

**GGT'S RECOMMENDATIONS ON THE AMENDMENT PROPOSALS  
FOR CONSIDERATION AT THE THIRTEENTH MEETING  
OF THE CONFERENCE OF THE PARTIES TO CITES  
(Bangkok, 2004)**



**GGT**  
**GLOBAL GUARDIAN TRUST**

*For the benefit of species and people*

(GGT's motto)

photo: Japanese yew *Taxus cuspidata*

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Global Guardian Trust  
Nishishinbashi 3-25-47, Minato-ku,  
Tokyo 105-0003  
Japan

SUMMARY OF THE RECOMMENDATIONS

No.	Species	Amendment	Recommendation
1	All spp.	annotation	No
2	All spp.	annotation	Yes
3	<i>Orcaella brevirostris</i> Irrawady dolphin	II→I	No
4	<i>Balaenoptera actorostrata</i> Minke whale	I→II	Yes
5	<i>Lynx rufus</i> bobcat	II→0	Yes
6	<i>Panthera leo</i> lion	II→I	No
7	<i>Loxodonta africana</i> African elephant	annotation	Yes
8	<i>Loxodonta africana</i> African elephant	annotation	Yes
9	<i>Ceratotherium simum</i> southern white rhino	I→II	Yes
10	<i>Haliaeetus leucocephalus</i> bald eagle	I→II	Yes
11	<i>Cacatua sulphurea</i> yellow-crested cockatoo	II→I	No
12	<i>Agapornis roseicollis</i> rosy-faced lovebird	II→0	Yes
13	<i>Amazona finschi</i> lilac-crowned parrot	II→I	No
14	<i>Passerina ciris</i> painted bunting	0→II	No
15	<i>Pyxis arachnoids</i> spider tortoise	II→I	No
16	<i>Malayemys</i> spp. snail-eating turtle	0→II	No
17	<i>Malayemys subtrijuga</i> snail-eating turtle	0→II	No
18	<i>Notochelys</i> spp. flat-shelled turtle	0→II	No
19	<i>Notochelys platynota</i> flat-shelled turtle	0→II	No
20	<i>Amyda</i> spp. softshell turtle	0→II	No
21	Carettochelyidae spp. turtle	0→II	No
22	<i>Carettochelys insculpta</i> pig-nosed turtle	0→II	No
23	<i>Chelodina mccordi</i> snake-necked turtle	0→II	No
24	<i>Crocodylus acutus</i> American crocodile	I→II	Yes
25	<i>Crocodylus niloticus</i> Nile crocodile	I→II	Yes
26	<i>Crocodylus niloticus</i> Nile crocodile	annotation	Yes
27	<i>Uroplatus</i> spp. leaf-tailed gecko	0→II	No
28	<i>Langaha madagascariensis</i> leaf-nosed snake	0→II	No
29	<i>Lycodryas citrinus</i> snake	0→II	No
30	<i>Atheris desaixi</i> Kenya bush viper	0→II	No
31	<i>Bitis worthingtoni</i> Kenya horned viper	0→II	No
32	<i>Carcharodon carcharias</i> white shark	III→II	No
33	<i>Cheilinus undulates</i> humphead wrasse	0→II	No
34	Ornithoptera etc. bird-wing butterfly	annotation	Yes
35	<i>Lithophaga lithophaga</i> Mediterranean mussel	0→II	No
36	Helioporidae etc. corals	annotation	Yes
37	<i>Hoodia</i> spp. hoodia	0→II	Yes
38	<i>Euphorbia</i> spp. euphorbia	annotation	Yes
39	<i>Euphorbia milii</i> crown of thorn	annotation	Yes
40	Orchidaceae orchids	annotation	Yes
41	Orchidaceae orchids	annotation	Yes
42	Orchidaceae orchids	annotation	Yes
43	<i>Cattleya trianaei</i> Christmas orchid	I→II	Yes
44	<i>Vanda coerulea</i> blue vanda	I→II	Yes

45	<i>Cistanche deserticola</i>	cistanche	annotation	Yes
46	<i>Dyopsis decipiens</i>	palm tree	II→I	No
47	<i>Taxus wallichiana</i>	Himalayan yew	annotation	Yes
48	<i>Taxus</i> spp.	yew	0→II	No
49	<i>Aquilaria</i> spp.	agarwood	0→II	No
50	<i>Gonystylus</i> spp.	ramin	III→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 in spite of the fact that those species are abundant and can be utilized on a sustainable basis. 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 internal 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’. It should be pointed out that ‘adaptive management approach’ already accommodates ‘precautionary principle’.

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

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Prop. 1. Inclusion of a new paragraph after paragraph 4 in the Interpretation section of the Appendices, to read as follows (with the following paragraphs being renumbered):

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

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

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

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

+ That is products subject to a research or manufacturing process such as medicines, potential medicines and other pharmaceutical such as vaccines that are produced under conditions of research, diagnostic laboratory or pharmaceutical production and do not depend for their production in bulk solely on material extracted from plants or animals and do not contain any significant part of the original plant or animal from which they are derived.

(Ireland on behalf of the Member States of the European Community)

This proposal arose from the proposal submitted by Switzerland at CoP 12. At CoP 12, the Swiss proposal was submitted at the request of the Standing Committee but was then withdrawn for some errors. GGT is concerned about paragraph b) and its explanation. Whereas paragraph b) refers to cell or cell lines containing no part of the original animal or plant, its explanation (\*\*) refers to culture of plant or animal cells containing no significant part of the original plant or animal. The latter means that a small part of the original may be contained and as such, they are contradictory. This concern is also applicable to paragraph d) and its explanation (+). Although it seems that the acceptance of the present proposal submitted by Ireland will not have any negative impact on conservation, the proposal as it stands is against the Convention. Therefore, the proposal should be **rejected**.

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Prop. 2. Inclusion of a new paragraph after paragraph 4 in the Interpretation of the appendices, to read as follows (with the following paragraphs being renumbered):

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

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

(Switzerland)

The proposal was submitted as a Depositary Government at the request of the Standing Committee and is similar to the proposal submitted by Ireland. Contrary to the proposal submitted by Ireland as we expressed our concern (see above), the Swiss proposal should be **accepted** because the proposal is in accordance with the Convention.

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Prop. 3. Transfer of the Irrawady dolphin *Orcaella brevirostris* from Appendix II to Appendix I (Thailand)

The Irrawady dolphin occurs widely in South Asia, Southeast Asia and Australia. Although some populations are listed as CR (critically endangered) in IUCN Red List, the species is listed as DD (data deficient). GGT agrees that such populations need to be protected. However, listing the species in Appendix I will not lead to improved status of the species because the major threats are gillnet entanglement and habitat degradation, followed by national utilization for aquaria, all are nothing with international trade. In addition, it seems that the species as a whole does not meet the Appendix I criteria. The species is protected in Australia, Bangladesh, India, Laos, Malaysia, Vietnam and Thailand (proponent of the proposal). The proponent mentions that the current level of international trade is small. There is no justification for transferring the species from Appendix II to Appendix I and as such, the proposal should be **rejected**.

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Prop. 4. Transfer of the Okhotsk Sea – West Pacific stock, the Northeast Atlantic stock and the North Atlantic Central stock of the common Minke whales *Balaenoptera actorostrata* 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. It



should also be pointed out that one population off Greenland has been listed in Appendix II since the rest of the species was first listed in Appendix I. All precautionary measures are met, requiring DNA registers. 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. Japan and Iceland are engaged in research whaling and Norway commercial whaling. These three countries have entered a reservation with regard to this species and they can unilaterally trade the specimens of the Minke whale if they so wish. According to the supporting statement, these three countries will withdraw their reservations, thus putting trade under CITES control. GGT welcomes this statement. The proposal should be **accepted**.

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Prop. 5. Deletion of bobcat *Lynx rufus* from Appendix II (USA)

The bobcat occurs in Canada, USA and Mexico. The current population size seems more than 1,000,000 and increasing despite the bobcat is harvested for its pelt. The bobcat does not meet the Appendix II listing criteria. Hunting is well regulated by individual States. This proposal was submitted at the request of the Association of Fish and Wildlife Agencies in the US which have sole responsibility for the conservation and management of their own wildlife resources. Their request should be respected. In addition, it seems unlikely that any look-alike problem will take place by removing the species from Appendix II. The proposal should be **accepted**.

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Prop. 6. Transfer of populations of the lion *Panthera leo* currently listed in Appendix II to Appendix I (Kenya)

The African lion occurs widely in most of Africa. The supporting statement refers to the estimated population of 23,000 published by IUCN. A major threat is killing lions by local people because lions kill humans and livestock. The supporting statement points out that trophy hunting quotas are set at unsustainable levels by some countries, mainly southern African countries. These two problems will not be solved by transferring the species to Appendix I because a problem animal control is not subject to CITES regulation. Appendix I listing does not affect international trade in hunting trophies because such trades are not considered for primarily commercial purposes. The supporting statement clearly recognizes killing of lions is not related to international trade. The proposal's aim is to allow establishment of export quotas by the Conference of the Parties. However, Appendix I listing does not preclude a possibility of a Party establishing its own quota for international trade in hunting trophies. Therefore, it is more appropriate that the lion be put under the significant trade review process (Conf. 8.9). The lion population in southern Africa is healthy, reminding of the situation of the African elephant. Kenya consulted other range states. The



response from Namibia and South Africa is very articulate as to why the proposal must be rejected, indicating the best alternative way to solve the problem Kenya is facing. The proposal should be **rejected**.

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Prop. 7. Amendment of the annotation regarding the Namibian population of the African elephant *Loxodonta africana* to include:

- an annual export quota of 2,000 kg of raw ivory (accumulated from natural and management related mortalities);
- trade in worked ivory products from commercial purposes;
- trade in elephant leather and hair goods from commercial purposes.

(Namibia)

The population of African elephants in Botswana, Namibia, South Africa and Zimbabwe are listed in Appendix II. Since a century ago, the population trend in southern Africa has been well documented, showing that the population has increased substantially and exponentially in some areas. 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 including Kenya failed. Their efforts should be rewarded. The Namibia's proposal is most welcome from a conservation point of view. Namibia was granted one-off sale in ivory on the two occasions. If the present proposal is adopted, Namibia is able to establish a long-term conservation programme because it will obtain an annual income from selling ivories without coming back to CoP every time. Thus, adoption of the proposal 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. The Namibia's approach is in line with the decision taken at UNCED and WSSD. Therefore, it is strongly recommended that the proposal be **accepted**.

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Prop. 8. Amendment of the annotation regarding the population of South African population of the African elephant *Loxodonta africana* to allow commercial trade in leather goods (South Africa)

As mentioned above, the South African population of the elephant is extremely healthy. Since the beginning of the last century, the population has increased exponentially, exceeding the carrying capacity of the habitats. The Conference of the Parties should act in the best interest of the conservation of the species. Adoption of the proposal will further contribute to the conservation of the African elephant in South Africa. As such, the proposal should be **accepted**.

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Prop. 9. Transfer of the southern white rhino *Ceratotherium sumum simum* from Appendix I to Appendix II to allow international trade in :

- live animals to appropriate and acceptable destinations;
  - hunting trophies
- (Swaziland)

At CoP 9, South Africa submitted a proposal with the same effect as that of Swaziland and the proposal was adopted by the Conference of the Parties. Swaziland territory is surrounded by the border with South Africa. The white rhino population in Swaziland was introduced in 1965. Contrary to what the proposal stresses, the Swaziland population meets Appendix I listing criteria because it has a small population (Aii & Aiii). However, this proposal should be treated as an exceptional case because the Swaziland population can be considered to be part of the South African population. In the past, Swaziland was opposed to the proposals from other southern African countries with regard to the African elephant even though the latter took the same approach as Swaziland does for the white rhino. GGT welcomes a change in Swaziland's policy and congratulates on its conservation effort. The proposal should be **accepted**.

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Prop. 10. Transfer of the bald eagle *Haliaeetus leucocephalus* from Appendix I to Appendix II (USA)

The bald eagle occurs widely in North America. The population continues to increase. The species does not meet the Appendix I listing criteria and it is more appropriate to list it in Appendix II. GGT congratulates the US effort for the conservation of the species. The population recovered rapidly and this is considered a success story. A transfer of the species from Appendix I to Appendix II will have no negative impact on the conservation of the species. Therefore, the proposal should be **accepted**.

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Prop. 11. Transfer of the yellow-crested cockatoo *Cacatua sulphurea* from Appendix II to Appendix I (Indonesia)

The yellow-crested cockatoo is endemic to Indonesia and Timor Leste. It seems that the population has declined significantly and may meet the Appendix I criteria (Ci & Cii). However, main threats are habitat degradation and illegal domestic trade within Indonesia. These problems can not be solved by transferring to Appendix I. There seems to be some illegal international trade but such an illegal trade will continue even after transferring to Appendix I. In addition, there are successful breeding operations in Indonesia, Philippines, Singapore and South Africa. If transferred to Appendix I, these breeding operations are

unable to export the specimens without registering their breeding facilities with the CITES Secretariat. It should be pointed out that CITES register need to follow a lengthy and complex process. Under the circumstance, the proposal should be **rejected**.

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Prop. 12. Deletion of the rosy-faced lovebird *Agapornis roseicollis* from Appendix II (Namibia, USA)

The rosy-faced lovebird is distributed in southwestern Africa, mainly in South Africa, Namibia and Angola. Almost all of the rosy-faced lovebirds exported come from captive breeding operations and therefore, deletion from Appendix II will not have any negative impact on the conservation of wild populations. In addition, deletion from Appendix II will ease the workload of administrative/enforcement officers. The proposal should be **accepted**.

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Prop. 13. Transfer of the lilac-crowned parrot *Amazona finschi* from Appendix II to Appendix I (Mexico)

The lilac-crowned parrot is endemic to Mexico. It seems that the population has historically declined. However, major threats to the species are habitat destruction and take of birds. It is true that there is illegal international trade in the species. However, Appendix I listing will not reduce the level of illegal trade. According to the supporting statement, in the period from 1991 to 2001, 898 specimens were legally exported directly from Mexico. If Mexico has a problem with the status of the species, then Mexico should establish a reasonable export quota while maintaining the species in Appendix II. It is difficult to understand that though the Mexican domestic law (LGEEPA) forbids utilizing the wild population of species that are endemic, Mexico continues to allow international trade. Mexico should strengthen its implementation/enforcement effort of the existing law. A co-ordination between US and Mexico is also required at the border control level. Appendix I listing will not solve these problems and therefore, the proposal should be **rejected**.

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Prop. 14. Inclusion of the painted bunting *Passerina ciris* in Appendix II (USA)

The painted bunting breeds in US and Mexico and winters in some 11 countries. The global population is estimated to be 3,600,000. Up to early 90s, the population showed a decline but thereafter, seemed to restart increasing (see Fig. 2 of the proposal). It seems that the species does not meet the Appendix II listing criteria. In the US where 80% of breeding population occur, the species is protected. The main threat is habitat loss. There seems to be international trade mainly from Mexico. The US and Mexico have established bilateral

migratory bird agreement known as the Migratory Bird Convention (MBC). The opportunity is already available without using CITES. Both countries should make every effort to implement and enforce MBC. Therefore, it is recommended that the proposal be **rejected**. However, we have no objection to Appendix III listing which US may wish to consider.

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Prop. 15. Transfer of the spider tortoise *Pyxis arachnoids* from Appendix II to Appendix I (Madagascar)

The spider tortoise is endemic to Madagascar. It seems that the population is in decline. Main threats are habitat degradation and harvesting for international trade. In spite of the concern raised in the supporting statement, Madagascar still continues to export the spider tortoise. It is mentioned in the supporting statement that consumption of the spider tortoise is prohibited in Madagascar. The problems Madagascar is facing can be solved by a strict implementation/enforcement of the existing law. Appendix I listing will not reduce the level of illegal trade. Therefore, the proposal should be **rejected**.

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Prop. 16. Inclusion of the Malayan snail-eating turtles *Malayemys* spp. in Appendix II (USA)

Prop. 17. Inclusion of the Malayan snail-eating turtle *Malayames subtrijuga* in Appendix II (Indonesia)

Prop. 18. Inclusion of the Malayan flat-shelled turtles *Notochelys* spp. in Appendix II (USA)

Prop. 19. Inclusion of the Malayan flat-shelled turtle *Notochelys platynota* in Appendix II (Indonesia)

Prop. 20. Inclusion of the Southeast Asian softshell turtles *Amyda* spp. in Appendix II (USA)

Prop. 21. Inclusion of Carettochelyidae spp. turtles in Appendix II (USA)

Prop. 22. Inclusion of the pig-nosed turtle *Carettochelys insculpta* in Appendix II (Indonesia)

Prop. 23. Inclusion of the Roti snake-necked turtle *Chelodina mccordi* in Appendix II (Indonesia, USA)

In 2002, a CITES workshop on the conservation of and trade in tortoises and freshwater turtles was held in Kunming, China. This workshop recommended that all tortoises and freshwater turtles inhabiting Asia be listed in CITES Appendices. In accordance with this recommendation, several proposals were submitted to CoP12 (Santiago, 2002). The proposals above are also submitted for CoP 13 consideration in accordance with the recommendations arising from Kunming workshop. At the Santiago meeting, GGT supported some of the proposals and opposed the others. This time, however, GGT is not in a position to support any of the proposals on Asian tortoises and freshwater turtles. Already, many tortoises and freshwater turtles are listed in Appendix II. CITES listing of these species may or may not improve the status of these species. Using the species listed already, the Animals Committee should review the effectiveness of Appendix II listings,

taking into consideration the impacts on both the conservation of the species and socio-economy of local communities. There is a concern that once all Asian tortoises and turtles have been listed, this practice may be extended to the rest of the world including Africa and Latin America for look-alike reasons. Under the circumstance, these proposals should be **rejected**.

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Prop. 24. Transfer of the Cuban population of the American crocodile *Crocodylus acutus* from Appendix I to Appendix II (Cuba)

This well-documented proposal was submitted in accordance with Resolution Conf. 11.16 on ranching. The American crocodile occurs in Caribbeans, Latin America and Florida. Cuba has protected crocodiles since 1959, making effort to recover the crocodile population. Their effort is well-known and led to the register of the captive breeding operation for the Cuban crocodile *Crocodylus rhombifer* under CITES some years ago. Transfer of other crocodylian species from Appendix I to Appendix II in accordance with the ranching resolution has proved to contribute to the conservation of the species and habitat. Transfer of the species to Appendix II will not have a negative effect on the American crocodile populations occurring in other countries. The proposal should be **accepted**.

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Prop. 25. Transfer of the Namibian population of Nile crocodile *Crocodylus niloticus* to Appendix II (Namibia)

As a species, the Nile crocodile does not meet the Appendix I listing criteria. Many of the Nile crocodile populations have been transferred from Appendix I to Appendix II. In Namibia, the Nile crocodile occurs in the Caprivi region in the northeastern part of the country. Though the population was once endangered, it has increased significantly. As a result, the crocodiles are regarded as vermin. They kill livestock and humans. If the crocodile is to survive in perpetuity, it is imperative to attach an economic value to the crocodiles themselves. Transfer of the crocodiles to Appendix II will create incentives for local people to live with this dangerous animals. Therefore, the proposal should be **accepted**.

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Prop. 26. Maintenance of the Zambian population of the Nile crocodile *Crocodylus niloticus* in Appendix II, subject to an annual quota of no more than 548 wild specimens (Zambia)

The Zambian population of the Nile crocodile was first transferred to Appendix II at CoP 5 (Buenos Aires, 1985) subject to an annual quota and then maintained in Appendix II subject to ranching at CoP 7 (Lausanne, 1989). These two decisions were taken by the Conference



of the Parties. When the population was maintained in 1989, Zambia was authorized to export both wild-taken and ranched specimens. Therefore, Zambia is entitled to export wild-taken specimens without asking for the approval from the Conference of the Parties. However, the Conference of the Parties may interpret in a different way. If such is a case, the proposal should be **accepted**.

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Prop. 27. Inclusion of leaf-tailed geckos *Uroplatus* spp. in Appendix II (Madagascar)

The leaf-tailed gecko is endemic to Madagascar. The genus *Uroplatus* consists of 10 species. Madagascar is mainly concerned about the nocturnal flat-tailed gecko *Uroplatus alluaudi*. Other species are proposed to be listed in Appendix II for a look-alike reason and higher taxa listing. The proposal is very poorly documented and no information is available on population status, population trends and other aspects. It is impossible to make a conclusion on the basis of this poorly documented proposal. Under the circumstance, the proposal should be **rejected**.

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Prop. 28. Inclusion of leaf-nosed snakes *Langaha madagascariensis* in Appendix II (Madagascar)

Like other proposals submitted by Madagascar, the proposal is very poorly documented. According to the available data, trade volume is not significant. No information is available on population status and population trends. The proposal should be **rejected**.

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Prop. 29. Inclusion of a snake *Lycodryas citrinus* in Appendix II (Madagascar)

This snake species is endemic to Madagascar. The proposal is very poorly documented. No information is provided on population status, population trends, etc.. The proposal should be **rejected**.

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Prop. 30. Inclusion of Mt. Kenya bush viper *Atheris desaixi* in Appendix II (Kenya)

The proposal is poorly documented. The Mt. Kenya bush viper is endemic to Kenya. The species is protected under the Kenya Wildlife Act. Nevertheless, there is no-specific population-monitoring programme put in place, nor management programme exists. The proposal provides with no available information on population status and population trends. Kenya is encouraged to carry out studies on the status of this viper. Under the circumstance, Kenya's proposal should be **rejected**.

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Prop. 31. Inclusion of the Kenya horned viper *Bitis worthingtoni* in Appendix II (Kenya)

As is the case with Prop. 30, the proposal is poorly documented. The Mt. Kenya horned viper is endemic to Kenya. The species is protected under the Kenya Wildlife Act. Nevertheless, there is no-specific population-monitoring programme in place, nor management programme. The proposal has no available information on population status and population trends. Kenya is encouraged to carry out studies on the status of this viper. Under the circumstance, Kenya's proposal should be **rejected**.

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Prop. 32. Inclusion of the great white shark *Carcharodon carcharias* in Appendix II with a zero annual export quota (Madagascar and Australia)

At the outset, GGT is concerned about the way the proposal is designed. Appendix II listing with a zero annual quota should be accepted only when a species is transferred from Appendix I to Appendix II. Appendix II listing with a zero quota is in practice identical to Appendix I listing, even stricter than Appendix I listing in that the adoption of this annotation prevents international trade in the specimens for scientific purposes. The species occurs widely, mainly in temperate coastal waters. Available data on population numbers are extremely limited and its population status is uncertain. The proposal enumerated many threats which are not related to international trade. The species was listed by Australia in Appendix III in 2001 after the proposal was rejected at CoP 11, allowing trade monitoring. UNEP-WCMC recorded only five international shipments in 2002. This indicates that the effect of international trade on the species conservation is negligible. In other words, the proponent's concern can be solved internally by each country. Therefore, the proposal should be **rejected** even the proponents amends the proposal by deleting the words 'a zero annual export quota'.

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Prop. 33. Inclusion of the humphead wrasse *Cheilinus undulates* in Appendix II (Fiji, Ireland on behalf of EU, USA)

The distribution of the species is widespread throughout the Indo-Pacific region. According to the supporting statement, no global population assessments have been made though some local populations show low density and may have declined in some areas. Therefore, it is difficult to extrapolate the global population based on the study in the restricted locations. It seems from the available data that the species does not meet the Appendix II listing criteria. The proposal should be **rejected**. However, FAO is encouraged to work with regional fisheries management organizations to study the conservation and trade status of



the species.

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Prop. 34. Deletion of the annotation “*sensu D’Abrera*” in relation to *Ornithoptera* spp., *Trogonoptera* spp. and *Troides* spp. in Appendix II (Switzerland)

The proposal was submitted by Switzerland as a Depository Government at the request of the Nomenclature Committee. The rationale for submitting this proposal is explained in the supporting statement of the proposal. It is very clear and self-explanatory. The proposal should be **accepted**.

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Prop. 35. Inclusion of the Mediterranean date mussel *Lithophaga lithophaga* in Appendix II (Slovenia and Italy on behalf of EU)

The Mediterranean date mussel occurs throughout the Mediterranean Sea and on some coasts facing the Atlantic Ocean. This mussel is appreciated as seafood and is harvested by destroying limestone rocks. It seems that the main purpose of this proposal is to control the destruction of limestone rocks because such a destruction affects other fish populations. However, this problem should be solved by using other mechanisms such as domestic regulations and international agreements. According to the proposal, these agreements include Convention on the Conservation of European Wildlife and Natural Habitats, Convention for the Protection of the Mediterranean Sea against Pollution and Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora. Most of the habitats and distribution area fall in the jurisdiction of EU member states and these Conventions should be implemented. The proper implementation/enforcement of the existing Convention is more effective than listing in CITES Appendices. Listing in Appendix II of CITES is inappropriate and as such, the proposal should be **rejected**.

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Prop. 36. Amendment of the annotation for Helioporidae spp., Tubiporidae spp., *Scleractinia* spp., Milleporidae spp. and Stylasteridae spp. with the annotation to read: Fossils, namely all categories of coral rock, except live rock (meaning pieces of coral rock to which are attached live specimens of invertebrate species and coral line algae not included in the Appendices and which are transported moist, but not in water, in crates) are not subject to the provisions of the Convention (Switzerland)

This proposal was submitted by Switzerland as a Depository Government at the request of the Animals Committee, arising from the discussions held at the 20th meeting of the

Animals Committee. The approval of the proposal will lead to a simpler and clearer definition as to which are exempted from the CITES provision. The proposal should be **accepted**.

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

The hoodias are plant species occurring in South Africa, Botswana, Namibia and Angola. The species meets Appendix II listing criteria because they have restricted distribution areas and are subject to international trade. The range states consist of the three co-proponents and one non-CITES member. Listing in Appendix II will help manage these species better. The proposal should be **accepted**.

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

All *Euphorbia* species are listed in either Appendix I or Appendix II for higher taxa listing. Listing higher taxa has pros and cons. While the Management Authority may relieve their workload in issuing permits, the enforcement agency may face an identification problem. Therefore, the issue of higher taxa should be dealt with on a case-by-case basis. The false cacta *Euphorbia lactea* is cultivated widely. Adoption of this proposal will not have a negative effect on wild populations. It is not difficult to distinguish these specimens from other specimens. The proposal should be **accepted**.

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Prop. 39. Inclusion of the annotation to the false cacta Euphorbiaceae in Appendix II to read: Artificially propagated specimens of the crown of thorns *Euphorbia milii* are not subject to the provisions of the Convention when they are: a) traded in shipments 100 or more plants; b) readily recognizable as artificially propagated specimens. (Thailand)

As mentioned above, all *Euphorbia* species are listed in either Appendix I or Appendix II. The crown of thorns is endemic to Madagascar. It is easy to propagate the species

artificially. The adoption of this proposal will not have any negative impact on the wild population and as such, the proposal should be **accepted**.

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

Orchidaceae spp. has the same problem as Euphorbiaceae spp. All Orchidaceae species are listed either in Appendix I or Appendix II. They are not listed for conservation purposes. The problem with orchids are three-fold: (1) a huge number of species belong to Orchidaceae, (2) orchids are easy to be propagated artificially and (3) hybridization is popular. The proposal aims to simplify the CITES procedures. Such a simplification will not create a negative effect on the wild population and as such, the proposal should be **accepted**.

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Prop. 41. Inclusion of the annotation to the orchids Orchidaceae spp. in Appendix II to exclude artificially propagated hybrids of the following taxa, exclusively under the condition that specimens are flowering, potted and labelled, professionally processed for commercial retail sale and that they allow easy identification:  
*Cymbidium, Dendrobium, Miltonia, Odontoglossum, Oncidium, Phalaenopsis and Vanda*. (Switzerland)

The proposal is the same as Prop. 40 in its nature. Prop. 40 has a broader effect than Prop. 40. If Prop. 40 is adopted, Prop. 41 does not have to be discussed. If Prop. 40 is not adopted, then Prop. 41 becomes subject to considerations by the Conference of the Parties. The proposal should then be **accepted**.

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Prop. 42. Inclusion of the annotation to Orchidaceae spp. in Appendix II regarding *Phalaenopsis* hybrids to read: Artificially propagated specimens of hybrids within the genus *Phalaenopsis* are not subject to the provision of the Convention when ....  
(Switzerland)

The proposal was submitted by Switzerland as a Depositary Government at the request of the Plants Committee. For the same reason as Prop. 41, the proposal should be **accepted**.

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Pro. 43. Transfer of the Christmas orchid *Cattleya trianaei* from Appendix I to Appendix II (Colombia)

The Christmas orchid is endemic to Colombia. The species used to be subject to international trade. Since 1950's, the species has been propagated artificially. The specimens subject to trade are those from artificially propagated. The wild population is increasing. It is clear that transfer to Appendix II will not have a negative impact on the wild populations. Colombia should be congratulated on its conservation effort. The proposal should be **accepted**.

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Prop. 44. Transfer of the blue vanda *Vanda coerulea* from Appendix I to Appendix II (Thailand)

The proposal is poorly documented. Nevertheless, it is clear that the species should not have been listed in Appendix I. It occurs widely and the population size is large. The species does not meet the Appendix I listing criteria. A demand is for artificially propagated plants and a transfer to Appendix II will not have a negative impact on the wild population. Therefore, the proposal should be **accepted**.

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Prop. 45. Inclusion of the annotation to the desert living cistanche *Cistanche deserticola* in Appendix II to read: Designates all parts and derivatives, except: a) seeds, spores and pollen (including pollinia); b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and c) cut flowers of artificially propagated plants (China)

The species was listed in Appendix II at CoP 11, with the annotation. At CoP 12, China intended to delete 'roots' from the annotation because this plant does not roots. This led to the listing without any annotation. According to the CITES Article I, paragraph b, sub-paragraph iii), any readily recognizable part or derivative need to be specified. Thus, the part or derivative of the cistanche has become outside of CITES control which was not the intention of the proponent at CoP 12. To rectify the situation, China submitted the present proposal. For an obvious reason, the proposal should be **accepted**.

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Prop. 46. Transfer of the palm tree *Dypsis decipiens* from Appendix II to Appendix I  
(Madagascar)

The proposal is very poorly documented. This palm tree species is endemic to Madagascar. According to the supporting statement, only 200 individuals are found. The species has a restricted distribution area, thus meeting the Appendix I criteria. However, unless the drastic measures are taken by Madagascar, the species remains at risk. The proponent says that all gathering should be prohibited and a programme of artificial reproduction is desirable, which is found to be contradictory. Madagascar should be encouraged to develop a management programme of this species as a matter of urgency, rather than listing the species in Appendix I. Under the circumstance, the proposal should be **rejected**.

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Prop. 47. Amendment of the annotation to the Himalayan yew *Taxus wallichiana* to read:  
Designate all parts and derivatives, except: a) seeds and pollen; and b) finished pharmaceutical products  
(China and USA)

This conifer tree species was first listed in Appendix II at CoP 9. Since then, it has been suggested mainly by the Plants Committee that chemical extracts should also be subject to control. The amendment of the annotation better reflects the situation of international trade in this species. The proposal should be **accepted**.

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Prop. 48. Inclusion of the yews *Taxus chinensis*, *T. cuspidate*, *T. fauna*, *T. sumatrana*, and all infraspecific taxa of these species in Appendix II with the annotation to read:  
Designates all parts and derivatives, except: a) seed and pollen; and b) finished pharmaceutical products. (China and USA)

It seems that the original intention was to regulate *Taxus wallichiana* already listed in Appendix II. If Prop. 47 is adopted, the concern of the proponents will be accommodated. Yews are distributed in North America, Asia and Europe. If the rationale of this proposal is to list other species for a look-alike reason, the yews in Europe and North America need also to be listed but the proponent failed to do this. Japan is a range state of the Japanese yew *Taxus cuspidata*. In Japan, it is distributed from Hokkaido to Kyushu. The species is common or abundant in particular in Hokkaido. The trees are planted popularly in gardens for ornamental purposes. There is little international trade in the species from Japan. Japan is an island country and it is unlikely that there would be frequent cross-border movements. The proposal should be **rejected**. If the proposal is adopted, it is recommended that the Japan's population of Japanese yew be excluded from Appendix II listing.

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Prop. 49. Inclusion of the agarwood producing species *Aquilaria* spp. currently not included in the Appendices and *Gyrinops* spp. (Indonesia)

*Aquilaria* species are distributed mainly in Southeast Asia. *Aquilaria malaccensis* was listed in Appendix II at CoP 9. These species have been subject to considerable discussions by the Standing Committee and the Plants Committee under the Significant Trade Review process. The proposal aims to deal with a look-alike problem. Although the proponent's intention is understandable, a main concern is that it is unclear if the proponent consulted other range states. Many countries will be affected by listing these species in Appendix II. Therefore, the proposal should be **rejected** unless other range states support the proposal during CoP 13.

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Prop. 50. Inclusion of the ramin *Gonystylus* spp. in Appendix II with the annotation to read:  
Designates all parts and derivatives, except: a) seeds, spore and pollen (including pollinia); and b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers. (Indonesia)

The ramin is distributed mainly in Southeast Asia. Indonesia listed the species in Appendix III in 2001. The ramin has been subject to considerable discussions at various fora including the Standing Committee and the Plants Committee. The proposal is well documented. However, as is the case with Prop. 49, it is unclear if Indonesia consulted other range states that will be affected by listing the species in Appendix II. It is GGT's understanding that Malaysia opposed the listing at the Standing Committee meeting held in early April 2004, prior to the deadline for submission of the proposal. Under the circumstance, the proposal should be **rejected** unless other range states support the proposal.