon in Indonesia but not uncommon in Thailand. Population trends are unknown for most of the range states. Therefore, it is difficult to conclude that

the species meets the criteria for appendix II listing. Although it seems that the species is subject to substantial international trade, there are other major threats such as domestic trade and habitat degradation. According to the supporting statement, it is most likely that many CITES-listed specimens found in South China food markets were imported into China illegally. Therefore, it may be difficult to control trade in the black marsh turtle even after the species is listed in CITES Appendix II unless the level of enforcement is substantially improved. The supporting statement refers to the general status of CITES-listed species, which is not relevant to the species in question. Referring to the opinion of an individual of an NGO is also irrelevant (see Additional Remark). There is little justification for listing the species in Appendix II except that the Technical Workshop in Kunming recommended for listing by consensus. Unless the above-mentioned concerns are addressed by each range state, this proposal should be **rejected**.

Prop. 12.30 Transfer of the Cuban waters population of hawksbill turtles *Eretmochelys imbricata* from Appendix I to Appendix II (Cuba)

We regret to note that this proposal has been **withdrawn**. Adoption of the proposal could have contributed to the conservation of sea turtles in Cuba and elsewhere in the Caribbeans and have become an exemplary model for the conservation of marine turtles.

Prop. 12. 31 Inclusion of narrow-headed softshell turtles *Chitra* spp. in Appendix II (China, US)

The narrow-headed softshell turtles are widely distributed in Southeast Asia (Indonesia, Malaysia, Thailand and Myanmar) and South Asia (Bangladesh, India, Nepal and Pakistan). *Chitra chitra* is rare in most of the range states. Little information is available on population trends but the species is experiencing a decline in several areas. Although it seems that the species is subject to substantial international trade, there are other major threats such as domestic trade and habitat degradation. According to the supporting statement, it is most likely that many CITES-listed specimens found in South China food markets were imported into China illegally. Therefore, it may be difficult to control trade in the narrow-headed turtles even after the species are listed in CITES Appendix II unless the level of enforcement is substantially improved. The supporting statement refers to the general status of CITES-listed species, which is not relevant to the species in question. Referring to the opinion of an individual of an NGO is also irrelevant (see Additional Remark). There is little justification for listing the species in Appendix II except that the Technical Workshop in Kunming recommended for listing by consensus. Unless the above-mentioned concerns are addressed by each range state, this proposal should be **rejected**.

Prop. 12. 32 Inclusion of the Genus *Pelochelys* spp. in Appendix II (China, US)

The giant softshell turtles are widely distributed in Papua New Guinea, Southeast Asia, South Asia and China. Little information is available on population status and population

trends. Although it seems that the species are subject to substantial international trade, there are other major threats such as domestic trade and habitat degradation. According to the supporting statement, it is most likely that many CITES-listed specimens found in South China food markets were imported into China illegally. Therefore, it may be difficult to control trade in the turtles even after the genus is listed in CITES Appendix II unless the level of enforcement is substantially improved. The supporting statement refers to the general status of CITES-listed species, which is not relevant to the species in question. Referring to the opinion of an individual of an NGO is also irrelevant (see Additional Remark). There is little justification for listing the species in Appendix II except that the Technical Workshop in Kunming recommended for listing by consensus. Unless the above-mentioned concerns are addressed by each range state, this proposal should be **rejected**.

Prop. 12.33 Inclusion of geckos *Hoplodactylus* spp. and *Nultinus* spp. in Appendix II (New Zealand)

The species are endemic to New Zealand. Little information is available on population status and population trends. It is impossible to conclude that the species meets the Appendix II listing criteria. The species is already protected under the New Zealand regulation. It is true that there are some illegal trade. However, Appendix II listing would not solve this problem. As such, the proposal should be **rejected**.

Prop. 12.34 Deletion of orange-throated whiptail lizard *Cnemidophorus heperythrus* from Appendix II (US)

The species is distributed in the US and Mexico. The very small number of specimens have been exported since 1980. There is no known illegal trade in the US or Mexico. It is clear that international trade is not a threat for the species and as such, the proposal should be **accepted**.

CITES and FAO

A series of meetings were held by FAO in relation to CITES listing criteria. The FAO/COFI Sub-Committee of Fish Trade was held in Bremen in February 2002 and recommended the Expert Consultation be convened to address i) 'look-alike' clause, ii) administrative and monitoring implications of listing, iii) 'introduction from the sea' and iv) legal implication. The FAO Sub-Committee further requested that FAO and CITES establish an MOU. For consideration at CoP 12, a draft Resolution has been submitted by the US calling for the establishment of an MOU. Most of the Parties to CITES are also members of FAO. They should be consistent between FAO and CITES. It is necessary to wait for the results of discussions at FAO and for the establishment of an MOU. Therefore, it is premature to consider the proposals related to fishery species. It should also be pointed out that CITES has many species which should be provided with more priority. Rather than dealing with these fishery species under CITES, we need to make efforts enhancing FAO's effectiveness. Therefore, all these fishery-related proposals should be **rejected**.

Prop. 12.35 Inclusion of whale sharks *Rhincodon typus* in Appendix II (India, Philippines)

A very similar proposal, perhaps prepared by the same author, was submitted by the US for consideration at CoP 11 and was rejected. Though more data are provided compared to the previous proposal, there is still 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. 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. 12.36 Inclusion of basking sharks *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 true that the number of basking sharks caught has declined. However, data are not available against 'catch per unit effort'. Perhaps, this resulted from the abandonment of fisheries targeted for this species. On the other hand, the data for New Zealand indicate a marked increase in landings in recent years. It seems unlikely that the species meets the criteria for Appendix II listing. The proposal should be **rejected**.

Prop. 12.37 Inclusion of all seahorses species *Hippocampus* spp. in Appendix II (US)

The purpose of the proposal is to include all species (32 spp.) in the genus *Hippocampus* in Appendix II. It seems that some of them meet the criteria for Appendix II listing. However, the data provided are very anecdotal. Listing in Appendix II would create serious implementation/enforcement problem as well as difficulty for local communities. Since economic implication is involved, these species should better be dealt with by FAO. The proposal should be **rejected**.

Prop. 12.38 Inclusion of Napoleon fish *Cheilinus undulatus* in Appendix II (US)

The distribution of the species is widespread throughout the Indo-Pacific region. No global population assessments has been made though some local populations show low density and may have declined. IUCN assessed the species' status against the 1994 Red List criteria and listed the species as 'Vulnerable'. However, it seems that the species does not meet the CITES listing criteria. There is no convincing reason why the US submitted the proposal without waiting for the establishment of an MOU. As such, it is premature to list this species and the proposal should be **rejected**.

Prop. 12.39 Inclusion of two toothfish species *Dissostichus eleginoides* and *D. mawsonii* in

Appendix II (Australia)

The distribution of the species is widespread. The species do not meet the criteria for Appendix II listing. There is a management body to deal with the species, i.e., CCAMLR. The proponent is its Depository Government. Instead of using CITES. Australia as a Depository Government should make effort ensuring that IUU issues are solved by CCAMLR. Also, CCAMLR should invite important non-members to become members of CCAMLR. Therefore, the proposal should be **rejected**.

Prop. 12.40 Inclusion of Sri Lankan rose *Atrophaneura jophon* and *A. pandiyana* in Appendix II (Germany)

These two butterfly species are endemic to Sri Lanka. The proposal is poorly documented. There is little or no information on population status and population trends. It is impossible to conclude that the species meet the criteria for Appendix II listing. A major threat is habitat destruction. The proposal should be **rejected**. Germany needs to assist Sri Lanka to take conservation measures for these species.

Prop. 12.41 Inclusion of swallowtail butterflies *Papilio aristophontes*, *P. nireus* and *P. sosia* in Appendix II (Germany)

These swallowtails are endemic to Comoros. The proposal is poorly documented. There is little or no information on population status and population trend. It is impossible to conclude that the species meet the criteria for Appendix II listing. A major threat is habitat destruction. The range state, Comoros is opposed to this proposal. The proposal should be **rejected**.

Prop. 12.42 Inclusion of monkey puzzle trees *Araucaria araucana* in Appendix I (Argentina)

This proposal has been subject to considerable discussions since the previous CoP. The proposal was put to vote through postal procedures. It seems that the Philippines, which opposed that proposal, has no cultivated population. In addition, the Plants Committee supported the proposal. Therefore, the proposal should be **accepted**.

Prop. 12.43 Amendment of the annotation ° 608 for all Cactaceae species listed in Appendix II (Switzerland)

The proponent asks artificially propagated mutants to be exempted from CITES regulation. Adoption of the amendment has no impact on wild populations. On the contrary, adoption

will remove implementation burdens from CITES officials so that such resources can be used for other species of more conservation priority. The proposal should be **accepted**.

Prop. 12.44 Deletion of prickly pear cacti, Opuntioideae spp. from Appendix II (Switzerland)

International trade in wild-collected specimens is thought to be non-existent. Adoption of the proposal will have no negative impact on populations in the wild. The proposal should be **accepted**.

Prop. 12.45 Deletion of leaf-bearing cacti, Pereskioideae spp., *Pereskopsis* spp. and *Quiabentia* spp. from Appendix II (Switzerland)

The species do not meet the criteria for Appendix II listing. The level of international trade in wild-collected specimens is extremely low. Deletion of the species from Appendix II will not have any negative impact on the wild populations. Therefore, the proposal should be **accepted**.

Prop. 12.46 Transfer of Tonopah fishhook cactus *Sclerocactus nyensis* from Appendix II to Appendix I (US)

The proposal is poorly documented. The species occurs in a restricted area in Nevada. There is no information on population status, population trends and geographic trends. The species is protected by the US Lacey Act. There is no documentation of illegal international trade in wild-collected specimens from the US. It is premature to adopt the proposal. The US is encouraged to collect more information and as such, the proposal should be **rejected**.

Prop. 12.47 Transfer of desert valley fishhook cactus *Sclerocactus spinosior blainei* from Appendix II to appendix I (US)

The proposal is poorly documented. The sub-species occurs in relatively restricted areas. There is no information on population status, population trends and geographic trends. The sub-species is protected by the US Lacey Act. There is no documentation of illegal international trade in wild-collected specimens from the US. It is premature to adopt the proposal. The US is encouraged to collect more information and as such, the proposal should be **rejected**.

Prop. 12.48 Transfer of Santa Barbara Island dudleya *Dudleya traskiae* from Appendix I to Appendix II (US)

The species is endemic to Santa Barbara Island and is well managed. Trade is not a threat for wild populations. It can easily be propagated artificially. A similar proposal was submitted by Switzerland at CoP 11 at the request of the Plants Committee. The proposal should be **accepted**.

Prop. 12.49 Transfer of aloes *Aloe thorncroftii* from Appendix I to Appendix II (South Africa)

The species is restricted to one Province in South Africa. It seems that population size is stable. What is more important is that there seems no international trade and a transfer to Appendix II will not have any negative impact on the species. It is recommended that the proposal be **accepted**.

Prop. 12.50 Inclusion of big-leaf mahogany *Swietenia macrophylla* in Appendix II (Nicaragua)

The species is widely distributed in Central and South America. It seems that the population has declined historically. However, there are no detailed studies on population status. Brazil, the largest range state, is opposed to the proposal. In addition, the species is already listed in Appendix III. There is no practical difference between Appendix II and Appendix III listings. The proposal should be **rejected**.

Prop. 12.51 Amendment of the annotation to some orchid species, Orchidaceae spp. listed in Appendix II (US)

This proposal refers to the artificially propagated specimens of hybrids of some orchid species. Amendment of the annotation will have no negative impact on the species in the wild. Adoption of the proposal will remove implementation burdens. The proposal should be **accepted**.

Prop. 12.52 Deletion of the annotation to desert living cistanchea *Cistanche deserticola* in Appendix II (China)

The species was listed in Appendix II at CoP 11. However, there was a mistake in the annotation, because the species does not have roots. This mistake should be corrected but the proponent suggests that the annotation should be deleted in its entirety. Therefore, the proposal should be **rejected** as it stands.

Prop. 12.53 Deletion of Maguire's bitter-root *Lewisia maguirei* from Appendix II (US)

The species is distributed only in Nevada, the US. The species is protected from most threats and international trade is not a threat. Its trade volume is very low and there was no export application in the last five years. It is clear that deletion from Appendix II will have no negative impact. The proposal should be **accepted**.

Prop. 12.54 Inclusion of lignum-vitae *Guaiacum* spp. in Appendix II (Germany)

The genus occurs in Mexico, Guatemala and the US. There is insufficient information on population status, population trends, and geographical trends. Further studies are required to judge if the genus meets the criteria for Appendix II listing. It is premature to list the genus in Appendix II and as such, the proposal should be **rejected**.