

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

Eleventh meeting of the Conference of the Parties
Gigiri (Kenya), 10-20 April 2000

Consideration of proposals for amendment of Appendices I and II

Proposals to amend Appendices I and II

PROPOSALS RESULTING FROM THE PERIODIC REVIEW BY THE PLANTS COMMITTEE

Introduction

1. The Animals and Plants Committees are required, in accordance with the provisions of Resolution Conf. 9.1 (Rev.) Annexes 2 and 3 respectively, to conduct periodic reviews of the appendices.
2. At its 15th meeting (Antananarivo, Madagascar, 5-9 July 1999), the Animals Committee initiated this part of its programme of work, and the species selected for this review were communicated to the Parties through Notification No. 1999/56 of 30 July 1999, but no proposals could be submitted for consideration at the 11th meeting of the Conference of the Parties.
3. The Plants Committee initiated this part of its programme of work at its eighth meeting (Pucon, Chile, November 1997). The taxa selected for this review were communicated to the Parties through Notification No. 1009 of 19 December 1997. At its ninth meeting (Darwin, Australia; 7-11 June 1999) the Committee considered the information presented, which resulted in the proposals submitted in this document (See also document Doc. 11.11.2, paragraph 23-27).
4. The proposals are formally submitted by Australia and Switzerland on behalf, or with support, of the Plants Committee. They are listed in document Doc. 11.59.1.
5. The provisional assessments and final recommendations from the Secretariat are contained in the Annex to this document.
6. Comments received from the Parties are also included in this Annex.

COMMENTS FROM THE PARTIES
AND COMMENTS AND RECOMMENDATIONS FROM THE SECRETARIAT

General comments

United States of America: *"We note that Proposals 11.1 through 11.11 were discussed at the ninth meeting of the Plants Committee in Darwin, Australia, June 7-11, 1999. We reviewed the status of several native U.S. species at the request of the Plants Committee. Many of these species are not in recorded international trade in wild specimens, and the Plants Committee considered and decided to recommend their deletion from the Appendices or transfer from Appendix I to II. This is based on the view that species not in international trade in wild specimens should not be included in the Appendices, and that the conservation of species native to one country should be addressed through domestic management and trade control measures. We have submitted one such proposal (see Proposal 11.57, below). However, some of these species are listed on the U.S. Endangered Species Act (our domestic legislation), or are protected under the laws of one or more of the States in the United States or by regulations of other Federal land-managing agencies, such as the U.S. Forest Service. In several cases, demand for wild specimens exists, and their inclusion and retention in the CITES Appendices is vital, especially since CITES listing strengthens enforcement of trade restrictions by bringing the import controls of other countries to bear. The lack of reported international trade in a species, whether in Appendix I or II, does not necessarily mean that the species should be removed from the Appendices (especially if trade demand is known to exist).¹ Indeed, the lack of trade in some of these species is due to the fact that, although there were permit applications, the Scientific Authority of the United States could not make the required non-detriment finding, and the Management Authority, therefore could not issue permits; in such cases, the lack of trade is the direct result of the application of the provisions of Article III or Article IV of the Convention.*

For many of these species, we object to their deletion or downlisting, and so informed the Secretariat and Chair of the Plants Committee. Switzerland has submitted the proposal at the request of the Plants Committee. We support the activities and actions of the Plants Committee, but also believe that the wishes of range countries should receive due consideration in deciding on these proposals.² We have received an extremely useful document from The Nature Conservancy, a highly-regarded conservation organization in the United States, evaluating these proposals."

Prop. 11.1: Deletion of *Ceropegia* spp. from Appendix II (Switzerland)

Provisional assessment by the Secretariat

This proposal clearly demonstrates that the decision of the second meeting of the Conference of the Parties had much larger ramifications than was thought originally, because many more species were included. In addition, most of the taxa are not in international trade and those that are, are traded as artificially propagated specimens only. If India believes that the protection of its native species, that it was seeking in 1979, is still warranted, it should rather include these species in Appendix III, in accordance with the provisions of Resolution Conf. 9.25 (Rev.).

Comments from the Parties

Papua New Guinea supports the proposal.

¹ The trade criteria, included in paragraph b) under the second RESOLVES of Resolution Conf. 9.24, contain several options to interpret the "is or may be affected by trade". The Secretariat believes, however, that such an interpretation should be made in the context of other listing criteria as well. Two or three applications for export do not necessarily form the most important reason to include (or maintain) a taxon in the appendices. Looking at the inverse of this argument, it would mean that the existence of very few applications would automatically mean that a species could qualify for inclusion in Appendix II. The Secretariat does not believe that was the intention of the Parties when they agreed on the trade criteria in Resolution Conf. 9.24.

² The Secretariat agrees that the opinion of range States on amendment proposals is important and they are always considered carefully. However, it believes that the evaluation of amendment proposals should only be done in terms of the provisions of the Convention and related Resolutions. The Plants Committee, when making its recommendation, was aware of the position of the United States with regard to the proposals concerned.

United States of America: "This genus consists of about 200 species, which are widely distributed in tropical and subtropical areas from western Africa to eastern China. Most are not traded internationally, or are traded in very small numbers. In general, threats to these species are from habitat destruction and local use. Ninety-eight percent of the international trade that does occur is in artificially-propagated plants. However, in 1985, one shipment involving 40,000 individuals of artificially-propagated *C. armandii*, an endangered species, was recorded. This indicates to us the potential for collection of this species in commercial quantities from the wild. Therefore, although we concur with the delisting of the other species of the genus, we are concerned that *C. armandii* does not qualify for delisting, and should not be removed from the Appendices at this time."

Comments from the Secretariat

The Plants Committee was not overly concerned by this one record of 40,000 artificially-propagated specimens from 1985 since, as is confirmed by the IUCN assessment, the species is widely cultivated and could be regarded as a 'supermarket plant'. The IUCN assessment makes reference to limited trade in wild-collected specimens from Madagascar and mentions a number of species from Madagascar that may need to be maintained in Appendix II. However, all recorded trade for these species, has been in very small numbers of artificially propagated specimens only. None of the referred wild trade involves any of the mentioned species. The Secretariat therefore maintains its original assessment. If there is concern for certain Madagascan species, these should be included in Appendix III.

Secretariat's recommendation: **Accept**

Prop. 11.2: Deletion of *Frerea indica* from Appendix II (Switzerland)

Provisional assessment by the Secretariat

This species has rarely been traded internationally since its inclusion in Appendix II in 1975 and all of the recorded trade was in artificially propagated specimens, none originating in the range State, India. The provisions of paragraph f), second RESOLVES of Resolution Conf. 9.24, apply.

Comments from the Parties

India opposes the deletion of this taxon, because "it is highly endemic and seriously threatened".

Comments from the Secretariat

The assessment by IUCN makes reference to the precautionary principle. Recognizing that this is relevant element of Resolution Conf. 9.24 the Secretariat would like to caution against it being used inappropriately. If a proposal was now submitted to include this species in Appendix II, it would most likely not succeed, because trade is not a threat to its survival. The Secretariat therefore believes that its original assessment, and the recommendation from the Plants Committee, is correct. See also footnote 2 in this Annex.

Secretariat's recommendation: **Accept**

Prop. 11.3: Deletion of *Byblis* spp. from Appendix II (Australia)

Provisional assessment by the Secretariat

These species have rarely been traded internationally since their inclusion in Appendix II and all of the recorded trade was in artificially propagated specimens. Several of the species are annuals, and would, if such was the case, be traded as seeds that are exempted from the provisions of the Convention. The provisions of paragraph f), second RESOLVES of Resolution Conf. 9.24, apply.

Comments from the Parties

None.

Secretariat's recommendation: **Accept**

Prop. 11.4: Transfer of *Disocactus macdougallii* from Appendix I to Appendix II (Switzerland)

Provisional assessment by the Secretariat

This species is apparently not of interest to collectors, and therefore not even traded internationally as artificially propagated specimens. It therefore does not meet the trade criterion under the second RESOLVES, paragraph b) of Resolution Conf. 9.24. In addition, the natural populations do not meet the biological criteria in Resolution Conf. 9.24, Annex 1 for inclusion of species in Appendix I.

Comments from the Parties

None.

Secretariat's recommendation: **Accept**

Prop. 11.5: Transfer of *Sclerocactus mariposensis* from Appendix I to Appendix II (Switzerland)

Provisional assessment by the Secretariat

Live specimens traded internationally are artificially propagated, though only small quantities are traded. There is also documented international trade in artificially propagated seeds. The population is much larger than originally thought when this species was included in Appendix I in 1983, and it no longer meets the biological criteria in Resolution Conf. 9.24, Annex 1 for inclusion of species in Appendix I.

Comments from the Parties

United States of America: *"This species is native to the United States, and we are not supportive of its transfer to Appendix II. The species is listed as Threatened under the U.S. Endangered Species Act (ESA), in part due to the significant reduction and extirpation of sites of this taxon by amateur and commercial collectors. The U.S. Recovery Plan for the species specifically recommends that CITES protection be maintained at the highest possible level. International demand for this species is documented in U.S. CITES Annual Report data for the years 1994-1997, which indicate an average of 48 export shipments of artificially-propagated seeds of *Sclerocactus mariposensis* per year, with an average of 2,225 seeds per shipment, primarily to Europe and Japan. The Management Authority of Switzerland has provided us with additional information on the distribution and abundance of *S. mariposensis* in Mexico, where it is apparently more secure than once thought. In addition, the results of a recent study of *S. mariposensis*, which came to our attention since we conducted our review of this species, suggest that its classification under the ESA may warrant reconsideration in the future. We will consider proposing to transfer this species to Appendix II in the future, possibly at COP12, pending continued monitoring of trade and clarification of its status in the wild. We believe that such an action would be premature at this time, however, particularly since strict control of trade is currently recommended for recovery. We have previously informed the Plants Committee and your office of our opposition to this proposal."*

Comments from the Secretariat

The IUCN assessment confirms that this species does not qualify for a listing in Appendix I. Under the provision of the Convention, the United States, if concerned about trade in this species, could simply determine that trade in wild specimens, if occurring, would be detrimental to the survival of the species and refuse to issue an export permit. Transfer to Appendix II should only be rejected if the Conference of the Parties believes that the provisions of paragraph B.2. of Annex 4 to Resolution Conf. 9.24 do not apply.

Secretariat's recommendation: **Accept**

Prop. 11.6: Deletion of *Cephalotus follicularis* from Appendix II (Australia)

Provisional assessment by the Secretariat

This species was already part of earlier reviews of the Appendices by the Plants Committee. Already at its fifth meeting (San Miguel, Mexico, May 1994), the Committee recommended that the species should be deleted from Appendix II. Because the only recorded trade has been in artificially propagated specimens, the provisions of paragraph f), second RESOLVES of Resolution Conf. 9.24, apply. The Secretariat supports the proposal.

Comments from the Parties

None.

Secretariat's recommendation: **Accept**

Prop. 11.7: Transfer of *Dudleya stolonifera* and *D. traskiae* from Appendix I to Appendix II (Switzerland)

Provisional assessment by the Secretariat

Although it could be argued that *D. traskiae* qualifies for inclusion in Appendix I under criterion A.i) and B.i) of Annex 1 of Resolution Conf. 9.24, the species has never been recorded in international trade. All trade is for domestic purposes only. The trade criterion in paragraph b) under the second RESOLVES of Resolution Conf. 9.24 is not being met and it therefore does not qualify for inclusion in the appendices. *D. stolonifera* also has not been recorded in international trade either and should therefore not be included in the appendices. The main threats to the populations of this species are not related to trade. The only trade records available refer to trade as *Dudleya* spp, most likely referring to hybrids of *L. tweedyi*, deleted from Appendix II at the 10th meeting of the Conference of the Parties. This international trade is not from the range State, the USA, but from other countries. The Secretariat agrees that the two species should therefore be transferred to Appendix II in accordance with the provisions of paragraphs B.1. and A.2.a) of Annex 4 to Resolution Conf. 9.24.

Comments from the Parties

United States of America: "These species are native to the United States, and we are not supportive of their transfer to Appendix II. *Dudleya stolonifera* is listed as Threatened under the U.S. Endangered Species Act. It has an extremely restricted range and is considered Endangered by the World Conservation Union (IUCN). The majority of *D. stolonifera* populations appear to be declining due to habitat loss and collection. The Fish and Wildlife Service's Pacific Northwest Regional Office "strongly supports continued inclusion in Appendix I for reasons of limited species distribution, accessibility, and interest in this species from collectors and the nursery trade." *Dudleya traskiae* is listed as Endangered under the Endangered Species Act, and is considered Endangered by the IUCN. *D. traskiae* populations are at least stable and may be increasing, but are so restricted in their distribution that any collection could lead to extirpation. The Recovery Plan for *D. traskiae* recognizes collection as a major risk for this species. Though these species are not known to be in legal international trade at this time, potential international demand exists for all *Dudleya* species. We believe current CITES protections should be maintained for these species, and that they continue to meet the criteria for retention in Appendix I, pursuant to Resolution Conf. 9.24. We have previously informed the Plants Committee and your office of our opposition to this proposal."

Comments from the Secretariat

The assessment by IUCN is in support of the Plants Committee's evaluation that these species do not explicitly qualify for inclusion in Appendix I and, that the provisions of paragraph f) under the second RESOLVES of Resolution Conf. 9. 24 also apply. Under the provision of the Convention, the United States, if concerned about trade in this species, could simply determine that trade in wild specimens, if occurring, would be detrimental to the survival of the species and refuse to issue an export permit. Transfer to Appendix II should only be rejected if the Conference of the Parties believes that the provision of paragraph B.2. of Annex 4 to Resolution Conf. 9.24 does not apply.

Secretariat's recommendation: **Accept**

Prop. 11.8: Change the current listings of:

- a) **Cyatheaceae spp. to *Cyathea* spp. (including *Alsophila*, *Nephelea*, *Sphaeropteris* and *Trichipteris*) and**
- b) **Dicksoniaceae spp. to *Dicksonia* spp. (originating in the Americas only) and *Cibotium barometz* (Switzerland)**

Provisional assessment by the Secretariat

As is explained in the proposal, the Plants Committee has discussed this subject since its fifth meeting in 1994, and the current recommended change is based on various studies of the trade in these taxa. It

effectively eliminates from the Appendices, all taxa that are not traded or in which the trade is well managed thus reducing the application to those taxa that require CITES protection.

Comments from the Parties

Honduras, Malaysia (Sarawak), Papua New Guinea, Saint Lucia and Zimbabwe have indicated to the Secretariat that they support the proposal. India proposed to retain the listing of Cyatheaceae pending the preparation of identification materials.

Comments from the Secretariat

The only genus from the family Cyatheaceae proposed for deletion is not indigenous to India, but occurs in Central America. The consequences of removing trade controls in trade of species outside the Americas has been carefully considered by the Plants Committee. No contradictory information was provided in the assessment by IUCN. The Secretariat therefore maintains its earlier position.

Secretariat's recommendation: **Accept**

Prop. 11.9: Deletion of *Shortia galacifolia* from Appendix II (Switzerland)

Provisional assessment by the Secretariat

Since its inclusion in Appendix II in 1983, this species has never been recorded in international trade in any form. All referred trade is for domestic purposes only. The taxon therefore does not meet the CITES trade criteria of paragraph b) second RESOLVES of Resolution Conf. 9.24 and can thus be deleted from Appendix II.

Comments from the Parties

United States of America: *"This species is native to the United States. Populations of Shortia galacifolia have been lost in the past due to horticultural collection and multiple dam construction projects. This species has a very limited distribution, but is locally common where it is found. It is listed as Endangered in the States of Georgia and North Carolina, and is considered Vulnerable by the IUCN. However, S. galacifolia is fairly widely cultivated and not known to be internationally traded. For these reasons, we are evaluating the recommendation of the Plants Committee to remove this species from Appendix II. We do, however, need to consult the States prior to making a decision on this proposal. We have previously informed the Plants Committee and your office of this consultation process.*

The Secretariat states: "Since its inclusion in Appendix II in 1983, this species has never been recorded in international trade in any form.... The taxon therefore does not meet the CITES trade criteria of paragraph b) second RESOLVES of Resolution Conf. 9.24...." Since 1994, the Office of Scientific Authority has issued three findings in response to applications submitted to the U.S. Office of Management Authority, to export Shortia galacifolia of unknown origins. Each of these was denied. This taxon, therefore, satisfies the criterion outlined in paragraph b) second RESOLVES of Resolution Conf. 9.24 which states: "a species 'is or may be affected by trade' if: ...iii) there is potential international demand for specimens." We note that CITES is successful not only when trade is allowed, but also when a Management Authority does not issue permits for trade in a particular species because the country's Scientific Authority is unable to determine that the proposed export would not be detrimental to the species (under Article IV). Please also refer to the attached information from The Nature Conservancy.

Comments from the Secretariat

The evaluation of the Plants Committee, and the provisional assessment of the Secretariat is confirmed by the assessment by IUCN. In view of the above, the Secretariat has no reason to amend its earlier assessment. If the United States is concerned about this species, it should request its inclusion in Appendix III, in accordance with the provisions of the relevant Resolution. See also footnote 1 on page 3.

Secretariat's recommendation: **Accept**

Prop. 11.10: Deletion of *Lewisia cotyledon*, *L. maquirei* and *L. serrata* from Appendix II (Switzerland)

Provisional assessment by the Secretariat

Of these three species, *L. maquirei* and *L. serrata* have never been recorded in international trade. These therefore do not meet the trade criteria. *L. cotyledon* has been recorded in trade, but as artificially propagated specimens only, the largest proportion of which was traded within Europe. These specimens are in most cases selected hybrids. The provisions of paragraph f), second RESOLVES of Resolution Conf. 9.24, apply to this last species.

Comments from the Parties

United States of America: *"These species are native to the United States. Lewisia cotyledon is apparently secure, but factors exist to cause some concern regarding this species. The U.S. Forest Service cites collection from the wild for the horticultural trade as one of the primary activities that could pose a threat to this species. In addition, the Forest Service has documented specific, though limited, instances of collection pressure on some varieties of this species (especially Lewisia cotyledon var. heckneri). This taxon is found in international trade, but it is also fairly widely grown, and most L. cotyledon plants and seeds for sale come from cultivated sources. Lewisia maquirei has a very limited range and is considered Endangered by the IUCN. However, it is protected from most threats, including collection pressures, by its remote habitat. L. maquirei is considered of interest to alpine plant enthusiasts, so potential international demand exists for this species, though it is very rarely cultivated and not known to be in trade at this time. Lewisia serrata is considered Very Rare and Endangered throughout its range by the California Native Plant Society and Vulnerable by the IUCN. Though monitoring indicates that some populations are currently stable, the U.S. Forest Service reports that horticultural collection is a potential threat, and that at least one population is suspected to have been extirpated by illegal collection for this purpose. The Forest Service's Interim Management Guide for Lewisia cantelovii and Lewisia serrata cites poaching of L. serrata by private or commercial collectors, as a potential threat to its existence. L. serrata is likely to be cultivated to a limited extent and traded internationally on a small scale, though no exports have been recorded in recent years. Due to the potential for international trade in specimens collected from the wild, we consider Appendix II to offer these three species valuable protection, even though no legal trade in wild-collected individuals of these species has been recorded in recent years. We have previously informed the Plants Committee and your office of our opposition to this proposal.*

The Secretariat states that the provisions of paragraph f), second RESOLVES of Resolution Conf. 9.24, apply to Lewisia cotyledon. This paragraph states: "...species of which all specimens in trade have been...artificially propagated should not be included in the appendices if there is no probability of trade taking place in specimens of wild origin..." Since 1992, the Office of Scientific Authority has issued seven findings to the U.S. Office of Management Authority for applications to export Lewisia cotyledon:

- *Three of these were for specimens collected from the wild or grown from wild-collected seeds. Two of these were approved; one was denied.*
- *Three were for artificially propagated specimens. All were approved.*
- *One was for specimens of unknown origin, which was denied.*

L. cotyledon therefore does not satisfy paragraph f), second RESOLVES of Resolution Conf. 9.24.

In 1994, the Office of Scientific Authority approved an application to export specimens of Lewisia maquirei which were obtained from the wild on U.S. Forest Service lands. This species therefore satisfies the criterion stated in paragraph b) second RESOLVES of Resolution Conf. 9.24: "a species 'is or may be affected by trade' if: ...iii) there is potential international demand for specimens." Please also refer to the attached information from The Nature Conservancy.

Comments from the Secretariat

The comments provided for Proposal Prop. 11.9 largely apply to these species as well. With regard to the reference to an approved export for *Lewisia maquirei* it should be noted that the export did not take place or, at least, was not recorded in the annual report of the United States of America. We would also like to refer to an earlier remark that, if a proposal for the inclusion of these species would have to be considered now, it should

be rejected because they do not qualify. The United States of America could consider inclusion of these taxa in Appendix III, in accordance with the relevant provisions. See also footnote 1 on page 3.

Secretariat's recommendation: **Accept**

Prop. 11.11: Deletion of *Darlingtonia californica* from Appendix II (Switzerland)

Provisional assessment by the Secretariat

Trade in wild specimens seems to be restricted to internal use in the United States of America. The populations would appear to be stable. Recorded international trade is in artificially propagated specimens only and therefore the provisions of paragraph f), second RESOLVES of Resolution Conf. 9.24, apply.

Comments from the Parties

United States of America: *"This species is native to the United States. Although it is generally not known to be declining in distribution or abundance, the U.S. Forest Service has informed us that collection is a definite threat to this species and that many of the plants in trade are likely to have been collected from the wild. International demand for *Darlingtonia californica* clearly exists due to documented international trade in artificially-propagated specimens. Though no legal trade in wild-collected plants has been recorded in recent years, this species is still subject to collection from the wild for international trade. Therefore, we consider Appendix II to be appropriate at this time, although we intend to review this species for possible delisting prior to COP12. We have previously informed Plants Committee and your office of our opposition to this proposal.*

*The Secretariat states that the provisions of paragraph f), second RESOLVES of Resolution Conf. 9.24, apply to this species. Since 1996, the Office of Scientific Authority has issued two findings to the U.S. Office of Management Authority for applications to export *Darlingtonia californica*. One for artificially propagated specimens was approved. The other for plants of unknown origin was denied. Since we cannot say that "...there is no probability of trade taking place in specimens of wild origin," paragraph f), second RESOLVES of Resolution Conf. 9.24 does not apply to this species. Please also refer to the attached information from The Nature Conservancy."*

Comments from the Secretariat

The assessment by IUCN confirms the evaluation by the Plants Committee and the provisional assessment of the Secretariat.

Secretariat's recommendation: **Accept**