

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA



Twentieth meeting of the Animals Committee  
Johannesburg (South Africa), 29 March-2 April 2004

Trade in hard corals [Resolution Conf. 11.10 (Rev. CoP12) and Decision 12.62

REPORT OF THE WORKING GROUP

**Members of the working group**

Regional representative: Oceania (Mr Hay) (Chair);

Observers from Parties: Belgium, the United Kingdom (Chairman) and the United States; and

Observers from inter-governmental and non-governmental organizations: Ornamental Aquatic Trade Association Ltd., Ornamental Fish International, Pet Industry Joint Advisory Council, TRAFFIC, and

The CITES Secretariat.

**Terms of reference**

- a) Consider and recommend a practical means of distinguishing fossilized corals from non-fossilized corals in international trade; and
- b) Formulate conclusions for reporting at CoP13.

**Summary of the discussions and recommendations**

The group consisted of the representative on the Animals Committee for Oceania, the observer Parties of Belgium, the United Kingdom (Chair) and the United States, and the observers of the Ornamental Aquatic Trade Association Ltd., Ornamental Fish International, PJAC and TRAFFIC. Other members of the group were not present at the meeting and their comments had been invited by email prior to the 20<sup>th</sup> meeting of the Animals Committee.

The group had the following terms of reference, namely to '*consider and recommend a practical means of distinguishing fossilised corals from non-fossilised corals in international trade*' and '*to formulate conclusions re Decision 12.62 for reporting to CoP13*'.

The group considered the approaches suggested to defining and distinguishing fossilised corals in trade suggested by Australia, Mexico, an independent consultant, the United Kingdom and the United States. The group also considered comments submitted by Belgium, Indonesia, OATA and the Fiji Aquarium

Trade. These approaches typically, but not exclusively, focused on an approach to considering fossils as being dead, permanently buried and which may, or may not, be mineralogically altered / lithified.

Despite the variety of approaches suggested to the group, no consensus was possible on a definition of fossil corals that satisfied the range of interests represented on the group. Moreover, the group considered that none of the suggested approaches offered a solution that would provide unambiguous guidance to CITES authorities, Custom officials, traders and others on what did, or did not, constitute a fossil coral and so what would, or would not, be exempt from the provisions of the Convention. In particular, the definitions suggested did not enable unequivocal identification of fossil corals and left greater scope for interpretation than was desirable from an enforcement point of view. Without such unambiguous guidance, the group could not recommend adoption of any of the approaches suggested. Regardless of this outcome, the group noted with gratitude the considerable effort that had gone into the approaches offered for their consideration.

In the absence of consensus, the group looked to alternative approaches to providing the Convention with a pragmatic approach to determining what constituted a fossil coral, based on the definitions contained in Resolution Conf. 11.10 (Rev. Cop12) and the annotations in the CITES Appendices. Ultimately, the group considered that an amendment to the annotation which exempts fossil corals from the provisions of the Convention offered the best approach to achieving a workable conclusion. Accordingly, the amendments proposed in Annex 1 to this document offer a solution that all working group participants felt able to recommend to the Committee. This amendment would have the practical result of exempting from the provisions of CITES all coral rock (other than live rock) and all coral substrate, but would retain live rock under the purview of the Convention. In other words, those examples of coral rock in trade that had no impact on coral reefs (namely coral rock taken from land) or had minimal impact (coral substrate), would be exempt from CITES controls. However, live rock, whose removal may potentially have the greatest impact on coral reefs, would be retained under the regulation of the Convention and its export would be governed by the provisions of Part X of Resolution Conf. 12.3.

The group considered the implications of this approach and its practicality of implementation. It was considered that this approach would enable all those involved in the trade and its regulation to be clear about which specimens in trade were, or were not, exempt from CITES controls. This approach could also be supported by a contribution to the identification manual describing the various types of specimens likely to be encountered by enforcement officials. It was felt that the risk of traders attempting to transport live rock as coral substrate in order to evade CITES controls were low and any such attempts at evasion would be prohibitively expensive and uneconomic. However, the group noted that inevitably cultured live rock, namely live rock derived from coral deposits on land and moved to the seabed to enable their colonisation by non-CITES invertebrates, would be subject to CITES control. The group noted that such cultured live rock could be marked to identify it in trade and that the export of such material could readily be permitted by CITES authorities without affecting the role that coral rock has in the ecosystem. Artificial live rock, made of moulded cement and then placed on the seabed, would clearly not be covered by the Convention even though it may contain ground up coral fragments, and is readily distinguished from genuine live rock by enforcement officials. Finally, the group considered the implications of this approach for the movement of geological specimens containing coral for either scientific study or for the fossil trade. The group felt that such specimens would generally fall under the categories of coral rock exempted as fossils.

The group recommends this approach to the Animals Committee. It notes that if a proposal is made by the Depositary Government to exempt all fossils from the provisions of the Convention, the wording offered in Annex 1 to amend the appendices would have to be modified to incorporate the proposed amendment.

Proposed amendment to the appendices.

Amend the annotation for Helioporidae spp., Tubiporidae spp., Scleractinia spp., Milleporidae spp. and Stylasteridae spp. to read:

'Fossils, **namely all categories of coral rock, except live rock, as defined in Resolution Conf. 11.10 (Rev. CoP12)**, are not subject to the provisions of the Convention.'

Proposed amendment to Resolution Conf. 12.3. Permits and Certificates

X. Regarding permits and certificates for coral specimens

RECOMMENDS that:

- a) on permits and certificates for trade in specimens that are readily recognizable as coral live rock, where the genus cannot readily be determined, the scientific name for the specimens should be 'Scleractinia';
- b) any Party wishing to authorise export of coral live rock [as defined in Resolution Conf. 11.10 (Rev. CoP12) Annex] identified to ordinate level only should, in view of the inability to make a non-detriment finding for coral live rock pursuant to Article IV, paragraph 2(a), apply the provisions of Article IV, paragraph 3; and
- c) Parties that authorise export of ~~coral~~ live rock should:
  - i) establish an annual quota for exports and communicate this quota to the Secretariat for distribution to the Parties; and
  - ii) through their Scientific Authorities, make an assessment (which would be available to the Secretariat on request), based on a monitoring programme, that such export will not affect the role that coral live rock has in ecosystems affected by the extraction of such specimens;